

AGENDA

MAPLEWOOD CITY COUNCIL  
7:00 P.M., Monday, December 8, 1986  
Municipal Administration Building  
Meeting 86-33

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

(D) APPROVAL OF AGENDA

(E) CONSENT AGENDA

1. Accounts Payable
2. Final Plat : Barclay Addition
3. Final Plat : Highwood Addition
4. Final Plat : Tilsen's Maplewood Heights #14
5. Utility Acceptance : Project 85-15
6. Licenses, C.N.W. Railroad : Project 86-03B

(E-A) ST. PAUL EAST METRO ECONOMIC DEVELOPMENT COUNCIL

(F) PUBLIC HEARINGS

1. 7:00 P.M., Preliminary Plat : Woodlyn Heights Townhomes #2 \_\_\_\_\_
2. 7:10 P.M., Variances & Plan Review : 1918 Beam Avenue (Pier I Imports) \_\_\_\_\_

(G) AWARD OF BIDS

(H) UNFINISHED BUSINESS

1. Conditional Use Permit Revision : 831 No. Century (Dege) \_\_\_\_\_

(I) NEW BUSINESS

1. Conditional Use Permit Renewal : Co. Rd. C (N.W. Bell) \_\_\_\_\_
2. Time Extension : Beaver Creek Apartments \_\_\_\_\_
3. Bud Kolby 2nd Addition Petition : Project 86-33 \_\_\_\_\_
4. P.U.D. Reapplication : Larpenteur & McKnight \_\_\_\_\_
5. Budget Transfer : Signs \_\_\_\_\_
6. Contract Negotiations : Computer System \_\_\_\_\_
7. Ordinance to Increase Sewer Rates (1st Reading) \_\_\_\_\_
8. Budget Transfer - Emergency Services \_\_\_\_\_
9. Pipeline Safety Resolution \_\_\_\_\_
10. Early Retirement Health Insurance \_\_\_\_\_
11. Authorization to Fill Police Department Vacancies \_\_\_\_\_
12. Authorization to Redistrict Precinct Boundaries \_\_\_\_\_

(J) VISITOR PRESENTATIONS

(K) COUNCIL PRESENTATIONS

1. \_\_\_\_\_
2. \_\_\_\_\_
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8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

(L) ADMINISTRATIVE PRESENTATIONS

(M) ADJOURNMENT

Payroll  
11-26-86

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07516	01-0109	GREAVU	JOHN	C	400.00
07517	01-0480	WASILUK	CHARLOTTE	P	325.00
07518	01-1318	BASTIAN	GARY	W	325.00
07519	01-7538	JUKER	FRANCES	L	325.00
07520	01-8088	ANDERSON	NORMAN	G	325.00
DIVISION 01 LEGISLATIVE					1700.00
07521	02-1812	LAIS	DONALD		2239.20
07522	02-9671	BEHM	LOIS	N	818.65
DIVISION 02 CITY MANAGER					3057.85
07523	10-4474	JAHN	DAVID	J	66.75
07524	10-6523	SWANSON, JR.	LYLE	E	748.40
DIVISION 10 CITY HALL MAINT					815.15
07525	12-0124	DOHERTY	KATHLEEN	M	717.05
07526	12-0166	CUDE	LARRY	J	242.40
07527	12-0908	ZUERCHER	JOHN	L	157.60
DIVISION 12 EMERGENCY SERVICES					1117.05
07528	21-1078	FAUST	DANIEL	F	1784.68
DIVISION 21 FINANCE ADMINISTRATION					1784.68
07529	22-0614	HAGEN	ARLINE	J	1128.86
07530	22-4432	MOELLER	MARGARET	A	882.56
07531	22-4446	MATHEYS	ALANA	K	846.19
07532	22-7550	VIGNALO	DELORES	A	818.65
DIVISION 22 ACCOUNTING					3676.26

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07533	31-2198	AURELIUS	LUCILLE	E	1649.48
07534	31-9815	SCHADT	JEANNE	L	736.83
DIVISION 31 CITY CLERK ADMINISTRATION					2386.31
07535	33-0547	KELSEY	CONNIE	L	156.36
07536	33-4435	VIETOR	LORRAINE	S	693.05
07537	33-4994	HENSLEY	PATRICIA	A	653.91
07538	33-6105	CARLE	JEANETTE	E	704.75
07539	33-8389	GREEN	PHYLLIS	C	959.85
DIVISION 33 DEPUTY REGISTRAR					3167.92
07540	41-1717	COLLINS	KENNETH	V	1853.48
07541	41-2356	RICHIE	CAROLE	L	748.10
07542	41-2934	SVENDSEN	JOANNE	M	942.38
07543	41-3183	NELSON	ROBERT	D	1619.88
07544	41-7636	OMATH	JOY	E	685.85
07545	41-9263	MARTINSON	CAROL	F	622.25
DIVISION 41 PUBLIC SAFETY ADMIN					6471.94
07546	42-0130	ZAPPA	JOSEPH	A	1792.01
07547	42-0251	STILL	VERNON	T	1264.68
07548	42-0457	SKALMAN	DONALD	W	1287.88
07549	42-0990	MORELLI	RAYMOND	J	1287.89
07550	42-1204	STEFFEN	SCOTT	L	1259.95
07551	42-1364	ARNOLD	DAVID	L	1455.26
07552	42-1577	BANICK	JOHN	J	1351.09
07553	42-1660	BOHL	JOHN	C	1119.08
07554	42-1930	CLAUSON	DALE	K	1311.88
07555	42-2063	MOESCHTER	RICHARD	M	1398.55
07556	42-2115	ATCHISON	JOHN	H	1351.08
07557	42-2884	PELTIER	WILLIAM	F	1455.26
07558	42-2899	SZCZEPANSKI	THOMAS	J	1070.56
07559	42-3243	WELCHLIN	CABOT	V	1016.80
07560	42-3591	LANG	RICHARD	J	1382.09

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07561	42-4801	RYAN	MICHAEL	P	1528.39
07562	42-4916	HERBERT	MICHAEL	J	1327.08
07563	42-6119	DREGER	RICHARD	C	1495.67
07564	42-7686	MEEHAN, JR	JAMES	E	1373.32
07565	42-7887	GREEN	NORMAN	L	1455.26
07566	42-8226	STAFNE	GREGORY	L	1287.88
07567	42-8516	HALWEG	KEVIN	R	1509.14
07568	42-9204	STOCKTON	DERRELL	T	1326.76
07569	42-9867	BOWMAN	RICK	A	1241.48
DIVISION 42 POLICE SERVICES					32349.04
07570	43-0009	KARIS	FLINT	D	1311.99
07571	43-0466	HEINZ	STEPHEN	J	1289.48
07572	43-0918	NELSON	CAROL	M	1498.98
07573	43-1789	GRAF	DAVID	M	1336.68
07574	43-2052	THOMALLA	DAVID	J	1501.38
07575	43-2201	YOUNGREN	JAMES	G	1531.24
07576	43-4316	RAZSKAZOFF	DALE	E	1351.08
07577	43-6071	VORWERK	ROBERT	E	1498.62
07578	43-7418	BERGERON	JOSEPH	A	1135.88
07579	43-7791	MELANDER	JON	A	1660.98
07580	43-8434	BECKER	RONALD	D	1336.68
DIVISION 43 PARAMEDIC SERVICES					15452.99
07581	45-1878	EMBERTSON	JAMES	M	1383.88
07582	45-3333	WILLIAMS	DUANE	J	1256.68
DIVISION 45 FIRE PREVENTION					2640.56
07583	46-0183	RABINE	JANET	L	959.49
07584	46-0322	STAHNKE	JULIE	A	862.09
07585	46-0389	BOYER	SCOTT	K	701.13
07586	46-1899	CAHANES	ANTHONY	G	1455.26
07587	46-5919	NELSON	KAREN	A	939.37
07588	46-7030	MARTIN	SHAWN	M	959.49

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07589	46-7236	FLAUGHER	JAYME	L	957.77
DIVISION 46 DISPATCHING SERV					6834.60
07590	51-0267	BARTA	MARIE	L	664.09
07591	51-3174	WEGWERTH	JUDITH	A	395.67
07592	51-6872	HAIDER	KENNETH	G	1735.08
DIVISION 51 PUBLIC WORKS ADMIN					2794.84
07593	52-0547	MEYER	GERALD	W	1205.81
07594	52-1241	KANE	MICHAEL	R	1174.19
07595	52-1431	LUTZ	DAVID	P	1044.52
07596	52-1484	REINERT	EDWARD	A	1147.33
07597	52-3473	KLAUSING	HENRY	F	1132.49
07598	52-4037	HELEY	RONALD	J	1125.55
07599	52-6224	TEVLIN, JR.	HARRY	J	1207.80
07600	52-6254	FREBERG	RONALD	L	1082.10
07601	52-6755	PRETTNER	JOSEPH	B	1580.62
07602	52-8314	CASS	WILLIAM	C	1421.66
DIVISION 52 STREET MAINTENANCE					12122.07
07603	53-1010	ELIAS	JAMES	G	1169.85
07604	53-1688	PECK	DENNIS	L	1169.85
07605	53-2522	PRIEBE	WILLIAM		1141.85
07606	53-3970	AHL-JR.	RAY	C	1440.06
07607	53-4671	GESSELE	JAMES	T	1125.85
07608	53-6109	GEISSLER	WALTER	M	1147.45
DIVISION 53 ENGINEERING					7194.91
07609	54-3775	LOFGREN	JOHN	R	829.74
DIVISION 54 PUBLIC WORKS BLDG MAINT					829.74

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07610	58-1014	NADEAU	EDWARD	A	1231.95
07611	58-1590	MULWEE	GEORGE	W	1123.35
07612	58-1720	NUTESON	LAVERNE	S	1631.56
07613	58-2563	BREHEIM	ROGER	W	1180.41
07614	58-2582	EDSON	DAVID	B	1218.45
DIVISION 58 SAN SEWER OPERATION					6385.72
07615	59-1000	MULVANEY	DENNIS	M	1113.85
07616	59-9760	MACDONALD	JOHN	E	662.85
DIVISION 59 VEH & EQUIP MAINT					1776.70
07617	61-0389	ODEGARD	ROBERT	D	1665.48
07618	61-1066	BRENNER	LOIS	J	873.13
07619	61-1993	KRUMMEL	BARBARA	A	342.52
07620	61-2618	STAPLES	PAULINE		1322.46
DIVISION 61 COMM SERVICES ADMIN					4203.59
07621	62-0341	WILLIAMS	CURTIS	J	356.40
07622	62-3411	GUSINDA	MELVIN	J	1327.26
07623	62-3790	ANDERSON	ROBERT	S	884.25
07624	62-3915	LINDORFF	DENNIS	P	981.05
07625	62-4121	HELEY	ROLAND	B	1029.85
07626	62-5506	MARUSKA	MARK	A	1066.26
07627	62-7219	BURKE	MYLES	R	1074.25
07628	62-8182	GERMAIN	DAVID	A	1049.05
07629	62-9784	HUNTER	TONY		92.00
DIVISION 62 PARK MAINTENANCE					7860.37
07630	63-0170	STRAUS	LAURA	J	82.50
07631	63-1518	SHELDON	LEO	B	20.00
07632	63-2887	HOLLAND	ANDREA	M	45.00

CHECK NUM	EMPLOYEE NUMBER	NAME			GROSS PAY
07633	63-3495	JOHANEK	TODD		55.00
07634	63-4246	WARD	ROY	G	392.00
07635	63-5480	PODPESHAR	KIMBERLY	J	20.00
07636	63-5547	ORTH	KIMBERLY	A	82.50
07637	63-6422	TAUBMAN	DOUGLAS	J	1020.86
07638	63-7042	WARD	KERI	L	60.00
07639	63-9428	RAHN	CARY	A	60.00
07640	63-9694	ADAMS	NIKKI		30.00
DIVISION 63 RECREATION PROGRAMS					1867.86
07641	64-0508	GREW	JANET	M	859.45
07642	64-0989	FLICK	BARBARA	L	280.00
07643	64-4624	HORSNELL	JUDITH	A	417.32
DIVISION 64 NATURE CENTER					1556.77
07644	71-0551	OLSON	GEOFFREY	W	1644.68
07645	71-8754	LIVINGSTON	JOYCE	L	320.20
07646	71-8993	CHLEBECK	JUDY	M	849.85
DIVISION 71 COMM DEVELOPMENT ADMIN					2814.73
07647	72-7178	EKSTRAND	THOMAS	G	1094.48
07648	72-8505	JOHNSON	RANDALL	L	1028.90
DIVISION 72 PLANNING					2123.38
07649	73-0677	OSTROM	MARJORIE		1353.05
DIVISION 73 BUILDING INSPECTIONS					1353.05
07650	74-0776	WENGER	ROBERT	J	1125.85



Action by Council:

MEMORANDUM

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

TO: City Manager  
FROM: Associate Planner--Johnson  
SUBJECT: Final Plat  
LOCATION: Hazelwood Street and Gervais Avenue  
APPLICANT/OWNER: Ed Cave and Sons, Inc.  
PROJECT: Cave's Barclay Addition  
DATE: December 2, 1986

Request

Final plat approval for 29 single-dwelling lots.

Comments

Each of the conditions of preliminary plat approval has been satisfied or is covered by the developer's agreement.

Recommendation

Approve Cave's Barclay Addition final plat.

## BACKGROUND

### Past Actions

8-11-86:

Council approved a land use plan amendment from RL to RM; a planned-unit development for 60-foot wide, 7,500 square-foot lots, and a street vacation for the proposed plat. Preliminary approval of Cave's Barclay Addition was also granted subject to:

1. Submission of a developer's agreement, with required surety, for all on-site public improvements.
2. City engineer approval of final grading, drainage and utility plans.
3. All lots in Block Two shall have at least 7,500 square feet above the designed 100-year pond elevation.

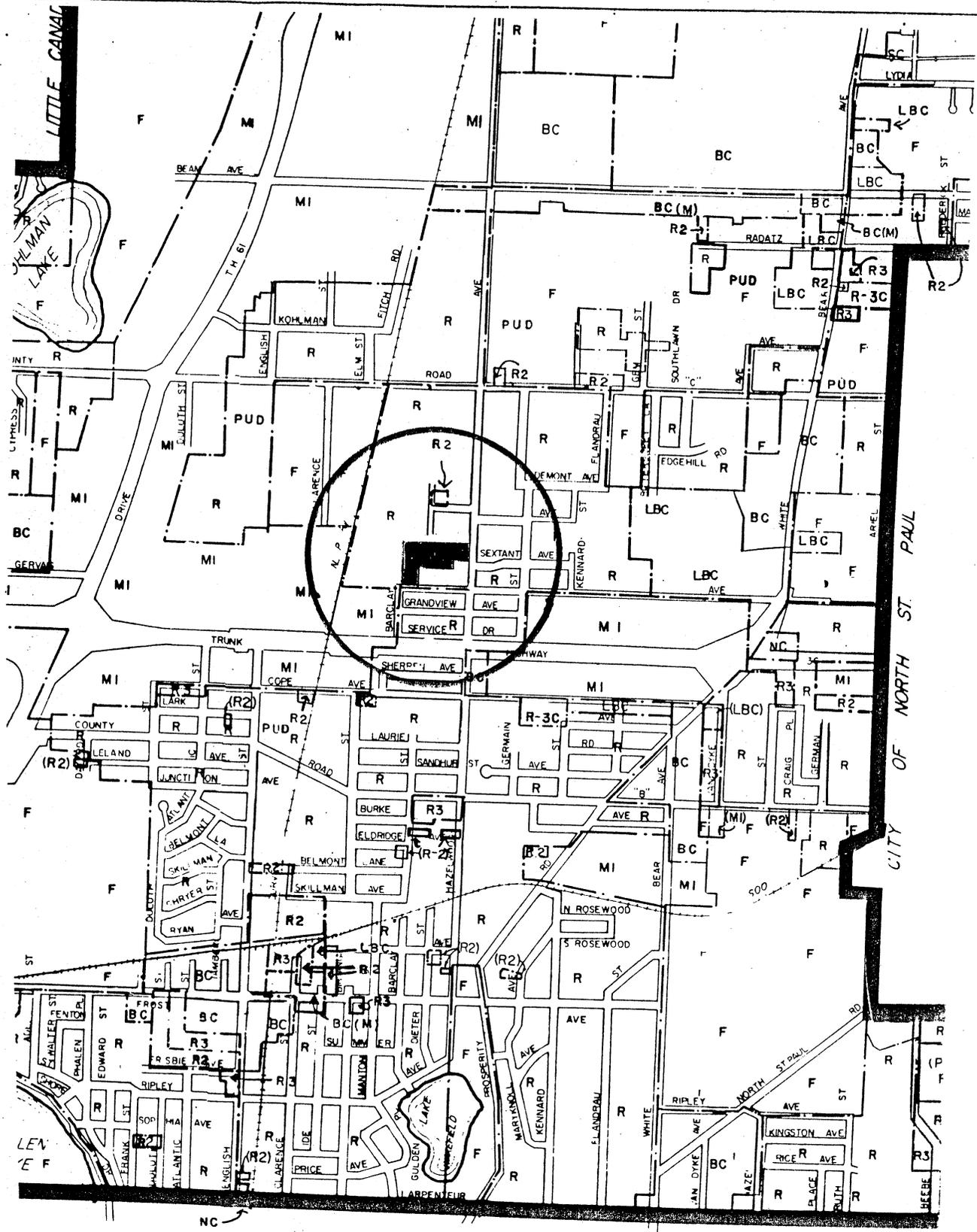
### Procedure

City council decision

mb

Attachments:

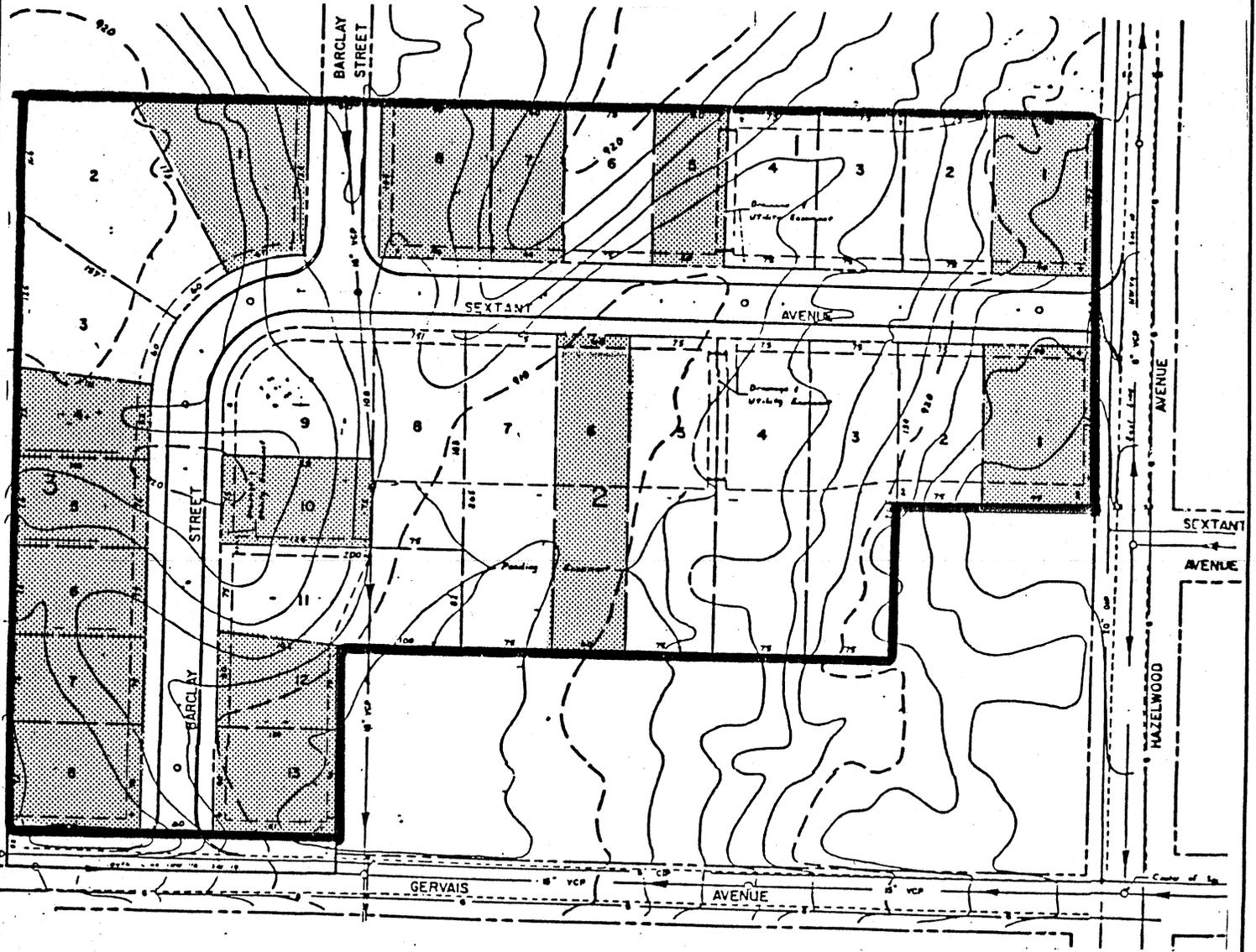
1. Location Map
2. Preliminary Plat
3. Final Plat (8 1/2 x 11)
4. Final Plat (separate enclosure)



# LOCATION MAP

Attachment 1





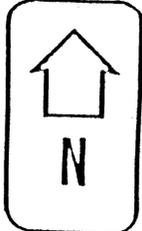
 Small-Lot Single-Dwelling Parcels

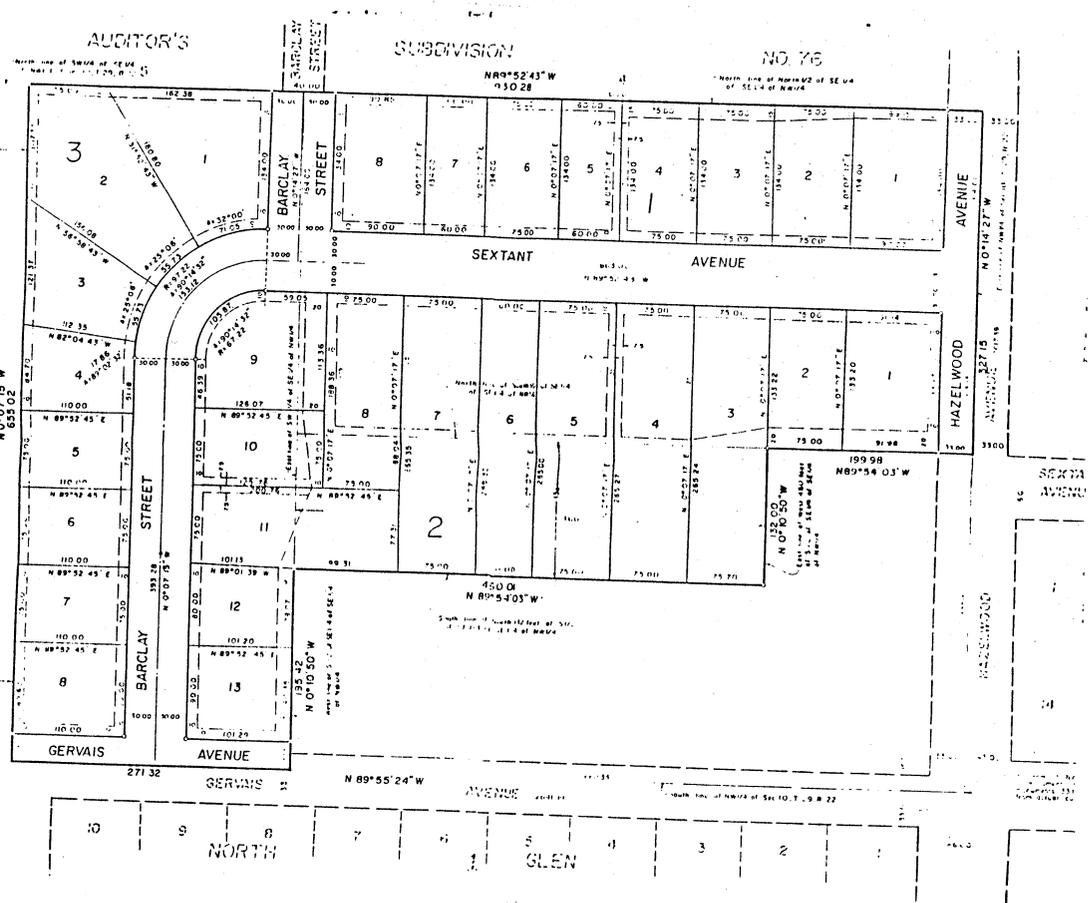
CAVES BARCLAY ADDITION

PRELIMINARY PLAT

29 lots

Attachment 3





Proposed Final Plat



Attachment 3

MEMORANDUM

E-3

TO: City Manager  
FROM: Associate Planner--Johnson  
SUBJECT: Final Plat  
LOCATION: Sterling Street and Highwood Avenue  
APPLICANT/OWNER: Good Value Homes, Inc.  
PROJECT: Highwood  
DATE: December 2, 1986

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

Request

Final plat approval.

Comments

Three of the conditions of preliminary approval (three, seven and eight--page 2) remain to be satisfied. Verbal agreements have been reached but the preparation of the necessary deeds is taking longer than anticipated. These deeds should be available the week of December 8.

Recommendation

Approve the Highland final plat if the unfinished conditions have been completed.

## BACKGROUND

### Past Action

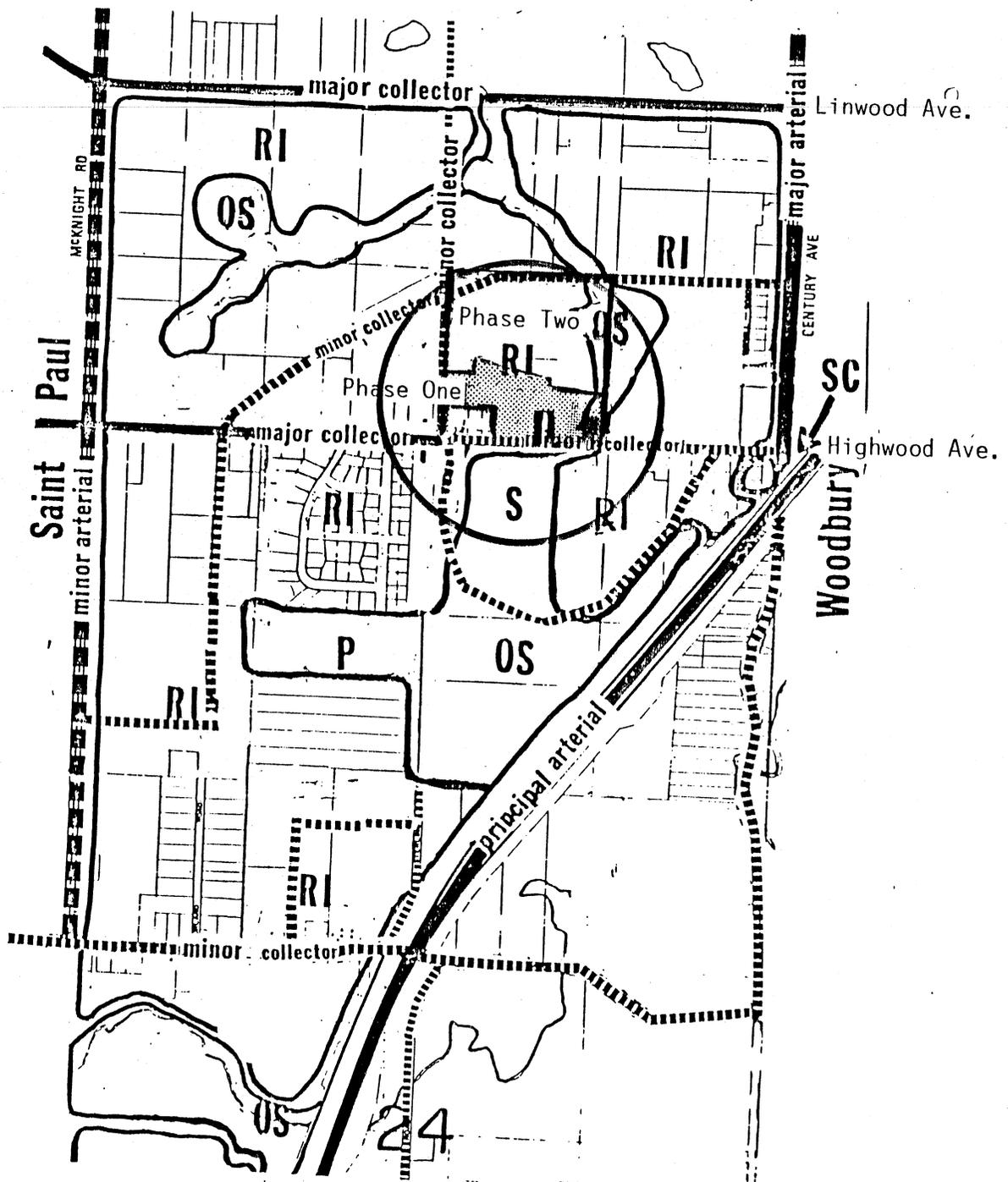
7-14-86:

1. Council approved the Highwood preliminary plat, subject to:
  - a. Submittal of a developer's agreement, with required surety, to the city engineer for the proposed public improvements.
  - b. Submittal of a recordable quit-claim deed to the city engineer to convey a public right-of-way easement to the city for the west thirty feet of proposed Sterling Street from Highwood Avenue to the north line of Phase One.
  - c. Designate the southerly 33- x 207-foot portion of Lot One, Block Two as an outlot. This property will be combined with the property adjacent to the west.
  - d. Show a twenty-foot wide sanitary sewer easement centered on and along the north line of Lot Fourteen, Block Three. Sanitary sewer shall be constructed to the west line of 2585 Highwood Avenue.
  - e. Submission to the city engineer of an easement(s) for public storm water ponding areas over portions of proposed Lots Three through Eight, Block Three and Lots Three through Seven, and Nine through Fourteen, Block Two, all in Phase Two. The legal descriptions for these easement areas shall be approved by the city engineer. The applicant may submit a recordable quit-claim deed(s) or plat Phase Two as an outlot and show the easements on the plat.
  - f. Approval of the final grading, utility and drainage plans by the city engineer.
  - g. Evidence shall be submitted showing that Williams Brothers' Pipeline has approved the width of the proposed pipeline containment easement and that the proposed crossing of the pipeline at Valley View Avenue has been approved.
  - h. Evidence shall be submitted to the director of community development that the private north/south access easement over the easterly part of the plat has been eliminated.
2. Council also rezoned this site from F, farm residence to R-1, single dwelling.

mb

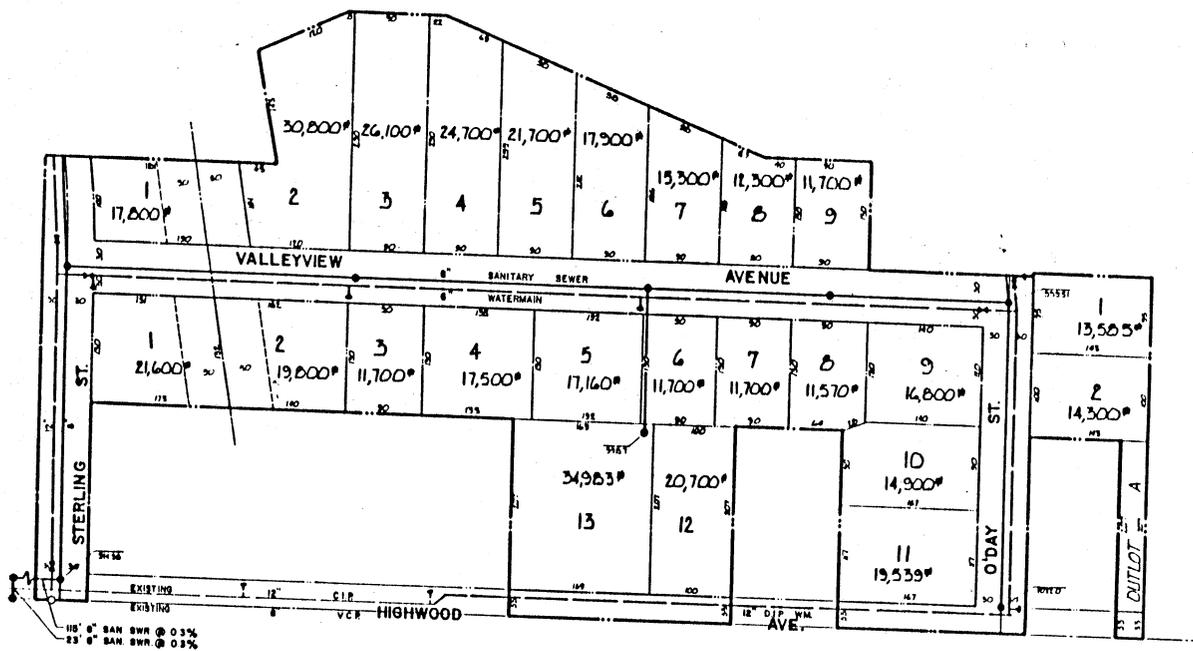
#### Attachments:

1. Location Map
2. Preliminary Plat
3. Final Plat (8 1/2 x 11)
4. Final Plat (separate enclosure)

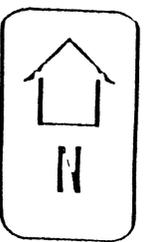


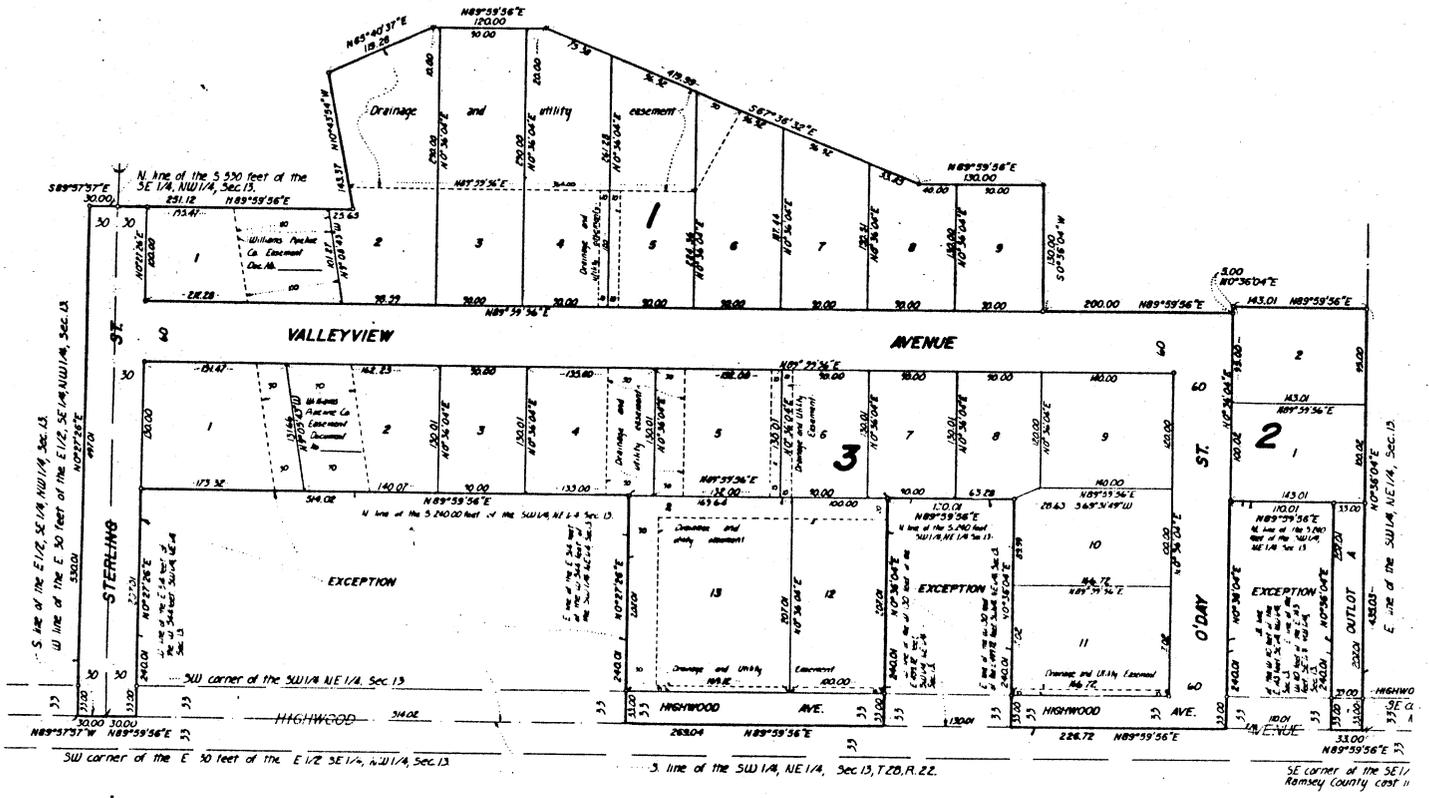
LOCATION MAP





Preliminary Plat  
 (Approved 7-14-86)





**HIGHWOOD**

Final Plat Proposed



MEMORANDUM

TO: City Manganer  
 FROM: Associate Planner--Johnson  
 SUBJECT: Final Plat  
 LOCATION: Lydia Avenue, East of Standridge Place  
 APPLICANT/OWNER: Tilsen Homes, Inc.  
 PROJECT: Robert Tilsen's Maplewood Heights No. 14  
 DATE: December 1, 1986

cccc

Action by Council:

Request

Final plat approval.

Endorsed\_\_\_\_\_

Modified\_\_\_\_\_

Rejected\_\_\_\_\_

Date\_\_\_\_\_

Comments

Each of the conditions of preliminary approval has been complied with as is covered by the developer's agreement.

Recommendation

Approve Robert Tilsen's Maplewood Heights No. 14 final plat.

## BACKGROUND

### Past Action

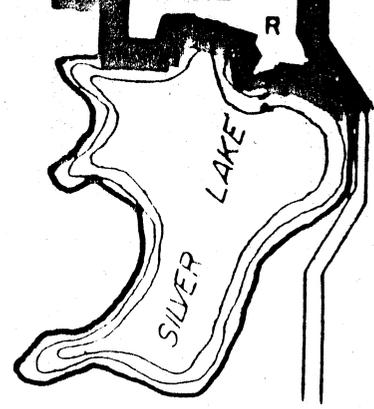
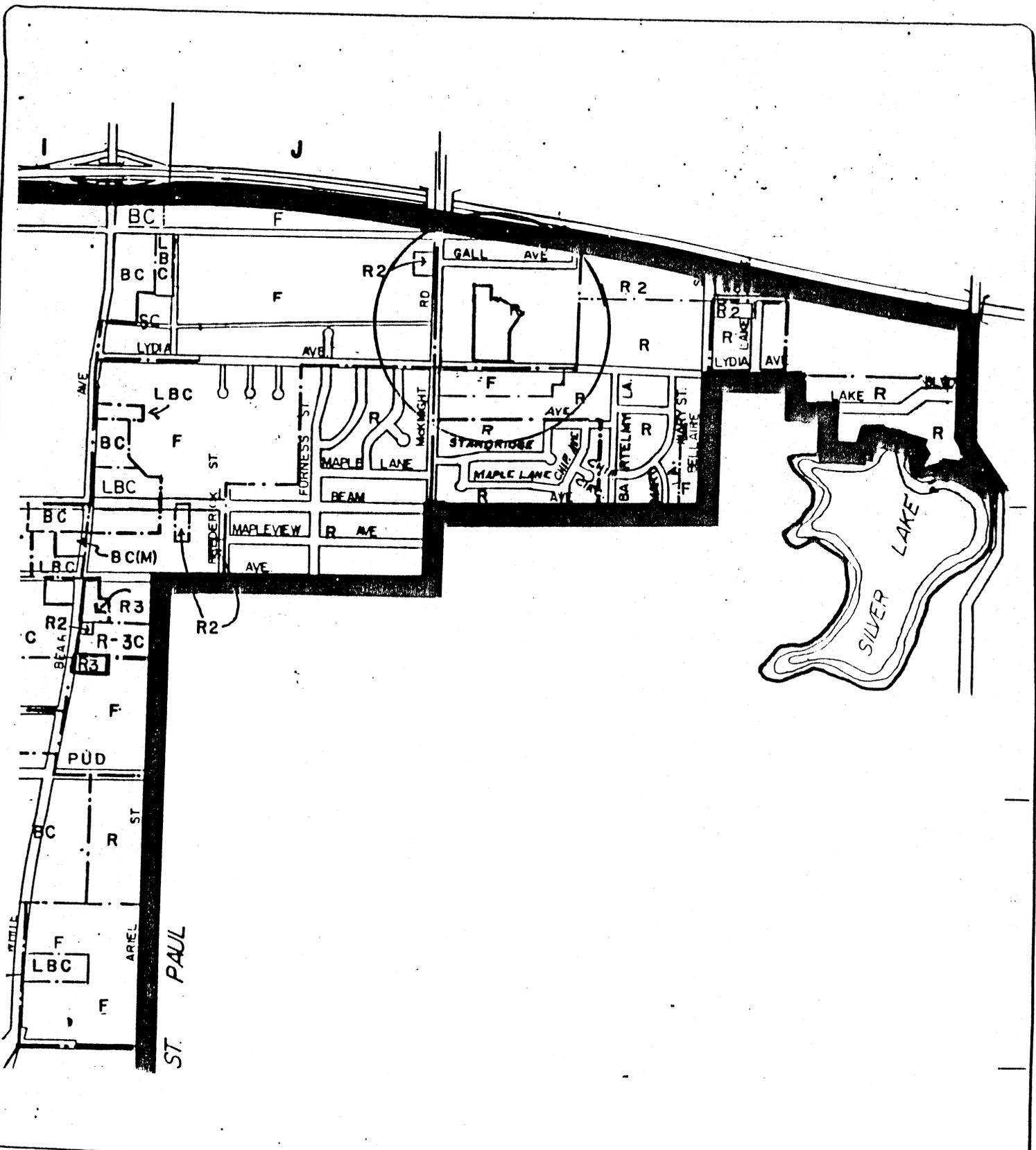
9-22-86:

1. Council approved Robert Tilsen's Maplewood Heights No. 14 preliminary plat for 20 single-dwelling lots, subject to the following conditions:
  - a. Vacation of the excess city "park" property adjacent to the north line of this site and enlarging Lots 11-13, Block 2 to include combination of this property. (Satisfied)
  - b. Submission of a signed developer's agreement, with required surety, for all required public improvements and tree replanting. (Satisfied)
  - c. City engineer approval of final grading, utility and drainage plans. The grading plan shall show the location, size and grading limits for all trees to be preserved. Lot 13, Block 2 shall also be graded so that there is at least 10,000 square feet above the 989 contour. No trees shall be disturbed on the vacated city park property other than as a result of the grading proposed on the plan dated July 29, 1986. (Developer's agreement)
  - d. A fifteen-foot wide storm sewer easement shall be shown on the plat centered on the south lot lines of Lot Five, Block One and Lot Five, Block Two. A 7 1/2-foot easement shall be shown from the southwest corner of Lot 5, Block 2 to the existing pipe in Tilsen's 12th Addition. (Satisfied)
  - e. The north-south street shall be named "Dorland Road." (Satisfied)
  - f. The east-west street from Lot Eight, Block Two to the east property line shall be named "Brenwood Curve." (Satisfied)
  - g. Proof shall be submitted that the applicant's site does not include the approximately 85 feet north of Lots 9 and 10, Block Two, as shown on the County's property line map. If the applicant's site includes this area, it shall be included in the plat as an extension of Lots 9 and 10, Block 2. (Satisfied)
2. Council approved the vacation of the excess park property referred to in Item A-1, subject to including it in the proposed plat.

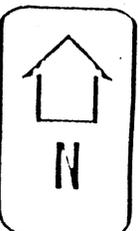
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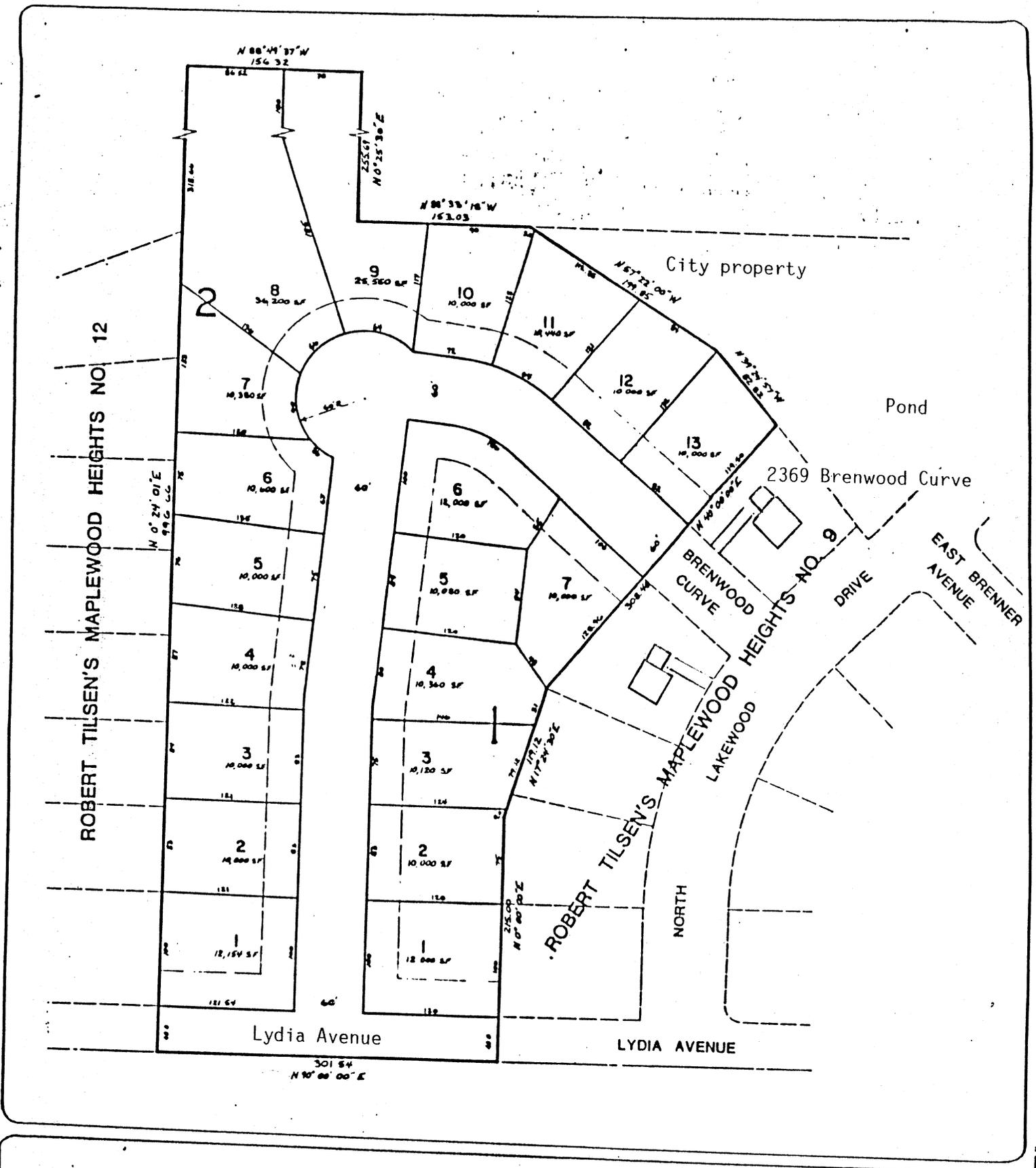
### Attachments

1. Location Map
2. Preliminary Plat
3. Final Plat (8 1/2 x 11)
4. Final Plat (separate enclosure)

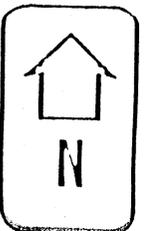


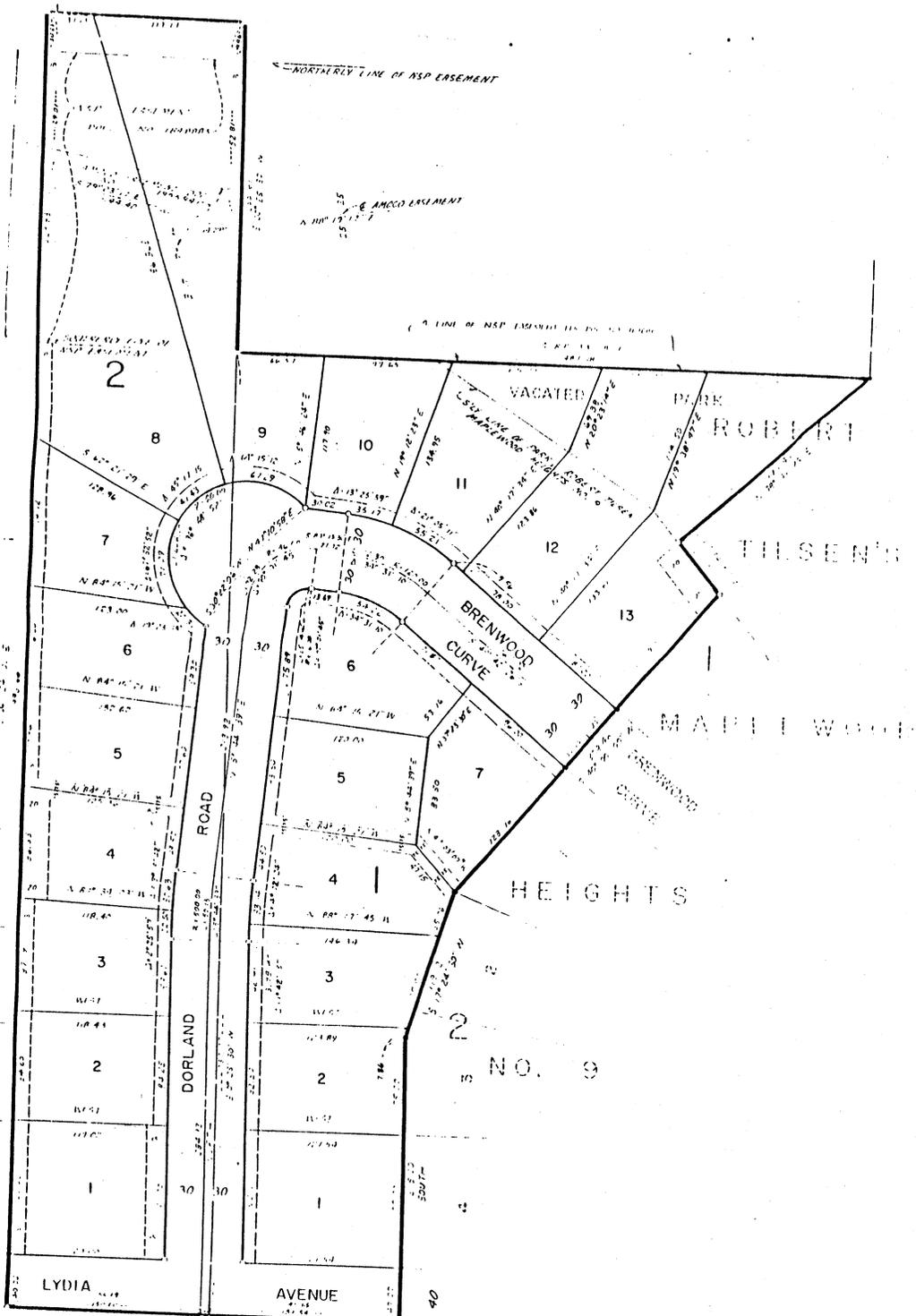
LOCATION MAP





PRELIMINARY PLAT





Robert Tilsen's  
 Maplewood Heights No. 14  
 (Proposed Final Plat)



MEMORANDUM

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

TO: City Manager  
 FROM: Assistant City Engineer  
 SUBJECT: Maplewood Hills Quads  
 City Project 85-15  
 Acceptance of Developer Project  
 DATE: December 1, 1986

The developer, Good Value Homes, Inc., has completed all requirements of the Maplewood Hills Quads project, located at Mailand and Dorland Roads, and has requested that the city accept the project for ownership and maintenance responsibilities.

It is recommended that the council accept the utilities dedicated for public use on this project by passing the attached resolution.

jw  
 Attachment

RESOLUTION  
ACCEPTING UTILITIES FROM DEVELOPER

WHEREAS, the City Council of Maplewood, Minnesota has heretofore entered into a Contract for Public Improvements for City Project No. 85-15, described as Maplewood Hills Quads with the developer, Good Value Homes, Inc., and,

WHEREAS, said project has been certified as completed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the project is completed and the utilities are hereby accepted as a part of the distribution systems.

Action by Council:

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

MEMORANDUM

TO: City Manager  
FROM: Assistant City Engineer  
SUBJECT: Water Service District No. 6 Improvements--Trunk Mains  
City Project 86-03B  
Construction Licenses with CNW Railroad  
DATE: December 1, 1986

The construction of the trunk water main along the Sterling Street extended alignment requires construction in the Chicago and Northwestern Railroad right-of-way. Approval of this construction is contingent upon the city and railroad entering into an agreement, a copy of which is attached. The agreement stipulates certain insurance requirements, which have been arranged with the contractor, and also requires the payment of an annual fee of \$180.00. It is proposed that all future payments of this annual fee be made from the hydrant fund.

It is recommended that the council approve this agreement and authorize its execution by the mayor and city clerk by passing the attached resolution.

jw  
Attachment

RESOLUTION--APPROVING CONSTRUCTION AGREEMENT

WHEREAS, the council has ordered made City Project 86-03, Water Service District No. 6 Improvements, Trunk Water Mains portion, and

WHEREAS, the approved project plans call for construction of water main and a storm sewer culvert within the Chicago and Northwestern Transportation Company right-of-way, and

WHEREAS, said company requires a construction agreement with all right-of-way users,

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

That the construction agreement with the Chicago and Northwestern Transportation Company is hereby approved for execution by the mayor and city clerk.

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY (hereinafter called "Company") hereby licenses the CITY OF MAPLEWOOD, MINNESOTA, (hereinafter called "Licensee") to construct, maintain and use a 16 inch water main and a 15 inch culvert (hereinafter called "facility") upon the property and under the tracks of the Company at East St. Paul, Minnesota, in the location and position, and in accordance with the specifications shown on maps dated October 21, 1986, hereto attached marked Exhibits "A", "B" and "C" and, by this reference, made a part hereof.

The foregoing license is given upon such express terms and conditions as are inserted below, as well as those contained upon the subsequent printed pages, and should the Licensee at any time violate any of said terms or conditions, or use or attempt to use said facility for any other or different purpose than that above specified, then the Company may, at its option, immediately revoke this license.

The foregoing license is subject to the following conditions:

For the privileges herein permitted the Licensee shall pay to the Company, in advance, a charge of One Hundred Eighty Dollars (\$180.00) per annum, or fraction thereof, beginning December 1, 1986, subject to revision at any anniversary billing date.

The Licensee shall require its contractor to furnish the Company a certificate of insurance, with the Company named as additional insured, showing amounts and types of insurance carried by the contractor which shall provide public liability insurance for bodily injury and property damage on behalf of the Company in an amount of not less than \$1,000,000 combined single limits per occurrence. The certificate shall contain a commitment by the insurance company that it will give the Company thirty days advance notice of any cancellation of or change in the insurance coverage shown on such certificate. Such insurance is to be approved by the Company before the Licensee permits the contractor to proceed with the construction of said facility.

**FIRST.** The work of construction and maintenance shall be done and completed in good and workmanlike manner at the sole expense of the said Licensee. Said work shall be done in such manner as in no way to interfere with or endanger the use of the property or tracks of the Company, or the operation thereon of any engines, cars or trains. The Chief Engineer of the Company shall have the right to inspect such work from time to time and to require such changes to be made as will in his opinion decrease the hazards incident to said facility; but any such inspection or required changes or any failure to so inspect, or to require changes to be made, shall not effect any of the obligations assumed by the said Licensee hereunder.

**SECOND.** The said Licensee shall bear the cost of all protection which the company may require for its tracks or property during construction and maintenance hereby authorized and of all repairs, changes, additions or betterments to said Company's track or property made necessary on account of same. If in the judgement of the Company it shall be necessary to provide support for its tracks during the work of construction or maintenance the Company will provide such support, and the entire cost thereof will be paid by the said Licensee promptly upon receipt of bill therefor.

**THIRD.** The Licensee shall pay all taxes, general and special, license fees or other charges which may become due or which may be assessed against the premises of the Company because of the construction, existence, operation or use of said facility, the Licensee, or the business conducted in connection with said facility, and shall reimburse the Company for any such taxes, license fees or other charge which may be paid by the Company promptly upon the presentation by the Company of bills therefor.

**FOURTH.** The said Licensee will give to the Chief Engineer of the Company at least ten days' notice in writing before entering upon the right of way of the Company for construction purposes, or for the purpose of making necessary repairs. The Company reserves the right to judge of the necessity of repairs to said facility, and to require the Licensee to make such repairs upon ten days' notice in writing. In such case, said Licensee may enter upon said right of way without the ten days' notice above referred to, and shall proceed forthwith to make such repairs, and upon failure to do so within ten days, the Company shall have the right to make said repairs and collect the entire cost thereof from the Licensee. The Company reserves the right, in case in its opinion the safety of its tracks or property demands it, to make emergency repairs without notice to the Licensee and to collect the cost thereof from Licensee as herein provided.

**FIFTH.** Licensee agrees that in the construction, maintenance, and use of the facility, it will comply with all applicable laws, including, but not limited to, any laws, standards, regulations, or permit requirements relating to environmental pollution or contamination or to occupational health and safety; and Licensee agrees to indemnify and hold harmless the Company from any and all claims, demands, lawsuit, or liability for loss, fines, damage, injury, and death and all expenses and costs, including attorneys' fees, resulting from or arising out of the construction, maintenance, or use of the facility, including any discharge or emission therefrom or for the violation of any law, standard, regulation, or permit requirement relating to environmental pollution or contamination, or to occupational health and safety.

**SIXTH.** It is understood by the Licensee that said facility is subject to and may increase the dangers and hazards of the operation of the railroad of the Company, and that this license is subject to all risks thereof. Therefore, and as a material consideration to the Company for entering into this license and without which the Company will not enter same, the Licensee agrees to assume and pay for all loss or damage to property whatsoever, and injury to or death of any person, or persons whomsoever, including all costs and expenses incident thereto, however arising from or in connection with existence, construction, maintenance, repair, renewal, reconstruction, operation, use or removal of said facility, or any defect therein or failure thereof, or the failure of the Licensee or members, officers, agents or employees of the Licensee to abide by or comply with any of the terms or conditions of this license; and the Licensee forever indemnifies the Company against and agrees to save it harmless from any and all claims, demands, lawsuits or liability for any such loss, damage, injury and death, costs and expense, even though the operation of the Company's railroad may have caused or contributed thereto. Notice to or knowledge by the Company of any act or omission by the Licensee which is or might be a breach by the Licensee of any of the terms or conditions of this Agreement to be performed by the Licensee, and the acquiescence by the Company in or to such act or omission, shall neither be considered to relieve the Licensee of any obligation assumed by it under this paragraph nor be considered to be a waiver or release by the Company of any rights granted to it under this paragraph.

**SEVENTH.** The Company reserves the right to use, occupy and enjoy its tracks, property and right of way, for such purpose, in such manner, and at such time as it shall desire, the same as if this instrument had not been executed by it. If any such use shall necessitate any change, repair, renewal, removal or relocation of said facility, or any part thereof, the Licensee shall perform such work at such time as the Company may approve and if the Licensee fails to do so such work may be performed by the Company at the expense of the Licensee and the said Company shall not be liable to the Licensee on account of any damage growing out of any use which the Company may make of its tracks, property and right of way.

In case any of the terms or provisions of this license have been performed or carried out prior to the actual date of execution hereof, it is understood and agreed that this license shall nevertheless be of the same force and effect as though same had been executed by the parties prior to such performance.

**EIGHTH.** The Company shall have the right at any time to revoke this license by giving thirty days' notice in writing to the Licensee and at the expiration of the time limited by said notice, or upon any other revocation of this license, the Licensee shall promptly, and in the manner directed by said Chief Engineer, remove all construction hereby authorized from the premises of the Company and leave said premises in the same condition in which they were before the installation of the same. Upon default of the Licensee so to do, the Company may remove the same and restore its premises, and the Licensee will promptly pay to the Company the cost of so doing.

**NINTH.** The waiver of a breach of any of the terms or conditions hereof shall be limited to the act or acts constituting such breach, and shall never be construed as being a continuing or permanent waiver of any such terms or conditions, all of which shall be and remain in full force and effect as to future acts or happenings, notwithstanding any such waiver.

**TENTH.** This license is personal to said Licensee and is not assignable or transferable, without the written consent of the Company being first obtained.

**ELEVENTH.** In further consideration of the Company's giving to the Licensee the rights and privileges above specified, the Licensee, by the acceptance of this license, hereby agrees that it will not levy or assess any special tax or special assessment against Company or against or upon Company's properties for the construction or use of the improvement of which said facility is a part; and, the Licensee hereby forever indemnifies Company against and agrees to save Company harmless from any and all claims, demands, lawsuits or liability whatsoever for any such special tax or special assessment. If notwithstanding the foregoing provisions any such special tax or special assessment shall be levied or assessed upon or against said Company's properties, the Company shall have the following elections to wit:

- (a) Company may make such payments as may be necessary to satisfy and discharge any liens for such special tax or special assessment and in case of such payment the Licensee agrees to make repayment on demand with interest at the rate of five per cent (5%) per annum from the date of such payment so made by Company.
- (b) Company may file this license agreement for recording in the office of the Recorder of Deeds of the county in which said properties are located and such filing shall constitute a complete discharge and release of any lien against said Company's properties for such special tax or special assessment.
- (c) Company may terminate this license by filing notice of termination with such Recorder of Deeds for recording and forwarding a copy thereof through certified or registered mail, postage prepaid to Licensee whereupon all rights, privileges and interests herein granted to Licensee shall immediately cease and determine with the right of Company to make immediate re-entry and without any further obligations or any liability on the part of Company in respect to any payments, setoffs, counterclaims, recoupment, crossbills or cross demands.

All rights, remedies and elections of Company shall be cumulative.

**TWELFTH.** Licensee further agrees that there is no benefit to the Company's properties, either for railroad use or for any possible use in the future from the construction of the facility or project of which said facility is a part.

In Witness Whereof this instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_

ATTEST:

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

\_\_\_\_\_  
Assistant Secretary

By \_\_\_\_\_  
Vice President - Engineering

Pursuant to authority granted by resolution of the \_\_\_\_\_  
of the CITY OF MAPLEWOOD, MINNESOTA, adopted \_\_\_\_\_.

The undersigned, the Licensee mentioned in the foregoing license, hereby accepts the same subject to the terms and conditions therein stated.

CITY OF MAPLEWOOD, MINNESOTA

ATTEST:

By: \_\_\_\_\_ (Seal)  
Mayor

\_\_\_\_\_  
City Clerk

R 22 W

15" RCP SEE EXHIBIT B FOR DETAILS

ST. COLUMBIA

TO ST. PAUL

TO LAKE ELMO

32.5

47.5

STA 263+90 WATER LINE. SEE EXHIBITS B AND C FOR DETAILS

**NOTE:**

NO MEN, MACHINES, MATERIALS OR  
OPEN CUTS ALLOWED WITHIN 25' OF  
ANY TRACK CENTERLINE AS  
MEASURED AT RIGHT ANGLES TO  
THE TRACK.



APPROVED

*D.A. Van Housen*  
BRIDGE ENGINEER  
10-11-86

**EXHIBIT A**

CHICAGO & NORTH WESTERN  
TRANSPORTATION COMPANY

NORTHERN DIV. ST. PAUL, MINN.

LOCATION: E. ST. PAUL-MINNESOTA  
TO ACCOMPLISH LICENSE TO

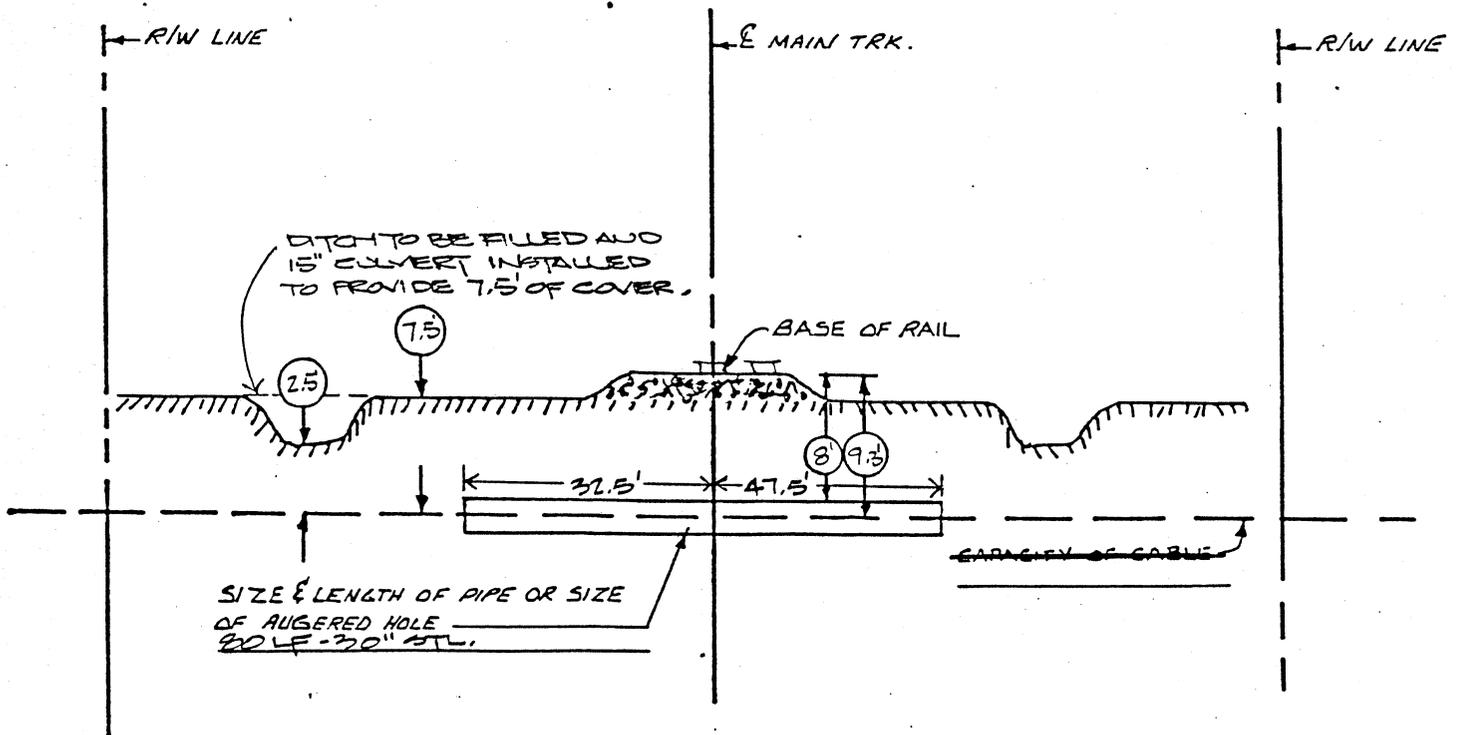
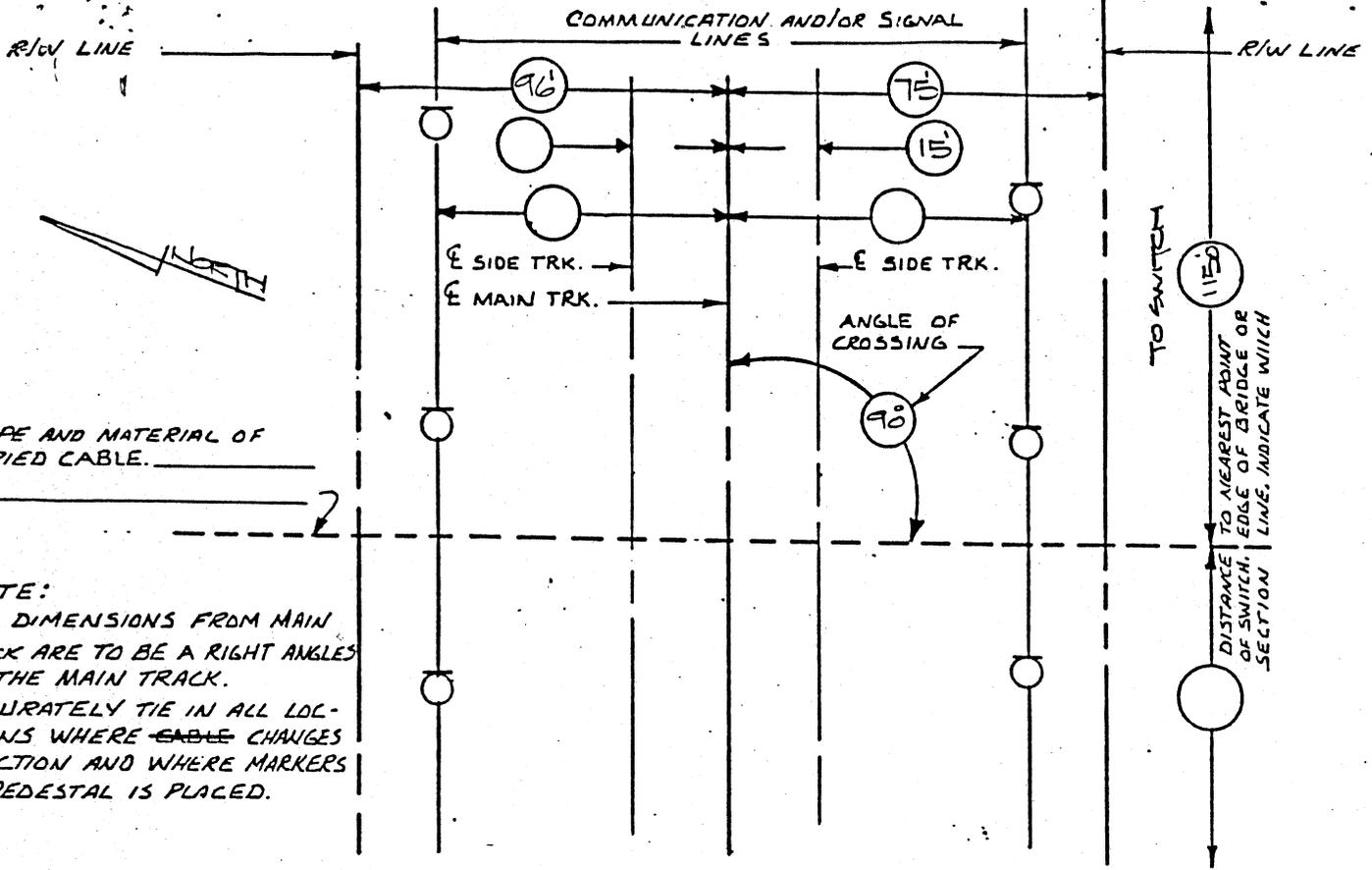
CITY OF MAPLEWOOD  
FOR

WATER LINE AND CULVERT

APPROVED: *[Signature]* V.P. & DIV. ENGR.

APPROVED: *[Signature]* ADM. ENGR.

SCALE: 1"=100' DATE: 10-21-86



TYPICAL DRAWING FOR BURIED ~~POWER OR COMMUNICATION LINES~~ EXHIBIT E

WHERE APPLICABLE - SUPPLY ALL DIMENSIONS INDICATED. 10-21-86

APPLICATION TO THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY FOR PERMISSION TO CONSTRUCT AND MAINTAIN A PIPE LINE ACROSS THE RIGHT OF WAY OF SAID TRANSPORTATION COMPANY.

Full legal name of applicant CITY OF MAPLEWOOD  
 Mailing address <sup>1838</sup>~~1902~~ EAST COUNTY ROAD B, MAPLEWOOD, MN 55109  
 State whether individual, corporation or partnership. If partnership, list name of each partner. If a corporation, show State in which incorporated N.A.

Location of proposed pipe line. (Show distance from nearest City or Town plus Section, Township and Range.) WITHIN CITY OF MAPLEWOOD  
SEC. 24; T. 29; R. 22

Date of approval desired ~~1/15/86~~ 1/01/87

ATTACH LOCATION PLAN SHOWING TIE TO FIXED OBJECT ALONG RAILWAY, I.E. CENTER LINE BRIDGE, CENTER LINE GRADE CROSSING, AND A CROSS SECTION ALONG PIPE LINE, FROM FIELD SURVEY, SHOWING PIPES IN RELATION TO ACTUAL PROFILE OF GROUND AND TRACKS. ALSO INCLUDE ANGLE OF CROSSING IN RELATION TO TRACK.

Furnish following construction details:

	Carrier Pipe	Casing Pipe 80' LONG
Contents to be handled.....	WATERMAIN	-
Inside diameter.....	16"	30"
Material and type of pipe.....	DUCTILE IRON	STEEL
Specification and grade of pipe.....	CLASS 52	SCH 30
Wall thickness .....	0.37"	<del>0.475"</del> 0.50"
Actual working pressure.....	80 PSI	0 PSI
Type of joint.....	SLIP JOINT	WELDED
Coating.....	BIT.	BIT.
Method of installation.....	-	JACKED OR AUGERED

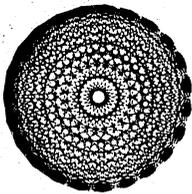
Protection at ends of casing:  
 Both ends BRICK & MORTAR One end \_\_\_\_\_ Type \_\_\_\_\_  
 Bury: Base of rail to top of casing 8 ft. 9 in.  
 Bury: (Not beneath tracks.....) 9 ft. - in.  
 Bury: (Roadway ditches)..... - ft. - in.  
 Cathodic protection NONE

REMARKS:

If application is granted, the undersigned agrees to execute Transportation Company's standard form of license when submitted, and to observe all the terms and conditions thereof.

DATE OCTOBER 17, 1986 BY: [Signature] ASST. CITY ENGINEER

NOTE: There will be a minimum ~~\$100.00~~ <sup>\$150.00</sup> fee for the preparation of the license subject to change upon any unusual developments. This charge is not to be confused with any annual or one-time rental charges.



# SAINT PAUL AREA CHAMBER OF COMMERCE

600 NORTH CENTRAL TOWER, 445 MINNESOTA STREET  
SAINT PAUL, MN 55101 612/222-5561

E-A

Action by Council:

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

November 18, 1986

Hon. John Greavu, Mayor  
City of Maplewood  
1830 E. County Road B  
Maplewood, MN 55109

Dear Mayor Greavu:

This is a formal request for the City of Maplewood to become a partner in the Saint Paul East Metro Economic Development (SEED) Council, a joint venture of the Chambers of Commerce and municipalities in the eastern half of the Twin Cities metropolitan area for economic development promotion.

The plan for this Council is described in the attached "Joint Venture Proposal." Your community's contribution to this joint venture would be:

1. To provide economic development information about the community, such as demographics, current developments, development sites available, and other information relevant to handling development prospects.
2. To provide information about the process of economic development in your community, such as the type of development that your community encourages, the types of assistance that the municipality provides to development prospects, and the steps a prospect must go through to get a development approved.
3. To provide financial support to the joint venture at a suggested rate of \$2,500 (minimum) to \$5,000 per year, budgeted for at least three (3) years. First year funds should be remitted to the "Saint Paul East Metro Marketing Fund", in care of the Saint Paul Area Chamber of Commerce, at the above address.

Mayor John Greavu

November 18, 1986

If you have any questions, or if there will be a City Council hearing to consider this request at which you would like a representative present, please advise Ken Kixmoeller or Eileen Mix at 223-5004, or your local Chamber.

Thank you for your consideration of this request, I look forward to the City of Maplewood's participation in this landmark joint venture.

Sincerely,

  
James A. Stolpestad  
Vice Chairman, Economic Development and  
Convener, Saint Paul East Metro  
Economic Development Council

enclosure: Saint Paul East Metro Economic Development Council  
Joint Venture Proposal

cc: City Manager/Administrator

SAINT PAUL  
EAST METROPOLITAN  
ECONOMIC  
DEVELOPMENT Council

A JOINT VENTURE PROPOSAL

Between the East Metropolitan  
Chambers of Commerce and Municipalities  
for Economic Development Promotion

CONTENTS:

1. Purpose for a Joint Venture	2
2. Organization Structure.	3
Affiliation	3
Management Structure	3
Staffing	4
4. Goals and Strategies	5
3. Proposed Budget and Funding.	7
4. Action required to move forward.	9

--- East Metropolitan Joint Venture Proposal ---

1. PURPOSE: An East Metro Economic Development Joint Venture

The purpose of the proposed coalition is to have an organization that can act in the joint economic development interests of the East Metro communities. These communities are defined as those in Ramsey, Washington and Dakota Counties which consider themselves to be Saint Paul suburbs, plus Saint Paul itself. The general purpose of the Council will be to perform business development marketing for the greater East Metro community. This includes market planning, promotion efforts, and prospect handling.

A promotion fund will be set up in joint venture between the chambers of commerce and municipal governments in the East Metro area. This fund would be used:

First, to implement an immediate program of marketing the entire East Metro region to commercial and industrial real estate brokers and developers, companies in the Metro area that are contemplating immediate expansion or relocation, and residential real estate brokers and builders.

Second, to establish and implement a long-range program of business retention and attraction, to ensure continuing growth.

## 2. Organizing the Joint Venture.

### Affiliation

The SEED Council would be affiliated with the various chambers of commerce in the East Metro area, in conjunction with the communities themselves. It would be organized as a "public-private partnership" reporting in function to the boards of directors of the area chambers of commerce. This structure would have the following advantages:

The chambers bring the voluntary efforts of top area executives, industrial development leads from several sources, an in-place long-range development planning structure, and existing organizations which cross municipal borders.

Independent status would allow for fundraising possibilities beyond existing chamber members, and a greater degree of management flexibility than would otherwise be possible.

Accounting support for the Council would also be provided by the Saint Paul Area Chamber.

### Management Structure

A Management Committee would oversee the organization. It will consist of 15 to 18 key leaders from the chambers and the communities (elected officials, city managers, economic development commission chairs, etc) that would be agreeable to all of the partners. The assumption is that it would be broadly geographically representational. This Committee would report to the various chambers' boards.

--- East Metropolitan Joint Venture Proposal ---

Staff

Initial staffing would be provided by the Saint Paul Area Chamber of Commerce, including its manager of economic development, who would serve as the primary staff person coordinating the market planning and execution. In addition, the current economic development secretary/information specialist would support these activities.

The Informal East Metro planners group has offered to provide some technical and information support to this effort. In addition, the staffs of the other partner chambers would supply as much assistance as possible.

Anticipating the increase in workload that this activity would create, it will likely be necessary to increase staff, either by a loaned executive, or by hiring through the promotion fund. The positions that need to be filled, in order of importance are:

Economic Development Assistant - supplements and supports the activities of the existing manager. Primarily responsible for handling prospects in all stages of the selling cycle.

Secretary - for all of the above individuals. (Which would free the secretary/information specialist from above to give proper attention to maintenance of the economic information data base).

### 3. Goals & Strategies

Initial goals for the coalition would be to:

1. Establish an identity for the region. Portray the region as the greatest area of significant opportunity in the Twin Cities Metropolitan area today.
2. Demonstrate our commitment to accomplish significant change in Twin Cities development.
3. Sell the many attractive amenities in the community, such as executive-quality housing in the area, attractive land for more development, better traffic conditions, and much more.
4. Demonstrate current demand for commercial and industrial development in the area.

This would be accomplished by:

- > Creating professional marketing materials for the East Metro area, such as brochures, advertisements, and video productions.
- > Organizing selling tours to educate for real estate developers/brokers and residential home builders/brokers.
- > Developing and presenting the long-range marketing plan for commercial and industrial development to significant developers to accelerate real estate development plans.
- > Organizing "one-on-one" selling to specific, targeted developers, companies, or both, which potentially have a substantial, positive impact on the economic development of the area.

--- East Metropolitan Joint Venture Proposal ---

Long-Term Growth

In order to ensure that the East Metro area continues to grow at a healthy rate, a long-term strategy for development must be developed and implemented. The goals of such a program would be:

- > To establish an ongoing program of assisting and retaining the businesses that are already here, for it is from them that long-term growth in jobs will come.
- > To identify industries that provide job growth opportunities and develop a program to market the East Metro area to them.
- > To provide a strong venture capital community for new company growth.
- > To target specific areas of opportunity, such as the attraction of foreign capital to the area.
- > Other economic development initiatives, as they are identified.

#### 4. Proposed Budget and Funding

##### Activities

Video production development and distribution.

Initial cost estimate \$50,000.

Update Cost estimate \$10,000.

Bus tours for real estate developers/brokers.

Aproximate cost \$1000/tour.

Advertising in key Twin Cities business and real estate Journals. One ad in each of four (4) Journals. Aproximate cost \$3,500.

Brochure and direct mail promotion development and execution. Target audience 1000 X \$6/piece, total \$6,000.

Misc. sales budget for selected direct selling opportunities, assistant, and related expenses, total \$40,000/yr.

##### Budget

Item	#/1987	#/1988	#/1989
Video Production*	1/50,000	0/0	U/10,000
Bus Tours	6/ 6,000	6/ 6,000	6/ 6,000
Advertising Impressions	8/28,000	6/21,000	6/21,000
Direct Mail Impressions*	4/24,000	4/24,000	4/24,000
Misc. Budget	30,000	32,000	34,000
TOTALS	132,000	83,000	95,000

\*Potentially donated or partially donated.

--- East Metropolitan Joint Venture Proposal ---

**Funding**

The following are the sources to fund the above effort:

**Communities:** Minimum contribution = \$2,500  
Average contribution = \$3,500

**Major**

**Corporations:** Minimum Contribution = \$5,000  
Average Contribution = \$6,000

- Utilities
- Newspaper
- Major corporations
- Real estate development firms
- Commercial real estate firms
- Financial Institutions

**Small Corporations/**

**Land Owners:** Minimum Contribution = \$ 500  
or \$10/acre.

**Yearly Funding**

Group	# @ \$	1987	1988	1989
<b>MINIMUMS</b>				
Communities	16 @ 2,500	40,000	40,000	40,000
Major Corps.	6 @ 5,000	30,000	30,000	30,000
Small Corps.	20 @ 500	10,000	10,000	10,000
<b>TOTAL</b>	<b>42</b>	<b>80,000</b>	<b>80,000</b>	<b>80,000</b>
<b>AVERAGE</b>				
Communities	18 @ 3,000	54,000	54,000	54,000
Major Corps.	10 @ 5,500	55,000	55,000	55,000
Small Corps.	25 @ 500	12,500	12,500	12,500
<b>TOTAL</b>	<b>53</b>	<b>121,500</b>	<b>121,500</b>	<b>121,500</b>
<b>HIGH</b>				
Communities	20 @ 3,500	70,000	70,000	70,000
Major Corps.	15 @ 6,000	90,000	90,000	90,000
Small Corps.	40 @ 500	20,000	20,000	20,000
<b>TOTAL</b>	<b>75</b>	<b>180,000</b>	<b>180,000</b>	<b>180,000</b>

With the exception of the Assistant position, the Saint Paul Area Chamber of Commerce will provide staff salaries and overhead for the foreseeable future.

--- East Metropolitan Joint Venture Proposal ---

5. Actions Required to Move Forward.

Month Activity

1. Design/Print Brochure for Council.  
/ Request funding from various communities.  
& Assemble the management committee.  
/ Solicit funds from land owners, brokers, etc. by mail.
2. Begin process of selecting advertising agency.  
Gain commitment for the project from communities.  
Solicit Corporate commitment and contributions.  
Secure Interim funding.
3. Choose advertising agency.  
Begin marketing material production (Video/Print).  
Testify, or otherwise obtain community commitments.  
Refine/gain agreement on Initial marketing plan.  
Collect small and large corporate funding commitments.
4. Continue production of marketing materials.  
Finalize marketing plan.
5. Complete marketing materials.  
Implement marketing plan:  
    Promotion blitz.  
    First media advertisements.  
    First direct mail ads.
6. Second media advertisements.  
Prospect handling.  
Bus tour preparation.
7. First bus tour.  
More promotional activities.

MEMORANDUM

TO: City Manager  
 FROM: Associate Planner--Johnson  
 SUBJECT: Preliminary Plat  
 LOCATION: Woodlynn Avenue and McKnight Road  
 OWNER/APPLICANT: Mack Nettleton  
 PROJECT: Woodlynn Heights Townhomes No. 2  
 DATE: November 13, 1986

Action by Council:

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

Request

Preliminary plat approval for four town house lots, an outlot for the common driveways and three large remnant parcels for future development.

Proposal

1. Refer to page 7 for the configuration of the lots.
2. Lots Two and Three would be developed with two more four-unit town house structures. Each lot would be replatted into four lots and an outlot.
3. No plans have been made for Lot One yet.
4. Outlot A would be owned in-common by the owners of the town house units, and be maintained by the homeowner's association. The driveways and utilities to each unit are located in this area.

Recommendation

Approve the Woodlynn Heights Townhomes No. 2 preliminary plat, subject to compliance with the following conditions before application for final plat approval:

1. City engineer approval of a grading and drainage plan for the entire property. The plan shall also provide diking as needed along the north property line to prevent over-land flowage from a break in the pipeline.
2. All of Lots 2 - 7 and as much of Lot 1 as is necessary for effective drainage of Lots 2 - 7 shall be graded according to the approved grading plan or a developer's agreement shall be entered into with the required surety, to guarantee completion of this grading.
3. A developer's agreement shall be entered into, with the required surety, that includes, but is not limited to, restoration of Woodlynn Avenue following connection to public utilities.
4. A 20-foot wide drainage easement shall be centered on the common lot line for Lots One and Two.

5. The city shall approve the homeowner's association bylaws and rules to assure that there will be one responsible party for the maintenance of the on-site private utilities and driveways.

6. A written statement shall be submitted to the city from NSP and Amoco authorizing the grading proposed in the approved grading plan.

## BACKGROUND

### Site Description

Size: 6.69 acres with 1,121 feet of frontage on Woodlynn Avenue.

Existing land use: undeveloped.

Easements: NSP power line and Amoco pipeline easements cover the north 150 feet of the property. (See the map on page 7 ). The pipeline would be 170 feet north of the proposed dwelling units.

### Surrounding Land Uses

North: NSP power line and Amoco pipeline easements. The property is planned for RM, residential medium density uses.

East: a four-unit town house structure.

South: Woodlynn Avenue. Across the Street are single dwellings.

West: undeveloped land planned for RM, residential medium density use.

### Past Action

4-22-85:

Council approved the Woodlynn Heights Townhomes preliminary and final plats for the four-unit town house property abutting to the east (see page 6 ), subject to:

1. Payment of the back taxes and delinquent assessments against the entire property. If these costs are not paid prior to the request for final plat approval, an agreement acceptable to the city attorney shall be entered into to arrange for and/or secure payment of these items at closing.
2. City approval of the homeowner's association bylaws and rules, to assure that there will be one responsible party for the maintenance of the on-site utilities and driveways.
3. Plat the remnant parcel west of the four-unit town house as an outlot.
4. Dedication of ten feet along the east boundary of the site to increase the west half of McKnight Road's right-of-way to 43 feet.
5. On the final plat, the sight triangle must be shown that is of record at the intersection of Woodlynn Avenue and McKnight Road.

8-26-86:

The community design review board approved the site and building plans for the proposed four-unit town house structure.

Planning

1. Land use plan designation: RM, residential medium density.
2. Zoning: R-3, multiple dwelling.
3. Permitted density: 22 people/net acre.
4. Proposed density: 15.1 people/net acre.
5. The proposal meets or exceeds all lot dimension requirements.

Public Works

Storm sewer, water main and sanitary sewer are available to the site.

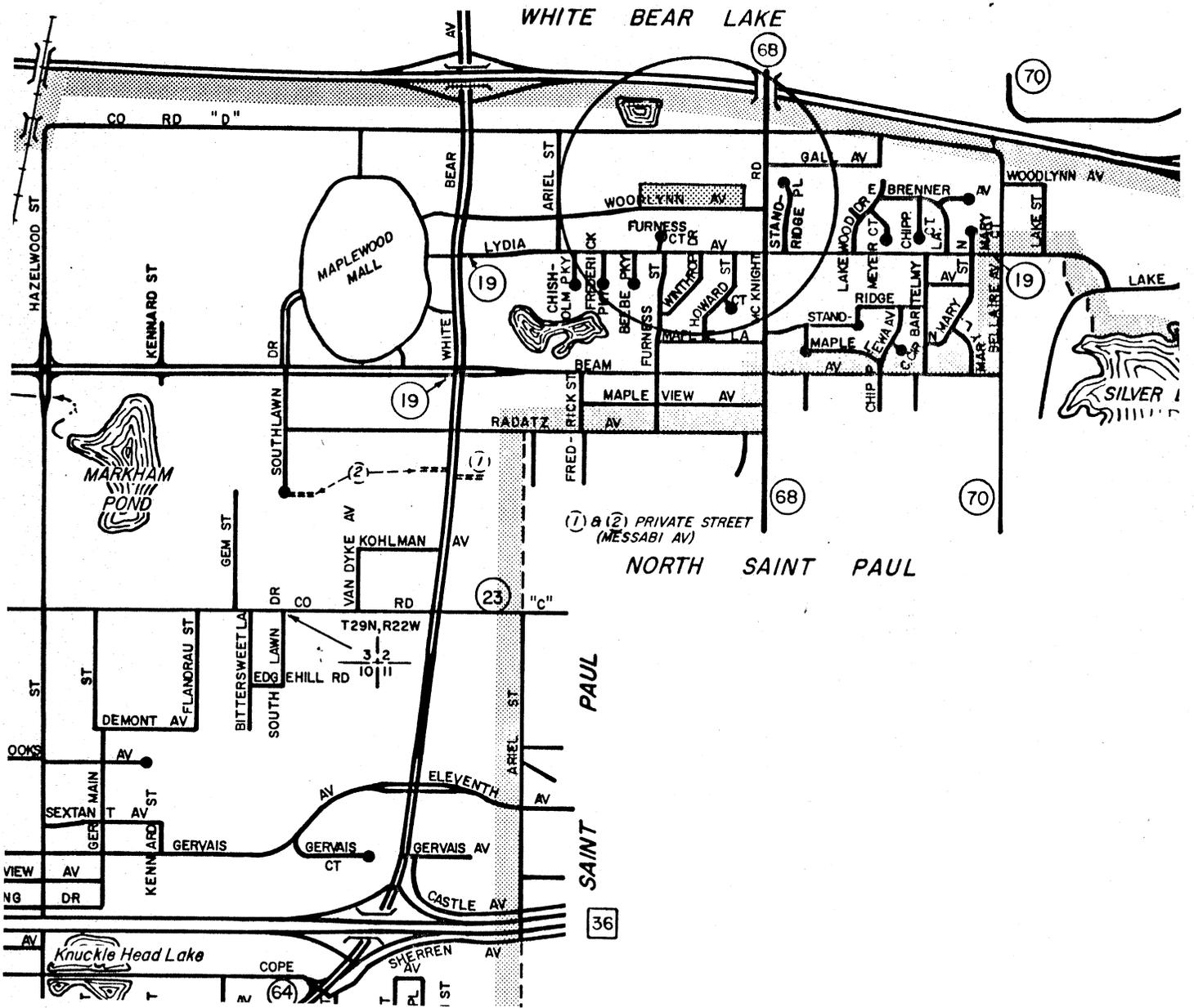
Procedure

1. Planning commission recommendation.
2. City council decision following a public hearing.

jc

Attachments

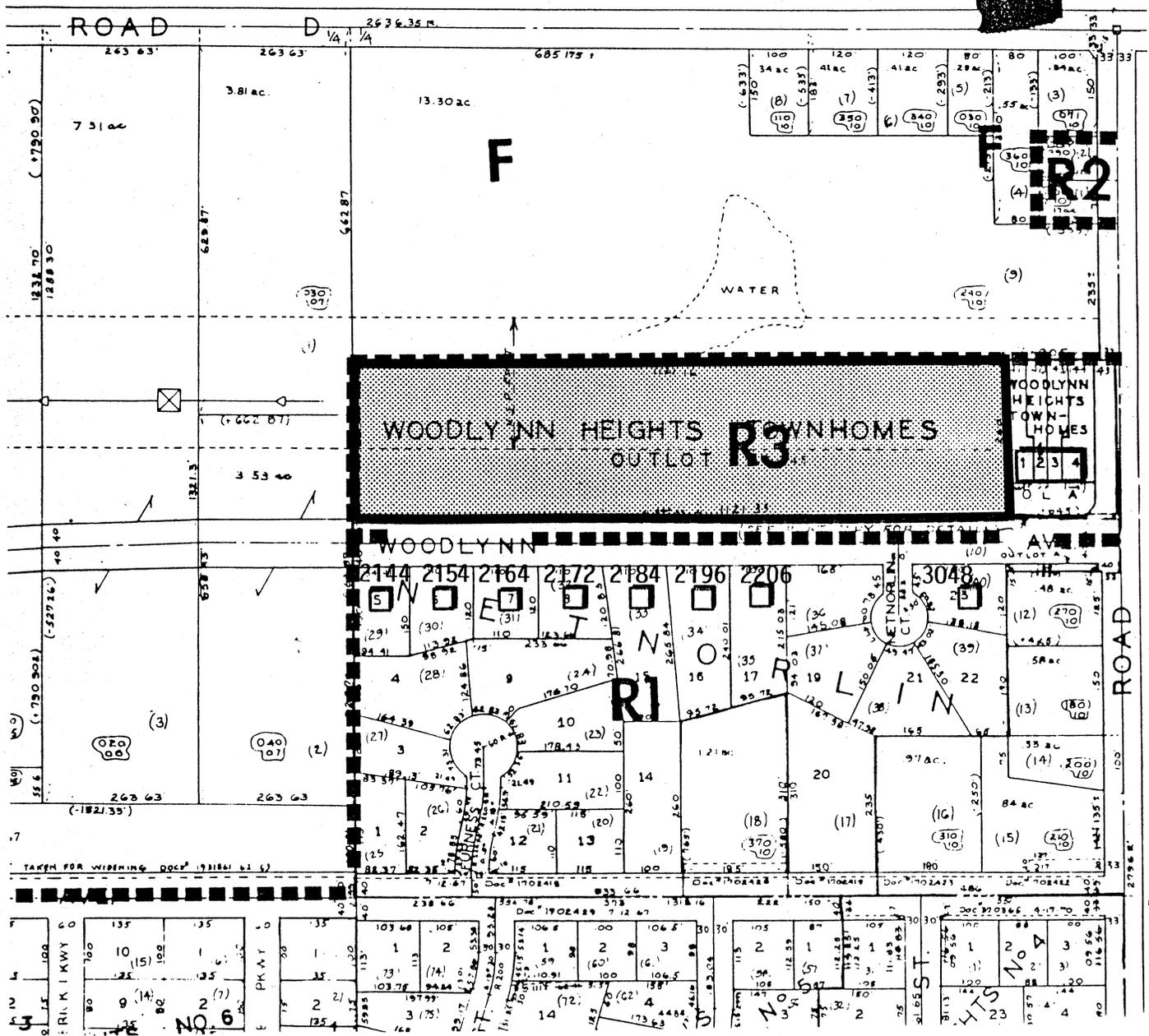
1. Location Map
2. Property Line/Zoning Map
3. Preliminary Plat (8 1/2 x 11)
4. preliminary Plat (Separate enclosure)



# LOCATION MAP

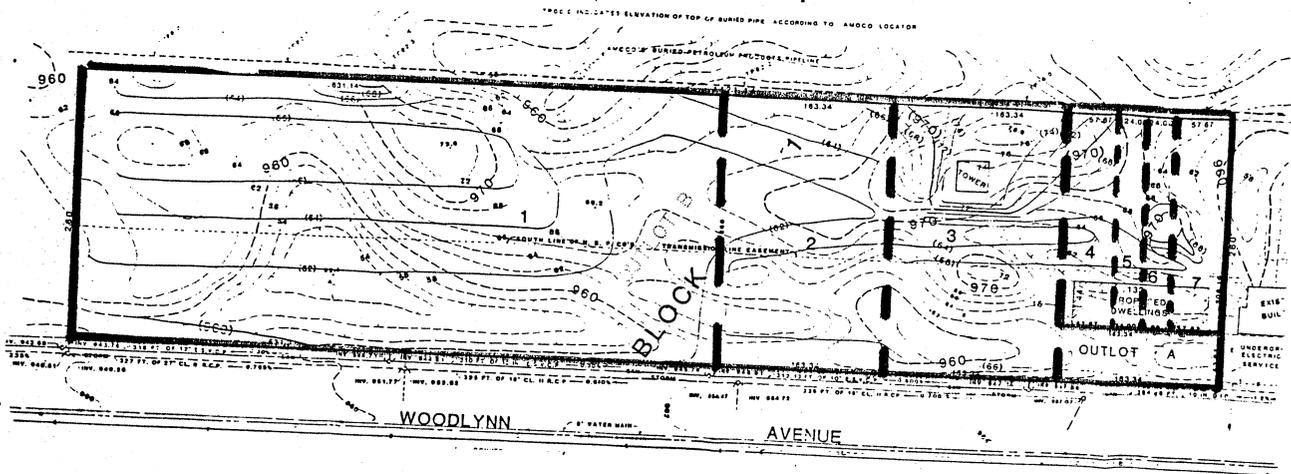
Attachment 1





PROPERTY LINE / ZONING MAP





PRELIMINARY PLAT



A. Preliminary Plat--Woodlynn Heights Townhomes No. 2

11-17-86

Secretary Olson said the proposal is a preliminary plat for four town house lots, an outlet for the common driveways and three large remnant parcels for future development. Staff is recommending approval as outlined in their report.

Mr. Nettleton was present and questioned the requirement to obtain written statements from NSP and Amoco authorizing the grading on their easements. He did not have this problem when he constructed on the lot next door.

Commissioner Barrett moved this item be tabled until the developer and city can reach an agreement on the need for approval to grade on the easements.

Motion died for lack of second

Commissioner Whitcomb moved the planning commission recommend the city council approve the Woodlynn Heights Townhomes No. 2 preliminary plat, subject to compliance with the following conditions before application for final plat approval:

1. City engineer approval of a grading and drainage plan for the entire property. The plan shall also provide diking as needed along the north property line to prevent over-land flowage from a break in the pipeline.
2. All of Lots 2 - 7 and as much of Lot 1 as is necessary for effective drainage of Lots 2 - 7 shall be graded according to the approved grading plan or a developer's agreement shall be entered into with the required survey, to guarantee completion of this grading.
3. A developer's agreement shall be entered into, with the required surety, that includes, but is not limited to, restoration of Woodlynn Avenue following connection to public utilities.
4. A 20-foot wide drainage easement shall be centered on the common lot line for Lots One and Two.
5. The city shall approve the homeowner's association by laws and rules to assure that there will be one responsible party for the maintenance of the on-site private utilities and driveways.
6. A written statement shall be submitted to the city from NSP and Amoco authorizing the grading proposed in the approved grading plan.

Commissioner Cardinal seconded  
Fiola, Larson, Sigmundik, Whitcomb

Ayes--Commissioners Cardinal, Fischer,

Nays--Commissioner Barrett

MEMORANDUM

F-2

Action by Council:

TO:	City Manager	Endorsed_____
FROM:	Thomas Ekstrand--Associate Planner	Modified_____
SUBJECT:	Variances and Building Design Review	Rejected_____
LOCATION:	1918 Beam Avenue	Date_____
APPLICANT:	The Shopping Center Group	
OWNER:	Richard Schulze	
PROJECT:	Addition for Pier I Imports (formerly occupied by the Best Buy Company)	
DATE:	November 14, 1986	

Request

1. Approval of two parking space variiances and a parking lot setback variance.
2. Approval of design plans for an addition on the rear of the building and remodeling of the front.

Summary of the Facts

Proposal:

1. The applicant proposes to construct a 1,392-square foot addition to the existing 6,056-square foot building to be used as additional stockroom space. The additional space will be added to the south side (rear) of the building. To accommodate the expansion, the existing six-foot high cedar-board fence will be moved 15 feet south and placed on a 2 1/2-foot high concrete retaining wall. The wall will be designed to insure that run-off from the parking lot does not flow south to the neighbor's yard. The additional 15 feet of land will be paved with blacktop. Plantings moved as a result of the expansion will be replanted south of the new fence line to soften the effect of the fence. The addition will be constructed of the same type of masonry units as used on the existing building. Renovation will include removal of part of the masonry units on the north side (front) of the building and replacement with glass display windows. In addition, a new fabric canopy will be installed across the front of the building.
2. Refer to the attached plans and narrative for further information on the proposal.

Variiances (three variiances are required):

1. Only two of the 34 parking spaces would be ten feet or more in width. Section 36-22 (b) requires that at least half or 17 spaces be ten feet or more in width. A variance, therefore, is required for 15 spaces.
2. Thirty-four spaces are proposed. Only 32 spaces would be provided if half the spaces must be ten feet in width. Section 36-22 (a) (6) requires 38 spaces. A variance, therefore, of four or six spaces is required.

3. The parking lot would be extended to within five feet of the rear lot line. Section 36-27 (a) (1) requires a 20-foot setback. A variance, therefore, of 15 feet is required.

Comments

These variances should be denied because the state required findings (page 4) for approving a variance are not met and there has been traffic and parking congestion around this site in the past.

Also, if the variance to allow the nine-foot wide stalls is denied, parking would be reduced from the current 34 spaces to 32 spaces, while the building would increase by 1,392 square feet. It is true that the addition is for storage, but all businesses have storage. This is included in the formula for calculating parking spaces (one space for each 200 square feet of floor area).

If the variances are denied, the applicant will have to purchase additional land to the south or find a tenant that does not require a building addition.

Recommendation

1. Denial of the two parking space variances and a parking lot setback variance on the basis that:
  - a. Strict enforcement would not cause undue hardship because of circumstances unique to the property under consideration.
    - (1) The property has and can continue to be put to a reasonable use.
    - (2) If additional land cannot be purchased to the south, a tenant that does not require an addition could be found.
    - (3) A precedent may be set that would affect future cases.
  - b. The variances would not be in keeping with the spirit and intent of the ordinance. While Pier I Imports may be able to make a case for less parking, the city cannot control use of the space by future tenants.
2. Approval of plans to remodel the front of the building.
3. Denial of plans for the addition, on the basis that parking would not meet code requirements.

## BACKGROUND

### Site Description

1. Site size: 28,420 square feet.
2. Existing land use: the former Best Buy Company building

### Surrounding Land Uses

Northerly: Beam Avenue and the Maplewood Mall.  
Southerly: single dwelling.  
Easterly: Kentucky Fried Chicken.  
Westerly: Sherwin Williams and the Paper Warehouse

### Past Action

8-23-83:

The design review board conditionally approved the site plan.

9-27-83:

The board approved the landscape plan.

6-8-84:

The city approved a lot split to create this site.

2-11-85:

Council amended the trash dumpster screening ordinance as the result of a request by the Best Buy Company for a variance to use a wooden enclosure, rather than masonry as was previously required.

### PLANNING CONSIDERATIONS

1. Zoning: BC (M), business commercial (modified)
2. Ordinance requirements:
  - a. Section 36-22 (b)--Fifty percent of 90 degree parking spaces shall be at least ten-feet wide and 20-feet long and fifty percent shall be at least nine-feet wide and twenty-feet long, except for owner-occupied multiple dwellings.
  - b. Section 36-22 (a) (6)--Commercial uses shall have one parking space for each 200-square feet, or portion thereof, of floor area.
  - c. Section 36-27 (a)--A landscaped area of not less than twenty feet in width shall be provided where a nonresidential use would be within 200 feet of residentially zoned property.
3. Section 367.10 Subdivision 6 (2) of state law requires that the following findings be made before a variance can be granted:

- a. Strict enforcement would cause undue hardship because of circumstances unique to the property under consideration.
- b. 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 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.

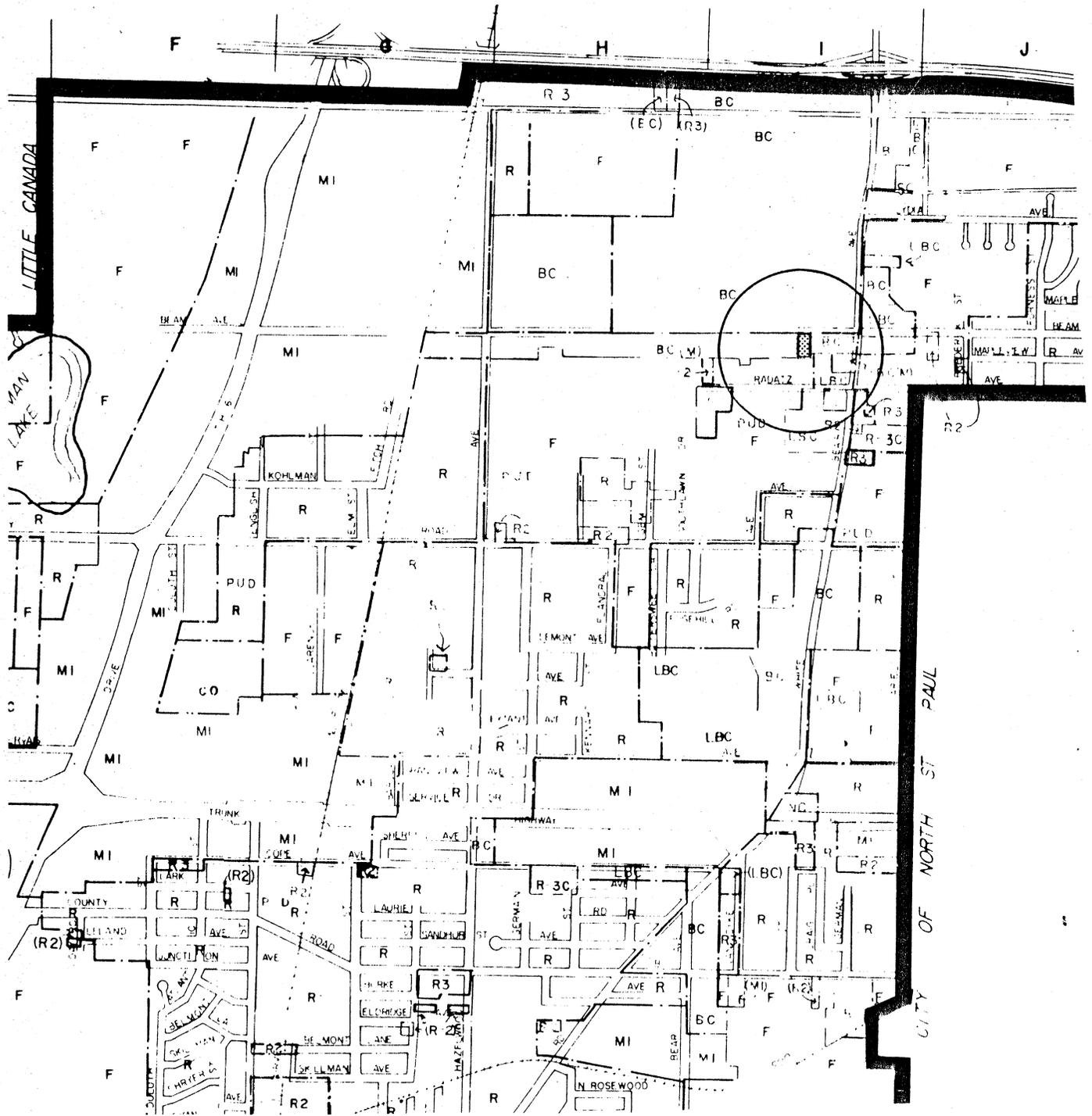
#### Citizen Comments

Staff notified abutting owners about this proposal and requested their comment. We received three replies. Two commercial properties were in favor. The resident behind was opposed. (See attached letter.)

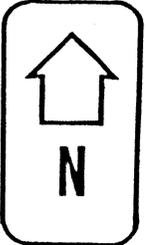
jc

#### Attachments

1. Location Map
2. Property Line/Zoning Map
3. Site Plan (reduction)
4. Current Site Plan
5. Fence and retaining wall design
6. Adjacent neighbor's response
7. Applicant's letter of justification
8. Site plan and building elevations (separate document)

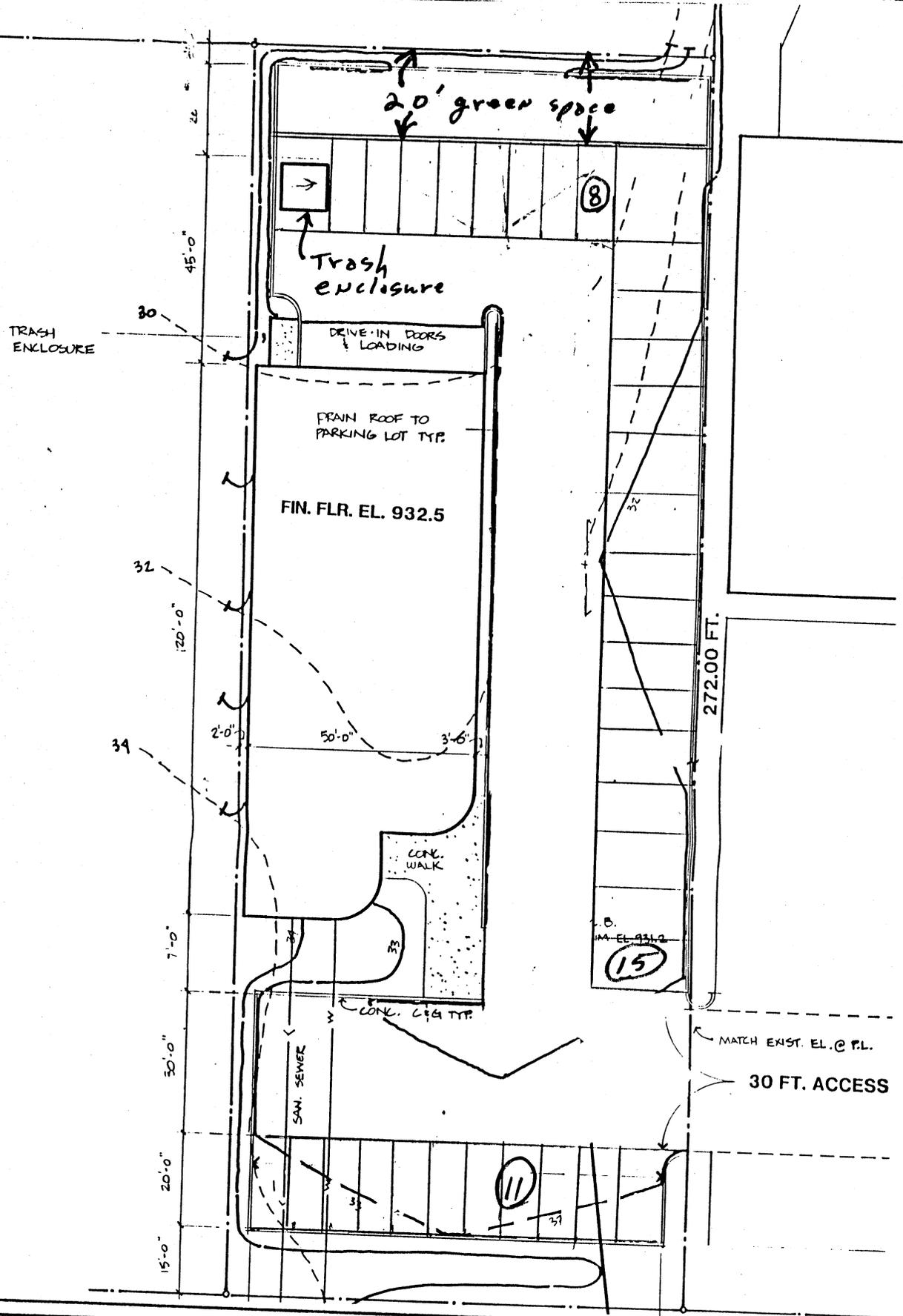


LOCATION MAP

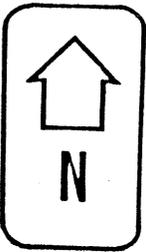


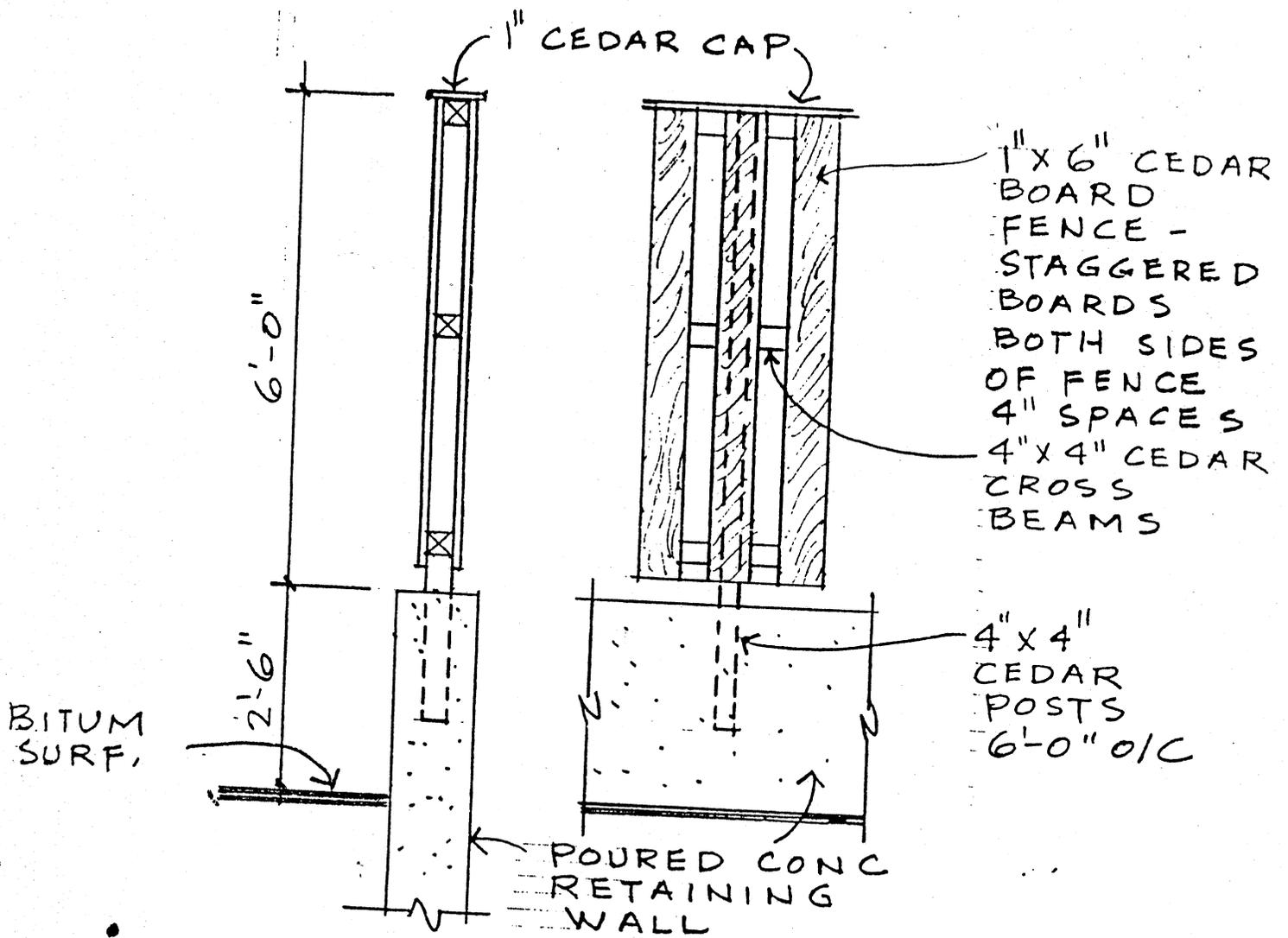






**CURRENT  
SITE PLAN**





SECTION & PARTIAL ELEVATION OF CEDAR BOARD FENCE

1/2" = 1'-0"

JON REDMOND ARCHITECT

10/29/86

BEST BUY CO  
1918 BEAM AVE  
MAPLEWOOD, MN.

11.06.86



# CITY OF MAPLEWOOD

1830 EAST CO. ROAD B

MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY DEVELOPMENT

612-770-4560

October 31, 1986

Oral K. Jordan  
1905 Radatz  
Maplewood, MN 55109

### BUILDING ADDITION - PIER I IMPORTS

This survey is to get your opinion on an application the city has received to develop property in your neighborhood. The application is for a variance to allow Pier I Imports to expand the rear parking lot to the lot line at 1918 Beam Avenue (the former Best Buy building). See the enclosed map. The applicant proposes to build a screening fence to conceal the parking lot.

Your opinion is needed to assist the city staff and planning commission in preparing a recommendation to the city council. Once this survey is completed, you will be notified of any public hearings.

Please indicate your opinion and comments below and return this entire letter to me in the enclosed postage-paid envelope by November 10, 1986. If you would like further information, please call me at 770-4560 between 8 a.m. and 5 p.m. Thank you for your comments. They will be given careful consideration.

THOMAS EKSTRAND - ASSOCIATE PLANNER

mb  
Enclosures

I am in favor of this proposal because: \_\_\_\_\_

I have no comment \_\_\_\_\_

I object to this proposal because: *Now 4-84*  
*Shu Williams bld. and for Best Buy Co. Both times we had to fix our yard pits lot of work*  
If you object, describe below or draw on the enclosed map any changes that would make this project acceptable.

*If they bld. on we really will be left down in a hole. You's don't care about what happen's to us the mess that's left the way the water run's down into our yard. You's have some (over)*

provided any draining of water off our property.  
And all of the junk and paper that blows into our  
yard. You can't cut grass with out stopping to pick  
up. Why should we have to pick up and put up with  
that.

We feel very strong about them moving that  
fence or building on. We do not want anything  
close to us. Both Sher. Williams and Best Dry Co.  
said how nice the yard would be left. They don't know  
how to tell the truth or take care of there landscape.

Oral K Jordan  
Elizabeth Jordan

NARRATIVE DESCRIPTION OF  
APPLICANT'S PROPOSAL

EXPANSION AND RENOVATION OF  
FORMER BEST BUY CO. STORE, 1918 BEAM AVENUE

The applicant, Brody Associates, Inc., on behalf of Richard M. Schulze, President of Best Buy Co. and owner of the subject premises, proposes to construct additional storage space to accommodate Pier 1 Imports which desires to occupy the building and operate their typical retail store on the premises after Best Buy Co. moves to its new facilities North of Maplewood Mall in the Town Center project. Pier 1 Imports intends to occupy the premises under a ten (10) year Lease with two (5) year options. A copy of their Letter of Intent is attached.

As you are aware, Best Buy's use of the building has been intense since the store opened. This has necessitated the construction of the new facility. Pier 1 Imports is a retailer of imported casual furniture, furnishings and clothing. The Urban Land Institute Parking Requirement Study has determined that parking requirements for stores such as Pier 1 are one-third that of a store such as Best Buy Co. It is because of that difference that applicant believes that the parking situation for the subject premises will be greatly improved with the Pier 1 occupancy of the building, notwithstanding construction of additional storage space.

Basically, applicant proposes to construct a 1,392 square foot addition to the existing 6,056 square foot building to be used as additional stockroom space. The additional space will be added to the South side (rear) of the building. To accommodate the expansion, the fence will be moved 15 feet South and placed on a retaining wall designed to insure that run-off from the parking lot does not flow South to the neighbor's yard. The additional 15 feet of land will be paved with blacktop. Plantings moved as a result of the expansion will be replanted South of the new fence line to soften the effect of the fence.

The building will be constructed of the same type of masonry units as used on the existing building. Renovation will include removal of part of the masonry units on the North side (front) of the building and replacement with glass display windows. In addition, a new fabric canopy will be installed across the front of the building.

A variance for parking is required as the code provides 37.2 spaces and the site plan accommodates only 34 spaces. Pier 1 Imports believes that this is adequate for the usage anticipated.

MEMORANDUM

Action by Council:

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Dege Garden Center  
DATE: December 2, 1986

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

The city council, on November 24, gave preliminary approval to a revised conditional use permit for this property. Mr. Dege's request to include a garage was not approved. Council requested a draft of the revised wording before a final vote.

In addition to approving a final resolution, council should establish a date by which the garage is to be removed.

jc

Attachments

- 1. Resolution
- 2. Staff report (11-13-86)

Pursuant to due call and notice thereof a regular meeting of the city council of the City of Maplewood, Minnesota was duly called and held in the council chambers in said city on the 24th day of November, 1986 at 7 p.m.

The following members were present:

The following members were absent:

WHEREAS, George Dege initiated a conditional use permit revision for a parking lot, outdoor sales area and residential garage in an R-1 zone at the following-described property:

Lots 31 and 32, Block 1, Cahanes Acres

This property is also known as 831 North Century Avenue, Maplewood;

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

1. This conditional use permit revision was initiated by George Dege, pursuant to the Maplewood Code of Ordinances.

2. This conditional use permit revision was reviewed by the Maplewood Planning Commission on November 17, 1986. The planning commission recommended to the city council that said permit be approved.

3. The Maplewood City Council held a public hearing on November 24, 1986. 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.

4. The city council gave preliminary approval to the conditional use permit, except for the residential garage, on November 24 and tabled final action until December 8, 1986 to have the resolution revised.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the 1971 conditional use permit for an off-street parking lot is renewed and revised to allow an expansion of the parking lot from 28 to 33 spaces and an outdoor sales area, the residential garage is denied, on the basis that a garage is not "parking" as envisioned in the original conditional use permit and is, therefore, beyond the scope of a nonconforming use. Approval of the permit is based on the following findings:

1. The use is in conformance with the city's comprehensive plan and with the purpose and standards of the zoning code. The parking lot and outdoor sales are nonconforming uses. The parking lot is needed to comply with city parking requirements.

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 site plan submitted by Mr. Dege on October 27, 1986, except for the garage, shall be considered as part of this permit. Any change must be approved by the community design review board.

2. The parking lot may only be used for parking for the garden center building.

3. No commercial use for sale, storage, display or advertising signs of garden materials, plants, or any other kinds of goods shall be allowed anywhere on the legally described property to which this conditional use permit is issued, except under the approved canopy. The canopy shall not be enclosed. Sales shall be limited to nursery plants and covering straw from April through September. No other type of sales or storage shall be allowed.

4. No portion of this site shall be used for truck or trailer storage.



MEMORANDUM

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Conditional Use Permit Revision or Revocation  
LOCATION: 831 N. Century Avenue  
PROJECT: Dege Garden Center  
DATE: November 13, 1986

SUMMARY

Request

Revision or revocation of a conditional use permit.

Summary of the Facts

1. Mr. Dege would like to finish construction of a 58 by 13.5 foot (783 square foot) garage. The garage would be used to store his RV trailer and a truck to haul the trailer. (Refer to Mr. Dege's letter on page 13.)
2. The city issued a building permit for the garage in error. When the error was discovered, a stop-work order was issued. The stop-work order was temporarily lifted to allow completion of the roof to prevent damage to the building.
3. Several neighbors have petitioned for revocation of the permit. (Refer to petition on page 15.)
4. The city issued a conditional use permit with 11 conditions on June 3, 1971, to allow construction of a parking lot on Lots 31 and 32, Block 1, Cahanes Acres. (See page 10.) Conditions 1, 2 and 6 would have to be revised to allow the garage.
  - a. Condition One states that "the submitted parking plan architectural site plan prepared by Bather, Ringrose, Wolsfeld, Inc., dated May 3, 1971 shall be the approved and govern plan layout and control on all site planning, development, and land use."

In addition to the garage, the parking lot has been expanded from 28 to 33 spaces, including a drive for the garage.

  - b. Condition Two states that "the special use permit for 28 off-street parking spaces shall be restricted for parking use only relating the existing business establishment known as 'Dege Garden Center' as it is presently constituted in terms of total retail floor space and retail ground areas."

The garage would be used for personal, rather than business use.
5. There are also problems with several other conditions:

a. Condition Five states that "no commercial use for sale, storage, display or advertising signs of garden materials, plants or any other kinds of goods shall be allowed anywhere on the legally described property to which this special use permit issued."

Plants are sold under an outdoor canopy for several months. Mr. Dege has been doing this for many years. The only city approval was a permit issued on March 23, 1981 for a temporary structure with a plastic roof that was removed on July 31, 1981. Since then, Mr. Dege has reconstructed this addition with a year-round plexiglass canopy.

b. Condition Six states that "no portion of the approved parking lot area shall be used for truck or trailer storage."

The parking lot would be used for the RV trailer and truck.

c. Condition Nine states that "the special use permit to use the site for off-street parking shall be assigned to the Dege Garden Center. Any change in the occupancy or use of the current Dege Garden Center shall not give future occupants any rights to the use of the parking allowed in this permit. Further, should the Dege Garden Center vacate its business premises, go out of business or abandon its current site, then the special use permit for off-street parking for Lots 31 and 32, Block 1, Cahanes Acres, shall become immediately null and void and such parking land use rights in this permit shall not be transferable or negotiable by the permittee (Mr. Albert Dege) to any future occupants or purchasers of Dege Garden Center property located at 831 Century Avenue North."

This condition is not enforceable. The courts have ruled that a conditional use permit must run with the land, not the owner.

d. Condition Eleven states that "the permittee (Mr. Albert Dege) shall sign a waiver agreement with the village which specifies that he, as the permit holder, waives any legal claims for damages or business loss against the village should the village withdraw the special use permit. Also, the agreement shall provide that Mr. Albert Dege shall not be able to use the special use permit parking area as an item of claim against any other level of government which should act to physically improve and/or widen Century Avenue where a condemnation of land might be necessary for additional widening."

There is no record of such a waiver. No widening of Century Avenue is expected that would affect the parking lot.

#### Comments

The main objectives of the city in this case should be to provide the minimum amount of code required parking in the least objectionable way possible to the neighbors. The parking lot expansion provides needed parking. If the building is sold for another use, the parking lot will be needed. The trees provide effective screening for the neighbors.

The outdoor sales are seasonable, have been going on for years and have not been a problem.

The garage under construction is smaller than allowed by code for a residential garage and is screened from view by the trees.

### Recommendation

Approve the following revisions to the conditional use permit, that will allow the garage, outdoor sales and expanded parking lot for one year (additions underlined and deletions crossed out):

~~(1) The submitted parking plan architectural site plan prepared by Bather, Ringrose, Wolsfeld, Inc., dated May 3, 1971 shall be approved and governing plan layout and control on all site planning, development, and land use.~~

1. The site plan submitted by Mr. Dege on October 27, 1986 shall be considered as part of this permit. Any change must be approved by the community design review board.

~~(2) The special use permit for 28 off-street parking spaces shall be restricted for parking use only relating the existing business establishment known as the "Dege Garden Center" as it is presently constituted in terms of total retail floor space and retail ground area.~~

2. The parking lot may only be used for parking for the garden center building.

~~(3) The entire parking surface area and drives within the area connecting to the streets shall be hardsurfaced with bituminous asphaltic mix and appropriately marked prior to use for off-street parking purposes.~~

~~(4) The landscaping treatment as specified on the plan shall be installed prior to allowance for use for off-street parking.~~

3. ~~(5)~~ No commercial use for sale, storage, display or advertising signs of garden materials, plants or any other kinds of goods shall be allowed anywhere on the legally described property to which this special conditional use permit is issued, except under the approved canopy. The canopy shall not be enclosed. Sales shall be limited to nursery plants and covering straw from April through September. No other type of sales or storage shall be allowed.

4. ~~(6)~~ No portion of the approved parking lot area this site shall be used for commercial truck or trailer storage.

~~(7) The drainage of the parking area shall be subject to approval by the village engineer and shall be resolved and rectified prior to occupancy to the parking permit area being granted by the village building official.~~

~~(8) This special use permit shall be subject to review at the discretion of the village council at anytime the council has reason to review the permit due to negligence of maintenance, change in planning or development conditions in the area, noncompliance to imposed conditions of the permit, or justified and proven citizen complaints. Further, the council upon demonstrable findings, may by majority vote act to revoke such permit. To modify any of the conditions of this permit or change the physical arrangement of the plan shall require a public hearing and compliance to all procedures of the special use permit hearing procedures specified in the municipal zoning code.~~

5. Review, renewal or revocation of this permit shall be in accordance with city code.

~~(9) The special use permit to use the site for off-street parking shall be assigned to the Dege Garden Center. Any changes in the occupancy or the use of the current Dege Garden Center shall not give future occupants any rights to the use of the parking allowed in this permit. Further, should the Dege Garden Center vacate its business premises, go out of business or abandon its current business site, then the special use permit for off-street parking for Lots 31 and 32, Block 1, Cahanes Acres, shall become immediately null and void and such parking land use rights in this permit shall not be transferable or negotiable by the permittee (Mr. Albert Dege) to any future occupants or purchasers of Dege Garden Center property located a 831 Century Avenue North.~~

~~(10) This special use permit must be exercised by obtaining a driveway construction permit within 15 days from the date of final village council approval or the special use permit becomes void.~~

6. ~~(11) The permittee (Mr. Albert Dege) shall sign a waiver agreement with the village city which specifies that he, as the permit holder, waives any legal claims for damages or business loss against the village city should the village city withdraw the special conditional use permit. Also, the agreement shall provide that Mr. Albert Dege shall not be able to use the special use permit parking area as an item of claim against any other level of government which should act to physically improve and/or widen Century Avenue where a condemnation of land might be necessary for additional widening.~~

7. Any trees on the site that die must be replaced.

8. No exterior lighting or speakers shall be allowed.

## BACKGROUND

### Site Area

43,293 square feet

### Surrounding Land Uses

Single dwellings to the north, south and west of the parking lot. Dege Garden Center fronts on Century Avenue along with other commercial businesses.

### Past Actions

6-3-71: Council approved the conditional use permit for Dege Garden Center's parking lot based on the conditions established on May 27, 1971. (See page 10.)

12-4-71:

Council conditionally approved a 50 by 80 foot addition to the building.

1-6-72:

Council approved the previous design of the south and east sides of the building (the former town-scape facade).

6-22-72:

Council reviewed the applicant's conditional use permit for compliance. No action was taken.

8-1-74:

Council approved plans for the applicant to build a 16 by 72 foot greenhouse on the north side of his building, subject to:

1. Approval of the building plan in no way will affect or diminish in any way the conditions previously attached by the city council to the approval of the special use permit for the parking lot on Lots 31 and 32, Block 1, Cahanes Acres.

2. The applicant and owner shall agree to the above conditions in writing.

7-10-75:

Council, upon review of a request by neighbors to have the applicant's conditional use permit revoked, due to noncompliance, moved to inform Mr. Dege that he must adhere to the May 27, 1971 conditions.

10-15-86:

The applicant obtained a building permit for a 12 by 58 foot storage garage adjacent to the parking lot to store his truck and RV.

## PLANNING CONSIDERATIONS

1. Land use plan designation: RL, low density residential (the parking lot site as well as the garden center site).
2. Zoning: R-1, single dwelling residential (parking lot site); BC, business commercial (garden center site).
3. Applicable ordinance requirements:
  - a. Section 36-17 (e) (2) 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 there would not be a significant affect, as determined by the city through a special use permit, on the development of the parcel as zoned.
  - b. Section 36-442 (b) provides that approval of a conditional use permit shall be based upon Conditions One through Ten as listed in the resolution (page 17).
  - c. Section 36-442 describes the procedures for review or revocation of a conditional use permit. (Refer to page 14.)
  - d. Section 36-6 allows residential garages up to 1,000 square feet in area. Garages may not exceed one story in height. The proposed garage is 783 square feet and one story in height.

## CITIZEN COMMENTS

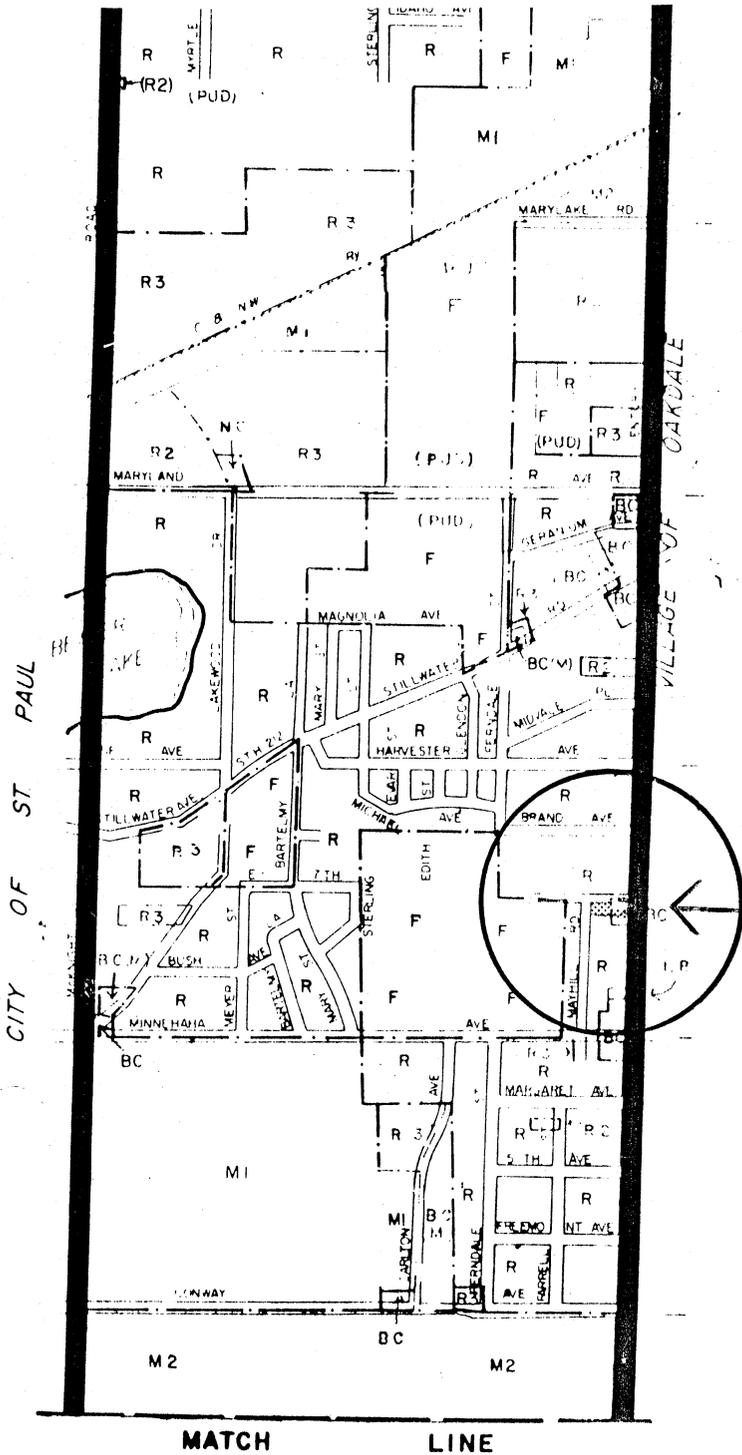
Since construction began, staff has received complaints from three neighboring residential households. The objections voiced were:

1. The new garage is in violation of the conditional use permit, which was issued only to permit 28 off-street parking stalls.
2. The new garage will inevitably be used as an extension of the garden center for business purposes, such as storing supplies.
3. The garage detracts from whatever remaining residential character the lot still possesses, and is an encroachment of the commercial land usage towards the residential homes.

jc

### Attachments

1. Location Map
2. Property Line/Zoning Map
3. Existing Site Plan
4. Conditional Use Permit Requirements
5. Approved Parking Plan
6. Applicant's Letter
7. Section 36-442 (e - g)
8. Neighbors' Petition
9. Resolution



# LOCATION MAP

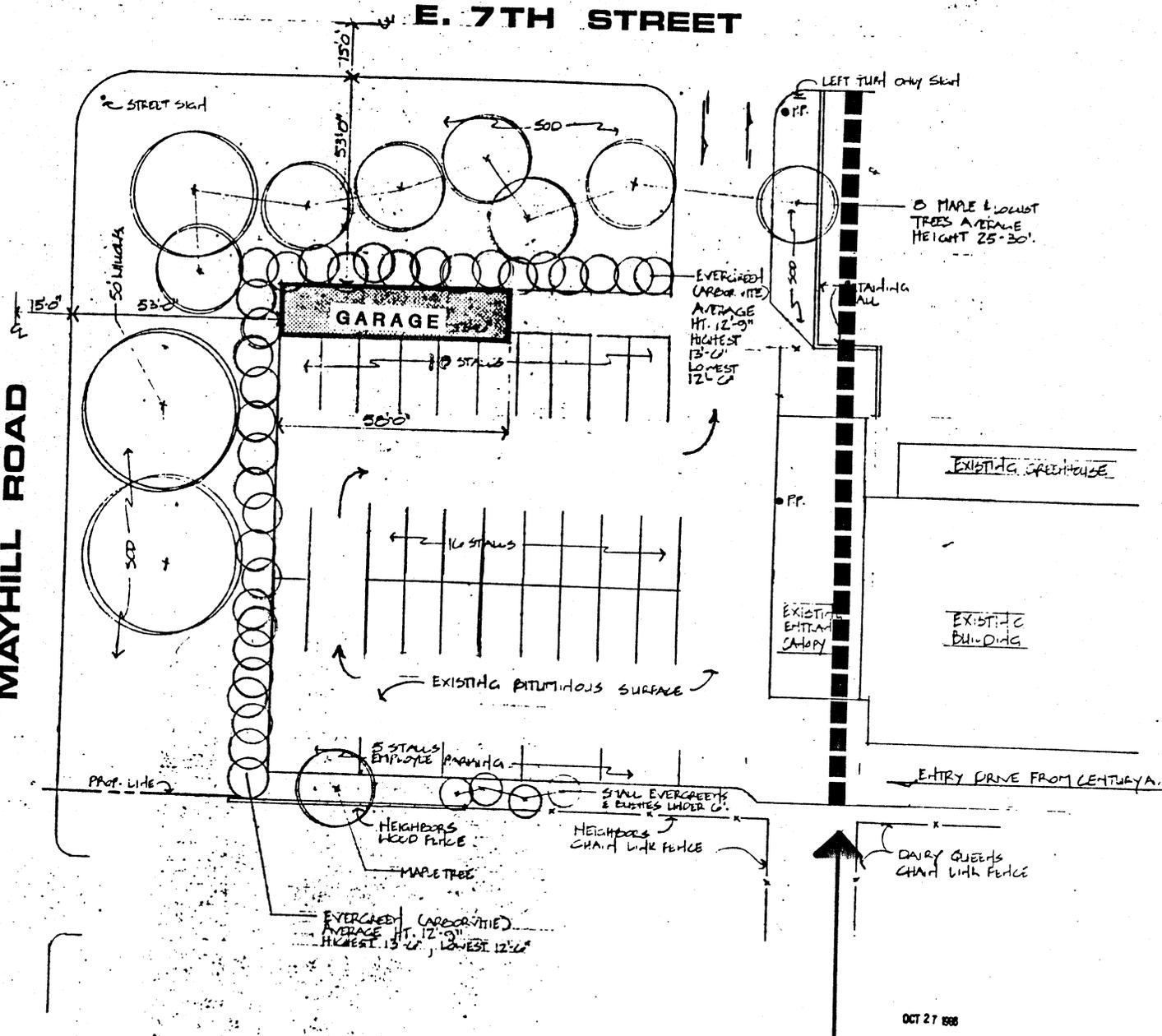
Attachment 1





**E. 7TH STREET**

**MAYHILL ROAD**



1 SITE PLAN  
A1 SCALE 1"=20'-0"

PARKING REQ'D. 20 STALLS  
PARKING PROVIDED 30 STALLS.



Zoning boundary between R-1 (west side) and BC (east side)

OCT 27 1988

**PROPOSED SITE PLAN**

Seconded by Councilman Greavu.

Ayes - all.

b. Off-Street Parking Lot - Dege Garden Center (8:10 P.M.)

1. Mayor Axdahl convened the meeting for a public hearing on the request of the Dege Garden Center for a Special Use Permit to allow construction of an off-street parking lot on property described as Lots 31 and 32, Block 1, Cahanes Acres. The Clerk read the notice of hearing along with the publication dates.

2. Manager Miller presented the staff report.

3. Administrator Seida read the Planning Commission reports stating that the Special Use Permit be approved subject to the following conditions:

(1) The submitted parking plan architectural site plan prepared by Bather Ringrose Wolsfeld, Inc., dated May 3, 1971 shall be the approved and governing plan layout and control on all site planning, development, and land use.

(2) The Special Use Permit for 28 off-street parking spaces shall be restricted for parking use only relating the existing business establishment known as the "Dege Garden Center" as it is presently constituted in terms of total retail floor space and retail ground area;

(3) The entire parking surface area and drives within the area connecting to the streets shall be hardsurfaced with bituminous asphaltic mix and appropriately marked prior to use for off-street parking purposes;

(4) The landscaping treatment as specified on the plan shall be installed prior to allowance for use for off-street parking.

(5) No commercial use for sale, storage, display or advertising signs of garden materials, plants, or any other kinds or goods shall be allowed anywhere on the legally described property to which this Special Use Permit is issued.

(6) No portion of the approved parking lot area shall be used for truck or trailer storage.

(7) The drainage of the parking area shall be subject to approval by the Village Engineer and shall be resolved and rectified prior to occupancy to the Parking Permit area being granted by the Village Building Official;

(8) This Special Use Permit shall be subject to review at the discretion of the Village Council at anytime the Council has reason to review the Permit due to negligence of maintenance, change in planning or development conditions in the area, non-compliance to imposed conditions of the Permit, or justified and proven citizen complaints. Further, the Council, upon demonstrable findings, may by majority vote act to revoke such permit. To modify any of the conditions of this Permit or change the physical arrangement of the Plan shall require a public hearing and compliance to all procedures of the Special Use Permit hearing procedures specified in the Municipal Zoning Code.

Conditions Approved by the City Council on 6-3-71

(9) The Special Use Permit to use the site for off-street parking shall be assigned to the Dege Garden Center. Any change in the occupancy or use of the current Dege Garden Center shall not give future occupants any rights to the use of the parking allowed in this permit. Further, should the Dege Garden Center vacate its business premises, go out of business, or abandon its current business site, then the Special Use Permit for off-street parking for Lots 31 and 32, Blk, 1, Cahanes Acres, shall become immediately null and void and such parking land use rights in this Permit shall not be transferable or negotiable by the permittee (Mr. Albert Dege) to any future occupants or purchasers of Dege Garden Center Property located at 831 Century Avenue, North.

(10) This Special Use Permit must be exercised by obtaining a Driveway Construction Permit within 15 days from the date of final Village Council approval on the Special Use Permit becomes void.

(11) The Permittee (Mr. Albert Dege) shall sign a waiver agreement with the Village which specifies that he, as the Permit holder, waives any legal claims for damages or business loss against the Village should the Village withdraw the Special Use Permit. Also, the agreement shall provide that Mr. Albert Dege shall not be able to use the Special Use Permit parking area as an item of claim against any other level of government which should act to physically improve and/or widen Century Avenue where a condemnation of land might be necessary for additional widening.

4. Proponents - None at this time.

5. Opponents - Steve Wing, Landfall Village, recently purchased property north of this property and wished to have several questions answered.

6. Mayor Axdahl called for formal objections. The objectors were heard:

Anthony Cahanes, 2703 E. Seventh Street

Gunnar Cronk, 2695 East Seventh Street in favor of the proposed parking lot.

Diane Glaske, 804 Mayhill Road, opposed to parking on Seventh Street; not against parking lot but does not want entrance on Seventh Street.

7. Mayor Axdahl closed the public hearing.

8. Following further discussion, Councilman Greavu moved to delay decision until June 3, 1971 and to allow for written objections to be filed for a one week period.

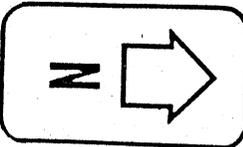
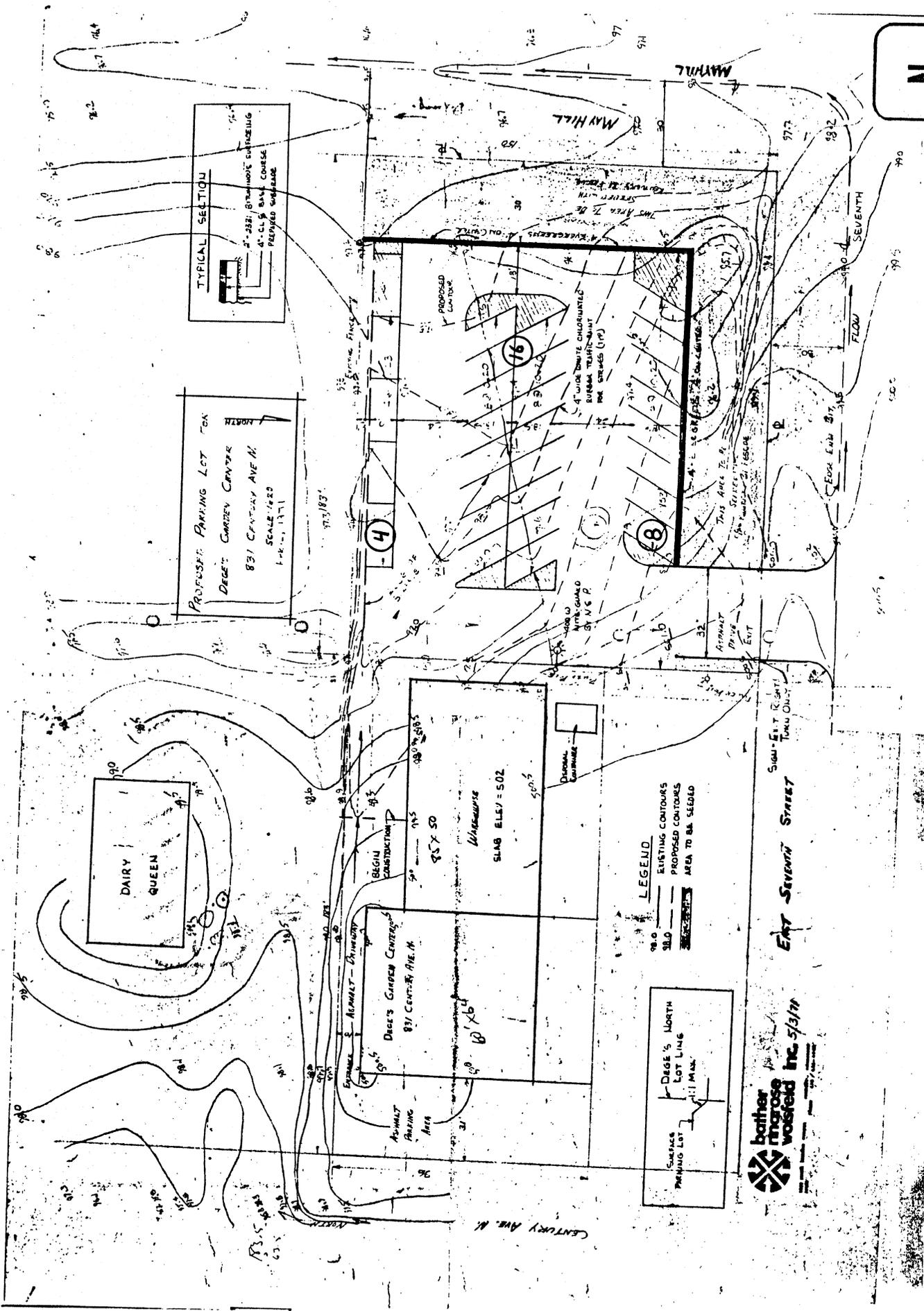
Seconded by Councilman Haugan.

Ayes - all.

c. Planned Unit Development - Maplewood Homes (8:30 P.M.)

1. Mayor Axdahl convened the meeting for a public hearing on the request of Maplewood Homes for a Planned Unit Development (300 condominium dwelling units composed of sixty 4-bedroom dwelling units and forty 3-bedroom dwelling units) on property described as Lots 1 thru 4, Block 1 and Lots 1 thru 3, Block 2, Beaver Lake Addition. The Clerk read the notice of hearing along with the publication dates.

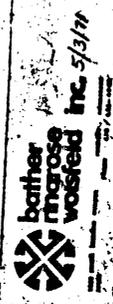
2. Manager Miller presented the staff report and read the following recommendation:



Approved parking plan 6/3/71

**LEGEND**  
 --- EXISTING CONTOURS  
 - - - PROPOSED CONTOURS  
 [Hatched Area] AREA TO BE SEEDED

DEGE'S NORTH LOT LINE  
 [Symbol] 1:1 MAX.  
 SURFACE PARKING LOT



COMMENTS FROM OWNER ON INTENDED USE OF STRUCTURE ON LOT 32

I, George Dege, co-owner of said property, built a 13'6" x 58' x 13'6" tall building for the sole purpose of storing safely my new 40" 5th Wheel R.V. trailer and medium-sized GMC 7000 Truck which pulls it.

This building, without electricity, will only be used to store my personal vehicles which have nothing to do with Dege Garden Ctr. Inc. I am paying for this structure myself, the insurance for said building, and vehicles stored within. This building will not be used for any Garden Ctr. activities or storage of inventory.

The purpose of the near flat roof was to impact the surrounding neighborhood as little as possible. The green color was used to blend in with the landscaping. The in and out movement of this R.V. is estimated at less than ten times a year.

We installed, to our West end, commercial blacktop from our existing parking lot to the shrubbery which is now 10' to 13' tall. We felt that this \$2,000 addition to the parking lot would help any overflow of our customers, which usually happens only in April and May. This addition added four more parking stalls. We felt that this would be well-received by our neighbors. The addition of blacktop to the North side of our existing parking lot was to conform with building code of said structure (must have floor). No original parking stalls have been eliminated from the original lot plan.

I feel that this structure is in keeping with the residential lot and by being 90% hidden from view on the Mayhill and 7th St. sides, there should be no adverse effect to the community.

I suggested shrubbery be planted by me on the South and West end of the parking lot to my southern neighbor. He stated that I couldn't "placate him with shrubbery" and that he just wanted the building taken down.

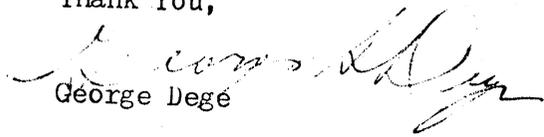
This building was proposed and plans were submitted for review by the appropriate staff at the Maplewood hall. A representative visited the site of the proposed building and additional parking spots. The plans were accepted.

Lampert Lumber Co. drew the spec's and they were made to conform with the building inspectors requests. My contractor, Ken Lindquist, took out the Building Permit and paid the appropriate fees and started construction. Three quarters of the work was completed when a "Stop Work" was put on this project.

The roof is completed except for the final roofing material, the entrance door, and twelve sheets of siding. I sincerely hope that the "Stop Work" order does not adversely affect this structure without the final roofing materials being applied.

I have lived up to my end of the Building Permit and I would hope that Maplewood will do the same. We have had a good relationship with Maplewood for 17 years and I would to continue that. This building will always be kept in the neatest condition by me.

Thank You,

  
George Dege

OCT 27 1986

3.0 4/12

(e) 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. The council may impose new or additional conditions upon the permit at the time of the initial or subsequent reviews. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the city from enacting or amending official controls to change the status of conditional uses. Any conditional use that meets the agreed upon conditions and is later disallowed because of the city enacting or amending official controls shall be considered a legal nonconforming use.

(f) The council may, upon review, terminate the permit if the approved conditions may have been violated or the use is no longer in effect. Where the construction of a special building or structure of a monetary value in excess of twenty-five thousand (\$25,000.00) has been permitted the council shall provide for a period of amortization of not less than five (5) years. Where public health, safety and welfare concerns are threatened the five-year amortization period is not required and the council may determine the amortization period, if any, to be allowed.

(g) In the event the council in its review process decides to consider imposing additional conditions or termination of a conditional use permit, the city council shall hold at least one public hearing on that permit after a notice of the hearing has been published in the official newspaper at least ten (10) days before said hearing. The council shall also cause a notice to be mailed to each of the owners of property within three hundred fifty (350) feet of the boundary lines of the property; upon which such use has been established, which notices are to be mailed to the last known address of such owners at least ten (10) days before the date of the hearing.

October 23, 1986

To: Maplewood City Council, c/o Jeff Olson, 1830 E County Rd "B",  
Maplewood MN 55109

Re: Special Use Permit permit previously granted to Dece Seed Co for  
Lots 31 & 32, Cahanes acres

Dear Mr Olson:

We, the undersigned residents located within 300 feet of the above mentioned property, hereby request a public hearing to consider revocation of the above mentioned special use permit granted to the permittee May 17, 1971, due to non-compliance of the imposed conditions, as outlined at the time the special use permit was granted.

The specific non-compliance items are outlined below which are not in accord with the original conditions established by the city council:

- (1) It is a specific condition of the special use permit the lots zoned residential "shall be restricted for parking use only relating to the existing business establishment known as the 'Dece Garden Center' ...
- (2) No commercial use for sale, storage, display or advertising signs of garden materials, plants or other kinds or goods shall be allowed anywhere on the legally described property to which the special use permit is issued.
- (3) No portion of the approved parking lot area shall be used for truck or trailer storage.
- (4) To modify any of the conditions of the Permit shall require a public hearing and compliance to all procedures of the special use permit hearing procedures of the Municipal Zoning Code.

We hereby request the afore mentioned public hearing

Yours truly,

COPY

Lois Buehler 825 Mayhill Rd. 739-7559  
 King Arthur 814 Mayhill Rd 738-0457  
 Don Decker 2677 E 7th St  
 Marie Cahanes Lot over 829 Mayhill Rd  
 Harry M. Cure 2723 E. 7th St, 738-6085  
 Gordon (Art) Peterson 718 Mayhill Rd  
 Rem Wendholt 817 E. Mayhill Rd

Alvan Golob 804 Mayhill Rd  
Patricia J. Braske 811 Mayhill Rd.

Marian Satok 2725 E 7th St

Pat Widen 805 Century Ave No St Paul 738-2447

R. Cooper 803 Mayhill 738-0290

MEMORANDUM

City Manager  
Thomas Ekstrand--Associate Planner  
Conditional Use Permit Renewal  
County Road C, East of Keller Parkway  
Northwestern Bell  
Rudolfo Gonzales  
Telephone Equipment Building  
December 1, 1986

Action by Council:

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

TO: \_\_\_\_\_  
FROM: \_\_\_\_\_  
SUBJECT: \_\_\_\_\_  
DATE: \_\_\_\_\_

SUMMARY

Request

Renewal of a conditional use permit to construct a telephone equipment building.

Proposal

1. The building will be 16 by 17 feet in size. The exterior will be brick with a gable roof.
2. The subject site is a portion of a lot platted for a single dwelling.
3. Refer to the applicant's letter on page 8.

Comments

The proposed building would not be a hindrance to public health, safety, convenience or welfare. It would be smaller than a typical one-car garage, and being brick, would have an attractive exterior. The owner of the property has obtained approval to split the property to create this site, and construction of the building is scheduled for 1987. Staff sees no reason to deny this request.

Recommendation

Renewal of the conditional use permit for one year for Northwestern Bell's telephone equipment building on County Road C.

Past Action

10-22-85:

The design review board conditionally approved the site plan and building design.

12-9-85:

The city council granted a conditional use permit to the applicant, subject to:

1. Adherence to the site plan dated September 30, 1985, unless a change is approved by the city's community design review board.

2. The applicant, or the property owner, shall apply for and obtain approval of the splitting and recombination of the lots in the Gonzales Addition to create this site.

5-5-86:

The city administratively approved the lot division to create this site and recombine the lots of the Gonzales Addition.

8-12-86:

The design review board approved a minor revision to the site plan. Instead of the site being perfectly rectangular (40 by 100 feet) it was revised as shown on page 6.

#### PLANNING CONSIDERATIONS

##### 1. Ordinance Requirements

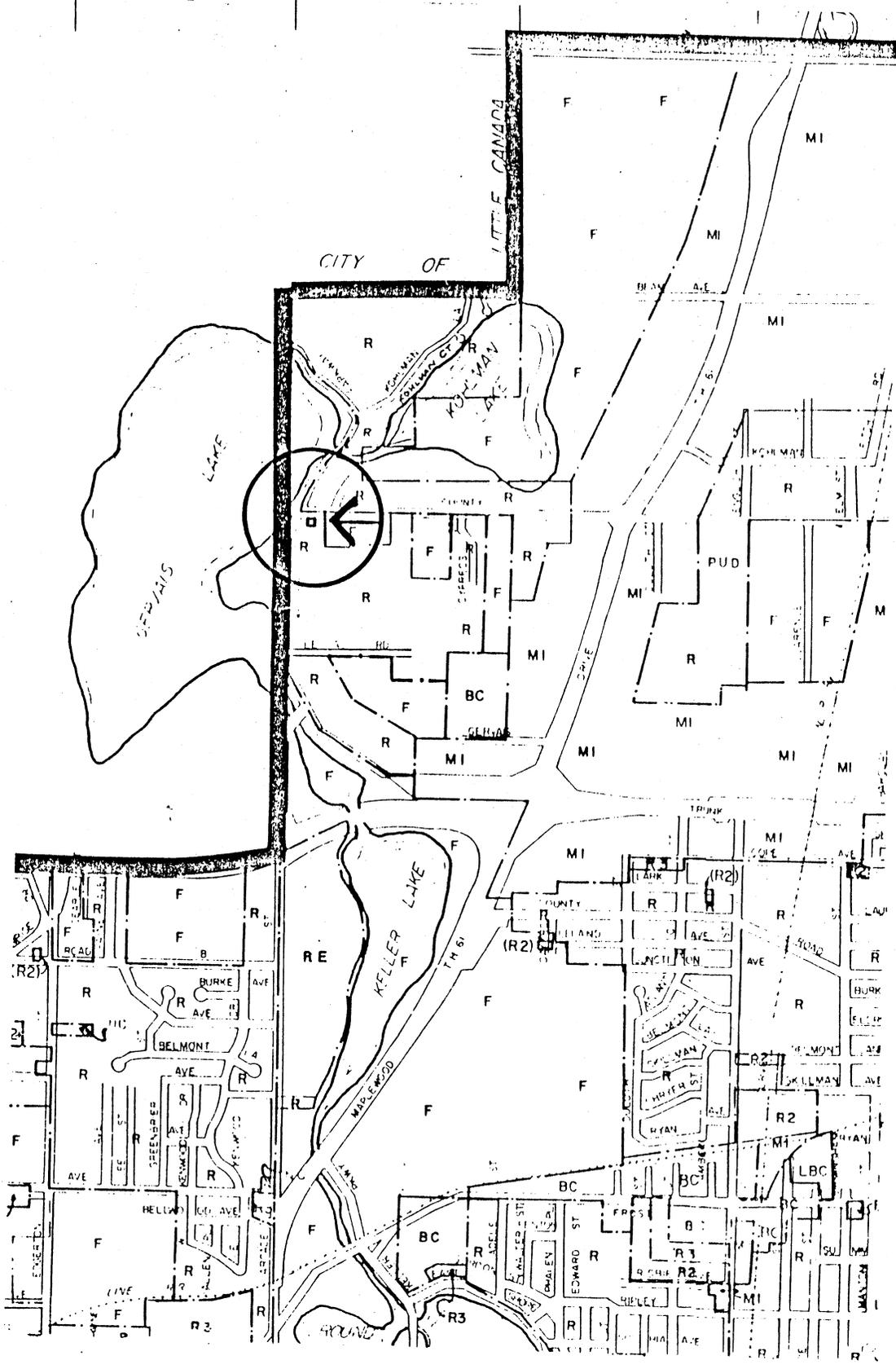
Section 36-437 (2). Conditional use permits may be issued by the city council in any zoning district for public utility, public service or public building uses in any district, when found to be necessary for the public health, safety, convenience or welfare.

Section 36-442 (e). 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 years, for subsequent reviews. The council may impose new or additional conditions upon the permit at the time of the initial or subsequent reviews. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the city from enacting or amending official controls to change the status of conditional uses. Any conditional use that meets the agreed upon conditions and is later disallowed because of the city enacting or amending official controls, shall be considered a legal nonconforming use.

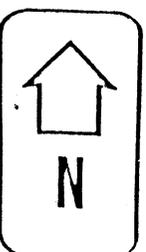
mb

##### Attachments

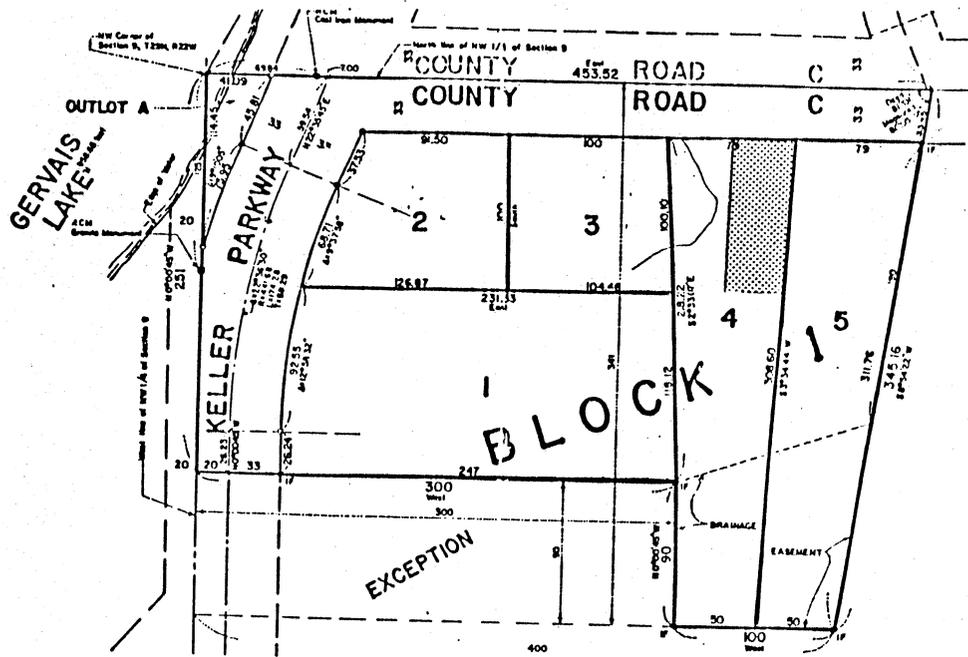
1. Location Map
2. Property Line/Zoning Map
3. Lot Split Proposal
4. Site Plan
5. Photograph of the proposed structure
6. Applicant's letter dated 10-23-86



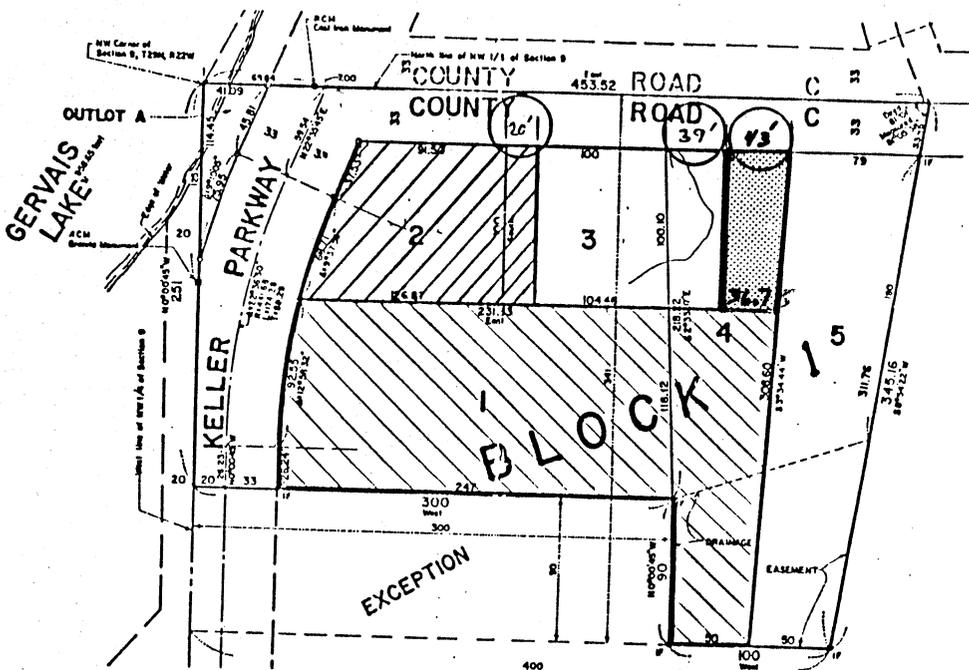
LOCATION MAP







EXISTING LOT CONFIGURATIONS



PROPOSED LOT CONFIGURATIONS

LOT SPLIT PROPOSAL



Proposed NW Bell Site

Attachment Three



Rd "C"

43'

15'

DRIVE

14'

4'

3'

6'

3'

BLDG.

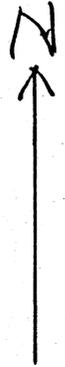
17'

12'

16'

5'

100'



5

D

5

311

4

1/4

Approved by  
CDRB on  
8-12-84

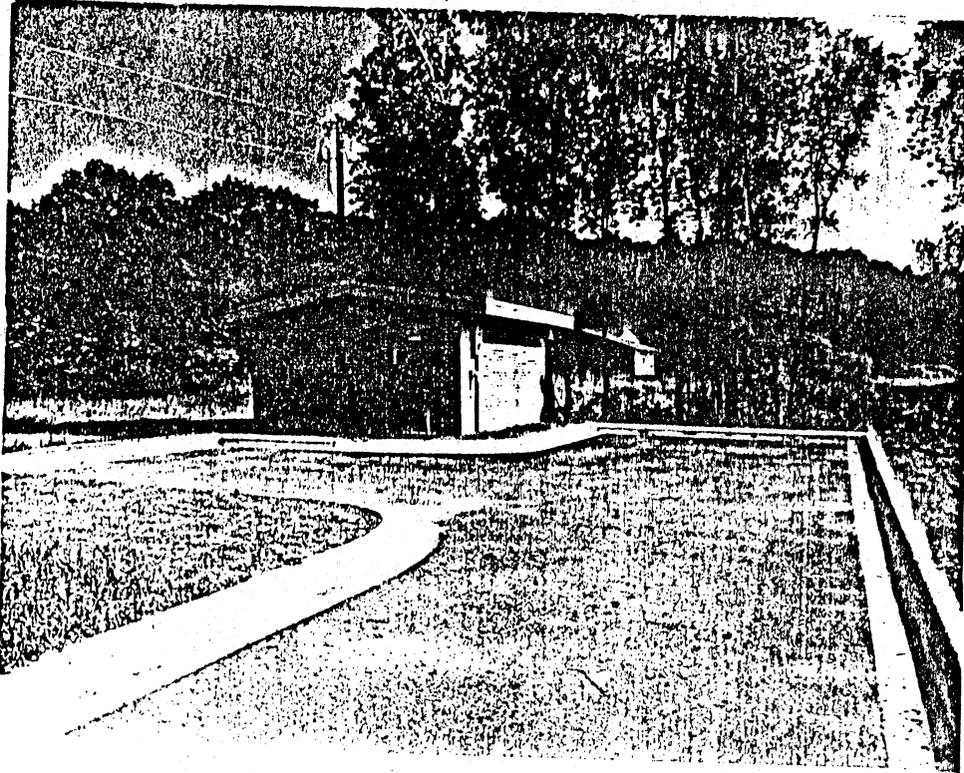
PROPOSED  
NOOP RT JTE

Part of Lot 4, Block 1,  
Gonzales Addn

East Line of Lot 4

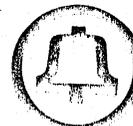
36.75'

AUG 12 1988



PROPOSED STRUCTURE





**Northwestern Bell**

70 West Fourth Street  
Room 1-C  
St. Paul, MN 55102  
October 23, 1986

Mayor and City Council  
City of Maplewood  
Maplewood, Minnesota

Gentlemen:

At the December 9, 1985 City Council meeting, Northwestern Bell Telephone Company was granted a Conditional Use Permit to construct a small equipment building on a portion of Lot 4, Block 1, Gonzalez Addition.

Bell's plans now call for building construction in 1987, so the Conditional Use Permit will expire prior to construction start. Therefore, I request that the permit be extended for an additional year.

Sincerely,

Alma Fitzloff  
Assistant Manager-Real Estate

## MEMORANDUM

Endorsed \_\_\_\_\_

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date \_\_\_\_\_

TO: Acting City Manager  
 FROM: Director of Community Development  
 SUBJECT: Time Extension (Tax-Exempt Mortgage Revenue Financing)  
 PROJECT: Beaver Creek Apartments  
 DATE: December 2, 1986

Request

Beaver Creek Apartments Limited Partnership is requesting a time extension of the disbursement date of construction funds from December 1, 1986 to June 1, 1987.

Background

1. The city issued bonds for this project on December 27, 1985.
2. The loan agreement requires that the disbursement date of construction funds must be on or before December 1, 1985. This has not occurred. The applicant's reasons for not meeting the deadline are on page 8.
3. This project will meet the criteria the city adopted for tax-exempt mortgage revenue note financing.

Recommendation

Approval of the resolution on page 4 granting a time extension until June 1, 1987.

jc

Attachments

1. Cover letter--Mary Ippel
2. Resolution
3. Request
4. Attorney's opinion
5. Applicant's letter

MATTHEW J. LEVITT  
COLE OEBLER  
ROBERT M. BOWEN  
FRANK HAMMOND  
LEONARD J. KEYES  
ROBERT G. SHARE  
BURT E. SWANSON  
M. J. GALVIN, JR.  
DAVID C. FORSBERG  
JOHN J. MCNEELY  
MCNEIL V. SEYMOUR, JR.  
JERRY F. ROTMAN  
TERRENCE N. DOYLE  
RICHARD H. KYLE  
JOHN L. DEVNEY  
RONALD L. SORENSON  
PETER H. SEED  
SAMUEL L. HANSON  
RONALD E. ORCHARD  
JOHN TROYER  
STEPHEN WINNICK  
AVRON L. GORDON  
JOHN R. KENEFICE  
THOMAS A. LARSON  
DAVID J. SPENCER  
DANIEL J. COLE, JR.

DOUGLAS L. SROR  
MICHAEL H. JERONIMUS  
R. SCOTT DAVIES  
J. PATRICK McDAVITT  
JOHN B. VAN DE NORTH, JR.  
RICHARD G. MARK  
ANDREW C. SELDEN  
ANDREW C. BECHER  
JEFFREY J. KEYES  
JAMES E. NELSON  
JEROME A. GEIS  
STEVE A. BRAND  
JOEL H. GOTTSMAN  
ALAN H. MACLIN  
JEFFREY F. SHAW  
MATTHEW L. LEVITT  
DAVID G. GREENING  
DAVID B. SAND  
DANIEL M. COUGHLAN  
JOSEPH P. NOACK  
CHARLES R. HAYNOR  
ANDREA M. BOND  
TIMOTHY P. FLAHERTY  
MARTIN H. FISK  
ROBERT J. PRATTE  
JOHN BULIENA

LAW OFFICES  
**BRIGGS AND MORGAN**  
PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

SAINT PAUL, MINNESOTA 55101

TELEPHONE (612) 291-1215

TELECOPIER (612) 222-4071

ZAPMAIL (612) 228-9563

INCLUDING THE FORMER FIRM OF  
LEVITT, PALMER, BOWEN, ROTMAN & SHARE

JAMES G. RAY  
RICHARD H. MARTIN  
TRUDY J. HALLA  
MARY L. IPPEL  
JAMES A. VOSE  
ROBYN J. HANSEN  
ROBERT E. WOODS  
WILLIAM J. JOANIS  
MARGARET K. SAVAGE  
BRIAN G. BELISLE  
TONY STEMBERGER  
MARY E. SCHAFFNER  
MICHAEL H. STRAETER  
JOHN H. LINDSTROM  
RICHARD D. ANDERSON  
SALLY A. SCOGGIN  
DAVID C. McDONALD  
BRUCE W. MOOTY  
ERIC NILSSON  
ANDREW R. KINTZINGER  
FREDERICK P. ANGST  
ROBERT L. LEE  
ANN HUNTRODS  
ELIZABETH J. ANDREWS  
GREGORY J. STENMOE  
CHARLES B. ROGERS

TERRY L. SLYE  
PAUL M. GALES  
MARY M. DYRSETH  
CHERYL A. THOMAS  
KEVIN A. BERO  
MARK SCHROEDER  
M. BRIGID McDONOUGH  
MARIAN M. DURKIN  
NANCY D. ARNISON  
MICHAEL J. McELLISTREM  
PAUL S. JACOBSEN  
NEAL BUETHE  
TIMOTHY J. KEENAN  
CARLOS R. CARRASQUILLO

OF COUNSEL  
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RICHARD E. KYLE  
JOHN M. PALMER  
SAMUEL H. MORGAN  
FRANK N. GRAHAM  
A. LAURENCE DAVIS  
CLARENCE G. FRAME  
JOHN M. SULLIVAN

December 1, 1986

Mr. Geoff Olson  
City of Maplewood  
1830 East County Road B  
Maplewood, Minnesota 55109

RE: \$8,500,000 City of Maplewood Variable  
Rate Demand Purchase Multifamily  
Housing Revenue Bonds, Series 1985  
(Beaver Creek Apartments Limited  
Partnership Project)

Dear Geoff:

Enclosed in connection with the above-referenced matter is a copy of a Resolution to be acted upon by the City Council at its meeting on December 8, 1986.

The Resolution authorizes the extension of the Disbursement Date from December 1, 1986 to June 1, 1987. The Disbursement Date is the date on which disbursements may be made from the Construction Fund in accordance with the provision of Section 3.05(4) of the Loan Agreement entered into in connection with the above-referenced Bonds. Attached to the Resolution is a request for extension by Beaver Creek Apartments Limited Partnership and an opinion of Briggs and Morgan that the extension to June 1, 1987 will not impact on the tax exempt status of the Bonds.

Also enclosed is a certificate of Beaver Creek Apartments Limited Partnership setting forth the facts and circumstances necessitating their request for an extension.

BRIGGS AND MORGAN

Mr. Geoff

December 1, 1986

Page Two

In the event that the City does not approve the extension from December 1, 1986 to June 1, 1987 the Trustee is required to redeem the Bonds and therefore, the project if undertaken by Beaver Creek Apartments Limited Partnership will be from a source other than tax exempt financing.

If you have any questions please do not hesitate to contact me.

Very truly yours,

*Mary L. Ippel*

Mary L. Ippel

MLI:jl/19  
Enclosures

**RESOLUTION GRANTING AN EXTENSION  
REGARDING THE DISBURSEMENT DATE  
IN CONNECTION WITH  
A MULTIFAMILY RENTAL HOUSING DEVELOPMENT**

---

**WHEREAS,**

(a) The City of Maplewood, Minnesota (the "City") issued its Variable Rate Demand Purchase Multifamily Housing Revenue Bonds, Series 1985 (Beaver Creek Apartments Limited Partnership Project) in the principal amount of \$8,500,000 on December 27, 1985 (the "Bonds"), in connection with which the City entered into an Indenture of Trust (the "Indenture") dated as of December 1, 1985, by and between the City and First Trust Company, Inc., as Trustee, and a Loan Agreement (the "Loan Agreement") dated as of December 1, 1985, between the City and Beaver Creek Apartments Limited Partnership (the "Borrower");

(b) The proceeds of the Bonds were loaned to the Borrower for the acquisition, construction and equipping of a multifamily housing development (the "Project") approved by the City, all as further described in the Indenture and the Loan Agreement;

(c) Section 3-1(8) of the Indenture requires that the Disbursement Date must occur on or prior to December 1, 1986, unless the City, at the request of the Borrower, extends such date at the request of the Borrower and upon receipt by the City and the Trustee of an opinion of Bond Counsel to the effect that such extension will not adversely affect the tax exempt status of the Bonds;

(d) The Borrower has requested, pursuant to a Request for Extension attached as Exhibit A hereto, that Disbursement Date be extended by the City, as Issuer of the Bonds, from December 1, 1986, to June 1, 1987; and

(e) Briggs and Morgan, Professional Association, Bond Counsel, has advised the City and rendered an opinion, attached as Exhibit B hereto, that granting such extension for the extension of the Disbursement Date will not, by itself, adversely affect the tax exempt status of the Bonds.

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

1. Pursuant to Section 3-1(8) of the Indenture, the City hereby approves the Request for Extension and extends the Disbursement Date from December 1, 1986, to no later than June 1, 1987.

Adopted by the City Council of the City of Maplewood, Minnesota this 8th day of December, 1986.

**EXHIBIT A**

**\$8,500,000 City of Maplewood Variable Rate  
Demand Purchase Multifamily Housing Revenue Bonds,  
Series 1985 (Beaver Creek Apartments Limited Partnership Project)**

**REQUEST FOR EXTENSION**

Beaver Creek Apartments Limited Partnership (the "Borrower"), hereby requests, pursuant to Section 3-1(8) of that certain Indenture of Trust dated as of December 1, 1985, by and between First Trust Company Inc. and the City of Maplewood and Section 3.01(1) of that certain Loan Agreement dated as of December 1, 1985, between the City and the Borrower, that the Disbursement Date (as defined in the Indenture) be extended from December 1, 1986 to June 1, 1987. Attached hereto as Exhibit A is an opinion of Bond Counsel dated June 30, 1986, stating that such extension will not adversely affect the tax-exempt status of the Bonds.

Beaver Creek Apartments Limited  
Partnership

LAW OFFICES  
**BRIGGS AND MORGAN**  
 PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

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ZAPMAIL (612) 228-9563

INCLUDING THE FORMER FIRM OF  
 LEVITT, PALMER, BOWEN, ROTMAN & SHARE

December 1, 1986

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 THOMAS A. LARSON  
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 R. SCOTT DAVIES  
 J. PATRICK McDAVITT  
 JOHN B. VAN DE NORTH, JR.  
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 JOSEPH P. NOACK  
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 MARTIN H. FISK  
 ROBERT J. PRATTE  
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JAMES G. RAY  
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 JOHN M. PALMER  
 SAMUEL H. MORGAN  
 FRANK N. GRAHAM  
 A. LAURENCE DAVIS  
 CLARENCE G. FRAME  
 JOHN M. SULLIVAN

City of Maplewood  
 1380 Frost Avenue  
 Maplewood, Minnesota 55109

First Trust Company, Inc.  
 First National Bank Building  
 Saint Paul, Minnesota 55101

Re: \$8,500,000 City of Maplewood Variable  
 Rate Demand Purchase Multifamily Housing  
 Revenue Bonds, Series 1985 (Beaver Creek  
 Apartments Limited Partnership Project)

Gentlemen:

We acted as Bond Counsel in connection with the issuance by the City of Maplewood (the "City") of its \$8,500,000 Variable Rate Demand Purchase Multifamily Housing Revenue Bonds, Series 1985 (Beaver Creek Apartments Limited Partnership Project) (the "Bonds") on December 27, 1985. The proceeds of the Bonds were loaned to Beaver Creek Apartments Limited Partnership (the "Company") to acquire, construct and equip a multifamily housing development located within the corporate limits of the City (the "Project") pursuant to a Loan Agreement dated as of December 1, 1985 (the "Loan Agreement"). The Project will be owned, operated and maintained pursuant to the provisions of a Regulatory Agreement (the "Regulatory Agreement"), dated as of December 1, 1985 by and between the City, the Company and the Trustee (as defined below). The Bonds are secured by an Indenture of Trust (the "Indenture") between the City and First Trust Company, Inc., in St. Paul, Minnesota (the "Trustee") dated as of December 1, 1985.

We have been requested by the Company to deliver our opinion to the City and the Trustee that the extension of the Disbursement Date (as defined in the Indenture) from December 1, 1986 to June 1, 1987 will not adversely affect the tax-exempt

BRIGGS AND MORGAN

December 1, 1986

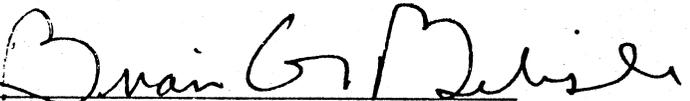
Page Two

status of the Bonds. In this regard, we have examined various documents that were considered necessary as the basis for this opinion, including a Certificate of Company of even date herewith.

On the basis of the foregoing, it is our opinion that according to present laws, regulations, rulings and judicial decisions, the extension of the Disbursement Date from December 1, 1986 to June 1, 1987 will not impair the tax-exempt status of the Bonds.

In rendering this opinion we have not independently verified or conducted any independent investigation of factual matters, but we have relied upon the information and facts reflected in the documents which we have examined.

BRIGGS AND MORGAN, P.A.

By   
Brian G. Belisle

BGB/bl

**\$8,500,000**  
**CITY OF MAPLEWOOD**  
**VARIABLE RATE DEMAND PURCHASE MULTIFAMILY**  
**HOUSING REVENUE BONDS,**  
**SERIES 1985**  
**(BEAVER CREEK APARTMENTS**  
**LIMITED PARTNERSHIP PROJECT)**

I, Gregory C. Triplett do hereby certify and declare that I am the Vice President/Treasurer of Washington Service Corporation, the general partner of Beaver Creek Apartments Limited Partnership, a Minnesota limited partnership (the "Company"), and that:

1. This Certificate relates to the \$8,500,000 Variable Rate Demand Purchase Multifamily Housing Revenue Bonds, Series 1985 (Beaver Creek Apartments Limited Partnership Project) (the "Bonds"), issued by the City of Maplewood (the "City") on December 27, 1985. The proceeds of the Bonds were loaned by the City to the Company to acquire, construct and equip a multifamily housing development located within the corporate limits of the City (the "Project") pursuant to a Loan Agreement dated as of December 1, 1985 (the "Loan Agreement"). The Project will be owned, operated and maintained pursuant to the provisions of a Regulatory Agreement (the "Regulatory Agreement"), dated as of December 1, 1985 by and between the City, the Company and the Trustee (as defined below). The Bonds are secured by an Indenture of Trust (the "Indenture") between the City and First Trust Company, Inc., in St. Paul, Minnesota (the "Trustee") dated as of December 1, 1985.

2. In accordance with Section 3-1(8) of the Indenture, the Company has requested that Briggs and Morgan, P.A., as Bond Counsel, deliver an opinion to the City and the Trustee that that extension of the Disbursement Date from December 1, 1986 to June 1, 1987 will not adversely affect the tax-exempt status of the Bonds.

3. The development of the Project and its construction have been proceeding with due diligence from the date the Bonds were issued, however, due to circumstances that we did not reasonably anticipate, construction of the Project has been delayed substantially and, consequently, it is necessary to extend to June 1, 1987 the Disbursement Date and its pre-concomitant conditions. The following circumstances have caused construction of the Project to be delayed:

a. Access to the Project site is provided by a 1000 foot street that was constructed by the Company. Access to the Project site is limited to travel on this road and construction of the Project buildings could not proceed until its completion. The road was completed in late October, 1986. Construction of the road was delayed because: (i) subsurface preparation could only be done during winter because of water problems and substantial delays occurred as a result of severe weather conditions; (ii) more peat removal and sand fill was required than originally planned; (iii) the Company decided after the Bonds were issued that it would dedicate the road to the City rather than maintain it as a private road which caused delays as a result of the City's involvement in design specification and public hearings.

b. After the Bonds were issued the City activated a storm water and sewer project which involved the Project site. The Company was actively involved in negotiating its involvement in that project, including the granting of easements and attendance at public hearings. The City's storm water project precipitated by the Company's development of the Project and which is part of the Project's development, involved the construction of storm water retention ponds on the Project site at an expenditure by the City of in excess of \$300,000.

c. In addition to devoting substantial time and effort to the foregoing, the general partner of the Company responsible for the active development of the Project has encountered additional management problems competing with the development of the Project. The Company is attempting to mitigate this problem by seeking the assistance of another developer.

d. Because of the sensitivity surrounding the payment of "prevailing wages" by nonunion contractors on projects such as the Project financed by tax-exempt obligations of the City of Maplewood, the Contractor selected by the Company withdrew in June of 1986 and a new contract was renegotiated with another

contractor, Kraus Andersen, the original second-low bidder. Kraus Andersen was required, in turn, to relet many of its subcontracts.

e. Additional soil testing and a study was required because of soil settling problems on land adjacent to Building B. The study, which was recently completed, determined that this land should be presettled by surcharging the soil while constructing Buildings A and C.

5. The Company has, since the bonds were issued, paid or incurred from its own funds in excess of \$400,000 in developing the road to the Project building site and in bringing water and sewer lines to that site. The Company's investment in the Project to date is in excess of \$890,000. The Project is part of a planned unit development which limits construction of the Project site to the Project as designed at the date of closing. Failure to proceed with the Project as planned will cause the Company to incur a substantial economic loss that is not set off by arbitrage earnings.

6. Construction of the Project will resume within 60 days hereof and will take approximately one year to fully complete. Occupancy of portions of the Project might occur earlier.

7. Potential permissible arbitrage profit has not been a consideration in the timing of the development and construction of the Project. The arbitrage profit earned to date of approximately \$51,000 will not offset the \$890,000 of costs incurred by the Company.

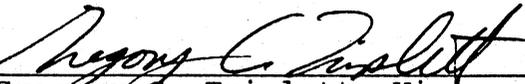
8. It is reasonably expected that the Company will obtain before June 1, 1987 the credit support necessary to permit use of the proceeds of the Bonds for construction of the Project. Further, it is anticipated that because of the demand for rental units within the City, occupancy of the Project will occur much faster than the 2½ years assumed in the Project's feasibility studies.

9. This Certificate is made to induce the issuance by Briggs and Morgan, P.A. of its special tax opinion of even date herewith and the statements herein are representations of the Company as to the facts recited therein.

IN WITNESS WHEREOF, I have hereunto set my hand this  
1st day of December, 1986.

**BEAVER CREEK APARTMENTS  
LIMITED PARTNERSHIP,  
A Minnesota Limited  
Partnership**

By The Washington Service  
Corporation,  
Its general partner

By   
Gregory C. Triplett, Vice  
President/Treasurer

Action by Council:

MEMORANDUM

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

TO: City Manager  
FROM: Assistant City Engineer  
SUBJECT: Budd Kolby Second Addition--City Project 86-33  
Public Improvement Petition  
DATE: December 1, 1986

The developer of the Budd Kolby Second Addition, Castle Design and Development Co., Inc., has submitted a public improvement petition for the internal streets and utilities on their plat. The petition requests the city install the streets and utilities at city expense and then assess the costs back to the property over a five-year period. The developer would post a letter of credit guaranteeing the first year's assessment payment and also agree that each lot's assessment would be paid in full prior to the lot being transferred.

It is recommended that the council set a special meeting to discuss the items and precedent that this type of procedure dictate. Items that should be addressed include the city's bonded indebtedness, engineering responsibilities, platting conditions and procedures, developer agreement format and sureties to the city. An early January meeting would allow staff time to prepare review and impact statements.

mb



Design & Development Co. Inc.

2419 No. Margaret St. North St. Paul, MN 55109 Phone 770-6138

November 18, 1986

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

Attention: Honorable Mayor Greavu and the Honorable Maplewood City Council Members

Dear Sirs and Madams:

Castle Design & Development Co., Inc., 2419 N. Margaret St. hereby request the City Council of the City of Maplewood to order together with the plat of BUDD KOLBY 2ND ADDITION the sewer/water/streets together with curb for the streets known as Linwood Court and the continuation of Dahl Road.

We request the City of Maplewood to install said streets at their expense and assess back the cost over five years with Castle Design & Development Co., Inc. posting a letter of credit guaranteeing the first years assessment payment. It is also agreed no lots will be transferred without assessments being paid in full.

Sincerely,

Kenneth D. Gervais  
Vice President

KDG:grs

MEMORANDUM

I-4

TO: City Manager  
FROM: Director of Community Development  
SUBJECT: Planned Unit Development Reapplication  
LOCATION: Larpenteur and McKnight (Northeast Corner)  
DATE: October 31, 1986

The attached letter requests approval to reapply for a planned unit development (PUD) that would include motor fuel sales at the northeast corner of Larpenteur Avenue and McKnight Road. Section 36-442 (h) of the city code states that: "Whenever an application for a conditional use permit has been considered and denied by the city council, a similar application affecting substantially the same property shall not be considered again by the city for at least one year from the date of its denial, unless the council directs such reconsideration by at least four (4) votes."

On June 9, 1986, the city council approved a planned unit development for office, commercial and service uses at this location but denied a request for motor fuel sales on the basis that motor fuel sales would:

1. Not be compatible with the character of the neighborhood.
2. Depreciate property values.
3. Be hazardous, detrimental or disturbing to present and potential surrounding land uses, due to noises, odor, fumes, or other nuisances.
4. Generate traffic on local streets and create traffic congestion and unsafe access that would cause undue burden to area properties.

Council also changed the land use designation from SC, service commercial to LSC, limited service commercial. The LSC designation does not include motor fuel sales. The applicant would, therefore, have to apply for a plan amendment as well as a planned unit development amendment.

Comments

The purpose of this ordinance is to avoid wasting time and upsetting neighbors by rehearing similar applications for the same property. Unless council finds a significant change since June in the neighborhood or in the proposed motor fuel station, a reapplication should not be allowed.

Recommendation

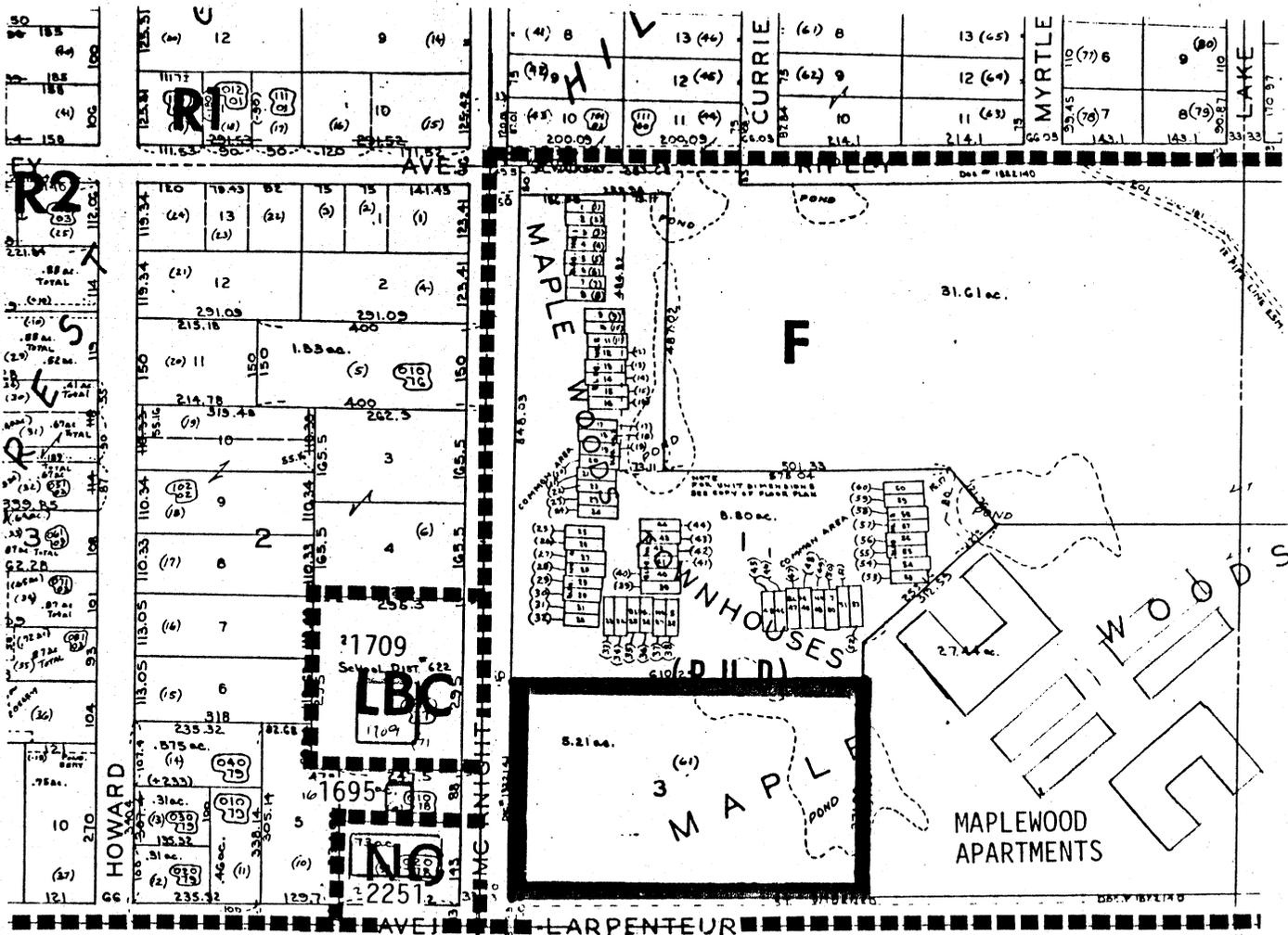
Deny the request for reapplication of a planned unit development that includes motor fuel sales on the basis that:

1. There have been no significant changes in the neighborhood.
2. The proposed motor fuel station is similar in use to what was denied in June.
3. The land use designation for this site was changed from SC to LSC at the last hearing. A motor fuel station is not compatible with the LSC designation.

j1

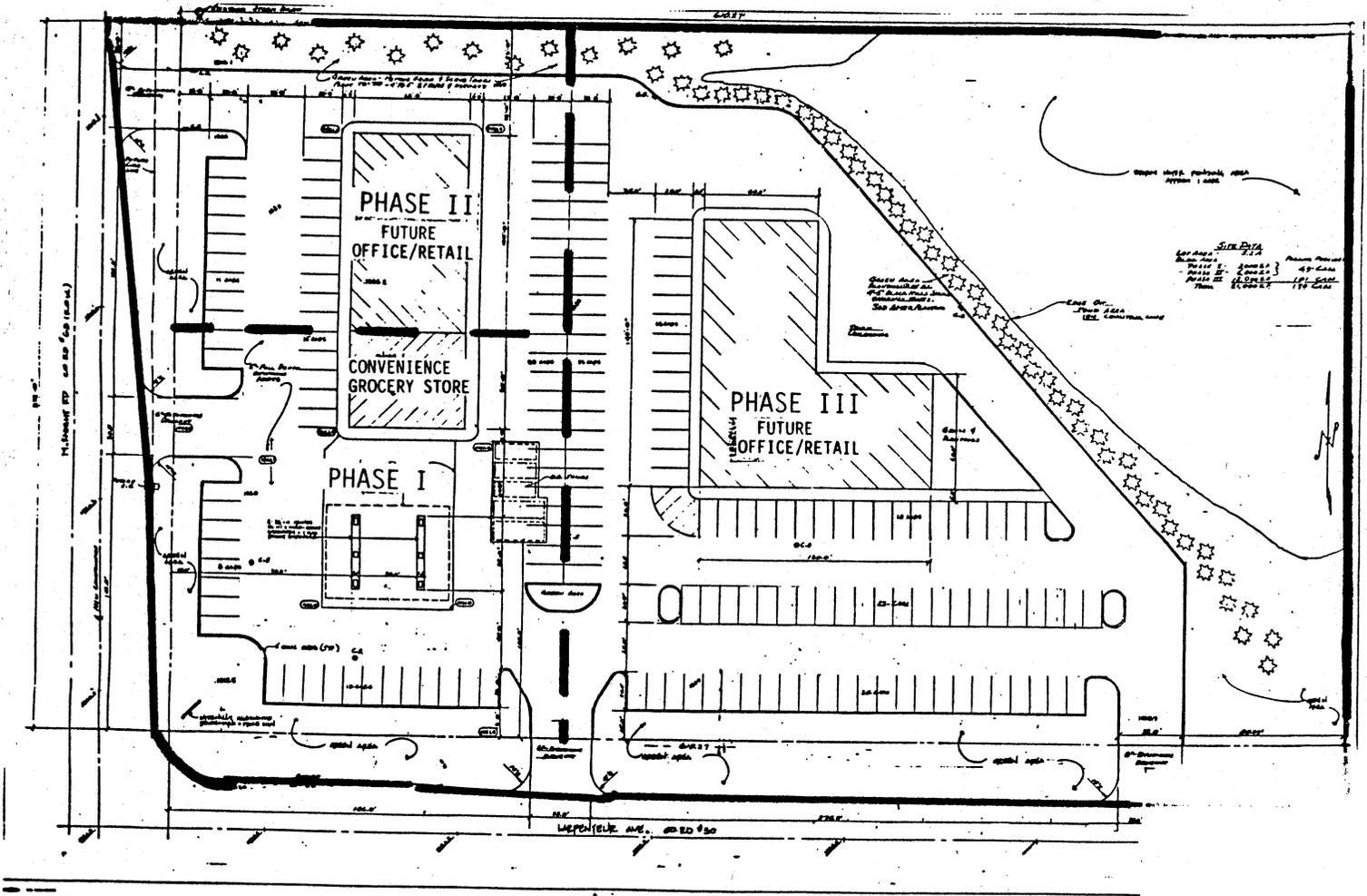
Attachments

1. Property Line/Zoning Map
2. Previous Site Plan
3. Letter
4. Proposed Site Plan (separate attachment)



PROPERTY LINE / ZONING MAP

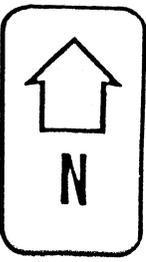




Previous Site Plan

6/9/86

(Motor Fuel Sales Denied)



FAEGRE & BENSON

GALE R. MELLUM  
REID CARRON  
JOHN H. HINDERAKER  
HENRY F. FRISCH  
JAMES A. O'NEAL  
BRUCE M. ENGLER  
WALTER A. PICKHARDT  
AMY B. BROMBERG  
DOUGLAS P. LONG

SUITE 1150, 8400 TOWER  
8400 NORMANDALE LAKE BOULEVARD  
BLOOMINGTON, MINNESOTA 55437-1076

612/921-2200  
TELEX 425131

2300 MULTIFOODS TOWER  
33 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402-3894  
612/371-5300

2500 REPUBLIC PLAZA  
370 SEVENTEENTH STREET  
DENVER, COLORADO 80202-4004  
303/592-5690

10 DE WALDEN COURT  
85 NEW CAVENDISH STREET  
LONDON W1M 7RA, ENGLAND  
01/580-3542  
TELEX 6811084

October 14, 1986

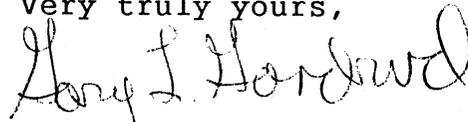
Mayor, City Manager, and Office  
of Community Development,  
City of Maplewood  
1830 East County Road B  
Maplewood, Minnesota 55109

RE: Maplewood P.U.D., Northeast  
Corner of McKnight and Larpenteur

Dear Sir or Madam:

On June 9, 1986, the Maplewood City Council denied the request of our client, George N. Nelson, Jr., to include motor fuel sales in a planned unit development to be located at the Northeast corner of McKnight Road and Larpenteur Avenue. Pursuant to Section 36-442, sbd.(h), we are requesting that the City Council direct reconsideration of the inclusion of motor fuel sales in the planned unit development to be located at the Northeast corner of McKnight Road and Larpenteur Avenue.

Very truly yours,

  
Gary L. Gandrud

GLG:kah  
0247n

MEMORANDUM

Action by Council:

TO: Acting City Manager  
FROM: Director of Community Development  
SUBJECT: Budget Transfer--Signs  
DATE: December 1, 1986

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

Request

Approve a budget transfer of \$3,100 for signs for city hall.

Explanation

1. There is no money left in the building fund to pay for signs.
2. The following signs are needed:
  - a. Office door
  - b. Lobby directory
  - c. Counter identification signs
  - d. Parking space signs for the front row of parking
  - e. An exterior "Police After Hours" directional sign
  - f. An "Hours" sign on the front glass
  - g. A dot between "City Hall" and "Police" over the front door

Recommendation

Approve a budget transfer of \$3,100 from the unappropriated general fund balance to account 01-4730-10 (building fund) for city hall signs.

mb

# CARROLL, FRANCK & ASSOCIATES

TRAINING, ENGINEERING, AND PLANNING

*I-6*  
Action by Council  
533 LAUREL AVE., ST. PAUL, MN 55102  
612-228-9151

TO: Maplewood City Council  
FROM: Department Heads, staff, and Anne Carroll *AC*  
RE: 1) Vendor and System Recommendations  
2) Request to enter into contract negotiations with vendor of first choice  
DATE: 1 December 1986

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

The following material first summarizes and then details the process that staff and the consultant followed to evaluate the computer system proposals received in response to the Bid Specifications/Request for Proposals. It concludes with our formal recommendation for vendor of first choice and a request for Council approval to enter into contract negotiations with that vendor.

## COUNCIL SUMMARY: VENDOR AND SYSTEM RECOMMENDATIONS

### Review Process

1. The City received seven proposals from vendors throughout the country.
2. They were first reviewed for completeness, eliminating three vendors.
3. The proposed software and hardware of the remaining four vendors was analyzed in detail, and references were checked. One vendor was eliminated.
4. The remaining three vendors demonstrated their products for the Finance Department, which eliminated one vendor from further consideration.
5. The remaining two vendors demonstrated their products for all other departments.
6. Staff, department heads, and the consultant first met as a group, then department heads met separately to select the vendor of first choice.

### Vendor of First Choice

Staff, department heads, and the consultant selected NCR/Eden Systems as the vendor of first choice.

### Request to Enter Into Contract Negotiations

We are therefore requesting approval to enter into contract negotiations with NCR/Eden Systems at this time.

This involves final identification of hardware, software, and costs, and will result in a proposed vendor contract and financing proposal to be submitted for Council review in late January or February 1987.

Vendor and System Recommendations  
26 November 1986

## DETAIL: VENDOR AND SYSTEM RECOMMENDATIONS

### PROPOSALS RECEIVED

On Monday, 27 October 1986, the City received proposals from the following vendors:

- Mentor Systems/IBM, Minneapolis
- Cogebec, Inc., Chicago, IL
- NCR/Eden Systems, Minneapolis/Seattle, WA
- Computoservice, Inc., Mankato, MN
- Data Management Design/Wang; Reston, VA/Minneapolis
- MTI Office Products, Minneapolis
- HP/MMLC (Logis), Minneapolis

### EVALUATION CRITERIA

The Bid Specifications stated that proposals would be evaluated based on, but not limited to, the criteria listed below. It was further stated that these are not listed in order of priority, but that all were important and would be considered in reviewing the proposals received.

- Quality and sophistication of overall system
- Quality of training
- Level of integration of the proposed software
- Ability of the vendor to perform the required data conversions
- Ability of the vendor to deliver the hardware and software on schedule
- Ability to and ease of upgrading software and hardware to meet the City's long-term needs
- The total costs of the system
- Availability and cost of system maintenance, service, and general level of technical assistance
- The vendor's sensitivity to and experience with the unique requirements of municipalities
- Attention of the vendor to the variety of software required by the City

Finally, it was stated that the contract may be awarded to the lowest qualified bidder or in the best interests of the City.

## EVALUATION RESULTS

### Review One

This review was essentially for completeness. The goal was to narrow the seven proposals to those which addressed most or all of the needs stated in the Bid Specifications. This resulted in the elimination of the following vendors for the reasons stated:

1. Mentor/IBM: This bid was missing some of the critical generic and specialized software components.
2. Cogebec: This bid was missing some of the critical generic and specialized software components.
2. MTI Office Systems: They, too, were missing some critical capabilities, and while they offered to develop them, this would be all custom work and would add some unknown cost.

The following vendors remained:

- Data Management Design/Wang
- Hewlett-Packard/MMLC (Logis)
- Eden Systems/NCR
- Computoservice

### Review Two

The second review involved a detailed analysis of the remaining proposals. It included the following:

- A quantitative ranking of each proposal's response to the requests itemized in the Bid Specifications
- Identification of costs for each item proposed, organized according to software and hardware needs listed in the Bid Specifications

After this review, Computoservice was eliminated from further consideration. This was because a large proportion of the software they proposed to meet the City's needs is not scheduled for completion until late 1987 or early 1988, making their bid not as attractive as those from vendors with software either finished or scheduled for completion much earlier.

**References:** The remaining vendors, Data Management Design/Wang, HP/MMLC (Logis), and NCR/Eden Systems provided complete user lists as references. For each system, several users similar to Maplewood were contacted, and each reported a high degree of satisfaction with the systems provided. (Note, however, that Maplewood is the first totally free-standing installation proposed by HP/MMLC (Logis); all other users retain some kind of connection with the Logis consortium.)

Below is a summary analysis of the software proposed by the remaining three vendors. Software specifications were grouped by function in the Bid Specifications, as shown. For each group, we detailed from one to 81 software specifications. The vendors were scored on each item, and these scores were converted to the percentages listed.

The "wtd %" and "unwtd %" notations refer to "weighted percentage score" and "unweighted percentage score". The weighted percentage allows those departments with more items listed to carry more weight in the total score. The unweighted percentage evens the scores so that each department carries equal weight. **Therefore, while weighted percentages may be useful to compare specific departments between vendors, the unweighted percentage (unwtd %) is more valuable for decision-making.**

CITY OF MAPLEWOOD  
SUMMARY: TOP THREE SYSTEM VENDORS (Review Two)

	NCR/Eden Systems		Data Mgmt/Wang		HP/MMLC (Logis)	
	Wtd%	Unwtd%	Wtd%	Unwtd%	Wtd%	Unwtd%
Comm Devel/Pub Wks	91.08	86.06	84.51	81.95	83.10	79.83
Finance/City Clerk	97.53	90.00	92.18	94.93	85.60	74.79
Administration	100.00	100.00	100.00	100.00	66.67	66.67
Parks and Recreation	90.91	90.91	81.82	81.82	63.64	63.64
	=====	=====	=====	=====	=====	=====
TOTAL, SOFTWARE	94.31	91.74	88.21	89.67	82.93	71.23
	Wtd%	Unwtd%	Wtd%	Unwtd%	Wtd%	Unwtd%

## Demonstrations for Finance Department

On November 7th and 10th, the three remaining vendors were asked to demonstrate their Financial and City Clerk software to the appropriate staff members. This group was given special consideration because Finance and the City Clerk are already computerized in many areas, and therefore in a position to evaluate the proposed software at a much more specific level of detail. They were given the option to reduce the number of vendors to no fewer than two.

Staff prepared for these demonstrations by reviewing both the Bid Specifications and the vendor's responses, and creating a detailed checklist for the financial and payroll software products.

**Results:** Finance and City Clerk staff found HP/MMLC and NCR/Eden Systems software to satisfy the majority of their needs. They chose, however, to eliminate Data Management Design/Wang from further consideration for the following reason: While the software presented satisfied the majority of the written specifications, all staff found the line-item (vs. screen) orientation of the data entry to be too time-consuming. This was specifically cited as problematic in relation to receipts-processing, journal entries, and in coding of payables to different accounts.

## Demonstrations for All Other Departments

Demonstrations from the remaining two vendors, HP/MMLC (Logis) and NCR/Eden Systems, were done on the November 20th and 21st. Both vendors were asked to demonstrate the software proposed for community development, public works/engineering, and parks and recreation, and staff from all departments participated in the 4-6 hour demonstrations.

**Results:** Both vendors demonstrated significant capabilities in all areas. Staff identified specific problems as follows:

- . HP/MMLC (Logis) software was found to be generally less integrated and flexible than was desired. While some of these problems could be rectified through contract software modification, 1) the vendor did not appear to be fully prepared to make all of these modifications, and 2) some of the problems were inherent to the design of the software and therefore not solvable via modification. For the software still under development, staff understood that they would be allowed some input into the nature of the final product.
- . NCR/Eden Systems software was found to be almost totally integrated, and very flexible. For software both fully developed and under development, staff felt confident that 1) the vendor was fully prepared to and experienced in making the required contact modifications, and 2) they would have significant input into the nature of the final product because, in effect, the vendor's standard approach was to customize software to meet the needs of each new user.

Following the final demonstration, staff met with the consultant to compare the two vendors and reach some preliminary conclusions. Department heads later met separately to discuss the staff and consultant's analyses, and reach final conclusions.

## **SELECTION OF VENDOR OF FIRST CHOICE**

While the software offered by both vendors would require some modifications and enhancements to perfectly match Maplewood's requirements, staff, department heads, and the consultant agreed that **the software and hardware proposed by NCR/Eden Systems would best meet the City's short and long term needs.**

Generally, this was based on the greater integration and flexibility of the Eden Systems software, and the extensive experience of the vendor in modifying the software as necessary to meet the needs of users.

## **REQUEST TO ENTER INTO CONTRACT NEGOTIATIONS**

We are therefore requesting Council authorization to enter into contract negotiations with NCR/Eden Systems. This step will take 4-8 weeks, and involves the following:

### **Hardware**

- . Identification of final configuration and costs
- . Determination of what hardware will be placed where in the new city offices (terminals, microcomputers, printers, etc.)
- . Determination of implementation schedule, linked to staff requirements and software

### **Software**

- . Identification of final generic and applications software, and costs
- . Specification of critical modifications and costs
- . Determination of implementation schedule, linked to staff requirements and hardware

**Costs:** Costs for the NCR/Eden Systems proposal are expected to fall within the \$150-250,000 range previously discussed. These are not detailed in this report because actual costs will depend on final hardware and software configurations, required software modifications, and system staging.

**Financing:** Concurrent with this vendor negotiation process, the consultant will work with Finance to identify the most appropriate financing method(s) and negotiate agreements. The proposed vendor and financing contracts will be reviewed by the City attorney, modified as necessary, and submitted to the Council for review in late January or February. Following approval by the Council, the phase one software and hardware will be ordered. Anticipated implementation of this first phase is April-May 1987.

I-7

MEMORANDUM

Action by Council:

TO: Acting City Manager  
FROM: Finance Director  
RE: Ordinance to Increase Sewer Rates (1st Reading)  
DATE: December 2, 1986

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

PROPOSAL

It is proposed that sewer billing rates be revised effective January 1, 1987 in order to (1) provide the revenues anticipated in the 1987 Budget and (2) to equalize rates so that all customers pay the same rate per gallon.

BACKGROUND

The last sewer rate increase was effective January 1, 1983. At that time, the Council completed the phase out of the senior citizen discounted rate and began the phase out of the discounted rate for Class A non-residential rates. (Currently, the 3M Company is the only eligible customer for the Class A rate.) The reason for the phase out of the discounted rates has been to make our billing rates more equitable. Class A customers have been billed a discounted rate because of their nearness to sewer interceptor mains. However, no other customers receive a discounted rate based upon their nearness to sewer interceptor mains.

In 1983, the Council also increased the sewer rate for apartments and mobile homes by \$3.00 per quarter more than recommended by City staff. This change was made so that apartments and mobile homes would pay a rate closer to that of single-family homes. However, the effect of this was to make apartments and mobile homes pay a higher rate per gallon than other classes of customers.

RATE MAKING LAWS

Chapter 473.519 of state law requires that local governments have sewer rates which allocate sewage treatment costs proportionate to usage pursuant to the Federal Water Pollution Control Act Amendments of 1972. These federal regulations have been imposed because the M.W.C.C. receives federal aid for improvements and expansion of the Metropolitan Disposal System. The State law in effect requires the City Council to set sewer rates based upon reasonable estimates of sewage flow by type of dwelling. Thus apartments, for example, must be billed a sewer rate that is less than the rate for single-family dwellings.

PROPOSED RATE INCREASES

In order to generate the needed \$2,198,610 in sewer billing revenues, the following rate changes are needed:

	<u>Present</u>	<u>Proposed</u>
Residential (rate per quarter):		
Single Family and Townhouse	\$27.60	\$28.00
Duplex	55.20	56.00
Apartment (incl. Condominium)	25.10	22.40
Mobile Home	25.10	22.40
Non-Residential (rate per 1,000 gals.):		
Class A	1.20	1.40
Class B	1.38	1.40
Minimum Charge (per Quarter)	5.80	5.90

Supporting calculations for the above rates are in the attached Exhibit B. This exhibit shows that the total revenue needed was divided by the billable flow to calculate a rate of \$1.37 per 1,000 gallons. Added to this was \$.03 as a contingency for changes in billable flow to arrive at the proposed 1987 sewer billing rate of \$1.40 per 1,000 gallons. This rate was multiplied times the estimated average annual sewage flow for each class of customer. The result was the annual charge and this was divided by 4 to calculate the quarterly charge.

The proposed decrease in the rate for apartments and mobile homes occurs because the rate for these types of customers was arbitrarily increased by the Council by \$3.00 per quarter above the staff recommended rate. Thus, these types of customers have been paying a higher rate per gallon than most other types of customers for the past three years.

During budget meetings with the Council, it was indicated that sewer billing revenues needed to increase by 5% effective January 1, 1987. This recommendation was based upon a financial projection covering the years 1986-1990 which indicated that Sewer Fund net losses would rise to \$285,000 in 1987 without a rate increase. If the M.W.C.C. eliminates the lake overflow charges as planned in 1988, the proposed new sewer rates should provide sufficient revenues through the end of 1990.

#### RECOMMENDATION

It is recommended that the ordinance attached (Exhibit C) which provides for a revision in sewer rates be approved for first reading.

CC: City Clerk

## ESTIMATED CURRENT SEWAGE FLOW DATA

	<u>Est. Flow Per Unit</u>	<u>No. of Units</u>	<u>Flow MGY</u>	<u>Percentage of Total Flow</u>
<b>Residential:</b>				
Single family houses	80,000	6,439	515.1	
Townhouses	80,000	451	36.1	
Duplexes	160,000	78	12.5	
Apts. & Condominiums	64,000	2,190	140.2	
Mobile Homes	64,000	<u>675</u>	<u>43.2</u>	
Total		9,833	747.1	46.7%
<b>Non-Residential:</b>				
Class A			612.9	38.3%
Class B			<u>240.6</u>	15.0%
Total			853.5	
Grand Total			1,600.6*	

\*Total flow equals 94% of the flow billed by M.W.C.C. for 1987. The remaining 6% is assumed to be unmetered flow caused by infiltration of ground water.

## SUPPORTING CALCULATIONS FOR PROPOSED SEWER RATES

\$2,198,610	Revenue needed from sewer billings per the 1987 Budget
1,600,600,000	Annual Billable sewage flow per Exhibit A
\$1.37	Rate per 1,000 gallons ( $\$2,198,610/1,600,600 \times 1,000$ )
<u>+ .03</u>	Contingency for changes in billable flow
\$1.40	Proposed sewer rate per 1,000 gallons

## Residential quarterly charges:

Single Family and Townhouses	80,000	\$112.00	\$28.00
Duplexes	160,000	224.00	56.00
Apt., Condominiums and Mobile Homes	64,000	89.60	22.40

PROPOSED ORDINANCE  
AMENDING THE MAPLEWOOD CODE  
RELATING TO  
SEWER SERVICE CHARGES

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

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

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

(1) The quarterly residential rates shall be:

Single-Family Dwelling	\$28.00
Townhouse	28.00
Duplex	56.00
Apartment (Including Condominium)	22.40
Mobile Home	22.40

(2) Non-residential rates shall be \$1.40 per 1,000 gallons.

Non-residential sewer service charges shall be a minimum of \$5.90 quarterly per sewer service connection.

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

(4) In respect to property which shall be connected with the City sewer system for the discharge and disposal of other residential, commercial or industrial sewage waste, or any waste unusual in either character or amount, then in addition to all applicable charges hereunder, the City Council reserves the right to impose such supplemental sewage rate charges as said City Council shall determine as reasonable and warranted on the basis of all relevant factors.

Section 2. This ordinance shall take effect and be in force beginning January 1, 1987.

I-8

Action by Council:

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

MEMORANDUM

TO: Dan Faust, Director of Finance  
FROM: Larry Cude, Director of Emergency Services  
DATE: November 24, 1986

On or about August 28, 1986, the Maplewood City Council approved the expenditure of funds to remodel the spaces at 1902 E. County Road B which were to be occupied by Emergency Services.

Based on that action Emergency Services contacted two contractors requesting quotes (enclosed) for the work to be done.

Renstrom Construction, 1810 N. Sterling Street, Maplewood, was the contractor selected with a price of \$3,828.

The work has been completed and the final statement from Renstrom has been received for the amount of \$4,052.50. The added \$224.50 is justified based on in-progress modifications requested by my department.

I request that this bill be paid from the Unappropriated General Fund Balance. If the entire amount cannot be taken from this account, please pay the \$3,828 and the balance will be transferred from the Emergency Services budget.

Thank you.



LJC:kd

enc.

# REQUISITION

## CITY OF MAPLEWOOD, MINNESOTA

(This is NOT a Purchase Order)

Names of Bidders

Renstrom Construction Co.	Wanless Construction Company
---------------------------	------------------------------

Quantity	Description	Unit Price	Amount	Unit Price	Amount
	Reconstruction of Emergency Services area in Public Works Bldg.  *Wanless Construction did not include adding an additional sprinkler head. Also did not include electrical work. When I contacted him via phone, he gave me the quote of \$150 for sprinkler work and \$450 for electrical work. His original quote was \$3,490. With the additional work, it brought his total to \$4,090. The difference between the two bids is \$262. Recommendation is that Renstrom Construction Co. be awarded the bid.	3,828	3,828	*4,090	*4,090

**NOTE: (Reverse side must contain full explanation of reasons for (1) recommending other than low bidder or (2) single bid, if such is the case)**

Deliver to

Name and address of recommended bidder

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Renstrom Construction Co.  
 1810 N. Sterling St.  
 St. Paul, MN 55109

Budget Code No. 01- 4730 -12

Requested by:  
 Signed *George J. Cade* Date 9/18/80

Purchase Order Needed:

Yes  No

City Manager Approval (Capital Outlay Only):

Signed *Donald L. Lee* Date 9/18/80

Finance Department Approval:

Signed *[Signature]* Date \_\_\_\_\_

Purchase Order No. \_\_\_\_\_  
 (Assigned by Finance Dept.)

## RENSTROM CONSTRUCTION

1810 N. Sterling St.  
ST. PAUL, MN 55109  
Phone 777-7054

PROPOSAL SUBMITTED TO <u>City of Maplewood</u>		PHONE <u>770 4560</u>	DATE <u>9-15-86</u>
STREET <u>1902 E. Co. Rd. B</u>		JOB NAME	
CITY, STATE AND ZIP CODE <u>Maplewood, Mn. 55109</u>		JOB LOCATION <u>1902 E. Co. Rd. B.</u>	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

Remodeling of building at address above as per plan.  
Remove existing walls & doors as per plan. Close in door openings to match existing.  
Install approx 28 lin ft. of new wall, floor to structural ceiling, metal studs & 5/8" gyp bd. Carry existing walls to ceiling where needed, cover with 5/8" gyp bd. Cut in new opening in east storage room wall, install wood jamb & trim & hang two 3-0x6-8 solid core doors. Inactive door to have barrel bolts, active door to have passage set. Install existing door, from storage room, in hallway. Tape & sand all exposed gyp bd & fire tape above existing suspended ceiling. Patch floor with owners tile.

Electric; Install five receptacles where required.

This proposal is figured with a allowance of \$150.00 to move or add one sprinkler head.

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Three thousand eight hundred & twenty eight \_\_\_\_\_ dollars (\$ 3,828.00 ).

Payment to be made as follows:

Full payment on completion.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

*Mack Gustrom; Renstrom Const.*

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_



1169 RICE STREET St. Paul, Minnesota 55117

Attn: Marge building inspector

488-7218

PROPOSAL SUBMITTED TO City of Maplewood		PHONE	DATE 9/15/86
STREET 1902 E. County Road B		JOB NAME same	
CITY, STATE AND ZIP CODE Maplewood, MN 55109		JOB LOCATION same	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

1. Remove partition walls as shown on plans.
2. Add walls, as shown on plans, with metal studs and 5/8" sheetrock.
3. All new walls will be taped three coats and painted to match existing walls.
4. Remove metal door from hallway storage room and fill door area.
5. Re-install door from storage room into hallway. Install new lock.
6. Extend partition walls through ceiling to roof. Metal studs and 5/8" sheetrock.
7. Install double 3' x 6'8" solid core oak door and jamb.
8. Move sprinkler head in hallway.
9. Move drop-in ceiling light fixture.
10. Move ceiling air conditioner defusers.
11. Patch in 12" tile floor where partitions were removed. Floor tile cannot be matched.
12. Stain new oak door.
13. Clean up and cartage of debris.

Total amount of estimate \$3,490.00

You the buyer, may cancel this purchase at any time prior to midnight of the third business day after the date of this purchase.

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

*Ray C. Wanless*

Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

MEMORANDUM

Action by Council:

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

TO: Mayor & City Council  
FROM: Acting City Manager  
SUBJECT: Pipeline Safety Resolution  
DATE: December 3, 1986

The attached sample resolution from LMC is presented for your consideration. It is basically a resolution encouraging the National League of Cities to lobby for amendments to the Pipeline Safety Acts of 1968 and 1979. The Durenberger and Vento bills seem to be the most recognized legislation available at this time.

Adoption of the attached resolution is recommended.

KGH:1nb

## RESOLUTION

### STATE AND LOCAL PIPELINE SAFETY CONTROL

WHEREAS, the recent rupture and explosion of a gasoline pipeline in Moundsview, Minnesota, has demonstrated the potentially hazardous conditions of underground pipeline transportation of volatile petroleum products through the residential, commercial and industrial areas of the nation's cities; and

WHEREAS, there are millions of miles of liquid petroleum and natural gas pipelines throughout the nation which receive inadequate federal monitoring or inspection; and

WHEREAS, current federal law appears to pre-empt state and local authority to regulate the operation, monitoring, transport, and safety of such interstate pipelines; and

WHEREAS, federal legislation has been introduced to establish a community right-to-know policy with respect to substances transported through such pipelines and require the use of monitoring and valve techniques for both new and old pipelines to detect leakage and assure automatic shutdown in the case of such incidents; and

NOW, THEREFORE, BE IT RESOLVED, by the Maplewood, Minnesota City Council, that the National League of Cities should strongly support federal legislation to amend the Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968 to require more stringent testing procedures; increased community notification; installation of automatic shut-off valves on all pipelines; and strengthening construction and safety standards of new pipelines proximate to residential, hospital, nursing home, school or correctional facilities or other permanently inhabited facility, including minimum distance requirements.

MEMORANDUM

Action by Council:

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

TO: City Council  
FROM: Finance Director  
RE: Insurance for Early Retirees  
DATE: November 13, 1986

I have been advised that the Council requested information on insurance for early retirees at its November 10th meeting. Attached is a report I prepared for the City Manager earlier this year on City policy options regarding insurance for early retirees. I called Don Lais today to find out why he had not put this item on a Council meeting agenda. He indicated that he was in favor of my recommendation but thought that it should be reviewed by the City Attorney. Also, Don wanted to delay action on this subject because union groups are planning on requesting the State Legislature to change the laws regarding insurance for early retirees.



DFF:lnb

MEMORANDUM

TO: City Manager  
FROM: Finance Director *R. Trust*  
RE: Insurance for Early Retirees  
DATE: February 18, 1986

I have been advised by Group Health, Inc. that they will increase our premium rates immediately by 0.5% if we allow retired employees to remain in our group plan. Coordinated Health Care and Blue Cross/Blue Shield have stated that they will not increase rates. However, Blue Cross/Blue Shield rates are based on experience, so eventually rates could increase if the claims experience is not satisfactory.

DFF:lnb

## MEMORANDUM

TO: City Manager  
FROM: Finance Director *R. Ernst*  
RE: Policy on Insurance for Retired Employees  
DATE: February 7, 1986

### PROPOSAL

It is proposed that City policy be revised to allow employees that retire on or after March 1, 1986 to continue their group health care coverage (including dependent coverage) at their expense until the retired employee is eligible for Medicare coverage.

### BACKGROUND

During the past several years, there have been requests from various employees nearing their retirement that the City allow them to continue their group health care coverage. Generally the reasons for this are that the majority of this expense has been paid for by the City prior to retirement and the cost of non-group coverage after retirement is higher than group coverage. Recently the Council received a request from the Sergeants bargaining unit that the City provide insurance for retired employees (Exhibit A).

In 1979, the Employee Insurance Committee studied the issue of health insurance for early retirees. The results of this study indicated that allowing early retirees to continue their group health coverage would increase the premium. City employees were surveyed regarding this matter and many of them objected to paying a higher premium so that early retirees could continue their insurance coverage. However, 75% of the employees covered by Blue Cross and Blue Shield were in favor of adding the option for early retirees to continue their coverage.

The 1979 study also investigated whether the City would be required to self-insure if coverage for early retirees was added and then, at a later date, was unable to get a company to bid on coverage for early retirees. The City Attorney indicated that legally the City would be forced into a self-insurance program. A consultant indicated that it would not be financially feasible for a city of our size to self-insure.

As a result, the Employee Insurance Committee recommended that:

1. The proposed amendment to the Blue Cross and Blue Shield policy for early retiree insurance no longer be considered as it is not financially feasible.
2. Employees anticipating retirement that are covered by Blue Cross and Blue Shield should consider converting to Group Health plan as upon retirement they can convert to a non-group plan which provides excellent coverage at a low cost.

A complete copy of the 1979 study is attached as Exhibit B. One misconception employees have of converting to non-group coverage under Group Health Plan is that the coverage can not be continued if the retired employee permanently moves out of an area served by Group Health Plan. This is not true because, in this situation, the individual is allowed to convert to a traditional health insurance policy with Mid-America Insurance Company and they have three policy options.

How much insurance premiums would increase if retired employees are allowed to continue their group coverage is difficult to predict. It will depend on how many employees exercise the option and what their health condition is. Also, it can be argued that without the option to continue group insurance, many employees may decide to work until they are eligible for Medicare. In that case, their claims would be charged as experience to the same group that they would if the option to continue group insurance was in effect.

State law, Chapter 62A.17 requires cities to allow employees upon termination or lay off to continue their group health coverage for one year. However, employees that retire are specifically excluded from this requirement. State law, Chapter 471.61, allows cities the option of continuing group health coverage for its retired employees.

On February 6th, surrounding cities were surveyed by phone regarding their policy on insurance for retired employees. Of the 16 cities surveyed, 10 allowed retired employees to continue their coverage, but 3 of these cities limited the continuance period to 6 - 12 months. (These three cities seemed to have the misunderstanding that State law Chapter 62A.17 required them to allow retired employees to continue their group coverage.) Of the 10 that allowed continuance, 8 required that the employee pay the entire cost. The two cities that pay part of the retirees insurance premiums are St. Paul and South St. Paul.

A 1983 survey by the League of Minnesota Cities of outstate cities over 10,000 population indicated that all seven cities contacted allowed retired employees to continue their group health care coverage. However, only two of these cities paid any part of the premium. Another 1983 survey, which was conducted by Coon Rapids, indicated that only two of nine Minneapolis suburbs contacted allow retired employees to continue their group health care coverage.

Once a decision is made to allow retired employees to continue their group health care coverage, the next decision needed is what portion of the premium, if any, should the City pay. Attached are two excerpts from the Minnesota Cities magazine regarding this subject (Exhibits C and D). These articles contain very useful information. An important question raised in Exhibit C is whether a city dollar spent on benefits for retired employees buys as much public service as a dollar spent on salary or benefits for current employees. The article in Exhibit D contains an example showing how expensive city payments for retired employees' insurance can become. It also indicates that future city-paid premiums for retired employees would have to be treated as a current cost and should be funded prior to retirement of the employee. Any city which accumulates large unfunded post-retirement health benefits could impair its credit rating and raise its cost of borrowing.

#### POLICY OPTIONS

The City has three basic options:

1. No change of the present policy of not allowing retired employees to continue their group health insurance coverage.
2. Allow retired employees to continue their group health insurance coverage at their expense.
3. Allow retired employees to continue their group health insurance with part of the cost paid for by the City.

The advantages to the City of Option 1 are (a) health care premiums would not increase as much when retired employees can not continue their group coverage, (b) no city cost with this option, and (c) may help discourage productive employees from retiring early. The only possible disadvantage of Option 2 is that it would not provide an incentive for early retirement of senior employees, some of whom could be replaced with lower paid employees.

Option 2 advantages to the City are (a) little or no City cost with this option and (b) may help discourage productive employees from retiring early. Disadvantages of this option are (a) health care premiums would increase and (b) would not provide an incentive for early retirement of senior employees, some of whom could be replaced with lower paid employees.

The only Option 3 advantage to the City is that it would provide an incentive for early retirement of senior employees, some of whom could be replaced with lower paid employees. The disadvantages are (a) health care premiums would increase, (b) some productive employees that are hard to replace may retire early, (c) City costs would increase, (d) accurate current funding of this benefit would be difficult because future costs would be hard to predict, (e) City money spent on benefits for retired employees would have little or no impact on the quality of City employees hired compared to money spent on benefits for current employees and (f) insurance for retired individuals is a social issue more appropriately handled at the state or federal level.

#### RECOMMENDATION

Option 2, which would allow retired employees to continue their group health insurance coverage at their expense, is the best because (a) it is a good compromise between Options 1 and 3, (b) a majority of City employees in the past were in favor of it and (c) the increase in premiums should be minimal if it is limited to the time until Medicare eligibility begins. Therefore, it is recommended that the City policy be revised to allow employees who retire on or after March 1, 1986 to continue their group health care coverage (including dependent coverage) at their expense until the retired employee is eligible for Medicare coverage.

DFF:lnb



# CITY OF MAPLEWOOD

1880 FROST AVENUE MAPLEWOOD MINNESOTA 55109

DEPARTMENT OF PUBLIC SAFETY—OFFICE OF CHIEF OF POLICE 612-770-4530

November 19, 1985

City Council Members  
City of Maplewood  
1380 Frost Avenue  
Maplewood, MN 55109

Dear Council Members:

In a recent conversation with Council Member Norman Anderson, a matter of grave concern arose, this being the opportunity for City employees to have their hospitalization paid for until they reach an age whereby they could be covered under Medicare or some other carrier or the possibility of employees retaining the opportunity to pay their own premium but continue to be covered by the present carrier when they are at a retirement age.

Mr. Norman Anderson asked me to send him this request in a written form so it can be brought up when the City Council meets in an executive session.

The rationale for this is that in the past we, the Sergeants' negotiating group, have requested such an opportunity when meeting with the City Managers, but the former Managers would never go forward with this request. We now feel it would be appropriate to present this to the City Council, and they could make it a part of the hiring criteria in the interview process they are using to hire a new Manager for the City of Maplewood.

Very truly yours,  
*Joseph A. Zappa*  
*Anthony Cabran*  
*D. J. Arnold*  
*Norm Green*  
*M. Ryan*  
*Scott Peltier*  
*Kevin R. Halweg*

TO : City Manager  
 FROM: Employee Insurance Committee  
 RE : Health Insurance for Early Retirees  
 DATE: February 14, 1979

Attached is a report from the Employee Insurance Committee on health insurance for early retirees which recommends the following:

1. The proposed amendment to the Blue Cross and Blue Shield policy for early retiree insurance no longer be considered as it is not financially feasible.
2. Employees anticipating retirement that are covered by Blue Cross and Blue Shield should consider converting to Group Health Plan as upon retirement they can convert to a non-group plan which provides excellent coverage at a low cost.

It is recommended that you endorse these recommendations and arrange to have copies of this memo and the attached report distributed to all City employees and the Council.

Action by City Mgr.:

Endorsed

Modified \_\_\_\_\_

Rejected \_\_\_\_\_

Date: 2/15/79

Approved by Commission \_\_\_\_\_

Approved by Council \_\_\_\_\_

MEMORANDUM

TO : All City Employees  
FROM: Employee Insurance Committee  
RE : Health Insurance for Early Retirees  
DATE: February, 1979

For the past several months, your Employee Insurance Committee has been attempting to arrange health insurance coverage at a reasonable cost for employees that retire prior to age 65. Early retirees according to law are allowed to convert to a non-group policy but those employees covered by Blue Cross and Blue Shield have found this to be very expensive. For example, an early retiree at age 62 with a spouse of the same age would have to pay Blue Cross and Blue Shield \$93.05 per month. This is \$3.09 greater than the \$89.96 monthly premium for family coverage charged for present employees.

Consequently, when the specifications were prepared for the September 1978 group insurance bids, alternate bids were requested to allow early retirees to remain covered by the City's group health insurance plan. Blue Cross and Blue Shield submitted the low bid for health insurance and indicated that there would be no extra charge to have early retirees included in the City's group plan. However, the claims for retired employees would be charged back to the City's group and would be used with the claims experience for current employees to adjust premium rates. The effect of this would be an increase in the premium rate over a period of time as more and more retired employees are added to the City's group plan. (This is based upon data from Blue Cross and Blue Shield that indicates a retired couple in their early sixties would be charged \$97.23 per month on a non-group policy which compares to \$55.00 per month for a young family of four.)

Another disadvantage of adding coverage for early retirees is that at a later time it cannot legally be eliminated or decreased unless the individuals covered agree to it. Thus, if a retired employee has unusually high claims there would be no way to remove him from the group unless he agreed to it. In this case, the unusually high claims would result in an increase in every employees' premium.

Due to the controversial nature of this issue, the Employee Insurance Committee recommended to the City Council that coverage for retired employees be provided if 75% of the employees covered by Blue Cross and Blue Shield are in favor of it. During the month of October, survey forms were prepared which provided background information and proposed wording for amendment of the City's group insurance policy. These survey forms were sent out to City employees on October 27th. The results of the survey indicated that of the 57 employees covered by Blue Cross and Blue Shield, 25 voted yes, 1 voted nay, and 31 abstained. The yes votes indicated that only 44% of the employees were in favor of the proposal.

On November 27th, the Employee Insurance Committee met and debated the significance of the large number of abstentions on the survey. No conclusions were reached but it was decided to re-survey City employees and inform them that abstentions would not be counted as no votes. A total of 43 responses were received on the second survey and all of them were in favor of insurance for early retirees.

On January 2nd, the Employee Insurance Committee met to discuss the results of the second survey. The question was raised of would the City be required to self-insure if coverage for early retirees was added and then at a later date was unable to get a company to bid on coverage for early retirees. It was decided to refer

this question to the City Attorney. He indicated that it was probable that legally the City would be forced into a self-insurance program. The feasibility of a self-insurance plan (including coverage for early retirees) for the City was referred to an expert consultant in the field of self-insurance. The consultant indicated that a self-insurance plan including coverage for early retirees was not financially feasible for Maplewood's size of its group.

On January 29th, the Employee Insurance Committee met to consider the opinions of the City Attorney and insurance consultant. At this meeting, it was indicated that employees covered by Group Health Plan that retire can convert to non-group coverage which costs less than family coverage under the City's group plan. A retired couple is charged \$68.05 per month on a non-group plan which compares to \$93.60 per month on the City's group plan. The reasons for this lower premium are:

1. The group plan is based on an average family size of 3.4 persons whereas the non-group plan rate for a retired couple is computed on a 2 person size family.
2. The group plan provides for 365 days of hospital coverage whereas the non-group plan provides for 180 days of coverage.
3. Maternity benefits are lower under the non-group plan.
4. Non-group plan rates are calculated on the same loss ratios as group plans and there is no experience rating by group.

It is the opinion of the Employee Insurance Committee that Group Health Plan is the best buy for early retirees. Annually, there is an open enrollment period for Group Health Plan whereby employees covered by Blue Cross and Blue Shield can convert to G.H.P. without evidence of insurability. Also, employees at any time can convert to G.H.P. subject to evidence of insurability. Therefore, it is recommended that employees planning on retiring arrange to convert to G.H.P. prior to their retirement. In this way, upon retirement they can convert their group G.H.P. coverage to a non-group plan. (G.H.P. will not allow employees covered by Blue Cross and Blue Shield to convert to a G.H.P. non-group plan. Only individuals covered by a G.H.P. group plan can convert to a G.H.P. non-group plan.) Furthermore, the Employee Insurance Committee recommends that the proposed amendment to the Blue Cross and Blue Shield policy for early retiree insurance no longer be considered.

# did you know?

## STANLEY PESKAR

EDITOR'S NOTE: The questions below are typical of the thousands of inquiries the League receives each year. For more comprehensive treatment of questions, the information service of the league is always available to municipal officials.

### PERSONNEL—RETIREMENT

*Is it wise personnel policy to grant health, life, dental, and other employee insurance benefits to retired city employees?*

M.S. 471.61, Subd. 2a permits cities to provide group health, life, and other insurance benefits to retired city employees and their dependents. However, under M.S. 179.63, Subd. 18, a city need not negotiate on any pension benefit item. Thus, a city could legally grant health benefits to retired employees and their dependents, but it is not required by law to bargain with any labor organization about this subject. Before taking any steps in this

direction, policy-making officials should consider all implications of offering these benefits. Perhaps the factor which should create the most reticence is the difficulty of later backing away from what employees will regard as a commitment. If these benefits are granted to presently retired employees, current employees, with some justification, will assume that part of the compensation for which they are working is the availability of city-paid group health coverage after retirement. Some sort of contractual claim might even be arguable if current salaries are lower than they would otherwise be and some funds are set aside for future premium costs as well as for paying current premiums. In any event, a council that for financial or other reasons wants to discontinue or reduce an existing program of this type will face great political pressure and moral indignation from all former and current employees and from all the supporting citizenry that these employees can muster.

The costs of these programs, once started, are difficult to predict or control. Health insurance premiums have in recent years escalated at a frightening rate. Though many future retirees will be eligible for Medicare and may be demanding only supplementary insurance from their former employer, the gap between total medical costs and the part paid by Medicare may well grow. To control inflation in the health care in-

dustry, the federal government appears to be coming around to establishing a policy that a significant part of the cost of care must be borne by the individual treated. This, the theory goes, gives the patient and the health care provider an incentive to minimize costs. To the extent that the federal government increases the patient cost share, pressures will mount on cities with retired employee plans to increase benefits, thus increasing city costs and defeating the federal policy objective.

Finally, a city contemplating a retired employee health care plan needs to consider whether a dollar spent on retired employee health coverage buys as much public service as a dollar spent on salary or other benefits for current employees. Though security for retired city employees may be a legitimate secondary objective, cities in Minnesota function primarily to provide specific services such as police and fire protection, streets, libraries, and recreation. It is primarily a federal state, and county responsibility to provide general social benefits. Those benefits arguably should be relatively uniform for all citizens instead of directed to a fairly small class. If, in the future, retiree health insurance becomes a widespread benefit in both the private and public spheres, as have general pension benefits, a stronger argument for city entry into such a program can then be made.

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# Did you know?

Stanley Peskar

## Early retirement and group health plans

**Should cities provide group health insurance to retired employees as an inducement to early retirement?**

Although this question is largely one of policy, the consequences of an ill-considered decision can impact city budgets for years to come. Some temporary savings might occur if certain people retire early and if a tight budget would otherwise force layoffs. However, once a program to encourage early retirement by providing health insurance for retired employees is in place, it is difficult to effectively target the plan to cause retirement of individuals whose loss would least cripple the city. Those choosing early retirement may include productive employees whose replacement is neither easy nor inexpensive.

Another problem with the insurance inducement to early retirement is that most communities find it difficult to limit the benefit to a certain "window" period, such as to a retired employee under the age of 65. At least some retirees may be basic plan members with no social security coverage and no entitlement to Medicare at age 65.

Once started, a city will often extend retired employees' health insurance plans to dependents and employees who retired after a certain date.

Retired employees' group health

### Health insurance cost increases

Yr.	Annual Cost	Cost 10 Empl.	Additional	Total Empl.	Total Cost
1	\$1,200	\$12,000	—	10	\$12,000
2	1,440	14,400	(2) \$ 2,880	12	17,280
3	1,728	17,280	(4) 6,912	14	24,192
4	2,074	20,740	(6) 12,444	16	33,184
5	2,489	24,890	(8) 19,912	18	44,802

insurance plans are typically expensive to operate. Not only is the incidence of use likely to be higher than that for city employees, but health care cost inflation is continuing at approximately 20 percent rates. Thus for a plan for 10 employees which costs \$100 per month per employee and which increases by a net of two retired employees each year, the annual cost would escalate as in the chart.

Even more disturbing is that because of contractual commitments without concurrent appropriations for the governing body's entire cost, these uncontrollables will saddle future councils with major expenditure items without the city receiving services.

Similar unfunded promises in the pension area resulted in cities incurring huge deficits prior to state and federal laws requiring employers to currently fund any promised pension benefits in the year of the benefit promise. If the city considers post-retirement insur-

ance benefits as severance pay, under M.S. 465.721, the city must approve a plan for full funding. However, severance pay statutes may not apply because M.S. 471.61, Subd. 2a, authorizing retirees' insurance, does not refer to the severance pay statute and seems to be complete in itself.

The Financial Accounting Standards Board has issued a memorandum on the subject of post-employment benefits, including employer-paid group health coverage. The memorandum takes the position that the employer should account projected costs of predictable earned benefits as a current cost item as the employee earns the benefit. The memorandum indicates the trend of thinking in accounting circles. It may also indicate that any city which builds up large unfunded post-retirement health benefit liabilities could impair its credit rating and raise its cost of borrowing. See also p. 14 of *Minnesota Cities*, April 1982. ■



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1983

MEMORANDUM

Action by Council:

TO: ACTING MANAGER KEN HAIDER  
FROM: CITY CLERK  
REGARDING: REDISTRICTING PRECINCTS  
DATE: DECEMBER 3, 1986

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

Precincts 6 and 11, Concordia Arms and Carver School, have experienced a large increase in the number of registered voters. This has caused voters to have to wait in lines for hours to vote. By the City redistricting Precincts 5, 6 and 7 and creating a new precinct at City Hall (Precinct 14) and redistricting precinct 11 into two precincts the problem can be solved. East County Line Fire Department No. 2 will become Precinct 13.

If the boundaries are not changed by the end of the year, they can not be revised until 1992.

RESOLUTION NO. \_\_\_\_\_

STATE OF MINNESOTA  
COUNTY OF RAMSEY  
CITY OF MAPLEWOOD

RESOLUTION AUTHORIZING THE CHANGE IN BOUNDARIES OF THOSE ELECTION  
PRECINCTS CURRENTLY IDENTIFIED AS PRECINCTS 5, 6, 7 and 11

WHEREAS, the City Council is empowered by Minnesota Statutes § 204B.14  
to change the boundaries of election precincts from time to time; and

WHEREAS, notice of the change shall be posted in the office of the Maple-  
wood City Clerk for at least sixty (60) days prior to the effective date of  
change; and

WHEREAS, the Maplewood City Clerk shall notify each affected registered  
voter of the change in election precinct boundaries at least thirty (30)  
days prior to the first election held after the change takes effect; and

WHEREAS, the Maplewood City Clerk shall prepare maps showing the new  
boundaries of election precincts and file such maps with the County Auditor,  
the Secretary of State and with the State Planning Director; and

WHEREAS, any changes in election precinct boundaries shall follow visible,  
clearly recognizable physical features specifically streets.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Maplewood,  
that those election precincts identified as 5, 6, 7 and 11 shall have their  
boundaries changed and create two new precincts so as to reflect the best  
interests of the community.