

AMENDED AGENDA

MAPLEWOOD CITY COUNCIL

7:00 P.M., Monday, October 23, 1989
and
4:30 P.M., Thursday, October 26, 1989
Council Chambers, Municipal Building
Meeting No. 89-24

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 89-13 (June 8 and 12, 1989)
2. Minutes of Meeting No. 89-22 (October 9 and 12, 1989) (Copies will be available for the October 26, 1989 Meeting)
3. Minutes, Special Council Meeting, October 4, 1989

D. APPROVAL OF AGENDA

E. CONSENT AGENDA

1. Approval of Claims
2. Time Extension: Beaver Creek Apartments
3. Time Extension: Torgerson Addition
4. Time Extension: Hazel Ridge P.U.D.
5. Conditional Use Permit Renewal: Highway 61 (Frattalone)
6. Conditional Use Permit Renewal: 2683 Geranium Avenue (Hechtel)
7. Change Order 1 - Brooks Avenue Project 88-08
8. Payment of Parking Area in Pleasantview Park
9. Final Payment: Painting Interior of Cope Avenue Water Tank
10. Budget Transfer: Legal

F. PUBLIC HEARINGS

1. 7:00 P.M., Roselawn Avenue, T.H. 49 to Jackson, Project 87-01 (4 Votes) _____

2. 7:45 P.M., Alley Vacation and Preliminary Plat: Sheryl's Addition _____

3. 8:00 P.M., Variance: 1780 County Road D (Day's Inn) _____

4. 8:15 P.M., 2271 White Bear Avenue (Fleming)
 - a. C.D.R.B. Appeal _____
 - b. Conditional Use Permit _____
5. 8:45 P.M., Conditional Use Permit: 2207 McAfee Circle _____
6. 9:00 P.M., Conditional Use Permit: 1357 Cope Avenue (Corner Kick) _____
7. 9:15 P.M., White Bear and 11th Avenues (Amoco Oil)
 - a. Plan Amendment (4 Votes) _____
 - b. Rezoning (4 Votes) _____
 - c. Lot Division _____

G. AWARD OF BIDS

H. UNFINISHED BUSINESS

1. Ban on New Motor Fuel Stations _____
2. Preliminary Plat: Seasons Park _____
3. C.D.R.B. Appeal: 2714 Highwood Avenue (Carver) _____
4. Preliminary and Final Plat Reconsideration: Woodlynn Heights Townhomes No. 4 (Nettleton) _____
5. Environmental Protection Ordinance
 - a. Code Amendment (2nd Reading) _____
 - b. Resolution (Application Fee For Woodlot Alteration Permit) _____
6. Moratorium on New Preliminary Plat Applications _____

I. NEW BUSINESS

1. Registered Land Survey: Highway 61 and Kohlman Avenue (Bartlett) _____
2. Code Amendment: Truth-In-Sale of Housing (1st Reading) _____
3. C.D.R.B. Appeal: English Place (English Street & Highway 36) _____
4. Schedule Public Hearing: Footprint Lake Storm Sewer, Project 87-32 _____

5. Schedule Public Hearing: Roselawn Avenue, I-35E to Arcade, Project 89-03 _____

6. Meeting Schedule for Balance of Year _____

7. Request for Stop Sign: City Heights Drive and Summer _____

8. Review Code Ordinance Sec. 2-23, City Council Compensation _____

J. VISITOR PRESENTATIONS

K. COUNCIL PRESENTATIONS

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

L. ADMINISTRATIVE PRESENTATIONS

1. R.V. Ordinance Discussion _____
2. _____
3. _____
4. _____
5. _____

M. ADJOURNMENT OF MEETING

MINUTES OF MAPLEWOOD CITY COUNCIL
4:30 P.M., Thursday, June 8, 1989
and
7:00 P.M., Monday, June 12, 1989
Council Chambers, Municipal Building
Meeting No. 89-13

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building, and was called to order at 4:32 P.M., by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Arrived at 4:43 P.M.
Frances L. Juker, Councilmember	Present
George F. Rossbach, Councilmember	Absent

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 89-2 (January 23, 1989)

Councilmember Anderson moved to approve the Minutes of Meeting No. 89-2 (January 23, 1989) as submitted.

Seconded by Mayor Greavu. Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Council/Park Board Meeting
2. Ramp on Highway 694
3. Old City Hall Plaque
4. Dirt on Streets
5. Recycling: Plastic
6. Dog Ordinance
7. Meeting with Manager
8. Maplewood Mall
9. Edgerton Street
10. Easements
11. Bulk Storage
12. Garbage Fees
13. Add: Reschedule 6-15-89 Workshop Session
14. Place Code Amendment 14-4 before Item H-2
15. Storm Water Area Tour with Engineer

Seconded by Councilmember Anderson. Ayes - all.

E. CONSENT AGENDA

Councilmember Anderson moved, seconded by Mayor Greavu, Ayes - all, to approve the Consent Agenda Items E-1 through E-6 as recommended:

1. Approval of Claims

Approved the Claims as follows:

ACCOUNTS PAYABLE:

\$ 363,933.74	Checks #6440 - #6515 Dated 05-12-89 thru 05-31-89
\$ <u>90,211.91</u>	Checks #1010 - #1145 Dated 06-08-89
\$ 454,145.65	Total per attached voucher/check register

PAYROLL:

\$ 170,044.13	Payroll Checks
\$ <u>32,542.58</u>	Payroll Deductions
\$ 202,586.71	Total Payroll
\$ 656,732.36	GRAND TOTAL

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

Approved the renewal of a conditional use permit for one year for a machine shop within 350 feet of a residential district at 1810 East County Road B, subject to Council's previously imposed conditions.

3. Planning Commission's Resignation

Accepted the resignation of Frank Dempsey from the Planning Commission and passed the following resolution.

Resolution No. 89-6-83

WHEREAS, Frank Dempsey has been a member of the Planning Commission of Maplewood Minnesota, since January 25, 1988, and has served faithfully in that capacity until April 17, 1989; and

WHEREAS, the Planning Commission has appreciated his experience, insights, and good judgment; and

WHEREAS, he has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, he has shown sincere dedication to his duties and has consistently contributed his leadership, time, and effort for the benefit of the City,

NOW, THEREFORE, BE IT HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and its citizens, that Frank Dempsey is hereby extended our heartfelt gratitude and appreciation for his dedicated service and we wish him continued success in the future.

4. Time Extension: Cave's English Street Second Addition

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

5. Donations to Maplewood Nature Center

Accepted the \$50.00 donation from the Lawrence Kaiser Auxiliary-Post 8901, and the \$200.00 donation from the Weaver Elementary School, and place them in the Jim's Prairie Fund (403-814-323-4720).

6. Resolution - National Night Out - 1989

Resolution 89-6- 84

WHEREAS, the National Town Watch Association is sponsoring the 6th Annual edition of a special, coast-to-coast community crime prevention event on August 8, 1989, called "National Night Out" - America's Night Out Against Crime; and

WHEREAS, Maplewood plays an essential role assisting the Maplewood Police through its cooperative crime prevention efforts in Maplewood and is supporting the "National Night Out" locally; and

WHEREAS, it is important that all citizens in Maplewood be aware of the importance of crime prevention programs and the positive impact that their participation can have on reducing crime and drug abuse in our neighborhoods; and

WHEREAS, "National Night Out" provides an opportunity for Maplewood to join together with thousands of other communities across the country in support of safer neighborhoods and to demonstrate the success of cooperative crime prevention efforts; and

WHEREAS, neighborhood awareness, spirit and cooperation are important themes of the "National Night Out" project and key components in helping the Maplewood Police Department to fight crime and drug abuse;

NOW, THEREFORE, WE, THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, do hereby call upon all of the Citizens of Maplewood to join the Maplewood Police Department and the National Town Watch Association in supporting and participating in the 6th Annual "National Night Out" on August 8th.

FURTHER, LET IT BE RESOLVED THAT I, THE MAYOR OF MAPLEWOOD, do hereby proclaim Tuesday, August 8, 1989, as "NATIONAL NIGHT OUT" in Maplewood, Minnesota.

F. AWARD OF BIDS

1. Walter Street, Project 84-14

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

Councilmember Bastian arrived at 4:43 P.M.

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

Resolution 89-6- 85

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Ro-So Contracting in the amount of \$43,768.75 is the lowest responsible bid for the construction of Walter Street, Fenton Avenue to Frost Avenue, City Project 84-14, 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 Councilmember Juker. Ayes - Mayor Greavu, Councilmembers Anderson and Juker. Councilmember Bastian abstained.

2. City Vehicles

- a. Manager McGuire presented the staff report.
- b. Mayor Greavu moved to approve the highest bid of \$1402.00 for a 1930 Ford Futura and \$1151.00 for a Chevrolet Scooter.

Seconded by Councilmember Anderson. Ayes - all.

G. UNFINISHED BUSINESS

1. Plan Amendment - Gervais Avenue (BBY Partnership)

- a. Manager McGuire presented the staff report.
- b. City Attorney Kelly advised the Council of the procedures that can be taken.
- c. Councilmember Anderson introduced the following resolution and moved its adoption.

Resolution 89-6-97

RESOLUTION MAKING FINDINGS OF FACT AND CONCLUSIONS DENYING APPLICATION OF BBY INVESTORS FOR A COMPREHENSIVE LAND USE PLAN AMENDMENT.

WHEREAS, BBY Investors, a Minnesota general partnership, hereinafter BBY, has, on or about October 3, 1988, made application to the City of Maplewood, hereinafter City, for an amendment to the Maplewood Comprehensive Land Use Plan, hereinafter CLUP, a

Conditional Use Permit, hereinafter CUP, for a Planned Unit Development, hereinafter PUD, and Community Design Review Board, hereinafter CDRB, approval of a 426 unit multi-family housing development on approximately 31 acres lying north of Gervais Avenue and being legally described as follows:

Lot 5, Block 1, Mapleridge Mall; and the East half and West half of Lot 1, E.G. Roger's Garden Lots; and Lot 2, except the South 300 feet thereof, E.G. Roger's Garden Lots, hereinafter the subject property; and

WHEREAS, the CLUP designation for the subject property is LSC, limited service commercial, and the zoning code designation is LBC, limited business commercial, and BBY seeks an amendment of the CLUP from LSC to RH, residential high-density; and

WHEREAS, the procedural history of the BBY application is as follows:

1. BBY's application was dated, filed and initiated October 3, 1988; and
2. The Maplewood Planning Commission denied the CLUP amendment and CUP request on November 21, 1988, based upon the following:
 - a. The developer [BBY] does not consider Mr. Kavanaugh's property to the west;
 - b. The developer [BBY] has not shown the need for development of rental property on this site;
 - c. Traffic problems would be created on Highway 36; and
 - d. The developer [BBY] has not shown a phasing plan for the gradual development of the property; and
3. The CDRB approved the BBY plans date-stamped November 19, 1988, on November 29, 1988, subject to approval of a CLUP amendment and approval of a CUP by the City Council; and
4. A public hearing before the City Council on the BBY application was held December 12, 1988, but, because of the lateness of the hour, was continued to January 5, 1989; and
5. BBY subsequently requested an indefinite continuance of the public hearing beyond January 5, 1989, to facilitate extension of their option to purchase the subject property; and
6. A public hearing before the City Council on BBY's application was held and concluded March 2, 1989; and
7. At the conclusion of said March 2, 1989, public hearing, it was moved and seconded to approve the amendment of the CLUP from LSC to RH, which motion failed, 0 ayes 5 nays; and
8. Immediately upon taking the vote to approve amendment of the CLUP, the City Council adjourned, without more; and

9. On March 13, 1989, the City Council passed a motion to reconsider its action on BBY's application pursuant to 6(d) of the Maplewood City Council Rules of Procedure; and
10. On March 20, 1989, BBY initiated a lawsuit against the City seeking, among other things, to restrain the City Council from reconsidering its prior action on BBY's application; and
11. On March 27, 1989, BBY moved the Ramsey County District Court for a Temporary Restraining Order, hereinafter TRO, prohibiting the City Council from reconsidering its action on BBY's application, which motion the Court took under advisement; and
12. On March 27, 1989, while the District Court deliberated the BBY motion for a TRO, the Maplewood City Council reconsidered its previous action on the BBY application by adopting a motion to deny said amendment to the CLUP and referring to its staff the responsibility of drafting a proposed set of findings based upon the contemporaneous record and documentation; and
13. On March 28, 1989, the Ramsey County District Court entered its TRO restraining the City from approving and/or adopting findings on BBY's application and setting a hearing on a temporary injunction for April 21, 1989; and
14. On May 22, 1989, the Ramsey County District Court dissolved the TRO dated March 28, 1989, permitting, therefore, the adoption of these findings and conclusion.

NOW, THEREFORE, upon all the records, files, documents, testimony, and the arguments of counsel, the Maplewood City Council being fully advised, makes the following:

FINDINGS OF FACT

1. That 426 units of high density multi-family housing proposed on this 31 acre tract is incompatible with the immediate contiguous land uses to the northwest, the west, and the south.
2. That to amend the CLUP from LSC to RH would render the CLUP designation in conflict with the official controls of the zoning ordinance and therefore illegal.
3. That the representations of BBY as to traffic impact from the proposed project upon traffic on Gervais Avenue, White Bear Avenue, and TH 36 are inconsistent with the knowledge and experience of the Council.
4. That BBY failed to establish that there has been a substantial change in circumstances as to the subject property and surrounding neighborhood as to warrant amending the CLUP from LSC to RH.
5. That BBY failed to establish that there was an erroneous basis for the

amendment of the CLUP in 1983 as to the subject property when said CLUP was amended from RH to LSC, consistent with the zoning thereon.

6. That BBY failed to establish that the City had any housing needs that BBY's proposal would satisfy.
7. That the mere reference to housing objectives as set forth in CLUP are insufficient and inadequate to justify an amendment thereto.
8. That the mere expenditure by BBY of time and money in preparation of this application and development plans is, by itself, insufficient and inadequate to provide a rational basis for a CLUP amendment.
9. That the present CLUP designation and zoning classification will result in a commercial use of the subject property thereby expanding the City's tax base without a corresponding demand for increased municipal services.

Upon the above-cited findings of fact, the City Council makes the following:

CONCLUSION

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

1. That the application of BBY for an amendment of the CLUP from LSC to RH is hereby denied.
2. That the application of BBY for a CUP for a PUD is hereby denied because the Council cannot make the first finding required thereunder that the proposed use is conformity with the City's CLUP.
3. That the burden of proof for the necessity of an amendment to the CLUP is that of the applicant and has not been met here.
4. That the 1983 amendment of the CLUP as it pertains to the subject property was valid and BBY's challenge thereto is untimely and without standing.

Seconded by Councilmember Juker. Ayes - all.

2. Fish Creek Estates:

- a. Three Code Variations
- b. Approval of a "Relaxed Urban" Street Design
- c. Preliminary Plat
 1. Manager McGuire presented the staff report.
 2. Director of Community Development Olson presented the specifics of the proposal.
 3. Councilmember Anderson moved to deny the application for preliminary plat

Code variations, Code variances, and "Relaxed Urban" street design based on the fact that the proposed lots are not consistent with the City's Critical Area Plan.

Seconded by Councilmember Juker. Ayes - all.

3. Revocation of Permit - House Recreational Vehicle

a. Manager McGuire presented the staff report.

b. The following persons presented their opinions regarding the recreational vehicle permit:

David Edsfall, 312 Forest Avenue
Jeff House, 2090 East County Road D
David Supon, 3050 Hazelwood

c. Councilmember Bastian moved to table this Item until Monday night's Council meeting for the purpose of establishing a neighborhood meeting.

Seconded by Councilmember Anderson. Ayes - all.

H. NEW BUSINESS

1. 1990-1994 Capital Improvement Plan (4 Votes)

a. Manager McGuire presented the staff report.

b. Councilmember Juker moved to table this Item for two weeks until the meeting of June 22, 1989.

Seconded by Councilmember Anderson. Ayes - all.

4. Code Amendment - Pipeline Setback (First Reading)

a. Manager McGuire presented the staff report.

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

c. Commissioner Lorraine Fischer presented the Planning Commission report.

d. Councilmember Bastian moved to amend the proposed ordinances by adding subsections to 9.218.

Seconded by Mayor Greavu. Ayes - Mayor Greavu, Councilmembers Anderson and Bastian; Nays - Councilmember Juker.

e. Mayor Greavu moved first reading of an ordinance amending the pipeline setback ordinance.

Seconded by Councilmember Anderson. Ayes - all.

2. Pipeline Setback Variance Lot 15, Block 2, Hills and Dales Addition - Duluth and Junction.

- a. Manager McGuire presented the staff report.
- b. Director of Public Works Haider presented the specifics of the request.
- c. Bernard Heroff, 2137 Duluth Place commented on the request.
- d. Mayor Greavu moved to table for staff to investigate the possibility of finding an expert regarding pipeline variances on setback guidelines and report back in two weeks.

Seconded by Councilmember Bastian. Ayes - all.

3. Pipeline Setback Variance - Maplewood Meadows

- a. Manager McGuire presented the staff report.
- b. Bruce Mogren, representing the developers of Maplewood Meadows spoke on behalf of their request.
- c. Mayor Greavu moved to table for two weeks.

Seconded by Councilmember Bastian. Ayes - all.

5. Southlawn Traffic

- a. Manager McGuire requested this item he tabled for two weeks.
- b. Councilmember Juker moved to table Item H-5 for two weeks.

Seconded by Councilmember Anderson. Ayes - all.

6. White Bear Avenue and Burke Street - Street Light Request

- a. Manager McGuire presented the staff report.
- b. Council instructed staff to request Northern States Power Company to install the street light at White Bear and Burke.

Councilmember Bastian left the meeting at 7:15 P.M.

7. Time Extension: Home Occupation (2095 Larpenteur Avenue)

- a. Manager McGuire stated the applicant has requested this be tabled until Monday's meeting.

8. Motor Fuel Station Moratorium

- a. Councilmember Juker moved to extend the motor fuel station moratorium until August 28, 1989.

Seconded by Councilmember Anderson. Ayes - all.

b. Commissioner Lorraine Fischer presented the Planning Commission report.

9. City Clean Up Day

a. Manager McGuire presented the staff report.

b. No action taken.

10. Cable -- History of Maplewood

a. Manager McGuire stated Councilmember Anderson wishes that the history of Maplewood be on Cable TV.

b. Councilmember Anderson moved to instruct staff to proceed with the procedures of establishing a History of Maplewood Committee and present it to Council.

Seconded by Mayor Greavu. Ayes - all.

11. Code Amendment: Off-Street Parking (First Reading)

a. Manager McGuire presented the staff report.

b. Mayor Greavu moved first reading of an ordinance amending the City's parking design requirements.

Seconded by Councilmember Anderson. Ayes - Mayor Greavu, Councilmember Anderson; Nay - Councilmember Juker.

12. Reschedule June 5, 1989, meeting

a. Manager McGuire presented the staff report.

b. Councilmember Anderson moved that the joint meeting with the Council, Planning Commission, and Parks and Recreation Commission be rescheduled to June 29, 1989, 6:00 P.M.

Seconded by Mayor Greavu. Ayes - all.

I. COUNCIL PRESENTATIONS

1. Council/Park Board Meeting

a. Councilmember Anderson stated his concerns can be discussed at the 6-29-89 meeting. One of his concerns is if there is enough parking at the City's park sites.

2. Ramp on Highway 694

a. Councilmember Anderson was at the Maplewood Mall and all the new development around the Mall, the City has better look into easier access to Maplewood especially

entering Maplewood from the ramp at 694. His concerns are also when the semi phones at various locations in the area are not functioning.

3. Old City Hall Plaque

a. Councilmember Anderson stated there is a plaque hanging in Old City Hall. Shouldn't it be removed.

b. Staff will retrieve the plaque.

4. Dirt on Streets

a. Councilmember Anderson is concerned with the dirt put on streets by developers.

b. Staff will investigate.

5. Recycling - Plastics

a. Councilmember Anderson stated Maplewood should join the other cities and ban plastic containers.

b. Council directed this item be placed on the next agenda.

6. Dog Ordinance

a. Councilmember Anderson stated dogs are running constantly.

b. Staff will investigate.

7. Storm Water Area Tour with Engineers

a. Councilmember Anderson stated he would like the Council to take a tour of the storm water areas.

b. Staff will set a date.

8. Meeting with Manager

a. Councilmember Juker questioned when the Council will meet with the Manager.

b. Councilmember Juker stated she will table this discussion until Monday night meeting.

9. Maplewood Mall

a. Councilmember Juker stated there was a police officer stationed at the Mall, since that officer retired will another be assigned to that duty.

b. Staff stated another officer has already been assigned to that duty.

10. Edgerton Street

- a. Councilmember Juker questioned if something is being done at 2177 Edgerton.
- b. Staff is proceeding.

11. Easements

No discussion.

12. Bulk Storage

- a. Councilmember Juker questioned why Bulk Storage did not provide a bond when required to do so for the construction and for clean up of the property.
- b. Staff will investigate.

13. Garbage Fees

- a. Mayor Greavu requested staff to research what license garbage haulers charge their customers or various rates.
- b. Staff stated the City can publish the list of contractors but not the rates.

J. ADMINISTRATIVE PRESENTATIONS

1. Code Review - R-3 District

No discussion.

K. ADJOURNMENT OF JUNE 8, 1989 MEETING, 7:30 P.M.

L. RECONVENE: CALL JUNE 12, 1989 MEETING TO ORDER

Mayor Greavu called the regular meeting of the City Council of Maplewood, Minnesota, to order at 7:02 P.M.

M. ROLL CALL

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

G. UNFINISHED BUSINESS (Continued)

3. Revocation of Permit - House: Recreational Vehicle Permit

- a. Manager McGuire stated this item had been tabled from the June 8, 1989 meeting to allow time for Councilmember Bastian to meet with residents.
- b. Councilmember Bastian stated he had not been able to establish a meeting date

with the residents and moved this Item be tabled to June 22, 1989.

Seconded by Councilmember Juker. Ayes - all.

H. UNFINISHED BUSINESS

7. Time Extension: Home Occupation (2095 East Larpenteur Avenue)

a. Manager McGuire stated the applicant has asked this be tabled for two weeks.

b. Mayor Greavu moved to table this Item until the June 22, 1989.

Seconded by Councilmember Juker. Ayes - all.

N-A PRESENTATIONS

1. Parks and Recreation Commission

a. Manager McGuire presented the staff report.

b. Director of Parks and Recreation Odegard presented the Parks and Recreation Commission report.

c. Cathy J. Tollefson, 2587 Pond Avenue, one of the applicants, answered questions from the Council.

d. Mayor Greavu moved to appoint Cathy J. Tollefson to the Parks and Recreation Commission for a term expiring December 31, 1991.

Seconded by Councilmember Juker. Ayes - all.

e. Michael D. Fieberger, 498 Morris, the applicant, answered questions from the Council.

f. Mayor Greavu moved to appoint Michael D. Fieberger to the term ending December 31, 1989.

Seconded by Councilmember Bastian. Ayes - all.

N. PUBLIC HEARINGS

1. 7:00 P.M., Geranium/Ferndale Storm Sewer Project 87-21 - Assessment Hearing

a. Mayor Greavu convened the meeting for a public hearing regarding the adoption of the proposed assessment roll for the Geranium/Ferndale Storm Sewer Project 87-21.

b. City Attorney Patrick Kelly explained the procedures for the public hearing to adopt the assessment roll.

c. Manager McGuire presented the staff report.

d. Director of Public Works Haider presented the specifics of the proposal.

- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. The following were heard:

Mary Jane Schuller, 2648 Geranium Avenue
Guy Peterson, 2707 Geranium Avenue
Bernadine Mortenson, 2638 Geranium Avenue
William DeMouilly, 2645 Geranium Avenue

- g. Mayor Greavu closed the public hearing.

h. Councilmember Bastian moved to deny the assessment procedures and refer it to staff for alternatives to assessments.

Seconded by Councilmember Anderson. Ayes - Councilmembers Anderson and Bastian;
Nays - Mayor Greavu, Councilmember Juker.

Motion failed.

i. Councilmember Bastian moved to table this Item until June 26, 1989, when there will be a full Council.

Seconded by Councilmember Juker. Ayes - all.

2. 7:10 P.M. Rezoning (4 Votes) and Preliminary Plat: C. Little Addition.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Alan Kretman, Gemstone Development, Inc., to rezone the property on County Road B west of Arcade Street and for preliminary plat approval for 25 single family lots.

b. Manager McGuire presented the staff report.

c. Director of Community Development Olson and Director of Public Works presented the specifics of the proposal.

d. Commissioner Lorraine Fischer presented the Planning Commission report.

e. Al Kretman, Architect, and Dennis Peck, developer, spoke on behalf of the proposal.

f. Mayor Greavu called for proponents. None were heard.

g. Mayor Greavu called for opponents. The following were heard:

Resident, 688 East County Road B
Terry Petersen, 2190 Payne Avenue
Doug Apsahl, 2182 Payne Avenue
Lester from Wayne and Janice Frankenberg, 696 East County Road B

h. Mayor Greavu closed the public hearing.

- i. Mayor Greavu introduced the following resolution and moved its adoption.

89-6-86

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

1. This rezoning was initiated by Gemstone Development Inc., pursuant to Chapter 36, Article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on May 15, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
3. The Maplewood City Council held a public hearing on June 12, 1989, to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

1. The proposed change is consistent with the spirit, purpose and intent of this chapter. The subdivision meets all ordinance requirements.
2. The proposed rezoning does not substantially injure or detract from the use of neighboring property or from the character of the neighborhood. The proposal respects the use of the adjacent property and is reasonably consistent in terms of lot size and width with such adjoining properties.
3. The proposed change will serve the best interests and conveniences of the community, and the general public welfare.
4. The proposed change would have no negative effect upon or result in any change to the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools. All but on-site public utilities are already in place and drainage is adequately accommodated.

Seconded by Councilmember Juker. Ayes - all.

j. Councilmember Anderson moved to approve the preliminary plat of C. Little Canada Addition subject to the following conditions being satisfied before final plat approval:

1. Final grading, utility, drainage, erosion control and street plans must be approved by the City Engineer.
2. The grading plan shall include a proposed building pad elevation and contour information for each home site, as well as the areas to be disturbed for street construction. Housing styles shall be designated which minimize grading on sites that contain trees to be preserved.

Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.

3. Submit a signed developer's agreement with required surety for all required public improvements, erosion control, and tree planting to the City Engineer. This agreement shall include a requirement for the placement of temporary fencing, during construction, around trees to be saved.
4. Approval of a tree removal and planting plan by the Director of Community development before grading or construction begins or final plat approval is given. This plan must designate the trees that are to be removed, those that are to be retained, and those that are to be replanted.
5. The provision of on and off-site drainage easements as required by the City Engineer.
6. Revise "Kenwood Drive" to "Greenbriar Court".
7. Restriction placed in agreement that recreational vehicles must be garaged.

Seconded by Mayor Greavu. Ayes - all.

3. 7:20 P.M., conditional Use Permit: 1580 Sterling Street (Jamieson)

a. Mayor Greavu convened the meeting pertaining to a request of Donald and Colleen Jamieson, 1580 Sterling, for approval of a conditional use permit to construct an addition to their home over the existing garage.

b. Manager McGuire presented the staff report.

c. Commissioner Fischer presented the Planning Commission report.

d. Donald Jamieson, 1580 Sterling, the applicant, spoke on behalf of the proposal.

e. Mayor Greavu called for proponents or opponents. None were heard.

f. Mayor Greavu closed the public hearing.

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

89-6-87

WHEREAS, Donald and Colleen Jamieson initiated a conditional use permit for construction of an addition over the existing garage at the following described property:

Ex N 80 feet, Lots 10 and 11, Block 2, Bradley Oaks

This property is also known as 1580 Sterling Street North, 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 June 5, 1989. The Planning Commission recommended to the City Council that said permit be
2. The Maplewood City Council held a public hearing on June 8, 1989. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

1. The use 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. This permit shall be subject to review after one year from the date of approval, based on the procedures in City Code.

2. All code requirements shall be met.

Seconded by Councilmember Bastian. Ayes - all.

4. 7:30 P.M., Code Amendment: R 6 District (Second Reading 4 Votes)

a. Mayor Greavu convened the meeting for a public hearing regarding the proposed code amendment in the R6 District. This amendment would have no substantial effect on the code. It is mainly to rectify some outdated language.

b. Manager McGuire presented the staff report.

c. Mayor Greavu called for proponents and opponents. None were heard.

d. Mayor Greavu closed the public hearing.

e. Councilmember Anderson introduced the following ordinance and moved its adoption:

ORDINANCE NO. 643

AN ORDINANCE PERTAINING TO ACCESSORY USES IN THE RE, RESIDENTIAL ESTATE DISTRICT

THE MAPLEWOOD CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 36-82 is hereby amended as follows (deletions are crossed out):

Section 36-82. Accessory uses. Prohibited uses.

Any accessory use permitted in an R-1 Residence District (single dwelling) is permitted in the RE, residence estate district.

Any prohibited use in the R-1 district is prohibited in the RE district.

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

Seconded by Councilmember Bastian. Ayes - all.

5. 7:40 P.M., Hazelwood Heights

a. Rezoning (4 Votes)

b. Variations

c. Preliminary Plat

1. Mayor Greavu convened the meeting for a public hearing regarding the request of Ed Cave and Sons, Inc., for rezoning property located on County Road C and Hazelwood from F, farm residence district, to R-1, single dwelling residence district; approval of a preliminary plat for 13 lots known as Hazelwood Heights; and two lot width variations.
2. Manager McGuire presented the staff report.
3. Director of Community Development Olson presented the specifics of the improvement.
4. Commissioner Fischer presented the Planning Commission report.
5. Sam Cave, representing Ed Cave and Sons, Inc., the applicant, spoke on behalf of the proposal.
6. Mayor Greavu called for proponents and opponents. None were heard.
7. Mayor Greavu closed the public hearing.
8. Mayor Greavu introduced the following resolution and moved its adoption:

89 - 6 - 88

WHEREAS, Ed Cave and Sons, Inc., has initiated a rezoning from F, farm residence district, to R-1, single-family dwelling residence district, for the following described property:

The West 578 feet of the South 1,310 feet of the Southwest 1/4 of the Southeast 1/4 of Section 3, Township 29, Range 22, except the North 800 feet and except the West 264 feet of the South 330 feet.

This property is also known as 1585 County Road C, Maplewood;

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

1. This rezoning was initiated by Ed Cave and Sons, Inc., pursuant to Chapter 36, Article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on May 15, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
3. The Maplewood City Council held a public hearing on June 8, 1989, to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

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

Seconded by Councilmember Juker. Ayes - all.

9. Mayor Greavu moved to the two lot width variations for Lots 2 and 13, Block 1, Hazelwood Heights on the basis that:

1. They would not adversely affect the plan or spirit of the subdivision regulations.
2. The street is located to meet the sideyard setback to the existing house.

Seconded by Councilmember Anderson. Ayes - all.

10. Mayor Greavu moved to approve the preliminary plat for Hazelwood Heights, subject to the following conditions being satisfied prior to final plat approval:

1. Approval of final grading, utility, drainage, erosion control and street plans by the City Engineer.
2. The grading plan shall include a proposed building pad elevation and contour information for each home site, as well as the areas to be disturbed for street construction. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.
3. Submit a signed developer's agreement with required surety for all required public improvements, the off-site storm sewer, erosion control and tree planting to the City Engineer.
4. The provision of drainage easements as may be required by the City Engineer.
5. Approval by the Director of Parks and Recreation of the off-site grading and location of the storm sewer to the pond.
6. Payment of a deferred sanitary sewer assessment of \$1,284.
7. Change "Hazelwood Court" to "Germain Court".

Seconded by Councilmember Anderson. Ayes - all.

11. Councilmember Juker moved to request staff to explain the difference between variations and variances.

Seconded by Councilmember Anderson. Ayes - all.

6. 7:50 P.M., Rezoning (4 Votes) and Preliminary Plat - Beth Heights Addition

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Chad D. Lemmons for approval of a preliminary plat to create 52 single-dwelling lots and three outlots on the north side of Linwood Avenue. Outlot A would be a walkway access to Vista Hills park, Outlot B is the water tower site and Outlot C is proposed to be bought by the City of St. Paul as a buffer for the police department's shooting range to the east. Staff is recommending the rezoning from F, farm residence to R-1, single dwelling residential for compatibility with the Land Use Plan.

b. Manager McGuire presented the staff report.

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

d. Commissioner Fischer presented the Planning Commission report.

e. Chad Lemmons, the developer, spoke on behalf of the proposal.

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

James Kayser, 2516 Linwood Avenue
Adele Vordenbrugger, 2578 Linwood
Dave Rydel, 2596 Linwood

g. Mayor Greavu closed the public hearing.

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

89 - 6 - 89

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

The southwest quarter of the southeast quarter of Section 12, Township 28, Range 22, Ramsey County, Minnesota.

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

1. This rezoning was initiated pursuant to Chapter 36, Article VII of the Maplewood Code of Ordinances.

2. This rezoning was reviewed by the Maplewood Planning commission on May 23, 1989. The Planning Commission recommended to the City Council that said rezoning be approved.
3. The Maplewood City Council held a public hearing on June 12, 1989 published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

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

Seconded by Mayor Greavu. Ayes - all.

i. Councilmember Anderson moved approval of the Beth Heights Addition preliminary plat (plans received March 2, 1989), subject to the following conditions being satisfied before final plat approval:

1. Approval of final grading, utility, drainage, erosion control, and street plans by the City Engineer.
2. The grading plan shall include a proposed building pad elevation and contour information for each home site, as well as the areas to be disturbed for street construction. Housing styles shall be illustrated which minimize grading on sites that contain desirable mature trees and steeper slopes. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.
3. Submit a signed developer's agreement with required surety for all required public improvements, dedication of necessary easements, erosion control, and tree planting to the City Engineer.
4. Approval of a tree removal and planting plan by the Director of Community Development before grading or construction begins, or final plat approval is given. This plan must illustrate the trees that are to be removed,

those that are to be retained, and those that are to be replanted.

5. Deed restrictions shall be filed on Lots 1-5, Block 1, "prohibiting construction of any deck or addition attached to the dwelling, within 100 feet of the Williams Brothers pipeline, unless the building would be protected from the radiant heat of an explosion by burning or other physical barrier as required by code."
6. All present outbuildings associated with the existing dwelling shall be removed. The existing dwelling shall be removed or relocated to meet setback requirements on Lot 7, Block 2, or if this dwelling is to remain in its present location, the lots to the north shall be adjusted so a 31-foot rear-yard setback can be met from the proposed north lot line.
7. Dedication of Outlot A and Lot 1, Block 1 to the City for a parking lot for Vista Hills Park, in lieu of park availability charges.
8. The City awarding contracts for the Sterling Street improvement project or the developer constructing sanitary sewer to the existing sanitary sewer in Linwood Avenue.
9. Deeding Outlot B to the City.

Seconded by Mayor Greavu. Ayes - all.

7. 8:00 P.M., Variances: 3M Center

a. Mayor Greavu convened the meeting for a public hearing regarding the request of 3M for approval of a variance for all of 3M Center to continue using parking spaces that measure 9 by 18 feet. The following variances are being requested:

1. One-foot parking stall width variance;
2. One-foot parking stall length variance when open parking stalls would abut a curb;
3. Two-foot parking stall length variance for parking ramp spaces (since there would be no bumper overhand).

b. Manager McGuire presented the staff report.

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

d. Bob Owens, Transportation Engineer for 3M Center, spoke on behalf of the request.

e. Mayor Greavu called for proponents and opponents. None were heard.

f. Mayor Greavu closed the public hearing.

g. Councilmember Anderson introduced the following resolution and moved its

adoption:

89 - 6 - 90

WHEREAS, 3M Company applied for a variance for the following described property:

VAC STS ACCRUING & FOL: L 1 B 1 CARLTON PK LS 3-12 ELLEN GROVE EX LS 1&2 B 8 & EX PT SELY OF HWY OF LS 1,15 & 16 B5; ALL OF TANNERS LAKE OUTLOTS & EX S 290 FT OF E 168.84 FT OF W 188.84 FT; PT W OF CARLTON ST OF S 2/3 OF W 1/2 OF E 3/4 OF SW 1/4 OF NE 1/4 & EX N 785 FT OF NW 1/4 OF NW 1/4; THE NW 1/4 & EX N 5 AC; THE W 1/8 OF NE 1/4 & EX NSP CO SUB STA & EX PT SLY OF HWY 94; THE SW 1/4 (SUBJ TO ESMTS & HWYS) IN SEC 36 TN 29 RN 22.

This property is also known as 3M Center, Maplewood;

WHEREAS, Section 36-22 of the maplewood Code of Ordinances requires that parking spaces be at least ten feet wide by 20 feet deep, except that half of the total number of spaces may be nine feet wide;

WHEREAS, the applicant is proposing stalls that are 18 feet deep by nine feet wide, requiring a variance of one foot of stall width and two feet of stall depth;

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

1. This variance was applied for on May 23, 1989.
2. This variance was reviewed by the Maplewood Community Design Review Board of May 23, 1989. The Board recommended to the City Council that said variance be approved.
3. The Maplewood City Council held a public hearing on June 12, 1989, to consider this variance. 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 variance be approved on the basis of the following findings of fact:

1. Strict enforcement of the ordinance would cause undue hardship because 3M Center has been developed in a manner to fit future parking facilities within the established complex, based on Maplewood's previous parking code that did not specify a stall size minimum. The allocated parcels of land for future parking, therefore, would not accommodate stalls of the currently required size. The stall lengths and widths are limited by the existing building and street locations.
2. The variance would meet the spirit and intent of the ordinance since the proposed parking facilities would be for the exclusive use of 3M Center. Any potential operational problems involving this facility would involve 3M and its employees without public involvement.

3. The ordinance permits nine-foot-wide stalls for "owner-occupied multiple dwellings". Since 3M owns and occupies 3M Center, the nine-foot-wide stalls would, therefore, be consistent with the intent of the ordinance.
4. 3M's parking spaces would be consistent with the proposed parking ordinance.

Seconded by Mayor Greavu. Ayes - all.

O. VISITOR PRESENTATIONS

1. Larry Bordson, 1733 Agate

a. Mr. Bordson stated the land on Adolphus just north of Larpenteur that is used for ponding is being sold as tax forfeited lands. Is there a possibility that the City investigate acquiring the land.

b. Councilmember Bastian moved to authorize staff to contact Ramsey County regarding this property.

Seconded by Councilmember Anderson. Ayes - all.

P. ADJOURNMENT OF JUNE 12, 1989 MEETING

9:53 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, October 9, 1989
and
4:30 P.M., Thursday, October 12, 1989
Council Chambers, Municipal Building
Meeting No. 89-22

A. CALL TO ORDER

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

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 89-9 (April 6 and 10, 1989)

Councilmember Anderson moved to approve the Minutes of Meeting No. 89-9 (April 6 and 10, 1989) as submitted.

Seconded by Councilmember Bastian. Ayes - all.

2. Minutes of Meeting No. 89-10 (April 10 and 24, 1989)

Councilmember Bastian moved that the Minutes of Meeting No. 89-10 (April 20 and 24, 1989) be approved as submitted.

Seconded by Councilmember Rossbach. Ayes - all.

3. Minutes of Council/Manager Workshop (August 18, 1989)

Councilmember Anderson moved to approve the Minutes of Council/Manager Workshop (August 18, 1989) as submitted.

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

Councilmember Bastian abstained.

APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Gall Street
2. Brush Burning
3. Allen Anderson - Water Problems
4. Larpenteur Avenue - Width
5. Inflatable Domes
6. Fire Department Study
7. State Research Lab
8. Convenience Stores - Fuel Pumps
9. County Road B, Between Cub Foods and Dental Building
10. Item E-7 be removed.
11. Recreational Vehicles

Seconded by Councilmember Bastian.

Ayes - all.

E-A APPOINTMENTS

1. Planning Commission Appointments
 - a. Manager McGuire presented the Staff report.
 - b. Gary Gerke, candidate for position on Planning Commission, answered questions from the Council.
 - c. Will Rossbach, 1386 E. County Road C, a candidate spoke on behalf of being appointed to the Planning Commission.
 - d. Councilmember Anderson moved to appoint Gary Gerke, 1252 Cope Avenue, and William Rossbach, 1386 E. County Road C to the Planning Commission as recommended.

Seconded by Councilmember Bastian.

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

Councilmember Rossbach abstained.

E. CONSENT AGENDA

Council removed E-11 from the Consent Agenda to become I-8.

Councilmember Anderson moved, seconded by Councilmember Rossbach, Ayes - all, to approve the Consent Agenda, Items E-1 through 6 and 8 through 10 as recommended.

1. Approval of Claims

Approved the Claims as follows:

ACCOUNTS PAYABLE:

\$ 541,588.17	Checks #4827 - #4895 Dated 09-14-89 thru 09-29-89
<u>\$ 178,610.95</u>	Checks #2177 - #2271 Dated 10-09-89
\$ 720,169.12	Total per attached voucher/check register

PAYROLL:

\$ 169,675.28	Payroll Checks
<u>\$ 33,011.63</u>	Payroll Deductions
\$ 202,686.91	Total Payroll
\$ 922,856.03	GRAND TOTAL

2. Conditional Use Permit Renewal: 2691 White Bear Avenue (Maplewood Covenant Church).

Approved a renewal of the conditional use permit for an outpatient adolescent chemical dependency center at 2691 White Bear Avenue for five-years subject to the original conditions of approval.

3. Conditional Use Permit Termination: 2239 Hillwood Avenue (Smith)

Approved the termination of the conditional use permit for a cleaning business home occupation at 2239 Hazelwood Street, since the applicants sold their business and will no longer be conducting this business at that location.

4. Time Extension: Miggler Addition Preliminary Plat

Approval of a one-year time extension for the Miggler Addition preliminary plat subject to the September 26, 1988, conditions of approval.

5. Budget Transfer: Public Works

Approved a transfer of \$5,196.25 from the general fund contingency to Public Works Administration Account 101-501-5630 to cover the unbudgeted costs of computer hardware and software of which \$4,779.00 will be reimbursed later by the state aid office.

6. Donation to Nature Center

Accepted the donation of \$50.00 from the Maplewood Oakdale Lions Club for the purpose of purchasing candy for the Maplewood Nature Center's Halloween Haunt Program (101-604-4120) on Monday, October 30, 1989.

7. Budget Transfer: City Clerk - Temporary Help

Removed from Agenda.

8. Certification of Election Judges

Resolution No. 89 - 10 - 160

RESOLVED, that the City Council of Maplewood, Minnesota, accepts the following list of Election Judges for the 1989 General Election, Tuesday, November 7, 1989:

Precinct No. 1

Karl Biebighauser, Chairman
Irene Ling
Claire Healy
Kathy Berqual

Precinct No. 2

Pat Thompson, Chairman
Kathleen Dittel
Florence Stella
Helen Dickson

Precinct No. 3

Charlene Arbuckle, Chairman
Doris Broady
Alice Miller
Richard Wolszon

Precinct No. 4

Caroline Warner, Chairman
Betty Eddy
Joyce Lipinski
LeAnn Kaup

Precinct No. 5

Elsie Wiegert, Chairman
Emma Klebe
Phyllis Erickson
Annette LaCasse

Precinct No. 8

Betty Berglund, Chairman
Phyllis Lofgren
Rita Frederickson
Nancy Behr

Precinct No. 9

Bernadine Mortinson, Chairman
Delores Schipp
Margaret McDonald
Ruth Myckleby-Lang

Precinct No. 10

Pat Werden, Chairman
Mary Lou Lieder
Diane Golaski
Anne Fosburgh

Precinct No. 11

Shirley Luttrell, Chairman
Maxine Olson
Delores Lofgren
Helen King

Precinct No. 12

Mary Libhardt, Chairman
Deloris Fastner
Mildred Dehen
Marcella Watson

Precinct No. 6

Kathy Supan, Chairman
Gunborg Mowchan
Linda Prigge
Judy Widholm
Sandy Jones

Precinct No. 13

Jack Arbuckle, Chairman
Donald Wiegert
Bill Schnellman
Richard Lofgren

Precinct No. 7

Margaret Wolszon, Chairman
Armella Podgorski
Joan Cottrell
Mildred Burke
Betty Haas

Precinct No. 14

Marilyn Wold, Chairman
Grace Locke
Elsie Anderson
Margaret Earley

9. Budget Transfer - "Maplewood In Motion"

Approved a budget transfer of \$1,550 from the Contingency Account to fund a sixth and final issue of "Maplewood In Motion" for November and December.

10. Cancel Budget Hearing

Cancelled the budget hearings that were established.

11. Certification of Delinquent Sewer Accounts

Discussed under Item I-8.

F. PUBLIC HEARINGS

1. 7:00 P.M., Upper Afton Road, Project 86-07 (4 Votes)

a. Mayor Greavu convened the meeting for a public hearing to consider the improvement of Upper Afton Road, from McKnight Road to Century Avenue.

b. Manager McGuire presented the Staff report.

c. City Attorney Patrick Kelly explained the proceedings of the public hearing.

d. Assistant City Engineer Irish presented the specifics of the proposed improvements.

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

Emil Witwicke, 92 Dennis Lane
Ray Schriber, 16 Ferndale
Ed Vitek, 2507 Upper Afton Road

James Sullivan, 2647 Upper Afton Road
Pauline Howland, 2663 Upper After Road
Rita Brenner, 2673 Upper Afton Road
Mr. Janisch, 2673 Upper Afton Road
Ralph Nordstrom
Vern Tischler, 2689 Upper Afton Road
Tony Bekavac, 48 Mayhill Road
Dean Larson, 77 Farrell St., presented a petition requesting resurfacing of side streets

f. Mayor Greavu closed the public hearing.

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

89 - 10 - 161

WHEREAS, after due notice of public hearing on the construction of bituminous street with concrete curb and gutter, storm sewer, water main, and appurtenances on Upper Afton Road from McKnight Road to Century Avenue, City Project 86-07, a hearing on said improvement in accordance with the notice duly given was duly held on Monday, October 9, 1989, and the Council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1. That it is advisable, expedient and necessary that the City of Maplewood construct bituminous street with concrete curb and gutter, storm sewer, water main, and appurtenances on Upper Afton Road from McKnight Road to Century Avenue, City Project 86-07, as described in the notice of eharng thereof, and orders the same to be made.
2. The City Engineer is designated Engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvement.

Seconded by Councilmember Rossbach. Ayes - all.

h. Councilmember Anderson moved to instruct Staff to contact Ramsey County regarding parking lots on their property; flashing lights at Crosswalks and further instructed Staff to investigate the possibility of an overlay project for the streets in the area.

Seconded by Councilmember Bastian. Ayes - all.

2. 8:00 P.M., Preliminary Plat: Seasons Park

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Sherman Boosalis Interests, Inc., for approval of a preliminary plat for 20 single family lots known as Seasons Park Addition to Maplewood.
- b. Manager McGuire presented the Staff report.
- c. Director of Community Development Olson presented the specifics of the proposal.
- d. Director of Public Works Haider answered questions regarding the drainage system.
- e. Director of Community Development Olson presented the Planning Commission report.
- f. Mario Cocchiarella, representing the developer, Sherman Boosalis Interests, Inc., spoke on behalf of the proposal.
- g. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following were heard:

Joseph Zappa, 2522 Flandrau, stated the easement for right of way signed by the City and the Oswalds was not legal.

John Oswald and Karen Oswald expressed the same opinion as Mr. Zappa.

Mr. John Kavanaugh, owner of Lot B on the proposal.

Mr. Bill Burns

- h. Councilmember Rossbach moved to continue this hearing for two weeks (October 23, 1989) in order to obtain more data.

Seconded by Councilmember Bastian.

Ayes - all.

3. 8:15 P.M., Conditional Use Permit Revision: Linwood Heights

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Sue Clemens (Edina Realty) that the conditional use permit for the project be revised to allow the conversion of 28 one bedroom units to two bedroom units.
- b. Manager McGuire presented the Staff report.
- c. Director of Community Development Olson presented the specifics of the proposal and presented the Planning Commission report.
- d. Bill McGrumb, Architect and builder for the project owned by Metropolitan Federal Bank, spoke on behalf of the proposal.

e. Mayor Greavu called for persons who wished to be heard for or against the proposal. None were heard.

f. Mayor Greavu closed the public hearing.

g. Councilmember Anderson introduced the following resolutions and moved its adoption:

89 - 10 - 162

WHEREAS, the metropolitan Federal Bank has initiated a conditional use permit to revise the Linwood Heights PUD in Maplewood, Minnesota, described as follow:

All of the lots in the Linwood Heights and Adrienne's Addition plats.

WHEREAS, the procedural history of the CUP is as follows:

1. This CUP was reviewed by the Maplewood Planning Commission on September 18, 1989. The Planning Commission recommended to the City Council that said permit be approved.
2. The Maplewood City Council held a public hearing on October 9, 1989. Notice thereof was published and mailed pursuant to law. All persons present at said meeting 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 is approved to allow a change in the linwood heights PUD unit mix from 62 one-bedroom and 22 two-bedroom units to 34 one-bedroom and 50 two-bedroom units on the basis of the following findings of fact:

1. Revisions to the PUD are in conformity with the intent of the City's comprehensive plan and with the purpose and standards of this chapter. If the maximum allowable density established by the comprehensive plan is exceeded at all, it should not warrant a change in public land use policy.
2. The revisions to the PUD will not be detrimental to the public health, safety or general welfare.
3. The Linwood Heights Townhomes will remain compatible with the character of the zoning district and the area. There will be no changes to the existing site plan or the exterior of townhomes.

4. The use will not depreciate property values. The CUP approval will encourage completion of the project and sale of the remaining townhomes.
5. The PUD revisions use will not be hazardous, detrimental or disturbing to present and potential land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, water runoff, vibration, general unsightliness, electrical interference or other nuisances.
6. The small increase in the number of people due to the bedroom conversions will generate only minimal increases in vehicular traffic on local streets and will not create traffic congestion, unsafe access or parking needs that will cause undue burden to the area properties. In the worst case scenario, the increase in people density will generate only 8.3 additional trips during the p.m. peak hour. Incomplete off-street parking areas will be required to be completed.
7. The PUD is already served with all essential public services.
8. The use will not create excessive additional requirements at public cost for public facilities and services; and will not be detrimental to the welfare of the City.
9. The PUD will continue to preserve and incorporate the site's natural and scenic features. There will be no change in the site plan or exterior design of townhomes.
10. The use will cause no adverse environmental effects.

Approval is subject to completion of the off-street parking and landscaping improvements in accordance with the originally approved PUD plan, dated June 17, 1981 as amended, and the July 14, 1981 landscape plan by December 31, 1989.

A deviation from the maximum allowed density is approved, on the basis that:

1. Certain regulations contained in this chapter should not apply to the proposed development because of its unique nature.
2. The PUD would be consistent with the purposes of this chapter.

3. The planned unit development would produce a development of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.
4. The deviations would not constitute a significant threat to the property values, safety, health or general welfare of the owners or occupants of nearby land.
5. The deviations are required for reasonable and practicable physical development and are not required solely, for financial reasons.

Seconded by Councilmember Bastian.

Ayes - all.

4. 8:45 P.M., 1244 Kohlman Avenue (Durand)

- a. Rezoning (4 Votes)
- b. Conditional Use Permit

1. Mayor Greavu convened the meeting for a public hearing regarding the request of Lawrence and Sandra Durand to rezone 1244 Kohlman Avenue from R-1, Single Family Residential to M-1, Light Manufacturing for a conditional use permit to allow the rezoned parcel to be used for tree storage.
2. Manager McGuire presented the Staff report.
3. Director of Community Development Olson presented the specifics of the proposal.
4. The applicant, Larry Durand, spoke on behalf of his proposal.
5. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following voiced their opinions:
 - John Buesing, 1247 Kohlman Avenue
 - Sandra Durand, 2964 Chippewa (one of the applicants)
 - Robert Emerson, 1257 Kohlman Avenue
 - Bruce Mogren, representing Edith Peltier, 1250 Kohlman
6. Mayor Greavu closed the public hearing.
7. Councilmember Bastian moved that property along Kohlman remain residential.

Motion died for lack of a second.

8. Councilmember Bastian moved to approve the rezoning subject to the front portion of property be R-1 and back portion, after a survey, be Rezoned M-1, Light Manufacturing, and also approved the conditional

use permit.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu and Councilmember Bastian

Nays - Councilmembers Anderson, Juker and Rossbach.

Motion failed.

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

89 - 10 - 163

WHEREAS, Lawrence and Sandra Durand initiated a rezoning from R-1, Single-Dwelling Residential to M-1, Light Manufacturing for the following-described property:

Lot 6 of Kohlman's Lakeview Addition

This property is also known as 1244 Kohlman Avenue, Maplewood;

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

1. This rezoning was initiated by Lawrence and Sandra Durand pursuant to Chapter 36, Article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on September 12, 1989. The Planning Commission recommended to the City Council that Lot 6, except the northerly 15,000 square feet, be rezoned to M-1.
3. The Maplewood City Council held a public hearing on October 9, 1987 to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City Staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that all of Lot 6 of Kohlman's Lakeview Addition, except the northerly 15,000 square feet, be rezoned to F, Farm residence on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit,

purpose and intent of the zoning code.

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

Seconded by Councilmember Anderson. Ayes - all.

5. 9:00 P.M., Woodlynn Heights

- a. Preliminary Plat
- b. Final Plat

1. Mayor Greavu convened the meeting for a public hearing regarding the request of Mack Nettleton for preliminary and final plat approval to create four townhouse lots and an outlet.
2. Manager McGuire presented the Staff report.
3. Director of Community Development Olson presented the specifics of the proposal.
4. Mack Nettleton, the developer, spoke on behalf of his request. He expressed his concerns for the necessity of sidewalks.
5. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following expressed their views:

Charlotte Brooker, 2172 Woodlynn
Dale Jansen, 2227 Woodlynn, President of the Woodlynn Townhouse
Association

6. Mayor Greavu closed the public hearing.
7. Mayor Greavu moved to approve the preliminary plat for Woodlynn Heights

Townhomes No. 4 subject to the following condition:

1. Resolution of the grading and drainage concerns on the property in question to the satisfaction of the City Engineer.

Seconded by Councilmember Rossbach.

Councilmember Bastian moved to include sidewalks in the motion.

Motion died for lack of a second.

Voting on original motion.

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

Nay - Councilmember Bastian.

8. Mayor Greavu moved to approve the final plat of Woodlynn Heights Townhomes No. 4 subject to the conditions of the preliminary plat being completed.

Seconded by Councilmember Anderson. Ayes - all.

6. 9:15 P.M., Street Vacation - Netnorlin Court (4 Votes)

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mack Nettleton to vacate the right of way for Netnorlin Court south of Woodlynn and west of McKnight Road.

b. Manager McGuire presented the Staff report.

c. Director of Community Development Olson presented the specifics of the proposal and also presented the Planning Commission recommendation.

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

Chuck Regal, 2206 Woodlynn
Mack Nettleton, the applicant
Ike Rutherford, 2048 Netnorlin Court
Joe Peterson, 2223 Lydia
Charlotte Brooker, 2172 Woodlynn

e. Mayor Greavu closed the public hearing.

f. Councilmember Anderson moved to table this Item for further information until the next meeting.

Seconded by Councilmember Rossbach. Ayes - all.

Mayor Greavu moved to waive the Rules of Procedures and extend the meeting past the

dline.

Seconded by Councilmember Anderson.

Ayes - all.

7. 9:30 P.M., Tax Increment Financing

- a. Mayor Greavu convened the meeting for a public hearing regarding Modification of development program for Development District No. 1 and Modification of Tax Increment Financing plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 of the City of Maplewood.
- b. Manager McGuire presented the Staff report.
- c. Mary Ippel, Bonding Consultant, Briggs and Morgan, presented the specifics of the proposal.
- d. Mayor Greavu called for proponents and opponents. None were heard.
- e. Mayor Greavu closed the public hearing.
- f. Councilmember Rossbach introduced the following resolution and moved its adoption:

89 - 10 - 164

RESOLUTION APPROVING THE MODIFIED DEVELOPMENT PROGRAM
RELATING TO DEVELOPMENT DISTRICT NO. 1,
AND APPROVING MODIFICATIONS TO THE TAX INCREMENT
FINANCING PLANS FOR ECONOMIC DEVELOPMENT DISTRICT NO. 1-2,
HOUSING DISTRICT NO. 1-3 AND
ECONOMIC DEVELOPMENT DISTRICT NO. 1-3 WITHIN
DEVELOPMENT DISTRICT NO. 1

BE IT RESOLVED by the City Council (the "Council") of the City of Maplewood, Minnesota (the "City") as follows:

Section 1. Recitals

1.01. It has been proposed that the City adopt a modified Development Program with respect to Development District No. 1, and modify the Tax Increment Financing Plans for Economic Development District No. 1-2, Housing district No. 1-3 and Economic development District No. 1-3, all pursuant to and in accordance with Minnesota Statutes, Sections 469.124 through 469.134, as amended, and Minnesota Statutes, Sections 469.174 through 469.179, inclusive, as amended.

1.02. The Council has investigated the facts and has caused to be prepared a modified Development Program for Development District No. 1, and has caused to be prepared modifications to the Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development

District No. 1-3, defining more precisely the increased project costs to be included in Development District No. 1 and describing the action to be undertaken by the City to aid the development of Development District No. 1.

1.03. The City has performed all actions required by law to be performed prior to the adoption of the modified Development Program relating to Development District No. 1, and the modification of the Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3, including, but not limited to, notification of Ramsey County and Independent School District No. 622 and Special Intermediate School District No. 916 and the holding of a public hearing upon published and mailed notice as required by law.

Section 2. Modification of Development Program for Development District No. 1 and the Modification of Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3.

2.01. The Council hereby adopts the modified Development Program for Development District No. 1 and the modified Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3. The City is not modifying the boundaries of Development District No. 1 nor the boundaries of Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3.

Section 3. Findings for the Modification of the Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3.

3.01. Economic Development District No. 1-2 and Economic Development District No. 1-3 when established were established as economic development districts within the meaning of Minnesota Statutes, Section 469.174, Subdivision 12. The City reaffirms the findings previously made with respect to the establishment of Economic Development District No. 1-2 and Economic Development District No. 1-3.

3.02. Housing District No. 1-3, when established, was established as a housing district within the meaning of Minnesota Statutes, Section 469.174, Subdivision 11. The City reaffirms the findings previously made with respect to the establishment of Housing District No. 1-3 and the findings previously made with respect to the establishment of Housing District No. 1-3.

3.03. The Council finds that the proposed development, in the opinion of the Council, would not occur solely through private investment within the reasonably foreseeable future and, therefore, the use of tax increment financing is deemed necessary. The specific basis for such finding being:

Private investment will not finance the development activities set

out in the Development Program and Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 because of prohibitive costs. It is necessary to finance these development activities through the use of tax increment financing so that other development will occur within Development District No. 1.

3.04. The Council further finds that the modified Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 conforms to the general plan for the development or redevelopment of the City as a whole. The specific basis for such finding being:

- (i) Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 are properly zoned;
- (ii) The Tax Increment Financing Plans will generally compliment and serve to implement policies adopted in the City's comprehensive plan.

3.05. The Council further finds that the modified Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 will afford maximum opportunity consistent with the sound needs of the City as a whole, for the development of Development District No. 1 by private enterprise. The specific basis for such finding being:

The development activities are necessary so that development and redevelopment by private enterprise can occur within Development District no. 1.

Section 4. Approval of the Modified Development Program and the Modified Tax Increment Financing Plans.

4.01. The modified Development Program for Development District No. 1, a copy of which is on file in the office of the City Clerk, and the modified Tax Increment Financing Plans for Economic Development District No. 1-2, Housing District No. 1-3 and Economic Development District No. 1-3 are hereby approved and adopted.

4.02. The Staff of the City, the City's advisors and legal counsel are authorized and directed to proceed with the implementation of the modified Tax Increment Financing Plans and for this purpose to negotiate, draft, prepare and present to this Council for its consideration all further plans, resolutions, documents and contracts necessary for this purpose.

Seconded by Councilmember Anderson.

Ayes - all.

None.

Mayor Greavu adjourned the October 9, 1989 Meeting at 11:00 P.M.

Mayor Greavu reconvened the meeting at 4:35 P.M., Thursday, October 12, 1989.

ROLL CALL

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

H. UNFINISHED BUSINESS

1. Review Assessment Appeals: Water District 8 - Project 86-15

a. Manager McGuire presented the Staff report.

b. Director of Public Works Haider presented each request for an assessment appeal.

c. Mayor Greavu moved to approve Staff's recommendation on the assessment appeals for Project 86-15.

Seconded by Councilmember Juker.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker

Nay - Councilmember Bastian.

d. Councilmember Bastian moved deferment of the assessments where there is no water available.

Motion died for lack of a second.

I. NEW BUSINESS

1. Community Design Review Board Appeal: 2714 Highwood Avenue (Carver)

a. Manager McGuire presented the Staff report.

b. Councilmember Bastian moved to table for two weeks and instructed Staff to notify the neighbors of the appeal.

Seconded by Councilmember Juker.
Bastian and Juker.

Ayes - Councilmembers Anderson,

Nay - Mayor Greavu

2. Schedule Public Hearing: County Road B at Rice Street, Project 89-05

- a. Manager McGuire presented the Staff report.
- b. Mayor Greavu introduced the following resolution and moved its adoption:

89 - 10 - 165

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of County Road B--Rice to 1200 feet east, City Project 89-05, by construction of bituminous street with concrete curb and gutter, and

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

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

1. The report of the City Engineer advising this Council that the proposed improvement on County Road B--Rice to 1200 feet east, City Project 89-05, by construction of bituminous street with concrete curb and gutter is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$1,917,300.
3. A public hearing will be held in the Council Chambers of the City Hall at 1830 East County Road B on Monday, the 13th day of November, 1989, at 8:15 P.M. to consider said improvement. The City Clerk shall give mailed and published notice of said hearing and improvement as required by law.

Seconded by Councilmember Anderson. Ayes - all.

3. Approve Plans: Workhouse Sanitary Sewer, Project 89-09
 - a. Manager McGuire presented the Staff report.
 - b. Mayor Greavu introduced the following resolution and moved its adoption:

89 - 10 - 166

WHEREAS, pursuant to allocation of funds in the 1989 budget, plans and specifications for workhouse sanitary sewer, Project 89-08, have been prepared by the City Engineer, who has presented such plans and specifications to the Council for approval,

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

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City Clerk.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least ten days before the date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened at the City Hall and that no bids shall be considered unless sealed and filed with the Clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota, for five percent of the amount of such bid.
3. The City Clerk and City Engineer are hereby authorized and instructed to receive, open, and read aloud bids received at the time and place specified, and to tabulate the bids received.

Seconded by Councilmember Anderson.

Ayes - all.

4. Proclamation on Supporting Red Ribbon Campaign
 - a. Manager McGuire presented the Staff report.
 - b. Mayor Greavu moved the adoption of the following proclamation:

WHEREAS, alcohol and other drug abuse in this nation has reached epidemic stages, and the 15- to 24-year-old age group is dying at a faster rate than any other age group; and

WHEREAS, it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and

WHEREAS, the Partnership and the National Federation of Parents for Drug-Free Youth are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

WHEREAS, this annual Red Ribbon Campaign will be celebrated in every community in America during Red Ribbon Week, October 22-29,, 1989; and

WHEREAS, President George Bush and Mrs. Barbara Bush are the National Honorary Chairmen and Governor and Mrs. Rudy Perpich are the State Honorary Chairmen to provide this community focus on a drug-free America; and

WHEREAS, business, government, law enforcement, schools, religious, institutions, service organizations, youth, physicians, senior citizens, military sports teams, and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, the City of Maplewood, Minnesota, further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Maplewood does hereby support October 22-29, 1989, as Red Ribbon Week and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

BE IT FURTHER RESOLVED, that the City of Maplewood encourages all of its citizens to pledge: "My choice...drug free."

Seconded by Councilmember Anderson.

Ayes - all.

5. Authorization to Hire C.S.O.

a. Manager McGuire presented the Staff report.

b. Mayor Greavu moved approval to hire a permanent full-time Community Service Officer as presented.

Seconded by Councilmember Juker.

Ayes - all.

6. Project Budget Adjustments

a. Manager McGuire presented the Staff report.

b. Councilmember Bastian moved to discuss Project 83-07 separately.

Seconded by Councilmember Anderson.

Ayes - all.

c. Mayor Greavu moved to approve the following project budget adjustments:

Project 87-20, Ferndale Street Storm Sewer

Budget Adjustment of \$7,000 be established to cover the final engineering costs of the project.

Project 87-32

Budget adjustment of \$4,000 be established to cover remaining feasibility study and public hearing costs.

Project 84-14, Walter Street

Budget adjustment of \$17,500 be established to cover 1989 engineering expenditures and final payment to RoSo Contracting.

Seconded by Councilmember Juker.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nay - Councilmember Bastian.

d. Councilmember Bastian moved to approve the budget adjustment for Project 83-07, Beaver Creek Storm Sewer, in the amount of \$3,000 to cover anticipated legal fees.

Seconded by Councilmember Anderson.

Ayes - all.

7. Waiver of Moratorium

a. Manager McGuire presented the Staff report.

b. Mayor Greavu moved to waive the moratorium on preliminary plat applications for Cave's Century 5th Addition as the grading is completed, utilities have been installed and there were no trees.

Seconded by Councilmember Anderson.

Ayes - all.

8. Certification of Delinquent Sewer Accounts

a. Manager McGuire presented the Staff report.

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

89 - 10 - 167

RESOLVED that the City Clerk is hereby authorized and directed to certify to the Auditor of Ramsey County the attached list of delinquent sewer rental charges and hydrant charges, said list made a part herein, for certification against the tax levy of said property owners for the year 1989, collectible in 1990, and which listing includes interest at the rate of eight (8%) percent on the total amount for one year.

Total amount to be certified:

\$92,588.80

Seconded by Mayor Greavu.

Ayes - all.

9. Property Acquisition, Lot 21, Block 1, Netnorlin Addition

a. Manager McGuire presented the Staff report.

b. Councilmember Anderson moved acquisition of Lot 21, Block 1, Netnorlin Addition, at a purchase price estimated at \$6,750.00.

Seconded by Mayor Greavu.

Ayes - all.

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

89 - 10 - 168

WHEREAS, the Board of County Commissioners of Ramsey County has classified as non-conservation land, certain land lying within the limits of the City of Maplewood; and

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

WHEREAS, the City of Maplewood has determined that said land is required for drainage purposes;

NOW, THEREFORE, BE IT RESOLVED, that said classification of the land shown on said list as non-conservation land is hereby approved; and

BE IT FURTHER RESOLVED, that the proper City officials be and hereby are authorized to make an application for conveyance of said tax forfeited land for drainage purposes; and

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is authorized to file a certified copy of this resolution and application for conveyance of said tax forfeited land in the office of the Land Commissioner.

Seconded by Mayor Greavu.

Ayes - all.

d. Councilmember Anderson moved to reconsider previous Council action and require a cash escrow for Woodlynn Heights No. 4 Addition.

Seconded by Councilmember Bastian.

Ayes - all.

10. Environmental Protection Meeting

a. Manager McGuire stated that Director of Community Development Olson

had met with area developers and would be presenting an ordinance to Council.

11. Resolution: Glacier Assessments

a. City Attorney Kelly stated a settlement regarding Glacier Corporation for the Frost Avenue Project 83-01 assessments, had been reached.

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

89 - 10 - 169

WHEREAS, pursuant to Resolution 85-1-3 of the City Council of Maplewood, Minnesota, adopted January 14, 1985, the special assessments for the construction of Frost Avenue Project 83-01 were levied against property described by County Auditor's Code No. 16 29 22 41 0031;

WHEREAS, \$52,028.35 of the aforesaid assessment was judged to not benefit the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for Frost Avenue Project 88-01 against the property described by County Auditor's Code No. 16 29 22 41 0031 be correctly certified to the Auditor of Ramsey County by deleting therefrom the amount of \$52,028.35. Total amount to be assessed is \$120,000.00.

Seconded by Mayor Greavu.

Ayes - all.

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Gall Street

a. Councilmember Bastian stated he had received a call from a resident regarding water drainage on his property from another property.

b. Staff stated they were aware of the problem.

11. Recreation Vehicles

a. Councilmember Bastian questioned if there is an ordinance in the future regarding the storing of recreational vehicles in front yards.

b. Staff stated it will be on the next agenda.

2. Brush Burning

a. Councilmember Anderson stated residents are requesting brush burning permits.

b. Staff stated such a permit is illegal. Only permits for recreational fires are allowed.

3. Allen Anderson - Water Problem

a. Councilmember Anderson stated that Allen Anderson, 1410 Cope Avenue, had a water stub in removed when the street was constructed.

b. Councilmember Anderson moved to waive the Rules of Procedure to take action on Mr. Anderson's water problem.

Seconded by Mayor Greavu.

Ayes - all.

c. Councilmember Anderson moved that the City reimburse Mr. Anderson for the cost of the water stub in replacement.

Seconded by Mayor Greavu.

Ayes - all.

4. Larpenteur Avenue Width

a. Councilmember Anderson stated that along Larpenteur Avenue there are different widths. If the County constructs a 52 foot width west of Edgerton, when will east of Edgerton be widened?

b. Staff stated probably not for quite a while.

5. Inflatable Dome

No discussion.

6. Fire Department Study

No discussion.

7. State Research Lab Building

a. Councilmember Juker stated when the State received approval for their building there was supposed to be a right-turn lane on their own property. Now, she stated, they are going through residential property and have constructed curbs, etc.

b. Staff stated that was only for emergency use and be chained off. Staff will investigate.

8. Convenience Stores - Fuel Pumps

a. Councilmember Juker stated her concerns regarding the amount of convenience stores with fuel pumps. She questioned if something could be done to limit the development of such businesses.

b. Councilmember Bastian moved to refer this to Staff for the feasibility of a total moratorium on future gas stations and remove such permitted use from the code book.

Seconded by Councilmember Anderson.

Ayes - all.

9. Property on County Road B between Cub and the Dental Lab

a. Councilmember Juker stated that there looks like a lot of digging has taken place on County Road B east of Cub Foods and does not look good.

b. Staff is aware of the problem and will investigate further.

c. Councilmember Anderson stated his concerns about developers changing the character of the land and never returning it to the original condition if development is not completed.

10. Remove Item E-7

E-7 removed from Consent Agenda.

11. Recreational Vehicles

Discussed after Item K-1

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT OF OCTOBER 12, 1989 MEETING

6:28 P.M.

City Clerk

M I N U T E S

MAPLEWOOD CITY COUNCIL SPECIAL COUNCIL MEETING

4:00 p.m., Wednesday, October 4, 1989
CONFERENCE ROOM A

The meeting was called to order at 4:10 p.m. by Mayor Greavu.
Present were:

Mayor Greavu
Councilmembers Anderson, and Rossbach
City Manager McGuire

St. Paul Pioneer Press Representatives:
Nancy Connor
Ann Baker

The purpose of the meeting was to discuss media coverage and circulation with the representatives of the St. Paul Pioneer Press.

There was general discussion regarding the confusion that results from having Maplewood news appear in three different community sections of the Pioneer Press, and how to improve the coverage of Maplewood news.

It was decided that the reporter would contact the City Manager and various department heads on a regular basis to find out what was going on in the City and that the City officials should feel free to contact the reporter with any news.

The meeting was adjourned at 5:15 p.m.

AGENDA REPORT

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Finance Director *R. D. Aust*
RE: APPROVAL OF CLAIMS
DATE: October 16, 1989

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

ACCOUNTS PAYABLE:

\$ 309,862.70	Checks #4896 - #4935 Dated 10-02-89 thru 10-11-89
\$ <u>121,399.69</u>	Checks #2281 - #2418 Dated 10-23-89
\$ 431,262.39	Total per attached voucher/check register

PAYROLL:

\$ 171,040.56	Payroll Checks
\$ <u>33,616.86</u>	Payroll Deductions
\$ 204,657.42	Total Payroll
\$ 635,919.81	GRAND TOTAL

Attached is a detailed listing of these claims.

DFF:kaz

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 10

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
4896	261100	10/02/89	FIRST MINNESOTA	FICA PAYABLE FED INC TAX PAY FICA CONSTRIB	7,227.56 20,195.25 7,227.56	34,650.37
4897	560100	10/02/89	MN STATE COMMISSIONER	ST INC TAX PAY	7,999.07	7,999.07
4898	943500	10/02/89	WISCONSIN DEPT. OF REVENUE	ST INC TAX PAY	169.96	169.96
4899	900275	10/02/89	UNITED WAY	UNITED WAY DED PAY	631.50	631.50
4900	541400	10/02/89	MINN. STATE TREASURER	MTR VEH LIC FEES	16,839.55	16,839.55
4901	541400	10/02/89	MINN. STATE TREASURER	ST DRIV LIC FEES	791.00	791.00
4902	850380	10/02/89	SUBURBAN UTILITIES	TRAVEL & TRAIN	40.00	40.00
4903	460300	10/02/89	LEAGUE OF MINNESOTA CITIES	WORK COMP INS	31,123.25	31,123.25
4904	030400	10/03/89	ANDERSON, CAROLE	PROGRAM SUPPLIES SUPPLIES JANITOR SUPPLIES OFFICE SUPPLIES EQUIP	16.97 8.25 5.25 10.07	40.54
4905	541400	10/03/89	MINN. STATE TREASURER	ST DRIV LIC FEES	578.50	578.50
4906	541400	10/03/89	MINN. STATE TREASURER	MTR VEH LIC FEES	13,003.07	13,003.07
4907	541400	10/04/89	MINN. STATE TREASURER	ST DRIV LIC FEES	593.50	593.50
4908	541400	10/04/89	MINN. STATE TREASURER	MTR VEH LIC FEES	9,289.21	9,289.21
4909	510100	10/04/89	MAPLE LEAF OFFICIALS ASSN.	FEES FOR SERVICE	3,355.00	3,355.00
4910	661750	10/04/89	NORTHERN STATES POWER	UTIL 98 LARPEN TEUR UTIL 1677 EDGERTON UTIL 1200 STERLING UTIL 2100 LARPENT UTIL 1830 CORDB	89.84 85.02 3.90 84.66 3,899.24	4,162.66
4911	140400	10/05/89	CLERK OF DISTRICT COURT	CNTY DRIV LIC FEES	138.00	138.00
4912	290330	10/05/89	FREIGHT HOUSE	FEES FOR SERVICE	228.48	228.48
4913	751880	10/05/89	RIVERTOWN TROLLEY	FEES FOR SERVICE	140.00	140.00
4914	541400	10/05/89	MINN. STATE TREASURER	MTR VEH LIC FEES	10,358.00	10,358.00
4915	541400	10/05/89	MINN. STATE TREASURER	ST DRIV LIC FEES	453.50	453.50
4916	190400	10/06/89	DEPT. OF NATURAL RESOURCES	DNR LIC FEES	59.00	59.00

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
4917	630028	10/06/89	N.E.S.A.	FEES FOR SERVICE	1,833.00	1,833.00
4918	720600	10/06/89	POSTMASTER	POSTAGE-SEWER BILL	2,000.00	2,000.00
4919	541400	10/06/89	MINN. STATE TREASURER	MTR VEH LIC FEES	7,328.00	7,328.00
4920	541400	10/06/89	MINN. STATE TREASURER	ST DRIV LIC FEES	750.00	750.00
4921	941050	10/09/89	WEST ST. PAUL CITY OF	TRAVEL & TRAIN	18.75	
				TRAVEL & TRAIN	18.75	
				TRAVEL & TRAIN	37.50	
				TRAVEL & TRAIN	37.50	
				TRAVEL & TRAIN	18.75	
				TRAVEL & TRAIN	18.75	150.00
4922	661750	10/09/89	NORTHERN STATES POWER	UTIL 1944 DESOTO	234.87	
				UTIL 1695 BEEBE	21.86	
				UTIL 95 LARP	332.92	
				UTIL 474 KINGSTON	202.40	
				UTIL 741 LARP	8.24	
				UTIL 1080 CORDC	111.57	
				UTIL 1401 GERVAIS	158.07	
				UTIL 1882 ESHORE	55.37	
				UTIL 1985 ARCADE	227.71	
				UTIL 2146 ARCADE	9.49	
				UTIL 2250 MCMENEMY	70.98	
				UTIL 2740 KELLER	13.86	
				UTIL 1035 LAKEWOOD	279.00	1,726.34
4923	661750	10/09/89	NORTHERN STATES POWER	UTIL 63 STERLING	6.48	
				UTIL 1625 1/2 CORDC	30.82	
				UTIL 1662 DEMONT	55.76	
				UTIL 1750 ADOLPHUS	6.43	
				UTIL 1825 ADOLPH	6.60	
				UTIL 1845 PROSPER	641.68	
				UTIL 1945 PROSPER	20.60	
				UTIL 1940 NSTPAUL	598.89	
				UTIL 2001 BRADLEY	37.45	
				UTIL 2005 EDGERTON	52.06	
				UTIL 2133 ATLANTIC	6.43	
				UTIL 618 FARRELL	6.60	
				UTIL 2019 BEAM	115.57	1,585.37
4924	531650	10/09/89	METRO WASTE CONTROL COMMISSN	SEWAGE TREATMENT	112,439.14	112,439.14
4926	661750	10/10/89	NORTHERN STATES POWER	UTIL 1830 CORDB	549.36	
				UTIL 1830 CORDB	6,615.68	
				UTIL 1243 BEAM	113.94	
				UTIL 1315 HWY 36	133.05	
				UTIL 1698 PKWY	39.65	
				UTIL 1751 ARCADE	109.73	

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UTIL 1839 LARP	89.92	
				UTIL 2258 CONWAY	107.83	
				UTIL 2925 WHBEAR	157.13	
				UTIL 2981 WHBEAR	151.35	
				UTIL 2991 WHBEAR	156.19	8,223.83
4927	630755	10/10/89	NATIONAL INSTITUTE ON	TRAVEL & TRAIN	75.00	75.00
4928	541400	10/10/89	MINN. STATE TREASURER	MTR VEH LIC FEES	8,445.88	8,445.88
4929	541400	10/10/89	MINN. STATE TREASURER	ST DRIV LIC FEES	504.50	504.50
4930	541400	10/10/89	MINN. STATE TREASURER	MTR VEH LIC FEES	15,597.50	15,597.50
4931	541400	10/10/89	MINN. STATE TREASURER	ST DRIV LIC FEES	638.00	638.00
4932	661750	10/11/89	NORTHERN STATES POWER	UTIL 1540 CORDC	2.75	
				UTIL 220 ODAY	2.75	
				UTIL 217 ROSELAWN	2.75	
				UTIL 707 SKILLMAN	2.75	
				UTIL 2501 LONDON	3.90	
				UTIL 2621 LINWOOD	2.75	
				UTIL 2255 RIPLEY	2.75	
				UTIL 1902 CORDB	96.81	117.21
4933	630755	10/11/89	NATIONAL INSTITUTE ON	TRAVEL & TRAIN	95.00	95.00
4934	541400	10/11/89	MINN. STATE TREASURER	ST DRIV LIC FEES	566.00	566.00
4935	541400	10/11/89	MINN. STATE TREASURER	MTR VEH LIC FEES	13,143.77	13,143.77
2281	010200	10/23/89	A.E.C. ENGINEERS	FEES FOR SERVICE	3,051.50	3,051.50
2282	010575	10/23/89	ACE HARDWARE	SUPPLIES JANITOR	43.49	
				MAINT MATERIAL	74.11	
				SUPPLIES VEHICLE	2.51	
				SUPPLIES JANITOR	16.09	
				SUPPLIES VEHICLE	43.62	
				MAINT MATERIAL	2.70	
				MAINT MATERIAL	29.90	
				MAINT MATERIAL	10.50	222.92
2283	020835	10/23/89	ALL STEEL SOCCER GOALS	EQUIPMENT OTHER	2,789.25	2,789.25
2284	030300	10/23/89	ANDERSEN & ASSOCIATES	LAND IMPROVEMENT	4,530.00	4,530.00
2285	030478	10/23/89	ANDERSON, GREG	PROGRAM REG FEES	20.00	20.00
2286	040700	10/23/89	ARDEN SHOREVIEW HOSPITAL	FEES FOR SERVICE	66.10	66.10
2287	040915	10/23/89	ARNALS AUTO SERVICE	REPAIR MAINT VEHICLE	1,112.25	

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				REPAIR MAINT VEHICLE	229.85	1,382.10
2288	042600	10/23/89	ASSN. OF TRAIN OFFICERS OF MN	TRAVEL & TRAIN	250.00	250.00
2289	060700	10/23/89	BAHT, JAMES C.	FEES FOR SERVICE	1,985.63	1,985.63
2290	061900	10/23/89	BATTERY TIRE WAREHOUSE	SUPPLIES VEHICLE	58.06	
				SUPPLIES VEHICLE	43.14	
				MAINT MATERIAL	39.90	
				SUPPLIES VEHICLE	8.64	149.74
2291	080300	10/23/89	BLACKS PHOTOGRAPHY	LEGAL FISCAL	4.49	
				LEGAL FISCAL	26.31	30.80
2292	080325	10/23/89	BLACKSTONE, GAIL	TRAVEL & TRAIN	140.31	140.31
2293	080900	10/23/89	BOARD OF WATER COMMISSIONERS	UTILITIES	24.54	
				OTHER CONST COSTS	2,843.50	
				OTHER CONST COSTS	1,199.46	4,067.50
2294	081300	10/23/89	BOYER TRUCK PARTS	SUPPLIES VEHICLE	165.04	165.04
2295	090500	10/23/89	BRACKE, LOUIS	CONTRACT PYM.	420.00	420.00
2296	091404	10/23/89	BROOKLYN PARK AUTO SERVICE	REPAIR & MAINT/V	24.05	24.05
2297	091450	10/23/89	BROWNING-FERRIS IND.	FEES FOR SERVICE*	101.50	
				FEES FOR SERVICE	78.13	179.63
2298	101400	10/23/89	BUILDERS SQUARE	MAINT MATERIAL	27.27	27.27
2299	101950	10/23/89	BYERLYS	PROGRAM SUPPLIES	13.43	13.43
2300	110050	10/23/89	C-AIRE, INC.	SUPPLIES JANITOR	4.47	4.47
2301	130550	10/23/89	CHEMLAWN, INC.	REPAIR MAINT BLDG.	321.60	321.60
2302	130700	10/23/89	CHINESE LATERN	PROGRAMS	285.60	285.60
2303	131100	10/23/89	CHIPPEWA SPRINGS	FEES FOR SERVICE	61.35	61.35
2304	140205	10/23/89	CLEAN STEP RUGS	RUG CLEANING	25.70	25.70
2305	150800	10/23/89	COMMISSIONER OF REVENUE	CONTRACT PYM.	10.00	10.00
2306	150900	10/23/89	COMMISSIONER OF TRANSPORTATION	REPAIR & MAINT/E	354.28	354.28
2307	152300	10/23/89	COPY DUPLICATING PROD.	SUPPLIES OFFICE	150.00	150.00
2308	152400	10/23/89	COPY EQUIPMENT, INC.	OTHER IMP PURCHASED	44.62	
				SUPPLIES EQUIPMENT	40.93	85.55

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
				UNIFORMS & CLOTH	18.54	
				UNIFORMS & CLOTH	18.54	
				UNIFORMS & CLOTH	19.47	
				UNIFORMS & CLOTH	19.47	
				UNIFORMS & CLOTH	19.47	
				UNIFORMS & CLOTH	19.47	
				UNIFORMS & CLOTH	9.73	
				UNIFORMS & CLOTH	9.74	858.40
2322	302435	10/23/89	GERMAIN, DAVID	TRAVEL TRAINING	6.65	6.65
2323	302600	10/23/89	GLADSTONE LUMBER MART.	SUPPLIES JANITORJ	24.95	
				MAINT MATERIAL	174.40	
				MAINT MATERIAL	174.40	373.75
2324	302850	10/23/89	GLENSHEEN		211.50	211.50
2325	302900	10/23/89	GLENWOOD INGLEWOOD	FEES FOR SERVICE	41.26	41.26
2326	310650	10/23/89	GOPHER DISPOSAL	FEES FOR SERVICE	6,259.68	6,259.68
2327	330420	10/23/89	HATHAWAY, SHARON BRIN	FEES FOR SERVICE	40.00	40.00
2328	340050	10/23/89	HEALTH RESOURCES	FEES FOR SERVICE	28.66	
				FEES FOR SERVICE	487.22	
				FEES FOR SERVICE	14.33	530.21
2329	340110	10/23/89	HEJNY RENTALS, INC	OUTSIDE RENTAL EQUIPMENT	26.00	26.00
2330	350025	10/23/89	HICKS, DOUG	PROGRAM REG FEES	15.00	15.00
2331	350880	10/23/89	HOISINGTON GROUP, INC.	PLANNING DEPOSITS	690.24	690.24
2332	351300	10/23/89	HORSNELL, JUDITH	TRAVEL & TRAIN	60.00	
				VEHICLE ALLOWANCE	18.90	
				PROGRAM SUPPLIES	12.78	91.68
2333	351400	10/23/89	HORWATH, TOM	CONTRACT PYM.	1,155.00	1,155.00
2334	380200	10/23/89	I.C.M.A.	TRAVEL & TRAIN	195.00	195.00
2335	390300	10/23/89	INDUSTRIAL SUPPLY	SUPPLIES JANITOR	16.42	16.42
2336	400150	10/23/89	J.&J. TROPHIES	PROGRAM SUPPLIES	180.00	180.00
2337	400600	10/23/89	J.L. SHIELY CO.	MAINT MATERIAL	1,959.06	1,959.06
2338	400700	10/23/89	J.P. FURNITURE, INC.	REPAIR & MAINT/E	95.00	95.00
2339	410435	10/23/89	KELLEY, MIKE	PROGRAM REG FEES	14.00	14.00

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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2340	430300	10/23/89	KNOWLAN'S	PROGRAM SUPPLIES	9.28	
				PROGRAM SUPPLIES	4.62	13.90
2341	451903	10/23/89	LARSON-REEVES, DIANE	PROGRAM REG FEES	15.00	15.00
2342	460300	10/23/89	LEAGUE OF MINNESOTA CITIES	WORKERS COMP INS	9,609.00	9,609.00
2343	480650	10/23/89	LOMBARDI, DAVE	PROGRAM REG FEES	7.50	7.50
2344	490200	10/23/89	LUGER LUMBER CO.	MAINT MATERIAL	85.60	
				MAINT MATERIAL	49.92	
				MAINT MATERIAL	72.00	
				MAINT MATERIAL	68.00	
				MAINT MATERIAL	72.00	347.52
2345	500325	10/23/89	M.A.U.M.A.	SUBS & MEMBERS	25.00	25.00
2346	500500	10/23/89	M.J.F. MASONRY CONSTRUCTION	LAND IMPROVEMENT	2,950.00	2,950.00
2347	500580	10/23/89	M.P.H. INDUSTRIES	EQUIPMENT OTHER	1,485.00	1,485.00
2348	501900	10/23/89	MANPOWER TEMPORARY SERVICE	FEES FOR SERVICE	376.00	
				FEES FOR SERVICE	282.00	658.00
2349	511300	10/23/89	MARTIN-MC ALLISTER	FEES FOR SERVICE	450.00	450.00
2350	511600	10/23/89	MASYS CORP	TRAVEL & TRAIN	40.00	
				REPAIR & MAINT/E	1,197.00	
				REPAIR & MAINT/E	1,132.00	2,369.00
2351	520500	10/23/89	MCGUIRE, MICHAEL	TRAVEL & TRAIN	265.75	
				VEHICLE ALLOWANCE	350.00	615.75
2352	531400	10/23/89	METRO SALES INC.	REPAIR & MAINT/E	155.00	155.00
2353	540225	10/23/89	MIDWEST ANIMAL SERVICE	FEES FOR SERVICE	1,806.18	1,806.18
2354	540325	10/23/89	MIDWEST GANG INVEST. ASSN.	TRAVEL & TRAIN	130.00	130.00
2355	540600	10/23/89	MILLERS FAMILY MEATS	FEES FOR SERVICE	4.05	4.05
2356	541900	10/23/89	MINNESOTA BLUEPRINT	OTHER IMPROVEMENTS	48.87	48.87
2357	541925	10/23/89	MINNESOTA CELLULAR	TELEPHONE	9.15	9.15
2358	542125	10/23/89	MINNESOTA DOT	BOOKS	4.50	4.50
2359	551200	10/23/89	MN NATURALIST ASSOCIATION	SUBS & MEMBERS	60.00	60.00
2360	551400	10/23/89	MN PLAYGROUND	EQUIPMENT OTHER	298.22	298.22

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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2361	551700	10/23/89	MN REC. & PARK ASSOCIATION	PROGRAM SUPPLIES	150.00	150.00
2362	570090	10/23/89	MOGREN BROS.	MAINT MATERIAL	16.00	
				SUPPLIES JANITOR	72.00	
				MAINT MATERIAL	16.00	
				MAINT MATERIAL	139.52	
				MAINT MATERIAL	43.92	
				MAINT MATERIAL	180.00	
				MAINT MATERIAL	16.00	
				MAINT MATERIAL	5.20	
				MAINT MATERIAL	16.00	504.64
2363	570100	10/23/89	MONROE SYSTEMS	SUPPLIES OFFICE	41.78	41.78
2364	570500	10/23/89	MOTOROLA, INC	SUPPLIES EQUIPMENT	140.00	140.00
2365	610200	10/23/89	MULWEE, GEORGE	TRAVEL & TRAIN	5.21	
				VEHICLE ALLOWANCE	10.66	15.87
2366	630700	10/23/89	NATIONAL CHEMSEARCH	SUPPLIES VEHICLE	104.25	104.25
2367	630950	10/23/89	NCR	EQUIPMENT OFFICE	187.00	187.00
2368	640550	10/23/89	NELSON, JEAN	VEHICLE ALLOWANCE	13.00	13.00
2369	640600	10/23/89	NELSON, KAREN A	TRAVEL & TRAIN	51.38	51.38
2370	660100	10/23/89	NOBLE, ROBERT G.	FEES FOR SERVICE	160.00	160.00
2371	660275	10/23/89	NO.ST.PAUL-MAPLEWOOD ROTARY	SUBS & MEMBERS	100.00	100.00
2372	661105	10/23/89	NORTH STAR TURF, INC.	MAINT MATERIAL	187.00	
				MAINT MATERIAL	200.00	387.00
2373	662200	10/23/89	NORTHWEST FABRICS	PROGRAM SUPPLIES	99.45	99.45
2374	662850	10/23/89	NOVAK, RICHARD	CONTRACT PYM.	325.00	325.00
2375	670500	10/23/89	NUTESON, LAVERNE	VEHICLE ALLOWANCE	84.76	
				TRAVEL & TRAIN	217.05	
				TRAVEL & TRAIN	61.01	362.82
2376	691400	10/23/89	ORR, SCHELEN, MAYERON & ASSOC.	FEES CONSULTING	202.23	202.23
2377	710600	10/23/89	PEOPLES ELECTRIC	BUILDING IMPROVEMENT	4,985.57	4,985.57
2378	720780	10/23/89	PRENTICE HALL INC.	BOOKS	42.53	42.53
2379	721300	10/23/89	PROFESSIONAL PROCESS	FEES FOR SERVICE	80.33	80.33
2380	742110	10/23/89	RAMSEY EMERG. MEDICAL SERVICES	SUPPLIES EQUIPMENT	501.75	501.75

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VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2381	742900	10/23/89	RAY DAVIS & SONS	SUPPLIES VEHICLE	10.00	10.00
2382	743100	10/23/89	RAZSKAZOFF, DALE	UNIFORMS & CLOTH	103.00	103.00
2383	761200	10/23/89	ROAD RESCUE	SUPPLIES VEHICLE	146.22	146.22
2384	761340	10/23/89	RDEHRENBACH, JIM	PROGRAM REG FEES	15.00	15.00
2385	762300	10/23/89	ROYAL DOWNS	FEEES FOR SERVICE FEEES FOR SERVICE FEEES FOR SERVICE FEEES FOR SERVICE	34.50 46.50 42.00 39.00	162.00
2386	770850	10/23/89	RYDEEN, DAVE	PROGRAM REG FEES	7.50	7.50
2387	770900	10/23/89	RYDER TRANSPORTATION	OUTSIDE RENTAL EQUIP	132.00	132.00
2388	780300	10/23/89	S&T OFFICE PRODUCTS INC.	SUPPLIES OFFICE	3.96	3.96
2389	780350	10/23/89	S.E.H.	OUTSIDE ENG FEES OUTSIDE ENG FEES OUTSIDE ENG FEES	9,781.71 1,947.68 2,563.09	14,292.48
2390	790150	10/23/89	SCHMOOCK, JOHN	UNIFORMS & CLOTH	20.00	20.00
2391	790500	10/23/89	SCIENCE MUSEUM OF MINNESOTA	TRAVEL & TRAIN	180.00	180.00
2392	810450	10/23/89	SHERMAN BOOSALIS INTEREST, INC.	PLANNING DEPOSITS	59.76	59.76
2393	820290	10/23/89	SKWERES, TOM	PROGRAM REG FEES	20.00	20.00
2394	820610	10/23/89	SNELLING COMPANY	REPAIR & MAINT/B	96.00	96.00
2395	831600	10/23/89	SPS OFFICE PRODUCTS	SUPPLIES OFFICE SUPPLIES OFFICE	15.96 8.76- 109.45 7.97 7.97 51.11 32.72 181.30 38.07 16.71 125.63 69.11	647.24
2396	840400	10/23/89	ST.PAUL CITY OF	FEEES FOR SERVICE	147.80	147.80
2397	840800	10/23/89	ST.PAUL RAMSEY MEDICAL CENTER	FEEES FOR SERVICE FEEES FOR SERVICE	54.00 20.00	74.00

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2398	841400	10/23/89	ST. THOMAS COLLEGE OF	TRAVEL & TRAIN	190.00	190.00
2399	843575	10/23/89	STREICHERS GUNS	SUPPLIES RANGE	203.34	203.34
2400	850600	10/23/89	SUPERAMERICA	SUPPLIES EQUIPMENT FUEL & OIL	63.99 16.17	80.16
2401	851550	10/23/89	SYSTEMS SERVICE COMPANY	REPAIR & MAINT/U	345.45	345.45
2402	851575	10/23/89	SYSTEMS SUPPLY, INC.	SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE	792.70 238.02 51.30 102.60	1,184.62
2403	860100	10/23/89	T. J. AUTO PARTS	SUPPLIES VEHICLE SUPPLIES VEHICLE SUPPLIES VEHICLE SUPPLIES JANITOR	58.86 44.94 8.82 17.95	130.57
2404	860125	10/23/89	T.A. SCHIFSKY & SONS, INC	MAINT MATERIAL MAINT MATERIAL MAINT MATERIAL	259.29 160.00 1,134.00	1,553.29
2405	860315	10/23/89	T.K.D.A.	OUTSIDE ENG FEES OUTSIDE ENG FEES OUTSIDE ENG FEES OUTSIDE ENG FEES OUTSIDE ENG FEES	121.70 875.27 4,114.41 2,549.21 2,162.09	9,822.68
2406	860650	10/23/89	TARGET STORES	SUPPLIES EQUIPMENT SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES OFFICE	89.95 2.16 2.16 2.16 2.16 2.16 2.16 2.16 2.16	107.23
2407	862100	10/23/89	THANE HAWKINS POLAR CHEV.	VEHICLES PURCHASED REPAIR & MAINT/V	11,647.00 47.76	11,694.76
2408	880110	10/23/89	TRAFFIC ENGINEERING	SUPPLIES EQUIPMENT SUPPLIES EQUIPMENT	44.00 19.40	63.40
2409	880800	10/23/89	TRUCK UTILITIES MFG.	REPAIR & MAINT/V REPAIR & MAINT/V REPAIR & MAINT/V	25.17 31.56 41.65	35.26
2410	882800	10/23/89	TWIN CITY TRANSPORT	FEES FOR SERVICE	265.00	265.00

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CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2411	890900	10/23/89	U.S.WEST COMMUNICATIONS	TELEPHONE	1,582.04	
				TELEPHONE	50.94	
				TELEPHONE	50.94	
				TELEPHONE	54.44	
				TELEPHONE	277.83	
				TELEPHONE	1,071.90	
				TELEPHONE	48.74	
				TELEPHONE	48.74	
				TELEPHONE	48.74	
				TELEPHONE	48.74	
				TELEPHONE	48.74	
				TELEPHONE	48.74	
				TELEPHONE	34.68	
				TELEPHONE	34.68	
				TELEPHONE	34.68	
				TELEPHONE	86.87	
				TELEPHONE	8.04	
				TELEPHONE	34.68	
				TELEPHONE	4.02	
				TELEPHONE	338.97	
				TELEPHONE	273.64	
				TELEPHONE	39.85	
				TELEPHONE	53.00	
				TELEPHONE	50.88	
				TELEPHONE	19.54	
				TELEPHONE	47.32	
				TELEPHONE	121.84	4,563.22
2412	900100	10/23/89	UNIFORMS UNLIMITED	UNIFORMS & CLOTH	146.40	
				UNIFORMS & CLOTH	42.30	
				SUPPLIES EQUIPMENT	108.00	
				UNIFORMS & CLOTH	110.60	
				UNIFORMS & CLOTH	71.02	
				UNIFORMS & CLOTH	89.95	
				UNIFORMS & CLOTH	186.95	
				SUPPLIES OFFICE	18.00	
				UNIFORMS & CLOTH	51.30	
				SUPPLIES EQUIPMENT	9.95	
				UNIFORMS & CLOTH	227.55	1,062.02
2413	900600	10/23/89	UNIVERSAL MEDICAL	SUPPLIES EQUIPMENT	73.80	
				SUPPLIES EQUIPMENYT	18.21	92.01
2414	910500	10/23/89	VASKO RUBBISH REMOVAL	FEES FOR SERVICE	346.00	
				FEES FOR SERVICE	199.00	
				FEES FOR SERVICE	142.00	687.00
2415	940600	10/23/89	WELCHLIN, CABOT	TRAVEL & TRAIN	21.66	21.66
2416	950150	10/23/89	WOODBURY MECHANICAL	SEWER PER	50.00	50.00

VOUCHREG
10/12/89 14:32

CITY OF MAPLEWOOD
VOUCHER/CHECK REGISTER
FOR PERIOD 10

VOUCHER/ CHECK NUMBER	VENDOR NUMBER	CHECK DATE	VENDOR NAME	ITEM DESCRIPTION	ITEM AMOUNT	CHECK AMOUNT
2417	960400	10/23/89	XEROX CORP.	DUPLICATING COSTS	5.24	
				DUPLICATING COSTS	8.74	
				DUPLICATING COSTS	25.68	
				DUPLICATING COSTS	40.52	
				DUPLICATING COSTS	25.68	
				DUPLICATING COSTS	50.52	156.38
2418	970100	10/23/89	YAGGY COLBY ASSOCIATES	PLANNING DEPOSITS PBL.	485.25	485.25
				TOTAL CHECKS		431,262.39

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CITY OF MAPLEWOOD
PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 10/13/89
CHECK #11897 - CHECK #12053

EMPLOYEE NAME	GROSS PAY
McGUIRE, MICHAEL A.	2,782.34
BLACKSTONE, GAIL	1,510.90
WEILAND, ELIZABETH	1,181.30
ZAWACKI, KATHRYN	1,034.10
BEHM, LOIS N.	1,034.10
JAHN, DAVID J.	901.67
SWANSON, LYLE	1,073.53
CUDE, LARRY J.	276.80
OSTER, ANDREA J.	902.28
MIKISKA, WILLIAM	172.80
FAUST, DANIEL F.	2,033.30
TAYLOR, LINDA	1,050.28
MATHEYS, ALANA K.	1,083.88
VIGNALO, DELORES A.	1,083.88
ANDERSON, CAROLE J.	1,308.68
LA MOTTE, MARLENE	210.00
AURELIUS, LUCILLE E.	1,878.90
SELVOG, BETTY D.	238.00
SCHADT, JEANNE L.	1,038.92
KELSEY, CONNIE L.	633.39
VIETOR, LORRAINE S.	972.68
HENSLEY, PATRICIA A.	572.57
JAGOE, CAROL	732.68
CARLE, JEANETTE E.	2,075.53
OLSON, SANDRA	520.13
RONGSTAD, CAROLEE	113.50
PALANK, MARY KAY	732.68
COLLINS, KENNETH V.	2,084.50
RICHIE, CAROLE L.	997.93
SVENDSEN, JOANNE M.	1,469.48
NELSON, ROBERT D.	1,800.50
FULLER, ELAINE	419.58
MARTINSON, CAROL F.	1,056.59
STILL, VERNON T.	1,378.28
SKALMAN, DONALD W.	1,442.72
FRASER, JOHN	909.48
NELSON, CAROL M.	2,043.71
MORELLI, RAYMOND J.	1,367.91
STEFFEN, SCOTT L.	1,460.95
ARNOLD, DAVID L.	1,617.48
BANICK, JOHN J.	1,568.86
BOHL, JOHN C.	1,397.42
CAHANES, ANTHONY G.	1,800.50
CLAUSON, DALE K.	1,403.88
MOESCHTER, RICHARD M.	1,455.66
ATCHISON, JOHN H.	1,403.88
YOUNGREN, JOHN	1,756.02

CITY OF MAPLEWOOD
PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 10/13/89
CHECK #11897 - CHECK #12053

EMPLOYEE NAME	GROSS PAY
PELTIER, WILLIAM F.	1,617.48
SZCZEPANSKI, THOMAS J.	1,327.08
WELCHLIN, CABOT V.	1,343.54
LANG, RICHARD J.	1,403.88
RAZSKAZOFF, DALE	1,454.28
HERBERT, MICHAEL J.	1,454.28
DREGER, RICHARD C.	1,617.48
STAFNE, GREGORY L.	1,416.83
BECKER, RONALD D.	1,467.70
HALWEG, KEVIN R.	1,946.33
STOCKTON, DERRELL T.	1,378.28
PAULOS, JR., PAUL G.	1,205.83
BOWMAN, RICK A.	1,388.21
RYAN, MICHAEL P.	1,677.27
KARIS, FLINT D.	1,390.28
HEINZ, STEPHEN J.	1,540.01
GRAF, DAVID M.	1,467.08
THOMALLA, DAVID J.	1,659.45
PALMA, STEVEN T.	1,446.32
VORWERK, ROBERT E.	1,467.08
BERGERON, JOSEPH A.	1,480.00
MEEHAN, JAMES	1,703.00
MELANDER, JON A.	1,467.08
SAUNDERS, SARAH	756.58
EMBERTSON, JAMES M.	1,538.10
WILLIAMS, DUANE J.	1,354.90
RABINE, JANET L.	1,048.35
STAHNKE, JULIE	1,029.48
BOYER, SCOTT K.	1,013.62
WALDT, CYNTHIA	804.68
FEHR, JOSEPH	902.28
NELSON, KAREN A.	1,048.68
FLAUGHER, JAYME L.	1,067.88
WEGWERTH, JUDITH A.	599.02
HAIDER, KENNETH G.	2,084.50
CHLEBECK, JUDY M.	1,087.88
PRIEFER, WILLIAM	985.48
MEYER, GERALD W.	1,219.80
KANE, MICHAEL R.	1,342.28
NAGEL, BRYAN	1,022.92
LUTZ, DAVID P.	1,132.68
KLAUSING, HENRY F.	1,200.84
SCHMOOCK, JOHN	1,001.77
HELEY, RONALD J.	1,154.28
OSWALD, ERICK D.	1,128.28
FREBERG, RONALD L.	1,159.32
CASS, WILLIAM C.	1,704.68

CITY OF MAPLEWOOD
PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 10/13/89
CHECK #11897 - CHECK #12053

EMPLOYEE NAME	GROSS PAY
ZACK, TODD	378.00
LINDBLOM, RANDY	1,532.72
ELIAS, JAMES G.	1,334.28
PECK, DENNIS L.	1,770.66
PRIEBE, WILLIAM	1,448.16
IRISH, BRUCE A.	1,694.44
GEISSLER, WALTER M.	1,394.75
METZ, TERRY	995.08
LOFGREN, JOHN R.	925.48
ODEGARD, ROBERT D.	1,878.90
BRENNER, LOIS J.	1,067.88
KRUMMEL, BARBARA A.	486.34
STAPLES, PAULINE	1,642.28
JONES, LUTHER	72.00
TRAVERS, DANIEL	81.00
ANDERSON, ROBERT S.	1,132.68
LINDORFF, DENNIS P.	1,132.68
GARRY, WILLIAM	992.68
HELEY, ROLAND B.	1,209.48
MARUSKA, MARK A.	1,639.10
SCHINDELDECKER, JAMES	818.28
LECOUNT, TERRY	460.00
SCHNEIDER, GREGORY	468.00
BURKE, MYLES R.	1,197.48
SHELDON, LEO	20.00
HANNEGAN, ANDREA	128.63
MILLER, SHERRAL	125.00
DREGER, KARI	112.88
FORD, JENNIFER	70.00
GRAF, MICHAEL	17.50
MEYERS, PETRA	90.00
DONAHUE, SCOTT	100.00
RAHN, CARY	137.00
WARD, ROY G.	406.40
TAUBMAN, DOUGLAS J.	1,372.68
GREW-HAYMAN, JANET M.	1,157.49
NELSON, JEAN	379.65
HORSNELL, JUDITH A.	567.94
HUTCHINSON, ANN E.	819.52
FISHER, LYNE	91.00
DOHERTY, KATHLEEN M.	1,067.22
BARTA, MARIE L.	954.28
OLSON, GEOFFREY W.	1,878.90
SUNDGAARD, L.	183.00
MISKELL, NANCY	328.59
LIVINGSTON, JOYCE L.	543.86
ROBERTS, KENNETH	1,047.30

CITY OF MAPLEWOOD
 PAYROLL CHECKS ISSUED FOR PAY PERIOD ENDING 10/13/89
 CHECK #11897 - CHECK #12053

EMPLOYEE NAME	GROSS PAY
EKSTRAND, THOMAS G.	1,467.71
BERNIER, SHAWN	300.00
OSTROM, MARJORIE	1,563.08
CARVER, NICHOLAS N.	1,187.88
LOFGREN, ROSANNE	31.50
WENGER, ROBERT J.	1,286.28
LA CASSE, TELLY	105.00
LA CASSE, CASEY	168.00
NADEAU, EDWARD A.	1,215.76
MULWEE, GEORGE W.	1,152.68
NUTESON, LAVERNE S.	1,536.68
BREHEIM, ROGER W.	1,178.48
EDSON, DAVID B.	1,174.28
GERMAIN, DAVE	1,174.28
MULVANEY, DENNIS M.	1,288.68
SPREIGL, GEORGE C.	1,167.88

	\$171,040.56

PAYROLL DEDUCTIONS

ICMA RETIREMENT TRUST-457	\$ 7,057.50
CITY & COUNTY EMP CR UNION	25,105.00
AFSCME 2725	491.36
MN MUTUAL LIFE INS 19-3988	160.00
METRO SUPERVISORY ASSOC	18.00
MN STATE RETIREMENT SYSTEM	191.00
L.E.L.S.	594.00

	\$ 33,616.86

GRAND TOTAL	\$204,657.42
	=====

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Shawn Bernier - Planning Intern
SUBJECT: PUD Time Extension
LOCATION: Ivy Avenue and Ferndale Street
APPLICANTS/OWNER: The Knights Group (Ken Gervais)
PROJECT: Beaver Creek Apartments
DATE: October 9, 1989

SUMMARY

INTRODUCTION

The applicant is requesting a one-year time extension for the Beaver Creek Apartment planned unit development (PUD). The property is located at the northwest corner of Ivy Avenue and Ferndale Street. (Refer to the letter on page 7.)

BACKGROUND

February 11, 1985: The City Council approved the original conditional use permit for this PUD.

October 24, 1988: The City Council approved the revision of the conditional use permit for the PUD. This included changing the conditions of approval for the PUD. (Refer to the minutes on page 4.)

DISCUSSION

The applicant has complied with all of the conditions of approval. Staff is not aware of any concerns or problems with this project.

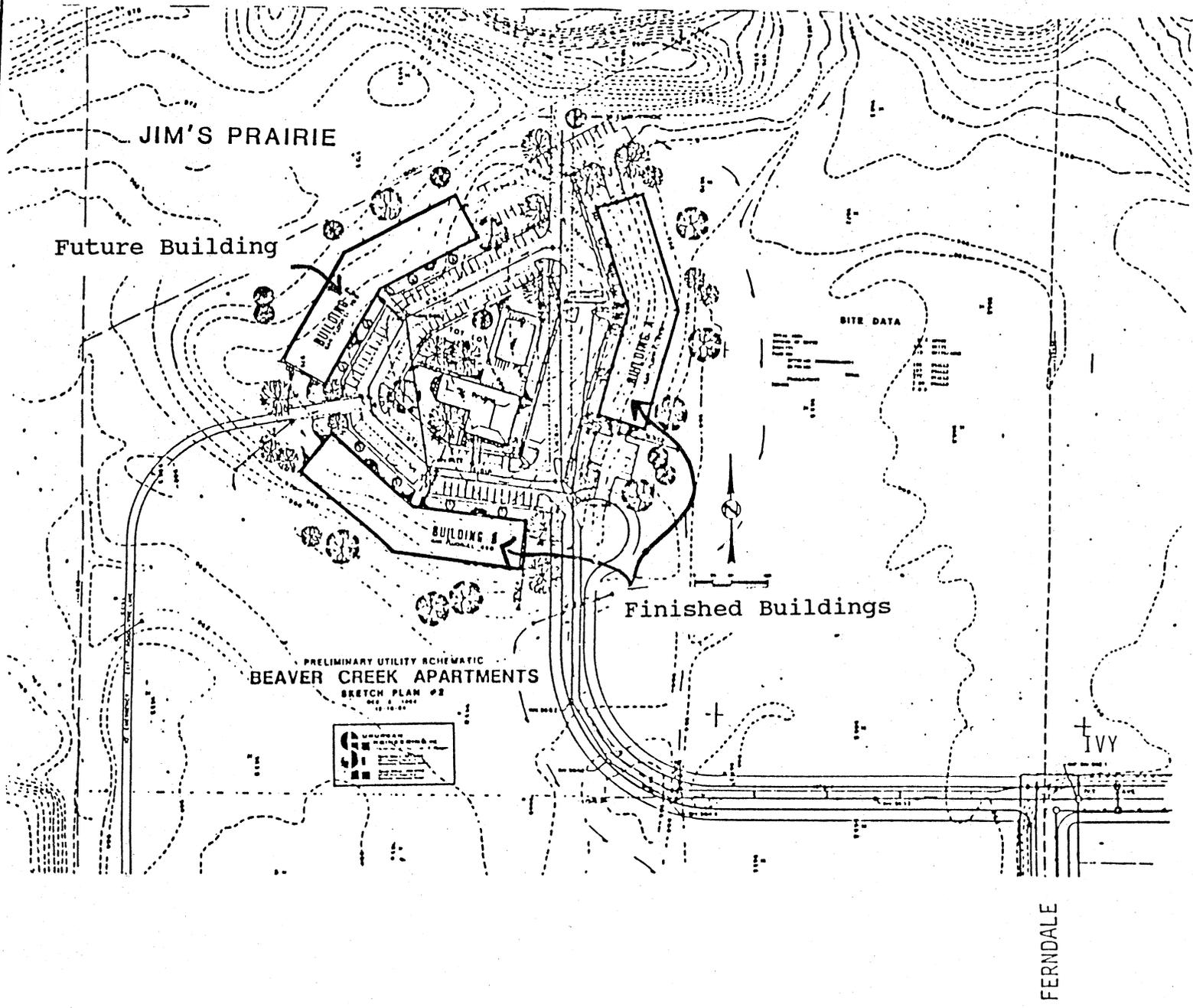
RECOMMENDATION

Approval of a one-year time extension for the Beaver Creek Apartments PUD subject to the October 24, 1988 conditions of approval.

Attachments

- 1. Location Map
- 2. Site Plan
- 3. October 24, 1988 City Council Minutes

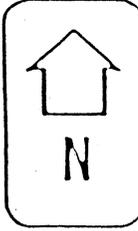
SBTIMEXTEN



SITE PLAN

BEAVER CREEK APARTMENTS

Attachment 2



5. Cope Avenue Assessment Appeal

a. Acting Manager Haider presented the Staff report.

b. Mayor Greavu moved the recommendation of Staff and approve the revisions to Cope Avenue Project 85-26 assessments.

Seconded by Councilmember Rossbach.

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

Nay - Councilmember Bastian.

6. Gervais Avenue Truck Restriction

a. Acting Manager Haider presented the Staff report.

b. Councilmember Juker moved first reading of an ordinance restricting traffic on designated streets.

Seconded by Mayor Greavu.

Ayes - all.

I. NEW BUSINESS

1. P.U.D. Time Extension and Revision of Conditions: Beaver Creek Apartments

a. Acting Manager Haider presented the Staff report.

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

88 - 10 - 178

WHEREAS, the City of Maplewood initiated a conditional use permit revision to amend the Beaver Creek Apartment planned unit development (PUD) at the following-described property:

That part of the Northwest 1/4 of the Southeast 1/4 lying southeasterly of a line from the Northeast corner of said Northwest 1/4 of the Southeast 1/4 to a point on the west line of said Northwest 1/4 of the Southeast 1/4 and 450 feet south of the original C.St.P.M. & O. Ry. right of way also the Southwest 1/4 of the Southeast 1/4; all in Section 24, Township 29, Range 22, Ramsey County, subject to street right-of-way.

This property is more commonly described as northwest of Ivy Avenue and Ferndale Street.

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

1. The City Council approved the original conditional use permit for this PUD on February 11, 1985.
2. The Maplewood City Council considered the above-referenced conditional use permit revision on October 10, 1988.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described conditional use permit revision 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. The northerly facing roof area for the northwest structure may drain to Jim's Prairie, provided predevelopment runoff levels are not exceeded. All other impervious surface area shall drain away from Jim's Prairie.
2. No herbicides, pesticides or fertilizers shall be applied to any area that drains to the prairie, unless the type, amount and location are approved by the City.
3. The emergency exit road shall be constructed from the apartment project to Maryland Avenue to support emergency vehicles and the pathway shall be paved from the apartments to the proposed private street in the condominium project prior to the issuance of an occupancy permit. A public easement for emergency vehicle

access shall be recorded from the apartment parking lot to Maryland Avenue, over the proposed path and future private street in the Beaver Lake condominium project. The emergency vehicle access must be maintained and kept free of obstructions by the respective property owners.

4. Before an occupancy permit is issued, a statement shall be recorded with the property, granting the City the right to burn Jim's Prairie and maintain the fence along the south boundary of Jim's Prairie that is located approximately five feet into the apartment property. The language of this statement shall be approved by the City.
5. Approval includes the site plan enclosed in the January 16, 1985 staff report. Any changes that result in an increase in density or change in building type or site plan shall require a public hearing and approval by the City Council.
6. This approval supersedes the conditions of initial approval; granted February 11, 1985.

Seconded by Mayor Greavu.

Ayes - all.

2. ~~HRA/HRC Commissioner Liaison~~

- a. Acting Manager Haider presented the Staff report.
- b. Councilmember Juker moved to approve the following as recommended:
 1. Abandon the policy of having an appointed commissioner serve as a liaison between the HRA and HRC.
 2. Authorize the HRA and HRC to independently advertise and recommend to Council their choice for a commissioner to replace resigned Commissioner Prey.

Seconded by Councilmember Anderson.

Ayes - all.

3. ~~Holloway - Schedule Public Hearing~~

- a. Acting Manager Haider presented the Staff report.
- b. Mayor Greavu introduced the following resolution and moved its adoption:

88 - 10 - 179

WHEREAS, the City engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Holloway Avenue, Beebe to Furness, City Project 87-14, by construction of a bituminous roadway with concrete curb and gutter and utilities, and

OCT 11 1989



Design & Development Co. Inc.
2419 No. Margaret St. North St. Paul, MN 55109 Phone 770-6138

October 9, 1989

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

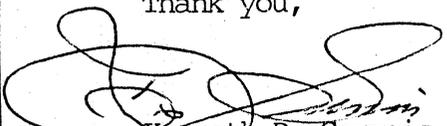
Att: Shawn Beriner

Re: Beaver Creek Apt. PUD

Dear Shawn:

Please ask the City Council to extend our Beaver Creek Apartment PUD.

Thank you,



Kenneth D. Gervais



Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Shawn Bernier - Planning Intern
 SUBJECT: **Time Extension - Preliminary Plat**
 LOCATION: Desoto Street and Ripley Avenue
 APPLICANT: Donald and Lorraine Torgerson
 OWNERS: Donald and Lorraine Torgerson, Erik Oelker,
 Jean Edholm, John Lund, Leo Markfort, and
 Dennis Cummins
 PROJECT: Torgerson Addition
 DATE: October 2, 1989

SUMMARY

INTRODUCTION

The applicants are requesting a one-year time extension for the Torgerson Addition preliminary plat. The property is located east of Desoto and north of Ripley Avenue. (Refer to letter on page 9.)

BACKGROUND

On October 24, 1988, the City Council conditionally approved the Torgerson Addition preliminary plat for seventeen residential lots. (Refer to the October 24, 1988, City Council minutes on page 6.)

DISCUSSION

The applicants have been delayed in proceeding with this development due to the unavailability of a storm sewer system. The Roselawn-Edgerton storm sewer project will have a public hearing November 16, 1989. If the storm sewer project is approved by the City Council, then one of the conditions of approval of the preliminary plat will have been met. If the project is not approved, the applicant would have to phase the subdivision with on-site ponding.

In addition, The applicants are having difficulty in negotiating the purchase of the land for the right-of-way for the new Ripley Avenue at Desoto Street. The applicants recently hired a fee appraiser to assist them in negotiating for the purchase of the land.

There has not been any changes to the City Code or Comprehensive Plan that warrant any changes to the October 24, 1988 conditions of approval.

RECOMMENDATION

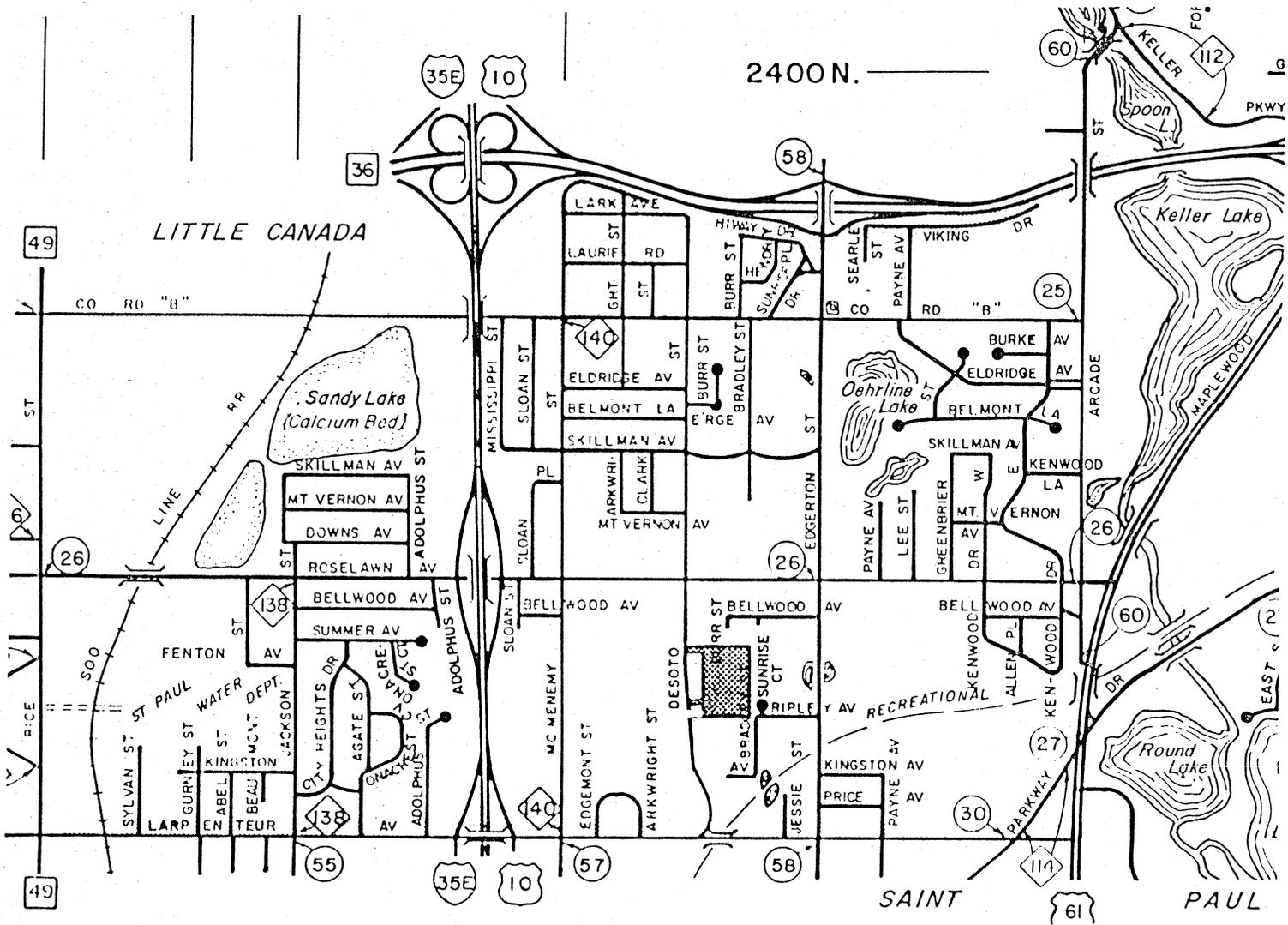
Approval of a one-year time extension for the Torgerson Addition preliminary plat subject to the October 24, 1988, conditions of approval.

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Proposed Preliminary Plat
4. Minutes from October 24, 1988 Council Meeting
5. Applicants Letter of Request

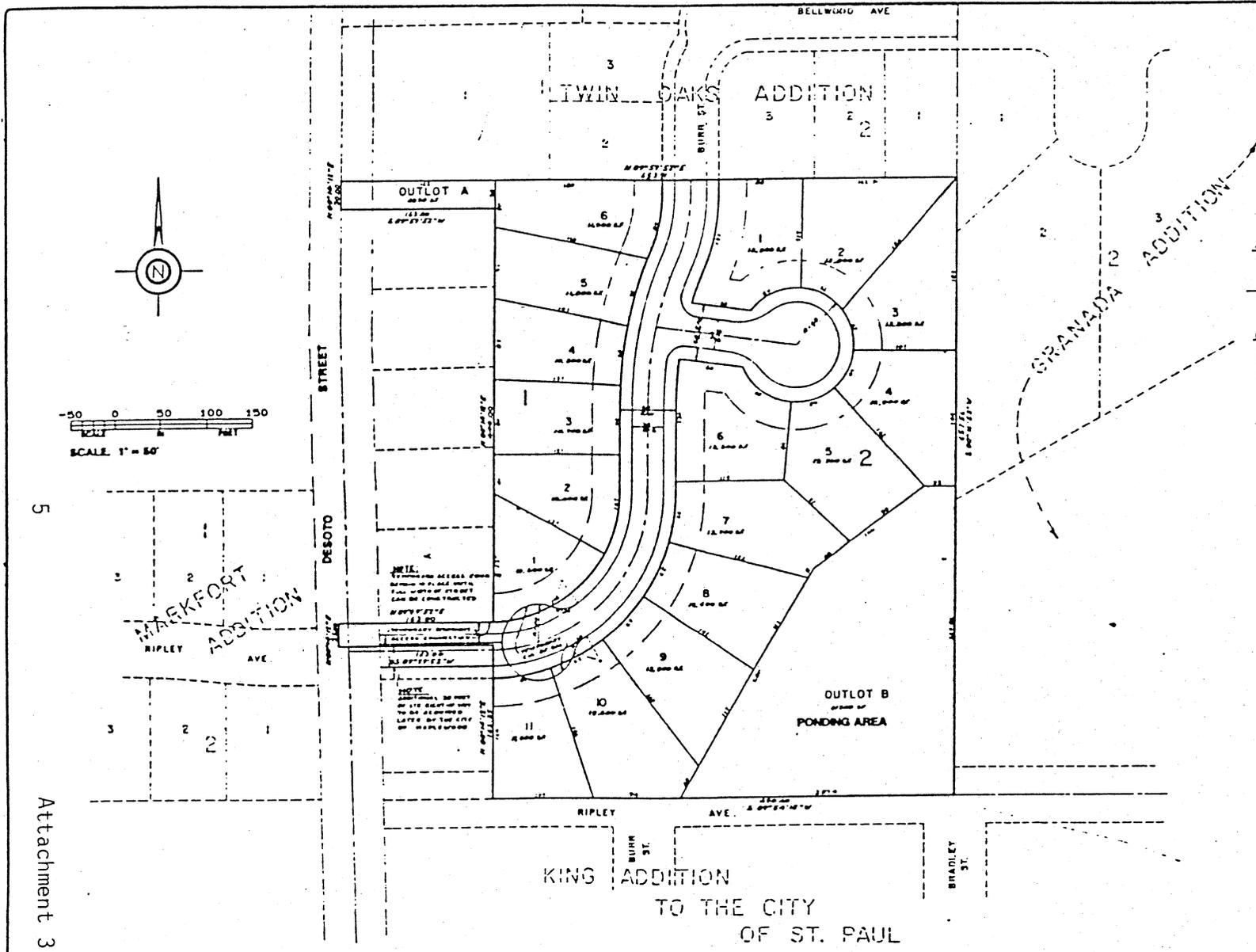
SBTORGERSN

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LOCATION MAP





LEGAL DESCRIPTION
 The Northwest 1/4 of the Northwest 1/4 of the Section 1 of Township 25, Range 22, Ramsey County, Minnesota.
 Except the West 1/2 Acre thereof.
 Together with the North 25 Feet of the North 25 Feet of the West 1/2 Acre of said said Section 1 of the Northwest 1/4 of the Section 1 of said Section 1, Township 25, Range 22.

AREA SUMMARY

TOTAL AREA IN LOTS	312,000 SF	7.16 AC.
AREA OF OUTLOT A	6,000 SF	0.14 AC.
AREA OF OUTLOT B	61,500 SF	1.41 AC.
AREA TO BE DEDICATED TO STREET	61,500 SF	1.41 AC.
NET AREA	283,000 SF	6.48 AC.

LEGEND

TOTAL NUMBER OF LOTS	11
SMALLEST LOT SIZE	10,000 SF
LARGEST LOT SIZE	100,000 SF
AVERAGE LOT SIZE	25,000 SF
DENSITY	0.24 LOTS/AC.

Attachment 3

PROBE ENGINEERING COMPANY, INC.
 CONSULTING ENGINEERS, PLANNERS AND LAND SURVEYORS
 1000 EAST 14th STREET, BURNINGWATER, MINNESOTA 55337 PH 432-3000

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OR SURVEYOR IN THE STATE OF MINNESOTA AT THE DATE OF THE PREPARATION OF THIS PLAN.

Signature
 DATE: 11/15/2000

PRELIMINARY PLAT

REVISIONS

NO.	DATE	DESCRIPTION

DATE PREPARED: 11/15/2000

PREPARED FOR:
DON TORGERSON PROPERTY

SCALE:
 1" = 50'

DATE: 11/15/2000

MINNE SOTA

1
3

10/24/88

7:40 P.M., TORGERSON

17

- a. Preliminary Plat
- b. Utility Routing Approval
- c. Half-Width Street Variation
- d. Cul-de-sac Variation

1. Mayor Greavu convened the meeting for a public hearing regarding the request of Donald and Lorraine Torgerson for approval of a preliminary plat to create 17 single dwelling lots and two outlots; to route utilities along a corridor with more than eight percent grade; two variations from the platting code.

2. Director of Community Development Olson presented the Staff report.

3. Commissioner Fischer presented the Planning Commission report.

4. Mr. Don Torgerson, the applicant, spoke on behalf of the proposal.

5. Mayor Greavu called for proponents and opponents. The following voiced their opinions:

- Julie Cummins, 1790 DeSoto
- Marv Bullich, Edina Realty
- Gary Bostrom, 546 Bellwood
- Resident at 526 Bellwood
- Resident at 556 Bellwood
- Resident at 539 Bellwood

6. Mayor Greavu closed the public hearing.

7. Councilmember Anderson moved to authorize the construction of storm sewer along the 14 to 20 percent slope, located east of proposed Burr Street and the proposed cul-de-sac, on the basis that due to the extreme topography, there is no other practical place to route the required storm sewer.

Seconded by Mayor Greavu.

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

Nay - Councilmember Bastian.

10/24

8. Councilmember Anderson moved to deny the requested variations from the platting code to create a temporary, half-width street and a temporary cul-de-sac in excess of 1,000 feet of length, on the basis that:

- a. Approval would adversely affect the spirit of the subdivision code and the comprehensive plan, because public safety's ability to provide timely emergency vehicle service could be hampered or jeopardized.
- b. A full-width, through street is a reasonable alternative. This alternative was planned for by the City when approval was granted for the Twin Oaks Addition to the north and the Markfort Addition to the west.
- c. Approval is not essential to the reasonable development of this subdivision.
- d. Council has required full-width, through streets to be guaranteed across adjoining properties as a condition of approval for other similar proposals.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu, Councilmembers
Anderson, Juker and Rossbach

Nay - Councilmember Bastian.

9. Mayor Greavu moved to approve the Torgerson Addition preliminary plat, subject to satisfaction of the following conditions before application for final plat approval:

- a. The City signing a contract(s) to construct the downstream drainage improvements to outlet this and adjoining property to Round Lake. The City Engineer may approve a phased development plan, provided the applicant can demonstrate that on-site ponding capacity will be adequate to maintain predevelopment storm water flows from this site. Any lot or street area not included in the initial phase shall be platted as an outlot until adequate storm water capacity is provided. The entire right-of-way for Burr Street and Ripley Avenue shall be platted and constructed with the first phase.
- b. City or applicant acquisition of the 35 by 163± foot parcel needed to construct Ripley Avenue as a full-width street, through to DeSoto Street. If a City project, the applicant shall pay the cost of the feasibility study and all other City expenses to acquire this right-of-way, including attorney's fees.
- c. Substitute a drainage easement for Outlot B. The property lines for the adjoining lots shall be extended through the easement to the south or east boundaries of the site. The easement shall include all area that would be up to one foot above the approved 100-year storm design elevation for this pond. This easement shall also line up with the existing drainage easement on the properties to the east.

- d. Outlot A shall be combined with an adjacent property. A deed shall be in the possession of the adjoining property owner before the plat is signed by the City. The deed to transfer ownership of this outlot shall stipulate that this property is to be combined with adjoining property to form one parcel, to be described by one property tax description number.
- e. The following street names shall be shown:
 - (1) The north half of the existing Ripley Avenue right-of-way shall be shown between the west line of Bradley Avenue and the east boundary of the site.
 - (2) "Ripley Avenue" shall be shown west of the south extension of the west line of proposed Lot One, Block One.
 - (3) The remainder of the through street shall be named "Burr Street".
 - (4) The cul-de-sac shall be named "Summer Court".
- f. Reduce the width of Lots One, Two, Five and Six, Block Two, to the minimum permitted to maximize the rear yard area for Lots Three and Four
- g. City Engineer approval of final grading, drainage, utility and erosion control plans. These plans shall include, but not be limited to:
 - (1) Identification of the trees to be saved. These trees shall also be identified on the site.
 - (2) Revision of the grading plan and/or install storm sewer along the north boundary of the site to insure that drainage from this site does not flow into the properties to the north.
 - (3) Where possible to obtain grading easements on adjoining property, make a more gentle transition along the site boundary to the lots adjoining to the north and northeast.
 - (4) Provide survey evidence that Ripley Avenue will line up with existing Ripley Avenue, west of DeSoto Street.
- h. Submission of signed developer's agreement and surety for all required public improvements, including but not limited to: a full-width street through to DeSoto Street and on-site utility and drainage improvements; any required tree planting; erosion control measures; relocation of the NSP utility pole that will be within the new Ripley Avenue right-of-way, and, relocation of the driveway for 1822 DeSoto Street to Ripley Avenue.

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

Edina Realty ^{INC.}

Northeast Suburban Office

2966 White Bear Avenue
Maplewood, Minnesota 55109
(612) 770-1775

Kenneth Roberts
City of Maplewood
1830 E. Co. Rd. B
Maplewood, MN 55117

Re: Preliminary Plat
Torgerson Subdivision
Desota & Ripley Sts.

Dear Mr. Roberts,

The above mentioned preliminary plat was approved by the City of Maplewood in October of 1988. Per your letter, it is necessary that I request a 1 year extension and I am requesting this for the following reasons in addition to other extenuating circumstances:

1. I have been delayed because of the uncertainty on the storm sewer problem. The staff has indicated they would like more answers to the question prior to me proceeding with my project.

2. I have had difficulty in negotiating the right of way for Ripley at Desota street. I recently hired a fee appraiser to assist me in negotiating or condemnation proceedings. The staff is well aware of the problem in dealing with the owners to the south of my property.

Based on but not limited to the two major problems cited above, I am asking your office and the council to grant my request.

Sincerely,

Donald Torgerson
Don Torgerson

MEMORANDUM

TO:	City Manager	Action by Council:
FROM:	Thomas Ekstrand, Associate Planner	Endorsed _____
SUBJECT:	Time Extension--Conditional Use Permit	Modified _____
LOCATION:	2696 Hazelwood Avenue	Rejected _____
APPLICANT/OWNER:	Health East	Date _____
PROJECT:	Hazel Ridge Planned Unit Development	
DATE:	October 16, 1989	

SUMMARY

INTRODUCTION

The applicant is requesting a time extension for the conditional use permit that authorizes the Hazel Ridge planned unit development of community service uses, offices and the Hazel Ridge Seniors' Residence.

BACKGROUND

On August 7, 1980, Council approved the use of the former Hazelwood School for community service programs, including home health care, community education, chemical dependency and family counseling and day care. In 1985, Council expanded the 1980 permit to include the Hazel Ridge Seniors' Residence. A one-year time extension was granted in May, 1986. A two-year time extension was granted on September 28, 1987.

DISCUSSION

Hazel Ridge is now at 84% occupancy. According to the conditions of approval additional parking may be required if, when at 95% occupancy, parking proves to be inadequate. A one-year renewal would, therefore, be appropriate. There is no problem at this time.

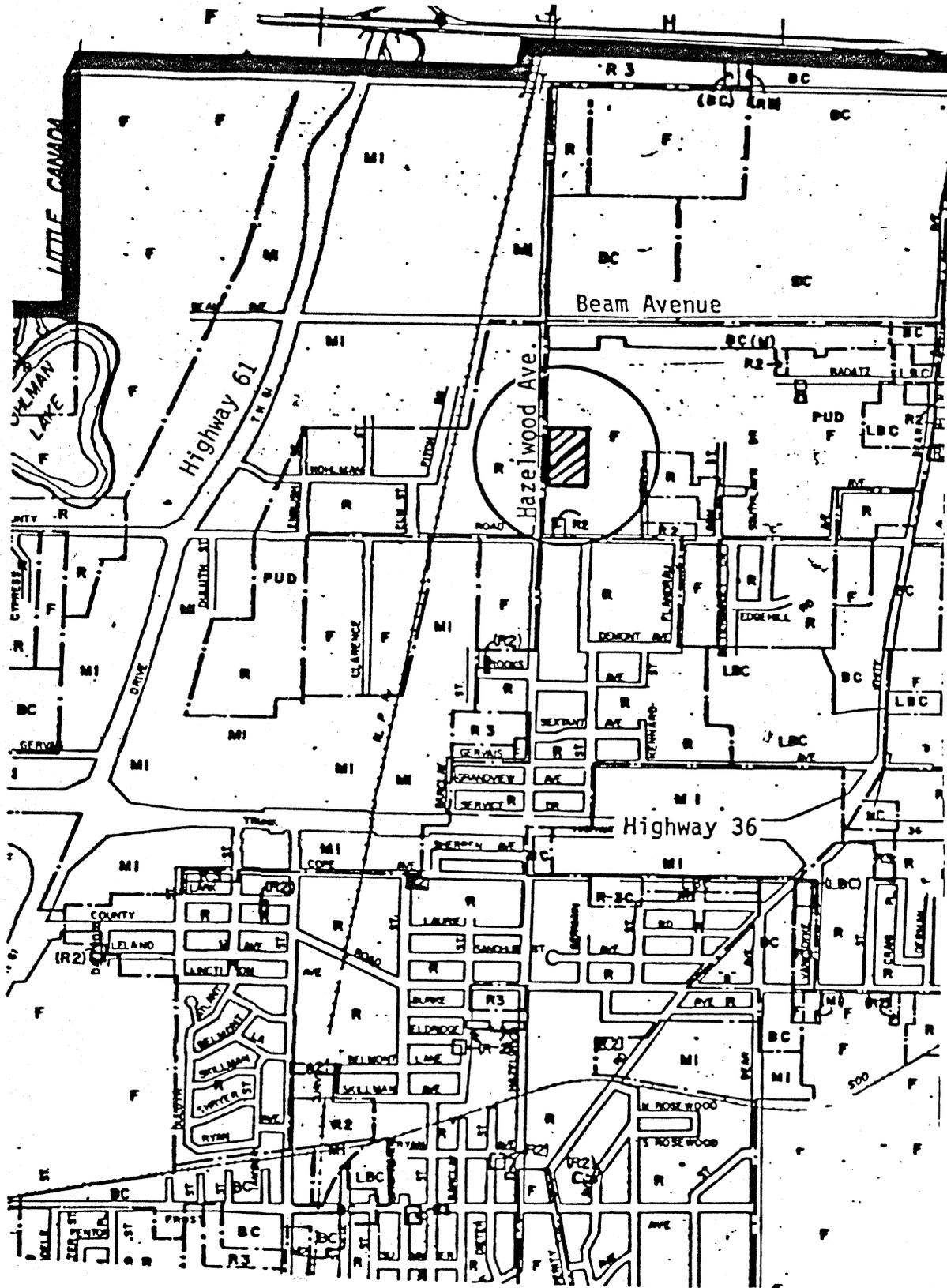
RECOMMENDATION

Approve a one-year time extension for the Hazel Ridge planned unit development, subject to the original May 13, 1985 conditions of approval.

kd

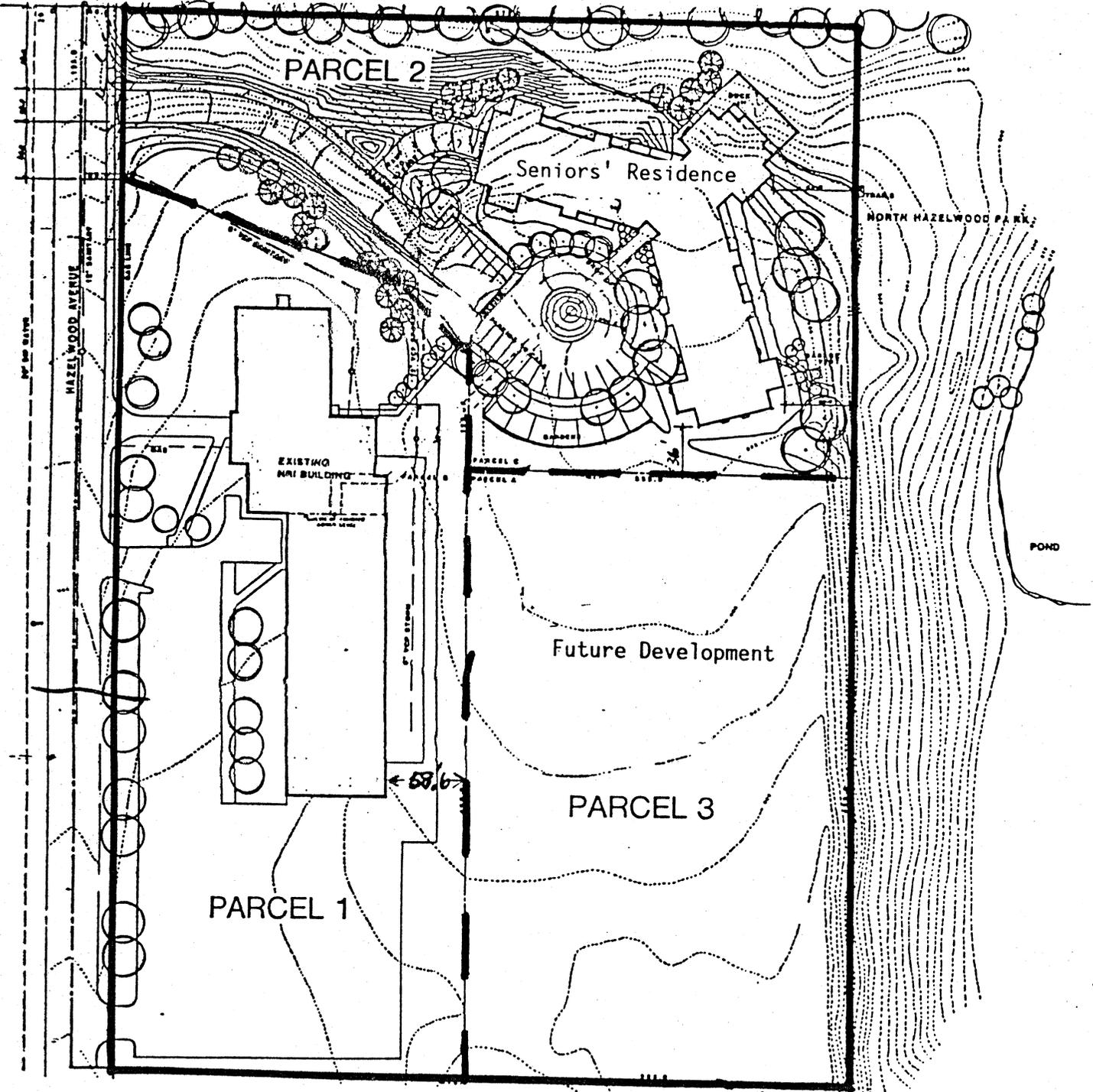
Attachments

1. Location Map
2. Hazel Ridge PUD



LOCATION MAP





HAZEL RIDGE
PUD

Attachment Two



Action by Council:

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Conditional Use Permit Renewal
LOCATION: Highway 61 between Beam Avenue and County Road D
APPLICANT: F. M. Frattalone Excavating, Inc.
OWNER: Conway Rosell, Frank Frattalone, Gerald Mogren and Robert Mogren
PROJECT: Mineral Extraction
DATE: October 16, 1989

SUMMARY

INTRODUCTION

The applicant is requesting renewal of a conditional use permit for mineral extraction. The permit was granted in 1982, renewed for five years on July 25, 1983, and renewed again for one year on October 10, 1988, subject to compliance with the original conditions. (See page 4.)

CODE REQUIREMENTS

Subsection 36-407 states that approval of a conditional use permit under this article shall be for a period not to exceed five years and shall be renewable for a three-year period thereafter. An overall plan for mineral extraction will be reviewed by the City Council. Implementation of the overall plan shall be by means of renewable annual mineral extraction permits.

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

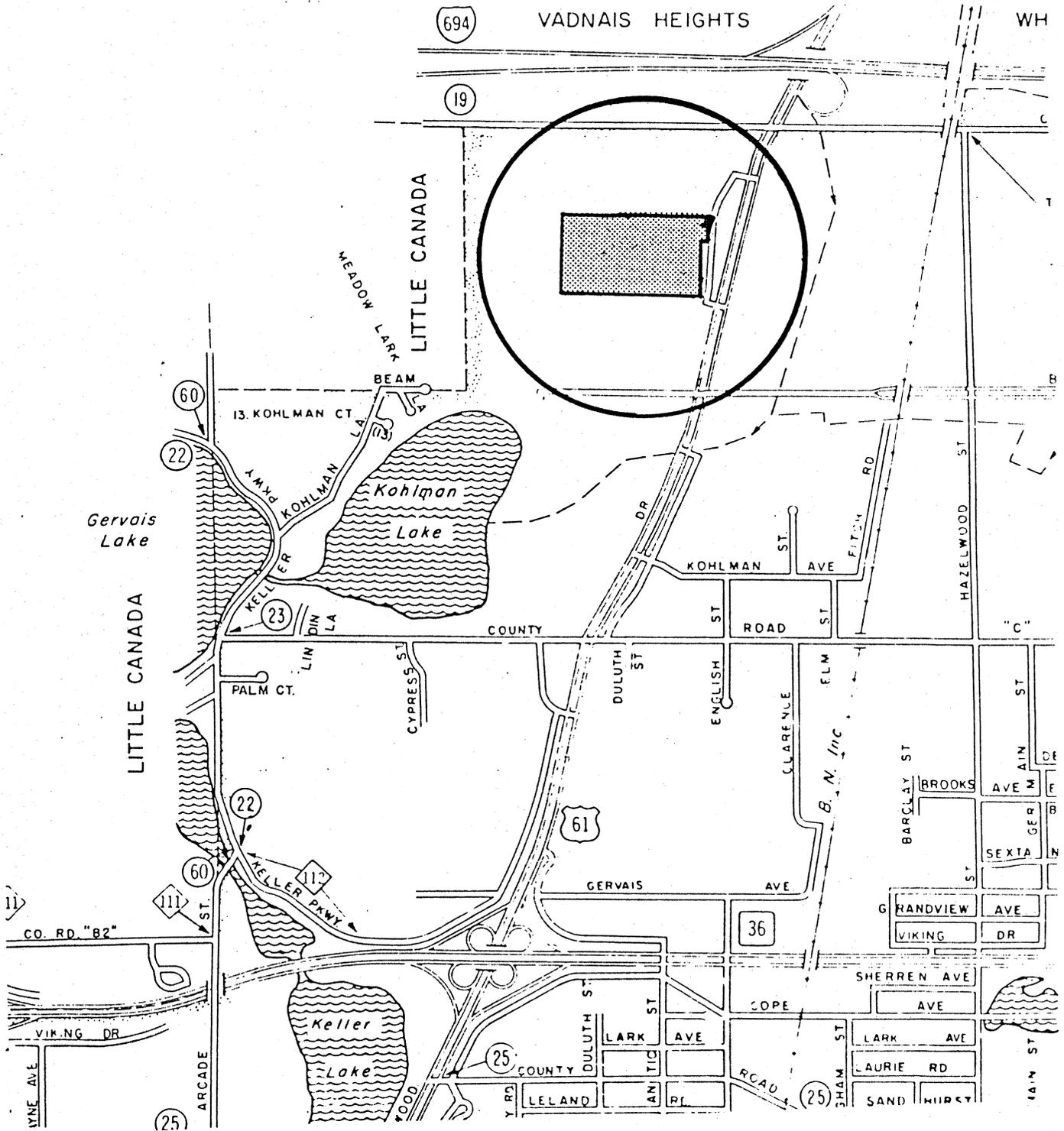
RECOMMENDATION

Renewal of the conditional use permit for mineral extraction north and northwest of Gulden's Restaurant, west of Highway 61, for one year, subject to compliance with the original conditions and obtaining an annual permit from the City Engineer.

kd

Attachments

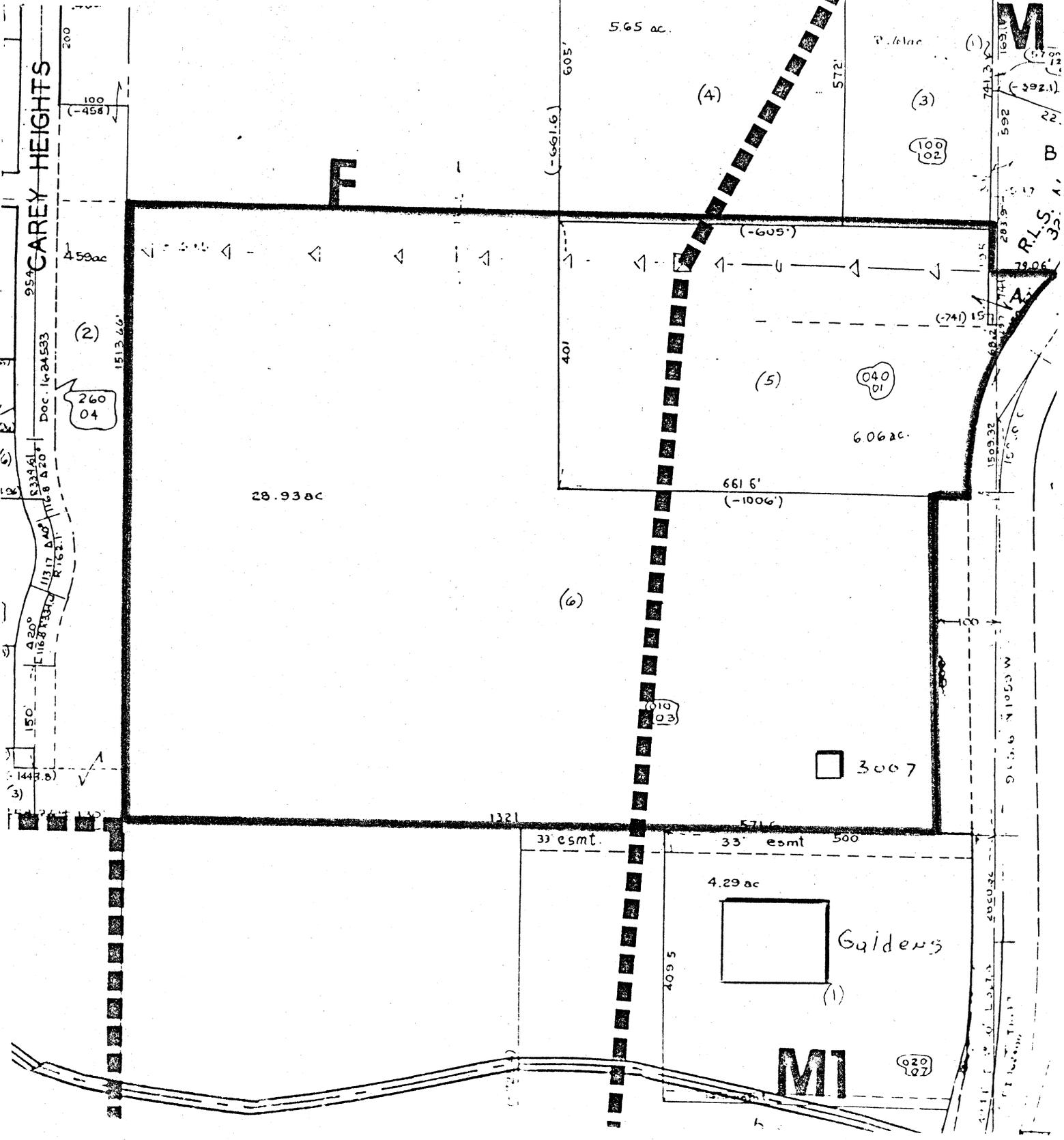
- 1. Location Map
- 2. Property Line/Zoning Map
- 3. 6-28-82 Conditions of Approval



LOCATION MAP



N



PROPERTY LINE / ZONING MAP



CUP
Conditions
for Mining
Approval.

- A. Adherence to the requirements and standards set forth in Section 917 (Mineral Extraction) of the City Code.
- B. County Road D or Highway 61 be used exclusively for access to the subject site.
- C. In accordance with Section 917.060 (4), annual mineral extraction permits must be obtained from the City Engineer. A plan for each year's operation shall be approved by the City Engineer. Annual permits shall designate the area, total acreage to be excavated, quantity of material to be removed, and specific erosion control measures.
- D. All excavation shall be in accordance with each year's approved plan. No deviations shall be allowed without prior approval from the City Engineer.
- E. There shall be no explosive detonations of any kind on the site.
- F. A suitable structure or method of operation must be employed to remove excess dirt from truck bodies and tires prior to exiting onto a public right-of-way.
- G. A variance be granted allowing operation beyond the 30-foot zone established in Section 917.070 (2 D) of City Code. If the variance is not granted, grading operations must comply with the above Code by ceasing 30 feet from property lines.
- H. The permit holder is responsible for acquiring any permits from other agencies.
- I. All grading shall be in accordance with the approved grading plan prepared by Harry S. Johnson Companies, Inc., received April 28, 1982.

II. Approval of the three variances on the basis that:

- A. The site is not adjacent to developed property with established grades.
- B. The owners intend to construct energy efficient earth-sheltered structures. The steeper slopes (2:1) are necessary for this type of development.
- C. Erosion control techniques will be required to stabilize soils during and after mining operations.

3. The following Planning Commission recommendation was given:

"Commissioner Kishel moved the Planning Commission recommend to the City Council the approval of a special use permit for mineral extraction, subject to the following conditions:

- 1. Adherence to the requirements and standards set forth in Section 917 (Mineral Extraction) of the City Code.
- 2. County Road D or Highway 61 be used exclusively for access to the subject site.
- 3. In accordance with Section 917.060 (4), annual mineral extraction permits must be obtained from the Director of Public Works. A plan for each year's

Action by Council:

MEMORANDUM

TO: City Manager
 FROM: Shawn Bernier, Planning Intern
 SUBJECT: Conditional Use Permit - Home Occupation
 LOCATION: 2683 Geranium Avenue
 APPLICANT: Ms. Lou Hechtel
 PROJECT: Ceramics Classes
 DATE: October 9, 1989

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY

INTRODUCTION

The applicant is requesting renewal of the conditional use permit to give ceramic classes in her home three or four days a week. (Refer to letter on page 7.) Classes are held Monday afternoon and evenings, Wednesday evening, and Saturday afternoon.

BACKGROUND

On January 25, 1988, the City Council approved this home occupation for one year subject to compliance with section 36-66(4) of the City Code and all fire safety requirements.

ORDINANCE PROVISIONS

Subsection 36-442 (3). All conditional use permits shall be reviewed by the Council within one year of the date of initial approval, unless such review is waived by Council decision or ordinance. At the one-year review, the Council may specify an indefinite term or specific term, not to exceed five (5) years, for subsequent reviews.

DISCUSSION

The applicant is in compliance with the conditions of approval. Staff is not aware of any problems with this home occupation.

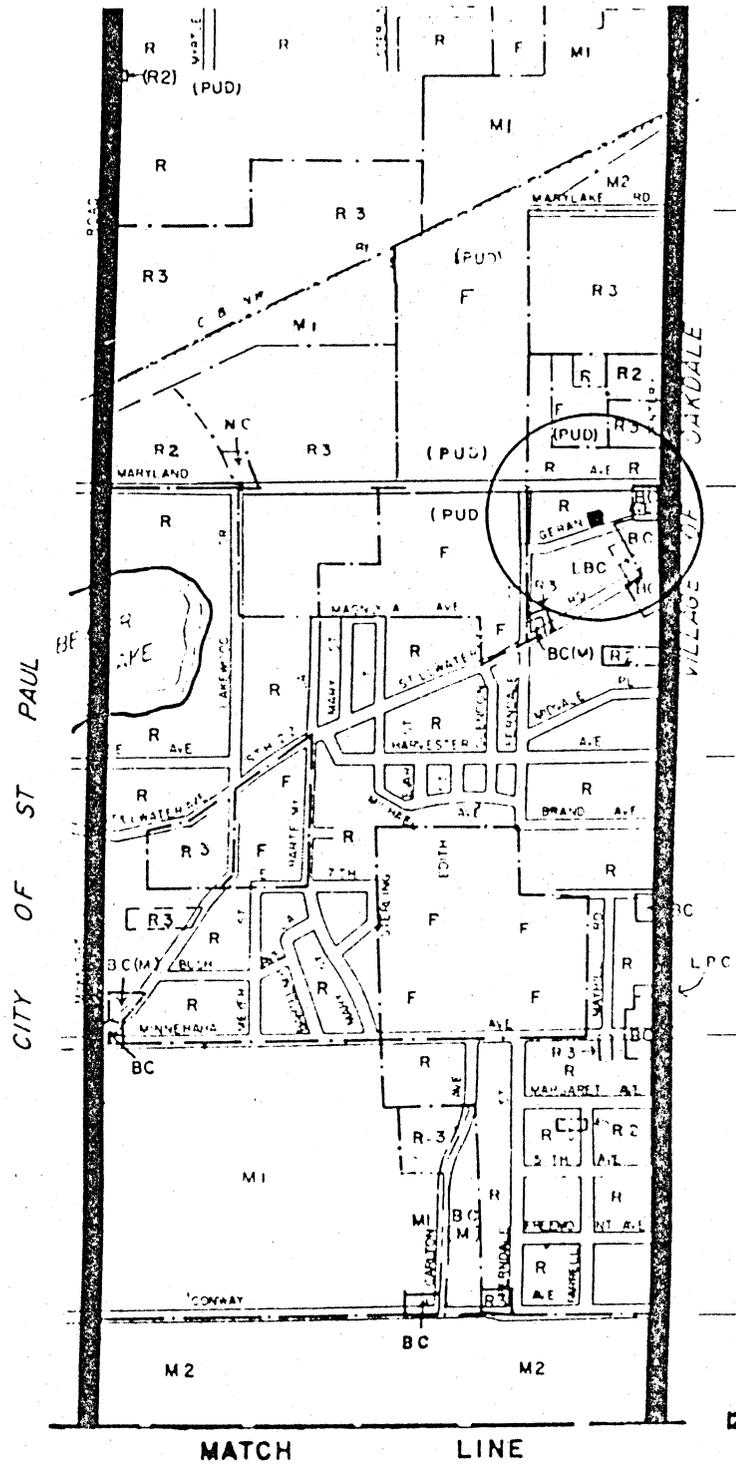
RECOMMENDATION

Renewal of the conditional use permit for the home occupation at 2683 Geranium Avenue for ceramic classes for five years subject to the original conditions of approval.

Attachments:

1. Location Map
2. Property Line/Zoning Map

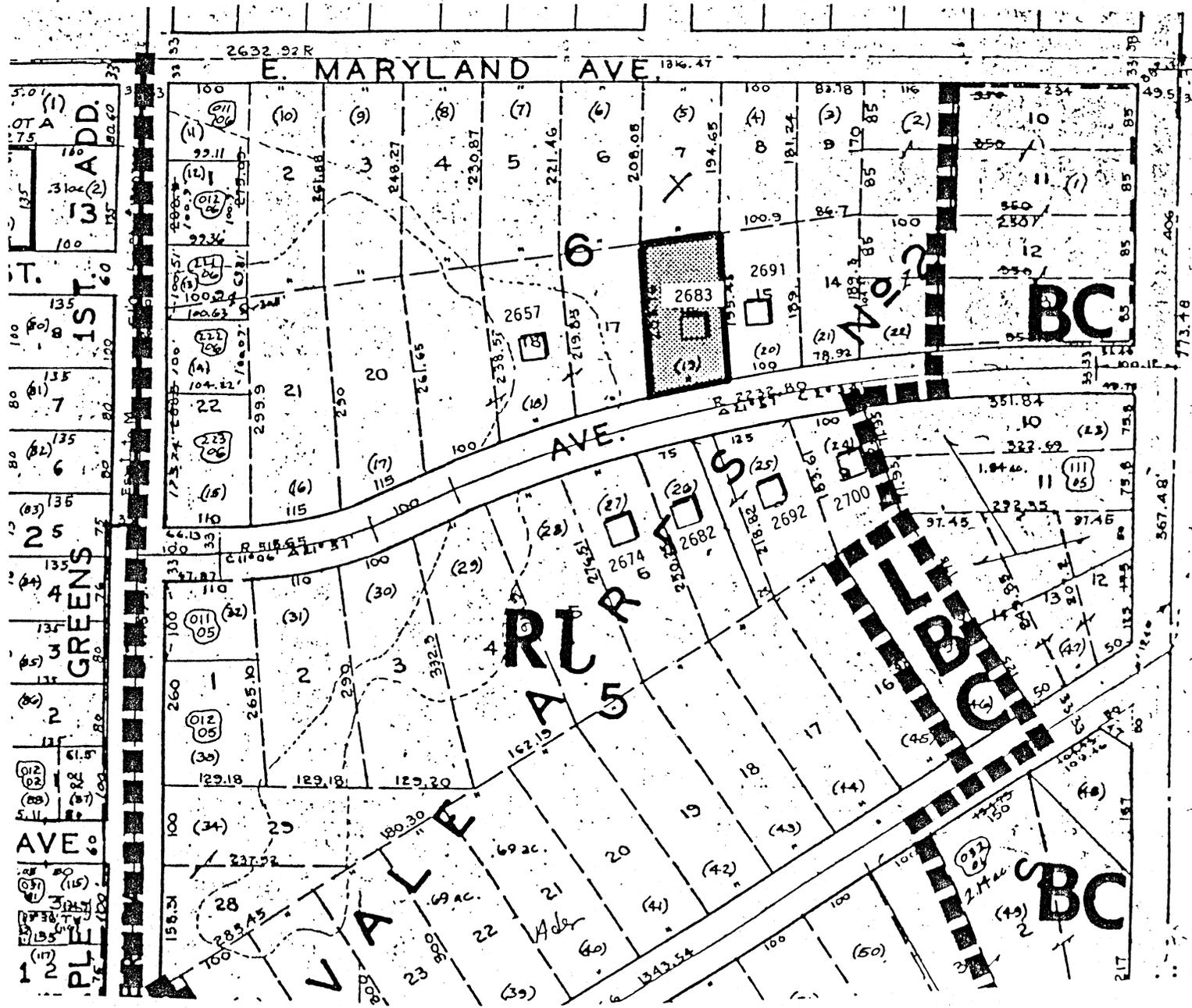
SBHOME OCC



LOCATION MAP



N



PROPERTY LINE / ZONING MAP



AGENDA REPORT

Action by Council:

TO: City Manager
FROM: Assistant City Engineer
SUBJECT: Brooks Avenue Water Main, Project 88-08
Change Order One
DATE: October 16, 1989

Endorsed _____
Modified _____
Rejected _____
Date _____

Introduction

Attached is proposed Change Order One for the subject project in the amount of \$1,175. Attached is a resolution to authorize the change order.

Background

During construction, the property owner on the north side of the street finally agreed to provide ten feet of right-of-way to make up the standard 60 foot right-of-way. There were two dead trees in this dedicated right-of-way. The property owner requested that the trees be removed as part of the project. The complete removal of these dead trees also eliminates potential city liability. The trees were removed for a total of \$500.

The remaining items were existing sanitary sewer service and manhole frame repair. They were damaged through no fault of the contractor.

Recommendation

It is recommended that the attached resolution be adopted.

BAI

jc
Attachments

RESOLUTION
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project 88-08 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 88-08, Change Order One.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order One in the amount of \$1,175.

CHANGE ORDER

DEPARTMENT OF PUBLIC WORKS
MAPLEWOOD, MINNESOTA

Project Name: Brooks Avenue Water Main Change Order No.: 1

Project No.: 88-08 Date: 10-16-89

Contractor: Meyer Contracting

The following changes shall be made in the contract documents:

<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total</u>
Tree Removal from Right-of-Way	EA.	2	\$250	\$ 500
Sanitary Sewer Service Repair	EA.	2	275	550
Adjust Sanitary Sewer Manhole	EA.	1	125	<u>125</u>
Total				\$1,175

<u>Contract Status</u>	<u>Time</u>	<u>Cost</u>
Original Contract:		\$31,996.52
Net Change of Prior Change Order No. to No. :		0.00
Change This Change Order:		1,175.00
Revised Contract:		\$33,171.52

Approved _____
Mayor

Approved Paul A. Davis _____
Engineer

Agreed to by Contractor by L. Roy L. Meyer _____

Its Vice Pres _____
Title

E-8

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____



MEMORANDUM

To: Michael A. McGuire, City Manager
From: Robert D. Odegard, Director of Parks & Recreation
Subj: Payment of Parking Area in Pleasantview Park
Date: October 9, 1989

Introduction

It is requested that the City Council approve the payment of \$3,936.62 for the city's share of the construction of a parking lot at Pleasantview Park with funds provided from the PAC Neighborhood Fund.

Background

During the discussion of the Maplewood Highlands development south of Pleasantview Park, the contractor was in need of a cul-de-sac at a street adjacent to Pleasantview Park. During the developer's agreement proceedings, we discussed the need for access to the park, and parking that could be provided by the cul-de-sac. It was agreed that we would permit a cul-de-sac partially on park property, and in exchange the developer would fill, grade, and construct eleven parking spaces for the park and extend a trail from the parking lot to the present trail in Pleasantview Park. Park funds would be used to pay for curb construction and the asphalt for the eleven parking spaces.

Recommendation

It is requested that the Maplewood City Council authorize the transfer of \$3,936.62 from the Highwood Neighborhood PAC Fund for the payment of a parking facility in Pleasantview Park.

c: Lu Aurelius

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Public Works Coordinator
 SUBJECT: Final Payment--Painting of Interior of Cope Avenue Water Tank
 DATE: October 16, 1989

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Rainbow, Inc. has successfully completed the painting of the interior of the Cope Avenue water tank in accordance with the specifications. An application for final payment, together with lien waivers, has been received.

On August 14, 1989, the council approved Change Order 1 in the amount of \$5,935. This amount should have been \$7,567 (see attached letter and change order). The difference (\$1,632) is shown on the application for final payment is shown as Change Order 2.

Original Budget Amount		\$110,000.00
Original Contract Amount		82,010.00
Change Order 1	+	5,935.00
Change Order 2	+	<u>1,532.00</u>
Final Contract Amount		\$ 89,577.00
Previous Payments	-	<u>41,475.60</u>
Final Payment Amount		\$ 48,101.40

Approval of Change Order 2 and final payment in the amount of \$48,101.40 is recommended.

WCC

jc
 Attachment

AEC - ENGINEERS & DESIGNERS

511 Eleventh Avenue South
Minneapolis, Minnesota 55415

612/332-8905

CHANGE ORDER NO. One

PROJECT: Maplewood - Cope Avenue DATE OF ISSUANCE: July 24, 1989

OWNER: City of Maplewood OWNER'S PROJECT NO. 5008-473-2 (formerly)

ADDRESS: 1902 E. County Rd. B
Maplewood, MN 55109

CONTRACTOR: Rainbow, Inc.

ADDRESS: 7324 - 36th Ave. No.
Minneapolis, MN 55427

ENGINEER: AEC Engineers & Designers
511 - 11th Avenue South
Minneapolis, MN 55415

CONTRACT FOR: Reconditioning INTERIOR OF 1.5 MMG HYDROPILLAR ENGINEER'S PROJECT NO. 5008-813

You are directed to make the following changes in the Contract Documents:

DESCRIPTION: On the interior of Dry Well Tube, sandblast to a SP-6 commercial blast and apply two (2) coats Koppers Hi-Guard Epoxy at 8.0 - 12.0 mils D.F.T.

PURPOSE OF CHANGE ORDER:
Repair and or replace coating.

ATTACHMENTS: (List documents supporting change)
Rainbow letter dated July 20, 1989. Items one & two.

CHANGE IN CONTRACT PRICE:

Original Contract Price
\$ 82,010.00

Previous Change Orders No. 0 to No. 0
\$ _____

Contract Price prior to this Change Order
\$ 0.00

Net Increase of this Change Order
\$ 5,935.00

Contract Price with all approved Change Order
\$ 87,945.00

CHANGE IN CONTRACT TIME:

Original Contract Time
45 days
days or date

Net change from previous Change Orders
0
days

Contract Time prior to this Change Order
See Contract
days or date

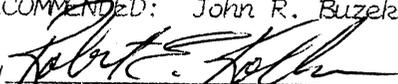
Net Increase (decrease) of this Change Order
7 days
days

Contract Time with all approved Change Order
52 days
days or date

RECOMMENDED: John R. Buzek, P.E.

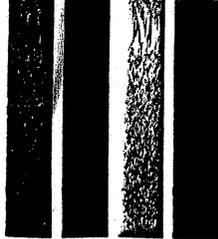
APPROVED:

APPROVED:

For by 
Engineer

by _____
Owner

by _____
Contractor



**RAINBOW
INC.**

7324 - 36th avenue north
minneapolis, minnesota
55427
(612) 535-4041

Commercial & Industrial Painting Contractors

RECEIVED

JUL 21 1989

AEC - ENG. & DES.

July 20, 1989

AEC Engineers & Designers
511 Eleventh Avenue South
Minneapolis, MN 55415

ATTENTION: Jack Kollmer

RE: Maplewood 1.5 MMG Hydropiller

Dear Jack:

Rainbow, Inc. proposes to supply all labor, material and equipment to sandblast and coat miscellaneous areas as prescribed below.

Item 1 Dry Well Tube

Sandblast SP-6 Commercial Blast
1st coat Koppers Hi gaurd at 4-6 Mils Dft
2nd coat Koppers Hi gaurd at 4-6 Mils Dft

Lump Sum: \$4,323.00

Note: Safety belt rail will be removed and re-installed so as not to damage slide.

Item 2 Grinding and Caulking of Dry Well Tube

Lump Sum: \$1,612.00

Item 3 Re-caulking of Stiffner Rings

Approximately 20 hours of time required.

Lump Sum: \$740.00

Item 4 Equipment Set-Up and Venting

Lump Sum: \$892.00

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

Sincerely,

RAINBOW, INC.

Mike DeBuhr
Project Manager

7567.00

MD/cs

AEC - ENGINEERS & DESIGNERS

511 Eleventh Avenue South
Minneapolis, Minnesota 55415

612/332-8905

REVISED APPLICATION NO. THREE (3) / FINAL PAYMENT

TO: City of Maplewood, Minnesota

Contract for: Interior Cleaning, Repairing & Painting of 1.5 MMG Elevated Water Tank
Cope Avenue Tower

OWNER'S Project No. _____ ENGINEER'S Project No. 5008-813
For Work accomplished through the date of: August 1, 1989

Item	CONTRACTOR'S Schedule of Value			Work Completed	
	Unit Price	Quantity	Amount	Quantity	Amount
1. Structural Repairs and Modifications	N/A		4,270.00	100.0%	4,270.00
2. Repair of erection scab marks & weld splatter	N/A		840.00	100.0%	840.00
3. Interior sandblast/coating	N/A		76,600.00	100.0%	76,600.00
4. Exterior sandblast/sq. ft.	N/A		300.00	100.0%	300.00
			82,010.00		82,010.00
Total Original Contract					
5. Change Order No. 1 Repair & Replace Coating	N/A		5,935.00	100.0%	5,935.00
6. Change Order No. 2 Repair Ice Damaged Epoxy caulk.	N/A		1,632.00	100.0%	1,632.00
Total Contract (including change orders)			\$89,577.00		\$89,577.00

Accompanying Documentation:
Rainbow, Inc.

Invoice No. 27115R

Invoice Dated: September 26, 1989

GROSS AMOUNT DUE	\$89,577.00
LESS PREVIOUS PAYMENTS	41,475.60
AMOUNT DUE THIS APPLICATION	48,101.40

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

AGENDA REPORT

TO: City Manager

FROM: Staff Services Coordinator *Gail Blackstone*

RE: BUDGET TRANSFER - LEGAL

DATE: October 16, 1989

INTRODUCTION

A budget transfer of \$26,480 is requested for legal expenditures.

BACKGROUND

The latest estimate of 1989 legal expenditures of \$125,850 as outlined in the 1990 proposed budget exceeds the initial 1989 budgeted amount of \$99,370. The requested budget transfer will bring the 1989 budget in line with the projected reestimate.

RECOMMENDATION

Approval of a budget transfer of \$26,480 from the Contingency Account to Account 101-103-4480.

GJB:kaz

AGENDA ITEM F-1
Action by Council:

AGENDA REPORT

TO: City Manager
FROM: Assistant City Engineer
SUBJECT: Roselawn Avenue, T.H. 49 to Jackson Street, Project 87-01--Public Hearing/Approve Plans
DATE: October 12, 1989

Endorsed _____
Modified _____
Rejected _____
Date _____

Introduction

The public hearing mailing list for the subject project is herewith transmitted. Attached is a resolution to order the project by execution of a cooperative agreement with Ramsey County. Resolutions approving the street and bridge construction plans, which are presented for review and approval, are also attached.

Background

A copy of the September 19, 1989 agenda report is attached for reference.

Recommendation

It is recommended that the proposed improvements be approved by adopting the attached resolutions.

BAI

jw
Attachments

AGENDA REPORT

Action by Council:

TO: City Manager

FROM: Assistant City Engineer

SUBJECT: Roselawn Avenue, T.H. 49 to Jackson Street
Project 87-01, Schedule Public Hearing

DATE: September 19, 1989

Endorsed _____

Modified _____

Rejected _____

Date _____

Introduction

A copy of the feasibility report (design memorandum) prepared by the consultant engineer retained by Ramsey County for this project is attached. This agenda report represents proposed financing of the city's share of the estimated project costs. A resolution to schedule a public hearing is attached.

Background

The consultant engineer was given authorization by Ramsey County to prepare a quite detailed set of preliminary plans, which are currently available for review. By the proposed date of the public hearing, a final set of plans should be available for approval.

The proposed improvements include a 40-foot wide bituminous roadway with concrete curb and gutter and bridge replacement. No sidewalk is proposed at this time. However, the proposed bridge would be built to accommodate a 44-foot wide street, plus a sidewalk on the north side. The boulevard would be graded to accommodate a future five-foot wide concrete sidewalk. It is proposed to sign and stripe the roadway as no parking on either side with a 12 foot lane in each direction and an eight-foot wide shoulder on each side. The provision of a striped no parking shoulder will allow for reasonable bicycle and pedestrian use of the roadway at this time.

It is proposed to extend a 12 inch water line from the Little Canada feeder main just east of the Soo Line tracks to Rice Street. Services would be provided as requested, or as apparently needed for future development.

At this time, the issues that are not satisfactorily resolved involve the slope easement on the water utility property necessary to widen the road and raise the grade on the road (for clearance over the Soo Line tracks). A section of modular precast concrete block retaining wall is proposed to maintain the spent lime sludge lagoon entrance drive and allow a screening tree planting area. An agreement with the water utility has not

been reached concerning acquisition of right-of-way and/or slope easements and replacement of trees that must be removed for the slope easement and retaining wall. The cost estimates do not include costs for tree planting or a significant amount for right-of-way acquisition. If the water utility refuses to provide trees in the planting area on top of the proposed retaining wall or replacement trees in the slope fill areas, then a significant addition in project costs would be necessary. Staff members of the water utility have indicated that they perceive the existing trees on Roselawn as an adequate screen for the spent lime sludge lagoons.

In the event that tree planting costs are added to the project, Maplewood would pay 75 percent of these costs according to Ramsey County cost participation policy. If it is necessary to purchase or condemn right-of-way then Maplewood incurs all costs according to Ramsey County cost participation policy. If the issue is circumvented by the construction of additional retaining wall with vehicle and pedestrian barriers, then Maplewood would also pay 75 percent of the additional costs.

The potential for increasing the project cost due to these issues does not affect proposed assessments. A summary of proposed assessments is attached. Proposed assessments are based on standard policy. Residential properties would be assessed \$1125 and \$500 each lot for street and storm sewer, respectively. Commercial and other non-RL or RM properties would be assessed at \$15/front foot and \$0.10/square foot for street and storm sewer, respectively. Water main assessment is proposed at \$30 per front foot. The proposed water main assessment would recover the projected costs of extension of trunk water main to Rice Street. The costs of water and sewer service stubs would be fully recovered through assessments to the benefited property.

A summary of current estimated costs and local share financing is given in the following table:

ESTIMATED CITY COSTS AND PROPOSED FINANCING

	<u>Project Cost*</u>	<u>Assessment Recovery</u>	<u>MSA Off System Financing</u>	<u>Gen.Oblig. Financing</u>
Street	\$300,700	\$ 65,000	\$235,700	-
Storm Sewer	15,000	5,000	-	\$10,000
Water Main	49,000	49,000	-	-
Service Stubs	<u>22,000</u>	<u>22,000</u>	<u>-</u>	<u>-</u>
Total	\$386,700	\$141,000	\$235,700	\$10,000

*Project cost is estimated construction cost with 25 percent for engineering and administration (18 percent Ramsey County and seven percent Maplewood).

Project B7-01

3

September 19, 1989

Recommendation

It is recommended that the council adopt the attached resolution that sets a public hearing for this project.

BAI

JC
Attachments

RESOLUTION

ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the city engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Roselawn Avenue from Rice Street (T.H. 49) to Jackson Street, City Project 87-01, by construction of roadway with concrete curb and gutter, bridge, storm sewer, water main, and appurtenances, and

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

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

1. The report of the city engineer advising this council that the proposed improvement on Roselawn Avenue from Rice Street (T.H. 49) to Jackson Street, City Project 87-01, by construction of roadway with concrete curb and gutter, bridge, storm sewer, water main, and appurtenances, is feasible and should best be made as proposed, is hereby received.

2. The council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$970,000.

3. A public hearing will be held in the council chambers of the city hall at 1830 East County Road B on Monday, the 23rd day of October, 1989, at 7 p.m. to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
AND COUNTY OF RAMSEY
DEPARTMENT OF PUBLIC WORKS

DESIGN MEMORANDUM

for

Roselawn Avenue (CSAH 26)
from Rice Street to .45 mile east of Rice Street
in Maplewood

Proposed Improvement - Replace Bridge 6629 over
Soo Line Railroad Track;
reconstruct Roselawn Avenue between
Rice Street and .45 mile east of Rice Street

State Project: S.P. 62-626-03, M.S.A.P. 138-020-06
Minnesota Project: BROS 9062 ()

I hereby certify that this Report was prepared by me
or under my direct supervision and that I am a duly
Registered Professional Engineer under the laws of the
State of Minnesota.

Marvin L. Sorvala

Marvin L. Sorvala

Date: 2-24-89

Reg. No. 13380

DESIGN MEMORANDUM
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DESIGN MEMORANDUM
ROSELAWN AVENUE FROM RICE STREET TO .45 MILE EAST OF RICE STREET
COUNTY OF RAMSEY

INTRODUCTION

This Design Memorandum for Roselawn Avenue from Rice Street (T.H. 49) to .45 mile east of Rice Street has been prepared and submitted in accordance with the approved Highway Project Development Process by Ramsey County Public Works Department.

PROJECT LOCATION AND DESCRIPTION

The proposed project is Roselawn Avenue (CSAH 26) from Rice Street (T.H. 49) to .45 mile east of Rice Street. The project is located in the City of Maplewood and is .45 mile in length. The location is illustrated in Figure 1, Project Plan & Profile Map.

DESCRIPTION OF EXISTING FACILITY

Roselawn Avenue is currently a two lane, 30 foot wide, undivided road. Parking is not prohibited on the road, although the width does not provide sufficient space for parking on the paved surface. The surface of the road is bituminous. There are no pedestrian or bicycle facilities along the road.

Right-of-way width varies from 63 to 120 feet. The 1987 average daily traffic (ADT) count on Roselawn Avenue from Rice Street to Jackson Street was 3300. The projected ADT for 2007 is 5300. Heavy commercial vehicles are

seven percent of the current ADT. Traffic counts were conducted by Ramsey County Public Works Department.

Bridge No. 6629, located 0.2 mile east of Rice Street, was reconstructed in 1960 and carries traffic on Roselawn Avenue over a Soo Line Railroad Company track. It consists of seven steel beam spans supported on a timber structure on a 20 degree skew. Deck width (out to out) is 31.2 feet and length is 123.5 feet. There are no sidewalk provisions on the bridge. The vertical clearance between the track and the underside of the bridge is 23 feet. Soo Line officials have indicated this track will continue to be used.

Due to the poor condition of the steel beams of the bridge, a maximum five ton gross load restriction is currently in effect. Truck and bus traffic must use alternate routes between Rice Street and I-35E.

The posted speed limit on Roselawn Avenue is 30 miles per hour. The terrain is rolling. Land use adjacent to Roselawn Avenue is St. Paul Water Utility, Soo Line Railroad Company, commercial areas at the intersection of Roselawn Avenue at Rice Street and single family residences east of the bridge.

The principal land owner along the segment, St. Paul Water Utility, has a treatment plant on the south side of Roselawn Avenue. Lime sludge from the water treatment operation is pumped to an area north of Roselawn Avenue to stilling basins. A service road used by trucks and equipment extracting lime from the stilling basins is adjacent to and parallel with Roselawn Avenue. (Figure 1).

On the south side of Roselawn Avenue, a massive earth reinforced concrete water reservoir is located adjacent to Roselawn Avenue. Two major water supply lines (90 inch conduits) pass beneath Roselawn Avenue at approximate right angles just east of the existing bridge.

DESCRIPTION OF PROPOSED IMPROVEMENT

The existing bridge (No. 6629) on Roselawn Avenue east of Rice Street will be replaced with a new, three span structure (No. 62559) to continue the grade separation between the railroad track and Roselawn Avenue. The length of the bridge is approximately 160 feet and the roadway width is 44 feet. A 6 foot wide sidewalk will be constructed on the north side. A type J concrete railing and a two rail pipe railing will be constructed on the south side. A concrete parapet and pipe railing will be constructed on the north side of the bridge. (Figure 3)

The superstructure of the bridge will consist of 36 inch prestressed concrete beams and a 9 inch thick reinforced concrete deck. The structural capacity will be HS25. Vertical clearance under the bridge will be 23 feet minimum and horizontal clearance from the centerline of track will be 25 feet to eliminate the need for crash walls on the piers.

Due to the close proximity of the two 90 inch St. Paul water conduits, augered piles will be used to minimize disturbance to these conduits. The piles will be 14 inch diameter, concrete filled piles approximately 60 feet deep designed for 60 ton capacity.

The road east and west of the bridge will be 40 feet wide, with a 12 foot wide travel lane, a six foot wide reaction lane and B624 concrete curb and gutter. The boulevard on the north side will be 13 feet wide. This provides for a 6.5 foot grassy area behind the curb, a future 5 foot concrete sidewalk and 1.5 feet at the top for rounding. The south boulevard will be grass and 6.5 feet wide. (Figure 2).

Side slopes vary from 3 horizontal to 1 vertical in most areas, to 2.5 horizontal to 1 vertical in areas of large fills. Boulevard slopes are at 2

percent towards the new curb and gutter. The pavement section will be parabolic in shape with the centerline elevation being 0.48 feet higher than the gutter elevation on each side. A minimum of two feet will be provided between the face of curb and fixed obstructions such as utility poles, road signs, or fire hydrants.

As Roselawn Avenue approaches Rice Street, it will be widened to accommodate vehicles turning right. At the Rice Street intersection, Roselawn Avenue will be 46 feet wide, consisting of two 12 foot wide travel lanes, one 12 foot wide right turn lane on the north side of Roselawn Avenue, a six foot wide reaction space on the south side of Roselawn Avenue and two foot wide gutters on each side of the road. The taper will be at 15 to 1 and run from station 2+10 to 3+00. Thirty-five foot radii will tie into existing curb on the east side of Rice Street. An existing chain link fence, located on the south side of Roselawn at Rice Street, will be removed from the public right-of-way and placed on private property.

The eastern terminus of the project is Jackson Street. Permanent construction will occur between Rice Street and 300 feet east of Beaumont Street. From this point, Roselawn will taper from 40 feet wide to the existing 34 foot width at the west side of Jackson Street. Bituminous curb will be utilized in this temporary section to better convey surface runoff.

The design grade for Roselawn Avenue is an average of 2 feet higher than existing and 3.5 feet higher at the bridge. This raise will help flatten out driveway grades at the east end of the project and is necessary at the bridge over the railroad to insure proper clearance. Grades match existing pavements at both Rice Street and Jackson Street.

Parking will be prohibited on the south side of Roselawn Avenue between Rice Street and Beaumont Street. On the north side of Roselawn Avenue parking will be prohibited from Rice Street to approximately 300 feet east of Beaumont Street, the eastern terminus of the project.

To avoid costly mitigation of damages, assure the structural integrity of the earth reinforced concrete water reservoir, and provide adequate boulevard widths, the road centerline will be shifted six feet to the north between stations 7+00 to 11+00 and 16+00 to 20+00. This will result in the need to construct a keystone type retaining wall along the south side of the sludge basin service road. The wall will be approximately 270 feet long and average 10 feet in height. Placement will be at 45 feet north of the street centerline, or 6 feet south of the service road. This will result in a 12 foot wide flat area north of the property line where trees are proposed to be planted. The new tree line will replace the trees lost due to construction and act as a screen for the line sludge basins. Discussions with St. Paul Water Utility are necessary to work out funding of these improvements. The proposed centerline of construction will match the existing centerline at the Rice Street intersection and in the temporary construction portion at the project's easterly terminus.

Because of the road shift at the middle of the project, six feet of additional right-of-way will need to be acquired along the north side of Roselawn Avenue. The property, located between Soo Line Railroad and Beaumont Street, is owned by St. Paul Water Utility.

The design section for Roselawn Avenue will consist of 1.5 inches of 2341 modified bituminous wearing course, 2 inches of 2331 bituminous binder course, 3.5 inches of 2331 bituminous base course, 7 inches of Class 5 aggregate base, and a variable depth of select granular borrow. Granular borrow varies from 6 inches at Rice Street to 4.5 feet at the Soo Line bridge.

Design speed will be 40 miles per hour based on stopping sight distance for 3.5 feet height of eye and 0.5 feet height of object. The subgrade R-value was determined to be 17 and the ten ton design sigma N20 is 346,000. Based on these numbers, the required granular equivalent is 21 inches for Roselawn Avenue. The design section detailed in the previous paragraph has a granular equivalent equal to 21.375 inches which exceeds the required.

No new lighting is proposed on Roselawn Avenue. Existing lighting located on wooden poles will be retained. Some poles will require relocation due to widening of the street.

Improvement to Rice Street is proposed by Mn/DOT in 1990, the same time Roselawn Avenue is scheduled. Mn/DOT plans to construct new concrete curb and gutter with 35 foot radii at Roselawn and then overlay the entire roadway. Storm sewer will be constructed on the west side of Rice Street with new catch basins built and a pipe stubbed to the east to pick up Roselawn storm drainage. The existing 15 inch culvert under Roselawn at Rice Street will be removed by Mn/DOT and ditches filled along the east side. A traffic signal will also be installed at the intersection.

PROPOSED UTILITY IMPROVEMENTS

Storm sewer is proposed as part of the Roselawn Avenue Improvements. Storm water flows east and west of the high point at Beaumont Street. Catch basins and piping are therefore necessary at Jackson Street, on the east side of the Soo Line Railroad and at Rice Street. Pipe sizes vary from 15 inch diameter for catch basin leads to 18 inch for the outlet on the east side of the tracks. Also, a 24 inch and 36 inch culvert under Roselawn will need to be extended due to widening of the road.

Existing water main in Roselawn Avenue consists of 12 inch pipe from east of the Soo Line Railroad to Jackson Street. To facilitate future development west of the tracks, the City of Maplewood proposes to extend 12 inch water main along the north side of Roselawn to Rice Street. The pipe will be stubbed north and south at Rice to allow future connection without disruption to Roselawn Avenue. Water services will be provided to businesses.

PROJECT STAGING

The upgrading of Roselawn Avenue will involve several stages of construction. Since the street will receive new water main, storm sewer, pavement, and a bridge at the Soo Line Railroad, complete closure of the street to thru traffic will be necessary.

The first step will be to remove the existing bituminous pavement from the roadway. Water main and storm sewer construction can then begin on either end of the project, depending on depths. Some filling may be necessary to construct storm sewer near the bridge since design grades are as much as 3.5 feet higher than existing.

Access must be maintained at all times to individuals living at the east end of the project and to the Water Utility Purification Plant located just east of the bridge. Trucks extracting lime from the sludge basins must be allowed access at all times.

Once all utilities have been installed, including necessary gas, telephone, and cable TV replacement, final street grading can take place. Striping and stockpiling of existing topsoil from the boulevards is required. Clearing and grubbing of trees and brush within the slope limits can be accomplished at the same time.

Because the street is being widened and raised, substantial quantities of fill will be necessary. Select granular borrow material will be utilized in the areas directly beneath the driven roadway. In the boulevards and side slopes, common borrow material (i.e., silty sands, clayey sands) will be used.

After proper and complete compacting of the subgrade, aggregate base material can be placed. This would be followed by concrete curb and gutter, final grading of the aggregate base, and placement of the three bituminous layers.

Sodding of disturbed residential boulevards and seeding all other areas would take place. Repairing driveways and stripping the new roadway pavement would be necessary along with placement of signs along the route. Existing chain link fencing and vehicular gates would be replaced in their original locations.

ESTIMATED COSTS AND FUNDING SOURCES

The work proposed is estimated to cost \$970,000. The costs are divided as follows:

	<u>Total</u>	<u>Federal Bridge Replace- ment</u>	<u>State Transpor- tation Bridge Bonding</u>	<u>County State Aid Highway</u>	<u>Maplewood</u>
Bridge removal	\$ 20,000			\$ 20,000	
Construct Bridge with Sidewalk on one side	380,000	\$304,000	\$76,000		
Construct Roadway	498,000			214,100	\$283,900
Storm Sewer	<u>72,000</u>	_____	_____	<u>58,000</u>	<u>14,000</u>
TOTAL	\$970,000	\$304,000	\$76,000	\$292,100	\$297,900

This estimate is based on federal bridge replacement funds, county state aid highway funds, state transportation funds and Ramsey County's policy for cost participation.

Estimated year of construction is 1990.

ALTERNATE CONSTRUCTION OPTIONS - ROAD

An alternate construction option for the road is its repair. The subgrade of the road is not adequate, there are drainage problems and the width of the road would be narrower than county state aid standards specify. Repair of the road with an overlay would be only a short-term measure to improve the pavement surface. The overlay would not correct drainage or width deficiencies on this section of Roselawn Avenue. For these reasons, repair of the road has been rejected from further consideration.

It would be possible to reconstruct Roselawn Avenue to a width other than 40 feet. A wider road, of four travel lanes, is not required to accommodate the anticipated volume of traffic on Roselawn Avenue. A wider road to accommodate parking on both sides was considered unnecessary. A road 36 feet wide with two 12 foot wide travel lanes, an eight foot wide parking lane on one side and two foot wide gutters on each side could be constructed. This option would not, however, accommodate two directional bicycle travel as would the 40 foot alternative. Construction of a detached bicycle path would require right-of-way in addition to that proposed.

ALTERNATE CONSTRUCTION OPTIONS - BRIDGE

The grade separation of vehicle users and trains is desirable to be maintained at this location. The option of rehabilitating the existing bridge is not practical. Therefore, replacing it is the best alternative.

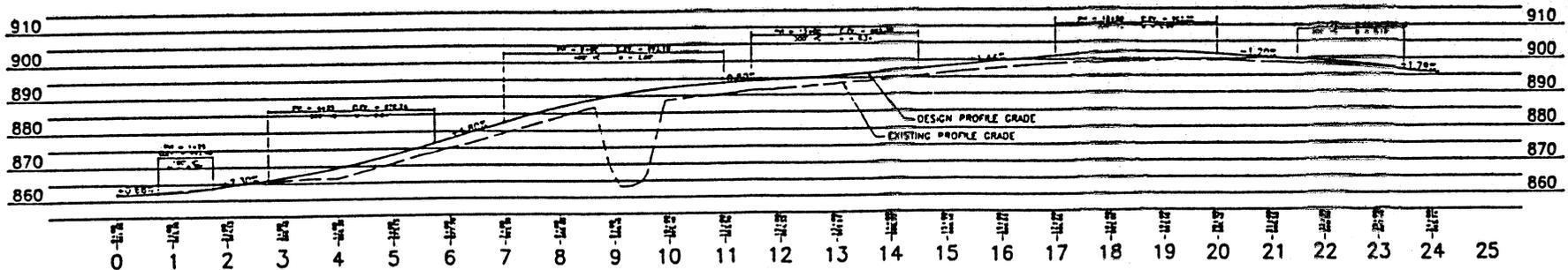
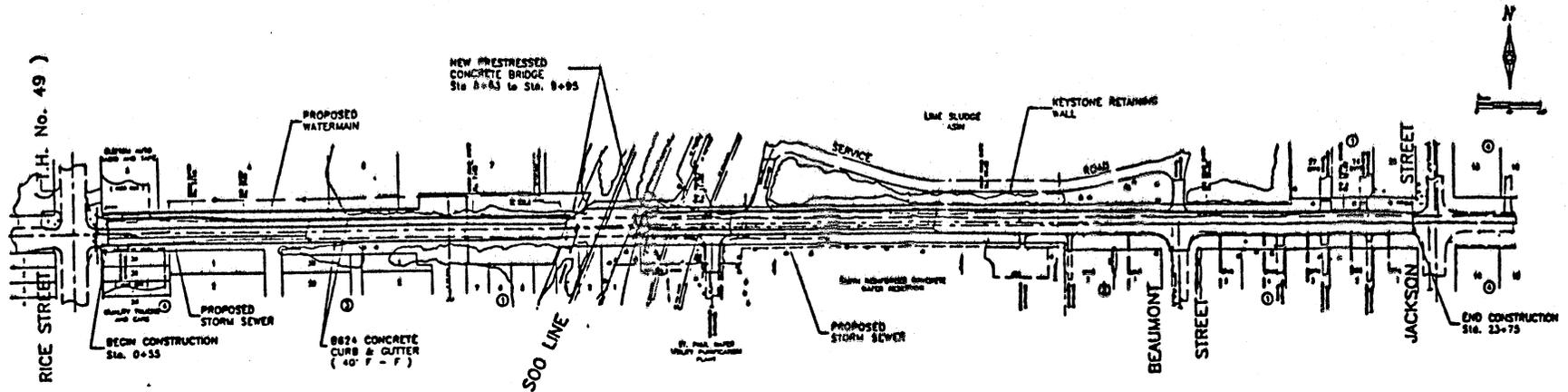
ADVANTAGES, DISADVANTAGES AND RECOMMENDATIONS

Advantages of this improvement project are many. The most important will be a wider, safer roadway for the traveling public. The 6 foot reaction lane on either side will act as bike paths and allow cars to pull over in an emergency situation. The added boulevard width on the north will accommodate a future concrete sidewalk for pedestrian traffic. The grade raise will flatten out steep driveway slopes at the east end of the project. At Rice Street, the new curb, pavement, and right turn lane will match the improvements proposed by Mn/DOT. The new bridge over the Soo Line Railroad will be wider and cap-

able of supporting truck and bus traffic. New concrete curb and gutter and storm sewer will handle storm water runoff more efficiently, thereby eliminating ditches and swales. The extension of water main to Rice Street will provide for future needs as development in the area increases.

Disadvantages of the proposed project are the costs of all the improvements. Estimated costs are included in this report. Also, a substantial number of trees will be cleared due to raising and widening the road. The two driveway entrances to the lime sludge basins will become steeper due to the improvement. Some routine maintenance of the proposed keystone retaining wall along the sludge basin service road will be necessary.

Because the advantages of the project far outweigh the disadvantages, it is recommended the improvements be done as detailed in this report. The main reason being replacement of the deficient bridge with a structurally sound bridge capable of carrying truck, bus, and firefighting vehicles. Also, the pavement of Roselawn is in poor condition and in need of adequate drainage provisions.

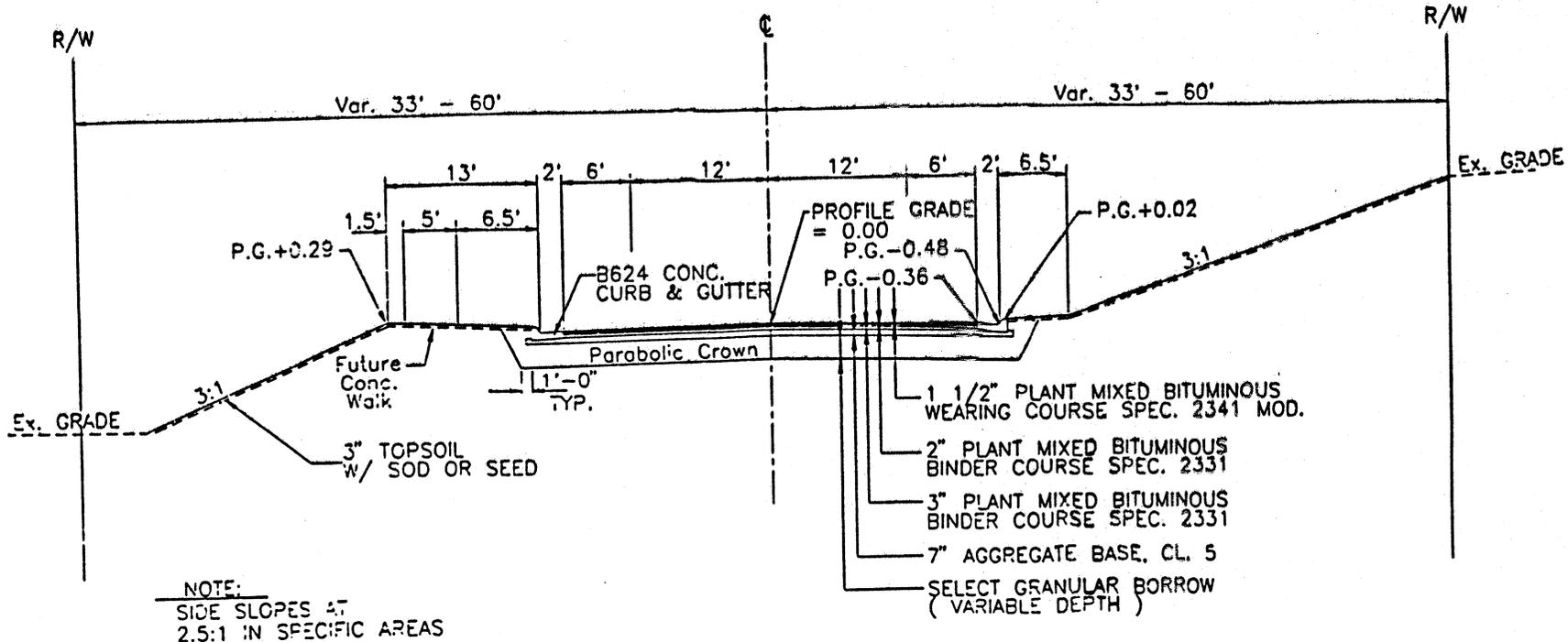


ROSELAWN AVENUE (CSAH No. 26)
 Rice St. to Jackson St.
 PLAN and PROFILE

Bonestroo
Rosene
Anderlik &
Associates
 Engineers & Architects
 St. Paul, Minnesota

Date: Jan. 1989
 Comm. 21802

Fig. No. 1



TYPICAL SECTION

SCALE: 1"=10'

ROSELAWN AVENUE
Rice St. to Jackson St.
Street Improvements

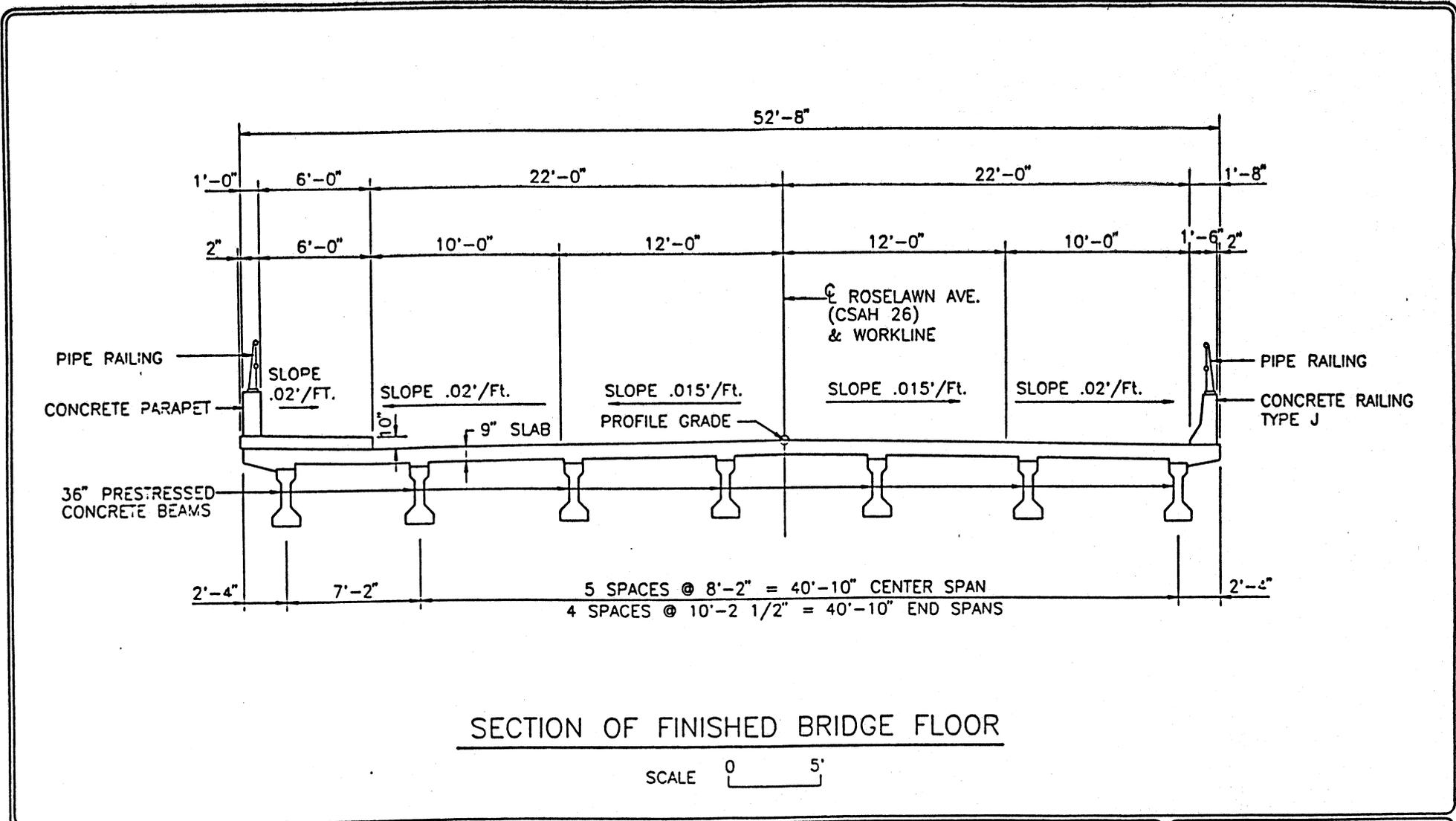


Engineers & Architects

St. Paul, Minnesota

Date: Jan. 1989
Comm. 21802

Fig. No. 2

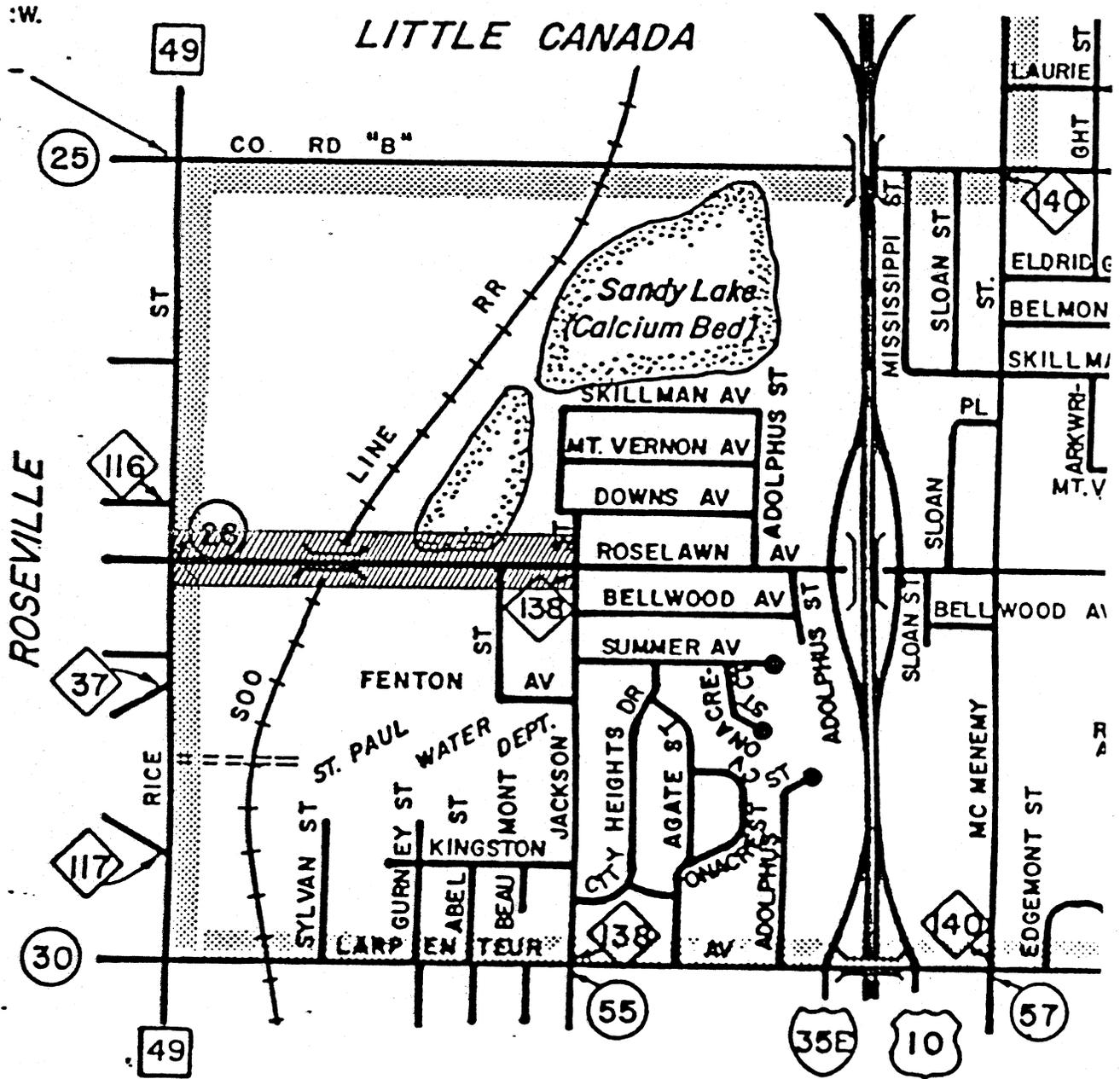


ROSELAWN AVENUE
 Rice St. to Jackson St.
 Street Improvements

Bonestroo
Rosene
Anderlik &
Associates
 Engineers & Architects
 St. Paul, Minnesota

Date: JAN. 1989
 Comm. 2'302

Fig. No. 3

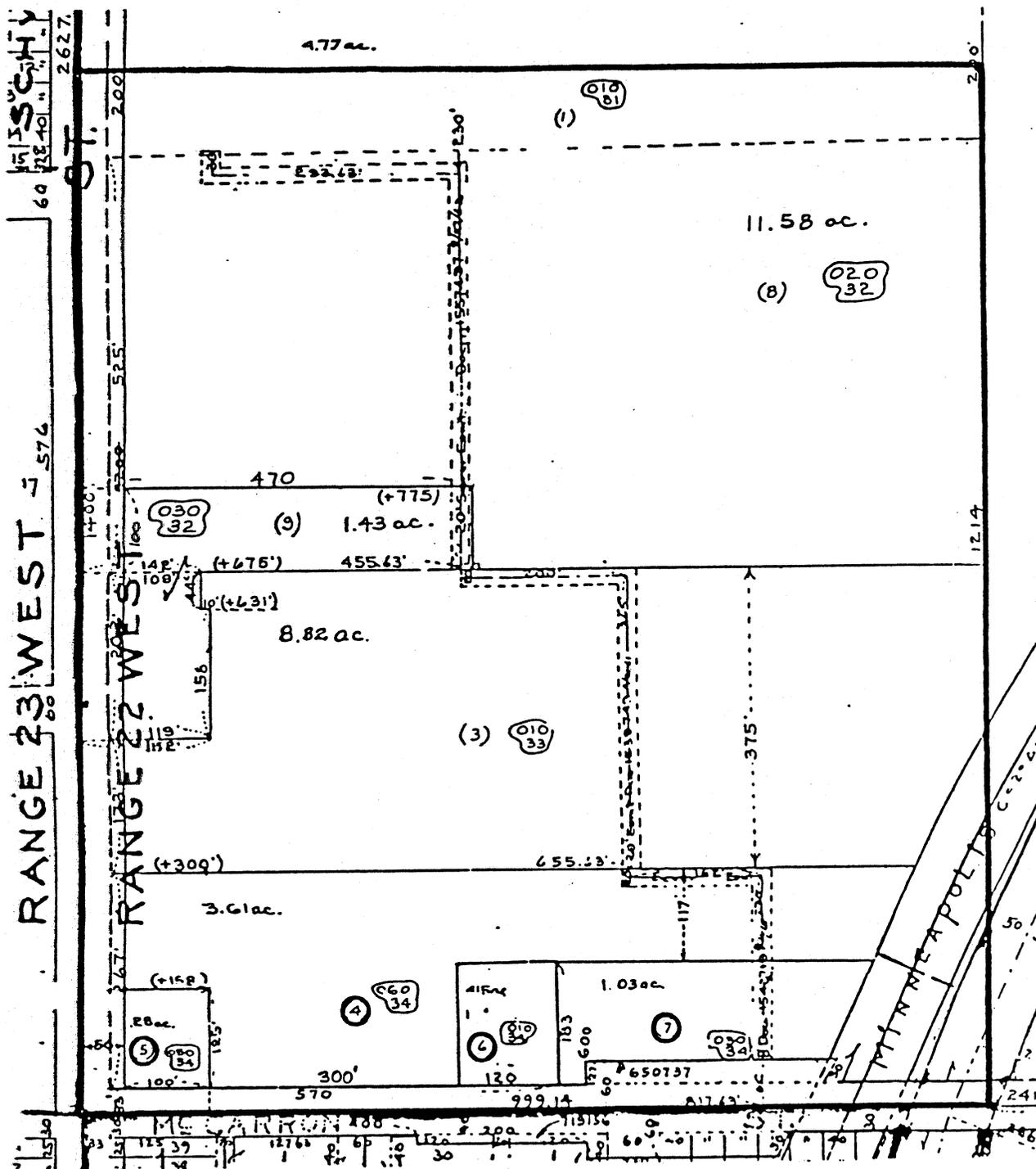


GENERAL ASSESSMENT AREA

ASSESSMENT AREA
 ROSELAWN AVENUE PROJ. 87-01
 RICE ST. (TH 49) TO JACKSON ST.

SCALE
 N/A

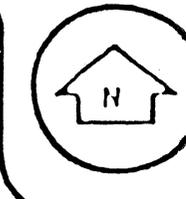


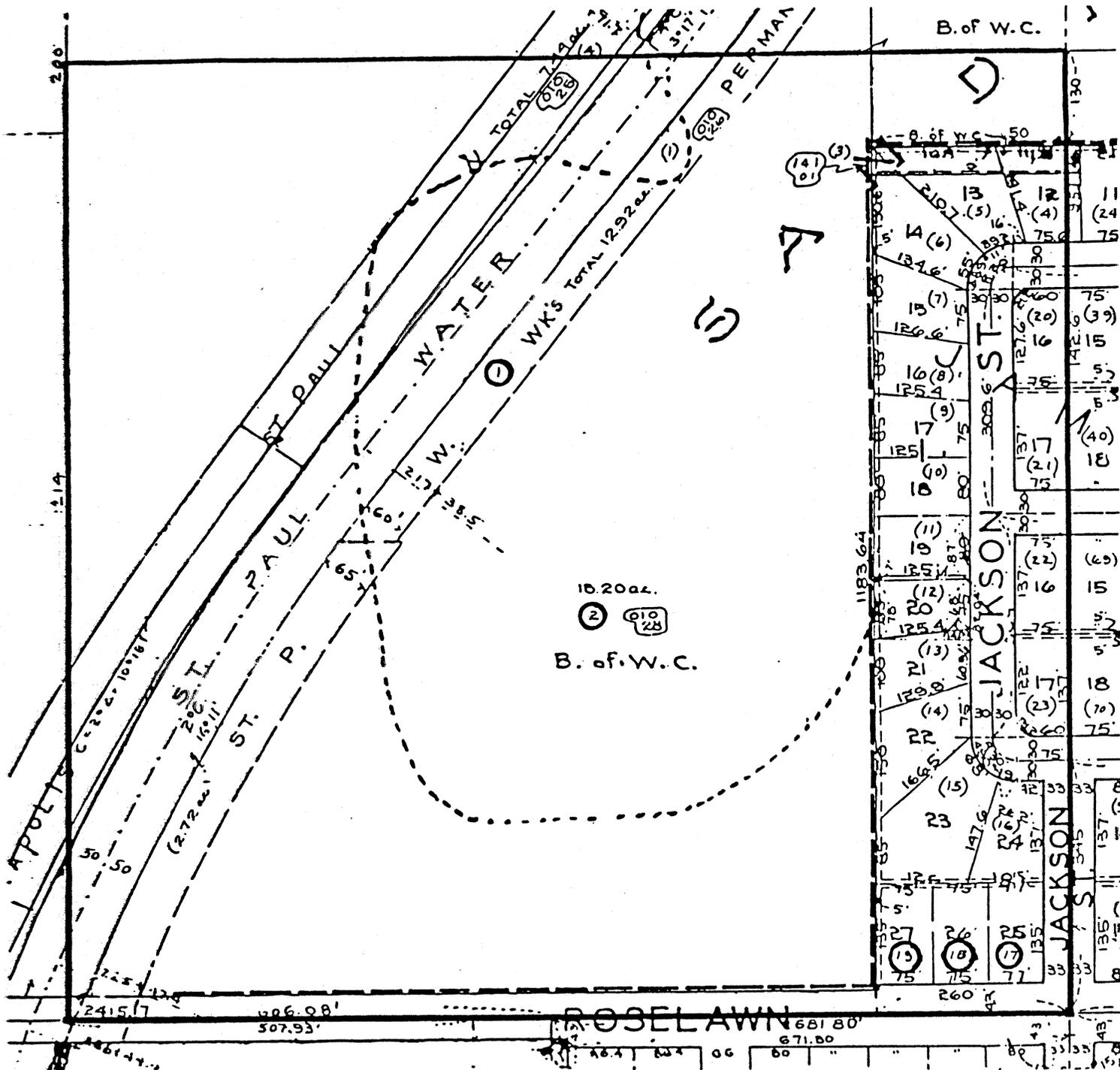


Q-Q 18-29-22-23

ASSESSMENT AREA
 ROSELAWN AVENUE PROJ. 87-01
 RICE ST. (TH 49) TO JACKSON ST.

SCALE
 1" = 400'



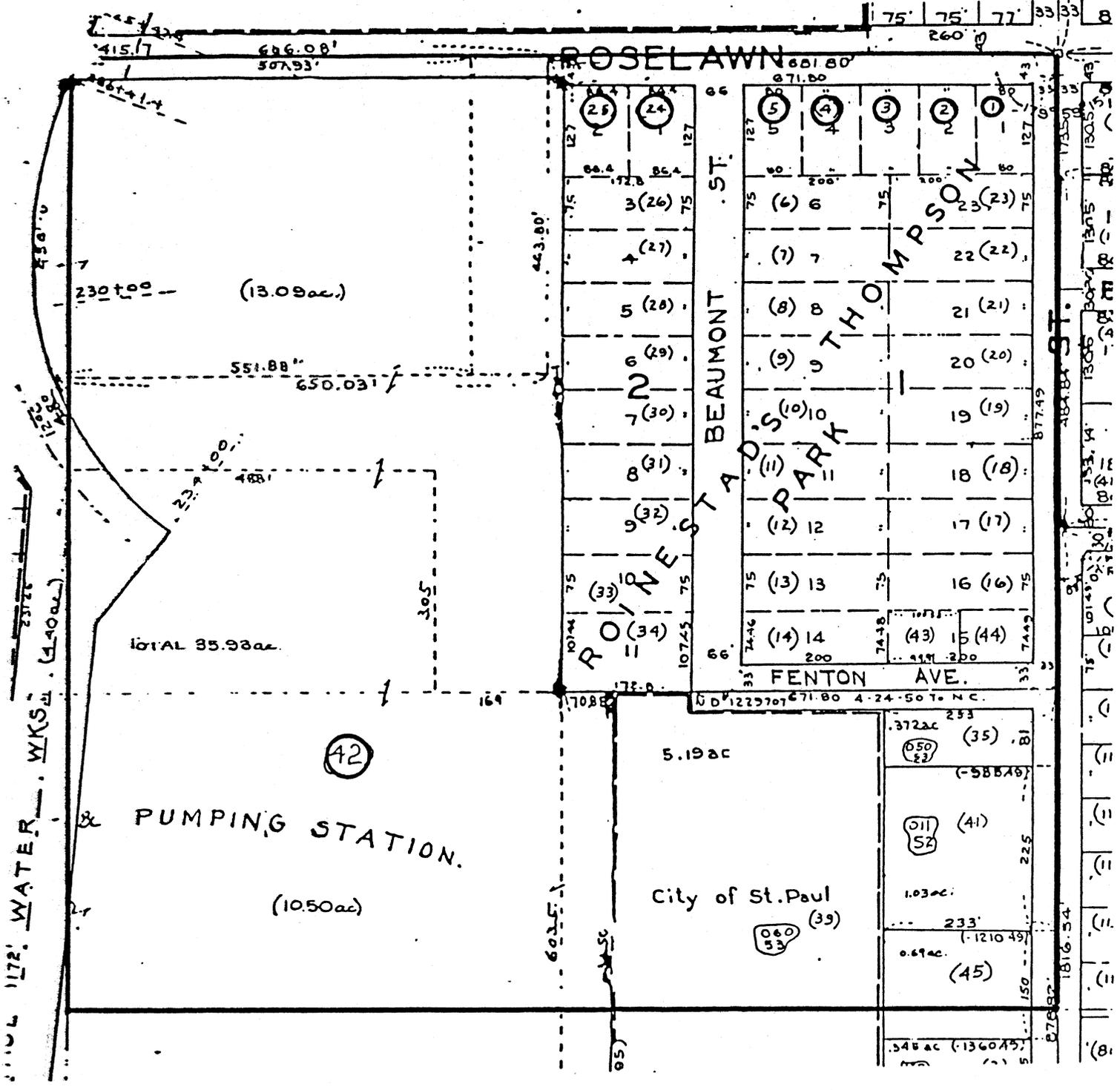


Q-Q 18-29-22-24

ASSESSMENT AREA
 ROSELAWN AVENUE PROJ. 87-01
 RICE ST. (TH 49) TO JACKSON ST.

SCALE
 1" = 400'

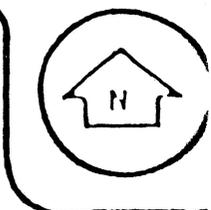


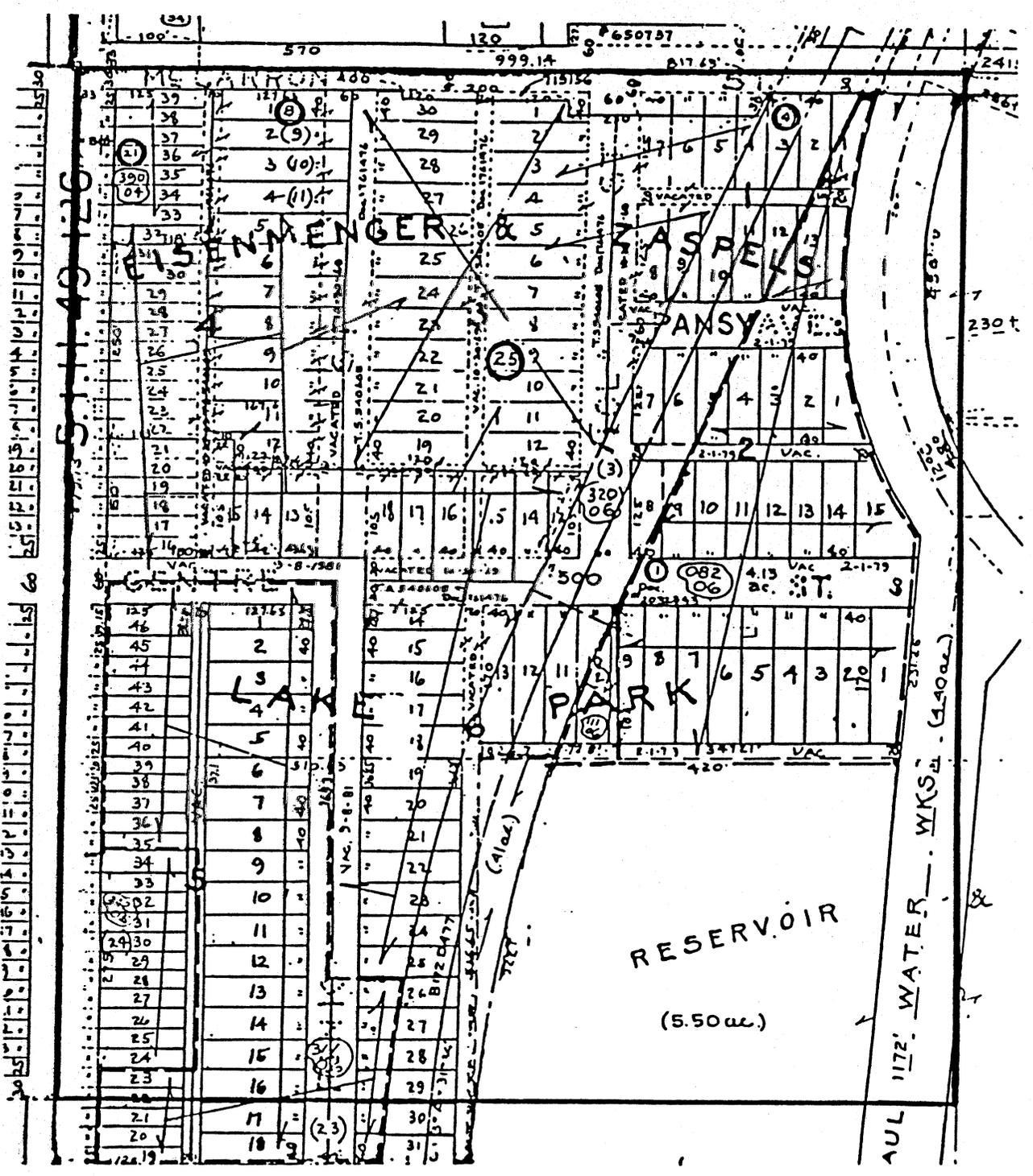


Q-Q 18-29-22-31

ASSESSMENT AREA
ROSELAWN AVENUE PROJ. 87-01
RICE ST. (TH 49) TO JACKSON ST.

SCALE
1" = 400'

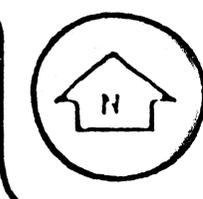




Q-Q 18-29-22-32

ASSESSMENT AREA
 ROSELAWN AVENUE PROJ. 87-01
 RICE ST. (TH 49) TO JACKSON ST.

SCALE
 1" = 400'



PROJECT NO. 87-01 ROSELAWN-RICE TO JACKSON
PROJECT SUMMARY

SEC-18-T-29-R-22-QQ-23

4 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****848.000	F.F.	AT ***\$15.000 EA. =	***\$12,720.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****848.000	F.F.	AT ***\$30.000 EA. =	***\$25,440.00
WATER SERVICE-6"	*****1.000	EACH	AT \$1,400.000 EA. =	***\$1,400.00
WATER SERVICE-2"	*****1.000	EACH	AT \$1,500.000 EA. =	***\$1,500.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00

SEC-18-T-29-R-22-QQ-24

5 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STREET-RESIDENTIAL	*****3.000	UNIT	AT \$1,125.000 EA. =	***\$3,375.00
STREET-COMMERCIAL	*****1,159.000	F.F.	AT ***\$15.000 EA. =	***\$17,385.00
STORM SEWER	*****3.000	UNIT	AT **\$500.000 EA. =	***\$1,500.00
WATER MAIN	*****0.000	F.F.	AT ***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH	AT \$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH	AT \$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00

SEC-18-T-29-R-22-QQ-31

8 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STREET-RESIDENTIAL	*****7.000	UNIT	AT \$1,125.000 EA. =	***\$7,875.00
STREET-COMMERCIAL	*****650.000	F.F.	AT ***\$15.000 EA. =	***\$9,750.00
STORM SEWER	*****7.000	UNIT	AT **\$500.000 EA. =	***\$3,500.00
WATER MAIN	*****0.000	F.F.	AT ***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH	AT \$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH	AT \$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00

SEC-18-T-29-R-22-QQ-32

5 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****934.000	F.F.	AT ***\$15.000 EA. =	***\$14,010.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****796.000	F.F.	AT ***\$30.000 EA. =	***\$23,880.00
WATER SERVICE-6"	*****4.000	EACH	AT \$1,400.000 EA. =	***\$5,600.00
WATER SERVICE-2"	*****4.000	EACH	AT \$1,500.000 EA. =	***\$6,000.00
SEWER SERVICE-6"	*****3.000	EACH	AT \$2,500.000 EA. =	***\$7,500.00

PROJECT NO. 87-01 ROSELAWN-RICE TO JACKSON
PROJECT SUMMARY

GRAND TOTALS

22 PARCELS ASSESSED

<u>ITEM</u>	<u>QUANTITY</u>	<u>PER</u>	<u>RATE</u>	<u>ASSESSMENT</u>
STREET-RESIDENTIAL	*****10.000	UNIT	AT \$1,125.000 EA. =	***\$11,250.00
STREET-COMMERCIAL	*****3,591.000	F.F.	AT ***\$15.000 EA. =	***\$53,865.00
STORM SEWER	*****10.000	UNIT	AT ***\$500.000 EA. =	***\$5,000.00
WATER MAIN	*****1,644.000	F.F.	AT ***\$30.000 EA. =	***\$49,320.00
WATER SERVICE-6"	*****5.000	EACH	AT \$1,400.000 EA. =	***\$7,000.00
WATER SERVICE-2"	*****5.000	EACH	AT \$1,500.000 EA. =	***\$7,500.00
SEWER SERVICE-6"	*****3.000	EACH	AT \$2,500.000 EA. =	***\$7,500.00
TOTAL AMOUNT ASSESSED FOR THIS PROJECT =				***\$141,435.00

D/P NO.

QUANTITY CHECK LIST

COL. 1) = STREET-RESIDENTIAL - UNIT
 COL. 2) = STREET-COMMERCIAL - F.F.
 COL. 3) = STORM SEWER - UNIT
 COL. 4) = WATER MAIN - F.F.
 COL. 5) = WATER SERVICE-6"
 COL. 6) = WATER SERVICE-2"
 COL. 7) = SEWER SERVICE-6"

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5	COL 6	COL 7
18-29-22-23-0004	0.00	300.00	0.00	300.00	0.00	0.00	0.00
18-29-22-23-0005	0.00	100.00	0.00	100.00	1.00	1.00	0.00
18-29-22-23-0006	0.00	120.00	0.00	120.00	0.00	0.00	0.00
18-29-22-23-0007	0.00	320.00	0.00	320.00	0.00	0.00	0.00
18-29-22-24-0001	0.00	122.00	0.00	0.00	0.00	0.00	0.00
18-29-22-24-0002	0.00	1037.00	0.00	0.00	0.00	0.00	0.00
18-29-22-24-0017	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-24-0018	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-24-0019	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0001	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0002	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0003	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0004	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0005	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0024	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0025	1.00	0.00	1.00	0.00	0.00	0.00	0.00
18-29-22-31-0042	0.00	650.00	0.00	0.00	0.00	0.00	0.00
18-29-22-32-0001	0.00	125.00	0.00	0.00	0.00	0.00	0.00
18-29-22-32-0004	0.00	12.00	0.00	0.00	0.00	0.00	0.00
18-29-22-32-0008	0.00	168.00	0.00	168.00	1.00	1.00	1.00
18-29-22-32-0021	0.00	118.00	0.00	118.00	1.00	1.00	0.00
18-29-22-32-0025	0.00	510.00	0.00	510.00	2.00	2.00	2.00
GRAND TOTALS	10.00	3591.00	10.00	1644.00	5.00	5.00	3.00

PROJECT NO. 87-01

ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-23-0004 =====				
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****300.000	F.F.	AT ***\$15.000 EA. =	****\$4,500.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****300.000	F.F.	AT ***\$30.000 EA. =	****\$9,000.00
WATER SERVICE-6"	*****0.000	EACH	AT \$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH	AT \$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				***\$13,500.00
18-29-22-23-0005 =====				
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****100.000	F.F.	AT ***\$15.000 EA. =	****\$1,500.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****100.000	F.F.	AT ***\$30.000 EA. =	****\$3,000.00
WATER SERVICE-6"	*****1.000	EACH	AT \$1,400.000 EA. =	****\$1,400.00
WATER SERVICE-2"	*****1.000	EACH	AT \$1,500.000 EA. =	****\$1,500.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$7,400.00
18-29-22-23-0006 =====				
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****120.000	F.F.	AT ***\$15.000 EA. =	****\$1,800.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****120.000	F.F.	AT ***\$30.000 EA. =	****\$3,600.00
WATER SERVICE-6"	*****0.000	EACH	AT \$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH	AT \$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$5,400.00
18-29-22-23-0007 =====				
STREET-RESIDENTIAL	*****0.000	UNIT	AT \$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****328.000	F.F.	AT ***\$15.000 EA. =	****\$4,920.00
STORM SEWER	*****0.000	UNIT	AT **\$500.000 EA. =	*****\$0.00
WATER MAIN	*****328.000	F.F.	AT ***\$30.000 EA. =	****\$9,840.00
WATER SERVICE-6"	*****0.000	EACH	AT \$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH	AT \$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH	AT \$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				***\$14,760.00

PROJECT NO. 87-01

ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-24-0001 =====				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****122.000	F.F. AT	***\$15.000 EA. =	****\$1,830.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,830.00
18-29-22-24-0002 =====				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****1,037.000	F.F. AT	***\$15.000 EA. =	***\$15,555.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				***\$15,555.00
18-29-22-24-0017 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-24-0018 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00

PROJECT NO. 87-01 ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-24-0019 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0001 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0002 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0003 =====				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00

PROJECT NO. 87-01 ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-31-0004				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0005				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0024				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00
18-29-22-31-0025				
STREET-RESIDENTIAL	*****1.000	UNIT AT	\$1,125.000 EA. =	****\$1,125.00
STREET-COMMERCIAL	*****0.000	F.F. AT	***\$15.000 EA. =	*****\$0.00
STORM SEWER	*****1.000	UNIT AT	**\$500.000 EA. =	*****\$500.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,625.00

PROJECT NO. 87-01

ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-31-0042				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****650.000	F.F. AT	***\$15.000 EA. =	****\$9,750.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$9,750.00
18-29-22-32-0001				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****126.000	F.F. AT	***\$15.000 EA. =	****\$1,890.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$1,890.00
18-29-22-32-0004				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****12.000	F.F. AT	***\$15.000 EA. =	*****\$180.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****0.000	F.F. AT	***\$30.000 EA. =	*****\$0.00
WATER SERVICE-6"	*****0.000	EACH AT	\$1,400.000 EA. =	*****\$0.00
WATER SERVICE-2"	*****0.000	EACH AT	\$1,500.000 EA. =	*****\$0.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				*****\$180.00
18-29-22-32-0008				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****168.000	F.F. AT	***\$15.000 EA. =	****\$2,520.00
STORM SEWER	*****0.000	UNIT AT	**\$500.000 EA. =	*****\$0.00
WATER MAIN	*****168.000	F.F. AT	***\$30.000 EA. =	****\$5,040.00
WATER SERVICE-6"	*****1.000	EACH AT	\$1,400.000 EA. =	****\$1,400.00
WATER SERVICE-2"	*****1.000	EACH AT	\$1,500.000 EA. =	****\$1,500.00
SEWER SERVICE-6"	*****1.000	EACH AT	\$2,500.000 EA. =	****\$2,500.00
TOTAL ASSESSMENT =				****\$12,960.00

PROJECT NO. 87-01 ROSELAWN-RICE TO JACKSON

D/P NO.

ASSESSMENT ROLL

ITEM	QUANTITY	PER	RATE	ASSESSMENT
18-29-22-32-0021				
=====				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****118.000	F.F. AT	***\$15.000 EA. =	****\$1,770.00
STORM SEWER	*****0.000	UNIT AT	***\$500.000 EA. =	*****\$0.00
WATER MAIN	*****118.000	F.F. AT	***\$30.000 EA. =	****\$3,540.00
WATER SERVICE-6"	*****1.000	EACH AT	\$1,400.000 EA. =	****\$1,400.00
WATER SERVICE-2"	*****1.000	EACH AT	\$1,500.000 EA. =	****\$1,500.00
SEWER SERVICE-6"	*****0.000	EACH AT	\$2,500.000 EA. =	*****\$0.00
TOTAL ASSESSMENT =				****\$8,210.00
18-29-22-32-0025				
=====				
STREET-RESIDENTIAL	*****0.000	UNIT AT	\$1,125.000 EA. =	*****\$0.00
STREET-COMMERCIAL	*****510.000	F.F. AT	***\$15.000 EA. =	****\$7,650.00
STORM SEWER	*****0.000	UNIT AT	***\$500.000 EA. =	*****\$0.00
WATER MAIN	*****510.000	F.F. AT	***\$30.000 EA. =	***\$15,300.00
WATER SERVICE-6"	*****2.000	EACH AT	\$1,400.000 EA. =	****\$2,800.00
WATER SERVICE-2"	*****2.000	EACH AT	\$1,500.000 EA. =	****\$3,000.00
SEWER SERVICE-6"	*****2.000	EACH AT	\$2,500.000 EA. =	****\$5,000.00
TOTAL ASSESSMENT =				***\$33,750.00
GRAND TOTALS				
=====				
22 PARCELS ASSESSED				
STREET-RESIDENTIAL	*****10.000	UNIT AT	\$1,125.000 EA. =	***\$11,250.00
STREET-COMMERCIAL	*****3,591.000	F.F. AT	***\$15.000 EA. =	***\$53,865.00
STORM SEWER	*****10.000	UNIT AT	***\$500.000 EA. =	****\$5,000.00
WATER MAIN	*****1,644.000	F.F. AT	***\$30.000 EA. =	***\$49,320.00
WATER SERVICE-6"	*****5.000	EACH AT	\$1,400.000 EA. =	****\$7,000.00
WATER SERVICE-2"	*****5.000	EACH AT	\$1,500.000 EA. =	****\$7,500.00
SEWER SERVICE-6"	*****3.000	EACH AT	\$2,500.000 EA. =	****\$7,500.00
TOTAL AMOUNT ASSESSED FOR THIS PROJECT =				***\$141,435.00

RESOLUTION

ORDERING IMPROVEMENT AFTER PUBLIC HEARING

WHEREAS, after due notice of public hearing on the construction of bituminous roadway with concrete curb and gutter, bridge, storm sewer, water main, and appurtenances on Roselawn Avenue from Rice Street (T.H. 49) to Jackson Street, City Project 87-01, a hearing on said improvement in accordance with the notice duly given was duly held on October 23, 1989, and the council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1. That it is advisable, expedient and necessary that the City of Maplewood construct bituminous roadway with concrete curb and gutter, bridge, storm sewer, water main, and appurtenances on Roselawn Avenue from Rice Street (T.H. 49) to Jackson Street, City Project 87-01, as described in the notice of hearing thereof, and orders the same to be made.
2. The execution of a cooperative agreement with Ramsey County for said improvement is hereby authorized.

RESOLUTION

WHEREAS, plans for Project No. S.P. 62-626-03 Bridge No. 62559 showing proposed alignment, profiles, grades and cross-sections for the construction, reconstruction or improvement of County State Aid Highway No. 26 within the limits of the city as a Federal Aid project have been prepared and presented to the city.

NOW, THEREFORE, BE IT RESOLVED: That said plans be in all things approved.

RESOLUTION

WHEREAS, plans for Project No. S.A.P. 62-626-04 showing proposed alignment, profiles, grades and cross-sections for the construction, reconstruction or improvement of County State Aid Highway No. 26 within the limits of the city as a State Aid project have been prepared and presented to the city.

NOW, THEREFORE, BE IT RESOLVED: That said plans be in all things approved.

Action by Council:

Endorsed_____

Modified_____

Rejected_____

Date_____

MEMORANDUM

TO: City Manager
 FROM: Ken Roberts, Associate Planner
 SUBJECT: Alley Vacation and Preliminary Plat
 LOCATION: Cope Avenue, between Ariel and German Streets
 APPLICANT/OWNER: Willard Morton
 PROJECT TITLE: Sheryl's Addition
 DATE: October 16, 1989

SUMMARY

INTRODUCTION

The applicant is requesting the approval of a preliminary plat for seven single-dwelling lots and the vacation of an unused alley. (Refer to the maps on pages 5 and 6 and the applicants' letter on page 7.)

BACKGROUND

August 1985: Nancy Anderson (the former property owner) petitioned the City Council for the improvement of Cope Avenue.

Summer 1989: Cope Avenue was constructed from Ariel Street to Hazel Street.

DISCUSSION

Alley Vacation

The property owners on both sides of the alley have requested its vacation. It is not needed for traffic circulation or property access. The northerly one-half, however, is needed to plat the property into seven lots.

Preliminary Plat

The platting of this property appears straight forward. The seven single dwelling lots meet all requirements for width and area. The streets and utilities were installed with the Cope Avenue public improvement project. Additional grading must be done on the low area along the south lots lines of lots 4 and 5 for drainage purposes. This will probably result in the removal of some the trees.

RECOMMENDATION

1. Approve the resolution on page 8 to vacate the alley between German and Ariel Streets, south of Cope Avenue.
Approval is in the public interest because:
 - a. The adjoining properties have adequate street access.
 - b. This alley segment is not needed for area traffic circulation or emergency vehicle access.
 - c. The alley right-of-way is not needed and Maplewood's policy has been to vacate alley rights-of-way whenever possible.
2. Approval of the preliminary plat, subject to the following conditions being satisfied before final plat approval:
 - a. Approval of the final grading, drainage and erosion control plans by the City Engineer.
 - b. The grading plan shall include a proposed building pad elevation and contour information for each home site. Housing styles shall be illustrated which minimize grading on sites that contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.
 - c. Submit a signed developer's agreement with the required surety for erosion control and any tree planting required to the City Engineer.
 - d. Approval of a tree removal and planting plan by the Director of Community Development. This plan must illustrate trees over eight inches in diameter that are to be removed, those that are to be retained, and those that are to be replanted.

REFERENCE

SITE DESCRIPTION

Net Area: 1.84 acres

Existing Land Use: undeveloped

SURROUNDING LAND USES

North: Cope Avenue, City water tower and undeveloped property zoned R-2, Double Dwelling District

East: Ariel Street and single-family home sites in North St. Paul

South: Unused alley to be vacated and a single-family home on a 2.1 acre parcel

West: German Street and undeveloped property zoned R-1, Single Dwelling Residential

PLANNING

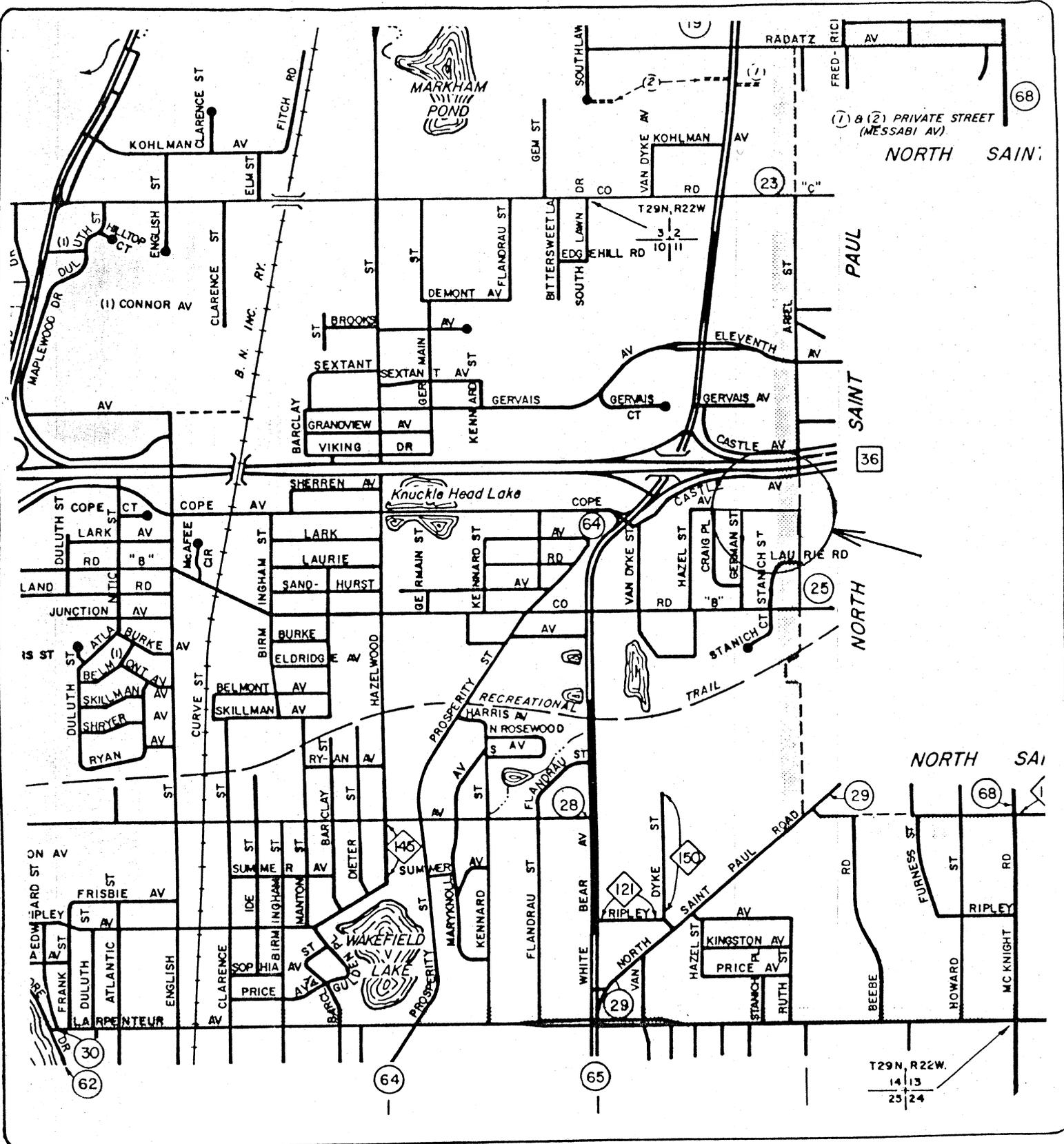
Land Use Plan Designation: RL, Low Density Residential

Zoning: R-1, Single Dwelling Residential District

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Sheryl's Addition Preliminary Plat
4. Letter: Kloes
5. Alley Vacation Resolution

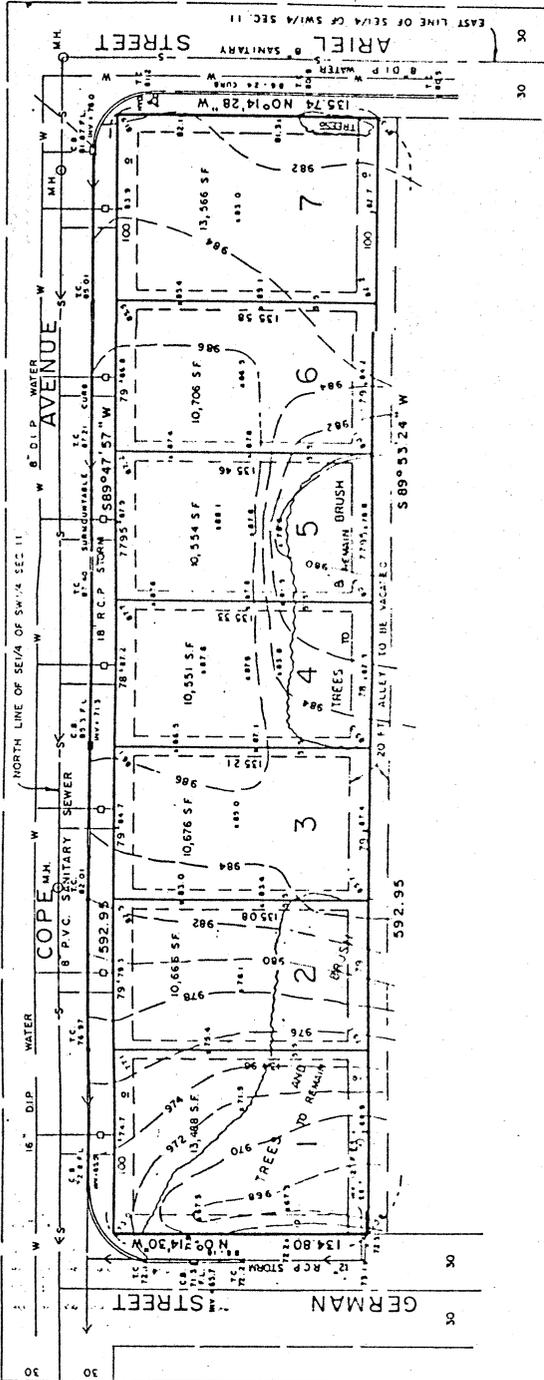
kenrmemo0



LOCATION MAP



PRELIMINARY PLAT OF - SHERYL'S ADDITION



SCALE: 1 INCH = 50 FEET

ELEVATIONS SHOWN ARE EXISTING
 # 83.0 DENOTES ELEVATION 983.0 FT.
 C DENOTES TOP OF CURB
 W DENOTES WATER MAIN
 S DENOTES SEWER MAIN
 G DENOTES GAS MAIN
 F.L. DENOTES FLOW LINE

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Date: 7-18-89

Delmar H. Schwanz
 Delmar H. Schwanz
 Minnesota Registration No. 8825

SURVEYOR'S CERTIFICATE



DELMAR H. SCHWANZ

14750 SOUTH ROBERT TRAIL ROSEMOUNT, MINNESOTA 55064 812/423-1796

LEGAL DESCRIPTION

Lot 1, Block 1, SMITH AND TAYLOR'S ADDITION IN NORTH SAINT PAUL, together with the north half of the accreted vacant alley, Ramsey County, Minnesota.

Date of preparation: July 18, 1989

Proposed use: R-1 (Single family residential)

Total Area: 1.84 acres

Notes: 1) Underground utility information shown is per city plans project 85-26

2) Site retaining walls due by city street construction, no additional grading is proposed.

3) Proposed drainage and utility easements are 10 feet in width and adjoining streets and rear 100 feet and 5 feet in width and adjoining side lot lines.

Prepared by: Delmar H. Schwanz
 Land Surveyors Inc.
 14750 South Robert Tr.
 Rosemount, Mn. 55064

EX 14110

We are requesting the vacation of the alley way abutting our property on the north side.

Alley ways are no longer used in developing city lots. All other new developments in our area have been done without the use of alleyways. And other alleyways in this area have all been vacated.

The vacated portion would be better used, as part of the yards of the abutting properties on both sides of the alleyway.

The land owners on both sides of this alleyway are in agreement to vacate.

Thomas & Denise Klem

2256 GERMAN ST.

MAPLEWOOD, MN. 55109

Smith and Taylor's Addition to

No St. Paul Lot 2 BLK 1

PIN, 11-29-22-34-0097

VACATION RESOLUTION

WHEREAS, Willard Morton, Tom and Denise Kloes initiated proceedings to vacate the public interest in the alley between German and Ariel Streets, south of Cope Avenue.

WHEREAS, the following adjacent properties are affected:

Lots One and Two, Block One, Smith and Taylors Addition to North St. Paul.

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

1. A majority of the owners of property abutting said alley have signed a petition for this vacation;
2. This vacation was reviewed by the Planning Commission on October 2, 1989. The Planning Commission recommended to the City Council that this vacation be approved.
3. The City Council held a public hearing on October 23, 1989 to consider this vacation. Notice thereof was published and mailed pursuant to law. All persons present at this hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

Lot One, Block One and Lot Two, Block One, Smith and Taylors Addition to North St. Paul.

Attachment 5

~~Commissioner Cardinal seconded~~

~~Ayes--Axdahl,
Barrett, Cardinal,
Fiola, Fischer,
Larson, Sigmundik,
Sletten~~

B. Alley Vacation and Preliminary Plat: Sheryl's Addition

Ken Roberts, Associate Planner, presented the staff report for this requested preliminary plat for seven single-dwelling lots and the vacation of an unused alley.

Donald Campbell, surveyor and representing the applicant, said the grading on this site was done in conjunction with another project and the final grading is complete at this time. Mr. Campbell said they would comply with all of the conditions of the staff recommendation.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution to vacate the alley between German and Ariel Streets, south of Cope Avenue.

Approval is in the public interest because:

- a. The adjoining properties have adequate street access.
 - b. This alley segment is not needed for area traffic circulation or emergency vehicle access.
 - c. The alley right-of-way is not needed and Maplewood's policy has been to vacate alley rights-of-way whenever possible.
2. Approval of the preliminary plat, subject to the following conditions being satisfied before final plat approval:
 - a. Approval of the final grading, drainage and erosion control plans by the City Engineer.
 - b. The grading plan shall include a proposed building pad elevation and contour information for each home site. Housing styles shall be illustrated which minimize

grading on sites that contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.

- c. Submit a signed developer's agreement with the required surety for erosion control and any tree planting required to the City Engineer.
- d. Approval of a tree removal and planting plan by the Director of Community Development. This plan must illustrate trees over eight inches in diameter that are to be removed, those that are to be retained, and those that are to be replanted.

Commissioner Sletten seconded

Ayes--Axdahl,
Barrett,
Cardinal,
Fiola, Fischer,
Larson,
Sigmundik,
Sletten

- C. 1357 Cope Avenue (Corner Kick Soccer)
Parking Authorization
Conditional Use Permit

Secretary Olson presented the staff report for this requested conditional use permit for a 3,066-square-foot addition proposed on the front of the Corner Kick Indoor Soccer Center. City Council authorization for 151 fewer parking spaces is also requested. Secretary Olson said the majority of the neighbors' comments objected to any future liquor license being issued to this business.

A commissioner asked if liquor establishments in Maplewood are located adjacent to residential properties. Staff said liquor establishments may be adjacent (such as adjoining back yards) to residential properties, but there are none located on the same street.

Tom Hope, the owner of the property, said he did not want the condition prohibiting the sale of alcoholic beverages included in the recommendation. Mr. Hope said he did not have to be as specific as he has been about future use of

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Pylon Sign Height Variance
 LOCATION: 1780 East County Road D
 APPLICANT/OWNER: Maplewood Hotel Corporation
 PROJECT TITLE: Days Inn
 DATE: September 20, 1989

SUMMARY

INTRODUCTION

The applicant is requesting approval of a 50-foot sign height variance. The existing pylon sign is 50-foot-tall; the proposed sign height is 100 feet. Refer to the applicant's letter on page 8.

BACKGROUND

In December 1987, the Days Inn requested a sign code amendment that would allow taller signs by conditional use permit. Their request at that time was for permission to erect a 75-foot-tall pylon sign. On December 22, 1987, the Design Review Board recommended denial of the proposed amendment. The applicant then dropped this request and erected a 50-foot-tall sign instead.

The maximum sign height permitted by code is 50 feet. This maximum height can only be used when the sign is setback at least 75 feet from the front lot line.

CRITERIA FOR APPROVAL

Section 367.10, subdivision 6(2) of State law requires that the following findings be made before a variance to the zoning chapter of City Code can be granted:

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

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

DISCUSSION

There are no circumstances unique to this property that would cause the applicant "undue hardship" if code was met. The problem is that the Days Inn does not have freeway frontage giving it the exposure desired. This is not a unique problem for this site. It is one shared by many businesses that are near a freeway or highway, but not close enough for clear visibility of their sign. Statute also states that the plight of the landowner must be found to be due to circumstances "unique" to the property, not created by the landowner. This situation was created by the developer by the mere placement of the motel on a site that does not have freeway exposure.

Staff realizes that this is a particularly difficult situation for a motel which depends on being visible from the freeway, however, under the statute, there is no basis for approval. Furthermore, granting this variance would set a precedent making it difficult, if not impossible, to prevent similar requests by businesses that desire freeway or highway visibility.

RECOMMENDATION

Denial of the request by the Days Inn for a 50-foot sign height variance to increase their pylon sign height to 100 feet, on the basis that:

1. Strict enforcement of the code would not cause undue hardship because of circumstances unique to the property under consideration. The circumstance, being the lack of freeway frontage, is not a unique problem for this site, but shared by many properties.
2. The applicant's dilemma of lack of freeway visibility was created by the original developer by building on a site that does not have the exposure desired for a motel.
3. This property is being put to a reasonable use under the conditions allowed by the official controls.
4. According to state statute, economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance.

REFERENCE

Site Description

1. Site size: 6.88 acres
2. Existing Land Use: Days Inn

Surrounding Land Uses

The surrounding land is zoned or planned for commercial development. Maplewood Mall is located to the east and southeast, Toys R Us is under construction to the northeast and Birch Run Station is under construction to the southwest. The remaining adjacent land is undeveloped.

Past Action

- 9-13-82: Council approved a 22-foot sign height variance for Denny's Restaurant and the Cricket Inn (now the Days Inn) at I-94 and Century Avenue, to allow a 50-foot-tall pylon. (80 feet was requested).
- 1-14-85: Council approved a 21-foot sign height variance for the Sinclair station at 2158 Rice Street to allow a 50-foot-tall pylon sign. (58 feet was proposed).

Planning

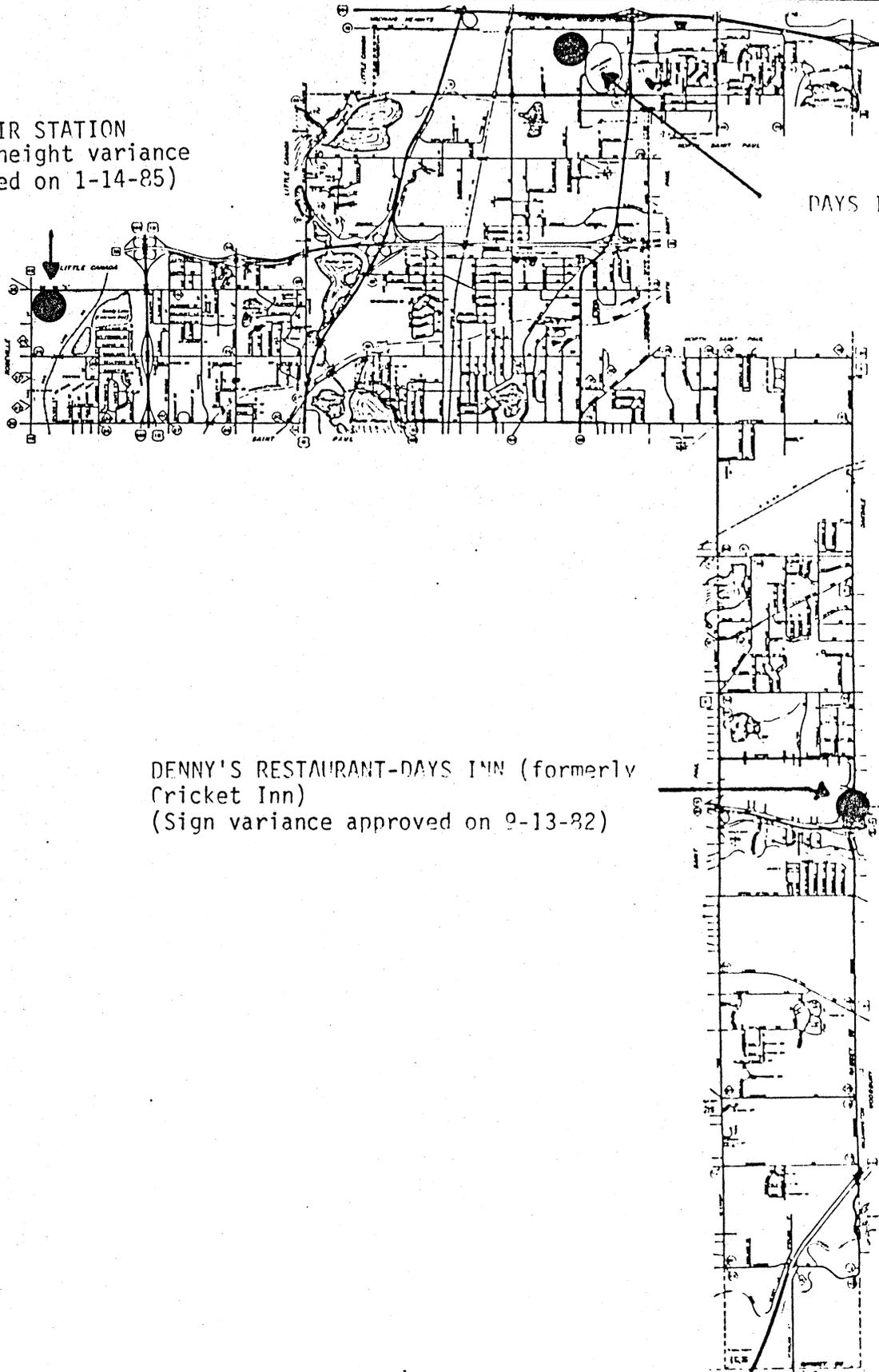
1. Land Use Plan designation: DC, Diversified Center
2. Zoning: BC, Business Commercial

TEDAYSINN

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Sign Sketch
5. Applicant's letter of justification dated August 11, 1989

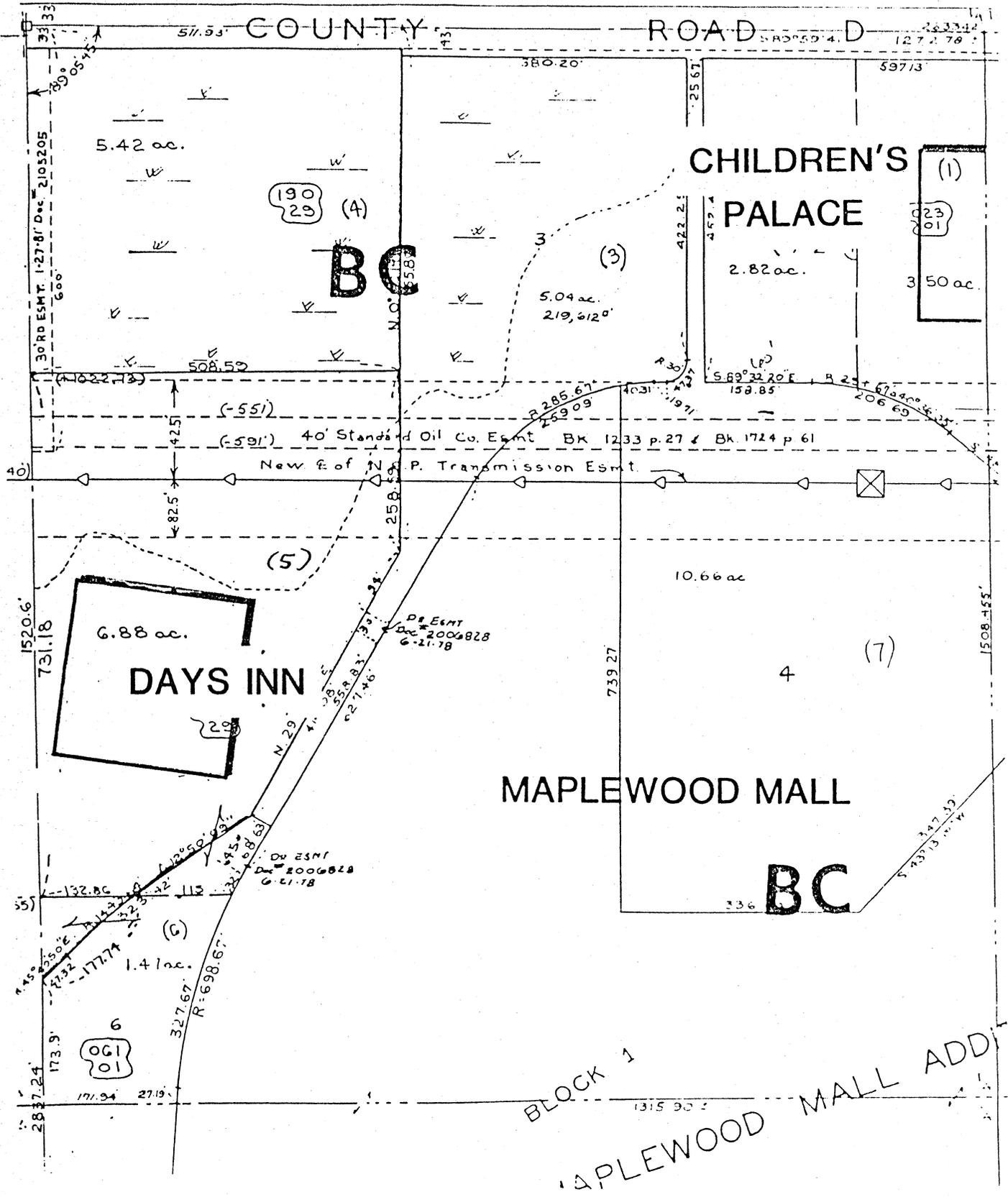
SINCLAIR STATION
(Sign height variance
approved on 1-14-85)



DENNY'S RESTAURANT-DAYS INN (formerly
Cricket Inn)
(Sign variance approved on 9-13-82)

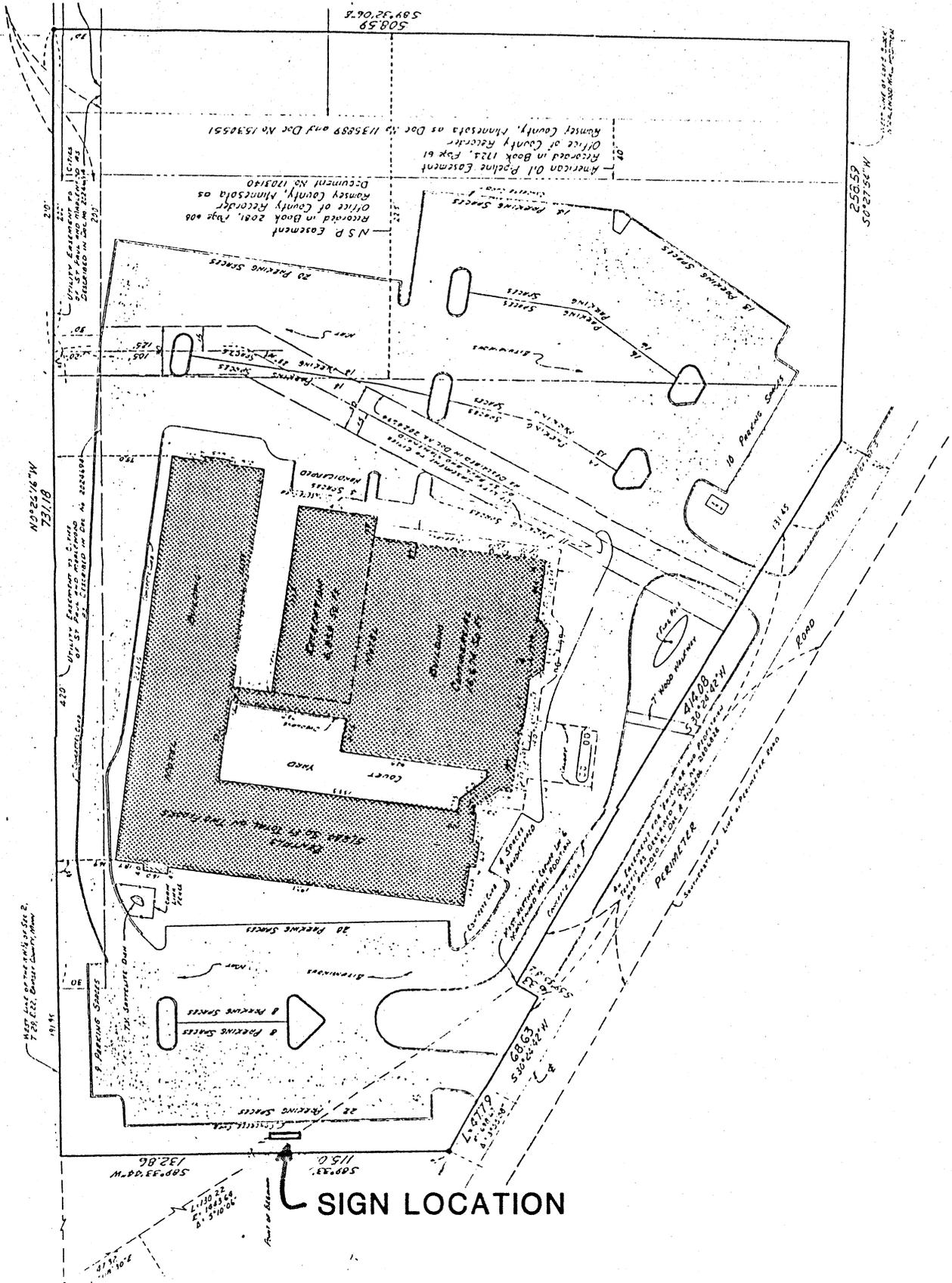
LOCATION MAP



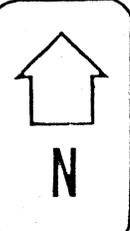


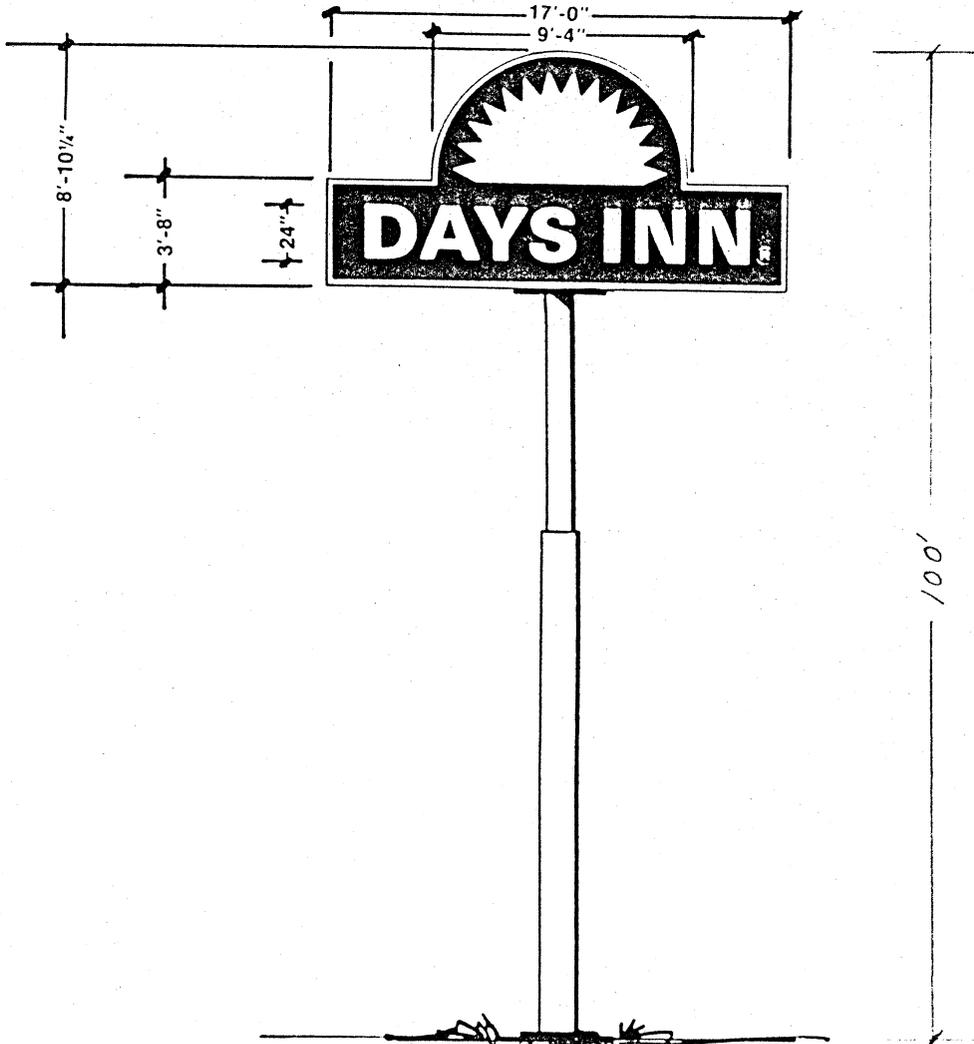
PROPERTY LINE / ZONING MAP





SITE PLAN





PROPOSED SIGN





August 11, 1989

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

To Whom It May Concern:

The intent of this letter is to plead my case in the fact that over the past two years of owning the Days Inn we have received numerous complaints from customers or potential customers that our Hotel is extremely hard to find. We have tried to deal with this problem in many ways, however we still have people who leave this area after "giving up" and go on down the road to other hotels. We have also had numerous complaints from 3M Corporation who would like to use us more but when new guests try to find us they have a hard time. Consequently, we lose a fair share of their business and the story is repeated at other businesses. When this hotel was originally a Holiday Inn it received more complaints about the location than all the other Holiday Inns combined.

Now with the new buildings going up around us, we will be virtually hidden from all directions and completely from the freeway and we have been advised by Days Inn International Headquarters that it is imperative that we do something immediately. They have received many complaints.

By being so difficult to find, it has caused a great inconvenience on the travelers who wish to be our guests and on the person who might live in the metro area and might wish to come for our restaurant or entertainment in the evening.

Our request is that we be permitted to raise our current sign from 50 feet to 100 feet; it would go a long way towards remedying the inconvenience to our customers and please our corporate customers such as 3M and others. It would be considered a landmark such as the Holiday Inn sign on 35W & 36 in Roseville. Many businesses around the Holiday Inn advertise that they are next door to the Holiday Inn, two blocks east of the Holiday Inn, etc. With the new Maplewood Crossing Center opening soon, many other businesses will have the same problem we are experiencing and this would certainly be a big help to their potential customer if they knew that the Burlington Coat Store is just across the street from the Days Inn or that the Pannekoeken Restaurant is just north of the Days Inn or maybe in the future, the Maplewood Mall is just across the street from the Days Inn.



I am sure many of you have experienced the frustration of not being able to find a service or business when you had traveled many hours or were just not accustomed to an area so you can certainly empathize with our traveling friends.

Many of our local business people have asked us why we have not done something about our visibility and even people working for the city have said that we should get a variance for a higher sign.

I thank you for your consideration.

Sincerely,

Ronald L. Ringling
President
Maplewood Hotel Corporation

RLR/cs

17. External speakers shall be directed away from residential areas and the sound shall not exceed 50 decibels (normal conversation level) at the residential property line.
18. The widening of the westerly curb cut along Cope Avenue is not permitted.
19. The station hours shall conform to existing code.
20. The vents for the underground fuel tanks shall be at least 200 feet from the residential district to the west. The City Council may approve a lesser setback if the developer can prove that the typography or existing or proposed buildings will prevent fumes from reaching a residential lot line.
21. Approval of a conditional use permit by the City Council for the expansion of a nonconforming use.
22. If a drive-up telephone is to be replaced on the property, it shall be located away from the adjacent residential property. One shall not be used if its location would interfere with traffic circulation.
23. Approval of plans by the Community Design Review Board does not constitute approval of a building permit.
24. The applicant shall provide a monetary guarantee, in a form acceptable to staff, in the amount of 150% of the estimated cost of any site improvements that are not completed by occupancy. The applicant shall also provide staff with proper documentation, to be approved by the City Attorney, which allows staff access onto the property to finish work that may not be completed.

Boardmember Molin seconded

Ayes--all

VI. DESIGN REVIEW

A. Sign Variance - Days Inn - 1780 E. County Road D

Ron Ringling, owner of the Days Inn, asked the Board to consider the poor location and financial problems of the Days Inn when considering this pylon sign height variance request. Mr. Ringling said they have had numerous complaints from businesses when their guests

are unable to locate Days Inn. Mr. Ringling discussed with board members other locations which may be favorable for signage for his hotel.

Boardmember Molin moved denial of the request by the Days Inn for a 50-foot sign height variance to increase their pylon sign height to 100 feet, on the basis that:

1. Strict enforcement of the code would not cause undue hardship because of circumstances unique to the property under consideration. The circumstance, being the lack of freeway frontage, is not a unique problem for this site, but shared by many properties.
2. The applicant's dilemma of lack of freeway visibility was created by the original developer by building on a site that does not have the exposure desired for a motel.
3. This property is being put to a reasonable use under the conditions allowed by the official controls.
4. According to state statute, economic considerations alone shall not constitute an undue hardship if reasonable use of the property exists under the terms of the ordinance.

Boardmember Anitzberger seconded

Ayes--Moe,
Molin,
Anitzberger

Nays--Erickson,
Holder

VII. VISITOR PRESENTATIONS

VIII. BOARD PRESENTATIONS

IX. STAFF PRESENTATIONS

X. ADJOURNMENT

Meeting adjourned at 9:38 p.m.

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: CDRB Appeal
 LOCATION: 2271 White Bear Avenue
 APPLICANT/OWNER: Joseph L. Fleming
 PROJECT TITLE: Fleming's Service Center
 DATE: October 13, 1989

SUMMARY

INTRODUCTION

James and Marion Glassel, of 1775 East Lark Avenue, are appealing the Community Design Review Board's approval of the Fleming Service Center site remodel. The proposal is to redevelop the existing fuel station with a new facility that would include a convenience store, two express lube bays, four regular service bays, a car wash and fuel islands. (Refer to their letter on page 3.)

BACKGROUND

On September 26, 1989, the Review Board approved plans for this project and recommended approval of a conditional use permit (See pages 12-14.) The Board recommended that the existing driveway to Lark Street next to Mr. and Mrs. Glassel's property be allowed to remain, but that it be screened from their view by a decorative wood fence.

ORDINANCE PROVISION

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

DISCUSSION

The following is in response to Mr. and Mrs. Glassel's concerns:

1. The 20-foot-setback requirement, mentioned in the neighborhood survey on page 5, referred to a parking lot/drive lane setback variance that the applicant had requested when he first made application. The plan has since been revised. The approved site plan complies with all setback requirements. The 20-foot-setback rule does not pertain to the existing diagonal driveway at the southwest corner of the site, which is on County right-of-way.
2. The design and placement of the fence is subject to Staff approval. Code subsection 9-3 (6) requires that "fences shall be constructed and maintained in a workmanlike manner." These requirements would provide a safeguard against an

inadequate fence design and maintenance problems.

3. The site plan is inaccurate in showing of the existing catch basin within the driveway to Lark Avenue. This catch basin is actually in the grass between Mr. Fleming's and the Glassel's driveways. Regardless of this, the grading and drainage plan was required by the Board to be subject to the City Engineer's approval. Prior to the issuance of a building permit, the City Engineer must approve this plan.

An additional condition of approval, however, may be warranted that would require Mr. Fleming to verify that the existing catch basin west of his building is connected to the storm sewer. If it is not, the proper repairs should be made.

4. The petition beginning on page 6 did not have any influence in the Board's approval of this project. The Board felt that the drive should remain since it is already existing and there was not sufficient evidence demonstrating that this driveway was a nuisance. The Board, furthermore, required the extension of the screening fence toward the south to provide better screening of this driveway.

RECOMMENDATION

Condition 7 of the Design Review Board's motion shall be revised by adding the requirement that "Mr. Fleming shall verify that the existing catch basin west of his building is connected to the storm sewer. If it is not, the proper repairs should be made." No other changes to the Board's motion are recommended.

TEFLEMING3 Attachments

1. Letter of appeal dated October 6, 1989
2. Applicant's Petition date stamped September 21, 1989
3. CDRB minutes dated September 26, 1989

JAMES AND MARION GLASSEL
1775 EAST LARK AVENUE
MAPLEWOOD, MN 55109
777-7393

*Received
10-6-89*

October 6, 1989

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

Gentlemen:

This letter is to appeal the Community Design Review Board's approval of September 26, 1989, regarding the expansion plans for Fleming's Service Station.

We wish to have this issue reopened for the following reasons:

1. The drive to Lark Avenue does not meet code. It is not 20 feet from our property, and at one spot it is only 9 feet from our drive. This issue was originally brought up by Tom Ekstrand in his letter of July 6 1989 (copy attached). Since then, the matter has been ignored, and it must be addressed before approval is given.
2. Regardless of the status of the driveway, a privacy fence will be built between the two properties. We have no assurance regarding the quality of the proposed fence, only that the material is to be "rough cedar." We find that many other fences in the community are very unsightly, mostly because they are of poor quality and have been poorly maintained. A fence such as the one between the Keller Lake Menards Lumber and their neighbors would be satisfactory. A statement requiring regular maintenance by the station should also be included in the plans.

The positioning of the fence is also of concern. We want a definite placement of the fence before the board gives their approval to this plan. We spoke with the developer about the fence and he agreed to do whatever we felt was necessary, including moving the driveway. He has now backed down on this, and obviously does not want to spend any money to do the job in an aesthetically pleasing manner.

3. Curbing was promised along the existing driveway by the developer. This is necessary to insure that the water runoff from the Fleming property does not flow onto our property as it has done in the past. The existing catch basin shown on the plan is not on the driveway as shown. Furthermore, an existing catch basin on the Fleming property allegedly is not even connected to the storm sewer system. The entire drainage plan must be reexamined and these issues resolved in writing to insure that Fleming does not back

down on his commitment. He is already stating that these issues are county problems.

4. We did not have a copy of the recommendations at the last meeting held on September 26, 1989, which included a petition to keep the drive open. As a result we were unable to comment on it. After examination of this petition, it is clear that it proves our point that this corner is improperly being used for business traffic.

Even a quick sampling shows that the petition includes names from areas that have no reason whatever to use this access. Some of these names are from streets such as Cope Avenue, White Bear Avenue, Mesabi Avenue, Highway 61 north of Highway 36, Sherren Avenue, Howard Street, and German Street. White Bear and Cope Avenue addresses, of course, already have direct access to Flemming's station. All the others mentioned would be forced to cross either White Bear or Cope Avenues to use the Lark Avenue access.

Furthermore, there are signatures from the cities of Roseville, White Bear Lake, North St. Paul, and Shoreview. It is hard to understand why these individuals would drive so far out of their way to use the Lark Avenue access.

Another problem with the petition is that many of the names do not have complete addresses. As a result, we have no way of verifying these names.

Finally, one of the addresses listed is 1775 Lark Avenue. This is OUR address. We did not sign the petition and the person named does not live here.

If this petition has had any influence on the design board's decision, we ask that they take a closer look at it.

In summary, we ask that the Community Design Review Board revoke their approval of this building plan.

Sincerely,



James and Marion Glassel

Petition

SEP 21 1989

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Cope Ave

Laurie RD

Apt. Lane

Wh. Bean Ave

Prosperity

Clarence

~~County~~ County Rd 0

~~Cope Ave~~
Hazelwood Ave.

Laurie Rd

mesabi Ave

SHERREN AVE

COPE AVE

Laurie

Rosewood Ave

Cope

6TH ST

Dick Fekorek

~~[scribble]~~

Laurie Rd.

DULUTH ST

~~South~~ CARLE AVE

Kenneth Sti

James Z Fleming

John Wind

Julie Kondra-

Kathryn Crowe

Darrell Soren

R.G. Schless

Dr J. S.

Mary T Anderson

Ray Bluhm

R. Roush

J. Martin

William H. Steph

Russ Fidler

Kevin Fekorek

Ken Vener

Wesley

Rosemond

~~[scribble]~~

Doris Gold

Christina Hunt

Earl Kehler

R.D. McCarter

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Cope Ave
 Greenwood Ave.
 Roswood AVE SW
 Yorkhawk Rd
 Chambers
 Prosperity Ave
 Larle
 Burke Ave
 LARK
 White Bear
 white bear
 White Bear (Cope)
 PROSPERITY
 Prosperity
 Sandhurst
 Grandview
 White Bear
 Prosperity
 Prosperity
 Arthur M

K. L. Lewis
 Elizabeth J. Jurak
 Mike Abieg
 Marcus Thomas
 T. Hoff
 J. L. Neuman
 J. M. Guss
 Steve O. Lanson
 Susan Thacker
 Dennis R. Dick
 Steven J. Berg
 B. R. G. Horn
 Jay M. G. G. G.
 Jenni. K. K. K.
 M. W. W. W.
 John. Hahn
 Doree Zent
 Michele Trost
 Chris Lewis
 A. A.

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

1811 N. HOWARD ST, MAPLEWOOD
55109
Cottage Grove

Russell Johnson
Pat Johnson

1804 Mesabi Maplewood
55109

Michelle
Quinn

1922 Mesabi Maplewood
55109

Sheri
Olson

2780 N. Hwy 61 MAPLEWOOD
55109

David Syl

310 S CHURCH HILL ROSKILL
55113

Jay Miller

1308 Cope Ave E Maplewood
55109

St. James

1632 COPE MAPLEWOOD
55109

Carrie
Barnett

Dary Mantuff 1617 Brookside 55109
Maplewood

Mike Lentz

~~1460~~ 1460 EAST CO RD B

2256 Craig Place

Carey
Barnbach

3558 Oak Terrace

Erin Mustad

1485 Manton

Craig Cornelius

1450 E Sandhurst

Rosemary Luster

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

450 Sandhurst			John M. Lester
2931 Woodbridge	Roseville MN	55713	Tatum Lesmer
927 Westminster	St. Paul MN	55101	Jaura Meyer
891 Cobb Rd.	Shoreview MN		Christa Wegward
1442 E. Sandhurst	Maplewood	55112	Ed BAKER
444 E Laurie	Maplewood	55109	Chris Brunner
2375 Kuyfe Tzfe			
1177 No. St. Paul	MN	55109	Kuyfe Tzfe
			April Mas Fth
2229 Hazelwood	Maplewood	MN 55109	G Kistinger
1468 E. Eldridge Ave.	Maplewood	MN 55109	Stephen J. Juncal
1698 E. SANDHURST	Mplwd	MN 55109	John Kunkal
1676 E. SANDHURST	MPLWD	MN 55109	Jim Russell
1676 E. Sandhurst	Mplwd	MN 55109	Lenore Russell
1964 J. Johnson	Mplwd	MN 55109	John E. Johnson
Kenard St.			
327 Hazelwood St.	St. Paul	MN 55102	Paul Bruto
1470 Lark Ave	MAPLEWOOD		Patricia Roberts
Demont Ave	Maplewood	55709	Jane O'Keefe
1877 Dieter St.	MAPLEWOOD	55109	Paul W. Brown
"	"	"	ROM
Adelle St.	Maplewood	55109	Sarah A. Benson

1510

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

1725 Lark Ave Maplewood	Albert Wong
2236 German St. Maplewood	Willie
621 Billand Ave	L Kirby
2141 Radatz Ave	Joseph Jenson
2003 Northwood Dr. N.S.P.	Gene Walter
927 Demont Milwaukee	James [unclear]
1283 Hazelwood St. Park.	Bob [unclear]
1750 Lark Ave	Ellen E. Jensen
1917 E. COPE AVE.	Letta [unclear]
2112 Delaware Ave	Don [unclear]
471 E Sidney.	J Randall
1701 E. CO RD B	Randall W. Allen
1597 Frost Ave	Elmer Swendsen
U-Haul 3242 White Bear Ave.	Alex Tull
Carpenter Ave - ,	John [unclear]
Hazelwood St	Ed [unclear]
Prosperity Rd.	Dave J. Peterson
Pleasant Ave.	Sten Peters

~~Sure as hell not me!~~

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

1701 Co. rd. B.	Shirley Allen
1282 W. Cope	Roger Franz
1751 E. Cope Ave	Donald Quick
130 E. Conway	Joe V. Benkovic
748 Bellvue Trl	Roy Krupar
1746 Co. rd B	Eric Hansen
1697 E Co Rd C	Eric Hansen Margit Spradlin
1512 E Laurie Rd	Mr & Mrs R. J. Lane
1520 E Sandhurst	Mr. & Mrs. Joseph Walton
1674 Lark Ave	Doug Dufrene
1766 Hy 36	Don P. Smith
2233 Craig Pl.	Bob M. Becker
2616 Bittersweet Lane	Jim J. [unclear]
U-Haul Co	Jim J. [unclear]
Bob [unclear] Ave	Jean M Robinson
A Do	1274 E Nebraska ST Paul 55106
1668 Bancroft	A. J. [unclear]
1922 Castle Ave	Valerie Jaworski
1015 York Ave. #1	Douglas Proach
2019 Kennard	Kay W. [unclear]
2227 White Bear Ave.	Ray W. Chart
2241 N. HAZEL ST.	Joseph L. Lapinski

2

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Charles H. Woebe
1699 N. Rosewood Ave. - Maplewood

2019 N. Kennard St - Maplewood

Joan D. Savage

Ann S. Childers

James W. Dyer

property to finish work that may not be completed.

24. Three speed bumps shall be placed on the driveway from Cope Avenue as shown on the "phasing" plan. This driveway shall have a sign at the Cope Avenue curb cut, reading "Service Drive Only". A "No Exit" sign shall be posted at the north end of this drive near the building to discourage exits to Cope Avenue.
25. A three and one-half foot sidewalk shall be installed along the rear of the building.
26. Roof vents shall be a color to match building roof as much as possible. Roof vents shall be consolidated as near as possible along the common walls to limit the number of vents.
27. The "phase I diagonal driveway" shall be eliminated.

Boardmember Holder seconded

Boardmember Erickson moved the motion be amended to include No. 28. - Grading plan subject to staff approval.

Boardmember Molin

Ayes--all

The motion as amended was voted on.

Ayes--all

B. Site Redevelopment - Fleming's Service Center
2271 White Bear Avenue

Bob Fields, representing the applicant, discussed the revised plans with the board members. Mr. Fields displayed pictures of a new product called brick block, which would be used on the upper portion of the building on top of the three feet of rock block, which would be used on the bottom portion of the building. Mr. Fields asked that they be allowed to use a cedar fence material on the roof screening to accomplish continuity with the entire building.

Mr. Fields asked that consideration be given to the hours of operation for this proposal, since it was reviewed in advance of the newly revised fuel ordinance, and he asked that the requirement for a conditional use permit be eliminated. Mr. Fields also asked that Condition 22, relating to the elimination of the driveway to Lark Avenue, be deleted since he felt

that this would result in becoming a condition of the conditional use permit. Mr. Fields said they would install speed bumps or signage for the driveway to accommodate the adjoining property owner.

Mr. Fields said new curbing and catch basins would be installed which should prevent the neighbor's property from experiencing any flooding problems.

Cheryl Glassel, speaking for James Glassel of 1775 Lark Avenue, said they are concerned about vehicle lights shining into Mr. Glassel's residence and she asked that the driveway be removed. Ms. Glassel also asked for details on the proposed trash enclosures. Ms. Glassel said she wanted to go on record as being against any hours of operation after 10 p.m.

Boardmember Erickson moved approval of the site plan date-stamped September 6, 1989, and building elevations and landscape plans date-stamped August 11, 1989, for Fleming's Service Center at 2271 White Bear Avenue, subject to the following conditions:

1. All trash dumpsters shall be stored in screening enclosures with a 100% opaque wooden gate and shall be a color and material to match the building. The design, placement and size of the enclosure shall be subject to staff approval. No refuse, old tires or waste of any kind shall be kept outside of the enclosure. Any enclosure for the storage of tires shall be kept locked.
2. Any exterior building or roof-mounted equipment shall be decoratively screened and hidden from view and be subject to Board approval.
3. Parking areas shall be striped with a "hairpin" design and all bituminous areas shall have continuous concrete curbing. Non-grass bumper overhangs that are at least 2.5 feet wide shall be provided as required by code for all 15.5-foot-deep parking stalls. Parking lots shall be kept in a continual state of repair.
4. If construction has not begun within two years of approval, Board review shall be repeated.
5. Site lighting shall be provided. All outdoor illumination shall be downlighted so as to prevent undue glare from being directly visible on any adjacent street or on property that is used or

planned for residential use. No light source shall be directly visible from any residential area or public street and light levels shall not exceed one foot-candle at a residential property line.

6. If any adjacent property is disturbed or property irons removed due to construction of the site, that property shall be restored and irons replaced by the applicant.
7. Grading, drainage, erosion control and utility plans shall be subject to the City Engineer's approval.
8. All required landscape areas shall be continually and properly maintained. All required plant materials that die shall be replaced by the owner within one year.
9. The screening fence shall be revised for staff approval to be extended along the west side of the Lark Avenue driveway.
10. Reflectorized stop signs and handicap parking signs shall be provided.
11. All public boulevard that is disturbed due to this construction shall be restored and resodded.
12. Proper building addresses shall be installed, subject to the approval of the Fire Marshal.
13. Signage if not part of this approval. Sign proposals shall be approved by staff, unless City Council or Review Board approval is required.
14. The sidewalk along White Bear Avenue shall taper to meet the driveway grade at the new driveway crossing.
15. The building shall have an exterior on all four sides of brick-shaped concrete block. The color shall be an earthtone resembling natural brick. The flat concrete block fascia proposed on the south and east sides of the building shall be replaced with a fluted concrete block, colored to be compatible with the building.
16. An inground sprinkling system shall be installed for all landscaped areas.

17. External speakers shall be directed away from residential areas and the sound shall not exceed 50 decibels (normal conversation level) at the residential property line.
18. The widening of the westerly curb cut along Cope Avenue is not permitted.
19. The station hours shall conform to existing code.
20. The vents for the underground fuel tanks shall be at least 200 feet from the residential district to the west. The City Council may approve a lesser setback if the developer can prove that the typography or existing or proposed buildings will prevent fumes from reaching a residential lot line.
21. Approval of a conditional use permit by the City Council for the expansion of a nonconforming use.
22. If a drive-up telephone is to be replaced on the property, it shall be located away from the adjacent residential property. One shall not be used if its location would interfere with traffic circulation.
23. Approval of plans by the Community Design Review Board does not constitute approval of a building permit.
24. The applicant shall provide a monetary guarantee, in a form acceptable to staff, in the amount of 150% of the estimated cost of any site improvements that are not completed by occupancy. The applicant shall also provide staff with proper documentation, to be approved by the City Attorney, which allows staff access onto the property to finish work that may not be completed.

Boardmember Molin seconded

Ayes--all

VI. DESIGN REVIEW

A. Sign Variance - Days Inn - 1780 E. County Road D

Ron Ringling, owner of the Days Inn, asked the Board to consider the poor location and financial problems of the Days Inn when considering this pylon sign height variance request. Mr. Ringling said they have had numerous complaints from businesses when their guests

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: **Conditional Use Permit**
LOCATION: 2271 White Bear Avenue
APPLICANT/OWNER: Joseph L. Fleming
PROJECT TITLE: Fleming's Service Center
DATE: October 11, 1989

SUMMARY

INTRODUCTION

1. The applicant is requesting approval of a conditional use permit (CUP) to redevelop his fuel station with a new facility including: a convenience store, two express lube bays, four regular service bays, a car wash and fuel islands.
2. The recently adopted fuel station ordinance prohibits fuel stations and repair garages within 350 feet of residential districts. This makes the station a nonconforming use. A CUP is required to expand a nonconforming use.

BACKGROUND

Code Requirements

Subsection 36-151 (2.i.3.) states that in a BC district, major fuel stations or public garages shall not be permitted within 350 feet of areas planned for residential use in the City's land use plan.

Subsection 36-17 (e) states that no existing building or premises devoted to a use not permitted in the district in which such building or premises is located shall be enlarged, reconstructed or structurally altered, unless:

1. Required by law or government order; or
2. There would not be a significant affect, as determined by the City through a conditional use permit, on the development of the parcel as zoned.

Design Review Board Action

On September 26, 1989, the Review Board approved plans for this project and recommended approval of the CUP. The Board recommended that the existing driveway to Lark Street be allowed to remain, but must be screened from the neighbor's view by a decorative wood fence. The question of this driveway being

allowed to remain was the neighbor's main contention concerning this proposal.

DISCUSSION

Staff finds no reason to deny the CUP. The site plan proposes to place the fuel pumps and building further away from the adjacent home lessening any potential nuisance from the fuel service activity. The proposed screening fence, furthermore, would provide an additional buffer to the existing hedge. The grading would correct an existing drainage problem.

RECOMMENDATION

Adoption of the enclosed resolution on page 11, approving a conditional use permit to redevelop a fuel station and repair garage at 2271 White Bear Avenue, based on the conditions required by ordinance. Approval is subject to the following conditions:

1. Adherence to the site plan date stamped September 6, 1989.
2. This permit shall be subject to review after one year from the date of approval, based on the procedures in City code.

CITIZEN COMMENTS

Staff mailed surveys to the 31 property owners within 350 feet for their comments regarding this proposal. Of the twelve replies, one had no comment, five were in favor and six objected. It should be noted that these survey replies were submitted prior to the revised site plan which eliminates all variances.

In Favor Comments

1. I am in favor because it looks as though they have it well landscaped and attractive.
2. It is a better looking station with better business for the area. A good improvement for the City.
3. It provides more service to our employees (Specialty Engineering).
4. Look more modern, make more jobs, be more competitive with big oil who take profits and pay some exec. in some other state \$1,000,000.

Objections

1. Meet the present code.
2. Refer to the letter on page 8.

Staff reply: Item 4 - The City Council originally required the installation of a fence, but did not state where. The fencing was not shown as part of the landscape plan on file.

3. We do not need another car wash. We do not need another gas station. They are building a large one on B and White Bear Avenue. Would like to see Lark be on a cul-de-sac as we were promised years ago. What are rules and laws for, if they are not followed.
4. While support Fleming's business, the surrounding property should be preserved.
5. No objection to improving the property, but oppose the driving lane variances. I object because of code variances. I am in favor if no variances in driving lanes.
6. Refer to the letter on page 9.

REFERENCE

Site Description

1. Site size: 1.19 acres
2. Existing Land Use: Fleming's Service Center

Surrounding Land Uses

Northerly: Cope Avenue and McDonald's Restaurant
Southerly: White Bear Avenue, Prosperity Avenue and Realty World
Easterly: White Bear Avenue
Westerly: Single dwelling and the Ramsey Clinic Medical Center

Planning

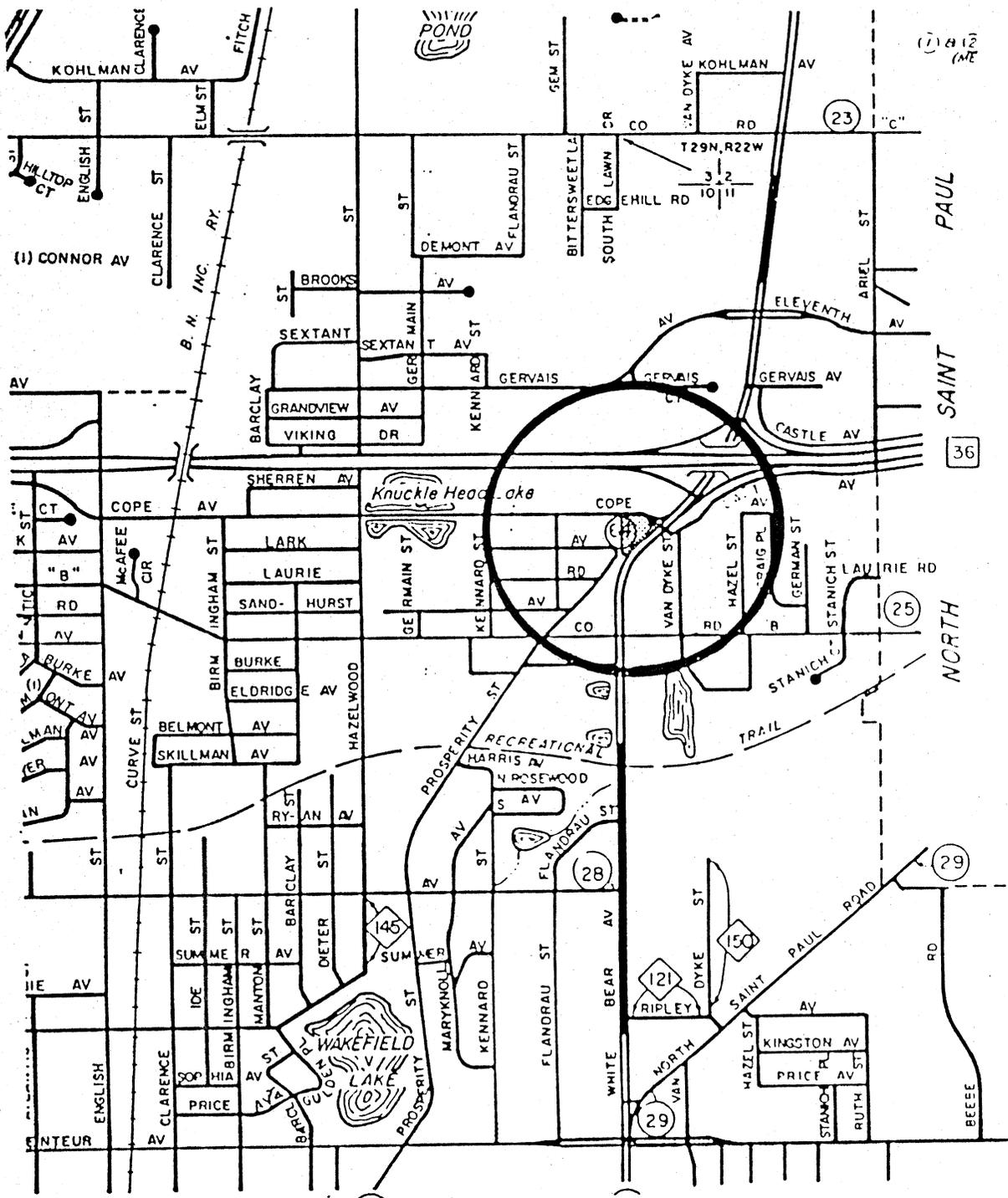
1. Land Use Plan designation: SC, Service Commercial
2. Zoning: BC, Business Commercial

j1

FLEMING2

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Survey response dated July 18, 1989
5. Survey response dated July 25, 1989
6. Applicant's Petition date stamped September 21, 1989
7. Resolution



LOCATION MAP



COPE AVE

27700

EXISTING CURB CUT

EXISTING CURB CUT

6" CONC. CURB
TYPICAL

7999

10'-0" TYPICAL
15'-6" TYPICAL
5'-0"

218.26

EXISTING
C.B.
□

6' HIGH
SCREEN
FENCE

NEW STATION/STORE

TRASH
ENCLOSURE

CANOPY

6" CONC. CURB
TYPICAL

REVISED
SIGNAL EQUIP
BOX SEE
DETAIL

WHITE BEAR AV.

3934
EXISTING
C.B.
□

EXISTING
DRIVEWAY

3987

REMOVE EXISTING
CURB CUTS

SITE PLAN



N

I object to this proposal because:

1. Noise and trash are already a problem. This proposal will result in additional noise, conglomeration of flying papers, dirty rags, oil cans, tires, etc.
2. The Ramsey Clinic to the north extends the entire width of our lot with a setback of only 17 or 18 feet. If the proposal materializes, the east side will also close in on our property, thus further devaluating our home.
3. Access to the station from Lark and Prosperity has been permitted by the City of Maplewood. It was not in the Ramsey County plans when White Bear Avenue was improved, nor was it wanted by them. It has resulted in an area of speeding automobiles and an abundance of trash.
4. We were promised a screening fence when the station was built. It never materialized. The existing 10' high hedge shown on the map was planted by us and is on our property. When we retire, we may wish to remove it for more garden space.
5. IF CODES ARE NOT ENFORCED, THEY ARE MEANINGLESS.

The way this property should be developed:

1. Within the codes.
2. Remove the drive from Lark and Prosperity. The intersection of Lark, Prosperity and White Bear Avenue was closed to prevent traffic from entering White Bear Avenue at this busy and dangerous area.
3. Install the screening fence we were promised.
4. Provide adequate drainage. We will no longer tolerate flooding of our basement because of water draining from Fleming's parking lot and Lark Avenue.

JUL 18 1989

JUL 25 1989

We would be in favor of the
improvement to the Fleming station,
but feel that the building codes
should be observed,

Can adjustments be made so that
the drive lane and building are
within the building codes -?

We feel it would be unfair to the
residents bordering the station,
as it would lower the value,
and make the property more
difficult to sell - should they
want to in the future -

Melba + Marvyn
Middendorf

1745 Lark

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Joseph L. Fleming initiated a conditional use permit to expand his service station at the following-described property:

Registered Land Survey Number 258, Tract B

This property is also known as 2271 White Bear Avenue, 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 _____, 198 . The Planning Commission recommended to the City Council that said permit be
2. The Maplewood City Council held a public hearing on _____, 198 . Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

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

~~Larson, Sigmundik,
Sletten~~

D. Conditional Use Permit: 2271 White Bear Avenue
(Fleming)

Secretary Olson presented the staff report for this requested conditional use permit to redevelop a fuel station with a new facility including: a convenience store, two express lube bays, four regular service bays, a car wash and fuel islands.

A commissioner asked whether the fuel storage tanks had been inspected for compliance to pollution requirements.

Joe Fleming, the applicant, said the tanks were installed in 1973 and soils testing was done in the past. Mr. Fleming said that some contamination was found and all of the tanks will be replaced at this time.

Chairman Axdahl asked for comments from the public. There were no comments.

Mr. Fleming said the addition of catch basins on the curb lines should prevent any flooding problems on the neighbors' property.

Commissioner Cardinal moved the Planning Commission recommend adoption of the resolution approving a conditional use permit for a fuel station and repair garage at 2271 White Bear Avenue, based on the conditions required by ordinance. Approval is subject to the following conditions:

1. Adherence to the site plan date-stamped September 6, 1989.
2. This permit shall be subject to review after one year from the date of approval, based on the procedures in City code.

Commissioner Sletten seconded

Ayes--Axdahl,
Barrett,
Cardinal,
Fiola, Fischer,
Larson,
Sigmundik,
Sletten

Action by Council:

MEMORANDUM

TO: City Manager
 FROM: Ken Roberts, Associate Planner
 SUBJECT: Conditional Use Permit
 LOCATION: 2207 McAfee Circle
 APPLICANT/OWNER: Scott and Julie Hoffman
 DATE: September 26, 1989

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY

INTRODUCTION

Request

The applicant has applied for a conditional use permit in order to construct a deck into the required setback along County Road B.

Reason for the Request

Section 36-70 of the City Code states "A conditional use permit may be given to construct an addition to a single dwelling when such addition, or part thereof, extends into a minimum setback." The corner of the garage which would abut the proposed deck is thirty feet from the property line along County Road B. The position of the house in relation to County Road B is such that the corner of the proposed deck, if aligned with the side of the garage, would encroach ten feet into the required thirty foot setback. Thus a conditional use permit is required to construct the deck on the south side of the house as proposed.

DISCUSSION

The home has a sliding glass door and a 2 x 12 deck ledger board on the south side in anticipation of a deck being added. The addition of a deck on the south side of the house would not hinder traffic visibility, depreciate property values or cause adverse environmental effects. In fact, the deck as planned will incorporate the site's existing features into its design.

One concern with this property that was raised by three of the surrounding property owners was that the grass in the ditch area of County Road B has not been kept mowed. The Environmental Health Officer will investigate this complaint.

RECOMMENDATION

Approve the resolution on page 9 approving a conditional use permit for the construction of a deck in the required setback for 2207 McAfee Circle subject to the following conditions:

1. Adherence to the submitted plans, dated August 18, 1989, unless a change is approved by City staff.

2. Approval of all building plans and the issuance of a building permit by the building inspector prior to the start of construction.
3. No permanent walls or roof shall be permitted with the deck in the setback encroachment area.
4. The storage area under the deck shall not be heated and shall not be used for living space, unless approved by the City Building Official.
5. No lighting shall be permitted which glares or shines on the public right-of-way.
6. This permit shall be subject to review after one year from the date of approval, based on the procedures in the City Code.

CITIZEN COMMENTS

Surveys were sent to the 24 property owners within 350 feet of the site. Of the 20 replies, 4 had no comment and 16 were in favor.

Of those in favor, three had concerns with this property owner's past maintenance of the ditch area of County Road B. They felt that it was appropriate to require the applicant to take better care of the ditch area as a condition of approval.

REFERENCE

SITE DESCRIPTION

Site area: 12,616 square feet

Existing land use: Single-family dwelling

SURROUNDING USES

North: Single-family dwelling

East: McAfee Circle and single-family homes

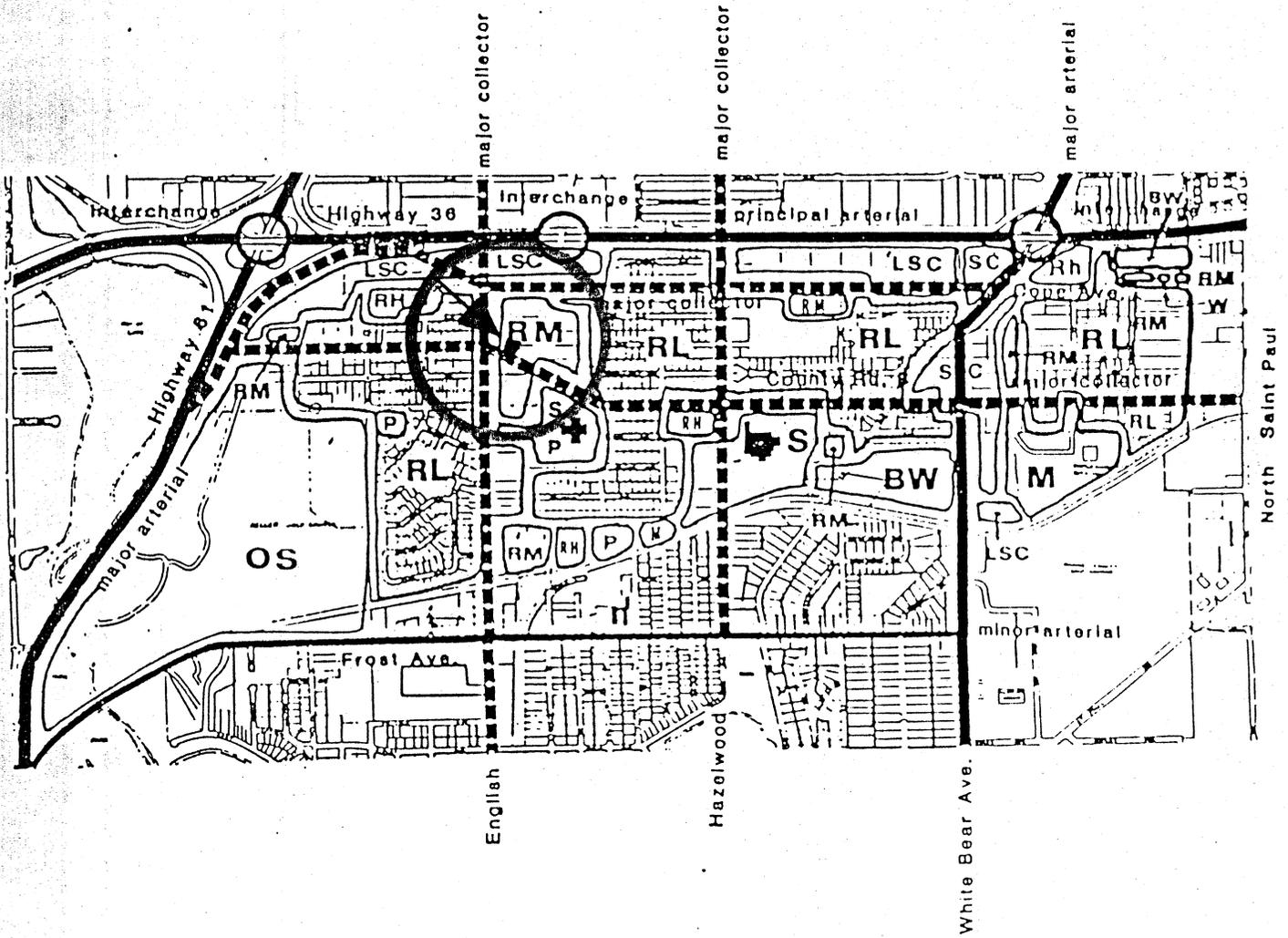
South: County Road B and undeveloped property

West: Single-family homes

Attachments

1. Sherwood Glen Land Use Plan Map
2. Property Line/Zoning Map
3. Site Plan
4. Building Elevation
5. Applicant's Statement
6. Conditional Use Permit Resolution

kenmemo22



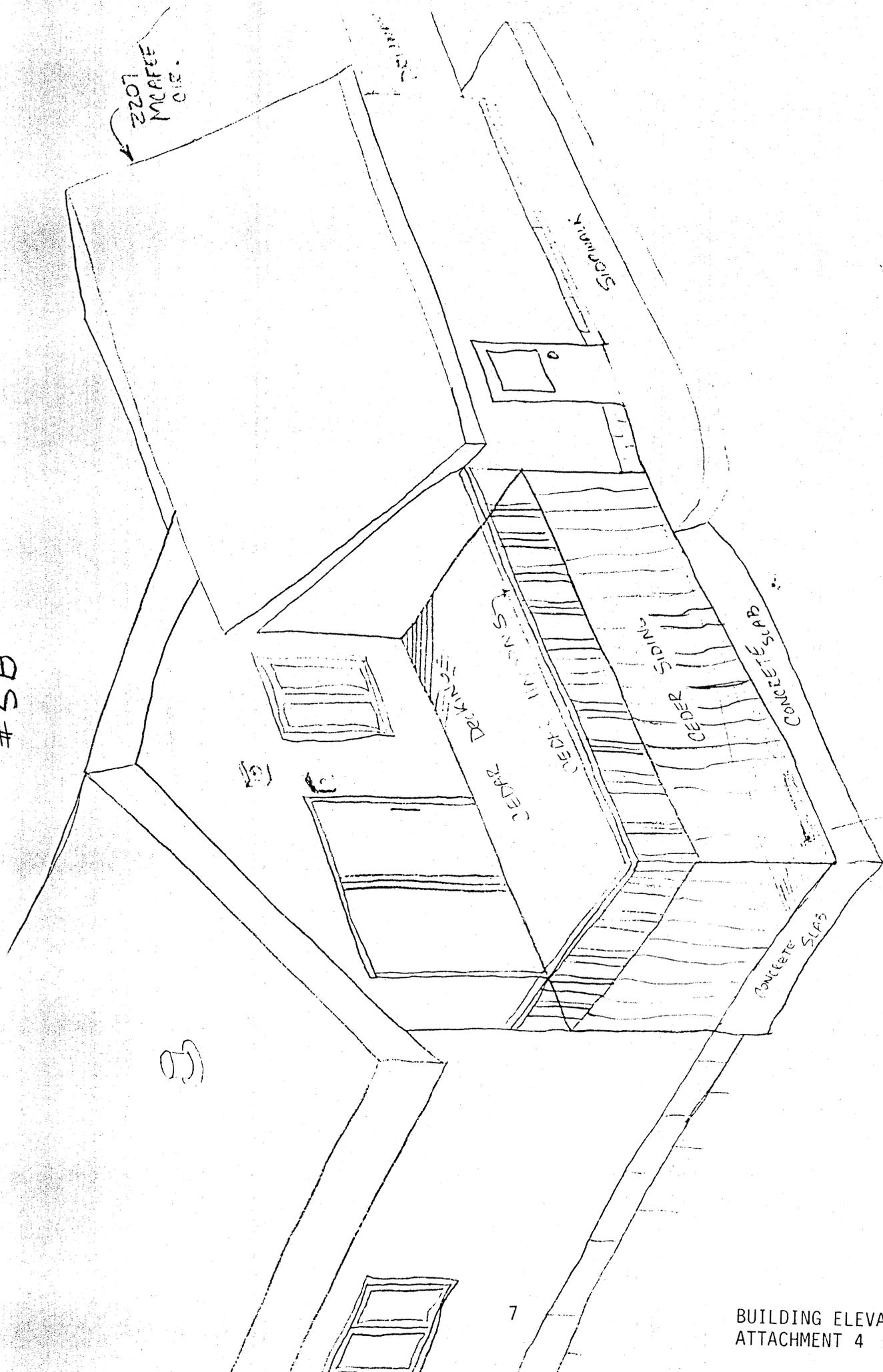
SHERWOOD GLEN LAND USE PLAN



Z207
MCAFEE
DIE.

SEAS
AUGUST 13, 1989

#5B



ILLUSTRATES
AREA IN
SETBACK

Z6

BUILDING ELEVATION
ATTACHMENT 4

Scott : Julie Hoffmann
2207 MCAFEE CIRCLE
MAPLEWOOD, MN 55109

#6

The deck I would like to build will not be:

- A) Detrimental to the Public Health or Safety
- B) Depreciate Property Value
- C) Will not be Hazardous
- D) Cause Traffic Congestion
- E) Cause Parking Needs
- F) be A Loss to the Public

The deck I would like to build will :

- A) Incorporate Site's Natural AND Scenic Features
- B) Add to Property Value
- C) be maintained to best possible scenery

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Scott and Julie Hoffman initiated a conditional use permit to construct a deck in the required setback at 2207 McAfee Circle;

This property is also known as Lot 17, Block One, Cave's English Street Addition, 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 October 2, 1989. The Planning Commission recommended to the City Council that said permit be approved.
2. The Maplewood City Council held a public hearing on October 23, 1989. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's comprehensive plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing, or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.

VII. NEW BUSINESS

A. Conditional Use Permit: 2207 McAfee Circle (Hoffman)

Ken Roberts, Associate Planner, presented the staff report for this requested conditional use permit in order to construct a deck into the required setback along County Road B.

Scott Hoffman, the applicant, said the house was sold to him and his wife with the patio door and preliminary work for a deck already installed. Mr. and Mrs. Hoffman were not informed at the time of purchase that the deck would extend into the required setback.

The commissioners discussed the possibility of an ordinance requiring the filing of a deed to inform the property owner of this kind of potential problem at the time of the purchase of a home.

Commissioner Sletten moved the Planning Commission recommend approval of the resolution approving a conditional use permit for the construction of a deck in the required setback for 2207 McAfee Circle, subject to the following conditions:

1. Adherence to the submitted plans, dated August 18, 1989, unless a change is approved by City staff.
2. Approval of all building plans and the issuance of a building permit by the building inspector prior to the start of construction.
3. No permanent walls or roof shall be permitted with the deck in the setback encroachment area.
4. The storage area under the deck shall not be heated and shall not be used for living space, unless approved by the City building official.
5. No lighting shall be permitted which glares or shines on the public right-of-way.
6. This permit shall be subject to review after one year from the date of approval, based on the procedures in the City code.

Commissioner Cardinal seconded Ayes--Axdahl,
Barrett, Cardinal,
Fiola, Fischer,
Larson, Sigmundik,
Sletten

B. Alley Vacation and Preliminary Plat: Sheryl's Addition

Ken Roberts, Associate Planner, presented the staff report for this requested preliminary plat for seven single-dwelling lots and the vacation of an unused alley.

Donald Campbell, surveyor and representing the applicant, said the grading on this site was done in conjunction with another project and the final grading is complete at this time. Mr. Campbell said they would comply with all of the conditions of the staff recommendation.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution to vacate the alley between German and Ariel Streets, south of Cope Avenue.

Approval is in the public interest because:

- a. The adjoining properties have adequate street access.
 - b. This alley segment is not needed for area traffic circulation or emergency vehicle access.
 - c. The alley right-of-way is not needed and Maplewood's policy has been to vacate alley rights-of-way whenever possible.
2. Approval of the preliminary plat, subject to the following conditions being satisfied before final plat approval:
 - a. Approval of the final grading, drainage and erosion control plans by the City Engineer.
 - b. The grading plan shall include a proposed building pad elevation and contour information for each home site. Housing styles shall be illustrated which minimize

Action by Council:

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Conditional Use Permit and Parking Authorization
LOCATION: 1357 Cope Avenue
APPLICANT/OWNERS: Sue and Tom Hope
PROJECT TITLE: Corner Kick Indoor Soccer Center Addition
DATE: October 11, 1989

SUMMARY

INTRODUCTION

- 1. The applicants are requesting approval of a conditional use permit for a 3,066-square-foot addition proposed on the front of the Corner Kick Indoor Soccer Center. This new space would provide support services for the soccer facility such as a store, office, lounge and snack bar. A CUP is required since the addition would be within 350 feet of the residential district to the south.
- 2. City Council authorization for 151 fewer parking spaces is also requested. Code requires 257 spaces; 106 are currently provided. No additional spaces are proposed with this addition.

BACKGROUND

When the building was approved, City Code required a CUP for any construction within 200 feet of a residential district. A CUP was not required then since the building was placed over 200 feet back from the residential district to the south. Code now requires a CUP if the construction would be closer than 350 feet to a residential district.

PARKING REQUIREMENT

Section 36-22(a)(6) requires that there be one parking space for each 200 square feet, or portion thereof, of floor area for recreational uses.

CRITERIA FOR CUP APPROVAL

Section 36-442 requires that in order to approve a CUP, findings one through nine, as listed in the resolution on page 12, must be made.

DISCUSSION (CUP, parking authorization, and liquor license)

Staff finds no problem with the proposed addition's proximity to the residential district to the south. The addition would only

be eight feet closer to the street than the existing building, which is 202 feet back from the center line of Cope Avenue (the residential boundary.) This would not have any negative effect or impact on the appearance of the building.

The parking ordinance requires that the applicant provide over twice the number of stalls presently in place. Staff feels that an authorization for the 157 fewer spaces should be approved since the proposed addition is for support services for soccer games and, therefore, should not significantly increase the need for more parking. Also, there have not been any traffic problems reported. The ordinance, furthermore, is too general. Code requires this ratio for all recreational uses, whether the use is billiard hall, video arcade, bowling alley or, in this case, an indoor soccer center. Staff would recommend that if a parking problem develops, the applicant should restripe the parking lot with 9.5-foot-wide stalls for customers and 9-foot-wide stalls for employees, which the new parking code allows.

The primary objection to this proposal is over the requested liquor license, not the building expansion. Approval of the CUP should be conditioned upon prohibiting the sale of alcoholic beverages. There are presently no liquor establishments located across from residential homes that would cause noise and traffic problems for homeowners.

RECOMMENDATION

1. Approval of a conditional use permit for one year for a building setback of 190 feet from the adjacent residential district for an indoor soccer center at 1357 Cope Avenue, based on the findings required by code and since the proposed addition would only be eight feet closer to the front lot line than the existing building. Approval is subject to the following conditions:
 - a. Adherence to the site plan, date stamped August 21, 1989,
 - b. There shall not be any sale of alcoholic beverages.
2. Approval of a parking authorization for 151 fewer parking spaces, based on the following:
 - a. There have not been any complaints received indicating parking problems at the Corner Kick Indoor Soccer Center;
 - b. The proposed addition would not be a significant traffic generating use, but only a support area for the facility.
 - c. A large part of the area is soccer field.

If a parking problem arises in the future, the City Council may require that the applicant shall restripe the parking lot with 9.5-foot-wide spaces for customers and 9-foot-wide spaces for employees.

CITIZEN COMMENTS

Staff mailed surveys to the 26 property owners within 350 feet for their comments regarding this proposal. Of the eleven replies, four were in favor, one had no comment and six objected.

In Favor

I am in favor, except for the alcoholic beverages. We have our share of speeding autos on Cope Ave. now. We do not need the alcohol with it.

Objections

1. We question the fact that alcoholic beverages need to be sold at Corner Kick.
2. I am opposed to selling alcoholic beverages on the site. I believe it will increase traffic and parking problems because the patrons will not leave the site after the game. If the sale of alcoholic beverages was dropped from the proposal - I would not object to it.
3. There is currently a noise and traffic problem that develops during soccer indoor season. This is due to younger people drinking in the parking lot after their recreation. Reckless driving, burning rubber, speeding out of the area. I Object to the Liquor License!!! Consider the environment of the residents affected.

Staff reply: The Director of Public Safety has stated that there have not been any traffic or parking problems reported.

4. This is a recreational facility not a liquor lounge - Enough traffic and noise as it is! Not very controlled as to speed limit!
5. It will promote more late night traffic and increased loitering in the parking lot after games. Our only real objection is the serving of alcohol on the premises.
6. Refer to the letter beginning on page 10.

REFERENCE

Site Size

3.6 acres

Surrounding Land Uses

Northerly: Highway 36
Southerly: Cope Avenue and single dwellings
Easterly: Abandoned Burlington Northern Railroad line
Westerly: Proposed English Place Shopping Center site

Past Action

September 18, 1984: The Community Design Review Board approved plans for the soccer center.

September 12, 1989: The Community Design Review Board approved plans for the proposed addition and recommended approval of the CUP.

Planning

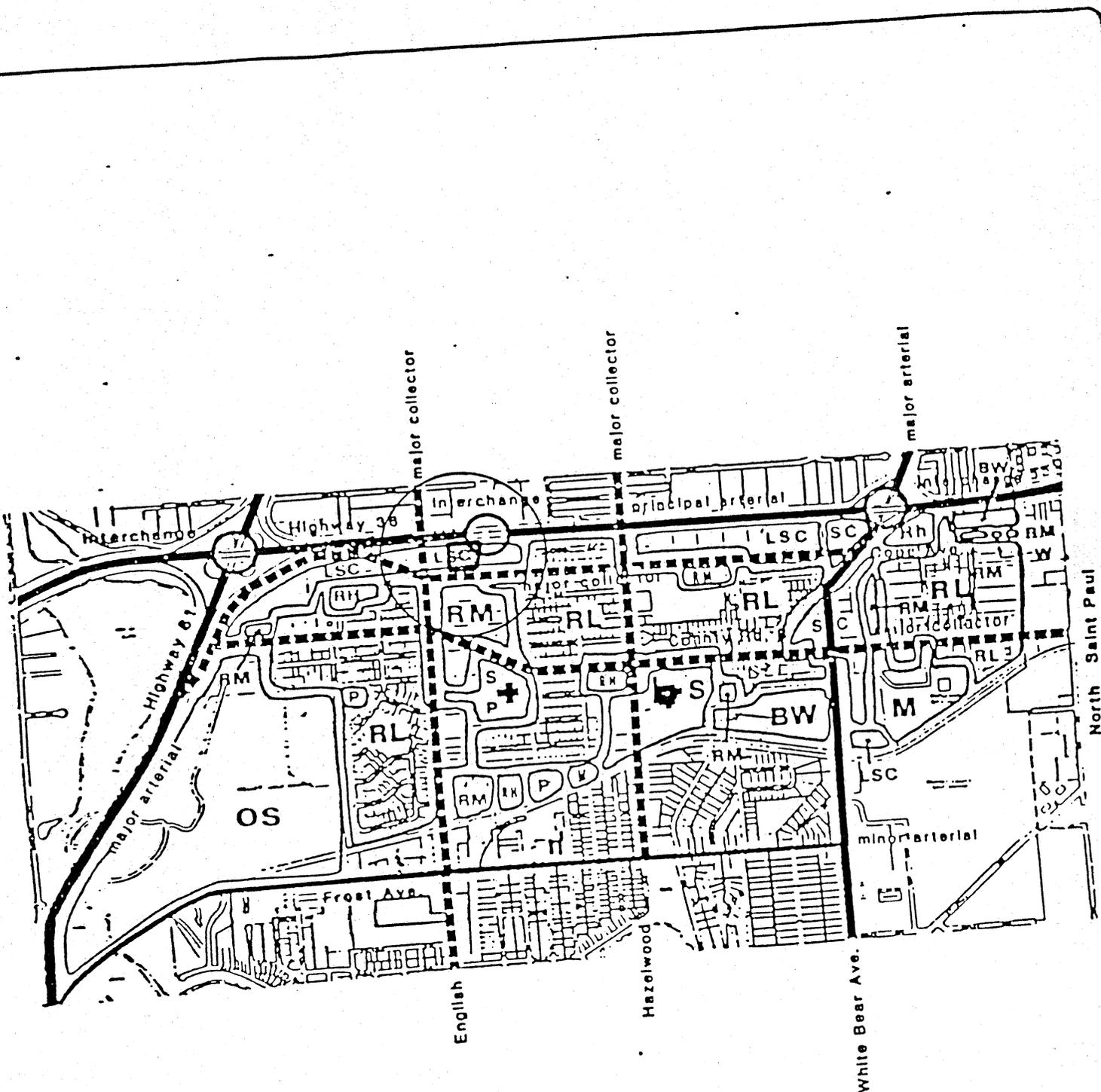
1. Land Use Plan designation: LSC, Limited Service Commercial
2. Zoning: M-1, Light Manufacturing
3. Section 36-187 (b) of the M-1 district regulations states that no building or exterior use, except parking, may be erected, altered or conducted within 350 feet of a residential district without a conditional use permit.

j1

TESOCCUP

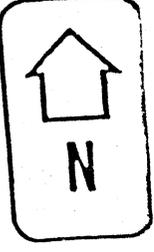
Attachments

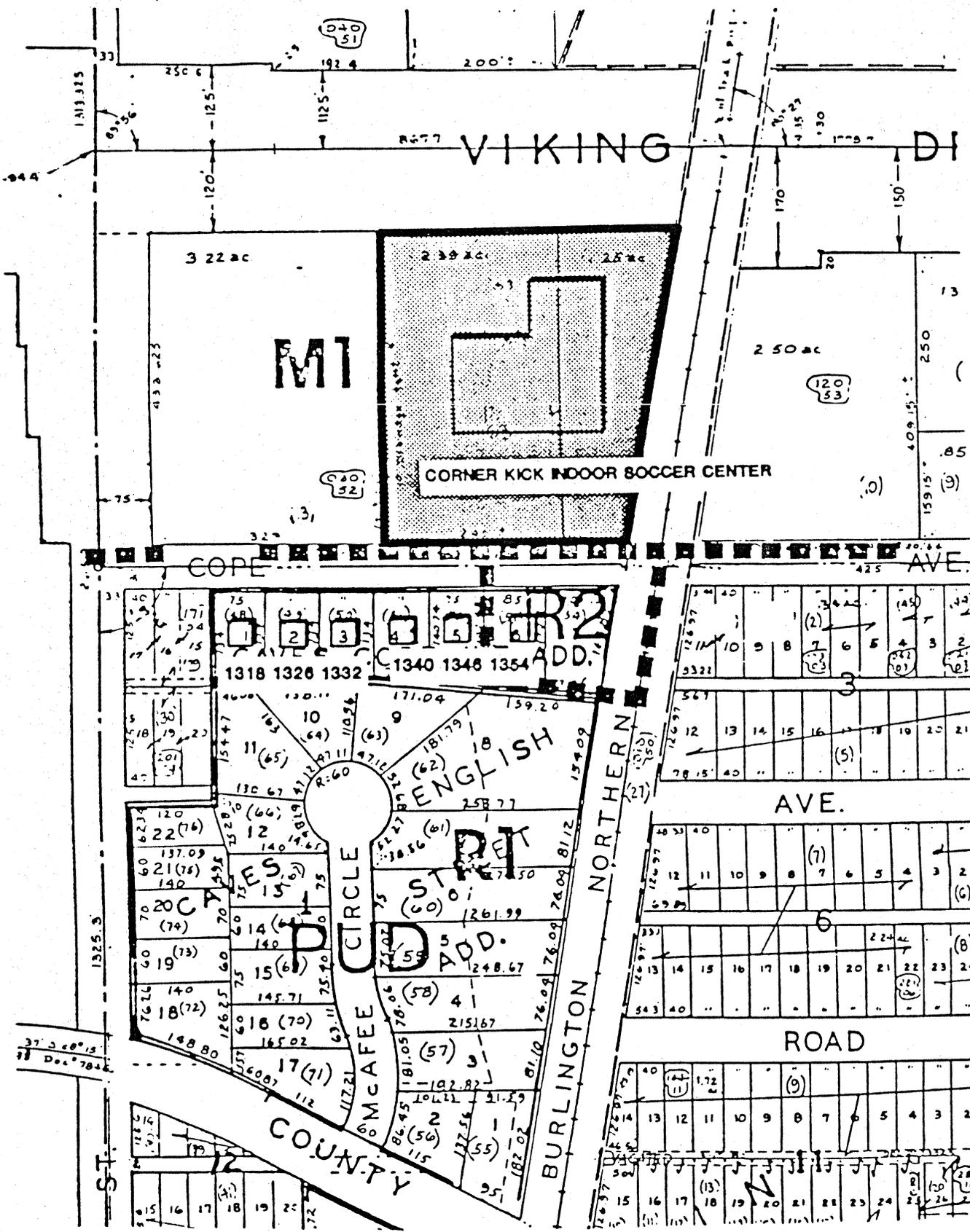
1. Sherwood Glen Land Use Plan Map
2. Property Line/Zoning Map
3. Site Plan
4. Applicant's Statement of Purpose dated August 2, 1989
5. Neighbor's survey response
6. Resolution
7. Plans date stamped August 21, 1989 (separate attachment)



SHERWOOD GLEN
 LAND USE PLAN

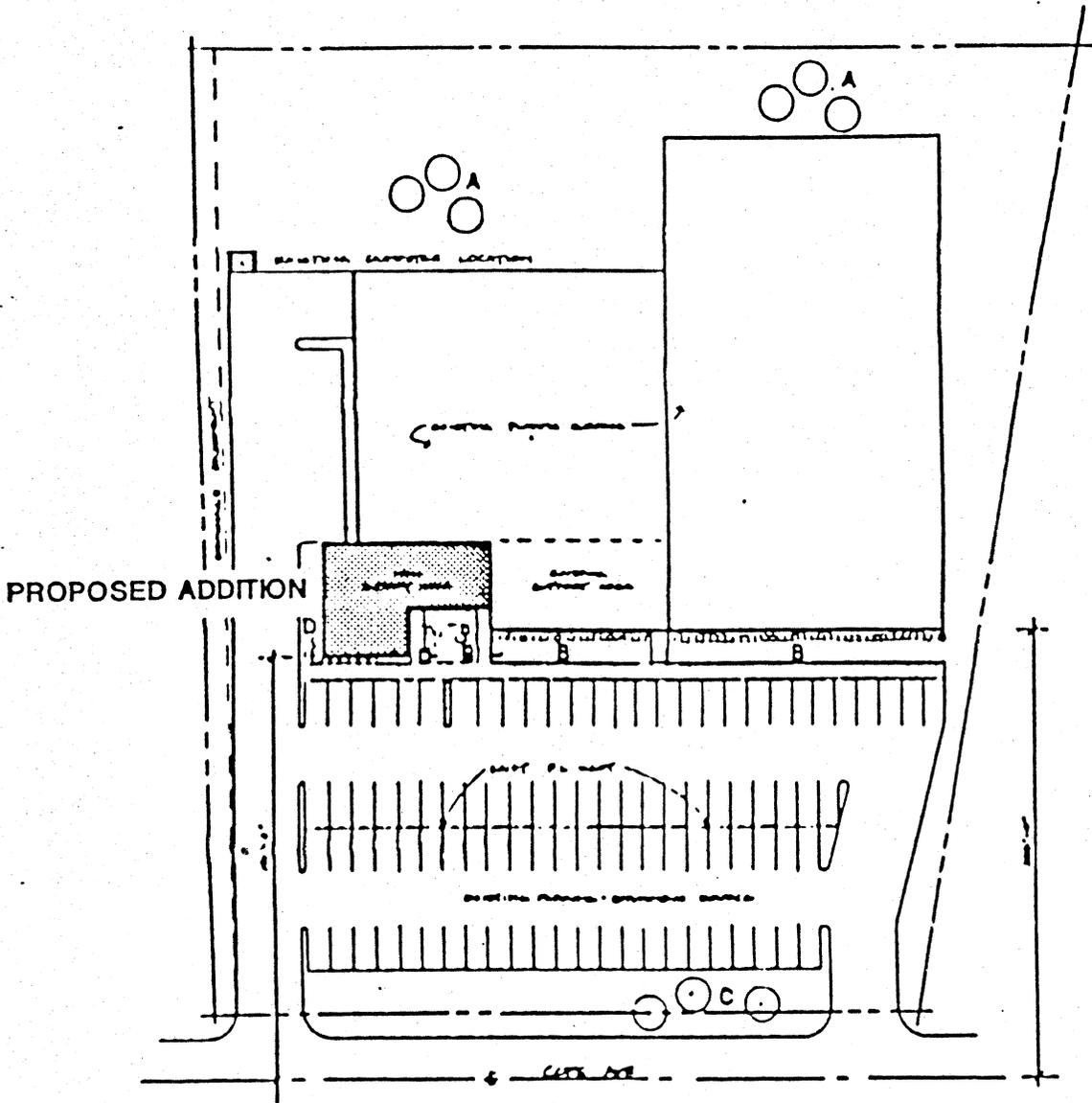
Attachment 1





PROPERTY LINE / ZONING MAP





SITE PLAN



Statement of Purpose for the Proposed Expansion of the
Property at 1357 Cope Ave.

As the business of our tenant, Corner Kick Indoor Soccer Center, Inc. , has matured, it has become apparent that the existing support area, specifically the retail store and snack bar portions, are not big enough to adequately handle the wants and needs of either the business or its customers. The purpose of the expansion is to provide the additional space necessary to provide the customers with the service that they desire and the business with the revenue that it needs. The added space will be used to increase the retail soccer equipment store, expand the snack bar seating and service area and as a lounge serving alcoholic and non-alcoholic beverages.

As property owners, we feel that these modifications to the facility are in keeping with the original purpose of the business and the building. That purpose being to provide a place where people can play and enjoy indoor soccer and other indoor activities. We do not believe that these modifications will result in a vastly expanded number of customers or any increased traffic or parking problems. Rather, they are intended to provide a more amenable environment for our existing customers.

We would be more than happy to discuss the expansion plans and purpose whenever it is convenient.

Sue Hope 8/2/89

Sue Hope

Thomas Hope

Thomas Hope

① I A the city's comprehensive plan includes selling liquor at children's soccer centers then I think we have the wrong people planning this city's future. What's next liquor licenses at day care centers. I see car load after car load of young children going to the soccer center I think it's great for them. We strongly object to any liquor sales whatsoever.

As for the plan you sent me it is worthless. I can read nothing on it.

Is the addition needed to serve customers already there or do they plan on additional people if so were are they going to park. The parking lot is full sometimes

I think the city planner's who zoned this land did not want liquor at the corner kick soccer club.

I think you are interpreting their plans dangerously loose. All we need is a van load of ^{children} people leaving there after drinking.!!!

⑤ I have no objection to making the soccer center better able to support soccer's growing ~~popularity~~ popularity. I don't think we need liquor to do that. The business has grown this far without it lets keep it that way.

In summing up I have no objection to a snack bar or an addition as long as they have enough on site parking and there is no liquor served.

Thank you

Jim Grealish
Duanne Grealish

P.S. They do not serve liquor at most college sporting events why would you consider serving it to watch a bunch of kids play. This one issue has me very upset and concerned ~~how~~ that you could even consider this.

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Sue and Tom Hope initiated a conditional use permit to construct an addition onto the front of the Corner Kick Indoor Soccer Center which would be 190 feet away from the adjacent residential district at the following-described property:

Except the W 398 ft; that part south of Hwy 36 and west of ry rw of the nw 1/4 of the sw 1/4 (subject to rd) in Sec 10, Tn 29, R N22.

This property is also known as 1357 Cope Avenue, 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 September 18, 1989. The Planning Commission recommended to the City Council that said permit be
2. The Maplewood City Council held a public hearing on , 1989. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the City staff and Planning Commission.

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

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

grading on sites that contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided that the intent of the overall grading plan is complied with.

- c. Submit a signed developer's agreement with the required surety for erosion control and any tree planting required to the City Engineer.
- d. Approval of a tree removal and planting plan by the Director of Community Development. This plan must illustrate trees over eight inches in diameter that are to be removed, those that are to be retained, and those that are to be replanted.

Commissioner Sletten seconded

Ayes--Axdahl,
Barrett,
Cardinal,
Fiola, Fischer,
Larson,
Sigmundik,
Sletten

C. 1357 Cope Avenue (Corner Kick Soccer)
Parking Authorization
Conditional Use Permit

Secretary Olson presented the staff report for this requested conditional use permit for a 3,066-square-foot addition proposed on the front of the Corner Kick Indoor Soccer Center. City Council authorization for 151 fewer parking spaces is also requested. Secretary Olson said the majority of the neighbors' comments objected to any future liquor license being issued to this business.

A commissioner asked if liquor establishments in Maplewood are located adjacent to residential properties. Staff said liquor establishments may be adjacent (such as adjoining back yards) to residential properties, but there are none located on the same street.

Tom Hope, the owner of the property, said he did not want the condition prohibiting the sale of alcoholic beverages included in the recommendation. Mr. Hope said he did not have to be as specific as he has been about future use of

this addition and he does not feel this issue should be considered until such time as a liquor license is applied for. Mr. Hope said he was in agreement with the balance of the conditions of the staff recommendation.

Chairman Axdahl asked for any comments from the public. There were no comments.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of a conditional use permit for one year for a building setback of 190 feet from the adjacent residential district for an indoor soccer center at 1357 Cope Avenue, based on the findings required by code and since the proposed addition would only be eight feet closer to the front lot line than the existing building. Approval is subject to the following conditions:
 - a. Adherence to the site plan, date-stamped August 21, 1989.
2. Approval of a parking authorization for 151 fewer parking spaces, based on the following:
 - a. There have not been any complaints received indicating parking problems at the Corner Kick Indoor Soccer Center.
 - b. The proposed addition would not be a significant traffic generating use, but only a support area for the facility.

If a parking problem arises in the future, the City Council may require that the applicant shall restripe the parking lot with 9.5-foot-wide spaces for customers and 9-foot-wide spaces for employees.

Commissioner Fiola seconded

Commissioner Fischer amended the motion adding to Item 2. a. - "A large part of the building is a soccer field with a low density of players."

Commissioner Fiola seconded Ayes--Axdahl,
Barrett, Cardinal,
Fiola, Fischer,

Larson, Sigmundik,
Sletten

D. Conditional Use Permit: 2271 White Bear Avenue
(Fleming)

Secretary Olson presented the staff report for this requested conditional use permit to redevelop a fuel station with a new facility including: a convenience store, two express lube bays, four regular service bays, a car wash and fuel islands.

A commissioner asked whether the fuel storage tanks had been inspected for compliance to pollution requirements.

Joe Fleming, the applicant, said the tanks were installed in 1973 and soils testing was done in the past. Mr. Fleming said that some contamination was found and all of the tanks will be replaced at this time.

Chairman Axdahl asked for comments from the public. There were no comments.

Mr. Fleming said the addition of catch basins on the curb lines should prevent any flooding problems on the neighbors' property.

Commissioner Cardinal moved the Planning Commission recommend adoption of the resolution approving a conditional use permit for a fuel station and repair garage at 2271 White Bear Avenue, based on the conditions required by ordinance. Approval is subject to the following conditions:

1. Adherence to the site plan date-stamped September 6, 1989.
2. This permit shall be subject to review after one year from the date of approval, based on the procedures in City code.

Commissioner Sletten seconded

Ayes--Axdahl,
Barrett,
Cardinal,
Fiola, Fischer,
Larson,
Sigmundik,
Sletten

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Plan Amendment, Rezoning and Lot Division
LOCATION: 2462-56 White Bear Ave.
APPLICANT: Amoco Oil Company (Kris Kristufek)
DATE: October 13, 1989

INTRODUCTION

Request

The applicant is requesting approval of the following:

1. A plan amendment from LSC, limited service commercial to SC, service commercial.
2. A rezoning from F, farm residential to BC, business commercial.
3. A lot division to create a 272-foot lot on White Bear Avenue (lot 1 on the site plan) and a 263.02-foot lot to the east (lot 2 on the site plan).

Reason for the Request

The current land use classification of LSC limits gas sales to two dispensers on one island to service up to four vehicles at one time. Maintenance, such as car washing, is not allowed.

Description of the Project

The project would consist of the following:

1. A convenience store building with four gas dispensers in front, covered by a metal canopy.
2. A car wash building.

BACKGROUND

10-28-88: Application was made.

12-15-88: Council established a six-month moratorium on new applications for motor fuel stations and directed staff to revise and update the City's motor fuel station ordinance. Council also waived the petition requirement for a rezoning for Amoco. (Since then, Council deleted the petition requirement for all rezonings.)

6-12-89: Council extended the moratorium until August 28, 1989.

9-11-89: Council approved the motor fuel station ordinance. A

hearing for the Amoco proposal was scheduled for this meeting. Amoco requested that it be deleted to give them time to complete several studies requested by staff.

10-12-89: Council requested an opinion from staff on eliminating motor fuel stations from the zoning ordinance.

CRITERIA FOR APPROVAL

1. Comprehensive Plan amendments: There are no specific findings required for an amendment to the Comprehensive Plan. Staff recommendations are based on whether the change would be consistent with the goals and objectives in the Comprehensive Plan and whether the change would have less adverse effects or more benefits to the City and surrounding land uses than the current land use classification.

2. Rezoning: Section 36-485 of City Code gives six criteria to use in considering a rezoning or amendment to the zoning code:

"The council or planning commission shall, among other things:

a. Assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter (zoning).

b. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

c. Determine that the proposed change will serve the best interest and conveniences of the community, where applicable, and the public welfare.

d. Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.

e. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.

f. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this chapter is complied with, which conditions may include, but not be limited to, harmonious design of buildings, planting and its maintenance, a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, and adequate standards of parking and sanitation.

ALTERNATIVES

1. Rezone the site to BC(M), business commercial modified and approve a conditional use permit for a minor motor fuel station.

This would require the developer to reduce the dispensers to two on one island and drop the car wash. This would be consistent with the LSC land use designation. with the tank vents being within 200 feet of a residential area. If the lot division is approved, the property owner should be required to dedicate an additional 17 feet of property along the north 84.41 feet of the White Bear Avenue frontage to line up with the street right-of-way to the south. A cash connection charge of \$46,170 should also be required with the lot split in lieu of assessments for 11th Avenue, sanitary sewer and water.

2. Deny the requested plan amendment and rezoning.

DISCUSSION

This site would not meet a requirement in the motor fuel station ordinance that major motor fuel stations shall not be permitted within 350 feet of areas planned for residential use on the City's land use plan. (The property to the south is developed with a single-family home and is designated on the City's land use plan for RL, residential low density.) The proposed ordinance also requires that tank vents not be within 200 feet of a residential area unless the Council finds that proposed buildings would prevent fumes from reaching the residential area. The vents on this project would be 45 feet from the residential lot line to the south. The vents were originally proposed on the north side of the site, 176 feet from the south lot line. There is a car wash building that may hinder the spread of fumes to the south if the vents were relocated to the north lot line. The proposed location would cause a problem from the odor.

Staff requested that the developer provide three additional studies to evaluate the impact of a plan amendment - a traffic study, an appraiser's report and a soils study. The first two have been done. (See studies on pages 22 and 32.) The soils study is not complete as of this writing.

RECOMMENDATION

Deny the land use plan amendment and rezoning on the basis that the station would violate a requirement of the motor fuel station ordinance that prohibits major motor fuel stations within 350 feet of land planned for residential use.

CITIZEN COMMENTS

Staff surveyed the 20 property owners within 350 feet of the site. Of the 13 replies, five were in favor, one had no position and seven objected.

Comments from those in favor:

"I feel my property does not have much residential value and would like to sell it commercially with limited restrictions."
(2416 White Bear Ave. - Millete)

"With the provision that the median cut is directly across from our exit, or else I would prefer to see no median cut at all."
(2480 White Bear Ave. - dental clinic).

"Development in this area in the past years have changed from what we have experienced as a good area for residential living to now where the property should be zoned for BC property" (2456 White Bear Ave. - Edmund and Margaret Berggren).

Comments from the owner with no position:

"Present zoning is certainly not appropriate. It would seem more appropriate to address how the entire quadrant will be used at the time this is granted" (2515 White Bear Ave. - rental home owned by Dain Pension Investors).

Comments from those objecting:

"It will devalue my property" (1937 Gervais Ave. - Gusinada).

"Object because of the many accidents at this corner. More traffic, more accidents. Right hand turn lanes might help. What about the many retarded and handicapped that get on and off busses at this corner every day" (2500 White Bear Ave. - Fernow).

"Proposed project could cause a safety problem to adjacent residential properties. Piecemeal development requires too many curb cuts along White Bear Ave., which is not compatible with present and projected traffic. Property should be developed with one developer between 11th Ave. and Gervais Ave. and should be zoned LBC or BC. This will allow the City and County more control over the type of development and access from White Bear Ave.
(2428 White Bear Ave. - Berkowitz).

"The land between 11th Ave. and Gervais should be developed as one parcel" (2444 White Bear Ave. - Kult. Also refer to their letter on page 17.)

"We do not need a Oil Company there. We have enough of those around. Any other way except the Oil Co." (1955 Gervais Ave. - Benick).

Staff comment: The courts have ruled that the City cannot deny an application solely on the basis of whether the business is needed. The market will determine whether the station will be needed.

Refer to the letter on page 19 from 2434 White Bear Ave. - Donald Berggren and the petition on page 21.

REFERENCE

SITE DESCRIPTION

Gross area: Lot one - 1.05 acres
Lot two - 1.23 acres

Existing land use: two single-dwelling homes that would be removed

Property Owners:

2456 White Bear Ave.: Edmund Berggren (resident)
2462 White Bear Ave.: White Bear Ave. Partnership (taxpayer)
Gerald Proulx (fee owner)

SURROUNDING LAND USES

Single-dwelling homes to the south and east, a dental clinic to the north, Mapleridge Shopping Center to the northwest and Montgomery Wards office to the west.

PAST ACTIONS

12-15-88: The City Council waived the requirement for a rezoning petition for this application. (This requirement has since been dropped.)

PLANNING

LSC, Limited Service Commercial definition:

"The limited service commercial center classification refers to commercial facilities on a neighborhood scale. Heavy industrial uses, department stores, motels, auto accessory stores, etc., would be prohibited. Other land uses of a medium intensity nature, such as gas sales with no vehicle repair or maintenance and with no more than two pumps on a single island to service up to four vehicles at one time, may be permitted subject to meeting certain performance standards as defined in the zoning code" (page 18-31).

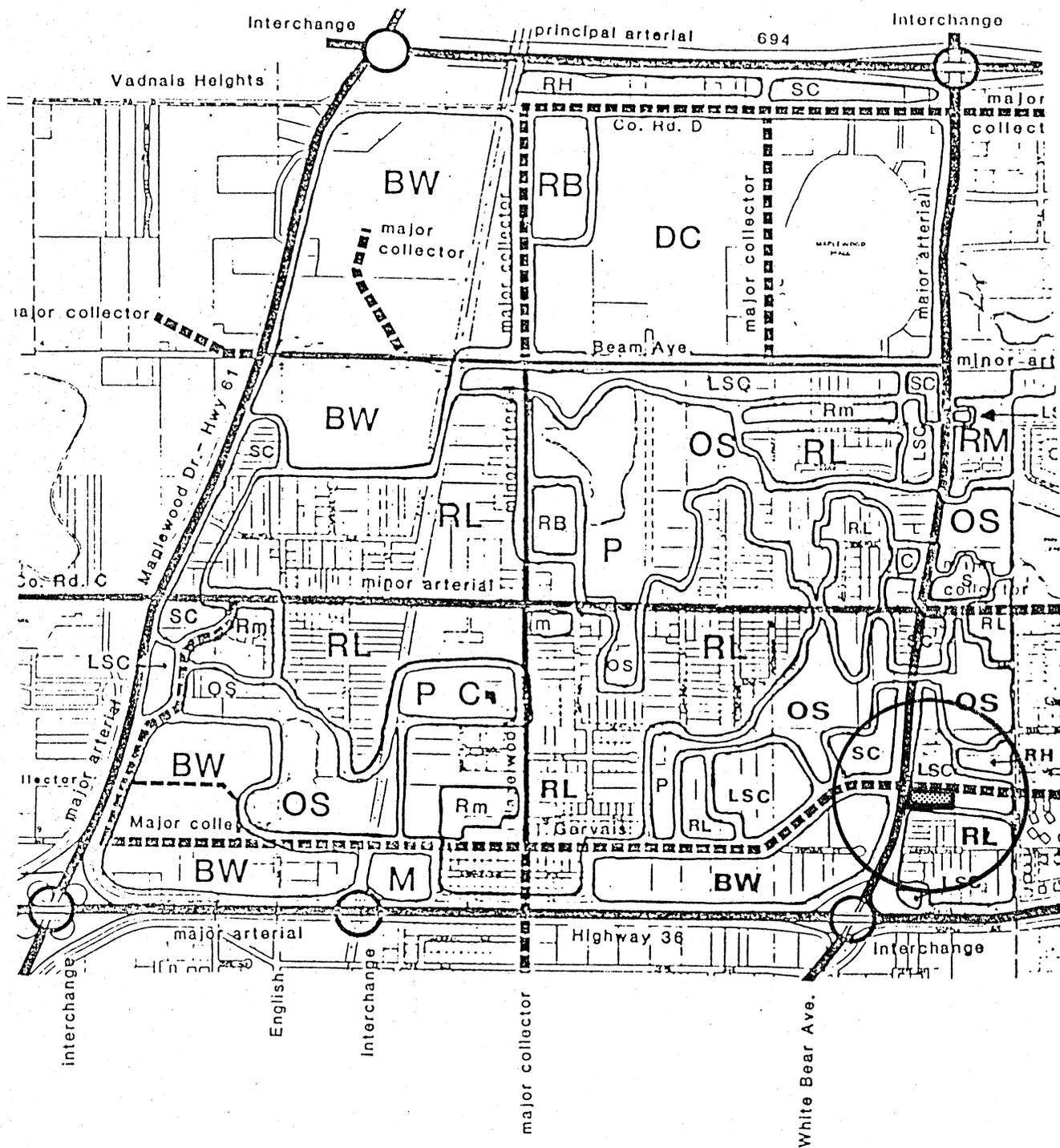
The SC, service commercial classification is defined as follows:

"This commercial classification is oriented to facilities which are local or community-wide scale. While a full range of commercial uses is permitted in this district, certain types of facilities which may be of a high-intensity nature, such as fast food restaurants, discount sales outlets, gas stations, and light industrial uses, should be permitted subject to specific performance guidelines. The objective of establishing this district is to provide for a wide variety of commercial uses, compatible with the character and development of the neighborhoods in which they are located" (page 18-31).

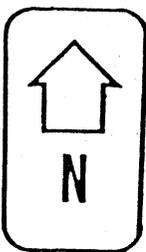
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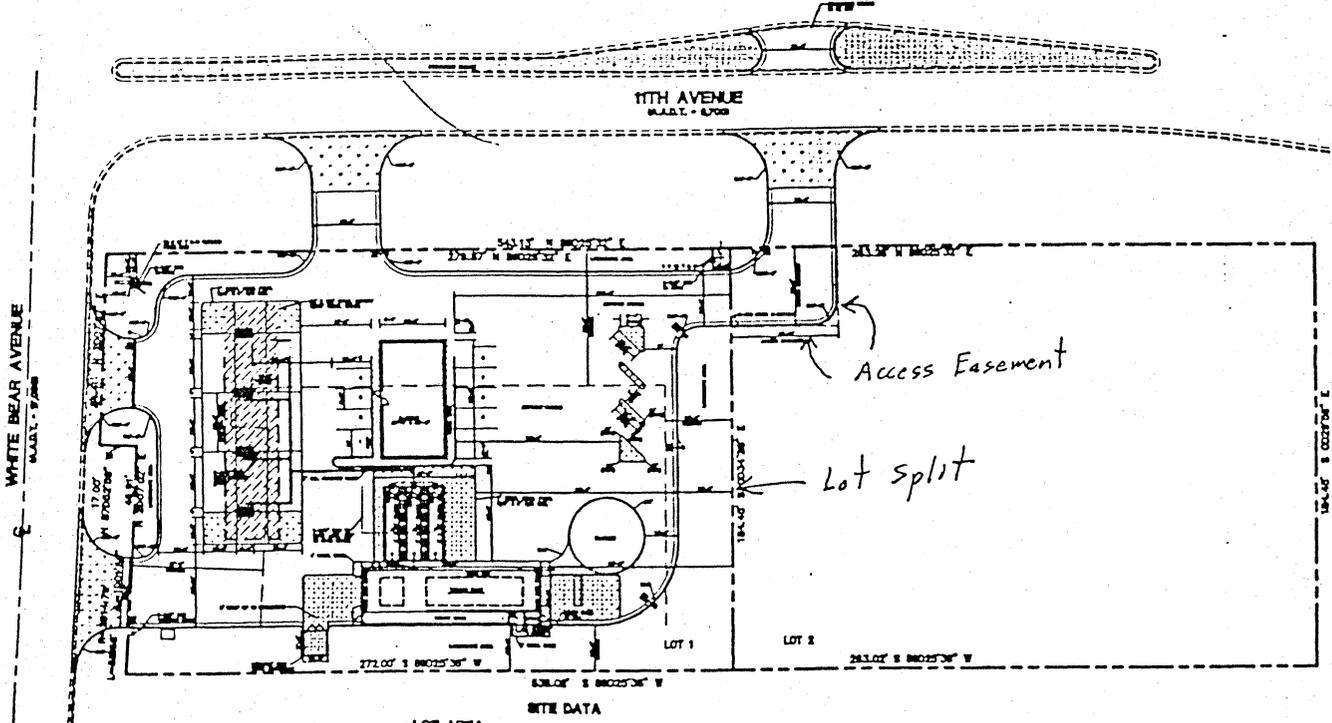
Attachments

1. Land Use Plan map
2. Property Line/Zoning Map
3. Site Plan
4. Applicant's letter of justification
5. Letter: Ramsey County Traffic Engineer
6. Letter: Ramsey Soil and Water Conservation District
7. Letter: Catherine Kult
8. Letter: Donald Berggren
9. Letter: Merrill Lynch
10. Letter: Kults and Berggrens
11. SEH traffic study
12. Property value study: Kenna
13. Plans (separate attachment)



HAZELWOOD LAND USE PLAN





OWNER:
AMOCO OIL COMPANY
8000 W. 80TH STREET, SUITE 800
BLOOMINGTON, MN 55425
612-835-7100

DESIGNER:
NORTH STAR ENGINEERING CONSULTANTS, INC.
2808 NORTHWEST BLVD., SUITE 140
PLYMOUTH, MN 55441
612-835-7100

SITE DATA

LOT AREA		
LOT 1	80,730.1 SF.	1.87 AC.
LOT 2	48,536.8 SF.	1.11 AC.
TOTAL	129,266.9 SF.	2.98 AC.
BUILDING AREA		
O-STORY	1,660.0 SF.	0.17%
CANOPY	244.0 SF.	0.19%
BUILDING FOOTPRINT	6,640.0 SF.	5.13%
LANDSCAPING		
PROVIDED	11,886.8 SF.	9.20%
PARKING		
REQUIRED	4 SPACES	
PROVIDED	8 SPACES	
ZONING		
EXISTING	TC- FARM RESIDENCE DISTRICT	
PROPOSED	BC- BUSINESS AND COMMERCIAL DISTRICT	

NORTH STAR ENGINEERING CONSULTANTS, INC. 2808 NORTHWEST BLVD., SUITE 140 PLYMOUTH, MN 55441 612-835-7100		JONES PLAN ENGINEERING CONSULTANTS, INC. 1000 W. 80TH STREET, SUITE 800 BLOOMINGTON, MN 55425 612-835-7100	
DATE	11/22/00	DATE	11/22/00
BY	J.P.	BY	J.P.
CHECKED	J.P.	CHECKED	J.P.
SCALE	AS SHOWN	SCALE	AS SHOWN
TITLE	SITE PLAN 80-8000	TITLE	SITE PLAN 80-8000
PROJECT	AMOCO OIL COMPANY	PROJECT	AMOCO OIL COMPANY
LOCATION	WHITE BEAR AVE. + 11TH	LOCATION	WHITE BEAR AVE. + 11TH
MAPLEWOOD, MN		MAPLEWOOD, MN	

SITE PLAN



N



NORTH STAR ENGINEERING CONSULTANTS, INC.

3025 HARBOR LN. N. • SUITE 104 • PLYMOUTH, MN 55447
TELEPHONE (612) 559-3642 • FAX (612) 559-5470

AMOCO SITE
11TH & WHITE BEAR AVENUE
MAPLEWOOD, MINNESOTA

The subject site is currently zoned F-Farm/Residential and currently contains two wood frame houses and out buildings.

Amoco Oil Company intends to split the subject property into two roughly equal lots and construct and operate a motor fuel station with a detached car wash on the westerly lot. The easterly lot will be sold.

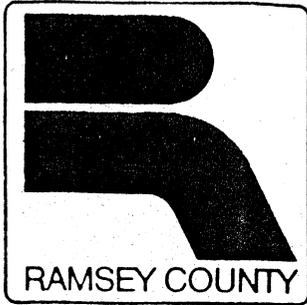
The applicant feels the Comprehensive Plan change is justified due to the change in character of the area from residential to mostly commercial over the years. White Bear Avenue has become a heavily traveled route throughout this area with traffic counts in excess of 17,000 cars per day. There are commercial properties to the north and a major highway to the south.

The property is surrounded by existing and/or potential commercial development and the desirability of the property of the property for residential use.

All necessary infrastructure is already in place and the proposed use should not require expansion of existing service.

OCT 28 1988

MAY 31 1989



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

May 30, 1989

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

Amoco Station - White Bear Avenue and 11th Street

The Ramsey County Public Works department has reviewed the proposed site plan for the Amoco Station at White Bear Avenue and 11th and offers the following comments:

1. The northern most driveway on White Bear Avenue should be eliminated from the plan. Vehicles northbound on White Bear Avenue turning left onto Gervais/11th frequently back up from this intersection. Therefore, left turns into this driveway would have to be made from the inside thru lane immediately south of the intersection, causing potential backup through the signalized intersection.
2. The median opening on 11th is not recommended as shown on the plans. The type of opening shown requires vehicles to stop in the through lane to left turn onto the site. Because the median is wide in this area it may be possible to remove portions of the median and provide a left turn lane into the site. However, 11th Avenue is under the jurisdiction of the City of Maplewood and any decision regarding the median opening would be up to the city.

The developer will be required to acquire an entrance permit from Ramsey County Public Works Department for his entrance on White Bear Avenue.

If you have any further questions, please give me a call.

A handwritten signature in cursive script that reads 'Daniel E. Soler'.

Daniel E. Soler
Acting Traffic Engineer

DES:ptd



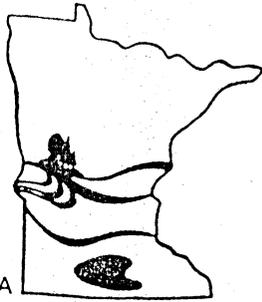
MINNESOTA
SOIL AND WATER CONSERVATION DISTRICT

RAMSEY SOIL AND WATER CONSERVATION DISTRICT

Dairy Center of Minnesota
2015 Rice Street
Roseville, Minnesota 55113
Telephone: (612) 488-1476

DATE: 1-17-89
TO: Maplewood City Planning Staff
FROM: Robert Johnson, District Permit Review Committee *for Johnson, TP.*
SUBJECT: Amoco Oil Company lot split and Rezone

Per Mr. Peterson's report, the Ramsey County Soil Survey indicates that soils are suited for development. High permeability will present a problem in the case of a chemical spill. This potential however, should not be used to prohibit development, but should be pointed out to the property owners. The disturbed area exceeds 1 acre and therefore will require a Ramsey- Washington Metro Watershed District Permit.



RAMSEY
SOIL AND WATER CONSERVATION DISTRICT

Dairy Center of Minnesota
2015 Rice Street
Roseville, Minnesota 55113
Telephone: (612) 488-1476

MINNESOTA
SOIL AND WATER CONSERVATION DISTRICT

MEMORANDUM

To: Robert Johnson, District Site Plan/Plat Review Committee Chairman
From: Tom Petersen, Conservation District Manager 
Date: January 11, 1989
Subject: Amoco Oil Company Lot Split and Rezone

I. Introduction

The attached request for review is from the City of Maplewood. Amoco Oil Company is requesting a permit to rezone and split a lot at the southeast corner of White Bear Avenue and 11th Street (see location map). The existing zoning is Farm/Residential single family. Amoco is seeking a Commercial zone status.

II. Soil and Site Associated Water Resources

Soils: The Ramsey County Soil Survey indicates that the following soil mapping units may be found on site (see attached computer generated soils map). The soils information contained in this report should not be used for site specific regulation or construction suitability analysis. The soils information in this report and the soils survey are intended for general land use planning only. Any potential soils related limitation must be qualified site specifically by a soils engineer.

857C - Urban Land/Waukegan Complex, 3 to 15% slopes. The majority of this mapping unit is listed as being "urban lands," i.e. soils that have been altered by urban development. The remainder of the mapping unit consists of Waukegan and associated soils.¹ In general, the Waukegan soils are well suited to development. However, the subsoils have a high permeability rate and may present a problem to containing a chemical spill.

858C - Urban Land/Chetek Complex, 3 to 15% slopes. The majority of this mapping unit is listed as being "urban lands," i.e. soils that have been altered by urban development. The remainder of the mapping unit consists of Chetek and associated soils.¹ In general the Chetek soils are suitable for development. As with the Waukegan soils, the subsoil profile has excessive permeability. This excessive permeability may present a potential problem if a chemical spill were to occur.

Water Resources: There are no water resources on site. All drainage will be directed to storm sewers. Storm sewers in this area lead to a branch of Ramsey County Ditch No. 18.

¹ Soil survey of Washington and Ramsey County.

III. Summary and Recommendations

The coarse textured nature of the subsoils may present a potential for rapid infiltration of chemicals. This in turn may lead to a groundwater contamination potential. Soil erosion should not be a significant problem on this site due to the fairly level topography. However, eroded soils should be confined to the site. I believe that the major sedimentation concern should be soils being tracked from the site by construction vehicles. The fine textured top soils of this site are very plastic and thus trackable.

The proposed site is within the Ramsey-Washington Metro Watershed District and does fit into the permit criteria. Please call me at the District Office if you have any questions.

Being property owners adjacent to the proposed development by Amco, we Roger and Catherine Kelt oppose this proposal because of the following reasons.

1. The Nature of a 24 hr gasoline and convenience center business infringing on the normal "Quiet hrs." existing at the present time. Montgomery Wards, the Medical center and Rainbow with its distance buffer are friendly type developments that do not infringe on these quiet hrs (normal sleeping hrs.).
2. According to the supplied drawings of the proposed development, it looks as though the pumps and car wash would be less than 75 feet from our bedroom window.
3. Increased public exposure eroding the privacy we now enjoy (increased exposure could lead to vandalism which up till now has been non-existent).

4. We question the use of the balance of the property being acquired by Amco other than shown in the proposed development.

Roger R. Kuet 1/3/89
Catherine M. Kuet

My objection because of the twenty four operation close to a residential area, wich would leave our area open to unwanted intruders especially during the late hours.

I'm also concerned how the remainder of the property would be developed by Amoco. (East of proposed site)

Allowing Amoco to build on the proposed site would lessen our chances to an interested developer who would rather develop the whole area. I also understand that it is not in keeping with the City of Maplewood's land use plan. Those of us along White Bear Ave. between 11th ave and Gervis have had this area listed for nearly two years, we would like to see it all goes as one unit not to be broken up piece 'meal.

Finally, the majority of the home owners are for a developer to come in and develop this area.

Thank you for your attention in this matter.

Respectfully, Donald D. Berggren
2434 White Bear, Ave.
Maplewood, Mn. 55109.

Burnet

4B610

MAPLEWOOD OFFICE
1856 BEAM AVENUE
MAPLEWOOD, MN 55109
(612) 770-3711

822-9720

Dear Sirs,

Please find enclosed, some information on a new listing we have in Maplewood. We hope you will find this useful.

At this time we have 17+ acres, with a total of 29 acres available. The property is located at White Bear Ave. and Hwy 36 with frontage on both.

Although the property is residential at this time, it has great potential, being completely surrounded by commercial. Our sellers have agreed to market their properties as one parcel.

The area is experiencing substantial growth at this time. We estimate the car count on White Bear Ave. alone to be in excess of 21,000 per day. Along with Hwy 36, the exposure is unlimited.

Our property is located within 6 blocks of Maplewood Mall (now being expanded), several "strip" malls, St. Johns Hospital East, and many restaurants.

Freeway access is excellent to both downtown St. Paul and Minneapolis.

The quality of life in Maplewood is second to none. We are close to several recreational activities, including shopping, movies, lakes, and parks. The North St. Paul, Maplewood School district is among the finest in the state.

Also there is a wide range of housing alternatives, all in clean, quiet neighborhoods.

If you would like any further information regarding the development site, please feel free to call. We also have information on a few other sites in the area, both larger and smaller.

We look forward to being at your service.

Best Wishes,



Tammy Skweres

Merrill Lynch Realty —
770-3711

TS/df

December 22, 1988

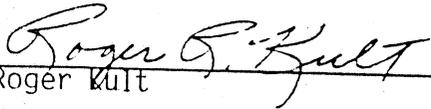
To Whom It May Concern:

We the undersigned, as adjacent property owners, are opposed to the proposed Amoco development on the corner property at 11th and White Bear Ave. for the following reasons:

- 1) 24 hour operation
 - a) Noise (especially normal quiet hours)
 - b) With increased exposure to the public, we fear the possibility of vandalism.
- 2) It goes against future proposed guidelines, regarding 200 foot setback of fuel vents from residential property.
- 3) We feel concerned about the future use of the balance of the property in question.

Although we do oppose this particular development for the reasons stated above, we would not oppose a total plan of development for the frontage on White Bear Ave., bound by 11th and Gervais.

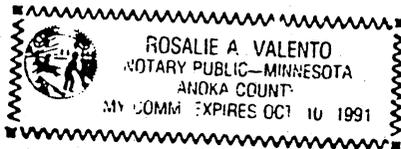
Sincerely,


Roger Kult


Donald Berggren


Catherine Kult


Edith Berggren



Rosalie A. Valento - Notary
January 4, 1989

SEP 18 1989



ENGINEERS ■ ARCHITECTS ■ PLANNERS

222 EAST LITTLE CANADA ROAD, ST PAUL, MINNESOTA 55117 612 484-0272

September 14, 1989

RE: CITY OF MAPLEWOOD
AMOCO STATION
SE CORNER OF WHITE BEAR
AVENUE/11TH STREET
SEH FILE NO. 90055

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

Dear Mr. Olson:

SEH, Inc. has completed its Traffic Impact Study and Site Plan Review for the proposed Amoco Gas Station and convenience store, to be located at the southeast corner of White Bear Avenue and 11th Avenue in Maplewood. Our analysis includes a determination of project traffic generation and distribution, percentage of pass-by versus "new" trips, overall impact to traffic volumes on White Bear Avenue and 11th Avenue, and review of the proposed site design.

As you requested, we have also made a comparison between traffic volumes generated by the proposed project and an estimation of volumes that could be generated if the site were to be developed under its present zoning classification of limited service commercial. For further comparison purposes, trip generation of an office project on this site was also identified.

Project Description

The proposed project consists of four gas dispensers, a convenience store of 1,560 square feet, and a car wash of 1,932 square feet. The west side of the project is adjacent to White Bear Avenue, which is a four-lane arterial with continuous left turn lanes both north and south of 11th Avenue. The north side of the project is adjacent to 11th Avenue, which is a four-lane facility with a raised median along the project frontage, and single eastbound and westbound left turn lanes at White Bear Avenue. Eleventh Avenue tapers down to a two-lane facility approximately 200' east of the proposed service station. A dental clinic is located across 11th Avenue from the project. The east side of the project is adjacent to an existing single family home, which would be removed. The property would then be re-parcelized, and would become a future development site. A single family home also exists to the south of the site, and is expected to remain.

Mr. Geoff Olson
September 14, 1989
Page #2

In addition to the service station/convenience store proposal, the developer is also requesting that the City of Maplewood approve a rezoning of the property from Limited Service Commercial (LSC) to Service Commercial (SC). LSC zoning allows only two gas dispensers on one island. Therefore, the rezoning is necessary in order for this project to be approved.

Trip Generation

Traffic generation for the proposed project is estimated as shown below:

	<u>*ADT</u>	<u>A.M. Peak Hour</u>	<u>P.M. Peak Hour</u>
Inbound	958	81	85
Outbound	958	79	80
Total:	<u>1916</u>	<u>160</u>	<u>165</u>

*ADT - Average Daily Traffic

This trip generation was derived using trip generation rates from the ITE Trip Generation Manual for service stations and convenience stores. The traffic generation was not increased due to the car wash since this type of car wash is an accessory to the service station. It's impact will consist of making the Amoco Station a more popular outlet at which to purchase gas, and very little traffic will be generated for the sole purpose of using the car wash. This is reflected in the rates for the service station and convenience store.

Trip Distribution

Traffic volumes were distributed based on the location and the nature of development in the surrounding area as well as the location of other gas stations located in close proximity. The nearest gas stations to the north include a Citgo Station located at the northwest corner of White Bear Avenue and County Road C and a station north of the Rainbow Food Center which is currently being remodeled for Super America. The two nearest gas stations to the south are located south of Trunk Highway 36. A Phillips 76 Station is located on the west side of White Bear Avenue, while a Fina Station is located along the east side. The Fina Station offers a fairly large-sized convenience store. Other considerations include the level of pass-by trip (vehicles already on surrounding streets, enroute to another destination) and the location of access points to nearby commercial sites.

Mr. Geoff Olson
September 14, 1989
Page #3

Inbound traffic to the Amoco Station was estimated to enter the site as follows:

15% from the North
40% from the South
20% from the West
25% from the East

This distribution was based on several factors which are listed below:

- Surrounding land uses
- Access points to nearby commercial sites
- Pass-by trips -- Studies have shown that an average amount of pass-by traffic to convenience stores makes up 45% of the total trip generation. Pass-by traffic for gas stations averages 58% of the total trip generation. Therefore, a conservative average of these two percentages, 50%, has been used for the purpose of this study.
- Location of nearest service station/convenience stores.

Only 15% of the inbound traffic to the project was assumed to come from the north. This is the result of two factors: 1) Southbound traffic will pass two other service stations (Citgo and Super America) on the west side of White Bear Avenue, which will require right turn movements into the station instead of left turn movements; 2) At least half of the southbound trips to the service stations will be pass-by trips, meaning that drivers will continue to the south, east or west, allowing them to also make a right turn out of the stations to the north. The right turn ingress and egress will be preferred by most drivers, especially during peak hours.

Forty percent (40%) of the inbound project traffic is estimated to come from the south (northbound White Bear Avenue). This is due to the easy right turn ingress for northbound traffic as well as the fact that this project would be the closest service station to the White Bear Avenue/Trunk Highway 36 interchange, located less than 1/4 mile south of the project.

Mr. Geoff Olson
September 14, 1989
Page #4

Twenty percent (20%) of the inbound project traffic is expected to come from the west via Gervais Avenue, while 25% is expected to arrive from the east on 11th Avenue. This reflects the tendency of residents in the surrounding neighborhood and employees at nearby industries (Montgomery Ward) to stop at the service station/convenience store closest to their home or place of work at the beginning or end of their trip rather than stopping in the middle of a trip. In the event that multi-family development occurs west of the Mapleridge Shopping Center (north of Gervais Avenue), the inbound traffic from the west may increase slightly, while the percentage of inbound traffic from the east of the project may decrease slightly.

Outbound traffic distribution is slightly different than inbound to reflect the destination of northbound pass-by trips enroute to I-694 and the Maplewood Mall area:

25% to the North
30% to the South
20% to the West
25% to the East

Outbound traffic to the south is slightly higher than to the north, reflecting the close proximity of the site to Trunk Highway 36 to the south and the resultant draw of traffic.

Distribution to the east is slightly higher than the west (25% versus 20%) due to the concentration of multi-family dwelling units east of Ariel Street. As previously stated, a multi-family development west of the Mapleridge Shopping Center, may shift the distribution slightly, resulting in an equal percentage of outbound trips headed toward the east and west.

Background Traffic Volumes.

Figure A shows the background traffic volumes on White Bear Avenue and 11th Street. The White Bear Avenue traffic counts were taken in July, 1989, while the 11th Street traffic counts were made in August, 1989. A.M. and p.m. peak hour volumes make up approximately 10% of the ADT.

Project Traffic Impacts

Figure B shows the driveway volumes and turning movements based on the trip generation and distribution of the project. None of the peak hour turning movements are high enough to create a capacity shortage at surrounding intersections. However, the southbound left turn movement into the southerly driveway is not

an optimal turning movement since there is no southbound left turn lane, and vehicles in the northbound left turn lane may be queued beyond the driveway. If this occurs, southbound through traffic will be temporarily delayed. Over time, the difficulties of this situation may result in an increased volume of southbound turn movements at 11th Street, where drivers can then make a right turn into the site.

The total project traffic on White Bear Avenue south of 11th Street is 671 average daily trips, 56 a.m. peak hour trips and 59 p.m. peak hour trips. Of these, approximately 50% (45% for the convenience store and 58% for the service station), can be expected as pass-by trips. The "new" traffic along White Bear Avenue constitutes a one percent (1%) increase in total traffic volumes along this segment of the roadway. The same increase is expected to the north of 11th Avenue. The increase in traffic volumes along 11th Avenue east of White Bear Avenue is expected to be three percent (3%). An even smaller increase will occur west of White Bear Avenue, since the project volumes are lower, while the background volumes are heavy, especially during the peak hours due to the fact that the Montgomery Ward building on the southeast corner has a main access off 11th Street.

Comparison with Service Commercial Zoning

As previously stated, the proposed project generates approximately 1,916 average daily trips, 160 a.m. peak hour trips and 165 p.m. peak hour trips. If the site were to remain under the Limited Service Commercial (LSC) zoning designation, one of the development possibilities would be a neighborhood retail center with a convenience store and associated gas pumps. Under the LSC zoning designation, a maximum of one island with two gas dispensers is permitted. A 12,500 square foot neighborhood retail center with two gas dispensers can be expected to generate trips as follows:

	<u>ADT</u>	<u>A.M. Peak Hour</u>	<u>P.M. Peak Hour</u>
Inbound	1095	56	132
Outbound	1095	32	130
Total:	<u>2190</u>	<u>89</u>	<u>262</u>

This represents a 14% increase in ADT, a 44% decrease in a.m. peak hour traffic, and a 59% increase in p.m. peak hour traffic when compared with the proposed Amoco service station/convenience

store. Another consideration that should be taken into account is the percentage of pass-by trips at a retail center of this size. A conservative estimate of pass-by traffic in this instance would be 15%. This is due to the fact that this type of center is much more likely to be the ultimate destination of a trip rather than a stop enroute to another destination. Therefore, traffic impact of this type of project would be greater than that of the proposed service station, resulting in approximately a three to four percent increase over existing traffic volumes on White Bear Avenue and a 4% increase over existing volumes on 11th Avenue and Gervais Avenue.

The largest size office building which could be accommodated on the site has been estimated at 18,000 square feet based on the City of Maplewood's setback and parking requirements. An office building of this size can be expected to generate trips as follows:

	<u>ADT</u>	<u>A.M. Peak Hour</u>	<u>P.M. Peak Hour</u>
Inbound	190	40	8
Outbound	190	6	39
Total:	<u>390</u>	<u>46</u>	<u>47</u>

Virtually none of the trips to a general office building are pass-by trips, therefore, all of the project traffic must be counted toward the increase in traffic along the surrounding arterials. In addition, a larger proportion of office traffic can be expected to use White Bear Avenue to get to and from the site (approximately 80%). This is due to the fact that an office project will not draw from the surrounding neighborhood (11th Avenue and Gervais Avenue) to the same extent as a service station or retail center. Traffic volumes on Gervais and 11th Avenue would increase less than 1% as a result of an office project, while volumes on White Bear Avenue would increase approximately 1 percent.

Site Plan Review

Several concerns with regard to access, on-site circulation and parking have been identified. They are as follows:

1. The median opening at the westerly access off 11th Street is a concern. As shown on the site plan, this opening would be awkward for drivers to negotiate, and would cause traffic to

Mr. Geoff Olson
September 14, 1989
Page #7

slow down in the through-lane on 11th Avenue. The median opening would allow drivers to pull out into the middle of the street and wait to complete their left turn movement, leaving a portion of the vehicle obstructing the through-lane. Westbound traffic turning left into the site at this location will also pause in the median break, waiting to complete their turn. This situation creates awkward turning movements and a significantly greater potential for accidents. Therefore, the City may wish to allow the driveway as a right-in/right-out access only.

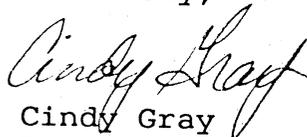
2. It is very unlikely that Ramsey County will permit two driveways along White Bear Avenue. The northerly driveway is too close to the intersection, and will create conflicts when drivers wish to get into the northbound left turn lane or the inside through lane after exiting the site via this driveway. Deletion of this driveway will not alter trip distribution into and out of the site, it would only shift more outbound trips to the southerly access, where drivers have a safer opportunity to get into their desired lane of travel prior to the intersection. The southerly driveway is located an acceptable distance from 11th Avenue (approximately 185' from curb of 11th Avenue to curb of the driveway), and should not be shifted to the north.
3. During our meeting of September 7, we were informed that the location of the petroleum storage tanks may be changed to comply with a proposed zoning ordinance modification which would require a distance of 200' between a residential property line and underground petroleum storage. When determining the location of the storage tanks, consideration must be given to the driveways which the delivery semi-trucks will use, and the maneuverability both within the driveways and on the site. In their current location on the site plan it appears that a semi-truck (petroleum delivery) can gain access to the site from White Bear Avenue and get to the unloading area; however, it appears very difficult for the truck to exit the site, unless the driver makes right turn on 11th Avenue, and travels through the residential area to the east to get back to White Bear Avenue. Any other attempts to exit the site would congest on-site traffic.
4. The inside radius of the accesses to White Bear Avenue should be increased to 15 feet to facilitate turning movements.

Mr. Geoff Olson
September 14, 1989
Page #8

5. The northerly vacuum island should be designed with a five foot (5') radius on the outside corner in order to facilitate turning movements into the car wash stacking lane.
6. East of the entrance to the car wash, the stacking lane should be reduced to 10 feet in width to assist drivers in aligning their vehicles properly.
7. It appears that a four foot (4') sidewalk is provided between the building and the parking on both the east and west sides of the convenience store. If drivers allow their vehicles to overhang the sidewalk, the remaining width could be reduced to 2-3 feet. This width would not be adequate for the door-swing of the building entrance. A solution to this concern would be to either increase the width of the sidewalk, eliminate parking in front of the door, or move the handicap space close to the door, placing the striped ramp portion of the space directly in front of the doorway.
8. An additional concern with regard to the northerly driveway on White Bear Avenue is the fact that drivers will cross through the gas pump areas enroute to convenience store parking. This creates conflicts with pedestrians in the gas pump area.
9. There is a potential point of conflict approximately half the distance between the car wash and the southerly driveway, as vehicles exiting the car wash will be in the opposing lane of travel, and will need to transition to the correct lane as they proceed to the driveway. This could be a point of on-site congestion with inbound traffic.

We are pleased that we could be of assistance to you in this project. Please do not hesitate to contact myself or Glen Van Wormer if you have any questions or need additional information.

Sincerely,



Cindy Gray
Transportation Planner

CG/wrc

GERVAIS AVENUE

12,450/1290/860

12,450/860/1290

11TH AVENUE



4438/450/450

5463/550/550

WHITE BEAR AVENUE

12,950/1350/900

12,950/900/1350

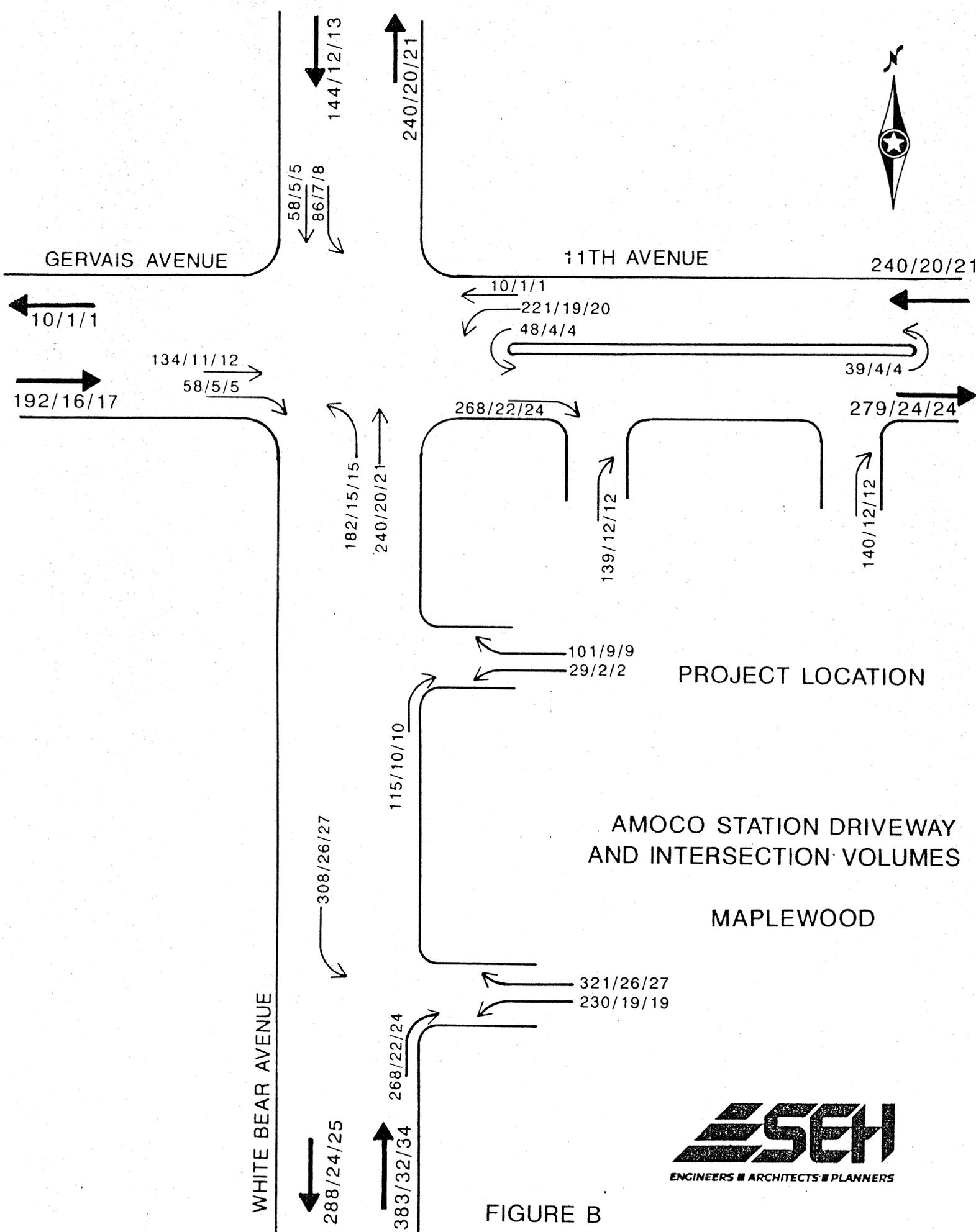
PROJECT LOCATION

EXISTING VOLUMES ON
WHITE BEAR AVENUE
AND
11TH STREET

MAPLEWOOD



FIGURE A



SEP 20 1989

**JOHN J. KENNA
REALTOR**

212 MIDWEST FEDERAL BLDG.
50 E. FIFTH STREET
ST. PAUL, MINN. 55101

ESTABLISHED IN 1886
PHONE: 222-5885

REAL ESTATE
PROPERTY MANAGEMENT
APPRAISALS

September 19, 1989

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

RE: Amoco Oil proposal, 11th & White
Bear Avenue impact on the
adjoining residential properties.

Dear Mr. Olson:

At your request I have considered the proposal mentioned above, as you described. Also considered are the impacts of a smaller office project and a multiple family residential use.

ASSUMPTIONS

1. That the proposal does meet all set back requirements.
2. That the landscaping is designed to provide a reasonable buffer between the subject property and the residential property south of the site, including fences.
3. That signs and lights on the property are in accordance with city ordinances.
4. That all normal precautions regarding pollution of air and land are considered.
5. That the proposed station is not open 24 hours and not a facility for auto repair and storage.
6. There will be no outdoor audio advertising.
7. That an auto service station with 2 dispensers is allowed under the present land use plan.
8. That the proposed project exceeds the normally allowed number of gas dispensers and includes a single car wash which is also not allowed.
9. That a neighborhood shopping center or office building would be an allowed use under the present land use plan.

**JOHN J. KENNA
REALTOR**

212 MIDWEST FEDERAL BLDG.
50 E. FIFTH STREET
ST. PAUL, MINN. 55101

ESTABLISHED IN 1886
PHONE: 222-5885

REAL ESTATE
PROPERTY MANAGEMENT
APPRAISALS

September 19, 1989

Mr. Geoff Olson
Director of Community Development
Page 2

10. That a multiple family use (apartments or townhomes) would be allowed under the present land use plan.

11. The present zoning is Farm/Residential (single family).

COMMERCIAL AND OFFICE DEVELOPMENT

In analyzing the information available it becomes obvious that any of the allowed uses for the commercial development of the property are going to cause a depreciation in the value of the adjoining and near by residential tracts.

The land use in this area is becoming more commercial and that is to be expected with Highway 36 just south. White Bear Avenue has become a route to Maplewood Mall to the north. A project like the mall normally causes commercial interest in the surrounding areas. Other businesses in this area are also causing a higher traffic count. This traffic count will naturally bring interest in commercial development.

The land use plan may be contributing to the problem by not continuing the commercial use to the south. No natural buffer exists between the designated commercial and residential land use. If the business usage was extended south along White Bear Ave. the other properties would have alternatives as the residential value decreases.

Under the present plan the least negative impact on the adjoining homes would be a small office building. Typical office hours of 8:00 AM to 5:30 PM would not create the evening traffic and noise of the proposed service station. From a developers view the return on investing in an office building may not be as attractive and may reduce the value of the land.

This area is in the midst of a predictable transition to commercial development. Many other residential dwellings along White Bear Avenue are experiencing the same negative situation in the residential value. Though an office use would probably cause the least, all the considered commercial or business uses will result in a degree of depreciation to the single family dwellings.

**JOHN J. KENNA
REALTOR**

212 MIDWEST FEDERAL BLDG.
50 E. FIFTH STREET
ST. PAUL, MINN. 55101

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PHONE: 222-5885

REAL ESTATE
PROPERTY MANAGEMENT
APPRAISALS

September 19, 1989

Mr. Geoff Olson
Director of Community Development
Page 3

MULTIPLE FAMILY DEVELOPMENT

A multiple family use such as townhomes or apartments are not known to cause depreciation on medium priced single family homes. This type of use would likely be the best alternative for the area if it is to remain a residential district in the future.

According to the information you provided the likely zoning would allow medium density apartments or townhouses. This would permit about 25 apartment units with 5 unit buildings or 17 townhomes.

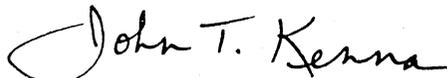
There may not be enough land at the proposed site to interest a developer in townhouses which typically include some lawn and recreation areas as well as visitor parking. There are virtually no 5 unit apartment buildings built today in areas comparable to the subject, land and construction costs won't permit it. If adjoining land were available and the allowed density were increased it would become somewhat more attractive.

CONCLUSION

Consideration should be given to the long term use of the entire area. While it is unlikely that a single developer would be able to negotiate with the number of individual owners, the first parcel developed may set the direction for the remainder. In my opinion the highest and best use of the White Bear Avenue frontage is not single family residences. The land values warrant a more productive use of the area. The Amoco proposal would not be entirely out of place in this location nor would it necessarily cause a negative influence on the future development of other tracts.

If you require additional information or have any questions please advise.

Respectfully submitted,


John T. Kenna

Action by Council;

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Ban on New Motor Fuel Stations
DATE: October 16, 1989

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

The City Council, on October 12, proposed that motor fuel stations be deleted from the zoning code. The effect of this change would be to prohibit the construction of any new motor fuel stations. Existing stations would be "grandfathered" in as nonconforming uses and could continue to operate. City Code requires a conditional use permit to expand a nonconforming use and a finding that "There would not be a significant effect on the development of the parcel as zoned."

BACKGROUND

The City Council adopted the motor fuel station ordinance on September 11, 1989. The purpose of this ordinance is to regulate the use and location of motor fuel stations.

DISCUSSION

Staff concurs that motor fuel stations are a unique and potentially troublesome use, especially around residential uses. This is why the City recently adopted a special ordinance to regulate their use and location.

In order to ban new motor fuel stations, the City Attorney feels that there needs to be a tie to public health, safety and welfare. Since we just passed an ordinance establishing conditions in which motor fuel stations can be allowed, it would be difficult to justify a ban in terms of public health, safety or welfare. There are also new Federal and State regulations dealing with underground tanks and leaks. It would be particularly hard to justify how new stations meeting our new ordinance could be found to be worse than other conditional uses, such as public garages or used car lots. Many of the new stations are well designed and landscaped, such as the new FINA station on White Bear Avenue and County Road B.

It is even more difficult to ban stations on the basis that the City feels that there is no need for more stations. The court case of Metro 500 versus Brooklyn Park found that a City may not deny a use simply because they feel that there are too many of a particular type of use. In the Brooklyn Park case, there were three stations on one corner. Metro 500 applied for a conditional use permit for the fourth corner and was denied by the City on the basis that there were too many stations on one corner. The court ruled in favor of Metro 500.

RECOMMENDATION

Take no action.

MEMO5

attachment: Memo from City Attorney

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW

400 MIDWEST FEDERAL BUILDING

5TH AND CEDAR

SAINT PAUL, MINNESOTA 55101

(612) 224-3781

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

FAX (612) 223-8019

October 16, 1989

Mr. Geoff Olson
Director of Community Planning
1830 East County Road B
Maplewood, MN 55109RE: *Motor Fuel Station*

Dear Mr. Olson:

Pursuant to our telephone conversation you asked the following:

Is it possible to eliminate motor fuel stations by ordinance?

Answer: No. For verification of research I have contacted the League of Minnesota Cities. There are no ordinances in existence that totally eliminates motor fuel stations from a municipality based solely on the theory of nuisance or harmful activity. The control standards for hazardous underground that are currently regulated and governed by E.P.A., state regulations and state statutes.

Motor fuel stations, a use pursuant to zoning regulations may be regulated and controlled. Courts have consistently upheld regulation by zoning because of the nexus with public, health and safety.

Elimination of motor fuel stations other than by zoning may expose the municipality to commerce clause violations and restraint of trade violations.

Respectfully submitted,

BANNIGAN & KELLY, P.A.

Patrick J. Kelly

PJK:cd

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Seasons Park Preliminary Plat
DATE: October 16, 1989

The City Council tabled action on a request for preliminary plat approval for Seasons Park. Council requested information on two questions:

1. Should the City participate in the costs of the off-site drainage improvements, as requested by the developer?
2. Are the deeds granting the City a permanent road right-of-way easement over the north 33 feet of the property valid?

Memos from the Director of Public Works and City Attorney responding to these questions are attached.

MEMO4

Attachments:

1. Memo: Director of Public Works
2. Memo: City Attorney
3. Staff Report: October 2, 1989

AGENDA REPORT

TO: City Manager
FROM: City Engineer
SUBJECT: Seasons Park
DATE: October 16, 1989

Attached is a report by the developer's engineer that estimates the cost of installing the recommended pond outlet. In addition, an analysis of contributing watersheds is presented. Based on this analysis, the developer has suggested splitting the pond outlet cost 50/50 with the city. The analysis in the report was performed according to accepted engineering standards and does confirm that one-half the runoff comes from city property.

Many proposed developments require drainage improvements that handle areas outside the developer's property. In the past, the developer has been required to construct storm sewer to adequately serve his site. The city has usually not participated in the cost for draining areas outside the proposed development.

KGH

jc
Attachment



SCHOELL & MADSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SOIL TESTING

10550 WAYZATA BOULEVARD • MINNETONKA, MN 55343-5482
(612) 546-7601 • FAX (612) 546-9065

October 4, 1989

Mr. Mario Cocchiarella
Sherman-Boosalis Companies
P.O. Box 1482
Minneapolis, MN 55440-1482

Subject: Seasons Park Addition to Maplewood

Dear Mario:

The estimated cost of constructing storm sewer from the pond in the park to the pond southwest of the Gervais/Kennard intersection is as follows:

Estimated Construction Cost (See attachment for details)	\$16,545
Contingencies (10%)	1,655
Engineering	2,500
	<hr/>
Total Estimated Cost	\$20,700

The construction cost is based on using 12-inch diameter PVC pipe for storm sewer and seed with mulch restoration in the park.

Attached is an aerial contour plan indicating the areas tributary to the pond in the park. Normally, drainage improvements are considered to benefit all properties within the corresponding watershed and the costs of the improvements are shared on a pro rata basis based on the runoff from each property. Runoff is directly proportional to the product of the land area (A) and runoff coefficient (C). Following is a tabulation of the areas and runoff coefficients for the properties tributary to the park pond.

SCHOELL & MADSON, INC.

Mr. Mario Cocchiarella

-2-

October 4, 1989

<u>Property In Watershed</u>	<u>Area, A (acres)</u>	<u>Average Runoff Coefficient, C</u>	<u>CA</u>	<u>% of Total CA</u>
Season Park Addition to Maplewood Subdivision	3.33	0.48	1.60	33.7
City Park	9.24	0.26	2.50	50.7
Church	1.98	0.31	0.61	12.9
Area North of Subdivision	0.49	0.26	0.13	2.7
	<hr/>		<hr/>	<hr/>
	15.04		4.74	100.0%

The cost of the storm sewer outlet from the pond should be shared based on the above percentages. It's likely not feasible to obtain participation from the church and area north of the subdivision and those costs would have to be paid by either the City or Sherman-Boosalis.

Please contact us if you have any questions.

Very truly yours,

SCHOELL & MADSON, INC.



Kenneth Adolf

KEA/cj

encl.

SCHOELL & MADSON, INC.

ENGINEERS • SURVEYORS • PLANNERS
SOIL TESTING

Job No. 60232-026

Date 9/22/39

Sheet 1 of 1

Project EGGONS PARK ADD. TO TRIPLEWOOD

By TM

Subject STORM SEWER EGGONS POND TO KENNEDY FORD

CK'd _____

SEE ATTACHED DRAWING FOR PLAN VIEW.

COST ESTIMATE

12" PVC STORM SEWER	675 L.F.	@ 17.00/L.F.	11475.00
12" CM ATROSS	2 GA.	@ 150.00/GA.	300.00
RIP RAP	3 cu.	@ 40.00/cu	120.00
MANHOLE (STD)	3 GA.	@ 900.00/GA.	2700.00

KENNEDY RESTORATION

AREA = 20' x 28' ±

1 1/2" - 2341 BIT. WEAR	65 s.y.	@ 4.80/s.y.	312.00
2" - 2331 BIT. BASE	7.5 TNS	@ 40.00/TN.	300.00
8" - CL 5 GRAVEL BASE	26 TNS	@ 8.00/TN	208.00

GERRAIS RESTORATION

AREA 20 x 30 ±

1 1/2" - 2341 BIT. WEAR	70 s.y.	@ 4.80/s.y.	336.00
2" - 2331 BIT. BASE	8 TNS	@ 40.00/TN	320.00
8" - CL 5 GRAVEL BASE	28 TNS	@ 8.00/TN	224.00
SEED & MULCH	.25 sq. ft.	@ 1000.00/sq. ft.	250.00

TOTAL ESTIMATED CONSTRUCTION COST - \$16,545.00

BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW

409 MIDWEST FEDERAL BUILDING

5TH AND CEDAR

SAINT PAUL, MINNESOTA 55101

(612) 224-3781

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

FAX (612) 223-8019

October 13, 1989

Mr. Geoff Olson
Maplewood City Hall
1830 East County Road B
Maplewood, MN 55109

Re: *September 11, 1973 - Oswald Deed*

Dear Mr. Olson:

The attached Deed is recorded with the Ramsey County Recorder:

Document No:	186573
Date of Recording:	09/25/73 1:17 p.m.
Date of Deed:	09/11/73

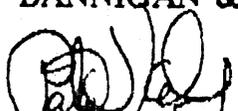
I have interviewed William Cass who specifically states that street and road right-of-way easement was discussed and agreed upon with the Oswalds. The acquisition of the road easement and right-of-way easement was consistent with the adjoining property owners, Black and Folger.

Finally, the Deed has been recorded for 16 years without any formal dispute. Mr. Cass specifically recalls discussing and reaffirming the right-of-way language with the Oswalds in the early 1980s.

Based upon the information obtained thus far and the age of the document, the document is valid until proven otherwise.

Sincerely yours,

BANNIGAN & KELLY, P.A.



Patrick J. Kelly

PJK:ks

2010-2011 Claim Book, 10/1/2010 to 9/30/2011
MINNESOTA UNIFORM CONVEYANCE BLANK (1987)

This Indenture, made this 13th day of September, 1973
between John T. and Karen J. Oswald, husband and wife
of the County of Ramsey and State of Minnesota
and Village of Maplewood, a Municipal Corporation

a corporation under the laws of the State of MINNESOTA, party of the second part,
Witnesseth, That the said part 1st of the first part, in consideration of the sum of
ONE DOLLAR,

to them in hand paid by the said party of the second part, the receipt whereof is
hereby acknowledged, do hereby Grant, Bargain, Quitclaim, and Convey unto the said party of
the second part, its successors and assigns, Forever, all the tract or parcels of Land lying and being
in the County of Ramsey and State of Minnesota, described as follows, to-wit:
A permanent street and road right-of-way easement over,
under, across and through the following:
The North thirty three (33) feet of the North one-half (1/2) of
the West one-half (1/2) of Lot 3, E. G. Rogers Garden Lots.

GRANTED HEREIN SUBJECT TO THE DEED TAX
AS REQUIRED BY MINNESOTA LAW TO BE PAID
BY STAMPS AFFIXED TO THIS DEED IS \$ exempt per M.S.A. 287.22F.

NO DELINQUENT TAXES
AND TRANSFER ENTRIES
SEP 25 1973
L.D. MICHON, CLERK
RAMSEY COUNTY, MINN.
[Signature]

To Have and to Hold the Same, Together with all the hereditaments and appurtenances there-
unto belonging or in anywise appertaining, to the said party of the second part, its successors and
assigns, Forever.
In Testimony Whereof, The said part 1st of the first part do ye hereunto set their
hands the day and year first above written.

In Presence of
William A. Cass
John T. Oswald
Karen J. Oswald
Karen J. Oswald

State of Minnesota, }
County of Ramsey }
On this 13th day of Sept, 1973, before me,
John T. Oswald and Karen J. Oswald and wife
to me known to be the persons described in, and who executed the foregoing instrument,
and acknowledged that I, Notary executed
the same in their presence and deed.

Drafted by:
LAIS BANNIGAN & CRESI
ATTORNEYS AT LAW
409 First Federal Bldg.
ST. PAUL, MINN. 55101
Notary Public: [Signature]
A. J. HAGGREN, Notary Public, Minnesota
RAMSEY COUNTY
My commission expires 12/15/73

NOTE: The above form conforms "the form" and for use when the instrument is recorded by an attorney in fact.

1865723
CLERK 1 17 1973
2428-501

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Preliminary Plat
LOCATION: Gervais Avenue
APPLICANT: Sherman-Boosalis Interests, Inc.
PROJECT: Seasons Park Addition to Maplewood
DATE: October 2, 1989

SUMMARY

INTRODUCTION

Request

The applicant is requesting preliminary plat approval for 20 single-family lots. (Refer to map on page 8.)

Description of the Project

The applicant is requesting a preliminary plat for 20 single-dwelling lots fronting on a cul-de-sac to Gervais Avenue, and two lots fronting on Demont Avenue (Lots "A" and "B"). (Refer to the plat on page 8.)

BACKGROUND

The park and recreation commission recommended on August 21, that "the developer provide an access to Four Seasons Park from Seasons Park Addition."

DISCUSSION

Trees

In spite of the fact that virtually all of the existing on-site vegetation will be eliminated to accommodate the subdivision, there is very little opportunity, given the shape and dimensions of the property, to reduce the loss of trees. The only options available to minimize such losses include closer conformance of the Flandrau Street grades to existing topography and the enlargement of lots. The density guarantee provision of the Environmental Protection Ordinance, however, precludes the loss of lots to save vegetation. While most vegetation is not of the highest quality, any preservation would have a positive impact on lot values.

Demont Avenue Lots

Lot B could be divided into two new lots fronting on to Demont Avenue. While this would reduce the privacy enjoyed by 2522 Flandrau and 1694 Demont, there is adequate width on the undeveloped Demont Avenue right-of-way for a driveway. The fire code will require a 12-foot-wide, all weather driveway, since a house would be further than 150 feet from the street. In addition, there are water-service stubs for two additional lots on Lot "B". Lots "A" and "B" are proposed to be retained by the two current owners and not sold to the developer. This is why these two lots were not included in the plat.

RECOMMENDATION

Approve the preliminary plat for Seasons Park Addition to Maplewood, subject to the following conditions being satisfied:

1. Approval of final grading, utility, drainage, erosion control and street plans by the City Engineer.
2. The grading plan shall include a proposed building pad elevation and contour information for each homesite as well as the areas to be disturbed for street construction. Housing styles shall be illustrated which minimize grading on sites which contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided the intent of the overall grading plan is complied with.
3. Submit a signed Developer's Agreement with required surety for all required public improvements, erosion control and tree planting to the City Engineer, including an eight-foot-wide trail on the recommended easement, south of Lot 20.
4. Approval of a tree removal and planting plan to the Director of Community Development before grading or construction begins or final plat approval is given. This plan must illustrate the trees that are to be removed, those that are to be retained and those that are to be replanted.
5. Revisions to the future Flandrau Street profile to conform more closely to the natural grade and allow for some tree preservation.
6. Provision of a 12-foot-wide trail easement from proposed Flandrau Street on or along the south line of Lot 20 to provide a subdivision connection to Four Seasons Park. An eight-foot-wide asphalt trail to be installed by the developer.

7. Provide an outlet for the pond west of the plat, with appropriate easements to a confirmed City storm drainage system.

REFERENCE

Site Description

The subject property consists of 6.55 acres, having a north/south dimension of 1,125 feet and an east/west dimension of 330 feet for that portion of the site lying northerly of Victory in Christ Free Lutheran Church. The property has 195 feet of frontage on Gervais Avenue. It has undulating topography with a high elevation of nearly 940 on the north end and low elevations of around 916 on or near proposed Lots 6 and 13.

The northerly end of the site drains south and easterly to a small wetland that appears on the air photos as, perhaps, a Type 3 Wetland. The center of the site consists of a small pothole that has no outlet. Neither are protected wetlands but the Watershed District has expressed a concern about filling the Type 3 in a manner that would decrease storage volume. Protecting of this wetland for storage could eliminate Lot 13.

Vegetation

A considerable amount of the site is wooded, especially that portion lying north of the church. The south end of the property near Gervais Avenue is also wooded. Two larger oaks stand immediately east of the church parking lot and both are proposed to be saved. Much of the on-site vegetation consists of cottonwood/poplar and box elder but there appear to be several and perhaps many oaks that should be incorporated with the subdivision. No specific tree information is available upon which to make an assessment of valuable trees to be lost. The developer proposes to grade nearly the entire site which will result in the loss of virtually all vegetation.

Surrounding Land Use

North:	A single-family residence
West:	Four Seasons Park and Victory in Christ Free Lutheran Church
South:	Industrial
East:	Vacant with single-family adjacent to Gervais Avenue. The property to the east is the site of a proposed 426-unit apartment project, currently under litigation.

PLANNING

Comprehensive Plan Designations

The Comprehensive Plan calls for RL-low-density residential development for the subject property. It is surrounded on the west by P-park; north by OS-open space; east by LSC-limited service commercial; and south by BW-business warehouse. The open space designation connects the wetlands to the east with Four Seasons Park.

Zoning

The subject property is zoned R-1, single-family residential as is the property immediately to the west. Properties to the east are zoned LBC and R-1 (near Gervais Avenue). Lands to the north are zoned R-1 and to the south M-1. The proposed development meets all zoning ordinance requirements.

Street Access to Lot "B"

Section 9-1 of City Code states that "no building permits will be issued for any construction within the City, unless the building site is located adjacent to an existing street which is dedicated and maintained as a City street, or unless provision for street construction has been made in full compliance with this Code, and in no case until grading work, as provided in this Code, has been completed and certified to the clerk by the city engineer; except that, in isolated instances, the Council may enter into an agreement with a property owner for special handling of an unusual situation, which agreement shall be recorded so as to run with the land affected."

The key word in this section is "adjacent". It is not defined in the ordinance. The dictionary defines it as follows: "1. Close to; lying near. 2. Next to; adjoining."

A house on Lot "B" would be close to Flandrau Street and Demont Avenue, but would not adjoin. Courts generally use the most permissive definition when there is doubt.

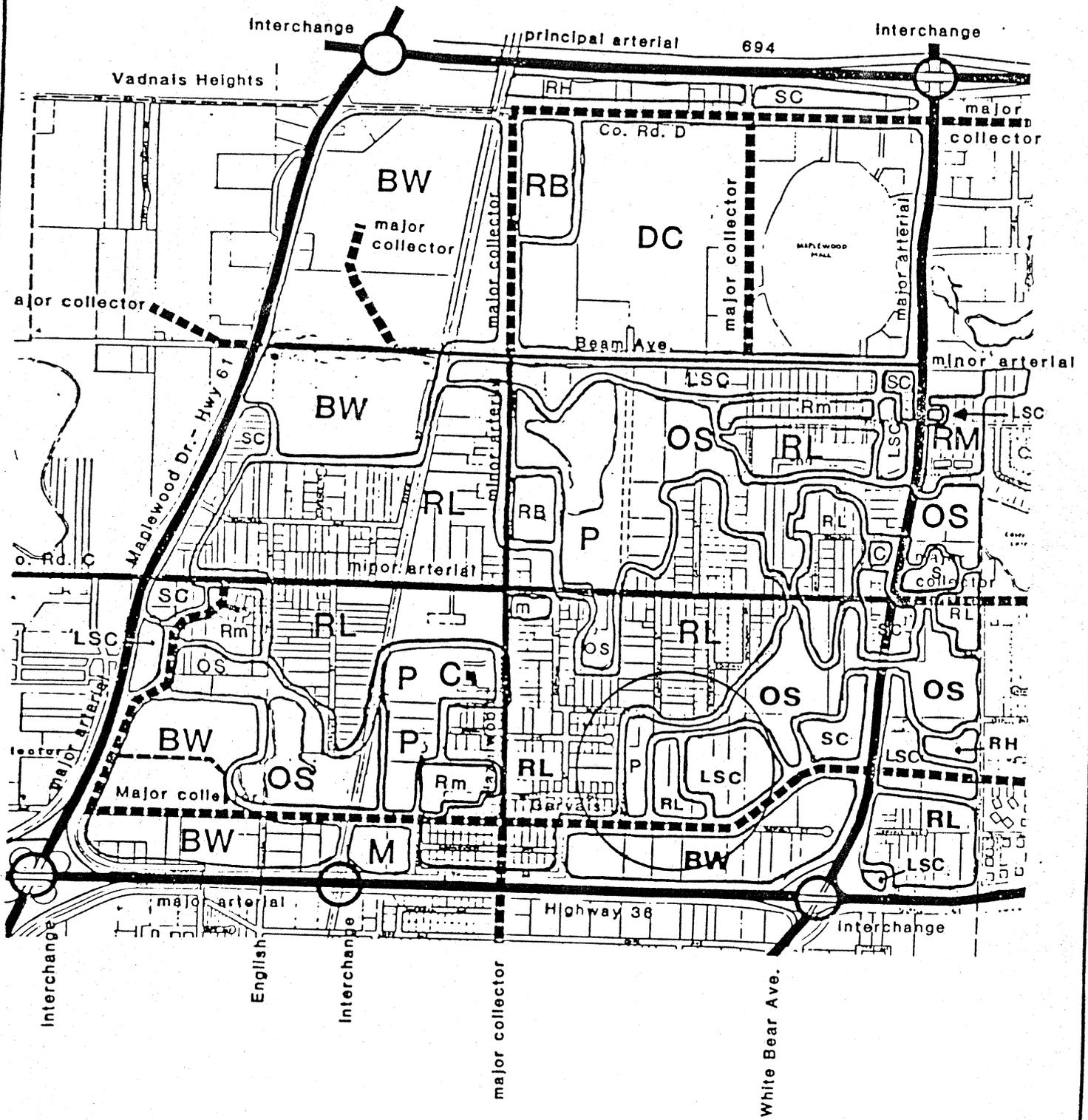
TRAFFIC

The subject property will have access to Gervais Avenue which is designated as a Major Collector by the Comprehensive Plan. Gervais Avenue has more than sufficient capacity to accommodate the additional residential trips.

mb\Seasons.mem

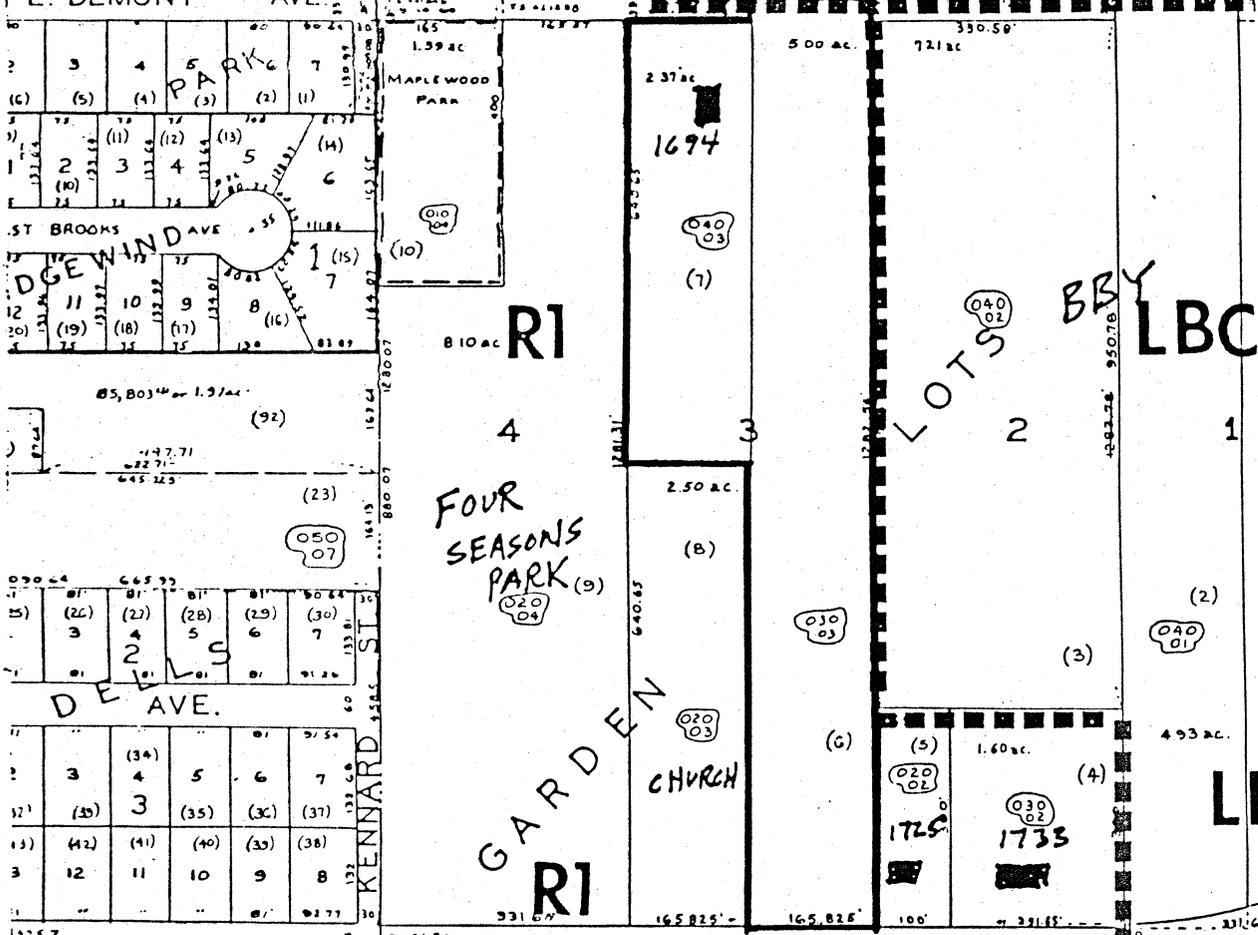
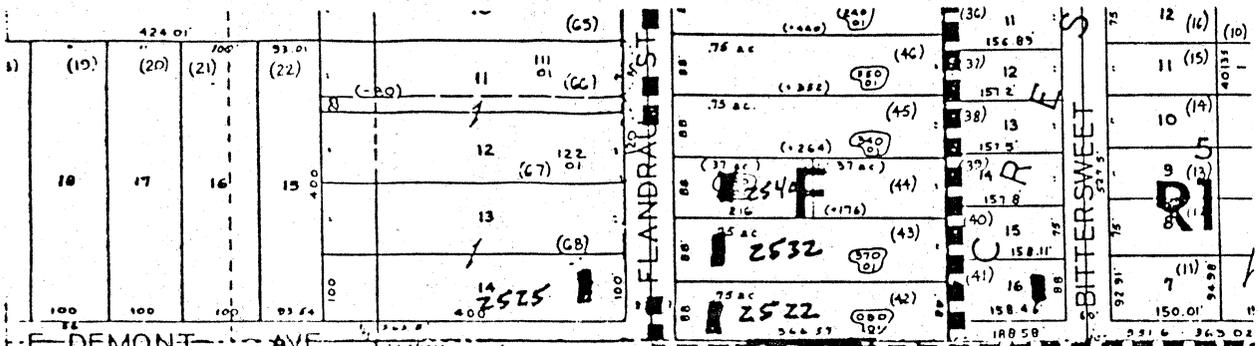
Attachments:

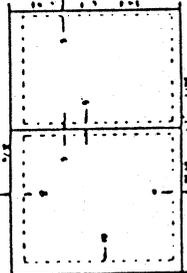
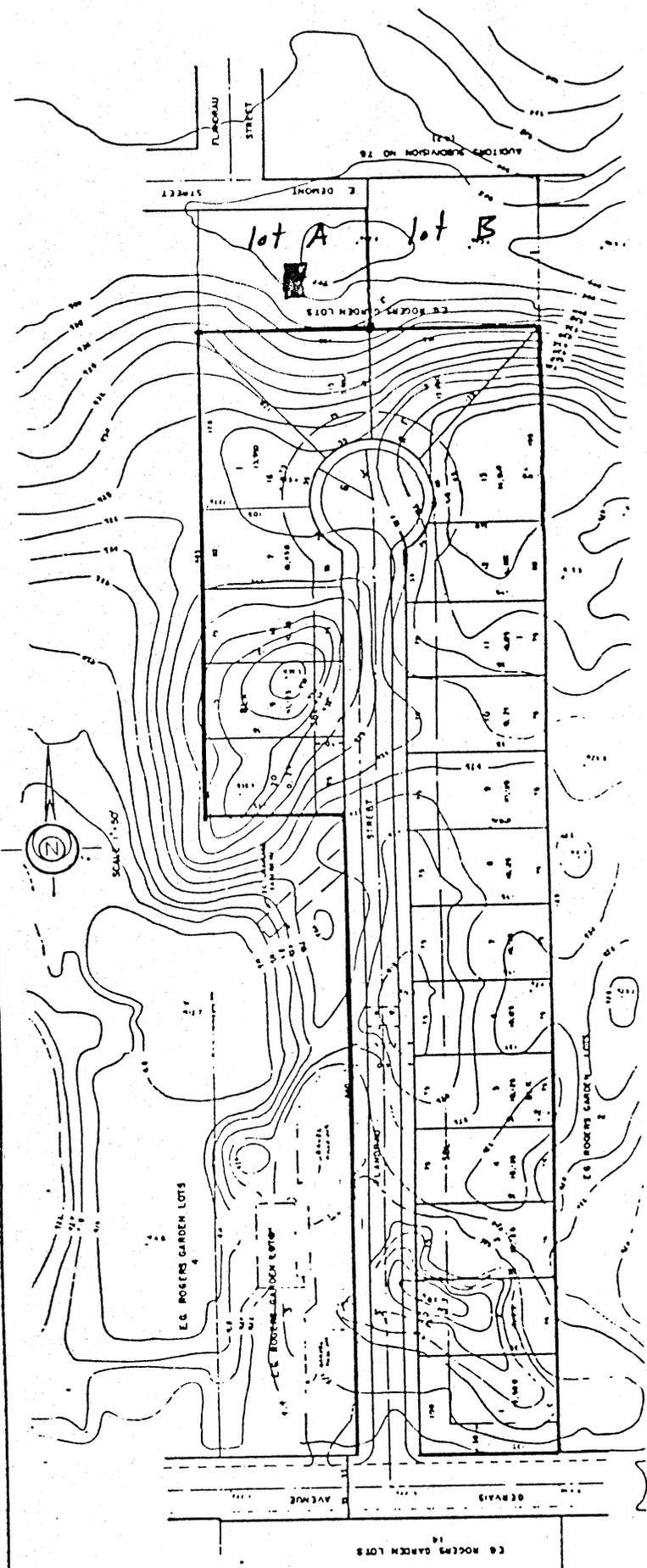
1. Neighborhood Land Use Plan
2. Property line/zoning map
3. Preliminary Plat
4. Ramsey-Washington Metro Watershed District letter
5. Resolution



HAZELWOOD NEIGHBORHOOD LAND USE PLAN



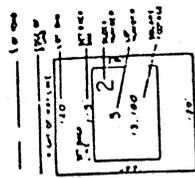




TYPICAL EASEMENT DETAIL

VALUATION
 The total area of 11.12 of lot 100, block 111, corner the north 111 feet of 6
 Rogers Garden lots
 The north 20 feet of the north 111 feet of the west 100 feet 111 feet
 of lot 100, block 111, of 6 Rogers Garden lots
 The north 10 feet 111 feet of the west 100 feet of lot 100, block 111,
 corner the north 111 feet of 6 Rogers Garden lots

TOTAL AREA	11.12 ACRES
AREA TO BE DEED	1.11 ACRES
AREA TO BE DEED	10.01 ACRES
DATE OF DEED	1977-09-15
DATE OF PLAN	1977-10
DATE OF SURVEY	1977-09-15
DATE OF RECORD	1977-09-15



TYPICAL LOT DETAIL

PROJECT NAME / SHEET TITLE
SEASONS PARK
 ADDITION TO MAPLEWOOD
 PRELIMINARY PLAT

OWNER / DEVELOPER
SB
SHERMAN BOOSALIS COMPANIES
 10 101 1482
 MINNEAPOLIS, MINNESOTA 55440-1482
 612 548 1482
 1872-332 3000

SCHOELL & MADSON, INC.
 ENGINEERS - SURVEYORS
 PLANNERS - SOIL TESTING
 12330 WAYATA BLVD
 MINNETONKA, MN 55343
 612 548 1481

CERTIFICATION
 I hereby certify that the above information is a true and correct copy of the original as shown to me by the person whose name is written above and that the same is a true and correct copy of the original as shown to me by the person whose name is written above and that the same is a true and correct copy of the original as shown to me by the person whose name is written above.

DATE OF DEED
 DATE OF PLAN
 DATE OF SURVEY
 DATE OF RECORD

SEP 5 1989

Ramsey-Washington Metro



2785 White Bear Ave., Suite 210
Maplewood, Mn. 55109
(612)779-2207

August 31, 1989

Geoff Olson
Midboard Community Development Department
1830 E. Co. Rd. B
Maplewood, MN 55109

Re: Seasons Park Addition
At Gervais and Flandrau Street

Dear Geoff:

Thank-you for referring the above mentioned project for Watershed District review. I have examined the plans and the property and have several comments regarding the proposal.

My first comment is in regard to the proposed storm sewer extension leading to the pond on the southeast side of the site. The illustration of the storm sewer plan shows the storm sewer outletting at an elevation of approximately 918. We would require that the storm sewer be extended to the normal level of the pond which appears to be more in the area of 914. We do not have a normal level on this pond and would rely on your office or public works to establish this elevation.

My second concern is in regard to the proposed filling of the small wetland on the northeast corner of the site. Although small in size, we have identified this as a Type 3 Wetland. The district is concerned about filling of any proposed wetlands of type 3, 4, and 5. Our primary concern is to insure that adequate storm-water storage volumes are maintained within the sub watershed. Our recently completed Phalen Chain of Lakes drainage plan requires a total of 192 acre feet of storage within this sub watershed. Before allowing this wetland filling we would want to be assured that this storage volume is maintained.

The project would require a Watershed District permit for grading and plat approval; the permit application is enclosed for the applicant. A copy will also be mailed to Sherman Boosalis Companies.

Please feel free to call if you have any questions or concerns regarding our comments.

Sincerely,

Clifton J. Aichinger
Administrator

cc: Ken H.
Fred H.

SUBDIVISION CODE VARIATION RESOLUTION

WHEREAS, Sherman-Boosalis Interests, Inc. applied for a variation from the subdivision code for the following-described property:

The east 1/2 of Lot 3, E.A. Rogers Garden Lots

WHEREAS, Section 30-8 (f) (1) (a) (2) of the Maplewood Code of Ordinances requires at least 60 feet of frontage on a public right-of-way;

WHEREAS, the applicant is proposing 33 feet of frontage, requiring a variation of 27 feet.

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

1. This variation was reviewed by the Maplewood Planning Commission on September, 1989. The Planning Commission recommended to the City Council that said variation be
2. The Maplewood City Council held a public hearing on ,1989 to consider this variation. 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 variation be approved on the basis of the following findings of fact:

1. There is an unusual hardship on the land.
2. The variation would not adversely effect the plan and spirit of the subdivision ordinance.

Chairman Axdahl asked for comments from the public. There were no comments.

Commissioner Fischer moved the Planning Commission recommend:

1. Approval of the resolution rezoning all but the northerly 15,000-square-feet, as determined by survey, of Lot 6 from R-1 to M-1.
2. Approval of the resolution approving a conditional use permit for one year, subject to the following conditions:
 - a. A bufferyard of not less than 10 feet in width shall be located and maintained along the east and south property lines of Lot 6 and the northerly zoning boundary. Within the bufferyard, no mechanical equipment may be operated or landscape materials stored.
 - b. Access to the commercial portion of Lot 6 shall be from Maplewood Drive, not Kohlman Avenue.
 - c. The hours of operation shall be limited to 7 a.m. to 7 p.m., Monday through Saturday.
 - d. Storage shall be limited to the southerly M-1 portion of Lot 6, Kohlman's Lakeview Addition, as determined by survey.

Commissioner Sletten seconded

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

E. Preliminary Plat: Seasons Park

Secretary Olson presented the staff report for preliminary plat approval for 20 single-family lots.

Chairman Axdahl asked for comments from the public.

John Oswald, owner of Lot A, said the City put a sewer and water line on his property without any easement rights. Mr. Oswald then sold this property to the City for \$1.

John Cavanaugh, owner of Lot B, said a deed for an easement was filed in 1976. Mr. Cavanaugh said he was assessed for water service when the water service was stubbed in. Mr. Cavanaugh said the neighbors to the north would not agree to an easement.

Mario Cocchiarella, representing the developer Sherman-Boosalis Interests, Inc., said they will plan the grading to save as many trees as possible. Mr. Cocchiarella said a plan for the drainage may be to divert the water into the pond and back into Flandrau Street to reduce the flow of storm water and make this a feasible project. Mr. Cocchiarella asked that the developer who develops the adjoining property be required to install some kind of a screen between the properties.

Commissioner Cardinal moved the Planning Commission recommend:

- A. Approval of the resolution which approves a variation to Section 30.8 (f) (1) (a) (2) of City code to allow Lot "B" to have 33 feet of frontage on Demont Avenue, rather than the 60 feet required by ordinance. Approval is on the basis that:
 1. There is an unusual hardship on the land.
 2. The variation would not adversely effect the plan and spirit of the subdivision ordinance.
- B. Approval of the preliminary plat for Seasons Park Addition to Maplewood, subject to the following conditions being satisfied:
 1. Approval of final grading, utility, drainage, erosion control and street plans by the City Engineer.
 2. The grading plan shall include a proposed building pad elevation and contour information for each homesite as well as the areas to be disturbed for street construction. Housing styles shall be illustrated which minimize grading on sites which contain trees to be preserved. Deviation from this approved grading plan may be permitted by the City Engineer, provided the intent of the overall grading plan is complied with.

3. Submit a signed Developer's Agreement with required surety for all required public improvements, erosion control and tree planting to the City Engineer, including an eight-foot-wide trail on the recommended easement, south of Lot 20.
4. Approval of a tree removal and planting plan to the Director of Community Development before grading or construction begins or final plat approval is given. This plan must illustrate the trees that are to be removed, those that are to be retained and those that are to be replanted.
5. Revisions to the future Flandrau Street profile to conform more closely to the natural grade and allow for some tree preservation.
6. Provision of a 12-foot-wide trail easement from proposed Flandrau Street on or along the south line of Lot 20 to provide a subdivision connection to Four Seasons Park. An eight-foot-wide asphalt trail to be installed by the developer.
7. Provide an outlet for the pond west of the plat, with appropriate easements to a confirmed City storm drainage system.

Commissioner Sletten seconded

Commissioner Fischer moved to amend the motion amending:

- A. Approve the resolution which allows construction of a house on an unimproved street and approves a variation to Section 30.8 (f) (1) (a) (2) of City code to allow Lot "B" to have 33 feet of frontage on Demont Avenue, rather than the 60 feet required by ordinance.

Commissioner Sletten seconded

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

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Appeal of Review Board Fencing Requirement
 LOCATION: 2714 Highwood Avenue
 APPLICANT/OWNER: Harold Carver
 PROJECT TITLE: Metal Storage Building
 DATE: October 17, 1989

SUMMARY

INTRODUCTION

Mr. Carver is appealing the Community Design Review Board's requirement for the installation of an 80-foot-long screening fence on the west side of his new metal storage building. Mr. Carver feels that since the building was constructed at a lower grade elevation than originally planned, it is not very visible from the neighbor's property to the west and, therefore, should not warrant the construction of the screening fence. The applicant also feels that the existing evergreens to the west of the Cellular/One tower site driveway are providing adequate screening. (Refer to the letter on page 6.)

BACKGROUND

On February 14, 1989, the Community Design Review Board approved plans for this metal storage building. Condition four required the installation of a screening fence along the west side of the building to screen the building from the adjacent neighbor.

On April 24, 1989, the City Council granted a conditional use permit to allow this building.

On September 12, 1989, the Board denied Mr. Carver's request to have the requirement for the screening fence waived.

CODE REQUIREMENT

Subsection 36-153 (2f1), requires that a conditional use permit may be obtained for metal buildings in a BC, Business Commercial district, but it must be found that the building would be substantially screened to be 80% opaque as viewed from streets or residentially zoned land.

DISCUSSION

The screening requirement should not be waived, based on the ordinance. Even with the lower grade of the building, approximately 60% of the building is still visible from 2684 Highwood Avenue. Staff does not feel, however, that a fence is necessarily the only alternative for a screen or buffer. If the applicant is willing to substitute plantings instead of constructing the fence, evergreen trees could be planted west of the building to provide screening that would grow taller each year. With plantings, however, enough would have to be put in so as to provide a screen that is at least 80% opaque and six-foot-tall. Some grade modification may be needed as well, to create a flat area for planting.

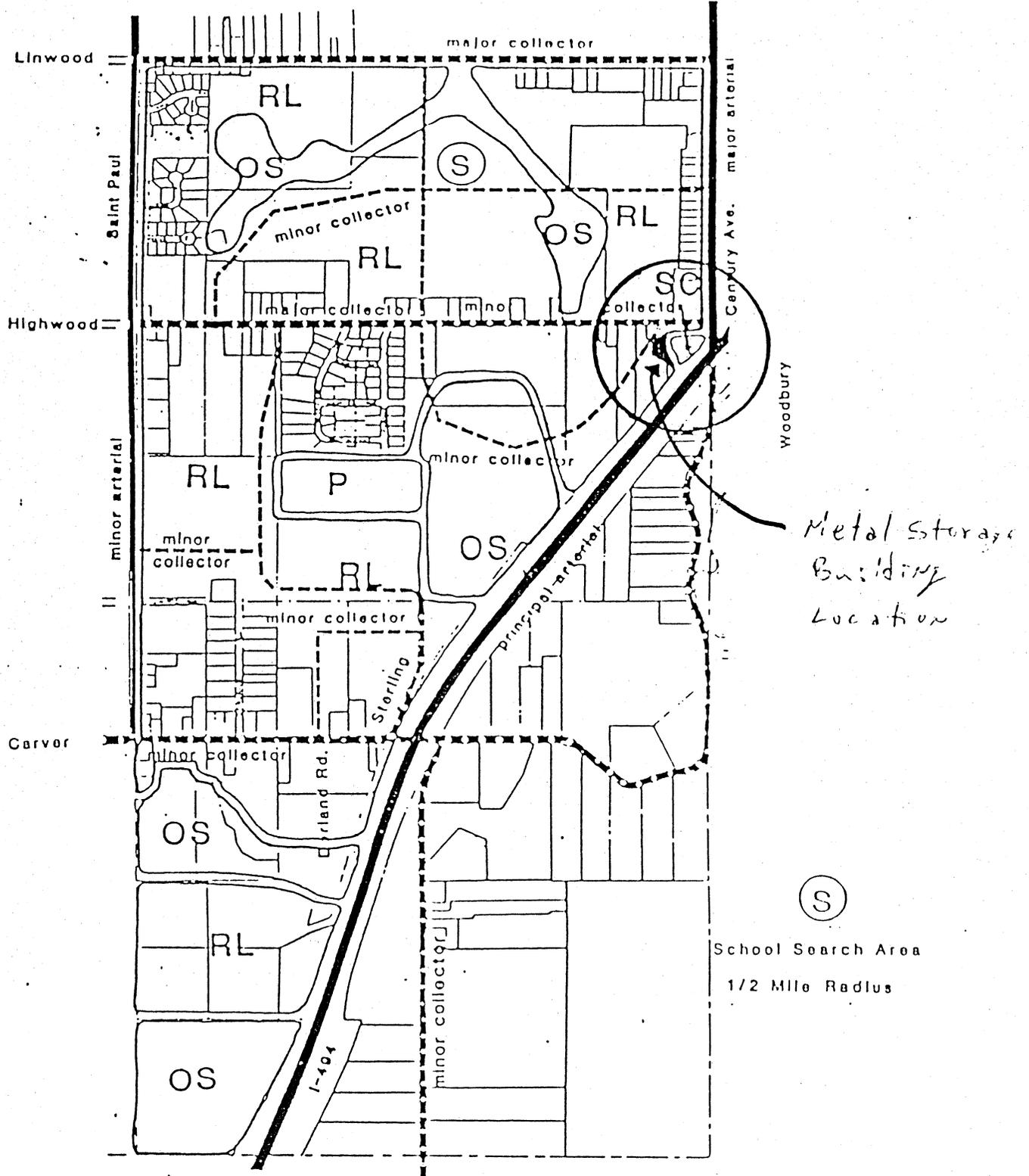
RECOMMENDATION

Mr. Carver shall provide screening as previously required, except for the modification that evergreens may be planted instead. In either case, the screening shall be at least six-foot-tall and 80% opaque upon installation and shall run the 80-foot-length as previously required.

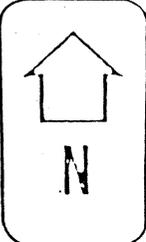
TECARVER

Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Applicant's letter of appeal dated September 19, 1989

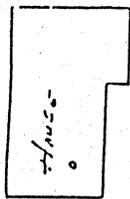


HIGHWOOD NEIGHBORHOOD LAND USE PLAN



Downslope to Pole Building

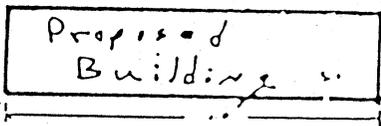
Highwood Ave.



Cottonwoods

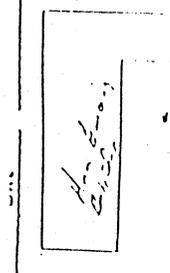
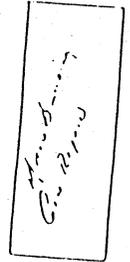
Tower - Site driveway

Required 6' tall evergreens



Required 6' tall, 80' fence

2714 Highwood Ave. "Covered into Repair"



BC ZONE

PARVER GEN REPAIR

1000' 1000'

SITE PLAN



COMPLETE AUTOMOTIVE FACILITIES
BODY WORK • PAINTING • FRAME WORK
ENGINE • TRANSMISSION • BRAKES • SLOPE WORK

CARVER GENERAL REPAIR, INC.

2730 HIGHWOOD AVENUE
ST PAUL MINNESOTA 55119

(612) 731-9855 / 739-1265
AUTO BODY (612) 739-3496

Maplewood Community Design
Review Board
1830 E. County Road B
Maplewood, Minnesota 55109

September 19, 1989

Gentlemen:

I would like to appeal the Sept. 12, 1989 review boards decision on the eighty foot fence, on the west side of Harold L. Carvers storage building. Your own staff has inspected the property, agreeing the fence would serve no beneficial screening. The existing evergreen trees provide substancial screening. Therefore I would like the matter Rereviewed.

FOR: Harold L. Carver

Robert J. Carver

- a. Permitting this sign would set a precedent for the proliferation of additional signs of this type by the other tenants in this auto center. This would be contrary to the intent of the sign code, which requires comprehensive sign plans for multi-tenant centers to avoid differing types of signs and sign clutter.
 - b. The proposed sign would not be compatible in design and materials with the two approved pylon signs.
2. Approval of the SA logo on the front of the convenience store. One SA logo may be used on the east side of the canopy. The revised open sign base for the SA pylon sign is permitted since it would allow better driver visibility of traffic and pedestrians.
 3. Approval of the repainting of the front of the convenience store as proposed.

Boardmember Molin seconded

Ayes--5
Nays--1

E. Landscaping/Screening Appeal - Carver General Repair

Robert Carver was present representing the applicant. Mr. Carver said eight evergreen trees were planted. Staff said he had reviewed the site and the building is still visible from the neighbor's property.

Marguerite Merz, the adjoining property owner, said the evergreen trees do not screen her property and she would like the fence installed. Ms. Merz said the existing trees planted by the MCI tower developer do not provide enough screening. Ms. Merz said there is a steep embankment on the south and west as a result of the storage building and she feels it is a danger. Staff discussed the possible future problems if the fence is installed on Ms. Merz's property and she sells the property at a later time.

The board members discussed whether a fence would provide any screening since it would sit in a low area. Secretary Ekstrand said he felt the fence would do some good, but not enough to warrant a fence being required. Ms. Merz asked if trees could be planted in the place of a fence if the fence is not required. A board member said the fence was a condition of approval for the building and he felt it should be required.

Boardmember Erickson moved the Review Board require a fence as required on February 14, 1989, and that the fence be placed on the west lot line of Mr. Carver's property.

Boardmember Deans seconded

Ayes--4

Nays--2

VI. DESIGN REVIEW

A. Olive Garden Restaurant - Birch Run Station Site

Jerry Richards of General Mills was present representing The Olive Garden Restaurant. Mr. Richards said he had reviewed the conditions of the staff recommendation and he was in agreement with them. Mr. Richards said the plans were being reviewed at present and the project was set to begin within the next few weeks.

Boardmember Molin moved approval of plans date-stamped August 22, 1989, for the Olive Garden Restaurant, subject to the following conditions:

1. Approval of plans by the Community Design Review Board does not constitute approval of a building permit.
2. All trash dumpsters shall be stored in screening enclosures with a 100% opaque wooden gate and shall be a color and material compatible with the building. Enclosures shall be protected by concrete-filled steel posts, or the equivalent, anchored in the ground at the front corners of the structure. If the enclosure is masonry, the protective posts may be omitted.
3. Any exterior building or roof-mounted equipment shall be decoratively screened and hidden from view. Screening is subject to Board approval.

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Woodlynn Heights Townhomes No. 4
DATE: October 13, 1989

The City Council, on October 12, moved to reconsider the preliminary and final plat for Woodlynn Heights Townhomes No. 4 at the next meeting. The purpose would be to reconsider the issue of sidewalks.

MEMO13
Attachment: September 12 staff report

MEMORANDUM

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: Preliminary and Final Plat
LOCATION: 2215, 2217, 2219, 2221 Woodlynn Avenue
APPLICANT/OWNER: Mack Nettleton
PROJECT: Woodlynn Heights Townhomes No. 4
DATE: September 12, 1989

SUMMARY

INTRODUCTION

The applicant is requesting preliminary and final plat approval to create four townhouse lots and an outlot for a building under construction. (See the plan on page 7.) The four-unit townhouse structure has been constructed. This plat is needed to allow each unit to have separate ownership. The outlot is for the common driveway to access the units. The outlot will be owned and controlled by the homeowners' association.

BACKGROUND

April 22, 1985: The City Council conditionally approved a preliminary and final plat for the first of several four-unit townhouse structures that have been constructed by the applicant.

December 8, 1986: The City Council approved a preliminary plat for Woodlynn Heights Townhomes No. 2 subject to a number of conditions. One of the conditions for final plat approval of the Woodlynn Heights Townhomes No. 2 was "Sidewalks will be required along Woodlynn Avenue with any future platting."

April 13, 1987: The City Council approved the Woodlynn Heights No. 2 final plat.

October 24, 1988: The City Council approved a preliminary and final plat for Woodlynn Heights Townhomes No. 3. The sidewalk installation requirement (from the approval of the Woodlynn Heights Townhomes No. 2) was waived with this plat as no development was immediately adjacent to that site and it was expected that a city-wide policy for financing sidewalk construction would be addressed soon after by the City Council.

DISCUSSION

Two issues need to be resolved with this development prior to the approval of the final plat - site grading and drainage, and sidewalks.

Grading and Drainage

According to the City Engineering Department, the property in question has topographic and drainage problems which need to be

corrected. It is recommended that the applicant successfully resolve the grading problems on the site to the satisfaction of the City Engineer prior to the City granting the final plat.

Sidewalks

A condition of approving the Woodlynn Heights Townhouse No. 2 plat was "sidewalks will be required along Woodlynn Avenue with any future platting." Mr. Nettleton, however, believes that the property owners on the south side of Woodlynn Avenue should participate in the cost. He is unwilling to commit to the construction of any sidewalk until the City Council discusses a city-wide policy for financing sidewalk construction.

In review of the tape recordings of the December 8, 1986 City Council meeting, it was found that Mr. Nettleton was told that sidewalks would be required by the City Council along the north side of Woodlynn Avenue in conjunction with development of the townhomes. This is because it was felt that the retail area to the west of these sites acts as a destination point for pedestrians in the area.

Additionally, the segment of Woodlynn Avenue adjoining the property in question is designated a collector street which should have a sidewalk on at least one side of the street. No sidewalks have been installed along this portion of Woodlynn Avenue to date. With all this in mind, it now appears appropriate to have the applicant install a sidewalk along the north side of Woodlynn Avenue from McKnight Road to the west end of the Woodlynn Townhomes No. 3 development. This is so there will not be sidewalk segments which lead to nowhere or are not connected to other sidewalks when they are constructed. Additional sidewalks should be constructed with future plats.

RECOMMENDATION

- A. Approve of the Woodlynn Heights Townhomes No. 4 preliminary plat subject to the following conditions being satisfied before final plat approval:
 1. Resolution of the grading and drainage concerns on the property in question to the satisfaction of the City Engineer.
 2. A developer's agreement and cash escrow in a form and amount satisfactory to the City Engineer shall be provided to the City before final plat approval for the installation of a 5-foot-wide concrete sidewalk along the north side of Woodlynn Avenue from McKnight Road to the west property line of the Woodlynn Townhomes No. 3 development.
- B. Table the approval of the final plat until all of the conditions contained herein for the preliminary plat are met.

REFERENCE

SITE DESCRIPTION

Area: .97 acres (42,468 square feet)

Existing land use: four-unit townhouse structure

Existing easements: NSP and Amoco easements are located on the north 207 feet of the site.

SURROUNDING LAND USES

North: Undeveloped property, planned for RM, residential medium density use.

East: a four-unit townhouse structure built by the applicant.

South: Woodlynn Avenue. Across the street are single dwellings.

West: a four-unit townhouse structure built by the applicant.

PLANNING

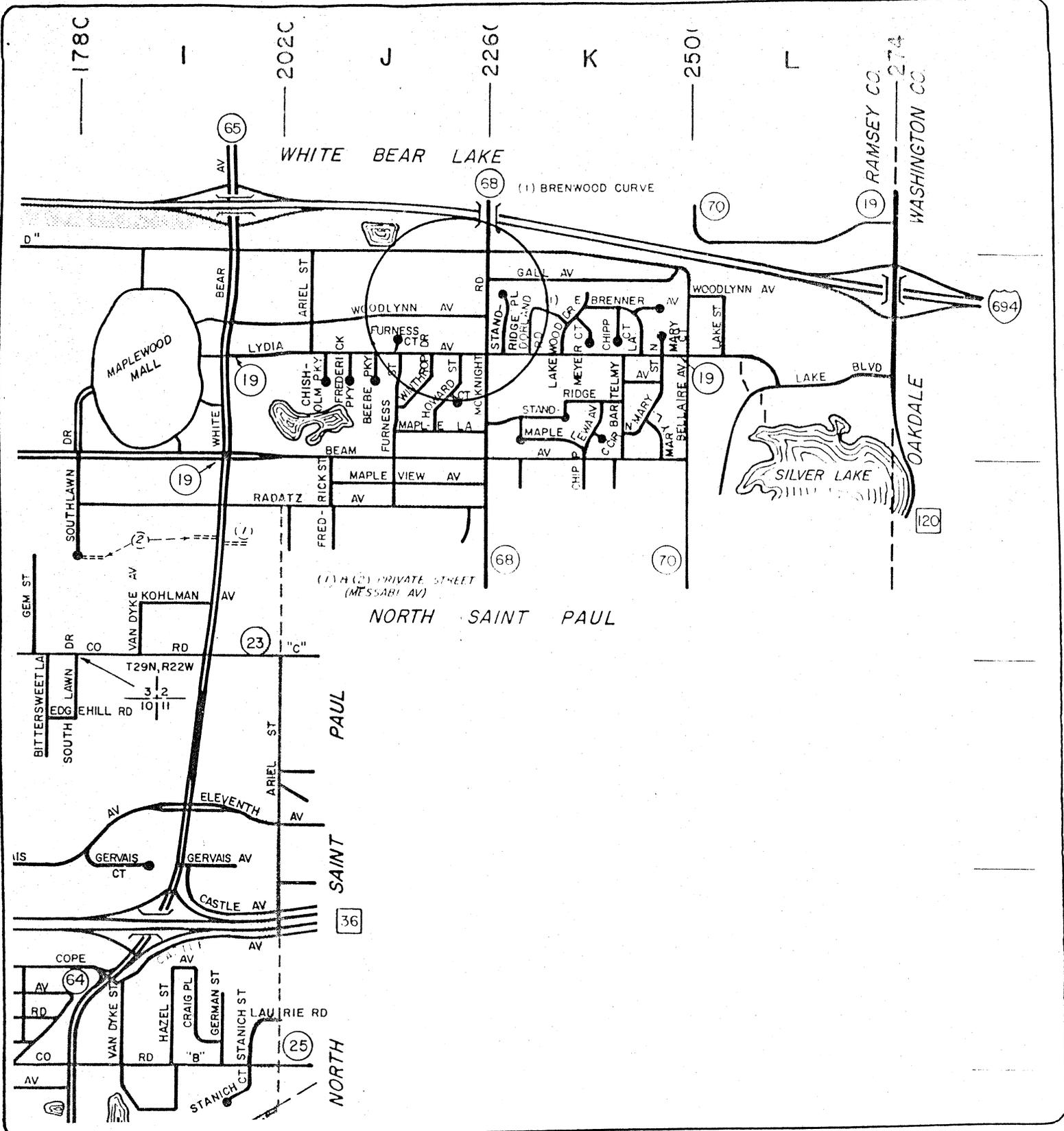
Land Use Plan designation: RM, residential medium density.

Zoning: R3, Multiple dwelling residential district.

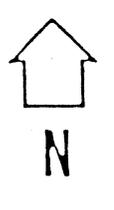
Attachments

1. Location Map
2. Property Line/Zoning Map
3. Proposed Preliminary and Final Plat

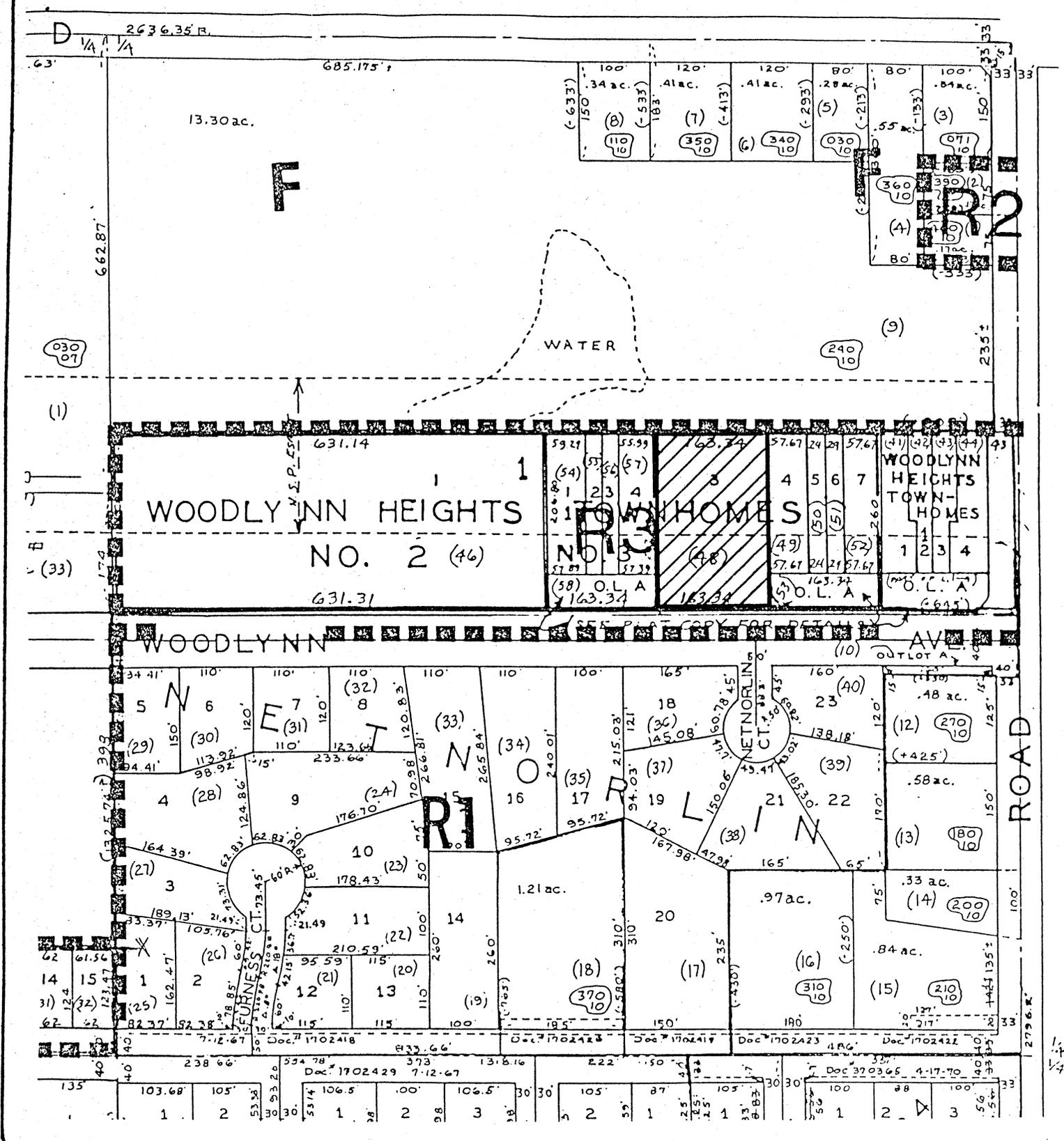
kenrmemo4



LOCATION MAP



N



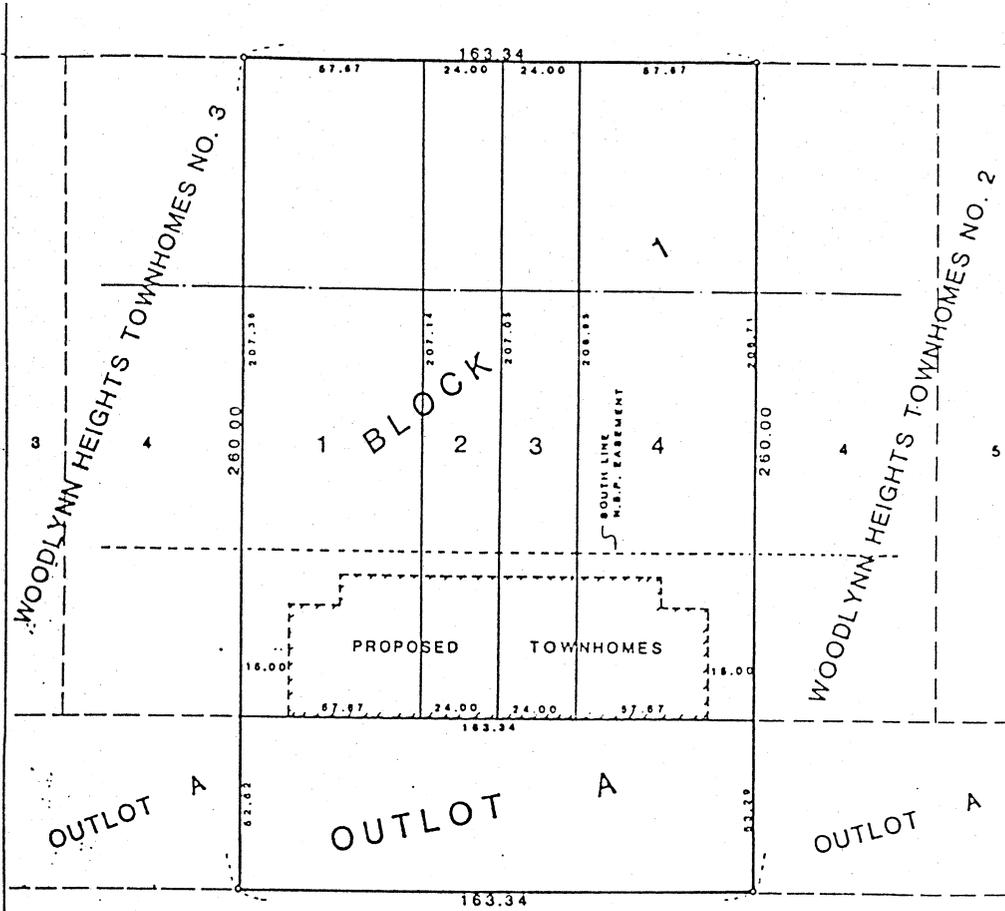
PROPERTY LINE / ZONING MAP



BOUNDARY SURVEY AND PROPOSED PLAT OF
WOODLYNN HEIGHTS TOWNHOMES NO. 4

DESCRIBED AS:

LOT 3, BLOCK 1, WOODLYNN HEIGHTS TOWNHOMES NO. 2



WOODLYNN AVENUE

LAKE & LAND SURVEYING, INC.
 1296 Hudson Road 776-6211
 St. Paul, MN 55106

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

James E. Danley
 James E. Danley, Minn. R.L.S. No. 14887
 on the 20th day of June, 1989

SITE PLAN



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

Commissioner Sletten seconded

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

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

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

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

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

sidewalks. The sidewalk requirement issue was initiated by the City Council.

Commissioner Ayers moved the Planning Commission recommend:

- A. Approval of the Woodlynn Heights Townhomes No. 4 preliminary plat subject to the following conditions being satisfied before final plat approval:
1. Resolution of the grading and drainage concerns on the property in question to the satisfaction of the City Engineer.
 2. A developer's agreement and cash escrow in a form and amount satisfactory to the City Engineer shall be provided to the City before final plat approval for the installation of a 5-foot-wide concrete sidewalk along Woodlynn Heights Townhomes No. 4 preliminary plat.
- B. Table the approval of the final plat until all of the conditions contained herein for the preliminary plat are met.

Commissioner Fiola seconded

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

Nays--Cardinal

- D. Rezoning and Conditional Use Permit: 1244 Kohlman Avenue (Durand)

Secretary Olson presented the staff report for this requested rezoning and conditional use permit to allow the rezoned parcel to be used for tree storage. A commissioner asked what would prevent other kinds of storage on this property in the future. Staff said a conditional use permit is required which would limit the use of the property.

Lawrence Durand said he had polled the adjoining property owners and they were in agreement with this requested rezoning and conditional use permit. Mr. Durand said all access onto this property will be by his existing landscape business property. Mr. Durand said the property had been zoned M-1 until approximately 1985.

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Environmental Protection Ordinance Amendment
DATE: October 9, 1989

The City Council tabled second reading on an amendment to the environment protection ordinance on September 25 for 30 days. The purpose of the tabling was to give developers a chance to meet and discuss the amendment with the City. I met with Brian Helmken (Builders Association of Minnesota), Marlin Grant (Marv Anderson Homes) and Kent Jefferson (Jefferson Homes) on October 9. The builders accepted the intent of the ordinance and we agreed on several wording changes to clarify specific sections.

MEMO14
Attachment: October staff report

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Code Amendment--Environmental Protection Ordinance
DATE: October 11, 1989

INTRODUCTION

The City Council directed staff to revise the environmental protection ordinance to provide more protection for significant trees. Council also wanted a survey of other cities' tree preservation ordinances.

DISCUSSION

The proposed ordinance gives the City more authority to preserve significant natural features, especially large trees and woodlots. The following is a summary of major changes:

1. Section 9-187: The ordinance would apply to anyone altering a significant natural feature. The current ordinance only applies to developments subject to Council or Community Design Review Board approval.
2. Section 9-188 (definitions): Several definitions of significant types of natural features have been added. The size of significant or large trees is increased from 4 to 8 inches in diameter.
3. Section 9-189: The density guarantee would be revised to allow the City to reduce the maximum allowed density in the land use plan by 33% or increase the minimum lot area to 15,000 square feet to preserve a significant natural feature. The current ordinance does not allow the City to protect some significant natural features, particularly clusters of large trees, where their preservation would result in the loss of a developer's density.

Most of the controversy surrounding the environmental protection ordinance has centered around lot sizes and densities. The following are a sample of average lot sizes for several plats in the "leg":

Beth Heights	22,942
Huntington Hills South	25,636
Maplewood Highlands	19,446
Maidment Terrace	14,282
Highwood 1st phase	15,560
Highwood 2nd phase	17,424
Gonyea's 1st and 2nd phases	16,800
Pleasantview Park	19,781

4. Section 9-190: A tree plan is required showing which large trees and woodlots will be preserved. The City may hire a tree expert, at the developer's expense, to evaluate this plan if needed.
5. Section 9-191 would require a woodlot alteration permit to alter a woodlot. Currently, removal of a woodlot is legal and requires no permit.
6. Section 9-193 (5): New standards for tree cutting and replacement have been added, as well as a fencing and signage requirement during construction.

In addition to the proposed ordinance, a tree preservation survey is included on page 10, the Eden Prairie tree replacement policy on page 11 and an article from "Zoning News" on suburban tree ordinances on page 17. Staff is also handing out the attachment on page 19 from "Lasting Woodlands" with each building permit involving tree removal.

Several meetings were held with developers last spring on a preliminary draft of this ordinance. A meeting was held on October 9 with a representative of the Builders Association of Minnesota and two local developers. Their changes have been included. Copies of this report will be sent to them preceding the meeting.

RECOMMENDATION

Adopt the attached ordinance and resolution establishing an application fee of \$50 for a woodlot alteration permit.

kd\envir.ord

Attachments:

1. Ordinance
2. Tree Preservation Survey
3. Eden Prairie Tree Replacement Policy
4. Zoning News
5. "Lasting Woodlands" handout
6. Newspaper Article
7. Letter: Calvin Pipal
8. Resolution - Application Fee
9. Planning Commission Minutes

ORDINANCE NO:
AN ORDINANCE AMENDING THE
ENVIRONMENTAL PROTECTION ORDINANCE

THE MAPLEWOOD CITY COUNCIL HEREBY ORDAINS the following revisions to Chapter 9, Article IX of the City code-- Environmental Protection Ordinance (additions are underlined and deletions are crossed out):

Section 1. Sections 9-187 through 9-193 (1) are amended as follows:

Section 9-187. Applicability.

(a) This article shall apply to any person or use that would alter a significant natural feature. ~~new subdivision, development or building to be approved by the city council or community design review board. This article shall not apply to any use permitted on a temporary basis for a period not to exceed two (2) years, when such use is established without site preparation.~~

(b) Public and semi-public projects, such as streets, utilities and parks, whether built by a public agency or private developer, shall be subject to this article; except that, the City Council may waive these requirements where there would be a greater public need for the project than to meet the requirements of this article. A public hearing shall be held before declaring such a waiver. The property owners within 350 feet of the site shall be notified at least 10 days before the hearing.

Section 9-188. Definitions.

Bluffline: A line delineating a top of a slope with direct drainage to a protected water, connecting the points at which the slope becomes less than eighteen (18) percent. (More than one bluffline may be encountered proceeding landward from a protected water.)

Critical area: The Mississippi River Corridor Area bounded by Carver Avenue, I-494 and the city limits.

~~**Crown cover:** The ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.~~

Direct drainage: Drainage into a protected water without an intervening pond or wetland.

Drip line: The farthest distance around and away from the trunk of a tree that rain or dew will fall directly to the

ground from the leaves or branches of that tree.

Erosion: The general process by which soils are removed by flowing surface or subsurface water or wind.

Gross soil loss: The average annual total amount of soil material carried from one acre of land by erosion.

Large tree: Any healthy tree that has a trunk diameter, four feet above the ground of at least 8 inches., other than a box elder, cottonwood, poplar, or any other undesirable tree, as determined by the Director of Community Development.

Pipeline: An underground line of pipe including associated pumps, valves, control devices and other structures utilized for conveying liquids, gases, sewage or other finely divided solids from one point to another.

Protected water: Formerly referred to as public waters, means any water defined in Minnesota Statutes, Section 105.37, Subdivision 14.

Retaining wall: A structure utilized to hold a slope in a position which it would not naturally remain in.

Sediment: Suspended matter carried by water, sewage or other liquids.

Significant natural feature: a significant water body, large tree, a woodlot, a significant slope or a site of historical or archeological significance that has been recorded with the State.

Significant slope: A natural slope of 25 percent or more grade over an area at least 200 feet in length (top to bottom) and 500 feet in width (side to side).

Significant water body: A water body shown on the City Drainage Plan or a water body over one acre in area.

Slope: The inclination of the natural surface of the land from the horizontal; commonly described as a ratio of the length to the height.

Structure: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.

Substation: Any utility structure, other than lines, pipelines, poles holes or towers.

Terrace: A relatively level area bordered on one or more sides by a retaining wall.

~~Tree: Any woody plant, except a shrub, that has at least one trunk whose diameter is four (4) inches or greater, four (4) feet above the ground.~~

~~Utility: facility: Physical facilities of Electric, telephone, telegraph, cable television, water, sanitary and storm sewer, solid waste, gas or similar service operations.~~

~~Vegetation: All plant growth, especially trees, shrubs, mosses or grasses.~~

~~Water body: Any lake, stream, pond, wetland or river.~~

~~Wetland: Any land which is seasonably wet or flooded, including all marshes, bogs, swamps or floodplains.~~

~~Woodlot: A treed area of at least one-half acre of which at least 25% of the area includes large trees.~~

~~Sec. 9-189. Density guarantee. Effect on density.~~

~~No requirement in this article shall prevent the development of property to the maximum density allowed in the Maplewood Comprehensive Plan Update. The city may reduce the maximum allowed density on that part only of the development that has a significant natural feature, where such reduction would save all or part of a significant natural feature. However, regardless of the requirements in this article, the maximum allowed density shall not be reduced below 67% of the allowed density in the city's land use plan for multiple dwellings. The minimum lot size shall not be increased above 15,000 square feet for single dwellings. Any required density reduction or increase in lot size must save a significant natural feature. The City Council may require the clustering of dwellings in the form of town-houses, quads, or apartments or similar uses, where it is necessary to preserve significant natural features. Single family homes are not precluded from consideration as part of any proposed development under this article.~~

~~DIVISION 2. SITE PLANNING REQUIREMENTS ADMINISTRATION~~

~~Section 9-190. Tree Site plan required.~~

~~A tree plan shall be required with any City application which would result in the loss of large trees or all or part of a woodlot. This plan shall show the existing woodlot, identify the sizes and species of any large trees and indicate which trees are to be removed. The applicant shall show on the tree plan and on the site, the limits of proposed grading activity near a large tree or woodlot to be preserved. These grading limits shall not encroach upon the drip-lines of the trees to be preserved in the woodlot. City staff may submit the plan to a tree expert for a~~

recommendation. Any costs shall be paid for by the developer.

Sec. 9-191. Woodlot alteration permit.

(a) A woodlot alteration application shall be submitted to the Director of Community Development for any alteration of a woodlot that is not reviewed in another application.

The applicant shall submit a tree site plan and any other information needed to determine compliance with this article. Specific requirements shall be stated on an application form in the office of the Director of Community Development. An application fee shall be established by the City Council by resolution from time-to-time.

(b) The Director of Community Development may approve a woodlot alteration permit which complies with this article. The Director's decision may be appealed to the City Council in writing by any effected party within ten days of the Director's written decision.

Sec. 9-192. Conditions of Approval.

The City may require conditions of approval to insure compliance with this article.

DIVISION 3. APPROVAL STANDARDS

~~Section 9-191~~ 193. Approval site plan approval standards.

Any request to alter a significant natural feature must meet the following standards:

~~No site plan which fails to satisfy the following standards shall be approved:~~

(1) General standards.

a. All plans and the The conduct of all grading, landscaping, structure placement, and street routing shall be consistent with ~~and to the maximum extent in the furtherance of~~ the City's comprehensive plan, and for development in the Mississippi River Corridor Critical Area, the Maplewood Critical Area Plan.

b. The proposed development shall not lessen existing public access to and along a protected water.

c. The proposed development shall be designed, constructed and maintained to avoid causing:

1. Accelerated Erosion.
2. Pollution, contamination or siltation of water bodies or storm sewers.
3. Flooding.
4. Ground water contamination.
5. Alteration of significant natural features.

d. Development shall not substantially diminish the scientific, historical, educational, recreational or aesthetic value of unique natural areas, ~~and unique plants and animals, species,~~ which are registered with the state as such, and shall not substantially alter ~~the~~ their reproductive cycles. ~~of the species.~~

e. Views of protected waters from buildings or public streets shall not be impaired by the placement of advertising signs.

Section 2. The current Subsection 191 (5), now 193 (5), is amended as follows:

(5) Trees.

a. Development shall be designed to preserve large trees and woodlots, where such preservation would not effect the public health, safety or welfare. healthy trees. The City may prohibit removal of all or part of a woodlot or large tree, subject to the limitations in Section 36-189. In addition, nothing in this article shall prevent building on an existing lot of record, provided that such building shall be designed to save as many trees as possible. This decision shall be based on, but not limited to the following criteria:

1. Size
2. Species, health and attractiveness of the trees, including:
 - (a) sensitivity to disease.
 - (b) life span.
 - (c) nuisance characteristics
 - (d) sensitivity to site grading.
3. Potential for transplanting.
4. Need for thinning a woodlot.
5. Effect on the functioning of a development.

6. The public health, safety and welfare.

~~This requirement shall not apply to diseased trees or where a forester certifies that thinning is needed for the overall health of a woodlot; in which case, a specific tree removal plan must be approved by the city.~~

b. ~~If large trees are cut, the density of trees shall be restored to that which existed before development, but in no case shall the applicant be required to raise the density above ten (10) trees per acre, unless part of a required planting screen. Any trees required to be planted shall be varied in species, shall maximize the use of species native to the area, shall not include any species under disease epidemic and shall be hardy under local conditions. Tree diameters shall be at least two (2) inches.~~

c. ~~The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering areas equal to at least one-half (1/2) of each tree's crown cover.~~

c.b. If any large tree in a woodlot is cut, damaged or the area within the tree's dripline has been encroached upon by grading equipment without City authorization, the City may require planting of two new trees. In addition, if the City determines that a damaged tree will probably not survive, it shall be removed by the developer.

d.c. Any trees required to be planted shall be varied in species, shall maximize the use of species native to the area, shall not include any species under disease epidemic and shall be hardy under local conditions. Trees shall be at least 2 1/2 inches in diameter for deciduous trees and eight feet tall for coniferous trees.

e.d. Any trees required to be planted shall be replaced if they die or appear to be dying within one year of planting by the person responsible for the planting.

f. Before any construction or grading takes place, snowfencing or erosion control fencing shall be placed around the borders of woodlots or the driplines of large trees to be preserved. Signs shall be placed along this fence line prohibiting grading beyond the fence line.

Section 3. DIVISION 3. UTILITIES AND STREETS is hereby renumbered to DIVISION 4.

Secs. 9-192 utilities and 9-193 streets are hereby renumbered to Secs. 9-194 and 9-195. There are no other revisions to these sections.

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

Passed by the Maplewood
City Council on
198 .

Mayor

Attest:

City Clerk

Ayes--
Nays--

TREE PRESERVATION SURVEY

Staff surveyed 26 suburban cities. Circle Pines was also included at the City Council's request. Each city was asked for their tree preservation requirements. Only two cities, Burnsville and Eden Prairie, have city-wide tree preservation ordinances.

The following cities have no tree preservation ordinances: Coon Rapids, Plymouth, Brooklyn Center, Fridley, Blaine, Crystal, New Brighton, New Hope, Apple Valley, South St. Paul, Maple Grove, Columbia Heights, West St. Paul, Shoreview, North St. Paul, Oakdale, Woodbury, Newport, Little Canada, and Circle Pines.

The following cities have a limited tree preservation ordinance:

Roseville requires a conditional use permit to cut trees with at least a 6-inch diameter in shoreland areas. Cottage Grove has a similar ordinance to Maplewood, but it only applies to designated critical area land along the Mississippi River.

The following cities have a city-wide tree preservation ordinance:

Burnsville has a similar ordinance to Maplewood, except that any tree with a diameter of at least 2-1/2 inches that is cut must be replaced, up to a maximum of 15 trees per acre.

Vadnais Heights requires tree preservation, but has no specific requirements or required replanting.

Eden Prairie has the most detailed tree replacement policy of any of the cities surveyed. A copy is attached. It appears to be difficult and time-consuming to administer because of its complexity.

White Bear Lake is considering an ordinance to regulate cutting trees 6 inches or more in diameter.

TREE REPLACEMENT POLICY (Eden Prairie)

A. PURPOSE

It is the intent and desire of the City to protect, preserve, and enhance the natural environment and beauty of Eden Prairie by encouraging the resourceful and prudent development of our existing woodland areas. To create an incentive for good planning, design, and development, the Tree Replacement Policy shall serve as a basis for project review in the promotion of tree preservation and/or determining the required replacement of significant trees.

When reviewing new development projects, either commercial or residential, City Staff attempts through design to preserve and protect natural site characteristics such as wooded areas, hills, and ponds. However, it is not always possible and/or feasible to save 100% of any existing significant natural site characteristic. Because of this, a tree replacement policy has been developed.

B. BACKGROUND

In developing the Tree Replacement Policy, Staff had to determine the following items:

1. Define significant tree.

A significant tree is defined as a tree of 12 inches in diameter or greater whose mature height will be greater than 30 feet (examples: oak, maple, basswood, etc.), or a tree of 8 inches in diameter or more whose mature height is usually less than 30 feet (examples: ironwood, cedar/juniper, etc.).

2. Which species of trees shall be replaced?

Deciduous hardwood trees which shall be replaced includes oak, maple, basswood, ash, ironwood, etc.. In addition, coniferous trees shall also be replaced if they meet the specific size requirement. Diseased trees shall not be subject to tree replacement. It is the responsibility of the developer to submit a certified tree inventory depicting:

a. The size, species, and condition of all trees greater than 12 inches in diameter whose mature height will be greater than 30 feet (examples: oak, maple, basswood, ash, Colorado Spruce, etc.).

b. The size, species, and condition of all trees greater than 8 inches in diameter whose mature height is usually less than 30 feet (examples: ironwood, cedar/juniper, etc.).

Based on this tree inventory, the actual tree loss will be calculated and the amount of replacement determined. To reduce the amount of tree replacement required, the proponent may opt to relocate those trees which are suitable. It will be the responsibility of the City Forester to make the final determination as to the number and types of trees which shall be replaced and/or relocated.

3. At what point (percentage) is a significant wooded area substantially altered by tree removal.

For a wooded site, short of acquisition by the City, some tree removal is probably unavoidable and reasonable to expect as a part of development of the land. By only replacing significant trees, a substantial amount of vegetation under this size could be removed without replacement. This fact alone allows considerable latitude in the reasonable development of property.

Generally, the smaller the percentage of the overall wooded portion of the site that is removed, the less the change in the character of this site; and therefore, the less the percentage of replacement necessary to preserve the character of the site. The larger the percentage of removal of trees of the total wooded area the greater the change in the character of the site and the larger the percentage of tree replacement required to help mitigate the change in site character. Staff, therefore, suggests that for any removal of the significant trees on a site, a proportion of the trees shall be replaced on a diameter (caliper) inch for diameter inch basis.

C. TREE REPLACEMENT

The first 100 caliper inches of tree removal from a site shall be replaced 100% with the remaining caliper inches replaced on a proportionate basis. The proportion of tree replacement shall diminish from 100% replacement at 60% loss down at a constant rate to the 100 caliper inch mark. Trees removed outside of an approved construction plan would continue to be replaced at 100% on an area inch per area inch basis.

1. Tree Replacement Calculations

The amount of tree replacement is based upon the total amount of caliper inches of significant trees removed from the site divided by the total amount of caliper inches of significant trees on-site. General provisions of this policy include:

- a. The first 100 caliper inches removed from any site shall be replaced 100 percent.
- b. If the percent of caliper inches removed is greater than or equal to 60 percent, the caliper inch replacement shall be 100 percent.

2. Tree Replacement Formula

$$\frac{\text{Total Caliper Inches Removed}}{\text{Total Caliper Inches}} = \text{Percent Caliper Inches Removed}$$

$$\text{Percent Caliper Inches Removed} \times \text{Tree Replacement Factor (1.66)} = \text{Percent Tree Replacement}$$

$$\text{Total Caliper Inches Removed} - 100 = \text{Total Caliper Inches Replaced by Percentage}$$

$$(\text{Total Caliper Inches Replaced by Percentage} \times \text{Percent Tree Replacement}) + 100 = \text{Total Caliper Inch Replacement}$$

Examples

- a. 95 Caliper Inches Removed
400 Total Caliper Inches

$$\frac{95}{400} = 23.75\%$$

Regardless of percentage, because the total amount of tree removal is less than or equal to 100, tree replacement shall be 100% or 95 caliper inches.

- b. 367 Caliper Inches Removed
743 Total Caliper Inches

$$\frac{367}{743} = 49.39\%$$

$$49.39\% \times 1.66 = 81.98\%$$

$$367 - 100 = 267$$

$$(267 \times 81.98\%) + 100 = 318.88 \text{ or } 319 \text{ Caliper Inches Replaced}$$

- c. 811 Caliper Inches Removed
923 Total Caliper Inches

$$\frac{811}{923} = 87.86\%$$

- Because the percentage of trees removed is greater than or equal to 60%, the amount of tree replacement shall be 100% or 811 caliper inches.

3. Replacement Locations

Once the amount of tree replacement has been determined, the proponent will be required to submit a landscape plan detailing the location, type, and size of trees to be replaced. This plan will be required prior to first reading by the City Council.

Locations in which tree replacement shall occur are as follows:

- a. Site restoration areas including steep slopes.
- b. Lot yard areas.
- c. Outlots or common areas.
- d. Buffering between different land use and/or activities.
- e. Entrance monuments.
- f. Adjacent park or community open space (shall be coordinated by the Planning Staff and the Community Services Staff).

4. Sizes and Types

The minimum size of trees which shall be given credit for tree replacement are a 3" deciduous tree or an 8' coniferous tree, except that in steep slope restoration, using 2 1/2" size trees, credit will be given. No replacement credit will be given for shrubs or ornamental trees. The attached list describes the types of trees suitable to be planted in Eden Prairie. Trees designated for replacement shall be of a similar variety of the trees which were removed when applicable and/or available.

D. ENFORCEMENT

In Multi-family, Office, Commercial or Industrial developments, the developer will be required to follow normal landscape bonding procedures as described in the City of Eden Prairie's Landscape/Screening Procedures and Requirements.

In Single Family Residential subdivisions, the procedure shall be as follows:

1. To determine the cost of the trees to be replaced, the developer should either provide the City with a contract for the replacement of the trees or two nursery estimates. If a developer fails to give nursery estimates or provide the City with a copy of an actual contract for installation of the trees, then the City will estimate based on its knowledge of the approximate price per caliper inch to determine the total cost.
2. Proponent will be required to submit surety at 1 1/2 times the cost of the tree replacement. Surety shall either be a bond, letter of credit, cash, or an assurance of an escrow with a title company.
3. The City will provide one landscape inspection each year (usually in the fall) for each individual project. At that time, the amount of landscaping installed will be determined. One complete growing season after the 1st inspection a subsequent bond amount will be released if in compliance with the developer's agreement and City Code. The balance of the surety will be retained by the City as a guarantee for tree replacement and/or completion.

Should any of the landscaping material not be installed, the City will retain the associated bond amount which shall be placed into a Natural Resources Fund. The purpose of the Natural Resources Fund shall include but not limited to the purchase of landscaping to be placed within the adjacent neighborhood or community park.

In addition to the number of trees being removed as part of construction, the proponent will also be liable for the replacement of those trees directly at or near the construction limits which may die as a direct result of this construction activity. In order to protect the City and future homeowner against additional tree loss, the proponent will be required to bond for those trees which have been designated as being saved but due to their proximity to any construction activity, may not survive. The number of caliper inches of "questionable" trees shall be calculated and a subsequent bond amount included as part of the tree replacement bond. At the time of final inspection for the replacement trees, these "questionable" trees will also be inspected. After this inspection, the proponent will be contacted regarding any additional tree replacement and/or timing for the bond release.

SHADE TREES - large trees 30+ feet mature height

- Norway Maple - *Acer platanoides*
cultivars - 'Cleveland'
- Red Maple - *Acer rubrum*
cultivars - 'Northwood', 'Firedance'
- Silver Queen Silver Maple (seedless) - *Acer saccharinum* 'Silver Queen'
- Sugar Maple - *Acer saccharum*
cultivar - 'Green Mountain'
- River Birch - *Betula nigra*
- Hackberry - *Celtis occidentalis*
- Black Ash - *Fraxinus nigra*
- Green Ash - *Fraxinus pennsylvanica*
cultivars - "Newport", 'Bergeson' 'Marshall's Seedless', 'Patmore', 'Summit'
- Ginkgo - *Ginkgo biloba* (male only)
- Honeylocust - *Glenditsia tricanthos inermis*
- Kentucky Coffeetree - *Gymnocladus dioicus*
- Ironwood - *Ostrya virginiana*
- White Oak - *Quercus alba*
- Swamp White Oak - *Quercus bicolor*
- Pin Oak - *Quercus palustris*
- Northern Red Oak - *Quercus rubra*
- American Linden - *Tilia americana*
- Littleleaf Linden - *Tilia cordata*
cultivars - 'Glenleven', 'Greenspire'
- Redmond Linden - *Tilia americana* 'Redmond'

Conifer Trees

- Balsam Fir - *Abies balsamea*
- White Fir - *Abies concolor*
- European Larch - *Larix decidua*
- Black Hills Spruce - *Picea glauca* 'Densata'
- Austrian Pine - *Pinus nigra*
- Ponderosa Pine - *Pinus ponderosa*
- Norway Pine - *Pinus resinosa*
- Scotch Pine - *Pinus sylvestris*
- White Pine - *Pinus strobus*
- Douglas Fir - *Pseudotsuga menziesii*
- Canadian Hemlock - *Tsuga canadensis*

ZONING News

JANUARY 1989

AMERICAN PLANNING ASSOCIATION



A Tree Grows in Suburbia

In Pinellas County, Florida, before the county adopted a tree preservation code, builders would market new homes by showing off a model with extensive landscaping and large trees. Later, after all the home sites were sold off, builders would clear the remaining tracts, put up homes and tell stunned homebuyers that landscaping was their responsibility. Such clear-cutting practices are not unique to Florida. A recent study by Tree Atlanta, a conservation group, shows that the metropolitan area loses the equivalent of up to 50 acres of woodlands per day during the prime building season. And the U.S. Department of Agriculture estimates that many of the Washington, D.C., suburbs have lost up to half of their woodlands over the last 30 years. (See graph.)

The continued loss of woodlands has forced many cities to adopt ordinances to protect trees from indiscriminate clearing for land development. A large number of tree protection ordinances were enacted during the 1970s. However, many of these codes did not work out. Many cities did not have adequate staff to police the protection of trees. They required developers to identify large trees on site plans but were unable to determine whether trees were actually saved. Some cities also found that grading activities and utility excavations later killed those trees that were supposed to be saved. Many cities also discovered that it was politically infeasible to adopt strong ordinances that might stop development or require modifications of plans in order to protect trees.

The second generation of tree protection ordinances simplifies the process of tree preservation and goes further than the 1970s codes. The cities featured below all have good tree preservation programs. They all conduct inspections, many have staff or consulting arborists, and all have experience in the administration of tree protection codes.

Lake Forest, Illinois

This affluent suburb on Chicago's North Shore has taken tree preservation seriously for a long time. For the last nine years, it has been designated a "Tree City" by the National Arbor Day Foundation. In 1987, the city's tree protection program gained national attention following a fight between Mr. T, the television actor, and the city council. Immediately after moving to Lake Forest, Mr. T chopped down over 100 oak trees on his estate, reportedly to relieve allergies. The city council condemned the action as "outrageous destruction." At the time, Lake Forest's tree preservation code applied only to new developments and, therefore, did not apply to Mr. T's property.

The city's code now prohibits the mass removal of trees from all new building sites and controls the removal of existing trees from front yards within 35 feet of the road right-of-way. The controls on clearing of construction sites apply to all of the city's buildable lots and to the protection of all trees at least 12 inches in diameter at breast height. Trees may be removed in a "construction area" that includes the building

envelope, driveways, and utility lines. Builders must stake out a building envelope plus 20 feet, accessways, and areas for utility trenches. All large trees outside of this area must be preserved.

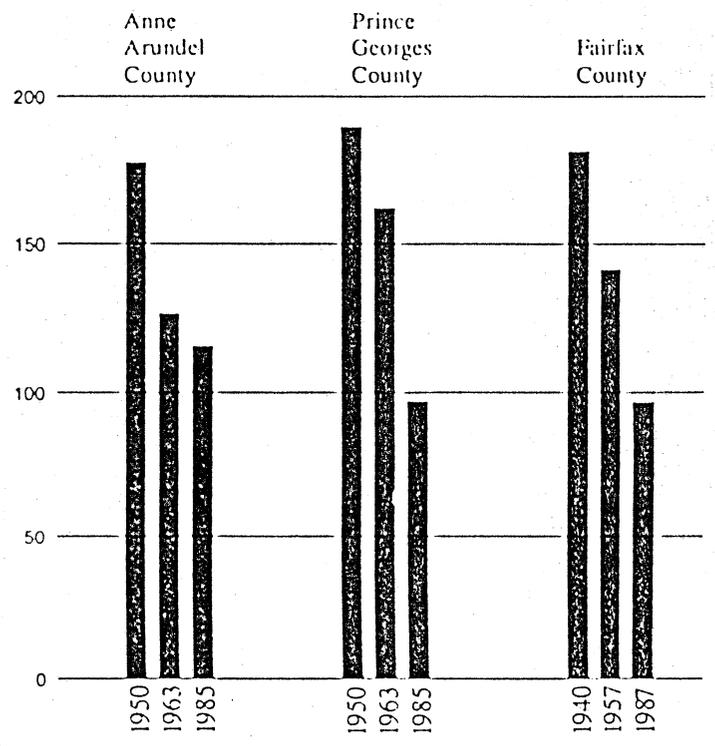
To protect existing trees, the city's code establishes a "preservation area" extending 35 feet in depth along any lot line facing a public street. Permits are required for the removal of any trees 12 inches in diameter or larger within this area. Permits may be granted if the tree is diseased, dead, or dying, or if tree preservation would create an economic hardship on the property owner. Even if such permits are granted, the owner may be required, at the discretion of the director of parks, forestry, and public works, to replace those trees removed with others no less than four inches in diameter.

Fulton County, Georgia

The county board of commissioners adopted a tree preservation ordinance in 1985. The code applies to all new development except for single-family home construction. According to Edward Macie, Fulton County Arborist, the ordinance has been highly effective in protecting thousands of existing trees and requiring the planting of tens of thousands of new trees.

According to Macie, flexibility has been the key ingredient to the county's protection program. As code administrator, he

Acres of Trees in Selected Areas of Suburban Washington



Source: U.S. Forest Service

has been given discretion in negotiating which trees must be protected and which may be removed. The code does not require that all trees be preserved, but, when trees are removed, they must be replaced.

The tree protection criteria apply to any land-clearing, grading, or construction activities. Tree protection and landscape plans must be submitted with other construction plans and must show which trees will be preserved, methods of guarding trees during construction, proposed utility trenches, and areas to be graded or landscaped.

The protection of trees does not end with the submission of plans in Fulton County. Construction activities must be altered to limit the amount of grading or clearing within the vicinity of protected trees. These trees must be fenced off to keep heavy equipment from inadvertently damaging a tree's root system. The protected area includes all the area beneath the tree's canopy drip line. The drip line is a vertical line extending from the outer surface of a tree's branch tips down to the ground.

Hilton Head Island, South Carolina

Hilton Head's ordinance is geared not only to preserving trees but also to maintaining the diversity of tree species on the island. Developers are required to do a complete count of all trees on a site and document their size and species. The results of the count are used to calculate the number of trees that must be preserved, based on a minimum standard of 900 adjusted caliper inches of trees per acre of pervious surface area. The ordinance also establishes the mix of species that must be retained on the site. The island's goal is to maintain the approximate composition of tree species that existed on the undisturbed site. For example, a developer cannot destroy a stand of oak trees unless there are enough remaining hardwoods to provide the appropriate balance of hardwood trees to the other types of trees on the site.

The town's code also addresses the problem of lots that were cleared of trees years ago but never developed. Developers of these sites are required to plant trees to meet a minimum number of tree caliper inches per acre.

Finally, the ordinance requires individual homeowners to maintain the trees on their lot. Sally Krebs, the town's natural resource coordinator, spends two days a week doing inspections of sites. "If a tree dies or is hit by a car, it's got to be replaced—period."

Agoura Hills, California

In response to the removal of vast numbers of oak trees in Los Angeles County, the city of Agoura Hills passed strict oak preservation guidelines that prevent even the pruning of oak tree limbs larger than two inches in diameter without an oak tree permit. The ordinance also requires a permit for the removal of any oak tree. Susan Kelsey, Agoura Hills' oak tree consultant, notes that the planning commission will approve removal only when reasonable use of the site would be completely inhibited by preservation of the trees. Four new oaks must be planted for each oak that is removed.

During construction, all oak trees must be surrounded by a five-foot-high chain link fence placed at least 15 feet beyond the trunk. If a proposed building or sidewalk encroaches into this protection zone, the city's oak tree consultant must be on the site at all times that work in the protected zone is being done.

In some cases, buildings have had to be redesigned during construction in order to save oaks. Kelsey points out that "over the last 100 years, there's been incredible, intentional devastation of the oaks. Now, we've recognized the importance of saving our natural resources."

West Bloomfield Township and Novi, Michigan

In Michigan, communities are taking steps to preserve woodland areas. West Bloomfield Township and Novi have designated woodland areas on official woodland maps. Development that takes place in these areas must comply with the woodlands protection ordinance.

In West Bloomfield, the extent to which development may encroach into the woodland area depends on the ecological sensitivity of the area. For each proposed development, the township's woodland review board determines a "tolerance point"—the number of trees that can be removed without destroying the woodland character of the site.

In areas that have excellent soils and are populated by fast-growing species of trees, the board may permit the removal of up to 50 percent of the trees on the site. However, in delicate ecological areas, the board may restrict this removal to only 10 percent of the total number of trees.

Novi's ordinance protects woodland areas by reducing required lot sizes and allowing cluster development when the majority of the property is within a bona fide woodland area. For example, in the town's residential estate district, the required lot sizes can be reduced from one acre to one-third acre where wooded areas will be preserved.

Both the West Bloomfield and Novi ordinances impose monetary penalties on property owners found to have violated the woodland protection regulations. West Bloomfield also requires that developers post a bond equal to \$60 per tree on the site as a condition of site plan approval. If the developer destroys trees in excess of the number allowed, the bond money is devoted to supplemental landscaping of the site. Tom Bird, planning director for West Bloomfield, says that this step is taken as a last resort. "The best enforcement mechanism is to maintain a vigilance on the property throughout the development process."

In recent years, communities have developed sophisticated approaches to protecting trees from both the bulldozer and the overly exuberant residential tree pruner. Recent codes demonstrate innovation and flexibility in land development regulations in the interest of preserving trees. The tree ordinance in Bellevue, Washington, permits up to a 10 percent reduction in the number of required parking spaces for the retention of over 15 percent of the significant trees on site. In Orlando, Florida, the city council may require a proposed subdivision to cluster homes in order to protect the trees on site. Finally, Pleasant Hill, California, has found that public relation techniques, such as the awarding of tree preservation plaques, greatly enhance public support for tree protection.

Lake County, Ill., Adopts Performance Zoning

Last month, Lake County adopted a new performance zoning ordinance for the 200 square miles of unincorporated land in the county. In a 20 to 3 vote, the county board endorsed the controversial ordinance that has been over five years in the making.

The performance zoning concept was introduced in Lake County by Lane Kendig, the county's former director of planning. The model ordinance that appears in Kendig's 1980 book, *Performance Zoning*, was originally prepared for adoption in Lake County. However, the county delayed approval of the new zoning code because of the objections of a number of municipalities.

LASTING WOOLANDS PRESENTS:

*A Dozen Very Basic Things
Which Developers and Builders Should Know
in Order to Avoid Killing Trees
(and to avoid the lawsuits that would result from such killings)*

1. The roots are the most important part of a tree.
2. Tree roots *must* have *oxygen(!)* in order to function. Covering roots with dirt or water can deprive roots of vital oxygen supplies, especially roots of oak trees.
3. The key feeder roots of most trees (especially of oak trees) are in the top 6-12 in. of soil. The myth of "deep rooted trees" is just that: a myth. Even side roots from the short "tap root" of an oak slant upward to get to oxygen and rain water.
4. The feeder roots of trees are mostly in a large, shallow disc that is 2-4 times the area covered by the crown. In other words, the roots usually extend far beyond the branches!
5. Grading dirt over the feeder roots of trees anywhere under their branches (and often beyond) suffocates the feeder roots and kills all or most of the crown in 1-3 years.
6. Grading dirt away from the root zone of trees removes their feeder roots and does great injury to the crown within 1-3 years. It kills the nearly invisible hair roots.
7. If you can see roots of a tree which you have cut, you have already done considerable damage to the tree: it is like seeing a pulsing artery in a flesh cut on a human.
8. Compaction of soil under trees (especially by bulldozers working an area, and by repeated parking of cars, pickups and trucks by construction people) is almost as deadly to trees as covering their roots with soil. The compaction deprives the hair roots of oxygen.
9. Building a protecting "tree well" (e.g. a stone wall) around the trunk of a tree while covering the surrounding area with dirt is a fool's project. It does no good at all.
10. Trenching to install utilities cuts a tree's roots. Multiple trenches can sever most of a tree's roots. Remember, it is the roots of a tree, not its top, which are most important.
11. Changing grades so that temporary or permanent ponding of water occurs usually results in suffocation of all roots in the pond due to lack of oxygen, and the trees die.
12. Wounding oak trunks and branches any time from early spring to late summer usually results in oak wilt infecting the tree in areas where oak wilt disease exists. The infection will usually spread through grafted root systems to the whole clump of oak trees surrounding the infected tree. Bulldozers and "Bobcats" easily create wounds in oaks.

Prepared by Donald C. Willeke, Attorney at Law, Willeke & Daniels, 201 Ridgewood Avenue, Minneapolis, MN. Mr. Willeke is Chairman of the Minnesota State Shade Tree Advisory Committee. He is a Director of the American Forestry Association and of Lasting Woodlands, Inc. Lasting Woodlands, Inc. is a non-profit corporation. Call Chris Siems, President, at 612-439-3356.

On this page we lay out a series of steps that are essential to construction site tree preservation. These steps should become an integral part of the building process. Unfortunately (fortunately for us forest-lovers!), each woods is different and generates its own questions pertaining to individual tree tolerances. For example: Which tree blocks should be saved? How should traffic be directed on the site? These questions are best answered by a qualified professional consultant. The help of a consultant often pays for itself by saving a builder's valuable time and by increasing property values.

Tree preservation can be viewed as a four step process. Each step should be integrated into every building project.

1. Develop a lot plan that pinpoints tree blocks to be preserved.

The builder who says, "I'll try to save as many trees as I can" will inevitably see one tree after another damaged or destroyed due to "accidents" or "miscommunications." Know what you are trying to accomplish and which tree blocks you want to preserve before any portion of the construction project begins. The expertise of a consultant is especially valuable during this phase.

2. Partition off designated areas with snow fencing, flagging, and signs.

Block off the areas you wish to preserve with snow fencing and flagging. Post signs that state that there is to be no filling, scraping, or trenching of the soil, and no driving or parking in these designated areas. This may seem somewhat severe but it is the only sure way to let contractors and buyers know that you are serious about preserving those trees. A side benefit of your efforts is the positive image it will project; it says that you are taking every precaution to preserve trees.

3. Explicitly communicate instructions to every contractor on the site.

Nearly every builder we've spoken to voices one common problem: It's impossible to be on the site every second, and it only takes one contractor to miss the signals and damage designated tree blocks. There are two ways to combat this problem. Conspicuous fencing and signage make acceptable traffic flow and on-site practices very clear to every contractor entering the site. Second, if possible, tree preservation practices should be a written component in the contract with each contractor. Once again this seems somewhat harsh but it goes a long way toward getting the desired results.

4. Monitor the health and vigor of trees during and after construction.

Even the most woodland-sensitive construction can place trees under some stress, and the effects of this stress sometimes aren't apparent immediately. Check the health of preserved trees periodically to make sure they have maintained their vigor. Wilting leaves is the first sign of construction damage. If this occurs, contact a tree-care expert immediately. Once again, this is a great way to make it clear to everyone that you are serious about saving trees. It is also one step you can take to avoid construction damage liability.

These steps may seem like they entail a lot of extra work, but when you integrate them into your regular building process, they will become a routine part of each building project. That's what we're striving for: A network of builders for whom tree preservation comes as naturally as framing or sheathing.

Note: Each future issue of Lasting Woodlands will contain an article that more thoroughly develops the steps and ideas expressed in this piece. If you have any questions about construction damage, please call Christian Siems at 439-3356. We can link you up with professionals that can help you. That's what our network is for!

Construction Damage Liability:

Straight Talk

by Donald C. Willeke, Attorney and Counselor at Law
and a Director of the American Forestry Association

Developers and contractors face a potentially expensive problem if they disregard the damage which can occur when homes are built on wooded lots. Often unsuspecting homebuyers purchase a newly constructed home on a lot containing what appear to be large, healthy trees. Then, to their dismay, in a year or two some of the trees start to show signs of distress: branches die, and sometimes whole trees collapse in mid-season. The homeowners' first impulse is to talk to their city forester or to call some tree care company. From such tree experts they get the bad news: "Your tree roots were buried with new fill, and the trees are 'goners.'"

The standard reaction of these homeowners is first to get very angry at the builder who sold them the home or did the construction, and then to go out, get a lawyer and sue.

Liability of builders to homeowners for tree loss is based upon several theories.

(1) That the builder knew *or should have known* that damage would result to the trees from construction activities but acted negligently. It is no defense that the builders did not in fact know. General Motors was supposed to know that Corvairs could blow up. Building cars is its business, and it is supposed to know how to do the job right.

(2) That the builder knew of the damage or potential damage and did not tell the unsuspecting buyers. This is, to use the unpleasant legal term, simply "fraud."

(3) That the builder breached the contract he or she had with the homeowners, either to build the home properly, or to sell them an already constructed home with what appeared to be healthy trees on the property.

(4) That the builder violated consumer protection laws in selling the homeowners a defective product, or "hoodwinked" the homeowners by neglecting to tell them that the product had a latent defect that would only show up at a later date.

Liability of the builder (on any of the above counts) can be quite expensive. Several builders have had to pay sums equal to the price of the lot on which the home stood. Some of the builders have been able to bring in excavating contractors and make them share some of the liability, but it is still the builder's primary responsibility to know how to "do it right" and then to follow through and actually see that it *is* done right. Failure to observe that simple rule can be very, very expensive. One lawsuit (and the legal fees a builder has to pay for defense) can wipe out the profit on many homes.



Staff Photo by Donna Terek

Of the 14 trees that once shaded Andrea and Gordon Weber's lot, all that remains is the woodpile on which their children are playing.

Fill dirt can kill old trees, dismayed home buyers learn

By Ingrid Sundstrom
Staff Writer

Gordon and Andrea Weber had saved a long time for their dream house. They shopped carefully for a lot that would give their three children room to play, with trees big enough to shade the house and yard.

They found just the right spot in Maple Grove and, in the winter of 1981, their house was built under,

the wide canopies of 14 oak and ash trees with trunks 18 to 30 inches in diameter.

When the leaves came out that spring, their lot looked just as the builder had said it would — like a park, Gordon Weber said. But by the next spring, the beautiful trees were dead, killed by a land development contractor who, experts later determined, had piled dirt four to six feet deep around the trees, suffocating their roots.

"We were heartsick," he said. "It was almost like a loss of a family member when the trees came down. We lost their shade and we lost our privacy. The trees went across the back of our lot at the bottom of a hill. Now when we sit on our deck, everyone behind us on the hill is looking down right at us."

What happened to the Webers is not uncommon in the Twin Cities area.

Trees continued on page 25



When the Webers' house was under construction, the backyard had a row of large trees — all later killed by fill dirt.

re would-be home buyers, refiners

The narrowing rate gap added to her doubts, since she already had a loan at 12 1/2 percent — "not bad," she noted. But it's the cost of refinancing and financing that is discouraging some homeowners and surprising others.

"I haven't run across any complaints

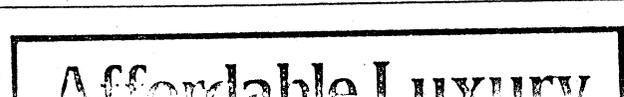
about misleading advertising (by lenders or builders)," said Herschel Elkins, chief of the consumer law section of the state attorney general's office, "but I am hearing a lot of disappointment."

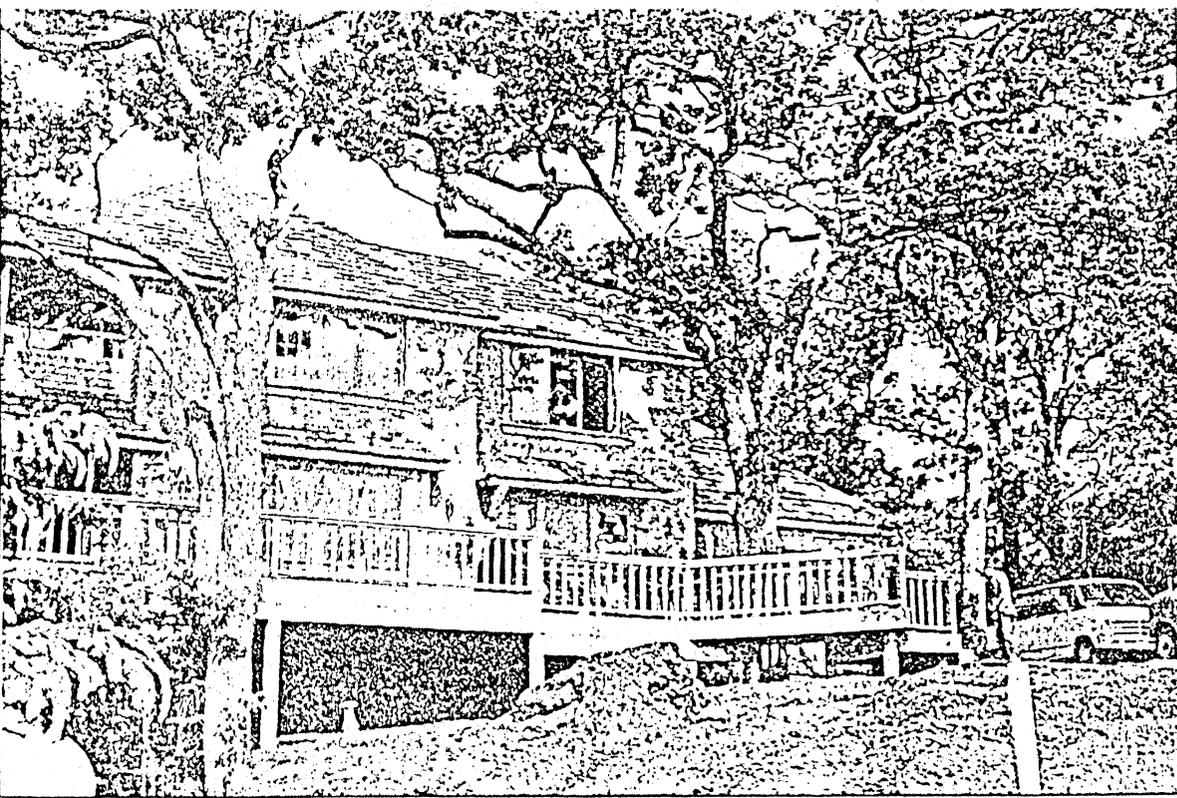
He has heard from people who bought or refinanced homes when

the rates dipped below 10 percent March, the lowest in nearly eight years.

"They were happy with the low rates," he said, "but points and other fees added so substantially to the

Fees continued on page 35





Staff Photo by Donald Black

To save oak trees around this house in Bloomington, the developer made sure that old root systems were not suffocated by new fill dirt.

Trees Continued from page 15

said Don Willeke, a lawyer and chairman of the state Shade Tree Advisory Committee.

"I would say it's a very major problem," he said. "I think it's done all the time around the area, and I'd say we're losing millions of dollars worth of trees."

Armed with testimony from prominent tree specialists and nursery and forestry experts, the Webers sued the land developer. Their case was resolved out of court and they received a cash settlement of about \$20,000.

That paid for removing the dead trees and planting a few replacement ones — two ash trees, a Norway maple, a clump birch and an American linden — trees described by the Webers' lawyer as "buggy whips" with diameters of 2 to 3 inches. But because of Maple Grove's heavy clay soil, three of the trees died. So they keep planting new ones.

Dead trees often are passed off by builders or developers as unavoidable, caused by oak wilt or other disease, said John Daniels, Willeke's law partner, who represented the Webers in their lawsuit. But in many cases the deaths are preventable, experts say.

"I think the way building practices have been in Minnesota, a lot of trees have been lost due to construction that didn't have to be lost," said David French, head of the Plant Pathology Department at the University of Minnesota, who was among those called in to confirm the diagnosis on the Webers' trees.

"There are a lot of builders who do take care, and with knowledge and care, this doesn't have to happen," French said.

The deaths of otherwise healthy trees can be attributed to several construction-related causes:

- Putting more than three or four

inches of soil over a tree's root system, which spreads beyond the leaf line, usually will cause most mature trees to die within two years. Contractors often spread dirt to level a sloped lot, but the compacted soil can cut off the oxygen supply to the tree's fine hair roots. Because trees can store a lot of energy, it can take two to three years for them to die.

■ Cutting roots for a foundation or for sewer or utility lines may kill the part of the tree fed by those roots. If the roots are heavily disrupted, the whole tree may die. "I don't recommend building a house very close to a tree, because without the root system, some or all of the tree will die," French said. "Sometimes people have actually built their house around a tree, or a deck around a tree. That's a poor investment."

■ In the case of oaks, which often are considered the most desirable trees on wooded lots, any kind of cut or nick in a tree can invite the insects that carry oak wilt disease, particularly in May and June, French said. "Bark beetles can feed on even the healthiest elm trees, causing Dutch elm disease," he said. "But a healthy oak can't be damaged by oak wilt unless there is a wound in the tree — even the smallest wound or broken branch."

A home site dotted with mature trees usually is more expensive than a cleared lot, but unless the trees are avoided and protected, "You may just be buying a lot of very green firewood," Willeke said. "It's sad because you cannot replace a 100-year-old or 200-year-old tree. If it dies, you'll never see its like again, unless you live a lot longer than I hope to."

Thomas Graham, of Graham Development Co., is one of several local land developers who consciously work to preserve trees on home sites, said French, who has advised Graham on tree preservation for several years.

"Preserving trees becomes a very expensive proposition," Graham said. "To save the trees, you're using more land, and then if you have to fence the trees, you're getting to a point where people (with moderate incomes) can't afford the houses on them."

Graham said his firm puts snow fences around trees to protect them from harm and to keep vehicles from driving across the roots. If the ground has to be graded near a mature tree, his company builds a well around the base of the tree to allow the roots to get the air they need.

Some trees do have to come down because they are in the middle of a lot, "but we try to minimize loss," Graham said. "Still, it gives me an eerie feeling to have to cut down a 200-year-old tree."

Willeke and French, by airing the problem of construction-killed trees, "are holding up a rightful flag," said Glen Shirley, who has been Bloomington's city forester for 14 years. "There should be more awareness on the public's account."

Shirley, who was hired just as Dutch elm disease was moving into Bloomington, has since seen trees in his city killed by what he calls "cut and fill" land-development work for houses. But the good word apparently is spreading, he said, and lately he's seeing more developers spending time and money to save trees.

Before buying a wooded lot, potential buyers should talk to the land developer as well as the builder to determine which trees are going to be saved and protected, French said. If the base of a tree trunk on the lot is not enlarged, or if no buttress roots can be seen, suspect a land fill.

The trees that are to be saved should be fenced — "And I don't mean putting a little piece of wire around the stem of the tree," French said. "You could still bang into that with a bulldozer."

Trucks and other equipment shouldn't be parked under trees because exhaust and hot gases can harm the trees, and the equipment can compact the ground. Wounds or scratches in oaks should be immediately treated with a sealing compound.

French and Shirley suggest calling in landscape architects or tree specialists to help determine which trees are valuable and worth saving. Most communities in the area have city foresters who can recommend appropriate consultants, Shirley said.

"People get professional advice when they're making plans for their homes for any number of things," French said. "It costs a lot of money to take a tree down, and it only takes a professional a few minutes to give advice about saving one."

Home buyers should ask the consultants for references and check the references. "Minnesota lacks some sort of monitoring or minimum standards for this trade," French said.

If all else fails, there are legal remedies.

"Minnesota courts have been conscious of the difference between a shade tree and mere timber," Daniels said. "There are cases going back to the 1870s that recognize that a tree on a residential or commercial lot is shade and has a value that is different from a certain 'x' number of board feet."

Why would anyone want to save a tree anyway?

"Trees soften the landscape and make it more attractive. They provide wind protection, shading and cooling in summer," French said. "In the fall, they drop their leaves and we have to rake them and so they give us exercise."

Lovely town homes are adjacent to park with paths. Features 2BR's, 2 1/2 baths, walk-out garage, near Downtown on bus line. Priced from

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Hours: Open Sat. thru Thu
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Now you too can enjoy the relaxing atmosphere Lakeside Court home built by Mary Anderson. Mary Anderson homes are for discriminating buyers to using only quality materials. And when it comes Rheem is the worlds largest maker of gas water heater and quality team up for a dependable, energy efficient Models in Lakeside Courts, Plymouth, are open 10 Monday through Friday. There are a few lake homes available, FROM \$100,000.

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LAKESIDE COURTS: Dir. 494 to Co. 9 East 1 mi. to Zachary Lane, 1 mi. N. to Schmitt Lake Rd., left 5 blocks to Forest View Lane and left 4 blocks to Lakeside Court model.

Mary Anderson Homes
8901 Lyndale Ave. S., Bloomington, Pho

"The grass is

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Ken
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And at Kenwood Isles Condominium Seniors, our home owners rejoice in freedom. Finding time, now for shop and Calhoun Square, walks around 1 wellness classes at the adjacent YWC

A move to Kenwood Isles is well de you think. Just ask anyone who lives And be sure to visit our six different models, **KENWOOD**

"Minnesota courts have been conscious of the difference between a shade tree and mere timber," Daniels said. "There are cases going back to the 1870s that recognize that a tree on a residential or commercial lot is shade and has a value that is different from a certain 'x' number of board feet."

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COMMUNITY SERVICE
EXECUTIVE PROGRAM

521-11-01 3M Center
St. Paul, Minnesota 55144
612/736 3930

September 19, 1989

Mayor and Council
City of Maplewood
1830 East County Road B
Maplewood, MN 55109

Ladies and Gentlemen:

My wife and I are residents of Maplewood. We own a home at 530 Marnie Street, which is just south of Lower Afton Road. The purpose of this letter is to voice our strong support for the proposed ordinance relating to preservation of large trees. A conflict in our schedule prevents us from being present at the hearing on September 25.

We built our home last year. We purposely sought an area which was naturally wooded. We worked with our contractor (Gordie Howe of Masterpiece Homes) to preserve as many of the large trees on the lot as we could. He was very helpful and cooperative in doing this.

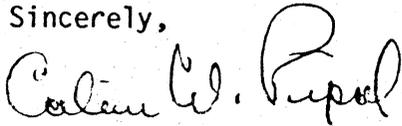
Some of the builders in our area have been very serious about preserving the large trees. Masterpiece Homes and American Estate Homes are good examples of this. Yet we have seen developers and builders crowd homes together on relatively small lots in wooded areas, which means that most of the trees on these lots have to be destroyed. We have seen builders trench for utility lines beneath the drip line of large trees and then have seen these same large trees die one or two years later. We have seen where builders have piled fill around the base of trees and then have seen the trees die a year or two later because the fill prevents air from getting to the roots.

Mayor and Council/City of Maplewood
September 19, 1989
Page 2

We believe that large trees are a very valuable natural resource which should be preserved to whatever extent possible. They add much to the beauty of the area and they are sanctuaries for birds and wildlife. Trees also do much to serve as wind breaks in the wintertime even when they have no leaves and therefore cause us to expend less on heating energy than we would otherwise.

We applaud the time, talent, research, and thoughtful effort which have gone into the proposed ordinance; we urge your adoption of it. We believe that Maplewood can be a leader in an area which has long needed attention but which very few communities have done anything about. In the words of the poet, Joyce Kilmer, "Only God can make a tree." Let us not needlessly destroy this precious creation in the guise of "progress."

Sincerely,



Calvin W. Pipal

CWP:dg

RESOLUTION

WHEREAS, the City of Maplewood has adopted a revised environmental protection ordinance that establishes a woodlot alteration permit; and

WHEREAS, said ordinance states that an application fee for such permit shall be established by the City Council.

NOW, THEREFORE, BE IT RESOLVED that an application fee of \$50 be established for a woodlot alteration permit.

Passed by the Maplewood City Council on October 23, 1989

VII. NEW BUSINESS

A. Code Amendment: Environmental Protection Ordinance

Secretary Olson presented the staff report regarding the revision of the Environmental Protection Ordinance to provide more protection for significant trees. A commissioner asked staff if a developer cuts a number of the original mature trees, could the developer replace these trees with a small number of conifers and still fulfill the requirements of the ordinance. Staff said the density could be reduced by 20%, as opposed to the current ordinance which does not allow the City to save any trees.

A commissioner asked how long a period of time a developer was responsible for replacing existing trees which may be damaged by grading equipment. Staff said they must determine at the time the grading inspection is done what trees must be replaced.

The chairman asked if anyone from the audience wished to speak. There were no comments.

Commissioner Cardinal moved the Planning Commission recommend adoption of the revised Environmental Protection Ordinance.

Commissioner Ayers seconded

Ayes--Ayers,
Barrett, Cardinal,
Fiola, Sigmundik,
Sletten

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Director of Community Development
SUBJECT: Moratorium on New Preliminary Plat Applications
DATE: October 13, 1989

The City Council, on August 31, adopted a moratorium on new preliminary plat applications through September 25. On September 25, the Council extended the moratorium until December 7. The purpose of the moratorium is to allow time for adoption of a revised environmental protection ordinance designed to give the City more control over the preservation of trees and other significant natural features.

RECOMMENDATION

Assuming that Council approves the amended environmental protection ordinance, the moratorium should be ended.

MEMO3

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Ken Roberts, Associate Planner
SUBJECT: Registered Land Survey
LOCATION: Southeast Corner of Highway 61 and Kohlman Ave.
APPLICANT/OWNER: Donald and Irene Bartlett
DATE: October 12, 1989

SUMMARY

INTRODUCTION

The applicant is requesting the approval of a registered land survey (RLS) to divide one parcel into three lots. The purpose is to allow Angus Meats, the house at 1236 Kohlman Avenue and the cabins south of Angus Meats to be sold as separate lots.

BACKGROUND

April 19, 1973: The City Council approved a 1250-square-foot addition to the Angus Meats building subject to:

1. The installation of a walkway along the west side of the building expansion area;
2. Extending the paved parking area on the west side an additional 30 feet to the south;
3. The required off-street parking spaces shall be designated and properly marked.

DISCUSSION

The lots of meet all City ordinance requirements. Ten feet of additional right-of-way would be dedicated for Kohlman Avenue. This is because Kohlman Avenue currently has forty feet of right-of-way and City standards usually require sixty feet of right-of-way for a public street. This dedication is shown as Tract D on the submitted plans as shown on page 6.

The applicant is proposing to reconfigure the parking lot so that it is expanded to the south, including the addition of a backing area and a dumpster pad. He is also proposing to remove the driveway to Kohlman Avenue and some of the existing blacktop on the north side of the parking area. As noted in the background portion of this report, the parking lot was required to be expanded and marked as a condition of approval for the building expansion in 1973. The elimination of the street access to Kohlman Avenue should be safer for vehicles due to the hill and sight lines on Kohlman Avenue.

Staff has noted that a portion of the area designated for parking and for the dumpster pad on the submitted plans currently has a dirt surface. City Code requires a paved surface and striping for off-street parking areas.

In addition, the dumpster is stored on the grass by the southwest corner of the building. Section 36-27(e) of City Code requires that 100% opaque enclosures be placed around all trash containers. Staff is recommending that a trash enclosure be added to this site to meet this code requirement.

The Community Design Review Board requires stop signs for all parking lots. Thus it has been recommended that a state-approved reflectorized stop sign be installed along the north side of the driveway as shown on the site plan.

RECOMMENDATION

Approve the registered land survey, subject to the following conditions being completed prior to the City signing of the RLS. As an alternative, the applicant may submit an escrow in an amount and form suitable to staff to ensure that all of the conditions of approval are met.

1. Submittal to the City of a signed deed for Tract D (the northern ten feet of the property) for additional Kohlman Avenue right-of-way.
2. The dirt areas of the parking lot and the dumpster pad shall be surfaced with bituminous and shall be subject to the approval of City staff.
3. The parking lot shall be striped in such a manner which is consistent with the City's off-street parking regulations. Such a plan shall be subject to City staff approval.
4. The trash dumpster shall be stored in a screening enclosure with a 100% opaque wooden gate and shall be a color and material compatible with the Angus Meats building. The enclosure shall be protected by concrete-filled steel posts, or the equivalent, anchored in the ground at the front corners of the structure, as required by Code. If the enclosure is masonry, the protective posts may be omitted. The enclosure plans shall be subject to the approval of City staff.
5. The installation of a state-approved, reflectorized stop sign on the north side of the driveway.

REFERENCE

SITE DESCRIPTION

Gross area (total): 47,167.20 square feet (1.08 acres)

Tract "A":	16,462.20 square feet	(.38 acre)
Tract "B":	8,058.70 square feet	(.18 acre)
Tract "C":	21,096.80 square feet	(.48 acre)
Tract "D":	1,549.50 square feet	(.04 acre)
TOTAL -	47,167.20 square feet	(1.08 acres)

Existing land uses: Angus Meat Market, a nonconforming single family dwelling and cabins

SURROUNDING LAND USES

North: Kohlman Avenue and a office building

East: Single family dwellings

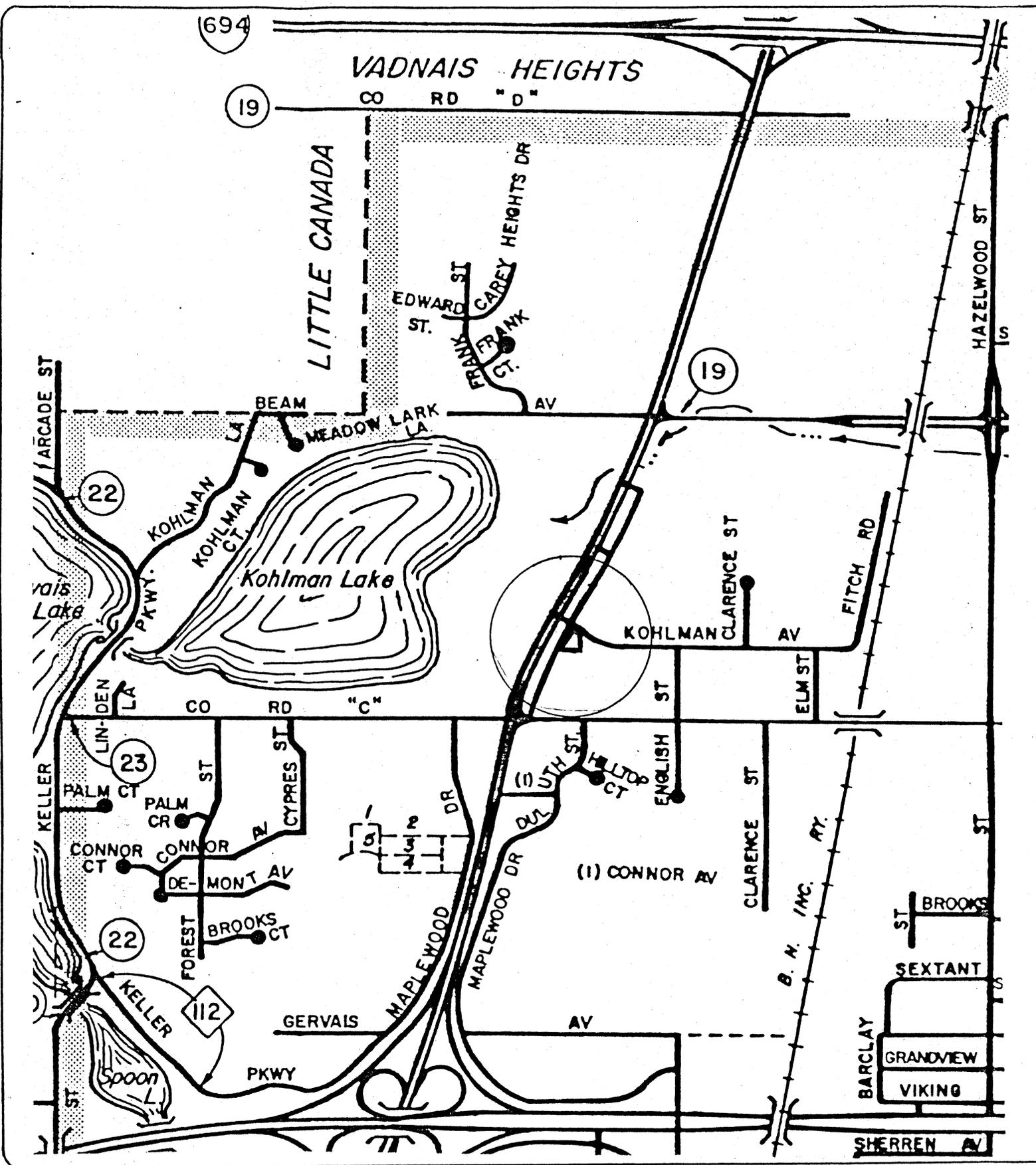
South: Graystone Landscaping, Inc.

West: Highway 61 and Kohlman Lake

Attachments

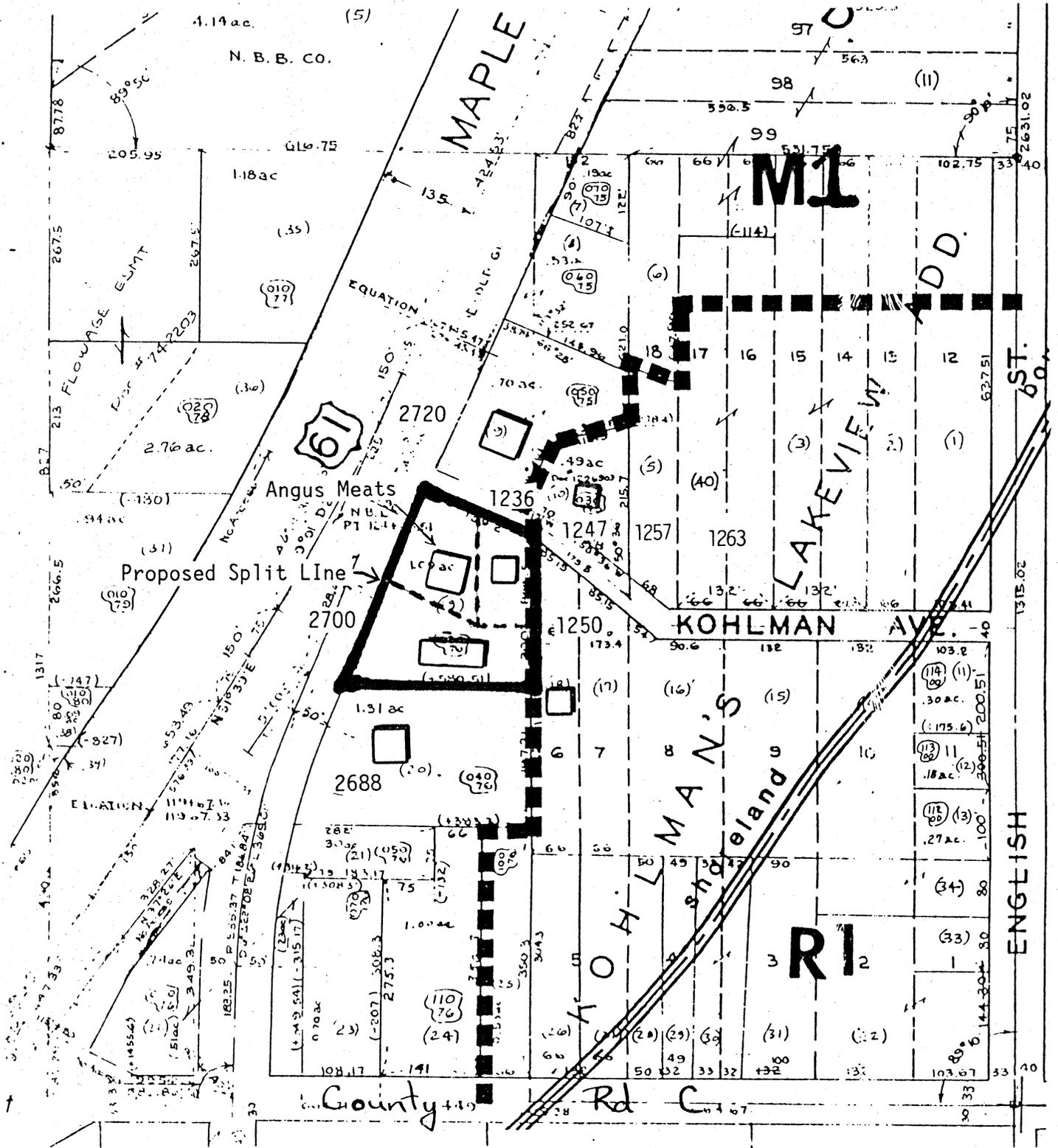
1. Location Map
2. Property Line/Zoning Map
3. Site Plan

kenrmemo8



LOCATION MAP





PROPERTY LINE / ZONING MAP



PROPOSED
REGISTERED LAND SURVEY NO. _____

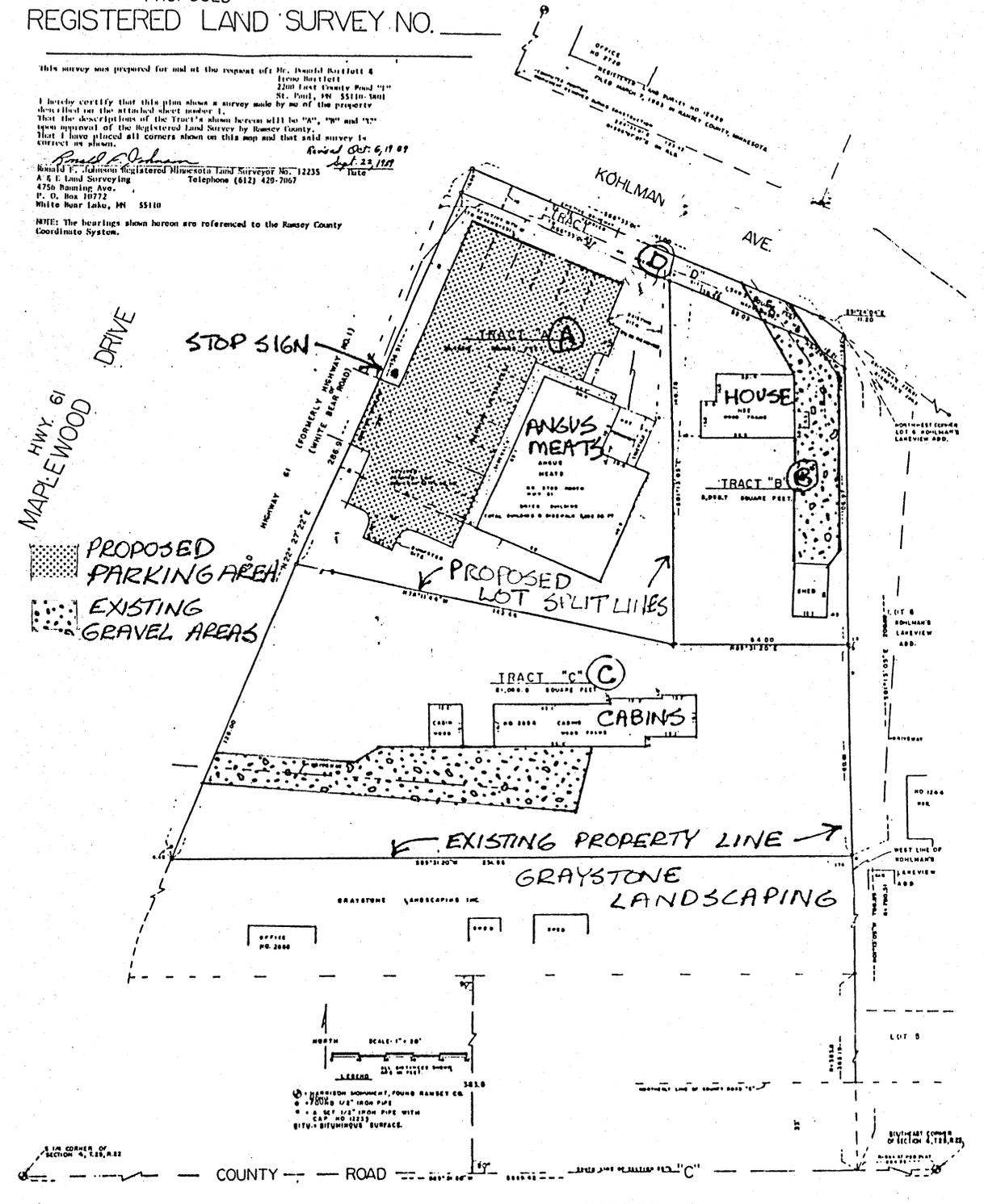
This survey was prepared for and at the request of Mr. Donald B. Hoff 4
1100 West County Road "A"
St. Paul, MN 55110-1001

I hereby certify that this plan shows a survey made by me of the property
described on the attached sheet under 1.
That the descriptions of the Tract's shown hereon will be "A", "B" and "C"
upon approval of the Registered Land Survey by Ramsey County.
That I have placed all corners shown on this map and that said survey is
correct as shown.

Paul E. Johnson
Paul E. Johnson Registered Minnesota Land Surveyor No. 12235
A & L Land Surveying
4750 Hamling Ave.
P. O. Box 10772
White Bear Lake, MN 55110

Survey Date: 6/11/89
Date: 6/23/89

NOTE: The bearings shown hereon are referenced to the Ramsey County
Coordinate System.



SITE PLAN

Attachment 3



Action by Council:

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: **Truth-in-Sale of Housing Ordinance**
 DATE: October 5, 1989

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY

INTRODUCTION

The City Council asked the Housing and Redevelopment Authority (HRA) to consider the adoption of a truth-in-sale of housing ordinance. This type of ordinance requires the disclosure or correction of housing maintenance code violations as a condition of the sale of a residential property. The purpose of this type of ordinance is to disclose code violations and other housing defects to prospective buyers. If code compliance is included, there is the additional benefit of improving the City's housing stock and maintaining property values.

ALTERNATIVES

There are three alternatives:

1. Disclosure Only

Independent inspectors would document housing code violations and other defects, but compliance would not be required. The inspection report would have to be made available when a residential building is shown and a copy given to a buyer. This system is used by St. Paul, South St. Paul and Minneapolis.

2. Disclosure and Compliance as a Condition of Sale

The Cities of New Hope and St. Louis Park use this alternative. Richfield is considering a similar ordinance. City inspectors do all the inspections and require compliance as a condition of a sale. If code violation cannot be corrected before the closing, an agreement between the buyer and seller to do the work later must be submitted to the city. These cities use city inspectors, rather than independent inspectors to do all the inspections. The insurance for independent inspectors may not cover code compliance.

3. Disclosure as a Condition of Sale, with Compliance Later

This alternative is a hybrid of the first two and is recommended by staff on a trial basis for one year. Independent inspectors, hired by the homeowner, would disclose code violations and other housing defects. When

the disclosure report is filed with the City, a City inspector would contact the owner to arrange for code compliance. The sale of the house, however, would not be conditioned on compliance.

DISCUSSION

Truth-in-housing would help to protect home buyers and could help to maintain the quality of housing in the City, particularly if code compliance is included. A disclosure only program relies on the owner's discretion for code compliance. Given the older age, the larger number of homes and the larger number of code violations in the central cities, a disclosure only system is probably the only practical program for the central cities. The trend in the suburbs is to include code compliance to avoid the housing problems of the central cities.

The problem is in how to implement code enforcement. St. Louis Park and New Hope use city inspectors for all inspections. Richfield is considering hiring housing inspectors. Maplewood would have to do the same if we were to do all the inspections. The proposed ordinance is a compromise. It relies on independent inspectors to prepare a disclosure report, which includes City code requirements. City inspectors, however, would do the follow-up work for any code enforcement needed. Since the Maplewood housing code for single dwellings only covers the exterior property and dwelling, the enforcement work may be limited enough to be handled by existing personnel. This program should be tried for one year and reevaluated to determine if existing city personnel have been able to handle the extra work and whether we have been able to achieve compliance without tying it to the sale of the house.

RECOMMENDATION

1. Adopt the attached truth-in-sale of housing ordinance and reevaluate it after it has been in effect for one year.
2. Adopt the attached resolution on page 10 establishing a \$15 filing fee for each report.

REFERENCE

RESOURCE PERSONS

1. Minneapolis, St. Paul, South St. Paul, New Hope and St. Louis Park have adopted some type of truth-in-housing code. Each of these communities has had their code in effect for at least ten years. These cities are convinced that their codes have improved routine maintenance of property. They also believe that they have resulted in the correction of numerous small deficiencies that could have led to larger problems. The requirement for disclosure of deficiencies to the code has also been well received by perspective home buyers.
2. Staff also spoke with Keith Holm, the Vice President of the Minnesota Board of Realtors. Mr. Holm supports any effort on the part of cities to require disclosure of code deficiencies, provided that the responsibility for any undisclosed problems does not transfer to the real estate agent.
3. In the 1988 session of the legislature, a bill was introduced by Representative Alice Johnson of Spring Lake Park regarding housing disclosure. The proposed law would require every seller of residential property to complete a disclosure questionnaire form and warranty that to the best of their knowledge there are no other problems than those noted with the property. The bill, however, did not get much support and is currently dead. Representative Johnson said that she may introduce the bill again in the future but she is not sure when that might be. The housing inspector for New Hope believes that this law would complement their code compliance inspection program, because some code deficiencies are not detectable by an inspector.

LAWSUITS

An inspection cannot guarantee that a major problem will not occur. The inspector can only respond to the items that can be seen. Even though the disclosure report clearly states that no guarantee is being made by the inspector, if a major problem arises, the buyer will likely attempt to recover damages from the seller, realtor and the City, particularly if the inspector is City employed. Both New Hope and St. Louis Park have been sued because an undetected problem arose after the buyer took possession. However, neither of these cities was held liable for damages because the inspectors made a reasonable attempt to disclose the deficiencies in these dwellings.

ENFORCEMENT

Enforcement of a requirement for a housing inspection, prior to a home being shown to a prospective buyer will be difficult, at least until the code's existence is common knowledge among realtors. Sales that involve a contract-for-deed may never be able to be discovered until after the fact, if then. However, once the housing inspection requirement is common knowledge, the real estate sales industry should be able to be relied upon for enforcement. The St. Paul Board of Realtors estimates that about 60 to 70 percent of the sales in the St. Paul area are handled by realtors. A housing inspection is in the realtor's interest, because its existence may reduce their liability exposure in the event a problem does arise after the sale of a property. Advertisement of the housing inspection requirement in the City's newsletter, sewer bill inserts and sale-by-owner magazines should improve compliance among persons who choose not to sell their property through a realtor. Minneapolis reports 100% compliance in better neighborhoods and 70% to 75% in poorer neighborhoods.

Inspections

St. Paul, Minneapolis and South St. Paul use city-licensed, independent inspectors for disclosure inspections. The average cost to the homeowner ranges from \$80 to \$110. If these cities were to require follow-up compliance inspections, the fee paid by the seller to the independent contractor would at least double, possibly triple, depending upon the number of follow-up inspections needed. There are no delays in inspections. St. Paul has 42 licensed inspectors. Minneapolis has 65. St. Paul receives 4,500 to 6,000 truth-in-housing reports each year. New Hope and St. Louis Park use city employees to administer their programs. These communities subsidize the cost of their programs. They each charge \$35 per property inspected. In St. Louis Park, an inspector is kept busy on a full-time basis with housing inspections while in New Hope a certified building inspector charges about one-half of her time to their program. About 250 to 300 inspections are made in New Hope each year. The City's annual subsidy for this service is estimated to be about \$10,000 to \$12,000.

Structures Inspected in Other Cities

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

Emphasis of Code

Code Compliance:

The New Hope and St. Louis Park codes require the correction of all cited code deficiencies before the sale of a residential property, unless an agreement is reached with the buyer to assume responsibility. In which case, a compliance date for reinspection after possession by the buyer is set up which gives the buyer time to make the required repairs. Richfield is considering a similar ordinance. The age of Maplewood's housing is similar to that of New Hope and St. Louis Park. These cities use this program primarily to upgrade and maintain their housing stock.

Disclosure Versus Compliance:

South St. Paul, St. Paul and Minneapolis have chosen not to require the disclosed deficiencies to be corrected. Code compliance may not be cost-effective in many cases due to the age and number of dwellings. Because of the potential for significant code deficiencies, these cities adopted their codes to inform unsuspecting home buyers of any major deficiencies before a financial commitment is made. These cities believe that once code deficiencies are disclosed, the sale price will be adjusted accordingly and the purchasers may take care of the problems on their own.

TRUTH.MEM

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Attachments

1. Truth-in-Sale-of-Housing Ordinance
2. Resolution for Fees
3. Owner-occupied Housing Maintenance Code
4. Rental Housing Maintenance Code
5. St. Paul's disclosure form

ORDINANCE NO.

An Ordinance Concerning Truth-in-Sale-of-Housing

THE MAPLEWOOD CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

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

Sec. 9-235. Purpose.

The purpose of this article is to protect the public health, safety and welfare and to promote decent, safe and sanitary dwelling accommodations by requiring the disclosure of code deficiencies and housing information and defects as a condition of the sale of housing. Information on code deficiencies would then be used by City inspectors to require compliance.

Sec. 9-236. Definitions.

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

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

Housing unit: A single dwelling, a double-dwelling unit, a townhouse unit, a condominium unit (as defined by Minnesota Statutes), or any other attached housing unit designed for the occupancy of one family.

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

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

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

Sec. 9-237. Applicability.

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

telephone numbers of all of the contractors and subcontractors who constructed the building.

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

- (a) An owner shall not show a housing unit or residential building to a prospective buyer without publicly displaying and making available a truth-in-sale of housing disclosure report at the housing unit or residential building at the time of showing. In addition, a contractual agreement shall not be executed without a copy of the disclosure report being issued to the buyer. A copy of such report must be filed with the City to be valid.
- (b) A housing disclosure report shall be on a form from the City which includes:
 - (1) A disclosure by a City-certified housing inspector of violations of all City ordinances pertaining to existing housing and any other specified housing defects. Such ordinances shall include, but not be limited to, owner-occupied or rental housing maintenance codes, siding ordinances, junk removal and hazardous buildings.
 - (2) A signed statement by the owner that includes the following information:
 - a. Any damage to the housing unit or building or its contents by flooding or sewer backup due to flooding, and any evidence of chronic water seepage of which the owner has knowledge.
 - b. The nature, extent and cause of any water seepage or flooding of any portion of the property of which the owner has knowledge.
 - c. Whether or not there are pending housing orders from the City regarding the property.
 - d. Whether there is a homestead classification in regard to real estate taxes payable.
 - e. Any other known defects or problems that are not visible or apparent.
 - f. Whether the property is subject to the City's pipeline or shoreland ordinances.
 - g. The location and status of all known wells, including a map, stating whether the well is in use or abandoned and sealed.

telephone numbers of all of the contractors and subcontractors who constructed the building.

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 - b. The nature, extent and cause of any water seepage or flooding of any portion of the property of which the owner has knowledge.
 - c. Whether or not there are pending housing orders from the City regarding the property.
 - d. Whether there is a homestead classification in regard to real estate taxes payable.
 - e. Any other known defects or problems that are not visible or apparent.
 - f. Any deed restrictions or covenants running with the property.
 - g. Whether the property is subject to the City's pipeline, shoreland or flood plain ordinances

- h. The location and status of all known wells, including a map, stating whether the well is in use or abandoned and sealed.
 - i. Whether the property is adjacent to a high-voltage transmission line. If so, the disclosure form shall include the following statement: "The subject property is located near a high-voltage electric transmission line. Purchasers should be aware that there is ongoing research on possible potential adverse health effects caused by the exposure to a magnetic field generated by high-voltage lines. Although much more research is needed before the question of whether magnetic fields actually cause adverse health effects can be resolved, the basis for such an hypothesis is established. At this time no risk assessments have been made."
- (c) A truth-in-sale of housing disclosure report shall be valid for no more than one year from date of approval by the City. However, if the City finds that the circumstances of occupancy following the issuance of such report involve possible substandard maintenance or abnormal wear and tear, a new inspection may be required by the Director of Community Development in order to maintain a valid report.

Sec. 9-239. Limitations.

- (a) In making a housing inspection, it shall be assumed that any concealed facilities that are not viewed are adequate, based on the functional operations of the facilities and the condition of the equipment that is viewed; no other warrant is expressed or implied.
- (b) Nothing in a truth-in-sale of housing disclosure report shall be deemed to indicate that a residential building or housing unit meets all minimum building standards or that the report in any way may constitute a warrant of the condition of the housing evaluated. The inspector warrants that he or she has utilized reasonable care and diligence in inspecting the building and has found no instances of noncompliance with the items contained in the report or with applicable items contained in City Code, except as specifically stated therein.

Sec. 9-240. Certificate of Competency.

- (a) No person shall fill out a truth-in-sale of housing disclosure report without possessing a valid certificate of competency, issued by the City. The City will only approve housing inspectors that have

passed competency tests as truth-in-housing evaluators in the cities of Minneapolis or St. Paul. The housing inspectors must submit certification papers to the City of Maplewood from the city where they are certified as truth-in-housing evaluators. Each inspector must also be licensed in the City of Maplewood. The City of Maplewood may then issue a certificate of competency which is valid for one year. The City may issue renewals of all such certificates. In case any certificates of competency shall lapse for a period of one year or more, then it shall be necessary for the person who held such certificate to reapply to the City for renewal of such certificate. No holder of a certificate of competency shall allow said certificate to be used by another person.

- (b) The City Council may revoke the certificate of competency of a housing inspector for cause. Written notification sent to the mailing address used in his or her application for the certificate of competency shall be sent to the inspector at least ten days before the hearing listing the date, time and place of hearing and of the specific reasons for the suspension. The Community Development Director may, at his or her discretion, suspend the certificate of competency of a housing inspector pending a suspension hearing.

Sec. 9-241. Housing Evaluation Fees.

The City Council shall establish by resolution, from time to time, a fee schedule for filing of truth-in-sale of housing disclosure reports with the City.

Sec. 9-243. Enforcement.

Any failure by the owner to comply with the requirements of this article shall constitute a violation of the Code and a misdemeanor. In addition, if a house is sold without complying with this article, the current owner shall be required to bring the housing unit or residential building into compliance with applicable City Codes.

Section 2. This ordinance shall take effect on April 1, 1990.

RESOLUTION: FILING FEE

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

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

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

Adopted this ____ day of _____, 1989.

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

Sec. 9-130. Short title.

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

Sec. 9-131. Purpose.

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

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

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

Sec. 9-132. Applicability and scope.

This article shall apply to exterior areas of owner occupied dwellings and interior areas of attached owner occupied dwellings. The construction, repair or alteration of residential property shall comply with the provisions of this article and the building and zoning codes. (Ord. No. 496, § 215.030, 1-22-81)

Sec. 9-133. Rules of construction.

For the purposes of this article, the following rules of construction shall apply:

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (2) Where terms are not defined in this section and are defined in the building code or zoning code, they shall have the meanings ascribed to them in the building code or zoning code.
- (3) Where terms are not defined in this article or in the building or zoning code, their common dictionary definitions shall apply. (Ord. No. 496, § 215.040, 1-22-81)

Sec. 9-134. Definitions.

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

Approved, as applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Attached dwellings shall mean two (2) or more dwelling units physically attached in construction such as condominiums, townhouses, double dwellings and quads.

Building code shall mean the building code of the city, including the fire code.

Dwelling unit is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcement officer shall mean the city manager or his authorized representative.

Exterior property areas shall mean open space on the premises under the control of owners of such premises.

Extermination shall mean the control and elimination of rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.

Owner shall mean owner or owners of the freehold of the premises or lessor estate therein.

Premises shall mean a lot, plot or parcel of land including the building or structures thereon.

Workmanlike shall mean the standards of the trade or industry involved. (Ord. No. 496, § 215.040, 1-22-81)

Cross reference—Rules of construction and definitions generally, § 1-41 et seq.

Sec. 9-135. Exterior property areas.

(a) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.

(b) *Free from noxious weeds and pests.* All exterior property areas shall be kept free from species of weeds or plant growth, rodents, vermin or other pests which are noxious or detrimental to the public health. (Ord. No. 496, § 215.050, 1-22-81)

Sec. 9-136. Exterior of structures.

(a) The exterior of all structures and accessory structures including detached garages, shall be maintained in a workmanlike state of maintenance and repair.

(b) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, or substantial amounts of peeling paint.

(c) All doors and windows shall be maintained in good repair, fit reasonably well within their frames, and be free of open breaks or holes. (Ord. No. 496, § 215.060, 1-22-81)

Sec. 9-137. Interior areas of attached owner occupied dwellings.

(a) The interior of every dwelling shall be maintained in clean and sanitary condition, free of accumulations of garbage and refuse.

(b) The interior of every dwelling shall be maintained free from infestation of noxious insects, rodents and other pests.

(c) All plumbing systems shall be properly installed, connected and maintained in good working order, and must be kept free from obstructions, leaks and defects.

(d) The storage of hazardous flammable liquids shall be prohibited. (Ord. No. 496, § 215.070, 1-22-81)

Sec. 9-138. Vacated dwellings.

The owner of any dwelling which has been declared unfit for human habitation or which is otherwise vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any such dwelling open at doors and windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this article. Upon failure of the owner to comply, the city may have such dwelling made safe and secure and assess the cost to the owner. (Ord. No. 496, § 215.080, 1-22-81)

Sec. 9-139. Hazardous building declaration.

If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of state law. (Ord. No. 496, § 215.090, 1-22-81)

Sec. 9-140. Enforcement officer.

It shall be the duty of the enforcement officer to enforce the provisions of this article. (Ord. No. 496, § 215.100, 1-22-81)

Sec. 9-141. Inspection of dwellings generally.

The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in order to safeguard the health, safety and welfare of the public. The enforcing officer, or his designated representatives, shall, with the permission of the owner, be authorized to inspect the exterior areas of any premises and the interior areas of attached dwellings at any reasonable time for the purpose of performing his duties under this article. If the owner, operator or person in possession of the dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists on that particular premises, a search warrant may be obtained. (Ord. No. 496, § 215.110, 1-22-81)

Sec. 9-142. Compliance order.

Whenever the enforcement officer determines that any dwelling or the premises, fails to meet the provisions of this article, he may issue a compliance order setting forth the violations of the article and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:

- (1) Be in writing;
- (2) Describe the location and nature of the violations of this article;
- (3) Establish a time for the correction of such violation and notify of appeal recourse;
- (4) Be served upon the owner. Such notice shall be deemed to be properly served upon such owner if a copy thereof is:
 - a. Served upon him personally; or
 - b. Sent by registered or certified mail; or
 - c. Upon failure to effect notice through a. and b. as set out in this section, posted at a conspicuous place in or about the dwelling which is affected by the notice. (Ord. No. 496, § 215.120, 1-22-81)

Secs. 9-77—9-90. Reserved.

ARTICLE VI. RENTAL HOUSING MAINTENANCE CODE

Sec. 9-91. Short title.

This article shall be cited as the rental housing maintenance code. (Ord. No. 486, § 214.010, 6-5-80)

Sec. 9-92. Purpose; objectives.

The purpose of this article is to assume a minimum level of standards and levels of maintenance for rental housing in the city. The general objectives shall include the following;

- (1) To protect the character and stability of residential properties within the city.
- (2) To correct and prevent housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health, including the physical, mental and social well-being of persons occupying dwellings within the city.
- (3) To provide minimum standards for cooking, heating and sanitary equipment necessary to the health and safety of occupants of the buildings.
- (4) To provide minimum standards for light and ventilation, necessary for health and safety.
- (5) To provide minimum standards for the maintenance of existing residential buildings, and to thus prevent deterioration and blight. (Ord. No. 486, § 214.020, 6-5-80)

Sec. 9-93. Applicability and scope.

This article shall apply in the city to rental housing only. The construction, repair or alteration of residential property shall comply with the provisions of the rental housing maintenance code. Any alterations thereof or changes of use therein, which may be caused directly or indirectly by the enforcement of this Code, shall be done in accordance with applicable sections of the building code and zoning code. (Ord. No. 486, § 214.030, 6-5-80)

Sec. 9-94. Rules of construction.

For the purposes of this article, the following rules of construction shall apply:

- (1) Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (2) Where terms are not defined in this article and are defined in the building code or zoning code, they shall have the meanings ascribed to them in the building code or zoning code.
- (3) Where terms are not defined in this article or in the building or zoning code, their common dictionary definitions shall control. (Ord. No. 486, § 214.040(1)—(3), 6-5-80)

Sec. 9-95. Definitions.

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

Approved, as applied to a material, device or method of construction, shall mean approved by the enforcement officer under the provisions of this article, or approved by other authority designated by law to give approval in the matter in question.

Basement is that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

Building code shall mean the building code of the city, including the fire code.

Cellar is that portion of the building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.

Dwelling unit is a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Enforcement officer shall mean the city manager or his authorized representative.

Exterior property areas shall mean open space on the premises under the control of owners or operators of such premises.

Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their feed, by poison spraying, fumigating, trapping or by another recognized and legal pest elimination method.

Grade shall mean the vertical location of the ground surface.

Gross floor area is the sum of the horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of exterior walls or from the center line of walls separating two (2) buildings.

Habitable space (room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Infestation shall mean the presence, within or contiguous to a dwelling or premises, of noxious insects, rodents, vermin or other pests.

Multiple dwelling. a building or portion thereof containing two (2) or more dwelling units.

Occupant shall mean any person living and sleeping in a dwelling unit or having actual possession of said dwelling or rooming unit.

Openable area shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator shall mean any person who has charge, care or control of a multiple residence or rooming house, in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean owner or owners of the freehold of the premises or lesser estate therein, a mortgagor or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person,

firm or corporation in control of a building, including their managers and agents.

Person shall mean an individual, firm, corporation, association or partnership.

Plumbing or plumbing fixtures shall mean water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

Premises shall mean a lot, plot or parcel of land, including the building or structures thereon.

Rental dwelling. Any building or portion thereof which is designated or used primarily for residential purposes, which is rented or leased to another and not owner-occupied.

Residence building shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

Residential property shall mean a building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

Rooming house shall mean any residence building, or any part thereof, containing one or more rooming units, in which space is rented by the owner or operator to three (3) or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not having standard kitchen facilities.

Supplied shall mean installed, furnished or provided by the owner or operator.

Ventilation shall mean the process of supplying and removing air by natural or mechanical means to or from any space.

Workmanlike. Whenever the words "workmanlike state of maintenance and repair" are used in this chapter, they shall mean the standards of the trade or industry involved.

Yard shall mean all ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a residence building. (Ord. No. 486, § 214.040(4), 6-5-80)

Cross reference—Rules of construction and definitions generally, § 1-41 et seq.

Sec. 9-96. Exterior property areas.

All properties in the city under this article and the owners thereof shall comply with the following requirements:

- (1) *Sanitation.* All exterior property areas shall be maintained in a clean and sanitary condition, free from any accumulation of refuse or garbage.
- (2) *Grading and drainage.* All premises shall be graded and maintained so as to prevent the accumulation of stagnant water, except in natural occurring ponding areas on said premises, or within any building or structure located thereon.
- (3) *Removal of snow and ice.* The owner of a multiple family dwelling shall remove, or cause to be removed, all snow and ice from parking lots, driveways, steps and walkways on the premises, which may create a hazard to the public.
- (4) *Free from noxious weeds.* All exterior property areas shall be kept free from species of weeds or plant growth which are noxious or detrimental to the public health.
- (5) *Insects and rodents.* Every owner of a dwelling shall be responsible for the extermination of noxious insects, rodents, vermin or other pests in all exterior areas of the premises.
- (6) *Accessory structures.* All accessory structures, including detached garages, shall be maintained structurally sound and in good repair. (Ord. No. 486, § 214.060, 6-5-80)

Sec. 9-97. Exteriors of structures.

All properties in the city under this article and the owners thereof shall comply with the following requirements:

- (1) *Foundations, walls and roofs.* Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair:
 - a. The foundation elements shall adequately support the building at all points.
 - b. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, substantial amounts of peeling paint and any conditions which might admit moisture to the interior portions of the walls or to the interior spaces of the dwelling.
 - c. The roof shall be tight and have no defects which admit rain, and roof drainage shall be adequate to prevent rain water from causing dampness in the walls.

- (2) *Stairs, porches and railings.*
 - a. Every outside stair, every porch and every appurtenance attached thereto shall be so constructed as to be safe in use and capable of supporting a load as determined in the building code, and shall be kept in sound condition and good repair.
 - b. Every flight of stairs which is more than four (4) risers high shall have hand rails which are to be so located as determined by the building code; and every porch which is more than eighteen (18) inches above grade shall have rails so located and capable of restraining a horizontal pressure, as determined by the provisions of the building code.

- (3) *Windows, doors and hatchways.* Every window, exterior door and hatchway shall be substantially tight and shall be kept in sound condition and repair.
 - a. Every window shall be fully supplied with window panes which are without open cracks or holes.
 - b. Every window sash shall be in good condition and fit reasonably tight within its frame.
 - c. Every window, other than a fixed window, shall be capable of being easily opened and shall be held in an open or closed position by window hardware.

- d. Every exterior door, door hinges or door latch shall be in good condition.
- e. Every exterior door, when closed, shall fit reasonably well within its frame.
- f. Every window, door and frame shall be constructed and maintained in relation to the adjacent wall constructions, as to exclude rain, and substantially to exclude wind from entering the dwelling.
- g. Every hatchway shall be so constructed and maintained as to prevent the entrance of rodents, rain and surface drainage water into the dwelling.
- h. Every door available as an exit in a dwelling shall be capable of being opened from the inside, easily and without the use of a key, or special knowledge or effort. (Ord. No. 486, § 214.070, 6-5-80)

Sec. 9-98. Interior structures.

All occupied dwellings in the city under this article shall meet the following requirements:

- (1) *Free from dampness.* All cellars, basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay and deterioration of the structure.
- (2) *Structural members.* The supporting structural members shall be maintained structurally sound; that is, showing no evidence of deterioration and being capable of bearing imposed loads in accordance with the provisions of the building code.
- (3) *Interior stairs and railings.*
 - a. All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load, as determined by the provisions of the building code.
 - b. Every stairwell and every flight of stairs, which is more than four (4) risers high, shall have handrails or railings so located in accordance with the provisions of the building code.

- c. Every handrail or railing must be firmly fastened and must be maintained in good condition. Properly secured railings, capable of bearing normally imposed loads as determined by the building code, shall be placed on the open portions of the stairs, balconies, landings and stairwells.
- (4) *Bathroom floors.* Every toilet room floor surface and bathroom floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- (5) *Sanitation.* The interior shall be maintained in a clean and sanitary condition, free from accumulation of refuse or garbage.
- (6) *Insect and rodent harborage.* The owner of every dwelling shall be responsible for the extermination of noxious insects, rodents, vermin or other such pests whenever an infestation exists in the interior of the dwelling.
- (7) *Interior walls, floors, ceilings and woodwork.* All interior walls, floors, ceilings and associated woodwork or trim must be maintained in a sound condition and in a workmanlike repair. (Ord. No. 486, § 214.080, 6-5-80)

Sec. 9-99. Basic facilities.

The following facilities shall be required in every occupied dwelling unit in the city under this article:

- (1) *Kitchen facilities.* Every kitchen shall include the following:
 - a. A kitchen sink in good working condition, properly connected to an approved water supply system, which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to an approved sewer system.
 - b. Cabinets or shelves for the storage of eating, drinking and cooking equipment and utensils and for food that does not require refrigeration for safekeeping; and a counter or table for food preparation. Said cabinets or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction, finished with surfaces that are

easily cleanable and that will not impart any toxic or deleterious effect to food.

- c. A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that, such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.
- (2) *Toilet facilities.* Within every dwelling unit there shall be a nonhabitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet in good working condition. Said flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to operate properly, and shall be connected to an approved sewer system.
 - (3) *Lavatory sink.* Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure and shall be connected to an approved sewer system. Water inlets for lavatory sinks shall be located above the overflow rim of these facilities.
 - (4) *Bathtub or shower* Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working conditions. Said bathtub or shower may be in the same room as the flush water closet, or in another room, and

shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system. Water inlets for bathtubs shall be located above the overflow rim of these facilities.

- (5) *Door locks and security.* All exterior doors of dwelling shall be equipped with functional locking devices. Multiple family dwellings shall be furnished with door locks as follows:
- a. For the purpose of providing a reasonable amount of safety and general welfare for persons occupying multiple family dwellings, an approved security system shall be maintained for each multiple family building to control access. The security system shall consist of locked building entrance or foyer doors, and locked doors leading from hallways into individual dwelling units. Dead-latch type door locks shall be provided with lever knobs (or door knobs) on the inside of the building entrance doors and with key cylinders on the outside of the building entrance doors. Building entrance door latches shall be of a type that are permanently locked from the outside and permanently unlocked from the inside.
 - b. Every door that is designed to provide ingress or egress for a dwelling unit within a multiple family building shall be equipped with an approved lock that is a deadlocking bolt that cannot be retracted by end pressure; provided, however, that such door shall be openable from the inside without the use of a key or any special knowledge or effort.
- (6) *Removal of basic equipment or facilities.* No owner, operator or occupant shall cause any facility or equipment, which is required under this ordinance, to be removed from or shut off from any occupied dwelling unit, except for such temporary interruptions as may be necessary while actual repairs or alterations are in progress, or during temporary emergencies.
- (7) *Connection to water and sewer system.* Every kitchen sink, lavatory basin, bathtub or shower and water closet required under the provisions of this section shall be properly con-

ected to a public water and sewer system or to an approved private water and sewer system and shall be supplied with hot and cold running water.

- (8) *Water heating facilities.* Every dwelling shall have supplied water heating facilities which are installed in an approved manner, properly maintained, properly connected with hot water lines, and which are capable of heating and delivering water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower and laundry facilities or other similar units at a temperature of not less than one hundred twenty (120) degrees Fahrenheit.
- (9) *Heating facilities.* Every dwelling shall have heating facilities. The owner of said heating facilities shall be required to see that said heating facilities are properly installed, safely maintained, and in good working condition. Said facilities shall be capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, to a temperature consistent with state and federal guidelines at three (3) feet above the floor at all times when occupied.
- (10) *Operation of heating facility and incinerator.* Every heating or water heating facility and incinerator must be installed and must operate in accordance with the requirements of the building code. (Ord. No. 486, § 214.090, 6-5-80)

Sec. 9-100. Installations and maintenance.

All occupied dwellings in the city under this article shall meet the following requirements:

- (1) *Plumbing fixtures.* Every waterline, plumbing fixture and drain shall be properly installed, connected and maintained in working order, and must be kept free from obstructions, leaks and defects and capable of performing the function for which it was designed. All repairs and installations must be made in accordance with the provisions of the building code.
- (2) *Plumbing systems.* Every stack, waste and sewer line shall be so installed and maintained as to function properly and be kept free from obstructions, leaks and defects to prevent

structural deterioration or a health hazard. All repairs and installations must be made in accordance with the provisions of the building code.

- (3) *Heating equipment.* Every space heating, cooking and water heating device located in a dwelling shall be properly installed, connected, maintained and capable of performing the function for which it was designed in accordance with the provisions of the building code.
- (4) *Electrical service, outlets, fixtures.* All dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure in accordance with the provisions of the building code. Every electrical outlet and fixture shall be installed, maintained and connected to the source of electrical power, in accordance with the provisions of the building code.
- (5) *All facilities and equipment.* All required equipment and all building space and parts in every dwelling shall be constructed in accordance with the provisions of the building code. All housing facilities shall be maintained in a clean and sanitary condition so as not to breed insects and rodents or produce dangerous or offensive gases or odors. (Ord. No. 486, § 214.100, 6-5-80)

Sec. 9-101. Light and ventilation.

All occupied dwellings in the city under this article shall meet the following requirements:

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of construction*

- (1) *Natural light in dwellings.* Every dwelling unit shall have at least one window of approved size facing directly to the outdoors or to a court; provided that, if connected to a room or area used seasonably (e.g. porch), then adequate daylight must be possible through this interconnection.
- (2) *Light in nonhabitable work space.* In multiple dwellings, every furnace room, and all similar nonhabitable work space shall have one supplied electric light fixture available at all times.
- (3) *Light in public halls and stairways.* Every public hall and inside stairway shall be lighted at all times with an illumina-

tion of at least five (5) lumens per square foot in the darkest portion of the normally traveled stairs and passageways.

- (4) *Electric outlets required.* All dwellings shall have an adequate number of electrical outlets and electrical lighting fixtures for normal usage, subject to the approval of the electrical inspector.
- (5) *Adequate ventilation.* Every dwelling shall have at least one window which can be easily opened or such other device as will adequately ventilate the dwelling.
- (6) *Ventilation and light in bathroom and water closet compartment.* Every bathroom and water closet compartment shall have at least one window for light and ventilation, except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (Ord. No. 486, § 214.110, 6-5-80)

Sec. 9-102. Minimum standards for safety from fire.

All occupied dwellings in the city under this article shall comply with the applicable provisions of the fire prevention ordinances of the city and the following additional standards for safety from fire:

- (1) *Exclusion of residence building from storing flammable liquid.* No dwelling shall be located within a building containing any business handling, dispensing or storing flammable liquids with a flash point of one hundred (100) degrees Fahrenheit, as defined by the 1976 Edition of the NFPA Life Safety Code #101.
- (2) *Exits.* All exit requirements of the building code shall be complied with.
- (3) *Cooking and heating equipment.* All cooking and heating equipment, components and accessories, in every heating, cooking and water heating device shall be maintained free from leaks and obstructions, be properly vented and kept functioning properly so as to be free from fire, health and accident hazards. All installations and repairs shall be made in accordance with the regulations of the building code.

- (4) *Smoke alarms.* Approved U.L. smoke alarms, which are functional and in good working order, shall be provided in all dwellings, where required by state law. (Ord. No. 486, § 214.120, 6-5-80)

Cross reference—Fire prevention and protection, Ch. 12.

Sec. 9-103. Responsibilities relating to the maintenance of dwelling units.

All properties in the city under this article, and the owners or occupants thereof, shall comply with the following requirements:

- (1) *Maintenance of private areas.* Every occupant of a dwelling shall keep in a clean and sanitary condition, that part of the dwelling and premises thereof, which he occupies, controls or uses.
- (2) *Maintenance of shared or public areas.* Every owner of a dwelling, containing two (2) or more dwelling units, shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (3) *Disposal of garbage and refuse.* Every occupant of a dwelling shall dispose of all his rubbish in a clean and sanitary manner consistent with chapter 16 of this Code.
- (4) *Use and operation of supplied plumbing fixtures.* Every occupant of a dwelling shall keep the supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (5) *Installation and care of plumbing fixtures furnished by occupant.* Every plumbing fixture furnished by the occupant shall be properly installed; maintained in good working condition; clean and sanitary; and free from defects, leaks or obstructions. (Ord. No. 486, § 214.130, 6-5-80)

Sec. 9-104. Rooming houses.

No person in the city shall operate a rooming house or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this section:

- (1) *Water closet, hand lavatory and bath facilities.* At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared. All such facilities shall be located within the residence building served and be directly accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (2) *Minimum floor area for sleeping purposes.* Every room occupied for sleeping purposes by one person shall contain at least seventy (70) square feet of floor area. Every room occupied for sleeping purposes by two (2) or more persons shall contain at least fifty (50) square feet of floor area for each occupant thereof.
- (3) *Bed linen and towels.* The operator of every rooming house shall change supplied bed linen and towels therein at least once a week and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (4) *Shades, drapes, etc.* Every window of every rooming unit shall be supplied with shades, draw drapes or other devices or materials which, when properly used, will afford privacy to the occupant of the rooming unit.
- (5) The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises, where the entire structure of building within which the rooming house is contained is leased or occupied by the operator.
- (6) Every water closet, flush urinal, lavatory basin and bathtub or shower shall meet the design standards of section 9-99 of this article and shall be located within a room or rooms which:
 - a. Afford privacy and are separate from the habitable rooms.

- b. Are accessible from a common hall and without going outside the rooming house. (Ord. No. 486, § 214.140, 6-5-80)

Sec. 9-105. Vacant and unfit dwellings.

The owner of any dwelling in the city, which has been declared unfit for human habitation, or which is otherwise vacant for a period of sixty (60) days or more, shall make same safe and secure so that it is not hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. Any vacant dwelling open at doors or windows, if unguarded, shall be deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this article. (Ord. No. 486, § 214.150, 6-5-80)

Sec. 9-106. Hazardous buildings.

In the event that a dwelling in the city under this article has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes. (Ord. No. 486, § 214.160, 6-5-80)

Sec. 9-107. Enforcement officer.

It shall be the duty of the environmental health official and his authorized representatives to enforce the provisions of this article. Authorized representatives shall include the building inspectors, the director of public safety or his representatives, or the health officer. (Ord. No. 486, § 214.170, 6-5-80)

Sec. 9-108. Inspections.

The enforcement officer shall be authorized to make or cause to be made inspections to determine the condition of dwellings and premises in the city under this article in order to safeguard the health, safety and welfare of the public. The enforcing officer, or his designated representatives, shall be authorized to enter any dwelling or premises at any reasonable time for the purpose of performing his duties under this article. If the owner, operator or person in

possession of the dwelling shall refuse to consent to the inspection and there is probable cause to believe that a violation exists within the particular structure, a search warrant may be obtained. (Ord. No. 486, § 214.180, 6-5-80)

Sec. 9-109. Access by owner or operator.

Every occupant of a dwelling in the city under this article shall give the owner or operator thereof, or his agent or employee, access to any part of such dwelling unit, rooming unit or its premises, at reasonable times, for the purpose of affecting inspection and maintenance, making such repairs, or making such alterations as are necessary to comply with the provisions of this article. (Ord. No. 486, § 214.190, 6-5-80)

Sec. 9-110. Compliance orders.

Whenever the enforcement officer determines that any dwelling, dwelling unit or rooming unit in the city under this article, or the premises surrounding any of these, fails to meet the provisions of this article, he may issue a compliance order setting forth the violations of the article and ordering the owner, occupant, operator or agent to correct such violations. This compliance order shall:

- (1) Be in writing.
 - (2) Describe the location and nature of the violations of this article.
 - (3) Establish a time for the correction of such violation and notify of appeal recourse.
 - (4) Be served upon the owner, his agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, agent or upon any such occupant, if a copy thereof is:
 - a. Served upon him personally, or
 - b. Sent by registered or certified mail to his last known address, or
 - c. Upon failure to effect notice through a. or b. above, as set out in this section, posted at a conspicuous place in or about the dwelling which is affected by the notice.
- (Ord. No. 486, § 214.200, 6-5-80)

Sec. 9-111. Variances.

Appeals of interpretation or variance under this article shall be made to the city manager. If not satisfied, further appeal may be made to the board of adjustments and appeals according to established city procedures. The board will hear requests for variance and interpretation of this article. The board may grant variances in instances where the strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and when it is demonstrated that such action will be in keeping with the spirit and intent of this article. (Ord. No. 486, § 214.210, 6-5-80)

Sec. 9-112. Violations.

Any person, firm or corporation failing to comply with the provisions of this article shall be guilty of a misdemeanor, and subject to prosecution. (Ord. No. 486, § 214.211, 6-5-80)

Secs. 9-113—9-129. Reserved.

St. Paul Truth-In-Sale of Housing Disclosure Report

(Carefully read this entire report)

Page ____ of ____

Notice: A copy of this Report must be publicly displayed at the premises when the house is shown to prospective buyers, and a copy of this Report must be provided to the buyer prior to the time of signing a Purchase Agreement.

THIS REPORT IS NOT A WARRANTY, BY THE CITY OF ST. PAUL OR EVALUATOR OF THE FUTURE USEFUL LIFE, OR THE FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.

Address of Evaluated Dwelling: _____

Owner's Name: _____

Listing Agent and Agency: _____

Type of Dwelling: Single Family _____ Duplex _____ Townhouse _____

Comments: _____

*Condo's
Not required*

COPY VOID

This report is NOT VALID unless the following declaration is signed on the original copy submitted to the buyer.

HOMEOWNER/AGENT DISCLOSURE STATEMENT:

I, THE OWNER OR AGENT OF THE OWNER, DECLARE THAT AS OF THIS DATE, THERE ARE _____ ARE NOT _____ CODE VIOLATION ORDERS PENDING ON THIS PROPERTY FROM THE DIVISION OF PUBLIC HEALTH, HOUSING CODE ENFORCEMENT OR OTHER ST. PAUL CITY AGENCIES.

I FURTHER DECLARE, TO THE BEST OF MY KNOWLEDGE, THE FOLLOWING INFORMATION REGARDING ANY FLOOD DAMAGE, SEWER BACK-UP OR WATER SEEPAGE AT THIS PROPERTY: _____

Signature of the Owner or Owner's Agent _____ Date _____

lent representative: [Signature] (Original only! Not copies)

This Report:

1. is intended to provide basic information to the home buyer and seller prior to the time of sale. Minimum standards for this report are as contained in the Saint Paul Housing Maintenance Code (Chapter 34). This report WILL NOT be used to enforce the requirements of the Housing Maintenance Code, however, this evaluation form will be used by the Fire Department to determine if there is compliance with the requirements for a hard-wired smoke detector in single family residences.
2. is not warranty, by the City of St. Paul, of the condition of the building or any building component, nor of the accuracy of this report.
3. covers only the items listed on the form and only those items visible at the time of the evaluation. The Evaluator is not required to ignite the heating plant, use a ladder to observe the condition of the roofing, disassemble items or evaluate inaccessible areas.
4. The lender, FHA or VA may have different standards.
5. is valid for one year from the date of issue and only for the owner named on this report.
6. Questions regarding this report should be directed to the evaluator.
7. Complaints regarding this report should be directed to the Division of Public Health, Truth - in - Sale of Housing, 555 Cedar Street, St. Paul, MN 55101, Phone No. 298-4153.

EVALUATOR: _____ DATE: _____

Rev 9/89

Address

Date

Property Address: Change from Acceptable to Not Acceptable

- "M" = Meets minimum requirements - the item complies with the minimum Housing Code requirements.
- "B" = Below minimum requirements - the item is below minimum Housing Code requirements.
- "C" = Comments - the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum requirements.
- "H" = Hazardous - the item in its present condition may endanger the health and safety of the occupant.
- "Y" = Yes
- "N" = No

Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

<u>Item #</u>	<u>Comments</u>
---------------	-----------------

BASEMENT/CELLAR

- 1. Stairs and Handrails
- 2. Basement/cellar floor
- 3. Foundation
- 4. Evidence of dampness or staining
- 5. First floor, floor system
- 6. Beams and columns

ELECTRICAL SERVICE(S) # of Services

- 7. Service size:
Amps: 30 ___ 60 ___ 100 ___ 150 ___ Other ___
Volts: 115 ___ 115/230 ___
- 8. Electrical service installation/grounding
- 9. Electrical wiring, outlets and fixtures

PLUMBING SYSTEM

- 10. Floor drain(s)
- 11. Waste and vent piping
- 12. Water piping
- 13. Gas piping
- 14. Water heater(s) installation
- 15. Water heater(s) venting
- 16. Plumbing fixtures

HEATING SYSTEM

- 17. Heating plant(s): Fuel: _____ Type: _____
a. Installation and visible condition
- b. Viewed in operation
- c. Combustion venting

The Evaluator is not required to ignite the heating plant(s).

- 18. Additional heating unit(s) Fuel: _____ Type: _____
a. Installation and visible condition
- b. Viewed in operation
- c. Combustion venting

KITCHEN

- 19. Walls and ceiling
- 20. Floor condition and ceiling height
- 21. Evidence of dampness or staining
- 22. Electrical outlets and fixtures
- 23. Plumbing fixtures
- 24. Water flow
- 25. Window size and openable area
- 26. Window condition
- 27. Additional Comments

↳ New

Copy
Void

EVALUATOR: _____ DATE: _____ Page _____ of _____

Truth-In-Sale of Housing Disclosure Report

(Carefully read this entire report)

Page ____ of ____

to be publicly displayed at the premises when the house is shown to prospective buyers, and to the buyer prior to the time of signing a Purchase Agreement.

WARRANTY, BY THE CITY OF ST. PAUL OR EVALUATOR OF THE FUTURE CONDITION OF ANY BUILDING COMPONENT OR FIXTURE.

Addressing: _____

Single family _____ Duplex _____ Townhouse _____

Condo's Not required

COPY VOID

The following declaration is signed on the original copy submitted to the buyer.

DECLARATION STATEMENT:

OWNER, DECLARE THAT AS OF THIS DATE, THERE ARE _____ ARE NOT _____ CODE THIS PROPERTY FROM THE DIVISION OF PUBLIC HEALTH, HOUSING CODE AND CITY AGENCIES.

TO THE BEST OF MY KNOWLEDGE, THE FOLLOWING INFORMATION REGARDING ANY FLOOD OR WATER SEEPAGE AT THIS PROPERTY:

_____ *(Handwritten signature and notes)* _____
Date _____

This report is to be given to the home buyer and seller prior to the time of sale. Minimum standards for this report are as set forth in the Minnesota Maintenance Code (Chapter 34). This report WILL NOT be used to enforce the requirements of the Minnesota Fire Code. This evaluation form will be used by the Fire Department to determine if there is compliance with the Minnesota Fire Code in single family residences.

This report does not guarantee the condition of the building or any building component, nor of the accuracy of this report.

This report covers only those items visible at the time of the evaluation. The Evaluator is not required to ignite the roof, disassemble items or evaluate inaccessible areas.

Minimum standards.

This report is valid only for the owner named on this report.

This report is directed to the evaluator.

This report is to be directed to the Division of Public Health, Truth - in - Sale of Housing, 555 Cedar Street, St. Paul, MN 55103.

DATE: _____

Rev 9/89

Address

Date



Property Address: _____

Change from Acceptable to Not Acceptable

- "M" = Meets minimum requirements - the item complies with the minimum Housing Code requirements.
- "B" = Below minimum requirements - the item is below minimum Housing Code requirements.
- "C" = Comments - the item cannot be adequately evaluated or it has some deficiency, but the deficiency is insufficient to make the item below minimum requirements.
- "H" = Hazardous - the item in its present condition may endanger the health and safety of the occupant.
- "Y" = Yes
- "N" = No

Any item marked "B", "C" or "H" must have a written comment about the item. Additional comment sheets may be attached if needed.

Item #

Comments

BASEMENT/CELLAR

- 1. Stairs and Handrails
- 2. Basement/cellar floor
- 3. Foundation
- 4. Evidence of dampness or staining
- 5. First floor, floor system
- 6. Beams and columns

ELECTRICAL SERVICE(S) # of Services

- 7. Service size:
Amps: 30 ___ 60 ___ 100 ___ 150 ___ Other ___
Volts: 115 ___ 115/230 ___
- 8. Electrical service installation/grounding
- 9. Electrical wiring, outlets and fixtures

PLUMBING SYSTEM

- 10. Floor drain(s)
- 11. Waste and vent piping
- 12. Water piping
- 13. Gas piping
- 14. Water heater(s) installation
- 15. Water heater(s) venting
- 16. Plumbing fixtures

HEATING SYSTEM

- 17. Heating plant(s): Fuel: _____ Type: _____
 - a. Installation and visible condition
 - b. Viewed in operation
 - c. Combustion venting

The Evaluator is not required to ignite the heating plant(s).

- 18. Additional heating unit(s) Fuel: _____ Type: _____
 - a. Installation and visible condition
 - b. Viewed in operation
 - c. Combustion venting

KITCHEN

- 19. Walls and ceiling
- 20. Floor condition and ceiling height
- 21. Evidence of dampness or staining
- 22. Electrical outlets and fixtures
- 23. Plumbing fixtures
- 24. Water flow
- 25. Window size and openable area
- 26. Window condition
- 27. Additional Comments

Copy
Void

↳ new

EVALUATOR: _____ DATE: _____ Page _____ of _____

Property Address: _____

"M" = Meets minimum requirements "B" = Below minimum requirements
"C" = Comments "H" = Hazardous "Y" = Yes "N" = No

Item #	Comments
LIVING AND DINING ROOM(S)	
28. Walls and ceiling	_____
29. Floor condition and ceiling height	_____
30. Evidence of dampness or staining	_____
31. Electrical outlets and fixtures	_____
32. Window size and openable area	_____
33. Window condition	_____
HALLWAYS, STAIRS AND ENTRIES	
34. Walls, ceilings and floors	_____
35. Evidence of dampness or staining	_____
36. Stairs and handrails to upper floors	_____
37. Electrical outlets and fixtures	_____
38. Window condition	_____
39. Smoke detector(s)	_____
Properly located	_____
Hard-wired	_____
BATHROOM(S) # of: Full _____ Partial _____	
40. Walls and ceiling	_____
41. Floor condition	_____
42. Evidence of dampness or staining	_____
43. Electrical outlets and fixtures	_____
44. Plumbing fixtures	_____
45. Water flow	_____
46. Window size and openable area or mechanical exhaust	_____
47. Condition of windows or mechanical exhaust	_____
SLEEPING ROOM(S) No. of: _____	
48. Walls and ceiling height	_____
49. Floor condition, area, and ceiling height ..	_____
50. Evidence of dampness or staining	_____
51. Electrical outlets and fixtures	_____
52. Window size and openable area	_____
53. Window condition	_____
ENCLOSED PORCHES AND OTHER ROOMS	
(Evaluator shall identify each additional room separately and comment when necessary.)	
54. Walls, floor condition and ceiling height ..	_____
55. Evidence of dampness or staining	_____
56. Electrical outlets and fixtures	_____
57. Window condition	_____
ATTIC SPACE (Visible Areas)	
58. Roof boards and rafters	_____
59. Evidence of dampness or staining	_____
60. Electrical wiring/outlets/fixtures	_____
61. Ventilation	_____
62. ADDITIONAL COMMENTS	_____

COPY
VOID

EVALUATOR: _____ DATE: _____

Property Address: _____

"M" = Meets minimum requirements "B" = Below minimum requirements
"C" = Comments "H" = Hazardous "Y" = Yes "N" = No

EXTERIOR (Visible Areas)	
Item #	Comments
63. Foundation	_____
64. Basement/cellar windows	_____
65. Drainage (grade)	_____
66. Exterior walls	_____
67. Doors (frames/storms/screens)	_____
68. Windows (frames/storms/screens)	_____
69. Open porches, stairways and decks	_____
70. Cornice and trim	_____
71. Roof covering and flashing	_____
72. Gutters and downspouts	_____
73. Chimneys	_____
74. Electrical outlets, fixtures and service entrance	_____
GARAGE	
75. Roof structure and covering	_____
76. Wall structure and covering	_____
77. Slab condition	_____
78. Garage doors	_____
79. Electrical wiring, outlets and fixtures	_____
80. ADDITIONAL COMMENTS	_____

*Copy
VOID*

new proposal

Important Notices

- Any single family residence in St. Paul must have at least one smoke detector connected to the electrical system. The detector must be located near sleeping rooms. For more information call Fire Prevention, 228-6230
- All rainleaders connected to the sanitary sewer system must be disconnected. For more information call Public Works, Sewer Division, 298-5421.
- Any house built before 1950 may have lead paint on/in it. If children eat lead paint, they can be poisoned. For more information call Division of Public Health, 292-7746
- The City of St. Paul or the Evaluator are not responsible for the determination of the presence of airborne particles such as asbestos, noxious gases such as radon or other conditions of air quality that may be present, nor the conditions which may cause the above.
- If this building is used for any purpose other than a single family dwelling, it may be illegally zoned. To help you determine legal uses under the zoning ordinance, contact the Zoning Administrator at 298-4584.

THE FOLLOWING ITEMS ARE NOT MANDATORY REQUIREMENTS FOR ST. PAUL HOUSING. THEIR INCLUSION ON THIS FORM IS ONLY TO PROVIDE SUPPLEMENTAL INFORMATION TO THE BUYER. NO DETERMINATION IS MADE WHETHER THE ITEMS MEET MINIMUM REQUIREMENTS.

ENERGY INFORMATION

INSULATION

	Type of Insulation	Approx. Inches	NV NA
81. Attic Insulation	_____	_____	_____
82. Wall Insulation	_____	_____	_____
83. Kneewall Insulation	_____	_____	_____
84. Rim Joist Insulation	_____	_____	_____

- 85. Storm Doors
- 86. Storm Windows

NV = Not Visible
NA = Not Applicable

WEATHERSTRIPPING

- 87. Doors
- 88. Windows

FIREPLACE/WOODSTOVES

- 89. Dampers installed in fireplaces
- 90. Installation
- 91. Condition

I hereby certify that the above report is made in compliance with the St. Paul Housing Code, Chapter 34, and that I have utilized the care and diligence, reasonable and ordinary, for meeting the certification standards prescribed by the Truth - In - Sale of Housing Ordinance, Chapter 189. I have found no instance of non-compliance with the items listed above as of the date of this report, except those designated herein.

Evaluator Signature

39

Phone Number

Date

Page ____ of ____

Rev 9/89

MINUTES OF THE TRUTH-IN-HOUSING FORUM
(Special Meeting of the Maplewood HRA)
Maplewood City Hall
1830 East County Road B
Maplewood, Minnesota 55109
SEPTEMBER 5, 1989

1. CALL TO ORDER

Chairman Fischer called the meeting to order at 7:00 p.m.

2. ATTENDANCE

HRA Commissioners: Lorraine Fischer, Dale Carlson
City Staff: Geoff Olson, Ken Roberts

3. DISCUSSION

- A. Geoff Olson presented the staff report regarding a truth-in-housing ordinance and discussed the variety of ordinances in effect in the metropolitan area.

Representatives from realtors associations and various realty firms presented statements. In general they expressed their firm support for the concept of truth-in-housing ordinances requiring disclosure and their opposition to mandatory code compliance.

Keith Holm, Executive Vice President of St. Paul Area Realtors Association, 325 East Roselawn Avenue, Maplewood, said his organization does not support truth-in-housing disclosure if it is attached to code compliance. Mr. Holm discussed the cost and liability problems to real estate agents when attaching code compliance to this proposed ordinance.

Karen Christopherson, Government Affairs Director for State of Minnesota Board of Realtors, said that approximately 50% of housing stock in Maplewood is over thirty years old and would have code deficiencies.

The manager of Merrill Lynch Realty in Woodbury said he is against this ordinance because of code compliance which he feels will affect buying power and home prices.

Jack Larson, Manager of Edina Realty in Maplewood, said he is concerned with the ordinance if it includes code compliance. Mr. Larson said escrow may be a problem with lenders, since lenders want all escrow fixed before closing. Mr. Larson is in favor of truth-in-

housing with disclosure. Mr. Larson also mentioned the consistency consideration since all inspectors are not equal.

Dan Niezgocki, a Maplewood resident and a truth-in-housing evaluator licensed in St. Paul, So. St. Paul, and Minneapolis, said he is in favor of the truth-in-housing disclosure but he is against code compliance.

Mr. Niezgocki said he is concerned with inspectors being able to obtain insurance if this ordinance is approved with code compliance. In response to a question from a commissioner, Mr. Niezgocki said there are some controls in place to reprimand inspectors who are not performing their inspection duties as required.

Steve Jelinek, a licensed building inspector and real estate broker, said code compliance would be based on the housing maintenance code, not the much larger uniform building code.

Commissioner Fischer stated there appeared to be some misunderstanding among those present regarding what compliance would be necessary. The ordinance as proposed did not refer to Uniform Building Code compliance but to the City's housing maintenance code compliance, much of which would be addressed by normal realty practices, yard maintenance, etc.. After further explanations and questions about what would be entailed, it began to appear the remaining areas of major concern would be exterior siding. Commissioners Fischer and Carlson stated they did not recall any provisions for compliance at the discussion of the last meeting, which was reflected by the minutes.

Karen Christopherson suggested the realtors meet with staff before the next HRA meeting to further discuss this proposed ordinance. Ms. Christopherson said she would contact Geoff Olson to schedule this meeting.

4. ~~INTERVIEW FOR HRA APPLICANT~~

~~Commissioners Fischer and Carlson interviewed Stephen Jelinek, an applicant for the Housing and Redevelopment Authority.~~

5. ~~ADJOURNMENT~~

~~HRA Chairman Fischer adjourned the meeting at 9:35 p.m.~~

MINUTES

MAPLEWOOD HOUSING AND REDEVELOPMENT AUTHORITY

OCTOBER 10, 1989

1. CALL TO ORDER

Chairman Fischer called the meeting to order at 7:05 p.m.

2. ROLL CALL

HRA Commissioners: Lorraine Fischer, Dale Carlson,
Tom Connelly
City Staff: Geoff Olson, Ken Roberts

6. UNFINISHED BUSINESS

A. Truth-in-Housing Ordinance

Geoff Olson presented the staff report concerning the adoption of a truth-in-housing ordinance.

Dan Niezgocki, a Maplewood resident and a truth-in-housing evaluator, asked if this ordinance would apply to residential single-family homes only.

Geoff Olson said this proposed ordinance would apply to all residential properties.

Karen Christopherson of the Minnesota Board of Realtors acknowledged Geoff Olson for his time and efforts in his prior meeting with a number of the realty members.

Commissioner Dale Carlson moved the Maplewood Housing and Redevelopment Authority:

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

Commissioner Tom Connelly seconded Ayes--all

3. APPROVAL OF MINUTES

A. November 15, 1988

Commissioner Carlson moved approval of the minutes of November 15, 1989, as submitted.

Commissioner Connelly seconded Ayes--all

D. Per Diem for Board Members

After discussion by the commissioners, the consensus of the commission was to have an annual dinner with the other commissions and City Council.

8. Interviews for New Commission Members

Ken Roberts informed the commissioners that Steve Jelinek has withdrawn his name for appointment to the HRA and, also, that he was unable to contact Evan Coobs and does not know if Mr. Coobs is still a candidate for appointment.

Commissioner Fischer said she was contacted by a housing inspector who asked if the HRA would be interested in a tour demonstrating the duties of a housing inspector.

The truth-in-housing ordinance, as it applies to mobile homes, was discussed. Ken Roberts said he would investigate which jurisdiction will handle the mobile home area regarding the proposed truth-in-housing ordinance.

Gary Pearson and Larry Whitcomb were interviewed as possible HRA commission members.

Commissioner Connelly moved the HRA recommend to the City Council the appointment of Gary Pearson and Larry Whitcomb to the HRA to fill the two existing vacancies.

Commissioner Carlson seconded Ayes--all

6. Unfinished Business

A. Truth-in-Housing Ordinance

At this time the commission reintroduced the proposed truth-in-housing ordinance and discussed the possibility of including the owner's disclosure of private covenants.

Commissioner Carlson moved the inclusion on page 7 of the proposed truth-in-housing ordinance of Item (b) (2) f. Disclosure of any private covenants that run with the property.

Commissioner Connelly seconded Ayes--all

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand, Associate Planner
SUBJECT: Appeal of Review Board Approval
LOCATION: Southeast Corner of English Street and Highway 36
APPLICANTS: Steve Lammlein and Anna Roberts (neighbors)
PROJECT TITLE: English Place
DATE: October 11, 1989

INTRODUCTION

Steve Lammlein, 1308 Cope Avenue, and Anna Roberts, 1332 Cope Avenue, have submitted appeals of the Community Design Review Board's September 26, 1989 approval of the plans for English Place at the southeast corner of English Street and Highway 36. Specific reasons for their appeals were not given, but they felt that the City Council should have an opportunity to review this proposal since this project would have an impact on their property. (Refer to the letters on pages 5 and 6.)

BACKGROUND

On December 22, 1988, the City Council granted a CUP for this use. On October 25, 1988, the Community Design Review Board approved the design plans as submitted by Marcor Properties, Inc., the original applicant.

On September 26, 1989, the Review Board approved the plans for this project subject to 27 conditions. (See pages 7-10.)

ORDINANCE PROVISION

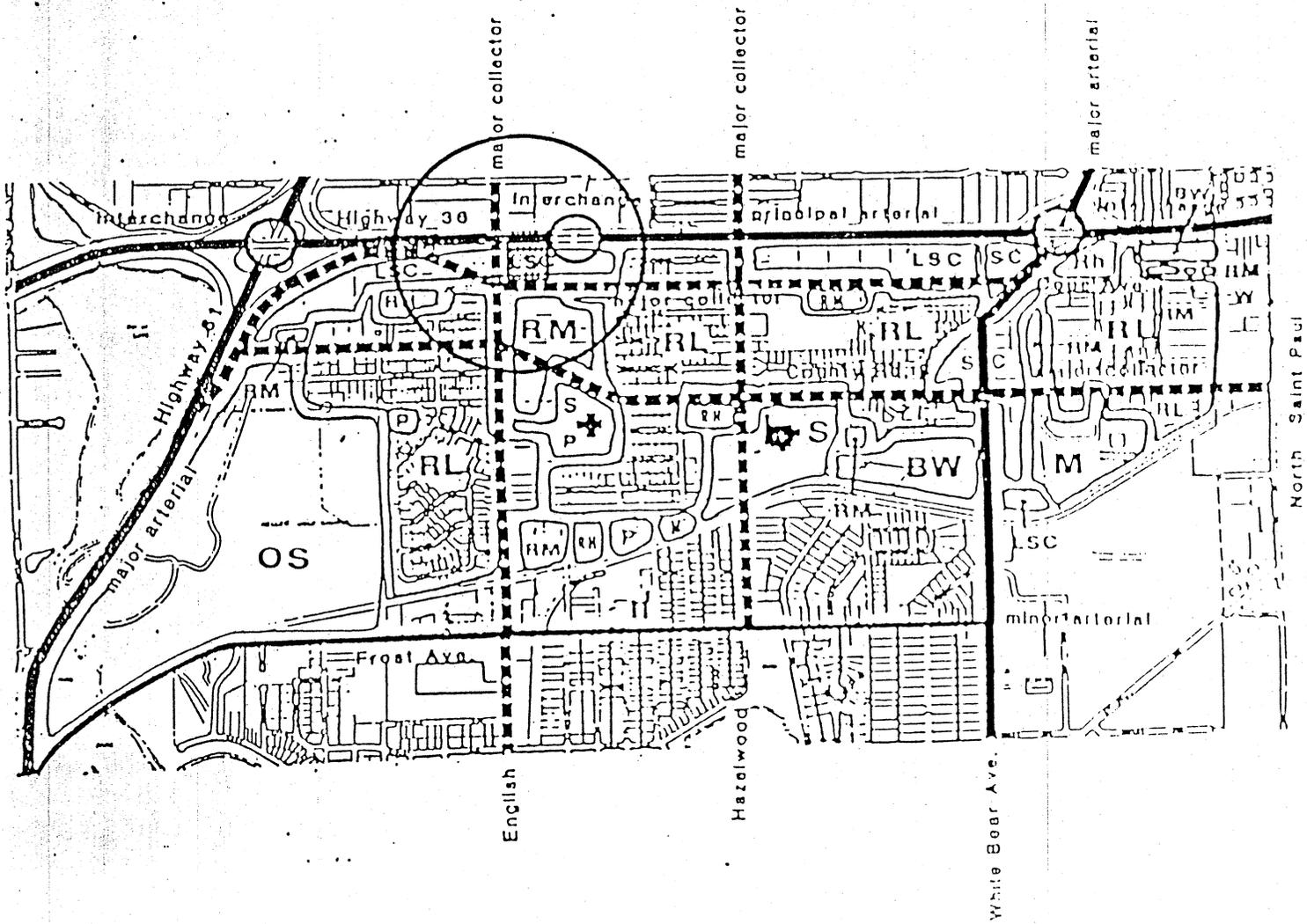
Subsection 25-65 (b) provides that the Review Board's decision shall be final, unless appealed to the City Council by the applicant, City Staff or any affected person within ten days after the Board's decision.

DISCUSSION

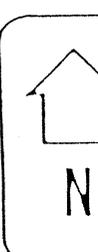
Since the neighbors appealing the board's decision have not yet stated their reasons, we cannot make a recommendation at this time.

TEENGLISH2
Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan
4. Letter of appeal from Steve Lammlein dated October 6, 1989
5. Letter of appeal from Anna Roberts dated October 6, 1989
6. Design Review Board motion dated September 26, 1989
7. Plans date stamped September 20, 1989 (separate attachment)

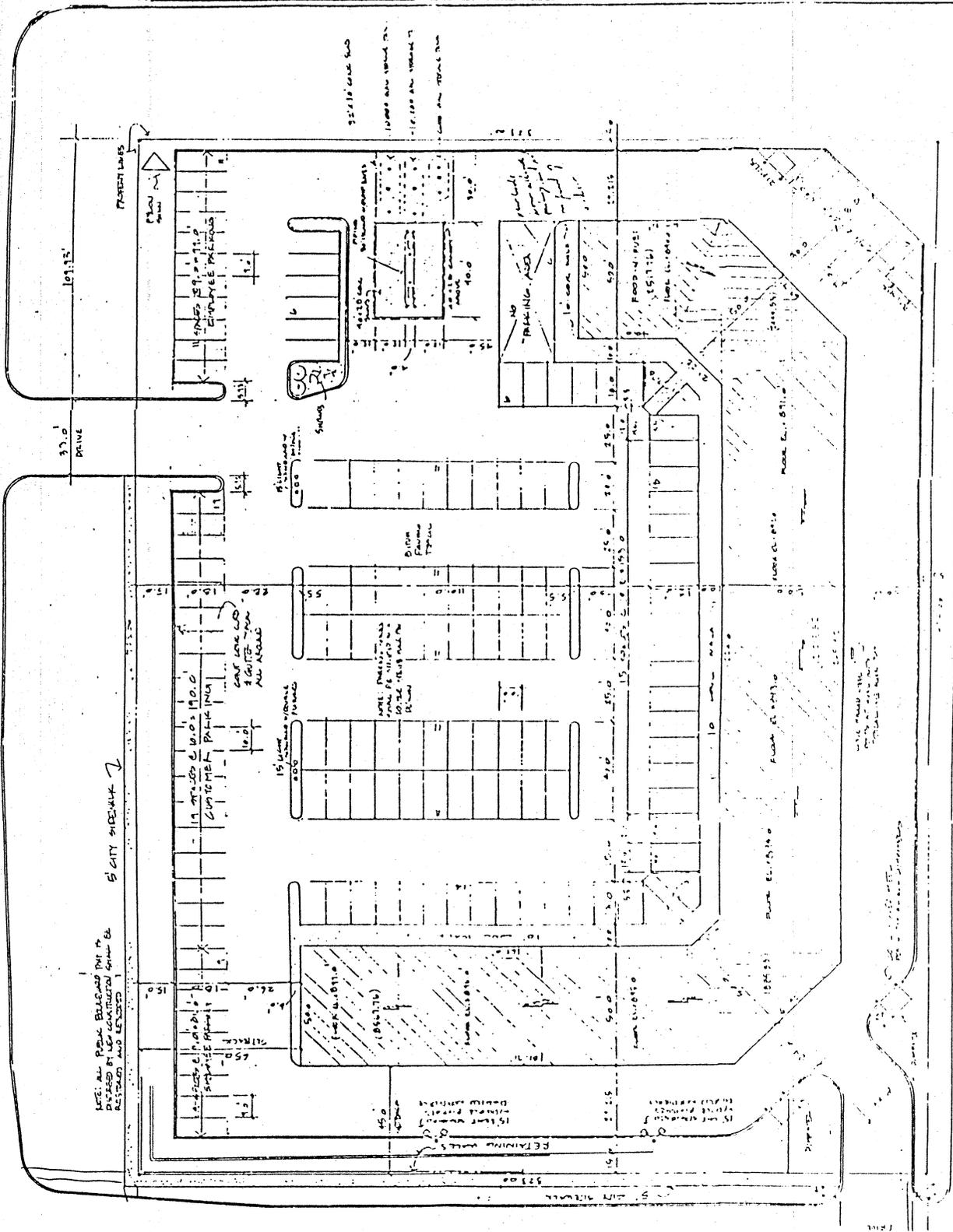


LOCATION MAP



Highway 36

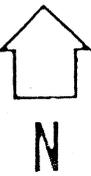
ENGLISH STREET



Cope Avenue

SITE PLAN

Attachment 3



OCT 06 1989

6 October 1989

To: Tom Ekstrand
From: Steve Lammlein, 1308 Cope

I wish to appeal the Design
Review Board's decision to approve
the site plan for the development on
the SE corner of Cope & English streets
(the Century Companies proposal). I wish
that this matter be brought before the
City Council. The concerns prompting
this appeal will be detailed in a
future communication.

Steve Lammlein

To: Tom Ekstrand

10/6/89

I wish to appeal the Design & Review Board's decision to approve the site plan for the proposed English Place (Hwy 36 and English). I wish that this matter be brought up before the city council.

Anna Roberts
1332 Cope
Maplewood, MN
55109
(612) 484-6965

MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 EAST COUNTY ROAD B, MAPLEWOOD, MINNESOTA
SEPTEMBER 26, 1989

I. CALL TO ORDER

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

II. ROLL CALL

Donald Moe	Present
Tom Deans	Absent
Marvin Erickson	Present
Roger Anitzberger	Present
Michael Holder	Present
Daniel Molin	Present

III. APPROVAL OF MINUTES

- A. The minutes of September 12, 1989, were amended correcting the vote on Item E. Landscaping/Screening Appeal - Carver General Repair to Ayes--4 Nays--2.

Boardmember Erickson moved approval of the amended minutes of September 12, 1989.

Boardmember Anitzberger seconded Ayes--all

IV. APPROVAL OF AGENDA

Secretary Ekstrand moved the agenda be amended to cancel Item 6. B., Sign Plan Revision - A T & T at the St. Paul Business Center East on I-35E at the applicant's request.

Boardmember Anitzberger moved approval of the agenda as amended.

Boardmember Holder seconded

V. UNFINISHED BUSINESS

- A. Architectural, Site and Landscape Plan Revisions - English Place, Southeast Corner of Highway 36 and English Street

Dick Erntz of A & E Properties of Stillwater, Inc., said he had met with the neighbors and discussed this proposed center. Mr. Erntz said the neighbors are concerned with the removal of trees from the rear of the proposed building, therefore, he is proposing that as many existing trees be preserved as possible. Mr. Erntz said the neighbors are concerned with traffic noise, and he said there are considerable existing trees between his property and the highway

right-of-way and these trees would remain to buffer the traffic noise. Mr. Erntz said the pump island would be moved closer to the building and they have done a realignment of the driveway and propose dense landscaping to prevent the headlights from shining onto the neighbors' homes.

Chairman Moe asked for comments from the public.

Secretary Ekstrand read a letter submitted to him from Steve Lammlien stating his concerns. Mr. Lammlien's concerns were that the driveway grade for Cope Avenue be such that headlights do not shine toward homes; grade elevation be as low as possible and that a designated grade elevation with no changes be required; two rows of staggered trees along Cope Avenue; more specific landscape plan; more attractive building materials be used as in Marcor plan; if building will be phased, the later phase should be subject to neighbors' comments and to Review Board approval; Review Board approval be subject to agreement with the applicant in writing; all plans must be approved by the Review Board.

Anna Roberts, 1332 Cope Avenue, asked that this development have uniform signs, commented on fencing requirements and commented on the location of driveway. Ms. Roberts asked that the materials be maintenance-free to assure that this development is maintained.

Jim Grealish, 1326 Cope Avenue, said he did not want to see this project started but stopped later because of problems with it.

Ted Kopel, 1336 Cope Avenue, said he is concerned that traffic will become a problem on Cope Avenue and asked if general traffic could be discouraged from using Cope Avenue.

Mr. Erntz said he would install speed bumps if the Board requires them. Mr. Erntz also said he would match building roof colors for roof vents as much as possible.

Boardmember Anitzberger moved approval of plans date-stamped September 21, 1989, for English Place, a multi-tenant commercial center, subject to the following conditions:

1. Approval of plans by the Community Design Review Board does not constitute approval of a building permit.
2. All trash dumpsters shall be stored in screening enclosures with a 100% opaque wooden gate and shall be a color and material compatible with the building. Enclosures shall be protected by concrete-filled steel posts, or the equivalent, anchored in the ground at the front corners of the structure. The southerly dumpster enclosure is not allowed since it would be within the 30-foot minimum setback from the south lot line.
3. Any exterior building or roof-mounted equipment shall be decoratively screened and hidden from view. The vertical board screening fences for the wall mounted HVAC units shall be at least 80% opaque and shall be tall enough to totally hide the units. These wooden screens shall be the same color as the building.
4. An erosion control plan, acceptable to the City Engineer, shall be submitted prior to the issuance of a building permit for erosion control during construction.
5. Parking areas shall be striped in a double-stripe "hairpin" design and all bituminous areas shall have continuous concrete curbing. Parking lots shall be kept in a continual state of repair.
6. If construction has not begun within two years of approval, Board review shall be repeated.
7. Site security lighting shall be provided. Security lighting fixtures on the south and southeast sides of the building shall not be wall mounted. These lighting fixtures must illuminate this back portion of the site by lighting standards erected across the parking lot and aimed towards the building. All lighting standards on the site shall not exceed 15 feet in height. No light source shall be directly visible from any residential area or public street and light levels shall not exceed one foot-candle at a residential property line.
8. If any adjacent property is disturbed or property irons removed due to construction of the site,

that property shall be restored and irons replaced by the applicant.

9. Grading, drainage and utility plans shall be subject to the City Engineer's approval.
10. All required landscape areas shall be continually and properly maintained.
11. All required plant materials that die shall be replaced by the owner within one year.
12. The plans shall be revised for staff approval as follows:
 - a. All turning radii at driveway entrances shall be at least ten feet. The Cope Avenue entrance does not meet this requirement.
 - b. The site shall be graded so that the floor elevation of the structure is as low as is practical for proper drainage and access grades.
 - c. The fuel service area shall be moved as close to the building as practical, while maintaining proper drive lanes, in order to conceal this area as much as possible from 1308 Cope Avenue.
13. Reflectorized stop signs and handicap parking signs shall be provided.
14. All public boulevard that is disturbed due to this construction shall be restored and resodded.
15. Proper building addresses shall be installed, subject to the approval of the Fire Marshal.
16. Signs are not approved through review. A comprehensive sign plan shall be submitted to the Board for approval.
17. Five-foot-wide concrete sidewalks shall be constructed along both street frontages on the right-of-way next to the lot lines. The English Street sidewalk is not needed north of the entrance drive. The sidewalk must taper to meet the driveway grade at all driveway crossings. The sidewalks shall be extended to the easterly lot line along Cope Avenue, to the street curb along

English Street and to the street curb along Cope Avenue.

18. The building exterior and HVAC screens shall be continually and properly maintained.
19. An inground sprinkling system shall be installed for all landscaped areas.
20. The landscape plan shall be resubmitted to the Review Board for approval as follows:
 - a. There shall be no trees or shrubs or fencing provided within a 25-foot sight triangle at both intersections or within the right-of-way;
 - b. The landscaping/screening along the entire Cope Avenue frontage shall be at least six-foot-tall, 80% opaque upon installation;
 - c. The shrubs proposed along Highway 36 shall be replaced with five Skyline Locust planted 30 feet on center.
 - d. The materials and design of the retaining walls shall be submitted.
21. The applicant shall obtain approval from MnDOT to drain into the state right-of-way.
22. The applicant shall provide the following items, subject to the City Engineer's approval:
 - a. Additional pavement to provide a north-bound left-turn lane on English Street. The total width of English Street in this area shall be at least 48 feet;
 - b. As part of this widening, the signal system loop detectors must be properly located with lane striping and directional arrows provided.
23. The applicant shall provide a monetary guarantee, in a form acceptable to staff, in the amount of 150% of the estimated cost of any site improvements that are not completed by occupancy. The applicant shall also provide staff with proper documentation, to be approved by the City Attorney, which allows staff access onto the

property to finish work that may not be completed.

24. Three speed bumps shall be placed on the driveway from Cope Avenue as shown on the "phasing" plan. This driveway shall have a sign at the Cope Avenue curb cut, reading "Service Drive Only". A "No Exit" sign shall be posted at the north end of this drive near the building to discourage exits to Cope Avenue.
25. A three and one-half foot sidewalk shall be installed along the rear of the building.
26. Roof vents shall be a color to match building roof as much as possible. Roof vents shall be consolidated as near as possible along the common walls to limit the number of vents.
27. The "phase I diagonal driveway" shall be eliminated.

Boardmember Holder seconded

Boardmember Erickson moved the motion be amended to include No. 28. - Grading plan subject to staff approval.

Boardmember Molin

Ayes--all

The motion as amended was voted on.

Ayes--all

~~B. Site Redevelopment - Fleming's Service Center
2271 White Bear Avenue~~

~~Bob Fields, representing the applicant, discussed the revised plans with the board members. Mr. Fields displayed pictures of a new product called brick block, which would be used on the upper portion of the building on top of the three feet of rock block, which would be used on the bottom portion of the building. Mr. Fields asked that they be allowed to use a cedar fence material on the roof screening to accomplish continuity with the entire building.~~

~~Mr. Fields asked that consideration be given to the hours of operation for this proposal, since it was reviewed in advance of the newly revised fuel ordinance, and he asked that the requirement for a conditional use permit be eliminated. Mr. Fields also asked that Condition 22, relating to the elimination of the driveway to Lark Avenue, be deleted since he felt~~

Action by Council:

AGENDA REPORT

TO: City Manager

FROM: Assistant City Engineer

SUBJECT: Footprint Lake Storm Sewer, Project 87-32--Schedule
Public Hearing

DATE: October 12, 1989

Endorsed Modified Rejected Date Introduction

This is a request to schedule the resumption of the subject public hearing. For reference, a copy of the feasibility report originally submitted in April, 1988 is herewith transmitted.

Background

The August 8, 1989 agenda report for this project presented the revised financing requested when the May 1988 public hearing was tabled. The August 8, 1989 agenda report requested a public hearing during mid-September, 1989. As explained in the August 22, 1989 agenda report, it was found that a November public hearing date would be more expedient. A date of Thursday, November 30, 1989 was selected.

However, the use of either John Glenn or Gladstone School, which is required to accommodate the size of the public hearing, is unavailable for November 30, 1989, as well as a number of other potential dates. The use of John Glenn Middle School for Monday, November 20, 1989 is available. Arrangements have been made with District 622 to reserve John Glenn facilities for November 20, 1989 beginning at 7 p.m.

Recommendation

It is recommended that the council set a special meeting on Monday, November 20, 1989 at 7 p.m. to continue the Footprint Lake storm sewer public hearing. A resolution for this purpose is attached.

BAI

Jw
Attachment

RESOLUTION

ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the city engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of the area roughly bounded by English Street, Gervais Avenue, White Bear Avenue, and Ryan Avenue, City Project 87-32, by construction of storm sewer, and

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

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

1. The report of the city engineer advising this council that the proposed improvement of the area roughly bounded by English Street, Gervais Avenue, White Bear Avenue, and Ryan Avenue, City Project 87-32, by construction of storm sewer is feasible and should best be made as proposed, is hereby received.

2. The council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$1,444,200.

3. A public hearing will be held at John Glenn Middle School at 1560 East County Road B, Maplewood on Monday, the 20th day of November, 1989, at 7 p.m. to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.

AGENDA REPORT

Action by Council:

TO: City Manager

Endorsed _____

FROM: Assistant City Engineer

Modified _____

SUBJECT: Roselawn Avenue, Arcade Street to Interstate 35E
Project 89-03--Schedule Public Hearing

Rejected _____

Date _____

DATE: October 12, 1989

Introduction

The feasibility report for the subject project is herewith transmitted. This report summarizes city costs and proposed financing. It is requested that a public hearing be scheduled.

Background

The proposed street reconstruction is to be done under a cooperative agreement with Ramsey County. A 40-foot wide bituminous street, with stripped eight-foot wide shoulders and concrete curb and gutter on each side, is recommended. A five-foot wide concrete sidewalk is proposed for the north side of the street. This section is essentially the same as recommended and approved for County Road C from T.H. 61 to Hazelwood.

The storm drainage system required for Roselawn Avenue utilizes the major elements of the Edgerton/Roselawn Trunk Storm Sewer, Project 85-08. The public hearing for Edgerton/Roselawn Storm Sewer held on May 2, 1988, was tabled indefinitely pending a review of alternative financing methods. The Edgerton/Roselawn Storm Sewer feasibility report was ordered in March 1985, to evaluate means to prevent flooding at the Edgerton ponds located between Ripley and Roselawn and to accommodate anticipated reconstruction of Edgerton Street by Ramsey County.

Since the proposed Roselawn Avenue improvement includes the Edgerton/Roselawn Trunk Storm Sewer except for the storm sewer on DeSoto Street south of Roselawn Avenue, it is recommended that the hearing for Project 85-08 be terminated and consideration of the storm sewer be made part of the public hearing for Roselawn Avenue, Project 89-03. The area tributary to the proposed trunk sewer on DeSoto is excluded from the hearing area of the Roselawn Avenue improvements as shown on the attached map. The DeSoto Street trunk storm sewer would most economically be constructed as part of a future reconstruction of DeSoto Street.

Since the Edgerton/Roselawn Storm Sewer hearing, the council has implemented a uniform assessment policy for collector streets and storm sewer. Attached is a copy of the summary of assessments

based on the adopted policy of \$500 and \$1125 per RL or RM residential unit for storm sewer and street, respectively. All other land uses, except for park and cemetery, are assessed at \$0.10 per square foot and \$15 per front foot for storm sewer and street, respectively. Due to the minimal impervious surfacing in parks and cemeteries, a storm sewer assessment rate of \$0.025 per square foot is warranted. The same rate of \$15 per front foot for street is used for park or cemetery.

The feasibility report gives the Maplewood share of estimated construction costs for street, storm sewer, and water main reconstruction costs. As noted in the feasibility report, problems have been experienced with the existing sanitary sewer. At this time the television inspection of the existing sanitary sewer has not been completed so the limits of sanitary sewer reconstruction are not definitively known. However based on the problems experienced by the utility foreman in the maintenance of this line, it is a reasonably conservative estimate that most of the segment from Kenwood Drive West to DeSoto Street would require replacement. A preliminary estimate of \$102,000 construction cost for sanitary sewer has been developed.

The following table gives a summary of local costs and financing. The engineering and administrative costs include 18 percent of construction cost payable to Ramsey County as well as seven percent of construction cost for city staff time. Under the proposed cooperative agreement all easement and right-of-way acquisition is the responsibility and cost of the city.

Compared with the 1988 feasibility report for Edgerton/Roselawn Trunk Storm Sewer, the cost for storm sewer and ponding easement is significantly reduced. This is due to a revision of the plan. The storm water pump station is currently proposed to be located on Edgerton Street adjacent to the ponds at Ripley Avenue. It would discharge to a shallow gravity storm sewer on the DNR trail that would convey the water to Round Lake. In this manner, the cost of acquiring a storm water pond in the Maple Hills Golf Course is eliminated. The shallow gravity sewer on the DNR trail versus the deep outfall previously proposed also saves significant construction costs. The only negative feature of the change of the preliminary design is that should Maple Hills Golf Course be developed for high density housing a separate storm sewer pumping station would be necessary. The proposed gravity storm sewer outfall is sized for such a future connection.

The major factor in reducing the proposed local storm sewer cost (\$721,000) compared with that presented in the 1988 Edgerton/Roselawn Storm Sewer (\$1,595,000) is the cost participation of Ramsey County. Previously, it was planned to receive a credit when Ramsey County upgraded Roselawn or Edgerton

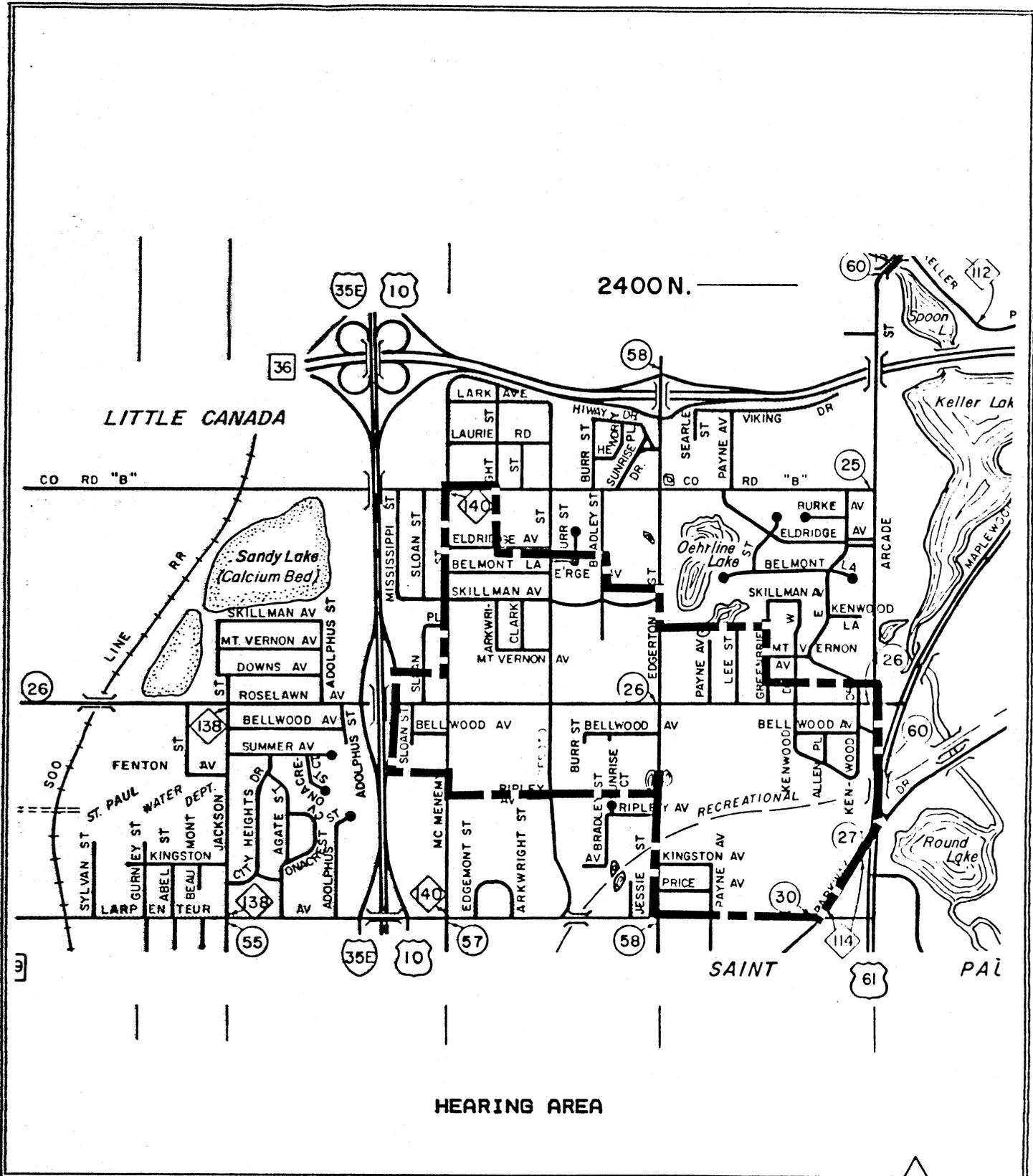
for part of the cost of providing the storm sewer system and outfall. Since the actual reconstruction of Roselawn Avenue is to be done with the storm sewer construction, Ramsey County will directly share in the costs. The deletion of the trunk storm sewer line on DeSoto south of Roselawn Avenue also decreases the local cost for storm sewer. However, the area tributary to DeSoto Street storm sewer has been deleted from the assessment recovery computations and financing.

Recommendation

It is recommended that the public hearing for Project 85-08 be terminated. It is recommended that a new public hearing for Roselawn Avenue and associated trunk storm sewer project be scheduled. Due to the large size of the assessment area, arrangements have been made for the use of the Edgerton Elementary School for Thursday, November 16, 1989, beginning at 7 p.m. It is recommended that the attached resolution be adopted.

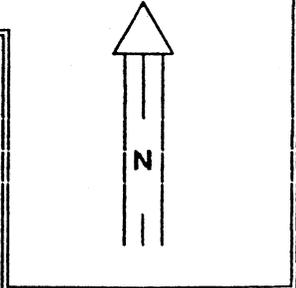
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Jc
Attachments



PROJECT 89-03
EDGERTON/ROSELAWN IMPROVEMENT

SCALE
 N/A



ROSELAWN AVENUE, ARCADE TO 35E
PROJECT 89-03
LOCAL COST AND FINANCING SUMMARY

<u>Item</u>	<u>Street*</u>	<u>Storm Sewer**</u>	<u>Sanitary Sewer Reconst.</u>	<u>Water Main Reconst.</u>	<u>Total</u>
Construction Cost	\$306,400	\$446,000	\$102,000	\$24,000	\$ 879,200
Engineering and Administration	76,600	111,500	25,500	6,200	219,800
Easement and Right-of-Way	11,000	163,500	-	-	174,500
Total Cost	\$394,000	\$721,000	\$127,500	\$31,000	\$1,273,500
Assessment Recovery	138,000	603,000	-	-	741,000
Mn/DOT MSA Off System Transfer	256,000	-	-	-	256,000
General Obligation Financing	-	118,000	-	-	118,000
Sanitary Sewer Depreciation Fund	-	-	127,500	-	127,500
Hydrant Fund	-	-	-	31,000	31,000
Total Financing	\$394,000	\$721,000	\$127,500	\$31,000	\$1,273,500

*Excess width, curb and gutter, walk, and walls.

**Storm sewer, pond construction, and Round Lake outfall.

PROJECT NO. 89-03 EDGERTON/ROSELAWN IMP PH 1 (P)
PROJECT SUMMARY

SEC-17-T-29-R-22-QQ-13 49 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****50.000	UNITS AT	***\$500.000 EA.	= ***\$25,000.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****10.000	UNIT AT	\$1,125.000 EA.	= ***\$11,250.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-14 19 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****19.000	UNITS AT	***\$500.000 EA.	= ***\$9,500.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****13.000	UNIT AT	\$1,125.000 EA.	= ***\$14,625.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-22 87 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****88.000	UNITS AT	***\$500.000 EA.	= ***\$44,000.00
STRM SEW (RH-COMM)	****11,939.000	SF AT	****\$0.100 EA.	= ***\$1,193.90
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-23 65 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****96.000	UNITS AT	***\$500.000 EA.	= ***\$48,000.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	***259,525.000	SF AT	****\$0.025 EA.	= ***\$6,488.13
STREET (RL-RM)	*****4.000	UNIT AT	\$1,125.000 EA.	= ***\$4,500.00
STREET (ALL OTHERS)	*****983.620	FF AT	***\$15.000 EA.	= ***\$14,754.30

SEC-17-T-29-R-22-QQ-24 22 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****10.000	UNITS AT	***\$500.000 EA.	= ***\$5,000.00
STRM SEW (RH-COMM)	***931,150.000	SF AT	****\$0.100 EA.	= ***\$93,115.00
STRM SEW (CEMETARY/PARKS)	***409,972.000	SF AT	****\$0.025 EA.	= ***\$10,249.30
STREET (RL-RM)	*****10.000	UNIT AT	\$1,125.000 EA.	= ***\$11,250.00
STREET (ALL OTHERS)	*****435.100	FF AT	***\$15.000 EA.	= ***\$6,526.50

PROJECT NO. 89-03 EDGERTON/ROSELAWN IMP PH 1 (P)
PROJECT SUMMARY

SEC-17-T-29-R-22-QQ-31

46 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****48.000	UNITS AT	**\$500.000 EA.	= **\$24,000.00
STRM SEW (RH-COMM)	***106,600.000	SF AT	****\$0.100 EA.	= **\$10,660.00
STRM SEW (CEMETARY/PARKS)	***182,081.000	SF AT	****\$0.025 EA.	= ****\$4,552.03
STREET (RL-RM)	*****8.000	UNIT AT	\$1,125.000 EA.	= ****\$9,000.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-32

5 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****12.000	UNITS AT	**\$500.000 EA.	= ****\$6,000.00
STRM SEW (RH-COMM)	***462,318.000	SF AT	****\$0.100 EA.	= **\$46,231.80
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****1.000	UNIT AT	\$1,125.000 EA.	= ****\$1,125.00
STREET (ALL OTHERS)	*****1,105.680	FF AT	***\$15.000 EA.	= **\$16,585.20

SEC-17-T-29-R-22-QQ-34

47 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****56.000	UNITS AT	**\$500.000 EA.	= **\$28,000.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-41

76 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****68.000	UNITS AT	**\$500.000 EA.	= **\$34,000.00
STRM SEW (RH-COMM)	***51,062.000	SF AT	****\$0.100 EA.	= ***\$5,106.20
STRM SEW (CEMETARY/PARKS)	***36,292.000	SF AT	****\$0.025 EA.	= *****\$907.30
STREET (RL-RM)	*****10.000	UNIT AT	\$1,125.000 EA.	= **\$11,250.00
STREET (ALL OTHERS)	*****139.000	FF AT	***\$15.000 EA.	= ***\$2,085.00

SEC-17-T-29-R-22-QQ-42

1 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****0.000	UNITS AT	**\$500.000 EA.	= *****\$0.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	*1,957,150.000	SF AT	****\$0.025 EA.	= **\$48,928.75
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****1,470.150	FF AT	***\$15.000 EA.	= **\$22,052.25

PROJECT NO. 89-03 EDGERTON/ROSELAWN IMP PH 1 (P)
PROJECT SUMMARY

SEC-17-T-29-R-22-QQ-43 48 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****51.000	UNITS AT	***\$500.000 EA.	= ***\$25,500.00
STRM SEW (RH-COMM)	*****0.000	SF AT	****\$0.100 EA.	= *****\$0.00
STRM SEW (CEMETARY/PARKS)	***624,685.000	SF AT	****\$0.025 EA.	= ***\$15,617.13
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-17-T-29-R-22-QQ-44 78 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****17.000	UNITS AT	***\$500.000 EA.	= ***\$8,500.00
STRM SEW (RH-COMM)	***430,785.000	SF AT	****\$0.100 EA.	= ***\$43,078.50
STRM SEW (CEMETARY/PARKS)	***909,097.000	SF AT	****\$0.025 EA.	= ***\$22,727.43
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

SEC-18-T-29-R-22-QQ-14 2 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****0.000	UNITS AT	***\$500.000 EA.	= *****\$0.00
STRM SEW (RH-COMM)	***30,744.000	SF AT	****\$0.100 EA.	= ***\$3,074.40
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****0.000	UNIT AT	\$1,125.000 EA.	= *****\$0.00
STREET (ALL OTHERS)	*****424.800	FF AT	***\$15.000 EA.	= ***\$6,372.00

SEC-18-T-29-R-22-QQ-41 21 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****20.000	UNITS AT	***\$500.000 EA.	= ***\$10,000.00
STRM SEW (RH-COMM)	***241,022.000	SF AT	****\$0.100 EA.	= ***\$24,102.20
STRM SEW (CEMETARY/PARKS)	*****0.000	SF AT	****\$0.025 EA.	= *****\$0.00
STREET (RL-RM)	*****6.000	UNIT AT	\$1,125.000 EA.	= ***\$6,750.00
STREET (ALL OTHERS)	*****0.000	FF AT	***\$15.000 EA.	= *****\$0.00

GRAND TOTALS 566 PARCELS ASSESSED

ITEM	QUANTITY	PER	RATE	ASSESSMENT
STORM SEWER (RL-RM)	*****535.000	UNITS AT	***\$500.000 EA.	= **\$267,500.00
STRM SEW (RH-COMM)	*2,265,620.000	SF AT	****\$0.100 EA.	= **\$226,562.00
STRM SEW (CEMETARY/PARKS)	*4,378,802.000	SF AT	****\$0.025 EA.	= **\$109,470.05
STREET (RL-RM)	*****62.000	UNIT AT	\$1,125.000 EA.	= **\$69,750.00
STREET (ALL OTHERS)	*****4,558.350	FF AT	***\$15.000 EA.	= **\$68,375.25

TOTAL AMOUNT ASSESSED FOR THIS PROJECT = **\$741,657.30

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-13-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0007	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0008	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0009	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0010	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0011	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0012	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0014	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0015	2.00	0.00	0.00	1.00	0.00
17-29-22-13-0016	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0017	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0018	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0021	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0028	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0029	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0035	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0036	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0037	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0039	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0040	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0044	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0055	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0057	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0058	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0059	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0060	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0061	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0062	1.00	0.00	0.00	1.00	0.00
17-29-22-13-0063	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0064	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0066	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0067	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0070	1.00	0.00	0.00	0.00	0.00
17-29-22-13-0071	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0032	1.00	0.00	0.00	0.00	0.00

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-14-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0036	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0037	1.00	0.00	0.00	0.00	0.00
17-29-22-14-0038	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0039	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0040	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0050	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0051	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0052	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0053	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0054	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0055	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0079	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0080	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0081	1.00	0.00	0.00	1.00	0.00
17-29-22-14-0082	1.00	0.00	0.00	1.00	0.00
17-29-22-22-0002	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0003	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0004	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0005	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0007	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0008	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0009	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0010	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0015	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0016	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0017	0.00	11939.00	0.00	0.00	0.00
17-29-22-22-0018	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0022	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0023	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0024	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0025	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0026	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0028	2.00	0.00	0.00	0.00	0.00
17-29-22-22-0029	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0036	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0037	1.00	0.00	0.00	0.00	0.00

10-04-1989

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-22-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0044	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0045	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0046	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0047	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0049	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0050	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0051	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0053	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0055	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0056	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0057	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0058	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0059	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0060	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0061	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0062	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0063	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0064	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0065	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0066	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0068	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0069	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0070	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0071	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0072	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0073	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0074	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0075	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0076	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0077	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0078	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0079	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0080	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0081	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0082	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0083	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0084	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0085	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0086	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0087	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0088	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0089	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0090	1.00	0.00	0.00	0.00	0.00

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-22-0091	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0101	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0102	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0103	1.00	0.00	0.00	0.00	0.00
17-29-22-22-0106	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0001	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0002	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0003	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0004	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0005	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0007	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0008	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0009	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0010	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0011	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0012	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0015	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0016	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0017	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0018	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0021	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0022	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0023	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0024	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0025	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0026	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0028	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0029	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0036	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0037	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0039	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0040	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0044	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0045	1.00	0.00	0.00	0.00	0.00

10-04-1989

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-23-0046	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0047	6.00	0.00	0.00	0.00	0.00
17-29-22-23-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0049	4.00	0.00	0.00	0.00	0.00
17-29-22-23-0050	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0051	4.00	0.00	0.00	0.00	0.00
17-29-22-23-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0053	6.00	0.00	0.00	0.00	0.00
17-29-22-23-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0055	2.00	0.00	0.00	1.00	120.78
17-29-22-23-0056	3.00	0.00	0.00	1.00	123.78
17-29-22-23-0057	3.00	0.00	0.00	1.00	123.78
17-29-22-23-0058	0.00	0.00	39411.00	0.00	123.16
17-29-22-23-0059	0.00	0.00	220114.00	0.00	247.56
17-29-22-23-0060	3.00	0.00	0.00	0.00	123.78
17-29-22-23-0061	2.00	0.00	0.00	1.00	120.78
17-29-22-23-0062	1.00	0.00	0.00	0.00	0.00
17-29-22-23-0063	2.00	0.00	0.00	0.00	0.00
17-29-22-23-0064	5.00	0.00	0.00	0.00	0.00
17-29-22-23-0065	1.00	0.00	0.00	0.00	0.00
17-29-22-24-0001	0.00	84185.00	0.00	0.00	0.00
17-29-22-24-0002	0.00	87073.00	0.00	0.00	0.00
17-29-22-24-0003	0.00	0.00	150718.00	0.00	0.00
17-29-22-24-0004	0.00	0.00	54637.00	0.00	0.00
17-29-22-24-0005	0.00	51278.00	0.00	0.00	0.00
17-29-22-24-0006	0.00	79014.00	0.00	0.00	0.00
17-29-22-24-0007	0.00	59758.00	0.00	0.00	0.00
17-29-22-24-0008	0.00	0.00	204617.00	0.00	0.00
17-29-22-24-0009	0.00	339768.00	0.00	0.00	0.00
17-29-22-24-0010	0.00	4500.00	0.00	0.00	0.00
17-29-22-24-0011	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0012	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0013	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0014	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0015	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0016	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0017	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0018	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0019	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0020	1.00	0.00	0.00	1.00	0.00
17-29-22-24-0021	0.00	180774.00	0.00	0.00	435.10
17-29-22-24-0022	0.00	44800.00	0.00	0.00	0.00
17-29-22-31-0001	1.00	0.00	0.00	1.00	0.00
17-29-22-31-0003	0.00	106600.00	0.00	0.00	0.00
17-29-22-31-0004	2.00	0.00	0.00	1.00	0.00
17-29-22-31-0005	1.00	0.00	0.00	1.00	0.00
17-29-22-31-0006	1.00	0.00	0.00	1.00	0.00
17-29-22-31-0007	2.00	0.00	0.00	1.00	0.00
17-29-22-31-0008	1.00	0.00	0.00	1.00	0.00
17-29-22-31-0009	1.00	0.00	0.00	1.00	0.00

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-31-0010	1.00	0.00	0.00	1.00	0.00
17-29-22-31-0011	2.00	0.00	0.00	0.00	0.00
17-29-22-31-0012	2.00	0.00	0.00	0.00	0.00
17-29-22-31-0024	0.00	0.00	182081.00	0.00	0.00
17-29-22-31-0025	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0026	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0036	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0037	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0039	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0040	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0045	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0046	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0047	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0049	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0050	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0051	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0053	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0055	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0056	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0059	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0060	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0061	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0062	1.00	0.00	0.00	0.00	0.00
17-29-22-31-0063	1.00	0.00	0.00	0.00	0.00
17-29-22-32-0001	8.00	0.00	0.00	0.00	293.23
17-29-22-32-0002	1.00	0.00	0.00	0.00	0.00
17-29-22-32-0003	1.00	0.00	0.00	0.00	0.00
17-29-22-32-0004	0.00	462318.00	0.00	0.00	812.45
17-29-22-32-0005	2.00	0.00	0.00	1.00	0.00
17-29-22-34-0001	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0002	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0003	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0004	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0005	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0007	1.00	0.00	0.00	0.00	0.00

D/P NO. 6016
QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-34-0008	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0009	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0010	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0011	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0012	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0015	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0016	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0017	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0018	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0019	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0044	0.00	0.00	0.00	0.00	0.00
17-29-22-34-0047	4.00	0.00	0.00	0.00	0.00
17-29-22-34-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0049	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0050	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0051	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0053	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0055	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0056	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0057	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0058	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0059	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0060	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0062	2.00	0.00	0.00	0.00	0.00
17-29-22-34-0063	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0064	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0065	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0066	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0067	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0068	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0069	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0070	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0071	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0076	1.00	0.00	0.00	0.00	0.00
17-29-22-34-0077	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0001	0.00	51062.00	0.00	0.00	139.00
17-29-22-41-0002	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0003	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0004	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0005	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0006	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0007	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0008	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0009	0.00	0.00	0.00	1.00	0.00
17-29-22-41-0010	1.00	0.00	0.00	1.00	0.00

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-41-0011	1.00	0.00	0.00	1.00	0.00
17-29-22-41-0012	1.00	0.00	0.00	1.00	0.00
17-29-22-41-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0015	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0016	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0017	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0018	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0021	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0022	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0023	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0024	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0025	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0026	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0028	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0029	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0036	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0037	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0039	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0040	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0044	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0045	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0046	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0047	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0049	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0050	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0051	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0053	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0054	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0055	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0056	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0057	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0058	0.00	0.00	36292.00	0.00	0.00
17-29-22-41-0060	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0062	1.00	0.00	0.00	0.00	0.00

10-04-1989

D/P NO. 6016
QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-41-0063	2.00	0.00	0.00	0.00	0.00
17-29-22-41-0064	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0065	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0066	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0067	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0068	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0069	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0070	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0071	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0072	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0073	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0074	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0075	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0076	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0077	1.00	0.00	0.00	0.00	0.00
17-29-22-41-0078	1.00	0.00	0.00	0.00	0.00
17-29-22-42-0001	0.00	0.00	1957150.00	0.00	1470.15
17-29-22-43-0002	0.00	0.00	40110.00	0.00	0.00
17-29-22-43-0003	0.00	0.00	79279.00	0.00	0.00
17-29-22-43-0004	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0005	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0008	0.00	0.00	174240.00	0.00	0.00
17-29-22-43-0009	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0010	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0011	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0012	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0013	2.00	0.00	0.00	0.00	0.00
17-29-22-43-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0015	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0016	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0017	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0018	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0021	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0022	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0023	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0024	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0025	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0027	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0028	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0029	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0030	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0031	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0032	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0033	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0034	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0035	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0036	1.00	0.00	0.00	0.00	0.00

D/P NO. 6016

QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
 COL. 2) = STRM SEW (RH-COMM) - SF
 COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
 COL. 4) = STREET (RL-RM) - UNIT
 COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-43-0037	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0038	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0039	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0040	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0041	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0042	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0043	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0046	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0047	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0048	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0049	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0050	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0051	0.00	0.00	331056.00	0.00	0.00
17-29-22-43-0052	1.00	0.00	0.00	0.00	0.00
17-29-22-43-0055	2.00	0.00	0.00	0.00	0.00
17-29-22-44-0001	0.00	6000.00	0.00	0.00	0.00
17-29-22-44-0002	0.00	54750.00	0.00	0.00	0.00
17-29-22-44-0003	0.00	10000.00	0.00	0.00	0.00
17-29-22-44-0004	0.00	12400.00	0.00	0.00	0.00
17-29-22-44-0005	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0006	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0007	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0008	2.00	0.00	0.00	0.00	0.00
17-29-22-44-0009	0.00	0.00	909097.00	0.00	0.00
17-29-22-44-0011	4.00	0.00	0.00	0.00	0.00
17-29-22-44-0012	0.00	20537.00	0.00	0.00	0.00
17-29-22-44-0013	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0014	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0015	2.00	0.00	0.00	0.00	0.00
17-29-22-44-0016	0.00	9675.00	0.00	0.00	0.00
17-29-22-44-0017	0.00	10320.00	0.00	0.00	0.00
17-29-22-44-0018	0.00	17603.00	0.00	0.00	0.00
17-29-22-44-0019	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0020	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0021	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0022	1.00	0.00	0.00	0.00	0.00
17-29-22-44-0023	0.00	31244.00	0.00	0.00	0.00
17-29-22-44-0093	0.00	4526.00	0.00	0.00	0.00
17-29-22-44-0094	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0095	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0096	0.00	4756.00	0.00	0.00	0.00
17-29-22-44-0097	0.00	4526.00	0.00	0.00	0.00
17-29-22-44-0098	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0099	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0100	0.00	4756.00	0.00	0.00	0.00
17-29-22-44-0101	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0102	0.00	4596.00	0.00	0.00	0.00
17-29-22-44-0103	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0104	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0105	0.00	4526.00	0.00	0.00	0.00

10-04-1989

D/P NO. 6016
QUANTITY CHECK LIST

COL. 1) = STORM SEWER (RL-RM) - UNITS
COL. 2) = STRM SEW (RH-COMM) - SF
COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
COL. 4) = STREET (RL-RM) - UNIT
COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
17-29-22-44-0106	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0107	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0108	0.00	4756.00	0.00	0.00	0.00
17-29-22-44-0109	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0110	0.00	4596.00	0.00	0.00	0.00
17-29-22-44-0111	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0112	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0113	0.00	4506.00	0.00	0.00	0.00
17-29-22-44-0114	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0115	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0116	0.00	4726.00	0.00	0.00	0.00
17-29-22-44-0117	0.00	4506.00	0.00	0.00	0.00
17-29-22-44-0118	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0119	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0120	0.00	4726.00	0.00	0.00	0.00
17-29-22-44-0121	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0122	0.00	4596.00	0.00	0.00	0.00
17-29-22-44-0123	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0124	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0125	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0126	0.00	4596.00	0.00	0.00	0.00
17-29-22-44-0127	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0128	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0129	0.00	4526.00	0.00	0.00	0.00
17-29-22-44-0130	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0131	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0132	0.00	4726.00	0.00	0.00	0.00
17-29-22-44-0133	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0134	0.00	4886.00	0.00	0.00	0.00
17-29-22-44-0135	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0136	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0137	0.00	4506.00	0.00	0.00	0.00
17-29-22-44-0138	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0139	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0140	0.00	4726.00	0.00	0.00	0.00
17-29-22-44-0141	0.00	4506.00	0.00	0.00	0.00
17-29-22-44-0142	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0143	0.00	4616.00	0.00	0.00	0.00
17-29-22-44-0144	0.00	4726.00	0.00	0.00	0.00
17-29-22-44-0145	0.00	4481.00	0.00	0.00	0.00
17-29-22-44-0146	0.00	4886.00	0.00	0.00	0.00
17-29-22-44-0147	0.00	4741.00	0.00	0.00	0.00
17-29-22-44-0148	0.00	4481.00	0.00	0.00	0.00
18-29-22-14-0007	0.00	30744.00	0.00	0.00	190.00
18-29-22-14-0008	0.00	0.00	0.00	0.00	234.80
18-29-22-41-0001	1.00	0.00	0.00	1.00	0.00
18-29-22-41-0002	1.00	0.00	0.00	1.00	0.00
18-29-22-41-0003	1.00	0.00	0.00	1.00	0.00
18-29-22-41-0004	1.00	0.00	0.00	1.00	0.00
18-29-22-41-0005	1.00	0.00	0.00	1.00	0.00

PROJECT NO. 89-03
D/P NO. 6016
QUANTITY CHECK LIST

EDGERTON/ROSELAWN IMP PH 1 (P)

PAGE 12 OF 12
10-04-1989

COL. 1) = STORM SEWER (RL-RM) - UNITS
COL. 2) = STRM SEW (RH-COMM) - SF
COL. 3) = STRM SEW (CEMETARY/PARKS) - SF
COL. 4) = STREET (RL-RM) - UNIT
COL. 5) = STREET (ALL OTHERS) - FF

PIN NO.	COL 1	COL 2	COL 3	COL 4	COL 5
18-29-22-41-0006	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0007	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0008	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0009	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0010	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0011	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0012	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0013	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0014	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0015	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0016	1.00	0.00	0.00	1.00	0.00
18-29-22-41-0017	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0018	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0019	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0020	1.00	0.00	0.00	0.00	0.00
18-29-22-41-0021	0.00	241022.00	0.00	0.00	0.00
GRAND TOTALS	535.00	2265620.00	4378802.00	62.00	4558.35

RESOLUTION

ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the city engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Roselawn Avenue from Arcade Street to Interstate 35E, City Project 89-03, by construction of bituminous street with concrete curb and gutter, sidewalk, storm sewer, water main, and sanitary sewer reconstruction together with trunk storm sewer outfall to serve area roughly bounded by Larpenteur Avenue, Arcade Street, County Road B, and Interstate 35E, and

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

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

1. The report of the city engineer advising this council that the proposed improvement on Roselawn Avenue from Arcade Street to Interstate 35E, City Project 89-03, by construction of bituminous street with concrete curb and gutter, sidewalk, storm sewer, water main, and sanitary sewer reconstruction together with trunk storm sewer outfall to serve area roughly bounded by Larpenteur Avenue, Arcade Street, County Road B, and Interstate 35E is feasible and should best be made as proposed, is hereby received.
2. The council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to MSA Chapter 429, at an estimated total cost of the improvement of \$2,252,400.
3. A public hearing will be held at Edgerton School at 1929 Edgerton Street on Thursday, the 16th day of November, 1989, at 7 p.m. to consider said improvement. The city clerk shall give mailed and published notice of said hearing and improvement as required by law.

Action by Council:

A G E N D A R E P O R T

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: Mayor and City Councilmembers
FROM: City Manager
RE: Council Meeting Dates for Balance of 1989
DATE: October 17, 1989

The following are the dates for Council Meetings that are currently scheduled. We should review these dates and add or delete:

Monday	October 23, 1989	7:00 p.m.	Regular Council Meeting
Thursday	October 26, 1989	4:30 p.m.	Regular Council Meeting
Monday	October 30, 1989	4:30 p.m.	Council/Manager Meeting
Monday	November 13, 1989	7:00 p.m.	Regular Council Meeting
Thursday	November 16, 1989	4:30 p.m.	Regular Council Meeting
Monday	November 27, 1989	7:00 p.m.	Regular Council Meeting
Thursday	November 30, 1989	4:30 p.m.	Regular Council Meeting
Monday	December 11, 1989	7:00 p.m.	Regular Council Meeting
Thursday	December 14, 1989	4:30 p.m.	Regular Council Meeting
Monday	December 25, 1989		No Meeting - Holiday
Thursday	December 28, 1989	4:30 p.m.	Regular Council Meeting

AGENDA REPORT

I-7

To: City Manager Michael McGuire
From: Chief of Police Kenneth V. Collins *KVC*
Subject: Request For Stop Sign - City Heights Drive & Summer
Date: October 16, 1989

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

Introduction

Residents in the area of City Heights Drive and Summer have requested that a stop sign be placed in this area. The request is being made because approximately 15 young school children wait for the school bus at this location.

Mrs. Tom Carlstrom, 1828 Onacrest Curve, presented the attached petition signed by area residents supporting the placement of a stop sign on City Heights Drive at Summer.

Background

Our records reveal that there have been no accidents at this intersection or in this immediate area during the past three years.

Recommendation

This matter be reviewed and sent to the City Council for action.

Action

The City Council review this matter and approve placement of a stop sign on City Heights at Summer.

KVC:js

September 24, 1989

We, the undersigned, agree we would like to see a stop sign installed at the intersection of City Heights and Summer streets in Maplewood, stopping the traffic on City Heights before it enters onto Summer street.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Cindy Stromback	143 Summer Ave.	488-9532
2. Clifford Christianson	109 E. Summer Ave.	488-8688
3. Mary Lass	1870 Jackson	489-3823
4. Lynnette Cooper	162 E. Summer Ar.	489-3361
5. Muriel Paulson	202 Summer A	488-1957
6. Barbara Mazurek	1853 Onacrest Co.	488-5120
7. Gretchen Bory	1839 Onacrest Co.	489-0124
8. Paula M. Metch	1838 Agate St	489-7534
9. Carol Cloa	1829 Agate St	Unlisted
10. Colene Zaiser	1793 Agate St.	489-6106
11. Barb Gallagher	1785 Agate St	489-0050
12. John Gallagher	1785 Agate St	489-0050
13. Lj. Churchich	1777 Agate St.	488-1529
14. Sandra A Churchich	1777 Agate St	488-1529
15. Alice Schield	1763 Agate St.	487-2908
16. Kathleen Breisler	1755 Agate St.	488-1393
17. Joseph J Deeb Jr	1758 Agate St.	489-2976
18. Kurt Linn	1772 Agate St.	488-5210
19. Mr Mrs C Fernandez	1780 Agate St	489-0514
20. Mrs J W. W. W.	1786 Agate	488-2802

September 24, 1989

We, the undersigned, agree we would like to see a stop sign installed at the intersection of City Heights and Summer streets in Maplewood, stopping the traffic on City Heights before it enters onto Summer street.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Tut Thompson	1794 Onacrest	488-8068
2. Milo Thompson	1794 Onacrest	488-8068
3. Harvie Sutton	1793 Onacrest	489-5643
4. Donald Sutton	1793 Onacrest	489-5643
5. Kris Klein	1790 Onacrest	487-3403
6. Pete Schauer	1786 Onacrest CV.	489-0170
7. Wanda Moun	1778 Onacrest CV	489-2680
8. Lynn DeWach	1774 Onacrest W.	489-4215
9. Vu Yang	1764 Onacrest	487-1394
10. Marvin Klein	1767 Onacrest Cw	487-3175
11. Doreen Klein	1757 Onacrest CV.	
12. Larry Dittel	1754 Onacrest CV.	489-9059
13. Mary Walker	1748 Onacrest CV.	489-7042
14. Jeff Vogt	1747 Onacrest Cw	489-0832
15. Joan Burton	1744 Onacrest CV.	488-9621
16. Eleanor Anderson	1740 "	489-2432
17. T. Borben	1733 Agate	489-9577
18. Myr & Jerry	1730 AGATE	488-3204
19. Lori Lonetti	1722 N. Agate	488-1926
20. L. B. Stenger	1714 Agate	488-9442

September 24, 1989

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<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Marki Oltman	1845 Onacrest Curve	488-5229
2. Barbara Bovy	1839 Onacrest Cv.	489-0124
3. Jerome S. Bovy	"	"
4. Toni Kosniicki	1827 Onacrest Curve	488-9470
5. Marvin Bjostad	1823 ONACREST. CV.	489-1805
6. Joann Bjostad	1823 Onacrest Cv	489-1805
7. Thomas Ryan	1820 Onacrest Cr	488-5035
8. Paul T Schneider	1826 Onacrest	489-6796
-9. Arlen Schneider	1826 Onacrest	489-6796
-10. Vicki L.R. Carlstrom	1828 Onacrest Curve	489-5866
-11. Tom Carlstrom	"	"
12. Mary Bued	1830 Onacrest Curve	488-2940
13. Roy Nordstrom	1845 Onacrest cv.	4883633
14. K. Ann Wanki	1831 " "	489 0019
15. Glenn Paulson	202 E. SUMMER	488-1957
16. Dick Schally	108 E. Summer	488-5652
17. Robert Gregor	193 Summer St.	
18. Melissa McLean	185 Summer	488-3757
19. Karol Anton	171 Summer	489-4156
20. Claudette Leonard	170 E. Summer	489-1783
21. Jim Leonard	170 E Summer	489-1783
22. Mike Leonard	170 E Summer Ave	489-1783

September 24, 1989

We, the undersigned, agree we would like to see a stop sign installed at the intersection of City Heights and Summer streets in Maplewood, stopping the traffic on City Heights before it enters onto Summer street.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Diane Bunde	1854 Onacrest Curve	489-2414
2. Josh Bunde	1854 Onacrest Curve	489-2414
3. Harry Kemelke	207 E Summer ave	488-3436
4. Jean Kauseker	177 E. Summer Ave.	489-7995
5. Walter D Eysk	135 E Summer Ave	488-3804
6. Mary and Kristie Lochr	113 Summer Av	489-5263
7. Paulette Bresse	116 E. Summer	488-0302
8. Arlene Andert	124 E Summer	488-3013
9. Glennifer Rynock	1845 City Hgts. Dr.	488-5763
10. Mary Merth	1541 York Ave.	776-7220
11. Michael Ew	1932 Agate Str	489-4090
12. John Peterson	1826 AGATE ST.	488-3709
13. Jane Ischida	1820 Agate St.	488-3801
14. Jerry Blowing	1814 Agate St.	489-4408
15. Mrs Fred Bisson	1808 Agate	489-1850
16. Mrs Roger Nelsson	1800 Agate	488-5417
17. Mrs & Mr Deane & Orchard	1799 Agate St.	488-3792
18. Mr & Mrs Valis W	1805 Agate St.	489-1152
19. Julie + Rick Jirka	157 Summer Ave	489-4543
20. Jackie + DAN Parud	151 Summer Ave	489-6607

September 24, 1989

We, the undersigned, agree we would like to see a stop sign installed at the intersection of City Heights and Summer streets in Maplewood, stopping the traffic on City Heights before it enters onto Summer street.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Patricia Knight	1831 City Hgts	488-7755
2. Marge Wallace	1825 City Hgts Dr.	488-9169
3. Melanie Downham	1817 City Hgts Dr.	488-9263
4. Christine Busch	1791 City Hts Dr.	489-2650
5. John Warner	1747 City Heights Dr	489-4760
6. Phyllis Brown	1741 City Heights	488-2726
7. Margaret Pavel	144 Kingston	488-3688
8. Betty Blum	152 Kingston	489-5077
9. Judith Block	1746 City Hts Dr.	488-9247
10. Robert Meyer	1755 City Hgts Dr.	489-8792
11. Howard W Brown	1766 city Hgts Dr	488 5032
12. Kay Ahland	1780 City Hts Dr.	489-7275
13. Rosin Awey	1792 City Hts Dr	489-6375
14. Chris Frampton	1822 City Heights Dr	488-7835
15. Mike Luk	2122 Agate.	429-1008
16. Nancy Bergdorf	1736 Manchester.	488-9864
17. Eileen Eaves	1832 agate	489-4090
18.		
19.		
20.		

September 24, 1989

We, the undersigned, agree we would like to see a stop sign installed at the intersection of City Heights and Summer streets in Maplewood, stopping the traffic on City Heights before it enters onto Summer street.

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1. Richard A. Furber	1706 Agate	489-9322
2. Carol Berglund	1699 Agate	488-3517
3. Lou Ann Egan	1750 Agate	489-1829
4. Kathy Paul	1933 Payne Ave.	778-9925
5. Sue A. Penetti	2026 Bradley St #201	488-1924
6. Ellen A. Borg	1961 Lee St	774-3453
7. Weneng Wang	1821 Onacrest	489-0934
8. Vu Yang	1821 Onacrest	489-0934
9. Va Yang	— " —	— " —
10. Genet Hong	1961 LEE ST	774-3453
11. Richard J. Haub	217 E. Summer Ave	489-6437
12. Shirley Toule	217 E. Summer Ave	489-6437
13. Jude E. Hall	121 E. Summer Ave.	489-8924
14. Pat Blawie	1780 Onacrest	489-3252
15. G.O. King, Sr.	1740 City Hts. Dr.	488-9069
16. Hon Su	1703 "	488-8938
17. R.M. Andrew	1771 City Heights Dr.	488-3258
18. D.J. Halman	1774 City Hgts Dr	488-4695
19. Bernice Lambert	1785 City Hgts Dr.	488-5483
20. Pam Zuen	1811 City Hgts. Dr.	488-0845

AGENDA ITEM L-1

Chief Collins is at Conference and will present this at the meeting.

Action by Council:

Endorsed

Modified

Rejected

Date

Petition

SEP 21 1989

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Cope Ave

Laurie RD

Apt. 400R

Wh-Bear Ave

Prosperity

Clarence

~~County~~ County Rd 0

~~Cope Ave~~ Hazlewood Ave.

Laurie Rd

mesabi Ave

SHERREN AVE

COPE AVE

Laurie

Rosewood Ave

Cope

6th St

Dick Jechorek

~~[scribble]~~

Laurie Rd.

DULUTH ST

~~Clark Ave~~ CLARK AVE

Kenneth St

Joseph Z Fleming

John Wend

Julie Kondra-

Kathryn Crowe

Dorell Soren

KG Schler

~~[scribble]~~

Mary Z Anderson

~~[scribble]~~

R Rouson

Z Martin

William H. Hef

Russ Scler

Kevin Jechorek

Ken Vener

~~[scribble]~~

Rosemont

~~[scribble]~~

Derek Gold

Christels Hunt

Zed Kehler

R.D. McCarter

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Cope Ave	K. A. Lewis
Greenwood Ave.	Elizabeth J. Jersak
Rosewood AVE SW	Mike Abieg
Yorkhawk Rd	Marcelle A. Jersak
Chambers	F. J. Jersak
Prosperity Ave	J. J. Jersak
Lark	K. L. Jersak
Burke Ave	G. M. Jersak
LARK	Steve O. Lanson
White Bear	Susan Thacker
White Bear	Dennis R. Dick
White Bear (Cope)	Steven J. Berg
PROSPERITY	B. R. Jersak
PROSPERITY	Ray J. Jersak
Sandhurst	Jerry Jersak
Grandview	M. Wilsberg
White Bear	John Kahn
Prosper. ty	Dave Zurek
Prosperity	Michelle Trost
Arthur St	Chris Jersak
	A. Jersak

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

1811 N. HOWARD ST, MAPLEWOOD
55109

Cottage Lane

Russell Johnson
Pat Johnson

1804 Mesabi Maplewood
55109

Michelle
Quinn

1922 Mesabi Maplewood
55109

Sheri
Olson

2780 N. Hwy 61 MAPLEWOOD
55109

David Syl

310 CHURCH HILL ROSKILL
55113

Jay Miller

1308 Cope Ave E Maplewood
55109

St. Paul

1632 COPE MAPLEWOOD
55109

Carrie
Barnett

Dary Mantuff 1617 Brook 55109
Maplewood

Mike Lentsch

~~1460~~ 1460 EAST CO RD B

2256 Craig Place

Carey
Barnbach

3558 oak terrace

Er Musto

1485 Manton

1450 E Sandhurst

Craig Cornelius
Katherine Lutz

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

NAME OF STREET	SIGNATURE
1450 Sandhurst	John M. Lester
2931 Woodbridge Roseville MN 55113	Tatum Lesman
927 Westminster St. Paul MN 55101	Jaura Meyer
891 Cobb Rd. Shoreview MN	Christa Wegward
1442 E. Sandhurst Maplewood 55112	Ed BAKER
1446 E Laurie Maplewood 55109	Chris Brunner
2375 Kuyfe Tefz North 7th St. Paul MN 55109	Kuyfe Tefz
2229 Hazelwood Maplewood MN 55109	April Mas Ath
1468 E. Eldridge Ave. Maplewood MN 55109	G. Kistler
1698 E. SANDHURST Mplwd MN 55109	Stacy J. Jancetta
1676 E. SANDHURST MPLWD M 55109	John Kunkel
1676 R. Sandhurst, mpwd mn. 55109	Jim Russell
1964 J. Jancetta Mplwd MN. 55109	Denore Russell
Keppard St.	John E. Johnson
325 Hazelwood St. St. Paul MN 55102	John Brutto
1470 Larch Ave MAPLEWOOD	Patricia Robertson
Demont Ave Maplewood 55109	Jane O'Keefe
1877 Dieter St. MAPLEWOOD 55109	Paul W. Moore
" " " "	ROMP
Adile St. Maplewood 55109	Sarah A. Benson

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

NAME OF STREET	SIGNATURE
1975 Lark Ave Maplewood	Albert Wong
2236 German St. Maplewood	Willie
621 Belland Ave	L Kirby
141 Radatz Ave	Joseph Jenson
1003 Northwood Dr. N.S.P.	James W. White
727 Demont Maplewood	James J. White
1283 Hazelwood St. Park.	Bob Kelly
1750 Lark Ave.	Ellen C. Jansen
1917 E. COPE AVE.	Letta Jenson
2112 Delaware Ave	Don Royce
471 E Sidney.	J Randall
1701 E. CO RD B	Randall W. Allen
1597 Frost Ave	Elmer Swendsen
U-Haul 3242 White Bear Ave.	Alex Juhl
Carpenter Ave -	John Stoto
Hazelwood St	Edrickson
Prosperity Rd.	Dave J. Peterson
Pleasant Ave.	Steve Peters
	Sure as hell not me!

PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

1701 Co. rd. B.

Shirley Allen

1282 @ Cape

Roger Lantz

1751 E. Cape Ave

Donald Quick

1130 E. Conway

Joe V. Benkovic

3748 Bellvue Trl

Ray Krupen

1746 Co. rd B

Eric Hansen

1647 E Co Rd C

~~Mr. & Mrs. S. J. ...~~ S. J. ...

1512 E Laurie Rd

Mr & Mrs R. J. Lane

1520 E Sandhurst

Mr. & Mrs. Joseph Walton

1674 Lark Ave

Doug Dufrene

1764 Hy 36

Don P. ...

2233 Craig Pl.

Bob M. ...

2616 Bittersweet Lane

U-Haul Co

~~...~~

~~...~~ ... Ave

Juan M Robinson
1274 E Nebraska ST Paul 55106

~~A Do~~

A Do ...

1668 Barclay

Valerie Jaworski

1922 Castle Ave

Darla Troach

1015 York AVE. #1

Kay Wheeler

2019 Kennard

Cay W. Chart

2227 White Beau Ave.

Joseph L. Lapinski

2241 N. HAZEL ST.

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PETITION IN FAVOR OF KEEPING DRIVEWAY FROM PROSPERITY AVE. INTO FLEMING'S AUTO SERVICE

NAME OF STREET

SIGNATURE

Charles H. Wood
1699 N. Rosewood Ave. - Maplewood

2019 N. Kenwood St - Maplewood

Joan D. Savage
James W. Dwyer

And S. Chidambaram