

AGENDA

MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, September 13, 1993
Council Chambers, Municipal Building
Meeting No. 93-20

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

D. APPROVAL OF MINUTES

1. Minutes of Meeting 93-18 (August 23, 1993)
2. Minutes of Special Council Meeting 93-19 (August 26, 1993)
3. Minutes of Council/Manager Meeting (August 26, 1993)

E. APPROVAL OF AGENDA

EA. PRESENTATIONS

F. CONSENT AGENDA

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

1. Approval of Claims
2. Budget Change - Payroll Software Modification
3. Final Payment: Overlay Project
4. Budget Adjustment - Emergency Pumping
5. Highwood McKnight Outlet: Project 90-10 - Acceptance of Project Recapitulating Change Order - Final Payments
6. Budget Transfer: Recycling Bins
7. Conditional Use Permit Time Extension: 2480 Linwood Avenue (Jirovec)
8. CUP Termination & Home Occupation License: 798 N. McKnight (Mosner)
9. Conditional Use Permit Review: 2271 White Bear Avenue (Fleming's Auto Service)
10. Renewal of St. Paul Ski Club Gambling License

G. PUBLIC HEARINGS

1. 7:00 P.M.: Assessment Hearing - Gervais Avenue - Project 88-14 _____
2. 7:20 P.M.: Change in City Council Condition: 2226 Searle Street (Farrar-Orr) _____

H. AWARD OF BIDS

1. Modular Ambulance _____

I. UNFINISHED BUSINESS

1. _____
2. _____

J. NEW BUSINESS

1. Edgerton & County Road B - Petition for 4-Way Stop Signs _____
2. Variance to Street Width Request: Highwood Meadows Plat _____
3. Storm Drain Stenciling Project _____
4. Status Report - House Movings _____
5. Purchase of Property at 2669 E. Seventh Street _____
6. Liquor License: O'Reilly _____
7. Liquor Ordinance (First Reading) _____
8. Animal Ordinance (First Reading) _____
9. City of Newport's Request for Support _____
10. Community Center Project Verbal Update _____

K. VISITOR PRESENTATIONS

L. COUNCIL PRESENTATIONS

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

M. ADMINISTRATIVE PRESENTATIONS

1. _____
2. _____

N. ADJOURNMENT

F. CONSENT AGENDA

Councilmember Zappa moved, seconded by Councilmember Rossbach; ayes - all, to approve the Consent Agenda, items F-1 and F-2 as recommended. (Items F-3 and F-4 moved to become J-6 and J-7).

1. Approval of Claims

Approved the following claims:

<u>ACCOUNTS PAYABLE:</u> \$ 455,936.78 \$ 157,922.22 \$ 613,859.00 <u>PAYROLL:</u> \$ 212,726.69 \$ 45,813.54 \$ 258,540.23 \$ 872,399.23	Checks #1252 - #1305 Dated 8-2-93 thru 8-11-93 Checks #10796 - #10935 Dated 8-23-93 Total per attached voucher/check register Payroll Checks #36099 thru #36304 Dated 8-13-93 Payroll Deduction Checks #36309 thru #36325 dated 8-13-93 Total Payroll GRAND TOTAL
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2. Employee Group Insurance Renewals

Authorized renewal of the existing one-year contracts for employee insurance with Group Health, Medica, DCA, Inc., Schools Insurance Fund, and Minnesota Mutual Life.

3. Write Off Uncollectible Ambulance Bills

Moved to become J-6

4. Budget Change - Ambulance Billing Software

Moved to become J-7

G. PUBLIC HEARINGS

1. 7:00 P.M. (7:27 P.M.): House Moving - Sherren Avenue (Erickson)

- a. Mayor Bastian convened the meeting for a public hearing regarding a request from Mark Erickson to move a house onto the lot that is East of 1516 Sherren Avenue.
- b. Manager McGuire presented the staff report.
- c. Director of Community Development Olson presented the specifics of the report.
- d. Boardmember Anitzberger resented the Community Design Review Board report.
- e. Mayor Bastian opened the public hearing, calling for proponents or opponents. The following persons were heard:

Mark Erickson, 900 Redwood Lane, New Brighton, the applicant.
Roger Sparks, 1510 Sherren

WHEREAS, the City, the Academy and the original purchasers of the revenue bonds (the "Purchasers", as defined below) have agreed upon sufficient details of the revenue bonds to enable the City to adopt this final bond resolution (the "Resolution") on this date:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, as follows:

1. Proposal. The City Council has received a proposal from the Academy that the City undertake to finance a certain Project as herein described, pursuant to the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Sections 469.152 through 460.165 (the "Act"), through issuance by the City of its Educational Facilities Revenue Bonds (Mounds Park Academy Project), Series 1993, (the "Bonds"), and in accordance with a Bond Purchase Contract (the "Bond Purchase Contract") among the City, the Academy, and Dougherty, Dawkins, Strand & Bigelow, Incorporated (the "Purchaser").
2. Project. The Bonds shall be issued to finance certain improvements and an expansion to its existing facilities located in the City (collectively the project"). The Bonds will also be used to refinance certain existing mortgage indebtedness.
3. Structure. Pursuant to a Loan Agreement dated as of September 1, 1993 (the "Loan Agreement") by and between the City, and the Academy, the City will loan the proceeds of the Bonds to the Academy (the "Loan") to finance the Project. The payments to be made by the Academy under the Loan Agreement are fixed so as to produce revenue sufficient to pay the principal of, premium, if any, and interest on the Bonds when due. It is further proposed that the City assign its rights under the Loan Agreement to American National Bank and Trust Company, in Saint Paul, Minnesota (the "Trustee" as security for payment of the Bonds under an Indenture of Trust (the "Indenture") dated as of September 1, 1993, by and between the City and the Trustee. The Bonds will be further secured by a Mortgage, Security Agreement and Fixture Financing Statement dated as of September 1, 1993, between the Academy and the Trustee (the "Mortgage") and an Assignment of Leases and Rents dated as of September 1, 1993, between the Academy and the Trustee (the "Assignment of Leases and Rents"). The Purchaser proposes to buy the Bonds pursuant to the Bond Purchase Contract, and to offer the Bonds for sale to the public pursuant to an Official Statement (the "Official Statement").
4. Preliminary and State Approval. This City Council by action taken on May 10, 1993, gave preliminary approval to the Project. Application to the Commissioner of the Department of Trade and Economic Development of the State of Minnesota for approval of the Project as tending to further the purposes and policies of the Act has been made. The Bonds shall not be sold to the Purchaser unless and until such approval is obtained.
5. Forms of Documents Submitted. Pursuant to the preliminary approval of this City Council, forms of the following documents (the "Bond Documents") have been submitted to the City Council for approval:
 - (a) Bond Purchase Contract;
 - (b) the Loan Agreement;

- (c) the Indenture;
- (d) Mortgage (not to be executed by City); and
- (e) Assignment of Leases and Rents (not to be executed by City).

6. Findings. It is hereby found, determined and declared that:

- (a) the Project will further the proposed policies of the Act, and the findings made in the preliminary resolution of the City adopted on May 10, 1993, with respect to the Project are hereby ratified, affirmed and approved;
- (b) the purpose of the Project is, and the effect thereof will be, to promote the public welfare by providing for the promotion of necessary educational facilities, so that adequate educational services are available to residents of the State at a reasonable cost;
- (c) the Act authorizes the acquisition, construction and installation of the facilities and equipment to be financed by the Bonds, the issuance and sale of the Bonds, the execution and delivery by the City of the Loan Agreement, Bond Purchase Contract and Indenture (collectively the "Bond Documents"), the performance of all covenants and agreements of the City contained in the Bond Documents, and the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the Bond Documents and Bonds valid and binding obligations of the City in accordance with their terms;
- (d) it is desirable that the Bonds be issued by the City upon the terms set forth in the Indenture;
- (e) the payments under the Loan Agreement are fixed to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any and interest on the Bonds issued under the Indenture when due, and the Loan Agreement and Indenture also provide that the Academy is required to pay all expenses of the operation and maintenance of the facilities to be financed by the Bonds, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and any taxes and special assessments levied upon or with respect to the premises of said facilities and payable during the term of the Loan Agreement and Indenture;
- (f) under the provisions of Minnesota Statutes, Section 469.162, and as provided in the Loan Agreement and Indenture, the Bonds are not to be payable from or charged upon any funds other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no holder of any Bond shall ever have the right to compel any exercise by the City of its taxing powers to pay any of the Bonds or the interest or premium thereon, or to enforce payment thereof against any property of the City except the interests of the

City in the Loan Agreement which have been assigned to the Trustee under the Indenture; the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City except the interests of the City in the Loan Agreement which has been assigned to the Trustee under the Indenture; the Bonds shall recite that the Bonds do not constitute or give rise to a pecuniary liability or moral obligation of the City, the State of Minnesota or its political subdivisions, and that the Bonds, including interest thereon, are payable solely from the revenues pledged to the payment thereof; and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

7. Approval of Forms; Execution. Subject to the provisions of paragraphs 9 and 11 hereof, the forms of the Bond Documents and exhibits thereto and all other documents listed in paragraph 5 hereof are approved substantially in the form submitted (except as otherwise provided for the Official Statement in paragraph 8 hereof). Subject to the provisions of paragraphs 9 and 11 hereof, the Bond Purchase Contract, Loan Agreement and Indenture, in substantially the forms submitted, are directed to be executed in the name and on behalf of the City by the Mayor and Clerk. Subject to the provisions of paragraph 9 hereof, the Bonds are to be executed in the name of and on behalf of the City by the Mayor and Clerk, and are to be delivered to the Trustee for authentication and delivery to the Purchaser. Any other City documents and certificates necessary to the transaction described above shall be executed by the appropriate City officers. Copies of all of the documents necessary to the transaction herein described shall be delivered, filed and recorded as provided herein and in the Loan Agreement and Indenture.
8. Official Statement. The City hereby consents to the preparation and distribution of a preliminary Official Statement and final Official Statement to brokers, dealers and other potential purchasers; provided that it is understood that the City has relied upon the Academy and the Purchaser and legal counsel retained by them to assure the accuracy and completeness of the information set forth in the preliminary Official Statement and final Official Statement and that therefore the City has not participated, and will not participate significantly, in the preparation of the preliminary Official Statement or the final Official Statement, that it has not made, and will not make, any independent investigation of the information contained therein, except under the heading "The Issuer", and it assumes no responsibility for the accuracy or completeness of such information.
9. Issuance; Acceptance of Offer. The City shall proceed forthwith to issue the Bonds, in the form and upon the terms set forth in the Bond Purchase Contract, the Indenture and this Resolution; provided that the net effective interest rate on the Bonds shall not exceed 8.00%. The Mayor and Clerk are hereby authorized to agree with the Purchaser to the interest rates to be borne by the Bonds, with full power and authority to bind the City. Execution by the Mayor and Clerk of the Bond Purchase Contract shall be conclusive evidence of such agreement. The officers authorized in paragraph 7 hereof to execute the documents are

hereby authorized and directed to execute the Bond Purchase Contract at a time consistent with such effect of its execution.

10. Records and Certificates. The Mayor, Clerk and other officers of the City are authorized and directed to prepare and furnish to the Purchaser certified copies of all proceedings and records of the City relating to the Bonds, and such other affidavits and certificates as may be required to show the facts relating to the legality of the Bonds as such facts appear from the books and records in the officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.
11. Changes in Forms Approved; Absent and Disabled Officers. The approval hereby given to the various documents referred to above includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate, the appropriate City staff person or by the officers authorized herein to execute or accept as the case may be, said documents prior to their execution; and said officers or staff members are hereby authorized to approve said changes on behalf of the City. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such document in accordance with the terms hereof. In the event of absence or disability of the officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the City Council or any duly designated acting official, or by such other officer or officers of the City Council as, in the opinion of Counsel to the City, may act in their behalf.
12. Indemnification by Academy. It is understood and agreed that the Academy shall indemnify the City against all liabilities, losses, damages, costs and expenses (including attorney's fees and expenses incurred by the City) arising with respect to the Project or the Bonds, as provided for and agreed to by and between the Academy and the City in the Loan Agreement and the Bond Purchase Contract.
13. Headings; Terms. Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used but not defined herein shall have the meanings given them in the Indenture or Loan Agreement.

Seconded by Councilmember

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

H. AWARD OF BIDS

1. Seal Coat

- a. Manager McGuire presented the staff report.
- b. Director of Public Works Haider presented the specifics of the report.

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

93 - 08 - 107

RESOLUTION FOR AWARD OF BIDS - SEALCOATING

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Allied Blacktop, Inc. in the amount of \$59,898 is the lowest responsible bid for Seal Coating, City Project 93-11, 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.

Seconded by

Ayes - all

I. UNFINISHED BUSINESS

1. Cooperative Economic Development Plan

- a. Manager McGuire presented the staff report.
- b. Councilmember Carlson moved to enter into a cooperative agreement with Oakdale and North St. Paul to develop an Economic Development Plan, establish a total project budget of \$6,600 and authorize \$3,300 from the contingency fund to pay Maplewood's share of the costs.

Seconded by Councilmember Zappa

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

J. NEW BUSINESS

1. Sanitary Sewer Connection: 2442 Keller Parkway

- a. Manager McGuire presented the staff report and stated Ms. Lorenz had requested Council reconsider their August 9 action.
- b. Diane Lorenz, 2442 Keller Parkway, addressed the Council regarding the sewer hook-up.

NO ACTION TAKEN

2. PERA Early Retirement Incentive

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAPLEWOOD
TO OFFER EARLY RETIREMENT INCENTIVES**

WHEREAS, Laws 1993, Ch. 192, authorizes cities to offer an early retirement incentive to certain long-service employees, and

WHEREAS, the City of Maplewood can benefit from a reduction of its workforce by conserving scarce financial resources, and

WHEREAS, the City of Maplewood can make one of the two authorized options available at no direct cost to the City or its taxpayers.

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

1. City employees who are eligible under Laws 1993, Chapter 192, and are covered under Minnesota Statutes section 353.29 and 353.30, are hereby authorized to accept and receive the multiplier percentage increase authorized by Laws 1993, Chapter 192, section 108, subdivision 3(b).
2. It is not the intent of the resolution to authorize any hospital, medical, or dental insurance continuation benefit option for any City employees or former City employees.
3. Any vacancy created when an employee has taken an early retirement incentive as authorized by this Resolution, shall be filled only after passage of a resolution or motion passed by the City Council in which the vacant position is described and the need to refill the position is stated.

Seconded by Councilmember Carlson

Ayes - all

3. **Schedule Assessment Hearing, Gervais Avenue, English Street to East - Project 88-14**
 - a. Manager McGuire presented the staff report.
 - b. Mayor Bastian introduced the following Resolution and moved its adoption:

ORDERING ASSESSMENT ROLL HEARING

WHEREAS, the Clerk and the Engineer have, at the direction of the council, prepared an assessment roll for the construction of Gervais Avenue Improvement, English Street east, City Project 88-14, 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 day of 13th, September, 1993, at the city hall at 7 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 Councilmember Carlson

Ayes - all

4. Referendum for Open Space

- a. Manager McGuire presented the staff report.
- b. Finance Director Faust presented the specifics of the report.
- c. Mayor Bastian asked if anyone wished to speak before the Council regarding this matter. The following was heard:

Carolyn Peterson, 1999 Jackson, Open Space Committee

- d. Councilmember Carlson moved to have the ballot state "This is equivalent to 33¢ per \$1,000 of market value."

Seconded by Mayor Bastian

Ayes - all

- e. Councilmember Carlson introduced the following Resolution and moved its adoption:

93 - 08 - 110

**RESOLUTION CALLING FOR AN ELECTION ON
\$5,000,000 GENERAL OBLIGATION BONDS OF 1994**

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

1. This Council has investigated the facts and does hereby find, determine and declare that it is necessary and expedient to acquire land for open space within the City.
2. The proposition of authorizing the issuance of \$5,000,000 General Obligation Bonds for said purpose shall be submitted to the qualified electors of the City at a special election to be held on November 2, 1993. Said election shall be held between the hours of seven o'clock a.m. and eight o'clock p.m. The polling places shall be at the following places in the City of Maplewood, Minnesota:

Precinct No. 1
Parkside Fire Department
2001 McMenemy Road

Precinct No. 2
St. Jerome's School
380 E. Roselawn Avenue

Precinct No. 3
Edgerton School
1929 Edgerton Street

Precinct No. 4
Gladstone Fire Station
1900 Clarence Street

Precinct No. 5
Gladstone Community Center
Frost Avenue at Manton Street

Precinct No. 6
Hazelwood Fire Station
1530 E. County Road C

Precinct No. 7
First Evangelical Free Church
2696 Hazelwood Street

Precinct No. 8
Concordia Arms
2030 Lydia Avenue

Precinct No. 9
Maplewood City Hall
1830 E. County Road B

Precinct No. 10
Ramsey County Home
2000 White Bear Avenue

Precinct No. 11
Maplewood Middle School
1896 Lakewood Drive N.

Precinct No. 12
Beaver Lake School
1060 Sterling Street N.

Precinct No. 13
East County Line Fire Department
1177 N. Century

Precinct No. 14
Carver School
2680 Upper Afton Road

Precinct No. 15
East County Line Fire Department No. 2
2501 Londin Lane

Precinct No. 16
East County Line Fire Department No. 2
2501 Londin Lane

3. The Clerk is hereby authorized and directed to post according to law a Notice of Election and Ballot, and to prepare ballots for use at said election, which notice and ballot shall be in substantially the following forms:

NOTICE
OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN that a special election will be held in and for the City of Maplewood, Ramsey County, Minnesota, on November 2, 1993, between the hours of seven o'clock a.m. and eight o'clock p.m., at which time the following question will be submitted:

"Shall the City of Maplewood, Minnesota, be authorized to issue and sell its general obligation bonds in an amount not to exceed \$5,000,000 to finance the acquisition of land for open space?"

The polling places for said election will be the following, at which place all of the qualified electors of the City may cast their ballots:

Precinct No. 1
Parkside Fire Department
2001 McMenemy Road

Precinct No. 2
St. Jerome's School
380 E. Roselawn Avenue

Precinct No. 9
Maplewood City Hall
1830 E. County Road B

Precinct No. 10
Ramsey County Home
2000 White Bear Avenue

Precinct No. 3
Edgerton School
1929 Edgerton Street

Precinct No. 11
Maplewood Middle School
1896 Lakewood Drive N.

Precinct No. 4
Gladstone Fire Station
1900 Clarence Street

Precinct No. 12
Beaver Lake School
1060 Sterling Street N.

Precinct No. 5
Gladstone Community Center
Frost Avenue at Manton Street

Precinct No. 13
East County Line Fire Department
1177 N. Century

Precinct No. 6
Hazelwood Fire Station
1530 E. County Road C

Precinct No. 14
Carver School
2680 Upper Afton Road

Precinct No. 7
First Evangelical Free Church
2696 Hazelwood Street

Precinct No. 15
East County Line Fire Department No. 2
2501 Londin Lane

Precinct No. 8
Concordia Arms
2030 Lydia Avenue

Precinct No. 16
East County Line Fire Department No. 2
2501 Londin Lane

Seconded by Mayor Bastian

Ayes - all

- f. Councilmember Zappa moved to direct staff to have the sample ballot for the Open Space Referendum published in the next issue of Maplewood in Motion.

Seconded Mayor Bastian

Ayes - all

5. Proposal for Study of City Clerk's Fees

- a. Manager McGuire presented the staff report.
- b. Finance Director Faust presented the specifics of the report.
- c. Councilmember Zappa moved to take no action on recommendation and in the future staff can provide for in-house studies.

Seconded by Councilmember Juker

- d. Mayor Bastian stated the motion was received as a motion to table.

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

MOTION FAILED

- e. Councilmember Carlson moved to hire David M. Griffith & Associates (DMG) be hired to conduct a user fee study covering the City Clerk's Department and that the cost of the study be financed by a transfer from the General Fund contingency account.

Seconded by Mayor Bastian

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

6. Write-Off of Uncollectible Ambulance Bills (Moved from F-3)

- a. Councilmember Juker asked about the methods used in attempting collection of the ambulance bills and the determination that they were uncollectible.
- b. Director of Finance Faust explained the methods and procedures.
- c. Mayor Bastian moved to write off as uncollectible the \$75,872.95 in unpaid ambulance bills in the list presented to Council.

Seconded by Councilmember Carlson

Ayes - Mayor Bastian, Councilmembers
Carlson, Rossbach

Nays - Councilmembers Zappa and Juker

7. Budget Change - Ambulance Billing Software

- a. Councilmember Juker asked whether there were capabilities within the existing software or through ability of staff to create a comparable program in-house rather than purchasing it.
- b. Director of Finance Faust explained the limitations in-house versus the benefits of the software package which can be purchased.
- c. Councilmember Zappa moved to approve the transfer of \$2,560 from the General Fund contingency account to the Finance Department budget for purchase of ambulance billing software.

K. VISITOR PRESENTATIONS

NONE

L. COUNCIL PRESENTATIONS

1. September Council/Manager Meeting Regarding the Fire Departments

- a. Councilmember Carlson expressed concern about the date of the meeting and suggested it be done later in the year, depending on the outcome of contract negotiations.
- b. Councilmember Carlson moved to cancel the Fire Department portion of the September 9 meeting and to hold the meeting from 5:00 until 7:00 P.M.

Seconded by Mayor Bastian

Ayes - Mayor Bastian, Councilmembers
Carlson, Rossbach

Nays - Councilmembers Juker, Zappa

2. Mayor's Update

- a. Mayor Bastian informed the Council about various upcoming meetings and events.

M. ADMINISTRATIVE PRESENTATIONS

1. Attorney Client Meeting to Discuss Litigation -

MAYOR BASTIAN MOVED THAT COUNCIL RECESS AND GO INTO CLOSED SESSION FOR THE PURPOSE OF AN ATTORNEY/CLIENT MEETING ON LITIGATION: HAJICEK VS MAPLEWOOD; CAVE VS MAPLEWOOD; SCHREIER VS MAPLEWOOD.

SECONDED BY COUNCILMEMBER ZAPPA

AYES - ALL

AT 10:20 P.M. COUNCIL WENT INTO CLOSED SESSION

AT 10:30 P.M. COUNCIL RETURNED TO OPEN SESSION

N. ADJOURNMENT OF MEETING

10:33 P.M.

Lucille E. Aurelius
City Clerk

**SPECIAL MEETING
OF THE
MAPLEWOOD CITY COUNCIL**

**4:30 p.m., Thursday, August 26, 1993
City Council Chambers, City Hall**

MINUTES

A. CALL TO ORDER

The Special Meeting the Maplewood City Council was held in the Council Chambers, City Hall, and was called to order at 4:38 p.m. by Mayor Bastian.

B. ROLL CALL

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

C. APPROVAL OF AGENDA

Councilmember Zappa moved that the agenda be approved as presented.

Seconded by Councilmember Carlson Ayes - All

D. BID AWARD ON 1993 BOND ISSUES

1. City Manager McGuire introduced the items.
2. Mr. Dan Hartman, Springsted, Inc., presented the specifics of the bid awards.
3. Councilmember Zappa introduced the following Resolution and moved its adoption:

93 - 08 - 113

RESOLUTION ACCEPTING BID ON THE COMPETITIVE NEGOTIATED SALE OF \$215,000
GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 1993A,
PROVIDING FOR THEIR ISSUANCE AND LEVYING A TAX FOR THE PAYMENT THEREOF

(SEE ATTACHED)

Seconded by Councilmember Carlson Ayes - All

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
MAPLEWOOD, MINNESOTA

HELD: August 26, 1993

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Maplewood, Ramsey County, Minnesota, was duly called and held at the City Hall in said City on Thursday, the 26th day of August, 1993, at 4:30 P.M., for the purpose of considering bids for, and awarding the competitive negotiated sale of, \$215,000 General Obligation Equipment Certificates of Indebtedness, Series 1993A of the City.

The following members were present:

and the following were absent:

The City Clerk presented bids on \$215,000 General Obligation Equipment Certificates of Indebtedness, Series 1993A of the City, for which proposals were to be received, opened and tabulated by the City Clerk, or her designee, this same day, in accordance with the resolution adopted by the City Council on July 26, 1993.

The following proposals were received, opened and tabulated at 11:00 A.M., Central Time, at the offices of Springsted Incorporated, in the presence of the City Clerk, or her designee, on this same day:

<u>Bidder</u>	<u>Interest Rate</u>	<u>True Interest Cost</u>
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The Council then proceeded to consider and discuss the bids, after which member _____ introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING BID ON THE COMPETITIVE
NEGOTIATED SALE OF
\$215,000 GENERAL OBLIGATION EQUIPMENT
CERTIFICATES OF INDEBTEDNESS, SERIES 1993A,
PROVIDING FOR THEIR ISSUANCE
AND LEVYING A TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Maplewood, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to issue \$215,000 General Obligation Equipment Certificates of Indebtedness, Series 1993A of the City, pursuant to Minnesota Statutes, Chapter 475 and Minnesota Statutes, Section 412.301, to finance the acquisition of equipment for various City departments (the "Equipment"); and

B. WHEREAS, the Equipment has an expected useful life at least as long as the final maturity of the certificates; and

C. WHEREAS, the amount of the certificates to be issued does not exceed one-quarter of one percent (0.25%) of the market value of the taxable property in the City; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maplewood, Minnesota, as follows:

1. Acceptance of Bid. The bid of _____ (the "Purchaser"), to purchase \$215,000 General Obligation Equipment Certificates of Indebtedness, Series 1993A of the City (the "Certificates", or individually a "Certificate"), in accordance with the terms of proposal, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$ _____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable bid received and is hereby accepted, and the Certificates are hereby awarded to said bidder. The City Clerk is directed to retain the deposit of said bidder and to forthwith return to the unsuccessful bidders their good faith checks and drafts.

2. Title; Original Issue Date; Denominations; Maturities. The Certificates shall be titled "General Obligation Equipment Certificates of Indebtedness, Series 1993A", shall be dated September 1, 1993, as the date of original issue and shall be issued forthwith on or after such date as fully registered certificates. The Certificates shall be numbered from R-1 upward

in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity. The Certificates shall mature, without option of prepayment, on August 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1994-1995	\$40,000	1996-1998	\$45,000

All dates are inclusive.

3. Purpose. The Certificates shall provide funds to finance the Equipment. The total cost of the Equipment, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Certificates herein authorized.

4. Interest. The Certificates shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 1994, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
1994	%	1997	%
1995		1998	
1996			

5. No Redemption. The Certificates shall not be subject to redemption and prepayment prior to their maturity.

6. Certificate Registrar. _____, in _____, is appointed to act as certificate registrar and transfer agent with respect to the Certificates (the "Certificate Registrar"), and shall do so unless and until a successor Certificate Registrar is duly appointed, all pursuant to any contract the City and Certificate Registrar shall execute which is consistent herewith. The Certificate Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Certificates shall be paid to the registered holders (or record holders) of the Certificates in the manner set forth in the form of Certificate and paragraph 12 of this resolution.

7. Form of Certificate. The Certificates, together with the Certificate Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY
CITY OF MAPLEWOOD

R- _____

\$ _____

GENERAL OBLIGATION EQUIPMENT
CERTIFICATE OF INDEBTEDNESS, SERIES 1993A

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>DATE OF</u> <u>ORIGINAL ISSUE</u>	<u>CUSIP</u>
--------------------------------	--------------------------------	---	--------------

SEPTEMBER 1, 1993

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Maplewood, Ramsey County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, without option of prepayment, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing August 1, 1994, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Certificate will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Certificate are payable upon presentation and surrender hereof at the principal office of _____, in _____ (the "Certificate Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Certificate will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Certificate is registered (the "Holder" or "Certificateholder") on the registration books of the Issuer maintained by the Certificate Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the

Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Certificate Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Certificateholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Certificate are payable in lawful money of the United States of America.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS CERTIFICATE SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Certificate, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Certificate, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Maplewood, Ramsey County, Minnesota, by its City Council has caused this Certificate to be executed on its behalf by the facsimile signatures of its Mayor and its Clerk, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration: _____

Registrable by: _____

Payable at: _____

CERTIFICATE REGISTRAR'S
CERTIFICATE OF
AUTHENTICATION

This Certificate is one
of the Certificates described
in the Resolution mentioned
within.

CITY OF MAPLEWOOD,
RAMSEY COUNTY, MINNESOTA

/s/ Facsimile
Mayor

/s/ Facsimile
Clerk

Certificate Registrar

By _____
Authorized Signature

ON REVERSE OF CERTIFICATE

No Redemption. The Certificates of this issue (the "Certificates") are not subject to redemption and prepayment prior to their maturity.

Issuance; Purpose; General Obligation. This Certificate is one of an issue in the total principal amount of \$215,000, all of like date of original issue and tenor, except as to number, maturity, interest rate and denomination, which Certificate has been issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council of the Issuer on August 26, 1993 (the "Resolution"), for the purpose of providing money to finance the acquisition of equipment for various Issuer departments. This Certificate is payable out of the General Obligation Equipment Certificates of Indebtedness, Series 1993A Fund of the Issuer. This Certificate constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Certificates are issuable solely as fully registered certificates in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Certificates of other authorized denominations in equal aggregate principal amounts at the principal office of the Certificate Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Certificate Registrar. Copies of the Resolution are on file in the principal office of the Certificate Registrar.

Transfer. This Certificate is transferable by the Holder in person or by his, her or its attorney duly authorized in writing at the principal office of the Certificate Registrar upon presentation and surrender hereof to the Certificate Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Certificate Registrar. Thereupon the Issuer shall execute and the Certificate Registrar shall authenticate and deliver, in exchange for this Certificate, one or more new fully registered Certificates in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an authorized denomination or denominations, in

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Certificate and does hereby irrevocably constitute and appoint _____ attorney to transfer the Certificate on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Certificate in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Certificate Registrar will not effect transfer of this Certificate unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Certificate is held by joint account.)

8. Execution; Temporary Certificates. The Certificates shall be executed on behalf of the City by the signatures of its Mayor and Clerk and be sealed with the seal of the City; provided, however, that the seal of the City may be a printed facsimile; and provided further that both of such signatures may be printed facsimiles and the corporate seal may be omitted on the Certificates as permitted by law. In the event of disability or resignation or other absence of either such officer, the Certificates may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature or facsimile of whose signature shall appear on the Certificates shall cease to be such officer before the delivery of the Certificates, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive certificates, one or more typewritten temporary certificates in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary certificate. Such temporary certificates may be executed with photocopied facsimile signatures of the Mayor and Clerk. Such temporary certificates shall, upon the printing of the definitive certificates and the execution thereof, be exchanged therefor and canceled.

9. Authentication. No Certificate shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Certificate, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Certificate Registrar. Certificates of Authentication on different Certificates need not be signed by the same person. The Certificate Registrar shall authenticate the signatures of officers of the City on each Certificate by execution of the Certificate of Authentication on the Certificate and by inserting as the date of registration in the space provided the date on which the Certificate is authenticated, except that for purposes of delivering the original Certificates to the Purchaser, the Certificate Registrar shall insert as a date of registration the date of original issue, which date is September 1, 1993. The Certificate of Authentication so executed on each Certificate shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Certificate Registrar a certificate register in which, subject to such

reasonable regulations as the Certificate Registrar may prescribe, the Certificate Registrar shall provide for the registration of Certificates and the registration of transfers of Certificates entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Certificate at the principal office of the Certificate Registrar, the City shall execute (if necessary), and the Certificate Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Certificates of any authorized denomination or denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Certificate may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Certificates may be exchanged for Certificates of any authorized denomination or denominations of a like aggregate principal amount and stated maturity, upon surrender of the Certificates to be exchanged at the principal office of the Certificate Registrar. Whenever any Certificates are so surrendered for exchange, the City shall execute (if necessary), and the Certificate Registrar shall authenticate, insert the date of registration of, and deliver the Certificates which the Holder making the exchange is entitled to receive.

All Certificates surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Certificate Registrar and thereafter disposed of as directed by the City.

All Certificates delivered in exchange for or upon transfer of Certificates shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Certificates surrendered for such exchange or transfer.

Every Certificate presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Certificate Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Certificate Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Certificate

and any legal or unusual costs regarding transfers and lost Certificates.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Certificate Registrar, including regulations which permit the Certificate Registrar to close its transfer books between record dates and payment dates. The Clerk is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Certificate delivered upon transfer of or in exchange for or in lieu of any other Certificate shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Certificate.

12. Interest Payment; Record Date. Interest on any Certificate shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Certificate is registered (the "Holder") on the registration books of the City maintained by the Certificate Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Certificate Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Certificate Registrar to the Holders not less than ten (10) days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Certificate Registrar may treat the person in whose name any Certificate is registered as the owner of such Certificate for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12 above) on, such Certificate and for all other purposes whatsoever whether or not such Certificate shall be overdue, and neither the City nor the Certificate Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Certificates when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Equipment Certificates of Indebtedness, Series 1993A Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Certificates and the interest thereon have been fully paid. There shall be maintained in the Fund two (2) separate accounts, to be designated the "Capital Account" and "Debt Service Account", respectively.

(i) Capital Account. To the Capital Account there shall be credited the proceeds of the sale of the Certificates, less accrued interest received thereon and less any amount paid for the Certificates in excess of \$213,680. From the Capital Account there shall be paid all costs and expenses of acquiring the Equipment, including the cost of any purchase contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65; and the moneys in said account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Certificates may also be used to the extent necessary to pay interest on the Certificates due prior to the anticipated date of commencement of the collection of taxes herein levied.

(ii) Debt Service Account. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Account: (a) all accrued interest received upon delivery of the Certificates; (b) all funds paid for the Certificates in excess of \$213,680; (c) any collections of all taxes herein or hereafter levied for the payment of the Certificates and interest thereon; (d) all funds remaining in the Capital Account after acquisition of the Equipment and payment of the costs thereof; (e) all investment earnings on funds held in the Debt Service Account; and (f) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The Debt Service Account shall be used solely to pay the principal and interest and any premiums for redemption of the Certificates and any other general obligation bonds of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Certificates shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Certificates were issued and (2) in

addition to the above in an amount not greater than the lesser of five percent (5%) of the proceeds of the Certificates or \$100,000. To this effect, any proceeds of the Certificates and any sums from time to time held in the Capital Account or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the certificates payable therefrom) in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Certificate to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Certificates there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
1993	1994	\$
1994	1995	
1995	1996	
1996	1997	
1997	1998	

The tax levies are such that if collected in full they, together with estimated collections of other revenues herein pledged for the payment of the Certificates, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Certificates. The tax levies shall be irrepealable so long as any of the Certificates are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

17. Defeasance. When all Certificates have been discharged as provided in this paragraph, all pledges, covenants

and other rights granted by this resolution to the registered holders of the Certificates shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Certificates which are due on any date by irrevocably depositing with the Certificate Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Certificate should not be paid when due, it may nevertheless be discharged by depositing with the Certificate Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also at any time discharge its obligations with respect to any Certificates, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, subject to sale and/or reinvestment, to pay all amounts to become due thereon to maturity.

18. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.103-18 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Certificates, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (an "Expenditure").

The City hereby certifies and/or covenants as follows:

- (a) On or before the date of payment of each Expenditure, the City (or person designated to do so on behalf of the City) made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's intention and reasonable expectation to reimburse itself for the payment of the Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and/or identifies a specific fund or account of the City and the general functional purpose thereof from which the Expenditure was to be paid (collectively the "Project"); (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; and (iv) states specifically that the Declaration is a declaration of official intent under Treasury Regulations Section

1.103-18; provided, however, that no such Declaration shall necessarily have been made with respect to "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural expenses and similar prefatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Certificates. Notwithstanding the foregoing, with respect to Expenditures made by the City prior to March 2, 1992, the City hereby represents that there exists objective evidence, within the meaning of the Reimbursement Regulations, that at the time the Expenditure was paid the City expected to reimburse the cost thereof with the proceeds of a borrowing.

- (b) As of the date of each Declaration, there were not and were not thereafter expected to become available sources of City funds which were or were expected to be dedicated or otherwise available on a long-term basis to provide financing for the Expenditure or Project.
- (c) Each Declaration was made a part of the publicly available official books, records or proceedings of the City and was continuously available for inspection by the general public at City Hall during regular City hours beginning not later than 30 days after the making of the Declaration and continuing through the date of issuance of the Certificates, as required by the Reimbursement Regulations.
- (d) Each Expenditure, other than the costs of issuing the Certificates, is a capital expenditure, that is, a cost of a type that is properly chargeable to a capital account (or would be with a proper election) under general federal income tax principles.
- (e) The "reimbursement allocation" described in the Reimbursement Regulations for each Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Certificates and in all events within the period ending on the date which is the later of one year after payment of the Expenditure or one year after the date on which the Project to which the Expenditure relates is first placed in service.
- (f) Each such reimbursement allocation will be evidenced by an entry on the official books or records of the City maintained for and in connection with the Certificates and will specifically identify the actual prior

Expenditure or Project or, in the case of the reimbursement of a particular fund or account described in the applicable Declaration, the fund or account from which the Expenditure was paid.

- (g) The City is unaware of any facts or circumstances which would cause it to question the reasonability or accuracy of the content of this paragraph or of any of the Declarations, or its compliance with any of the covenants herein or therein, including without limitation the City's failure to issue qualifying reimbursement certificates for costs for which it has made declarations of official intent, absent extraordinary and unforeseeable circumstances of the kind described in the Reimbursement Regulations.

19. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Certificates, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Certificates and any other certificates payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

20. Certificate of Registration. The Clerk is hereby directed to file a certified copy of this resolution with the County Auditor of Ramsey County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Certificates have been entered in the County Auditor's Certificate Register, and that the tax levy required by law has been made.

21. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Certificates, certified copies of all proceedings and records of the City relating to the Certificates and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Certificates as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

22. Negative Covenant as to Use of Proceeds and Equipment. The City hereby covenants not to use the proceeds of the Certificates or to use the Equipment, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Equipment, in such a manner as to cause the Certificates to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

23. Tax-Exempt Status of the Certificates; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Certificates, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Certificates, and (3) the rebate of excess investment earnings to the United States.

24. No Designation of Qualified Tax-Exempt Obligations. The Certificates exceed in amount those which may be qualified as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, and hence are not designated for such purpose.

25. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

26. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to considering bids for, and awarding the competitive negotiated sale of, \$215,000 General Obligation Equipment Certificates of Indebtedness, Series 1993A of said City.

WITNESS my hand and the seal of said City this 26th day of August, 1993.

Clerk

(SEAL)

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

93 - 08 - 114

RESOLUTION ACCEPTING BID ON THE COMPETITIVE NEGOTIATED SALE OF \$8,190,000 GENERAL OBLIGATION TAX INCREMENT BONDS, SERIES 1993B, PROVIDING FOR THEIR ISSUANCE, PLEDGING FOR THE SECURITY THEREOF TAX INCREMENTS AND LEVYING A TAX FOR THE PAYMENT THEREOF

(SEE ATTACHED)

Seconded by Councilmember Carlson Ayes - All

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

93 - 08 - 115

RESOLUTION ACCEPTING BID ON THE COMPETITIVE NEGOTIATED SALE OF \$4,840,000 GENERAL OBLIGATION IMPROVEMENT REFUNDING BONDS, SERIES 1993C, PLEDGING FOR THE SECURITY THEREOF SPECIAL ASSESSMENTS AND LEVYING A TAX FOR THE PAYMENT THEREOF

Seconded by Councilmember Carlson Ayes - All

Councilmember Carlson left the meeting at 4:57 p.m.

E. A.M.M.'s LEGISLATIVE UPDATE

1. Mr. Vern Peterson, Executive Director of Association of Metropolitan Municipalities (AMM), and Mr. Roger Peterson presented information about AMM's 1993 activities services which the organization provides for its members.

Mayor Bastian left the meeting at 5:35 p.m.

F. ADJOURNMENT

The meeting was adjourned at 5:41 p.m.

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
MAPLEWOOD, MINNESOTA

HELD: August 26, 1993

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Maplewood, Ramsey County, Minnesota, was duly called and held at the City Hall in said City on Thursday, the 26th day of August, 1993, at 4:30 P.M., for the purpose of considering bids for, and awarding the competitive negotiated sale of, \$8,190,000 General Obligation Tax Increment Bonds, Series 1993B of the City.

The following members were present:

and the following were absent:

The City Clerk presented bids on \$8,190,000 General Obligation Tax Increment Bonds, Series 1993B of the City, for which proposals were to be received, opened and tabulated by the City Clerk, or her designee, this same day, in accordance with the resolution adopted by the City Council on July 26, 1993.

The following proposals were received, opened and tabulated at 11:00 A.M., Central Time, at the offices of Springsted Incorporated, in the presence of the City Clerk, or her designee, on this same day:

<u>Bidder</u>	<u>Interest Rate</u>	<u>True Interest Cost</u>
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The Council then proceeded to consider and discuss the bids, after which member _____ introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING BID ON THE COMPETITIVE
NEGOTIATED SALE OF
\$8,190,000 GENERAL OBLIGATION TAX INCREMENT
BONDS, SERIES 1993B, PROVIDING FOR THEIR ISSUANCE,
PLEDGING FOR THE SECURITY THEREOF TAX INCREMENTS
AND LEVYING A TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Maplewood, Minnesota (the "City"), has heretofore created Development District No. 1 (the "Development District") pursuant to the provisions of Minnesota Statutes, Section 469.124 through 469.134, and has approved a development program (the "Program") with respect to the Development District; and

B. WHEREAS, the Council has also approved tax increment financing plans (the "Plans"), and designated Housing Districts No. 1-1, 1-2 and 1-3 housing districts and Economic Development Districts No. 1-1, 1-2 and 1-3 economic development districts (collectively, the "Tax Increment District") under the provisions of Minnesota Statutes, Section 469.174 through 469.179; and

C. WHEREAS, pursuant to the provisions of the Program and Plans, funds are to be expended within the Development District to provide money to finance certain capital and administration costs of the Development District, particularly the construction of a community center in the City, as set forth in the Plans (the "Project"); and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maplewood, Minnesota, as follows:

1. Acceptance of Bid. The bid of _____ (the "Purchaser"), to purchase \$8,190,000 General Obligation Tax Increment Bonds, Series 1993B of the City (the "Bonds", or individually a "Bond"), in accordance with the terms of proposal, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$_____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable bid received and is hereby accepted, and the Bonds are hereby awarded to said bidder. The City Clerk is directed to retain the deposit of said bidder and to forthwith return to the unsuccessful bidders their good faith checks and drafts.

2. Title; Original Issue Date; Denominations; Maturities. The Bonds shall be titled "General Obligation Tax Increment Bonds, Series 1993B", shall be dated September 1, 1993, as the date of original issue and shall be issued forthwith on or after such date as fully registered bonds. The Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity. The Bonds shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1995	\$940,000	2006	\$390,000
1996	380,000	2007	420,000
1997	400,000	2008	450,000
1998	370,000	2009	545,000
1999	30,000	2010	595,000
2000	45,000	2011	630,000
2001	175,000	2012	320,000
2002	305,000	2013	350,000
2003	335,000	2014	385,000
2004	345,000	2015	415,000
2005	365,000		

3. Purpose. The Bonds shall provide funds to finance the Project pursuant to Minnesota Statutes, Chapters 469 and 475. Pursuant to the Plans, tax increments derived from the Tax Increment Districts (the "Tax Increments") established pursuant to the Plans, have been pledged to the payment of the Bonds and interest thereon. The estimated collection of Tax Increments exceeds twenty percent (20%) of the cost of the Project. The total cost of the Project, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 1994, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
1995	%	2006	%
1996		2007	
1997		2008	
1998		2009	
1999		2010	
2000		2011	
2001		2012	
2002		2013	
2003		2014	
2004		2015	
2005			

5. Redemption. All Bonds maturing in the years 2004 to 2015, both inclusive, shall be subject to redemption and prepayment at the option of the City on February 1, 2003, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the holder thereof or his, her or its attorney duly authorized in

writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. _____, in _____, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12 of this resolution.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY
CITY OF MAPLEWOOD

R- _____

\$ _____

GENERAL OBLIGATION TAX INCREMENT
BOND, SERIES 1993B

INTEREST
RATE

MATURITY
DATE

DATE OF
ORIGINAL ISSUE

CUSIP

SEPTEMBER 1, 1993

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Maplewood, Ramsey County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 1994, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of _____, in _____,

_____ (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date,

and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Maplewood, Ramsey County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its Clerk, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

BOND REGISTRAR'S
CERTIFICATE OF
AUTHENTICATION

This Bond is one of the
Bonds described in the
Resolution mentioned
within.

Registrable by: _____

Payable at: _____

CITY OF MAPLEWOOD,
RAMSEY COUNTY, MINNESOTA

/s/ Facsimile
Mayor

/s/ Facsimile
Clerk

Bond Registrar

By _____
Authorized Signature

ON REVERSE OF BOND

Redemption. All Bonds of this issue (the "Bonds") maturing in the years 2004 to 2015, both inclusive, are subject to redemption and prepayment at the option of the Issuer on February 1, 2003, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or his, her or its attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$8,190,000, all of like date of original issue and tenor, except as to number,

maturity, interest rate, denomination and redemption privilege, which Bond has been issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council of the Issuer on August 26, 1993 (the "Resolution"), for the purpose of providing money to finance certain capital and administration costs of Development District No. 1, particularly the construction of a community center, within the jurisdiction of the Issuer. This Bond is payable out of the General Obligation Tax Increment Bonds, Series 1993B Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely as fully registered bonds in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Bonds of other authorized denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by his, her or its attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an authorized denomination or denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by joint account.)

8. Execution; Temporary Bonds. The Bonds shall be executed on behalf of the City by the signatures of its Mayor and Clerk and be sealed with the seal of the City; provided, however, that the seal of the City may be a printed facsimile; and provided further that both of such signatures may be printed facsimiles and the corporate seal may be omitted on the Bonds as permitted by law. In the event of disability or resignation or other absence of either such officer, the Bonds may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive bonds, one or more typewritten temporary bonds in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Such temporary bonds may be executed with photocopied facsimile signatures of the Mayor and Clerk. Such temporary bonds shall, upon the printing of the definitive bonds and the execution thereof, be exchanged therefor and canceled.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue, which date is September 1, 1993. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any authorized denomination or denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any authorized denomination or denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Clerk is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten (10) days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12 above) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Funds. There has heretofore been created a capital projects fund designated the Tax Increment District No. 2 Fund (the "Capital Projects Fund") held and administered by the Finance Director separate and apart from all other funds of the City. The Capital Projects Fund shall be used to (a) account for the receipt and disbursement of Tax Increments derived from the Tax Increment Districts that is not needed for the Debt Service Fund (as hereinafter defined) and (b) account for the expenditure of the bond proceeds on the Project. To the Capital Projects Fund there shall be credited the proceeds of the sale of the Bonds, less accrued interest received thereon, and less any amount paid for the Bonds in excess of \$8,083,530, and less such

amount as is necessary, a together with other available funds, to pay interest due on the Bonds prior to the receipt of Tax Increments. From the Capital Projects Fund there shall be paid all costs and expenses of the Project, including all costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Sections 469.176 and 475.65; and the moneys in said account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the receipt of Tax Increments.

There is hereby created a debt service fund to be designated the General Obligation Tax Increment Bonds, Series 1993B Fund (the "Debt Service Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Debt Service Fund shall be maintained in the manner herein specified until all of the Bonds herein authorized and any other general obligation tax increment bonds hereafter made payable from the Debt Service Fund and issued for the Project, including any modifications or additions thereto, and the interest thereon have been fully paid. There are hereby irrevocably appropriated and pledged to, and there shall be credited to, the Debt Service Fund: (a) Tax Increments, in an amount sufficient, together with other sums herein pledged, to pay the annual principal and interest payments on the Bonds and interest on inter-fund loans; (b) all accrued interest received upon delivery of the Bonds; (c) all funds paid for the Bonds in excess of \$8,083,530; (d) any collections of all taxes herein or hereafter levied for the payment of the Bonds and interest thereon; (e) all investment earnings on funds held in the Debt Service Fund; and (f) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Fund. The Debt Service Fund shall be used solely to pay the principal and interest and any premiums for redemption of the Bonds and any other general obligation tax increment bonds of the City hereafter issued by the City and made payable from said account as provided by law.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent (5%) of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Capital Projects Fund or Debt Service Fund (or any other City

account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then-applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Original Assessed Value/Net Tax Capacity; Tax Increments; Use of Tax Increments. The County Auditor of Ramsey County has certified the original assessed values or net tax capacity, as the case may be, (as defined in Minnesota Statutes, Section 469.174, Subdivision 7) of property in the Tax Increment Districts. The County Auditor shall determine in each year if the then current net tax capacity of property in the Tax Increment Districts exceeds the original assessed values or net tax capacity, as the case may be, and shall calculate, in the manner provided in Minnesota Statutes, Section 469.177, Subdivision 3, the captured net tax capacity (as defined therein) attributable to the Tax Increment Districts. The City hereby determines to retain 100% of the captured net tax capacity for purposes of tax increment financing. The County Auditor shall, in each such year, compute the local tax rates to be extended against the captured net tax capacity in the manner provided in Minnesota Statutes, Section 469.177, Subdivision 3, and the tax generated thereby shall constitute the Tax Increments for the year in which it is received. The County Treasurer will remit to the City the Tax Increments so received. The City hereby appropriates Tax Increments to the Debt Service Fund, which appropriation shall continue until all of the Bonds and any additional bonds payable from the Debt Service Fund, are paid or discharged. The City hereby expressly reserves the right to use Tax Increments to finance costs set forth in the Plans not financed hereby or to finance costs of other projects to be undertaken from time to time within the Development District in accordance with the Program and the Plans, as they may from time to time be amended.

17. Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax

rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
1993	1994	\$
1994	1995	
1995	1996	
1996	1997	
1997	1998	
1998	1999	
1999	2000	
2000	2001	
2001	2002	
2002	2003	
2003	2004	
2004	2005	
2005	2006	
2006	2007	
2007	2008	
2008	2009	
2009	2010	
2010	2011	
2011	2012	
2012	2013	
2013	2014	
2014	2015	

The tax levies are such that if collected in full they, together with estimated collections of Tax Increments and other revenues herein pledged for the payment of the Bonds, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrevocable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

18. Reservation of Rights. Notwithstanding any provisions herein to the contrary, a the City reserves the right to terminate, reduce or apply to other lawful purpose the Tax Increments herein pledged to the payment of the Bonds and interest thereon to the extent and in the manner permitted by law.

19. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other

rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, subject to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

20. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.103-18 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (an "Expenditure").

The City hereby certifies and/or covenants as follows:

- (a) On or before the date of payment of each Expenditure, the City (or person designated to do so on behalf of the City) made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's intention and reasonable expectation to reimburse itself for the payment of the Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and/or identifies a specific fund or account of the City and

the general functional purpose thereof from which the Expenditure was to be paid (collectively the "Project"); (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; and (iv) states specifically that the Declaration is a declaration of official intent under Treasury Regulations Section 1.103-18; provided, however, that no such Declaration shall necessarily have been made with respect to "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural expenses and similar prefatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds. Notwithstanding the foregoing, with respect to Expenditures made by the City prior to March 2, 1992, the City hereby represents that there exists objective evidence, within the meaning of the Reimbursement Regulations, that at the time the Expenditure was paid the City expected to reimburse the cost thereof with the proceeds of a borrowing.

- (b) As of the date of each Declaration, there were not and were not thereafter expected to become available sources of City funds which were or were expected to be dedicated or otherwise available on a long-term basis to provide financing for the Expenditure or Project.
- (c) Each Declaration was made a part of the publicly available official books, records or proceedings of the City and was continuously available for inspection by the general public at City Hall during regular City hours beginning not later than 30 days after the making of the Declaration and continuing through the date of issuance of the Bonds, as required by the Reimbursement Regulations.
- (d) Each Expenditure, other than the costs of issuing the Bonds, is a capital expenditure, that is, a cost of a type that is properly chargeable to a capital account (or would be with a proper election) under general federal income tax principles.
- (e) The "reimbursement allocation" described in the Reimbursement Regulations for each Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds and in all events within the period ending on the date which is the later of one year after payment of the Expenditure or one year after

the date on which the Project to which the Expenditure relates is first placed in service.

(f) Each such reimbursement allocation will be evidenced by an entry on the official books or records of the City maintained for and in connection with the Bonds and will specifically identify the actual prior Expenditure or Project or, in the case of the reimbursement of a particular fund or account described in the applicable Declaration, the fund or account from which the Expenditure was paid.

(g) The City is unaware of any facts or circumstances which would cause it to question the reasonability or accuracy of the content of this paragraph or of any of the Declarations, or its compliance with any of the covenants herein or therein, including without limitation the City's failure to issue qualifying reimbursement bonds for costs for which it has made declarations of official intent, absent extraordinary and unforeseeable circumstances of the kind described in the Reimbursement Regulations.

21. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

22. Certificate of Registration. The Clerk is hereby directed to file a certified copy of this resolution with the County Auditor of Ramsey County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's certificate that the Bonds have been entered in the County Auditor's Bond Register, and that the tax levy required by law has been made.

23. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits,

certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

24. Negative Covenant as to Use of Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

25. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bonds, and (3) the rebate of excess investment earnings to the United States.

26. No Designation of Qualified Tax-Exempt Obligations. The Bonds exceed in amount those which may be qualified as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, and hence are not designated for such purpose.

27. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

28. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to considering bids for, and awarding the competitive negotiated sale of, \$8,190,000 General Obligation Tax Increment Bonds, Series 1993B of said City.

WITNESS my hand and the seal of said City this 26th day of August, 1993.

Clerk

(SEAL)

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
MAPLEWOOD, MINNESOTA

HELD: August 26, 1993

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Maplewood, Ramsey County, Minnesota, was duly held at the City Hall in said City on Thursday, the 26th day of August, 1993, at 4:30 P.M., for the purpose of considering bids for, and awarding the competitive negotiated sale of, \$4,840,000 General Obligation Improvement Refunding Bonds, Series 1993C of the City.

The following members were present:

and the following were absent:

The City Clerk presented bids on \$4,840,000 General Obligation Improvement Refunding Bonds, Series 1993C of the City, for which proposals were to be received, opened and tabulated by the City Clerk, or her designee, this same day, in accordance with the resolution adopted by the City Council on July 26, 1993.

The following proposals were received, opened and tabulated at 11:00 A.M., Central Time, at the offices of Springsted Incorporated, in the presence of the City Clerk, or her designee, on this same day:

<u>Bidder</u>	<u>Interest Rate</u>	<u>True Interest Cost</u>
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The Council then proceeded to consider and discuss the bids, after which member _____ introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING BID ON THE COMPETITIVE
NEGOTIATED SALE OF \$4,840,000 GENERAL OBLIGATION
IMPROVEMENT REFUNDING BONDS, SERIES 1993C,
PLEDGING FOR THE SECURITY THEREOF
SPECIAL ASSESSMENTS AND LEVYING A
TAX FOR THE PAYMENT THEREOF

A. WHEREAS, the City Council of the City of Maplewood, Minnesota (the "City"), has heretofore determined and declared that it is necessary and expedient to provide moneys for a crossover refunding of the City's General Obligation Improvement Bonds of 1989, dated November 1, 1989 (the "Prior 1989 Bonds"), issued for the purpose of providing money to finance the construction of various improvements in the City (the "1989 Project") pursuant to the resolution of the City Council, dated October 19, 1989, authorizing issuance of the Prior 1989 Bonds (the "Prior 1989 Resolution"); and

B. WHEREAS, \$1,075,000 of the principal amount of the Prior 1989 Bonds which mature on or after August 1, 1996, are callable on August 1, 1995, at a price of par plus accrued interest as provided in the Prior 1989 Resolution; and

C. WHEREAS, the City Council of the City has also heretofore determined and declared that it is necessary and expedient to provide moneys for a crossover refunding of the City's General Obligation Improvement Bonds, Series 1990, dated December 1, 1990 (the "Prior 1990 Bonds"), issued for the purpose of providing money to finance the construction of various improvements in the City (the "1990 Project") pursuant to the resolution of the City Council, dated November 15, 1990, authorizing issuance of the Prior 1990 Bonds (the "Prior 1990 Resolution"); and

D. WHEREAS, \$3,860,000 of the principal amount of the Prior 1990 Bonds which mature on or after December 1, 1999, are callable on December 1, 1998, at a price of par plus accrued interest as provided in the Prior 1990 Resolution; and

E. WHEREAS, the Prior 1989 Bonds and the Prior 1990 Bonds are hereinafter collectively referred to as the "Prior Bonds"; and

F. WHEREAS, the 1989 Project and the 1990 Project are hereinafter collectively referred to as the "Project"; and

G. WHEREAS, the Prior 1989 Resolution and the Prior 1990 Resolution are hereinafter collectively referred to as the "Prior Resolution"; and

H. WHEREAS, the refunding of the callable Prior Bonds, is consistent with covenants made with the holders thereof, and is necessary and desirable for the reduction of debt service cost to the City; and

I. WHEREAS, the City Council has heretofore determined and declared that it is necessary and expedient to issue \$4,840,000 General Obligation Improvement Refunding Bonds, Series 1993C of the City, pursuant to Minnesota Statutes, Chapter 475, to provide moneys for a crossover refunding of the callable Prior Bonds; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Maplewood, Minnesota, as follows:

1. Acceptance of Bid. The bid of _____ (the "Purchaser"), to purchase \$4,840,000 General Obligation Improvement Refunding Bonds, Series 1993C of the City (the "Bonds", or individually a "Bond"), in accordance with the terms of proposal, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$_____, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable bid received and is hereby accepted, and the Bonds are hereby awarded to said bidder. The City Clerk is directed to retain the deposit of said bidder and to forthwith return to the unsuccessful bidders their good faith checks and drafts.

2. Title; Original Issue Date; Denominations; Maturities; Combining Maturities. The Bonds shall be titled "General Obligation Improvement Refunding Bonds, Series 1993C", shall be dated September 1, 1993, as the date of original issue and shall be issued forthwith on or after such date as fully registered bonds. The Bonds shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity. The Bonds shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
1997-1999	\$ 70,000	2006	\$385,000
2000	305,000	2007	410,000
2001	320,000	2008	430,000
2002	330,000	2009	450,000
2003	335,000	2010	480,000
2004	355,000	2011	455,000
2005	375,000		

All dates are inclusive.

For the purpose of complying with Minnesota Statutes, Section 475.54, Subdivision 1, the maturity schedule for the Bonds has been combined with the maturity schedule for the Prior Bonds, as permitted by Minnesota Statutes, Section 475.54, Subdivision 2.

3. Allocation of Bonds to Prior 1989 Bonds and to Prior 1990 Bonds. \$_____ in aggregate principal amount of the Bonds is properly allocable to the costs of crossover refunding the Prior 1989 Bonds (the "1989 Refunding Portion"). The remaining aggregate principal amount of the Bonds (i.e. \$_____) is properly allocable to the costs of crossover refunding the Prior 1990 Bonds (the "1990 Refunding Portion").

4. Purpose; Refunding Findings. The Bonds shall provide funds for a crossover refunding of all the City's callable Prior Bonds (the "Refunding"). It is hereby found, determined and declared that the Refunding is pursuant to Minnesota Statutes, Section 475.67, Subdivision 13, shall result in a reduction of the present value (as of the applicable crossover date) of the dollar amount of the debt service to the City from a total dollar amount of (i) \$_____ for the Prior 1989 Bonds to a total dollar amount of \$_____ for the 1989 Refunding Portion of the Bonds, and (ii) \$_____ for the Prior 1990 Bonds to a total dollar amount of \$_____ for the 1990 Refunding Portion of the bonds, in each case computed in accordance with the provisions of Minnesota Statutes, Section 475.67, Subdivision 12, and accordingly the dollar amount of such present value of the debt service for the Bonds is lower by at least three percent (3.00%) than the dollar amount of such present value of the debt service for the Prior Bonds as required in said Subdivision 12.

5. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 1994, calculated on the basis of a 360-day year of twelve 30-day months, at the

respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
1997	%	2005	%
1998		2006	
1999		2007	
2000		2008	
2001		2009	
2002		2010	
2003		2011	
2004			

6. Redemption. All Bonds maturing in the years 2004 to 2011, both inclusive, shall be subject to redemption and prepayment at the option of the City on February 1, 2003, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the holder thereof or his, her or its attorney duly authorized in

writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

7. Bond Registrar. _____, in _____, _____, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 13 of this resolution.

8. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY
CITY OF MAPLEWOOD

R- _____

\$ _____

GENERAL OBLIGATION
IMPROVEMENT REFUNDING BOND, SERIES 1993C

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
		SEPTEMBER 1, 1993	

REGISTERED OWNER: _____

PRINCIPAL AMOUNT: _____ DOLLARS

KNOW ALL PERSONS BY THESE PRESENTS that the City of Maplewood, Ramsey County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 1994, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of _____, in _____, _____ (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date,

and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America.

REFERENCE IS HEREBY MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF, WHICH PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS IF SET FORTH HERE.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Maplewood, Ramsey County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its Clerk, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: _____

Payable at: _____

**BOND REGISTRAR'S
CERTIFICATE OF
AUTHENTICATION**

**CITY OF MAPLEWOOD,
RAMSEY COUNTY, MINNESOTA**

This Bond is one of the
Bonds described in the
Resolution mentioned
within.

/s/ Facsimile
Mayor

/s/ Facsimile
Clerk

Bond Registrar

By _____
Authorized Signature

ON REVERSE OF BOND

Redemption. All Bonds of this issue (the "Bonds") maturing in the years 2004 to 2011, both inclusive, are subject to redemption and prepayment at the option of the Issuer on February 1, 2003, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or his, her or its attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any authorized denomination or denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$4,840,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, which Bond has been issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council of the Issuer on August 26, 1993 (the "Resolution"), for the purpose of providing funds sufficient for a crossover refunding: (i) on August 1, 1995, of the Issuer's General Obligation Improvement Bonds of 1989, dated November 1, 1989, which mature on August 1, 1996, and thereafter; and (ii) on December 1, 1998, of the Issuer's General Obligation Improvement Bonds, Series 1990, dated December 1, 1990, which mature on December 1, 1999, and thereafter. This Bond is payable out of the Escrow Account and the Debt Service Account of the Issuer's General Obligation Improvement Refunding Bonds, Series 1993C Fund. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely as fully registered bonds in the denominations of \$5,000 and integral multiples thereof of a single maturity and are exchangeable for fully registered Bonds of other authorized denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by his, her or its attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an authorized denomination or denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided on the reverse side hereof with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Not Qualified Tax-Exempt Obligation. This Bond has not been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM - as tenants in common
TEN ENT - as tenants by the entireties
JT TEN - as joint tenants with right of survivorship
and not as tenants in common
UTMA - _____ as custodian for _____
(Cust) (Minor)
under the _____ Uniform
(State)
Transfers to Minors Act

Additional abbreviations may also be used
though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

(Include information for all joint owners if the Bond is held by joint account.)

9. Execution; Temporary Bonds. The Bonds shall be executed on behalf of the City by the signatures of its Mayor and Clerk and be sealed with the seal of the City; provided, however, that the seal of the City may be a printed facsimile; and provided further that both of such signatures may be printed facsimiles and the corporate seal may be omitted as permitted by law. In the event of disability or resignation or other absence of either such officer, the Bonds may be signed by the manual or facsimile signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive bonds, one or more typewritten temporary bonds in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Such temporary bonds may be executed with photocopied facsimile signatures of the Mayor and Clerk. Such temporary bonds shall, upon the printing of the definitive bonds and the execution thereof, be exchanged therefor and cancelled.

10. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue, which date is September 1, 1993. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

11. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 10) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any authorized denomination or denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any authorized denomination or denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly cancelled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Clerk is hereby authorized to negotiate and execute the terms of said agreement.

12. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

13. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth (15th) day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten (10) days prior to the Special Record Date.

14. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 13 above) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

15. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

16. Fund and Accounts. There is hereby created a special fund to be designated the "General Obligation Improvement Refunding Bonds, Series 1993C Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund two (2) separate accounts, to be designated the "Escrow Account" and "Debt Service Account", respectively.

(i) Escrow Account. The Escrow Account shall be maintained as an escrow account with _____ (the "Escrow Agent") in _____, _____, which is a suitable financial institution within or without the State whose deposits are insured by the Federal Deposit Insurance Corporation and whose combined capital and surplus is not less than \$500,000. All proceeds of the sale of the Bonds shall be received by the Escrow Agent and applied to fund the Escrow Account or to pay costs of issuing the Bonds. Proceeds of the Bonds not used to pay costs of issuance are hereby irrevocably pledged and appropriated to the Escrow Account, together with all investment earnings thereon. The Escrow Account shall be invested in securities maturing or callable at the option of the holder on such dates and bearing interest at such rates as shall be required to provide sufficient funds, together with any cash or other funds retained in the Escrow Account, (i) to pay when due the interest to accrue on each 1989 Refunding Portion of the Bonds herein authorized to and including August 1, 1995 and to pay when due the interest to accrue on each 1990 Refunding Portion of the Bonds herein authorized to and including December 1, 1998; (ii) to pay when called for redemption on August 1, 1995, the principal amount of each of the Prior 1989 Bonds; and (iii) to pay when called for redemption on December 1, 1998, the principal amount of each of the Prior 1990 Bonds. From the Escrow Account there shall be paid (1) all interest on the 1989 Refunding Portion of the Bonds herein authorized to and including August 1, 1995 and all interest on the 1990 Refunding Portion of the Bonds herein authorized to and including December 1, 1998, (2) the principal of the Prior 1989 Bonds due by reason of their call for redemption on August 1, 1995, and (3) the principal of the Prior 1990 Bonds due by reason of their call for redemption on December 1, 1998. The Escrow Account shall be irrevocably appropriated to the payment of the principal of and interest on the Bonds herein authorized until the proceeds of the Bonds are applied to payment of the Prior Bonds. The moneys in the Escrow Account shall be used solely for the purposes herein set forth and for no other purpose, except that any surplus in the Escrow Account may be remitted to the City, all in accordance with an agreement (the "Escrow Agreement") by and between the City and Escrow Agent, a form of which agreement is on file in the office of the Clerk. Any moneys remitted to the City upon termination of the Escrow Agreement shall be deposited in the Debt Service Account.

(ii) Debt Service Account. To the Debt Service Account there is hereby pledged and irrevocably appropriated and there shall be credited: (1) any collections of all taxes herein or hereafter levied for the payment of the Bonds and interest thereon; (2) all uncollected special assessments and hydrant connection charges pledged to the payment of the Prior Bonds; (3)

any balance remitted to the City upon the termination of the Escrow Agreement; (4) any balance remaining on August 2, 1995, in the General Obligation Improvement Bonds of 1989 Fund created by the Prior 1989 Resolution; (5) any balance remaining on December 2, 1998, in the General Obligation Improvement Bonds, Series 1990 Fund created by the Prior 1990 Resolution; (6) any collections of all taxes heretofore levied for the payment of the Prior Bonds and interest thereon which are not needed to pay the Prior Bonds as a result of the Refunding; (7) all investment earnings on funds in the Debt Service Account; and (8) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The amount of any surplus remaining in the Debt Service Account when the Bonds and interest thereon are paid shall be used consistent with Minnesota Statutes, Section 475.61, Subdivision 4.

The moneys in the Debt Service Account shall be used solely to pay the principal of and interest on the Bonds or any other bonds hereafter issued and made payable from the Fund. No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued, and (2) in addition to the above, in an amount not greater than the lesser of five percent (5%) of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Fund (or any other City account which will be used to pay principal and interest to become due on the Bonds) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested in excess of the applicable yield restrictions imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. In addition, the proceeds of the Bonds and money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the federal Internal Revenue Code of 1986, as amended (the "Code").

17. Prior Bonds; Security. Until retirement of the Prior Bonds, all provisions theretofore made for the security thereof shall be observed by the City and all of its officers and agents.

18. Special Assessments. The City has heretofore levied special assessments pursuant to the Prior Resolution which assessments were pledged to the payment of the principal and interest on the Prior Bonds and all uncollected special assessments are now pledged to the payment of principal and interest on the Bonds herein authorized. Said assessments were levied as provided below, payable in equal, consecutive, annual installments, including principal and interest with general taxes for the years shown below at the rate shown opposite such years.

<u>Improvement Designation</u>	<u>Amount</u>	<u>Rate</u>	<u>Levy Years</u>
84-14	\$	9.00%	1993-2008
85-26		(same for	(same for
87-04		all)	all)
87-05			
87-20			
88-08			
88-10			
88-11			
88-14			
86-01			
86-07			
87-32			
90-07			
TOTAL	\$		

19. Tax Levy; Coverage Test; Cancellation of Certain Tax Levies. To provide moneys for payment of the principal and interest on the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Year of Tax Levy</u>	<u>Year of Tax Collection</u>	<u>Amount</u>
		\$

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Bonds, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrevocable so long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

Upon payment of the Prior 1989 Bonds, the uncollected taxes pledged in paragraph 17 of the Prior 1989 Resolution authorizing the issuance of the Prior 1989 Bonds, in the years 1995 through 2008 for collection in 1996 through 2009 shall be canceled.

Upon payment of the Prior 1990 Bonds, the uncollected taxes pledged in paragraph 17 of the Prior 1990 Resolution authorizing the issuance of the Prior 1990 Bonds, in the years 1998 through 2009 for collection in 1999 through 2010 shall be canceled.

20. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, subject to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein

required has been duly provided for, to such earlier redemption date.

21. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Escrow Account or Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds payable therefrom, the deficiency shall be promptly paid out of any other accounts of the City which are available for such purpose, and such other funds may be reimbursed without interest from the Escrow Account or Debt Service Account when a sufficient balance is available therein.

22. Securities; Escrow Agent. Securities purchased from moneys in the Escrow Account shall be limited to securities set forth in Minnesota Statutes, Section 475.67, Subdivision 8, and any amendments or supplements thereto. Securities purchased from the Escrow Account shall be purchased simultaneously with the delivery of the Bonds. The City Council has investigated the facts and hereby finds and determines that the Escrow Agent is a suitable financial institution to act as escrow agent.

23. Redemption of Prior Bonds.

A. The Prior 1989 Bonds which mature in 1996 and thereafter shall be redeemed and prepaid on August 1, 1995, in accordance with the terms and conditions set forth in the Notice of Call for Redemption attached hereto as Exhibit A, which terms and conditions are hereby approved and incorporated herein by reference.

B. The Prior 1990 Bonds which mature in 1999 and thereafter shall be redeemed and prepaid on December 1, 1998, in accordance with the terms and conditions set forth in the Notice of Call for Redemption attached hereto as Exhibit B, which terms and conditions are hereby approved and incorporated herein by reference.

Said Notices of Call for Redemption shall be mailed to the paying agent or agents for the Prior Bonds prior to said redemption dates therefor and to the registered owner of each Prior Bond at the address shown on the registration books kept by the registrar for the Prior Bonds pursuant to the Escrow Agreement.

24. Escrow Agreement. On or prior to the delivery of the Bonds the Mayor and Clerk shall, and are hereby authorized

and directed to, execute on behalf of the City an Escrow Agreement. The Escrow Agreement is hereby approved and adopted and made a part of this resolution, and the City covenants that it will promptly enforce all provisions thereof in the event of default thereunder by the Escrow Agent.

25. Purchase of SLGS or Open Market Securities. Springsted Incorporated, as agent for the Council, is hereby authorized and directed to purchase on behalf of the Council and in its name the appropriate United States Treasury Securities, State and Local Government Series and/or open market securities as provided in paragraph 22 above, from the proceeds of the Bonds and, to the extent necessary, other available funds, all in accordance with the provisions of this resolution and the Escrow Agreement and to execute all such documents (including the appropriate subscription form) required to effect such purchase in accordance with the applicable U.S. Treasury Regulations.

26. Certificate of Registration. The Clerk is hereby directed to file a certified copy of this resolution with the County Auditor of Ramsey County, Minnesota, together with such other information as he or she shall require, and to obtain the County Auditor's Certificate that the Bonds have been entered in the County Auditor's Bond Register, that the tax levy for the Prior Bonds has been canceled, and that the tax levy required by law for the Bonds has been made.

27. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any re furnished, shall be deemed representations of the City as to the facts recited therein.

28. Negative Covenant as to Use of Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

29. Tax-Exempt Status of the Bonds; Rebate. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (1) requirements relating to temporary periods for investments, (2) limitations on amounts invested at a yield greater than the yield on the Bonds, and (3) the rebate of excess investment earnings to the United States.

30. No Designation of Qualified Tax-Exempt Obligations. The Bonds exceed in amount those which may be qualified as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, and hence are not designated for such purpose.

31. Supplemental Resolution. The Prior Resolution is hereby supplemented to the extent necessary to give effect to the provisions of this resolution.

32. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

33. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City, duly called and held on the date therein indicated, insofar as such minutes relate to considering bids for, and awarding the competitive negotiated sale of, \$4,840,000 General Obligation Improvement Refunding Bonds, Series 1993C of said City.

WITNESS my hand and the seal of said City this 26th day of August, 1993.

Clerk

(SEAL)

EXHIBIT A

NOTICE OF CALL FOR REDEMPTION

GENERAL OBLIGATION IMPROVEMENT BONDS OF
1989

CITY OF MAPLEWOOD,
RAMSEY COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of the City of Maplewood, Ramsey County, Minnesota, there have been called for redemption and prepayment on

August 1, 1995

those outstanding bonds of the City designated as General Obligation Improvement Bonds of 1989, dated November 1, 1989, having stated maturity dates in the years 1996 through 2009, and totalling \$1,075,000 in principal amount. The bonds are being called at a price of par plus accrued interest to August 1, 1995, on which date all interest on said bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment, at Norwest Bank Minnesota, National Association (as successor to, Marquette Bank Minneapolis, National Association), if by mail to: Corporate Trust Operations, 255 Second Avenue South; or if in person to: TELLERS 1-8, 6th and Marquette Avenue, in Minneapolis, Minnesota 55479-0113 on or before August 1, 1995.

Dated: August 26, 1993.

BY ORDER OF THE CITY
COUNCIL

/s/ Lucille Aurellius
Clerk

Important Notice: Under the Interest and Dividend Compliance Act of 1983, 31% will be withheld if tax identification is not properly certified.

Additional information
may be obtained from:

SPRINGSTED INCORPORATED
85 East Seventh Place
Suite 100
St. Paul, Minnesota 55101-2143
Telephone No.: (612) 223-3000

EXHIBIT B

NOTICE OF CALL FOR REDEMPTION

GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1990

CITY OF MAPLEWOOD,
RAMSEY COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that by order of the City Council of the City of Maplewood, Ramsey County, Minnesota, there have been called for redemption and prepayment on

December 1, 1998

those outstanding bonds of the City designated as General Obligation Improvement Bonds, Series 1990, dated December 1, 1990, having stated maturity dates in the years 1999 through 2010, and totalling \$3,860,000 in principal amount. The bonds are being called at a price of par plus accrued interest to December 1, 1998, on which date all interest on said bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment, at Norwest Bank Minnesota, National Association, if by mail to: Corporate Trust Operations, 255 Second Avenue South; or if in person to: TELLERS 1-8, 6th and Marquette Avenue, in Minneapolis, Minnesota 55479-0113 on or before December 1, 1998.

Dated: August 26, 1993.

BY ORDER OF THE CITY
COUNCIL

/s/ Lucille Aurellius
Clerk

Important Notice: Under the Interest and Dividend Compliance Act of 1983, 31% will be withheld if tax identification is not properly certified.

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may be obtained from:

SPRINGSTED INCORPORATED
85 East Seventh Place
Suite 100
St. Paul, Minnesota 55101-2143
Telephone No.: (612) 223-3000

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

**2:00 p.m., Thursday, August 26, 1993
Maplewood Room, City Hall**

MINUTES

A. CALL TO ORDER

The Council/Manager meeting of the Maplewood City Council was held in the Maplewood Room, City Hall. The meeting was called to order by Acting Mayor Rossbach at 2:00 p.m.

B. ROLL CALL

Mayor Gary Bastian	Present (Arrived at 2:29 p.m.)
Councilperson Dale Carlson	Present
Councilperson Fran Juker	Present (Arrived at 2:26 p.m.)
Councilperson George Rossbach	Present
Councilperson Joseph Zappa	Present

Others Present:

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

C. APPROVAL OF AGENDA

The agenda was amended as follows:

H. OTHER BUSINESS

1. Bus Stop Letter

Acting Mayor Rossbach moved that the agenda be approved as amended. The motion was seconded by Councilmember Carlson and was approved.

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

D. 1994 BUDGET OVERVIEW

City Manager McGuire and Finance Director Faust presented a summary of the proposed 1994 Budget. There was some discussion about Maplewood providing police related services to I.S.D. 622, North St. Paul and Oakdale without equitable reimbursement.

Councilmember Juker arrived at 2:26 p.m.

Mayor Bastian arrived at 2:29 p.m.

Mayor Bastian requested that the Council be kept informed about the activities of the Police Bike Program including officer injuries. There was also discussion about the proposed November, 1994 bond referendum for the replacement of Gladstone Fire Station and the City's debt.

E. DISCUSSION ITEMS

1. Ambulance Rates

City Manager McGuire stated that the proposed 1994 Budget and tax levy included specific increases in the ambulance rates. The proposed rates are based on the assumption that the City will bring its rates more in line with the market rate for the same service. Following some discussion, Councilmember Zappa introduced the following resolution and moved its adoption:

93-08-111

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

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

WHEREAS, it is fair and reasonable to charge non-residents a higher rate than residents for services rendered; and

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

NOW, THEREFORE, BE IT RESOLVED, that the following charges shall be effective January 1, 1994:

	<u>Residents</u>	<u>Non-Residents</u>
Base rates:		
Basic ambulance services	\$225	\$250
Advanced life support ambulance services	\$500	\$550
Rate per mile transported	\$7.10	\$7.10

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

The motion was seconded by Councilmember Carlson and was approved.

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

2. Charitable Gambling Proceeds

Assistant City Manager Maglich presented a summary of past awards and an explanation of the proposed 1994 expenditures from the Charitable Gambling Fund. There was some discussion, and no action was taken.

3. Truth in Taxation Requirements

Finance Director Faust reviewed the calendar of dates as required by law for notifications and public hearings regarding the proposed and final payable 1994 property tax levy.

4. Other Budget-Related Items

a. City Memberships

Councilmember Zappa stated that the City should evaluate the value of belonging to a number of organizations including LMC, AMM, MLC, RCLLG, and SRA. Following some discussion, Councilmember Zappa moved that the City withdraw from the Association of Metropolitan Municipalities (AMM). There was no second, and the motion died for lack of a second.

F. CERTIFICATION OF DATES FOR PUBLIC HEARING ON PROPOSED 1994 BUDGET AND PROPERTY TAXES

Councilperson Zappa moved that the City's public hearings on the 1994 Budget be scheduled for Tuesday, November 30, 7:00 p.m. and Wednesday, December 8, 5:00 p.m.; and if necessary, Monday, December 13, 6:30 p.m. at City Hall. The motion was seconded by Councilperson Carlson and was approved.

Ayes: All

G. ADOPTION OF PROPOSED PROPERTY TAX LEVY PAYABLE IN 1994

Councilperson Zappa introduced the following resolution and moved its adoption:

93-08-112

WHEREAS, State law requires that the City Council give preliminary approval of a proposed tax levy for 1993 payable in 1994 by September 15, 1993, and

WHEREAS, the City Council has reviewed the Proposed 1994 Budget and has determined that the proposed tax levy payable in 1994 is the maximum amount that will be levied, and

WHEREAS, the proposed property tax levy certified must be after the deduction of the homestead and agricultural credit aid (HACA), and

WHEREAS, the 1994 HACA for the City of Maplewood is \$1,578,740.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA THAT the proposed tax levy for 1993 payable in 1994 in the amount of \$8,021,250 less \$1,578,740 for HACA is hereby given preliminary approval.

The motion was seconded by Councilperson Carlson and approved.

Ayes: All

H. OTHER BUSINESS

1. Bus Stop Letter

Councilmember Zappa informed the City Council that they would soon receive a letter from the MTC regarding a change in a bus stop location near County Road B and Barclay.

I. ADJOURNMENT

The meeting was adjourned at 4:35 p.m.

AGENDA REPORT

TO: City Manager
FROM: Finance Director
RE: APPROVAL OF CLAIMS
DATE: September 7, 1993

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

ACCOUNTS PAYABLE:

\$ 746,794.43	Checks # 1306 thru # 1384 Dated 8-12-93 thru 8-31-93
<u>\$ 580,933.80</u>	Checks # 10949 thru # 11099 Dated 9-13-93
\$ 1,327,728.23	Total per attached voucher/check register

PAYROLL:

\$ 212,404.07	Payroll Checks # 36341 thru # 36514 dated 8-27-93
<u>\$ 45,587.24</u>	Payroll Deduction check #36519 thru # 36533 dated 8-27-93
\$ 257,991.31	Total Payroll
<u>\$ 1,585,719.54</u>	GRAND TOTAL

Attached is a detailed listing of these claims.

lz
 Attachments
 FINANCE/APPRCLM.AGN

VOUCHREG
09/03/93 15:16

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/
CHECK

NUMBER

VENDOR
NUMBER

CHECK
DATE

VENDOR
NAME

ITEM
DESCRIPTION

ITEM
AMOUNT

CHECK
AMOUNT

1306	661750	08/12/93	NORTHERN STATES POWER	UTILITIES 217	3.31	
				UTILITIES 707	3.31	
				UTILITIES 1200	4.72	
				UTILITIES 1540	3.31	
				UTILITIES 1600	4.72	
				UTILITIES 1975	3.31	
				UTILITIES 2500	3.31	
				UTILITIES 2255	3.31	
				UTILITIES 2268	3.31	
				UTILITIES 220	3.31	
				UTILITIES 2501	4.72	
				UTILITIES 2621	3.31	43.95
1307	541400	08/12/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	350.00	350.00
1308	541400	08/12/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	14,658.75	14,658.75
1309	722200	08/13/93	PUBLIC EMPLOYEE	7/30/93 P/R	11,339.26	
				7/30/93 P/R	14,678.65	26,017.91
1310	720768	08/13/93	PREMIER BANK	8/13/93 P/R	10,347.35	
				8/13/93 P/R	22,593.86	
				8/13/93 P/R	10,347.35	43,288.56
1311	341706	08/13/93	HERITAGE BANK	7/30/93 & 8/13/93 P/R'S	887.50	887.50
1312	152425	08/13/93	CORNERSTONE TRAINING CORP.	LAN TRAINING SEMINAR	690.00	690.00
1313	630080	08/13/93	NTX COMPUTERS	EQUIPMENT - OFFICE	220.00	220.00
1314	630010	08/13/93	NAAEE MEMBERSHIP	REG. FOR NAAEE CONFERENCE	269.00	269.00
1315	190400	08/13/93	DEPT. OF NATURAL RESOURCES	DNR TITLES	48.00	48.00
1316	190400	08/13/93	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYABLE	235.00	235.00
1317	541400	08/13/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	774.75	774.75
1318	541400	08/13/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	11,327.25	11,327.25
1319	531650	08/16/93	METRO WASTE CONTROL COMMISSN	JULY SAC	15,150.00	
				JULY SAC	151.50-	14,998.50
1320	560600	08/16/93	MN STREET SUPT. ASSOCIATION	REGISTRATION FEE FOR SEMINAR	77.00	77.00
1321	541400	08/16/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	628.50	
				CORRECT DEPOSIT OF 7-22-93	.27-	628.23
1322	541400	08/16/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	12,659.33	12,659.33
1323	510100	08/17/93	MAPLE LEAF OFFICIALS ASSN.	PAYMENT OF SPORTS OFFICIALS	10,579.75	10,579.75

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
1324	500427	08/17/93	M.G.F.O.A.	TRAVEL & TRAINING	5.00	5.00
1325	712100	08/17/93	PITNEY BOWES INC.	REPAIR/EQUIPMENT	313.00	
				MAINT/EQUIPMENT	1,516.52	
				METER RENTAL	762.29	
				MAINT/EQUIPMENT	2,404.00	4,995.81
1326	500427	08/17/93	M.G.F.O.A.	TRAVEL & TRAINING	150.00	
				TRAVEL & TRAINING	450.00	600.00
1327	541400	08/17/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	723.50	723.50
1328	541400	08/17/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	9,574.50	9,574.50
1329	020870	08/17/93	ALLIED MEDICAL ACCOUNT CONTROL	COMMISSION FEES	95.63	95.63
1330	541440	08/18/93	MINN. STATE TREASURER STAX	JULY 1993 SURTAX	2,349.18	
				JULY 1993 SURTAX	46.98-	2,302.20
1331	330408	08/18/93	HECHTEL, JEFFREY & TINA	REFUND OF ASSESSMENT & INT.	572.76	572.76
1332	101900	08/18/93	BUSINESS RECORDS CORP., MN	PROGRAM SUPPLIES	1,618.39	1,618.39
1333	290200	08/18/93	FRED PRYDE SEMINARS	TRAVEL & TRAINING	99.00	99.00
1334	231700	08/18/93	EKBLAD, PARDEE & BEWELL, INC.	INSURANCE	5,341.00	5,341.00
1335	020400	08/18/93	AIR SIGNAL, INC.	PAGER SERVICES AUG.	16.04	
				PAGER SERVICES AUG.	4.53	20.57
1336	541400	08/18/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	581.50	581.50
1337	541400	08/18/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	11,844.70	11,844.70
1338	070175	08/18/93	BECK, MILDRED	REFUND DUP PMT AMB 304865	188.52	188.52
1339	070200	08/19/93	BECKER, RONALD	8/27/93 P/R	723.72	723.72
1340	540880	08/19/93	MINNESOTA DEPT. OF REVENUE	JULY FUEL TAX	111.00	111.00
1341	080900	08/19/93	BOARD OF WATER COMMISSIONERS	JULY UTILITIES	44.43	
				JULY UTILITIES	170.73	215.16
1342	630910	08/19/93	NATIONWIDE ADVERTISING SERV.	AD FOR PARK MAINT POSITION	177.80	177.80
1343	541400	08/19/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	241.00	241.00
1344	541400	08/19/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	11,547.25	11,547.25
1345	110608	08/20/93	CARVER, NICHOLAS	VACATION P/R CK 8/27/93 P/R	945.16	945.16

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
1346	190400	08/20/93	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYABLE	98.00	98.00
1347	190400	08/20/93	DEPT. OF NATURAL RESOURCES	DNR TITLES	10.00	10.00
1348	541400	08/20/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	896.50	896.50
1349	541400	08/20/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	13,241.96	13,241.96
1350	260125	08/23/93	E.M.FRATTALONE INC.	PROJECT # 87-45	48,238.00	
				PROJECT # 87-45	2,411.90-	45,826.10
1351	890900	08/23/93	U.S.WEST COMMUNICATIONS	JULY MONTHLY BILLING	1,680.49	
				JULY MONTHLY BILLING	1.50	
				JULY MONTHLY BILLING	76.01	
				JULY MONTHLY BILLING	76.03	
				JULY MONTHLY BILLING	76.03	
				JULY MONTHLY BILLING	76.03	
				JULY MONTHLY BILLING	76.03	
				JULY MONTHLY BILLING	76.03	
				JULY MONTHLY BILLING	54.30	
				JULY MONTHLY BILLING	55.38	
				JULY MONTHLY BILLING	302.48	
				JULY MONTHLY BILLING	1,138.46	
				JULY MONTHLY BILLING	25.98	
				JULY MONTHLY BILLING	25.98	
				JULY MONTHLY BILLING	51.96	
				JULY MONTHLY BILLING	48.81	
				JULY MONTHLY BILLING	51.96	
				JULY MONTHLY BILLING	51.92	
				JULY MONTHLY BILLING	51.92	
				JULY MONTHLY BILLING	31.32	
				JULY MONTHLY BILLING	58.20	
				JULY MONTHLY BILLING	58.20	
				JULY MONTHLY BILLING	58.20	
				JULY MONTHLY BILLING	74.29	
				JULY MONTHLY BILLING	63.09	
				JULY MONTHLY BILLING	58.20	
				JULY MONTHLY BILLING	31.55	
				JULY MONTHLY BILLING	270.20	
				JULY MONTHLY BILLING	205.30	
				JULY MONTHLY BILLING	57.40	
				JULY MONTHLY BILLING	71.78	
				JULY MONTHLY BILLING	75.58	
				JULY MONTHLY BILLING	54.54	
				JULY MONTHLY BILLING	52.23	
				JULY MONTHLY BILLING	118.66	
				JULY MONTHLY BILLING	31.52	
				JULY MONTHLY BILLING	31.52	
				JULY MONTHLY BILLING	116.74	5,439.79
1352	541400	08/23/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	694.25	694.25

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
1353	541400	08/23/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	13,775.75	13,775.75
1354	410150	08/24/93	K & J CATERING	CATERING FOR 1993 PICNIC	1,080.54	1,080.54
1355	531650	08/24/93	METRO WASTE CONTROL COMMISSN	ADDITIONAL JULY 1993 S.A.C. ADDITIONAL JULY 1993 S.A.C.	600.00 6.00-	594.00
1356	101861	08/24/93	BUSINESS CHOISE NETWORK	LONG DISTANCE JULY 1993 PERSONAL CALLS JULY 1993	105.00 12.80	117.80
1357	541400	08/24/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	723.00	723.00
1358	541400	08/24/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	9,082.38	9,082.38
1359	751372	08/24/93	RICHMOND, TOM	CARICATURE ARTIST FOR PICNIC	180.00	180.00
1360	260252	08/25/93	FAEGRE & BENSON	FAMILY & MEDICAL LEAVE SEMINAR	30.00	30.00
1361	542450	08/25/93	MINNESOTA SECRETARY OF STATE	PROGRAM SUPPLIES	51.99	51.99
1362	541400	08/25/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	749.00	749.00
1363	541400	08/25/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	14,825.50	14,825.50
1364	110465	08/25/93	CAREFREE COTTAGES OF MAPLEWOOD	TRANSMITAL OF C.D.B.G. MONEY	278,000.00	278,000.00
1365	091440	08/26/93	BROWN AND CRIS, INC.	REPAIR & MAINT/UTILITY	3,289.65	3,289.65
1366	450120	08/26/93	L.M.C.I.T.	INSURANCE INSURANCE	35,233.75 1,673.00	36,906.75
1367	541400	08/26/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABLE	268.50	268.50
1368	541400	08/26/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	13,826.88	13,826.88
1369	661750	08/27/93	NORTHERN STATES POWER	UTILITIES 1200 UTILITIES 98 UTILITIES 345 UTILITIES 1677 UTILITIES 2516 UTILITIES 2701 UTILITIES 2725 UTILITIES 63 UTILITIES 700 UTILITIES 1944 UTILITIES 2287	4.72 89.06 102.58 87.75 7.40 7.40 129.37 55.82 36.10 279.49 839.58	1,639.27
1370	531975	08/27/93	MICHIGAN BULB CO.	MISC COMMODITIES - FLOWERS	65.95	65.95
1371	560250	08/27/93	MN STATE PLANNING CONF. 1993	TRAVEL & TRAINING	115.00	115.00

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
1372	310710	08/27/93	GOPHER STATE ONE-CALL, INC.	JULY 93 SERVICE	105.75	105.75
1373	541400	08/27/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	690.00	690.00
1374	190400	08/27/93	DEPT. OF NATURAL RESOURCES	DNR LICENSE FEES PAYALBE	144.00	144.00
1375	722200	08/27/93	PUBLIC EMPLOYEE	8/13/93 P/R DEDUCTION 8/13/93 P/R DEDUCTION	11,295.82 14,610.19	25,906.01
1376	541400	08/27/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYABLE	15,247.75	15,247.75
1377	720768	08/30/93	PREMIER BANK	FICA 8/27/93 P/R FMT 8/27/93 P/R FICA 8/27/93 P/R	10,036.87 23,324.10 10,036.87	43,397.84
1378	541400	08/30/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYABE	578.00	578.00
1379	541400	08/30/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	14,339.83	14,339.83
1380	943500	08/30/93	WISCONSIN DEPT. OF REVENUE	STATE INCOME TAX PAYABLE	318.71	318.71
1381	722200	08/30/93	PUBLIC EMPLOYEE	P/R DEDUCTED IN AUG - DET PRE	345.00	345.00
1382	630235	08/31/93	NATURAL AREAS ASSOCIATION	BOOKS	22.00	22.00
1383	541400	08/31/93	MINN. STATE TREASURER	STATE DRIVERS LIC FEES PAYALBE	772.50	772.50
1384	541400	08/31/93	MINN. STATE TREASURER	MOTOR VEH LIC FEES PAYALBE	13,120.83	13,120.83
10949	010080	09/13/93	A-1 ROOTMASTER, INC.	REPAIR & MAINT/BLDG & GROUNDS	87.00	87.00
10950	010497	09/13/93	ABLE HOSE & RUBBER INC.	SUPPLIES - VEHICLE	157.28	157.28
10951	020025	09/13/93	ADOLFSON & PETERSON, INC.	#1 PROGRESS PMT FOR GEN CONST #1 PROGRESS PMT FOR GEN CONST	216,520.00 21,652.00-	194,868.00
10952	020400	09/13/93	AIR SIGNAL, INC.	PAGER SERVICE FOR BLDG MAINT P PAGER SERVICE	19.94 5.63	25.57
10953	020800	09/13/93	ALIPERTO, ROBERT	REFUND - STATE TOURNAMENT DEP	100.00	100.00
10954	020825	09/13/93	ALL RITE ELECTRIC COMPANY	REPAIR & MAINT/BLDG & GROUNDS	54.00	54.00
10955	021185	09/13/93	AMERICAN ENGINEERING TESTING	OUTSIDE ENGINEERING FEES	234.25	234.25
10956	021200	09/13/93	AMERICAN FASTENER	SUPPLIES - VEHICLE	24.19	24.19
10957	021550	09/13/93	AMERICAN TOOL	SUPPLIES - EQUIPMENT	5.38	5.38
10958	021700	09/13/93	AMOCO OIL CO.	FUEL & OIL	34.79	34.79

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
10959	030420	09/13/93	ANDERSON, EVERETT A	CONSULTINGS INSPS. AUG. 1993	362.50	362.50
10960	040915	09/13/93	ARNALS AUTO SERVICE	REPAIR & MAINT/VEHICLE	889.70	
				REPAIR & MAINT/VEHICLE	69.86	959.56
10961	061000	09/13/93	BANICK, JOHN	AUGUST 1993	35.00	35.00
10962	061100	09/13/93	BANNIGAN & KELLY P.A.	JULY 1993 LEGAL	7,056.24	
				JULY 1993 LEGAL	202.50	
				JULY 1993 LEGAL	67.50	7,326.24
10963	061120	09/13/93	BARBER CONSTRUCTION	CONTRACTS PAYABLE - RETAINAGE	1,815.84	1,815.84
10964	061900	09/13/93	BATTERY TIRE WAREHOUSE	SUPPLIES - VEHICLE	168.52	
				SUPPLIES - VEHICLE	34.18	202.70
10965	071450	09/13/93	BIFFS	UNIT HARVEST BALL TOURN.	53.26	
				REGULAR UNIT & SERVICE	114.26	
				REGULAR UNIT & SERVICE	158.52	
				REGULAR UNIT & SERVICE	89.26	
				BET UNIT FOR SOCCER TOURNAMENT	53.26	468.56
10966	081150	09/13/93	BOHL, JOHN	AUGUST 1993	35.00	35.00
10967	091350	09/13/93	BROCK WHITE	SUPPLIES - JANITORIAL	41.18	41.18
10968	101350	09/13/93	BUILDERS SQUARE	SUPPLIES - EQUIPMENT	31.30	31.30
10969	101900	09/13/93	BUSINESS RECORDS CORP., MN	SUPPLIES - OFFICE	322.25	322.25
10970	110050	09/13/93	C-AIRE, INC.	SUPPLIES - EQUIPMENT	21.78	21.78
10971	110460	09/13/93	CAREER TRACK INC.	TRAVEL & TRAINING	49.00	49.00
10972	110608	09/13/93	CARVER, NICHOLAS	TRAVEL & TRAINING	175.25	175.25
10973	110875	09/13/93	CATHODIC PROTECTION SERVICES	REPAIR & MAINT/UTILITY	947.00	947.00
10974	120325	09/13/93	CELLULAR ONE	TELEPHONE	22.45	
				TELEPHONE	24.50	
				CELLULAR PHONE USE	108.28	
				TELEPHONE	77.21	
				TELEPHONE	21.84	254.28
10975	120375	09/13/93	CEMSTONE PRODUCTS COMPANY	MAINTENANCE MATERIAL	116.62	116.62
10976	151370	09/13/93	COMPUSERVE, INC.	MAY CBA CHARGES	8.95	8.95
10977	152300	09/13/93	COPY DUPLICATING PROD.	DUPLICATING COSTS	405.79	405.79
10978	170200	09/13/93	CUSHMAN MOTOR CO.	MAINTENANCE MATERIAL	184.59	184.59

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
10979	180110	09/13/93	D.C.A.	DENTAL CLAIMS	1,381.00	1,381.00
10980	180800	09/13/93	DALCO	SUPPLIES - JANITORIAL	186.38	
				SUPPLIES - EQUIPMENT	58.58	244.96
10981	181870	09/13/93	DAWSON, JEFF	REFUND - STATE TOURNAMENT DEP	100.00	100.00
10982	181900	09/13/93	DAYTON'S BLUFF SHEET METAL, IN	SUPPLIES - EQUIPMENT	21.30	21.30
10983	210300	09/13/93	DONS PAINT & BODY	REPAIR & MAINT/VEHICLE	529.50	529.50
10984	210310	09/13/93	DON'S RODENTS	PROGRAM SUPPLIES	28.12	28.12
10985	210325	09/13/93	DOODY MECHANICAL, INC.	#1 PROGRESS PMT FOR MECHANICAL	10,000.00	
				#1 PROGRESS PMT FOR MECHANICAL	1,000.00-	9,000.00
10986	210375	09/13/93	DORLE, TAMARA	REFUND - STATE TOURNAMENT DEP	100.00	100.00
10987	220180	09/13/93	DUD CHEM INC.	CHEMICALS	130.22	130.22
10988	230225	09/13/93	F.K. QUEHL	PRINTING ICR FORMS	103.48	
					606.84	710.32
10989	231650	09/13/93	EGGHEAD DISCOUNT SOFTWARE	SUPPLIES - EQUIPMENT	158.69	158.69
10990	240350	09/13/93	EMED COMPANY INC.	SUPPLIES - EQUIPMENT	129.31	129.31
10991	270150	09/13/93	FLAIL-MASTER CORPORATION	SUPPLIES - VEHICLE	299.53	
				SUPPLIES - VEHICLE	18.28-	281.25
10992	270250	09/13/93	FLEET TECH SERVICE CORP.	REPAIR & MAINT/VEHICLE	439.76	
				REPAIR & MAINT/VEHICLE	67.50	
				REPAIR & MAINT/VEHICLE	143.84	651.10
10993	270300	09/13/93	FLEXIBLE PIPE TOOL	SUPPLIES - VEHICLE	1,195.01	1,195.01
10994	300500	09/13/93	G & K SERVICES	UNIFORMS & CLOTHING	90.49	
				UNIFORMS & CLOTHING	338.95	
				UNIFORMS & CLOTHING	153.95	
				UNIFORMS & CLOTHING	51.26	
				UNIFORMS & CLOTHING	181.74	
				UNIFORMS & CLOTHING	198.75	1,015.14
10995	301050	09/13/93	GALL'S INC.	PROGRAM SUPPLIES	24.49	24.49
10996	301100	09/13/93	GAME TIME	MAINTENANCE MATERIAL	304.00	304.00
10997	301190	09/13/93	GARDNER BROS. CONST.	GRADING ESCROW REFUND	1,000.00	
				GRADING ESCROW REFUND	11.37	1,011.37
10998	302300	09/13/93	GEORGE'S BODY SHOP	REPAIR & MAIN/VEHICLE	136.95	

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				REPAIR & MAINT/VEHICLE	190.00	326.95
10999	310400	09/13/93	GOODYEAR TIRE COMPANY	REPAIR & MAINT/VEHICLE	105.63	105.63
11000	310650	09/13/93	GOPHER DISPOSAL	JULY 1993 RECYCLING	13,978.72	13,978.72
11001	320525	09/13/93	GRUBER'S POWER EQUIPMENT	SUPPLIES - EQUIPMENT	105.12	
				SUPPLIES - EQUIPMENT	38.32	143.44
11002	330060	09/13/93	H.V. JOHNSTON CULVERT CO.	MAINTENANCE MATERIAL	410.54	
				MAINTENANCE MATERIAL	151.78	562.32
11003	340110	09/13/93	HEJNY RENTALS, INC	USE OF SIGN	63.25	
				OUTSIDE RENTAL - EQUIPMENT	26.53	89.78
11004	351450	09/13/93	HOSCH, GREG	REFUND - STATE TOURNAMENT DEP	100.00	100.00
11005	370076	09/13/93	HUGHES & COSTELLO	PROSECUTION SERVICES	4,500.00	4,500.00
11006	390720	09/13/93	INST. OF POLICE TECH. & MGMT	BOOKS	30.01	
				BOOKS	1.56	28.45
11007	391924	09/13/93	IRISH, BARBARA	REFUND - NATURE CENTER PROGRAM	3.00	3.00
11008	400736	09/13/93	JWP TELECOM INC.	TELEPHONE SEPT 1993	650.76	650.76
11009	401530	09/13/93	JOHN WILEY & SONS	BOOKS	46.95	
				BOOKS	60.48	107.43
11010	401900	09/13/93	JOLLY TYME FAVORS	PROGRAM SUPPLIES	12.25	12.25
11011	420150	09/13/93	KINKO'S COPIES	PUBLISHING	28.76	28.76
11012	420285	09/13/93	KLOSS, HENRY	PERMIT FEE 28021	15.00	
				PERMIT FEE 28021	.50	
				PERMIT FEE 28021	9.75	25.25
11013	430420	09/13/93	KNOX LUMBER	MAINTENANCE MATERIAL	125.19	125.19
11014	430800	09/13/93	KOKESH ATHLETIC	PROGRAM SUPPLIES	1,063.93	1,063.93
11015	450125	09/13/93	L.F.T.N.	SERVICE PERIOD SEPT 93	488.00	488.00
11016	450140	09/13/93	LAB SAFETY SUPPLY, INC.	UNIFORMS & CLOTHING	46.58	46.58
11017	451825	09/13/93	LANIER	REPAIR & MAINT/EQUIPMENT	97.00	97.00
11018	470700	09/13/93	LILLIE SUBURBAN NEWSPAPERS	SUB. TO MPLWD REVIEW - 1 YEAR	16.00	
				SUB TO MW RAMSEY COUNTY REVIEW	16.00	32.00
11019	471000	09/13/93	LIPTAK, MARIANNE	REFUND - SOCCER	20.00	20.00

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
11020	490360	09/13/93	LUND, ROXANN	REFUND - SOCCER REFUND - VOLLEYBALL	20.00 23.00	43.00
11021	500775	09/13/93	M.T.E. INC.	SUPPLIES - OFFICE	62.84	62.84
11022	500800	09/13/93	M.T.I. DISTRIBUTING CO.	MAINTENANCE MATERIAL	231.11	231.11
11023	501225	09/13/93	MAC QUEEN EQUIPMENT	SUPPLIES - VEHICLE	83.54	83.54
11024	501505	09/13/93	MAGLICH, GRETCHEN B.	PROGRAM SUPPLIES VEHICLE ALLOWANCE TRAVEL & TRAINING	23.39 24.80 8.00	56.19
11025	511600	09/13/93	MASYS CORP	COMPUTER HARDWARE UPGRADE & INSTALLATION	51,500.00	51,500.00
11026	520056	09/13/93	MCCUSKEY, LINDA	REFUND - SOCCER	20.00	20.00
11027	530300	09/13/93	MELANDER, JON	TRAVEL & TRAINING	315.25	315.25
11028	530513	09/13/93	MENARDS	MAINTENANCE MATERIAL	89.67	89.67
11029	530610	09/13/93	MERIT CHEVROLET	REPAIR & MAINT/VEHICLE REPAIR & MAINT/VEHICLE	50.34 50.34	100.68
11030	531300	09/13/93	METRO INSPECTION SERVICE	AUGUST 93 ELECTRICAL INSPECT AUGUST 93 ELECTRICAL INSPECT AUGUST 93 ELECTRICAL INSPECT	4,041.60 5,052.00 5,052.00	4,041.60
11031	531950	09/13/93	MICHEL, MARC A.	REFUND - STATE TOURNAMENT DEP	100.00	100.00
11032	542675	09/13/93	MINNE MUFFLERS	REPAIR & MAINT/VEHICLE	70.00	70.00
11033	570050	09/13/93	MOBILE EMERGENCY SYSTEMS, INC.	REPAIR & MAINT/VEHICLE REPAIR & MAINT/VEHICLE	4,378.23 935.23	5,313.46
11034	570090	09/13/93	MCGREN BROS.	MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL MAINTENANCE MATERIAL	168.80 66.56 133.13 134.19 79.48	582.16
11035	610075	09/13/93	MULLER-FRIVY UTILITIES	OTHER CONSTRUCTION COSTS	67.50	67.50
11036	630020	09/13/93	NAI ARCHITECTS	FEES - CONSULTING	1,000.00	1,000.00
11037	630080	09/13/93	NTX COMPUTERS	EQUIPMENT - OFFICE SUPPLIES - EQUIPMENT	150.00 457.95	607.95
11038	640550	09/13/93	NELSON, JEAN	VEHICLE ALLOWANCE	30.55	30.55
11039	660800	09/13/93	NORTH ST. PAUL CITY OF	UTILITIES 7/12 - 8/10	1,129.85	

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UTILITIES 7/15 - 8/15	349.31	1,479.16
11040	661181	09/13/93	NORTHERN AIRGAS	SUPPLIES - EQUIPMENT	24.01	
				SUPPLIES - EQUIPMENT	132.65	156.66
11041	661755	09/13/93	NORTHERN STATES POWER	AUGUST 1993 UTILITIES	7,666.06	
				AUGUST 1993 UTILITIES	1,181.07	
				REPAIR GAS MAIN	453.09	9,300.22
11042	661797	09/13/93	NORTHLAND QUALITY	REFUND GRADING ESCROW	1,000.00	
				REFUND GRADING ESCROW	18.22	1,018.22
11043	670950	09/13/93	NYSTROM PUBLISHING COMPANY INC	SEPT. M/M PUBLICATION	2,331.50	2,331.50
11044	690410	09/13/93	DILSON, JEFFREY	REFUND - STATE TOURNAMENT DEP	100.00	100.00
11045	691900	09/13/93	OVRE, PAULA	REFUND - SOCCER	25.00	25.00
11046	700520	09/13/93	P.E. FOSSHE CO.	FEE FOR COMM HEARING	1,650.00	1,650.00
11047	700600	09/13/93	PACKAGING STORE	SHIPPING ON PKGS.	15.44	15.44
11048	700675	09/13/93	PAKOV, GENE	INSPECTION 8-16 TO 8-27-93	5,056.18	
				INSPECTION 8-16 TO 8-27-93	6,320.22	
				INSPECTION 8-16 TO 8-27-93	6,320.22	5,056.18
11049	710800	09/13/93	PET CONNECTION	PROGRAM SUPPLIES	24.68	24.68
11050	711500	09/13/93	PHOTOS TO GO	PHOTOS	4.93	
				PHOTOS	5.47	
				DEVELOP FILM	9.33	19.73
11051	711635	09/13/93	PIONEER MANUFACTURING CO.	MAINTENANCE MATERIAL	250.00	250.00
11052	712111	09/13/93	PLAZA TIRE AND SERVICE INC	REPAIR & MAINT/VEHICLE	23.72	
				REPAIR & MAINT/VEHICLE	311.86	
				REPAIR & MAINT/VEHICLE	51.12	386.70
11053	720765	09/13/93	PREFERRED RISK CONSULTANTS	FEES - CONSULTING JULY 1993	170.00	170.00
11054	721305	09/13/93	PROFESSIONAL REDEVELOPMENT	RELOCATION SERVICES FOR SPPP	893.75	893.75
11055	722400	09/13/93	PUMP & METER	REPAIR & MAINT/EQUIPMENT	189.25	189.25
11056	722800	09/13/93	PYRAMID FILM & VIDEO	BOOKS	162.50	162.50
11057	741200	09/13/93	RAINBOW FOODS	PROGRAM SUPPLIES	37.43	
				PROGRAM SUPPLIES	11.92	
				PROGRAM SUPPLIES	22.00	
				PROGRAM SUPPLIES	34.19	
				PROGRAM SUPPLIES	36.53	

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				PROGRAM SUPPLIES	31.84	
				PROGRAM SUPPLIES	38.82	212.73
11058	741600	09/13/93	RAMSY COUNTY PROPERTY RECORDS	PAINTING CITY STREETS-MESSAGES	5,148.80	
				REPAIR & MAINT/EQUIPMENT	98.96	
				REPAIR & MAINT/EQUIPMENT	29.77	
				DATA PROCESSING FOR JULY '93	119.84	
				DATA PROCESSING FOR JULY '93	5.73	
				DATA PROCESSING FOR JULY '93	5.05	5,408.15
11059	750300	09/13/93	REED'S SALES & SERVICE	SUPPLIES - VEHICLE	8.75	8.75
11060	750900	09/13/93	RENTAL EQUIPMENT AND SALES	MAINTENANCE MATERIAL	55.38	55.38
11061	751372	09/13/93	RICHMOND, TOM	PROGRAM SUPPLIES	180.00	180.00
11062	761400	09/13/93	ROHDE'S TREE SERVICE	TREE REMOVAL	700.28	700.28
11063	762350	09/13/93	RUFF-CUT	CUTTING OF WEEDS	155.00	155.00
11064	780300	09/13/93	S&T OFFICE PRODUCTS INC.	SUPPLIES - OFFICE	63.37	
				SUPPLIES - OFFICE	33.53	
				SUPPLIES - OFFICE	34.74	
				SUPPLIES - OFFICE	13.42	
				SUPPLIES - OFFICE	16.25	
				SUPPLIES -OFFICE	89.20	
				SUPPLIES - OFFICE	78.49	
				SUPPLIES - OFFICE	29.84	
				SUPPLIES - OFFICE	11.91-	
				SUPPLIES - OFFICE	25.65	
				SUPPLIES - OFFICE	60.47	433.05
11065	780399	09/13/93	SPI PRINTING & GRAPHICS	SUPPLIES - OFFICE	26.62	26.62
11066	780402	09/13/93	SPS OFFICE PRODUCTS	SUPPLIES - OFFICE	19.92	
				SUPPLIES - OFFICE	37.07	56.99
11067	780460	09/13/93	SAFETY KLEEN CORP	SERVICE PARTS WASHER	96.12	96.12
11068	780740	09/13/93	SAVOIE SUPPLY COMPANY, INC.	SUPPLIES - JANITORIAL	30.89	30.89
11069	831506	09/13/93	SPECTRUM BUSINESS SYSTEMS	SUPPLIES - OFFICE	100.64	100.64
11070	840300	09/13/93	ST.PAUL BOOK & STATION	SUPPLIES - OFFICE	10.71	
				SUPPLIES - EQUIPMENT	17.15	27.86
11071	840400	09/13/93	ST.PAUL CITY OF	BITUMINOUS MATERIALS	1,339.15	1,339.15
11072	840405	09/13/93	ST. PAUL, CITY OF	REPAIR & MAINT/RADIO	614.70	
				REPAIR & MAINT/RADIO	469.12	
				REPAIR & MAINT/RADIO	367.00	

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				OUTSIDE ENGINEERING FEES 93-03	375.00	
				MAINTENANCE MATERIAL	501.37	
				OUTSIDE ENGINEERING FEES	179.13	
				OUTSIDE ENGINEERING FEES	59.82	
				OUTSIDE ENGINEERING FEES	86.76	
				OUTSIDE ENGINEERING FEES	543.22	
				OUTSIDE ENGINEERING FEES	618.02	
				OUTSIDE ENGINEERING FEES	26.42	
				OUTSIDE ENGINEERING FEES	120.16	
				OUTSIDE ENGINEERING FEES	64.71	
				OUTSIDE ENGINEERING FEES	697.48	
				OUTSIDE ENGINEERING FEES	703.47	5,426.38
11073	841900	09/13/93	STANDARD REGISTER	SUPPLIES - OFFICE	148.47	148.47
11074	842100	09/13/93	STANDARD SPRING & ALIGNMENT	REPAIR & MAINT/VEHICLE	122.02	122.02
11075	843315	09/13/93	STEININGER CONST. CO. INC.	#1 PROGRESS PMT FOR BID PACK 2	233,414.00	
				#1 PROGRESS PMT FOR BID PACK 2	23,341.40-	210,072.60
11076	843470	09/13/93	STINE, CURT	REFUND OF ESCROW	7,500.00	
				REFUND OF ESCROW	2,579.04	10,079.04
11077	843575	09/13/93	STREICHERS GUNS	TOMAR LIGHT & ARROWSTICK	1,168.34	
				EQUIPMENT - OTHER	858.50	
				SUPPLIES - EQUIPMENT	53.14	2,079.98
11078	843602	09/13/93	STROBEL, BELINDA	REFUND - STATE TOURNAMENT DEP	100.00	100.00
11079	850350	09/13/93	SUBURBAN RATE AUTHORITY	MEMBERSHIP ASSESSMENT	1,312.50	1,312.50
11080	850386	09/13/93	SUN CONTRDL	REPAIR & MAINT/EQUIPMENT	85.00	85.00
11081	850601	09/13/93	SUPERAMERICA	SUPPLIES - EQUIPMENT	3.50	
				FUEL * OIL	70.88	
				FUEL * OIL	184.10	258.48
11082	850603	09/13/93	SUPERINTENDENT OF DOCUMENTS	SUBSCRIPTIONS & MEMBERSHIPS	15.00	15.00
11083	860080	09/13/93	T.A. SCHIFSKY & SONS, INC	BLACKTOP PATCH AROUND MANHOLE	175.00	
				T.A. SCHIFSKI	1,840.46	2,015.46
11084	860100	09/13/93	T.J. AUTO PARTS	SUPPLIES - VEHICLE	230.72	
				SUPPLIES - VEHICLE	7.50	
				SUPPLIES - VEHICLE	10.51	248.73
11085	860315	09/13/93	T.K.D.A.	OUTSIDE ENGINEERING FEES	228.76	228.76
11086	860650	09/13/93	TARGET STORES-CPC, A/R	SUPPLIES - EQUIPMENT	10.64	
				PROGRAM SUPPLIES	26.35	
				SUPPLIES - EQUIPMENT	139.27	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 08

VOUCHER/

CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				SUPPLIES - EQUIPMENT	37.88	
				PROGRAM SUPPLIES	29.12	
				SUPPLIES - OFFICE	95.58	338.84
11087	860725	09/13/93	TAUCHER, KAREN	REFUNG - SOCCER	25.00	25.00
11088	880675	09/13/93	TROPHIES UNLIMITED	PROGRAM SUPPLIES	115.81	115.81
11089	880750	09/13/93	TROY CHEMICAL INDUSTRIES	SUPPLIES - JANITORIAL	37.91	37.91
11090	881600	09/13/93	TWIN CITY HARDWARE CO.	MAINTENANCE MATERIAL	157.42	157.42
11091	900100	09/13/93	UNIFORMS UNLIMITED	UNIFORMS & CLOTHING	59.96	
				UNIFORMS & CLOTHING	188.46	
				UNIFORMS & CLOTHING	157.86	
				UNIFORMS & CLOTHING	110.16	
				UNIFORMS & CLOTHING	42.25	558.69
11092	910500	09/13/93	VASKO RUBBISH REMOVAL	SEPT. 1993 RUBBISH REMOVAL	335.28	
				SEPT. 1993 RUBBISH REMOVAL	237.30	
				VASKO RUBBISH REMOVAL	857.02	1,429.60
11093	911350	09/13/93	VIKING ELECTRIC SUPPLY	SUPPLIES - EQUIPMENT	30.54	30.54
11094	911800	09/13/93	VIKING SAFETY PRODUCTS	UNIFORMS & CLOTHING	411.68	411.68
11095	912100	09/13/93	VIRTUE PRINTING	SUPPLIES - OFFICE	27.69	27.69
11096	930525	09/13/93	WAGENMAN, JIM	REFUND - STATE TOURNAMENT DEP	100.00	100.00
11097	931150	09/13/93	WALDOR PUMP	SUPPLIES - EQUIPMENT	33.25	33.25
11098	940500	09/13/93	WEBER-TROSETH INC.	SUPPLIES - VEHICLE	93.78	93.78
11099	940800	09/13/93	WEST PUBLISHING CO.	REFUND - STATE TOURNAMENT DEP	100.00	100.00
				TOTAL CHECKS		1,327,728.23

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
0036341	08/27/93	JOSEPH ZAPPA	286.27
0036342	08/27/93	DALE CARLSON	286.27
0036343	08/27/93	GEORGE ROSSBACH	286.27
0036344	08/27/93	GARY W BASTIAN	325.31
0036345	08/27/93	FRANCES L JUKER	286.27
0036346	08/27/93	MICHAEL A McGUIRE	3,425.17
0036347	08/27/93	THERESE CARLSON	1,226.11
0036348	08/27/93	GAIL BLACKSTONE	2,097.90
0036349	08/27/93	PATRICIA HENSLEY	59.76
0036350	08/27/93	GRETCHEN MAGLICH	2,031.98
0036351	08/27/93	GINA CASAREZ	926.81
0036352	08/27/93	DAVID J JAHN	1,055.60
0036353	08/27/93	LYLE SWANSON	1,139.32
0036354	08/27/93	STEVEN DEHMER	400.13
0036355	08/27/93	KEN TILLGES	23.75
0036356	08/27/93	GREGORY J. PIEKARSKI	36.75
0036357	08/27/93	LARRY J CUDE	316.80
0036358	08/27/93	ANDREA J OSTER	1,198.00
0036359	08/27/93	WILLIAM MIKISKA	197.60
0036360	08/27/93	DANIEL F FAUST	2,514.02
0036361	08/27/93	LINDA ZICK	1,050.00
0036362	08/27/93	DEBORAH DEHN	666.45
0036363	08/27/93	RICHARD HANGSLEBEN	1,522.71
0036364	08/27/93	ALANA K MATHEYS	1,285.21
0036365	08/27/93	MARGARET GIBBS	202.56
0036366	08/27/93	DELORES A VIGNALO	1,261.20
0036367	08/27/93	BRUCE ANDERSON	1,198.00

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
0036368	08/27/93	CAROLE J ANDERSON	544.96
0036369	08/27/93	JUDY DeBILZAN	374.56
0036370	08/27/93	LUCILLE E AURELIUS	2,130.86
0036371	08/27/93	BETTY D SELVOG	156.00
0036372	08/27/93	PATRICIA FRY	726.53
0036373	08/27/93	LOIS BEHM	1,307.51
0036374	08/27/93	CONNIE L KELSEY	678.48
0036375	08/27/93	RONNIE JOHNSON	608.81
0036376	08/27/93	LORRAINE S VIETOR	1,198.92
0036377	08/27/93	CAROL JAGOE	1,114.26
0036378	08/27/93	JEANETTE E CARLE	1,135.47
0036379	08/27/93	SANDRA OLSON	750.73
0036380	08/27/93	MARY KAY PALANK	1,087.83
0036381	08/27/93	KENNETH V COLLINS	2,430.80
0036382	08/27/93	CAROLE L RICHIE	1,151.44
0036383	08/27/93	JOANNE M SVENDSEN	1,527.03
0036384	08/27/93	ELAINE FULLER	608.56
0036385	08/27/93	CAROL F MARTINSON	1,151.44
0036386	08/27/93	ANTHONY G CAHANES	2,095.43
0036387	08/27/93	ROBERT D NELSON	2,095.43
0036388	08/27/93	VERNON T STILL	1,642.10
0036389	08/27/93	DONALD W SKALMAN	2,211.50
0036390	08/27/93	RAYMOND J MORELLI	1,642.10
0036391	08/27/93	SCOTT L STEFFEN	1,733.10
0036392	08/27/93	DAVID L ARNOLD	1,838.10
0036393	08/27/93	JOHN J BANICK	1,836.08
0036394	08/27/93	JOHN C BOHL	2,126.98

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
0036395	08/27/93	DALE K CLAUSON	640.42
0036396	08/27/93	RICHARD M MOESCHTER	1,702.64
0036397	08/27/93	JAMES YOUNGREN	1,838.10
0036398	08/27/93	DAVID KVAM	710.07
0036399	08/27/93	WILLIAM F PELTIER	1,838.10
0036400	08/27/93	THOMAS J SZCZEPANSKI	2,114.16
0036401	08/27/93	CABOT V WELCHLIN	1,667.06
0036402	08/27/93	RICHARD J LANG	1,657.24
0036403	08/27/93	DALE RAZSKAZOFF	1,649.77
0036404	08/27/93	MICHAEL RYAN	2,143.61
0036405	08/27/93	MICHAEL J HERBERT	1,757.15
0036406	08/27/93	SCOTT A ANDREWS	1,300.09
0036407	08/27/93	RICHARD C DREGER	1,849.42
0036408	08/27/93	GREGORY L STAFNE	1,717.78
0036409	08/27/93	RONALD D BECKER	1,642.10
0036410	08/27/93	KEVIN R HALWEG	1,838.10
0036411	08/27/93	DERRELL T STOCKTON	1,642.10
0036412	08/27/93	RICK A BOWMAN	1,943.60
0036413	08/27/93	VIRGINIA DOWDLE	1,414.32
0036414	08/27/93	FLINT D KARIS	1,910.32
0036415	08/27/93	STEPHEN J HEINZ	1,754.93
0036416	08/27/93	JOHN FRASER	1,641.31
0036417	08/27/93	DAVID M GRAF	1,717.30
0036418	08/27/93	DAVID J THOMALLA	1,843.73
0036419	08/27/93	KEVIN RABBETT	1,303.70
0036420	08/27/93	STEVEN PALMA	1,762.32
0036421	08/27/93	ROBERT E VORWERK	1,859.86

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
0036422	08/27/93	JOSEPH A BERGERON	2,051.09
0036423	08/27/93	JAMES MEEHAN	2,097.46
0036424	08/27/93	JON A MELANDER	1,717.30
0036425	08/27/93	SARAH SAUNDERS	1,109.20
0036426	08/27/93	JAMES M EMBERTSON	1,785.61
0036427	08/27/93	DUANE J WILLIAMS	1,545.00
0036428	08/27/93	JANET L RABINE	1,220.40
0036429	08/27/93	JULIE A STAHNKE	1,231.56
0036430	08/27/93	SCOTT K BOYER	1,329.40
0036431	08/27/93	LINDA ADELSON	650.04
0036432	08/27/93	CAROL NELSON	1,905.99
0036433	08/27/93	WALTER LAFFERTY	888.18
0036434	08/27/93	JOSEPH FEHR	1,208.55
0036435	08/27/93	JILL PETERS	1,021.30
0036436	08/27/93	JAYME L FLAUGHER	1,300.76
0036437	08/27/93	JUDITH WEGWERTH	742.80
0036438	08/27/93	KENNETH G HAIDER	2,430.80
0036439	08/27/93	JUDY M CHLEBECK	1,266.00
0036440	08/27/93	WILLIAM PRIEFER	1,398.00
0036441	08/27/93	GERALD W MEYER	1,765.99
0036442	08/27/93	MICHAEL R KANE	2,015.24
0036443	08/27/93	BRYAN NAGEL	1,775.46
0036444	08/27/93	DAVID P LUTZ	1,748.55
0036445	08/27/93	JAMES DARST	1,322.96
0036446	08/27/93	HENRY F KLAUSING	1,622.97
0036447	08/27/93	JOHN SCHMOOCK	1,670.94
0036448	08/27/93	RONALD J HELEY	1,652.40

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
0036449	08/27/93	ERICK D OSWALD	1,603.35
0036450	08/27/93	RONALD L FRERBERG	1,656.00
0036451	08/27/93	WILLIAM C CASS	1,952.31
0036452	08/27/93	TODD ZACK	423.04
0036453	08/27/93	RANDAL LINDBLOM	1,435.31
0036454	08/27/93	JAMES G ELIAS	1,521.20
0036455	08/27/93	JOHN DU CHARME	1,279.41
0036456	08/27/93	DENNIS L PECK	1,531.20
0036457	08/27/93	WILLIAM PRIEBE	1,466.80
0036458	08/27/93	WALTER M GEISSLER	1,591.10
0036459	08/27/93	THERESA METZ	1,293.21
0036460	08/27/93	JOHN R LOFGREN	1,085.40
0036461	08/27/93	ROBERT D ODEGARD	2,187.72
0036462	08/27/93	LOIS J BRENNER	1,288.28
0036463	08/27/93	BARBARA A KRUMMEL	636.18
0036464	08/27/93	PAULINE STAPLES	1,917.11
0036465	08/27/93	LUTHER JONES	83.20
0036466	08/27/93	MARGARET KUNDE	130.00
0036467	08/27/93	ROBERT S ANDERSON	1,254.80
0036468	08/27/93	DENNIS P LINDORFF	1,261.87
0036469	08/27/93	ROLAND B HELEY	1,278.00
0036470	08/27/93	SHANE SWANSON	288.75
0036471	08/27/93	ADAM ANKRUM	546.00
0036472	08/27/93	MARK CARLE	372.00
0036473	08/27/93	STEVEN JAWORSKI	378.00
0036474	08/27/93	MARK A MARUSKA	1,847.02
0036475	08/27/93	JAMES SCHINDELDECKER	1,256.85

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
0036476	08/27/93	MATTHEW KIMLINGER	372.00
0036477	08/27/93	MYLES R BURKE	1,301.20
0036478	08/27/93	LEE STOERZINGER	288.00
0036479	08/27/93	RICHARD E STARK	504.00
0036480	08/27/93	CRAIG MISKELL	503.13
0036481	08/27/93	JANET M GREW HAYMAN	760.82
0036482	08/27/93	JEAN NELSON	588.33
0036483	08/27/93	JUDITH A HORSNELL	819.48
0036484	08/27/93	ANN E HUTCHINSON	1,345.20
0036485	08/27/93	RITA MACY	170.38
0036486	08/27/93	KATHLEEN M DOHERTY	1,220.40
0036487	08/27/93	MARIE BARTA	1,130.80
0036488	08/27/93	GEOFFREY W OLSON	2,187.72
0036489	08/27/93	NANCY MISKELL	443.68
0036490	08/27/93	JOYCE L LIVINGSTON	874.62
0036491	08/27/93	CHRISTOPHER McGLINCEY	348.50
0036492	08/27/93	KENNETH ROBERTS	1,672.11
0036493	08/27/93	THOMAS G EKSTRAND	1,658.30
0036494	08/27/93	MARJORIE OSTROM	1,790.71
0036495	08/27/93	NICHOLAS N CARVER	1,475.60
0036496	08/27/93	ROBERT J WENGER	1,494.00
0036497	08/27/93	KARI GOODNOUGH	94.50
0036498	08/27/93	NATHAN LOCKWOOD	101.25
0036499	08/27/93	ROBERT DAMIANI	50.00
0036500	08/27/93	JILL HANSEN	94.50
0036501	08/27/93	CHRISTOPHER GALBRAITH	220.00
0036502	08/27/93	JESSICA SKALICKY	126.00

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
0036503	08/27/93	RUSSELL SCHMIDT	142.50
0036504	08/27/93	ROY G WARD	446.40
0036505	08/27/93	DOUGLAS J TAUBMAN	1,573.91
0036506	08/27/93	EDWARD A NADEAU	1,564.83
0036507	08/27/93	KEVIN HALWEG, JR	460.00
0036508	08/27/93	ROGER W BREHEIM	1,322.32
0036509	08/27/93	DAVID B EDSON	1,299.60
0036510	08/27/93	RANDALL BELLMORE	978.80
0036511	08/27/93	DAVID GERMAIN	1,322.31
0036512	08/27/93	DENNIS M MULVANEY	1,398.80
0036513	08/27/93	GEORGE C SPREIGL	1,282.00
0036514	08/27/93	CONNIE WERMAGER	878.34
0036515 VOID	08/27/93	MAPLEWOOD STATE BANK #1	447.24
0036516 VOID	08/27/93	MN STATE COMM OF REVENUE	10,060.25
0036517 VOID	08/27/93	FIRST MINNESOTA (FICA)	10,036.87
0036518 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	5,312.96
0036519 ✓	08/27/93	ICMA RETIREMENT TRUST-457	11,612.92
0036520 VOID	08/27/93	FIRST MINNESOTA	443.75
0036521 VOID	08/27/93	CITY OF MAPLEWOOD (HCMA)	3,894.42
0036522 ✓	08/27/93	CITY & COUNTY EMP CR UNION	31,491.00
0036523 VOID	08/27/93	UNITED WAY OF ST. PAUL AREA	128.44
0036524 VOID	08/27/93	COMMERCIAL LIFE INSURANCE	248.70
0036525 ✓	08/27/93	MN STATE RETIREMENT SYSTEM	265.00
0036526 VOID	08/27/93	PUBLIC EMP. RETIREMENT ASSOC.	166.50
0036527 ✓	08/27/93	AFSCME 2725	643.62
0036528 ✓	08/27/93	METRO SUPERVISORY ASSOC	18.00
0036529 ✓	08/27/93	MN. MUTUAL LIFE INS. 19-3988	508.00

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
0036530	08/27/93	MN BENEFIT ASSOCIATION	648.70
0036531 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	308.94
0036532 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	6,049.08
0036533	08/27/93	RAMSEY CO SUPPORT & COLLECT	400.00
0036534 VOID	08/27/93	VACATION CHECK	1,668.88
0036535 VOID	08/27/93	DCA	7.87
0036536 VOID	08/27/93	MEDICA CHOICE	44.81
0036537 VOID	08/27/93	FIRST MINNESOTA (FICA)	10,036.21
0036538 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	5,626.99
0036539 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	402.78
0036540 VOID	08/27/93	PUBLIC EMP RETIREMENT ASSOC	9,073.60
GROSS EARNINGS AND DEDUCTIONS			321,949.60

AGENDA REPORT

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager
FROM: Finance Director *R. Ernst*
RE: BUDGET TRANSFER - FINANCE DEPARTMENT
DATE: August 31, 1993

PROPOSAL

It is proposed that \$675 be transferred from the General Fund contingency account to the Finance Department budget for purchase of a payroll software modification to comply with PERA requirements.

BACKGROUND

The attached copy of "PERA phrase" outlines the new method PERA will use to review public employees not enrolled in a PERA pension plan. The new PERA requirement, entitled EXCLUSION REPORTING, will require an exclusion code effective January 1, 1994, for all employees hired and excluded from PERA deduction. A payroll software modification is required to produce the Exclusion Report required by PERA.

RECOMMENDATION

It is recommended that \$675 be transferred from the General Fund contingency account to the Finance Department budget for purchase of a payroll software modification to comply with PERA requirements.

1z
Attachment



Exclusion Reporting of Non-PERA Members Begins in 1994

This special edition of the *PERAphrase* will introduce you to the new method PERA will use to review public employees not enrolled in a PERA pension plan. The new system, entitled Exclusion Reporting, will be fully implemented in 1994. This special edition explains in detail how exclusion reporting will work.

Minnesota law calls for PERA to attempt to make sure that all public employees required to be enrolled in a PERA pension plan are, in fact, contributing to the plan. To comply with this mandate in the past, PERA conducted annual reviews of pension plan enrollments by examining lists of employees and their earnings for selected pay periods as submitted by public employers. At the urging of the Legislative Commission on Pensions and Retirement, PERA developed, and the legislature enacted into law, a new and more thorough method of reviewing public employee pension coverage.

Under Exclusion Reporting, you, as a public employer, will provide to PERA a list of employees that worked for your agency any amount of time in the calendar year (or academic year for schools) who did *not* contribute to a Minnesota public pension plan. You will be asked to provide the reason each employee was not enrolled in a PERA plan by using one of the numerical exclusion codes PERA developed for this purpose (see codes listed on page 3).

Exclusion Reporting is intended to improve pension enrollment review by, among other things, expanding the number of non-PERA employees reviewed and by enhancing the quality of the information supplied about these employees. In addition, the new format will permit you, if you wish, to develop computer programs to report non-PERA employees.

Questions on how Exclusion Reporting will operate should be directed to the PERA offices. Our phone number is (612) 296-7460 and our toll-free number is 1 (800) 652-9026.

Inside:

Reporting changes for 1994 contract year/Who is included on new report	Pg. 2
PERA- and employer-generated reports/Item-by-item instructions	Pg. 3
Exclusion Codes	Pg. 4
When reports are due/Certification of annual report	Pg. 5
Do you have the right refund forms?/Need additional SDRs?	Pg. 6



Annual Exclusion Reports

Reporting Changes for Contract Year 1994

As part of PERA's reporting requirements, employers submit lists each year so PERA staff can verify that employees eligible for membership are actually enrolled. In fulfilling this legal requirement, employers have had two formats from which to select. One format has been referred to as an "exception report" because it contains only those persons who did not contribute to PERA. The other option is to list ALL employees who received wages, including PERA members and non-members (a "payroll abstract"). In both options, employers listed persons paid during the last full pay period in their "contract year," which is May for school districts and December for all other government agencies.

At the end of the 1993-94 school year (for school districts) and 1994 calendar year (for all others), the exception reports and payroll abstracts will be replaced by a single, standardized report referred to as an Exclusion Report. The annual report will be expanded to cover more than just those persons employed during one pay period in a year and to include the reason (using new exclusion codes) individuals do not have coverage in a qualified public pension plan, as listed in Minnesota Statutes 553.30, Subd. 3.

A sample of the new report is shown below. Detailed information and instructions can be found on the following pages.

Who Is Included On The New Report

The employer is to list all persons who worked during the school year for school employees and calendar year for non-school employees but did not have pension deductions withheld from their salary. This includes all employees and independent contractors currently employed and those who terminated service during the past year.

Do not include employees who were not contributing to PERA at the start of their employment or the contract year **IF** they were enrolled in PERA before the year ended. You should also not include persons who hold positions for which earnings are covered by Teachers Retirement Association (TRA), Minnesota State Retirement System (MSRS), Duluth Teachers Retirement Fund Association, Minneapolis Teachers Retirement

PERA Exclusion Report

Unit Number: 9999-00, 9999-01

Name of Employer: Anytown School

Contract Year: 1993-1994

Date Prepared: 6/6/94

SAMPLE

Exclusion Code	Social Security Number	Individual's Name	Has Employment Ceased	Annual Salary	Salary For Last Pay Period in Year	Pay Cycle
001	477-00-4789	Jones, John	No	\$ 526.05	\$ 326.99	Biweekly
003	359-00-3789	Anderson, Andrew	No	4,018.22	468.90	Biweekly
009	372-38-2183	Nelson, Joseph	No	44,018.00	0.00	Annually
101	468-02-5677	Smith, Mary	Yes	5,225.45	0.00	Biweekly
104	466-33-4444	Johnson, William	No	525.00	525.00	Monthly
201	466-33-2222	Andrews, James	No	5,055.50	505.35	Monthly
301	459-45-8473	Nelson, Margaret	No	3,958.38	123.45	Biweekly
302	433-47-4823	Jones, John	Yes	4,945.33	0.00	Biweekly



Fund Association, St. Paul Teachers Retirement Fund Association, Minneapolis Employees Retirement Fund, or any police or firefighters relief association governed by section 69.77.

There are two options in which Exclusion Reports can be filed. One is for the employer to generate the report and the other is for PERA to send a blank report for the employer to complete.

PERA will automatically send notification to the employers 30 to 60 days before the end of the school or calendar year. Included with the notice will be a blank Exclusion Report for employers to complete. Employers can choose to use the form sent by PERA or print their own.

PERA Printed Exclusion Report

When PERA generates the Exclusion Report, the employer name, unit number, and contract year will be printed. In addition, columns will be identified for the employer to complete. The items required will be the exclusion code, Social Security number, name of person, person's employment status at year end, salary paid for the year, salary paid during the last pay period of the year, and pay cycle for the last pay period.

The employer is to complete the report by identifying persons who were not covered by a qualified public pension plan. Refer to the Item-By-Item Instructions for more detailed information on the completion of this report.

Employer Generated Report

Employers who choose not to use the single-page report generated by PERA may print their own, as long as they do not alter the report format. Whenever possible, please print the Exclusion Report information on standard-size paper (8.5" by 11"), rather than computer-size (13.5" by 11"). Currently PERA is not accepting the Exclusion Report information on tape or diskette.

When printing the Exclusion Report, list the persons who were not covered by a qualified public pension plan in numeric order by exclusion code. Within each of these codes, list the individuals in numeric order by Social Security Number. Leave a blank line between each three-digit exclusion category (0xx, 1xx, 2xx, etc.).

The specific information and format that is required on the Exclusion Report is identified in the Item-By-Item Instructions.

Item-By-Item Instructions

These instructions refer to the sample Exclusion Report shown on page 2.

- 1. Employer's PERA-assigned six-digit unit number(s).** This number can be found in the upper right-hand corner of your Salary Deduction Report(s). If you have multiple unit numbers, identify all numbers such as 9999-01 and 9999-11.
- 2. Name of employer or government agency.**
- 3. Contract year dates being reported.** For school districts the contract year is based on the school year starting July 1, 199X through June 30, 199X; for all other employers, the contract year is the calendar year, January 1, 199X, through December 31, 199X.
- 4. Date prepared.** This is the date the employer completed or printed the report.
- 5. Exclusion code.** This three-digit code (established by PERA) must appear for each person to identify the reason the person is not reported to PERA. *Note:* Employers who print their own Exclusion Reports must list their employees and independent contractors in numeric order by exclusion code. For each of these codes, list individuals in numeric order by Social Security number. Refer to the Exclusion Code Section for a complete list.
- 6. Social Security Number.**
- 7. Names of persons** who are or were employed during the contract year but are not contributing to a qualified public pension fund.
- 8. Person's employment status at year-end.** At a minimum indicate whether the person's employment has ceased. You may show the exact status if you so desire. (Terminated, layoff, leave of absence, etc.)
- 9. Total gross salary for the year.** For school districts this is gross salary earned from July 1, 199X through June 30, 199X, and for all other employers it is salary earned from January 1, 199X, through December 31, 199X.
- 10. Gross salary or wages for each person during the last pay period of the calendar year or the last pay period in May for school districts.**
- 11. Pay cycle.** This is the type of pay cycle for the last pay period.



Exclusion Codes

This three-digit exclusion code (established by PERA) must appear for each person to identify the reason the person is not reported to PERA.

Employers who print their own Exclusion Reports must list their employees and independent contractors in numeric order by exclusion code. For each of these codes, list individuals in numeric order by Social Security number.

0xx - Exclusion Codes which begin with 0 relate to the employed person's affiliation with another entity

- 001 Part-time employees who are also full-time students enrolled in and regularly attending classes at an accredited school, college, or university.
- 002 Employee receives monthly disability benefits from PERA.
- 003 Employee receives monthly retirement benefits from PERA.
- 004 Foreign citizens with a work permit of less than three years, or an H-1B visa valid for less than three years of employment.
- 005 Persons who are excluded from coverage under the federal old age, survivors, disability, and health insurance program for the performance of service as specified in United States Code, title 42, section 410 (a)(8)(A), as amended through January 1, 1987.
- 006 Resident physicians, medical interns, and pharmacist residents and interns serving in a degree or residency program in public hospitals.
- 007 Students who are serving an internship or residency program sponsored by an accredited educational institution.
- 008 Patient and inmate personnel who perform services in charitable, penal, or correctional institutions.
- 009 Independent contractors and their employees.

1xx - Exclusion codes which begin with 1 relate to the position held by the individual

- 101 Persons hired for a pre-determined period of time to be less than six consecutive months AND employment

has not exceeded six months. These cannot be employees who are hired for an unlimited period but must serve a probationary period before they are considered permanent employees.

- 102 Emergency employees who are employed by reason of work caused by fire, flood, storm, or similar disaster.
- 103 Persons who hold a part-time adult supplementary technical institute license who render part-time teaching service in a technical institute.
- 104 Volunteer ambulance personnel who are advanced life support emergency medical service staff who are not covered by the PERA Defined Contribution Plan.
- 105 Election officers (judges).

2xx - Exclusion codes which begin with 2 relate to employees who have the option not to participate in PERA

- 201 Elected public officers, or persons appointed to fill an elected position vacancy who did not choose to participate.
- 202 Public hospital employees who elected not to participate in PERA before 1972.
- 203 City managers or chief administrative officers (see Minnesota Statutes, Section 353.028) who filed with PERA an election of exclusion within six months of commencement of employment.

3xx - Exclusion codes which begin with 3 relate to the salary of the employee

- 301 Employees who earn \$425 or less in a calendar month.
- 302 Employees whose annual compensation is stipulated in advance, in writing, to be not more than \$5,100 for a full calendar year or school year for school employees.
- 303 Employees hired after the start of a year whose annual compensation is stipulated in advance, in writing, not to exceed a pro-rated amount, determined by multiplying \$425 by the number of months left in the year.

(Exclusion Codes continued on page 5)



4xx Exclusion codes which begin with 4 apply to persons who hold multiple excluded positions at the same time.

401 Employee holds a part-time position for which the monthly salary has never exceeded \$425 and this individual holds a position of less than six consecutive months.

402 Employee holds a part-time position for which the annual salary has never exceeded \$5,100 and this individual holds a position of less than six consecutive months.

When Exclusion Reports are Due

Exclusion Reports are due in the PERA office by August 31 of each year for school districts and February 28 for all other employers.

Certification of Annual PERA Exclusion Report

The Department Head must certify the accuracy and completeness of the Exclusion Report before it is filed with PERA. A Certification of Annual PERA Exclusion Report form will be mailed to employers with the notice requesting the annual report. The Department Head will be required to complete and sign the certification form and return it to PERA with the Exclusion Report.

The Department Head authorized to sign the certification would be the person in authority of the county, school, city, township or other government agency. For example, it would be a county auditor, school superintendent, city manager, or township official.

An example of the certification form can be found below.

CERTIFICATION OF ANNUAL PERA EXCLUSION REPORT

Name of Governmental Subdivision	Department Name (If Applicable)
Subdivision Type (check one) <input type="checkbox"/> School District <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> All Others	PERA Unit Number(s) - Unique Code(s)
Name and Job Title of Contact Person	Contract Year Coverage Dates ____/____ through ____/____
Telephone Number of Contact Person	
Mailing Address of Contact Person	

CERTIFICATION OF DEPARTMENT HEAD

I, _____, certify that I have reviewed the enclosed PERA Exclusion Report for _____ and to the best of my knowledge and belief, it

(Name of Department Head)
(Name of Governmental Unit and Department)

- 1) is a complete listing of those persons who were employed by this governmental subdivision in the contract year indicated above but for whom no deductions were made from their salaries for credit in PERA or another qualified Minnesota pension fund (as listed in Minnesota Statutes 356.30, Subdivision 3); and
- 2) accurately reflects the exclusion that prohibits coverage in PERA, under Minnesota Statutes 353.01, subdivision 2, as well as all salary and employment data according to the records of this office.

Signature of Department Head

Date

AGENDA REPORT

TO: City Manager
 FROM: Public Works Coordinator
 SUBJECT: Final Payment—Overlay
 DATE: August 26, 1993

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Tower Asphalt has successfully completed Project 93-07, Bituminous Overlay, in accordance with the plans and specifications.

The estimated amount of the project was \$91,422.50. Due to uneven pavement, the actual amount is \$94,685.82 (approximately 3.5% overrun). The budgeted amount for overlay and seal coating is \$165,000.

Overlay project	\$ 94,685.82 (actual)
Manhole adjusting rings	7,902.30 (actual)
Seal coating	<u>59,898.00</u> (awarded contract price)
Total	\$162,486.12

Final payment to Tower Asphalt, Inc. in the amount of \$94,685.82 is recommended.

WCC

jw

AGENDA REPORT

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: Budget Adjustment
DATE: September 1, 1993

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

Throughout early August, city personnel monitored the water levels of two ponding areas that have no outlets. One is located at the northwest corner of Adolphus Street and Larpenteur Avenue and the other is at the northwest corner of Ripley Avenue and Edgerton Street. The latter is connected to the pond in Forest Lawn Cemetery by a culvert under Edgerton Street. On August 9, 1993, the water levels in both ponds had risen to within four inches of entering the basements of four homes, two at each of the ponds.

Pumping operations commenced at approximately 3 p.m. on August 9 and continued on a 24-hour basis (Monday through Friday) for ten days at the Adolphus pond and for 13 days at the Edgerton pond. These operations were successful in protecting the four homes from damage and in providing a cushion for storing future runoff in both ponds.

A pond level gauge was installed in the pond in Forest Lawn Cemetery and is visible from Edgerton Street. Pumping was begun when the level reached 3 feet 0 inches and continued until the gauge read 0 feet 9 inches. This gauge will remain in place for future monitoring.

On August 30, 1993, the Federal Emergency Management Agency (FEMA) approved the city's application for reimbursement of 78 percent of the cost of the pumping operations. The amount of the reimbursement is \$21,326.76.

It is recommended that the appropriate budget adjustments be made for this grant.

WCC

jc

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

AGENDA REPORT

TO: City Manager
 FROM: Public Works Administrative Assistant
 SUBJECT: Highwood-McKnight Outlet, Project 90-10: Acceptance of Project, Recapitulating Change Order, and Final Payment
 DATE: September 3, 1993

Introduction

This project is now complete. A resolution is attached to accept the project and to make final payment. A recapitulating change order is also attached.

Background

The construction cost of the contract has increased 13% over the bid amount. As detailed in the attached December 21, 1992, staff report, the major items of increase were for common excavation, sanitary and storm sewer pipe, and sodding. The common excavation increased in cost by \$21,063 because the earthwork estimate by the consulting engineer for Ponds 15 and 12 was assumed to balance the fill required in the ravines. Consequently, a heavier clay material had to be imported to better control erosion. The original bid also incorrectly excluded topsoil which also had to be imported as salvageable material near Pond 12 was insufficient in quantity. Additional sanitary sewer costs of \$10,798 were due to extra depth required but not anticipated on consulting engineer's plans. Additional sodding costs of \$12,085 were more than anticipated to better control erosion along McKnight Road, Highwood Avenue, and the rear lots of Ponds 12 and 15.

Budget Impact

COSTS

	<u>Award of Bid</u> <u>5-11-92</u>	<u>Costs-to-Date</u> <u>9-3-93</u>
Construction	\$476,925.95	\$539,835.00
Contingency	54,174.05	7,000.00 *
Indirect costs	<u>382,900.00</u>	<u>430,100.00</u>
Total costs	<u>\$914,000.00</u>	<u>\$976,935.00</u>

FINANCING

Special assessments	\$304,600.00	\$226,756.00
Developer payment	57,600.00	57,600.00
Ramsey County	20,000.00	54,685.00
St. Paul Sewer	0.00	9,507.00
General obligation	<u>531,800.00</u>	<u>628,387.00</u>
Total financing	\$914,000.00	\$976,935.00

*The estimate of St. Paul billing for abandonment of the storm sewer on French's property and for additional work by St. Paul's contractor is now \$7,000 instead of \$12,000 as estimated on December 21, 1992.

Recommendation

It is recommended that the final recapitulating change order in the amount of \$53,078.88 be approved. It is also recommended that a resolution to accept the project and release final payment in the amount of \$11,417.31 be adopted.

WJP

jw
Attachments

RESOLUTION
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project 90-10, Highwood-McKnight Outlet, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 90-10, Change Order Final Recapitulating.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order Final Recapitulating in the amount of \$53,078.88.

The project budget is amended to \$976,935. The project financing is amended as follows:

Special assessments	\$226,756
Developer payment	57,600
Ramsey County payment	54,685
General obligation	628,387
St. Paul sewer payment	<u>9,507</u>
Total	\$976,935

RESOLUTION
ACCEPTANCE OF PROJECT

WHEREAS, the city engineer for the City of Maplewood has determined that Highwood-McKnight Outlet, City Project 90-10, is complete and recommends acceptance of the project;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that City Project 90-10 is complete and maintenance of these improvements is accepted by the city. Release of retainage in the amount of \$11,417.31 is hereby authorized.

RECAPITULATING CHANGE ORDER
DEPARTMENT OF PUBLIC WORKS
MAPLEWOOD, MINNESOTA

Project Name: Highwood-McKnight Storm Sewer
Project No.: 90-10
Contractor: C.W. Houle, Inc.

Change Order No.: Final
Date: July 13, 1993

The following changes shall be made in the contract documents:

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
	Schedule 1 Storm Drainage					
1	Traffic control	LS	1	\$4,000.00	1.00	\$0.00
2	Precast conc. bar Type 3	LF	100	\$11.00	100.00	\$0.00
3	Clearing & grubbing	AC	3.4	\$4,600.00	3.48	\$368.00
4	Remove bit. pavement	SY	6950	\$1.27	8711.59	\$2,237.22
5	Common excavation	CY	13540	\$2.66	21458.74	\$21,063.85
6	Subgrade preparation	RS	18.7	\$120.00	18.95	\$30.00
7	Cl. 5 agg. base, 100% cr.	T	5500	\$6.28	5383.22	(\$733.38)
8	Bit. wear, Type 41B	T	1000	\$20.60	1047.71	\$982.83
9	Bit. base, Type 31B	T	1010	\$19.65	1014.00	\$78.60
10	Bit. tack coat	GAL	400	\$1.45	330.00	(\$101.50)
11	Coarse filter agg.	CY	200	\$14.00	233.11	\$463.54
12	12" RC pipe apron w/trash gd.	EA	2	\$530.00	2.00	\$0.00
13	15" RC pipe apron w/trash gd.	EA	3	\$595.00	3.00	\$0.00
14	21" RC pipe apron w/trash gd.	EA	1	\$920.00	1.00	\$0.00
15	27" RC pipe apron w/trash gd.	EA	1	\$1,075.00	1.00	\$0.00
16	30" RC pipe apron w/trash gd.	EA	2	\$1,190.00	2.00	\$0.00
17	36" RC pipe apron w/trash gd.	EA	1	\$1,545.00	1.00	\$0.00
18	54" RC pipe apron w/trash gd.	EA	1	\$2,800.00	1.00	\$0.00
19	36" trash gd. onto ex. RC pipe	EA	1	\$890.00	1.00	\$0.00
20	18" perf. pipe underdrain	LF	435	\$13.55	430.00	(\$67.75)
21	12" RC pipe sew. 3006, Cl. 3	LF	130	\$20.25	425.62	\$5,986.31
22	15" RC pipe sew. 3006, Cl. 3	LF	97	\$22.00	210.00	\$2,486.00
23	18" RC pipe sew. 3006, Cl. 3	LF	280	\$23.25	282.00	\$46.50
24	21" RC pipe sew. 3006, Cl. 3	LF	126	\$25.75	126.00	\$0.00
25	24" RC pipe sew. 3006, Cl. 3	LF	370	\$22.75	375.00	\$113.75
26	27" RC pipe sew. 3006, Cl. 4	LF	546	\$35.50	553.00	\$248.50

HIGHWOOD-McKNIGHT STORM SEWER RECAP
PROJECT 90-10

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
27	30" RC pipe sew. 3006, Cl. 3	LF	170	\$35.50	503.00	\$11,821.50
28	30" RC pipe sew. 3006, Cl. 4	LF	488	\$46.50	165.00	(\$15,019.50)
29	36" RC pipe sew. 3006, Cl. 4	LF	434	\$55.50	434.00	\$0.00
30	54" RC pipe sew. 3006, Cl. 4	LF	292	\$112.00	272.00	(\$2,240.00)
31	54" RC pipe sew. bend, 3006, Cl. 4	LF	52	\$163.00	64.00	\$1,956.00
32	Rem. apron & plug 30" RCP	LS	1	\$1,250.00	1.00	\$0.00
33	Catch basin, 24" x 36"	EA	2	\$710.00	4.00	\$1,420.00
34	Manhole 1, 48" dia.	EA	1	\$1,370.00	1.00	\$0.00
35	Manhole 2, 60" dia.	EA	1	\$1,785.00	1.00	\$0.00
36	Manhole 3, 60" dia.	EA	1	\$1,500.00	1.00	\$0.00
37	Manhole 4, 48" dia.	EA	1	\$620.00	1.00	\$0.00
38	Manhole 5, 48" dia.	EA	1	\$1,200.00	1.00	\$0.00
39	Manhole 5A, 48" dia., recon. ex.	EA	1	\$440.00	1.00	\$0.00
40	Manhole 6, 48" dia.	EA	1	\$620.00	1.00	\$0.00
41	Manhole 7, 48" dia.	EA	1	\$600.00	1.00	\$0.00
42	Manhole 8, 48" dia.	EA	1	\$600.00	1.00	\$0.00
43	Manhole 9, 48" dia.	EA	1	\$600.00	1.00	\$0.00
44	Manhole 10, 72" dia.	EA	1	\$2,895.00	1.00	\$0.00
45	Manhole 11, 72" dia.	EA	1	\$2,695.00	1.00	\$0.00
46	Manhole 12, 48" dia.	EA	1	\$820.00	2.00	\$820.00
47	Manhole 13, 72" dia.	EA	1	\$2,955.00	1.00	\$0.00
48	Manhole 14, 72" dia.	EA	1	\$3,950.00	1.00	\$0.00
49	Manhole 15, 60" dia.	EA	1	\$2,300.00	1.00	\$0.00
50	Manhole 16, 48" dia.	EA	1	\$1,050.00	1.00	\$0.00
51	Manhole 17, 48" dia.	EA	1	\$1,140.00	1.00	\$0.00
52	Manhole 18, 48" dia.	EA	1	\$650.00	1.00	\$0.00
53	MH 19, 48" dia., ex. conn.	EA	1	\$550.00	1.00	\$0.00
54	Stil. cast. R4342, P. 15 inl. MH	EA	1	\$220.00	1.00	\$0.00
55	Random riprap, Cl. 1	CY	130	\$38.00	130.00	\$0.00
56	Random riprap, Cl. 3	CY	29	\$43.00	29.00	\$0.00
57	Random riprap, Cl. 4	CY	86	\$51.00	86.00	\$0.00
58	Random riprap, Cl. 5	CY	110	\$54.00	110.00	\$0.00
59	Structure markers	EA	20	\$31.00	14.00	(\$186.00)
60	8" PVC san., 0'-10' deep	LF	857	\$11.65	480.00	(\$4,392.05)
61	8" PVC san., 10'-12' deep	LF	238	\$12.65	435.00	\$2,492.05

HIGHWOOD-McKNIGHT STORM SEWER RECAP
PROJECT 90-10

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
62	8" PVC san., 12'-14' deep	LF	135	\$13.65	346.00	\$2,880.15
63	8" DIP san., 0'-10' deep	LF	65	\$17.25	50.00	(\$258.75)
64	8" DIP san., 10'-12' deep	LF	60	\$19.25	65.00	\$96.25
65	8" DIP san., 12'-14' deep	LF	45	\$21.25	50.00	\$106.25
66	8" DIP san., 14'-16' deep	LF	50	\$24.25	45.00	(\$121.25)
67	8" DIP san., 16'-18' deep	LF	50	\$29.25	45.00	(\$146.25)
68	8" DIP san., 18'-20' deep	LF	50	\$34.25	50.00	\$0.00
69	8" DIP san., 20'-22' deep	LF	96	\$39.25	95.00	(\$39.25)
70	12" PVC san., MWCC bypass	LS	1	\$1,600.00	1.00	\$0.00
71	12" DIP sanitary	LF	20	\$55.00	20.00	\$0.00
72	Manhole, 0'-8' deep	EA	6	\$1,500.00	6.00	\$0.00
73	Manhole, ex. depth, >8'	LF	26.98	\$80.00	30.22	\$259.20
74	8" x 4" serv. wye. PVC or DIP	EA	11	\$70.00	16.00	\$350.00
75	4" service pipe	LF	532	\$10.20	1164.14	\$6,447.83
76	8" gate valve	EA	1	\$2,100.00	1.00	\$0.00
77	Pres. red. valves & MH	LS	1	\$11,500.00	1.00	\$0.00
78	Assist. SPWU W/12" gate valve	LS	1	\$550.00	1.00	\$0.00
79	Remove water main	LF	190	\$19.00	164.00	(\$494.00)
80	12" gate valve	EA	1	\$1,000.00	1.00	\$0.00
81	12" DIP water main	LF	159	\$40.00	163.00	\$160.00
82	Insulation	SF	256	\$5.00	349.20	\$466.00
83	Fittings	LB	1915	\$1.10	1034.91	(\$968.10)
84	Conc. curb & gutter	LF	200	\$15.40	321.80	\$1,875.72
85	Bituminous curb	LF	1700	\$2.85	2125.00	\$1,211.25
86	Ch. link fence, sal. & reinst.	LF	95	\$4.00	220.00	\$500.00
87	Ch. link fence, Des. 60V-9322	LF	950	\$9.34	858.56	(\$854.05)
88	Veh. gate, 12', 1 panel	EA	2	\$1,010.00	3.00	\$1,010.00
89	Relocate storage shed	LS	1	\$250.00	1.00	\$0.00
90	Furn. & plant, spruce, 4'-5'	EA	7	\$175.00	11.00	\$700.00
91	Furn. & plant, pine, 4'-5'	EA	8	\$175.00	8.00	\$0.00
92	Furn. & plant, maple, 1.5"-2"	EA	10	\$245.00	11.00	\$245.00
93	Furn. & plant, birch, 7'-8' clump	EA	5	\$258.00	7.00	\$516.00
94	Furn. & plant, ash, 1.5"-2"	EA	5	\$258.00	5.00	\$0.00
95	Furn. & plant, Willow, 1.5"-2"	EA	5	\$133.00	6.00	\$133.00
96	Transplant tree	EA	3	\$110.00	5.00	\$220.00

HIGHWOOD-McKNIGHT STORM SEWER RECAP
PROJECT 90-10

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
97	Silt fence, preassembled	LF	500	\$1.50	636.00	\$204.00
98	Seed and mulch	AC	6	\$670.00	5.60	(\$268.00)
99	Sod, lawn & blvd.	SY	5000	\$1.75	12836.00	\$13,713.00
100	Wood fiber blanket, reg.	SY	11300	\$1.00	6560.50	(\$4,739.50)
	Total					\$53,078.88

Contract Status

Cost

Original Contract:	\$476,925.95
Previous Change Orders	9,830.28
Change This Change Order:	53,078.88
Revised Contract:	539,835.11

Approved _____
Mayor

Approved *Kevin P. Hester*
Engineer

Agreed to by Contractor by *CW Houle Inc, Bryan W Houle*

Its *Bryan W Houle* *President*
Title

CITY OF MAPLEWOOD
DEPARTMENT OF PUBLIC WORKS
1830 EAST COUNTY ROAD B
MAPLEWOOD, MINNESOTA 55109

Estimate No. Final Period ending June 30, 1993

Project No. 90-10

Project: Highwood/McKnight Outlet

Original contract amount: \$476,925.95

Contractor: C. W. Houle, Inc.

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
	Schedule 1 Storm Drainage					
1	Traffic control	LS	1	\$4,000.00	1.00	\$4,000.00
2	Precast conc. bar Type 3	LF	100	\$11.00	100.00	\$1,100.00
3	Clearing & grubbing	AC	3.4	\$4,600.00	3.48	\$16,008.00
4	Remove bit. pavement	SY	6950	\$1.27	8711.59	\$11,063.72
5	Common excavation	CY	13540	\$2.66	21458.74	\$57,080.25
6	Subgrade preparation	RS	18.7	\$120.00	18.95	\$2,274.00
7	Cl. 5 agg. base, 100% cr.	T	5500	\$6.28	5383.22	\$33,806.62
8	Bit. wear, Type 41B	T	1000	\$20.60	1047.71	\$21,582.83
9	Bit. base, Type 31B	T	1010	\$19.65	1014.00	\$19,925.10
10	Bit. tack coat	GAL	400	\$1.45	330.00	\$478.50
11	Coarse filter agg.	CY	200	\$14.00	233.11	\$3,263.54
12	12" RC pipe apron w/trash gd.	EA	2	\$530.00	2.00	\$1,060.00
13	15" RC pipe apron w/trash gd.	EA	3	\$595.00	3.00	\$1,785.00
14	21" RC pipe apron w/trash gd.	EA	1	\$920.00	1.00	\$920.00
15	27" RC pipe apron w/trash gd.	EA	1	\$1,075.00	1.00	\$1,075.00
16	30" RC pipe apron w/trash gd.	EA	2	\$1,190.00	2.00	\$2,380.00
17	36" RC pipe apron w/trash gd.	EA	1	\$1,545.00	1.00	\$1,545.00
18	54" RC pipe apron w/trash gd.	EA	1	\$2,800.00	1.00	\$2,800.00
19	36" trash gd. onto ex. RC pipe	EA	1	\$890.00	1.00	\$890.00
20	18" perf. pipe underdrain	LF	435	\$13.55	430.00	\$5,826.50
21	12" RC pipe sew. 3006, Cl. 3	LF	130	\$20.25	425.62	\$8,618.81
22	15" RC pipe sew. 3006, Cl. 3	LF	97	\$22.00	210.00	\$4,620.00
23	18" RC pipe sew. 3006, Cl. 3	LF	280	\$23.25	282.00	\$6,556.50

Highwood/McKnight Outlet
Project 90-10
June 30, 1993

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
24	21" RC pipe sew. 3006. Cl. 3	LF	126	\$25.75	126.00	\$3,244.50
25	24" RC pipe sew. 3006, Cl. 3	LF	370	\$22.75	375.00	\$8,531.25
26	27" RC pipe sew. 3006, Cl. 4	LF	546	\$35.50	553.00	\$19,631.50
27	30" RC pipe sew. 3006, Cl. 3	LF	170	\$35.50	503.00	\$17,856.50
28	30" RC pipe sew. 3006. Cl. 4	LF	488	\$46.50	165.00	\$7,672.50
29	36" RC pipe sew. 3006, Cl. 4	LF	434	\$55.50	434.00	\$24,087.00
30	54" RC pipe sew. 3006, Cl. 4	LF	292	\$112.00	272.00	\$30,464.00
31	54" RC pipe sew. bend, 3006, Cl. 4	LF	52	\$163.00	64.00	\$10,432.00
32	Rem. apron & plug 30" RCP	LS	1	\$1,250.00	1.00	\$1,250.00
33	Catch basin, 24" x 36"	EA	2	\$710.00	4.00	\$2,840.00
34	Manhole 1, 48" dia.	EA	1	\$1,370.00	1.00	\$1,370.00
35	Manhole 2, 60" dia.	EA	1	\$1,785.00	1.00	\$1,785.00
36	Manhole 3, 60" dia.	EA	1	\$1,500.00	1.00	\$1,500.00
37	Manhole 4, 48" dia.	EA	1	\$620.00	1.00	\$620.00
38	Manhole 5, 48" dia.	EA	1	\$1,200.00	1.00	\$1,200.00
39	Manhole 5A, 48" dia., recon. ex.	EA	1	\$440.00	1.00	\$440.00
40	Manhole 6, 48" dia.	EA	1	\$620.00	1.00	\$620.00
41	Manhole 7, 48" dia.	EA	1	\$600.00	1.00	\$600.00
42	Manhole 8, 48" dia.	EA	1	\$600.00	1.00	\$600.00
43	Manhole 9, 48" dia.	EA	1	\$600.00	1.00	\$600.00
44	Manhole 10, 72" dia.	EA	1	\$2,895.00	1.00	\$2,895.00
45	Manhole 11, 72" dia.	EA	1	\$2,695.00	1.00	\$2,695.00
46	Manhole 12, 48" dia.	EA	1	\$820.00	2.00	\$1,640.00
47	Manhole 13, 72" dia.	EA	1	\$2,955.00	1.00	\$2,955.00
48	Manhole 14, 72" dia.	EA	1	\$3,950.00	1.00	\$3,950.00
49	Manhole 15, 60" dia.	EA	1	\$2,300.00	1.00	\$2,300.00
50	Manhole 16, 48" dia.	EA	1	\$1,050.00	1.00	\$1,050.00
51	Manhole 17, 48" dia.	EA	1	\$1,140.00	1.00	\$1,140.00
52	Manhole 18, 48" dia.	EA	1	\$650.00	1.00	\$650.00
53	MH 19, 48" dia., ex. conn.	EA	1	\$550.00	1.00	\$550.00
54	Stil. cast. R4342, P. 15 inl. MH	EA	1	\$220.00	1.00	\$220.00
55	Random riprap, Cl. 1	CY	130	\$38.00	130.00	\$4,940.00
56	Random riprap, Cl. 3	CY	29	\$43.00	29.00	\$1,247.00
57	Random riprap, Cl. 4	CY	86	\$51.00	86.00	\$4,386.00

Highwood/McKnight Outlet
Project 90-10
June 30, 1993

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
58	Random riprap, Cl. 5	CY	110	\$54.00	110.00	\$5,940.00
59	Structure markers	EA	20	\$31.00	14.00	\$434.00
60	8" PVC san., 0'-10' deep	LF	857	\$11.65	480.00	\$5,592.00
61	8" PVC san., 10'-12' deep	LF	238	\$12.65	435.00	\$5,502.75
62	8" PVC san., 12'-14' deep	LF	135	\$13.65	346.00	\$4,722.90
63	8" DIP san., 0'-10' deep	LF	65	\$17.25	50.00	\$862.50
64	8" DIP san., 10'-12' deep	LF	60	\$19.25	65.00	\$1,251.25
65	8" DIP san., 12'-14' deep	LF	45	\$21.25	50.00	\$1,062.50
66	8" DIP san., 14'-16' deep	LF	50	\$24.25	45.00	\$1,091.25
67	8" DIP san., 16'-18' deep	LF	50	\$29.25	45.00	\$1,316.25
68	8" DIP san., 18'-20' deep	LF	50	\$34.25	50.00	\$1,712.50
69	8" DIP san., 20'-22' deep	LF	96	\$39.25	95.00	\$3,728.75
70	12" PVC san., MWCC bypass	LS	1	\$1,600.00	1.00	\$1,600.00
71	12" DIP sanitary	LF	20	\$55.00	20.00	\$1,100.00
72	Manhole, 0'-8' deep	EA	6	\$1,500.00	6.00	\$9,000.00
73	Manhole, ex. depth, >8'	LF	26.98	\$80.00	30.22	\$2,417.60
74	8" x 4" serv. wye. PVC or DIP	EA	11	\$70.00	16.00	\$1,120.00
75	4" service pipe	LF	532	\$10.20	1164.14	\$11,874.23
76	8" gate valve	EA	1	\$2,100.00	1.00	\$2,100.00
77	Pres. red. valves & MH	LS	1	\$11,500.00	1.00	\$11,500.00
78	Assist. SPWU W/12" gate valve	LS	1	\$550.00	1.00	\$550.00
79	Remove water main	LF	190	\$19.00	164.00	\$3,116.00
80	12" gate valve	EA	1	\$1,000.00	1.00	\$1,000.00
81	12" DIP water main	LF	159	\$40.00	163.00	\$6,520.00
82	Insulation	SF	256	\$5.00	349.20	\$1,746.00
83	Fittings	LB	1915	\$1.10	1034.91	\$1,138.40
84	Conc. curb & gutter	LF	200	\$15.40	321.80	\$4,955.72
85	Bituminous curb	LF	1700	\$2.85	2125.00	\$6,056.25
86	Ch. link fence, sal. & reinst.	LF	95	\$4.00	220.00	\$880.00
87	Ch. link fence, Des. 60V-9322	LF	950	\$9.34	858.56	\$8,018.95
88	Veh. gate, 12', 1 panel	EA	2	\$1,010.00	3.00	\$3,030.00
89	Relocate storage shed	LS	1	\$250.00	1.00	\$250.00
90	Furn. & plant, spruce, 4'-5'	EA	7	\$175.00	11.00	\$1,925.00
91	Furn. & plant, pine, 4'-5'	EA	8	\$175.00	8.00	\$1,400.00

Highwood/McKnight Outlet
 Project 90-10
 June 30, 1993

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL TO DATE	TOTAL PRICE
92	Furn. & plant, maple, 1.5'-2'	EA	10	\$245.00	11.00	\$2,695.00
93	Furn. & plant, birch, 7'-8' clump	EA	5	\$258.00	7.00	\$1,806.00
94	Furn. & plant, ash, 1.5'-2'	EA	5	\$258.00	5.00	\$1,290.00
95	Furn. & plant, Willow, 1.5'-2'	EA	5	\$133.00	6.00	\$798.00
96	Transplant tree	EA	3	\$110.00	5.00	\$550.00
97	Silt fence, preassembled	LF	500	\$1.50	636.00	\$954.00
98	Seed and mulch	AC	6	\$670.00	5.60	\$3,752.00
99	Sod, lawn & blvd.	SY	5000	\$1.75	12836.00	\$22,463.00
100	Wood fiber blanket, reg.	SY	11300	\$1.00	6560.50	\$6,560.50
	Total					\$530,004.83

Original contract amount	\$476,925.95
Change Order 1	8,462.00
Change Order 2	1,368.28
Final contract work completed to date	530,004.83
Approved extra work amount completed	9,830.28
Total amount to date	539,835.11
Less (1%) retained	0.00
Less previous payments	528,417.80
Total amount deducted	528,417.80
Amount due this estimate	\$ 11,417.31

Contractor Bryan W Houle Date 7/15/96

Engineer _____ Date _____

AGENDA REPORT

TO: City Manager

FROM: Assistant City Engineer Bruce Irish

SUBJECT: Highwood-McKnight Storm Sewer, Project 90-10—Reduction of Retainage

DATE: December 21, 1992

Introduction

This project is essentially complete. It is not quite ready for acceptance because the specified number of growing days for sod did not elapse before winter. However, the contractor has requested a reduction in retainage from 5 percent to 1 percent. The project is within budget.

Background

The construction cost of this project has increased 10 percent over the bid amount. The major items of increase were for common excavation, sanitary sewer service pipe, and sodding. The common excavation item increased by \$21,063.85 because the planned balance of cut and fill of pond and ravine did not balance. Additional quantities of sanitary sewer service pipe were installed by request of St. Paul Department of Public Works to St. Paul residents on McKnight. St. Paul agreed to pay for these additional costs. A full discussion of the changes in contract items is will be given when the project is recommended for final payment in May 1993.

Offsetting these increased costs was the agreement of Ramsey County to fund the project at a significantly higher level than was projected. Attached is a letter from Kathy Roettger, environmental service engineer, documenting the county participation of \$60,850.00. This is in comparison with the project budget that conservatively projected the county participation at \$29,705.00.

The City of St. Paul has been billed for the increased costs of sewer service construction in the amount of \$9,507.90. This funding is currently not shown in project funding. It should be noted that Maplewood will need to pay St. Paul for its share of abandoning the old storm sewer on the French property in accord with the cooperative agreement. The invoice for this work has not been received.

There were two instances where surveying error caused additional construction costs. The construction surveying was done by a consulting firm. As documented in the attached letter, they have agreed to provide a credit for their services in these amounts.

Budget Impact

As shown on the following table, the growth of project costs has been offset by growth of project financing. The project is within revised budget.

COSTS

<u>Item</u>	<u>As of Award of Bid 5-11-92</u>	<u>Costs to Date 12-21-92</u>
Construction	\$476,925.95	\$525,293.00
Contingency	54,174.05	12,000.00*
Indirect costs	<u>382,900.00</u>	<u>424,000.00</u>
Total project cost	\$914,000.00	\$961,293.00

FINANCING

Special assessments	\$304,600.00	\$304,600.00
Developer payment	57,600.00	57,600.00
Ramsey County	20,000.00	60,850.00
General obligation	531,800.00	531,800.00
St. Paul sewer services	<u>0.00</u>	<u>9,507.00</u>
	\$914,000.00	\$964,357.00

*Estimate of St. Paul billing for abandonment of storm sewer on French property. Also contains minor amount of potential additional construction costs.

Recommendation

It is recommended that authorization be given to reduce the contract retainage from 5 percent to 1 percent.

BAI

jc
Attachments

DEC 09 1992



C. W. Houle, Inc.

Excavating • Sewer-Water Construction

1300 WEST COUNTY ROAD I

SHOREVIEW, MINNESOTA 55126

TELEPHONE. 484-6077



"We Dig America"

December 8, 1992

City of Maplewood
Engineering Department
1830 E. Co. Rd. B
Maplewood, Mn 55109

Attn: Bruce Irish

Re: Highwood/McKnight Storm Drainage Improvements

Dear Bruce,

I realize there is minor work to be completed in the Spring on the above mentioned project, but feel that the work is 99% complete. Therefore, would like the City of Maplewood to consider lowering the retainage on this project from 5% to 1%.

It has been a pleasure working with you and your staff this year.

Sincerely,

C. W. HOULE, INC.

A handwritten signature in cursive script that reads "Bryan W. Houle".

Bryan W. Houle
President

BH:ds

20



Ramsey County
DEPARTMENT OF PUBLIC WORKS
3377 North Rice Street
Saint Paul, Minnesota 55126
(612) 484-9104

Divisions of:
Engineering
Maintenance
Mobile Equipment
Environmental Services

November 4, 1992

Bruce Irish
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

Dear Bruce,

In response to your letter dated May 29 and June 17, 1992 regarding storm sewer assessments for the McKnight-Highwood storm sewer project, Ramsey County will accept an assessment based on costs for construction, the St. Paul agreement, and the French damage settlement. We normally do not participate in engineering, fiscal, legal, and administrative costs.

As identified in your feasibility report, the estimated costs are:

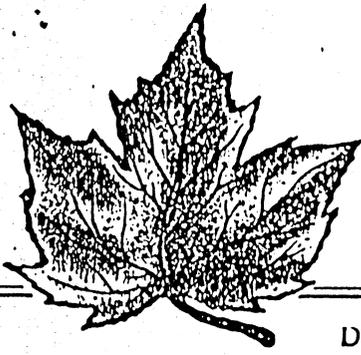
French damage settlement	\$2,000
Cooperative agreement with St. Paul	\$275,000
Construction	\$480,000
Total	\$757,000

Since Ramsey County share is identified to be 5% our share is \$757,000(0.05) = \$37,850. Adding the costs for the catch basins we requested on Highwood, the anticipated total is \$37,850 + \$23,000 = \$60,850. Please note that our contribution will be based on actual construction costs.

I apologize it took us so long to get back to you. Please call me if you have any questions.

Sincerely,


Kathy Roettger
Environmental Service Engineer



CITY OF
MAPLEWOOD

1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109

DEPARTMENT OF PUBLIC WORKS

612-770-4555

December 8, 1992

Paul Boettcher
Frank Kriz
Maier Stewart & Assoc., Inc.
1959 Sloan Place
Maplewood, Minnesota 55117

EXTRA PAY ITEMS, MAPLEWOOD PROJECT 90-10

This letter is in regard to invoices which were sent to the city by C.W. Houle, Inc. for extra work for Project 90-10, Highwood/McKnight drainage improvements. I am sending you copies of two invoices which involve Maier Stewart in probable staking errors. All extra work orders have been paid to the contractor by the city in monthly payments.

At this time we are asking Maier Stewart to respond to the additional payments as highlighted on the copies—\$1,699.50 for the MH 11 adjustment and \$518.00 for a change in top slab to make CB-MH 17 catch basin opening work as designed. In both cases the work was necessary and discussed in the field. I have negotiated with the contractor for reduction in prices for both invoices.

I am not criticizing the survey work by Maier Stewart in any way. Our intent is only to be equitable. Usually in this work, only mistakes get noticed, not good work. In my opinion, the staking, design, and cooperation were very good.

Please call if you would like to discuss these matters.

Randy Lindblom

RANDAL LINDBLOM - ENGINEERING TECHNICIAN

jw

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Environmental Health Official
SUBJECT: Budget Transfer—Recycling Bins
DATE: September 2, 1993

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

I am requesting that the City Council approve a budget transfer of \$5,500 to pay for 1,000 recycling bins. We will run out of recycling bins in a few weeks. We have been giving out more than expected this year.

DISCUSSION

The City provides bins for owner-occupied housing. We provide bins for each new dwelling and to replace bins that are lost, stolen or damaged. The advantage of providing bins is that they increase recycling. The City could use money in the Recycling Fund Contingency Account to purchase more bins.

RECOMMENDATION

Approve a budget transfer of \$5,500 from the Recycling Fund Contingency Account (203-704-4910) to the Recycling Program Supplies Account (203-704-4120).

go/b-5:bins.mem (7.4 1993 budget)

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Chris McGlincey, Planning Intern
SUBJECT: Conditional Use Permit Time Extension
LOCATION: 2480 Linwood Avenue
DATE: September 2, 1993

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

Mr. Albert Jirovec is asking that the City renew the conditional use permit (CUP) for 2480 Linwood Avenue. (See his letter on page 8.) This CUP is to build a 2,600-square-foot garage to replace two existing accessory structures. (See the maps on pages 3-5.)

BACKGROUND

May 7, 1964: The Village Council approve the construction of a 1,088-square-foot machine shed on this property.

June 6, 1966: The Council approved the construction of a 3,200-square-foot pole building on the same property.

August 24, 1992: The Council approved a CUP for the construction of a 2,600-square-foot garage, subject to nine conditions. Condition 2 requires that the concrete block and metal pole buildings be removed within one month after occupying the new building. (See the Council minutes on page 6.)

DISCUSSION

The City Code requires that construction start on the garage within one year of Council approval or the CUP shall end. The Council can grant one one-year time extension. Nothing has changed since last year to justify not extending this CUP for one year. The CUP conditions will lessen the overall space occupied by accessory buildings on this site. These conditions also will bring the property closer to meeting the City Code that limits the area of accessory buildings on a lot.

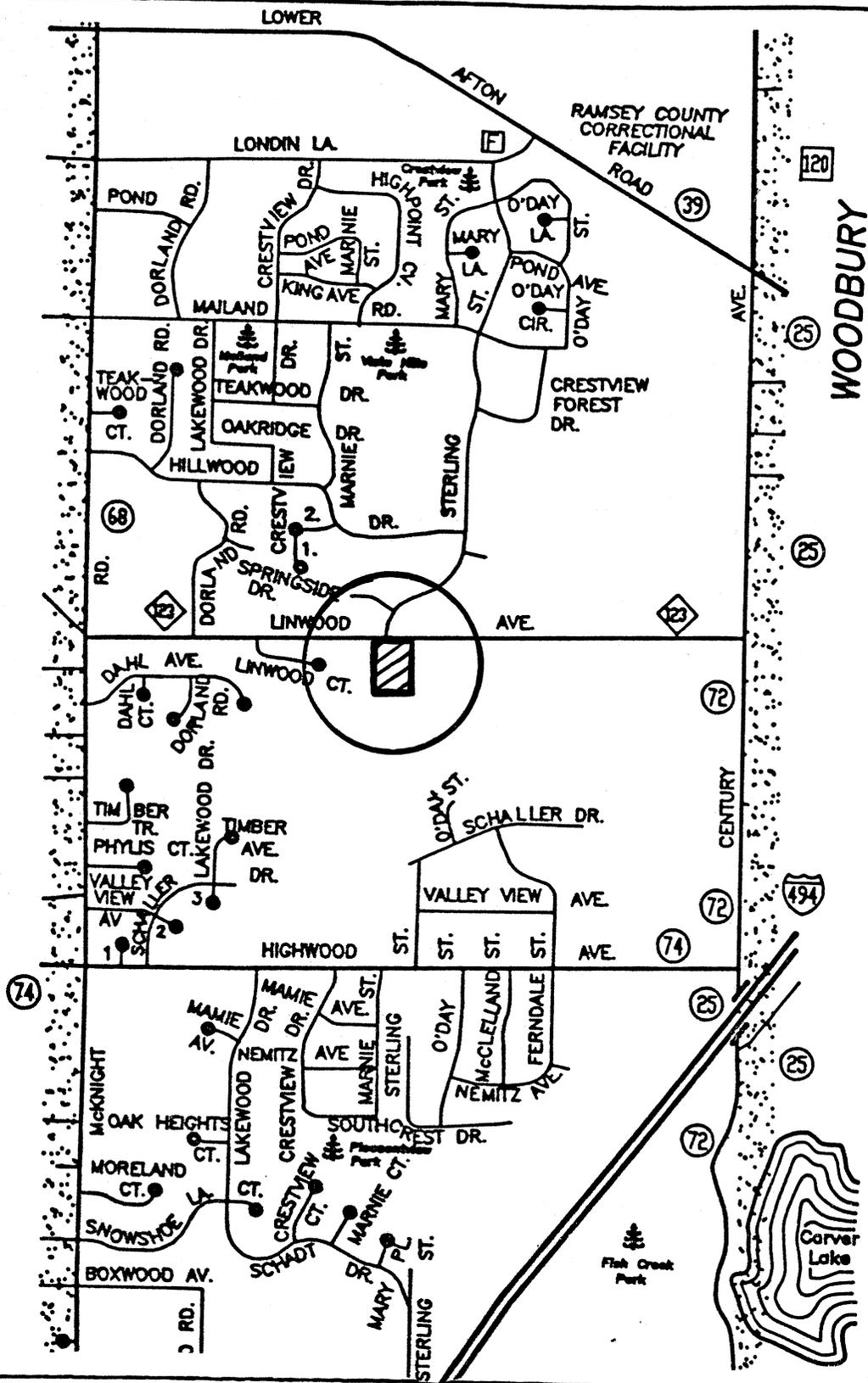
RECOMMENDATION

Extend the conditional use permit at 2480 Linwood Avenue for one year.

go\b-5:jirovec.mem (24-28)

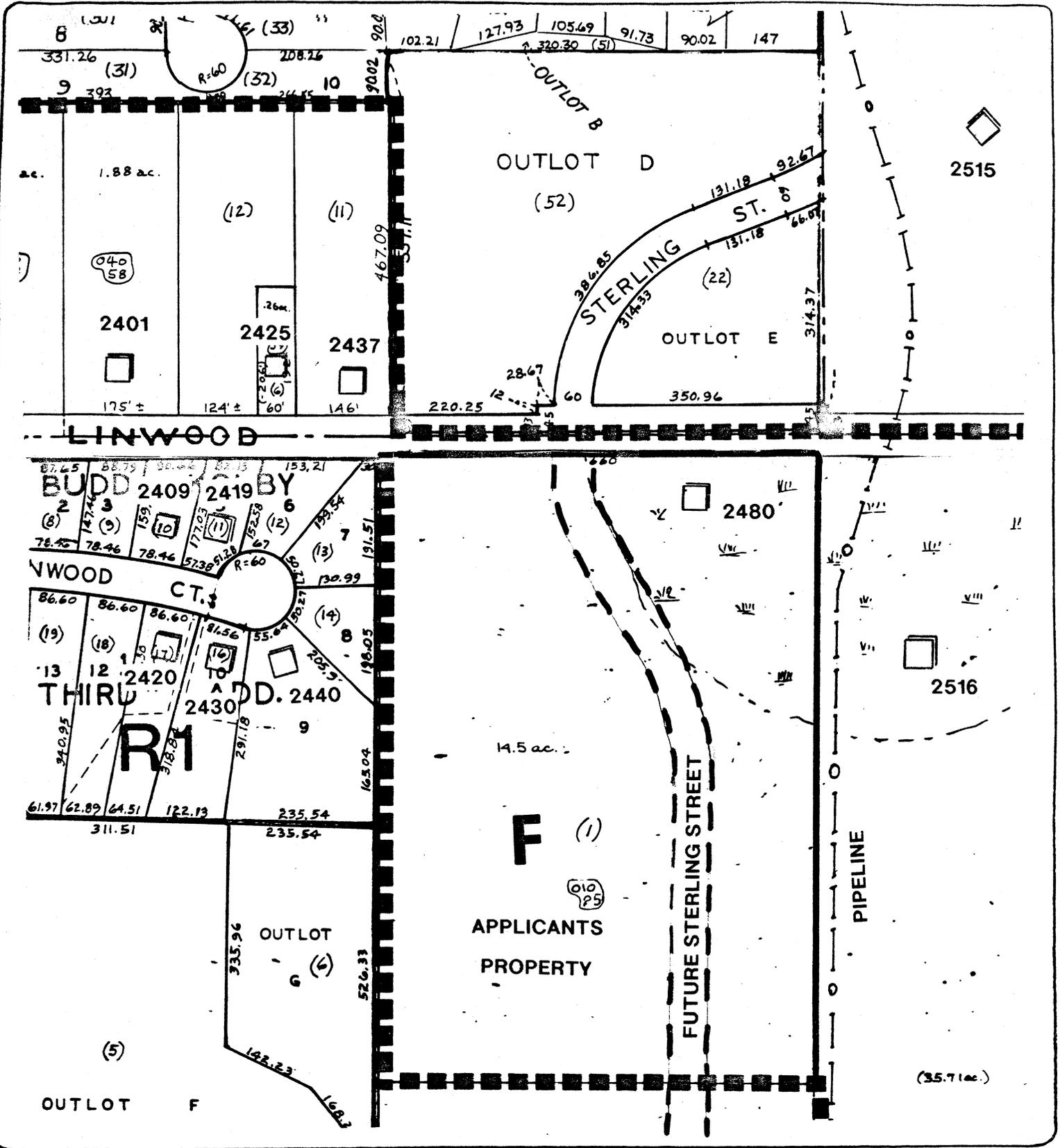
Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. 8-24-92 City Council Minutes
5. Letter



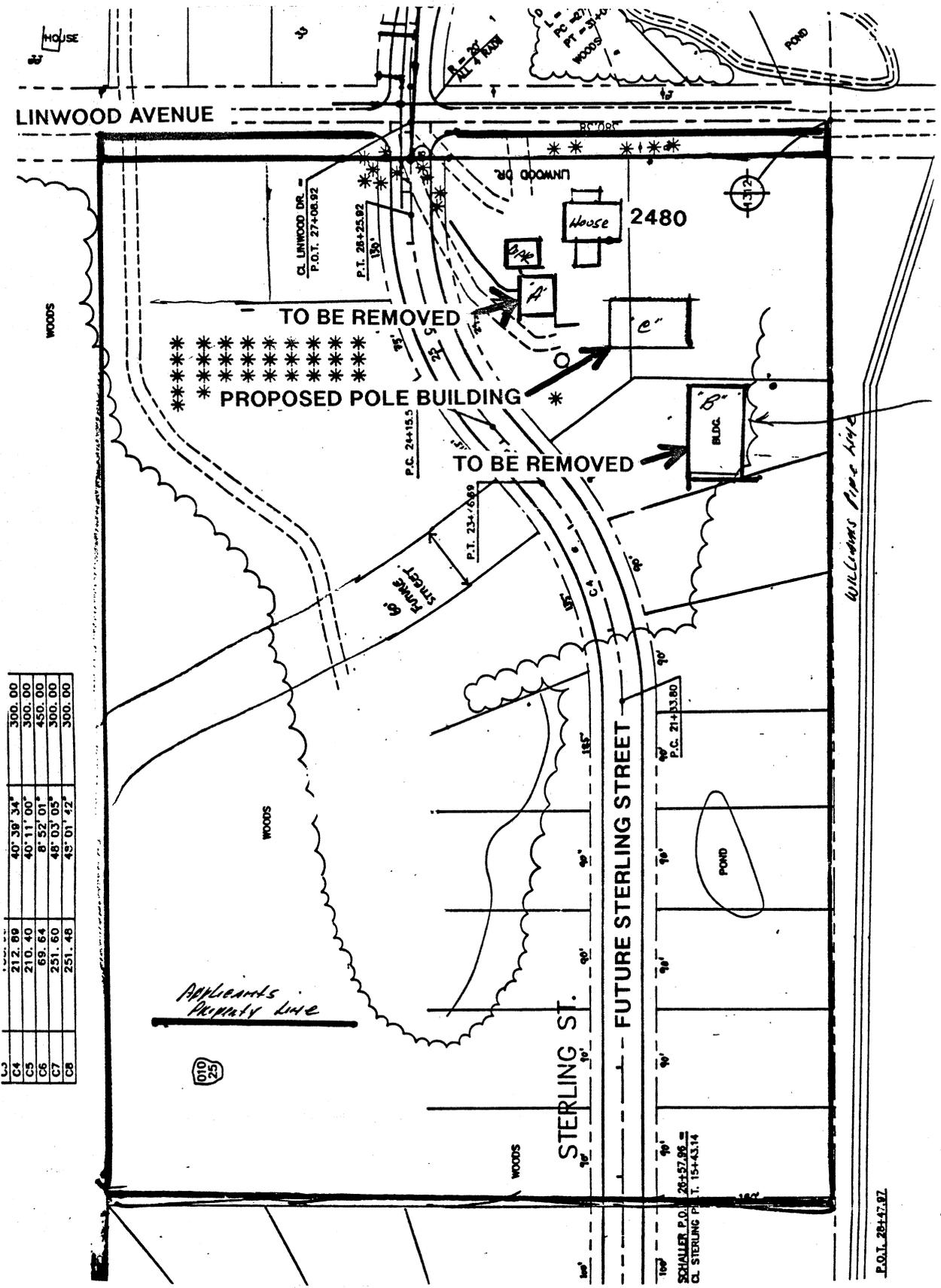
LOCATION MAP





PROPERTY LINE / ZONING MAP





C4	212.89	40° 38' 34"	300.00
C5	210.40	40° 11' 00"	300.00
C6	69.64	8° 52' 01"	450.00
C7	251.60	48° 03' 05"	300.00
C8	251.48	45° 01' 42"	300.00

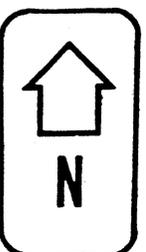
Applicant's Primary Line



SCHALLER P.O. 28+57.96 =
CL. STERLING P.T. 15+43.14

P.O.I. 28+47.87

SITE PLAN



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

92 - 08 - 106

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Albert Jirovec requested that the City approve the construction of a 2699-square-foot pole building.

WHEREAS, the City of Maplewood chooses to approve this building with a conditional use permit.

WHEREAS, section 36-17(B) of City Code allows the City to approve a conditional use permit for the substitution of one nonconforming use for another nonconforming use.

WHEREAS, Mr. Jirovec is proposing to substitute a 2600-square-foot garage for two garages. The combined area of the two garages would be 4,300 square feet.

WHEREAS, this permit applies to 2480 Linwood Avenue. The legal description is:

Subject to Linwood Avenue, the north 15 acres of the east 20 acres of the NE 1/4 of the NW 1/4 of Section 13, Township 28, Range 22.

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

1. The Planning Commission discussed this application on August 3, 1992. They recommended that the City Council approve said permit.
2. The City Council held a public hearing on August 24, 1992. The 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 the City staff and Planning Commission reports and recommendations.

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

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

8-24-92

5. The use would generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause minimal adverse environmental effects.
10. Reduce the number and square-footage of garages on the site.
11. Result in a more restrictive use than the current use.
12. Improve the appearance of Mr. Jirovec's property by replacing two old buildings with a smaller new building.

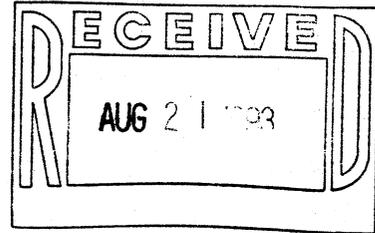
Approval is subject to the following conditions:

1. All construction must follow the site plan on page 8 of the July 29, 1992 staff report. The Director of Community Development may approve minor changes. The City Council may approve major changes.
2. The property owner shall remove the concrete block and metal pole buildings within one month of occupying the new building.
3. The property owner shall keep a minimum of 42,000 square feet of property with the home and garages.
4. The garage shall not be used for a business.
5. There shall be no outside storage of inoperable vehicles, vehicle parts, scrap materials or debris.
6. The garage shall be located as shown on the 2480 Linwood site plan.
7. The property owner may be required to provide a cash escrow to guarantee the removal of the building if the removal has not been completed within one year of issuance of the permit.
8. The property owner may be required to provide landscaping around the garage area and to have the landscaping reviewed by the Community Design Review Board.
9. The Council shall review this permit in one year.

Seconded by Councilmember Carlson

Ayes - all

City Of Maplewood
1830 E. County Road B
Maplewood, Minnesota 55109
Attn: Chris McGlincey - Planning Intern



Albert J. Jirovec
2480 Linwood Avenue
Maplewood, Minnesota 55119

August 23, 1993

Re: Conditional Use Permit Review (Garage) - 2480 Linwood Avenue

Mr. McGlincey:

According to the enclosed letter the Maplewood City Code allows the City Council to grant me a one-year time extension on my conditional use permit if I request an extension.

This letter is to indicate my desire to renew my conditional use permit for an additional year. Please schedule a hearing with the City Council.

If there are further questions, do not hesitate to call me at 739-0216. **JA**

Sincerely,

Albert J. Jirovec

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Chris McGlincey, Planning Intern
 SUBJECT: CUP Termination and Home Occupation License
 LOCATION: 798 North McKnight Road
 DATE: September 2, 1993

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

INTRODUCTION

In 1987, the City approved a conditional use permit (CUP) at 798 North McKnight Road. The permit was for a home beauty shop. The operator, Kathy Mosner, wants to continue the business. She is asking that the City approve a home occupation license.

BACKGROUND

August 24, 1987: The City Council granted a CUP for a beauty shop at 798 McKnight Road. This approval was subject to four conditions. (See the minutes on page 6.)

June 27, 1988: The Council amended the City Code to require licenses for new home occupations rather than conditional use permits.

September 12, 1988: The Council renewed the CUP at 798 North McKnight Road for five years.

DISCUSSION

As CUP's for home occupations come up for renewal, the Council has been replacing them with home occupation licenses. The City issues licenses to individuals, while conditional use permits go with the property.

Ms. Mosner is meeting the original CUP conditions and the criteria for a home occupation license. The staff is not aware of any problems with her business.

RECOMMENDATIONS

- A. End the conditional use permit at 798 North McKnight Road.
- B. Approve a home occupation license for Kathleen Mosner. This license is to operate a beauty shop at 798 North McKnight Road. The license is subject to the following conditions:
 1. Meeting the City's home occupation licensing requirements. (See the requirements on page 7.)

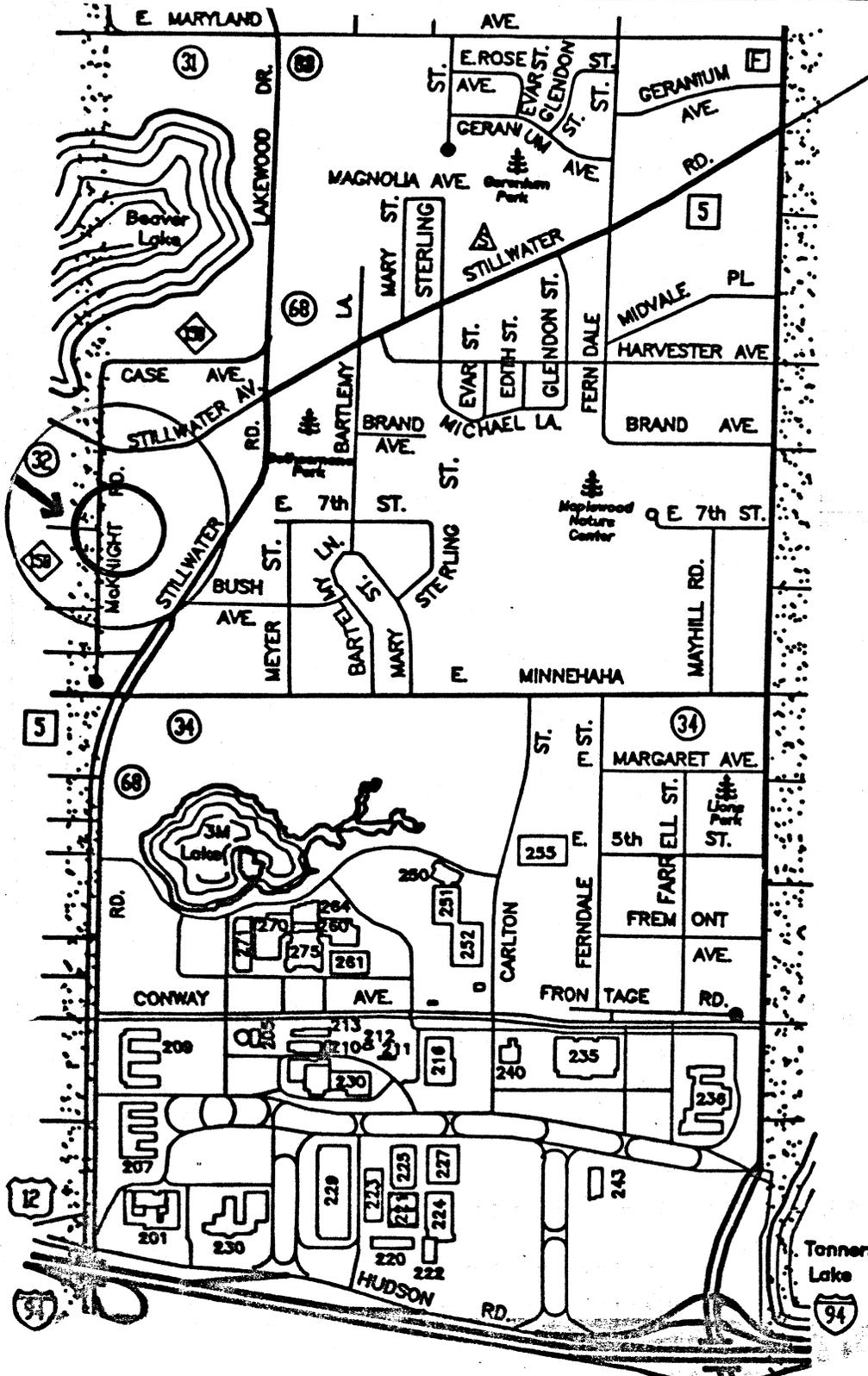
2. Customers shall park in the driveway and not on McKnight Road.
3. Ms. Mosner shall provide a smoke detector and fire extinguisher in the beauty shop, as required by the Fire Marshal.
4. Ms. Mosner shall have no more than one, wall-mounted, two-square-foot business sign.
5. Ms. Mosner must renew her license each January with the City Clerk.
6. This license shall end when the business ends.

go\b-5:mosner.mem (25)

Attachments:

1. Location Map
2. Property Line/Zoning Map
3. 8-24-87 Council minutes
4. Home Occupation License Requirements

SAINT PAUL



LOCATION MAP



8/24/87

3. 7:20 P.M., Conditional Use Permit : 798 No. McKnight (Kathy Mosner)
- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Kathy Mosner for approval of a home occupation permit to operate a beauty salon in the basement of her home located at 798 North McKnight Road.
- b. Director of Community Development Olson presented the Staff report.
- c. James and Kathy Mosner, the applicant, spoke on behalf of the proposal.
- d. Mayor Greavu called for proponents. None were heard.
- e. Mayor Greavu called for opponents. None were heard.
- f. Mayor Greavu closed the public hearing.
- g. Councilmember Juker moved an amendment to the conditional use permit that Condition No. 6 be added to limit the hours of operation from 8:00 a.m. to 6:00 p.m. on Wednesday, Thursday and Friday.

Seconded by Councilmember Wasiluk. Ayes - Councilmember Juker

Nays - Mayor Greavu, Councilmembers Anderson
Bastian & Wasiluk

Motion defeated.

h. Councilmember Bastian moved an amendment No. 1 which would read "if street parking becomes a real concern, applicant may be required to park in the driveway and not along McKnight at the time the conditional use permit is reviewed; Applicant at that time may be required to provide a driveway turn-around or widen the drive to provide three on-site parking spaces. Condition No. 5 would be deleted. The conditional use permit would be re-viewed for renewal in one year."

Seconded by Councilmember Wasiluk. Ayes - Mayor Greavu, Councilmembers
Anderson, Bastian and Wasiluk

Nay - Councilmember Juker.

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

87 - 8 - 157

WHEREAS, Kathy Mosner initiated a conditional use permit to operate a beauty salon in her home at the following-described property:

The north 69 feet of the south 119 feet of Lot 8, Auditor's
Subdivision No. 77.

This property is also known as 798 N. McKnight Road, Maplewood;

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

1. This conditional use permit was reviewed by the Maplewood Planning Commission on August 3, 1987. The Planning Commission recommended to the City Council that said permit be approved.
2. The Maplewood City Council held a public hearing on August 24, 1987. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning Commission.

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

1. The use is in conformity with the City's comprehensive plan and with the purpose and standards of this chapter.
2. The establishment or maintenance of the use would not be detrimental to the public health, safety or general welfare.
3. The use would be located, designed, maintained and operated to be compatible with the character of that zoning district.
4. The use would not depreciate property values.
5. The use would not be hazardous, detrimental or disturbing to present and potential surrounding land uses, due to the noises, glare, smoke, dust, odor, fumes, water pollution, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
6. The use would generate only minimal vehicular traffic on local streets and shall not create traffic congestion, unsafe access or parking needs that will cause undue burden to the area properties.
7. The use would be serviced by essential public services, such as streets, police, fire protection, utilities, schools and parks.
8. The use would not create excessive additional requirements at public cost for public facilities and services; and would not be detrimental to the welfare of the City.
9. The use would preserve and incorporate the site's natural and scenic features into the development design.
10. The use would cause minimal adverse environmental effects.

Approval is subject to the following conditions:

1. Customers shall park in the driveway and not along McKnight Road.
2. Compliance with the requirements in Section 36-66 (4) (b) pertaining to the operation of a home occupation.
3. A smoke detector and fire extinguisher shall be provided in the shop area.
4. Signage shall be limited to a wall-mounted, two-square-foot maximum sign.

Seconded by Councilmember Wasiluk Ayes - Mayor Greavu, Councilmembers
Anderson, Bastian and Wasiluk

Nay - Councilmember Juker

HOME OCCUPATION LICENSE REQUIREMENTS

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

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Conditional Use Permit Review
LOCATION: 2271 White Bear Avenue
PROJECT: Fleming's Auto Service
DATE: September 2, 1993

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

The conditional use permit (CUP) at 2271 White Bear Avenue is due for review. (See the maps on pages 3-5.) This CUP allowed the redevelopment of a gas station within 350 feet of a residential district.

BACKGROUND

October 23, 1989: The City Council approved this CUP.

October 22, 1990: The Council reviewed this CUP.

July 22, 1991: The Council approved revisions to the CUP because of plan changes. Council required review again in one year.

August 10, 1992: The Council reviewed the CUP and stated that the owner must begin construction within one year as code requires.

DISCUSSION

The new station and convenience store opened in December. The City received a complaint from the next door neighbor, Mr. Glassel, in November. I have attached copies of Mr. Glassel's letter and the City's reply. (See pages 6-9.) We have not heard from Mr. Glassel since.

The City Council should review this CUP after the station has been open for more than one year.

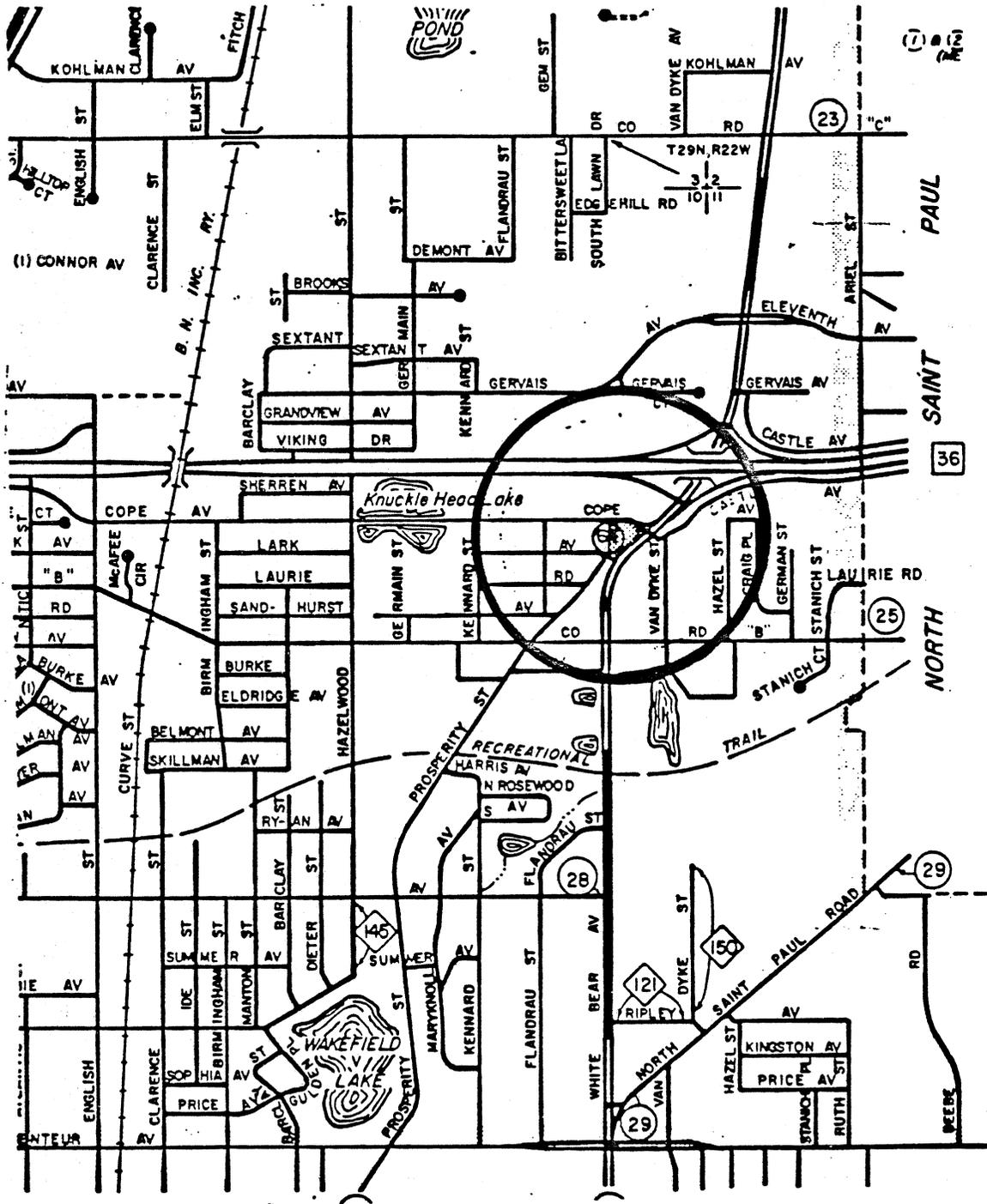
RECOMMENDATION

Review this conditional use permit in one year.

go\b-5:fleming.cup (11)

Attachments:

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Letter from Mr. Glassel
5. Letter from the City

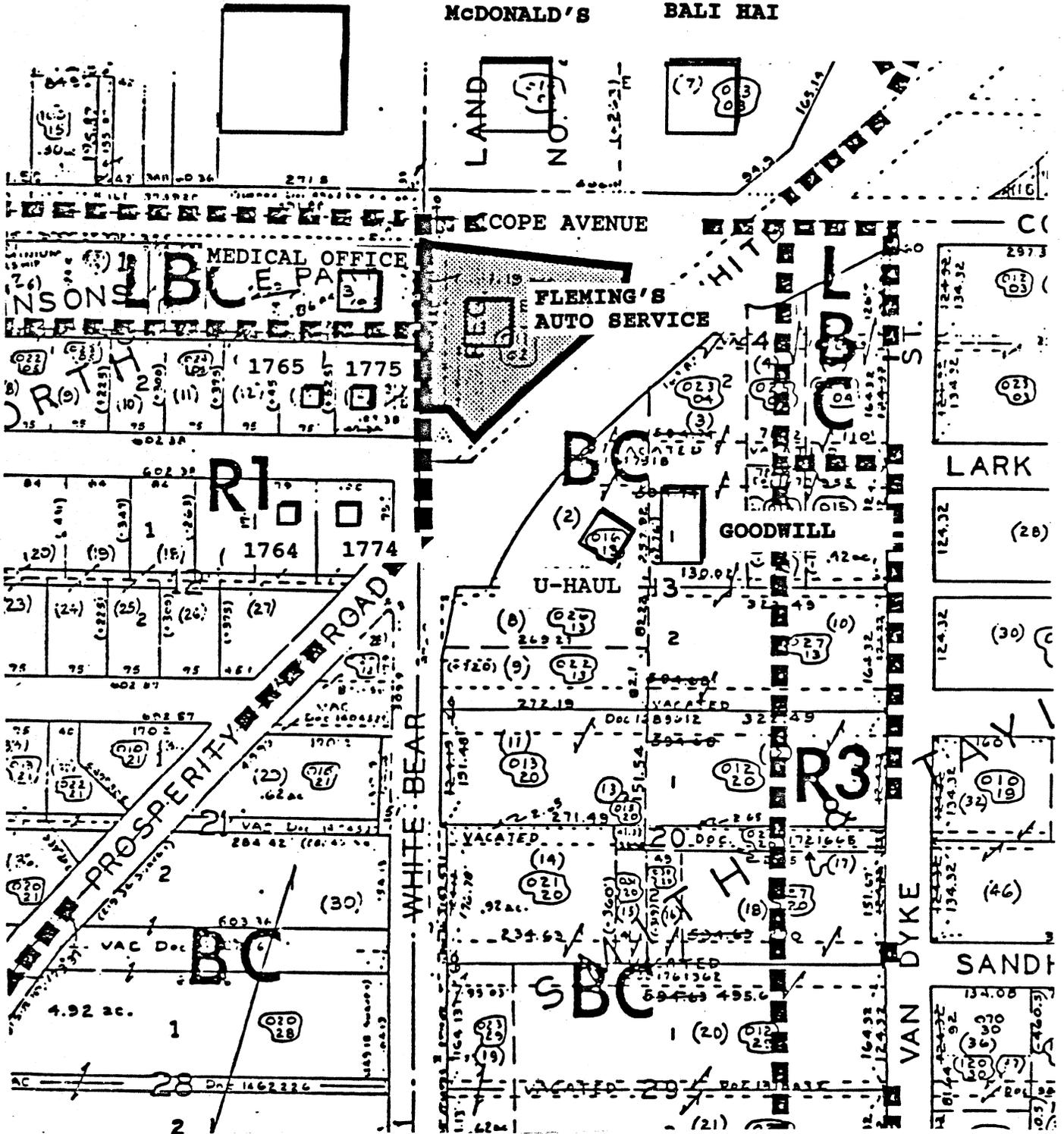


LOCATION MAP



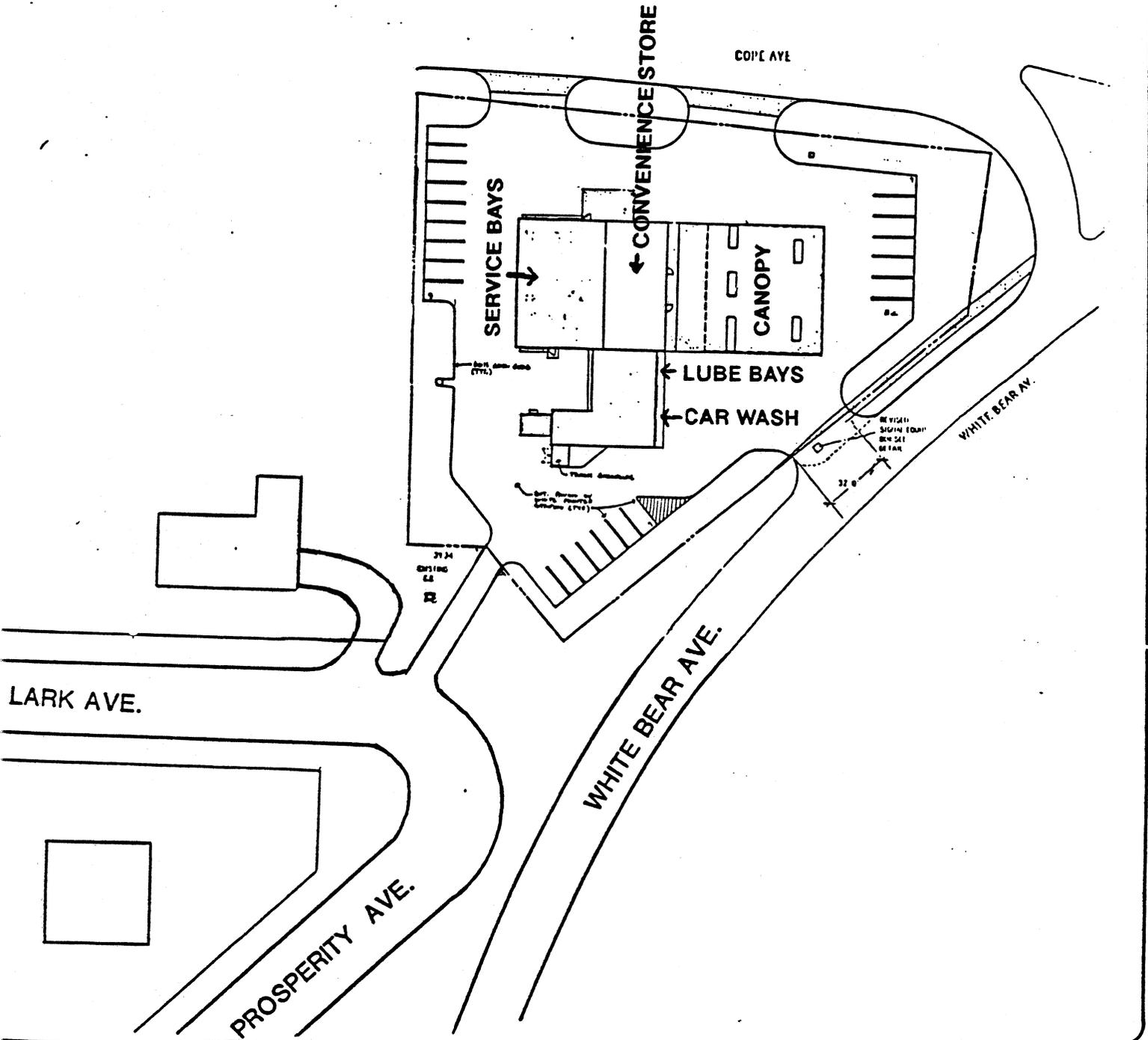
MCDONALD'S

BALI HAI



PROPERTY LINE / ZONING MAP





SITE PLAN



JAMES AND MARION GLASSEL
1775 LARK AVENUE
MAPLEWOOD, MN 55109

November 18, 1992

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

Please address the following considerations before approving the opening of Fleming's service station.

1. The bright, harsh lights at the rear of his building shine into our east windows with unreasonable intensity.
2. The city council assured us of correction to the drainage problem. During heavy rainfalls water drains from Fleming's yard onto our yard and into our basement. There are no improvements - it's the same as before, except an even larger area will drain onto ours!
3. The south end of the fence is already leaning to the west.
4. Our television is now next to useless due to interference from this huge mass of cement blocks.
5. His drive does not meet the required distance from our property.
6. We will no longer be able to use our garden because it is shaded too long in the mornings.
7. The noise pollution from the car wash and service bays, all opening towards our lot will not be tolerable. We will never again be able to open our windows, requiring unnecessary air conditioning expenses.
8. Maplewood has not straightened out the mess from the last building project (Maplewood Clinic) next to us. Wires and cables are running every direction imaginable. In other parts of the city, telephone and TV cables run on the same poles as the electricity. Here each has its own pole. The high voltage 3-

phase power line that supplies the commercial area should not be running past our home, a residence.

9. Fleming's construction does not compare to neighboring businesses. The Maplewood Clinic and McDonalds are both brick buildings.

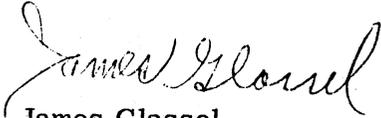
10. OUR WRITTEN APPEAL TO THE PROJECT REMAINS UNANSWERED.

We moved into a residential area. When Maplewood rezoned the area next to us, it was with the promise of a cul-de-sac at the end of Lark Avenue. The plans called for a fence to separate the station from the area to the south and west. There were height restrictions. However, the "Maplewood creeping crud" has continued to progress. We now have a high-rise, cement block truck stop. There is a driveway where the cul-de-sac or landscaping belongs.

We've lived and paid taxes in Maplewood for 32 years. Because of code violations, our home that was formerly peaceful is no longer a fit place for our retirement. And, its reduced value makes it impossible for us to sell.

Government, including city, is for the protection of all according to the laws and codes. When this government violates or changes laws and codes for the benefit of one at the expense of others, it is a corrupt government.

Sincerely,



James Glassel



MAPLEWOOD

1830 E. COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY DEVELOPMENT

612-770-4560

December 7, 1992

Mr. James Glassel
1775 Lark Avenue
Maplewood, MN 55109

FLEMING'S AUTO SERVICE

This letter is in response to the ten considerations you listed in your November 18, 1992 letter about Fleming's Auto Service.

1. The City Code limits the glare of the lights at Fleming's Auto Service to one foot-candle at your east lot line. David Adkins, the building contractor, told me that they have aimed the lights further downward so they will not shine towards your windows. Please let me know if they are still not acceptable.
2. According to the Maplewood Department of Public Works, the storm water runoff from the Fleming site properly drains into catch basins. There is continuous concrete curbing along Fleming's west lot line to contain the runoff and direct it to catch basins.
3. I inspected the Fleming's Auto Service fence on Wednesday, November 25. The fence did not lean to the west.
4. I cannot comment on your television reception.
5. The City Council approved this driveway in 1982 when they approved the construction plans for the White Bear Avenue improvements. This driveway was included on those drawings.
6. The building is far enough away from your garden so that the sun would have to be very low in the sky to shade it. Your lilac hedge casts more shade on your garden than the fence.

Mr. James Glassel
Page 2
December 7, 1992

7. The car wash and service bays are not yet functioning. Stating that these two functions will be too loud is premature.
8. The City does not have the authority to regulate where the power lines go for the clinic behind your lot. Please contact Northern States Power about this.
9. The City required Mr. Fleming to incorporate brick into his building design for compatibility with the neighboring commercial buildings. It is true that some buildings in the neighborhood are substantially brick. Others, however, only use brick as an accent material. Mr. Fleming has brick accents on his building.
10. The letter you sent to the City Council was an appeal of their July 22, 1991 approval of the Fleming's Auto Service conditional use permit (CUP). There is no appeal except to the courts. I assume this is why the Council did not reply to your letter.



THOMAS EKSTRAND - ASSOCIATE PLANNER

go\b-3:glassel.let (11)

Enclosure: Letter dated November 18, 1992

cc: City Council
City Manager
City Clerk

F-10

MEMORANDUM

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

To: City Manager

From: City Clerk

Re: RENEWAL OF ST. PAUL SKI CLUB GAMBLING LICENSE

Date: September 7, 1993

The charitable gambling license for St. Paul Educational Foundation (St. Paul Ski Club) is up for renewal with the State. A resolution is needed from the City approving the license. The Council approved the license in March of 1993. The State Board of Charitable Gambling requires the resolution of approval must be within a time frame of 60 days.

AGENDA ITEM G-1

AGENDA REPORT

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager

FROM: City Engineer

SUBJECT: Assessment Hearing—Gervais Avenue, Project 88-14

DATE: September 3, 1993

Attached for reference is the following information regarding this hearing:

1. The August 13, 1993, staff report.
2. The notice of hearing.
3. The assessment map.
4. The assessment amounts for each property.
5. The resolution adopting the assessment roll.

KGH

jc
Attachments

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 on all objections to the proposed assessment for the construction of Gervais Avenue as described in the files of the city clerk as Project 88-14, and has amended such proposed assessment as it deems just,

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

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

2. Such assessment shall be payable in equal annual installments through the year 2009, the first of the installments to be payable on or after the first Monday in January, 1994, and shall bear interest at the rate of 9 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, 1994. 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.

88-14
8
ne

AGENDA ITEM _____

AGENDA REPORT

TO: City Manager

FROM: City Engineer

SUBJECT: Schedule Assessment Hearing—Gervais Avenue, English Street to East,
Project 88-14

DATE: August 13, 1993

A proposed assessment roll for this project is attached. The assessment rate is \$36.50 per front foot. This is the same front footage street assessment that was discussed at the original public hearing to order the project. The assessment roll is the same as proposed three years ago. As you may recall, at that time we received objections to the assessment from each of the three property owners. These written objections have been attached for your reference.

The following table is the financing plan approved last fall:

<u>Source of Funds</u>	<u>Amount</u>
1989 improvement bonds:	
Special assessment portion	\$ 44,785
Special tax portion	33,983
Investment interest	546
Transfer from SCSA fund	<u>330,570</u>
 Total project costs	 \$409,984

It is recommended the city council accept the proposed assessment amounts and schedule a hearing for 7 p.m., September 13, 1993.

KGH

jc
Attachment

RESOLUTION
ORDERING ASSESSMENT ROLL HEARING

WHEREAS, the clerk and the engineer have, at the direction of the council, prepared an assessment roll for the construction of Gervais Avenue Improvement, English Street east, City Project 88-14, 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 day of 13th, September, 1993, at the city hall at 7 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.

PROJECT NO. 88-14 GERVAIS IMP ENGLISH/CUL DE SAC

D/P NO. 6073

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
-----	-----	---	-----	-----
				10-29-22-32-0002 =====
STREETS	*****295.000	FF AT	***\$36.500 EA. =	***\$10,767.50
TOTAL ASSESSMENT =				***\$10,767.50
				10-29-22-32-0003 =====
STREETS	*****200.000	FF AT	***\$36.500 EA. =	****\$7,300.00
TOTAL ASSESSMENT =				****\$7,300.00
				10-29-22-32-0004 =====
STREETS	*****400.000	FF AT	***\$36.500 EA. =	***\$14,600.00
TOTAL ASSESSMENT =				***\$14,600.00
				10-29-22-32-0016 =====
STREETS	*****332.000	FF AT	***\$36.500 EA. =	***\$12,118.00
TOTAL ASSESSMENT =				***\$12,118.00
4 PARCELS ASSESSED				GRAND TOTALS =====
STREETS	*****1,227.000	FF AT	***\$36.500 EA. =	***\$44,785.50
TOTAL AMOUNT ASSESSED FOR THIS PROJECT =				***\$44,785.50

AGENDA ITEM H-4

AGENDA REPORT

TO: City Manager
FROM: City Engineer
SUBJECT: Gervais Avenue, Project 88-14
DATE: September 10, 1990

PROJECT NO. 88-14
FOLDER NO. 10
INITIALS _____

Attached is an opinion from Mr. Winfield Mitchell, appraiser for the city, indicating that special benefit exceeds the assessment for the two properties in questions. It is therefore recommended that there be no adjustment to the proposed assessment for Truck Utilities or Donald Regan Properties.

Mn/DOT also objected to the assessment based on statutory grounds. It is recommended the city attorney pursue this matter in an attempt to levy the assessment.

KGH

jc
Attachment

WINFIELD A. MITCHELL

REALTOR



SALES - APPRAISALS

412 MIDWEST FEDERAL BUILDING
ST. PAUL, MINNESOTA 55101

TEL. (612) 222-0758

September 10, 1990

Mr. Kenneth Haider
Director of Public Works
City of Maplewood
1839 E. County Road B
Maplewood, Minnesota 55109

RE: Maplewood Project No. 88-14
Gervais Ave. Improvement

Dear Mr. Haider:

I have inspected the three properties for which objections to the proposed special assessments arising from the improvement of Gervais Avenue east of English Street have been filed. It is my opinion that in each instance, the special benefits arising from the improvements are equal to or exceed the special assessment.

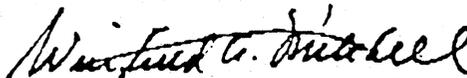
Parcel No. 10-29-22-32-0002 owned by Hartford and Florence Langer and Jay Langer is an irregular shaped tract with 295 feet frontage on Gervais Avenue. The tract is one of three contiguous tracts owned by H. and J. Langer that are used currently for the manufacture and installation of truck equipment. Parcel No. 0002 contains approximately 85,378 square feet. The total assessment is \$10,767.50. The unit assessment is \$0.126+/- per square foot.

Prior to completion of the Gervais Avenue improvement, the property had no improved street frontage. It now does. The use of the tract for storage of old truck and trailer bodies and miscellaneous equipment does not, in my opinion, constitute the highest and best use of the land. The manufacturing facility on the abutting land suffers badly from inadequate employee parking. The subject tract could better be used for that purpose. A driveway from Gervais Avenue to the property would provide adequate access.

Parcel No.s 10-29-22-32-0003 and 0004 are contiguous parcels owned by Donald B. Regan. The two parcels should be considered as a single entity as there is no physical demarcation line between them. Prior to the street improvement, neither parcel had improved street frontage on the north side. The only access to Parcel 0003 was across Parcel 0004 from English Street. Both parcels now have suitable and convenient access from Gervais Avenue. The parcels are now vacant, except for an old quonset type garage building in the southwesterly corner of Parcel 0004. The building does not constitute a proper improvement. Parcel 0003 contains approximately 32,940 square feet; Parcel 0004 contains approximately 65,880 square feet. The combined area of the two parcels is 98,820 square feet, more or less. The total assessment for the two parcels is \$21,900, which reduces to a unit rate of \$0.22 per square foot of land area.

The improvement of Gervais Avenue enables the properties to be developed for an economic and profitable use, and in my opinion, provides special benefits in excess of the special assessments for each parcel.

Very truly yours,


Winfield A. Mitchell

WAM/fm



GALENA & BECK
ATTORNEYS AT LAW

RICHARD J. GALENA
BRUCE L. BECK
TODD STEDTFELD

EXECUTIVE OFFICE CENTER
SUITE 402
2785 WHITE BEAR AVENUE NORTH
SAINT PAUL (MAPLEWOOD), MINNESOTA 55109-1307

AREA CODE 612
TELEPHONE 770-2400
FAX 770-9033

August 27, 1990

City Clerk/Presiding Officer
City of Maplewood
1830 E. County Road B
Maplewood, MN 55109

Hand Delivered

RE: Objection
Improvement Name: GERV 88-14
Improvement No. 6073
PIN No. 10-29-22-32-0003
PIN No. 10-29-22-32-0004

Dear Sir:

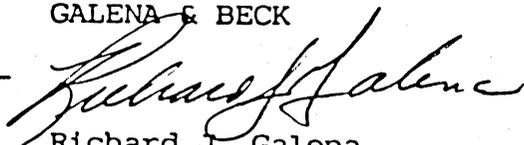
Enclosed herewith for filing is the Written Objection of Donald B. Regan to the above-stated assessment concerning the two above-stated parcels of property. A separate Written Objection is filed in regard to each parcel of property.

We request that all further notices concerning the above-captioned matter be sent to Mr. Regan, together with a copy to our offices.

Thank you.

Sincerely,
GALENA & BECK

By-


Richard J. Galena

RJG:md
cc: Donald B. Regan

Received
8/27/90
3:05 P.M.

August 27, 1990

Hand Delivered

WRITTEN OBJECTION

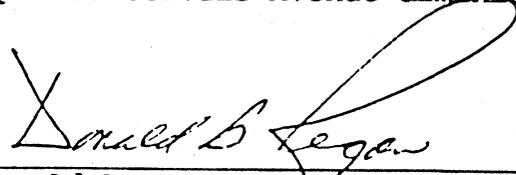
TO: CITY CLERK/PRESIDING OFFICER
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

RE: Improvement Name: GERV 88-14
Improvement No. 6073
Property Description: SECTION 10 TOWN 29 RANGE 22 N 204.7 FT OF FOL
TRACT; EX W 433 FT; PART LYING N OF HWY 36 OF W 19 ACRES OF NW 1/4
OF SW 1/4 (SUBJ TO RD & ESMTS) IN SEC 10 TN 29 RN 22.

PIN No. 10-29-22-32-0003

Written objection is hereby made to the above-stated assessment and the amount thereof on the above-stated property. The objections include, but are not limited to the following:

1. The land will not and does not receive a special benefit from the improvement;
2. The assessment is not uniform upon the same class of property;
3. The assessment exceeds the special benefit, if any, which the property derives from the improvement giving rise to the assessment;
4. The assessment is not distributed in proportion to the benefits received and is unfair;
5. The assessment is not proportionate to the benefits accruing to each property as a result of the improvement;
6. The raised grade level of the improved Gervais Avenue diminished the value of the property.



Donald B. Regan
2866 White Bear Avenue
Maplewood, MN 55109

August 27, 1990

Hand Delivered

WRITTEN OBJECTION

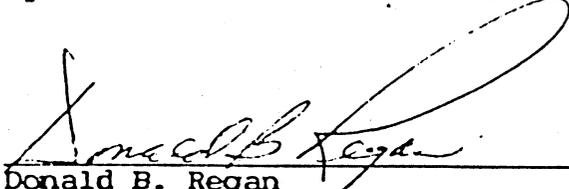
TO: CITY CLERK/PRESIDING OFFICER
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

RE: Improvement Name: GERV 88-14
Improvement No. 6073
Property Description: SECTION 10 TOWN 29 RANGE 22 W 433 FT OF N 204
7/10 FT OF NW 1/4 OF SW 1/4 (SUBJ TO RD & ESMTS) IN SEC 10 TN 29 RN
22.

PIN No. 10-29-22-32-0004

Written objection is hereby made to the above-stated assessment and the amount thereof on the above-stated property. The objections include, but are not limited to the following:

1. The land will not and does not receive a special benefit from the improvement;
2. The assessment is not uniform upon the same class of property;
3. The assessment exceeds the special benefit, if any, which the property derives from the improvement giving rise to the assessment;
4. The assessment is not distributed in proportion to the benefits received and is unfair;
5. The assessment is not proportionate to the benefits accruing to each property as a result of the improvement;
6. The raised grade level of the improved Gervais Avenue diminished the value of the property.



Donald B. Regan
2866 White Bear Avenue
Maplewood, MN 55109



Phone: (612) 484-3305
Fax: (612) 484-0076

Truck Utilities & Mfg. Inc.

2370 ENGLISH - CORNER OF HIGHWAY 36 - SAINT PAUL, MINNESOTA 55109-2098
"YOUR COMPLETE TRUCK EQUIPMENT HEADQUARTERS"

August 22, 1990

City of Maplewood
Department of Public Works
1830 East County Road B
Maplewood, MN, 55109
Attn: Lucille E. Aurelius

Re: Project 88-14
Parcel ID# 10-29-22-32-0002
Gervais Improvement/Cul De Sac

Dear Ms. Aurelius:

We would like to go on record to protest the assessment of the above mentioned project. Opening and making Gervais available to traffic does in no way improve or benefit our property. This work was done for the benefit of the new Department of Transportation Research Laboratory.

There is no entry from the East, which can be used on Gervais Ave. to reach our business. Our employee's and customer's must still take White Bear Ave. to Highway 36 West to English St. Furthermore the opening of Gervais from English to the Cul De Sac at the Transportation Building has had a damaging effect to our property.

Since Gervais has been improved, we have had people park their cars and bicycles on Gervais, enter our property and steal our goods. Also, people throw their garbage out and it rolls down the hill and into our property.

It is our firm belief that there is no benefit to anyone except the Department of Transportation. This entire project is and should be a cost of the State of Minnesota.

Thank you for your time, if you have any questions or comments regarding this matter, please call.

Sincerely,

H. Langer
Harford Langer
President
Truck Utilities

HL/fe



Minnesota Department of Transportation
Transportation Building, St. Paul, MN 55155



August 21, 1990

296-1133

Ms. Lucille E. Aurelius
City Clerk
City of Maplewood, Minnesota
Department of Public Works
1830 East County Road B
Maplewood, Minnesota 55109

In reply refer to: 7300
Statement of Accessment D/P #6073

Dear Ms. Aurelius:

I am in receipt of the August 27, 1990 Notice of Accessment hearing in which it appears that the State of Minnesota is to be assessed \$12,118.00 for Gervais Avenue street improvements. Obviously, this is an error.

I think if you would check with Mr. Michael McGuire, he will confirm the agreement and understanding that was reached sometime ago in which the State agreed to convey to Maplewood at no cost, the necessary Gervais Avenue right of way in lieu of any street and/or utility accessments being levied against the State in the future.

This was intially set forth in then District Engineer, K. K. McRae's February 2, 1988 letter to Mr. McGuire (fourth paragraph), repeated in State's Attorney Steve Buffington's April 18, 1989 letter to City Attorney Patrick Kelley (second and third paragraph) and repeated again in Richard Sullivan's May 8, 1989 letter to Mr. McGuire. Copies of these three correspondences are enclosed.

Once again, Maplewood is advised that the State will not be paying these assessments which should be removed from your tax records.

Sincerely,

R. J. Dinneen, Director
Office of Right of Way and Surveys

CERTIFIED MAIL

779-1178

February 2, 1988

Mr. Michael McGulre
City Manager
City of Maplewood
1830 East County Road B
Maplewood, Minnesota 55108

Dear Mr. McGulre:

SUBJECT: Request for Extension of Gervais Avenue
From English Street to Barclay Avenue

The Minnesota Department of Transportation is the present owner of several parcels of property located north of Trunk Highway 36 and west of Barclay Avenue in Maplewood.

As you are aware, a Conditional Use Permit application was made to the city on November 5, 1987, for the development of the Department's Central Laboratory and Research Center. It is proposed to locate this facility just north of Trunk Highway 36 and between the Burlington Northern Railroad right of way and Barclay Avenue. Access to this site at the present time is limited to possible entrances from Viking Drive at the southeast corner of the property or an extension of Gervais Avenue on the north. An extension of Gervais Avenue from English Street to Barclay Avenue would be the most practical.

The Department is negotiating with Burlington Northern to purchase a crossing of the railroad right of way for projected Gervais Avenue to expedite this extension. The acquisition of this small portion of the abandoned railroad right of way will not jeopardize any potential acquisition that Ramsey County may be considering.

The Department is willing to vacate that portion of the property it owns necessary for the right of way for Gervais Avenue provided that the assessment for street and utilities can be mitigated.

Accordingly, we hereby request an extension of Gervais Avenue from English Street to Barclay Avenue. Gervais Avenue is on Maplewood's Municipal State Aid System and would thus be eligible for State Aid.

Mr. Ken Haider requested an indication of what Mn/DOT's long-range plans are for upgrading Trunk Highway 36 and the possibility for an interchange in the vicinity of English Street. The District 20 year plan indicates the need for improvement

Mr. Michael McGuire
Page two
February 2, 1988

of Trunk Highway 36 in the early 2000's. Building site plans have been adjusted to provide maximum flexibility for potential interchange development in the future.

In separate correspondence that we received on December 23, 1987, Mr. Robert Odegard expressed an interest in acquiring the Mn/DOT owned property north of proposed Gervais Avenue for city park purposes. Our Right of Way Engineer, Mr. Adeel Lari, will be contacting the city to provide information on this process.

Sincerely,

Kermit K. McRae, P.E.
District Engineer

cc:

Ken Halder - City of Maplewood
Robert Odegard - City of Maplewood

bcc:

E. E. Ofstead - 413
R. H. Sullivan - 612
B. F. Himmelman - 120A
Ron Lagerquist R. A. Elasky
R. H. Cartford
Adeel Lari
Karl Rasmussen
Phil Keen

KKMC:drl



STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

April 18, 1989

ADDRESS REPLY TO:
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155
TELEPHONE: (612) 297-2040
FACSIMILE: (612) 297-2576

Mr. Patrick Kelly, Esq.
Maplewood City Attorney
409 Midwest Federal Building
St. Paul, Minnesota 55101

RE: Maplewood Mn/DOT Central Laboratory
and Research Center

Dear Mr. Kelly:

This is to follow up on our conversation of April 17,
1989.

1. Mn/DOT will pay the additional sewer access charge (SAC) of \$280.50 presently owing through the City to the Metropolitan Waste Control Commission. At one time, Mn/DOT thought this increase might be waived by the Commission, but this was not correct. Mn/DOT gave the City the correct SAC amounts last fall, but the City did not at that time make payment to the Commission, and rates have since increased.

2. The matter of dedication of Gervais Avenue right of way in mitigation of street assessments was covered in Kermit McRae's letter of February 2, 1988 to City Manager Michael McGuire. City Engineer Ken Haider and Parks Manager Robert Odegard were copied on that letter. A xerox copy is enclosed for your convenience.

In particular, see the fifth paragraph on the first page of that letter. My clients have told me that donation in mitigation of assessments was always an integral part of the arrangement between the City and the State. The State never intended to give away this valuable real estate to the City without a consideration. If the City has now decided the State is to be assessed, the City must acquire and pay for the right of way.

Please note from the second paragraph of the February 2, 1989 letter that Mn/DOT feels an extension of Gervais Avenue is most practical for access to the laboratory property, but frontage on a new street is not the only possible access. Accordingly, while willing to cooperate with the City regarding this new street, it expected to be treated fairly.

Mr. Patrick Kelly, Esq.
April 18, 1989
Page 2

The City's actions have been consistent with the concept of donation in mitigation of assessments. The City consistently desired a Gervais Avenue extension with a State-Aid designation. In response to Maplewood's concerns, Mn/DOT additionally adjusted site plans for the laboratory property to optimize the potential for a nearby future interchange with T.H. 36 (see paragraph 6).

3. Richard Dineen's letter to you dated March 20, 1989 merely memorializes the "square footage" and "dollar" details of the street and assessment issue, discussed above, the "7 $\frac{1}{2}$ " resolution of the PAC, and a purchase of the remaining northerly land, which I presume was initiated by the City Parks Department.

As indicated in our conversations, my letter of February 21, 1989 and your response of February 27, 1989, the purchase price of the northerly land was the appraisal of approximately 40 cents a square foot. Mn/DOT said 40 cents would remain firm unless the City failed to buy before the appraisal became stale. This price is and always has been also conditioned on the assumption of the appraisal that the property is unimproved by street frontage: i.e., bare land, just as the appraiser viewed it.

Finally, the street donation/improvement issues and the PAC issue are separate. Street donation/improvement is logically first and the 7 $\frac{1}{2}$ land conveyance is appropriately based on the square footage of the north and south properties net of the land donated by Mn/DOT to the City for street right of way. My clients are adamant that the 7 $\frac{1}{2}$ not be based on street square footage that will be city property.

4. Finally, the building permit fee charged by the City is \$919.14 more than originally anticipated by Mn/DOT's building contractor because two permits rather than one will ultimately be issued. This increase, which appears in the fee for the second permit, is a direct result of the PAC issue, which the City and State have resolved. Accordingly, as expressed in Blaine Himmelman's letter of March 14, 1989, Mn/DOT does not feel that it should be responsible for this figure.

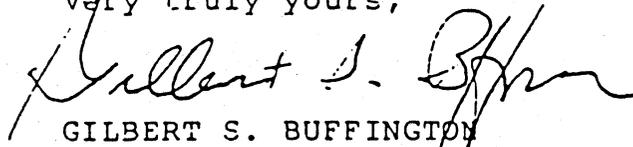
5. I also understand that the project would not be shut down on Wednesday, April 19, 1989 for lack of a building permit.

Mr. Patrick Kelly, Esq.
April 18, 1989
Page 3

The need for this letter arises in part from the City's failure over the last several months to respond in writing to Mn/DOT's correspondence on all of the issues discussed above. Accordingly, please acknowledge in writing the City's concurrence with Mn/DOT's positions as expressed herein.

Thank you very much. Your assistance in working with the City and Mn/DOT to get this matter concluded is most appreciated.

Very truly yours,



GILBERT S. BUFFINGTON
Special Assistant
Attorney General

Telephone: (612) 296-8405

GSB:ft
Enclosure
cc: Blaine Himmelman
Dick Sullivan
Dick Dineen
Leo Korth
Don Mueting, AAG
Gene Ofstead



Minnesota Department of Transportation
Transportation Building, . St. Paul, MN 55155



May 8, 1989

Mr. Michael McGuire
City Manager
City of Maplewood
1830 East County Road B
Maplewood, Minnesota 55109

Re: Mn/DOT Central Laboratory and Research
Center: Street Assessments

Dear Mr. McGuire:

The State of Minnesota has no liability to the City of Maplewood for street and utility assessments for new Gervais Avenue where it traverses the northerly edge of the laboratory property.

The street property was donated by the State, although it had no obligation to give it up. This donation was in consideration of mitigation of these street and utility assessments as laid out in Kermit McRae's letter of February 2, 1988. This land was certainly as valuable as the front footage assessments for the south side of new Gervais Avenue.

Accordingly, the State owes the City no money.

The City is contemporaneously purchasing State land on the north side of Gervais Avenue, and there is therefore no benefit or assessment liability on the part of the State as to its frontage at all.

Mr. Michael McGuire
May 8, 1989
Page 2

The State is a sovereign that is senior to the City. It is not in any way a "developer" with regard to the construction of the laboratory building, which is a public building on public land. It is not agreeable to requirements or interpretations by the City where it is analogized to a private developer improving private land for profit.

Very truly yours,

A handwritten signature in cursive script, appearing to read "R. H. Sullivan".

R. H. Sullivan
Director
Office of Materials, Research & Standards
Mn/DOT

MEMORANDUM

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: Change in City Council Condition
LOCATION: 2226 Searle Street
DATE: August 10, 1993

INTRODUCTION

Ms. Toya Farrar-Orr is requesting that the City Council allow her to fill most of her back yard. She lives at 2226 Searle Street. The back yard is low; occasionally, part of it fills with water. She wants to fill her back yard because:

- 1. She feels that it is a safety hazard for her children.
- 2. She wants a backyard for her children to play in.
- 3. She feels the low area breeds mosquitos.

(See her letters on pages 9 and 11 and the proposed plan on page 13. Her letter on page 11 states that she wants to fill only a 50-foot by 35-foot area. She has since changed her request to include most of her back yard.)

BACKGROUND

July 6, 1978: The City Council approved Richard Nelson's request to build a house at 2226 Searle Street. The Council had to approve this house because the lot does not front on an improved street. The Council approved this house subject to five conditions. Condition Four states, "Current ponding on the property shall not be disturbed." (See the Council minutes on page 15.)

July 16, 1979: Mr. Nelson and the City signed an agreement about the conditions for building the house at 2226 Searle Street. This agreement included the statement that "the current ponding on the property shall not be disturbed". The County recorded this agreement on July 19, 1979. (See the document on page 16.)

June 21, 1988: The former property owner (Mrs. Alta Schultz) requested that the City allow her to fill and build a swimming pool in the back yard. The City Engineer denied the request because of the Council's condition against filling.

OPTIONS (from most to least restrictive)

- 1. Deny the request to fill the back yard.

2. Allow Ms. Farrar-Orr to fill her backyard if the City builds a storm sewer to drain her back yard.
3. Allow Ms. Farrar-Orr to fill only the former badminton court/skating rink (50' x 35'). Additional filling must wait until the City builds a storm sewer.
4. Allow Ms. Farrar-Orr to fill her back yard. In addition, direct the City Engineer to prepare a feasibility study for a storm sewer.
5. Allow Ms. Farrar-Orr to fill her back yard. Do not order a storm sewer.

DISCUSSION

Filling

Ms. Farrar-Orr's property receives storm water from a 2.5-acre drainage area. This drainage area is mostly in the rear yards of the houses on Payne Avenue, Viking Drive and Searle Street. The storm water collects in Ms. Farrar-Orr's rear yard. The storm water cannot drain overland because her rear yard is lower than the surrounding property. Percolation and evaporation slowly dissipate this water.

Ms. Farrar-Orr states that the previous owners, reportedly, dug out a 50- x 35-foot area for a skating rink. At least three neighbors state that there was never excavation for a skating rink. These neighbors state that the previous owner brought in timbers and sand to frame a badminton court. Because of the high water table in the last few years, the water froze in the winter and was used for a skating rink. (See the letters on pages 18, 20 and 22.)

Ms. Farrar-Orr is proposing to fill the back yard with a "clean and suitable granular filtering material." Water can flow through this type of fill. If the City Council allows Ms. Farrar-Orr to fill her back yard, storm water from the surrounding properties would still flow to Ms. Farrar-Orr's yard. As happens now, some storm water would flow through the fill and absorb into the ground. Ms. Farrar-Orr could fill the former skating rink/badminton court with this material and not significantly affect adjacent properties. Filling a larger area may cause drainage problems for the neighbors.

The City should not allow this property to be filled beyond the former skating rink/badminton court without building a storm sewer. If the City orders this project, the City would assess the costs to the properties that drain to Ms. Farrar-Orr's lot. The pipe would run to the City pond at the northeast corner of Edgerton Street and County Road B.

Storm Sewer

The neighbors state the arguments for and against a storm sewer. The neighbors in favor point out that draining the neighborhood storm water into Ms. Farrar-Orr's lot is not fair to her. She should not have to store the neighbors' water. The neighbors against state that this has always been a natural low area. They point out that Ms. Farrar-Orr should have known that the back yard could not be filled before she bought the property. The Council condition was recorded with the property.

The Council should order a feasibility study for a storm sewer. The Council would then know the costs and problems in building this pipe. When the City completes the study, the Council could hold a hearing for neighborhood opinion. A feasibility study would cost about \$2,000. If the Council orders this project, they could assess this cost with the rest of the project costs. The City would have to pay the cost if the City does not order the project. Ordering a feasibility study now would mean constructing the pipe no earlier than next spring. Ordering a feasibility study, however, does not mean that the Council will order the project.

This case has a precedent. In 1979, the Council approved a variance to build on a lot on Birmingham Street between Summer and Ripley Avenues. This lot is also a low area with similar drainage problems to Ms. Farrar-Orr's lot. After a rainfall, storm water collects on the street and on this lot. The Council approved a variance with a condition that the City would not issue a building permit for this lot, until the drainage problem is resolved to the satisfaction of the City Engineer. The City Engineer will not approve a building permit until the City builds a storm sewer to drain this lot.

RECOMMENDATIONS

1. Adopt the resolution on page 29. This resolution reflects option three above. Ms. Farrar-Orr could only fill the former badminton court/skating rink (50' x 35'). Additional filling must wait until the City builds a storm sewer.
2. Adopt the resolution on page 30. This resolution orders a feasibility study to drain Ms. Farrar-Orr's back yard.

CITIZEN COMMENTS

We asked the neighbors for their opinion of Ms. Farrar-Orr's original request (to only fill the former skating rink/badminton court). We sent surveys to the property owners within 350 feet of the site. Out of 24 properties, we received 13 replies. Three were for the request, nine were against and one had no comment.

Those for the request had the following comments:

1. The natural drainage for all the properties in the area is a pond on the corner of Edgerton and County Road B. Her skating rink appears to go to a shallow man-made depression. Why should she be a sump for her neighbors when this is not a natural sump. I do not understand why on a small lot, a person must be accountable for all her neighbors. It is such that her property is a wetland. I believe common sense should allow a distribution of run off, not put it all on one. (Magnuson - 2222 Payne Avenue)
2. I am for this request if the filling of this area does not change the drainage so it impacts on neighbors' property. If it is a natural area and has had no previous man-made excavations, it probably should be left alone. However, if not, she should be allowed to fill in with the proper sloping and drainage. (Brekke - 2204 Payne Avenue)
3. It will allow Ms. Farrar-Orr to return her property to its original grade. The depression, whether built for a skating rink or for a swimming pool, was not part of the natural drainage of the area. It would seem that the excavation was not sanctioned by the City of Maplewood and therefore its return to a natural grade should not be in question. Also, the safety of six children should be a paramount issue. (Lassig - Banks, 650 Viking Drive)

Those against the request had the following comments:

1. It would drain all the water through our land. (Johnson - Director of Church Operations, Trinity Baptist Church)
2. It appears this is a natural hole and if filled will cause problems everywhere, to neighbors, etc. The people bought it that way and it should remain that way. (Stanke - 636 Viking Drive)
3. It looks like the hole was natural and should remain as is. (Stanke - Saint Paul)

See the letters on pages 18-28 for additional comments from those against this request.

Staff comment: Two of the letters suggest pumping the storm water into the sanitary sewer system. This would require a variance from City Code and a permit from the Metropolitan Waste Control Commission (MWCC). The MWCC advised me that they would probably not approve this permit. The applicant must show that there are no prudent and feasible alternatives.

REFERENCE

Site Description

Site Size: 18,920 square feet

Existing Land Use: A house

Surrounding Land Uses

North: A house at 2232 Searle Street

East: Houses on Payne Avenue

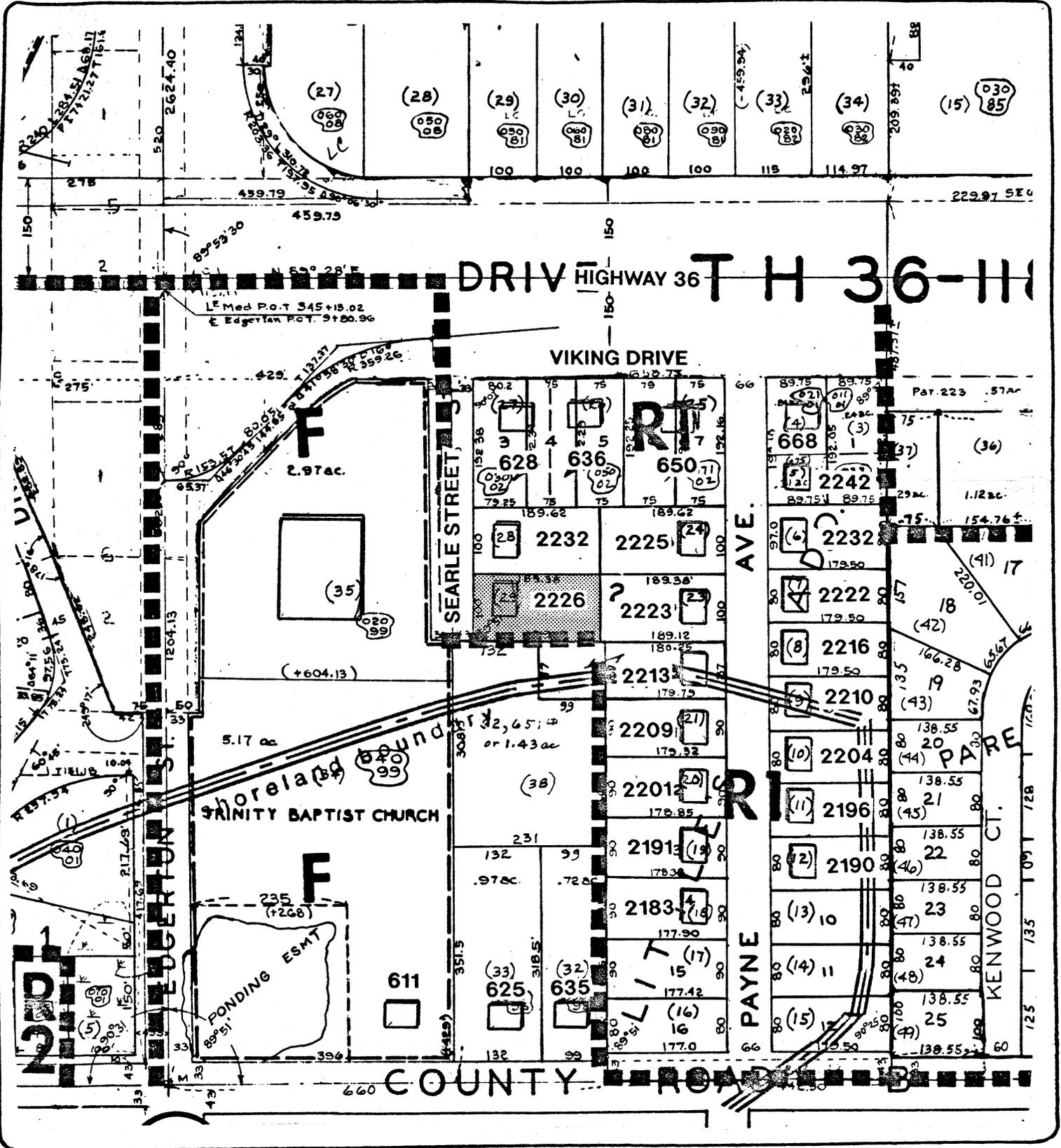
South: Undeveloped property owned by Trinity Baptist Church

West: Trinity Baptist Church and parking lot across Searle Street

go/b-5:farraror.mem (8)

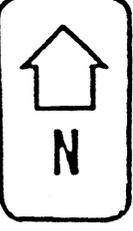
Attachments:

1. Location Map
2. Property Line/Zoning Map
3. 5-26-93 letter
4. 6-15-93 letter
5. 7-8-93 Site Plan
6. 1965 Aerial Survey Map
7. 7-6-78 Council Minutes
8. 1979 Recorded Agreement
9. Letter: Kopp
10. Letter: Johnson
11. Letter: Daus
12. Letter: Bucker
13. Letter: Axdahl
14. Letter: Burton
15. Condition Change Resolution
16. Feasibility Study Resolution



PROPERTY LINE / ZONING MAP

SITE



May 26, 1993

Geoff Olson, Director of Community Development

Dear Mr. Olson:

On Friday, May 14, 1993, I had two landscapers come to my home, located at 2226 Searle Street in Maplewood.

My intention at that time was to get an estimate on filling the skating rink, in the backyard, left by the previous owners of my new home before getting a fill permit. When out of no where my neighbor approached me and informed me that the rink could not be filled. He went on to say that I should have been told. Later that day I spoke to my neighbor in back of me, he also informed me that it could not be filled and presented me with a copy of the enclosed document.

I have never seen this document or knew of any ponding on the property.

I did seek legal counsel in buying the property but my lawyer wouldn't have known what to look for since there was no evidence of any standing water in the skating rink.

Also in the real estate disclosure there was nothing disclosed about any restrictions or reservations on the use of the property.

I then contacted the City of Maplewood engineer, Ken Haider who acted very prompt in coming out to investigate the hole.

Mr. Geoff Olson
May 26, 1993
Page 2

Mr. Olson, I have been a foster-parent for four years. At this time, I am caring for six children ranging in ages from 18 months to 10 years old and my biological 9 year old twins. The hole in my backyard poses a great threat to all of my children.

I have already had one incident involving a child tripping into it. She was not hurt but required a band-aid on her knee and bent back her thumb trying to break her fall. I thank God it was one of my own children. If it had been one of my foster-children, I could have been possibly sued for the endangerment of the child.

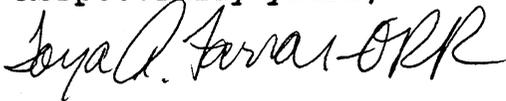
The hold in my backyard is not only an endangerment to my children and the children in my care, poses a great liability threat to me. The hole also cuts my backyard in half and leaves no room for outdoor equipment such as the swing set I promised my children before we moved in.

I have been made aware that the rain from my neighbors slopes come to my backyard. My property is the lowest around. But should that fact dictate my children's safety or the use of the property I am paying for?

I acknowledge that I'm the new kid in the neighborhood but I should not be the keeper of the hole bearing all rain responsibility neither should my children be denied their rights to a safe and fun backyard environment.

I am seeking the City Council's help in removing #3 in the enclosed document; To Remove the Ponding Condition on my Title, so that the hole may be safely filled and my property utilized for the manner in which I purchased it for.

Respectfully yours,



Toya A. Farrar-Orr

Enclosures

City of Maplewood City Council
City Clerk's Office
City Hall
1830 East County Road B
Maplewood MN 55109

NOTICE OF PETITION TO THE CITY OF MAPLEWOOD

NAMES OF PETITIONERS : Toya FARRAR-ORR
ADDRESS : 2226 Searle Street, Maplewood MN 55117

STATEMENT CONCERNING A SITE CONDITION :

As explained in our letter to the Director of Community Development, dated May 26, 1993, (copy attached), there exists an approximate 50 ft X 35 ft shallow wet area in the back of our lot. This excavation was reportedly dug by previous owners, at the point of an existing topographical depression, for the use of a skating rink.

There appears to be no available records of fact that a zoning variance or a building permit was granted for this excavation.

It is our intention to restore this area to it's original grade, in order to first of all eliminate a breeding site for mosquitos and secondly to prevent small children from falling in this excavation, in the future.

PETITION FOR REDRESS :

We respectfully petition the City Council for acknowledging a shared responsibility in this matter, and to provide guidance and suggestions on how to eliminate the defective site condition now existing on the property.

There is no and there has been no negligency on our part for allowing this defective, dangerous and unhealthy site condition to remain in place.

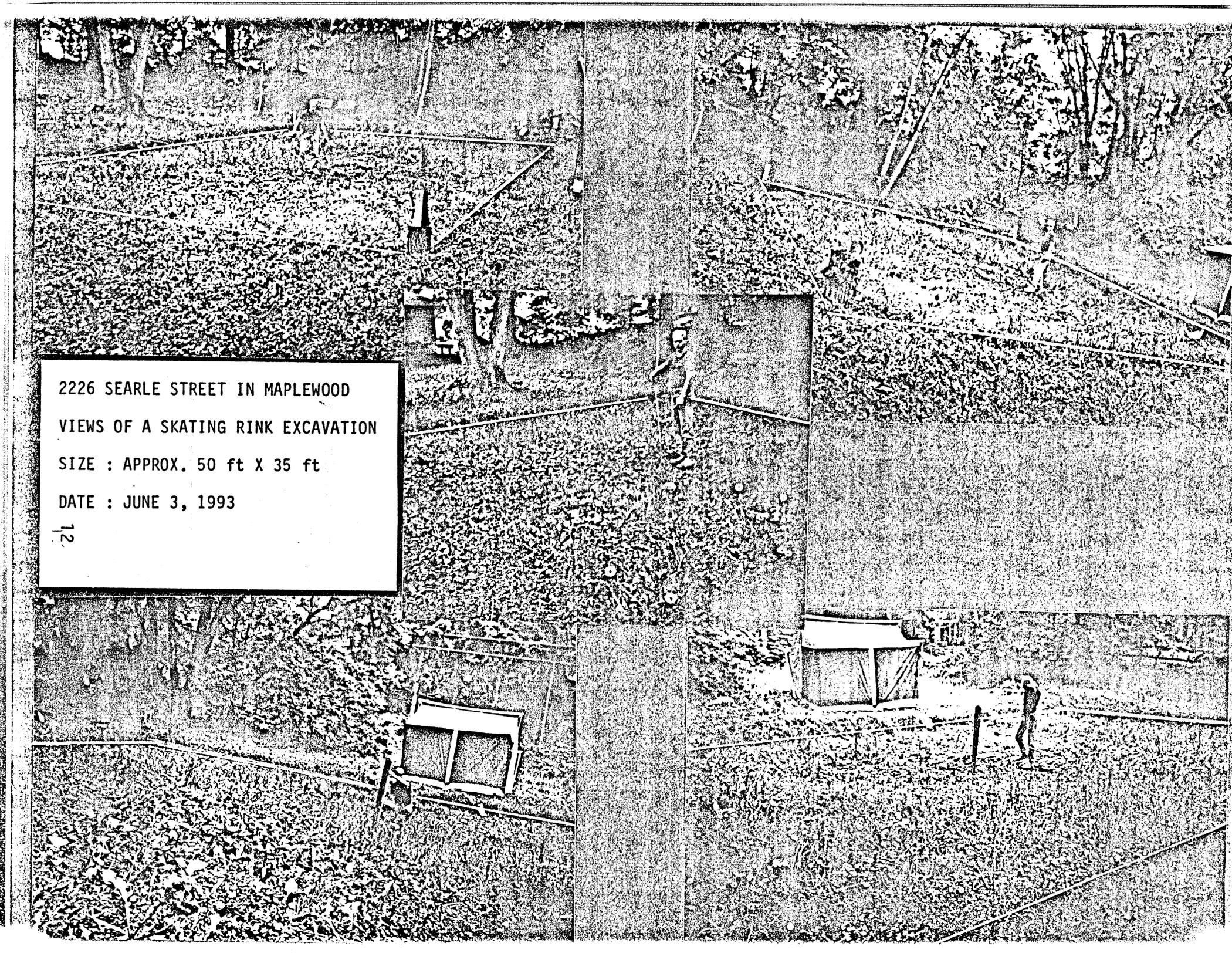
We appreciate your kind help and earliest consideration.

LOCATION : Please refer to the attached photos.

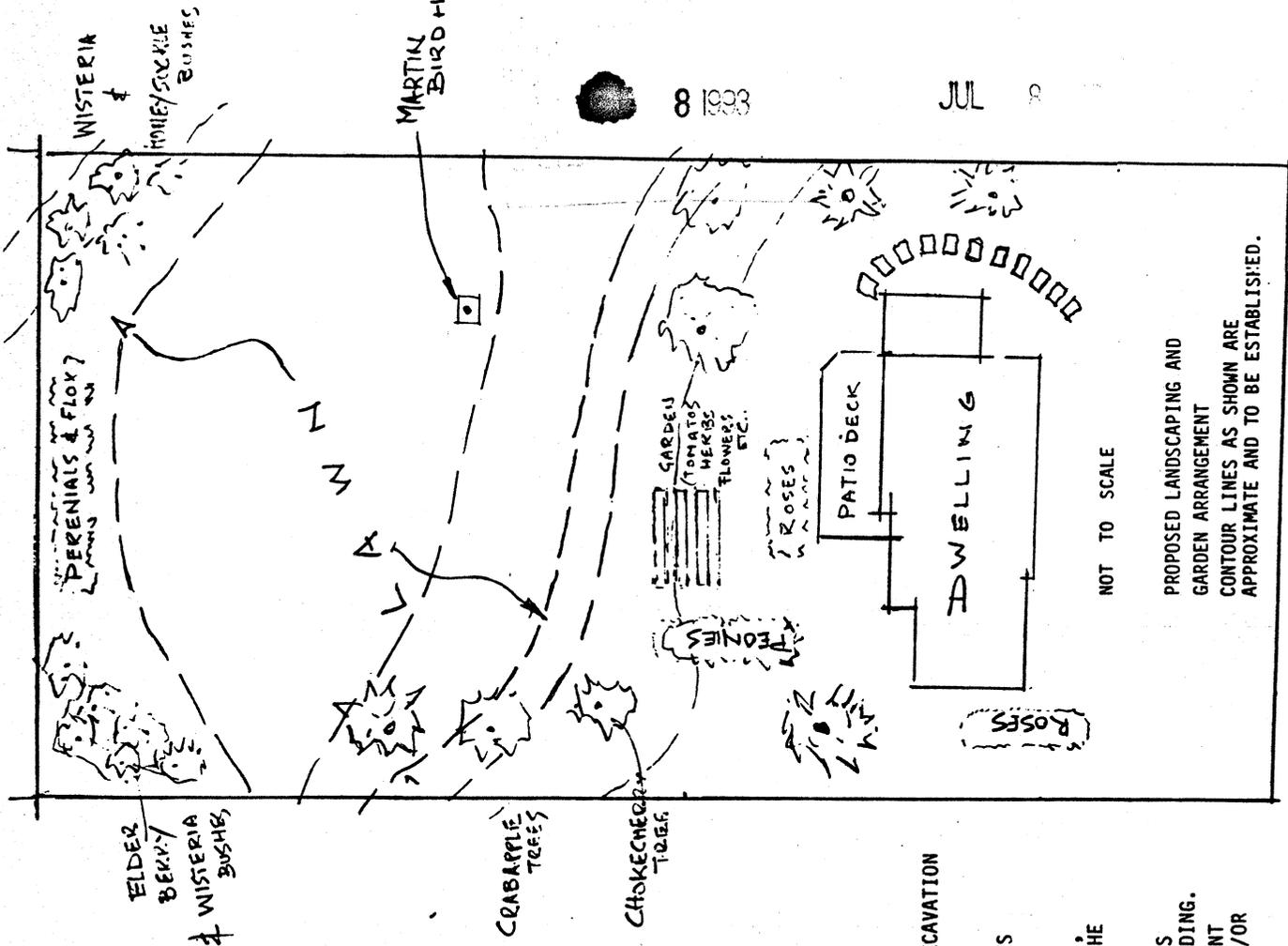
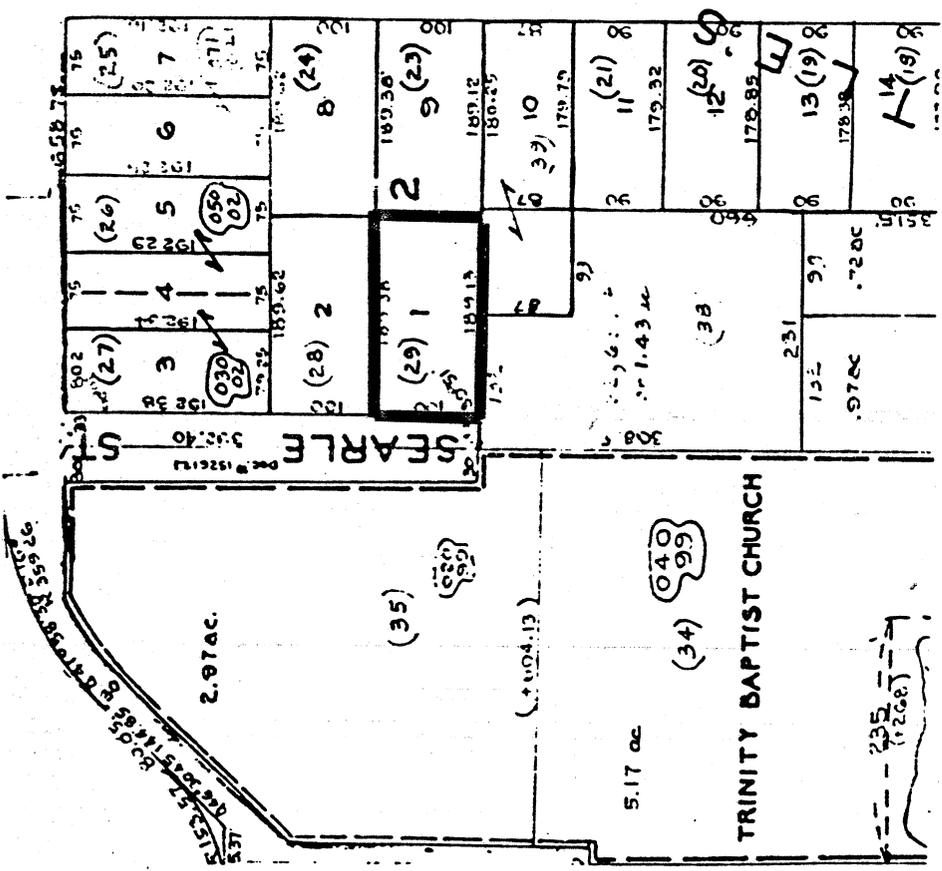
DATE OF PETITION : Maplewood. the 15th of June, 1993

SIGNATURES :

Toya Farrar-ORR



2226 SEARLE STREET IN MAPLEWOOD
VIEWS OF A SKATING RINK EXCAVATION
SIZE : APPROX. 50 ft X 35 ft
DATE : JUNE 3, 1993

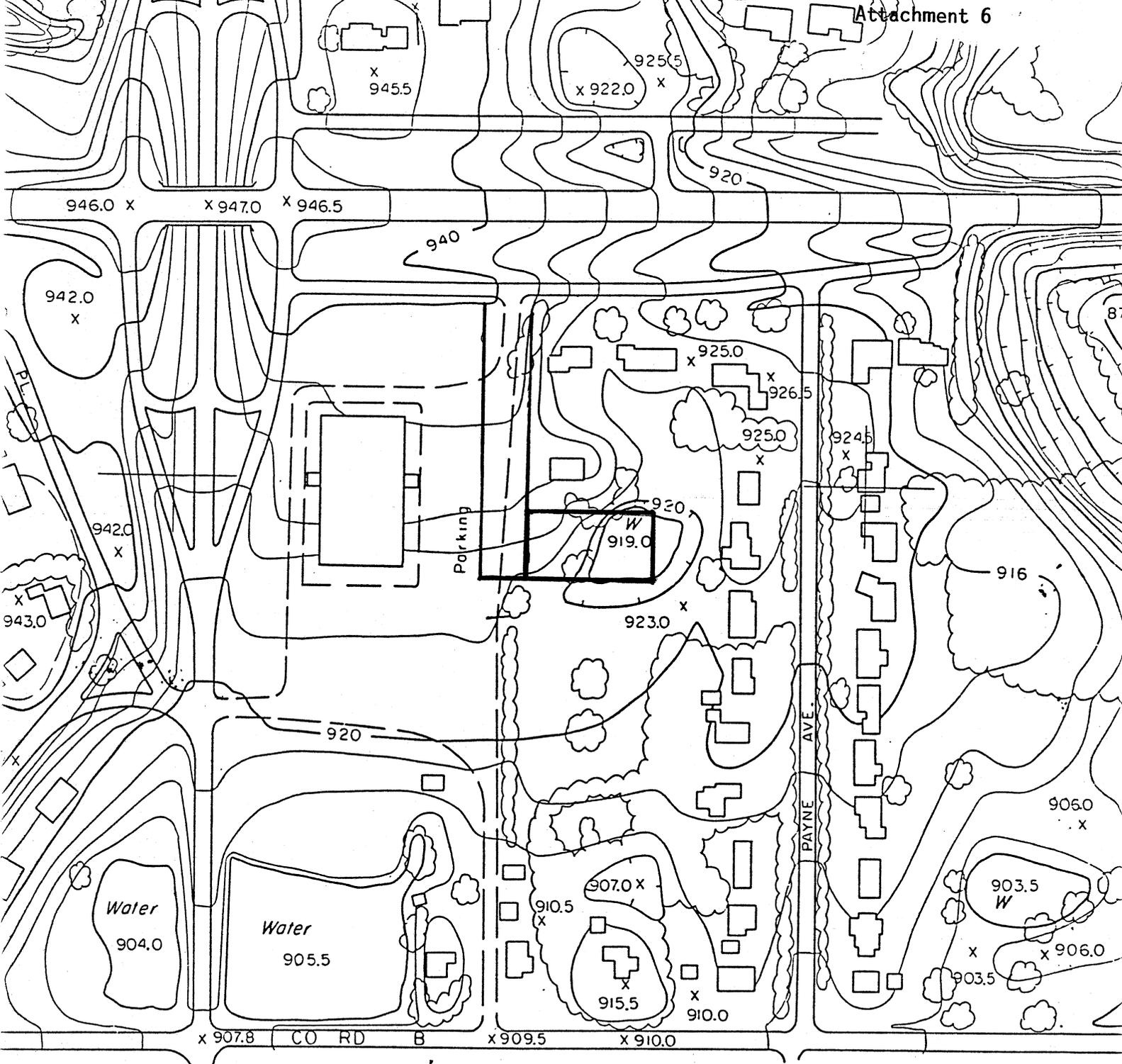


NOT TO SCALE

PROPOSED LANDSCAPING AND GARDEN ARRANGEMENT CONTOUR LINES AS SHOWN ARE APPROXIMATE AND TO BE ESTABLISHED.

PROPOSED METHOD FOR RESTORING THE SITE OF AN ABANDONED OPEN EXCAVATION LOCATED ON PRIVATE PROPERTY, AT 2226 SEARLE IN MAPLEWOOD.

1. ACTUAL SITE CONDITIONS, GROUND ELEVATIONS AND PROPERTY LINES TO BE DETERMINED BY A SURVEY.
 2. REMOVAL OF OLD TIMBERS, DEBRIS AND BRUSH FROM THE SITE.
 3. PLACING OF A CLEAN AND SUITABLE GRANULAR FILTERING MATERIAL, APPROXIMATELY SIX TO TWELVE INCHES OR MORE IN DEPTH, OVER THE ENTIRE AREA.
 4. PLACING OF A FINISHING LAYER OF TOPSOIL, APPROXIMATELY SIX INCHES IN DEPTH, TO BE WORKED WITH GARDEN OR FARM IMPLEMENTS AND BROUGHT TO A UNIFORM FIRM SURFACE AND CONDITION FOR SEEDING.
- NOTE: DUE TO INTERMITTENT STORMWATER RUNOFF FROM THE ADJACENT PROPERTIES, IN ADDITION TO SEASONAL STANDING WATER AND/OR PONDING, A SUITABLE TYPE OF COVER ADAPTED TO THESE CONDITIONS SHOULD BE DETERMINED PRIOR TO SEEDING.



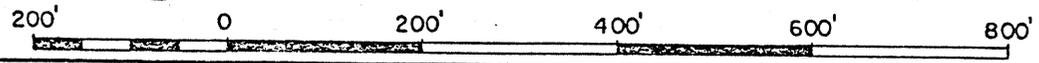
17



CHICAGO AERIAL SURVEY

FRANKLIN PARK, ILLINOIS
MINNEAPOLIS, MINNESOTA





JOB NO.	PHOTO DATE	VERTICAL DATUM	MAP SCALE	CONTOUR INTERVAL	SHEET OF
6397	MAY 1965	CLIENT	1"=200'	4'-2' SUPP.	OF

1. Any garage shall be located on the north side of the lot;
2. A paved drive shall be provided from the end of improved Searle Street to the applicant's driveway and shall be approved by the City Engineer;
3. The property owner and applicant shall sign an agreement to maintain the driveway to the City standards, including snow plowing. This agreement shall be recorded to run with the property;
4. Owner and applicant shall agree to the above conditions in writing.

Commissioner Sherburne seconded. Ayes all."

- d. Chairman Anderson called for proponents. None were heard.
- e. Chairman Anderson called for opponents. The following were heard:

Mr. Robert Kopp stated he and other neighbors are opposed. They do not want any filling done on the property.

f. Chairman Anderson closed the public hearing.

g. Councilman Fontaine moved to approve the request of Mr. Richard Nelson to construct a single family dwelling on an unimproved street (Searle Street) subject to the following conditions:

1. Any garage shall be located on the north side of the lot;
2. A paved drive shall be provided from the end of improved Searle Street to the applicant's driveway and shall be approved by the City Engineer;
3. The property owner and applicant shall sign an agreement to maintain the driveway to the City standards, including snow plowing. This agreement shall be recorded to run with the property;
- * 4. Current ponding on the property shall not be disturbed;
5. Owner and applicant shall agree to the above conditions in writing.

Seconded by Councilman Wiegert. Ayes - all.

E. ADJOURNMENT

8:23 P.M.

Lucille E. Anderson

City Clerk

AGREEMENT TO MAINTAIN
A PORTION OF SEARLE STREET

THIS AGREEMENT made and entered into this 16th day of July, 1979, by and between Lakes and Hills, Inc., a Minnesota corporation, hereinafter referred to as the "Owner" and the City of Maplewood, a Minnesota municipal corporation, hereinafter referred to as "City".

WHEREAS, the Owner owns Lot 1, Block 2, Little's Addition in the City of Maplewood, County of Ramsey, State of Minnesota; and

WHEREAS, said lot abutts on a substandard portion of Searle Street; and

WHEREAS, the Owner is desirous of building a home thereon, which would be the only part served by such street; and

WHEREAS, the City would be put to undue expense and hardship to construct and maintain said street; and

WHEREAS, the City will grant a building permit subject to the conditions set out in its Council meeting, grant a variance for the purpose of constructing said street; and

WHEREAS, the parties desire to formalize their agreement;

NOW, THEREFORE, for and in consideration of the mutual benefits set forth above and other covenants and considerations of the parties, for themselves, their heirs, successors and assigns, do hereby covenant and agree as follows:

1. The City will grant a building permit for a single-family dwelling to be built upon Lot 1, Block 2, Little's Addition;
2. The Owner will locate his garage on the north side of the lot and will provide a paved drive from the end of improved Searle Street to the driveway of the aforesaid lot, which shall be subject to approval by the City's engineer;
3. The current ponding on the property shall not be disturbed;
4. The Owner for itself, its assigns, successors and heirs, will further agree to maintain the aforesaid driveway to

JUN 28 1993

JUNE 25, 1993

Kenneth Roberts-Associate Planner

I have resided at the property immediately adjacent to 2226 Searle St. since 1956. Therefore I wish to correct the gross misstatement of fact contained in the "Notice of Petition..." which you sent me. At no time has any excavation ever been performed on the subject property. This is an obvious ploy to attempt justification of the petition. It is categorically untrue. In fact, the second owner of the property installed heavy timbers surrounding the low area and filled several inches of sand on the outside of those timbers. He advertised it as a Badminton Court when trying to sell the property. The present owners removed those timbers. The area has never been used as a "skating rink" as the petition erroneously states.

Except for the above described filling, the area remains at precisely its original elevation and contour. No excavation has ever been done. It has always been a natural ponding area. Destruction of such natural ponding areas is a major cause of the disastrous flooding presently occurring in Minnesota.

While I can sympathize with the present owners, their situation is a result of their own negligence. In its thirteen years existence, this property has changed hands four times—a very obvious indication that a problem exists with the property. A simple visit to any of the neighbors during purchase negotiations would have immediately alerted them to the situation. This is the course other potential buyers have pursued.

The petition is aimed at penalizing the neighbors for the owners' carelessness during purchase negotiations. Any filling of the natural ponding area would immediately subject surrounding basements and yards to destructive flooding. This is the reason for the existing restriction on any alteration of the historical ponding action of that area.

A brief review of the pertinent history of this property is appropriate at this point.

When the original, speculating contractor sought to build on this site, the affected neighbors appeared before the Maplewood council in strong opposition sighting the following reasons:

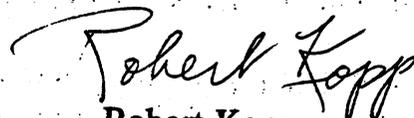
1. Any future owner of the property would obviously want to fill the low area. Such filling would destroy the necessary, historical ponding action of the area and subject the adjacent basements and yards to destructive flooding.
2. The property could only be accessed by an inadequate, sub-standard, dead-end road. Searle street is only half the required Maplewood street width. It has no cul-de-sac nor turn-around provisions. Development of the property would result in much increased trespassing on the adjacent yard and property which would be used as a public turn-around.

3. The property was much too low to be serviced by the existing sewer line and would require an above-grade lift station.

Despite these rational objections, the Maplewood Council granted the building permit recognizing only the need to retain the ponding characteristics in perpetuity.

All of the above concerns of the adjacent neighbors have, in fact, occurred. Maplewood should have required the developer to address the problem as a part of the expense of developing the property. It would be grossly unfair to penalize the neighbors, then or now, for problems occurring as a result of speculative development of that property.

One final comment needs to be made regarding the owner's letter addressed to Mr. Geoff Olson citing the dangers posed to their foster children by the low area. The water conditions occur for relatively short time periods and only during wet years. On the other hand, their children face a daily hazard when allowed to play in Searle street. This is a very narrow roadway and has no turn-around near this address. (Note the corrections made in red on your enclosed map). Daily delivery truck and passenger car traffic turns and backs up blindly in this area—a far greater danger to children than any gradually descending, low spot in the yard.


Robert Kopp
2232 Searle St.

June 28, 1993

Kenneth Roberts, Associate Planner
Office of Community Development
City of Maplewood
1830 E. County Road B
Maplewood, Minnesota 55109

Re: Neighborhood Survey - Project: Toya Farrar-Orr, 2226 Searle Street

Dear Mr. Roberts:

With reference to your June 23 request, we wish to advise that we strongly object to the proposal that the ponding on the property at 2226 Searle Street be changed and that this restriction be "dropped" from the July 16, 1979 Agreement entitled Agreement to Maintain a Portion of Searle Street. We do not want the ponding on the property disturbed in any way, and wish this restriction to continue to, as is stated in the Agreement, "run" with the land and benefit and burden the real estate and the present and future owners of the real estate (Ramsey County Registrar of Titles Document No. 678181, July 19, 1979, 1:00 P.M.).

If Mrs. Farrar-Orr had lived here for the past 35 to 40 years as we and our adjoining neighbors have and experienced the number of torrential rainstorms we have, she would realize why we feel so strongly about not changing this natural ponding. We do not want our back yards and basements flooded. By filling the back of her lot, she will disturb this natural ponding and displace the water elsewhere.

Also, as stated in the Notice of Petition, please be advised that there was never any excavating done in the back of the lot. One of the previous owners put timbers in the ground outlining what he said was to be a badminton court (not skating rink) and started hauling in sand, which we had to advise him he could not do.

We have always had to be considered the "bad guy" because we have been the ones to advise the owners of this restriction, whereas, in our opinion, first of all, the "bad guy" was the City of Maplewood for allowing a house to be built on this lot. We objected to this at the time, pointing out the problems it would cause, but without avail, although the City did finally realize the need for and did allow the restriction for the ponding. Also at fault, in our opinion, are the previous owners of the property, all of whom knew of this restriction but did not advise the prospective buyers; as well as the abstracters and/or lawyers who examined the title to this property. We should not be asked to "pay" for their mistakes.

This restriction was a valid and necessary one in 1979 and is still valid and necessary today.

We have no suggestions what can be done with this property, and we certainly do sympathize with Mrs. Farrar-Orr, but feel we cannot jeopardize our rights either because, being retired for over 10 years, our property is one of our most important assets.

-2-

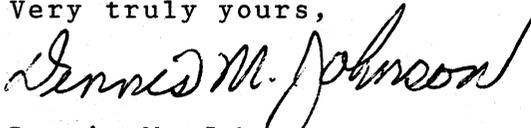
June 28, 1993

Kenneth Roberts, Associate Planner

We trust this matter can be settled amicably, because we have always had the best of neighborhoods and want that to continue.

If anything further is needed, please let us know.

Very truly yours,



Dennis M. Johnson



Lorraine M. Johnson

2223 Payne Avenue
Maplewood, Minnesota 55117

2235 Payne Avenue
Maplewood, MN 55117
June 28, 1993

Dear Mr. Roberts:

We have received your letter of June 23, 1993 regarding the request to have the ponding restrictions lifted at the home of Toya A. Farrar-Orr at 2226 Searle St.

Because we had experienced flooding in our backyard which originated in the low area of that lot, we strongly opposed permission for a house to be built on that property. However, in spite of our request, as well as that of our immediate neighbors, permission to build on that lot was granted with the ponding restriction attached.

Unfortunately, the fact that this ponding restriction exists has not been relayed to prospective buyers. We feel badly that the present owners are in this predicament now.

We still feel a concern that flooding can occur again and wish to do whatever we can to prevent that from happening. At the present time the rains have filled the area in question. We feel that if 2 - 3 feet of material is filled in, heavy rains or snow melt could cause flooding not only in that yard, but into our backyard as well. We have dealt with a wet basement during heavy rains over the years and feel that a raise in the ground level on that property could cause the underground water table to rise, causing us more trouble.

Mrs. Farrar-Orr indicated in her letter that the present "excavation" was reportedly dug by previous owners for use as a skating rink. To our knowledge, it was not dug, but was framed in with wooden boards and sand put in the area (which was against the ponding restriction) so it could be used for a badminton court, not a skating rink. In previous years, however, the water table was so high there that the resulting pond froze over in the winter and created a skating rink.

There are three homes directly effected by this water table - our home at 2235 Payne Ave., Dennis Johnson at 2223 Payne Avenue and Robert Kopp at 2232 Searle. We have all lived in our homes for 35 - 40 years so have experienced the above mentioned situations. Consequently, we would like very much to do what we can to prevent a reoccurrence. The majority of our other neighbors, particularly those across Payne Avenue from us, would be unaware of the problems we have experienced and consequently would have no concerns regarding the ponding restrictions.

We feel that if 2 - 3 feet of material is added to the 35 foot X 50 foot area, it will raise the ground level of the entire lower backyard and possibly cause any standing water level to flow into the three neighboring yards.

Page 2

We understand fully the concerns expressed by Mrs. Farrar-Orr for her children and wonder if they could solve their problem by leveling the existing ground sufficiently, without adding fill, to put in a lawn so the children could play safely there.

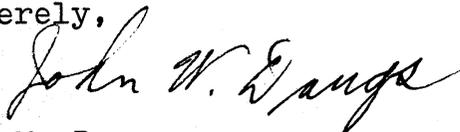
Your letter indicates that Mrs. Farrar-Orr "is proposing to fill an area 35 feet by 50 feet in the rear yard with 2 - 3 feet of material." Since we believe that area is only 1 foot deep, we do not approve of the 2 - 3 feet of material. If they intend "to restore this area to its original grade" as she indicates in her letter of June 15th, and if that means no more than the 1 foot depth of the 35 foot x 50 foot area we would be in agreement with that being done. However, this would need to be strictly enforced.

In conclusion, we do not approve of removing the ponding restriction existing on that property. That would permit any owner of that home to fill up the backyard to whatever level they wished. That could cause some very serious problems for the three homes directly effected.

We are very concerned that this problem exists for our new neighbors and hope it can be solved to the satisfaction of all concerned. We want to all be friends.

Please give our comments your careful consideration. We would appreciate it very much.

Sincerely,



John W. Daugs



Joyce E. Daugs

6-27-93

We are strongly opposed to charging the ponding ordinance. It was passed in 1979 for a good reason. That area, not a skating rink, is a natural ponding area made by nature. To fill it would cause serious water problems to the neighboring homes. Toya Jarrow-Or did not create the problem in her back yard but neither did the neighbors. She should have been informed of the situation when she bought the house. Isn't that what "Truth in Housing" is all about. If she wasn't informed then the seller and the reactor are liable. Ms Jarrow-Or should be able to get financial compensation enough to allow her to

find a home more suitable to her needs.

With the ponding restriction still in effect, Ms. Barron-Orr could be allowed a one time fill of about one foot to level the shallow area. Removing the restriction would allow future owners to fill to any level causing serious consequences, including to the home in question.

Would it be possible to tile the low area and direct the excess water into the sewer system? This would result in a win-win solution to the problem for everyone.

Joni & Barbara Bucker
2232 Payne Ave.

If the city is to change such ponding, drainage would probably have to be made to the pond at the corner of Edgerton and Co Rd B.

I object to the filling proposed for the rear of the property at 2226 Searle.

I think that the '78 Council stipulation that the ponding not be disturbed is correct. I have seen water covering a large area in the center of this block...on the rear of 2223 and 2225 Payne as well as 2226 Searle. The deepest ponding has always been on the rear of 2226 Searle since we located here almost 40 years ago. Allowing fill on 2226 will almost certainly cause ponding on at least 2 other parcels and will increase the city's liability for damage to these. The city must have early topo maps showing that 2226 was the lowest elevation.

I would request that copies of the staff reports of 1978 be made available to understand the reasons that staff had for requiring retention of ponding. I know of no conditions that have changed that would diminish the need for such ponding. Request to fill 35'x50' area with 2-3' fill would probably create a low hill surrounded with a donut of water. I just looked at this area after today's heavy rain and most of the width of the lot is covered with water. In reality, I suspect that most of the low area would be leveled and raised to such an elevation that water would not collect here.

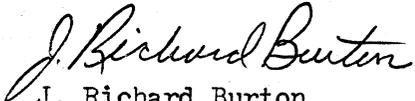
If the city causes/allows a relocation of ponding to other parcels, I would expect that persons so affected will demand that the city assume liability for any future injury to anyone arising from such relocation. Is the city willing to add such stipulation to their deeds?

Ernie Curtis
Hester Curtis 7-3-93

of the decision would environmentally impact their years of landscaping and yard work much like that damage from the Highway 36 work mentioned above.

I trust these ideas and information will be of some help to you for your report and recommendation to the Planning Commission.

Yours truly



J. Richard Burton
2213 Payne Ave.
Maplewood, MN

July 3, 1993

Kenneth Roberts
 City of Maplewood
 1830 E. County Road B
 Maplewood, MN 55117

Re: Neighborhood Survey

Dear Mr. Roberts,

The ponding area described at 2226 Searle Street has been a natural surface water drainage collection site for years--as has been the case for all the other low lying ponding sites in Maplewood. This low area is most likely documented on the city's or county's topographical maps. I'm sure you could also refer to the staff reports to determine the exact reasons for the 1976 condition set by the Council. The filling of this natural drainage site would be very destructive to existing trees and landscaping where the displaced water would eventually settle.

In the late 1960s, the construction of HW 36 resulted in much fill being dumped into low lying areas on the Pedro property along Viking Drive. This had been a natural ponding site, but with the dirt fill, the water level rose greatly with the subsequent loss of 20 to 30 mature trees. Some of these were up to 18-20 inches in diameter.

We have recently been involved with the development of the PARE property. The city required us to make drainage provisions to handle the "2nd flood of the century" for this site. This resulted in much expense, overcharges, illwill, and a lessened appreciation for the workings of city government. Yet, as the last party to develop the property, we were responsible for all of the added expenses--yet allowing Maplewood to benefit by 25 new homes and the resulting increase in its real estate tax base.

I think that it was bad that the Farrar-Orr owners didn't know of the Council's condition before their purchase, but if adequate prepurchase investigation had been carried out, the restriction would have been discovered.

I would strongly recommend that the condition not be rescinded and the land not be allowed to be filled as proposed. I would suggest that a water collection basin be placed in the lowest area of the yard. The water would then be pumped or lifted per lift station to the sanitary sewer site temporarily until such time when a storm sewer plan is initiated. This would require another variance but of a short term duration. All parties would be in a win-win situation. Alternately, water could be collected and pumped up to a level where the surface would carry it to pond at Edgerton and County Road B.

Finally, we are greatly disturbed that your letter as of June 29, 1993 hadn't been sent to the Dennis Johnson residence who are the owners most affected by any decision to rescind the previous actions. Any rescinding

Staff note: We did them a letter.
 send

CITY COUNCIL BUILDING CONDITION CHANGE RESOLUTION

WHEREAS, Toya Farrar-Orr is requesting that the City allow her to fill part of her back yard.

WHEREAS, this lot is located at 2226 Searle Street. The legal description is:

Lot 1, Block 2, Little's Addition.

WHEREAS, in 1978, the City Council approved a request to build a house on this lot, subject to five conditions.

WHEREAS, Condition Four of these conditions says "the current ponding on the property shall not be disturbed."

WHEREAS, the proposed filling would disturb this ponding.

WHEREAS, the history of this request is as follows:

1. The Planning Commission discussed this change on August 16, 1993. They recommended that the City Council _____ this change.
2. The City Council held a public hearing on _____, 1993. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners. 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 Council change Condition Four of the 1978 approval for this property as follows: (I have underlined the new wording.)

4. Current ponding on the property shall not be disturbed until the City builds a storm sewer to drain the back yard, except that the property owner may fill an area approximately 50 foot by 35 feet to match the surrounding grade. The fill must be a granular material, such as sand with a surface of top soil. Before filling, the property owner shall have the 50 foot by 35 foot area staked out. The City Engineer must approve this area before filling starts.

This change is because filling a 50 foot by 35 foot area would not effect the drainage of the surrounding properties.

Adopted on _____, 1993.

**RESOLUTION
ORDERING PREPARATION OF A FEASIBILITY STUDY**

WHEREAS, the City may build a storm sewer system in the area between Viking Drive and County Road B between Edgerton Street and Payne Avenue and assess the benefiting property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429.

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

That the City Council refers the proposed improvement to the City Engineer for study and instructs him to report to the City Council with all convenient speed advising the City Council whether the proposed improvement is feasible. The City Engineer also shall determine whether the City should make the improvement as proposed or with some other improvement, and the estimated cost of the improvement as the City Engineer recommends.

FURTHERMORE, the City Council appropriates \$2,000 to prepare this feasibility report.

Adopted on _____, 1993.

AGENDA REPORT

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager Michael McGuire
FROM: Director of Public Safety Kenneth V. Collins *KVC*
SUBJECT: Purchase of Modular Ambulance
DATE: August 27, 1993

Introduction

Money was allocated in the 1993 Capital Improvement Plan to purchase a modular ambulance.

Background

Specifications were put together and we advertised for bids. Bids were opened on August 19, 1993 at 10:00 a.m.

We received 4 bids and they are:

1. North Central Bid #1	1994 Braun	\$79,597.00
2. North Central Bid #2	1994 Medtec	\$74,697.00
3. Wheeled Coach	1994 Ford E350	\$71,672.00
4. Road Rescue	1993 Supermedic	\$69,953.00

Recommendation

Road Rescue is the low bidder by approximately \$1,700.00. The City has 3 other modular ambulances purchased from Road Rescue. We are very satisfied with the construction and performance of these units. We recommend that the bid be awarded to Road Rescue.

Action Required

We recommend that this be presented to the City Council for their approval.

KVC:mkp

AGENDA REPORT

Action by Council:

TO: City Manager

Endorsed _____

FROM: City Engineer

Modified _____

SUBJECT: Edgerton Street and County Road B Petition for Four-Way Stop Signs

Rejected _____

DATE: September 3, 1993

Date _____

The attached letter and petition requesting 4-way stop signs at Edgerton Street and County Road B has been received. Edgerton Street and County Road B are both county roads. Both streets have relatively larger traffic volumes and historical traffic information is available. For these reasons the request is not being handled as a neighborhood stop sign issue.

Traditionally stop sign requests on county roads are first considered by the city. Compared to other all-way stop intersections on the county system, this request does have merit. According to public safety department records there have been 45 accidents at this intersection since January of 1987.

Based on traffic volume and accidents, it is recommended that the city council request Ramsey County to evaluate the intersection, using the usual traffic engineering criteria, and consider installation of all-way stop signs at the intersection of Edgerton Street and County Road B.

KGH

jc
Attachment

Ken Haider

RECEIVED
AUG 18 1993

To: City Clerk
Maplewood City Council

From: Marlene Palkovich, Ph.D.

Date: August 17, 1993

**SUBJECT: PETITION FOR FOUR-WAY STOP AT
EDGERTON STREET AND COUNTY ROAD B**

Attached please find a petition by Maplewood citizens for a four-way stop sign.

This location has been increasingly more dangerous as the year has progressed. We most sincerely request the City Council to support our request in an expeditious manner to facilitate having these stop signs in place before the snow falls.

If any further petitioners are needed to support our request we have another forty families who are most eager to participate in this discussion.

I wish to thank all parties at the City Hall with whom I have been in contact for their courteous assistance with this project.

If any further action on our part is necessary please inform me and we will proceed. I, personally, will be out of town from August 20, to August 29.

We, the undersigned, strongly encourage the Maplewood City Council to consider a four-way stop sign at the intersection of:

EDGERTON STREET AND COUNTY ROAD B

Rationale:

* Traffic stopped at the existing sign EAST/WEST on County Road B must pull ahead of the stop sign significantly in order to observe on-coming traffic NORTH/SOUTH on Edgerton Street. There are a number of barriers to safety at this location - both by telephone poles and snow banks in the winter and the speed with which cars travel on Edgerton Street.

* It has been our observation that cars traveling on Edgerton Street assume that a four-way stop exists and come to a complete halt NORTH/SOUTH on Edgerton Street causing a major safety hazard. Cars will stop where no sign is now located and accidents happen at that spot on a regular basis. Many of these accidents are not reported to the police.

This Maplecrest/Ban Con addition uses this intersection as a major network to the freeway. This intersection is also used as a short cut to the freeway by the entire community which has grown significantly over the past five years. We encourage the City Council to do a traffic study at this location and strongly recommend that a four-way stop be designated before the winter season begins.

NAME	ADDRESS
<u>Marlene Palcausk</u>	<u>2116 Greenbrier St</u>
<u>Donald K. Kline</u>	<u>2116 Greenbrier St</u>
<u>Virginia Podobinski</u>	<u>2088 Greenbrier</u>
<u>Dolores C. Henderson</u>	<u>1119 E. Belmont Lane</u>
<u>Marion Jones</u>	<u>178 C. Bridge</u>
<u>Ann Ferguson</u>	<u>2105 Greenbrier St</u>
<u>Mike Podobinski</u>	<u>2105 Greenbrier St</u>
<u>Bob Simon</u>	<u>2100 Greenbrier St</u>
<u>John Simon</u>	<u>2100 Greenbrier</u>
<u>Burton C. Murdoch</u>	<u>2082 E. Newwood Dr.</u>
<u>William J. Lued</u>	<u>751 E. Burke</u>
<u>Rodaine N. Lued</u>	<u>751 E. Burke</u>

AGENDA REPORT

Action by Council:

TO: City Manager

Endorsed _____

FROM: City Engineer

Modified _____

SUBJECT: Variance to Street Width Request—Highwood Meadows Plat

Rejected _____

DATE: September 3, 1993

Date _____

The attached letter requests a variance from city ordinance requiring 32-foot wide streets in new subdivisions. It is proposed to construct 28-foot wide streets, with a no parking restriction on one side of the street.

The narrower street width would result in less grading and less tree removal when the public improvements are constructed. This argument has been persuasive on two previous plats that were granted narrow street-width variances. The plats were the Oakridge Subdivision on the former Hillcrest property and the Maple Woods Additions north of Larpenieur Avenue and west of Sterling Street. The variance is requested only for the residential streets in the Highwood Meadows plat. Sterling Street is a state aid route and would not be affected by this request.

It is recommended the city council approve the street-width variance to construct 28-foot wide streets, with parking restricted on one side of the street for the residential streets in the Highwood Meadows plat.

KGH

jc
Attachment

August 5, 1993

City Council
Maplewood City Hall
1830 E. County Road B
Maplewood, MN 55109

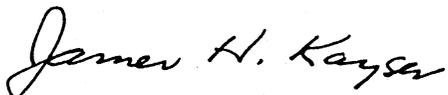
Members of the City Council, and Ken Haider,

Recently, the City has granted variances to construct residential streets which are 28 feet wide, instead of 32 feet wide as required by ordinance. The 28 foot width allows parking on only one side of the street.

The purpose of this letter is to request a variance which would permit 28 foot wide streets to be constructed in Highwood Meadows plat. This variance would not apply to Sterling Street in the plat.

Granting of this variance would reduce grading and would result in the removal of fewer trees when the plat is developed.

Thank you,



James H. Kayser
2516 Linwood Ave., East
Maplewood, MN 55119

Phone: 731-8610



James H. Wilson
 Mary J. C. Hare
 Steven J. Hare
 This Deed and its contents are a part of a...

PRELIMINARY PLAT
HIGHWOOD MEADOWS

AGENDA REPORT

TO: City Manager
FROM: City Engineer
SUBJECT: Storm Drain Stenciling Project
DATE: September 3, 1993

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

I am currently working with an Eagle Scout Candidate Matt Bocklund from Troop 492, Greater East Side District. Matt's last requirement to obtain the rank of Eagle is to perform a public service project. He would like to organize a storm drain stenciling project for the area that drains to Phalen and Wakefield Lakes. A stenciling project is designed to raise awareness about storm drains and water quality and to keep drains from becoming disposal sites.

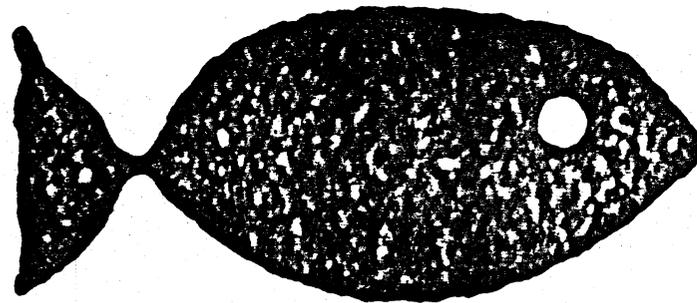
Matt and his volunteers would stencil drains within the drainage area with "Dump No Waste—Drains to Lake" (sample stencil attached). This activity lets people know that whatever is dumped into a storm drain ends up in a nearby lake. The stencil itself would be purchased by the city for a nominal cost. Matt would organize his volunteers and arrange for the paint from the local household hazardous waste program.

It is recommended the city council endorse this test project and, if successful, arrangements could be made to use the same process in other parts of the city.

KGH

jc
Attachment

DUMP NO WASTE



DRAINS TO STREAM

J-4

MEMORANDUM

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Status Report—House Moving Projects
DATE: September 2, 1993

INTRODUCTION

On August 23, 1993, the City Council asked for a report on uncompleted houses that were moved into the City in the last year. Four houses were moved into the City in the last year. Two are complete and two are not.

UNFINISHED HOUSES

1839 Kohlman Avenue—Ray Mosio

Permit Date: November 25, 1992

Status: Mr. Mosio has nearly finished his home. The St. Paul Water Department has delayed completion. Mr. Mosio cannot finish the job until St. Paul connects his buried water main to the water service in the right-of-way. He has been waiting two months for St. Paul for this connection. The remaining Council conditions are to post a "dead end" sign and address sign at the street and to put in a hard surface driveway. He cannot do this until St. Paul connects the water line. Mr. Mosio's daughter told me that the St. Paul Water Department plans to connect the water main next week. She expects the house to be finished by September 4.

1765 Burke Avenue—Clyde Melton

Permit Date: April 16, 1993

Status: Mr. Melton expects to finish the house by September 10.

90-DAY CONSTRUCTION DEADLINE REQUIREMENT

With each of these projects, the City Council required that the applicants complete the work in ninety days after the City issues the moving permit. If there was bad weather, the Council authorized the staff to grant a time extension for 1765 Burke Avenue.

DISCUSSION

Mr. Mosio should complete his home by the Council meeting. The St. Paul Water Department has held up completion. The home at 1765 Burke Avenue should be completed by September 10. Because of the rainy weather this year, the staff has approved a time extension to complete the work. The staff has been monitoring both projects and making inspections. Both parties have made reasonable progress.

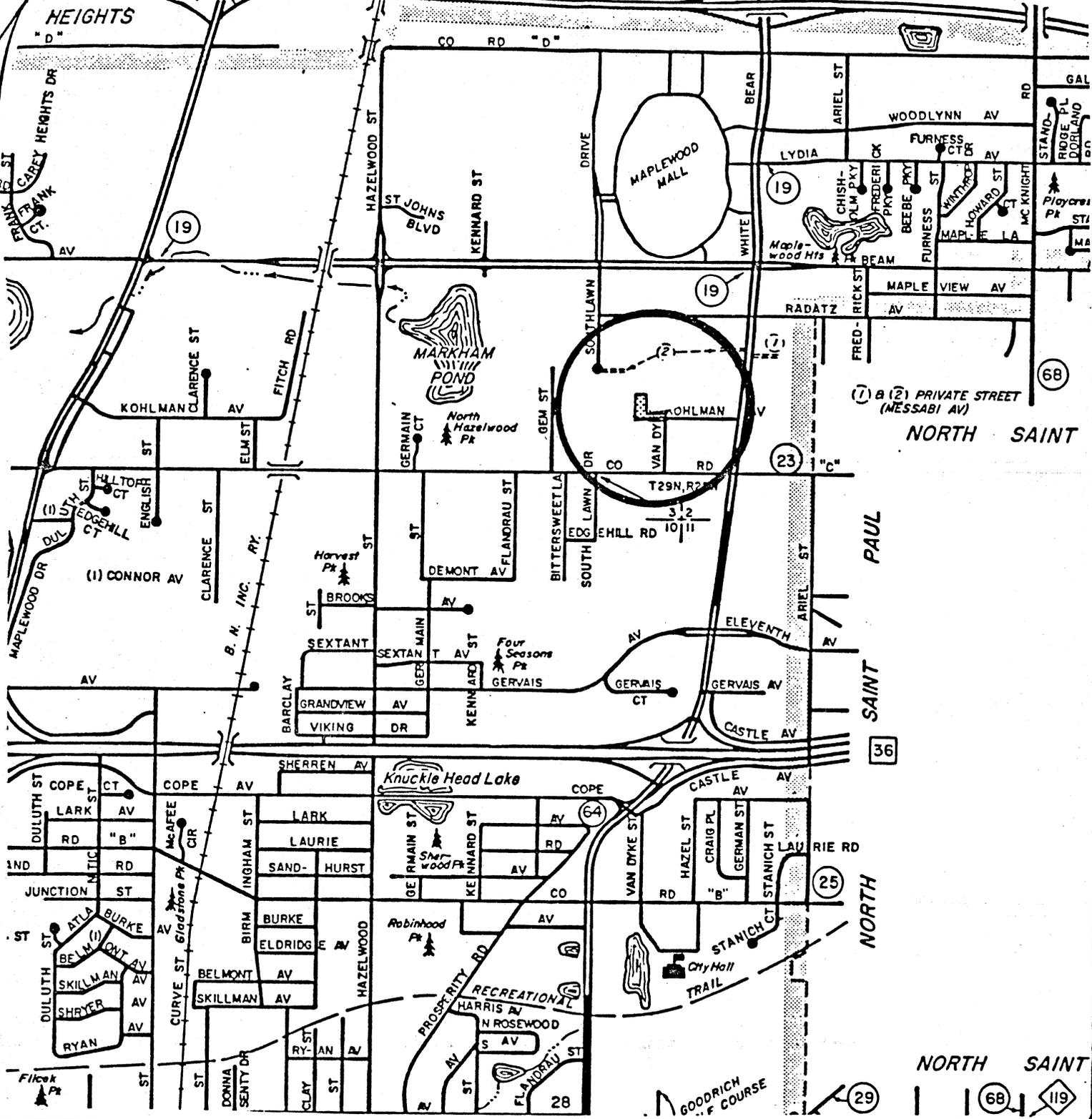
RECOMMENDATION

If needed, the Council should approve a time extension for 1839 Kohlman Avenue. The Council does not need to act on 1765 Burke Avenue.

go\b-5:housemov.mem (correspondence)

Attachments:

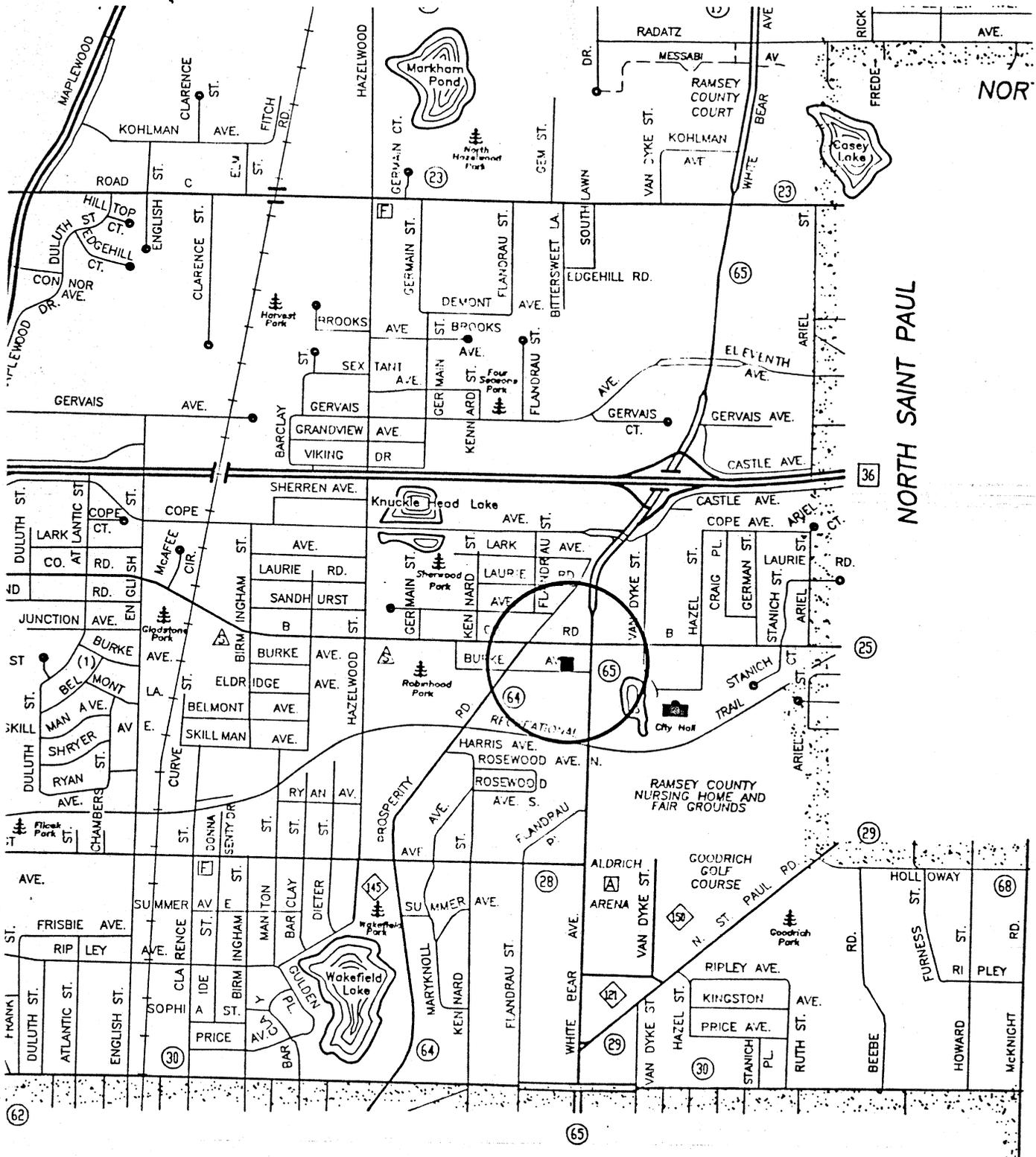
1. Location Map—1839 Kohlman Avenue
2. Location Map—1765 Burke Avenue



LOCATION MAP

SITE





LOCATION MAP



MEMORANDUM

Endorsed _____

Modified _____

Rejected _____

Date _____

To: Michael A. McGuire, City Manager
From: Robert D. Odegard, Director of Parks & Recreation
Subj: Purchase Of Property At 2669 East Seventh Street
(Adjacent To Maplewood Nature Center At
2659 East Seventh Street)
Date: September 1, 1993

Introduction

It has been brought to the city's attention that the property at 2669 East Seventh Street, which is adjacent to the Maplewood Nature Center at 2659 East Seventh Street, is now available for purchase. It is requested that the City Council authorize the acquisition of the property from Commercial PAC Funds.

Background

For many years, the city has been anxious to acquire the property at 2669 East Seventh Street adjacent to the Maplewood Nature Center, in order to provide more space between the nature center building and the neighbor to the east, and to provide additional parking for the nature center. Mrs. Ruth Basler, the owner of the property, has been aware of our desire to acquire the property, but has preferred over the years to remain a resident on the site. She is now no longer able to remain in her home, and has become a client of the Washington County Community Services Department and is residing in a nursing home.

City Attorney Kelly and staff have met with the family of Mrs. Ruth Basler and it is their desire that the city acquire the property. We have met with Mrs. Ruth Barry of 489 Crestview Forest Drive South, Mrs. Nancy Hove of 778 Mayhill Road, and Mr. Robert Basler of 2677 East Seventh Street, to discuss the value of the property. The city has had a professional appraisal by John Kenna of the property and also Joan Smith of Burnet Realty, who was contacted by the Basler family as to an estimate of the value of the property. Mr. Kenna appraised the property at \$58,000 and Joan Smith indicated that the market at the present time would range from \$55,000 to \$57,900. We have also been in contact with Sharon Rowell, the Financial Worker for Washington County Community Services, as their representative for any assets that Mrs. Basler may have in her estate and that they are entitled to.

The property at 2669 East Seventh Street is 100' across the front and 298' deep. The back 1/4 of the lot has a pond, which extends over to the nature center to the west and onto the Robert Basler property to the east. The home on the site was built in 1936 and has 544 square feet on the main floor and a total of 900 square feet for the entire residence. It has a gas forced-air furnace and aluminum windows and newer storm doors on the outside of the home. The high water table in the area creates seepage into the basement and standing water. The garage, which is adjacent to East Seventh Street, is in disrepair and will be demolished.

There is a large oak tree on the premises, which needs to be preserved. At this time, no disposition of the house has been made.

The Maplewood Nature Center provides nature interpretive programs for schools, families and individuals in the community. Programs include outdoor education for schools, family natural history and trips, outdoor skills classes, preschool story times, and other programs by request.

Acquisition of the property will provide:

- 1) Open space between new expanding building and neighbor to the east
- 2) Picnic area, which was lost due to expansion of building
- 3) Additional parking
- 4) Preservation of huge oak on property
- 5) Pond study area
- 6) Outdoor teaching area
- 7) Development of special gardens and native wildflowers
- 8) Area for small group activities i.e. games, storytelling, birthday parties
- 9) Area for special events

In negotiating the final price for the property, we started with the appraisal price of \$58,000 and we are subtracting the appraisal fee costs as well as legal expenses (\$2,500), the second half of taxes (\$324.91), removal of the unsafe garage (\$760), and capping the well (\$600). This will give us a total expense amount of \$3,800. We are, therefore, making the offer of \$54,200 for the property.

Since this request for the acquisition of the property has been a part of the Capital Improvement Plan since 1988 and has been approved over the years, it is now being brought directly to the City Council for approval. The Park and Recreation Commission has been a part of the process over the years, and this July 1993 reiterated its recommendation to the City Council that the property be acquired at this time with PAC Commercial Funds.

Recommendation

It is requested that the City Council approve the acquisition of the property at 2669 East Seventh Street for park purposes and authorize the use of Commercial PAC monies in the amount of \$58,000 to cover the costs involved in the purchase of the property. The City Council further directs the City Attorney to prepare the documents and proper agreements for the purchase of this property.

Washington County Quick Memo

TO Ruth Barry
489 Crestview Forrest Drive
St. Paul, Mn. 55119

F
R
O
M

COMMUNITY SERVICES
Washington County Government Center
14900 61st Street North, Box 30
Stillwater, MN 55082-0030
Phone (612) 439-6901

SUBJECT Baster, Ruth M# 212197

DATE 8/30/93

MESSAGE

This memo is to inform you that
the informal offer by Maplewood Parks
& Recreation is acceptable and within
the medical assistance rules of eligibility.
Thank you,

SIGNED Marion Powell EXT. 430-6591

REPLY

SIGNED

EXT.

DATE

RETAIN
Pink Copy

SEND
White & Canary

REPLY
Return Canary Copy To Originator



WASHINGTON COUNTY

COMMUNITY SERVICES DEPARTMENT

Economic Support Division

GOVERNMENT CENTER

14900 61ST STREET NORTH, P.O. BOX 30 — STILLWATER, MINNESOTA 55082-0030
Office (612) 439-6901
Facsimile Machine: (612) 430-6605

EA-391
Rev. 5/93
James R. Schug
Director

Charlotte G. Farnum
Division Manager

6-22-93

Ruth Barry

489 Crestview Forest Dr.

St. Paul, Mn. 55119

Re: Ruth Basler

Six-Month Homestead Exclusion

Dear Ruth Barry:

Ruth Basler's home can no longer be excluded as a homestead since he/she has entered a health care center, per Combined Program Manual 15.12.3.

A six-month grace period beginning 5-7-93 (date of entry to long term care center) is allowed to establish another basis of exclusion in order for him/her to remain eligible for Medical Assistance.

Your six-month grace period will end 11-7-93. If you have questions regarding the options you have, please call me. Continue reading below to review your options.

Effective 12-1-93 your Medical Assistance will be terminated unless:

- 1) You are making a good faith effort to sell the home.
- 2) The home has an equity value of less than \$6,000 and is producing a net income equal to or greater than 6% of the equity value.
- 3) The home has become excluded on some other basis.
- 4) There is a plan for him/her to return home.

You must report the option you choose and provide verifications of the action that was taken.

If you have any questions, please call me. Thank you.

Sincerely,

Marion Powell

Eligibility Specialist/Technician



AGENDA REPORT

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager Michael McGuire
FROM: Director of Public Safety Kenneth V. Collins *KVC*
SUBJECT: Application for Off Sale Liquor License
DATE: September 2, 1993

Introduction

Brian O'Reilly has applied for an off sale intoxicating liquor license for Hillside Shopping Center, 1690 North McKnight Road, under the name of Mulligan's Liquor.

Background

Mr. O'Reilly had previously applied for an off sale liquor license that was approved by the City Council on April 26, 1993, for a business that was to be run at the Maple Ridge Shopping Center, 2526 White Bear Avenue.

Mr. O'Reilly had also been in partnership with James Barber at the time of this application. There were complications and the business never opened.

Mr. O'Reilly is now requesting to move the license from the Maple Ridge Shopping Center location to Hillside Shopping Center.

No new information has been developed to prevent Mr. O'Reilly from holding a liquor license in Maplewood.

Action Required

Application for off sale intoxicating liquor license to be submitted to the City Council for their review and approval or denial.

cc: City Clerk
Liquor File
93-006959

Action by Council:

AGENDA REPORT

Endorsed _____

Modified _____

Rejected _____

Date _____

To: City Manager Michael McGuire
From: Director of Public Safety Kenneth V. Collins *KVC*
Subject: Maplewood's Alcoholic Beverage Ordinance
Date: September 7, 1993

Introduction

Due to legislative changes and requests by the Maplewood City Council, Maplewood's alcoholic beverage ordinance is being revised.

Background

Several legislative changes have been made in the state liquor laws since the last update of our liquor ordinance. Most of these changes are technical in nature, with the exceptions of sections dealing with persons eligible to be licensed.

These sections correct the problem that we currently face when a manager leaves the employment of a liquor establishment and the license is in his/her name.

Action Required

Present to the City Council for their review and approval or recommended changes.

KVC:js

Attachment

ORDINANCE NO. _____

AN ORDINANCE AMENDING MAPLEWOOD'S ALCOHOLIC
BEVERAGE ORDINANCE.

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

Section 5-5 is amended to read as follows:

Sec. 5-5. Drinking 3.2% alcohol, beer or intoxicating liquor on public ~~streets~~, etc. ~~public property~~, while ~~trespassing~~ on private property.

No person shall, upon the public streets, ~~lanes or alleys of the City~~, and public property, or being trespasser upon the private premises of another, drink 3.2% alcohol, beer or intoxicating liquor.

Sec. 5-22. Hours of Sale, Hours of Consumption.

No ~~non-intoxicating malt liquor~~ 3.2% malt liquor

Section 5-21 definitions is hereby amended to read:

~~Non-intoxicating malt liquor: Non-intoxicating malt liquor.~~

3.2% malt liquor: 3.2% malt liquor is malt liquor containing not less than one-half of one percent of alcohol by volume. No more than 3.2% alcohol by weight.

Section III, 5-22 hours of Sale, Hours of Consumption is amended to read:

No ~~non-intoxicating~~ 3.2% malt liquor shall be ~~sole~~ sold in the City between 1:00 A.M. and 8:00 A.M. on the days Monday through Saturday, nor between 1:00 A.M. and 12:00 noon on Sundays.

No "on-sale" licensee shall permit ~~non-intoxicating~~ 3.2% malt liquor to be consumed on the licensed premises during the hours when the sale thereof is prohibited by this section; provided, however, that the licensee shall be allowed a 30-minutes period following the 1:00 A.M. closing hour to clear the premises of customers who are on the premises at 1:00 A.M. and such customers during that time may consume ~~intoxicating~~ 3.2% malt liquor beverages purchased by them before 1:00 A.M.

Section IV, Section 5-23. Persons under 21 years; sale to, consumption by, procuring for; etc. shall be amended to read as follows:

It is unlawful in the City for a:

- (1) Licensee or the licensee's employee to sell or serve ~~non-intoxicating~~ 3.2% malt liquor to a person under the age of 21 years or to permit a person under the age of 21 years to consume ~~non-intoxicating~~ 3.2% malt liquor on the licensed premises;
- (2) Person other than the parent or legal guardian to procure ~~non-intoxicating~~ 3.2% malt liquor for a person under the age of 21 years;
- (3) Person ~~top~~ to induce a person under the age of 21 years to purchase or procure ~~non-intoxicating~~ 3.2% malt liquor.
- (4) Person under the age of 21 years to claim to be 21 years or older for the purpose of obtaining ~~non-intoxicating~~ 3.2% malt liquor;
- (5) Person under the age of 21 years to consume any ~~non-intoxicating~~ 3.2% malt liquor unless in the company of the person's parent or guardian;
- (6) Person under the age of 21 years to possess any ~~non-intoxicating~~ 3.2% malt liquor, with intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the person's parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the parent or guardian.

Sec. 5-24 is hereby amended:

Sec. 5-24. Person must be 21 years of age to deliver, sell, serve or vend ~~non-intoxicating~~ 3.2% malt liquor.

- (a) It is unlawful for a licensee under this article or an agent or employee of a licensee to allow a person under the age of 21 years to deliver, sell, serve, or vend ~~non-intoxicating~~ 3.2% malt liquor to a person in the City.
- (b) It is unlawful for a person under the age of 21 years to deliver, sell, serve or vend ~~non-intoxicating~~ 3.2% malt liquor to a person in the City.

Sec. 5-36. Required to sell at retail; types of licenses.

Except as provided in this section, it is unlawful to sell non-intoxicating malt liquors at retail in the City except when licensed under this article. Two types of annual licenses are issued for the sale of ~~non intoxicating~~ 3.2% malt liquors;

- (1) "on-sale" licenses permit the licensee to sell ~~non-intoxicating~~ 3.2% malt liquors for consumption on the licensed premises, and the license fee therefor if fixed by the City Council and paid to the City. "On-sale" licenses are granted only to drug stores, restaurants, hotels, bona fide clubs, and establishments for the sale of ~~non-intoxicating~~ 3.2% malt beverages, and soft drinks at retail. A club or charitable, religious, or non-profit organization may be issued a temporary "on-sale" license for the sale of ~~non-intoxicating~~ 3.2% malt liquor on and off school grounds, and in and out

of school-houses and school buildings. Temporary licenses are subject to such terms, including a license fee as the City Council prescribes.

- (2) "Off-sale" licenses permit the licensee to sell ~~non-intoxicating~~ 3.2% malt liquors in the original packages for consumption off the premises only, and the license fee therefor is fixed by the City Council and paid to the City.

Section 5-35 shall be amended to read:

Sec. 5-35. Persons eligible to be issued licenses.

Licenses under this article may be issued only to persons who are citizens of the United States or resident aliens and who are of good moral character and repute, who have attained the age of 21 years and who are ~~proprietors~~ manager of the establishments for which the licenses are issued. In the event that a corporation is the owner of the establishment, then the incorporation shall designate an acting manager of the establishment and a corporate officer for which the license are issued.

Sec. 5-37. Persons not eligible to be issued licenses.

No license may be issued to:

- (1) No license may be issued to a person who has had an intoxicating liquor or ~~non-intoxicating~~ 3.2% liquor license revoked within five years of the license application.

Sec. 5-38. Premises which may not be licensed; limitations on number of licenses.

- (a) No "on-sale" or "off-sale" ~~non-intoxicating~~ 3.2% malt beverage license may be issued under this article to premises licensed as a motor fuel station, motor fuel station convenience store, internal motor fuel station, major motor fuel station or truck stop, as defined in Section 36-151 of this Code.
- (b) No ~~non-intoxicating~~ 3.2% malt liquor license may be issued under this article for premises located within a area wherein such use of the premises is prohibited by the zoning ordinance, nor within an area where such sales are forbidden by state law or any other ordinance of the City.
- (c) Non "on-sale" license may be issued under this article for premises located within ~~4,000~~ 100 feet of a church or school building located in the City, and no "off-sale" license shall be issued for premises located within ~~100~~ feet of a church or school building. The distance is to be measured from the ~~nearest property line~~ main entrance of the licensed premises to the nearest property line of said church or

school.

~~Sec. 5-40. Corporate holders to notify City Council of stock transfers and change in officers; Council to approve stock transfers; failure to notify grounds for license revocation, etc.~~

~~No corporation to which a license has been granted hereunder may transfer any stock in such corporation without the consent of the Council. It is the duty of the officers of a corporation holding a license issued under this article to notify the Council of any proposed sale or transfer of any stock in such corporation, and not such sale or transfer of any stock without the knowledge and consent of the Council. The transfer of any stock without the knowledge and consent of the Council shall be deemed sufficient cause for revocation by the Council of a license granted to such corporation under this article or any other licensing ordinance of the City under which such corporation has received a license from the City. Such corporation officers shall also notify the Council whenever any change is made in the officers of any such corporation, and the failure to so notify the Council shall likewise be sufficient cause for revocation of a license issued to such corporation.~~

Sec. 5-41. Unlawful possession by licensee, agent, etc., of 3.2% malt liquor and intoxicating liquor on licensed premises.

It is unlawful for a person licensed under this article, but not licensed to sell 3.2% malt liquor and intoxicating liquor, or for any of the person's agents, or employees, to possess on premises licensed under this article, intoxicating liquor, as defined in Section 340A.101, Minnesota Statutes, for the purpose of consumption by anyone.

Sec. 5-43. Application-Generally.

A person seeking a license under this article must apply to the City Council for the license by filing a written application with the City Clerk. The City Clerk must present the application to the City Council. An application must contain the following:

- (1) The applicant's name and place of residence.
- (2) The exact location of the place at which the applicant proposes to sell ~~non-intoxicating~~ 3.2% malt liquors.
- (3) Whether the applicant has ever previously been engaged in the business of selling ~~non-intoxicating~~ 3.2% malt liquors or in the business of selling foodstuffs in the City, and if so, when and where.

Sec. 5-72. Persons eligible to be issued licenses.

Licenses under this article may be issued only to persons who are citizens of the United States or resident aliens and who are of good moral character and repute,

who have attained the age of 21 years and who are proprietors ~~managers~~ of the establishments for which the licenses are issued. In the event that a corporation is the owner of the establishment, then the incorporation shall designate an acting manager of the establishment and a corporate officer for which the license are issued.

Sec. 5-76. No more than one license for any one person or premises; ~~unlawful to possess interest in more than one license.~~

(a) No more than one ~~off-sale or on-sale~~ intoxicating liquor license may be ~~directly or indirectly issued under this article~~ to any one person or for any one place in the city.

(b) It is unlawful for a person, partnership or corporation to knowingly have or possess a direct or indirect interest in ~~more than one license in the City and upon conviction therefor the City Council may immediately revoke all licenses of the person, corporation of all licenses of the person, partnership or corporation.~~ in which the person, partnership or corporation has an interest. The term "interest", as used in this section, shall be as defined in Section 340A.412, Subd. 3, Minnesota Statutes.

Sec. 5-83. ~~Transfers the licenses; transfers of corporate stock; change of corporate officers.~~

(a) No license granted under this article may be transferred from person to person or from place to place without the consent of the Council, which consent shall be by resolution passed by the Council.

~~(b) Where a license is held by a corporation, a change in ownership of 10 percent or more of the stock of the corporation must be reported in writing to the city council within ten days of the transfer.~~

~~(c) The transfer of stock in a corporate license shall be deemed a transfer within the meaning of this section, and no such transfer of stock may be made without the consent of the Council. It is the duty of the officers of a corporation holding a license issued under the authority of this article to notify the Council of any proposed sale or transfer of any stock in such corporation, and no such sale or transfer shall be effective without the consent of the council given in the manner set forth above. The transfer of any stock without the knowledge and consent of the Council shall be deemed sufficient cause for revocation by the Council of a license granted to such corporation under the authority of this article.~~

~~(d) Such corporate officers mentioned in Subsection (c) of this section must notify the Council whenever any change is made in the officers of the corporation. Failure to so notify the Council is likewise sufficient cause for revocation of a liquor license granted to such corporation. (Code 1965, S.S. 703.180).~~

Sec. 5-84. Suspension or revocation of license issued under article.

The authority issuing or approving a license or permit pursuant to Chapter 340A, Minnesota Statutes and this article may suspend for up to 60 days or revoke the license or permit or impose a fine of up to \$2,000 for each violation, on a finding that the licensee or permit holder has violated an applicable statute, regulation or ordinance relating to intoxicating liquor. No suspension or revocation shall take effect until the licensee or permit holder has been afforded an opportunity for a hearing pursuant to Sections 14.57 to 14.69 of the Administrative Procedure Act. The hearing shall be before an Administrative Law Judge pursuant to the Administrative Procedure Act and all costs and expenses associated with the hearing shall be paid by the licensee. Said licensee shall elect said hearing within five days upon notice of intent to suspend or revoke within five days after said licensee has elected to pursue a hearing process.

Sec. 5-110. Certain premises ineligible for license.

- (a) No "on-sale" license may be issued for the first time under this division for premises located within ~~1,000~~ 100 feet of a church or school building in the City. Said measurement shall be from the main entrance to the nearest property line of said church or school building.
- (b) No "off-sale" license may be issued for the first time under this division for premises located within 100 feet of a church or school building in the City. Said distance shall be measured from the main entrance to the nearest property line of said church or school building.
- ~~(c) No "off sale" license may be issued under this division for a place where non-intoxicating malt beverages are sold for consumption on the premises.~~

Action by Council:

AGENDA REPORT

Endorsed _____

Modified _____

Rejected _____

Date _____

To: City Manager Michael McGuire
From: Director of Public Safety Kenneth V. Collins *KVC*
Subject: Animal and Fowl Ordinance
Date: September 7, 1993

Introduction

The Maplewood City Council recommended the review and updating of Maplewood's animal ordinance.

Background

An extensive review has been conducted of the Maplewood animal ordinance, and it has been compared with similar ordinances throughout the state. Maplewood's ordinance was found to be superior to the majority of them (with a few minor exceptions).

Maplewood's current ordinance did not prohibit the keeping of certain animals. Sections 7-4, 7-5 and 7-6 were inserted to correct this omission.

Another area that needed revision was in the issuing of small kennel licenses. Major revisions were made in Section 7-98, dealing with the application, investigation and granting or denial of a small kennel license.

The most notable of these changes would remove the applicant from having to go before the City Council for approval of a small kennel license. Under the new proposal, a small kennel license may be approved or denied by the Director of Public Safety if all conditions that are outlined in the ordinance are met. Should the small kennel license be denied, the applicant would have the right to appeal the denial to the City Council.

The other change reduced the number of dogs that may be kept on a licensed premise from six to three.

Action Required

Present to the City Council for their review and approval or recommended changes.

KVC:js

Attachment

Chapter 7

Sec. 7-3. Quarantine of animal which has bitten a person; destruction of rabid animals.

- (a) Any dog or other animal that has bitten a person and caused an abrasion or puncture of the skin shall immediately be quarantined for a minimum of ten (10) days. Such an animal shall be confined at a veterinary hospital or at the owner's home in such a manner that it does not escape or come in contact with other people or animals. When the dog or animal is quarantined as stated above, it shall be at the owner's expense. A quarantine report must be completed by the local animal control agency. Stray animals that have bitten a person shall be quarantined through the local animal control agency. Dogs that are involved in two (2) or more bites are subject to Sec. 7-80 and Sec. 7-81.
- (b) No police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made. (Code 1965, § 1101.140).

Sec. 7-4. Keeping of animals.

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

Wild or exotic animal: "Wild animal" or "exotic animal" means any mammal, amphibian, reptile or bird which is of a species not usually domesticated and of a species which, due to size, wild nature or other characteristic, is dangerous to humans. The term includes animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors and pheasants. By way of example and not of limitation, the term includes: snakes, eagles, ocelots, jaguars, cougars, weasels, ferrets, badgers, monkeys, chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves.

Sec. 7-5. Keeping of certain animals absolutely prohibited; exceptions.

- (a) Prohibited animals. No person shall keep, maintain or harbor within the City of Maplewood any of the following animals:
- (1) Any animal or species prohibited by federal or Minnesota law.
 - (2) Any exotic animal or species when kept in such numbers or in such a way as to constitute a likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance.
 - (3) Any skunk, whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies.

- (4) Any large cat or members of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated cats.
- (5) Any member of the family Canidae, such as wolves, dingoes, coyotes and jackals, except domesticated dogs.
- (6) Any crossbreed such as the crossbreed between dogs and coyotes and dogs and wolves.
- (7) Any raccoon.
- (8) Any red-eared turtle (Pseudemys scriptaelegans) with a shell length of less than four (4) inches.

(b) Exceptions. This section does not apply to animals which are temporarily brought into the city for the purpose of participating in any circus or show; nor does it apply to any public zoo or persons keeping animals for a public zoo as volunteers, Docents or otherwise; nor to any bona fide research institution or veterinary hospital, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided.

Sec. 7-6. Impoundment of wild or exotic animals.

Any wild animal kept in violation of this ordinance may be impounded by the city. Unless such impounded animal is reclaimed and removed from the city or issued a permit to allow it to remain in the city or unless the owner petitions the District Court for a determination that the animal is exempt from the provisions of this ordinance, the animal may be destroyed or sold seven (7) days following notice to the owner of such animal of its impoundment and the provisions of this ordinance. Any person reclaiming any such animal shall pay the costs of impounding and boarding the same at the time of its release.

DIVISION 6. SMALL KENNEL LICENSES*

Sec. 7-96. Construction and purpose of division.

This division is supplementary to and in addition to all other provisions of this Code or other ordinances in effect relating to the ownership, care and custody of dogs within the city and is deemed necessary by the council in order to regulate and control the ownership and the keeping of dogs in and near residential areas of the city. (Code 1965, § 1103.010).

Sec. 7-97. Required; limited to licensee's dogs; zoning classifications where permitted.

- (a) No person shall keep more than two (2) dogs over three (3) months of age anywhere within the city without first obtaining a small kennel license under this division for the keeping of such dogs for breeding, sale or show purposes.
- (b) Any licensee under this division may not board or train dogs belonging to other persons on such licensed premises.
- (c) Small kennel licenses will not be issued under this division in any part of the city, except on property zoned commercial or farm residential or residential R-1. (Code 1965, §§ 1103.030, 1103.040; Ord. No. 671, § 1, 9-24-90).

Sec. 7-98. Application; investigation; grant or denial of license.

- (a) Application. Any person desiring a small kennel license required under the provisions of Section 7-97 shall make written application therefor to the city clerk upon a form prescribed by and containing such information as required by the city clerk. Among other things, the application shall contain the following information:
 - (1) A description of the real property upon which it is desired to keep the animal or animals.
 - (2) The species and number of animals to be maintained on the premises.
 - (3) A statement that the applicant/permittee will at all times keep the animals in accordance with all the conditions prescribed by the director of public safety, or a modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.
 - (4) Such other and further information as may be required by the director of public safety.

*Cross reference--Licenses generally, Ch. 17.

- (b) Consent. The applicant for any permit required under the provisions of Section 7-97 shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager or other person in charge of the building.
- (c) Investigation by the director of public safety; may grant permit. The director of public safety shall make such investigation as is necessary and may grant, deny or refuse to renew any application for permit under this chapter.
- (d) Permit; conditions. If granted, the permit shall be issued by the city clerk and shall state the conditions, if any, imposed upon the permittee for the keeping of animals under the permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the director of public safety deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors or annoyance or to protect the public health and safety. Such permit may be modified from time to time or revoked by the director of public safety for failure to conform to such restrictions, limitations or prohibitions. Such modification or revocation shall be effective from and after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such animals.
- (e) Refusal to grant or renew a permit. The director of public safety may refuse a permit to keep or maintain animals hereunder for failure to comply with the provisions of this chapter, if the facilities for the keeping of the animals are or become inadequate for their purpose, if the conditions of the permit are not met, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting of such permit. Refusal to grant or renew a small kennel license by the director of public safety may be appealed to the city council.

Sec. 7-99. Application and renewal fees.

The initial application fee for a small kennel license under this division shall be imposed, set, established and fixed by the city council, by resolution, from time to time, and the annual renewal fee for any license issued under this division shall be imposed, set, established and fixed by the city council, by resolution, from time to time. (Code 1965, § 1103.080).

~~Sec. 7-100. Licensed premises to protect nearby residential properties from disturbances; licenses subject to cancellation for violation of section.~~

~~Any person obtaining a small kennel license under this division shall be required to house such dogs in a manner and under such conditions which will guarantee that said dogs will not cause a disturbance by barking, howling or otherwise causing noise. Such facilities shall be so located as to protect nearby residential properties from any disturbances whatsoever emanating from the licensed kennel. If the intent and purposes of this section cannot be achieved, no license to maintain such kennel shall be granted. If after a license has been granted any violation of this section occurs, the council may cancel such license. (Code 1965, § 1103.060; Ord. No. 550, § 1, 8-22-83).~~

Sec. 7-100. Limitation on number of dogs over three months of age that may be kept on licensed premises.

The maximum number of dogs over three (3) months of age which may be kept under a small kennel license issued under this division shall be three (3). (Code 1965, § 1103.050).

Secs. 7-101--7-115. Reserved.

AGENDA REPORT

Action by Council:

TO: Mayor and City Council
FROM: City Manager *Mark A. Quinn*
RE: CITY OF NEWPORT'S REQUEST FOR SUPPORT
DATE: September 2, 1993

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

The City of Newport adopted a resolution which strongly opposes the draft of the proposed Comprehensive Management Plan Environmental Impact Statement for the Mississippi National River and Recreational Area. Newport forwarded a copy of the resolution to Maplewood. Newport opposes any plan for the Mississippi River corridor that supersedes City planning code for that area. Councilmember Zappa requested that this item be placed on the agenda for formal City Council consideration and possible action.

A representative from the City of Newport will be present at the meeting.

RECOMMENDATION

It is recommended that the City Council review Newport's resolution of opposition to the Comprehensive Management Plan Environmental Impact Statement for the Mississippi National River and Recreational Area and take any action that they feel is appropriate.

NOW, THEREFORE, BE IT RESOLVED, the City of Newport, Minnesota, through its City Council acting on the 19th day of August, 1993, states in the strongest possible terms its opposition to the draft Comprehensive Management Plan Environment Impact Statement presented to it and dated June, 1993, by the Mississippi Coordinating Commission and National Park Service.

BE IT FURTHER RESOLVED, that the City of Newport, acting through its City Council, does further state and resolve that it will remain in opposition to any purported plan for the Mississippi River corridor that does not allow the City full discretion through its zoning code to protect the rights and interests of its residential neighborhoods and citizens living on or near the Mississippi River (which, in the case of Newport, Minnesota, is virtually all of its residents).

BE IT FURTHER RESOLVED, that the City Manager is directed to forward this resolution to all appropriate authorities involved with the review of this plan, as well as any and all other affected municipalities and elected officials.

Adopted this 19th day of August, 1993.

CITY OF NEWPORT

By 
Gerald Fritsch, Mayor


Gary Patterson, City Administrator

(ATTEST)

CITY OF NEWPORT

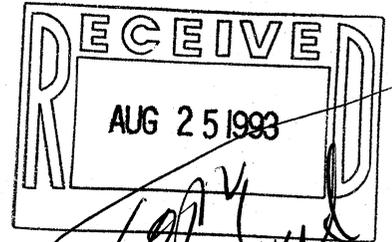
596 7th Avenue
Newport, Mn. 55055
(612) 459-5677

THE CITY OF NEWPORT IS AN EQUAL OPPORTUNITY EMPLOYER

Mayor Jerry Fritsch
Councilman Jeff Burgoyne
Councilman Tim Geraghty

Councilwoman Sharon Harbo
Councilman Basil Loveland

City Administrator -
Gary C. Patterson



August 23, 1993

To Whom It May Concern:

The Newport City Council is forwarding a copy of their Resolution 93-30, adopted on Thursday, August 19th, 1993, expressing their opposition to the draft of the proposed Comprehensive Management Plan Environmental Impact Statement for the Mississippi National River and Recreation Area.

If you have any questions, or comments, feel free to call me at 459-5677.

Sincerely,


Gary C. Patterson
City Administrator

cc: file
Mayor and Council

RESOLUTION R-93-30

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA IN OPPOSITION TO THE DRAFT OF THE PROPOSED COMPREHENSIVE MANAGEMENT PLAN ENVIRONMENTAL IMPACT STATEMENT FOR THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

WHEREAS, the City of Newport, Washington County, Minnesota, by and through its duly elected City Council, in response to the request for comments to the proposed Comprehensive Management Plan and Environmental Impact Statement of the Mississippi National River and Recreation Area, Minnesota, does hereby adopt this resolution as its formal response and finds:

The City of Newport, Minnesota, is a municipal corporation and municipality in continuous existence at its current location on the Mississippi River for over 100 years.

Located within the Twin City metropolitan area of Minnesota, the City of Newport is a unique community of fewer than 5,000 residents with a wide variety of housing types and citizen income levels.

The presence of the Mississippi River bordering the City is, from the perspective of the City, a precious resource critical to the quality of life of its citizens.

In addition to expensive bluffland homes being constructed overlooking the City and the river, subject to very stringent zoning requirements imposed by the City to preserve the character of the bluffland area in as close as possible to its original state, the City of Newport has obtained ownership and control of an 80-acre bluffland park, which the City is currently planning to utilize in conjunction with local education authorities as a significant educational resource, as well as a means of preserving original Mississippi bluffland vegetation and fauna.

Immediately next to the river, located within the Newport city limits, is one of the oldest residential neighborhoods located directly on the Mississippi River within the river corridor.

The City of Newport, unlike many other communities in the metropolitan area, has a very long history and a well-developed historical sense of itself and the need to preserve its character as a city in the interests of its citizens throughout the City.

That the City of Newport believes much of its history and character are defined by the residential neighborhoods immediately adjacent to and in the lower part of the City.

The City of Newport has gone through great lengths through the years by way of its zoning laws and ordinances to preserve the unique character of the residential neighborhood located immediately along the Mississippi River.

That in order to preserve this critical element of the community, in addition to its own zoning code enforcement, the City of Newport has engaged in active efforts to fend off commercial encroachments, particularly in the form of barge fleeting, as well as nuisances permitted by other municipalities along the riverway that had an immediate and detrimental impact on the quality of life of the Newport citizens living on or near the river.

The experience of the City of Newport over the years has been, however, that outside agencies have generally been willing to overlook the community needs of a relatively small city like Newport and have been prepared to advance the interests of commercial enterprises and groups wishing to use the waterway in a manner detrimental to a residential community like Newport on the river.

The City of Newport, through its Council members and support staff, have been very carefully scrutinizing both the legislation creating (and implementation of) the so-called Mississippi National River and Recreation Area.

In particular, when Representative Vento first proposed the legislation, the City Council directed its legal counsel and staff to do a thorough analysis of the proposed legislation and its possible impact on the City of Newport and, in particular, the City's efforts to preserve the unique character of its riverfront.

At that time, counsel for the City raised a number of concerns regarding the underlying proposed legislation that would have permitted the managing authority to supersede zoning of municipalities on the river, such as Newport, and potentially and effectively negate a century of efforts by the City to preserve its riverfront character.

Notwithstanding the express language of the underlying implementing legislation, City officials of Newport were assured that it was not intended to create a "super-agency" that could adopt its own zoning code and force its provisions upon municipalities and citizens living on the river and would not weaken municipal zoning code protections currently in place.

When, therefore, the City was given the opportunity to review the draft of the Comprehensive Management Plan Environmental Impact Statement provided and make comment regarding the same, it was with shock and anger that Council members determined that, indeed, very little protection is afforded to cities such as the City of Newport, Minnesota, if it were to choose through zoning codes to provide for provisions unique to its riverfront residential area if those provisions in any way conflicted with the overall plan.

Moreover, to add insult to injury, a review of the plan shows that expenditures in implementing the plan's provisions, including land purchases, provisions are to be made by municipalities like Newport and not by any federal authority or other state authority.

In particular, the City notes that an apparent bike or pathway is provided along the riverfront through the City of Newport on what is currently private land. The mere provision of such a bikeway on private land creates, in the City's view, an immediate potential for inverse condemnation litigation and, given the provisions of the law and proposed plan, the full responsibility for any diminution of property value as a result of the implementation of the overall plan would be borne by the participating municipality, in this case, the City of Newport.

The City of Newport in no way can afford, nor does it intend to acquiesce to the imposition of, any requirement that it purchase corridors along the river within its boundaries.

Moreover, the provisions of the plan clearly provide for implementation of an overall zoning plan by the Metropolitan Council and other authorities and does not permit a city, such as Newport, with unique needs to override any such plan with, if necessary, more stringent provisions to protect the unique qualities of the community on the river.

Indeed, the plan requires consideration of commercial interests in utilization of the river corridor, but nowhere indicates that residential usage is in any way different from or superior to any such other "interests" on the riverway. The City of Newport takes the strongest possible exception to what it views as a fundamentally flawed failure of both policy and perception in the plan.

While the City is aware that the plan purports not to affect the use and enjoyment of private land along the river, its practical effect would be to impose Metropolitan Council and DNR zoning regulations concerning the plan upon the City, and the plan expressly states an intention to provide for state legislation that would force municipalities within the corridor to conform their zoning codes to the plan, potentially in a manner adverse to the interest of Newport and its citizens.

The provision in the plan that would require cities not to permit reconstruction of residences or structures other than on an existing footprint would be an additional restriction on the use of the land located on the riverfront that would have an immediate negative impact on property values facing the river and would, once again, expose the City of Newport to potential inverse condemnation liability.

Careful, thorough review of the proposed plan clearly indicates that its adoption would have a significant, negative impact on the City and its ability to protect both that character developed through its history, as well as the interests of its citizens living on or near the Mississippi River.

Upon very careful review and thorough analysis, the City Council of Newport, Minnesota, is not merely opposed, but strongly opposed to the implementation of the plan and believes that any effort in defense of the plan to portray it as being a tool to assist the City in its efforts to maintain its character and interests of its citizens is inaccurate, false and a sham.