

LL

AGENDA
Maplewood City Council
7:00 P.M., Thursday, January 21, 1982
Municipal Administration Building
Meeting 82-2

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

1. Minutes 81-30 (December 17)
2. Minutes 82-1 (January 7)

(D) APPROVAL OF AGENDA

(E) CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion in the form listed below. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Accounts Payable
2. Fire Department Agreements
3. Planning Commission Annual Report
4. Community Design Review Board Annual Report

(F) PUBLIC HEARINGS

1. Industrial Revenue Note: Health Resources (7:00) _____
2. Liquor License: Esteban's, Maplewood Mall ((7:15) _____
3. Sign Variance: McKnight Townhouses (7:30) _____
4. Street Easement Vacation: Lepsche (7:45) _____
5. Code Amdendment: Minimum Floor Areas (8:00) _____

(G) AWARD OF BIDS - None

(H) UNFINISHED BUSINESS

1. PAC - Commercial & Industrial: Reconsideration _____

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Nature Center Ordinance (First Reading) _____
2. Ordinance: Plan Review Authority (First Reading) _____
3. Soo Line Railroad Abandonment _____

(K) COUNCIL PRESENTATIONS

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

(L) ADMINISTRATIVE PRESENTATIONS

(M) ADJOURNMENT

MINUTES OF MAPLEWOOD CITY COUNCIL
6:50 P.M., Thursday, December 17, 1981
Council Chambers, Municipal Building
Meeting No. 81-30

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota was held in the Council Chambers, Municipal Building and was called to order at 6:50 P.M. by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilman	Present
Gary W. Bastian, Councilman	Present
Frances L. Juker, Councilperson	Present
Earl L. Nelson, Councilman	Present

C-1A STATE FIRE CHIEF'S POSTER CONTEST 6:50 P.M.

a. Fire Marshal Al Schadt introduced representatives from East County Line, Gladstone and Parkside Fire Districts who presented awards to the winners of the 1981 State Fire Chiefs Poster Contest as follows:

East County Line Fire District

1st Place	Michele Paipal	Age 10	Transfiguration School
2nd Place	Stacy Boetcher	Age 10	Gethsemane School
3rd Place	Robyn Erler	Age 10	Gethsemane School

Gladstone Fire District

1st Place	Jeff Ferguson	Age 9	Harmony School
2nd Place	Matt O'Brien	Age 9	Weaver School
3rd Place	Suzi Heili	Age 10	Harmony School

Parkside Fire District

1st Place	Jason Cox	Age 10	St. Jerome's School
2nd Place	Lisa Oscarson	Age 10	St. Jerome's School
3rd Place	Peggy Niederer	Age 10	St. Jerome's School

First place winners receive \$25 check from their District Fire Department and a Tonka Toy aerial fire truck donated by Tonka Toy Corporation, Minneapolis.

Second place winners receive \$15 check from their District Fire Department.

Third place winners receive \$5 check from their District Fire Department.

Posters were judged and evaluated by fire personnel.

C-2 APPROVAL OF MINUTES

1. Minutes 81-20 (August 20, 1981)

Councilman Anderson moved that the Minutes of Meeting No. 81-20 (August 20, 1981) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

2. Minutes 81-21 (August 27, 1981)

Councilperson Juker moved that the Minutes of Meeting No. 81-21 (August 27, 1981) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

3. Minutes 81-22 (September 3, 1981)

Councilperson Juker moved that the Minutes of Meeting No. 81-22 (September 3, 1981) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

4. Minutes 81-24 (October 1, 1981)

Councilman Nelson moved that the Minutes of Meeting No. 81-24 (October 1, 1981) be approved as submitted.

Seconded by Councilman Bastian. Ayes - all.

5. Minutes 81-25 (October 7, 1981)

Councilman Nelson moved that the Minutes of Meeting No. 81-25 (October 7, 1981) be approved as corrected:

Page 1 Item C-1a Commissioner Newcombe not "Senator"

Seconded by Mayor Greavu. Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the agenda as amended:

1. Meeting with Planning Commission: Re - Downtown Maplewood
2. County Road C
3. Lyle Erickson - Appointment to Cable T.V.

Seconded by Councilman Bastian. Ayes - all.

E. CONSENT AGENDA

Councilman Nelson moved, seconded by Councilman Anderson, Ayes - Mayor Greavu, Councilperson Juker, Councilmen Anderson and Nelson; Nays - Councilman Bastian, to approve the consent agenda, items 1 through 21 as recommended:

1. Accounts Payable

Approved the accounts: Part I - Fees, Services, Expenses - Check No. 006556 through Check No. 006625 - \$150,531.08 - Check No. 011931 through Check No. 012065 - \$391,443.17; Check No. 006514 through Check No. 006555 - \$85,947.65; Check No. 011832 through Check No. 011930 - \$125,023.96; Part II - Payroll, Check No. 03488 through Check No. 03610 - \$50,675.26; Check No. 03358 through Check No. 03487 - \$52,077.92) in

the amount of \$855,699.04.

2. Establish Hearing Date - Industrial Revenue Note - St. Johns

a. Resolution No. 81-12-229

RESOLUTION CALLING FOR A PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT
PURSUANT TO THE MINNESOTA MUNICIPAL
INDUSTRIAL DEVELOPMENT ACT AUTHORIZING
THE PUBLICATION OF A NOTICE OF SAID HEARING

WHEREAS,

(a) Chapter 474, Minnesota Statutes, known as the Minnesota Municipal Industrial Development Act (the "Act") gives municipalities the power to issue revenue bonds for the purpose of the encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment;

(b) The City Council of the City of Maplewood (the "City") has received from Health Resource Center, Inc., a corporation organized under the laws of the State of Minnesota (the "Company") a proposal that the City assist in financing a project hereinafter described, through the issuance of its industrial revenue bonds (which may be in the form of a single debt instrument) (the "Bonds") pursuant to the Act;

(c) Before proceeding with consideration of the request of the Company it is necessary for the City to hold a public hearing on the proposal pursuant to Section 474.01, Subdivision 7b, Minnesota Statutes;

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

1. A Public Hearing on said proposal of the Company will be held at the time and place set forth in the Notice of Hearing hereto attached.
2. The general nature of the proposal and an estimate of the principal amount of bonds to be issued to finance the proposal are described in the form of Notice of Hearing hereto attached.
3. The Notice of said Public Hearing shall be in substantially the form contained in the Notice hereto attached.
4. A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with proposed forms of all attachments and exhibits thereto, is on file in the office of the City Clerk.
5. The City Clerk is hereby authorized and directed to cause notice of said hearing to be given one publication in the official newspaper and a newspaper of general circulation available in the City, not less than 15 days nor more than 30 days prior to the date fixed for said hearing, as shown in the notice of hearing hereto attached.

Adopted by the City Council of the City of Maplewood, Minnesota, this 17th day of December, 1981.

/s/ John C. Greavu
Mayor

Attest:

/s/ Lucille E. Aurelius
City Clerk

NOTICE OF PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota, will meet at the City Hall in the City of Maplewood, Minnesota at 7:00 P.M. on January 21, 1982, to consider the proposal that the City assist in financing a project hereinafter described by the issuance of industrial development revenue bonds.

The project will consist of the construction and equipping of a medical office building to be located at the NE corner of Beam Avenue and Hazelwood Avenue within the City of Maplewood, Minnesota.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$3,970,000.

Said bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City except the project and such bonds or obligations will not be a charge against the City's general credit or taxing powers but are payable from sums to be paid pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning January 6, 1982, from 8:00 A.M. to 5:00 P.M., Monday through Friday, at the City Hall in Maplewood.

At the time and place fixed for said Public Hearing, the City Council of the City of Maplewood will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal.

Dated this 17th day of December, 1981.

(BY ORDER OF THE CITY COUNCIL)

/s/ Lucille Aurelius
City Clerk

b. Resolution No. 81-12-230

RESOLUTION CALLING FOR A PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT
PURSUANT TO THE MINNESOTA MUNICIPAL
INDUSTRIAL DEVELOPMENT ACT AUTHORIZING
THE PUBLICATION OF A NOTICE OF SAID HEARING

WHEREAS,

(a) Chapter 474, Minnesota Statutes, known as the Minnesota Municipal Industrial Development Act (the "Act") gives municipalities the power to issue revenue bonds for the purpose of the encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment;

(b) The City Council of the City of Maplewood (the "City") has received from Health Resource Centr, Inc., a corporation organized under the laws of the State of Minnesota (the "Company") a proposal that the City assist in financing a project hereinafter described, through the issuance of its industrial revenue bonds (which may be in the form of a single debt instrument) (the "Bonds") pursuant to the Act;

(c) Before proceeding with consideration of the request of the Company it is necessary for the City to hold a public hearing on the proposal pursuant to Section 474.01, Subdivision 7b, Minnesota Statutes;

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

1. A Public Hearing on said proposal of the Company will be held at the time and place set forth in the Notice of Hearing hereto attached.
2. The general nature of the proposal and an estimate of the principal amount of bonds to be issued to finance the proposal are described in the form of Notice of Hearing hereto attached.
3. The Notice of said Public Hearing shall be in substantially the form contained in the Notice hereto attached.
4. A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with proposed forms of all attachments and exhibits thereto, is on file in the office of the City Clerk.
5. The City Clerk is hereby authorized and directed to cause notice of said hearing to be given one publication in the official newspaper and a newspaper of general circulation available in the City, not less than 15 days nor more than 30 days prior to the date fixed for said hearing, as shown in the notice of hearing hereto attached.

Adopted by the City Council of the City of Maplewood, Minnesota, this 17th day of December, 1981.

/s/ John C. Greavu

Mayor

Attest:

/s/ Lucille E. Aurelius

City Clerk

NOTICE OF PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota, will meet at the City Hall in the City of Maplewood, Minnesota, at 7:00 P.M. on January 21, 1982, to consider the proposal that the City assist in financing a project hereinafter described by the issuance of industrial development revenue bonds.

The project consists of the acquisition of land and the construction and equipping of an ambulatory care center, including a surgery center, an emergency center and physical medicine, at the NE corner of Beam Avenue and Hazelwood Avenue, within the City of Maplewood, Minnesota.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$7,153,000.

Said bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City except the project and such bonds or obligations will not be a charge against the City's general credit or taxing powers but are payable from sums to be paid pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning January 6, 1982, from 8:00 A.M. to 5:00 P.M., Monday through Friday, at the City Hall in Maplewood.

At the time and place fixed for said Public Hearing, the City Council of the City of Maplewood will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal.

Dated this 17th day of December, 1981.

(BY ORDER OF THE CITY COUNCIL)

/s/ Lucille E. Aurelius
City Clerk

3. Final Approval: United Artists Industrial Revenue Note

Resolution No. 81-12-231

NOTE RESOLUTION

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

ARTICLE ONE

DEFINITIONS, LEGAL AUTHORIZATION AND FINDINGS

1-1. Definitions.

The terms used herein, unless the context hereof shall require otherwise shall have the following meanings, and any other terms defined in the Loan Agreement shall have the same meanings when used herein as assigned to them in the Loan Agreement unless the context or use thereof indicates another or different meaning or intent.

Act: the Minnesota Municipal Industrial Development Act, Minnesota Statutes, Chapter 474, as amended;

Assignment of Leases and Rents: the agreement to be executed by the Borrower assigning all the rents, issues and profits derived from the Project to the Lender to secure the repayment of the Note and interest thereon;

Bond Counsel: the firm of Briggs and Morgan, Professional Association, of St. Paul and Minneapolis, Minnesota, and any opinion of Bond Counsel shall be a written opinion signed by such Counsel;

Borrower: United Artists Theatre Circuit, Inc., a Maryland corporation, its successors, assigns, and any surviving, resulting or transferee business entity which may assume its obligations under the Loan Agreement;

City: the City of Maplewood, Minnesota, its successors and assigns;

Disbursing Agreement: the agreement to be executed by the City, the Borrower and the Lender, relating to the disbursement and payment of Project Costs for the acquisition of the land and the construction and installation of the improvements;

Improvements: the structures and other improvements, including any tangible personal property, constructed or installed by the Borrower on the Land in accordance with the Plans and Specifications;

Land: the real property and any other easements and rights described in Exhibit A attached to the Loan Agreement;

Leases: all leases now or hereafter affecting the land;

Lender: Mercantile National Bank at Dallas, in Dallas, Texas, its successors and assigns;

Loan Agreement: the agreement to be executed by the City and the Borrower, providing for the issuance of the Note and the loan of the proceeds thereof to the Borrower, including any amendments or supplements thereto made in accordance with its provisions;

Mortgage: The Mortgage, Security Agreement and Fixture Financing Statement to be executed by the Borrower, as mortgagor, to the Lender, as mortgagee, securing payment of the Note and interest thereon;

Note: the \$2,488,189 Commercial Development Revenue Note of 1981 (United Artists Theatre Circuit, Inc. Project), to be issued by the City pursuant to this Resolution and the Loan Agreement;

Note Register: the records kept by the City clerk to provide for the registration of transfer of ownership of the Note;

Plans and Specifications: the plans and specifications for the construction and installation of the improvements on the land, which are approved by the Lender, together with such modifications thereof and additions thereto as were reasonably determined by the Borrower to be necessary or desirable for the completion of the improvements and are approved by the Lender;

Pledge Agreement: the agreement to be executed by the City and Lender assigning the Loan Agreement to the Lender;

Principal Balance: so much of the principal sum on the Note as from time to time may have been advanced to or for the benefit of the City and remains unpaid at any time;

Project: the Land and Improvements as they may at any time exist;

Project Costs: the total of all "Construction Costs" and "Loan and Carrying Charges," as those terms are defined in the Loan Agreement;

Resolution: this Resolution of the City adopted December 17, 1981, together with any supplement or amendment thereto.

All references in this instrument to designated "Articles," "Sections" and other subdivisions are to the designated Articles, Sections and subdivisions of this instrument as originally executed. The words "herein," "hereof" and "hereunder" and other words of similar import refer to this Resolution as a whole not to any particular Article, Section or subdivision.

1-2. Legal Authorization.

The City is a political subdivision of the State of Minnesota and is authorized under the Act to initiate the revenue producing project herein referred to, and to issue and sell the Note for the purpose, in the manner and upon the terms and conditions set forth in the Act and in this Resolution.

1-3. Findings.

The City Council has heretofore determined, and does hereby determine, as follows:

(1) The City is authorized by the Act to enter into a Loan Agreement for the public purposes expressed in the Act;

(2) The City has made the necessary arrangements with the Borrower for the establishment within the City of a Project consisting of certain property all as more fully described in the Loan Agreement and which will be of the character and accomplish the purposes provided by the Act, and the City has by this Resolution authorized the Project and execution of the Loan Agreement, the Pledge Agreement, the Note and the Disbursing Agreement, which documents specify the terms and conditions of the acquisition and financing of the Project;

(3) In authorizing the Project the City's purpose is, and in its judgement the effect thereof will be, to promote the public welfare by: the attraction, encouragement and development of economically sound industry and commerce so as to prevent so far as possible, the emergence of blighted and marginal lands and areas of chronic unemployment; the development of revenue producing enterprises to use the available resources of the community, in order to retain the benefit of the community's existing investment in educational and public service facilities; the halting of the movement of talented, educated personnel of all ages to other areas thus preserving the economic and human resources needed as a base for providing governmental services and facilities; the provision of accessible employment opportunities for residents in the area; the expansion of an adequate tax base to finance the cost of governmental services, including educational services for the school district serving the community in which the Project is situated;

(4) the amount estimated to be necessary to partially finance the Project Costs, including the costs and estimated costs permitted by Section 474.05 of the Act, will require the issuance of the Note in the principal amount of \$2,488,189 as hereinafter provided;

(5) it is desirable, feasible and consistent with the objects and purposes of the Act to issue the Note, for the purpose of partially financing the Project;

(6) the Note and the interest accruing thereon do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation and do not constitute or give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City and neither the full faith and credit nor the taxing powers of the City is pledged for the payment of the Note or interest thereon; and

(7) The Note is an industrial development bond within the meaning of Section 103(b) of the Internal Revenue Code and is to be issued within the exemption provided under subparagraph (D) of Section 103(b)(6) of the Code with respect to an issue of \$10,000,000 or less; provided that nothing herein shall prevent the City from hereafter qualifying the Note under a different exemption if, and to the extent, such exemption is permitted by law and consistent with the objects and purposes of the Project.

1-4. Authorization and Ratification of Project.

The City has heretofore and does hereby authorize the Borrower, in accordance with the provisions of Section 474.03(7) of the Act and subject to the terms and conditions set forth in the Disbursing Agreement, to provide for the construction and installation of the Project pursuant to the Plans and Specifications by such means as shall be available to the Borrower and in the manner determined by the Borrower, and without advertisement for bids as may be required for the construction and acquisition of municipal facilities; and the City hereby ratifies, affirms, and approves all actions heretofore taken by the Borrower consistent with and in anticipation of such authority and in compliance with the Plans and Specifications.

ARTICLE TWO

NOTE

2-1. Authorized Amount and Form of Note.

The Note issued pursuant to this Resolution shall be in substantially the form set forth herein, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, and in accordance with the further provisions hereof; and the total principal amount of the Note that may be outstanding hereunder is expressly limited to \$2,488,189 unless a duplicate Note is issued pursuant to Section 2-7. The Note shall be in substantially the following form:

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

Commercial Development Revenue Note of 1981
(United Artists Theatre Circuit, Inc. Project)

\$2,488,189

FOR VALUE RECEIVED the CITY OF MAPLEWOOD, Ramsey County, Minnesota, (the "City") hereby promises to pay MERCANTILE NATIONAL BANK AT DALLAS, in Dallas, Texas, (the "Lender"), its successors or registered assigns, from the source and in the manner hereinafter provided, the principal sum of TWO MILLION FOUR HUNDRED EIGHTY-EIGHT THOUSAND ONE HUNDRED EIGHTY-NINE AND NO/100 DOLLARS (\$2,488,189.00), or so much thereof as may have been advanced to or for the benefit of the City and remains unpaid from time to time (the "Principal Balance"), with interest thereon at the rate provided in paragraph 1(d) hereof, in any coin or currency which at the time or times of payment is legal tender for the payment of public or private debts in the United States of America, in accordance with the terms hereinafter set forth.

1. (a) From and after the date hereof and until January 1, 1982, interest only shall be paid. Interest shall accrue from and after the date of this Note and shall be payable beginning on January 1, 1982 and on each and every July 1 and January 1 thereafter.

(b) From and after January 1, 1982, the Principal Balance shall be amortized and paid in sixteen (16) equal consecutive semi-annual installments, payable on July 1, 1982 and continuing on each and every July 1 and January 1 thereafter until the Principal Balance and accrued interest thereon shall have been paid (the "Final Maturity Date"). Payments shall be applied first to interest due on the Principal Balance and thereafter to reduction of the Principal Balance.

(c) If at any time (whether before or after payment in full of the Note) (i) the interest on this Note should become subject to federal income tax pursuant to a "Determination of Taxability" as that term is defined in Section 4.07 of the Loan Agreement hereinafter referred to, and the Lender delivers to the Borrower a copy of the notice of the "Determination of Taxability", (ii) any payment of interest on

the note or any amount in respect of interest on the Note, in whole or in part, is subject to the tax imposed by Sections 56 through 58 of the Internal Revenue Code of 1954, as amended, or any similar tax imposed by a Taxing Authority (hereinafter defined) or tax preference or similar items, or (iii) the Lender is subject to any federal tax measured by reference to the principal of the Note (hereinafter each of the above three said taxes shall be referred to as a "Note Tax"), then the Lender will be promptly paid on behalf of the City, upon the written demand of the Lender, as additional interest on the Note, an amount (to be computed by the Lender and specified in the written demand) which, after deduction of all taxes required to be paid to any Taxing Authority in respect of the receipt of such amount (such taxes to be calculated at the maximum statutory tax rates applicable to the Lender and taking into account the deductibility of state and local taxes for federal income tax purposes), shall be equal to the Note Tax. For the purposes of this paragraph "Taxing Authority" means the federal government, any state or local government, and any taxing agency or authority thereof or therein.

(d) Unless there is a "Note Tax", in which event there shall be additional interest as specified by paragraph 1(c) hereof, the rate of interest on the Principal Balance shall be equal to 68% of the prime rate of interest (or equivalent successor rate) set or announced from time to time by the Lender as the basis for determining the rate of interest on commercial borrowing (the "Prime Rate") and shall be adjusted anytime the Prime Rate changes, but in no event shall the interest rate be less than nine percent (9%) per annum.

2. In any event, the payments hereunder shall be sufficient to pay all principal and interest due, as such principal and interest becomes due, and to pay any premium or penalty, at maturity, upon redemption, or otherwise. Interest shall be computed on the basis of a 360 day year, but charged for the actual number of days elapsed in a 365 day year.

3. If the Lender should not receive on any January 1 or July 1 all of the principal and interest then due on the Note, and if the City should continue to be in arrears through the fifteenth day of such month, then, in addition to all other sums due hereunder, the Lender shall be entitled to receive on the sixteenth day of such month a service charge equal to four percent (4.00%) of the delinquent principal and interest.

4. Principal and interest and premium or service charge due hereunder shall be payable at the principal office of the Lender, or at such other place as the Lender may designate in writing.

5. This Note is issued by the City to provide funds for a project, as defined in Section 474.02, Subdivision 1a, Minnesota Statutes, consisting of the acquisition of real estate, and the construction of an eightplex theatre facility thereon, pursuant to a Loan Agreement of even date herewith between the City and United Artists Theatre Circuit, Inc. (the "Borrower") (the "Loan Agreement"), and this Note is further issued pursuant to and in full compliance with the Constitution and laws of the State of Minnesota, particularly Chapter 474, Minnesota Statutes, and pursuant to a resolution of the City Council duly adopted on December __, 1981 (the "Resolution").

6. This Note is secured by a Pledge Agreement of even date herewith by the City to the Lender (the "Pledge Agreement"), a Mortgage, Security Agreement and Fixture Financing Statement, of even date herewith between the Borrower, as mortgagor, and the Lender as mortgagee (the "Mortgage"), and by an Assignment of Leases and Rents, of even date herewith, from the Borrower to the Lender (the "Assignment of Leases and Rents"). The disbursement of the proceeds of this Note is subject to the terms and conditions of a Disbursing Agreement of even date herewith between the Lender, the City and the Borrower (the "Disbursing Agreement").

7. The Lender may extend the times of payments of interest and/or principal of or any penalty or premium due on this Note, including the Final Maturity Date, without notice to or consent of any party liable hereon and without releasing any such party. However, in no event may the Final Maturity Date be extended beyond thirty (30) years from the date hereof.

8. This Note may be prepaid in whole or in part at any time without premium.

9. In the event of prepayment of this Note, the Lender shall apply any such prepayment against the applicable prepayment premium, if any, then against the accrued interest on the Principal Balance and finally against the final principal amounts due under the Note. The semi-annual payments due under paragraph 1 hereof, shall continue to be due and payable in full until the entire Principal Balance and accrued interest due on this Note have been paid regardless of any partial prepayment made hereunder.

10. As provided in the Resolution and subject to certain limitations set forth therein, this Note is transferable upon the books of the City at the office of the City Clerk, by the Lender in person or by his agent duly authorized in writing, at the Lender's expense, upon surrender hereof together with a written instrument of transfer satisfactory to the City Clerk, duly executed by the Lender or his duly authorized agent. Upon such transfer the City Clerk will note the date of registration and the name and address of the new registered Lender in the registration blank appearing below. The City may deem and treat the person in whose name the Note is last registered upon the books of the City with

such registration noted on the Note, as the absolute owner hereof, whether or not overdue, for the purpose of receiving payment of or on the account, of the Principal Balance, redemption price or interest and for all other purposes, and all such payments so made to the Lender or upon his order shall be valid and effective to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

11. All of the agreements, conditions, covenants, provisions and stipulations contained in the Resolution, the Mortgage, the Assignment of Leases and Rents, the Loan Agreement, the Pledge Agreement and the Disbursing Agreement are hereby made a part of this Note to the same extent and with the same force and effect as if they were fully set forth herein.

12. This Note and interest thereon and any service charge or premium due hereunder are payable solely from the revenues and proceeds derived from the Loan Agreement, the Mortgage, and the Assignment of Leases and Rents, and do not constitute a debt of the City within the meaning of any constitutional or statutory limitation, are not payable from or a charge upon any funds other than the revenues and proceeds pledged to the payment thereof, and do not give rise to a pecuniary liability of the City or, to the extent permitted by law, of any of its officers, agents or employees, and no holder of this Note shall ever have the right to compel any exercise of the taxing power of the City to pay this Note or the interest thereon, or to enforce payment thereof against any property of the City, and this Note does not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, and the agreement of the City to perform or cause the performance of the covenants and other provisions herein referred to shall be subject at all times to the availability of revenues or other funds furnished for such purpose in accordance with the Loan Agreement, sufficient to pay all costs of such performance or the enforcement thereof.

13. It is agreed that time is of the essence of this Note. If an Event of Default (as that term is defined in the Mortgage, the Assignment of Leases and Rents, the Disbursing Agreement or the Loan Agreement) shall occur, then the Lender shall have the right and option to declare, the Principal Balance and accrued interest thereon, immediately due and payable, whereupon the same, plus any premiums or service charges, shall be due and payable, but solely from sums made available under the Loan Agreement, the Assignment of Leases and Rents and the Mortgage. Failure to exercise such option at any time shall not constitute a waiver of the right to exercise the same at any subsequent time.

14. The remedies of the Lender, as provided herein and in the Mortgage, the Assignment of Leases and Rents, the Loan Agreement, the Pledge Agreement and the Disbursing Agreement, are not exclusive and shall be cumulative and concurrent and may be pursued singly, successively or together, at the sole discretion of the Lender, and may be exercised as often as occasion therefor shall occur; and the failure to exercise any such right or remedy shall in no event be construed as a waiver or release thereof.

15. The Lender shall not be deemed, by any act of omission or commission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by the Lender and, then only to the extent specifically set forth in the writing. A waiver with reference to one event shall not be construed as continuing or as a bar to or waiver of any right or remedy as to a subsequent event.

16. This Note has been issued without registration under state or federal or other securities laws, pursuant to an exemption for such issuance; and accordingly the Note may not be assigned or transferred in whole or part, nor may a participation interest in the Note be given pursuant to any participation agreement, except in accordance with an applicable exemption from such registration requirements.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required to exist, happen and be performed precedent to or in the issuance of this Note do exist, have happened and have been performed in regular and due form as required by law.

IN WITNESS WHEREOF, the City has caused this Note to be duly executed in its name by the manual signatures of the Mayor and City Clerk and has caused the corporate seal to be affixed hereto, and has caused this Note to be dated December __, 1981.

CITY OF MAPLEWOOD, MINNESOTA

Mayor

Attest: _____
City Clerk

(SEAL)

PROVISIONS AS TO REGISTRATION

The ownership of the unpaid Principal Balance of this Note and the interest accruing thereon is registered on the books of the City of Maplewood in the name of the holder last noted below.

<u>Date of Registration</u>	<u>Name and address Registered Owner</u>	<u>Signature of City Clerk</u>
	Mercantile National Bank at Dallas	
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2-2. The Note.

The Note shall be dated as of the date of delivery, shall be payable at the times and in the manner, shall bear interest at the rate, and shall be subject to such other terms and conditions as are set forth therein.

2-3. Execution.

The Note shall be executed on behalf of the City by the signatures of its Mayor and City Clerk and shall be sealed with the seal of the City. In case any officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if had remained in office until delivery. In the event of the absence or disability of the Mayor or the City Clerk such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City Council execute and deliver the Note.

2-4. Delivery of Note.

Before delivery of the Note there shall be filed with the Lender (except to the extent waived by the Lender) the following items:

- (1) an executed copy of each of the following documents:
 - (A) the Loan Agreement;
 - (B) the Pledge Agreement;
 - (C) the Mortgage;
 - (D) the Assignment of Leases and Rents;
 - (E) the Disbursing Agreement; and
 - (F) a cost certificate signed by the Borrower certifying the use of the proceeds of the Note.
- (2) an opinion of Counsel for the Borrower as prescribed by Bond Counsel;
- (3) the opinion of Bond Counsel as to the validity and tax exempt status of the Note;
- (4) such other documents and opinions as Bond Counsel may reasonably require for purposes of rendering its opinion required in subsection (3) above or that the Lender may reasonably require for the closing.

2-5. Disposition of Note Proceeds.

Upon delivery of the Note, the Lender shall, on behalf of the City, advance funds for payment of Project Costs upon receipt of such supporting documentation as the Lender may deem reasonably necessary, including compliance with the provisions of the Disbursing Agreement. The Lender or the Borrower shall provide the City with a full accounting of all funds disbursed for Project Costs.

2-6. Registration of Transfer.

The City will cause to be kept at the office of the City Clerk a Note Register in which, subject to such reasonable regulations as it may prescribe, the City shall provide for the registration of transfers of ownership of the Note. The Note shall be transferable upon the Note Register by the Lender in person or by its agent duly authorized in writing, upon surrender of the Note together with a written instrument of transfer satisfactory to the City Clerk, duly executed by the Lender or its duly authorized agent. Upon such transfer the City Clerk shall note the date of registration and the name and address of the new Lender in the Note Register and in the registration blank appearing on the Note.

2-7. Mutilated, Lost or Destroyed Note.

In case any Note issued hereunder shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered, a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the Lender's paying the reasonable expenses and charges of the City in connection therewith, and in the case of a Note destroyed or lost, the filing with the City of evidence satisfactory to the City that such Note was destroyed or lost, and furnishing the City with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2-8. Ownership of Note.

The City may deem and treat the person in whose name the Note is last registered in the Note Register and by notation on the Note whether or not such Note shall be overdue, as the absolute owner of such Note for the purpose of receiving payment of or on account of the Principal Balance, redemption price or interest and for all other purposes whatsoever, and the City shall not be affected by any notice to the contrary.

2-9. Limitation on Note Transfers.

The Note has been issued without registration under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Note may not be assigned or transferred in whole or part, nor may a participation interest in the Note be given pursuant to any participation agreement, except in accordance with an applicable exemption from such registration requirements.

ARTICLE THREE

GENERAL COVENANTS

3-1. Payment of Principal and Interest.

The City covenants that it will promptly pay or cause to be paid the principal of and interest on the Note at the place, on the dates, solely from the source and in the manner provided herein and in the Note. The principal and interest are payable solely from and secured by revenues and proceeds derived from the Loan Agreement, the Pledge Agreement, the Mortgage, and the Assignment of Leases and Rents, which revenues and proceeds are hereby specifically pledged to the payment thereof in the manner and to the extent specified in

the Note, the Loan Agreement, the Pledge Agreement, the Mortgage, and the Assignment of Leases and Rents; and nothing in the Note or in this Resolution shall be considered as assigning, pledging or otherwise encumbering any other funds or assets of the City.

3-2. Performance of and Authority for Covenants.

The City covenants that it will faithfully perform at all times any and all covenants, undertakings, stipulations and provisions contained in this Resolution, in the Note executed, authenticated and delivered hereunder and in all proceedings of the City Council pertaining thereto; that it is duly authorized under the Constitution and laws of the State of Minnesota including particularly and without limitation the Act, to issue the Note authorized hereby, pledge the revenues and assign the Loan Agreement in the manner and to the extent set forth in this Resolution, the Note, the Loan Agreement and the Pledge Agreement; that all action on its part for the issuance of the Note and for the execution and delivery thereof has been duly and effectively taken; and that the Note in the hands of the Lender is and will be a valid and enforceable special limited obligation of the City according to the terms thereof.

3-3. Enforcement and Performance of Covenants.

The City agrees to enforce all covenants and obligations of the Borrower under the Loan Agreement and Disbursing Agreement, and to perform all covenants and other provisions pertaining to the City contained in the Note, the Loan Agreement and the Disbursing Agreement and subject to Section 3-4.

3-4. Nature of Security.

Notwithstanding anything contained in the Note, the Mortgage, the Assignment of Leases and Rents, the Loan Agreement, the Pledge Agreement or any other document referred to in Section 2-4 to the contrary, under the provisions of the Act the Note may not be payable from or be a charge upon any funds of the City other than the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon, nor shall the Note otherwise contribute or give rise to a pecuniary liability of the City or, to the extent permitted by law, any of the City's officers, employees and agents. No holder of the Note shall ever have the right to compel any exercise of the taxing power of the City to pay the Note or the interest thereon, or to enforce payment thereof against any property of the City other than the revenues pledged under the Pledge Agreement; and the Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; but nothing in the Act

impairs the rights of the Lender to enforce the covenants made for the security thereof as provided in this Resolution, the Loan Agreement, the Pledge Agreement, the Mortgage, the Assignment of Leases and Rents, the Disbursing Agreement, and in the Act, and by authority of the Act the City has made the covenants and agreements herein for the benefit of the Lender; provided that in any event, the agreement of the City to perform or enforce the covenants and other provisions contained in the Note, the Loan Agreement, the Pledge Agreement and the Disbursing Agreement shall be subject at all times to the availability of revenues under the Loan Agreement sufficient to pay all costs of such performance or the enforcement thereof, and the City shall not be subject to any personal or pecuniary liability thereon.

ARTICLE FOUR

MISCELLANEOUS

4-1. Severability.

If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs in this Resolution contained shall not affect the remaining portions of this Resolution or any part thereof.

4-2. Authentication of Transcript.

The officers of the City are directed to furnish to Bond Counsel certified copies of this Resolution and all documents referred to herein, and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity of the Note. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute recitals of the City as to the correctness of all statements contained therein.

4-3. Registration of Resolution.

The City Clerk is authorized and directed to cause a copy of this Resolution to be filed with the County Auditor of Ramsey County, and to obtain from said County Auditor a certificate that the Note as a bond of the City has been duly entered upon his bond register.

4.4. Authorization to Execute Agreements.

The forms of the proposed Loan Agreement, the Pledge Agreement, the Disbursing Agreement, the Mortgage and the Assignment of Leases and Rents are hereby approved in substantially the form heretofore presented to the City Council together with such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by Bond Counsel prior to the execution of the documents, and the Mayor and City Clerk of the City are authorized to execute the Loan Agreement, the Pledge Agreement and the Disbursing Agreement in the name of and on behalf of the City and such other documents as Bond Counsel consider appropriate in connection with the issuance of the Note. In the event of the absence or disability of the Mayor or the City Clerk such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the City Council do all things further act or authorization of the City Council do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof.

Adopted: December 17, 1981.

/s/ John C. Greavu
Mayor

Attest:

/s/ Lucille E. Aurelius
City Clerk

4. Establish Hearing Date: Liquor License - Estebans

Resolution No. 81-12-232

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood, a public hearing will be held on the 21st day of January, 1982 starting at 7:15 P.M. in the City Hall, 1380 Frost Avenue, to consider the application of the following individual for an Intoxicating Liquor License:

David Paul Schmitt
13630 Everest Avenue
Apple Valley, Minnesota 55124

such license to be located at Esteban's Mexican Foods, Inc., Maplewood Mall, 3001 White Bear Avenue.

The Council is proceeding in this matter as outlined under the provisions of City Ordinances. Such persons as desire to be heard in reference to this matter will be heard at the time and place as indicated.

Dated this 17th day of December, 1981.

5. Washington County Plan Review

Authorized staff to forward comments as stated to Washington County regarding the Washington County Plan Review.

6. County State Aid Highway Designations

Resolution No. 81-12-233

WHEREAS, this Council deems it necessary, expedient, and proper to concur with the Ramsey County Department of Public Works in their request for removing certain portions of roads within the City from County State Aid Highway designation;

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

In concurrence with the request from Ramsey County, this Council grants approval to the removal from County State Aid Highway designation the following road portions:

1. .57 miles of Stillwater Road (T.H. 5, CSAH 68)
from Minnehaha Avenue to Stillwater Avenue.

2. .23 miles of Prosperity Road (CSAH 64) from
County Road B to White Bear Avenue

7. Safety Improvements: Highway 36

Resolution No. 81-12-234

WHEREAS, the Commissioner of the Department of Transportation has prepared a preliminary layout for the improvement of a part of Trunk Highway Number 1 renumbered as Trunk Highway No. 61 within the corporate limits of the City of Maplewood, from Kohlman Avenue to No. Corp. limits (Co. Rd. "D"); and seeks the approval thereof; and

WHEREAS, said preliminary layouts are on file in the Office of the Department of Transportation, Saint Paul, Minnesota, being marked, labeled and identified as

NOW, THEN, BE IT RESOLVED that said preliminary layouts for the improvement of said Trunk Highway within the corporate limits be and hereby are approved.

8. Safety Improvements: Highway 61

Resolution No. 81-12-235

WHEREAS, the Commissioner of the Department of Transportation has prepared a preliminary layout for the improvement of a part of Trunk Highway Number 118 renumbered as Trunk Highway no. 36 within the corporate limits of the City of Maplewood from 1000 feet west to 200 feet east of English Street; and seeks the approval thereof; and

WHEREAS, said preliminary layouts are on file in the Office of the Department of Transportation, Saint Paul, Minnesota, being marked, labeled, and identified as Layout No. 1A S.P. 6211-64 (36=118) from 1000 feet west to 200 feet east of English Street.

NOW, THEN, BE IT RESOLVED that said preliminary layouts for the improvement of said Trunk Highway within the corporate limits be and hereby are approved.

9. Final Payment - Keller Parkway Sanitary Sewer - Project 80-14

Resolution No. 81-12-236

WHEREAS, pursuant to a written contract approved by the City on August 20, 1981, Salo Trucking and Excavating of Duluth, Minnesota, has satisfactorily completed Maplewood Improvement Project 80-14 in accordance with said contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA, the work completed under said contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on such contract, taking the contractor's receipt in full.

10. Final Payment: Gervais Avenue - English Street - Project 78-1

Resolution No. 81-12-237

WHEREAS, pursuant to a written contract approved by the City on May 15, 1980, Shafer Contracting Company of Shafer, Minnesota, has satisfactorily completed Maplewood Improvement Project 78-1 in accordance with said contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA, the work completed under said contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on said contract, taking the contractor's receipt in full.

11. Final Payment: Gervais Avenue - West of White Bear Avenue - Project 77-9

Resolution No. 81-12-238

WHEREAS, pursuant to a written contract approved by the City on September 4, 1980, Arcon Construction Company, Inc., of Mora, Minnesota, has satisfactorily completed Maplewood Improvement Project 77-9 in accordance with said contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA, the work completed under said contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on said contract, taking the contractor's receipt in full.

12. Tax Forfeit Land

Resolution No. 81-12-239

WHEREAS, the Board of County Commissioners of Ramsey County by resolution dated May 19, 1980, classified as non-conservation land, certain land lying within the limits of the City of Maplewood; and

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

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

BE IT FURTHER RESOLVED that the City Clerk be and hereby is authorized to file a certified copy of this resolution in the Office of and Land Commissioner.

Unplatted Lands - Township 29, Range 22

57 00910 150 39

North 150 feet of the south 1198-92/100 feet of the East 137 feet more or less of the west 417 feet measured due east and west of part of the southwest quarter of the northwest quarter east of Keller Parkway in Section 9

Smith and Taylor's Addition to North St. Paul

57 68800 012 08

Subject to road and easements, the north one-half of vacated alley adjoining and Lot 1, Block 8

13. Interceptor Maintenance Agreement for 1982 - MWCC

Resolution No. 81-12-240

The Metropolitan Waste Control Commission and the City of Maplewood agree to renew the Interceptor Maintenance Agreement No. 129 which is currently in force between these parties. The terms of the agreement for the renewal period shall be the same as those contained in the agreement which was executed for the January 1, 1981 - December 31, 1981 period with the exception of Section 6.02:

"Section 6.02 Cost Estimates; Payments." The parties estimate that the total amount of costs which the Commission will be required to pay to the Municipality for performance of this agreement in 1982 will be \$13,000.00. Such amount shall be paid in twelve monthly installments as an advance payment of such costs. On or before March 1, 1983, the Municipality will submit to the Commission a detailed statement of the actual costs incurred by the Municipality which the board is required to pay in accordance with Section 6.01, and will remit to the Commission any amount paid to the Municipality which is in excess of such actual costs. If the total of the monthly advances paid by the board is less than the actual amount of such costs, the Commission shall pay to the Municipality on or before April 1, 1983 an amount equal to the difference between the actual costs and the monthly advances previously paid. The Municipality shall keep detailed records supporting all costs of the types specified in Section 6.01 which it expects the Commission to pay, and shall make the same available to the Commission on request."

The renewal period for Interceptor Maintenance Agreement No. 129 shall be January 1, 1982 - December 31, 1982. That both parties agree to the renewal period and terms is evidenced by the signatures affixed to this agreement.

14. Joint Use Rental Agreement for 1982 - MWCC

Resolution 81-12-241

The Metropolitan Waste Control Commission and the City of Maplewood agree to renew the Joint Use Rental Agreement No. 150 under the same terms and conditions contained in the agreement which is currently in force between these parties. The Renewal period for Joint Use Rental Agreement No. 150 shall be January 1, 1982 - December 31, 1982.

That both parties agree to the renewal period and terms is evidenced by the

signatures affixed to this statement.

15. Interest on Interfund Loans

Resolution No. 81-12-242

WHEREAS, effective January 1, 1977, the method of allocating investment interest between funds was revised to provide that funds with an average deficit cash balance are charged interest expense at the same rate that funds with an average positive cash balance earn interest; and

WHEREAS, resolutions adopted in the past may have inadvertently prohibited this procedure for some funds;

NOW, THEREFORE, BE IT RESOLVED, that the method of allocating investment interest between funds as outlined in the first paragraph is hereby endorsed; and

BE IT FURTHER RESOLVED, that all resolutions which authorized the sale of bonds are hereby amended to authorize the method of allocating investment interest between funds as outlined in the first paragraph.

16. Budget Change: Police

Authorized budget change increasing expenditures within the Police Department's Account 101-121-4110, Office Supplies, in the amount of \$585.00 and increasing the estimated revenues in Account 101-3401, Fines, for the same amount; and that it become a permanent practice within our budget preparations.

17. Animal Control Contract

Authorized the agreement between the City and M.A.P.S.I. for 1982 Animal Control as proposed.

18. Budget Transfer: Police

Authorized a budget transfer within the Police Department's 1981 budget from Account 101-121-4210 to Account 101-121-4610 in the amount of \$3,000.

19. Purchase of 1982 Police Cars

Resolution 81-12-243

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Midway Ford, Inc. in the amount of \$9,210 per vehicle (total \$55,740) is the lowest responsible bid for the purchase of six 1982 model patrol sedans and the proper City Officers are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City.

20. Mutual Aid Fire Department Agreements

Authorized signing the Mutual Aid Fire Agreements for the City's three contracting Fire Departments with the Capitol City Mutual Aid Association.

21. Designation of Official Depository and Banking Services Agreement

Resolution No. 81-12-244

BE IT RESOLVED, that the Maplewood State Bank is hereby designated as the depository

for demand deposits of the City of Maplewood; and

BE IT FURTHER RESOLVED, that an agreement is hereby approved with Maplewood State Bank for banking, lockbox, and account reconciliation services based upon the terms in their proposal dated December 7, 1981; and

BE IT FURTHER RESOLVED, that funds deposited in said bank may be withdrawn by check when signed by the signature, or by the facsimile signature, of the Mayor, City Manager, and City Treasurer; and

BE IT FURTHER RESOLVED, that funds in said bank may be wire transferred at the request of the City Treasurer of Finance Director for purchases of City investments; and

BE IT FURTHER RESOLVED, that deposits in said bank shall not exceed the amount of F.D.I.C. insurance covering such deposit unless collateral or a bond is furnished as additional security; and

BE IT FURTHER RESOLVED, that this depository designation shall be effective until a new depository is designated.

F. PUBLIC HEARINGS

1. On Sale Wine License: Pizza Time Theatre 7:00 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Pizza Time Theatre for an On Sale Wine License at 2950 White Bear Avenue. The Clerk stated the hearing notice was in order and noted the dates of publication.
- b. Manager Evans presented the staff report.
- c. Mr. Allen Edwards, the applicant, spoke on behalf of the proposal.
- d. Mayor Greavu called for proponents. None were heard.
- e. Mayor Greavu called for opponents. None were heard.
- f. Mayor Greavu closed the public hearing.
- g. Councilman Anderson introduced the following resolution and moved its adoption:

81 - 12 - 245

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood on December 17, 1981, an On Sale Wine License was approved for Allen Dean Edwards, dba Pizza Time Theatre, Inc., 2950 White Bear Avenue.

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

Seconded by Councilperson Juker.

Ayes - all.

2. Rezoning: Beam Avenue, Maplewood Drive to County Road D - 7:00 P.M.

- a. Mayor Greavu reconvened the meeting for a public hearing regarding the proposed rezoning of the area described as Beam Avenue, Maplewood Drive, County Road D, and the westerly City limits, including the properties fronting on the

south side of Beam Avenue from F, Farm Residence and M-1 Light Manufacturing to RE20 Residential Estates. The Clerk stated this hearing was continued from November 19, 1981 meeting.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the Planning Commission recommendation:

"Commissioner Pellish moved the Planning Commission take no action and allow the current standards and shoreline guidelines to determine the minimum lot areas. If the residents request it, rezone the residential lots on the south side of Beam Avenue to RE-20.

Commissioner Kishel seconded. Ayes - all."

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

Mrs. Marily Vars, 1140 E. Beam Avenue
Mr. Duane Stolb, 1134 E. County Road D
Mrs. Robin Zahn, 1166 Beam Avenue
Mr. Gordon Grant, 2134 Arcade St.
Mr. Gerald Mogren, 2855 Frederick Street
Ms. Karen Barnhart, 1134 E. County Road D
Mr. Harvey Zuercher, 2911 Maplewood Drive
Mr. James Pozreba, 987 Beam avenue
Mr. Nick Papov, 1185 Beam Avenue
Mrs. Kuehn, 1190 Beam Avenue
Mr. Kuehn, 1190 Beam Avenue
Mrs. Vera Piletich, 860 Burke Avenue

e. Mayor Greavu closed the public hearing.

f. Councilman Anderson moved to rezone the area from the lakeshore side west of the Adele Street lots and the area south of Beam Avenue to R-E 20,000 square feet and everything north of Adele be guided by the lakeshore ordinance.

Motion died for lack of a second.

g. Following lengthy discussion, Councilman Bastian moved to proceed to the next item.

Seconded by Councilman Nelson.

Ayes - Mayor Greavu, Councilmen Anderson, Bastian and Nelson.

Nays - Councilperson Juker.

3. Preliminary Plat and Street Vacation: Beam Lakeside Addition 7:00 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mr. Voya Piletich for approval of Beam Lakeside Addition Preliminary Plat and also the vacation of a 33 foot easement for public right of way.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the following Planning Commission recommendation:

"Commissioner Howard moved the Planning Commission recommend to the City Council approval of the proposed resolution declaring a moratorium on plats without access to both public sanitary sewer and water until the revised subdivision ordinance requiring such utilities becomes effective. Also, take no action on the Beam Lakeside Addition preliminary plat or street vacation until the moratorium is lifted.

Commissioner Pellish seconded.

Ayes - 7 Nays - 4 (Commissioners Prew, Fischer, Hejny and Ellefson)"

d. Mr. Peter Beck, attorney representing Voya Piletich, spoke on behalf of the proposal. Mr. Piletich also spoke on behalf of the proposal.

e. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following persons presented their opinions and concerns:

Mr. Roger Runyan, 3046 LaBore Road

Resident at 3006 LaBore Road

Mr. John Sculley, 3000 LaBore Road

Mr. James Pazreba, 987 Beam Avenue

Mr. Marilyn Vars, 1140 Beam Avenue

Mr. Duane Stoeb, 1134 E. County Road D

f. Mayor Greavu closed the public hearing.

g. Councilman Nelson moved to approve the Beam Lakeside Addition Preliminary Plat subject to the following conditions:

1. Building permits only to be issued in Area I and in Area I deed restrictive covenants be included so buyer is aware they will have to connect to city water when it becomes available. The restrictive covenants be reviewed and approved by staff.
2. No building shall be permitted on remaining areas of the plat until such time as city water is available.
3. Suitable documentation from property owners be presented, granting the developer the right to grade the adjoining property.
4. A final grading, drainage, and utility plan be approved by the City Engineer.
5. A developer agreement be entered into to provide all internal plat improvements, including water lines in the streets.
6. Grading around the existing dike be completed, maintaining past drainage patterns.
7. Payment of the deferred assessment and interest.
8. Filing of a deed combining a residual 25 foot strip at Beam Avenue and the east line of the plat, with the lot at 1185 Beam Avenue.
9. Deeding of Outlot A to the City.
10. Beam Avenue should be paid for by the developer and relocated within the plat or Council must order Beam Avenue as a public improvement project.

11. Submission of an erosion control plan, considering the recommendations of the Soil Conservation Service.
12. Grading of the entire site to grades approved by the City Engineer before final plat APPROVAL. No material may be removed until the entire site is graded. This requirement may be waived by the Director of Public Works if engineering data shows excess material on the site.
13. The phasing plan shall be revised to include the extension of Adele Street to the north property line with phase II. Additional phases must be approved by staff.

Seconded by Mayor Greavu.

Councilman Bastian moved to amend the motion and revise the 21 building lots for Area I to 13 building lots.

Seconded by Councilman Nelson.

Ayes - Mayor Greavu, Councilmen Anderson, Bastian and Nelson.

Nays - Councilperson Juker.

Voting on original motion.

Ayes - Mayor Greavu, Councilman Anderson, Bastian and Nelson.

Nays - councilperson Juker.

- h. Councilman Bastian introduced the following resolution and moved its adoption:

81 - 12 - 246

WHEREAS, pursuant to the provisions of Minnesota Statutes, Section 412.851, thereof, the Maplewood City Council after a public hearing preceded by two (2) weeks published and posted notice, proposes the vacation of the following described right of way: That part of the south 33 feet of the SW 1/4 of the NE 1/4 of Section 4, T. 29N, R. 22W lying westerly of the following described line: Commencint at the Southwest corner of said NE 1/4; thence East (assumed bearing) along the South line of said NE 1/4 872.72 feet to the point of beginning of the line to be herein described; thence Northwesterly along a non-tangential curve to the right 67.72 feet, more or less, to a point on the North line of said South 33 feet, radius of 330 feet, delta angle of 11°45'30", along chord of 67.6 feet bears N 60°46'57" W and there terminating, to wit:

Property affected by the street vacation:

Those lots abutting on the south side of Beam Avenue

WHEREAS, the Maplewood City Council finds that the vacation of the above described street and alley are in the interest of the public due to changing land uses and obsolete platting.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, Ramsey County, Minnesota, that the above described street be and hereby is vacated, and the City Clerk is hereby directed to prepare a notice of completion of the proceedings pursuant to the provisions of Minnesota Statutes, Section 412.851 thereof, and shall cause the same to be presented to the County Auditor for entry upon his transfer records and the same shall be thereafter filed with the Ramsey County Recorder, subject to filing of a final plat for the Beam Lakeside Addition.

Seconded by Mayor Greavu.

Ayes - all.

4. Rezoning and Approval of Office Use: White Bear Avenue 7:15 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding a request of Maplewood Project Associates for a zone change from F-Farm Residence to LBC, Limited Business Commercial the property located on the west side of White Bear Avenue south of Radatz Avenue and approval of an office use in the LBC District. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the following Planning Commission recommendation:

"Commissioner Prew moved the Planning Commission recommend to the City Council approval of the resolution to rezone the property from F to LBC and approval of an office use, on the basis that:

1. The proposed zoning and use is consistent with the Land Use Plan and Plan Update.
2. The proposed zoning and use is consistent with previous actions taken by the City.
3. An office building would be compatible with adjacent properties.

It should be noted that approval of the rezoning does not imply approval of the site or building plans. Review of these plans will be done through the Community Design Review Board.

Commissioner Fischer seconded. Ayes - all."

d. Mr. Bill Hennemuth, architect, Rieke, Carroll, Muller Associates and Mr. Warren Bruggeman, Benson and Orth Associates, representing the applicant, spoke on behalf of the proposal.

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

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

Mr. Dale Rudemacher, 1910 Radatz.

g. Mayor Greavu closed the public hearing.

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

81 - 12 - 247

WHEREAS, a petition was filed with the Director of Community Development as provided under Section 915.010 of the Municipal Code of the City of Maplewood, said petition having been signed by more than 50% of the owners of property within 200 feet of the property described as follows:

That part of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, lying South of Radatz Avenue and West of the center line of White Bear Avenue, except the N 200 feet and except the W 310 feet and the E 200 feet

of the W 1685 feet of the N 200 feet of that part of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, lying South of Radatz Avenue, according to the United States Government Survey thereof, Ramsey County, Minnesota.

The E 200 feet of the W. 1685 feet of the N 200 feet of that part of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, lying South of Radatz Avenue, Ramsey County, Minnesota.

The E 55 feet of the W 665 feet of the N 200 feet of that part of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, lying South of Radatz Avenue, Ramsey county, Minnesota.

EXCEPT

The E 55 feet of the W 665 feet of the N 200 feet of that part of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, lying South of Radatz Avenue, according to the United States Government Survey thereof.

The E 1101.04 feet of the W 1411.04 feet of the N 1/2 of the SW 1/4 of Section 2, Township 29, Range 22, Ramsey County, Minnesota, lying South of the North 891.2 feet thereof

which has been proposed for rezoning from F, Farm Residence District to LB C, Limited Business Commercial; and

WHEREAS, a public hearing was held on December 3, 1981 at 7:15 P.M. in the City Hall, notice thereof having been published in the official City newspaper, and notices of said hearing having been mailed to all property owners of record within 350 feet of the area proposed for rezoning; and

WHEREAS, all objections and recommendations relative thereto were heard by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the petition for the above described rezoning be granted, in the basis that:

1. The proposed zoning and use is consistent with the Land Use Plan and Plan Update;
2. The proposed zoning and use is consistent with previous actions taken by the City;
3. The office building would be compatible with adjacent properties.

Seconded by Mayor Greavu.

Ayes - all.

i. Councilman Anderson moved approval of an office use in the LBC District for this property.

Seconded by Mayor Greavu.

Ayes - all.

5. Rezoning Preliminary Plat, Street Vacation: Maple Ridge Mall 7:30 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of J.S.B., Inc. to rezone from LBC, Limited Business Commercial to BC Business Commercial, the property located on the northwest corner of Gervais Avenue and White Bear Avenue. Approval is also requested for a preliminary plat and a street easement vacation. The Clerk stated the hearing notice was in order

and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the following Planning Commission recommendation:

"Commissioner Kishel moved the Planning Commission recommend the City Council approve the resolution vacating that portion of the VanDyke Street easement lying south of the north line of proposed Outlot A, subject to the retention of a utility easement, on the basis that:

1. Ramsey County Open Space land abuts this portion of right of way.
2. There is no public need for improvement.
3. The presence of the right of way unnecessarily restricts the development potential of the property abutting to the east.

The Commission recommends approval of the resolution authorizing a zone change for the mall site from Limited Business Commercial to Business Commercial.

Also recommend approval of the preliminary plat, subject to:

1. All easements (Gervais Avenue, storm water, ponding, and sanitary sewer) being described on the plat the same as in previously recorded easements of record. These easements to be approved by the Director of Public Works.
2. Outlot A is dedicated to Ramsey County.
3. Approval of final grading, drainage, and utility plans by the City Engineer.
4. Submission of an erosion control plan, before a building permit is issued.
5. The north twenty feet of block six, Maplewood Addition, lying west of White Bear Avenue, shall be included in the plat as part of lot one, block one, or a deed shall be recorded with Ramsey County prior to final plat, to transfer title to the property owner abutting to the north. Said deed shall contain a deed restriction stating, "This property shall not be considered a buildable parcel."

Approval of the rezoning and preliminary plat does not imply approval of the site plan. Review of the site plan is done through the Community Design Review Board.

Commissioner Fischer seconded. Ayes - all."

d. Mr. Ralph Wagner, Engineering Consultant, Probe Engineering, representing the developer, spoke on behalf of the proposal.

e. Mayor Greavu called for proponents. The following were heard:

Mr. Gerald Mogren, 2855 Frederick Street

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

g. Mayor Greavu closed the public hearing.

h. Mayor Greavu introduced the following resolution and moved its adoption:

81 - 12 - 248

WHEREAS, a petition was filed with the Director of Community Development as provided under Section 915.010 of the Municipal Code of the City of Maplewood said petition having been signed by more than 50% of the owners of property within 200 feet of the property described as follows:

That part of the NW 1/4 of Section 11, T. 29, R. 22, Ramsey County Minnesota; thence N 89° 18' 54" W, along the South line of said NE 1/4, 423.32 feet, thence S 89° 18' 54" E, along the South line of NE 1/4, 100 feet; thence along a tangential curve concave to the Northwest having a radius of 649.88 feet and a central angle of 43° 30' 25", a distance of 493.48 feet; thence N 47° 10' 41" E, 562.46 feet; thence along a tangential curve concave to the Southeast having a radius of 649.83 feet and a central angle of 21° 32' 46", a distance of 244.30 feet to the point of beginning, said point of beginning also being on the center line of Gervais Avenue; thence continuing along last described curve and along said center line, radius 649.83 feet and central angle 21° 17' 44", a distance of 241.53 feet; thence S 89° 59' 09" E, 377.69 feet to the westerly line of White Bear Avenue, thence N 20° 42' 27" E, along said westerly line 1195.47 feet to the South line of the North 20 feet of Block 6 of the plat of Maple Wood Add. To The City of North St. Paul, thence N 89° 59' 41" W, along said south line and its westerly extension thereof, 705.11 feet to the East line of the plat of Crestmoor: thence S 0° 02' 34" W along said east line, 610.00 feet to the North line of the SW 1/4 of the NW 1/4 of said Section 11; thence N 89° 58' 41" W, along said North line 175.17 feet to the Easterly line of Ponding Easement; thence S 27° 45' 28" E, along said line, 376.63 feet to the center line of a utility easement as set forth in Document No. 2097426; thence S 0° 00' 10" E, along said center line 291.62 feet to the point of beginning.

which has been proposed for rezoning from LBC, Limited Business Commercial to BC, Business Commercial; and

WHEREAS, a public hearing was held on December 17, 1981, at 7:30 P.M. in the City Hall, notice thereof, having been published in the official City newspaper, and notices of said hearing having been mailed to all property owners of record within 350 feet of the area proposed for rezoning; and

WHEREAS, all objections and recommendations relative thereto were heard by the City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the petition for the above described rezoning be granted, on the basis that:

1. The proposal is consistent with the intent of the Land Use Plan for this area.
2. The site is buffered on four sides and thereby will not substantially injure or detract from the use of neighboring properties.
3. The adjacent roadways are designed to carry the traffic generated by a use such as the proposed mall.

Seconded by Councilman Bastian.

Ayes - all.

i. Mayor Greavu moved to approve the preliminary plat as requested for the Maple Ridge Mall subject to the following conditions:

1. All easements (Gervais Avenue, storm water, ponding, and sanitary sewer) being described in the plat shall be the same as in previously recorded easements of record. These easements to be approved by the Director of Public Works.
2. Outlot A is dedicated to Ramsey County.
3. Approval of final grading, drainage, and utility plans by the City Engineer.
4. Submission of an erosion control plan, before a building permit is issued.
5. The north twenty feet of block six, Maplewood Addition, lying west of White Bear Avenue, shall be included in the plat as part of lot one, block one or a deed shall be recorded with Ramsey County prior to final plat to transfer title to the property owner abutting to the north. Said deed shall contain a deed restriction stating, "This property shall not be considered a buildable parcel."

Approval of the rezoning and preliminary plat does not imply approval of the site plan. Review of the site plan is done through the Community Design Review Board.

Seconded by Councilman Bastian.

Ayes - all.

j. Councilman Anderson introduced the following resolution and moved its adoption:

81 - 12 - 249

WHEREAS, pursuant to the provisions of Minnesota Statutes, Section 412.851, thereof, the Maplewood City Council, upon petition of a majority of the owners of the land abutting the street proposed to be vacated, and after a public hearing preceded by two (2) weeks published and posted notice, proposes the vacation of the following described as the south 655.10 feet of the VanDyke Street right of way/street easement, all in Section 11, Township 29, Range 22 to wit:

PROPERTY AFFECTED BY THE STREET VACATION:

1. Lot 9 and 10, Block 1, Crestmoor Addition
2. Except the North 654 feet and except the east 396.5 feet, that part of the NW 1/4 of the NW 1/4 east of a line running from a point on the north line of and 562.43 feet from the NE corner to a point on the south line and 563.5 feet from the SE corner of said 1/4 1/4 in Section 11, Township 29, Range 22.

WHEREAS, the Maplewood City Council finds that the vacation of the above described street is in the interest of the public due to changing land uses and obsolete platting;

NOW, THEREFORE, BE IT RESOLVED, by the City Council, Ramsey County, Minnesota, that the above described street be and hereby is vacated and the City Clerk is hereby directed to prepare a notice of completion of the proceedings pursuant to the provisions of Minnesota Statutes, Section 412.851 thereof, and shall cause the same to be presented to the County Auditor for entry upon his transfer records and the same shall be thereafter filed with the Ramsey County Recorder, subject to the retention of a permanent utility easement over, under, through, and across the right-of-way/street easement to be vacated, to be 40 feet in

width and centered on the vacated right-of-way/easement.

Seconded by Councilman Bastian. Ayes - all.

G. AWARD OF BIDS

None.

H. UNFINISHED BUSINESS

1. Subdivision Ordinance - Second Reading.

a. Manager Evans presented the staff report.

b. Councilman Anderson moved an amendment to the ordinance requiring 12,500 square feet for double dwelling lots.

Seconded by Councilperson Juker.

Ayes - Councilperson Juker and Councilman Anderson.

Nays - Mayor Greavu, Councilmen Bastian and Nelson.

c. Councilman Nelson introduced the following ordinance and moved its adoption:

ORDINANCE NO. 507

AN ORDINANCE AMENDING THE MAPLEWOOD SUBDIVISION ORDINANCE

Chapter 1000

SUBDIVISIONS

1001. PURPOSE

To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, Maplewood hereby adopts subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions.

1002. DEFINITIONS.

For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings respectively ascribed to them by this Section:

Alley. An "alley" is a public right-of-way which affords a secondary means of access to abutting property.

Boundary Lines: "Boundary lines" are lines indicating the bounds or limits of any tract or parcel of land.

Building line or setback line: A "building line" also referred to as a "setback line," means the line beyond which property owners or others have no legal or vested right to extend a building or any part thereof, without special permission and approval of the proper authorities.

City: "City" means the City of Maplewood, Minnesota.

City Council: "City Council" means the City Council of Maplewood, Minnesota.

Contour map: A map on which irregularities of land surface are shown by lines connecting points of equal elevations. A contour interval is the vertical height between contour lines.

Corner lot: "Corner lot" is a lot within a plat situated at the corner of a block thereof so that it is bounded on two (2) sides by streets. This term applies to any lot within a plat at street intersections and bounded on two (2) sides by streets.

Director of Community Development: Means the Director of Community Development of Maplewood, Minnesota.

Director of Public Works: Means the Director of Public Works of Maplewood, Minnesota.

Design standards: "Design standards" are the specifications to landowners or subdividers for the preparation of preliminary plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as rights-of-way and blocks, as set forth in section 1008 of this chapter.

Double-frontage lots: A lot which fronts on two or more streets.

Easement: An "easement" is a grant by a property owner for the use of a strip of land by the general public, a corporation or certain persons for specific purposes.

Final plat: A "final plat" is a map or plan of a subdivision and any accompanying material, as described in section 1007 of this chapter.

Frontage: "Frontage" is the width of a lot or building site measured on the line separating it from a public street or way.

Lot: "Lot" is a portion of a subdivision or other parcel of land intended for building development or for transfer of ownership.

Natural waterway: A "natural waterway" shall mean any natural passageway in the surface of the earth so situated and having such a topographical nature that surface water flows through it from other areas before reaching a final ponding area. The term also means any and all drainage structures that have been constructed or placed for the purpose of conducting water from one place to another.

Official control or controls means ordinances and regulations which control the physical development of the City or any part thereof or any detail thereof and implement the general objectives of the Comprehensive Plan. Official controls may include ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes and official maps.

Outlot: An "outlot" is any parcel of land designated as an outlot on any plat in the City.

Owner: The term "owner" means a person having a vested interest in the property in question, a purchaser, devisee, or fiduciary, and includes his duly authorized agent or attorney-in-fact.

Pedestrian way: A "pedestrian way" is a public or private right-of-way across a block, or providing access within a block, to be used by pedestrians and for the installation of utility lines.

Planning Commission: "Planning Commission" means the Planning Commission of the City of Maplewood, Minnesota.

Plat means the drawing or map of a subdivision prepared for filing of record pursuant to Minnesota Statutes, Chapter 505 and containing all elements and requirements set forth in applicable city regulations, adopted pursuant to Minnesota Statutes, Section 462.358 and Chapter 505.

Preliminary approval means official action taken by the City on an application to create a subdivision which establishes the rights and obligations set forth in Minnesota Statutes, Section 462.358 and the applicable subdivision regulation. In accordance with Section 462.358, preliminary approval may be granted only following review and approval of a preliminary plat and other map or drawing establishing, without limitation, the number, layout, and location of lots, tracts, blocks and parcels to be created, location of streets, roads, utilities and facilities, park and drainage facilities, and lands to be dedicated for public use.

Preliminary plan or preliminary plat: A "preliminary plan" or "preliminary plat" is a tentative map or plan of a proposed subdivision as described in Section 1005 of this chapter.

Reserve strips: "Reserve strips" are strips of land usually withheld from the street right-of-way to form a barrier between certain property and the public street or thoroughfare.

Right-of-way: A "right-of-way" is the land covered by a public road, or other land dedicated for public use or for certain private use, such as land over which a power line passes.

Street: A "street" is a public or private right-of-way which affords primary access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane or however otherwise designated.

Street width: "Street width" is the shortest distance between the lines of lots delineating the street.

Subdivision means the separation of an area, parcel or tract of land under single ownership into two (2) or more parcels, tracts, lots or long-term leasehold interests where the creation of the lease-hold interest necessitates the creation of streets, roads or alleys for residential, commercial, industrial or other use or any combination thereof, except those separations:

- (1) Where all the resulting parcels, tracts, lots or interests will be twenty (20) acres or larger in size and five hundred (500) feet in width for residential uses and five (5) acres or larger in size for commercial and industrial uses;
- (2) Creating cemetery lots;
- (3) Resulting from court orders, or the adjustment of a lot line by the relocation of a common boundary.

Subdivision regulation means an ordinance adopted pursuant to Minnesota Statutes, Section 462.358 regulating the subdivision of land.

Thoroughfare: A "thoroughfare" is a public right-of-way with a high degree of traffic continuity and serving as an arterial trafficway between the various districts of the city.

Topography: "Topography" is the detailed description of the features of a relatively small area and also means the relief features or surface configuration of an area.

Zoning: "Zoning" is the reservation of certain specified areas within the city for buildings and structures for certain purposes, with other limitations such as height, lot coverage and other stipulated requirements. (Code 1965. Section 1002.010; Ord. No. 482, section 1, 2-21-80)

1003. CONFORMANCE WITH EXISTING CODES AND REGULATIONS

- (a) The provisions of this chapter are in addition to and not in replacement of the state building code and the city zoning ordinance. Any provisions of the building code and zoning ordinance relating to platting shall remain in full force and effect, except as they may be contradictory to the provisions hereof.
- (b) Subdivisions, approved by the city, shall be consistent with the city's official controls and Comprehensive Plan. (Code 1965, section 1003.010)

1004. APPLICABILITY.

- (a) No conveyance of land to which the subdivision regulations are applicable shall be filed or recorded, if the land is described in the conveyance by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961 or to an unapproved plat made after such regulations become effective. The foregoing provision does not apply to a conveyance if the land described:
 - (1) Was a separate parcel of record April 1, 1945 or the date of adoption of subdivision regulations under Laws 1945, Chapter 287, whichever is the later; or
 - (2) Was the subject of a written agreement to convey entered into prior to such time; or

- (3) Was a separate parcel of not less than two and one-half (2 1/2) acres in area and one hundred fifty (150) feet in width on January 1, 1966; or
 - (4) Was a separate parcel of not less than five (5) acres in area and three hundred (300) feet in width on July 1, 1980; or
 - (5) Is a single parcel of commercial or industrial land of not less than five acres and having a width of not less than 300 feet and its conveyance does not result in the division of the parcel into two or more lots or parcels, any one of which is less than five acres in area or 300 feet in width, or
 - (6) Is a single parcel of residential or agricultural land of not less than twenty (20) acres and having a width of not less than five hundred (500) feet and its conveyance does not result in the division of the parcel into two (2) or more lots or parcels, any one of which is less than twenty (20) acres in area or five hundred (500) feet in width.
- (b) In any case in which compliance with the foregoing restrictions will create an unnecessary hardship and failure to comply does not interfere with the purpose of this chapter, the City Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be filed or recorded. Any owner or agent of the owner of land who conveys a lot or parcel in violation of the provisions of this chapter shall forfeit and pay to the city a penalty of not less than one hundred dollars (\$100.00) for each lot or parcel so conveyed. The city may enjoin such conveyance or may recover such penalty by a civil action in any court of competent jurisdiction.

1005. PRELIMINARY PLAT PROCEDURE.

- (a) Before dividing any tract of land into four (4) or more lots, a subdivider shall submit a preliminary plat application to the Director of Community Development. The Director of Community Development shall determine the necessary application requirements and state them on a written form to be made available to the public at his office.
- (b) Upon submission of a preliminary plat for approval by the City Council, the owner or developer shall be required to pay a fee to defray the expenses incurred by the city in having the plat reviewed in all particulars. The amount of fee to be paid for such review shall be imposed, set, established and fixed by the City Council, by resolution, from time to time, and shall be paid by the owner or developer to the Director of Community Development before the city actually undertakes consideration of the preliminary plat.
- (c) The Director of Community Development shall deliver to the City Treasurer for deposit any moneys received as fees herein required with each preliminary plan. The Treasurer shall credit same to the general fund of the city. All moneys so received shall be used to defray the expenses of processing the application. The Director of Community Development shall prepare a report and recommendation. This report shall then be forwarded to the Planning Commission. The Planning Commission shall forward a recommendation to the City Council. The City Council shall hold a public hearing on the application. The hearing shall be held following

publication of notice of the time and place thereof in the official newspaper at least ten (10) days before the day of the hearing. The applicant, property owner, and all other property owners within three hundred and fifty (350) feet of the property to be subdivided shall be notified by mail at least ten (10) days before the day of the hearing. A subdivision application shall be preliminarily approved or disapproved within one hundred twenty (120) days following delivery of an application completed in compliance with the city ordinance by the applicant to the city, unless an extension of the review period has been agreed to by the applicant. When a division or subdivision to which the regulations of the city do not apply is presented to the city, the City Clerk shall within ten (10) days certify that the subdivision regulations of the city do not apply to the particular division. If the city fails to preliminarily approve or disapprove an application within the review period, the application shall be deemed preliminarily approved, and upon demand the city shall execute a certificate to that effect.

- (d) Following preliminary approval the applicant may request final approval by the city, and upon such request the city shall certify final approval within sixty (60) days if the applicant has complied with all conditions and requirements of applicable regulations and all conditions and requirements upon which the preliminary approval is expressly conditioned either through performance or the execution of appropriate agreements assuring performance. If the city fails to certify final approval as so required, and if the applicant has complied with all conditions and requirements, the application shall be deemed finally approved and upon demand the city shall execute a certificate to that effect. After final approval a subdivision may be filed or recorded.
- (e) For one year following preliminary approval and for two (2) years following final approval, unless the subdivider and the city agree otherwise, no amendment to a Comprehensive Plan or official control shall apply to or affect the use, development density, lot size, lot layout or dedication or platting required or permitted by the approved application. Thereafter, pursuant to its regulations, the city may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application, unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application. In connection with a subdivision involving planned and staged development, the city may by resolution and agreement grant the rights referred to herein for such periods of time longer than two (2) years which it determines to be reasonable and appropriate.
- (f) A person conveying a new parcel of land which, or the plat for which, has not previously been filed or recorded, and which is part of or would constitute a subdivision to which adopted city subdivision regulations apply, shall attach to the instrument of conveyance either: (1) recordable certification by the City Clerk that the subdivision regulations do not apply, or that the subdivision has been approved by the City Council, or that the restrictions on the division of taxes and filing and recording have been waived by resolution of the City Council because compliance will create an unnecessary hardship and failure to comply will not interfere with the purpose of the regulations; or (2) a statement which names and identifies the location of the approp-

riate city offices and advises the grantee that city subdivision and zoning regulations may restrict the use or restrict or prohibit the development of the parcel, or construction on it, and that division of taxes and the filing or recording of the conveyance may be prohibited without prior recordable certification of approval, nonapplicability, or waiver from the city. In any action commenced by a buyer of such a parcel against the seller thereof, the misrepresentation of or the failure to disclose material facts in accordance with this subdivision shall be grounds for damages. If the buyer may in its discretion also award to the buyer an amount sufficient to pay all or any part of the cost incurred in maintaining the action, including reasonable attorney fees, and an amount for punitive damages not exceeding five (5) percent of the purchase price of the land.

1006. QUALIFICATIONS GOVERNING APPROVAL OF PRELIMINARY PLAT.

- (a) The Planning Commission may recommend and the City Council may require such changes or revisions of a preliminary plan submitted under this chapter as deemed necessary for the health, safety, general welfare and convenience of the city.
- (b) The approval of a preliminary plat by the Planning Commission and the City Council under this chapter is tentative only, involving merely the general acceptability of the layout as submitted.
- (c) Before any preliminary plan is approved by the City Council under this chapter, the information furnished with said plan must show conclusively that the area proposed to be subdivided is drainable and that the land is of such nature as to make its intended use practical and feasible. If these features are not apparent, the owner shall be required to enter into an agreement guaranteeing that all adverse conditions will be corrected and that drainage will be accomplished in a satisfactory manner. The final decision in this matter shall be made by the City Council acting upon the advice and recommendation of its engineer and other authorized representative.
- (d) The City Council may condition its approval on the construction and installation of fully operational sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the city of a cash deposit, certified check, or irrevocable letter of credit in an amount and with surety and conditions sufficient to assure the city that the utilities and improvements will be constructed or installed according to the specifications of the city. The City Council may condition its approval on compliance with other requirements reasonably related to the provisions of these regulations and to execute development contracts embodying the terms and conditions of approval. The city may enforce such agreements and conditions by appropriate legal and equitable remedies.
- (e) The City Council may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserve for public use as streets, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas or ponds, and similar utilities and improvements.
- (f) The city may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for public use as parks, playgrounds, trails or open space; provided that:

- (1) The city may choose to accept an amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the city's park availability charge;
- (2) Any cash payments received shall be placed in a special fund by the city used only for the purposes for which the money was obtained;
- (3) In establishing the reasonable portion to be dedicated, the City Council may consider the open space, park, recreational or common areas and facilities which the applicant proposes to reserve for the subdivision; and
- (4) The city reasonably determines that it will need to acquire that portion of land for the purposes stated in this subsection as a result of the approval of the subdivision (Code 1965, section 1004.020)
- (5) Within the legal boundaries of the City's designated Critical Area the City Council may require dedication for public open space or scenic easement, blufflands which are 18 percent or greater in slope and which are in direct drainage to the Mississippi River Bluffs or Fish Creek. The City Council may release the developer in part or in total from a park dedication fee in lieu of the value of the above dedicated blufflands. (Amended from Ord. 503, 5-21-81)

1007. NECESSARY DATA FOR FINAL PLAT.

The final plat required by this chapter shall be prepared by a registered land surveyor and shall conform to all state and county requirements and the provisions of this section. All information required on the final plat application provided by the Director of Community Development shall be shown on the final plat (Code 1965, Section 1004.050).

1008. MINIMUM SUBDIVISION DESIGN STANDARDS.

(a) A proposed subdivision under this chapter shall meet the minimum subdivision design standards set forth in this section.

(b) Streets:

- (1) Street Plan. The arrangement, character, extent, width, and location of all streets shall conform to standards for street construction on file in the office of the Director of Public Works, including relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of storm water, to public convenience and safety land in their appropriate relation to the proposed uses of the area to be served. No full-width street shall be less than sixty (60) feet wide.
- (2) Half-width streets. The use of half-width streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and the overall plan for the neighborhood in which the plat is situated. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

- (3) Cul-de-sacs. Cul-de-sacs, when used, shall be held to as short a distance as possible between the origin or main street and the end of the cul-de-sac. In no case shall cul-de-sacs exceed 1000 feet in length, unless no other alternative is possible. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of one hundred (100) feet.
 - (4) Reserve strips. Privately-owned reserve strips controlling access to streets are prohibited. Publicly-owned reserve strips may be required by the City Council, where necessary to assure equitable payment for streets.
- (c) Blocks:
- (1) Length. The length of any block in a subdivision shall be no more than one thousand three hundred twenty (1,320) feet.
 - (2) Cross-walks and alleys. The use of cross-walks through any block or the placing of alleys in any block is to be permitted only when absolutely necessary in the opinion of the City Council.
- (d) Alleys and pedestrian ways:
- (1) Alleys. Where permitted by the City Council, alleys shall be at least twenty (20) feet wide in residential areas and at least twenty-four (24) feet wide in commercial areas. The City Council may require alleys in commercial areas where adequate off-street loading space is not available.
 - (2) Pedestrian ways. Pedestrian ways, where permitted, shall be at least fifteen (15) feet wide.
- (e) Easements:
- (1) Utility easements: Easements at least twelve (12) feet wide, centered on rear lot lines, shall be provided for utilities, where necessary. They shall have continuity of alignment from block to block, and at deflection points, easements for pole-line anchors shall be provided.
 - (2) Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm-water easement or drainage right-of-way conforming substantially with the lines of such watercourses, together with such further width or construction, or both, as will be adequate for the storm-water drainage of the area. The persons making, proposing and submitting such plat shall present figures and data to indicate whether and to what extent storm-water runoff will be increased in rate and volume by reason of improvement of the lands lying within the plat, whether improvement is to take place immediately or at some future date, and, if on the basis of such data it appears that rate or volume will be substantially increased, the persons proposing and making such plat shall produce and supply whatever agreements are necessary in the opinion of the City Engineer and the City Attorney to authorize such increased flow onto adjoining private lands.

(f) Lots:

- (1) Single-family generally. The minimum lot dimensions in subdivisions designated for single-family detached dwelling developments shall be:
 - a. Seventy-five (75) feet wide at the established building setback line and on outside street curvatures;
 - b. Not less than sixty (60) feet at the front lot line, except that lots located along the outside curves of curvilinear streets or on the bulbs of cul-de-sacs shall be no less than forty (40) feet in width at the front lot line.
 - c. Not less than ten thousand (10,000) square feet in area; and
 - d. Not less than seven thousand five hundred (7,500) square feet in area if designated as Rm, Medium Density Residential on the city land use plan.
- (2) Single family corner. The minimum corner lot dimensions for single-family detached dwelling developments where permitted under the zoning ordinance shall be:
 - a. One hundred (100) feet wide at the established building setback line;
 - b. Not less than one hundred (100) feet in depth; and
 - c. Not less than ten thousand (10,000) square feet in area.
- (3) Rear lot lines. The minimum dimensions at the rear lot line of any lot shall be thirty (30) feet.
- (4) Location. All lots shall abut on a publicly dedicated and maintained street.
- (5) Side lot lines. Side lines of lots shall be substantially at right angles or radial to the street line.
- (6) Double-frontage lots. Double-frontage lots shall not be permitted, except where topographic or other conditions render subdividing otherwise unreasonable. Such double-frontage lots shall have an additional depth of at least twenty (20) feet in order to allow space for a protective plant-screen along the back lot line.
- (7) Watercourses. Lots abutting upon a watercourse, drainage way, channel or stream shall have additional depth or width, as required, to assure house sites that are not subject to flooding. Minimum lot areas shall not include drainage easements.
- (8) Natural or historic resources. In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions, which if preserved will add attractiveness and value to the proposed development. The City Council may require the clustering of lots, such as with a PUD, to preserve natural features.
- (9) Double dwellings. The minimum lot dimensions on parcels designated for double dwellings shall be:

- a. Eighty-five (85) feet wide at the established building setback line; and
- b. Twelve thousand (12,000) square feet in area.

(10) Setback lines. A setback line shall be shown on each lot in every subdivision recorded for property in the city. This line shall be at least thirty (30) feet from the property line and shall be continuous within each entire block.

(11) Outlots. No building permit will be issued for construction upon any lot designated as an outlot upon any plat, except by special use permit pursuant to article V of Chapter 36 of this Code. (Code 1965, sections 1005.010, 1005-020, 1006.00 - 1006.090; Ordinance No. 442A section 1, 5-18-78, Ordinance 472, section 1, 7-5-79; Ordinance No. 481, section 1, 2-21-80)

1009. SOIL TESTS.

The City Council may require soil tests prior to the final approval of any plat. These soil tests shall consist of test holes to a depth necessary to determine the various types of soil to be encountered before reaching a stable base. Such test holes, when ordered by the city authorities, shall be drilled at the expense of the owner or developer. The information disclosed shall be furnished to the City Council, together with a copy of the proposed plat showing the location of each test hole. The information required by the City Council shall include a report as to the various types of soil encountered and their depths, the level of the groundwater, a seepage test and may include additional information. The number of test holes to be drilled and their location on the property which is proposed to be platted will be as directed by the City Council or its authorized representative. In questionable cases, the owner shall be required to furnish to the City Council a report from a recognized engineering laboratory as to the safety and practicability of the use of the area for building construction. (Code 1965, section 1004.060).

1010. RESIDENTIAL ZONING UNLESS OTHERWISE SPECIFICALLY REQUESTED.

Unless a specific request is received with the final plat for the zoning of the property or parts of the property therein into other classifications described in the zoning ordinance of the city, the City Council shall immediately, upon the recording of such plat, proceed to rezone all the property in the platted area as R-1 Residence District (Single Dwelling) property. It is further provided that requirements for altering zoning classifications, as provided in the zoning code of the City, is hereby waived with respect to such recently platted area. (Code 1965, section 1004.070)

1011. VARIATIONS AND EXCEPTIONS.

The Planning Commission may recommend variations from the requirements of this chapter in specific cases which, in its opinion, do not affect the general plan or the intent of this chapter. Such recommendations shall be communicated to the Council in writing, substantiating the recommended variations. The Council may approve variations from the requirements of this chapter in specific cases which, in its opinion, do not adversely affect the plan and spirit of this chapter (Code 1965, section 1008.010)

1012. IMPROVEMENTS - GENERALLY.

- (a) The minimum necessary required land improvements within the dedicated street rights-of-way in new final plats shall include:
- (1) Sanitary sewer facilities
 - (2) Public water facilities
 - (3) Storm sewer facilities
 - (4) Street, curb and gutter
 - (5) Street luminaries
 - (6) Boulevard turf establishment
 - (7) Street tree installation
 - (8) Street identification and traffic control signs
- (b) All utilities shall be provided underground.
- (c) Water and sanitary sewer lines must be connected to the municipal system. In the absence of city water and sanitary sewer lines servicing the applicant's property, the applicant may make special provisions with the city to extend such lines from existing mains.
- (d) No final plat shall be approved by the City Council without first receiving a report signed by the City Engineer certifying that the improvements and construction of the land and streets, together with all other necessary facilities in the plat have been completed or satisfactorily arranged for in accordance with provisions of the city regulations for land improvement and construction. Before a final plat is approved by the City Council, the owner and subdivider of the land covered by said plat shall execute and submit to the City Council an agreement, which shall be binding on his heirs, personal representatives and assigns, stipulating that he will not cause private construction to be made on any lots in said plat, or file, or cause to be filed, any applications for building permits for such construction on such lots, until all improvements required under the city regulations for street construction have been made, or arranged for, in the manner provided herein and in chapter 29 of this Code. (Code 1965, section 1007.020).

1013. SAME - COMPLIANCE PREREQUISITE FOR ISSUANCE OF BUILDING PERMITS.

No building permit shall be issued for the construction of any building, structure or improvement to the land or any lot within a subdivision which has been approved for platting, until all requirements of this chapter and all provisions of this Code for street construction and land improvements have been complied with in full. (Code 1965, section 1007.030)

1014. LOT DIVISIONS.

- (a) For the purposes of this section, a lot division is defined as the division of a tract of land into two (2) or three (3) lots.

- (b) The Director of Community Development may approve or cause to be modified plans for a lot division. The Director must first determine, however, that the plans meet all city ordinances and policies, and that the proposal would not have an adverse impact on the subject property or surrounding properties. If the Director makes a negative determination and the applicant wishes to appeal the decision, the case shall be sent to the City Council for action. (Ordinance No. 459, section 1004.090, 2-1-79).

1015. LOT SPLITS FOR DOUBLE BUNGALOWS.

- (a) If the conditions of this section are met, a lot occupied by a double bungalow may be split along the party wall to allow for individual ownership of each unit. The newly created lots shall each, therefore, be exempt from the minimum lot width and area requirements of this Code, but a minimum combined area of twelve thousand (12,000) square feet shall still be required for the resulting lots.
- (b) All of the following conditions must be met before a lot split described in subsection (a) of this section may be approved:
- (1) The property and structure must be able to be easily split into two (2) substantially equal sections.
 - (2) The structure must meet current building code standards for fire wall separation. This may be added to an existing unit.
 - (3) Separate utility services must be provided.
 - (4) Deed restrictions shall be recorded with the property requiring that the structure shall have a uniform exterior appearance in terms of color, design and maintenance.
 - (5) Deed restrictions shall be recorded with the property that if one unit is burned or destroyed, it shall be reconstructed in a uniform appearance, and if both units are burned or destroyed, minimum lot widths shall then prevail for a single-dwelling home. A double dwelling may be rebuilt meeting the original conditions of this section.
 - (6) Any disputes shall be submitted to binding arbitration according to the rules of the Minnesota arbitration association.
 - (7) Any other conditions shall be imposed that City deems necessary to assure compatibility with surrounding structures or to assure a reasonable division of property. (Ordinance No. 442A, Subdivision 1, 5-18-78)

Seconded by Councilman Anderson.

Ayes - all.

2. Minimum Dwelling Floor Area - Second Reading

- a. Manager Evans presented the staff report.
- b. Mayor Greavu introduced the following ordinance and moved its adoption:

- (2) Non-residential rates shall be as follows:

Class A \$.99 per 1,000 gallons

Class B \$1.31 per 1,000 gallons

Class A customers are defined as those that maintain private sewer system lines on a site of at least 200 acres.

Class B customers are defined as all other non-residential customers.

Non-residential sewer service charges shall be a minimum of \$5.80 quarterly per sewer service connection.

- (3) The senior citizen rate shall be billed only to those that meet all the following conditions:
- (a) Must be residential property occupied by no more than two persons;
 - (b) One of the occupants must be the owner and billed directly by the City of Maplewood;
 - (c) One of the occupants must be at least 65 years of age or older;
 - (d) If occupied by two persons, the second occupant must be at least 62 years of age or older;
 - (e) Annually after November 1st and before December 15th, one of the occupants must file an affidavit with the City Clerk stating that all of the conditions required in this ordinance are applicable to his or her residence. In the case of rental property, the senior citizen shall submit proof that he or she is responsible for payment of the sewer service charge.

Affidavits accepted and approved by the City Clerk at a time other than that specified above, shall entitle the resident to the senior citizen rate for each full quarter remaining in the year not including the quarter during which the affidavit is filed.

- (4) The rate for properties used jointly for residential and commercial purposes that are not metered separately shall be billed at non-residential rates.
- (5) 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 charge 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, 1982.

Seconded by Mayor Greavu.

Ayes - all.

4. Towing Ordinance Amendment - Second Reading

a. Manager Evans presented the staff report.

- b. Mayor Greavu introduced the following ordinance and moved its adoption:

ORDINANCE NO. 510

ORDINANCE AMENDING CHAPTER 406
OF THE MUNICIPAL CODE

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

Section 1. Chapter 406.120 is hereby amended to read as follows:

"406.120 (a) SALE OF ABANDONED VEHICLE. If, at the expiration of thirty (30) days after mailing or publishing the notice provided for in Section 406.020 such vehicle is not redeemed by the owner or his agent, the vehicle is declared to be abandoned, and the pound keeper shall take custody of said vehicle and dispose of it as he feels is most expeditious. All monies he may recoup from the sale or disposition of said vehicle shall become his, and the City will have no financial involvement nor shall it pay any fee to the pound keeper for the disposal of the said abandoned vehicle. The exception to this shall be when the value of the vehicle to be sold exceeds \$500 as documented by the City of Maplewood, at which time all proceeds in excess of \$500 shall be turned over to the City of Maplewood.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Seconded by Councilman Bastian. Ayes - all.

5. Alarm Ordinance - Renewal

a. Manager Evans presented the staff report.

b. Councilperson Juker moved to renew and keep in force the Alarm Ordinance and that a fee of \$25.00 is established for annual alarm system license.

Seconded by Councilman Bastian. Ayes - all.

I. VISITOR PRESENTATION

None.

J. NEW BUSINESS

1. Special Exception: Maplewood Drive - Twin City Obstetrics and Gynecology

a. Manager Evans presented the staff report.

b. Commissioner Duane Prew presented the following Planning Commission recommendation:

"Commissioner Sletten moved the Planning Commission recommend to the City Council approval of the special exception for the Maplewood Medical Clinic on the basis that:

1. This use will not interfere with the proper development of the M-1 zoning district.

2. This use is consistent with the Land Use Plan.

Commissioner Fischer seconded. Ayes - all.

c. Dr. Jerome Scherer, one of the applicants, spoke on behalf of the proposal.

d. Councilperson Juker moved to approve the special exception to construct a medical clinic in an M-1 Light Manufacturing District located on the east side of Maplewood Drive between Kohlman Avenue and East County Road C (to be known as Twin City Obstetrics and Gynecology).

Seconded by Councilman Anderson. Ayes - all.

2. Plan Amendment: Maplewood Drive and Beam Avenue

a. Manager Evans presented the staff report.

b. Commissioner Duane Prew presented the following Planning Commission recommendation:

"Commissioner Prew moved the Planning Commission amend the Comprehensive Plan Update as follows:

I. Designate a major collector street through the LSC area, connecting Beam Avenue and County Road D. Redesignate the existing major collector to the west as a minor collector.

II. Change the LSC and RL designation east of the collector and north of the power line to BW.

III. Change the LSC designation west of the collector and north to the power lines to Rm

IV. Change the RL and LSC north of the power lines to Rm, except for the veterinary clinic.

These amendments are made with the intent the location of the north-south collector is conceptual and may not necessarily divide the Rm and BW land uses.

Commissioner Kishel seconded. Ayes all."

c. Mayor Greavu asked if anyone in the audience wished to be heard. The following expressed their opinions and asked questions:

Mr. Frank Machus, 2989 Beam Avenue;
Mr. Gerald Mogren, 2855 Frederick Street;
Mr. Harvey Zuercher, 2911 Maplewood Drive.

Councilperson Juker moved to extend the agenda past the meeting deadline.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu, Councilmen Anderson and Nelson and Councilperson Juker.
Nays - Councilman Bastian.

d. Councilman Anderson moved to table this item to a later date for further staff review.

Seconded by Councilman Nelson.

Ayes - all.

3. Sterling Street: Street and Storm Sewer Improvement

a. Manager Evans presented the staff report.

b. Director of Public Works Ken Haider presented the specifics of the proposal.

c. Mayor Greavu introduced the following resolution and moved its adoption:

81 - 12 - 250

WHEREAS, it is proposed to improve Holloway Avenue from North St. Paul Road to Century Avenue and Sterling Street from Larpenteur Avenue to Holloway Avenue by reconstruction of the roadway, installation of storm sewer and utility appurtenances and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, chapter 429;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the proposed improvement be referred to the City Engineer for study and that he is instructed to report to the Council with all convenient speed, advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

BE IT FURTHER RESOLVED that the cost of the aforesaid work be shared with the City of North St. Paul and that the Maplewood Mayor, City Manager and City Clerk be directed to enter into a joint powers agreement for the cost sharing.

Seconded by Councilman Bastian.

Ayes - all.

d. Mayor Greavu introduced the following resolution and moved its adoption:

81 - 12 - 251

WHEREAS, the City Council of Maplewood, Minnesota deems it necessary and advisable that the following change be made in the designation of Municipal State Aid Streets under the provisions of Minnesota Laws of 1967, Chapter 162;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Maplewood that the road described as Holloway Avenue from North St. Paul Road to Century Avenue be, and hereby is established, located, and designated a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Highways for the State of Minnesota.

BE IT FURTHER RESOLVED, that the Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Highways for his consideration.

Seconded by Councilman Bastian.

Ayes - all.

e. Mayor Greavu moved to approve an agreement for the cost sharing of the recommended feasibility report. The agreement is between North St. Paul and Maplewood and cost is estimated at \$6,500 to \$8,500 for each community's share.

Seconded by Councilman Bastian.

Ayes - all.

4. H.R.A. Resignation

- a. Manager Evans presented the staff report.
- b. Councilman Anderson introduced the following resolution and moved its adoption:

81 - 12 - 252

WHEREAS, Fran Juker became a charter member of the Housing and Redevelopment Authority of Maplewood, Minnesota in April of 1975 and has served faithfully in that capacity to the present time; and

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

WHEREAS, she has shown sincere dedication to her duties and has consistently contributed her leadership and effort in many ways for the benefit of the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and the citizens of the City that Fran Juker is hereby extended our heartfelt gratitude and appreciation for her dedicated service and we wish her continued success in the future.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu, Councilperson Juker,
Councilmen Anderson and Nelson.
Nays - Councilman Bastian.

K. COUNCIL PRESENTATIONS

1. Meeting with Planning Commission - Re: Downtown Maplewood

- a. Councilman Anderson requested a meeting with the Planning Commission be established to promote a "Downtown Maplewood".
- b. No action taken.

2. County Road C

- a. Councilman Anderson stated Hal Norgard had talked to him about installing sidewalks all along County Road C. North St. Paul is interested in proceeding with their portion.
- b. Councilman Bastian moved that the staff draft a resolution informing North St. Paul of Maplewood's intention to proceed.

Seconded by Councilman Anderson. Ayes - all.

3. Lyle Erickson - Appointment - Cable TV

- a. Councilman Anderson moved to appoint Lyle Erickson as an alternate member of the Cable TV Commission.

Seconded by Councilman Bastian. Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

11:47 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Thursday, January 7, 1982
Council Chambers, Municipal Building
Meeting No. 82-1

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 7:05 P.M. by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilman	Present
Gary W. Bastian, Councilman	Present
Frances L. Juker, Councilperson	Absent
Earl L. Nelson, Councilman	Present

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 81-26 (October 8, 1981)

Councilman Nelson moved that the Minutes of Meeting No. 81-26 (October 8, 1981) be approved as submitted.

Seconded by Councilman Anderson. Ayes - all.

2. Minutes of Meeting No. 81-27 (October 15, 1981)

Councilman Nelson moved that the Minutes of Meeting No. 81-27 (October 15, 1981) be approved as submitted.

Seconded by Councilman Anderson. Ayes - all.

3. Minutes of Meeting No. 81-28 (November 5, 1981)

Councilman Anderson moved that the Minutes of Meeting No. 81-28 (November 5, 1981) be approved as submitted.

Seconded by Councilman Anderson. Ayes - all.

4. Minutes of Meeting No. 81-28A (November 12, 1981)

Councilman Anderson moved that the Minutes of Meeting No. 81-28A (November 12, 1981) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

5. Minutes of Meeting No. 81-29 (November 19, 1981)

Councilman Nelson moved that the minutes of Meeting No. 81-29 (November 19, 1981) be approved as submitted.

Seconded by Councilman Anderson. Ayes - all.

Councilman Nelson relinquished his seat to the new Council Member.

INSTALLATION OF MAYOR AND COUNCIL MEMBERS

Mayor John C. Greavu, Councilperson MaryLee Maida, Councilman Norman G. Anderson received their respective oaths of office and were seated.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Restructuring as stated in Minutes of October 8, 1981
2. Resolution - Myrtle and Larpenteur
3. Reconsideration - Shoreland Ordinance
4. Meetings - Manager and Council
5. Snow Shoveling
6. Sidewalks
7. Resolution for St. Johns
8. Code of Ethics
9. Water - Northeast Area
10. League Conference Holiday Inn - January 27, 1982
11. AMM Board Vacancy

Seconded by Councilman Anderson.

Ayes - all.

E. CONSENT AGENDA

Mayor Greavu moved, seconded by Councilman Anderson, Ayes all, to apporve the Consent Agenda Items 1 through 14 as recommended:

1. Accounts Payable

Approved the accounts (Part I - Fees, Services, Expenses - Check No. 006626 through Check No. 006703 - \$203,852.66; Check No. 012066 through Check No. 012216 - \$149,148.96; Part II - Payroll - Check No. 02365 through Check No. 02494 - \$66,168.78; Check No. 03611 through Check No. 03732 - \$50,411.24) in the amount of \$469,581.64.

2. Special Use Permit: N.E. Metro Alano Society

Approved reviewing the special use permit for the Maplewood Alcoholics Anonymous Club Alanon Club and Alatum Club at 1955 Prosperity Road for three years.

3. Home Occupation Renewal: 1300 So. McKnight Road

Approved the special exception home occupation permit at 1300 So. McKnight Road for three years for Mr. Eugene C. Anderson's hand tool operating service based on the criteria for home occupations prepared by the Planning Commission.

4. Final Plat: Chesterwood Two

Approved the Chesterwood Two final plat for fifteen detached single dwelling lots, subject to all original conditions being met.

5. 1982 Fee Schedule: Park Facilities

Approved the 1982 Fee Schedule for Reservation of Park Facilities as presented.

6. Budget Changes: Sewer Fund

Revised the sewer fund's 1982 budget as follows:

- (a) the budget for account 701-000-3651, sewer service charge revenue, be decreased to \$1,665,270
- (b) the budget for account 701-508-4510, sewage treatment expense, be decreased to \$1,124,450.

7. Interfund Transfers: Unassessed Utility Improvements

Approved the transfers from the Water Availability Charge Fund, Hydrant Charge Fund and the Sewer Fund to the Special Assessment Fund as follows:

	<u>From</u>	<u>To</u>
\$ 81,281	W.A.C. Fund	Special Assessment Fund
71,700	Hydrant Fund	1973 Bonds (#513)
6,010	Hydrant Fund	1977 Bonds (#520)
2,050	Sewer Fund	1979 Bonds (#522)
<u>\$161,041</u>	Total	1979 Bonds (#522)

8. Designation of Official Depositories

Resolution No. 82-1-1

BE IT RESOLVED, that the following be and hereby are selected as depositories for time deposits of the City of Maplewood:

- American National Bank
- Eastern Heights State Bank
- F & M Savings Bank
- First Federal Savings and Loan
- First National Bank of St. Paul
- First State Bank of St. Paul
- Hennepin Federal Savings & Loan
- Hillcrest MidAmerica Bank
- Maplewood State Bank
- Marquette National Bank
- Midwest Federal Savings and Loan
- Minnesota Federal Savings and Loan
- Northern Federal Savings and Loan
- Northwestern National Bank of Minneapolis
- Northwestern National Bank of St. Paul
- Twin City Federal Savings and Loan

Be it further resolved, that the deposits in any of the above depositories shall not exceed the amount of F.D.I.C. or F.S.L.I.C. insurance covering such deposit unless collateral or a bond is furnished as additional security; and

BE FURTHER RESOLVED, that funds in the above depositories may be withdrawn and wire transferred to any other official depository of the City by the request of the City Treasurer or Finance Director; and

BE IT FURTHER RESOLVED, that these depository designations are effective until changed.

9. Easement Payment approved - Beam Avenue

Approve the payment of \$2,600.00 for permanent and temporary easements to Mr. Dowdres and Zuercher for Project No. 78-24.

10. Budget Transfer: Data Processing

Authorized transfer of \$2,680 from the General Fund Contingency Account to the Fees for Services in the Finance Department Budget.

11. Budget Transfer: Public Works

Approved two half time part time positions be combined into one full time position to be shared by Public Works and Community Development and the budget transfers as follows:

101-701-4010	+	\$6,260
101-701-4020	-	\$6,780
101-701-4040	+	\$ 575
101-501-4010	+	\$6,260
101-501 4020	-	\$5,740 /
101-501-4040	+	\$ 575
Contingency fund	-	\$1,150

12. Final Payment

Resolution No. 82-1-2

WHEREAS, the City Council of Maplewood, Minnesota find that Clark Landscaping, Inc. has successfully completed the contract for Removal of Diseased Shade Trees, Maplewood Project No. 81-6;

NOW, THEREFORE, BE IT RESOLVED that final payment in the amount of \$3001.07 is hereby approved.

13. Budget Transfer: Public Works - Street Lighting

Authorize a budget transfer in the amount of \$3,495.00 from the Non-departmental Revenue Sharing Contingency Fund 203-161-4910 to Street Lighting Maintenance Fund 203-135-4640 to cover the heavy maintenance costs.

14. In-House Engineering Charges

Adopted a policy to charge in house engineering charges on the basis of actual time worked times the actual salary cost, not including employee benefits, times a multiplier of 2.5.

F. PUBLIC HEARINGS

1. Street Vacation: Tierney Avenue 7:00 P.M.

a. Mayor Greavu convened the meeting for the public hearing regarding the request of David Kolebar to vacate Tierney Avenue from McKnight Road to Lakewood Drive. The Clerk stated the hearing notice was found to be in order and noted the dates of publication.

b. Manager Evans presented the staff report with the following recommendation:

- I. Approve the enclosed resolution authorizing the vacation of the Tierney Avenue right-of-way between Myrtle Street and Lakewood Drive, subject to the retention of a permanent utility and bike/walkway easement over, under, through, and across the north 36 feet of the vacated right-of-way.

Approval is made on the basis that:

1. The right-of-way will not be developed as a street.
2. Retention of a right-of-way is in excess of the public need, unnecessarily restricting the development of the abutting properties.
3. Vacation is in the public interest because adjoining properties will increase in buildable area.

II Table action on the request to vacate the Tierney Avenue right-of-way lying west of Myrtle Street until plans are finalized for Hillside Park.

c. Chairman Les Axdahl presented the following Planning Commission recommendation:

"Commissioner Whitcomb moved that the Planning Commission recommend to the City Council approval of the resolution authorizing the vacation of the Tierney Avenue right-of-way between Myrtle Street and Lakewood Drive, subject to the retention of a permanent utility and bike/walkway easement over, under, through and across the north 36 feet of the vacated right-of-way on the basis that:

1. The right-of-way will not be developed as a street.
2. Retention of a right-of-way is in excess of the public need, unnecessarily restricting the development of the abutting properties.
3. Vacation is in the public interest because adjoining properties will increase in buildable area.

Also, the Commission recommends the Council table action on the request to vacate the Tierney Avenue right-of-way lying west of Myrtle Street until plans are finalized for Hillside Park.

Commissioner Fischer seconded, Ayes - all."

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

- Mr. Ron Cylkowski, 1867 Myrtle Street (in favor)
- Mr. M. Renkenberger, 1887 Myrtle Street (in favor)
- Mr. Gerald Resong, 1888 Myrtle Street (in favor)
(also requested the culvert be cleaned)
- Mr. David Kolebar, 1866 Myrtle Street (in favor)

e. Mayor Greavu closed the public hearing.

f. Councilman Bastian introduced the following resolution and moved its adoption:
(Vacation of Tierney from Lakewood to Myrtle)

WHEREAS, pursuant to the provisions of Minnesota Statutes, Section 412.851, thereof, the Maplewood City Council, upon Petition of a majority of the owners of the land abutting the street proposed to be vacated, and after a public hearing preceded by two (2) weeks published and posted notice, proposes the vacation of the following described Tierney Avenue right-of-way, lying east of the northerly extension of the west line of Lot 1, Block 6 and west of the northerly extension of the east line of Lot 14, Block 6, Hillside Homesites, Section 13, Township 29, Range 22.

PROPERTY AFFECTED BY THE STREET VACATION:

Lots 1 and 14, Block 6, Hillside Homesites
The east 17 feet of Lot 29 and Lots 30-33, Tierney Park

WHEREAS, the Maplewood City Council finds that the vacation of the above described street is in the interest of the public, on the basis that:

1. The right-of-way will not be developed as a street.
2. Retention of a right-of-way is in excess of the public need, unnecessarily restricting the development of the abutting properties.
3. Vacation is in the public interest because adjoining properties will increase in buildable area.

NOW, THEREFORE, BE IT RESOLVED by the City Council, Ramsey County, Minnesota, that the above described street be and hereby is vacated and the City Clerk is hereby directed to prepare a notice of completion of the proceedings pursuant to the provisions of Minnesota Statutes, Section 412.851 thereof, and shall cause the same to be presented to the County Auditor for entry upon his transfer records and the same shall be thereafter filed with the Ramsey County Recorder, subject to the retention of a permanent utility and bike/walkway easement over, under, through, and across the north 36 feet of the vacated right-of-way.

Seconded by Councilman Anderson. Ayes - all.

f. Councilman Bastian moved to table until March 4, 1982 the balance of Tierney Street vacation (Myrtle to McKnight) as recommended by the Planning Commission and instruct staff to prepare a report regarding location of power lines, water line, terrain and drainage of the proposed right-of-way vacation.

Seconded by Councilman Anderson. Ayes - all.

G. AWARD OF BIDS

None.

H. UNFINISHED BUSINESS

None.

I. VISITOR PRESENTATION

None.

J. NEW BUSINESS

1. Council Appointments

a. Acting Mayor

1. Councilman Anderson moved to appoint Councilperson Frances Juker as Acting Mayor for 1982.

Seconded by Councilman Bastian. Ayes - all.

b. Planning Commission

1. Manager Evans stated the following Planning Commissioners' terms have expired:

Ed Kishel (served since at least 1970)
Dick Barrett (served since at least 1970)
Joe Pellish (appointed 2-26-76)

All of the above have expressed their willingness to be reappointed.

Council must also appoint a Chairman. The current Chairman, Les Axdahl, has indicated a willingness to continue.

2. Mr. Kishel, Mr. Barrett and Mr. Pellish introduced themselves to the Council.

3. Councilman Bastian moved to reappoint Mr. Edward Kishel, Mr. Richard Barrett and Mr. Joseph Pellish to the Planning Commission for three year terms.

Seconded by Councilman Anderson. Ayes - all.

4. Mayor Greavu moved to appoint Les Axdahl Chairman of the Planning Commission.

Seconded by Councilman Bastian. Ayes - all.

c. Community Design Review Board

1. Manager Evans stated Donald Moe, Dean Hedlund and Victor Lydon are seeking reappointment to the Community Design Review Board. These appointments would be for two year terms ending on January 1, 1984.

2. Mr. Moe, Mr. Hedlund and Mr. Lydon introduced themselves to the Council.

3. Councilman Bastian moved to reappoint Donald Moe, Dean Hedlund and Victor Lydon to two year terms on the Community Design Review Board.

Seconded by Councilperson Maida. Ayes - all.

d. Parks and Recreation Commission

1. Manager Evans stated the terms of Dean Sherburne, Voya Piletich and Donald Christianson expire on December 31, 1981. Each of them has expressed an interest in re-appointment for a three year term.

2. Dean Sherburne, Voya Piletich and Donald Christianson introduced themselves to the Council.

3. Mayor Greavu moved to reappoint Dean Sherburne, Voya Piletich and Donald Christianson to the Park and Recreation Commission for three year terms.

Seconded by Councilman Anderson. Ayes - all.

e. Official Newspaper

1. Mayor Greavu introduced the following resolution and moved its adoption:

82 - 1 - 4

BE IT RESOLVED that the City Council of Maplewood, Minnesota, designate the Maplewood Review as the official newspaper for the year 1982.

Seconded by Councilman Anderson. Ayes - all.

f. Rules of Procedures

1. Councilman Bastian moved to table the adoption of the Rules of Procedures until the 2nd meeting in February, 1982 and to operate under the present Rules of Procedures until that date.

Seconded by Councilman Anderson. Ayes - all.

g. Suburban Rate Authority

1. Councilman Bastian introduced the following resolution and moved its adoption:

82 - 1 - 5

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

Mayor John C. Greavu is hereby desiganted as a director of the Suburban Rate Authority; and

City Manager Barry Evans is hereby designated to serve as alternate director of the Suburban Rate Authority for the year 1982 and until their successors are appointed.

Seconded by Councilperson Maida. Ayes - all.

h. Civil Service Commission

1. Mayor Greavu moved to reappoint Joseph Griemann to the Police Civil Service Commission for a three year term.

Seconded by Councilman Anderson. Ayes - all.

Council wished to take this opportunity to express their appreciation for the continuous efforts, services and dedication of the Commissioners and Board Members.

2. White Bear Avenue, Burke to T.H. 36

- a. Manager Evans presented the staff report.
- b. Mr. Paul Kirkwald, Ramsey County, presented the details of the proposal.
- c. Mayor Greavu introduced the following resolution and moved its adoption:

82 - 1 - 6

WHEREAS, plans for White Bear Avenue from 365 south of Burke Avenue to T.H. 36, Project No. S.P. 62-665-17 showing proposed alignment, profiles, grades and cross-sections for the construction, reconstruction or improvement of County State-Aid Highway No. 65 within the limits of the City of Maplewood as a (Federal) (State) Aid Project have been prepared and presented to the City.

WHEREAS, an agreement identifying the cost sharing and construction responsibility.

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

1. The plans be in all things approved.
2. The Mayor and City Manager are authorized to execute the attached agreement.

Seconded by Councilman Anderson.

Ayes - all.

3. White Bear Avenue: T.H. 36 to Edgewater Avenue

- a. Manager Evans presented the staff report.
- b. Mr. Paul Kirkwald, Ramsey County, presented the details of the proposal.
- c. Mr. Frank Meduna, representing his mother at 2607 White Bear Avenue, asked questions regarding the proposal.
- d. Councilman Anderson introduced the following resolution and moved its adoption:

82 - 1 - 7

WHEREAS, Ramsey County and the City of Maplewood realize a need to reconstruct White Bear Avenue from T.H. 36 to Edgewater Avenue;

WHEREAS, Ramsey County presented two alternatives for the upgrading;

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

1. The plans presented to the City Council are given conceptual approval;
2. The preferred alternative is Alternate I considering a fifth lane from T.H. 36 to County Road C.

Seconded by Mayor Greavu.

Ayes - all.

Discussion was held pertaining to the improvement of McKnight Road.

4. P.A.C. - Neighborhood Park

- a. Director of Community Services Bob Odegard presented the staff report.
- b. Mr. Don Christianson, 1111 E. County Road C and Mr. Voya Piletich, members of the Park and Recreation Commission, explained the need for raising the P.A.C. charge.
- c. Councilman Bastian introduced the following resolution and moved its adoption:

82 - 1 - 8

WHEREAS, Maplewood Ordinance No. 361 passed April 4, 1974, recognizes the need for neighborhood parks, establishes standards and improvement guidelines for such and provides methods of acquisition and development; and

WHEREAS, Section IV (Financial Policies to Implement Neighborhood Park Policies) Subdivision (10) Annual Resolution Stating Average Acre Acquisition and Development Costs; and

WHEREAS, in 1974 the acquisition costs per acre were \$4,000 and development costs \$7,500 per acre were established; and

WHEREAS, this charge has not been increased since the inception of the ordinance; and

WHEREAS, the intention of the Ordinance is to provide for future quality of life through the acquisition and development of park-open space; and

WHEREAS, the costs of acquisition of property and the development of parks has rapidly escalated;

THEREFORE, the Park and Recreation Commission recommends that effective January 7, 1982, the City Council establish the average acre acquisition cost at \$4,200, and continues the development cost at \$7,500 per acre, with the City financing 50% of the development costs.

Seconded by Councilman Anderson.

Ayes - Councilperson Maida, Councilmen
Anderson and Bastian.

Nays - Mayor Greavu.

5. P.A.C. - Commercial and Industrial

- a. Maanger Evans presented the staff report.
- b. Director of Community Services Robert Odegard presented the staff report.
- c. Mr. Don Christianson and Mr. Dean Sherburne of the Park and Recreation Commission spoke on behalf of increasing the P.A.C. Commercial and Industrial charge.
- d. Councilman Bastian introduced the following resolution and moved its adoption:

82 - 1 - 9

WHEREAS, it is the intent of this ordinance to assure the citizens of the

City of Maplewood that additional open space for parks, playgrounds and recreational facilities will be the responsibility of every sort of new development in the City, not just residential development, so that the City's present vast amount of privately owned open spaces with potential for development are partially available for orderly park recreational and open space development; and to insure that in fact such facilities will be provided, and to preserve, enhance and improve the quality of the physical environment of the City of Maplewood for commercial and industrial uses or a combination thereof regardless of whether such developments or subdivisions are within the context of the City Subdivision Ordinances; and

WHEREAS, the developer of any tract of land in the City of Maplewood for commercial, industrial, or like uses shall dedicate to the public for public use as parks, playgrounds, or public open space, such portion of his development tract; and

WHEREAS, the dedication fee has been 3½% since the inception of the ordinance of July 1976;

THEREFORE, effective January 7, 1982, developers of commercial, industrial, or like uses, shall be required to dedicate 5% of the market value of the subject land at the time of the application.

Seconded by Mayor Greavu.

Ayes - all.

6. Final Plans: Hillwood - Dorland Project 78-10

a. Director of Public Works Ken Haider presented the final plans and specifications as prepared by Schoell and Madson, Inc. for the above referenced project. It is recommended that the City Council approve the plans and specifications and authorize advertisement for bids. The project should be advertised in accordance to the following dates:

Maplewood Review - January 6 and 13, 1982

Construction Bulletin - January 8 and 15, 1982

Bids will be received on February 5, 1982 and presented to the City Council on February 11, 1982 with a preliminary assessment roll for their review.

b. Mayor Greavu introduced the following resolution and moved its adoption:

82 - 1 - 10

WHEREAS, pursuant to resolution passed by the City Council on January 7, 1982, plans and specifications for Hillwood Drive/Dorland Road Improvements, Project No. 78-10, have been prepared by (or under the direction of) the City Engineer, who has presented such plans and specifications to the Council for approval;

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

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City Clerk.

2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least three weeks before date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the Council at 10:00 P.M., on the 5th day of February, 1982, at the City Hall and that no bids shall be considered unless sealed and filed with the Clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota, for 5% of the amount of such bid.
3. The City Clerk and City Engineer are hereby authorized and instructed to receive, open, and read aloud bids received at the time and place herein noted, and to tabulate the bids received. The Council will consider the bids, and the award of a contract, at a regular City Council meeting.

ADVERTISEMENT FOR BIDS

The City of Maplewood, Minnesota, will receive sealed bids for the construction of the following approximate quantities: 4,460 linear feet of 8-inch sanitary sewer, 3,700 linear feet of 6-inch through 12-inch watermain, 4,900 linear feet of 12-inch through 27-inch storm sewer, and 3,700 linear feet of street construction for the Hillwood Drive/Dorland Road Improvement Project No. 78-10.

Bids will be received until 10:00 A.M. Local Time on the 5th day of February, 1982, at the Municipal Building, 1380 Frost Avenue, Maplewood, Minnesota, at which time and place all bids will be publicly opened.

No bids will be considered unless sealed and filed with the City Clerk and accompanied by a cashier's check or bid bond payable to the Clerk of the City of Maplewood in the amount of five percent (5%) of the bid.

Proposal forms, including plans and specifications, are on file in the City Engineer's office, 1902 East County Road B, Maplewood, Minnesota, 55109, and may be obtained at the offices of Schoell & Madson, Inc., 50 Ninth Avenue South, Hopkins, Minnesota, 55343, by depositing THIRTY-FIVE DOLLARS (\$35.00).

/s/ Lucille E. Aurelius
City Clerk

Seconded by Councilman Anderson.

Ayes - all.

7. Feasibility Study: Adolphus Project 81-4
 - a. Manager Evans presented the engineering feasibility report as prepared by the firm of Toltz, King, Duvall and Anderson for the above referenced project. It is recommended that the City Council accept the report and set a date for public hearing on February 4, 1982.
 - b. Mayor Greavu introduced the following resolution and moved its adoption:

82 - 1 - 11

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Adolphus Street, Roselawn Avenue and McMenemy Street by construction of Trunk Sanitary Sewer Replacement; and

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

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

1. The report of the City Engineer advising this Council that the proposed improvement on Adolphus Street, Roselawn Avenue and McMenemy Street by construction of sanitary sewer replacement facilities is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to M.S.A. Chapter 429, at an estimated total cost of the improvement of \$371,100.00.
3. A public hearing will be held in the Council Chambers of the City Hall at 1380 Frost Avenue on Thursday, the 4th day of February, 1982, at 7:00 P.M. to consider said improvement. The City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

WHEREAS, the City Council of the City of Maplewood, Ramsey County, Minnesota, deems it necessary and expedient that the improvement hereinafter described, be made;

NOW, THEREFORE, notice is hereby given that the City Council will hold a public hearing on said improvement at the following time and place within the said City:

DATE:	February 4, 1981
TIME:	7:00 P.M.
LOCATION:	City Hall Council Chambers 1380 Frost Avenue Maplewood, Minnesota 55109

The general nature of the improvement is the construction of sanitary sewer replacement facilities and appurtenant roadway work in the following described areas:

1. McMenemy Street from Roselawn Avenue to 700 feet to the north.
2. Roselawn Avenue from Adolphus Street to I35 E.
3. Adolphus Street from Roselawn Avenue to Larpenteur Avenue.

THE TOTAL ESTIMATED COST OF SAID IMPROVEMENT IS \$371,100.00.

It is proposed to assess every lot, piece or parcel of land benefited by said improvement whether abutting thereon or not, based upon benefits received without regard to cash valuation.

Persons desiring to be heard with reference to the proposed improvement should be present at this hearing.

This Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Dated this 7th day of January, 1982.

BY ORDER OF THE CITY COUNCIL

/s/ Lucille E. Aurelius
City Clerk

Seconded by Councilman Anderson.

Ayes - all.

K. COUNCIL PRESENTATIONS

1. Restructuring and Reorganization of Public Works and Community Development Office
 - a. Councilman Anderson questioned if the restructuring and reorganization had commenced.
 - b. Staff stated as of the 1st of the year.
2. Resolution: Myrtle Street
 - a. Councilman Anderson instructed staff to be sure and send the resolution regarding the Myrtle and Larpenteur intersection (blind approach) to Ramsey County.
3. Shoreland Ordinance - Reconsideration
 - a. Councilman Anderson discussed reconsideration of the Shoreland Ordinance.
 - b. No action taken.
4. Meeting - Manager/Council
 - a. Councilman Anderson moved to waive the Rules of Procedures and have the Council/Staff shirt sleeve session at 5:00 P.M. on Monday, January 18, 1982 and that Council meet with the Manager at 4:00 P.M. of the same day.

Seconded by Councilman Bastian.

Ayes - all.

5. Snow Shoveling
 - a. Councilman Bastian requested staff review the ordinances covering snow shoveling requirements and if they are not adequate to submit an up to date ordinance to Council.
6. Sidewalks
 - a. Council instructed staff to request the owners of the Maplewood Plaza to construct a sidewalk from the Senior Citizen Complex (Concordia Arms) to the Maplewood Plaza.
7. Letter: St. John's Health Services
 - a. Councilman Bastian moved that the City Manager send a letter to St. Johns commending and encouraging them to continue their efforts to provide Health Services to the suburbs and for constructing such services in Maplewood.

Seconded by Councilman Anderson.

Ayes - all.

8. Code of Ethics

a. Councilman Bastian stated the legislature is preparing regulations for standards of behavior by government employment and explained the procedures.

9. Water - Northeast Area

a. Council directed staff to obtain costs of a water line from Kohlman Avenue or from Beam Avenue bridge to the area of County Road D - Beam Avenue west of Maplewood Drive.

10. League Conference - January 27, 1982

a. Mayor Greavu asked if anyone was interested in attending the League of Minnesota Cities Conference on January 27, 1982 at the Holiday Inn. The following will attend:

Mayor Greavu, Councilman Anderson, Councilpersons Juker and Maida.

L. ADMINISTRATIVE PRESENTATIONS

1. A M M Board Vacancy

a. Manager Evans stated there was a vacancy on the Board of Association of Minnesota Municipalities. Would anyone be interested in serving?

b. Mayor Greavu, Councilmen Anderson and Bastian expressed an interest.

M. ADJOURNMENT

9:55 P.M.

City Clerk

CHECK#	AMOUNT	CLAIMANT	PURPOSE
06720	4,256.10	MN MUTUAL LIFE INS CO	CONTRIBUTIONS, INSURANCE
06721 *	3,767.72	MN MUTUAL LIFE INS CO	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABLE AND-DENTAL INS PAYABLE AND-CONTRIBUTIONS, INSURANCE
06722	2,203.45	GREAT WEST LIFE ASS	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABLE AND-CONTRIBUTIONS, INSURANCE
06723	1,757.62	GREAT WEST LIFE ASS	CONTRIBUTIONS, INSURANCE
06724	2,330.82	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06725	170.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06726	2.00	HOMART DEVELOPMENT	SUPPLIES, EQUIPMENT
06727	162.04	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-ACCTS PAYABLE - MISC
06728	16,785.02	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE
06729	6,327.21	STATE OF MN	MINN INCOME TAX PAYABLE
06730	17,757.22	MN STATE TREASURER-FICA	F.I.C.A. PAYABLE AND-DUE TO OTHER GOVT UNITS
06731	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
06732	227.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
06733	24.00	METRC SUPERVISORY ASSOC	UNION DUES PAYABLE
06734	301.03	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES PAYABLE
06735	190.44	WISCONSIN DPT OF REVENUE	MINN INCOME TAX PAYABLE
06736	20.95	BARRY EVANS	ACCTS PAYABLE - MISC Book
06737	1,081.50	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06738	286.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06739	140.00	GOVT TRAINING SERVICE	TRAVEL + TRAINING

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
06740	1,077.25	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06741	213.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06742	54.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
06743	779.50	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06744	156.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06745	232.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06746	454.25	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06747 *	637.00	MN REC + PARKS ASSOC	FEES, SERVICE-Registration Volleyball & Basketball
06748	35.00	GOVT TRAINING SERVICE	TRAVEL + TRAINING
06749	41.50	BURLINGTON NORTHERN INC	REFUND
06754	412.08	GENERAL ELECTRIC SUPPLY	SUPPLIES, VEHICLE
06755	632.75	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06756	196.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06757	44.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
06758	81.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06759	496.75	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06710	1,738.01	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
06711	3,634.37	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
06712	7,944.74	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
06713	946.00	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06714	326.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06715	1,050.25	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06716	335.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
06717	49.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE

CHECK*	AMOUNT	CLAIMANT	PURPOSE
06718	1,445.25	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
06719	97.00	MINN STATE TREASURER	STATE B/L FEES PAYABLE
46	81,298.32	NECESSARY EXPENDITURES SINCE LAST COUNCIL MEETING	

CHECK#	AMOUNT	CLAIMANT	PURPOSE
12217	115.58	ACE HARDWARE	MAINTENANCE MATERIALS
12218	1,633.61	ARNALS AUTO SERVICE	FUEL + OIL AND-REP. + MAINT., VEHICLES
12219	92.09	ARTCRAFT PRESS INC	PUBLISHING
12220	485.87	BILL BOYER FORD	SUPPLIES, VEHICLE
12221	20.00	ROGER BREHEIM	UNIFORMS + CLOTHING
12222	12.00	CAPITOL RUBBER STAMP CO	SUPPLIES, OFFICE
12223	18.95	CHAPPEWA SPRINGS CO	FEES, SERVICE Water Cooler
12224	192.50	CLUTCH + U JOINT	SUPPLIES, EQUIPMENT AND-REP. + MAINT., EQUIPMENT
12225	4,213.50	COLLINS ELECTRICAL CONST	REP. + MAINT., EQUIPMENT
12226	56.00	CONTINENTAL LOOSE LEAF	PUBLISHING
12227	196.45	GOTTENS INC	SUPPLIES, VEHICLE
12228	25.81	CUSTOM LABORATORIES INC	FEES, SERVICE Duplicating
12229	250.00	PAT DALEY	FEES, SERVICE Bldg. Inspector
12230	173.62	EAST CO LINE FIRE DEPT	FUEL + OIL
12231	1,504.54	EASTMAN KODAK CO	DUPLICATING COSTS
12232	4.95	DANIEL F FAUST	TRAVEL + TRAINING
12233 *	563.87	FLAGHOUSE INC	SUPPLIES, PROGRAM
12234	134.92	GENERAL TRADING	REP. + MAINT., VEHICLES AND-SUPPLIES, VEHICLE
12235	64.72	GOODIN COMPANY	REP. + MAINT., UTILITY
12236	100.67	GOPHER BEARING CO	SUPPLIES, EQUIPMENT
12237	54.00	DUANE GRACE	FEES, SERVICE Temp. Inspector
12238	64.65	JANET GREW	SUPPLIES, PROGRAM AND-BOOKS AND-TRAVEL + TRAINING

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
12239	348.40	GROSS INDUSTRIAL	UNIFORMS + CLOTHING AND-FEES, SERVICE Rug Cleaning
12240	247.50	GROSS INDUSTRIAL	UNIFORMS + CLOTHING
12241	42.00	HAWK PAINT + JANITOR CO	SUPPLIES, JANITORIAL
12242 *	55.10	HOWIES LOCK + KEY SERVIC	SUPPLIES, JANITORIAL AND-MAINTENANCE MATERIALS AND-SUPPLIES, PROGRAM AND-SUPPLIES, EQUIPMENT
12243	56,180.00	MARK HURD AERIAL SURVEYS	FEES, SERVICE Aerial Photography
12244	5.63	KNOWLANS SUPER MARKETS	SUPPLIES, PROGRAM
12245	57.54	KNOX LUMBER COMPANY	SMALL TOOLS
12246	23,465.14	KUNZ OIL CO	INVENTORY OF SUPPLIES Fuel and Oil
12247	251.70	LABELLES	SUPPLIES, OFFICE
12248	10.80	LOGER LUMBER	OTHER CONSTRUCTION COSTS
12249 *	9.25	MAPLEWOOD FOODS	SUPPLIES, PROGRAM
12250	368.17	MAPLEWOOD REVIEW	PUBLISHING
12251	11.60	MERILA AND ASSOCIATES	SUPPLIES, VEHICLE
12252	1,131.92	METRO INSPECTION SERVICE	FEES, SERVICE Electrical Inspections
12253	3,909.14	MN DEPARTMENT PUBLIC	RENTAL, EQUIPMENT
12254	20.74	M-R SIGN COMPANY INC	SIGNS + SIGNALS
12255	88.50	MUNICILITE CO	SUPPLIES, EQUIPMENT
12256	1,638.13	MUNIC + PRIVATE SERVICE	AND-FEES, SERVICE Animal Control
12257	1,473.04	CITY OF NORTH ST PAUL	UTILITIES
12258	1,737.57	NORTHERN STATES POWER CO	UTILITIES
12259	1,108.87	NORTHERN STATES POWER CO	UTILITIES
12260	709.30	NORTHERN STATES POWER CO	UTILITIES
12261	24.60	NORTHERN STATES POWER CO	UTILITIES

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
12262	7,095.74	NORTHERN STATES POWER CO	UTILITIES
12263	1,078.00	NORTHERN STATES POWER CO	UTILITIES
12264	966.64	NORTHERN STATES POWER CO	UTILITIES
12265	60.95	NW SERVICE STATION EQUIP	REP. + MAINT., BLDG+GRDS
12266	21.41	NW NATIONAL BANK OF MPLS	PAYING AGENT FEES
12267	430.97	NORTHWESTERN BELL TEL CO	TELEPHONE
12268	1,240.39	NORTHWESTERN BELL TEL CO	TELEPHONE
12269	1,470.98	NORTHWESTERN BELL TEL CO	TELEPHONE
12270	325.65	NORTHWESTERN BELL TEL CO	TELEPHONE
12271	199.20	NORTHWESTERN BELL TEL CO	TELEPHONE
12272	37.00	POWER GROUP TRUST	REP. + MAINT., RADIC
12273	69.66	ROAD RESCUE INC	SUPPLIES, EQUIPMENT
12274	51.00	ROTO-ROOTER	REP. + MAINT., BLDG+GRDS
12275	126.70	RUGGED RENTAL RUGS	FEES, SERVICE Rug Cleaning
12276	780.57	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE
12277	1,370.65	SHORT-ELLIOTT-HENRICKSN	FEES, SERVICE Consulting Fees
12278	53.00	SPECIALTY RADIO SERVICE	REP. + MAINT., RADIO
12279	62.20	CITY OF ST PAUL	SUPPLIES, OFFICE
12280	1,576.50	ST PAUL RAMSEY HOSPITAL	FEES, SERVICE-Physical & Paramedic Program
12281 *	200.00	ST PAUL + SUBURBAN BUS	FEES, SERVICE Gals Get-A-Way
12282	359.50	STD SPRING + ALIGNMENT	REP. + MAINT., VEHICLES
12283	174.75	DON STREICHER GUNS INC	SUPPLIES, EQUIPMENT
12284	22.97	SUPERAMERICA	FUEL + OIL
12285	15.00	TEXGAS CORP	FUEL + OIL
12286 *	2,103.30	J THOMAS ATHLETIC CO	SUPPLIES, PROGRAM

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
2287	852.33	HERB TOUSLEY FORD INC	VEHICLES Repair
2288	33.36	TWIN CITY HARDWARE CO	MAINTENANCE MATERIALS
2289	779.69	UNIFORMS UNLIMITED	UNIFORMS + CLOTHING
2290	198.00	WAGERS	SUPPLIES, OFFICE
2291	199.77	WARNERS TRUEVALUE HOWRE	SMALL TOOLS AND-SUPPLIES, JANITORIAL AND-MAINTENANCE MATERIALS
2292	52.39	WESTINGHOUSE ELECTRIC	SUPPLIES, JANITORIAL
2293	31.98	JOSEPH A ZAPPA	UNIFORMS + CLOTHING
2294	43.66	ZEP MFG CO	SUPPLIES, JANITORIAL
2295 *	14.00	DENNIS BARTHOLOMEW	WAGES, P/T + TEMP.
2296 *	18.00	DAVID BEALKE	WAGES, P/T + TEMP.
2297 *	18.00	GREGORY BOTHWELL	WAGES, P/T + TEMP.
2298 *	32.00	LARRY BOTHWELL	WAGES, P/T + TEMP.
2299 *	18.00	MICHAEL J BOTHWELL	WAGES, P/T + TEMP.
2300 *	7.00	THOMAS J BRENNAN	WAGES, P/T + TEMP.
2301 *	65.25	RICHARD BUNKE	WAGES, P/T + TEMP.
2302 *	57.00	DONNA M BZOSKIE	WAGES, P/T + TEMP.
2303 *	144.37	DAVID G GERNIUS	WAGES, P/T + TEMP.
2304 *	3.00	JOHN DEHLER	WAGES, P/T + TEMP.
2305 *	134.00	MATTHEW HAAG	WAGES, P/T + TEMP.
2306 *	76.00	KRISTINE KULZER	WAGES, P/T + TEMP.
2307 *	19.00	THEODORE M LEDMAN	WAGES, P/T + TEMP.
2308 *	165.90	STEPHEN LEMAY	WAGES, P/T + TEMP.
2309 *	18.00	WILLIAM R LESLIE	WAGES, P/T + TEMP.
2310 *	90.85	THOMAS LIBHARDT	WAGES, P/T + TEMP.

HECK*	A M O U N T	C L A I M A N T	P U R P O S E
12311 *	12.00	ROGER S NELSON	WAGES, P/T + TEMP.
12312 *	127.05	RONALD C NIELSEN	WAGES, P/T + TEMP.
12313 *	21.00	DEAN R NYBAKKE	WAGES, P/T + TEMP.
12314 *	261.00	JEFFERY RASCHKE	WAGES, P/T + TEMP.
12315 *	232.92	TIMOTHY SANDBERG	WAGES, P/T + TEMP.
12316 *	199.72	THOMAS W SCOLES	WAGES, P/T + TEMP.
12317 *	21.14	GREGORY TOMSCHE	WAGES, P/T + TEMP. AND-TRAVEL + TRAINING
12318 *	246.00	JAMES TUCCITTO	WAGES, P/T + TEMP.
12319	8.20	BLUE HERON BOOKSHOP	BOOKS
12320	15.00	DON CHRISTIANSON	TRAVEL + TRAINING
12321	20.00	NATL AMUSEMENT CO	R E F U N D
12322	21,221.67	AMERICAN NATIONAL BANK	BOND INTEREST AND-PAYING AGENT FEES
12323	175.24	WALTER BOOTH CO	SUPPLIES, PROGRAM
12324	36.49	BILL BOYER FORD	SUPPLIES, VEHICLE
12325	55.04	COPY EQUIPMENT	SUPPLIES, OFFICE
12326	1.00	CURA	BOOKS
12327	112.88	DAVIES WATER EQUIP CO	MAINTENANCE MATERIALS
12328	16,540.60	FIRST BANK OF MPLS	BOND INTEREST AND-PAYING AGENT FEES
12329	78,263.50	1ST NATL BANK OF ST PAUL	BOND INTEREST AND-PAYING AGENT FEES
12330	10,645.00	1ST NATL BANK OF ST PAUL	BOND INTEREST AND-PAYING AGENT FEES
12331	32.50	FISCHER MEDICAL PUB	SUBSCRIPTIONS+MEMBERSHIP
12332	66.99	W W GRAINGER INC	MAINTENANCE MATERIALS
12333	2,425.00	LEAGUE OF MINN CITIES	SUBSCRIPTIONS+MEMBERSHIP

CHECK#	AMOUNT	CLAIMANT	PURPOSE
2334	14.00	MAPLEWOOD REVIEW	SUBSCRIPTIONS+MEMBERSHIP
2335	10.00	MN STATE FIRE CHIEFS ASN	SUBSCRIPTIONS+MEMBERSHIP
2336	210.00	MN STATE FIRE DEPT ASSOC	SUBSCRIPTIONS+MEMBERSHIP
2337	5.00	MN WASTEWATER CPP ASSOC	SUBSCRIPTIONS+MEMBERSHIP
2338	857.10	MOTOROLA INC	REP. + MAINT., RADIO
2339	92,442.60	NW NATIONAL BANK OF MPLS	BOND INTEREST AND-PAYING AGENT FEES
2340	2,075.00	PETERSON, BELL + CONVERSE	FEES, SERVICE Jan. Retainer
2341	171.00	RAMSEY COUNTY CHIEFS OF	TRAVEL + TRAINING
2342	2,400.00	CITY OF ST PAUL	3 M Fire Run
2343	6.40	ST PAUL DISPATCH	SUBSCRIPTIONS+MEMBERSHIP
2344	100.00	HERB TOUSLEY FORD INC	REP. + MAINT., VEHICLES
2345	45.00	WATER POLLUTION CONT FED	SUBSCRIPTIONS+MEMBERSHIP
2346 *	18.00	GREGORY BOTHWELL	WAGES, P/T + TEMP.
2347 *	34.50	RICHARD BUNKE	WAGES, P/T + TEMP.
2348 *	50.00	DOUGLAS DEHLER	WAGES, P/T + TEMP.
2349 *	13.00	JOHN DEHLER	WAGES, P/T + TEMP.
2350 *	82.00	MATTHEW HAAG	WAGES, P/T + TEMP.
2351 *	39.50	THOMAS LIBHARDT	WAGES, P/T + TEMP.
2352 *	11.55	RONALD C NIELSEN	WAGES, P/T + TEMP.
2353 *	100.05	JEFFERY RASCHKE	WAGES, P/T + TEMP.
2354 *	12.00	KENNETH L RONSBERG	WAGES, P/T + TEMP.
2355 *	63.52	TIMOTHY SANDBERG	WAGES, P/T + TEMP.
2356 *	29.87	THOMAS W SCOLES	WAGES, P/T + TEMP.
2357 *	32.00	JAMES TUCCITTO	WAGES, P/T + TEMP.
2358 *	282.00	WINFIELD PATTEMS REST	FEES, SERVICE Gals Get-A-Way
142	355,625.62	CHECKS WRITTEN	

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME			GROSS PAY	NET PAY
02626	EVANS	BARRY	R	1,682.76	1,014.07
02627	LEWIS	VIVAN	R	685.38	457.70
02628	KLEIN	JAMES	G	136.00	121.19
02629	PELOQUIN	ALFRED	J	691.85	116.57
02630	SCHLEICHER	JOHN	F	24.44	24.44
02631	CUDE	LARRY	J	191.54	145.11
02632	DOFERTY	KATHLEEN	M	254.25	198.22
02633	ZUERCHER	JOHN	L	115.39	114.99
02634	FAUST	DANIEL	F	1,339.38	858.45
02635	FRANK	PATRICIA	L	218.25	194.84
02636	HAGEN	ARLINE	J	822.92	367.75
02637	MATHEYS	ALANA	K	597.22	435.18
02638	VIGGREN	DELORES	A	509.07	317.45
02639	AURELIUS	LUCILLE	E	1,250.30	653.36
02640	SELVOG	BETTY	D	639.69	416.29
02641	GREEN	PHYLLIS	C	667.38	467.40
02642	SCHADT	JEANNE	L	98.58	80.89
02643	VIETOR	LORRAINE	S	521.53	360.25
02644	HENSLEY	PATRICIA	A	210.00	163.65
02645	BASTYR	DEBORAH	A	492.92	228.65
02646	HAGEN	THOMAS	L	1,318.61	260.44
02647	OMATH	JOY	E	514.62	356.04
02648	RICHARDS	ANNE	M	75.00	71.96
02649	RICHIE	CAROL	L	452.31	276.90
02650	SCHALLER	RICHARD	W	1,427.54	880.42

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME			GROSS PAY	NET PAY
02651	SVENDSEN	JOANNE	M	608.76	400.54
02652	ARNCLD	DAVID	L	1,171.39	417.87
02653	ATCHISON	JOHN	H	1,036.15	691.53
02654	CAHANES	ANTHONY	G	1,204.16	119.10
02655	CLAUSON	DALE	K	1,036.15	150.89
02656	COLLINS	KENNETH	V	1,175.54	119.40
02657	DELMONT	DENNIS	J	1,233.23	90.87
02658	DREGER	RICHARD	C	1,200.46	679.46
02659	FERNOW	RAYMOND	E	498.77	318.20
02660	GREEN	NORMAN	L	1,195.85	632.28
02661	HALWEG	KEVIN	R	1,016.77	502.28
02662	HEINZ	STEPHEN	J	774.46	480.09
02663	HERBERT	MICHAEL	J	1,105.74	616.37
02664	JAGUITH	DANIEL	R	731.00	461.27
02665	KORTUS	DONALD	V	373.12	261.88
02666	LANG	RICHARD	J	1,056.00	569.42
02667	MCMULTY	JOHN	J	1,195.39	277.58
02668	MEEHAN, JR	JAMES	E	997.38	571.68
02669	METTLER	DANIEL	B	1,036.61	655.34
02670	MESCHTER	RICHARD	M	1,054.90	141.81
02671	MORELLI	RAYMOND	J	1,016.77	658.40
02672	PELTIER	WILLIAM	F	1,151.54	644.42
02673	SKALMAN	DONALD	W	1,016.77	157.82
02674	STAFNE	GREGORY	L	1,076.36	641.57
02675	STILL	VERNON	T	997.38	570.96

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME			GROSS PAY	NET PAY
02676	STOCKTON	DARRELL	T	1,047.26	653.73
02677	ZAFFA	JOSEPH	A	1,197.23	751.90
02678	BECKER	RONALD	D	1,173.32	292.94
02679	CUSICK	DENNIS	S	1,233.23	789.17
02680	GRAF	DAVID	M	1,065.23	495.73
02681	LEE	ROGER	W	1,211.21	666.16
02682	MELANDER	JON	A	1,065.23	102.47
02683	NELSON	CAROL	M	1,237.30	765.40
02684	RAZSKAZOFF	DALE	E	1,116.07	228.02
02685	RYAN	MICHAEL	P	1,135.19	498.90
02686	VOFWERK	ROBERT	E	1,065.23	174.52
02687	YOUNGREN	JAMES	G	1,130.04	646.64
02688	EMEERTSON	JAMES	M	845.08	555.99
02689	SCHADT	ALFRED	C	1,043.99	640.44
02690	FLAUGHER	JAYME	L	639.20	415.19
02691	FULLER	JAMES	D	548.31	396.46
02692	NELSON	KAREN	A	582.10	353.97
02693	NELSON	ROBERT	D	1,234.30	701.01
02694	SWANSON	JILL	D	509.07	334.01
02695	TUCHNER	MICHELE	A	599.95	291.94
02696	WILLIAMS	DUANE	J	1,108.30	483.02
02697	BARTA	MARIE	L	548.82	374.89
02698	HAIDER	KENNETH	G	1,230.91	543.56
02699	WEGWERTH	JUDITH	A	557.46	391.59
02700	BREHEIM	ROGER	W	808.32	488.03

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME			GROSS PAY	NET PAY
02701	CASS	WILLIAM	C	1,071.23	517.87
02702	FREBERG	RONALD	L	899.15	556.29
02703	HELEY	RONALD	J	767.84	484.02
02704	HOCFBAN	JOSEPH	H	805.92	523.71
02705	KANE	MICHAEL	R	893.92	385.40
02706	KLAUSING	HENRY	F	949.03	495.73
02707	MEYER	GERALD	W	943.23	471.09
02708	PRETTNER	JOSEPH	B	1,252.71	766.97
02709	REINERT	EDWARD	A	920.61	566.94
02710	TEVLIN, JR	HARRY	J	966.63	595.03
02711	DRUAR	MICHAEL	J	160.00	148.38
02712	ELIAS	JAMES	G	908.76	518.10
02713	GEISSLER	WALTER	M	865.84	502.29
02714	GESSELE	JAMES	T	827.53	540.10
02715	PECK	DENNIS	L	908.76	507.52
02716	PILLATZKE	DAVID	J	1,071.23	678.32
02717	THOMAS	MICHAEL	S	126.00	120.68
02718	WYMAN	JAMES	N	738.46	507.01
02719	LUTZ	DAVID	P	521.07	352.52
02720	EDSON	DAVID	B	937.98	575.54
02721	MULWEE	GEORGE	W	771.98	470.78
02722	NADEAU	EDWARD	A	995.01	632.44
02723	NUTESON	LAVERNE	S	1,120.51	484.35
02724	OWEN	GERALD	C	840.56	485.50
02725	MACDONALD	JOHN	E	841.60	442.73

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME			GROSS PAY	NET PAY
02726	MULVANEY	DENNIS	M	813.60	477.69
02727	ADAMS	PAULINE	M	978.46	580.86
02728	BRENNER	LOIS	J	608.76	213.61
02729	KRUMMEL	BARBARA	A	255.10	140.31
02730	ODEGARD	ROBERT	D	1,263.69	779.00
02731	BURKE	MYLES	R	834.75	443.17
02732	GERMAIN	DAVID	A	763.20	477.94
02733	GUSINCA	MELVIN	J	1,016.64	565.65
02734	HELEY	ROLAND	B	763.20	498.69
02735	LEMON	JEFFREY	S	72.00	72.00
02736	MARUSKA	MARK	A	891.99	555.00
02737	RASCHKE	ALBERT	F	196.35	175.34
02738	SANDQUIST	THOMAS	J	224.00	204.94
02739	SANTA	REED	E	791.82	448.28
02740	TAUBMAN	DOUGLAS	J	679.85	429.56
02741	WARD	ROY	G	304.15	235.94
02742	BRUNELL	BARBARA	J	221.20	171.45
02743	GREW	JANET	M	600.00	393.98
02744	HORSNELL	JUDITH	A	284.00	214.69
02745	SOUTTER	CHRISTINE		634.16	437.96
02746	CHLEBECK	JUDY	M	639.69	254.00
02747	OLSON	GEOFFREY	W	1,241.07	703.86
02748	EKSTRAND	THOMAS	G	727.38	412.97
02749	JOHNSON	RANDALL	L	727.38	499.85
02750	OSTROM	MARJORIE		1,049.54	661.90

CERTIFICATION REGISTER

CHECK DATE 01-14-82

CHECK	NAME	GROSS PAY	NET PAY
02751	WENGER ROBERT J	793.85	504.04
CHECK REGISTER TOTALS		102,311.32	54,330.91

6-22

FIRE PROTECTION AGREEMENT
CITY OF MAPLEWOOD
RAMSEY COUNTY, MINNESOTA

WHEREAS the City of Maplewood (hereinafter referred to as the "City") is authorized by law to provide fire protection to all of the property in said City; and

WHEREAS the Parkside Fire Department (hereinafter referred to as the "Department") is a volunteer fire department operating as a non-profit association under the law of the State of Minnesota; and

WHEREAS said Department owns fire equipment, trucks, etc., for the purpose of fighting fires, which equipment is housed in its fire station located at 2001 McMenemy Street in the City;

NOW THEREFORE, the City and The Department, in consideration of the following provisions and covenants, do hereby enter into this agreement on the date hereunto subscribed:

SECTION 1.

The City agrees:

A. To engage the services of the Department to answer fire calls, fight fires and provide EMS services within the City for the period beginning January 1, 1982 and ending January 1, 1983.

B. To pay the Department for its services during the period hereinbefore specified the sum of One Hundred Thirty Six Thousand Four Hundred Five and No/100 (\$136,405) Dollars in quarterly installments. Charges billed directly to the City by the City of St. Paul or County of Ramsey for radio service or other special services directly related to fire protection, if paid by the City, shall be deducted from the service fee herein provided. In the event that the City should receive funds from the State or other sources in a sum equal to that estimated in the 1982 City budget then the sum of \$2,570 shall be added to the above.

C. That the moneys to be paid by the City to the Maplewood Fire Relief Association will be paid in addition to the face amount of this agreement.

D. City to provide one advanced life support Paramedic Unit, to be housed at the fire station and said vehicle to be equipped and maintained at City expense.

E. The City agrees to cover through proper insurance its vehicles in use by the Department.

SECTION 2.

The Department agrees:

A. To answer all fire, emergency, emergency medical Paramedic assist requests, and related alarms of any nature or description directed to it by the public for assistance within the legal limits of the City as hereinafter specified.

B. To aid any other department, volunteer or otherwise, within the limits of the City whenever it is called out for that purpose by the Chief or officer in charge of such other department.

C. To fully and completely report all facts, information and data required by the City as specified on the form to be provided by the City for that purpose. Such form shall be subscribed by the Chief or other officer of the department who was in charge and present at the fire so reported.

D. The Department is hereby specifically assigned to the following described area of the City and shall be primarily responsible for fire protection within the said area, to-wit:

All of the City lying East of McKnight Road and South of the City limits of the City of North Saint Paul.

The Department also agrees to answer fire calls in other parts of the City as provided in Section 2.B. hereof.

SECTION 3.

A. The City assumes no responsibility for any acts of the Department, nor for any injuries or losses to members or to the equipment or trucks of the Department; the Department hereby agrees to keep its men, equipment and trucks properly covered by insurance at no expense to the City so as to protect the Department, its members and any third persons from any loss by reason of negligence or misconduct on the part of the Department or its members.

B. Nothing in this contract shall be construed so as to obligate the City for operation, maintenance, repair or replacement of any equipment or trucks of the Department.

C. It is agreed by both parties to this agreement that at any time the City acquires fire equipment of its own, either through purchase or otherwise, so that the City will be operating a city fire department as defined by Minnesota Statutes, this agreement may be terminated one year from date of termination notice. It is further understood that this contract shall be renegotiated each year at least thirty (30) days prior to the date of its expiration.

D. Nothing in this agreement shall prevent the Department from entering into contracts with other municipalities or governmental units located outside of the City to provide fire protection services for a fee or other compensation during the term of this agreement. Nothing in this agreement shall prevent the Department from entering into contracts with any person, firm or corporation to provide, for fee or compensation, extraordinary services within the limits of the City, such as contractual stand-by services at the scene of any hazardous activity, fire fighting demonstrations and other similar activities, it being understood that such extraordinary services shall not in any way limit the obligation of the Department to answer calls, emergency calls and related alarms of any nature and description directed to it by the public for assistance within the legal limits of the City.

Witness our hands and seals this _____ day of _____, 19____.

THE CITY OF MAPLEWOOD

BY _____
City Manager

BY _____
Its Mayor

Approved As To Form:

BY _____
Its Clerk

Don Lais, City Attorney

PARKSIDE FIRE DEPARTMENT

BY _____
Its Chief

BY _____
Its Secretary

E-24

FIRE PROTECTION AGREEMENT

CITY OF MAPLEWOOD

RAMSEY COUNTY, MINNESOTA

WHEREAS the City of Maplewood (hereinafter referred to as the "City") is authorized by law to provide fire protection for all of the property in said City; and

WHEREAS the East County Line Fire Department (hereinafter referred to as the "Department") is a volunteer fire department operating as a non-profit association under the laws of the State of Minnesota; and

WHEREAS said Department owns fire equipment, trucks, etc., for the purpose of fighting fires, which equipment is housed in its fire station located at 1177 N. Century and 2501 Londin Lane in the City;

NOW THEREFORE, the City and the Department, in consideration of the following provisions and covenants, do hereby enter into this agreement on the date hereunto subscribed:

SECTION 1.

The City agrees:

A. To engage the services of the Department to answer fire calls, fight fire and provide EMS services within the City for the period beginning January 1, 1982 and ending January 1, 1983.

B. To pay the Department for its services during the period hereinbefore specified the sum of One Hundred Eighty Two Thousand One Hundred Sixty and No/100 (\$182,160) Dollars in quarterly installments. Charges billed directly to the City by the City of St. Paul or County of Ramsey for radio service or other special services directly related to fire protection, if paid by the City, shall be deducted from the service fee herein provided. In the event that the City should receive funds from the State or other sources in a sum equal to that estimated in the 1982 City budget then the sum of \$3,440 shall be added to the above.

C. That the moneys to be paid by the City to the Maplewood Fire Relief Association will be paid in addition to the face amount of this agreement.

D. City to provide one advanced life support Paramedic Unit, to be housed at the fire station and said vehicle to be equipped and maintained at City expense.

E. The City agrees to cover through proper insurance its vehicles in use by the Department.

SECTION 2.

The Department agrees:

A. To answer all fire, emergency, emergency medical Paramedic assist requests, and related alarms of any nature or description directed to it by the public for assistance within the legal limits of the City as herein-after specified.

B. To aid any other department, volunteer or otherwise, within the limits of the City whenever it is called out for that purpose by the Chief or officer in charge of such other department.

C. To fully and completely report all facts, information and data required by the City as specified on the form to be provided by the City for that purpose. Such form shall be subscribed by the Chief or other officer of the department who was in charge and present at the fire so reported.

D. The Department is hereby specifically assigned to the following described area of the City and shall be primarily responsible for fire protection within said area, to-wit:

All of the City lying East of McKnight Road and South of the City limits of the City of North St. Paul.

The Department also agrees to answer fire calls in other parts of the City as provided in Section 2.B. hereof.

SECTION 3.

A. The City assumes no responsibility for any acts of the Department, nor for any injuries or losses to members or to the equipment or trucks of the Department; the Department hereby agrees to keep its men, equipment and trucks properly covered by insurance at no expense to the City so as to protect the Department, its members and any third persons from any loss by reason of negligence or misconduct on the part of the Department or its members.

B. Nothing in this contract shall be construed so as to oblige the City for operation, maintenance, repair or replacement of any equipment or trucks of the Department.

C. It is agreed by both parties to this agreement that at any time the City acquires fire equipment of its own, either through purchase or otherwise, so that the City will be operating a city fire department as defined by Minnesota Statutes, this agreement may be terminated one year from date of termination notice. It is further understood that this contract shall be renegotiated each year at least thirty (30) days prior to the date of expiration.

D. Nothing in this agreement shall prevent the Department from entering into contracts with other municipalities or governmental units located outside of the City to provide fire protection services for a fee or other compensation during the term of this agreement. Nothing in this agreement shall prevent the Department from entering into contracts with any person, firm or corporation to provide for fee or compensation, extraordinary services within the limits of the City, such as contractual stand-by services at the scene of any hazardous activity, fire fighting demonstrations and other similar activities, it being understood that such extraordinary services shall not in any way limit the obligation of the Department to answer fire calls, emergency calls and related alarms of any nature and description directed to it by the public for assistance within the legal limits of the City.

Witness our hands and seals this _____ day of _____ 19____.

THE CITY OF MAPLEWOOD

BY _____
City Manager

BY _____
Its Mayor

Approved As To Form:

BY _____
Its Clerk

Don Lais, City Attorney

EAST COUNTY LINE VOLUNTEER FIRE DEPARTMENT

BY _____
Its Chief

BY _____
Its Secretary

E-20

FIRE PROTECTION AGREEMENT

CITY OF MAPLEWOOD

RAMSEY COUNTY, MINNESOTA

WHEREAS the City of Maplewood (hereinafter referred to as the "City" is authorized by law to provide fire protection for all of the property in said City; and

WHEREAS the Gladstone Fire Department (hereinafter referred to as the "Department") is a volunteer fire department operating as a non-profit association under the law of the State of Minnesota; and

WHEREAS said Department owns fire equipment, trucks, etc., for the purpose of fighting fires, which equipment is housed in its fire stations located at 1900 Clarence and 1530 E. County Road C in said City;

NOW THEREFORE, the City and the Department, in consideration of the following provisions and covenants, do hereby enter into this agreement on the date hereunto subscribed:

SECTION 1.

The City agrees:

A. To engage the services of the Department to answer fire calls, fight fires and provide EMS services within the City for the period beginning January 1, 1982 and ending January 1, 1983.

B. To pay the Department for its services during the period hereinafter specified the sum of Two Hundred Eleven Thousand Four Hundred Thirty Five and No/100 (\$211,435) Dollars in quarterly installments. Charges billed directly to the City by the City of St. Paul or County of Ramsey for radio services or other special services directly related to fire protection, if paid by the City, shall be deducted from the service fee herein provided. In the event that the City should receive funds from the State or other sources in a sum equal to that estimated in the 1982 City budget then the sum of \$3,990 shall be added to the above.

C. That the moneys to be paid by the City to the Maplewood Fire Relief Association will be paid in addition to the face amount of this agreement.

D. City to provide one advance life support Paramedic Unit, to be housed at each fire station and said vehicles to be equipped and maintained at City expense.

E. The City agrees to cover through proper insurance its vehicles in use by the Department.

SECTION 2.

The Department agrees:

A. To answer all fire, emergency, emergency medical Paramedic assist requests, and related alarms of any nature or description directed to it by the public for assistance within the legal limits of the City as hereinafter specified.

B. To aid any other department, volunteer or otherwise, within the limits of the City whenever it is called out for that purpose by the Chief or officer in charge of such other department.

C. To fully and completely report all facts, information and data required by the City as specified on the form to be provided by the City for that purpose. Such form shall be subscribed by the Chief or other officer of the department who was in charge and present at the fire so reported.

D. The Department is hereby specifically assigned to the following described area of the City and shall be primarily responsible for fire protection within said area, to-wit:

All that portion of the City lying West of Highway #61, North of County Road C and North of a line described as follows: commencing at the intersection of the extended line of Larpenteur Avenue and Highway #61; thence East along the center line of Larpenteur to McKnight Road; thence North along the center line of McKnight Road to Holloway Street; thence East along the boundary line of the City to Century Avenue.

The Department also agrees to answer fire calls in other parts of the City as provided in Section 2.B. hereof.

Section 3.

A. The City assumes no responsibility for any acts of the Department, nor for any injuries or losses to members or to the equipment or trucks of the Department; the Department hereby agrees to keep its men, equipment and trucks properly covered by insurance at no expense to the City so as to protect the Department, its members and third persons by any loss by reason of negligence or misconduct on the part of the Department or its members.

B. Nothing in this contract shall be construed so as to obligate the City for operation, maintenance, repair or replacement of any equipment or trucks of the Department.

C. It is agreed by both parties to this agreement that at the time the City acquires fire equipment of its own, either through purchase or otherwise, so that the City will be operating a City fire department as defined by Minnesota Statutes, this agreement may be terminated one year from date of termination notice. It is further understood that this contract shall be renegotiated each year at least thirty (30) days prior to the date of its expiration.

D. Nothing in this agreement shall prevent the Department from entering into contracts with other municipalities or governmental units located outside of the City to provide fire protection services for a fee or other compensation during the term of this agreement. Nothing in this agreement shall prevent the Department from entering into contracts with any person, firm or corporation to provide, for fee or compensation, extraordinary services within the limits of the City, such as contractual stand-by services at the scene of any hazardous activity, fire fighting demonstrations and other similar activities, it being understood that such extraordinary services shall not in any way limit the obligation of the Department to answer fire calls, emergency calls and related alarms of any nature and description directed to it by the public for assistance within the legal limits of the City.

Witness our hands and seals this _____ day of _____, 19_____.

THE CITY OF MAPLEWOOD

BY _____
City Manager

BY _____
Its Mayor

Approved As To Form:

Don Lais, City Attorney

BY _____
Its Clerk

GLADSTONE FIRE DEPARTMENT

BY _____
Its Chief

BY _____
Its Secretary

MEMORANDUM

TO: Mayor and City Council
FROM: Planning Commission Chairman
SUBJECT: 1981 Annual Report
DATE: January 4, 1982

1981 was a busy and successful year for the Planning Commission. The Commission considered 74 development related applications, the Critical Area Plan, and seven code amendments. The Commission completed work on the Plan Update, held four neighborhood meetings on the Plan Update, and forwarded it to the Metropolitan Council. The enclosed report lists the year's activities.

1982 should also be a busy year. The Commission intends to finalize the Plan Update for Council approval, and begin work on revising the City zoning ordinance and map. This will be essential to implementing the Plan Update.

The Commission has appreciated the past support of the Council and looks forward to a continuing close relationship in 1982. If the Council has any suggestions for our 1982 work program, we would appreciate hearing from you.

Action by Council:
Indorsed _____
Revised _____
Rejected _____
Date _____

Planning Commission
Annual Report - 1981

<u>DATE</u>	<u>ITEM</u>	<u>PLANNING COMMISSION</u>	<u>CITY COUNCIL</u>
1-05-81	Variance (lot width & area) 1279 Ripley (Farrell)	Approved/conditions	Denied
	Easement Vacation (sewer) Maple Greens 3rd Addition	Approved/conditions	Approved/conditions
	Street Vacations (Century & McLean)	Approved/conditions	Approved/conditions
	Meeting with CDRB	Recommended continu- ance of CDRB	Amended ordinance - membership
	PUD Revision (Connemara)	Denial	Denied
	Plan Amendment Hearing (Votel Realty)	Established 2-16-81	
	Critical Area Plan & Regulations	Approved	Approved
1-12-81	Public Hearing on Plan Update - Edgerton School	No action required	
1-26-81	Public Hearing on Plan Update - Weaver School	No action required	
2-02-81	Revenue Note (Maplewood Dental Specialties) Cope Avenue	Approved/conditions	Approved/conditions
	Revenue Note (Maplewood Business Center Partners) Roselawn Avenue	Approved/conditions	Approved/conditions
	Code Amendment - RE District	Approved	Approved
	White Bear Lake Plan Review	Forward Staff comments to White Bear Lake	Same
	Discussion - Plan Amendments proposed at public hearings	No action	
	Election of Vice Chairman	Duane Prew	
2-09-81	Public Hearing on Plan Amendment - Beaver Lake School	No action required	
2-23-81	Public Hearing on Plan Amendment - Carver School	No action required	

3-02-81	Plan Amendment (Vote1 Realty) 1530 McKnight Rd (RL to RLE)	Approved	Approved
	Special Exception (Anderson) 1772 Ruth (Home Occupation)	Approved/conditions	Approved/conditions
	Special Exception (Kennedy) 3095 McKnight Rd (Home Occupation)	Approved/conditions	Approved/conditions
	Preliminary Plat (Maple Park Shores) Cope & Kennard	Approved/conditions	Approved/conditions
	Code Amendment - Maximum Garage Size	Recommended approval	Approved
	Variance (garage size) Brooks & Germain	Approved	Approved
	Plan Amendments from Neighborhood Hearings	Recommended various changes to Plan Update	
3-16-81	Variance (lot width) Kohlman Avenue (Behrens)	Approved	Approved
	Special Exception (3rd generation) Century Avenue	Approved/conditions	Approved/conditions
	Preliminary Plat (Carsgrove's Meadows) Street Vacation (Cypress) South of "C"	Approved/conditions	Approved vacation Tabled plat
	Keller Parkway Sewer	Approved/conditions	Approved
	Plan Update - Water towers	Indicate locations in Plan	
	Plan Update - Capital Improvement Program	Approved changes	
	Plan Update - Sewer Plan	Approved changes	
4-06-81	Public Hearing - Plan Update	Approved	Forward to Met Council
	Sewer Plan Revision Project 901	Omit 901	
	Sewer Plan Revision - Forest/ Gervais Lift Station	Designate as Project 1004	
	Plan Update - Parks Element	Revised	
	Revenue Note (Toyota Dealer- ship) Maplewood Drive	Approved/conditions	Approved/conditions

	Street & Alley Vacations Connor & Hazel (Wessin)	Approved	Approved
	Preliminary Plat (Chesterwood) McKnight Road - Variances (lot width & rear yard setback)	Approved/conditions	Approved/conditions
	Code Amendment - Minimum House Size	Tabled until after HRA review	
	Variance (dwelling size) Phylis Court	Approved	Approved
4-20-81	Special Exception (Brown) 1700 Frank (Home Occupation)	Approved/conditions	Approved/conditions
	Zone Change (F to R-3) Woodlynn & McKnight (Nettleton)	Approved	(Tabled) Approved (7-16)
	Mining Permit - Hazelwood & Beam (Korstad)	Approved/conditions	Approved/conditions
	Preliminary Plat, Variances, (lot frontage) Street Vacation (Sandhurst)	Approved plat, vari- ances & portion of Sandhurst/conditions	Approved/conditions
	Variance (sewage system) Zone Change (F to R-2) 750 Viking	Deny zone change Deny variance	Denied
	Plan Amendment - Schwichtenberg Addition	Set hearing date	
	Revenue Note Review	Requested Council review all requests	Approved
5-18-81	Special Use Permit (dwelling addition) 1237 E. County Rd. C	Approved	Approved
	Special Use Permit (dwelling addition) 1247 Kohlman	Approved	Approved
	Linwood Avenue Utilities	Consistent with Plan	Approved
	Forest Street Improvement Project	Consistent with Plan & revision to Plan	Denied
	Preliminary Plat - Carsgroves Meadow 2nd Addition - Variance (lot frontage)	Approved/conditions	
	Special Use Permit - Parkside Fire Station (addition)	Approved	Approved

6-15-81	Special Exception - Pizza Time Theatre (Mall)	Approved/conditions	Approved/conditions
	Variance (lot frontage) DeSoto Street (Dufresne)	Approved	Approved/conditions
	Zone Change (R-2 to R-3) White Bear Avenue (Bobeldyk)	Approved	Approved
	Zone Change (F to R-2) Southlawn & Radatz (Schreier)	Approved	Approved
	Preliminary Plat (Lake Ridge Park) White Bear Avenue	Approved/conditions	Approved/conditions
	Preliminary Plat/PUD (Linwood Heights)	Approved/conditions	Approved/conditions
	Preliminary Plat/PUD (Acorn Greenhouses) McKnight Road	Denial	
7-06-81	Annual Financial Report - presentation	No action	
	North St. Paul Road - re-classification	Forwarded resolution	
	Alley Vacation - Block 1, Kavangh & Dawsons Addition to Lakeside Park	Approved	Approved
	Variance (lot width) 1404 Cope Avenue (Cernohous)	Approved/conditions	Approved/conditions
	SUP (mineral excavation) Beam (Juneck Construction) & Variance	Approved/conditions	Approved/conditions
	Sale of City Property - Radatz Avenue (Buttermore)	Approved/conditions	Approved/conditions
	Zone Change (F to R-3) Woodlynn Avenue (Nettleton)	Tabled	Approved 7-16
	Preliminary Plat - Carsgroves 1st and 2nd Additions	Revised recommendation	Approved/conditions
	Myrtle Street Water Pressure - report	No action	
	PUD/Plat - (Acorn Greenhouses) McKnight Road	Approved/conditions	Approved/conditions

7-20-81	Plan Update Additions	Forward to Met Council	Forward to Met Council
	SUP (motel/restaurant) Century Avenue (Turnpike Properties)	Approved/conditions	Approved/conditions
	SUP/Special Exception (office- warehouse) Gervais Avenue (Airport Partnership)	Approved/conditions	Approved/conditions
	Highway 61 & 36 Improvements	Approved	Approved
	St. Paul Plan Review	Forward Staff comments	Forward Staff comments
	Code Amendment - Minimum Lot Frontage	Approved	
	Hearing Date - Plan Amendment (Woodlynn Avenue)	Set 8-3-81	
8-03-81	Plan Amendment (RL to Rm) Woodlynn Avenue (Nettleton)	Approved	Approved
	Special Exception (Home Occupation) 1758 Clarence (Johnson)	Approved/conditions	Approved/conditions
	Plan Amendment (RL to RLE) Schwichtenberg Addition	Approved/conditions	
	PUD/Plat/Variances Schwichtenberg Addition	Tabled	
	Special Exception (Home Occupation) 1780 Ruth (Krueger)	Approved/conditions	Approved/conditions
	Special Exception (Home Occupation) 1915 Manton (MacFarlane)	Approved/conditions	Approved/conditions
8-17-81	Zone Change (LBC to BC) White Bear Avenue (White Bear Avenue Associates)	Approved	Approved
	SUP - 1870 Beam (Pizza Time Theatre)	Approved/conditions	Approved/conditions
	Code Amendment - Motor Fuel Station	Approved	Approved
	Plan Amendment Hearing - Maplewood Heights	Set 9-21-81	

9-21-81	Plan Amendment (Rh, Rm & SC to RL) Woodlynn, Lydia, "D"	Rh to Rm SC to RM	Approved
	Plan Amendment - 1990 Development Phasing Plan	Continued Hearing 10-5-81	
	Plan Amendment - I494/Century Interchange	Omit Interchange SC to RL except BC area	Same
	Variance (side yard) 1280 Ripley (Rettner)	Approved	Approved
	Variance (lot width) 1821 Howard (Lepsche)	Denied	Denied
	Special Exception/Variance (parking) Pizza Time Theatre - White Bear Avenue	Approved/conditions	Approved/conditions
10-05-81	Plan Amendment - 1985 & 1990 Land Use Projections	Forward to Met Council	Forward to Met Council
	Zone Change (F to BC) County Road "D" (Chute)	Approved	Approved
	Easement Vacation (utility) 5th Street (Staff)	Approved	Approved
	City-wide Review of Potential RE Zones	Tabled	
	Resolution to EQB	Approved	Approved
	Code Amendment - Minimum Floor Areas (detached single family dwellings)	Approved	
	Shoreland Moratorium	No action	
	Plan Amendment Hearing - McKnight, south of Larpenteur	Established 10-19-81	
10-19-81	Plan Amendment - (Rm, Bw to RL) Hillcrest Dev. Property	Tabled	
	Special Exception - The Circum (Mall)	Approved/conditions	Approved/conditions
	Zone Change (F to LBC) White Bear & 11th	Approved	Approved
	Code Amendment - accessory apts in single family	Approved	

10-26-81	Special Meeting with Council & CDRB		
11-02-81	Zone Change (F to RE) Beam Avenue, west of Highway 61	Deny	
	SUP/Variance/Plat/Street Vacation (Beam Lakeside) Voya Piletich	Tabled plat	
	Subdivision Ordinance Revisions	Approval	
12-07-81	Plan Amendment (LSC) Highway 61, Beam Avenue, County Road D	Approved	Tabled
	Zone Change (F & M-1 to RE-20) Highway 61, Beam Avenue, County Road D	No action	No action
	Special Exception (Twin City Obstetrics) Highway 61	Approved	Approved
	Street Vacation - Tierney	Approved/conditions	
	Zone Change (F to LBC) White Bear Avenue, south of Radatz (Maplewood Project Assoc.)	Approved	Approved
	Zone Change (LBC to BC) Preliminary Plat & Easement Vacation (Maple Ridge Mall)	Approved/conditions	Approved/conditions
	Washington County Plan Review	Forward comments	Forward comments
	Preliminary Plat & Street Vacation, Beam Lakeside Addn.	Approved moratorium No action on plat & street vacation	Approved/Council conditions

NAME	1/5	1/12	1/26	2/2	2/9	2/23	3/2	3/16	4/6	4/20	5/18	6/15	7/6	7/20	8/3	8/17	9/21	10/5	10/19	11/2	12/7	12/21	
Axdahl																							
Barrett			A			A										A	A	A	A	A			
Ellefson		A		A	A						A	A				A		A					
Fischer																A							
Hejny		A	A	A		A											A		A				
Howard					A					A								A					
Kishel			A		A						A				A				A	A			
Pellish													A										
Prew				A		A						A											
Sletten						A				A				A					A				
Whitcomb		A	A																				

PLANNING COMMISSION ATTENDANCE RECORD

E-4

MEMORANDUM

TO: Mayor and City Council
FROM: Tony Phillippi, Chairman - Community Design Review Board
SUBJECT: Annual Report
DATE: January 12, 1982

Over the past year the Community Design Review Board had been faced with the problem of an incomplete membership. This shortage made it difficult at times to obtain a quorum to address the regular applications which were presented. Fortunately, however, as of November 10, 1981, the Board has been operating under full membership and is now able to devote attention to special areas which require review.

In 1982 the Board will be directing their attention to the following things:

1. A review of the minimum building design standards for new construction, such as giving special attention to the control of metal pole buildings in the City.
2. Establishing specific landscaping guidelines.

Please find the enclosed Community Design Review Board annual report for your review and acceptance.

Action by Council:

Approved: _____
Date: _____
City Clerk: _____

Community Design Review Board
Annual Report - 1981

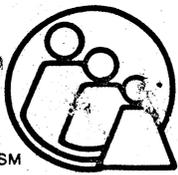
1-05-81	Interviewed Robert Folley	Recommended appointment
2-10-81	Landscaping Plan - Sherwin Williams Store - (Construction 70)	Approved/conditions
	Cave's Century Addition Quad Homes - Building/Site Review	Approved/conditions
	Sign Plan Amendment (Snyder Drug) - Keller Lake Shopping Center	Approved north facing sign; deny 3 message panels
	Apartment Building/Site Review - Beebe Road (George King & Carl Swenson)	Approved/conditions
	Billboard Ordinance	Tabled
2-24-81	Maple Park Shores - Landscaping Plan (Cope Avenue)	Approved/conditions
	Billboard Ordinance	Recommended amending Section 818
	Election of Chairman	Tony Phillippi
4-14-81	Temporary Trailer - Group Health - White Bear Avenue	Approved/conditions
5-12-81	Landscape Plans - Knowlans - Stillwater Road	Tabled
	Parkside Fire Station Addition - McMenemy	Approved/conditions
5-26-81	Landscape Plan - Knowlans - Stillwater Road	Approved/conditions
	Landscaping Plan - Datsun Dealership - Highway 61	Approved/conditions
	3M National Advertising Company - Sign - Highway 36	Approved/conditions
6-23-81	K-Mart Service Station Remodel - Van Dyke & North St. Paul Road	Approved/conditions
	Warehouse Building/Site Review - Frost Avenue (Gladstone Construction)	Approved/conditions
	3M Company - Cooling Tower	Approved

7-14-81	Landscaping Plan - Concordia Arms - Lydia Avenue	Approved/conditions
	Sign Variance - Health Resources - Hazelwood Avenue	Approved/conditions
	Interviewed Tom Deans	Recommended appointment
7-28-81	Billboard - Highway 36 & 61 - Naegele	Tabled
	Linwood Heights Townhomes - Building/ Site Review - Castle Design	Approved/conditions
	Schroeder Milk Building/Site Review - Rice Street	Approved/conditions
	Maplewood Mall - Billboard Renewal	Approved
8-11-81	Billboard - Kohlman & Highway 61 Farview Sign	Approved/conditions
	Office/Warehouse Building/Site Review - Gervais & Germain - (Airport Partnership)	Approved/conditions
	Building/Site Review - Quad Units (Votel Realty) - McKnight Road	Approved/conditions
	Temporary Sign - 3000 White Bear Avenue (Buck's)	Approved for 15 days
9-08-81	Maplewood East Shopping Center Building/ Site Review - White Bear Avenue	Deny (parking situation)
9-22-81	Landscaping Plan - Carlton Racquetball Club	Approved/conditions
	Temporary Bank - Rice Street - Western State Bank	Approved/conditions
	Double Dwelling - McKnight Road (Wirsig)	Tabled
10-13-81	Double Dwelling - McKnight & Highwood (Wirsig)	Approved/conditions
	Double Dwellings - Southlawn Drive (Schreier)	Approved/conditions
	Car Wash Building/Site Review - County Road D - (Montpetit)	Approved/conditions
10-27-81	Trailer Home - Mount Zion Temple - Payne Avenue (Cemetery)	Approved/conditions

10-27-81 con't.	Maplewood East Shopping Center - White Bear Avenue - Building/Site Review	Approved/conditions
	Curbing Alternatives	Alternative acceptable
11-10-81	Cricket Inn Building/Site Review - Century Avenue (Turnpike Properties)	Approved/conditions
11-24-81	Storage Building - Keller Golf Course	Approved/conditions
	Twin City Obstetrics - Building/Site Review - Highway 61	Approved/conditions
12-8-81	Sign Plan - White Bear Avenue Associates - Maplewood East	Approved/conditions
	Maplewood Dental Specialists Building/ Site Review (White Bear Avenue & 11th)	Approved/conditions
	Building Addition - 3M Building #210	Approved
12-22-81	Maplewood Family Practice Clinic Sign Variance - 1814 N.St. Paul Rd.	Tabled
	McKnight Townhomes - Sign Variance 384 S. McKnight Road	Approved

NAME	1/5	1/10	1/24	1/14	1/12	1/26	1/23	1/14	1/28	1/11	1/8	1/22	10/13	10/27	11/10	11/24	12/8	12/29
Phillippi	P	A	P	P	P	P	P	P	P	A	A	P	P	P	P	P	A	P
Lydon	P	P	P	A	A	P	P	P	P	P	P	P	P	A	A	P	A	P
Moe (a)		P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P
Folley (a)		P	P	P	P	P	P	P	P	P	P	P	A	P	P	A	P	P
Deans (b)										P	P	P	P	P	P	P	P	P
Hedlund (c)															P	P	P	P
Herauf (d)	P																	
Sjolander (e)	P	P	P	P	P	A												
(a) appointed January 22, 1981																		
(b) appointed August 6, 1981																		
(c) appointed November 5, 1981																		
(d) resigned February 10, 1981																		
(e) resigned June 23, 1981																		

COMMUNITY DESIGN REVIEW BOARD
ATTENDANCE REPORT



Health Resources, Inc.

A Holding Corporation for Medical, Health & Hospital Services

December 11, 1981

Dear Friend:

I am pleased to have this opportunity to announce to community leaders, local government, organizations, health care providers, businesses and churches the newest development in the continuing efforts of Health Resources and St. John's Hospital to provide health services to the East Metropolitan Area.

As many of you are aware, St. John's Hospital serves St. Paul's East Side and the communities to the north and northeast. The lack of a hospital facility centrally located within this service area, providing convenient and equal access to all the communities served by St. John's, has long been a concern of this organization. This concern has been reflected in the long-range plans of the hospital and discussed widely with the communities we serve, local chambers, the health planning board and in the local media.

This planning has been continued and enhanced by the internal re-organization of the hospital which included the formation of the parent corporation, Health Resources, Inc. and related subsidiaries. Health Resources and St. John's Hospital now actively pursue a multi-organizational approach to a wider range of health care needs and services than previously possible. These services include: senior housing; senior services; shared services; transportation and, of course, medical/hospital services.

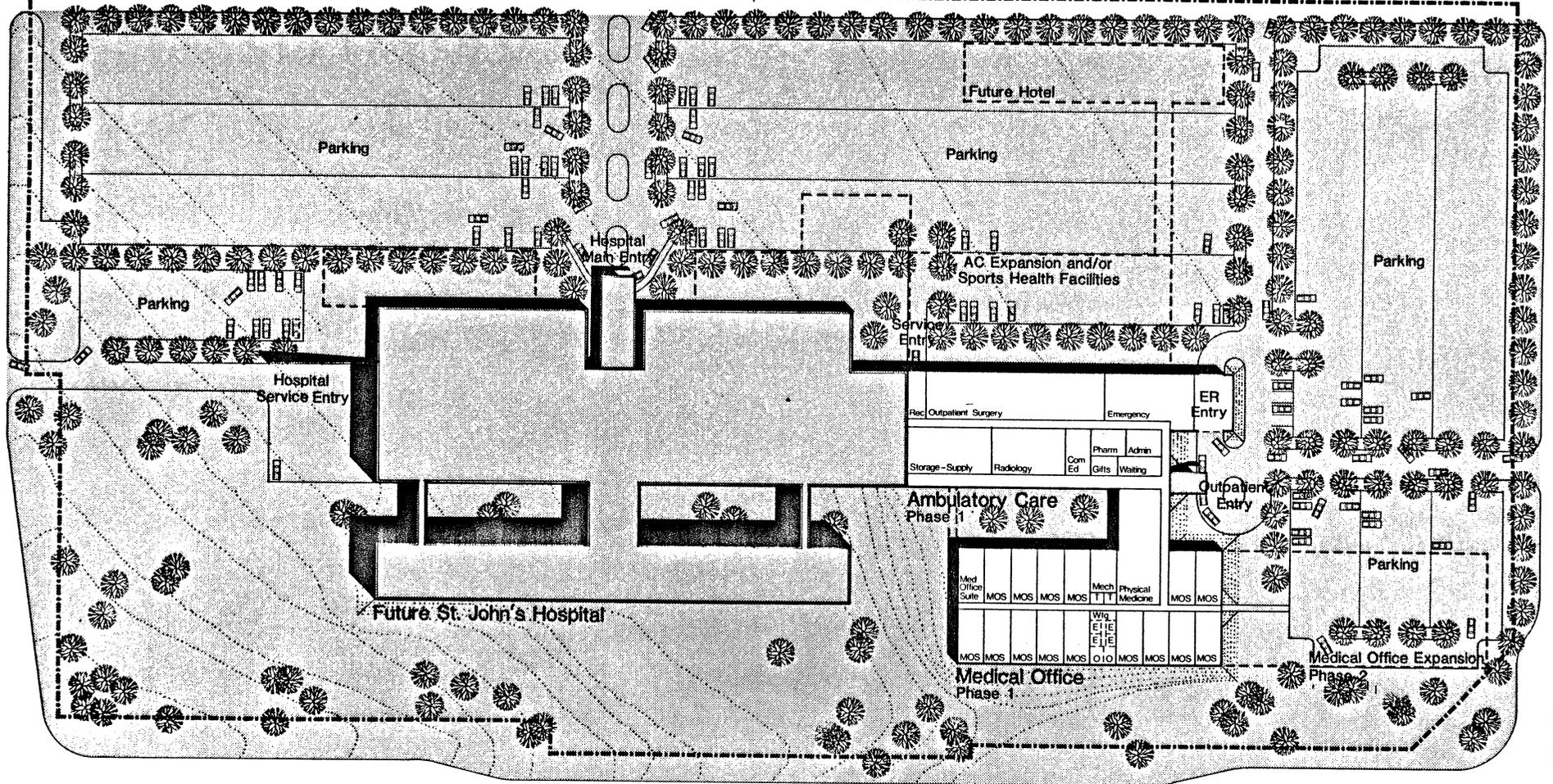
As a result of these efforts, this week we are announcing the first phase in the development of a site located on a portion of 31 acres on the corner of Hazelwood and Beam Avenues in Maplewood. (Site location and plan is attached.) This first phase in the development of a full-service health care campus will include:

- 1) The Kennard Professional Building (Kennard St. & Beam Ave.): a medical office building providing community access to some 25 to 30 physician specialists.
- 2) The Health Resource Center including:
 - An Urgent Care Center (Designed to provide 24-hour emergency medical services given demand)
 - Same-Day Surgery
 - Other medical services including: sports medicine (for the treatment and prevention of sports-related injuries); physical therapy; neuro-diagnostic testing; cardiopulmonary services and radiology.

Construction for this approximately \$4 million facility could begin as early as May, 1982. An application for a certificate of need for the urgent care center and same-day surgery will be considered this January by the Metropolitan Health Board. Certificate of need approval is necessary before certain service components can be included in the project. Health Resources has already begun to work with the City of Maplewood for the necessary permissions.

Future Expansion

Hazelwood Avenue



Beam Avenue



NOTICE OF PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota will meet at the City Hall in the City of Maplewood, Minnesota at 7:00 P.M. on January 21, 1982 to consider the proposal that the City assist in financing a project hereinafter described by the issuance of industrial development revenue bonds.

The project consists of the acquisition of land and the construction and equipping of an ambulatory care center, including a surgery center, an emergency center and physical medicine, at the NE corner of Beam Avenue and Hazelwood Avenue, within the City of Maplewood, Minnesota.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$7,153,000.

Said bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City except the project and such bonds or obligations will not be a charge against the City's general credit or taxing powers but are payable from sums to be paid pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning January 6, 1982, from 8:00 A.M. to 5:00 P.M., Monday through Friday, at the City Hall in Maplewood.

At the time and place fixed for said Public Hearing, the City Council of the City of Maplewood will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal.

Dated this 17th day of December, 1981.

(BY ORDER OF THE CITY COUNCIL)

By /s/ Lucille Aurelius
City Clerk

Publish: January 6, 1981 (Maplewood Review)

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE - SECURITIES DIVISION

APPLICATION

FOR APPROVAL OF MUNICIPAL INDUSTRIAL REVENUE BOND PROJECT

To: _____ Date _____

Minnesota Department of Commerce
Securities Division
500 Metro Square Building
St. Paul, Minnesota 55101

The governing body of Maplewood County of Ramsey,
Minnesota, hereby applies to the Commissioner of the State of Minnesota,
Securities Division of the Department of Commerce, for approval of this com-
munity's proposed municipal Industrial Revenue Bond Issue, as required by
Section 1, Subdivision 7, Chapter 474, Minnesota Statutes.

We have entered into preliminary discussions with:

FIRM Health Resource Center, Inc.

ADDRESS 2696 Hazelwood Avenue

CITY Maplewood STATE Minnesota 55109

State of Incorporation Minnesota

Attorney Moore, Costello & Hart Address 1400 Northwestern N'tl. Bank Bldg
55 E. Fifth Street
St. Paul, Minnesota

Name of Project Health Resource Center, Inc.

This firm is engaged primarily in (nature of business): health
care services

The funds received from the sale of the Industrial Revenue Bonds will be
used to (general nature of project): the acquisition of land and the construction
and equipping thereon of an ambulatory care center, including a surgery
center, and emergency center, and physical medicine.
It will be located in Maplewood, Minnesota

The total bond issue will be approximately \$ 7,153,000 to be
applied toward payment of costs now estimated as follows:

Cost Item	Amount
Land Acquisition and Site Development	\$ 900,000
Construction Contracts	3,000,000
Equipment Acquisition and Installation	1,100,000
Architectural and Engineering Fees	300,000
Legal Fees	60,000
Interest during Construction	1,170,000
Initial Bond Reserve	250,000
Contingencies	
Bond Discount	338,000
Other	35,000

RESOLUTION RECITING A PROPOSAL FOR A
COMMERCIAL FACILITIES DEVELOPMENT PROJECT
GIVING PRELIMINARY APPROVAL TO THE PROJECT
PURSUANT TO THE MINNESOTA
MUNICIPAL INDUSTRIAL DEVELOPMENT ACT
AUTHORIZING THE SUBMISSION OF AN APPLICATION
FOR APPROVAL OF SAID PROJECT TO THE
COMMISSIONER OF SECURITIES
OF THE STATE OF MINNESOTA
AND AUTHORIZING THE PREPARATION OF
NECESSARY DOCUMENTS AND MATERIALS
IN CONNECTION WITH SAID PROJECT

WHEREAS,

(a) The purpose of Chapter 474, Minnesota Statutes, known as the Minnesota Municipal Industrial Development Act (the "Act") as found and determined by the legislature is to promote the welfare of the state by the active attraction and encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment;

(b) Factors necessitating the active promotion and development of economically sound industry and commerce are the increasing concentration of population in the metropolitan areas and the rapidly rising increase in the amount and cost of governmental services required to meet the needs of the increased population and the need for development of land use which will provide an adequate tax base to finance these increased costs and access to employment opportunities for such population;

(c) The City Council of the City of Maplewood ("the City") has received from Health Resource Center, Inc., a corporation organized under the laws of the State of Minnesota (the "Company") a proposal that the City assist in financing a Project hereinafter described, through the issuance of a Revenue Bond or Bonds or a Revenue Note or Notes hereinafter referred to in this resolution as "Revenue Bonds" pursuant to the Act;

(d) The City desires to facilitate the selective development of the community, retain and improve the tax base and help to provide the range of services and employment opportunities required by the population; and the Project will

assist the City in achieving those objectives. The Project will help to increase assessed valuation of the City and help maintain a positive relationship between assessed valuation and debt and enhance the image and reputation of the community;

(e) Company is currently engaged in the business of health care services. The Project to be financed by the Revenue Bonds is an ambulatory care facility to be located in the City and consists of the acquisition of land and the construction of buildings and improvements thereon and the installation of equipment therein, and will result in the employment of 60 additional persons to work within the new facilities;

(f) The City has been advised by representatives of Company that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but Company has also advised this Council that with the aid of municipal financing, and its resulting low borrowing cost, the Project is economically more feasible;

(g) Pursuant to a resolution of the City Council adopted on January 17, 1982, a public hearing on the Project was held on January 21, 1982, after notice was published, and materials made available for public inspection at the City Hall, all as required by Minnesota Statutes, Section 474.01, Subdivision 7b at which public hearing all those appearing who so desired to speak were heard;

(h) No public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

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

1. The Council hereby gives preliminary approval to the proposal of Company that the City undertake the Project pursuant to the Minnesota Municipal Industrial Development Act (Chapter 474, Minnesota Statutes), consisting of the acquisition, construction and equipping of facilities within the City pursuant to Company's specifications suitable for the

operations described above and to a revenue agreement between the City and Company upon such terms and conditions with provisions for revision from time to time as necessary, so as to produce income and revenues sufficient to pay, when due, the principal of and interest on the Revenue Bonds in the total principal amount of approximately \$7,153,000 to be issued pursuant to the Act to finance the acquisition, construction and equipping of the Project; and said agreement may also provide for the entire interest of Company therein to be mortgaged to the purchaser of the Revenue Bonds; and the City hereby undertakes preliminarily to issue its Revenue Bonds in accordance with such terms and conditions;

2. On the basis of information available to this Council it appears, and the Council hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in any business within the meaning of Subdivision 1c of Section 474.02 of the Act; that the Project furthers the purposes stated in Section 474.01, Minnesota Statutes; that the availability of the financing under the Act and willingness of the City to furnish such financing will be a substantial inducement to Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the development of economically sound industry and commerce, to assist in the prevention of the emergence of blighted and marginal land, to help prevent chronic unemployment, to help the City retain and improve the tax base and to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the state and to areas within the State where their services may not be as effectively used, to promote more intensive development and use of land within the City and eventually to increase the tax base of the community;

3. The Project is hereby given preliminary approval by the City subject to the approval of the Project by the Commissioner of Securities and Real Estate, and subject to final approval by this Council, Company, and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project;

4. In accordance with Subdivision 7a of Section 474.01 Minnesota Statutes, the Mayor of the City is hereby authorized and directed to submit the proposal for the Project to the Commissioner of Securities and Real Estate, requesting her approval, and other officers, employees and agents of the City are hereby authorized to provide the Commissioner with such preliminary information as she may require;

5. Company has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by the Commissioner will be paid by Company;

6. Briggs and Morgan, Professional Association, acting as bond counsel, is authorized to assist in the preparation and review of necessary documents relating to the Project, to consult with the City Attorney, Company and the purchaser of the Revenue Bonds as to the maturities, interest rates and other terms and provisions of the Revenue Bonds and as to the covenants and other provisions of the necessary documents and to submit such documents to the Council for final approval;

7. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holder of the Revenue Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Revenue Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Revenue Bonds shall recite in substance that the Revenue Bonds, including interest thereon, is payable solely from the revenue and proceeds pledged to the payment thereof. The Revenue Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation;

8. In anticipation of the approval by the Commissioner of Securities and Real Estate and the issuance of the Revenue Bonds to finance all or a portion of the Project, and in order that completion of the Project will not be unduly delayed when approved, Company is hereby authorized to make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Revenue Bonds as Company considers necessary, including the use of interim, short-term financing, subject to reimbursement from the proceeds of the Revenue Bonds if and when delivered but otherwise without liability on the part of the City;

9. If construction of the Project is not started within one year from the date hereof, this resolution shall thereafter have no force and effect and the preliminary approval herein granted is withdrawn.

Adopted by the City Council of the City of Maplewood, Minnesota, this ____ day of _____, 1982.

Mayor

Attest:

City Clerk

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, insofar as such minutes relate to a resolution giving preliminary approval to a medical facilities project.

WITNESS my hand and the seal of said City this _____ day of _____, 1982.

City Clerk

(SEAL)

[City's Letterhead]

Ms. Mary Alice Brophy
Commissioner of Securities
and Real Estate
Minnesota Department of Commerce
Securities Division
Metro Square Building
St. Paul, Minnesota 55101

Re: City of Maplewood - Medical Facility
Revenue Bonds (Health Resource Center, Inc.
Project)

Dear Ms. Brophy:

Attached hereto in duplicate is the application of the City of Maplewood for approval of the above referenced project including a copy of the Preliminary Resolution adopted by the City Council.

As indicated in the attached Preliminary Resolution, we believe that this Project fully meets the public purpose requirements of Minnesota Statutes, Chapter 474. In particular, this project will accomplish an expansion of the community's tax base by addition of facilities worth more than \$7,153,000 and will provide our citizens with immediate access to greatly needed ambulatory care facilities. Employment from the project should result in up to 60 employees. Finally, we believe that the project will serve the interests of the community by diversifying the commercial base and would help to dampen the severity of any general economic downturns.

Reference is made to the Preliminary Resolution for a more definitive statement of the public purposes served by the financing.

The Project does not contain any property to be sold or affixed or consumed in the production of property for sale, and does not include any housing facility to be rented or used as a permanent residence.

The City has complied with the notice and hearing requirements of Minnesota Statutes, Section 474.01, as amended,

and agrees it will comply with the reporting requirements set forth in Minnesota Statutes, Section 474.01, Subdivision 8. The public hearing was held on January 21, 1982 at _____ P.M. at the City Hall in Maplewood, and all interested parties were afforded an opportunity to express their views.

We respectfully request your prompt approval of the project under the provisions of Minnesota Statutes, Chapter 474.

Very truly yours,

CITY OF MAPLEWOOD

By _____
Its Mayor

[Briggs and Morgan Stationery]

Ms. Mary Alice Brophy
Commissioner of Securities
and Real Estate
Minnesota Department of Commerce
Securities Division
Metro Square Building
St. Paul, Minnesota 55101

Re: City of Maplewood - Medical Facility
Revenue Bonds (Health Resource Center,
Inc. Project)

Dear Ms. Brophy:

This is to advise you that our firm has reviewed the attached resolution, the feasibility letter of McGladrey & Hendrickson, the application of the City of Maplewood and the letter of transmittal from the City. Based upon a review of that material it is our opinion that the Project referred to therein constitutes a project within the meaning of Minnesota Statutes, Section 474.02, Subdivision 1c and that the proposed financing thereof in the form of bonds (the "Bonds") as set forth in the attached resolution is authorized by law.

Please do not hesitate to give me a call if there are any questions.

Very truly yours,

Mary L. Ippel

Enclosures

[McGladrey & Hendrickson Letterhead]

Honorable Mayor and City Council
City Hall
1380 Frost Avenue
Maplewood, Minnesota 55109

Re: Proposed Issuance of Medical Facility
Revenue Bonds of the City
of Maplewood, Minnesota (Health Resource
Center, Inc., Project)

Gentlemen:

At the request of Health Resource Center, Inc., we have conducted a study of the economic feasibility of the proposal that the City of Maplewood issue one or more of its revenue bonds under the provisions of the Minnesota Municipal Industrial Development Act to provide funds for the acquisition and construction of an ambulatory care facility located within the City of Maplewood, to be owned by Health Resource Center, Inc.

Our study has led us to the conclusion that on the basis of current financial conditions, the Project is economically feasible and the revenue bond(s) of the City can be successfully issued and sold.

We understand a copy of this letter will be forwarded by the Maplewood City Mayor to the Commissioner of Securities and Real Estate of the State of Minnesota to serve as the letter of feasibility required by the Commissioner.

Very truly yours,

By _____
Its _____

NOTICE OF PUBLIC HEARING
ON A PROPOSAL FOR A COMMERCIAL
FACILITIES DEVELOPMENT PROJECT

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota will meet at the City Hall in the City of Maplewood, Minnesota at 7:00 P.M. on January 21, 1982, to consider the proposal that the City assist in financing a project hereinafter described by the issuance of industrial development revenue bonds.

The project will consist of the construction and equipping of a medical office building to be located at the NE corner of Beam Avenue and Hazelwood Avenue within the City of Maplewood, Minnesota.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$3,970,000.

Said bonds or other obligations if and when issued will not constitute a charge, lien or encumbrance upon any property of the City except the project and such bonds or obligations will not be a charge against the City's general credit or taxing powers but are payable from sums to be paid pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of Securities and Real Estate, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning January 6, 1982, from 8:00 a.m. to 5:00 p.m., Monday through Friday, at the City Hall in Maplewood.

At the time and place fixed for said Public Hearing, the City Council of the City of Maplewood will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal.

Dated this 17th day of December, 1981.

(BY ORDER OF THE CITY COUNCIL)

By /s/ Lucille Aurelius
City Clerk

Publish: January 6, 1982 (Maplewood Review)

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE - SECURITIES DIVISION

APPLICATION

FOR APPROVAL OF MUNICIPAL INDUSTRIAL REVENUE BOND PROJECT

Date _____

To:

Minnesota Department of Commerce
Securities Division
500 Metro Square Building
St. Paul, Minnesota 55101

The governing body of Maplewood County of Ramsey,
Minnesota, hereby applies to the Commissioner of the State of Minnesota,
Securities Division of the Department of Commerce, for approval of this com-
munity's proposed municipal Industrial Revenue Bond Issue, as required by
Section 1, Subdivision 7, Chapter 474, Minnesota Statutes.

We have entered into preliminary discussions with:

FIRM Health Resource Center, Inc.

ADDRESS 2696 Hazelwood Avenue

CITY Maplewood STATE Minnesota 55109

State of Incorporation Minnesota

Attorney Moore, Costello & Hart Address 1400 Northwestern N'tl. Bank Bldg
55 E. Fifth Street
St. Paul, Minnesota

Name of Project Health Resource Center, Inc.

This firm is engaged primarily in (nature of business): health
care services

The funds received from the sale of the Industrial Revenue Bonds will be
used to (general nature of project): the acquisition of land and the construction
and equipping thereon of an ambulatory care center, including a surgery
center, and emergency center, and physical medicine.
It will be located in Maplewood, Minnesota

The total bond issue will be approximately \$ 7,153,000 to be
applied toward payment of costs now estimated as follows:

Cost Item	Amount
Land Acquisition and Site Development	\$ 900,000
Construction Contracts	3,000,000
Equipment Acquisition and Installation	1,100,000
Architectural and Engineering Fees	300,000
Legal Fees	60,000
Interest during Construction	1,170,000
Initial Bond Reserve	250,000
Contingencies	
Bond Discount	338,000
Other	35,000

RESOLUTION RECITING A PROPOSAL FOR A
COMMERCIAL FACILITIES DEVELOPMENT PROJECT
GIVING PRELIMINARY APPROVAL TO THE PROJECT
PURSUANT TO THE MINNESOTA
MUNICIPAL INDUSTRIAL DEVELOPMENT ACT
AUTHORIZING THE SUBMISSION OF AN APPLICATION
FOR APPROVAL OF SAID PROJECT TO THE
COMMISSIONER OF SECURITIES
OF THE STATE OF MINNESOTA
AND AUTHORIZING THE PREPARATION OF
NECESSARY DOCUMENTS AND MATERIALS
IN CONNECTION WITH SAID PROJECT

WHEREAS,

(a) The purpose of Chapter 474, Minnesota Statutes, known as the Minnesota Municipal Industrial Development Act (the "Act") as found and determined by the legislature is to promote the welfare of the state by the active attraction and encouragement and development of economically sound industry and commerce to prevent so far as possible the emergence of blighted and marginal lands and areas of chronic unemployment;

(b) Factors necessitating the active promotion and development of economically sound industry and commerce are the increasing concentration of population in the metropolitan areas and the rapidly rising increase in the amount and cost of governmental services required to meet the needs of the increased population and the need for development of land use which will provide an adequate tax base to finance these increased costs and access to employment opportunities for such population;

(c) The City Council of the City of Maplewood ("the City") has received from Health Resource Center, Inc., a corporation organized under the laws of the State of Minnesota (the "Company") a proposal that the City assist in financing a Project hereinafter described, through the issuance of a Revenue Bond or Bonds or a Revenue Note or Notes hereinafter referred to in this resolution as "Revenue Bonds" pursuant to the Act;

(d) The City desires to facilitate the selective development of the community, retain and improve the tax base and help to provide the range of services and employment opportunities required by the population; and the Project will

assist the City in achieving those objectives. The Project will help to increase assessed valuation of the City and help maintain a positive relationship between assessed valuation and debt and enhance the image and reputation of the community;

(e) Company is currently engaged in the business of health care services. The Project to be financed by the Revenue Bonds is an ambulatory care facility to be located in the City and consists of the acquisition of land and the construction of buildings and improvements thereon and the installation of equipment therein, and will result in the employment of 60 additional persons to work within the new facilities;

(f) The City has been advised by representatives of Company that conventional, commercial financing to pay the capital cost of the Project is available only on a limited basis and at such high costs of borrowing that the economic feasibility of operating the Project would be significantly reduced, but Company has also advised this Council that with the aid of municipal financing, and its resulting low borrowing cost, the Project is economically more feasible;

(g) Pursuant to a resolution of the City Council adopted on January 17, 1982, a public hearing on the Project was held on January 21, 1982, after notice was published, and materials made available for public inspection at the City Hall, all as required by Minnesota Statutes, Section 474.01, Subdivision 7b at which public hearing all those appearing who so desired to speak were heard;

(h) No public official of the City has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

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

1. The Council hereby gives preliminary approval to the proposal of Company that the City undertake the Project pursuant to the Minnesota Municipal Industrial Development Act (Chapter 474, Minnesota Statutes), consisting of the acquisition, construction and equipping of facilities within the City pursuant to Company's specifications suitable for the

operations described above and to a revenue agreement between the City and Company upon such terms and conditions with provisions for revision from time to time as necessary, so as to produce income and revenues sufficient to pay, when due, the principal of and interest on the Revenue Bonds in the total principal amount of approximately \$7,153,000 to be issued pursuant to the Act to finance the acquisition, construction and equipping of the Project; and said agreement may also provide for the entire interest of Company therein to be mortgaged to the purchaser of the Revenue Bonds; and the City hereby undertakes preliminarily to issue its Revenue Bonds in accordance with such terms and conditions;

2. On the basis of information available to this Council it appears, and the Council hereby finds, that the Project constitutes properties, real and personal, used or useful in connection with one or more revenue producing enterprises engaged in any business within the meaning of Subdivision 1c of Section 474.02 of the Act; that the Project furthers the purposes stated in Section 474.01, Minnesota Statutes; that the availability of the financing under the Act and willingness of the City to furnish such financing will be a substantial inducement to Company to undertake the Project, and that the effect of the Project, if undertaken, will be to encourage the development of economically sound industry and commerce, to assist in the prevention of the emergence of blighted and marginal land, to help prevent chronic unemployment, to help the City retain and improve the tax base and to provide the range of service and employment opportunities required by the population, to help prevent the movement of talented and educated persons out of the state and to areas within the State where their services may not be as effectively used, to promote more intensive development and use of land within the City and eventually to increase the tax base of the community;

3. The Project is hereby given preliminary approval by the City subject to the approval of the Project by the Commissioner of Securities and Real Estate, and subject to final approval by this Council, Company, and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project;

4. In accordance with Subdivision 7a of Section 474.01 Minnesota Statutes, the Mayor of the City is hereby authorized and directed to submit the proposal for the Project to the Commissioner of Securities and Real Estate, requesting her approval, and other officers, employees and agents of the City are hereby authorized to provide the Commissioner with such preliminary information as she may require;

5. Company has agreed and it is hereby determined that any and all costs incurred by the City in connection with the financing of the Project whether or not the Project is carried to completion and whether or not approved by the Commissioner will be paid by Company;

6. Briggs and Morgan, Professional Association, acting as bond counsel, is authorized to assist in the preparation and review of necessary documents relating to the Project, to consult with the City Attorney, Company and the purchaser of the Revenue Bonds as to the maturities, interest rates and other terms and provisions of the Revenue Bonds and as to the covenants and other provisions of the necessary documents and to submit such documents to the Council for final approval;

7. Nothing in this resolution or in the documents prepared pursuant hereto shall authorize the expenditure of any municipal funds on the Project other than the revenues derived from the Project or otherwise granted to the City for this purpose. The Revenue Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holder of the Revenue Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal on the Revenue Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Revenue Bonds shall recite in substance that the Revenue Bonds, including interest thereon, is payable solely from the revenue and proceeds pledged to the payment thereof. The Revenue Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation;

8. In anticipation of the approval by the Commissioner of Securities and Real Estate and the issuance of the Revenue Bonds to finance all or a portion of the Project, and in order that completion of the Project will not be unduly delayed when approved, Company is hereby authorized to make such expenditures and advances toward payment of that portion of the costs of the Project to be financed from the proceeds of the Revenue Bonds as Company considers necessary, including the use of interim, short-term financing, subject to reimbursement from the proceeds of the Revenue Bonds if and when delivered but otherwise without liability on the part of the City;

9. If construction of the Project is not started within one year from the date hereof, this resolution shall thereafter have no force and effect and the preliminary approval herein granted is withdrawn.

Adopted by the City Council of the City of Maplewood, Minnesota, this ____ day of _____, 1982.

Mayor

Attest:

City Clerk

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, insofar as such minutes relate to a resolution giving preliminary approval to a medical facilities project.

WITNESS my hand and the seal of said City this _____ day of _____, 1982.

City Clerk

(SEAL)

[City's Letterhead]

Ms. Mary Alice Brophy
Commissioner of Securities
and Real Estate
Minnesota Department of Commerce
Securities Division
Metro Square Building
St. Paul, Minnesota 55101

Re: City of Maplewood - Medical Facility
Revenue Bonds (Health Resource Center, Inc.
Project)

Dear Ms. Brophy:

Attached hereto in duplicate is the application of the City of Maplewood for approval of the above referenced project including a copy of the Preliminary Resolution adopted by the City Council.

As indicated in the attached Preliminary Resolution, we believe that this Project fully meets the public purpose requirements of Minnesota Statutes, Chapter 474. In particular, this project will accomplish an expansion of the community's tax base by addition of facilities worth more than \$7,153,000 and will provide our citizens with immediate access to greatly needed ambulatory care facilities. Employment from the project should result in up to 60 employees. Finally, we believe that the project will serve the interests of the community by diversifying the commercial base and would help to dampen the severity of any general economic downturns.

Reference is made to the Preliminary Resolution for a more definitive statement of the public purposes served by the financing.

The Project does not contain any property to be sold or affixed or consumed in the production of property for sale, and does not include any housing facility to be rented or used as a permanent residence.

The City has complied with the notice and hearing requirements of Minnesota Statutes, Section 474.01, as amended,

and agrees it will comply with the reporting requirements set forth in Minnesota Statutes, Section 474.01, Subdivision 8. The public hearing was held on January 21, 1982 at _____ P.M. at the City Hall in Maplewood, and all interested parties were afforded an opportunity to express their views.

We respectfully request your prompt approval of the project under the provisions of Minnesota Statutes, Chapter 474.

Very truly yours,

CITY OF MAPLEWOOD

By _____
Its Mayor

[Briggs and Morgan Stationery]

Ms. Mary Alice Brophy
Commissioner of Securities
and Real Estate
Minnesota Department of Commerce
Securities Division
Metro Square Building
St. Paul, Minnesota 55101

Re: City of Maplewood - Medical Facility
Revenue Bonds (Health Resource Center,
Inc. Project)

Dear Ms. Brophy:

This is to advise you that our firm has reviewed the attached resolution, the feasibility letter of McGladrey & Hendrickson, the application of the City of Maplewood and the letter of transmittal from the City. Based upon a review of that material it is our opinion that the Project referred to therein constitutes a project within the meaning of Minnesota Statutes, Section 474.02, Subdivision 1c and that the proposed financing thereof in the form of bonds (the "Bonds") as set forth in the attached resolution is authorized by law.

Please do not hesitate to give me a call if there are any questions.

Very truly yours,

Mary L. Ippel

Enclosures

[McGladrey & Hendrickson Letterhead]

Honorable Mayor and City Council
City Hall
1380 Frost Avenue
Maplewood, Minnesota 55109

Re: Proposed Issuance of Medical Facility
Revenue Bonds of the City
of Maplewood, Minnesota (Health Resource
Center, Inc., Project)

Gentlemen:

At the request of Health Resource Center, Inc., we have conducted a study of the economic feasibility of the proposal that the City of Maplewood issue one or more of its revenue bonds under the provisions of the Minnesota Municipal Industrial Development Act to provide funds for the acquisition and construction of an ambulatory care facility located within the City of Maplewood, to be owned by Health Resource Center, Inc.

Our study has led us to the conclusion that on the basis of current financial conditions, the Project is economically feasible and the revenue bond(s) of the City can be successfully issued and sold.

We understand a copy of this letter will be forwarded by the Maplewood City Mayor to the Commissioner of Securities and Real Estate of the State of Minnesota to serve as the letter of feasibility required by the Commissioner.

Very truly yours,

By _____
Its _____

F-2

December 18, 1981

STAFF REPORT

To: City Manager Barry Evans
From: Deputy Chief of Police Thomas L. Hagen *T.L.H.*
Subject: On-Sale Liquor License Application of David Paul Schmitt, dba
Esteban's, Maplewood Mall Lot 15

A background investigation of Mr. Schmitt has been completed. We find nothing which would preclude his being eligible for an on-sale liquor license.

TLH:js

cc City Clerk
Liquor File
81-014770

Henry 1-21-82

CITY OF MAPLEWOOD

APPLICATION FOR INTOXICATING LIQUOR LICENSE

THIS APPLICATION SHALL BE SUBMITTED IN DUPLICATE.

Whoever shall knowingly and wilfully falsify the answers to the following questionnaire shall be deemed guilty of perjury and shall be punished accordingly.

In answering the following questions "APPLICANTS" shall be governed as follows: For a Corporation one officer shall execute this application for all officers, directors and stockholders. For a partnership one of the "APPLICANTS" shall execute this application for all members of the partnership.

EVERY QUESTION MUST BE ANSWERED

1. I, David Paul Schmitt as Manager (Individual owner, officer or partner)

for and in behalf of Himself

hereby apply for an On Sale Intoxicating Liquor License to be located at

Location is part of lot 15, Maplewood Mall.

(Give address and legal description) in the City of

Maplewood, County of Ramsey, State of Minnesota, in accordance with the provisions of Ordinance No. 95 of Maplewood.

2. Give applicants' date of birth:

David Paul Schmitt 20 August 1950 (Day) (Month) (Year)

3. The residence for each of the applicants named herein for the past five years is as follows:

13630 Everest Avenue, Apply Valley, MN 55124

4844 34 th Avenue South, Minneapolis, MN 55417

4. Is the applicant a citizen of the United States? Yes

If naturalized state date and place of naturalization

If a corporation or partnership, state citizenship including naturalization of each officer or partner.

Esteban's Maplewood, Inc.

Liquor file

5. The person who executes this application shall give wife's or husband's full name and address.

Barbara AN Schmitt 13630 Everest Avenue, Apply Valley, MN

6. What occupations have applicant and associates in this application followed for the past five years?

Esteban's Mexican Foods, Inc. - Restaurant Business

Magic Pan - Restaurant Business

Chouette - Restaurant Business

House of Lords - Restaurant Business

81-014770

7. If partnership, state name and address of each partner.

If a corporation, date of incorporation _____, state in which incorporated _____, amount of authorized capitalization _____ amount of paid in capital _____

if a subsidiary of any other corporation, so state _____

give purpose of corporation _____

name and address of all officers, directors and stockholders and the number of shares held by each:

(Name)

(Address)

(City)

If incorporated under the laws of another state, is corporation authorized to do business in this State? _____ Number of certificate of authority _____

If this application is for a new Corporation, include a certified copy of Articles of Incorporation and By-Laws.

8. On what floor is the establishment located, or to be located? First

9. If operating under a zoning ordinance, how is the location of the building classified? Zoned
for restaurant Is the building located within the prescribed area for such license?
Yes

10. Is the establishment located near an academy, college, university, church, grade or high school?
No State the approximate distance of the establishment from such school or church
1/2 to 3/4 mile

11. State name and address of owner of building Woodring Company, 99 South Owasso
Blvd., St. Paul, MN 55127; has owner of building any connection, directly or in-
directly, with applicant? No

12. Are the taxes on the above property delinquent? No

13. State whether applicant, or any of his associates in this application, have ever had an application for a Liquor License rejected by any municipality or State authority; if so, give date and details
No

14. Has the applicant, or any of his associates in this application, during the five years immediately preceding this application ever had a license under the Minnesota Liquor Control Act revoked for any violation of such laws or local ordinances; if so, give date and details No

15. State whether applicant, or any of his associates in this application, during that past five years were ever convicted of any Liquor Law violations or any crime in this state, or any other state, or under Federal Laws, and if so, give date and details. NO

16. Is applicant, or any of his associates in this application, a member of the governing body of the municipality in which this license is to be issued? NO. If so, in what capacity? _____

17. State whether any person other than applicants has any right, title or interest in the furniture, fixtures, or equipment in the premises for which license is applied, and if so, give names and details
NO

18. Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the State of Minnesota? NO. Give name and address of such establishment _____

19. Furnish the names and addresses of at least three business references, including one bank reference. Esteban's Mexican Foods, Inc. 903 Marquette Avenue South
Riverside Community State Bank, 1801 Riverside Avenue

Griggs, Cooper, St. Paul, MN

Monarch Foodservice, 5901 Wayzata Blvd. Mpls, MN

20. Do you possess a retail dealer's identification card issued by the Liquor Control Commissioner which will expire December 31st of this year? Give number of same. _____

21. Does applicant intend to sell intoxicating liquor to other than the consumer? NO

22. State whether applicant intends to possess, operate or permit the possession or operation of, on the licensed premises or in any room adjoining the licensed premises, any slot machine, dice, gambling device and apparatus, or permit any gambling therein. NO

23. Are the premises now occupied, or to be occupied, by the applicant entirely separate and exclusive from any other business establishment? Yes

24. State trade name to be used Esteban's Of Maplewood, Inc.

25. State name of person that will operate store David Schmitt

26. Give Federal Retail Liquor Dealer's Tax Stamp Number Applied for

27. If off sale license is being applied for, do you intend to deliver liquor by vehicle? NO If so, state number of motor vehicle permits issued by Liquor Control Commissioner for current year No

28. If you are building a new building for the purposes for which this application is being made, please submit plans and specifications with this application.

29. Financing of the construction of this building will be as follows:
Cash for all improvements over and above the leasehold supplied by the building owner.

30. Furnish a personal financial statement with this application. If a partnership, furnish financial statement of each partner.

31. Give description of type of operation if this is an on-sale license application (i.e. whether cocktail lounge, nite club, restaurant, etc., specifying capacity by number of customers and any other pertinent data). Restaurant specializing in Mexican Food.

32. What previous experience have you had in the operation of the type of business described in the answer to No. 31 above General Manager of two (2) Esteban's Restaurants

33. Applicant, and his associates in this application, will strictly comply with all the laws of the State of Minnesota governing the taxation and the sale of intoxicating liquor; rules and regulations promulgated by the Liquor Control Commissioner; and all ordinances of the municipality; and I hereby certify that I have read the foregoing questions and that the answers to said questions are true of my own knowledge.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this

9 day of November, 1985
Sharon A. Gray

SHARON A. GRAY
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Commission Expires Aug. 19, 1988

THIS APPLICATION MUST BE ACCOMPANIED WITH YOUR CHECK FOR THE FIRST LICENSE PERIOD.

REPORT ON APPLICANT OR APPLICANTS BY POLICE DEPARTMENT

This is to certify that the applicant, or his associates named herein have not been convicted within the past five years for any violation of Laws of the State of Minnesota, or Municipal Ordinances relating to Intoxicating Liquor, except as hereinafter stated.

MAPLEWOOD POLICE DEPARTMENT

Approved by: _____

_____ Title.

REPORT ON PREMISES BY FIRE DEPARTMENT

This is to certify that the premises herein described have been inspected and that all Laws of the State of Minnesota and Municipal Ordinances relating to Fire Protection have been complied with.

MAPLEWOOD FIRE DEPARTMENT

Approved by: _____

_____ Title.

Personal Financial Statement

CONTACT YOUR REPRESENTATIVE AT THE BANK
IF YOU HAVE ANY QUESTIONS REGARDING THE
COMPLETION OF THIS FORM

YOU MAY APPLY FOR A CREDIT EXTENSION OR FINANCIAL ACCOMMODATION INDIVIDUALLY OR JOINTLY WITH A CO-APPLICANT. THIS STATEMENT AND ANY APPLICABLE SUPPORTING SCHEDULES MAY BE COMPLETED JOINTLY BY BOTH MARRIED AND UNMARRIED CO-APPLICANTS IF THEIR ASSETS AND LIABILITIES ARE SUFFICIENTLY JOINED SO THAT THE STATEMENT CAN BE MEANINGFULLY AND FAIRLY PRESENTED ON A COMBINED BASIS; OTHERWISE SEPARATE STATEMENTS AND SCHEDULES ARE REQUIRED.

APPLICANT

NAME David P. Schmitt

ADDRESS 13630 Everest Avenue, Apple Valley, MN

TELEPHONE NUMBER 423-2068 DATE OF BIRTH 8/20/50

PRESENT EMPLOYER Esteban's Mexican Foods, Inc. POSITION General Manager

ADDRESS 903 Marquette Avenue South, Mpls., MN 55402

CO-APPLICANT

NAME _____

ADDRESS _____

TELEPHONE NUMBER _____ DATE OF BIRTH _____

PRESENT EMPLOYER _____ POSITION _____

ADDRESS _____

	<u>APPLICANT</u>		<u>CO-APPLICANT</u>	
Have you ever gone through bankruptcy or had a judgment against you?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Are any assets pledged or debts secured except as shown?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Have you made a will?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Number of Dependents (If none, check None)	_____	<input checked="" type="checkbox"/> None	_____	<input type="checkbox"/> None
Marital Status (answer only if this financial statement is provided in connection with a request for secured credit or applicant is seeking a joint account with spouse.)	<input checked="" type="checkbox"/> Married		<input type="checkbox"/> Married	
	<input type="checkbox"/> Separated		<input type="checkbox"/> Separated	
	<input type="checkbox"/> Unmarried		<input type="checkbox"/> Unmarried	
	(Unmarried includes single, divorced, widowed)			

The foregoing statement, submitted for the purpose of obtaining credit, is true and correct in every detail and fairly shows my/our financial condition at the time indicated. I/we will give you prompt written notice of any subsequent substantial change in such financial condition occurring before discharge of my/our obligations to you. I/we understand that you will retain this personal financial statement whether or not you approve the credit in connection with which it is submitted. You are authorized to check my/our credit and employment history or any other information contained herein.

THE UNDERSIGNED CERTIFY THAT THE INFORMATION CONTAINED ON THIS FORM HAS BEEN CAREFULLY REVIEWED AND THAT IT IS TRUE AND CORRECT IN ALL RESPECTS.

Date _____ David Paul Sorenson
Your Signature

Date _____
Co-Applicant Signature (if you are requesting the financial accommodation jointly)

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Sign Size Variance
 LOCATION: McKnight Road and Pond Avenue (Maplewood Lane)
 APPLICANT: McKnight Townhomes
 OWNER: Richard E. Lundberg
 PROJECT: McKnight Townhomes
 DATE: December 15, 1981

Action by Council:

SUMMARY OF THE PROPOSAL

Request

Approval to erect a 32 square foot ground sign with a six square foot extension for a total sign area of 38 square feet.

Proposal

1. Refer to the enclosed memorandum dated 11-16-81 and plans.
2. The proposed sign would replace the existing sign of the same size.
3. Setbacks would be complied with.

CONCLUSION

Issues

State law requires that two findings must be made prior to the issuance of a variance. First, the variance must be in keeping with the spirit and intent of the ordinance. Staff feels that this is being met. A 32 square foot sign with a six square foot extension does not seem excessive considering the size of the complex it is identifying. Staff feels that the proposed sign would be appropriate for the facility and would not be objectionable as to size or location. The proposed sign would also help in creating a newer, neater image for the townhouse complex.

Secondly, State law requires that it must be found that strict enforcement would cause undue hardship, because of circumstances unique to the individual property. The property has no physical characteristics which would cause a hardship. The ordinance, however, creates that hardship in that it does not recognize the need for adequate signage for most multiple residential complexes.

An eight square foot sign along McKnight Road in this instance would do little to identify the townhouse complex and may also cause traffic to slow down along this minor arterial in order to read the smaller sign, which may be hazardous.

Recommendation

Approval of the sign variance for McKnight Townhomes based on the findings that:

1. The proposed sign would meet the spirit and intent of the Sign Code.
2. The proposed sign would be attractive in appearance and would be compatible with the townhome complex.

BACKGROUND

Site Description

1. Gross Acreage: 20 acres
2. Sign Location Area: 375 square feet (this figure is an estimation of the landscaping area surrounding the proposed sign)
3. Existing Land Use: 190 townhome units
4. Existing Signs:
 - a. "High View Townhouses Rentals"
Size: 8 by 4 feet
Type: Ground sign
Location: McKnight Road and Pond Avenue
 - b. "High View Townhouses - 400 Dorland Drive"
Size: 2.5 by 3 feet
Type: Wall sign
Location: Model unit at 400 Dorland Drive
 - c. "High View Townhouses - Rentals"
Size: 2.5 by 3 feet
Type: Ground sign
Location: Dorland Road and Londin Lane

Surrounding Land Uses

Northerly: High View Townhouse property
Southerly: Pond Avenue. South of Pond Avenue are the Maplewood Gardens Apartments
Easterly: High View Townhouses
Westerly: McKnight Road

DEPARTMENT CONSIDERATIONS

Planning

1. Zoning: F, Farm Residence District. This development is covered under a special use permit for a Planned Unit Development.
2. 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 individual property under consideration.
 - b. The variance would be in keeping with the spirit and intent of the ordinance.
3. Section 818.170 Schedule II of the Sign Ordinance states that the largest freestanding (ground) sign permitted in a Residential district is eight square feet.

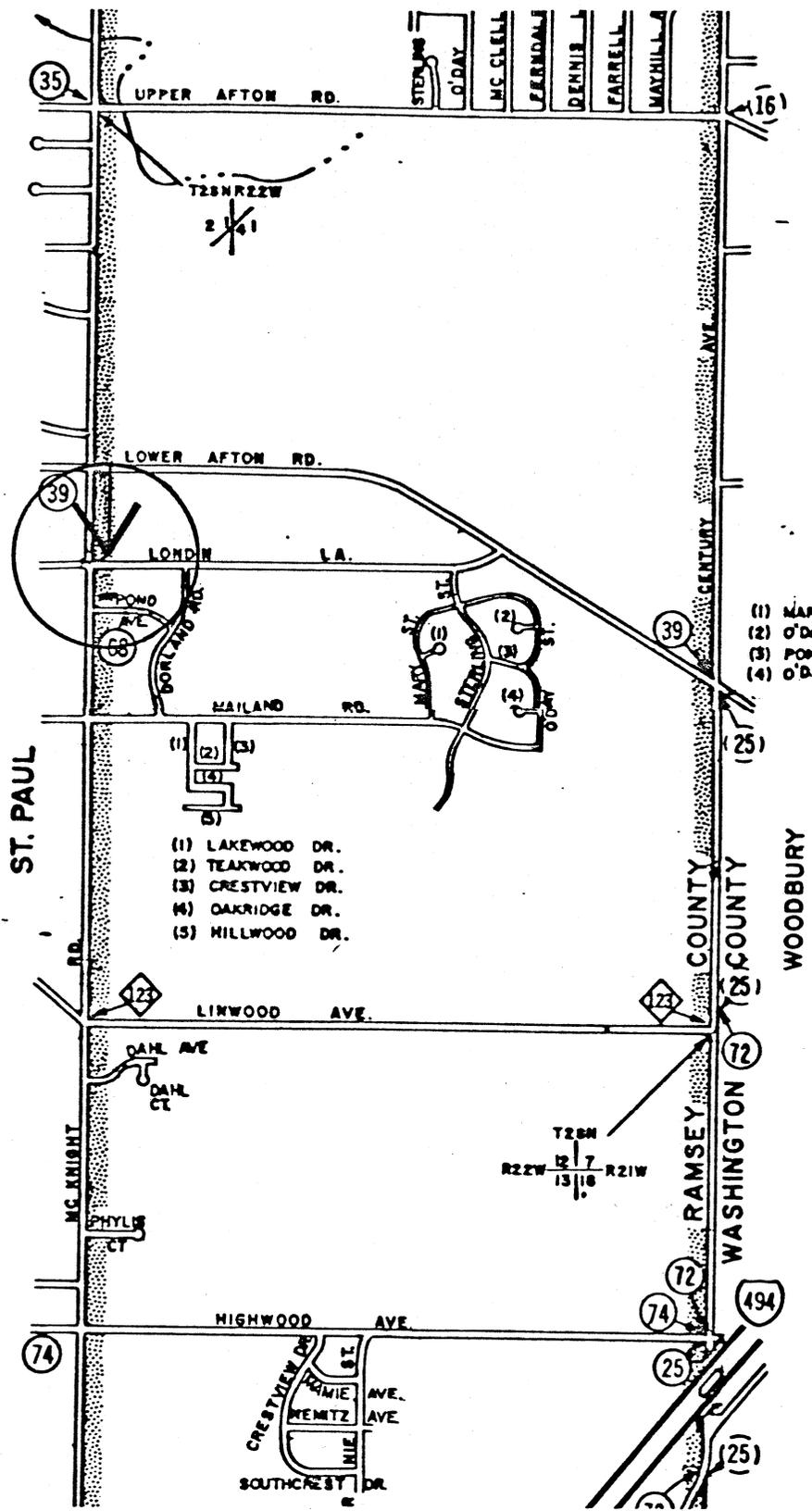
4. The applicant is proposing a 38 square foot sign.
5. The applicant needs a variance, therefore, of 30 square feet.

Public Safety

The location of the proposed sign must not obscure the vision of traffic along McKnight Road.

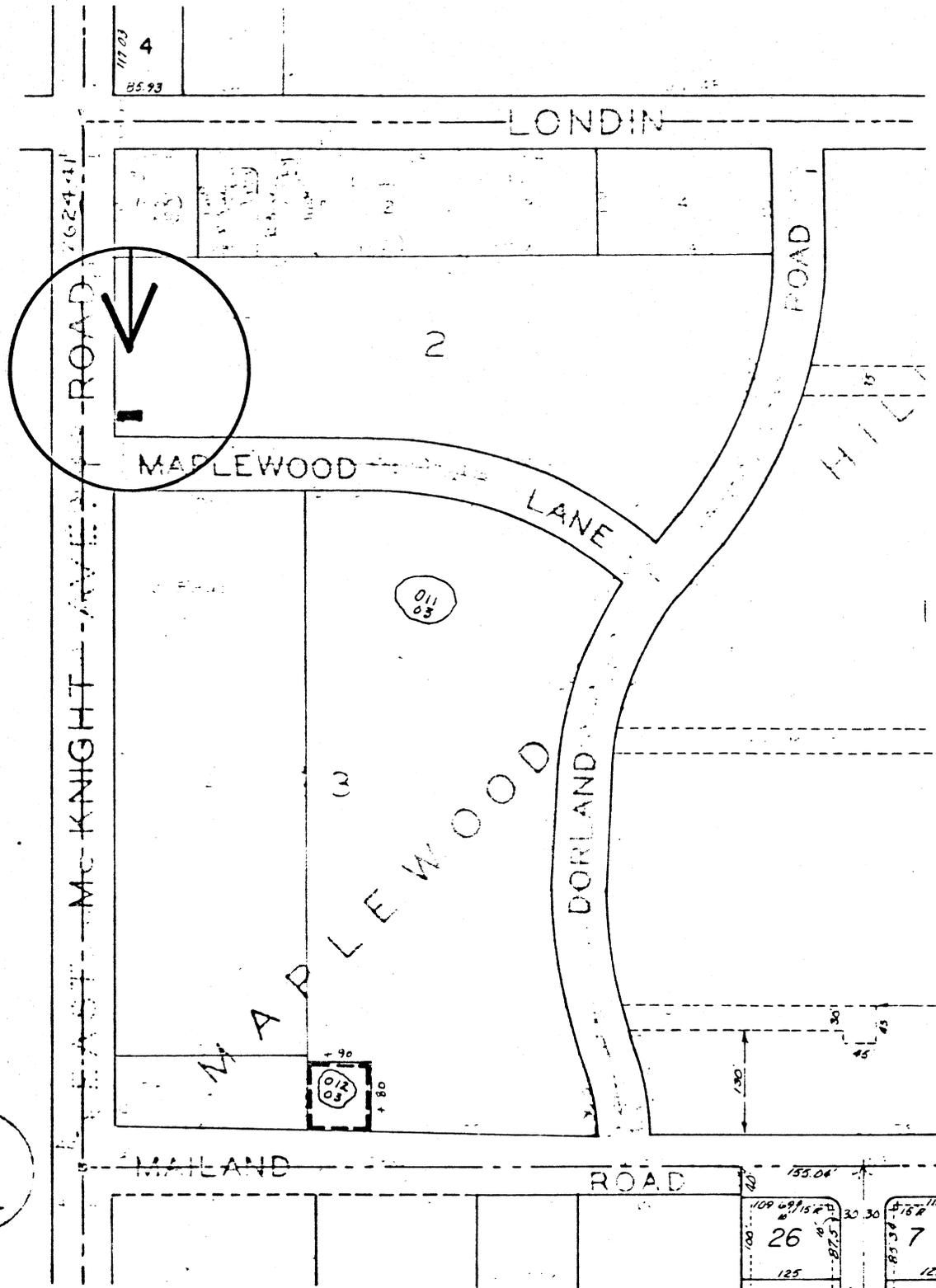
Enclosed:

1. Location Map
2. Property Line Map
3. Site Plan
4. Sign Plan
5. Applicant's Memorandum dated 11-16-81



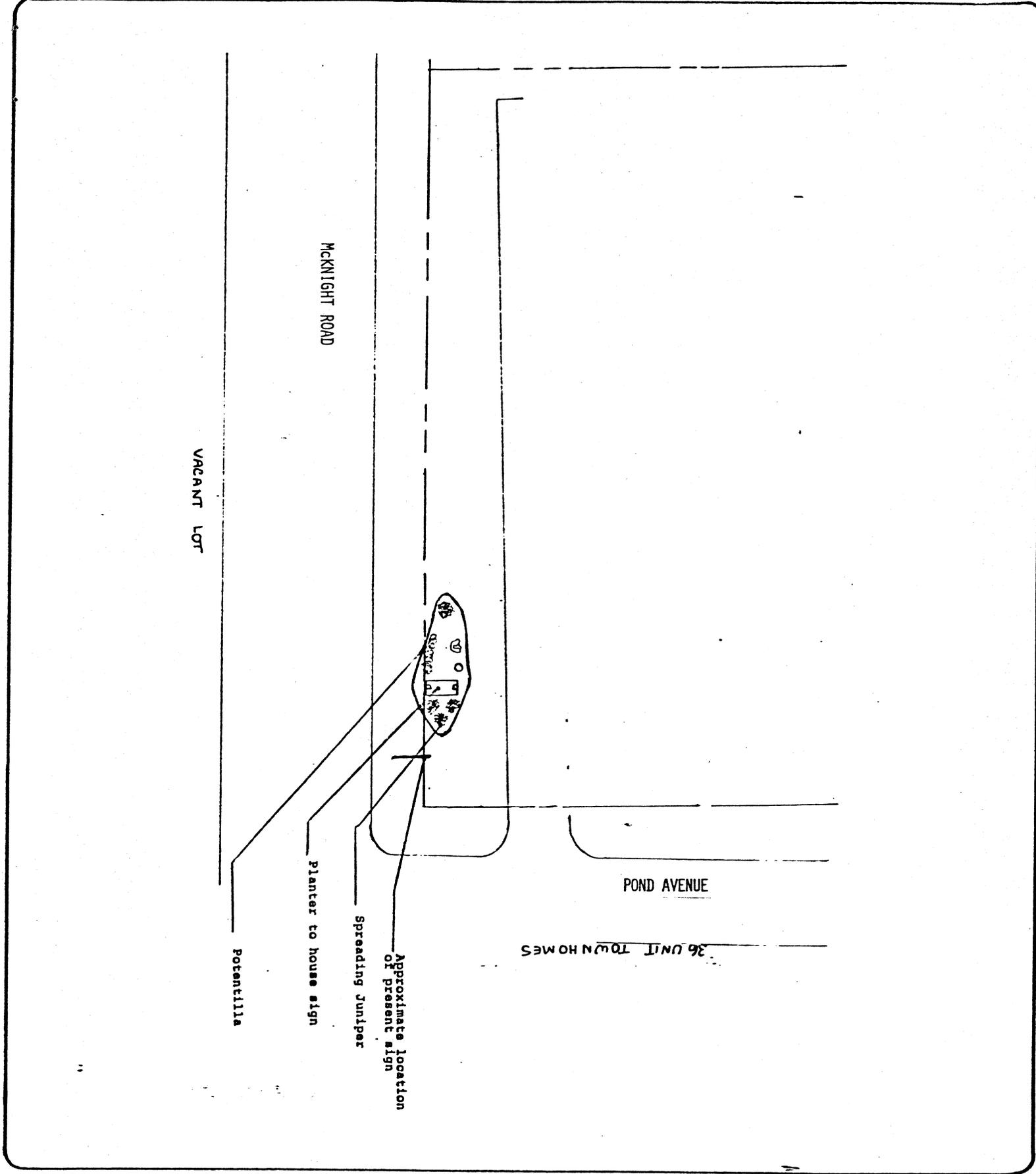
LOCATION MAP



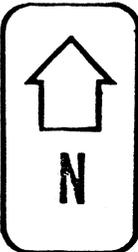


PROPERTY LINE MAP





SITE PLAN





- 1.) Color green - raised logo
- 2.) Color tan - raised logo
- 3.) 3/4" MDO Duraply - background panel dark brown
- 4.) Off - white raised accent strip
- 5.) Radius capped all round
- 6.) Off - white raised letters
- 7.) Off - white raised letters
- 8.) Removeable double faced wood panel - 3/4" MDO Duraply - Brown w/
white copy
- 9.) Ground support posts

SIGN PLAN



MEMORANDUM

TO: Design Planning Board
Maplewood City Council

FROM: McKnight Townhomes (presently Highview Townhouses)

DATE: November 16, 1981

SUBJECT: Sign change - zoning code appeal

It has come to our attention that the sign presently identifying Highview Townhouses is located on an easement belonging to Ramsey County.

We are presently in the process of obtaining ownership of Highview Townhouses. Although we do not wish to increase the size of the sign, we would like to take this opportunity to:

- a.) place a new sign within the bounds of our own property
- b.) change the name on the sign from Highview Townhouses to McKnight Townhomes

In compliance with state law we would like to show :

- 1.) Strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.

Since Highview Townhouses has been a greatly distressed property for the past few years, we feel that it is most essential that we create a mood that will overcome its objectionable past. The sign for which we are seeking the variance will be the main entrance sign to a property consisting of 190 townhomes and over 20 acres of land. The sign will be one small part of the \$ 1.6 million program that is planned for the renovation and clean-up of the entire property.

As a developer experienced in the conversion of distressed properties, we are aware that one of the greatest liabilities that we face is overcoming the previous reputation of the property. It is our feeling that in creating an impressive entrance to the property, by the use of a professional landscape architect and a graphic design specialist, we will overcome a great percentage of this hardship.

- 2.) The variance would be in keeping with the spirit and intent of the ordinance.

Since the plans for the new signage are such a vast improvement over the existing sign, it would go without saying that the variance would be in keeping with the spirit and intent of the ordinance.

The Board discussed with the applicant the redesigning of the sign to make it a low profile sign.

Chairman Phillippi moved the Board reconsider the motion of denial.

Board Member Hedlund seconded Ayes - all.

Chairman Phillippi moved the Board rescind their motion of denial

Board Member Hedlund seconded Ayes - all.

Board Member Deans moved the Board table the requested sign variance until a revised plan is submitted.

Board Member Hudlund seconded Ayes - all.

B. McKnight Townhomes - Sign Variance (384 S. McKnight)

Board Member Folley moved the Board recommend approval of the sign variance for McKnight Townhomes based on the findings that:

1. The proposed sign would meet the spirit and intent of the Sign Code.
2. The proposed sign would be attractive in appearance and would be compatible with the townhome complex.

Board Member Lydon seconded Ayes - all.

7. VISITOR PRESENTATIONS

8. BOARD PRESENTATIONS

9. STAFF PRESENTATIONS

10. ADJOURNMENT

Meeting adjourned at 8:30 P.M.

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Street Easement Vacation
 LOCATION: 7th Street, east of McKnight Road (see enclosed maps)
 APPLICANT: Julia F. Lepsche
 OWNER: Gaughan Land Incorporated
 DATE: December 11, 1981

SUMMARY OF THE PROPOSAL

Request

Vacation of an easement for a portion of the Seventh Street right-of-way, lying east of McKnight Road.

Proposal

Create an interior single-dwelling lot, south of the applicant's existing dwelling. The street easement makes the applicant's lot a corner lot, requiring more frontage on McKnight Road for two lots than is available.

CONCLUSION

Analysis

Improvement of a street along this corridor would not be in the public interest.

The undeveloped land to the east (Parcel three and the eastern portion of Parcel four, Map two) is planned for high density residential development. Adequate access, as shown in an approved PUD for the site (Map five), can be obtained from Stillwater Road and Avenue. Secondly, whenever possible, traffic generated by a high density development, such as approved, should not be permitted to outlet into a single-dwelling neighborhood, as would be the case if this corridor were improved.

Improvement would also involve the relocation of a storm water pond (Map three), which could further reduce a natural buffer between the two neighborhoods.

Improvement of the easement, to serve only the abutting church and single-dwelling properties, is not wanted by the present property owners.

Improvement would also require additional right-of-way to provide for a standard width street. Since the applicant's home and garage are close to the south boundary of the existing easement, any additional right-of-way would most likely be obtained from the church property. In turn, the applicant would only gain two single-dwelling sites, with no benefit to the existing dwelling. The church would most likely have to develop the abutting land to pay for the improvements; an action not desired by the church or planned for in the Land Use Plan.

If the easement is released, a utility and drainage easement should be retained until final plans are approved for the undeveloped land to the east.

The procedures for release of the easement are complicated in this case because of a land title irregularity. Rather than authorizing a vacation per se, the City Attorney has indicated that a quit claim deed process, authorized by Council resolution, would be the most appropriate action.

Recommendation

Approve the enclosed resolution authorizing Staff to quit claim the street easement back to the property owner, subject to the owner quit claiming to the City a utility and drainage easement over, under, through and across the area of released street easement.

Approval is recommended on the basis that:

1. The street easement is in excess of the public need.
2. Improvement would not be cost-effective for the abutting properties.
3. The easement unnecessarily restricts the development of adjacent land.
4. Improvement would be contrary to the intent of maximizing the buffer between single-dwelling neighborhoods and high density residential developments.

BACKGROUND

Easement Description

Status: Undeveloped. The underlying land is part of Parcel three on Map two.

Size: The eastern portion is 33 feet wide, widening to 66 feet at McKnight Road, and is 296 feet long.

Surrounding Properties

North: Beaver Lake Lutheran Church

East: An undeveloped, large, irregular-shaped parcel (Parcel three, Map two), with frontage on Stillwater Avenue and Stillwater Road, planned for Residential High Density use.

South: The applicant's single dwelling and garage, located on a 3.47 acre, double-fronting parcel (Parcel four, Map two).

West: McKnight Road. Across McKnight Road, single dwellings located in the City of St. Paul

Past Actions

November 5, 1952: The street easement was acquired from Leo Zacho by the Town of New Canada.

September 13, 1979: Council approved a PUD for multiple dwellings on Parcel three (Map five).

September 4, 1980 and August 20, 1981: One year time extensions were granted for the PUD.

DEPARTMENT CONSIDERATIONS

Planning

1. Abutting Land Use Plan Designations (Map four):
North - Church
East - Residential High Density
South - Residential Lower Density
2. Compliance with Land Use Laws: Section 412.851 of State Statute allows a City to vacate any public land interest when determined to be in excess of the public need.

Public Works

1. There are no utilities located along or within this easement.
2. The drainage plan shows a storm drainage pond (Map three) over the eastern portion of the easement.
3. A street is not proposed or necessary along this corridor.

Legal

The land underlying the easement is registered property. The street easement was recorded with the abstract system, rather than the torrens system of Ramsey County Land records.

The City Attorney indicates that technically the "easement" does not encumber the underlying property (Parcel three, Map two). Vacation with a public hearing is, therefore, not necessary. If the easement is to be released, the Council's action should be by resolution.

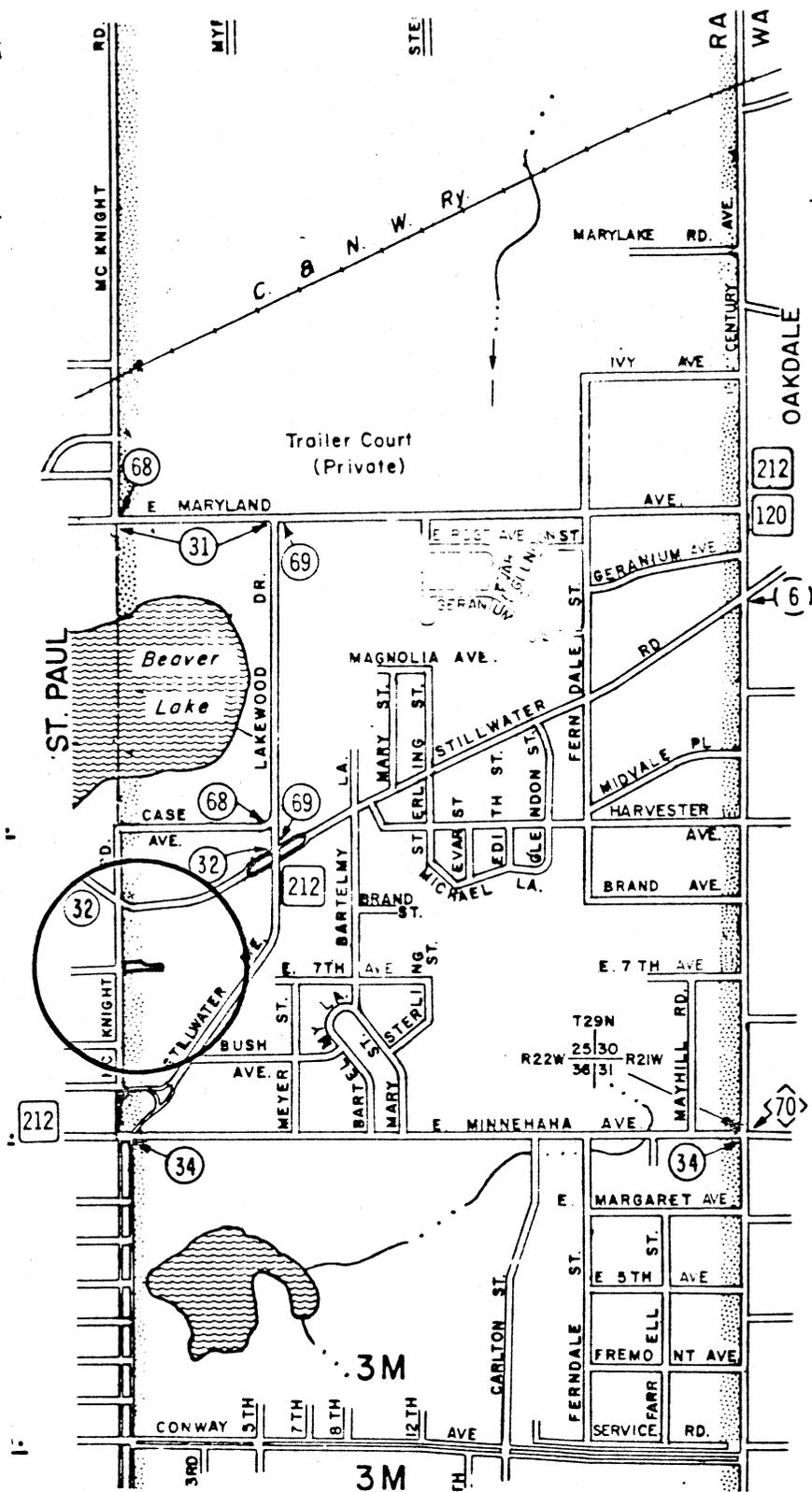
If the "easement" is to be retained, the City will have to petition the County to have it entered on the certificate of title for the property or obtain a quit claim deed from the property owner.

Affected Properties

Beaver Lake Lutheran Church and the property owner concur with the vacation request.

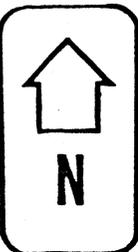
Enclosures:

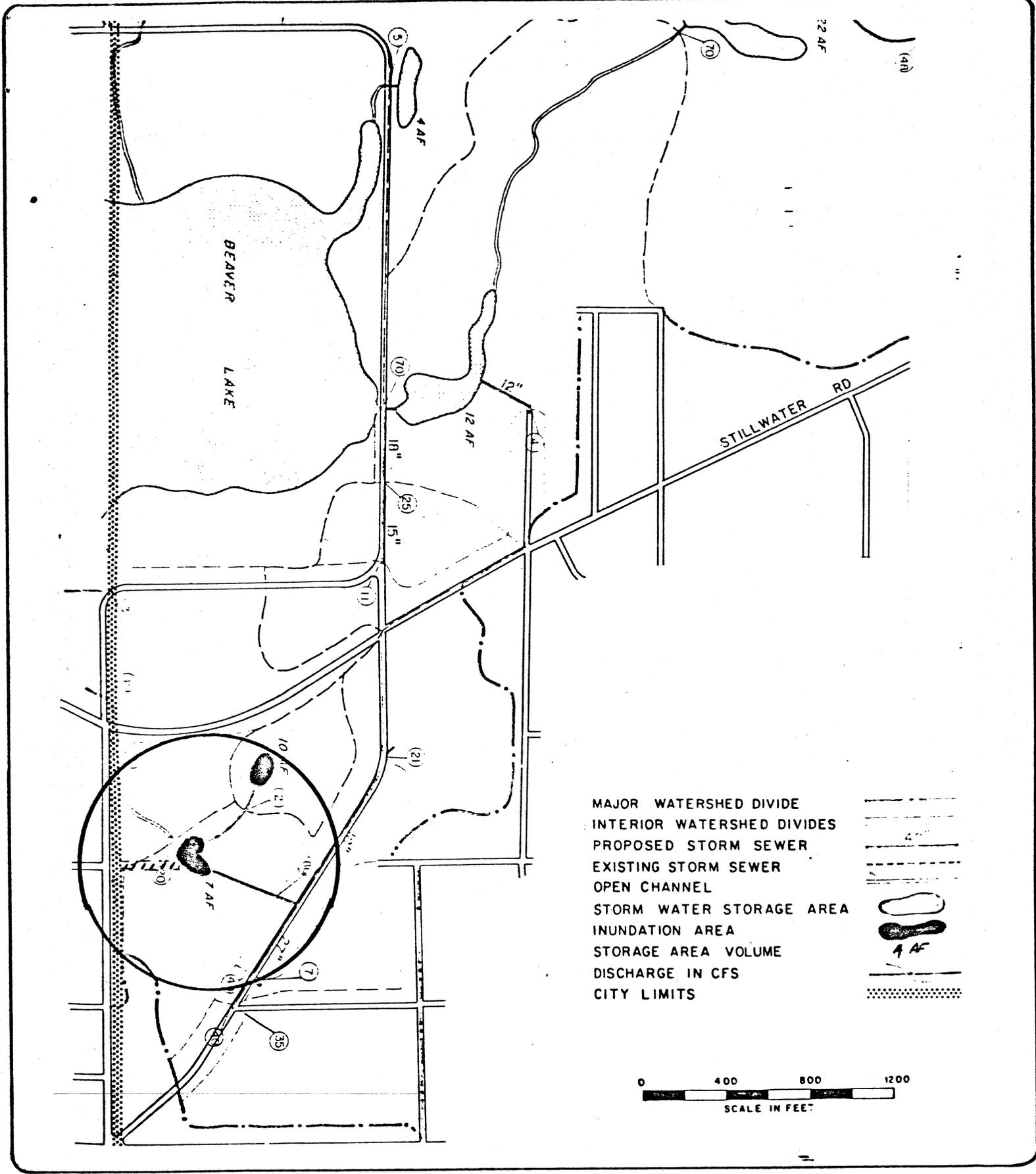
1. Location Map
2. Property Line Map
3. Excerpt from the Drainage Plan
4. Beaver Lake Land Use Plan
5. Approved PUD for the undeveloped property to the east
6. Applicant's letter of justification
7. Resolution to release easement

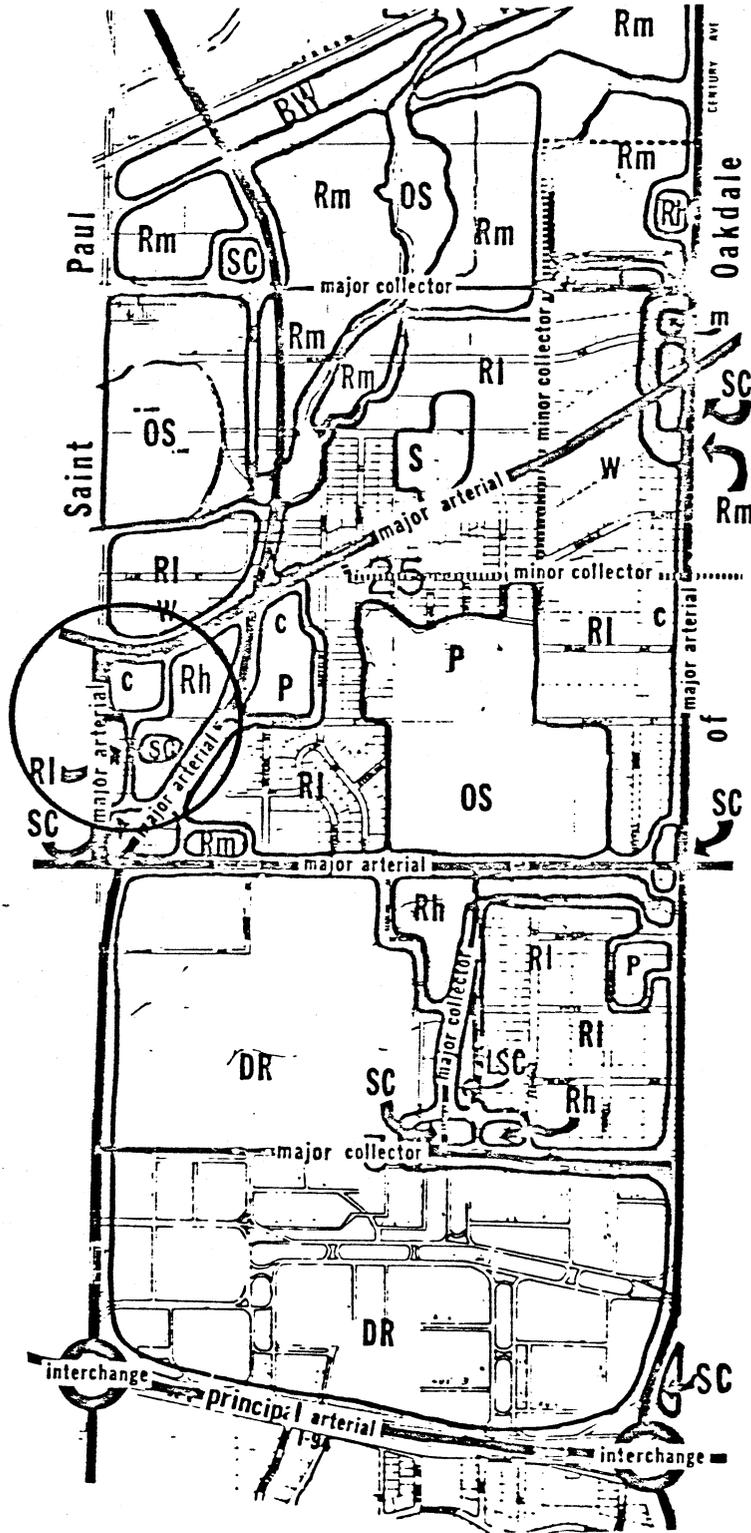


Map 1

LOCATION MAP



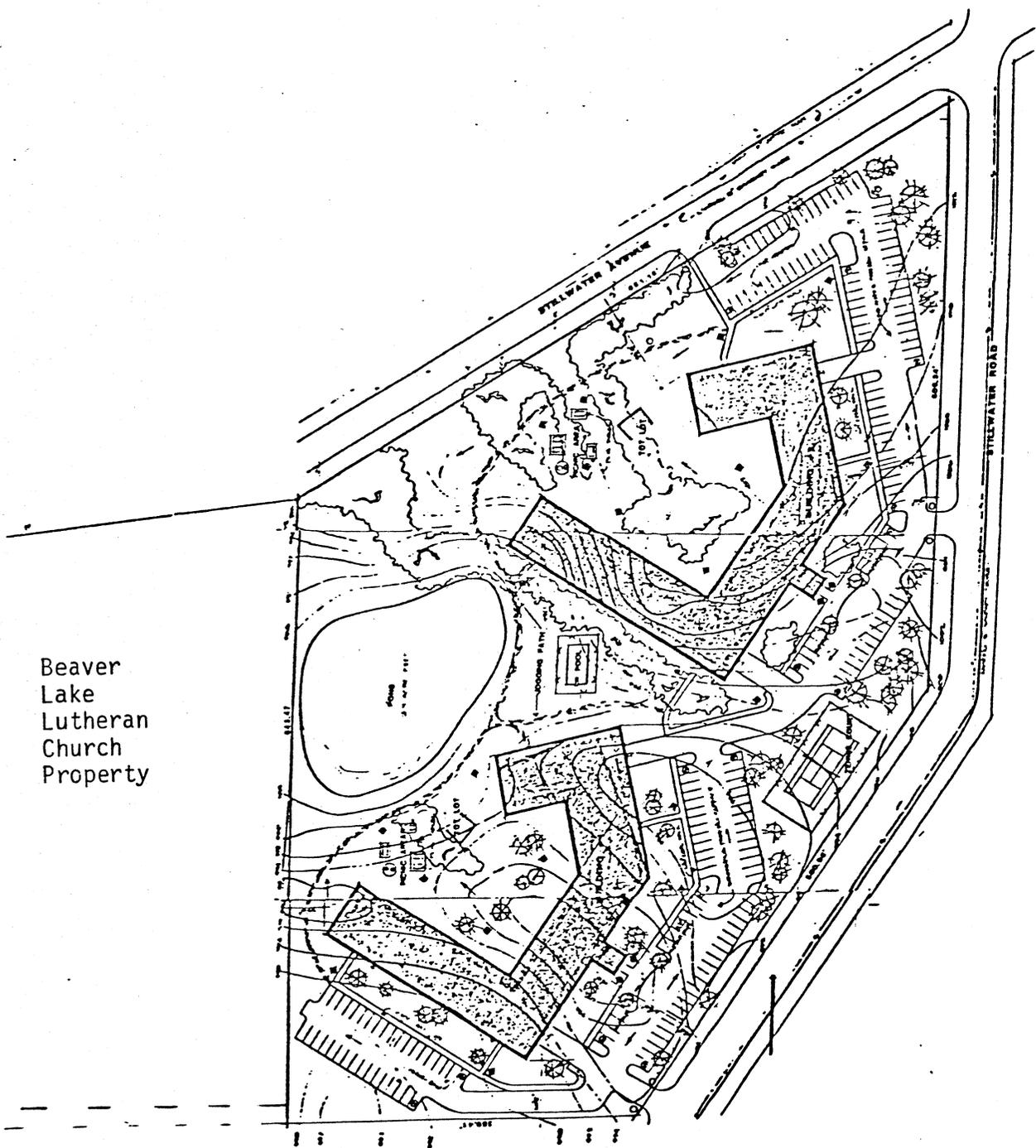




Map 4

**Beaver Lake
NEIGHBORHOOD LAND USE PLAN**





Beaver
Lake
Lutheran
Church
Property

Applicant's
Property

Map 5

APPROVED PUD FOR THE UNDEVELOPED PROPERTY TO THE EAST



9/18/81

I Julia F. Lepsche would like to request a vacation of the full easement of property that lies between my property of 840 No McKnight Rd and the adjoining property owned by the Beaver Lake Church, 2280 Stillwater Ave for the following reasons:

1. I feel there is no need now of service to the public at this time, nor in the future, for the extension of 7th street.

2. I need to have the question of whether my property at 840 No McKnight Rd will ever become a corner lot therefore affecting a future splitting of my property into lots that require a 75 foot frontage requirement to a 100 foot frontage requirement.

Julia F. Lepsche
840 No McKnight Rd
St Paul, Minn 55119

Resolution for Easement Release

WHEREAS, the following described street easement was granted to the Town of New Canada on October 13, 1952, by Leo J. Zacho:

Beg. at the SW corner of the NW 1/4 of the SW 1/4 of Said Section 25, thence N on W L thereof 66.0 feet; thence E par with S L of the NW 1/4 of the SW 1/4 of said Section 25 a distance of 125.0 feet; thence SE'ly to a point which is 225.0 feet E of the WL of said Section 25 and 33.0 feet N of the S L of said NW 1/4 of the SW 1/4 of Section 25; thence E par with said S L of said NW 1/4 of the SW 1/4 105.0 feet more or less to a point on the E L of said W 1/2 of the W 1/2 of the NW 1/4 of the SW 1/4; thence S on the E L of said W 1/2 of the W 1/2 of the NW 1/4 of the SW 1/4 a distance of 33.0 feet to a point on the S L of the NW 1/4 of the SW 1/4 of Section 25, Township 29N, Range 22W; thence W on said S L to the point of beg, all subj to McKnight Road right-of-way

WHEREAS, the underlying property of record, which includes the easement, is registered land, described as follows:

Subj to Rds and Ex part of N 3/4 of NW 1/4 of SW 1/4 E of W 642 ft thereof and Wly of a L run NWly at angle of 63 deg 37 min with S L of SD N 3/4 from PT thereon 1038 ft E from W L of SD 1/4 1/4 part of SD 1/4 1/4 bet CL of Rd and CL of Hwy except therefrom Registered Land Surveys Nos 21 and 137 all in Section 25, Township 29, Range 22

WHEREAS, the easement instrument (Document No. 1294734) was recorded on November 5, 1952, with the Ramsey County Abstract Clerk

WHEREAS, the Certificate of Title for said underlying property (Document No. 290-686) does not show an entry for said easement

WHEREAS, the Maplewood City Council finds that the release of the above described street easement is in the interest of the public, on the basis that:

1. It is in excess of the public need.
2. Improvement would not be cost-effective for the abutting properties.
3. Its presence unnecessarily restricts the development of adjacent land.
4. Improvement would be contrary to the intent of maximizing the buffer between single-dwelling neighborhoods and high density residential developments.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, Ramsey County, Minnesota that the above described street easement be and hereby is released from the abstract system of land records.

NOW, THEREFORE, BE IT FURTHER RESOLVED that said easement release is subject to the recording, under the torrens system of land records, of a utility and drainage easement, over, under, through, and across the released street easement.

8. NEW BUSINESS

A. Release of Street Easement - Lepsche (7th Street)

Secretary Olson said the applicant is requesting vacation of an easement for a portion of 7th Street right-of-way, lying east of McKnight Road. Staff is recommending approval as outlined in their report.

The Commission questioned who would obtain the property after the vacation.

Secretary Olson said because the property is not dedicated as right-of-way and is privately owned, it would be retained by the existing owner.

The Commission discussed with Secretary Olson the ownership of the property and its size.

Mrs. Engebretson, speaking for her mother, Mrs. Lepsche, said they wished to divide their property for development, therefore, they requested the vacation so the existing garage would meet setback requirements and there would be sufficient frontage.

The Commission discussed retaining the necessary property for the drainage pond so it would not have to be obtained at a later date.

Mrs. Engebretson questioned how large of a pond it would be, how much property would be involved.

The Commission and Secretary Olson indicated staff would have to determine what size would be required prior to construction of a pond. That information is not available at this time.

Commissioner Kishel moved the Planning Commission recommend to the City Council approval of the resolution authorizing Staff to quit claim the street easement back to the property owner, on a portion of Seventh Street right-of-way, lying east of McKnight Road subject to the owner quit claiming to the City a utility and drainage easement over, under, through, and across the area of released street easement.

Approval is recommended on the basis that:

1. The street easement is in excess of the public need.
2. Improvement would not be cost-effective for the abutting properties.
3. The easement unnecessarily restricts the development of adjacent land.
4. Improvement would be contrary to the intent of maximizing the buffer between single-dwelling neighborhoods and high density residential developments.

5. Staff take into account the need for a ponding area on the applicant's property if and when a request for lot subdivision is made.

Commissioner Prew seconded

Ayes - Commissioners Axdahl, Barrett, Ellefson, Fischer, Hejny, Howard, Kishel, Pellish, Prew, Sletten, Whitcomb

B. Preliminary Plat - Gervais Overlook

Secretary Olson said the applicant is requesting a preliminary plat for twenty single-dwelling homes. Staff is recommending approval as outlined in their report.

3. The 1½-story dwelling minimum is based upon the typical Gladstone Neighborhood, 1½ story-dwelling. It is similar in mass to a modest bi-level dwelling, but smaller than a modest two-story dwelling, as viewed from the street.

Objectives of the Amendment

1. Allow a variety of floor plans for two-bedroom dwellings
2. Reduce the cost of housing
3. Assure that external appearances of new housing will be proportional with existing housing
4. Assure adequate internal habitability

Past Actions

1. November 19, 1981: a) Council gave first reading to reducing the minimum floor area requirement for one-story single-dwellings from 1040 to 950 square feet; b) Action regarding the other single-dwelling residence types was tabled for further information.
2. December 16, 1981: Council gave final approval to a reduction in minimum floor areas for one-story single-dwellings from 1040 to 950 square feet.

CONCLUSION

Issues

To establish or revise minimum floor area requirements, various factors which promote the public interest should be taken into account. Two such factors are: dwelling habitability and neighborhood character. Concerns commonly associated with neighborhood character are property value and aesthetics.

Dwelling Habitability

At a minimum, each dwelling constructed should provide room sizes large enough to meet basic human needs and discourage overcrowding. The Uniform Building Code would serve this function in the absence of more restrictive zoning codes. However, reliance only upon the building code would allow the construction of dwellings which may not be proportional to existing dwellings.

Neighborhood Character

Property Value: The preservation of neighborhood character is a principal reason for the adoption of minimum floor area standards, in excess of building code requirements. It has been commonly assumed that smaller dwellings, among larger dwellings, could have the effect of depressing property values.

Marlin Grant of Marv Anderson Homes, in his letter dated December 15, 1981 (attached), discounts this assumption. Secondly, a New Jersey Court, in 1981, overturned a minimum floor area requirement which was adopted on this premise.

The decision stated that: "that the size of a house "per se" has no effect upon neighborhood aesthetics nor upon the value of neighboring properties. More important here, rather, according to the experts, were such factors as topography, lot size, landscaping, and the like" (see Zoning and Planning Law enclosure).

Aesthetics: From an aesthetic or architectural viewpoint, some may believe that smaller homes among larger homes create an unattractive neighborhood. The validity of aesthetic-related opinions, because of their very nature, cannot be proved or disproved.

Although there does not appear to be any strong justification for standards greater than those necessary to guarantee habitability, Staff contends that so long as floor area requirements are flexible enough to respond to the size of housing actually needed or wanted by present and future residents, proportionality with existing dwellings should be promoted.

Further, the maintenance of proportional external appearances is most easily accomplished by continuing the present system of requiring different floor area minimums according to the style of dwelling.

Alternatives

1. Reduce the minimum floor areas as proposed
2. Retain the current Code requirements and establish 765 square feet as the minimum area for the levels at and above grade for tri-level dwellings
3. Adopt the minimum floor area requirements set forth in the Uniform Building Code. (If this alternative is chosen, Council should likewise reduce the minimum for one-story, rambler style dwellings.)

Recommendation (At least four votes required for approval)

Approval of the attached ordinance to reduce the minimum floor area requirements for detached single-dwellings, other than a one-story dwelling, and to establish definitions for single-dwelling residence types.

REFERENCE INFORMATION

Existing Code

Section 904.010 (6) - Room Size Requirements - states that: "In every dwelling house hereafter erected, there shall be at least three livable rooms. The overall first floor dimensions of any dwelling house hereafter erected shall not be less in area than the following:

1. a one-floor, rambler-type home, 950 square feet
2. a one and one-half story dwelling, 960 square feet
3. a two-story dwelling, 720 square feet

no livable room, except the kitchen shall be less in area than 90 square feet."

Other Agencies

State Building Code Requirements

In 1977, Richard Brooks, Assistant Director of the Minnesota Building Code office, determined that based on Building Code minimums, a two-bedroom house could theoretically be constructed with as little as 493 square feet. A three-bedroom dwelling could be built with as little as 563 square feet.

Using these same standards, but in conjunction with a convenient, livable floor plan, the minimum square footage for a two-bedroom would be 624 square feet and 708 square feet for a three-bedroom dwelling. The source of these revised figures is a report published by the Metropolitan Council entitled Modest-Cost Housing in the Twin Cities Metropolitan Area, 1976.

Model Residential Code Recommendations

In 1976, a Model Planned Residential Development Code was prepared by a consultant for the Metropolitan Council. Estimated minimum, adequate, and generous total floor areas are recommended on the basis of family size. The following table illustrates the results:

LIVING AREAS RECOMMENDED BY THE MODEL PLANNED RESIDENTIAL DEVELOPMENT CODE
(Square Feet)

Size of Household	Minimum Adequate Total Floor Area	Adequate Total Floor Area	Generous Total Floor Area ¹
2 adults	475	558	592
2 adults + 1 child	650	715	775
2 adults, 2 children	785	805	885
2 adults, 3 children	940	1,040	1,105

¹Includes additional kitchen area, sleeping area, entertainment area, and second bath.

Source: Developed from Model Planned Residential Development Code prepared for the Metropolitan Council by Bather, Ringrose, Wolsfeld, Inc., Project Manager, Myers and Bennet Architects, Inc.; Ross, Hardies, O'Keffe, Babcock and Parsons. December 1973.

Metropolitan Council Recommendation

The Metropolitan Council's position is that local land use regulations and comprehensive plans should not specify minimum floor areas for single-family dwellings. It is their position that the Uniform Building Code provides adequate regulation.

The Metropolitan Council gives weight to this recommendation, by ranking applications for recreation and transportation grant funds. Of 100 total ranking points, two points are awarded to those communities who do not have minimum floor area requirements.

Survey

Metro Area Communities

Of the eleven communities surveyed, ten have minimum floor area standards which are less restrictive than Maplewood's. Three of the ten rely totally on the Uniform Building Code minimums. Of the eleven communities, ten use the number of bedrooms as a basis for minimum floor area standards. North St. Paul, like Maplewood, uses building type (i.e., 1-story or 2-story) as a basis for minimum floor area requirements (refer to Attachment B).

Home Builders Survey

Several Metro area builders (Capp, Dynamic, Sussel and Wausau) were contacted regarding typical first floor area ranges for two and three-bedroom, one-story bi-level, and tri-level, and two-story structures. (Refer to Attachment C for results).

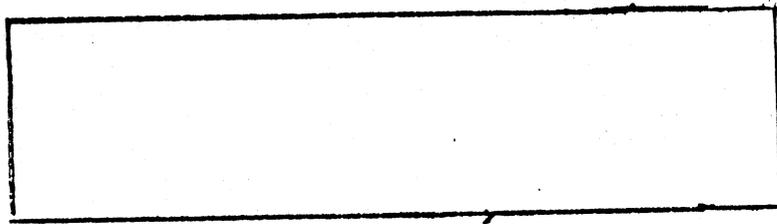
Enclosures

Relative Mass Diagram
Survey of Metro Area Communities
Survey of Metro Area Builders
Letter from Marlin Grant
Definition of Residences
HRA Recommendations
HRC Recommendations
Excerpt from Zoning and Planning Law, 1981
Resolution

ATTACHMENT A

RELATIVE MASS

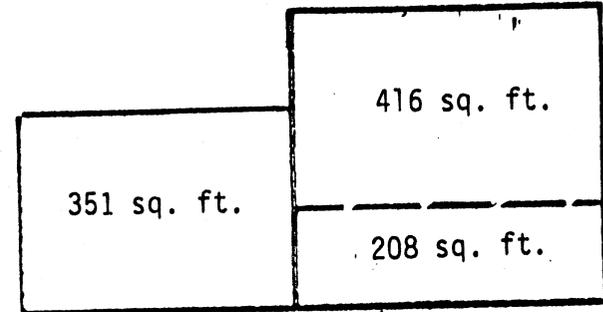
1 - STORY



950 Square feet
24 feet x 39.6 feet

Present
Requirement

TRI - LEVEL



351 sq. ft.

416 sq. ft.

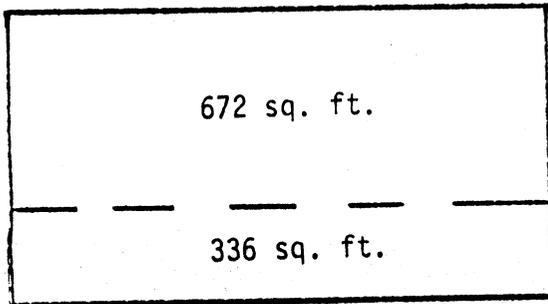
208 sq. ft.

No
Requirement

Grade

975 Square Feet
26 feet x 30 feet

BI - LEVEL



672 sq. ft.

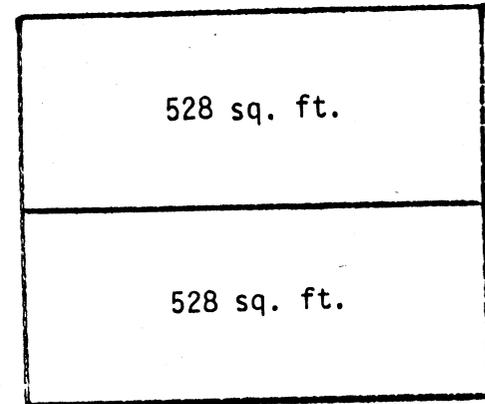
336 sq. ft.

At Present 960 sq. ft.
(First Floor)

Grade

1008 Square Feet
24 feet x 28 feet

2 - STORY



528 sq. ft.

528 sq. ft.

At Present
720 sq. ft.
(First Floor)

1056 Square Feet
22 feet x 24 feet

ATTACHMENT B

SURVEY OF METRO AREA COMMUNITIES
MINIMUM FLOOR AREA REQUIREMENTS
(Single Family Detached Dwellings)

MARCH 1981

1. Brooklyn Center
 - Uniform Building Code
2. Brooklyn Park

2 bedroom	768 square feet	foundation size		
3 bedroom	960 square feet	"	"	"
4 bedroom	1160 square feet	"	"	"
3. Moundsvie
 - 1050 square feet for all single family dwellings
4. New Brighton
 - Uniform Building Code
5. Richfield
 - Uniform Building Code
6. Robbinsdale (Measured from interior of structure)

1 bedroom	720 square feet
2 bedroom	820 square feet
3 bedroom	920 square feet
4 bedroom	1050 square feet
7. White Bear Lake

<u>Lot Size</u>	<u>Floor Area</u>
150 feet wide x 150 deep	1200 square feet
100 feet wide x 120 deep	1200 square feet
80 feet wide x 110 deep	800 square feet
60 feet wide x 110 deep	800 square feet
8. Woodbury
 - 1000 square feet of habitable square feet, less below grade levels
9. Coon Rapids
 - 1200 square feet in an R-1 zone (minimum lot area of 15,000 square feet).
 - 960 square feet in an R-2 zone (minimum lot area of 10,800 square feet).

10. Oakdale

Lot Size

Floor Area

10,000 square feet

2 bedroom 960 square feet
3 bedroom 1000 square feet

15,000 square feet

2 bedroom 1000 square feet
3 bedroom 1040 square feet

11. - North St. Paul

One Story

1 and 2 bedroom 900 square feet
3 bedroom 1040 square feet
4 bedroom 1200 square feet

1 1/2 story

800 square feet first floor
400 square feet second floor

Bi and Tri-level

same as one story

2 story

700 square feet each floor

ATTACHMENT C

FLOOR AREA SURVEY - METRO AREA BUILDERS

CAPP HOMES

1 story	1100-1200 square feet
Bi-level	905 and up square feet
Tri-Level	1000 and up square feet
Two Story	750 square feet

DYNAMIC HOMES

1 story	960 - 1040 square feet
Bi-Level	864 and up square feet
Two Story	725 and up square feet

SUSSEL

1 story	
2 bedroom	816 - 952 square feet
3 bedroom	988 - 1600 square feet
Bi-level	
2 bedroom	894 - 1100 square feet
3 bedroom	1003 - 1312 square feet
Tri-level	1003 - 1312 square feet
two story	760 - 880 square feet

WAUSAU HOMES

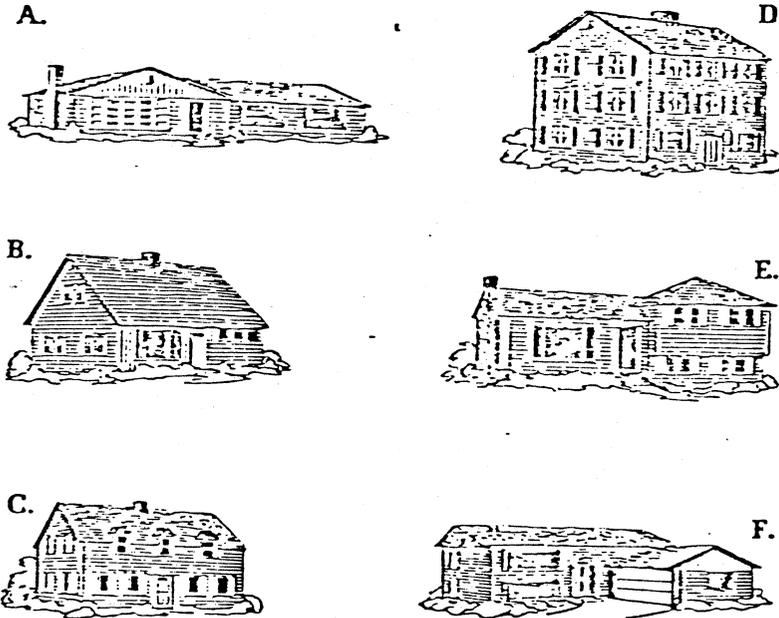
1 story	900 - 920 ^a
Bi-level	850 ^a

(a) a trend toward if codes will permit

Square foot areas calculated as follows:

1 story	Foundation size
Bi-level	main floor plus entry
Tri-level	on-grade and above grade levels
two-story	foundation size

ATTACHMENT D



Types of Residences

- A. 1 story residence — single floor level usually at grade level.
- B. 1-1/2 story residence — two floor levels; one at grade, one above grade which does not have full ceiling height for entire above-grade level.
- C. 2 story residence — two floor levels; one at grade, one above grade, both with full ceiling height.
- D. 3 story residence — three floor levels; one at grade, two above grade, all with full ceiling height.
- E. Tri-level residence — three floor levels; usually one four feet below grade, one at grade, and one four feet above grade, all with full ceiling height.
- F. Bi-level residence — two floor levels; usually one four feet below grade, one four feet above grade, both with full ceiling height. May be on sloping lot with lower level partially exposed.



**MARVIN H. ANDERSON
CONSTRUCTION COMPANY**

8801 LYNDALE AVENUE SOUTH
MINNEAPOLIS, MINNESOTA 55420



December 15, 1981

Mayor John Greavu,
City Council Members,
City Planning Staff
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

Dear Mayor Greavu, Council Members and Planning Staff Members:

I have been reading with interest the discussions you have been holding pertaining to the reduction in the housing square footage requirements within the City of Maplewood.

First, let me compliment you for discussing this issue at a time when cost reductions in housing should and must be achieved. I highly encourage you to continue your discussions and to make substantial changes in reducing this requirement. I would like to give you some of our Company's experiences in this area.

We have been building a goodly number of homes within the City of Minneapolis and Saint Paul in square footages ranging down to 760 square feet for a two bedroom rambler and down to 864 square feet for a three bedroom rambler. We currently have a number of them under construction, some of which are in very nice neighborhoods where homes are considerably larger than the new homes under construction. We have found that there is a great need for such homes and a very strong market.

One important item to keep in mind is that just because a home is smaller does not mean that it cannot be stylish or impressive and expensive looking. I am enclosing some exterior photos of some of these actual homes that we have constructed recently and have listed the addresses on the back of the pictures in case you would like to actually view them. I am hopeful that these will be of interest and help to you in your deliberations. I also have most of these homes on slides and would be happy to show them to you at your convenience, if this would be of help and interest to you.

→ staff will bring the photos to the meeting.

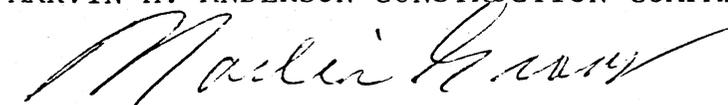
Mayor John Greavu,
City Council Members
City Planning Staff
Page 2
December 15, 1981

I should state that our Company is currently not building any homes smaller than approximately 1200 square feet nor do we have any immediate plans for doing so on property we currently own within the City of Maplewood. However, I am certainly aware of the need and feel that such housing should be allowable to be constructed by those that prefer to do so and have the property on which to construct such homes. Such a change certainly does not mean that each of us as builders are going to change the size of our homes in our own current subdivisions, but it does allow us to have more flexibility in planning future subdivisions.

If I can be of any help to you in this area, please feel free to contact me.

Sincerely,

MARVIN H. ANDERSON CONSTRUCTION COMPANY



Marlin D. Grant
President

MDG:pl

Enclosures

MEMORANDUM

TO: City Manager
FROM: Housing and Redevelopment Authority
SUBJECT: Zoning Code Amendment - Minimum Floor Area
DATE: August 20, 1981

On June 9, 1981, the HRA made the following recommendations:

1. Commissioner Morris motioned and Commissioner Bryant seconded, to establish the Uniform Building Code as the minimum floor area for single-family detached dwellings.

Motion carried 3 to 1 (Commissioner Juker opposing).

2. Commissioner Morris motioned and Commissioner Fischer seconded, that in the event the Planning Commission or City Council considers the Uniform Building Code's floor area requirements to be too low, that 800 square feet should be established as a minimum floor area for all styles of single-family detached dwellings.

Motion carried 3 to 1 (Commissioner Juker opposing).



CITY OF
MAPLEWOOD

1380 FROST AVENUE MAPLEWOOD, MINNESOTA 55109

770-4500

MEMORANDUM

August 17, 1981

To: City Manager
From: Maplewood Human Relations Commission
Re: Zoning Code Amendment - Minimum Floor Area

At its regular meeting on August 4, 1981, the Human Relations Commission reviewed the staff proposal relative to minimum floor area standards for single-family dwellings.

Following deliberation and presentations on this subject, the following actions were taken:

Motion was moved by Commissioner Bryant, seconded by Commissioner Fischer, to establish the Uniform Building Code as a standard for the minimum floor area of single family detached dwellings.
(Motion carried unanimously)

Motion was moved by Commissioner Bryant, seconded by Commissioner Fischer, that in the event the Planning Commission or City Council consider the Uniform Building Code floor area requirements to be too low, that 800 square feet should be established as a minimum floor area for all styles of single family detached dwellings.
(Motion carried unanimously)

MHRC/pw

ing at a rate of 133 units per year, and appointing a special master to oversee the execution of the order by investigating municipal actions and sitting in on public and private meetings. Open housing advocates have applauded the ruling and the remedy, hoping that they will strengthen the Justice Department's hand in similar suits presently pending against such cities as Birmingham, Michigan; Yonkers and Dunkirk, New York; and Glastonbury and Manchester, Connecticut. Such a result, of course, also depends upon whether the Department of Justice will continue to pursue these suits under the Reagan administration.

§ 2.02. Regional Housing Needs

[1] Minimum Floor Area Requirements Invalidated by New Jersey High Court

Overruling a 27-year-old precedent, the Supreme Court of New Jersey has held that zoning ordinances which require minimum floor areas for residential dwellings, irrespective of the number of occupants or other relevant variables, are invalid. The court reasoned that floor area requirements unrelated to occupancy not only fail to advance any valid police power purposes but, to the contrary, tend to subvert the general welfare by promoting economic segregation through the artificial boosting of local housing costs. *Home Builders League of S. Jersey v. Township of Berlin*, 81 N.J. 127, 405 A.2d 381 (1979).

In a 1952 decision, *Lionshead Lake, Inc. v. Township of Wayne*, 10 N.J. 165, 89 A.2d 693 (1952), *app. dismissed*, 344 U.S. 919 (1953), the New Jersey Supreme Court had upheld a municipality-wide minimum living space requirement on grounds that it promoted public health by preventing overcrowding, that it protected property values, and that it preserved the character of the community. The present decision, however, comes after the development of New Jersey's judicial policy against exclusionary zoning, as exemplified by *Southern Burlington County NAACP v. Township of Mt.*

Laurel, 67 N.J. 151, 336 A.2d 713, *app. dismissed*, 423 U.S. 808 (1975), and re-evaluates these factors in a different light.

As to the prevention of overcrowding, the *Home Builders League* opinion finds that this public purpose—concededly a valid one—is advanced only if minimum floor areas are set as “a ratio between the space and inhabitants.” Here, the prescribed minimum floor areas, which ranged from 750 to 1600 square feet, depending upon zone and building type but not depending upon number of occupants, were found to be both overinclusive and underinclusive. Thus, these minima far exceeded the 150 square feet minimum recommended by the American Public Health Association and HUD for a single person living alone but, at the same time, did nothing to prevent potential overcrowding in situations involving numerous people living together. The court here also distinguished regulation of minimum lot size which, although equally subject to being used for exclusionary purposes, nevertheless at least demonstrably advances the public interest in securing light, air and open space. 405 A.2d at 390.

As to protecting property values and preserving the character of the community, the court in *Home Builders League* reasoned, with citations to expert testimony below and to scholarly authorities, that the size of a house *per se* has no effect upon neighborhood aesthetics nor upon the value of neighboring properties. More important here, rather, according to the experts, were such factors as topography, lot size, landscaping and the like. *Id.* at 391.

The court, having thus found that the ordinance’s minimum floor area requirements were rationally related neither to the prevention of overcrowding nor to the preservation of neighborhood character, concluded that the ordinance was “directed solely toward economic segregation” and was therefore invalid. *Id.* at 392–93. Hence, the ordinance here was found to fall within the proscription which the court set forth at the outset: “If the Township’s sole purpose in setting up the minima was to provide for more costly residences so as to exclude lower or moderate

§ 2.02[2] / Zoning and Planning Law

income persons, we would strike down this direct form of economic segregation. . . . We have acknowledged that zoning restrictions and limitations may have some economic effect in elevating the cost of a house, but nothing in the Municipal Land Use Law sanctions such economic segregation in and of itself as a proper zoning goal." *Id.* at 389.

Finally, it should be noted that, throughout the opinion, the court emphasized its view that minimum floor area requirements, *where based on occupancy*, remain valid as a means of zoning control. This is significant, given the fact that, in other cases invalidating zoning provisions as unconstitutional, the same court has recommended "space per occupant" regulations as an alternative means of control. See, e.g., *Kirsch Holding Co. v. Borough of Manasquan*, 59 N.J. 241, 281 A.2d 513 (1971) (invalidating municipal prohibition of group rentals at summer resort); *State v. Baker*, 81 N.J. 99, 405 A.2d 368 (1979) (invalidating zoning limiting single family residency to persons related legally or biologically).

{2} California Legislation Clarifies Growth Management Issue

A recent item from California shows the continuing responsiveness of that state's legislature to issues of land use management. 1979 Cal. Stats., ch. 947, requires cities and counties, in the adoption of zoning ordinances, to consider the effect therefrom on regional housing needs and to balance those regional needs against local needs and capacity. Specifically, where annual numerical limits on new housing units are established by zoning ordinance, the ordinance is required to contain findings as to the elements of public welfare to be promoted thereby which justify the consequent reduction of housing opportunities in the region.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 904 AND 916 OF
THE MUNICIPAL CODE RELATING TO MINIMUM FLOOR
AREA REQUIREMENTS

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

SECTION 1. Section 904.010 (6) is amended to read as follows:

(6) Minimum Floor Area Requirements

- a. The floor area of any detached single dwelling, hereafter erected, shall not be less than the following:
 1. A one-story dwelling: 950 square feet
 2. A tri-level dwelling: 975 square feet
 3. Bi-level and 1 1/2-story dwellings: 1008 square feet
 4. A two-story dwelling: 1056 square feet
- b. Room size and number shall be consistent with Uniform Building Code standards.

SECTION 2. Section 916.010 is amended to include the following new subsections:

(20) Single-dwelling detached residence types are defined as follows:

- a. One-story residence - single floor level, usually at grade level.
- b. One and one-half story residence - two floor levels; one at grade and one above grade, which does not have full ceiling height for the entire above-grade level.
- c. Two-story residence - two floor levels; one at grade and one above grade, both with full ceiling height.
- d. Tri-level residence - three floor levels; usually one four feet below grade, one at grade, and one four feet above grade, all with full ceiling height.
- e. Bi-level residence - two floor levels; usually one four feet below grade, one four feet above grade, both with full ceiling height. May be on sloping lot with lower level partially exposed.

(21) Floor area for detached single-dwellings shall be calculated as follows:

- a. The total floor area of habitable levels at or above grade which have full ceiling height.
- b. One half the floor area of habitable levels partially below grade with full ceiling height or habitable above-grade levels which do not have full ceiling height for the entire above-grade level.

(22) Habitable floor area - as defined by the Uniform Building Code.

(23) Grade - as defined by the Uniform Building Code.

SECTION 3. This Ordinance shall take effect upon passage and publication.

Passed by the City Council of
the City of Maplewood, this
_____ day of _____, 19____.

Mayor

Attest:

Clerk

Ayes -
Nays -

~~3~~
H-1

MEMORANDUM

To: Barry Evans, City Manager
From: Robert D. Odegard, Director of Community Services *RDO*
Date: December 30, 1981
Subj.: Park Availability Charge on Commercial and Industrial Property - Ordinance #400

The Maplewood Park and Recreation Commission discussed the commercial and industrial charges for neighborhood parks. It was apparent that the 3½% of market value presently charged by the City of Maplewood since the acceptance of the ordinance in 1976 has not kept pace with the other suburban communities that are receiving as high as 10% of market value. Motion made by Christianson to increase the commercial and industrial property fee from 3½% of market value to 5% in 1982 and to increase the change by the minimum of 1% per year to a maximum of 10%. It is also recommended that a \$15,000 per acre maximum be placed on park availability charges on commercial and industrial property. Ayes: All; Motion passed.

Action by Council:

Entered _____
Index _____
Referred _____
Date _____

MEMORANDUM

To: Park and Recreation Commission Members
From: Robert D. Odegard, Director of Community Services *R.D.*
Date: December 18, 1981
Subject: Park Availability Charge on Commercial and Industrial Property - Ordinance #400

Please find enclosed a copy of Ordinance #400 which was passed by the City Council on July 22, 1976. You will note that this ordinance does not require an annual resolution stating charges for commercial and industrial property as does the ordinance for park acquisition and development costs paid by residential developers.

In contacting other communities as to their industrial property charges, two phrases are expressed: Assessed Valuation; Market Value.

Assessed valuation of land is the value established by the Tax Assessor's Department. Over the past few years valuation has increased but it is still less than the full value of the property.

Market value of the property is the value that has been established by appraisals or by negotiation between the owner and the City Council. Where appraisers have been required to establish the market value, the costs have been assumed by the developer. (See Section 6 of Maplewood Ordinance #400)

The following information was compiled by personal phone calls or from information that was provided from other communities.

The following suburban communities do not have park acquisition and development ordinances because they were sufficiently built up at the time that this method of funding park acquisition and development was started. To require only a few homesites to contribute to the development of local parks and not place a charge upon other previous developers was considered unfair. - New Brighton, Brooklyn Center, Roseville and North St. Paul.

The following communities have Park Availability Charges on commercial and industrial property:

- 1) Plymouth - 10% of assessed valuation or 10% of land
- 2) Cottage Grove - \$500 per acre although the Council has the option of waiving this charge. (The Council has been seeking industry and therefore has not been making the charge).
- 3) Shoreview - 10% of fair market value
- 4) Maple Grove - 5% of gross land area or an equal amount in cash (This is basically 5% of fair market value).
- 5) Brooklyn Park - 10% of assessed value of land not to exceed \$15,000 per acre
- 6) Little Canada - 10% of fair market value
- 7) White Bear Twp. - 10% of fair market value as expressed in their subdivision ordinance
- 8) Mounds View - 10% of assessed value of land
- 9) Oakdale - 10% of land area or equivalent cash
- 10) Woodbury - 10% of fair market value of land
- 11) Eden Prairie - \$1400 per acre
- 12) Maplewood - 3½% of market value in cash or in land area

From the gathered information it would appear that the majority of communities are now charging 10% of either the fair market value or 10% of the assessed value.

Enc. (1)

ORDINANCE NO. 400

AN ORDINANCE AMENDING THE MAPLEWOOD
CODE BY ADDING SECTION 213 PROVIDING
FOR PARK AVAILABILITY CHARGE ON COM-
MERCIAL AND INDUSTRIAL PROPERTY

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

Section 1. 213.010. PURPOSE AND INTENT. The purpose and intent of this ordinance is to assure the citizens of the City of Maplewood that additional open space for parks, playgrounds and recreational facilities will be the responsibility of every sort of new development in the City, not just residential development, so that the City's present vast amount of privately owned open spaces with potential for development are partially available for orderly park recreational and open space development; and to insure that in fact such facilities will be provided, and to preserve, enhance and improve the quality of the physical environment of the City of Maplewood for commercial and industrial uses or a combination thereof regardless of whether such developments or subdivisions are within the context of the City Subdivision Ordinances.

Section 2. 213.020. That the developer of any tract of land in the City of Maplewood which is to be developed for commercial, industrial, or like uses, shall dedicate to the public for public use as parks, playgrounds, or public open space, such portion of his development tract equal to three and one half (3.5) percent thereof.

Section 3. 213.030. DELINEATION OF THE AREA TO BE DEDICATED. The actual area to be dedicated for public use as parks, playgrounds, or public open space shall be delineated on the preliminary plat or site plan by the developer and such plat or site plan shall be referred to the parks and recreation commission for its scrutiny and report to the City Council its findings, conclusions and recommendations, this referral being in addition to any other referral to other commissions or committees.

Section 4. 213.040. If the City Council after receiving reports of the Parks and Recreation Commission and the Planning Commission shall determine that such area is unsuitable for such purposes, it may require the subdivider or developer to relocate or rearrange such area or to make such changes or revisions of the proposed dedication as it deems necessary, reasonable, and in the interests of the health, safety, general welfare and convenience of the City.

Section 5. 213.050. CASH IN LIEU OF DEDICATION. In lieu of the dedication of land required herein for the purposes enumerated herein, the City Council may require the subdivider or developer to pay to the City as an equivalent contribution, an amount in cash equal to the product of the percentage of land required to be dedicated, multiplied by the undeveloped land value of the tract to be subdivided or developed. Such cash payments shall be made to the City prior to the issuance of a building permit for commercial, industrial uses or accommodation thereof.

Section 6. 213.060. UNDEVELOPED LAND VALUE DEFINED. Undeveloped land value as used herein shall be the market value of the subject land at the time of the application, and to be determined by the City Council in its reasonable discretion. As a basis for its decision, the Council may request an appraisal at the expense of the subdivider or developer for the purposes of determining such value. Such additional appraisals shall be obtained if the Council deems it advisable, from an appraiser selected by the Council.

Thereafter, the Council with the aid of both appraisals shall determine the "undeveloped land value".

Section 7. 213.070. RESTRICTION ON USE OF CASH CONTRIBUTIONS. All cash contributions received by the City pursuant to this ordinance shall be placed in a special fund and used only for the acquisition of land for parks, playgrounds, public open space, the development of existing parks and playground sites, public open space, and debt retirement in connection with land previously acquired for such public purposes.

Section 8. 213.080. Proposed park, playground, open space shown in the Comprehensive Plan or a Parks Plan: Where a proposed park, playground, or public open space is located in whole or in part within a proposed subdivision or development, such areas shall be designated as such upon the preliminary plat or site plan and may be required to be included in the dedicated land of the subdivision or development required hereunder.

Section 9. 213.090. This ordinance shall be in effect from and after its passage and publication.

Passed by the City Council of the
City of Maplewood this 22nd day
of July, 1976.

Robert J. Smith
Mayor

Attest:

Francis E. Connelley
Clerk

Ayes - 3

Nays - 2

J-1

MEMORANDUM

To: Barry Evans, City Manager
From: Robert D. Odegard, Director of Community Services
Subj: Nature Center Ordinance
Date: January 13, 1982

Enclosed is the proposed Nature Center Ordinance. The Park and Recreation Commission has closely reviewed this ordinance and strongly recommends its adoption by the City Council.

LAIS, BANNIGAN & CIRESI, P. A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101

DONALD L. LAIS
JOHN F. BANNIGAN, JR.
JEROME D. CIRESI
PATRICK J. KELLY

AREA CODE 612
224-3781

December 22, 1981

Mr. Robert D. Odegard
Director of Community Services
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

RE: Proposed Ordinance for Maplewood Nature Center

Dear Mr. Odegard:

Enclosed please find the proposed Ordinance in the above captioned matter with all corrections made and finalized.

If there are any questions, please do not hesitate to call.

Sincerely,

LAIS, BANNIGAN & CIRESI, P.A.


Donald L. Lais

DLL/sjh
Encl.

ORDINANCE NO.

AN ORDINANCE RELATING TO THE MAPLEWOOD NATURE
CENTER: PRESCRIBING RULES FOR CONDUCT THEREIN

THE CITY OF MAPLEWOOD DOES ORDAIN:

1. Section 1. Definitions. Subdivision 1. For purposes of this Ordinance, the terms defined in this section have the meanings given them.

Subd. 2 "Grounds" means all Maplewood Nature Center property including the parking lot, the picnic area, the interpretive building and the area enclosed within the fences.

Subd. 3 "Maplewood Nature Center Naturalist" means Maplewood Nature Center Naturalist of the City of Maplewood, or a duly authorized representative.

Subd. 4 "Director of Community Services" means Director of Community Services of the City of Maplewood, or a duly authorized representative.

Subd. 5 "Vehicle" means any motorized, propelled, animal drawn or human power transportation.

Subd. 6 "Motorized Recreational Vehicle" means any self-propelled, off the road or track vehicle, including, but not limited to snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail-bike, dune-buggy or four-wheel drive.

Subd. 7 "Intoxicating Liquor" Means any liquor which is intoxicating pursuant to Minnesota Law and includes usual alcohol, distilled, fermented, spiritous, vinous, and malt beverages containing an excess of 3.2 percent alcohol by weight.

Subd. 8 "Non-Intoxicating Malt Liquor" means liquor or beverage containing not more than 3.2 percent alcohol.

Section 2. Hours and Access. The recreation and educational opportunities of the Maplewood Nature Center shall be available to all members of the public regardless of race, sex, age, creed, national origin, or place of residency. The Maplewood Nature Center shall be open to the public during the period of 30 minutes before sunrise and until 30 minutes after sunset. No person shall remain, stop, use or be present within the confines of the grounds during that period of time 30 minutes after sunset and until 30 minutes before sunrise. Exceptions may be made at the discretion of Maplewood Nature Center Naturalists or the Director of Community Services, in the case of an emergency or when special permits have been authorized or when Maplewood Nature Center Employees, law enforcement officers or other persons authorized by the City of Maplewood are engaged in the discharge of their assigned duty.

Section 3. General Conduct. It shall be unlawful for any person to:

1. Use threatening, abusive, insulting, obscene or indecent language or act in an indecent manner, or to do any act which constitutes a breach of public peace within the grounds.
2. Have in possession or bring into the grounds "non-intoxicating" or "intoxicating" malt liquor or beverage or beer.
3. Disturb, harass or interfere with any park visitor or park visitor's property.

4. Deposit, scatter, drop or abandon on or in the grounds any bottles, cans, broken glass, sewage, waste or other material, except in receptacles provided for such purposes.
5. Throw, discharge, or place on or upon any lake, stream, creek, pond or other body of water, in or adjacent to the grounds, or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, any liquid or gas.
6. Gamble or participate in any game of chance on the grounds.
7. Use any land or body of water within the grounds for starting or landing aircraft, hot air balloons or parachutes.
8. Start or maintain a fire on Maplewood Nature Center grounds, except as authorized by a Maplewood Nature Center Naturalist or the Director of Community Services and by permit issued by Maplewood Public Safety personnel.
9. Tamper with, climb on, injure, deface, destroy, damage or remove any part of any Maplewood Nature Center building, sign, light pole, table, bench, boardwalk, bridge, fence or other structure or equipment.
10. Deface, disturb or remove, in any manner, any sod, artifact, fossil, rock or other mineral resource on Maplewood Nature Center grounds except as authorized by a Maplewood Nature Center Naturalist or the Director of Community Services.
11. Excavate any ditch, trench, tunnel or hole on Maplewood Nature Center grounds except as authorized by a Maplewood Nature Center Naturalist or the Director of Community Services.
12. Drop, throw, or otherwise leave unattended on the grounds, lighted matches or any other burning materials such as cigars, cigarettes, tobacco, paper or other combustible items.
13. Sell, solicit or carry on any business or commercial enterprise on the grounds unless authorized by a Maplewood Nature Center Naturalist or the Director of Community Services.
14. Use loud speakers or other amplifying systems on the grounds except with written permission of a Maplewood Nature Center Naturalist or the Director of Community Services.
15. Distribute or disseminate any leaflets, pamphlets, circulars, handbills, advertisements or other written or printed material except with the written permission of a Maplewood Nature Center Naturalist or the Director of Community Services.
16. Post, display, affix or attach any sign, poster, placard, notice, banner or advertisement to any tree, building, shelter, fence, pole or other structure except with the written permission of a Nature Center Naturalist or the Director of Community Services.

Section 11. Motorized Recreational Vehicles. No person shall operate a non-licensed vehicle in the designated parking area of the Maplewood Nature Center.

Section 12. Equestrian. No person shall ride or drive a horse in that area of the Maplewood Nature Center grounds that is enclosed within the fence.

Section 13. Camping. No person shall establish or maintain any camp or other temporary lodging or sleeping place on Maplewood Nature Center Grounds.

Section 14. Firearms, Weapons, Fireworks. No person shall possess, fire, discharge, or set off any firearm, missile, fireworks or explosives within any of the grounds of the Maplewood Nature Center. No person except the law enforcement officers shall possess or carry a firearm within the Maplewood Nature Center. No person shall possess or carry in the Maplewood Nature Center any air gun, bow and arrow, knife with blade longer than three (3) inches, sling shot, dart or projectile thrower or any other dangerous or illegal weapon. Any unauthorized or illegal weapon within Maplewood Nature Center shall be subject to seizure by law enforcement officers.

Section 15. Controlled Substances. No person shall use, possess, consume, administer, dispense, sell, give away or be under the influence of any controlled substance listed in the Schedules, Chapter 152, Minnesota Statutes, 1974, as amended, except when such use, possession, influence and administration is by authorized statutes.

Section 16. Law Enforcement and Employees. No person shall interfere with, or in any manner hinder a Maplewood Nature Center Naturalist, Community Services Director, or law enforcement officer during the performance of assigned duties; nor any employee of a contractor or other City of Maplewood employee engaged in construction, repairing or caring for Maplewood Nature Center grounds or other assigned duties.

Section 17. Penalties for Violations.

1. Regulations in this Part. Any person violating any of the provisions of this ordinance, shall be adjudged guilty of misdemeanor.
2. Any person violating any of the provisions of this ordinance, may be expelled, ejected or ousted at such time from the grounds at the discretion of a law enforcement official or Maplewood Nature Center Naturalist or Director of Community Services or their representatives.

Section 18. Separability. The provisions of this ordinance shall be separable and the invalidity of any section, paragraph, subparagraph, subdivision, or other part thereof, shall not make void, impair, invalidate or affect the remainder thereof.

Section 19. This ordinance shall take effect, and be in force, after its passage and publication.

Mayor

City Manager

J-2

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Amendment to the City Code regarding plan review authority
DATE: December 31, 1981

SUMMARY OF THE PROPOSAL

Request

The current ordinance requires that the City Council annually review the minimum dollar limit a proposal shall meet before review is required by the Community Design Review Board (Refer to the enclosed ordinance. Additions have been underlined and deletions crossed out.)

Objective of the Amendment

To study the current dollar limits and determine whether they are realistic at this time.

CONCLUSION

Issue

The dollar limits in the present ordinance were established in March, 1979. Since then, building costs have risen nineteen percent, according to the Engineering News Record.

As the proposed amendment indicates, staff is recommending that the dollar limits be increased to \$120,000.00 for building additions which would require Board approval and \$12,000.00 for new construction.

Recommendation

Approval of the proposed ordinance amendment

Enclosure:

Proposed Ordinance Amendment

4-10-81
Information
Date

ORDINANCE NO.

AN ORDINANCE AMENDING THE MAPLEWOOD
CODE SECTION 200.190 RELATING TO
REVIEW AUTHORITY

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

Section 1. Section 202.190 of the Maplewood Code is hereby amended to read as follows:

202.190. Plan Review Authority.

1. The Director of Community Development shall review all building or remodeling plans of ~~\$10,000~~ \$12,000 or less in value and all additions of ~~\$100,000~~ \$120,000 or less, where the addition is consistent with the design of the original building and where the original building was previously reviewed by the Community Design Review Board. The Director must first determine, however, that the plans meet all City Ordinances and policies and that the proposal would not have an adverse impact on surrounding properties. If the Applicant chooses to appeal the decision of the Director, the case shall be sent to the Community Design Review Board for a decision. The Board's decision shall be final, unless appealed to the City Council by the Applicant, City Staff, or any affected person, within 10 days after the Board's decision.
2. All other plans shall be reviewed by the Community Design Review Board. The Board's decision shall be final, unless appealed to the City Council by the Applicant, City Staff, or any affected person, within 10 days after the Board's decision.
3. The dollar limits in this section shall be annually reviewed by the City Council.

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

Passed by the City Council of
the City of Maplewood, Minnesota,
this day of , .

Mayor

Attest:

Clerk

Ayes -

Nays -

J-3

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Soo Line Abandonment
DATE: January 15, 1982

The enclosed resolution is in response to the enclosed letter from Ken Weltzin describing the proposed abandonment of a Soo Line rail line.

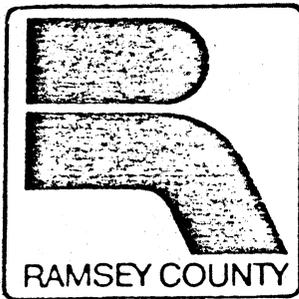
Maplewood should be actively involved in this abandonment for the following reasons:

1. Possible use as a trail
2. The need to acquire easements for existing street and utility crossings
3. The City Drainage Plan proposes storm sewer over most of this rail line
4. Expansion and connection of adjacent public properties

Recommendation

Approval of the enclosed resolution.

Enclosures
Letter from Ken Weltzin
Resolution



Ramsey County
DEPARTMENT OF PUBLIC WORKS

167 Courthouse
St. Paul, Minnesota 55102
(612) 298-4127

KENNETH E. WELTZIN
*Director
and
County Engineer*

PHYLLIS F. SPECKER
Administrative Assistant

January 8, 1982

Mr. Barry Evans, City Manager
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

Proposed Soo Line Railroad Abandonment from Trout Brook Junction to North St. Paul

The Soo Line Railroad Company has filed with the Interstate Commerce Commission (ICC) an application for a certificate permitting the abandonment of a rail line from Trout Brook Junction to North St. Paul in the Cities of St. Paul, Maplewood and North St. Paul (see enclosed map).

The application was to be filed on or about December 31, 1981. If no protests are received within 30 days after the application is filed, the ICC will grant the abandonment request. The actual abandonment could occur within 75 days after the application is filed.

Ramsey County is considering what action to take in regard to the proposed abandonment and potential reuse of the corridor. Last July, Kathryn DeSpiegelaere, Ramsey County Transportation Planner, met with you to discuss proposed rail abandonments in your city. If you have comments or concerns you'd like Ramsey County to consider in determining an appropriate response to the Soo Line application for abandonment, please send them to me.

↳ 484-9104

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

KD/clm
Enclosure

From: City Mgr.
Referred To:
Mayor & Council
Clerk
Fin. Director
Gen. Services
Com. Services
Pub. Safety
Pub. Works
Personnel
File
Other
Date 1/12/82

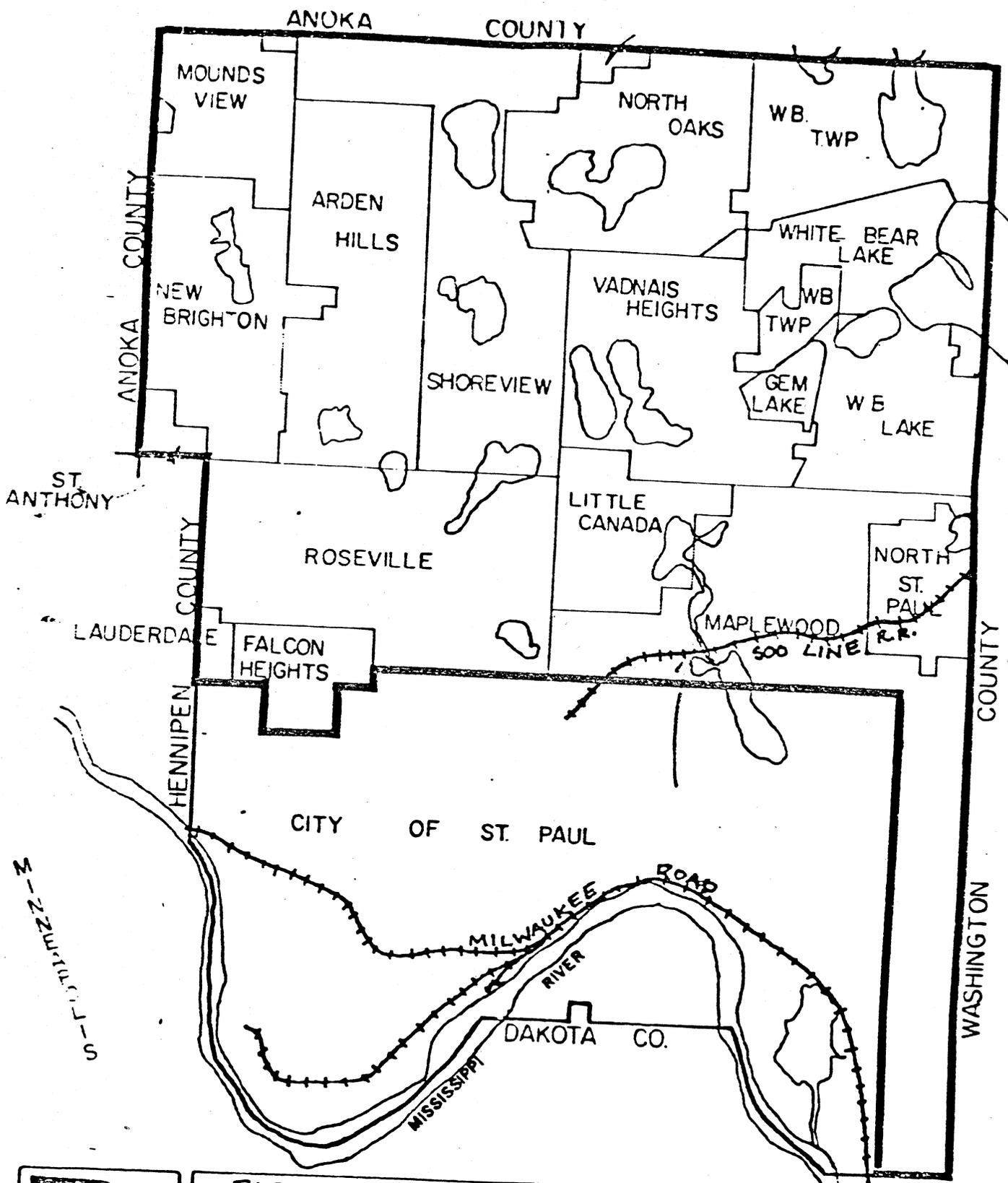
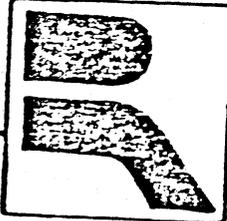


FIGURE 1

PROPOSED RAILROAD ABANDONMENTS
LOCATION WITHIN RAMSEY COUNTY



RESOLUTION

Soo Line Abandonment

WHEREAS, The Soo Line Railroad Company has filed an application with the Interstate Commerce Commission (ICC) for a certificate permitting the abandonment of a rail line through Maplewood; and

WHEREAS, the application was to be filed on or about December 31, 1981 and if no protests are received within 30 days, the ICC will grant the abandonment request; and

WHEREAS, the rail line could provide an alternate extension of the Minnesota-Wisconsin Boundary Trail into Ramsey County; and

WHEREAS, property or easements may be needed for numerous street and utility crossings; and

WHEREAS, the Maplewood Drainage Plan proposes a storm sewer along most of this rail line; and

WHEREAS, the rail line may be needed to expand and connect adjacent public properties, such as: Maplewood's public works site, Flicek Park, Robinhood Park, Ramsey County's Goodrich and Keller Golf Courses, and John Glenn Junior High.

NOW, THEREFORE, DOES THE CITY COUNCIL OF MAPLEWOOD request Ramsey County to act as coordinator for the study and possible acquisition of all or part of the Soo Line rail line; and further

That the City requests a 180 day public use negotiation period; and further

That the City be made a party of record and informed of all future actions in regard to the Soo Line abandonment.