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AGENDA
Maplewood City Council
7:00 P.M., Thursday, April 15, 1982
Municipal Administration Building
Meeting 82-10

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

1. Minutes 82-7 (March 18)
2. Minutes 82-8 (April 1)
3. Minutes 82-9 (April 6)

(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. Findings of Fact: Hillwood Drive - Dorland Road
3. Temporary Gambling License: Presentation Church
4. Contract for Park Master Plans
5. 1981 Annual Financial Report and Audit
6. Cancellation of Developer Charges: Kennard Street Sewer
7. State Aid Transfer: Maryland Avenue Project
8. Paramedic Bill: Application for Cancellation
9. Time Extension: Beaver Lake Hills
10. Payrates for Emergency Preparedness Personnel
11. Easement: Project 78-10

(F) PUBLIC HEARINGS

1. Holloway-Sterling Improvement Project (7:00) _____
2. Preliminary Plat and Lot Division: Keller Parkway--Anderson
(Continuation of Hearing) (7:15) _____
Board of Adjustments & Appeals:
Variances: Keller Parkway--Anderson _____
3. PUD, Preliminary Plat, and Easement Vacation: Leonard's Oak Hills #5
(7:30) _____
4. Rezoning: 2010 Clarence Street (Caron and Dufresne) (Continuation of
Hearing) (7:45) _____
Board of Adjustments & Appeals:
Variance: 2010 Clarence Street _____

(G) AWARD OF BIDS

1. Hillwood Drive - Dorland Road Improvements _____

(H) UNFINISHED BUSINESS

1. Adolphus Street Trunk Sewer Replacement _____
2. Memorial Day Opening: Off-sale Liquor (2nd Reading) _____
3. RE District--Side Yard Setbacks (2nd Reading) _____
4. Definition of Family: Code Amendment (2nd Reading) _____
5. Definition of Room House: Code Amendment (2nd Reading) _____

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Special Exception: Home Occupation (540 Ripley) _____
2. Special Exception: Home Occupation (2095 E. Larpenteur) _____
3. Soo Line Abandonment _____

(K) COUNCIL PRESENTATIONS

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

(M) ADJOURNMENT

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Thursday, March 18, 1982
Council Chambers, Municipal Building
Meeting No. 82-7

A. CALL TO ORDER

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

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Absent
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Minutes 82-5 (February 18, 1982)

Councilmember Bastian moved to approve the Minutes of Meeting No. 82-5 (February 18, 1982) as corrected:

Page 13: Item L-3b Delete Last Sentence.

Seconded by Councilmember Juker. Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Cable T.V.
2. Miscellaneous
3. Recycling Station
4. Battle Creek
5. Bicycle Laws
6. Opticoms

Seconded by Councilmember Bastian. Ayes - all.

E. CONSENT AGENDA

Councilmember Bastian moved, seconded by Councilmember Juker, Ayes - all, to approve the Consent Agenda Items 1 through 5 as recommended:

Approved the accounts (Part I - Fees, Services, Expenses, Check No. 000159 through Check No. 00208 - \$187,603.17; Check No. 012695 through Check No. 012809 - \$396,365.94: Part II, Payroll, Check No. 03251 through Check No. 03369 - \$62,279.84) in the amount of \$646,250.95.

2. Airport Partnership Watermain

Authorized execution of a private watermain agreement between Maplewood, St. Paul Board of Commissioners and Airport Partnership pertaining to Airport Partnership's development on Lots 11 and 12 except that part of said lots lying south of centerline of Highway

36, E.G. Roger's Garden Lots.

3. Settlement: Project 78-24

Authorized settlement of Project 78-24 Commissioner's award of damages as follows:

James Shore \$4000
Dennis E. and Robin L. Zahn - \$500.00

4. Settlement: Barkdoll

Authorized a settlement of up to \$2500 to Howard Barkdoll for flood damages and also authorized a budget transfer from the contingency account to cover this amount.

5. Vacation: Century Avenue

Resolution No. 82-3-33

WHEREAS, on December 4, 1981, pursuant to the provisions of Minnesota Statutes, Section 412.851, thereof, the Maplewood City Council, upon petition of a majority of abutting property owners, and after a public hearing preceded by two (2) weeks published and posted notice, approved the conditional vacation of the following described street:

that part of Century Avenue lying south of a line 1175 feet north and parallel to the south line of Section 36, Township 29, Range 22 and lying north of the easterly extension of the south line of Lot 1, Block 8, Tanner's Lake Outlots, Section 36, Township 29, Range 22.

WHEREAS, a resolution of said conditional approval (Document No. 716800) was recorded on December 17, 1981 with Ramsey County; and

WHEREAS, a requirement of approval was that lots 15 and 16, Block 5 and the N 1/2 of Lots 1 and 2, Block 8, Tanners Lake Outlots, together with adjacent vacated McLean Avenue, shall be combined to form one parcel before February 5, 1982; and

WHEREAS, the land combination requirement was complied with prior to February 5, 1982;

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:

1. Retention of a utility easement along the entire right-of-way to serve NSP's transmission lines, described as follows:

A 75-foot wide strip of land being 37.5 feet on each side of the following described centerline, excluding any land not contained within said right-of-way to be vacated:

Commencing at the Southeast corner of Section 36, Township 29, Range 22, thence North along the East line of said Section 36 a distance of 330 feet, thence at a 90° angle to the left for a distance of 46.8 feet, the actual point of beginning; thence Northerly for a distance of 367.1 feet to a point being 54.4 feet west of the East line of said Section 36; thence continue Northerly for a distance

of 367.1 feet to a point being 54.4 feet west of the East line of said Section 36; thence continue Northerly for a distance of 477.9 feet to a point being 46.7 feet West of the East line of said Section 36, and there terminating.

2. For purposes of a permanent storm sewer easement, retention of that part of Century Avenue right-of-way lying north of a line 30 feet north of and parallel to the easterly extension of the north line of Lot 1, Block 8, Tanner's Lake Outlots and south of the easterly extension of the south line of Lot 16, Block 5, Tanner's Lake Outlots, Section 36, Township 29, Range 22.

E-A APPOINTMENTS

1. HRA

- a. Manager Evans presented the staff report with the recommendation of the HRA to appoint Gregory Schmit and Ronald Smith to the HRA effective March, 1982.
- b. Mr. Greg Schmit, 2369 Linwood avenue, presented his reasons for wishing to be appointed.
- c. Councilmember Bastian moved to appoint Mr. Greg Schmit to a five (5) year term with the H.R.A.

Seconded by Mayor Greavu.

Ayes - all.

F. PUBLIC HEARINGS

1. Preliminary Plat, Variances, Lot Division-Keller Parkway-Dick Anderson 7:00 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mr. Richard Anderson to approve a preliminary Plat variance and a lot division for property located east of Keller Parkway north of Kohlman Lane. The Clerk stated the hearing notices were in order and stated the dates of publication.
- b. Commissioner Lorraine Fischer presented the Planning Commission recommendations.
- c. Mr. Richard Anderson, 2830 Keller Parkway, spoke on behalf of his proposal.
- d. The following area residents voiced their opinions:

Mr. Sanford Brink, 2926 LaBore Road
Mr. Willard Benker, 2786 Keller Parkway
Mrs. Kathy Benker, 2786 Keller Parkway

- e. Councilmember Bastian moved to table this item and placed it on the April 15, 1982 meeting.

Seconded by Mayor Greavu.

Ayes - all.

E-A APPOINTMENTS (Continued)

1. HRA (continued)

- a. Mr. Ronald Smith, 1708 McMenemy Road presented his reasons for wishing to serve on the H.R.A.
- b. Councilmember Bastian moved to appoint Ronald Smith to the H.R.A. for a one (1) year term.

Seconded by Councilmember Juker.

Ayes - all.

F. PUBLIC HEARINGS (continued)

2. Liquor License - Vitale - Chalet Lounge 7:30 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mr. John Vitale for an On Sale Intoxicating liquor license at 1820 Rice Street. The Clerk stated the hearing notice was in order and noted the dates of publication.
- b. Manager Evans presented the staff report.
- c. Mr. John Vitale spoke on behalf of his request.
- 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.
- f. Councilmember Bastian introduced the following resolution and moved its adoption:

82 - 3 - 34

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood on March 18, 1982, an On Sale Intoxicating Liquor License was approved for John M. Vitale (JMV, Inc.), dba Chalet Lounge, 1820 Rice Street.

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

Seconded by Mayor Greavu.

Ayes - all.

3. Liquor License: Claussen - 2280 Maplewood Drive - 7:30 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding a request of Mr. Roger Claussen for an On Sale Intoxicating Liquor License to be located at 2280 Maplewood Drive. The Clerk stated the hearing notice was in order and noted the dates of publication.
- b. Manager Evans stated Mr. Claussen desires to operate a non-sale liquor license at the present Eddie Arnold's Chicken Shack location, 2280 Maplewood Drive (Keller Lake Shopping Center). He has sold his business premises on Rice Street to Mr. John Vitale, and Mr. Vitale has taken a new license for that location.

There is no license at present for Eddie Arnold's Chicken Shack, so any license for that location will be a new license. This, it appears, will also be our license number 18 and, according to law, appears to be the final license we can issue if it is issued.

Our cursory background of Mr. Claussen reveals nothing to preclude his obtaining a license.

- c. Mr. Roger Claussen, 430 Belmont Lane, the applicant, spoke on behalf of his request.
- 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. Mayor Greavu introduced the following resolution and moved its adoption:

82 - 3 - 35

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood on March 18, 1982, an On Sale Intoxicating Liquor License was approved for Roger Claussen, dba Stagecoach, 2280 Maplewood Drive.

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

Seconded by Councilmember Juker.

Ayes - Mayor Greavu, Councilmembers Juker and Maida.

Councilmember Bastian abstained.

G. AWARD OF BIDS

None.

H. UNFINISHED BUSINESS

None.

I. VISITOR PRESENTATION

None.

J. NEW BUSINESS

1. Holloway Avenue - Sterling Street Project No. 81-12

a. Manager Evans submitted the Engineering Feasibility Report for the above referenced project. This is a Joint Powers Improvement between the cities of North St. Paul and Maplewood and Ramsey County. The City of North St. Paul will be conducting a Public Hearing for their affected residents on April 12, 1982 and Ramsey County Engineer will be presenting the report to the County Commissioner after the Maplewood Public Hearing. We are therefore recommending that the Maplewood City Council establish a date for Public Hearing on April 15, 1982 during their regular meeting.

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

82 - 3 - 36

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Holloway Avenue and Sterling Street by construction of street, storm sewer, sanitary sewer, watermain and appurtenances; and

WHEREAS, the said City Engineer has prepared the aforesaid report for the improvements 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 Holloway Avenue and Sterling Street by construction of street, storm sewer, sanitary sewer, watermain and appurtenances is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and the assessment of benefited property for all or a portion of the cost of the improvement according to M.S.S. Chapter 429, at an estimated total cost of the improvement of \$1,867,174.00.
3. A public hearing will be held in the Council Chambers of the City Hall at 1380 Frost Avenue on Thursday, the 15th day of April, 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.

Seconded by Councilmember Bastian. Ayes - all.

2. Cash Connection Charges: Schouveller

- a. Mr. Tim Jessen, representing the Dental Clinic owners, spoke in regard to the proposed cash connection charges required by the City before they can apply for a building permit at 11th Avenue and White Bear Avenue.
- b. Mr. Walter Parsons Sr. and Mr. Walter Parsons, Jr., representing the Dental Clinic, also spoke against the cash connection charges.
- c. Mayor Greavu moved to refer this matter to staff for further information and when the information is ready, this item be placed on the agenda.

Seconded by Councilmember Bastian. Ayes - all.

3. Code Amendment: Definition of Family
4. Code Amendment: Accessory Apartments

- a. Councilmember Juker moved to table these items until the meeting of April 1, 1982.

Seconded by Councilmember Bastian. Ayes - all.

5. Disbandment of Community Design Review Board

- a. Manager Evans stated the Community Design Review Board requests the attendance of the City Council at their next meeting on March 23, 1982 to discuss the Council's reasons for considering the disbandment of the Board.
- b. April 13, 1982 is the date suggested for a meeting between the Council and the Community Design Review Board.

K. COUNCIL PRESENTATION

1. Cable T.V.

- a. Councilmember Bastian stated he has read several items in the paper regarding the Cable Commission covering Maplewood and each time a different attorney is mentioned.
- b. It was stated the attorneys mentioned are all from the same office.

2. Miscellaneous

a. Councilmember Bastian commented on the progress of proposed legislation.

3. Recycling Station - South end

a. Mayor Greavu stated he had received a call from Mr. Ray Hite inquiring about the possibility of a blacktop recycling station being located on City property in the south end.

b. Council will discuss this when Councilmember Anderson returns.

4. Battle Creek

a. Mayor Greavu questioned who would be responsible for the watershed assessment if a recipient filed a lawsuit and won.

b. It is believed the County would have to assume the assessment.

5. Bicycle Laws

a. Mayor Greavu questioned if the City had any bicycle laws.

b. Staff stated that there are not any strong ones.

L. ADMINISTRATIVE PRESENTATION

1. Opticoms

a. Manager Evans stated the State is planning on putting traffic lights at County Road B and Highway 61 and also Highway 36 and English and they wonder if the City is interested in placing opticoms at these locations.

b. Councilmember Juker moved that a request for opticoms at Highway 36 and English be placed on top priority and that financing should be investigated.

Seconded by Mayor Greavu.

Ayes - all.

M. ADJOURNMENT

9:54 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Thursday, April 1, 1982
Council Chambers, Municipal Building
Meeting 82-8

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 7:03 P.M. by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman L. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Meeting No. 82-6 (March 4, 1982)

Councilmember Bastian moved to approve the Minutes of Meeting No. 82-6 (March 4, 1982) as submitted.

Seconded by Councilmember Anderson.

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

D. APPROVAL OF AGENDA

Councilmember Bastian moved to approve the Agenda as amended:

1. Maplewood
2. Salary Adjustments
3. Video Games
4. Hearing Schedules
5. Commissioners
6. Dahl Court
7. Letter-Ann Heffron
8. Ramsey League
9. Arcade Street RE Setback-Building Permit
Become Item F 4a
10. Cope Avenue
11. Battle Creek

Seconded by Mayor Greavu.

Ayes - all.

E. CONSENT AGENDA

Councilmember Bastian moved, seconded by Councilmember Anderson, Ayes - all, to approve the Consent Agenda as recommended:

1. Accounts Payable

Approved the accounts (Part I - Fees, Services, Expenses, Check No. 000209 through Check No. 000266 - \$99,176.69; Check No. 012810 through Check No. 012926 - \$145,141.90; Part II - Payroll - Check No. 03370 through Check No. 03492 - \$54,492.36) in the amount of \$298,810.95.

2. Disposal of Old Financial Records

Resolution No. 82-4-37

WHEREAS, M.S.A. 138.17 governs the destruction of city records; and

WHEREAS, a list of records has been presented to the council with a request in writing that destruction be approved by the council;

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

1. That the Finance Director is hereby directed to apply to the Minnesota State Historical Society for an order authorizing destruction of the records as described in the attached list.
2. That upon approval by the State of the attached application, the Finance Director is hereby authorized and directed to destroy the records listed.

3. Removing County State Aid Highway Designation

Resolution No. 82-4-38

WHEREAS, the Board of Ramsey County Commissioners adopted a resolution on 1982, revoking the County State Aid Highway designations on the roads hereinafter described within the City of Maplewood under the provisions of Minnesota Laws;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, that the roads described as follows:

Prosperity Road (CSAH 64) from County Road B to White Bear Avenue (0.23 miles)

McKnight Road (CSAH 68) from Minnehaha Avenue to Stillwater Avenue (0.57 miles)

be, and hereby are, revoked as County State Aid Highways of Ramsey County subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to forward two certified copies of this resolution to the Public Works Director of Ramsey County who will submit them to the Commissioner of Transportation of the State of Minnesota for his consideration.

F. PUBLIC HEARINGS

1. Rezoning - 2010 Clarence Street - 7:00 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Anthony Caron and Wendy DuFresne, 2010 Clarence, to rezone Lot 11, Block 10 and accruing vacated street and alley, Gladstone Addition, Section 15, Township 29, Range 22 from M-1 Light Manufacturing to R-2 Double Dwelling district in order to construct a double dwelling. The Clerk stated the hearing notice was in order and noted the dates of publication.

- b. Manager Evans presented the staff report.
- c. Commissioner Fischer presented the following Planning Commission recommendation:

"Commissioner Kishel moved the Planning Commission recommend the City approve the resolution to rezone lot 11, block 10, Gladstone Addition on the basis that:

- 1. The rezoning would be compatible with the Land Use Plan and the use of adjacent property.
- 2. The existing M-1 zone is not compatible with the area.

Commissioner Fischer second. Ayes - Commissioners Axdahl, Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard."

- d. Councilmember Bastian moved to table Items F-1 and 2 to 7:46 P.M. on the agenda.

Seconded by Councilmember Juker. Ayes - all.

- 3. Code Amendment: Accessory Apartments - First Reading - 7:15 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the proposal to amend the zoning code to allow accessory apartments within single dwellings by special exception permit. The Clerk stated the hearing notice was in order and noted the dates of publication.

- b. Manager Evans presented the staff report.

- c. Commissioner Lorraine Fischer presented the following Planning Commission recommendation:

"Commissioner Prew moved the Planning Commission recommend the City Council adopt the proposed ordinance, amending Section 904.010 of the zoning code to permit accessory apartments within single dwellings, by special exception permit.

Commissioner Fischer seconded. Ayes - Commissioners Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard.
Nays - Commissioner Axdahl."

- d. Mayor Greavu called for proponents. The following were heard:

Mr. Grant Haffely, 1559 E. County Road C, stated he has an accessory apartment in his home and is in favor of the proposed ordinance.

- e. Mayor Greavu called for opponents. None were heard.

- f. Mayor Greavu closed the public hearing.

- g. Councilmember Juker moved first reading of an ordinance amending section 904.010 of the zoning code to permit accessory apartments within single dwellings by special exception.

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

Burke Court pursuant to conditions it had dutifully established at the public hearing; and

WHEREAS, the exact property line between the site at 860 Burke Court and 2130 Arcade is in dispute so as to prevent precise determination of building locations, and further the line determination is vital to enforcement of ordinance provisions;

THEREFORE, BE IT RESOLVED that from this date until June 3, 1982, the building permit issued to Voya Piletich for house construction at 860 Burke Court is suspended pending a hearing on why it should not be revoked so as not to allow violation of our ordinances and preserve the status quo of the parties involved in the lines determination.

Seconded by Councilmember Maida. Ayes - all.

5. Code Amendment: Definition of Family - First Reading 7:45 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the proposal to amend the definition of "family" to limit the number of nonrelated members and to establish definitions for rooming and boarding houses. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Commissioner Lorraine Fischer presented the Planning Commission recommendation:

"Commissioner Kishel moved the Planning Commission recommend approval of the Zoning Ordinance amendment redefining family and adding definitions for rooming and boarding houses.

Commissioner Prew seconded. Ayes - Commissioners Axdahl, Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard.

Commissioner Pellish moved the Planning Commission recommend approval of the Rental Housing Maintenance Code amendment revising the definition of rooming house to correspond to the Zoning Code definition (Section 214).

Commissioner Prew seconded. Ayes - Commissioners Axdahl, Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard."

Commissioner Fischer also presented a recommendation from the H.R.A.

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

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

f. Mayor Greavu closed the public hearing.

g. Councilmember Anderson moved first reading of an ordinance amending Section 916 to provide a definition of "family".

Seconded by Councilmember Maida. Ayes - all.

h. Mayor Greavu moved first reading of an ordinance amending Section 214 relating to definition of rooming and boarding houses.

Seconded by Councilmember Bastian. Ayes - all.

F-1 REZONING - 2010 Clarence Street (continued)

e. Councilmember Anderson moved to continue this hearing until the next meeting and that staff notify the applicants.

Seconded by Councilmember Bastian. Ayes - all.

Mayor Greavu recessed the meeting at 9:17 P.M. to convene as the Board of Adjustments and Appeals.

Mayor Greavu reconvened the meeting at 9:21 P.M.

G. AWARD OF BIDS

None.

H. UNFINISHED BUSINESS

None.

I. VISITOR PRESENTATIONS

None.

J. NEW BUSINESS

1. Final Plat: Maple Park Shores

a. Manager Evans presented the staff report.

b. The following area residents expressed their concerns about the type of development to be built and also that they did not wish to be assessed for any costs relating to this development:

Mr. Jerry King, 1489 Lark Avenue
Mrs. Betty Smith, 2239 Hazelwood Street
Mr. Charles Bayles, 1445 Lark Avenue
Mr. Charles Smith, 2239 Hazelwood
Mrs. John Davis, 2210 Hazelwood
Mr. Darrell Freer, 2255 Hazelwood
Mrs. Hughes, 1547 E. Laurie Road

c. Mayor Greavu moved approval of the Maple Park Shores Final Plat for a twenty unit townhouse development.

Seconded by Councilmember Bastian. Ayes - all.

2. Sarrack: Off Sale Memorial Day

a. Manager Evans stated he had received a copy of a letter from Sarrack's Off Sale Liquor requesting to be open on Memorial Day.

b. Mayor Greavu moved first reading of an ordinance amending the liquor ordinance to allow off sale liquor establishments to be open on Memorial Day.

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

Nay - Councilmember Bastian.

3. T.H. 61 - Frontage Road - Feasibility Study.

a. Manager Evans presented the feasibility report for the above referenced project. It is suggested that the Council establish May 6, 1982 as a hearing date.

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

82 - 4 - 40

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of the frontage road east of T.H. 61 by construction of street, storm sewer, sanitary sewer, watermain and appurtenances;

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 Maplewood Drive (T.H. 61 East Frontage Road) by construction of street, storm sewer, sanitary sewer, watermain and appurtenances is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and 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 \$674,800.00.
3. A public hearing will be held in the Council Chambers of the City Hall at 1380 Frost Avenue on Thursday, the 6th day of May, 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.

Seconded by Councilmember Anderson.

Ayes - all.

4. Liquor License - Given - Keller Clubhouse

a. Manager Evans stated that in the past it has been the usual practice for Keller Clubhouse to apply for renewal of their On Sale Liquor License in the spring instead of renewing when they are due. This practice was acceptable as long as we had available on-sale liquor licenses; however, as you are aware, this situation no longer exists so they have been sent the attached notice. There appears to be nothing on the file at this time to prevent the City Council from authorizing the issuance of this license for 1982.

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

82 - 4 - 41

RESOLVED, that the City Council of Maplewood, Minnesota does hereby approve the 1982 On Sale Intoxicating Liquor License for Thomas Given, dba Keller Clubhouse, subject to applicant meeting all requirements.

BE IT FURTHER RESOLVED that Thomas Given dba Keller Clubhouse, be notified that they will have to renew their license when the renewal is due November 15th of each year.

Seconded by Councilmember Maida.

Ayes - Mayor Greavu, Councilmembers Bastian and Maida.

Nays - Councilmembers Anderson and Juker.

K. COUNCIL PRESENTATIONS

1. Maplewood Bowl

a. Councilmember Juker commented on several problems that are occurring at the Maplewood Bowl.

b. Councilmember Bastian moved to instruct the Manager to invite the management of Maplewood Bowl to attend a Council meeting, at their convenience, to discuss the various problems.

Seconded by Councilmember Juker.

Ayes - all.

2. Salaries

a. Assistant Fire Marshal

Councilmember Juker moved that the Assistant Fire Marshal be given a step increase, for this year only, in addition to the previously approved 7.5% increase.

Seconded by Councilmember Anderson.

Ayes - all.

b. Public Works Director

Councilmember Juker moved an additional 3.5% salary increase for the Director of Public Works.

Seconded by Councilmember Anderson.

Councilmember Bastian moved to make an adjustment to all non-union personnel by increasing their salary increases to 8% for 1982.

Seconded by Councilmember Anderson.

Ayes - Councilmembers Anderson, Bastian and Maida.

Nays - Mayor Greavu, Councilmember Juker.

Voting on original motion.

Ayes - Councilmembers Anderson and Bastian.

Nays - Mayor Greavu, Councilmembers Juker and Maida.

Motion defeated.

Councilmember Juker moved to reconsider the previous motion.

Seconded by Councilmember Bastian.

Ayes - Councilmembers Anderson, Bastian

Juker and Maida.

Nays - Mayor Greavu.

Councilmember Bastian restated the motion: 3.5% salary increase for the Director of Public Works and adjustment of an increase to 8% for non-union personnel for 1982 and approved a budget transfer from the Contingency Account to cover the increases.

Seconded by Councilmember Bastian.

Ayes - Councilmembers Anderson, Bastian
Juker and Maida.

Nays - Mayor Greavu.

3. Video Games

a. Councilmember Juker questioned what the City charges for video games. It was requested staff look into what other communities charge. Also, look into other fees for various licenses and permits.

4. Hearing Schedules

a. Councilmember Maida requested that Council procedures regarding voting on motions, etc. be posted. It was also requested that the Chairman announce that there is a copy of the procedres available at the entrance to the Council Chambers.

5. Commissioners

a. Councilmember Maida requested a copy of all the commission and board members names, addresses and telephone numbers.

6. Dahl Court

a. Councilmember Maida stated on Dahl Court there are two diamond shaped signs on one post and perhaps this should be corrected.

7. Letter, Ann Heffron, 102 years old

a. Councilmember Anderson stated he had received a letter from the Maple Manor Nursing Home regarding a resident who will be celebrating her 102nd birthday.

b. Councilmember Anderson moved that congratulations from the Council be forwarded to Ann Heffron on her 102nd birthday.

Seconded by Councilmember Juker.

Ayes - all.

8. Ramsey League

a. Councilmember Anderson stated he had received a notice from the Ramsey County League requesting the City rejoin the League.

b. Staff to investigate the present charge to join the Ramsey League.

9. Arcade Street

Discussed under F-4-a.

10. Cope Avenue

- a. Mayor Greavu questioned what is happening regarding the zoning and proposed zoning on the Cope Avenue property that had been in litigation. Why did the Planning Commission table action?
- b. Commissioner Lorraine Fischer stated the Planning Commission needed more information.

11. Battle Creek - Water Shed

- a. Mayor Greavu requested the staff check into what is happening to the interest on the bonds that were obtained for the Battle Creek improvements.
- b. Manager Evans stated the City had received the final assessment notices for the Battle Creek Project 1.
- c. Councilmember Bastian moved to instruct the City Attorney to appeal the assessments billed by the Ramsey Washington Watershed District for Battle Creek Project 1.

Seconded by Mayor Greavu.

Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

10:50 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
2:00 P.M., Thursday, April 6, 1982
Council Chambers, Municipal Building
Meeting No. 82-9

A. CALL TO ORDER

A special meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 2:06 P.M. by Mayor Greavu.

The Council Members signed statements waiving the written notice calling a special meeting as required by Section 1, Rules of Procedures of the Maplewood City Council.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Arrived at 2:25 P.M.
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. COUNCIL

1. 860 Burke Court - Suspension of Building Permit

a. Mayor Greavu stated this meeting was called to discuss the action taken by the Council April 1, 1982 regarding 860 Burke Court.

b. Councilmember Bastian moved to suspend the Rules of Procedures regarding time limits and allow Mr. Voya Piletich twenty minutes to present his case and Mr. Richard Hagstrom five minutes for rebuttal.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu, Councilmembers Bastian and Maida.

Nays - Councilmembers Anderson and Juker.

c. Mr. Linn Firestone, attorney representing Mr. Voya Piletich owner of the dwelling being constructed at 860 Burke Court, stated the reasons the suspension of the building permit should be removed.

d. Mr. Richard Hagstrom, 2130 Arcade Street, spoke on behalf of the suspension remaining.

e. Councilmember Bastian moved to reaffirm the following resolution that was approved at the meeting of April 1, 1982:

WHEREAS, the City of Maplewood has exercised its police powers and has adopted zoning ordinances, including sideyard setbacks; and

WHEREAS, the City has authorized site development by Voya Piletich at 860 Burke Court pursuant to conditions it had dutifully established at the public hearing; and

WHEREAS, the exact property line between the site at 860 Burke Court and 2130

Arcade is in dispute so as to prevent precise determination of building locations, and further the line determination is vital to enforcement of ordinance provisions;

THEREFORE, BE IT RESOLVED that from this date until June 3, 1982, the building permit issued to Voya Piletich for house construction at 860 Burke Court is suspended pending a hearing on why it should not be revoked so as not to allow violation of our ordinances and preserve the status quo of the parties involved in the lines determination.

Seconded by Councilmember Anderson.

Ayes - Councilmembers Anderson, Bastian, Juker and Maida

Nays - Mayor Greavu.

Councilmember Bastian moved to adjourn.

Councilmember Bastian withdrew his motion.

Councilmember Juker commented on the memo from the Director of Public Works regarding Mr. Piletich's failure to provide adequate access to the homes off the private driveway known as Burke Court. Mr. Piletich has until Thursday, April 8, 1982 to remedy the situation or the City will do the work and draw on the letter of credit.

Councilmember Anderson moved to adjourn.

Seconded by Councilmember Bastian.

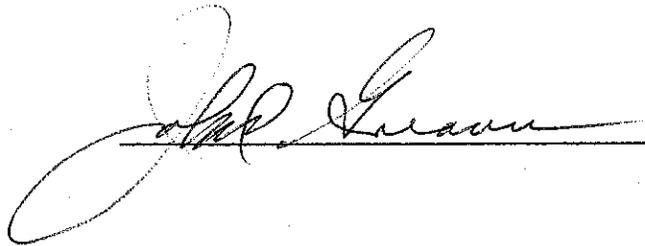
Ayes - all.

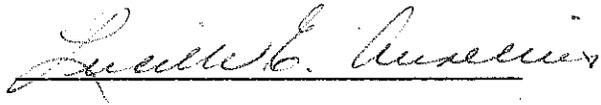
D. ADJOURNMENT

3:10 P.M.

City Clerk

I DO HEREBY WAIVE THE RIGHT TO WRITTEN NOTICE FOR THE
SPECIAL MEETING OF APRIL 6, 1982, AT 2:00 P.M. AS REQUIRED
BY SECTION 1, RULES OF PROCEDURES OF THE MAPLEWOOD CITY
COUNCIL.



ATTEST: 

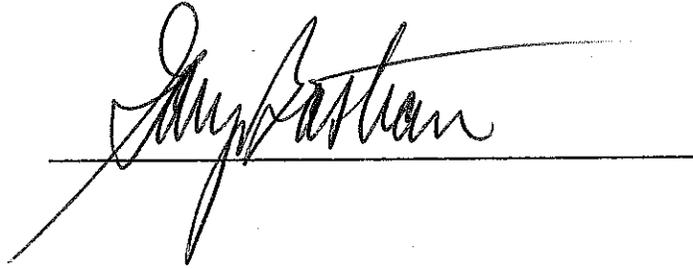
I DO HEREBY WAIVE THE RIGHT TO WRITTEN NOTICE FOR THE
SPECIAL MEETING OF APRIL 6, 1982, AT 2:00 P.M. AS REQUIRED
BY SECTION 1, RULES OF PROCEDURES OF THE MAPLEWOOD CITY
COUNCIL.

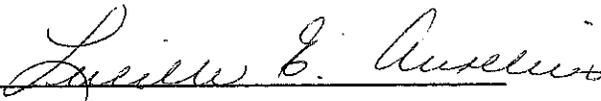
Thomas G. Anderson

ATTEST:

Lucius E. Auselino

I DO HEREBY WAIVE THE RIGHT TO WRITTEN NOTICE FOR THE
SPECIAL MEETING OF APRIL 6, 1982, AT 2:00 P.M. AS REQUIRED
BY SECTION 1, RULES OF PROCEDURES OF THE MAPLEWOOD CITY
COUNCIL.

A handwritten signature in cursive script, appearing to read "Joseph Pastan", is written over a horizontal line.

ATTEST: A handwritten signature in cursive script, appearing to read "Lucille B. Anselmi", is written over a horizontal line.

I DO HEREBY WAIVE THE RIGHT TO WRITTEN NOTICE FOR THE
SPECIAL MEETING OF APRIL 6, 1982, AT 2:00 P.M. AS REQUIRED
BY SECTION 1, RULES OF PROCEDURES OF THE MAPLEWOOD CITY
COUNCIL.

Frances Guber

ATTEST: Lucille E. Cullins

I DO HEREBY WAIVE THE RIGHT TO WRITTEN NOTICE FOR THE
SPECIAL MEETING OF APRIL 6, 1982, AT 2:00 P.M. AS REQUIRED
BY SECTION 1, RULES OF PROCEDURES OF THE MAPLEWOOD CITY
COUNCIL.

Maureen Paula

ATTEST: Lucille E. Arsenius

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000267	5.85	WONDERMAT	FEEs, SERVICE Dry Cleaning
000268	751.00	POSTMASTER	POSTAGE
000269	5,500.00	LALS + BANNIGAN TRUST CO	LAND, EASEMENTS
000270	194.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000271	4,239.50	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000272	211.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000273	3,871.95	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000274	7.00	METRO AREA MGT ASSOC	TRAVEL + TRAINING
000275	2,347.90	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000276 *	4,803.58	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000277	9,495.65	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000278	30.00	RAMSEY CTY CONCILIATION	A/R - PARAMEDIC Ambulance Runs
000279	303.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000280	3,582.25	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000281	73.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000282	210.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000283	2,689.00	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000285	30.00	MINN EMERGENCY PARAMEDIC	TRAVEL + TRAINING
000286	180.00	MINNESOTA CLE	TRAVEL + TRAINING
000287	100.00	WHITE BEAR TAXIDERMV	FEEs, SERVICE Mounting
000288	10.00	RONALD D RYDMAN	BOOKS
000289	10.00	MFOA TECHNICAL SERV CTR	BOOKS
000290	35.00	SCIENCE MUSEUM OF MINN	TRAVEL + TRAINING
000291	2,562.94	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.

CITY OF MAPLEWOOD	A C C O U N T S P A Y A B L E		DATE 04-15-82	PAGE 2
CHECK#	A M O U N T	C L A I M A N T	P U R P O S E	
000292	245.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE	
000293	64.56	BONNIE J. SCHROEDER	R E F U N D	
000294	119.36	LUCILLE AURELIUS	TRAVEL + TRAINING AND-FUEL + OIL	
000295	209.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE	
000296	2,477.00	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.	
000297	18,390.96	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE	
000298	7,378.53	STATE OF MN	MINN INCOME TAX PAYABLE	
000299	331.09	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENSATION	
000300	11,334.00	CITY + CTY CREDIT UNION	CREDIT UNION DED PAYABLE	
000301	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE	
000302	227.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE	
000303	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE	
000304	297.43	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES PAYABLE	
000305	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYABLE	
000306	292.80	MN BENEFIT ASSOC	MBA INS PAYABLE	
000307	176.62	WISCONSIN DPT OF REVENUE	MINN INCOME TAX PAYABLE	
000308	15,862.34	MINN STATE TREASURER-FICA	F.I.C.A. PAYABLE AND-DUE TO OTHER GOVT UNI	
000309	190.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE	
000310	5,574.70	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.	
000311	3,253.55	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.	
000312	164.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE	
000313	58.00	RAMSEY CO CLERK OF DIST	CNTY - D/L FEES PAYABLE	
000314	98.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE	

CHECK*

A M O U N T

C L A I M A N T

P U R P O S E

000315	4,922.50	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000316	4,392.51	MN MUTUAL LIFE INS CO	CONTRIBUTIONS,INSURANCE
000317 *	3,634.37	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
000318	1,874.07	GREAT WEST LIFE ASSURANCE	CONTRIBUTIONS,INSURANCE
000319	2,287.56	GREAT WEST LIFE ASSURANCE	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABLE AND-CONTRIBUTIONS,INSURANCE
000320	14.38	JUDY CHLEBECK	SUPPLIES, OFFICE AND-TRAVEL + TRAINING
000321	238.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000322	3,411.50	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000323	2,480.91	MINN STATE TREASURER	DEPOSITS-DEPUTY REGIST.
000324	220.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000325 *	125.00	VAUGHN@S	SUPPLIES, PROGRAM
000326	360.00	NATL REGISTRY OF E M T	FEES, SERVICE Examination Fee
59	132,314.46	NECESSARY EXPENDITURES SINCE LAST COUNCIL MEETING	

CHECK #	A M O U N T	C L A I M A N T	P U R P O S E
12927	46.24	ACE HARDWARE	MAINTENANCE MATERIALS AND-SUPPLIES, EQUIPMENT
012928	73,379.79	AMERICAN NATIONAL BANK	BONDS PAYABLE AND-BOND INTEREST AND-PAYING AGENT FEES
012929	226.00	AMERICAN NATIONAL BANK	PAYING AGENT FEES
012930	81.05	APACHE PAPER CO	SUPPLIES, JANITORIAL
012931	4.95	ARROW APPLIANCE PARTS CT	SUPPLIES, JANITORIAL
012932	74.18	BATTERY + TIRE WHSE INC	SUPPLIES, VEHICLE
012933	67.83	BRISSMAN-KENNEY INC	SUPPLIES, JANITORIAL
012934	32.00	CALCULATORS INC	SUPPLIES, EQUIPMENT
012935	78.61	GEMSTONE PRODUCTS CO	MAINTENANCE MATERIALS
012936	45.00	CENTURY CAMERA	REP. + MAINT., EQUIPMENT
012937	775.73	COLLINS ELECTRICAL CONST	REP. + MAINT., UTILITY
012938	593.50	COPY DUPLICATING PROD	DUPLICATING COSTS
012939	56.62	COPY EQUIPMENT	SUPPLIES, OFFICE AND-OTHER CONSTRUCTION CO AND-SUPPLIES, EQUIPMENT AND-REP. + MAINT., EQUIPM
012940	126.16	COTTENS INC	SMALL TOOLS AND-SUPPLIES, VEHICLE
012941	380.00	PAT DALEY	FEES, SERVICE Plumbing Inspector
012942	12,834.25	DELAHUNT + VOTO CO	FEES, SERVICE Audit, Dec., 81
012943	10.00	JAMES EMBERTSON	TRAVEL + TRAINING
012944	319.76	EX-CELL-O MATERIALS	SUPPLIES, VEHICLE
012945	16,090.00	1ST NATL BANK OF ST PAUL	BOND PRINCIPAL AND-BOND INTEREST AND-PAYING AGENT FEES
012946	95.43	GOODIN COMPANY	MAINTENANCE MATERIALS
012947	296.25	DUANE GRACE	FEES, SERVICE Temp. Bldg. Inspector

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
012948	225.70	GROSS INDUSTRIAL	UNIFORMS + CLOTHING
012949	331.90	GROSS INDUSTRIAL	UNIFORMS + CLOTHING AND-FEES, SERVICE Rug Cleaning
012950	2,354.00	HENNEPIN CO-OPERATIVE	MAINTENANCE MATERIALS
012951	3.00	HOWIES LOCK + KEY SERVIC	SUPPLIES, VEHICLE
012952 *	836.48	IND SCHOOL DIST 622	FEES, SERVICE MAA Basketball
012953	22.17	INTERNATIONAL HARVESTER	SUPPLIES, VEHICLE
012954 *	43.98	KOKESH ATHLETIC SUPPLY	SUPPLIES, PROGRAM
012955	183.34	KNOX LUMBER COMPANY	MAINTENANCE MATERIALS AND-SMALL TOLS
012956	169.50	LAKE SANITATION	FEES, SERVICE Rubbish Removal
012957	60.89	LEES AUTO SUPPLY	SUPPLIES, VEHICLE
012958	60.00	STEVEN J LUKIN	FEES, SERVICE EMT Instructor
012959	52.23	LUGER LUMBER	MAINTENANCE MATERIALS
012960	26.43	MANCO PHOTO	SUPPLIES, OFFICE AND-FEES, SERVICE Photo Development
012961	239.36	MAPLEWOOD PLBG + HIG INC	REP. + MAINT., BLDG+GRDS
012962	114.63	MAPLEWOOD REVIEW	PUBLISHING
012963	4.20	ALANA K MATHEYS	TRAVEL + TRAINING
012964	10.00	METRO ASSN PARK+ REC ADM	SUBSCRIPTIONS+MEMBERSHIP
012965	1,610.00	METROPOLITAN INSPETION	FEES, SERVICE Electrical Inspection
012966	436.80	MIDWAY TRACTOR	SUPPLIES, VEHICLE
012967	82.12	MINNESOTA BEARING CO	SUPPLIES, VEHICLE
012968	30.00	STATE OF MN	SUBSCRIPTIONS+MEMBERSHIP
012969	94.89	STATE OF MN	BOOKS AND-REP. + MAINT., EQUIPM AND-SUPPLIES, OFFICE
012970	147.88	MUNICILITE CO	SUPPLIES, VEHICLE

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
012971	1,005.00	CITY OF NORTH ST PAUL	RENTAL, EQUIPMENT
012972	1,182.64	CITY OF NORTH ST PAUL	UTILITIES
012973	5,992.66	NORTHERN STATES POWER CO	UTILITIES
012974	347.51	NORTHERN STATES POWER CO	UTILITIES
012975	860.91	NORTHERN STATES POWER CO	UTILITIES
012976	810.97	NORTHERN STATES POWER CO	UTILITIES
012977	2,405.63	NORTHERN STATES POWER CO	UTILITIES
012978	13.50	NORTHERN STATES POWER CO	UTILITIES
012979	43.00	NW SERVICE STATION EQUIP	REP. + MAINT., BLDG+GRDS
012980	536.68	NORTHWESTERN BELL TEL CO	TELEPHONE
012981	255.14	NORTHWESTERN BELL TEL CO	TELEPHONE
012982 *	697.86	NORTHWESTERN BELL TEL CO	TELEPHONE
012983	1,775.29	NORTHWESTERN BELL TEL CO	TELEPHONE
012984	1,234.91	NORTHWESTERN BELL TEL CO	TELEPHONE
012985	6.00	LAVERNE NUTESON	TRAVEL + TRAINING
012986	718.62	PALEN/KIMBALL CO	REP. + MAINT., BLDG+GRDS
012987	2,075.00	PETERSON, BELL + CONVERSE	FEES, SERVICE Prosec. Att April Retainer
012988	1,044.33	E K QUEHL CO	SUPPLIES, OFFICE
012989	19.95	RADIO SHACK	SUPPLIES, VEHICLE
012990	33.49	REED TIRE SALES INC	REP. + MAINT., VEHICLES
012991 *	58.15	RICHARDS MARKET	SUPPLIES, VEHICLE AND-SUPPLIES, PROGRAM
012992	502.72	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE AND-SUPPLIES, EQUIPMENT
012993	2,377.49	SHORT-ELLIOTT-HENDRICKSON	FEES, SERVICE AND-OUTSIDE ENGINEERING F Water System report
012994	44.00	DONALD J SKALMAN	UNIFORMS + CLOTHING

CHECK#	AMOUNT	CLAIMANT	PURPOSE
012995	40.72	SNYDERS DRUG STORES INC	SUPPLIES, JANITORIAL
012996	5,137.85	SOIL EXPLORATION CO	OUTSIDE ENGINEERING FEES
012997	43.26	CHRISTINE SOUTTER	SUPPLIES, EQUIPMENT
012998	600.00	CITY OF ST PAUL	Fire Protection
012999	14.80	ST PAUL DISPATCH	PUBLISHING
013000 *	224.00	ST PAUL + SUBURBAN BUS	FEES, SERVICE Gals Getaway
013001	127.86	STD SPRING + ALIGNMENT	REP. + MAINT., VEHICLES
013002	220.40	DON STREICHER GUNS INC	UNIFORMS + CLOTHING
013003	12,968.34	TOLZ, KING, DUVALL	FEES, CONSULTING AND-OUTSIDE ENGINEERING FEES
013004	730.86	TRUCK UTILITIES + MFG CO	REP. + MAINT., VEHICLES
013005	68.39	TWIN CITY HARDWARE CO	MAINTENANCE MATERIALS AND-SMALL TOOLS
013006	8.40	DELORES A VIGOREN	TRAVEL + TRAINING
013007	123.19	WARNERS TRUEVALUE HDW	SUPPLIES, VEHICLE AND-SUPPLIES, JANITORIAL AND-SUPPLIES, EQUIPMENT AND-MAINTENANCE MATERIALS
013008	79.20	WESTINGHOUSE ELECTRIC	SUPPLIES, JANITORIAL
013009	4.50	ZEP MFG CO	SUPPLIES, JANITORIAL
013010 *	23.70	THOMAS LIBHARDT	WAGES, P/T + TEMP.
013011	67.50	GEORGE SEILER	WAGES, P/T + TEMP.
013012 *	20.00	JAMES TUCCITTO	WAGES, P/T + TEMP.
013013 *	13.45	SARGENT-WELCH SCIFIC CO	SUPPLIES, PROGRAM
013014 *	30.00	DARREL BECK	R E F U N D
013015 *	1.00	PATRICIA FEDERER	R E F U N D
013016	175.00	IIMC CONFERENCE REGISTR	TRAVEL + TRAINING
013017	11.00	MGM LEARNING LABORATOR@S	SUBSCRIPTIONS+MEMBERSHIP

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013018 *	70.00	MARIAN LUBA	R E F U N D
92	157,646.74	CHECKS WRITTEN	
TOTAL OF 151 CHECKS TOTAL		289,961.20	

* Indicates items financed by recreational fees

CERTIFICATION REGISTER

CHECK DATE 04-09-82

CHECK	NAME			GROSS PAY	NET PAY
03493	EVANS	BARRY	R	1,817.54	1,066.60
03494	LEWIS	VIVAN	R	782.77	492.89
03495	PELOQUIN	ALFRED	J	747.23	173.83
03496	SCHLEICHER	JOHN	F	119.00	119.00
03497	CUDE	LARRY	J	191.54	144.78
03498	DOHERTY	KATHLEEN	M	305.00	214.08
03499	ZUERCHER	JOHN	L	115.39	115.21
03500	FAUST	DANIEL	F	1,446.46	932.51
03501	HAGEN	ARLINE	J	888.92	403.98
03502	MATHEYS	ALANA	K	677.54	489.67
03503	VIGOREN	DELORES	A	586.62	371.97
03504	AURELIUS	LUCILLE	E	1,448.33	733.81
03505	SELVOG	BETTY	D	711.23	450.56
03506	GREEN	PHYLLIS	C	738.92	504.28
03507	SCHADT	JEANNE	L	161.52	132.54
03508	VIETOR	LORRAINE	S	561.69	382.41
03509	HENSLEY	PATRICIA	A	272.16	202.34
03510	BASTYR	DEBORAH	A	532.16	257.97
03511	HAGEN	THOMAS	L	1,584.09	390.02
03512	OMATH	JOY	E	553.39	377.40
03513	RICHIE	CAROL	L	488.31	304.56
03514	SCHALLER	RICHARD	W	1,711.19	1,005.14
03515	SVENDSEN	JOANNE	M	677.54	433.92
03516	ARNOLD	DAVID	L	1,171.39	411.73
03517	ATCHISON	JCHN	H	1,036.15	665.64

CERTIFICATION REGISTER

CHECK DATE 04-09-82

CHECK	NAME			GROSS PAY	NET PAY
03518	CAHANES	ANTHONY	G	1,204.16	113.94
03519	CLAUSON	DALE	K	1,036.15	144.00
03520	COLLINS	KENNETH	V	1,175.54	232.92
03521	DELMONT	DENNIS	J	1,332.00	65.25
03522	DREGER	RICHARD	C	1,222.97	684.88
03523	FERNOW	RAYMOND	E	498.77	33.40
03524	GREEN	NORMAN	L	1,195.85	636.76
03525	HALWEG	KEVIN	R	1,016.77	502.56
03526	HEINZ	STEPHEN	J	774.46	475.26
03527	HERBERT	MICHAEL	J	1,159.75	675.60
03528	JAQUITH	DANIEL	R	803.50	489.44
03529	KORTUS	DONALD	V	203.36	140.36
03530	LANG	RICHARD	J	1,056.00	504.18
03531	MCNULTY	JOHN	J	1,195.39	171.25
03532	MEEHAN, JR	JAMES	E	997.38	565.28
03533	METTLER	DANIEL	B	1,036.61	648.52
03534	MOESCHTER	RICHARD	M	1,112.09	164.42
03535	MORELLI	RAYMOND	J	1,016.77	651.89
03536	PELTIER	WILLIAM	F	1,194.72	660.85
03537	SKALMAN	DONALD	W	1,016.77	150.68
03538	STAFNE	GREGORY	L	1,016.77	614.28
03539	STILL	VERNON	T	997.38	564.17
03540	STOCKTON	DARRELL	T	1,034.78	641.54
03541	ZAPPA	JOSEPH	A	1,197.23	745.56
03542	BECKER	RONALD	D	1,112.89	238.69

CERTIFICATION REGISTER

CHECK DATE 04-09-82

CHECK	NAME			GROSS PAY	NET PAY
03543	CUSICK	DENNIS	S	1,437.00	884.74
03544	GRAF	DAVID	M	1,108.12	508.52
03545	LEE	ROGER	W	1,202.96	664.06
03546	MELANDER	JON	A	1,110.23	25.92
03547	NELSON	CAROL	M	1,121.77	699.34
03548	RAZSKAZOFF	DALE	E	1,084.61	153.03
03549	RYAN	MICHAEL	P	1,112.89	479.57
03550	VOPWERK	ROBERT	E	1,134.06	202.64
03551	YOUNGREN	JAMES	G	1,092.59	621.77
03552	EMBERTSON	JAMES	M	911.12	592.17
03553	SCHADT	ALFRED	C	1,158.64	697.03
03554	FLAUGHER	JAYME	L	728.36	458.07
03555	FULLER	JAMES	D	586.62	426.62
03556	LINDNER	KATHRYN	E	432.88	310.65
03557	NELSON	KAREN	A	617.08	382.78
03558	NELSON	ROBERT	D	1,175.54	619.53
03559	TUCHNER	MICHELE	A	617.08	298.78
03560	WILLIAMS	DUANE	J	1,075.33	460.37
03561	BAFTA	MARIE	L	453.69	324.90
03562	HAIDER	KENNETH	G	1,650.68	420.40
03563	HEGWERTH	JUDITH	A	496.54	352.86
03564	CASS	WILLIAM	C	1,157.08	552.82
03565	FREBERG	RONALD	L	916.70	591.42
03566	HELEY	RONALD	J	916.70	567.93
03567	HOCHBAN	JOSEPH	H	756.80	501.07

CERTIFICATION REGISTER

CHECK DATE 04-09-82

CHECK	NAME			GROSS PAY	NET PAY
03568	KANE	MICHAEL	R	918.59	400.57
03569	KLAUSING	HENRY	F	927.44	487.30
03570	MEYER	GERALD	W	968.09	475.91
03571	PRETTNER	JOSEPH	B	1,190.00	731.03
03572	REINERT	EDWARD	A	916.70	567.93
03573	TEVLIN, JR	HARRY	J	1,033.59	630.89
03574	ELIAS	JAMES	G	981.69	550.31
03575	GEISSLER	WALTER	M	935.08	543.47
03576	GESSELE	JAMES	T	910.29	592.31
03577	PECK	DENNIS	L	981.69	543.05
03578	PILLATZKE	DAVID	J	1,157.08	732.75
03579	WYMAN	JAMES	N	797.54	536.43
03580	LUTZ	DAVID	P	588.99	396.76
03581	BREHEIM	ROGER	W	769.60	470.30
03582	EDSON	DAVID	B	840.00	549.97
03583	MULWEE	GEORGE	W	769.60	473.26
03584	NADEAU	EDWARD	A	848.84	556.77
03585	NUTESON	LAVERNE	S	1,128.80	479.74
03586	OWEN	GERALD	C	840.00	481.96
03587	MACDONALD	JOHN	E	908.80	484.08
03588	MULVANEY	DENNIS	M	878.40	517.37
03589	BRENNER	LOIS	J	741.06	288.55
03590	KRÜMMEL	BARBARA	A	270.40	125.14
03591	ODEGARD	ROBERT	D	1,546.91	903.22
03592	STAPLES	PAULINE	M	1,056.92	644.87

CERTIFICATION REGISTER

CHECK DATE 04-09-82

CHECK	NAME			GROSS PAY	NET PAY
03593	BURKE	MYLES	R	824.00	440.57
03594	GERMAIN	DAVID	A	824.00	515.37
03595	GUSINDA	MELVIN	J	1,088.00	594.56
03596	HELEY	ROLAND	B	824.00	528.38
03597	LEMON	JEFFREY	S	91.80	91.80
03598	MARUSKA	MARK	A	824.00	521.68
03599	SANTA	REED	E	824.00	462.90
03600	TAUBMAN	DOUGLAS	J	804.00	497.14
03601	WARD	ROY	G	378.50	284.29
03602	GREW	JANET	M	684.92	435.71
03603	SOUTTER	CHRISTINE		684.92	463.39
03604	CHLEBECK	JUDY	M	711.23	290.54
03605	OLSON	GEOFFREY	W	1,386.88	761.06
03606	EKSTRAND	THOMAS	G	859.18	489.37
03607	JOHNSON	RANDALL	L	932.83	587.78
03608	OSTROM	MARJORIE		1,133.54	697.48
03609	WENGER	ROBERT	J	857.54	482.74
CHECK REGISTER TOTALS				105,628.65	54,398.21

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

April 8, 1982

Action by Council:

Mayor
Council
City Clerk
1982

TO: The Mayor, Council and Manager
of the City of Maplewood

Re: Maplewood Public Improvement
Project No. 78-10

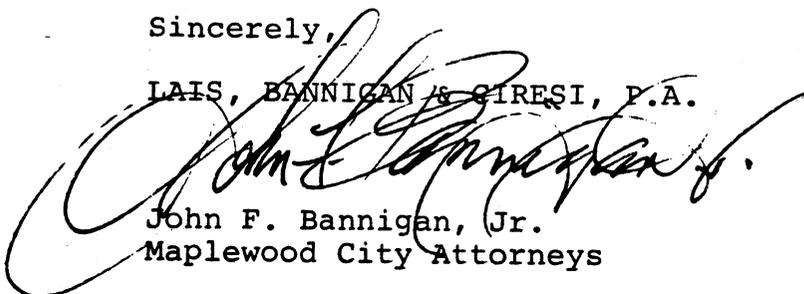
The assessments for Project No. 78-10 were duly adopted after a public hearing properly noticed on March 4, 1982. upon the adoption of the assessment roll, the meeting was adjourned to March 10, 1982 where written objections filed by affected owners with the City Clerk or Mayor were heard by the Council, sitting as a Subcommittee of the whole. Upon the conclusion of the adjourned hearing, the Council, sitting as a Subcommittee of the whole made certain Findings of Fact as to the amount of the assessments questioned.

The Council, sitting as a Subcommittee of the whole, seeks Council ratification of its Findings so that the amount of the assessment is finally determined by the council and becomes a part of the assessment roll.

No further public hearings are necessary under Minn. Stats., Section 429.071, as confirmed with bond counsel.

Sincerely,

LAIS, BANNIGAN & CIRESI, P.A.



John F. Bannigan, Jr.
Maplewood City Attorneys

JFB/me

MEMORANDUM

TO: City Manager
 FROM: Assistant City Engineer
 DATE: April 8, 1982
 SUBJECT: Reassessment Hearing
 Hillwood Drive-Dorland Road
 PROJECT NO. 78-10

Subsequent to the March 10, 1982 special meeting of the City Council we have reviewed, under the direction of the City Council, reducing the assessment areas for storm sewer improvements for eight lots within the VanDahl Addition and one lot on Linwood Drive. We have verified through field investigations, exact areas of runoff tributary to the contemplated improvements for all lots in the VanDahl Addition. Attached is a map indicating the results of our field investigation and below are the recommended changes in assessment areas based on the criteria established by the Council:

<u>Parcel No.</u>	<u>Asmt. No.</u>	<u>Total Lot Area (SF)</u>	<u>*Exempt Area (SF)</u>	<u>Asmt. Area (SF)</u>	<u>Asmt. Rate</u>	<u>Asmt. Amount</u>
<u>VanDahl Addn.</u>						
Lot 1, Block 1	61	10,125	4,775	5,350	\$0.0913/SF	\$ 488.46
Lot 1, Block 2	69	13,401	6,758	6,543	0.0913/SF	606.50
Lot 2, Block 2	70	10,600	5,883	4,717	0.0913/SF	430.66
Lot 3, Block 2	71	16,489	12,016	4,473	0.0913/SF	408.38
Lot 4, Block 2	72	14,462	6,733	7,729	0.0913/SF	705.66
Lot 6, Block 2	74	11,432	758	10,674	0.0913/SF	974.54
Lot 7, Block 2	75	16,082	7,292	8,790	0.0913/SF	802.53
Lot 8, Block 2	76	11,892	1,042	10,850	0.0913/SF	990.60
<u>Ifkewitsch</u>						
57-01200-030-55	45	68,416	46,441	21,975	0.0913/SF	2,006.32**

*Reduction in area from previously assessed area.

**Assessments for the sanitary sewer and sewer service are to remain as is (\$4,761.52).

We have been informed by the City Attorney that the changes made to the assessments based on the findings of facts will not require a supplemental or reassessment hearing.

We request that the City Council ratify the findings of fact resulting from the March 10, 1982 special meeting. Upon ratification we will distribute a letter to those properties affected by the latest revisions informing them of the reduction in assessments.

April 1, 1982

E-3

Application for Gambling License

Application is hereby made under Maplewood Municipal Code Chapter 322 which reads in part:

SECTION 1. Chapter 322 of the Maplewood Code is hereby adopted governing licensing and regulating of gambling as approved by the State Legislature and is to read as follows:

"322.010. PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes, Chapter 349, and Laws of Minnesota, 1978, Chapter 507, relating to the definition of terms, licensing and restrictions of gambling are adopted and made a part of this Ordinance as if set out in full."

"322.020. LICENSING REQUIREMENTS. No person shall directly or indirectly operate a gambling device or conduct a raffle without a license to do so as provided in this Ordinance."

"322.030. PERSONS ELIGIBLE FOR A LICENSE. A license shall be issued only to fraternal, religious, and veterans' organizations, or any corporation, trust, or association organized for exclusively scientific, literary, charitable, educational or artistic purposes, or any club which is organized and operated exclusively for pleasure or recreation as distinct from profit making purposes. Such organization must have been in existence for at least three (3) years in the City of Maplewood, and shall have at least thirty (30) active members."

for a gambling license.

1. Name of Organization: PRESENTATION MEN'S CLUB
2. Address of Organization: LARPENVEUR & KENNARD
3. Date of Application: 3-~~1~~-82
4. Date of first meeting that has regularly continued to date in Maplewood _____
5. List Officers of Organization:

TITLE	NAME	ADDRESS	PHONE #
PRES.	R.P. CASCI	2018 DIETER	777-5519
VIC PRES.	M. LANGNESS	1648 E. IOWA	774-4414
SEC.	D. BORDWICZ	1237 E. SKILLMAN	484-8784
Treas	P. SIMONS	1530 CLARENCE	774-4109

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Application for Gambling License.

6. Type of Permit

- Temporary Single Occasion.
Date APRIL 25-1982
- Annual
- Paddle Wheel
- Raffle
- Tipboard

7. Profits to be used for: CHURCH REPAIRS + SCHOOL

8. Gambling Manager

Name R.P. CASCI
Address 2018 DIETER ST.
Phone# 777-5519
Date of Birth 6-28-22

(Bond for Gambling Manager must be attached).

9. Premises upon which gambling will be conducted:

Address: LARSENTEUR + KENNARD

10. Total prizes to be offered. (Explain).

11. Bank that will carry gambling account:

Name _____
Address _____
Authorized Account _____
Signatures _____

12. Meeting date at which organization authorized this application

FEB 18 1982

AN ORDINANCE AMENDING THE MAPLEWOOD

CODE BY ADDING THERETO CHAPTER 823

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

Section 1. Chapter B23 of the Maplewood Code is hereby adopted governing licensing and regulating of gambling as approved by the State Legislature and is to read as follows:

"823.010. PROVISIONS OF STATE LAW ADOPTED. The provisions of Minnesota Statutes, Chapter 349, and Laws of Minnesota, 1978, Chapter 507, relating to the definition of terms, licensing and restrictions of gambling are adopted and made a part of this Ordinance as if set out in full."

"823.030. LICENSING REQUIREMENTS. No person shall directly or indirectly operate a gambling device or conduct a raffle without a license to do so as provided in this Ordinance."

"823.030. PERSONS ELIGIBLE FOR A LICENSE. A license shall be issued only to fraternal, religious, and veterans' organizations, or any corporation, trust, or association organized for exclusively scientific, literary, charitable, educational or artistic purposes, or any club which is organized and operated exclusively for pleasure or recreation as distinct from profit making purposes. Such organization will have been in existence in the City of Maplewood for at least three (3) years and shall have at least thirty (30) active members.

"823.040. LICENSES AND FEES.

Subdivision 1. There are established two types of licenses for each device or occasion together with the respective fees as hereinafter set out;

(a) The single occasion temporary license fee for all is \$25.00 each.

(b) The annual fee for a paddle wheel and for a raffle shall be \$200.00.

(c) The annual fee for a tipboard shall be \$100.00.

Subd. 2. APPLICATION PROCEDURE. Application for a license shall be made upon a form prescribed by the City Council. No person shall make a false representation in an application. The Council shall act upon said application within 180 days from the date of application, but shall not issue a license until at least 30 days after the date of applicaiton.

"823.050. PROFITS. Profits from the operation of gambling devices or the conduct of raffles shall be used for the following purposes only:

(a) Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well being, by assisting them in establishing themselves as useful citizens, or by increasing their comprehension of and devotion to the principals upon which this nation was founded;

- (b) Initiating, performing, or fostering worthy public work or enabling or furthering the erection or maintenance of public structures;
- (c) Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or
- (d) The improving, expanding, maintaining or repairing real property owned or leased by an organization.

This does not include the erection or acquisition of any real property, unless the council specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified above.

"823.060. GAMBLING MANAGER. All operation of gambling devices and the conduct of raffles shall be under the supervision of a single gambling manager to be designated by the organization. The gambling manager shall be responsible for gross receipts and profits from gambling devices and raffles and for their operation. The gambling manager shall be responsible for using profits for the purposes as set out in this Ordinance.

Subdivision 1. The gambling manager shall provide a fidelity bond in the sum of \$10,000.00 in favor of the organization conditioned on the faithful performance of his duties.

Subd. 2. QUALIFICATIONS OF GAMBLING MANAGER. The gambling manager shall be an active member of the organization and shall qualify under state law.

"823.070. COMPENSATION. No compensation shall be paid to any person in connection with the operation of a gambling device or the conduct of a raffle by a licensed organization. No person who is not an active member of an organization, or the spouse or surviving spouse of an active member, may participate in the organization's operation of a gambling device or conduct of a raffle.

"823.080. REPORTING REQUIREMENTS.

Subdivision 1. GROSS RECEIPTS. Each organization licensed to operate gambling devices shall keep records of its gross receipts, expenses and profits for each single gathering or occasion at which gambling devices are operated or a raffle is conducted. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of profits shall be itemized as to payee, purpose, amount, and date of payment.

Subd. 2. SEPARATION OF FUNDS. Gross receipts from the operation of gambling devices and the conduct of raffles shall be segregated from other revenues of the organization, and placed in a separate account. The person who accounts for gross receipts, expenses and profits from the operation of gambling devices or the conduct of raffles shall not be the same person who accounts for other revenues of the organization.

Subd. 3. MONTHLY REPORTS. Each organization licensed to operate gambling devices or to conduct raffles shall report monthly to its membership, and to the city clerk, its gross receipts, expenses and profits from gambling devices or raffles, and the distribution of profits. The licensee shall preserve such records for three years.

"823.090. ELIGIBLE PREMISES. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles may be sold off the premises. Leases shall be in writing and shall be for a term of at least six (6) months. No lease shall provide that rental payments be based on a percentage of receipts. A copy of the lease shall be filed with the city clerk.

Subdivision 1. The premises upon which the gambling devices shall be operated and raffles conducted for a licensed organization shall be the regular meeting place of such organization.

Subd. 2. There shall be no more than two licenses issued for operation at any one premises.

"823.010. TOTAL PRIZES. Total prizes from the operation of paddle wheels and tipboards awarded in any single day in which they are operated shall not exceed the maximum of \$500.00. Total prizes resulting from any single spin of a paddle wheel or from any single tipboard shall not exceed \$100.00. Total prizes awarded in any calendar year by any organization shall not exceed \$15,000.00.

"823.020. BINGO. Nothing in this ordinance shall be construed to authorize the conduct of bingo without acquiring a separate bingo license.

"823.030. PENALTIES. Violation of any provision of this ordinance shall be a misdemeanor.

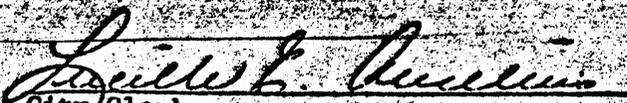
Subdivision 1. SUSPENSION AND REVOCATION. Any license may be suspended or revoked for any violation of this ordinance. A license shall not be suspended or revoked until the procedural requirements of subdivision 2 have been complied with, provided that in cases where probable cause exists as to an ordinance violation, the city may temporarily suspend the license for a period of up to two (2) weeks upon service of notice of the hearing provided for in subdivision 2.

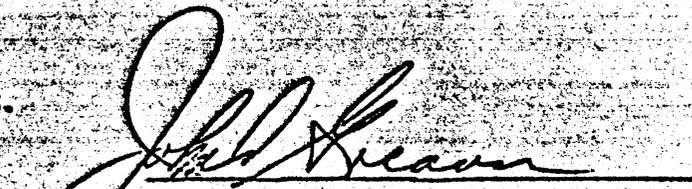
Subd. 2. PROCEDURE. A license shall not be revoked under subdivision 1 until notice and an opportunity for a hearing have first been given to the licensee. The notice shall be personally served upon any of the officers of the licensee as listed in the license or upon the gambling manager as designated and shall state the ordinance provision reasonably believed to be violated. The notice shall also state that the licensee may demand a hearing on the matter, in which case the license will not be suspended until after the hearing is held. If the licensee requests a hearing, one shall be held on the matter by the council within at least two (2) weeks after the date on which the request is made. If, as a result of the hearing, the council finds that an ordinance violation exists, then the council may suspend or terminate the license.

Section 1. This ordinance shall take effect upon its passage and publication according to law.

Passed by the Council of the City
of Maplewood this 15th day of June, 1978.

Attest:


City Clerk


Mayor

Ayes - all.



ARTHUR J. GALLAGHER & CO.

The Tower, Golf Road, Rolling Meadows, Illinois 60008 • 312/640-8500

CERTIFICATE OF INSURANCE

<p>Name and address of party to whom this certificate is issued</p> <p>City of Maplewood</p>	<p>Name and address of insured</p> <p>Archdiocese of St. Paul and Minneapolis, et al 226 Summit Ave. St. Paul, MN 55102 including Presentation of the Blessed Virgin Mary, Maplewood, MN</p>
--	--

<u>COMPANY</u>	<u>POLICY NO.</u>	<u>EXPIRATION</u>
Interstate Fire & Casualty	183-152670	9-1-82

KIND OF INSURANCE:

Excess Liability Insurance including Auto Liability and General Liability. Employee Dishonesty.

LIMIT OF LIABILITY:

\$ 2,000,000 Any One Occurrence and Annual Aggregate wherever applicable. Excess of existing underlying insurance.

\$ 100,000 Employee Dishonesty

Cancellation: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

This Certificate of Insurance does NOT amend, extend or otherwise alter the Terms and Conditions of Insurance contained in the policies identified above.

ARTHUR J. GALLAGHER & CO.

DATE March 5, 1982

BY *Richard A. Carlson*
Richard A. Carlson, Producer

MEMORANDUM

To: Barry Evans, City Manager
 From: Robert D. Odegard, Director of Community Services *RO*
 Subj: Contract for Master Plans for Gladstone, Hillside
 and Pleasantview Parks
 Date: April 13, 1982

Discussion on the Council level regarding Hillside Park (vacation of Tierney Avenue), and Pleasantview Park (fill from Dorland Road project) has served as additional reasons for the development of park master plans.

The five year long range capital improvement program for Maplewood indicates that site planning would be undertaken in 1980 for Gladstone (\$4000.00) and in 1982 for Pleasantview (\$4000.00) and Hillside (\$4000.00). Such master plans would include working drawings and specifications. At this time we are suggesting that we do not request working drawings and specifications, but rather plan our projects to take advantage of the economy.

I have interviewed landscape architects for these three projects and I recommend the proposal of Erkkila & Associates. His proposal has been discussed by the Park and Recreation Commission and has their support.

Tim Erkkila, the principal, has been involved in Maplewood planning through his work with the Comprehensive Plan. He has also worked cooperatively with staff and the Park and Recreation Commission on the planning of Kohlman Park Master Plan.

His proposal is to undertake the planning for Hillside, Pleasantview and Gladstone Parks for \$3,250.00.

Enc. (1)

APR 15 1982
 COMMUNITY SERVICES
 1000 10TH AVENUE
 WASHINGTON, DC 20004

**Erkkila &
Associates**

Suite 100 2611 Central Ave. N.E.
Minneapolis, Mn. 55418 788-5211

LANDSCAPE ARCHITECTURE • PLANNING • DESIGN

MAPLEWOOD, MINNESOTA
PARK PLANNING PROPOSAL
April 7, 1982

I. PURPOSE

Maplewood presently lacks master plans for Gladstone, Hillside and Pleasantview Parks. No substantial development has occurred in these three parks. At this time development pressures and/or recreational need is forcing the city to evaluate the opportunities present at these sites. Graphic master plans which identify future development would be useful for long term implementation and the planning process would answer several questions facing the city within a more immediate time frame. Erkkila & Associates (the Consultant) proposes to provide these services as identified in this proposal for park planning services.

II. GENERAL SCOPE OF SERVICES

For each of the three park sites the following scope of services is proposed. Where individual exceptions are proposed, they are as noted elsewhere in this proposal.

- A. Site Inventory, Analysis, and Base Map - The Consultant shall collect all existing data about the sites (plat maps, utility plans and topographic mapping) from the city. An accurate base map shall then be prepared. Observed on site conditions shall be noted by the Consultant and utilized in the analysis of the site's potential.
- B. Develop Preliminary Concepts - The Consultant shall confer with the city about the goals and issues involved at each park site. After receiving staff level input, the Consultant shall prepare three alternative schemes of each site, reflective of the Consultant's opinions on the opportunities present and the staff's input on each site. These schemes shall be presented to the Park Commission for review, discussion and evaluation.
- C. Final Development Master Plans - The result of Park Commission review shall be recommendations as to which alternatives or modified concept plans represent their consensus for final development plans. After the preferred alternatives have also been reviewed by the appropriate other city staff (public works) relative

to ponding concerns, the Consultant shall consider all recommendations and prepare a Final Development Master Plan. Each of these plans shall be on one sheet, shall identify all proposed uses and their locations, and identify the site modifications needed for implementation. All proposed elements will be graphically scaled and laid out respective of site topography and vegetation. The plans will be graphically developed to be suitable for general planning and presentation purposes. The plans are not construction documents. It is however, their purpose to be used as the basis for future implementation.

III. SPECIAL CONSULTANT SERVICES

Beyond the general scope of work, the following specialized Consultant services are proposed:

- A. Gladstone Park: The Consultant shall make recommendations on the parks best uses and possible linkage opportunities.
- B. Hillside Park: The Consultant shall make recommendations on park access and trail concerns as well as determining how possible stormwater ponding may affect future park development.
- C. Pleasantview Park: The Consultant shall work with city staff in reviewing land fill possibilities and working with the Watershed District on ponding needs.

IV. PRODUCTS PROVIDED BY THE CONSULTANT

- A. The Consultant shall provide up to two (2) copies of each alternative preliminary concept at a full sheet size.
- B. The Consultant shall provide up to six (6) large (full sheet size) copies of each of the Final Development Master Plans, one of which shall be colored (each park).
- C. The Consultant shall provide one 8½" x 11" black and white reduced plan of each park which is suitable for photocopying.
- D. The Consultant shall attend up to three Park Commission meetings. It is proposed that the plans can be developed and reviewed simultaneously wherever possible to maximize city savings on fees.

The city shall have the right to use and own all documents created by the Consultant on this project.

V. COST OF SERVICES

Erkkila & Associates proposes to undertake the entire project as outlined herein for a fee of \$3,250.00. However, if the scope of work is modified to allow elimination of certain elements, the following breakdown shall apply:

	Base Map and Concepts	Final Plan
Gladstone Park	\$ 600	\$400
Hillside Park	650	600
Pleasantview Park	750	600

Additional prints or plans shall be provided at cost. Additional meetings requested with the Council, Planning or Park Commissions (after the third) shall be billed at \$30.00 per hour.

VI. TIMETABLE FOR PROJECT COMPLETION

The Consultant proposes to initiate work within ten (10) days on Pleasantview Park and to complete the initial concepts within 30 days of receipt of base information. Gladstone and Hillside shall be initiated within the next 30 days and concepts shall be available by August 17, 1982. Final development plans for all sites shall be completed within 45 days of the selection of the final preferred alternatives.

VII. PROJECT PERSONNEL

The project team will draw upon the resources of Erkkila & Associates for the master plans. Tim Erkkila, ASLA is a registered landscape architect and shall be designated project manager. Erkkila & Associates have extensive experience in park planning and design and are totally familiar with Maplewood Parks System Plan. The firm prepared the park plan in 1980 and finished the Kohlman Lake Park master plan in 1981.

VIII. EQUAL OPPORTUNITY STATEMENT

The Consultant shall conform to the laws of the State of Minnesota and all other laws, ordinances and legal requirements affecting work in Minnesota. The Consultant shall conform with and agree to the provisions of Minnesota Statutes (Section 181.59) which prohibit discrimination in hiring by reason of sex, race, creed or color.

IX. AUTHORIZATION OF WORK/TERMINATION OF CONTRACT

This proposal shall become the contract for planning services with a letter from the city which references this proposal. This letter, preferably from the City Manager, shall

then be the Consultant's authorization to begin work. This agreement shall terminate upon completion of the Consultant's work hereunder, unless terminated by either party by giving ten days notice of termination in writing to the other party. If this agreement is terminated, the Consultant shall be paid in full for the services performed by him to the termination notice date including reimbursable expenses.

Proposal Offered by:



Timothy W. Erkkila, ASLA
ERKKILA & ASSOCIATES

MEMORANDUM

TO : City Manager
FROM : Finance Director *D. Dewart*
RE : 1981 Annual Financial Reports and Audit
DATE : April 8, 1982

Recently the City's 1981 Annual Financial Reports and audit were completed. Four documents have been prepared this year:

- 1) General Purpose Financial Report - contains data extracted from the Comprehensive Annual Financial Report and provides a concise summary of the City's financial condition. Copies of this report will be distributed to the City's advisory boards, commissions and council. Also a limited supply will be available to the public.
- 2) Comprehensive Annual Financial Report - contains detailed financial and statistical information to provide complete information on all financial transactions during the year. Copies of this report will be distributed to the Council, State Auditor, Moody's Investors Service, bond investors, and the Maplewood Library.
- 3) Management Report and Recommendations - contains the auditors comments on the City's financial condition and provides recommendations regarding financial management. Copies of this report will be distributed to the Council and financial staff.
- 4) Special Report on Financing Minnesota Local Government in the 1980's - contains results of the auditors study of changes in the state financing of local government over the past ten years. Copies of this (unrequested) report will be distributed to the Council and financial staff.

It is recommended that the Council schedule a meeting with the supervisor of the City's audit, Bob Voto, to discuss these reports. In the past these meetings have been held in conjunction with the regular Council-Staff meeting on Tuesdays. Mr. Voto has indicated that he would be able to attend the May 4th meeting.

Action by Council:

Reviewed _____
Date _____
Disseminated _____
Date _____

MEMORANDUM

TO : City Manager
FROM : Public Works Director and Finance Director
RE : Cancellation of Developer Charges - Kennard Street Sewer
DATE : March 24, 1982

PROPOSAL

It is proposed that the \$134 of 1981 in-house engineering and administrative charges (along with accrued interest expense) be cancelled for the above project.

BACKGROUND

On February 18, 1982 the Council approved the 1981 in-house engineering and administrative charges for various improvement projects. These charges included a \$134 amount for Project 80-18, Kennard Street Sewer from Rosewood to Harris. This improvement was necessitated when Brian Lenz purchased a brick house (located at the Ramsey County Nursing Home site) and had it moved to a lot on Harris Street.

Due to an oversight by the previous Public Works Director, no developer's agreement was executed for this project. Therefore, the existing receivable of \$134 is deemed to be uncollectible.

RECOMMENDATION

It is recommended that the Council authorize a transfer from the General Fund to the Special Assessment Fund to eliminate the deficit that exists for Project 80-18.

E-7

MEMORANDUM

TO : City Manager
FROM : Finance Director *H. O. Faust*
RE : State Aid Transfer - Maryland Avenue Project
DATE : April 2, 1982

On August 20, 1981, the attached staff report was presented to the Council. Consequently, a motion was passed to cancel the special assessment for the East County Line Fire Station. However, the City auditors have brought to my attention that authorization for a transfer from the City's Street Construction State Aid Fund was not included in the motion as intended.

Therefore, it is recommended that the Council approve, retroactive to August, 1981, a transfer of \$4,544.52 from the City's Street Construction State Aid Fund to the Special Assessment Fund.

MEMORANDUM

TO: City Manager
FROM: Director of Public Works *KAH*
DATE: August 20, 1981
SUBJECT: Assessment Cancellation - East
County Line Fire Station

The East County Line Fire Department requests that the City Council cancel the assessments for construction of Maryland Avenue, Project 77-12. The total assessment for curb and gutter, driveway and storm sewer is \$4,544.52. The reduction in assessment revenue could be replaced with funds transferred from the State Aid Account.

It is recommended the City Council cancel the \$4,544.52 assessment to the East County Line Fire Department with the understanding that if the property is ever used for another purpose a cash connection charge will be collected according to City policy.

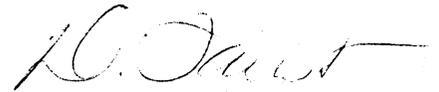
KGH/mn

*App. by Council
8-20-81*

MEMORANDUM

TO : City Manager
FROM : Finance Director
RE : Paramedic Bill - Application for Cancellation
DATE : March 31, 1982

An application for cancellation of paramedic ambulance service charges has been received from Charles E. Feldt. This individual was transported from 2418 E. 7th Avenue to St. Paul-Ramsey Hospital on February 14, 1982. Mr. Feldt was suffering from injuries received during an assault. This individual is 62 years of age. On March 31st the attached application for cancellation of charges was received for the Council's approval.



APPLICATION FOR CANCELLATION OF
PARAMEDIC AMBULANCE SERVICE CHARGES

NAME OF APPLICANT: CHARLES E FELDT

ADDRESS OF APPLICANT: 1200 E 18TH ST

CITY HASTINGS NE STATE NEBR ZIP 68033

PATIENT'S NAME: CHARLES E FELDT

DATE OF SERVICE: 2-14-82

TOTAL CHARGES: \$80.00

REASON FOR REQUEST:

1. Financial Hardship (fill out reverse side):

2. Other: I AM A RESIDENT OF THE VETERANS HOME

IN HASTINGS. I DO NOT HAVE ANY VETERANS OR
SOCIAL SECURITY BENEFITS. THE ONLY INCOME I HAVE
IS A JANITOR JOB. I WORK 20 HRS A WEEK.

THE PAY IS \$11.10 AN HOUR. THIS ENOUGH TO BUY MY
CIGARETTES + PERSONAL ITEMS. I STILL OWE OVER
\$2000.00 IN LOAN PAYMENTS.

SHOULD
BE \$1.10
PER HOUR

I certify that the income information I have supplied on this application is true and accurate.

Signed: Charles E. Feldt Date: 3-25-82

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Time Extension for Preliminary Plat and PUD
 LOCATION: Lakewood Drive, Maryland Avenue, and Sterling Street
 APPLICANT/OWNER: Arlington Properties
 PROJECT: Beaver Lake Hills
 DATE: March 29, 1982

SUMMARY OF THE PROPOSAL

Request

Approval of a time extension for the Beaver Lake Hills preliminary plat and planned unit development.

Proposed Land Use

A quad development comprised of 46 buildings (184 two-bedroom units). Refer to the enclosed plat.

PAST ACTIONS

3-20-80: Council approved the preliminary plat, street vacation, and a planned unit development for Beaver Lake Hills, subject to the following condition:

One of the PUD conditions is that,

"A building permit must be taken out for the first unit, within 2 years of PUD approval. Council may renew the PUD if no substantial changes have occurred that would have a negative impact on the project, the City or the surrounding area."

6-5-80: Council approved a 90-day time extension for the Beaver Lake Hills preliminary plat, subject to the original conditions. Council also passed a resolution ordering a feasibility study for the Beaver Lake Hills holding pond and drainage system.

The feasibility study is in the process of being completed by the City's Engineering staff.

10-16-80, 1-22-81, 4-16-81 and 8-6-81: Council approved 90-day time extensions, subject to the original conditions of the preliminary plat.

PLANNING CONSIDERATIONS

1. Land Use Plan Designation: Rm, Medium Density Residential
2. Zoning: F, Farm Residential
3. Section 1005 (e.) of the Platting Code permits the City to grant time extensions of a preliminary plat after one year of approval. Since the last time extension was granted in August 1981, the next required time extension would be in August, 1982.

CONCLUSION

Analysis

Financial considerations and high interest rates have kept this project from progressing. The applicant has indicated, however, that he is still very interested in completing the project as proposed.

Staff sees no reason to deny the applicant's request for an extension on the PUD as well as the preliminary plat. The City's Engineering Department is presently working on the feasibility study for the holding pond, so the project is moving ahead.

Even though the preliminary plat would not expire until August 1982, Staff feels that it would save time to consider this approval at the present time along with renewal of the PUD.

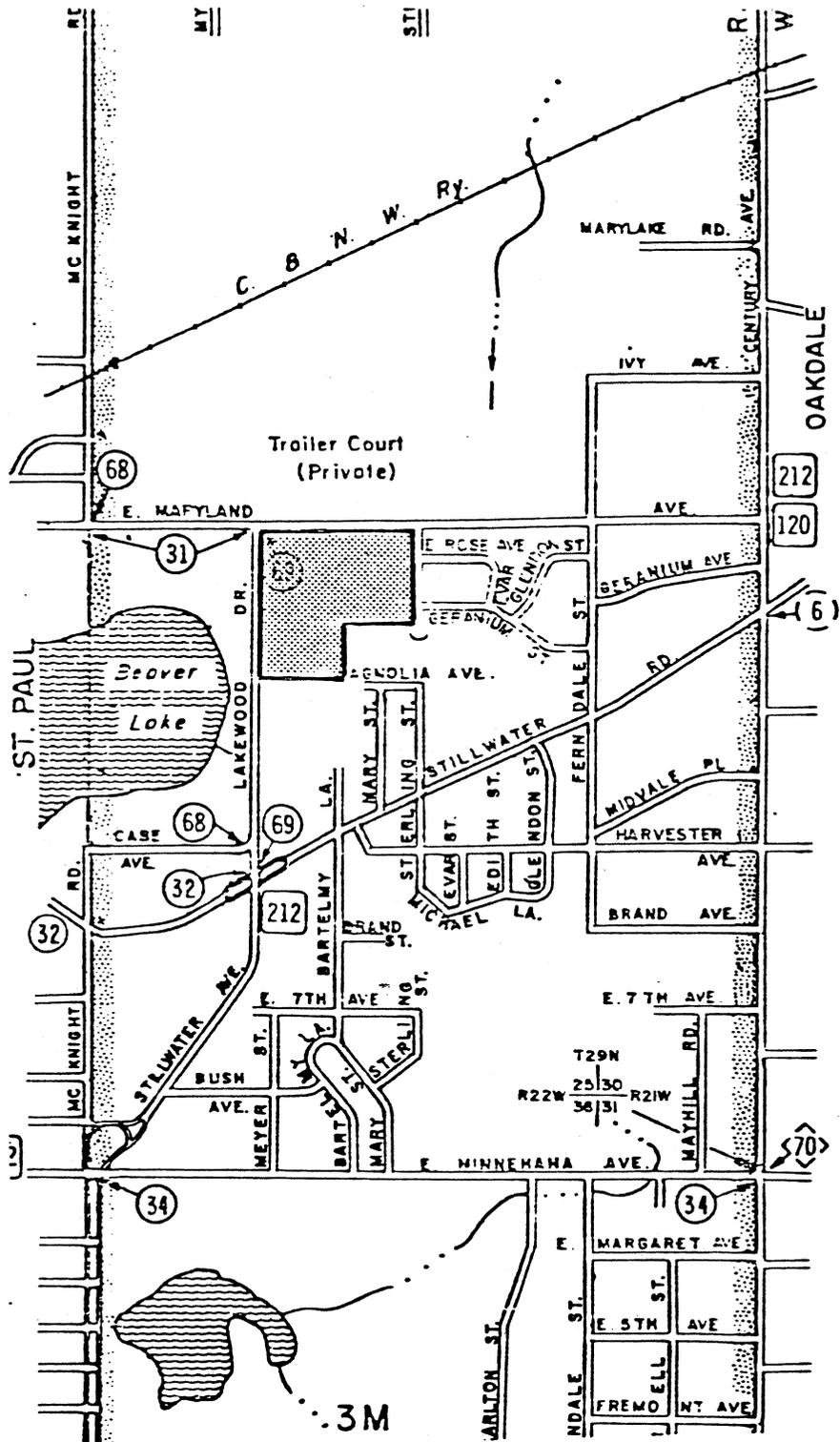
Recommendation

Approval of a time extension for the Beaver Lake Hills preliminary plat and PUD for one year, based on the findings that:

1. The City Engineering staff is still preparing a feasibility study for a holding pond.
2. Council has approved time extensions in the past for other plats.
3. There are no changed conditions that would justify denial of the time extension.

Enclosures:

1. Location map
2. Preliminary plat



LOCATION MAP



MEMORANDUM

TO : City Manager
FROM : Finance Director *R. Faust*
RE : Payrates for Emergency Preparedness Personnel
DATE : April 2, 1982

When the 1982 Budget was adopted by the City Council on October 8, 1981, appropriations were made for the 1982 payrates for Emergency Preparedness personnel. These payrates were implemented on January 1, 1982. A review of the Council minutes for the October 8, 1981 meeting indicates that there is no specific authorization indicated for these 1982 payrates. Therefore it is recommended that the Council approve retroactive to January 1, 1982 salaries of \$415 per month for the Emergency Preparedness Director and \$250 per month for the Deputy Emergency Preparedness Director.

MAJOR ITEMS IN PROPOSED 1982 BUDGET
(Excludes Capital Outlay Items Under \$1,000)

Item No.	Amount	Function	Item Description
<u>GENERAL FUND:</u>			
1.	\$ 3,050	Emergency Preparedness	To finance the addition of a paid part-time Deputy Director of Emergency Preparedness. Currently there is an unpaid Deputy Director that has been working 50 to 70 hours per month. A deputy Director is needed to assist in organizing a Skywarn system, organizing a CB and Ham radio group to be activated in emergencies, distribution of literature to citizens and businesses, revision of the Disaster Plan, and other projects.

2.	\$ 50,000	Paramedic Services	Mobile repeaters and portable telemetry radios for the E.M.S. vehicles. Final approval and funding has been given to the East Metro E.M.S. Communication System which the City Council agreed to participate in on April 16, 1981.
----	-----------	--------------------	--

3.	\$540,000	Fire Fighting	The fire departments have requested a \$50,517 increase in their 1982 contracts for fire fighting and paramedic assistance services. The following is a comparison and breakdown of these costs.
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	1980	1981	1982
Gladstone	\$180,800	\$195,264	\$215,425
Parkside	116,640	125,975	138,975
East County Line	116,640	168,244	185,600
Total	<u>\$414,080</u>	<u>\$489,483</u>	<u>\$540,000</u>
Increase Amount	\$ 30,180	\$ 75,403	\$ 50,517
Increase Percent	7.9%	18.2%	10.3%

Part of the above costs are allocated to the paramedic services budget to reflect the estimated costs for paramedic assistance services. The amounts allocated to the paramedic function have been \$37,650 for 1980, \$43,510 for 1981, and \$48,092 for 1982.

4.	\$ 35,200	Fire Fighting	The fire departments have requested this amount as a contribution to their firemen's relief association to finance pension, death, and disability benefits. The following is a comparison of this amount with past contributions:
----	-----------	---------------	---

	1980	1981	1982
City contribution	\$ 30,170	\$ 32,000	\$35,200
Increase over pre- ceding year	\$ 14,170	\$ 1,830	\$ 3,200
Percent increase	88.6%	6.1%	10.0%

Changes Made to the Proposed 1982 Budget

Council Revisions: *(PRIOR TO 1982 FISCAL YEAR)*

1. \$4,380 added to account 101-3527 (police grants) for anticipated 911 phone system grant.
2. \$31,000 added to account 101-3301 (building permit fees) to reflect the increase in building permit fee rates approved August 20th.
3. \$60 subtracted from account 101-104-4390 (travel and training for the Human Relations Commission).
4. \$50 subtracted from account 101-106-4330 (postage for the Parks & Recreation Commission) as this will be covered within the budget for the Community Service Department.
5. \$50 subtracted from account 101-109-4390 (travel and training for the H.R.A.) so that the total 1982 Budget is the same as 1981.
6. \$1,030 added to account 101-112-4020, \$60 added to account 101-112-4031, and \$70 added to account 101-112-4032 to finance an increase in the Civil Defense Director's salary to \$415 per month.
7. \$400 added to 101-112-4640 (Emergency Preparedness - Capital Outlay) for the purchase of two CB radios.
8. \$250 added to account 101-201-4630 and \$500 added to account 101-202-~~4360~~ to purchase three microfiche readers for the Finance Department.
9. \$23,020 added to account 101-406-4310 for the 911 phone system installation and service charges for December 1982.

E-11

LAIS, BANNIGAN & CIRESI, P. A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101

AREA CODE 612
224-3781

DONALD L. LAIS
JOHN F. BANNIGAN, JR.
JEROME D. CIRESI
PATRICK J. KELLY

April 8, 1982

Action by City of:

Mr. Barry Evans
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

Mr. Barry Evans
Maplewood City Manager
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

RE: Proj. No: 78-10
Parcel No: 14
Benson

Dear Mr. Evans:

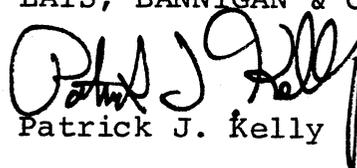
Please be advised that we have entered into an Agreement with Mr. and Mrs. Kenneth Benson regarding the above parcel. They will tender to the City permanent ponding easements, permanent and temporary easements in consideration of the payment by the City in the amount of \$11,500.00.

This amount was the amount substantiated by Mr. Winfield A. Mitchell's appraisal report and the amount offered by staff. Therefore, would you please remit a city check, made payable to Lais, Bannigan & Ciresi, P.A., Trust Account, in the amount of \$11,500.00 for the purpose of tendering the same to the Benson's.

Thank you for your attention to this matter.

Sincerely,

LAIS, BANNIGAN & CIRESI, P.A.



Patrick J. Kelly

PJK/sjh

F-1

MEMORANDUM

TO: City Manager
FROM: Assistant City Engineer
DATE: April 8, 1982
SUBJECT: Holloway Avenue-Sterling Street
Joint Powers Improvement
PROJECT NO. 81-12

The public hearing has been scheduled for the above referenced project. The feasibility study, which the Council has previously received, contains the "Proposed Financing Program" which details an approximate 50% apportionment of street costs for Sterling to North St. Paul and Maplewood.

North St. Paul has requested that Maplewood participate in 70% of the street costs and North St. Paul 30% due to North St. Paul's ability to assess only 35% of their corner lot frontages. The requested cost sharing would result in either Maplewood participating in an additional \$31,000.00 or raising the assessment rate to \$61.00 per front foot for the Sterling Street property owners to recover the additional costs.

Recommendation

If the City Council decides to proceed with the proposed improvements direction should be given as to the method of cost sharing for street improvements on Sterling Street. This information will be given to the North St. Paul City Council for consideration during their April 19, 1982 public hearing. Authorization must also be given to enter into a joint powers agreement with North St. Paul and Ramsey County.

RESOLUTION ORDERING IMPROVEMENT
AFTER PUBLIC HEARING

WHEREAS, after due notice of public hearing on the construction of streets, sidewalks, storm sewer, watermain, sanitary sewer and appurtenances on Holloway Avenue and (Sterling Street), a hearing on said improvement in accordance with the notice duly given was duly held on April 15, 1982, and the Council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1. That it is advisable, expedient, and necessary that the City of Maplewood construct streets, sidewalks, storm sewer, sanitary sewer, watermain and appurtenances on _____ as described in the notice of hearing thereon, and orders the same to be made.
2. That the Mayor and City Manager enter into a Joint Powers Agreement with the City of North St. Paul and Ramsey County for the engineering, construction, financing and maintenance of the ordered improvements.
3. The City Engineer is designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvements.

F-1

MEMORANDUM

TO: City Manager
FROM: Associate Planner - Johnson
SUBJECT: Holloway and Sterling Street Improvements
DATE: March 29, 1982

Background

State law requires that the Planning Commission review all public capital improvement projects within the City. Section 462.356 of the State law states that:

"After a comprehensive municipal plan or section thereof has been recommended by the planning agency and a copy filed with the governing body, no publicly owned interest in real property within the municipality shall be acquired or disposed of, nor shall any capital improvement be authorized by the municipality or special district or agency thereof or any other political subdivision having jurisdiction within the municipality until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings are to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan."

Project Description

The enclosed feasibility study considers the following improvements (refer to maps in the rear jacket packet):

1. Construction of Holloway Avenue and installation of watermain and storm sewer between Beebe Road and Furness Street.
2. Reconstruction of Holloway Avenue and the installation of storm sewer, sanitary sewer, and sidewalk from Furness Street to Century Avenue.
3. Reconstruction of Sterling Street and installation storm sewer between Holloway and Ripley Avenues.

The improvements would be constructed jointly by Maplewood and North St. Paul. The recommended project would not include the improvement of Holloway Avenue, west of McKnight Road. Improvement of the westerly portion of Holloway Avenue would be withheld until County participation is secured.

Reasons for the Project

1. To improve storm drainage.
2. Reduce the grade of Holloway Avenue to improve visibility near Maplewood Junior High School.
3. To replace deficient watermains in North St. Paul
4. Provide sanitary sewer to presently nonsewered Maplewood properties lying between Margaret Street and Betty Jane Court (500 feet).

Land Use Plan

Holloway Avenue, from North St. Paul Road to Century Avenue (Map one), is planned as a major collector street. The proposed width of 46 feet is consistent with this designation.

Sterling Street is planned as a minor collector, linking Holloway and Larpenteur Avenues. The recommended project would improve only the north one-half lying between Holloway and Ripley Avenues.

According to a feasibility study completed in 1980, Sterling Street, between Ripley and Larpenteur Avenues, would be cost-prohibitive to upgrade as a through street due to poor soils and the lack of buildable frontage properties. This section of Sterling Street presently impedes needed storm water holding capacity, does not serve adjacent properties, has no salvage value for a future road bed, and is an unjustified and continual maintenance expense. As such, the City Engineer recommends that it should be barricaded and that the portion through the wetland should be removed to improve storm water ponding capacity.

The Land Use Plan should be amended to eliminate the minor collector street designation for Sterling Street, between Holloway to Larpenteur Avenues.

The proposed pavement width of 32 feet for Sterling Street would be consistent with the Land Use Plan, whether designated as a local street or minor collector.

Sidewalk Plan

The recommended improvement project includes a sidewalk along Holloway Avenue between McKnight Road and Margaret Street.

The Sidewalk Plan, (map three) calls for sidewalks along Holloway Avenue and Sterling Street to serve the two area schools. A sidewalk along Sterling street is not necessary for the following reasons:

1. It would not serve as a minor collector street, because of the cost-prohibitiveness of upgrading the portion between Ripley and Larpenteur Avenues.
2. A sidewalk along Sterling Street from Ripley to Holloway Avenues, would not likely be used to get to Maplewood Junior High School. One of the three side streets (map two), would be a more probable route.
3. Pedestrian traffic to the south of Ripley could use the high ground to the west of the wetland as proposed in the Trail Plan, (map four), rather than an expensive to maintain trail through the wetland.

Status

A public hearing will be held on April 15, 1982 for the improvements.

No additional hearings would be necessary if the Planning Commission wishes to eliminate Sterling Street's minor collector designation.

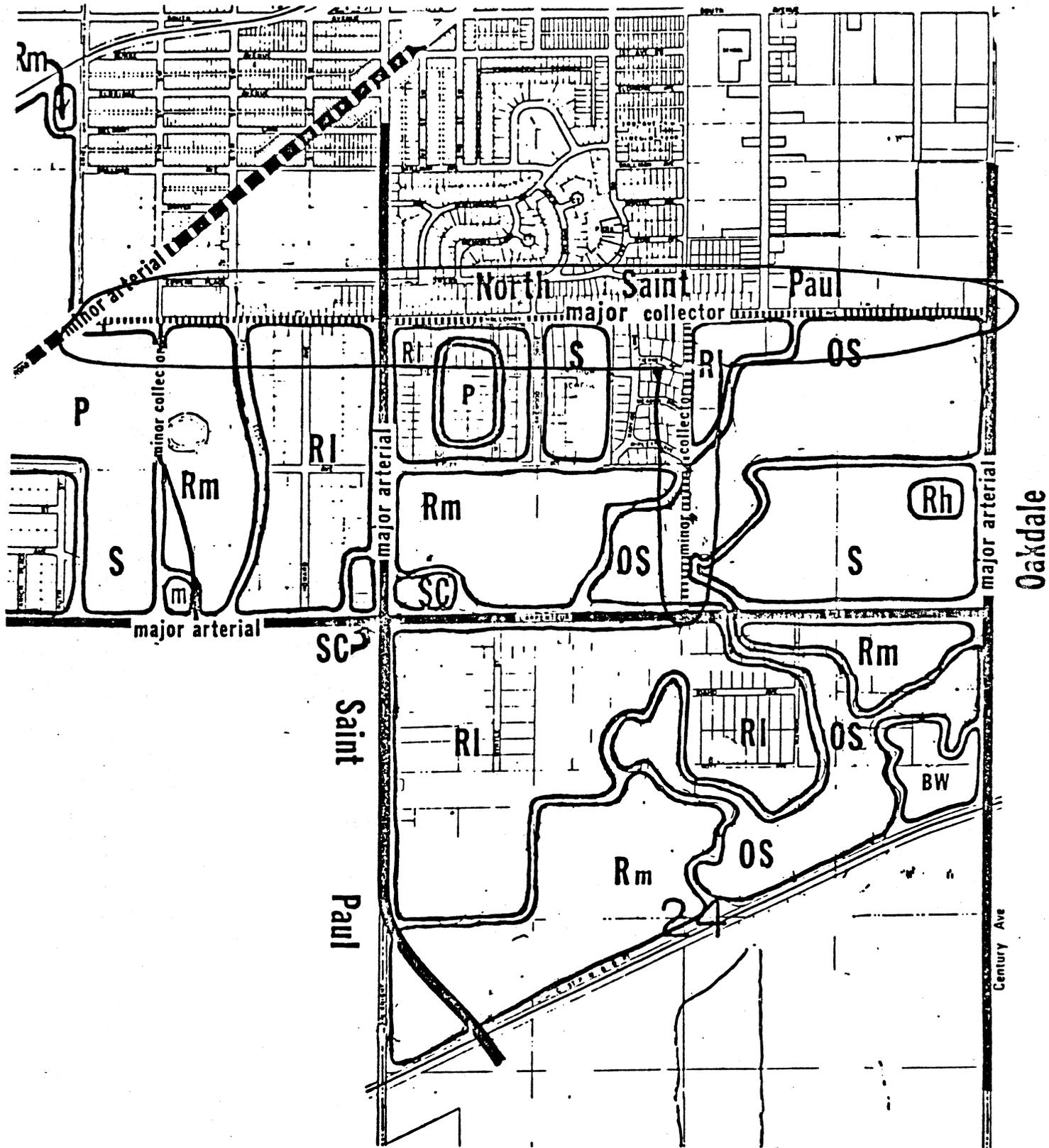
Recommendation

That the Planning Commission make the following findings:

1. The recommended improvement of Holloway Avenue and Sterling Street are consistent with the Land Use Plan.
2. If the Council approves these improvements on April 15, the Planning Commission should amend the Land Use Plan on April 19 to eliminate the minor collector designation and sidewalk requirement for Sterling Street between Holloway and Larpenteur Avenues.

enclosures:

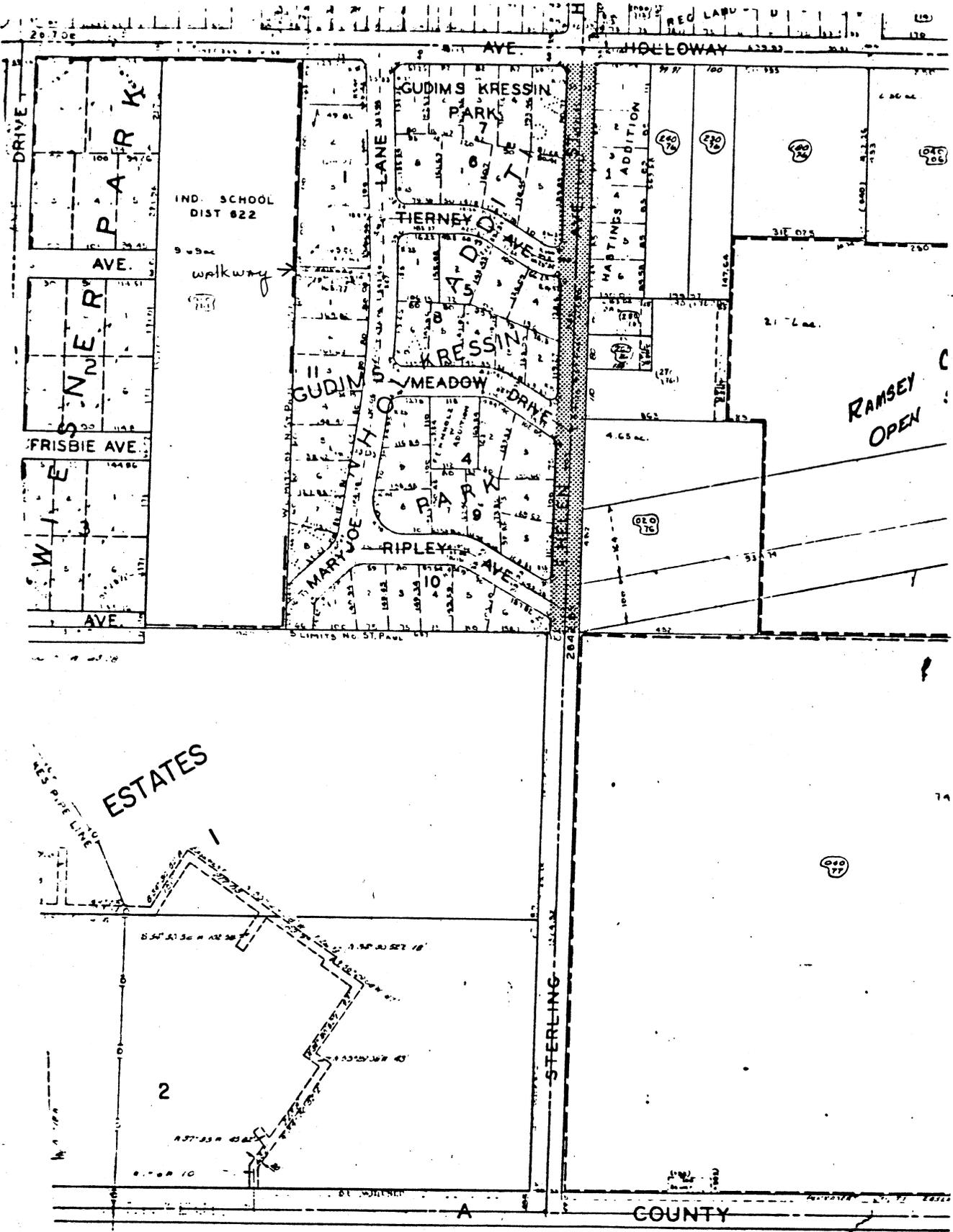
1. Feasibility Study - Holloway and Sterling Street Improvements
2. Hillside Land Use Plan
3. Property Line Map
4. Sidewalk Plan
5. Trail Plan



MAP 1

Hillside
NEIGHBORHOOD LAND USE PLAN

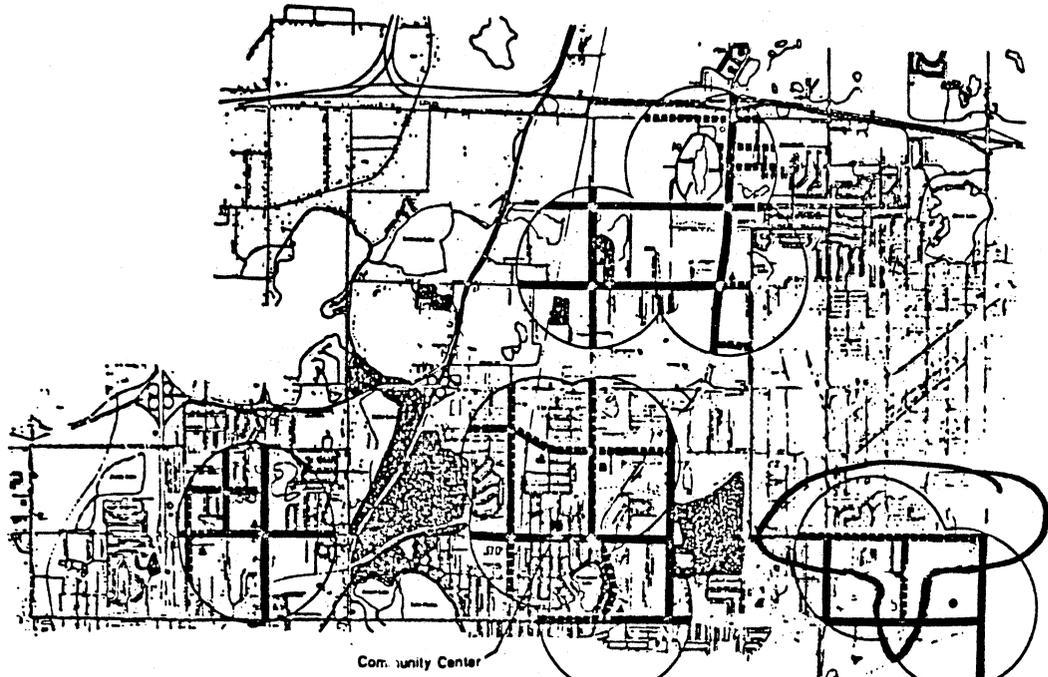




MAP 2

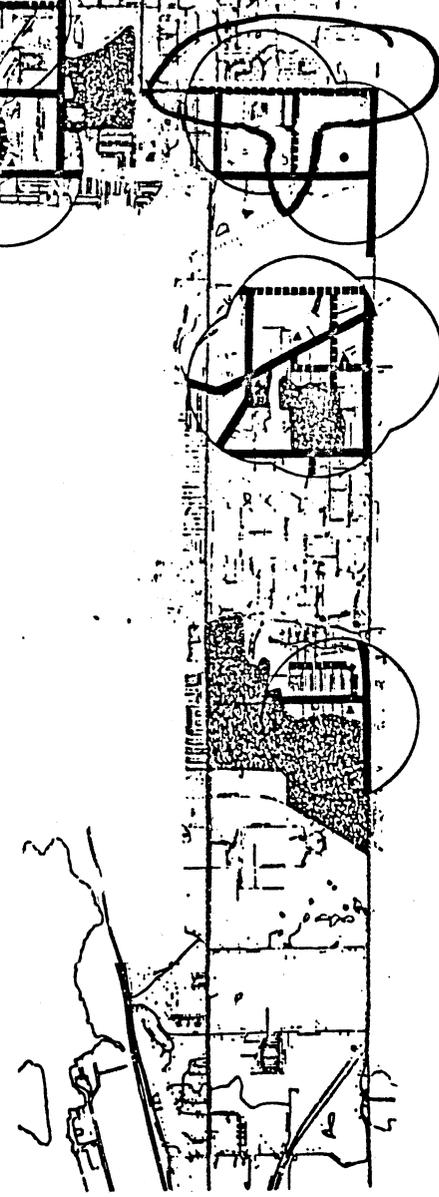
PROPERTY LINE MAP





Community Center

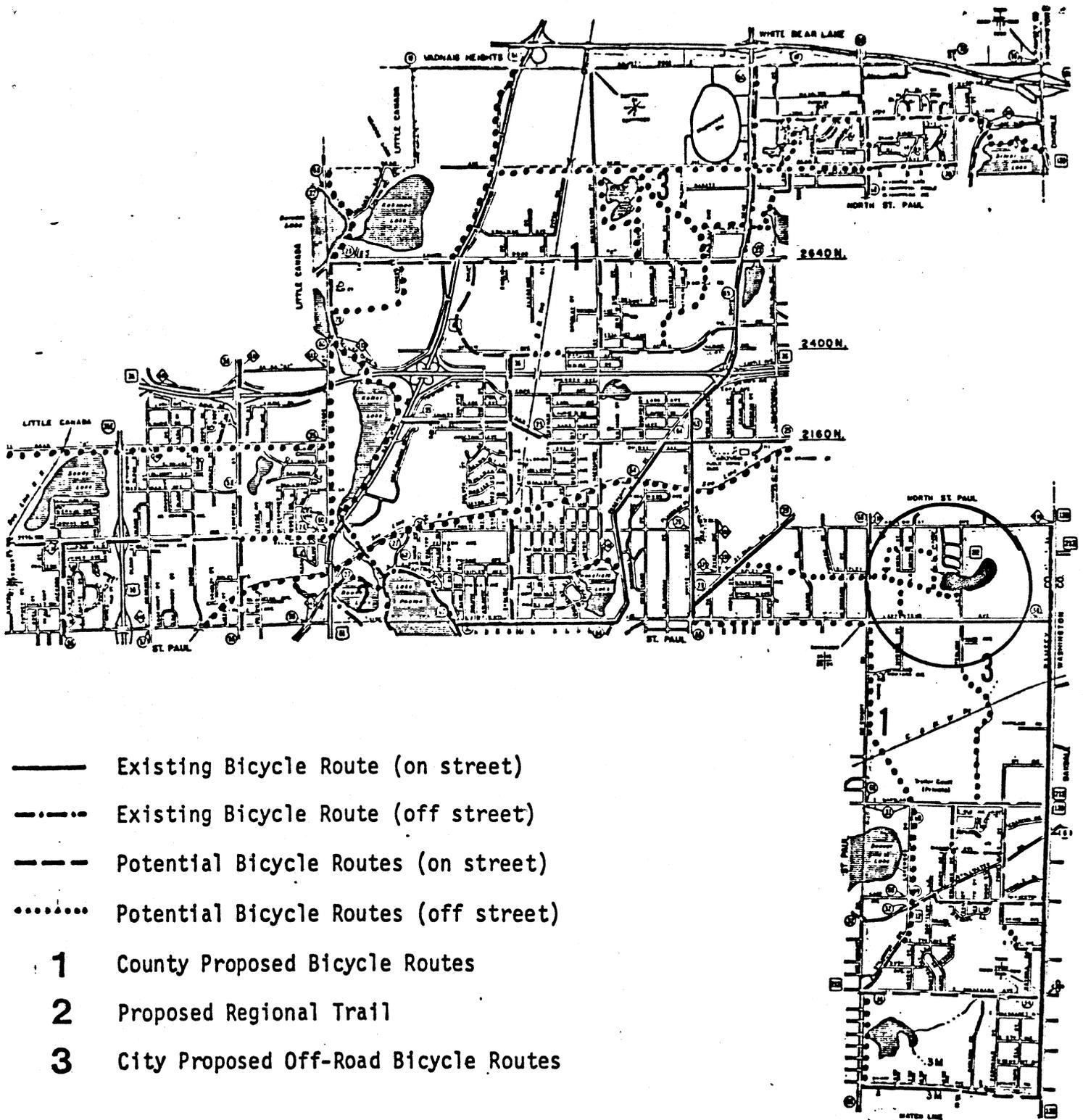
- Arterial
- - - Collector
- ▲ Elementary School
- Junior High School
- High School
- ⊗ Parks
- Perimeter of Walking Distance



MAP 3

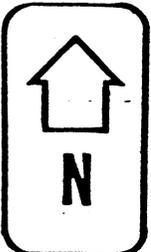
SIDEWALK PLAN





MAP 4

bicycle routes/trails



MEMORANDUM

F-2a

TO: City Manager
FROM: Director of Community Development
SUBJECT: Subdivision
LOCATION: 2830 Keller Parkway and adjacent land
OWNERS: Richard Anderson and Frank Frattalone
DATE: April 7, 1982

APPROVED: _____
DATE: _____
BY: _____
DATE: _____

Request

The applicants are requesting approval to subdivide the property, based on one of four alternatives.

Proposals

The applicants have submitted four alternatives (see enclosed maps):

- Alt. 1: Eight lots with a private drive and no public utilities.
- Alt. 2: Ten lots with a public street and utilities.
- Alt. 3: Twelve lots with a public street and utilities.
- Alt. 4: Twenty lots with a public street and utilities.

Alternatives two and three were submitted as a result of the last Council meeting.

Comments

This request should be referred to the staff and Planning Commission for an evaluation and recommendation. Alternatives one and four have been reviewed. Alternatives two and three have not. Alternatives two and three are sketches that do not show exact dimensions or proposed grading. In order to save time and money, Council should decide if any of the four alternatives are unacceptable. Specific reasons should be given in case of future court action. The applicant should then redraw the alternatives to preliminary plat standards.

In order to table this item, Council should get the applicants' approval. The new subdivision regulations that went into effect on December 30, 1981 require that "a subdivision application shall be preliminarily approved or disapproved within 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" (section 1005-c). Since the application for this plat was made previous to the ordinance, I would recommend that Council take action within 120 days of the effective date of the ordinance--by April 29. If action is not taken, city code states that "the application shall be deemed preliminarily approved" (section 1005-c).

Recommendation

If the applicant agrees, table the subdivision and refer the alternatives to the Planning Commission for a recommendation.

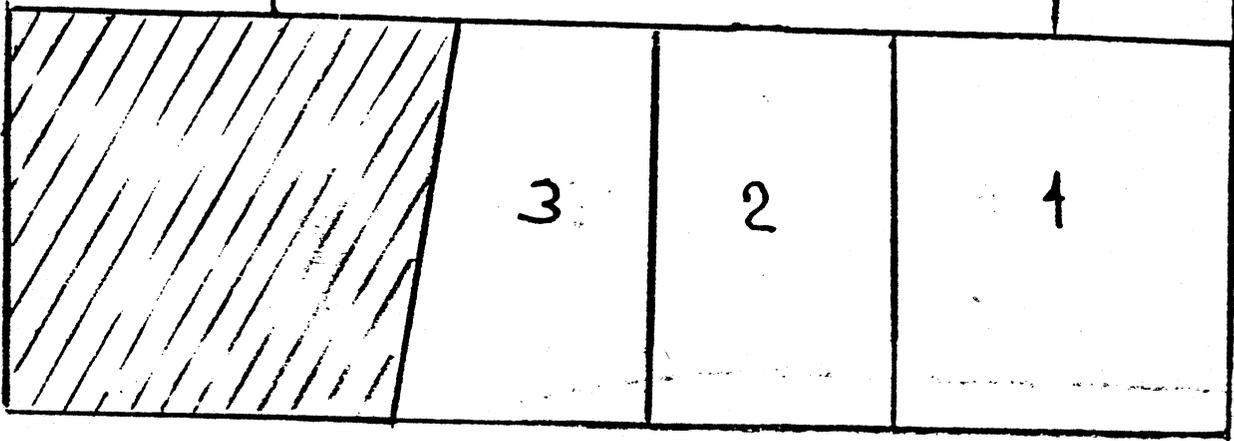
If the applicant does not agree, at least take action on alternatives one and four which were formally applied for. Staff and Planning Commission recommendations are enclosed.

/mb

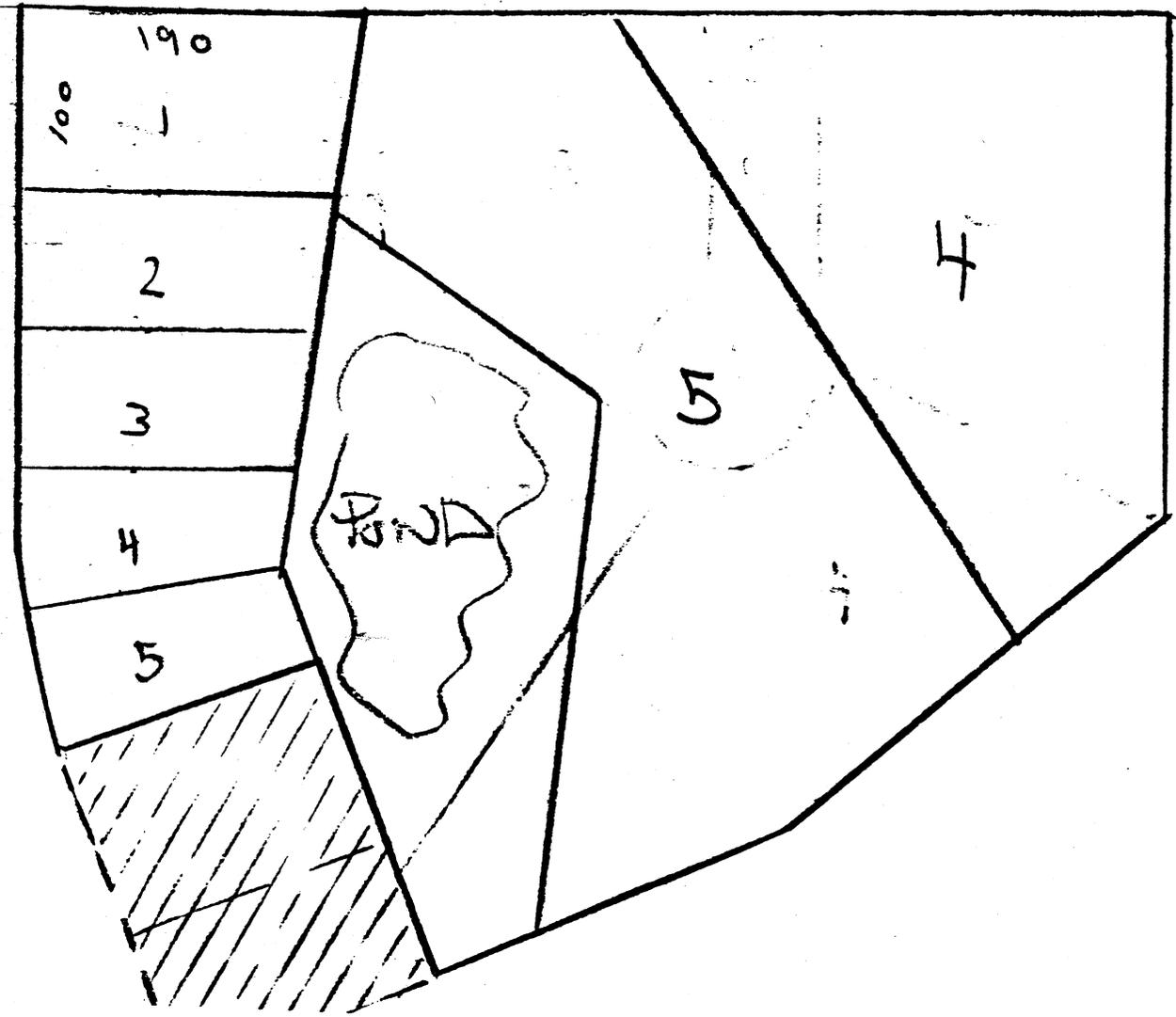
Enclosures:

4 Maps with alternatives and Staff reports of 3-9-82, 12-29-81 and 11-26-80

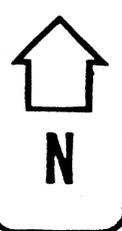
LOT

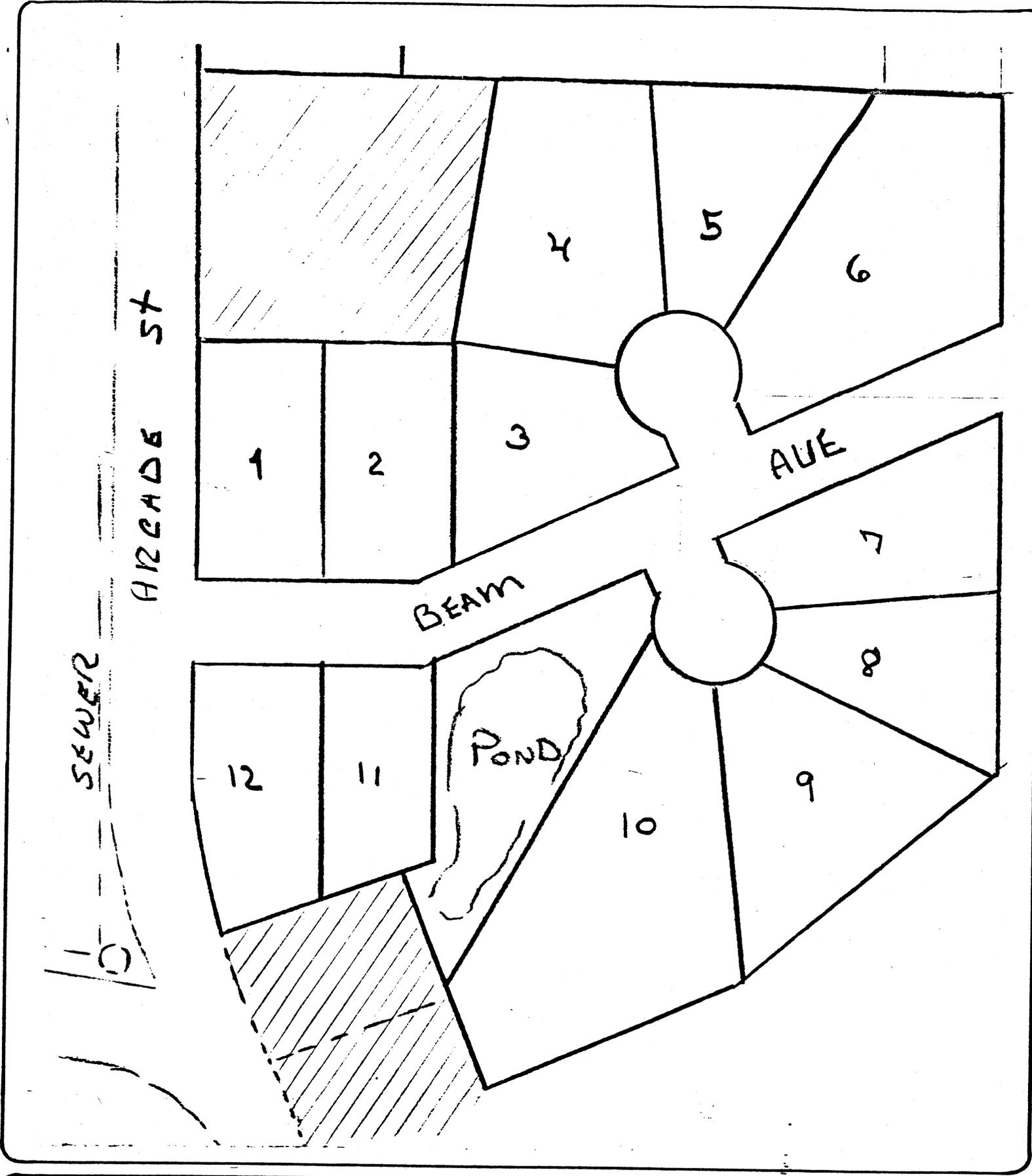


BEAM AVE

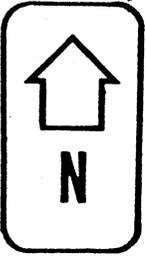


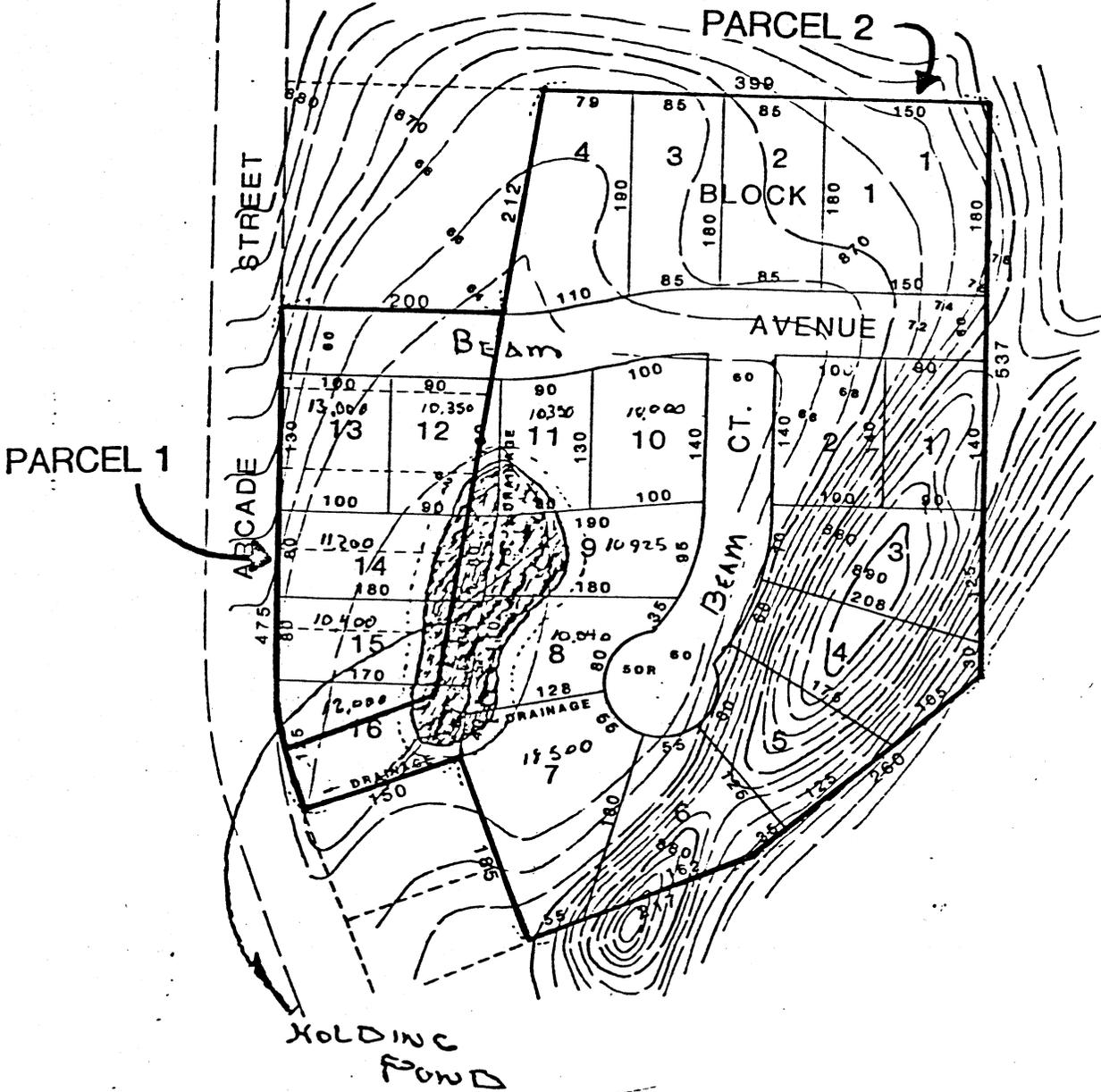
ALTERNATIVE TWO



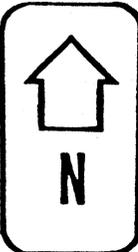


ALTERNATIVE THREE





ALTERNATIVE FOUR
PRELIMINARY PLAT



F-24

MEMORANDUM

Tabled from February 4, 1982

TO: City Manager
FROM: Director of Community Development
SUBJECT: Land Subdivision (Plat Versus Lot Division)
LOCATION: 2830 Keller Parkway (see enclosed maps)
OWNERS: Richard Anderson and Frank Frattalone
DATE: March 9, 1982

REQUEST

Approval of a twenty lot plat or a lot division and variances for three lots without a public street.

BACKGROUND

1. Council tabled the plat on February 4 and directed staff to look into concerns expressed at the meeting by the neighbors.
2. Copies of the December 29, 1981 and November 26, 1980 staff reports are enclosed describing the two proposals.

COMPARISON OF THE TWO PROPOSALS

Advantages of the Plat:

1. Landlocked Parcel Avoided

The landlocked parcel to the east would get access. The lot division would eliminate any future access from Maplewood.

2. No Variances

No variances are required. The lot division requires variances, because two of the lots do not front on a public street. The reasons for not approving the variances are described in the enclosed November 26, 1980 staff report.

3. Sanitary Sewer

The plat would result in the extension of sanitary sewer. This would provide more protection for the lakes from potential pollution. The City's Sewer Plan states that: "Therefore, the entire City of Maplewood except for that area south of Fish Creek in the Highwood neighborhood should be considered non-suitable for on-site disposal systems. Except that, the City may approve on-site systems on a temporary basis where lots front on existing streets, where it is not practical to extend sewer, and where soils are adequate to absorb the effluent. The City may also allow on-site systems on a permanent basis for large, estate lot developments (p.31)."

A requirement of all plats is the provision of sanitary sewer. The City has not required the provision of sanitary sewer for lot divisions.

If the lot division were to be approved, seven homes, in addition to the applicant's present home, could be developed on the plat site. The site presently includes five undeveloped platted lots (Map four). All of these homes would be dependent upon on-site septic facilities. According to comments received from a neighborhood survey, some existing systems are operating marginally, at best. The addition of seven more on-site systems in this area could lead to otherwise preventable water quality problems for Gervais Lake.

4. Public Water

The plat would result in the extension of water. This would provide better fire protection.

5. Reduced Stormwater Problem

The plat would help reduce storm water problems in the area at less expense to the public. If the plat were to be approved, storm sewer and ponding facilities to serve the applicant's property and a portion of the County Ditch 7 diversion project (scheduled for 1982) would be constructed by the applicant. All necessary easements would be dedicated to the public.

If the lot division were approved, the net affect would be an increase in the public cost of the County Ditch 7 improvement. Only the land controlled solely by the applicant (parcel two - map three) would be subject to easement dedication. Any other necessary easements may have to be acquired. Also, the applicant would not participate in the construction of the storm sewer and pond, as he would if the land were platted.

In either case, local flooding problems would be reduced.

6. Traffic

The plat would be accessed north of the presently hazardous intersection of Arcade Street and Keller Parkway. The lot division would access at the intersection, increasing the volume of turning movements and the potential for accidents.

Advantages of the Lot Division

1. Larger lots and twelve fewer homes
2. Less traffic
3. No assessments to residents for sanitary sewer or water extensions

RECOMMENDATIONS

- I Conditional approval of the Gervais Overlook preliminary plat, to create twenty single-dwelling lots, as outlined on page two of the enclosed December 29, 1981 staff report.

II Council ordering a feasibility study for the extension of sanitary sewer to the applicant's property. The applicant shall pay for this study.

Enclosures

1. Applicant's letter of request, dated February 9, 1982
2. December 29, 1981 staff report - preliminary plat
3. November 26, 1980 staff report - lot division and access variance

2830 Keller Parkway
St. Paul, MN 55109
February 9, 1982

Mr. Geoff Olson
Maplewood Public Works Department
1908 County Road B
Maplewood, MN 55109

Dear Mr. Olson:

SUBJECT: GERVAIS OVERLOOK PROPERTY DEVELOPMENT

At the last Council meeting on February 4, 1982, we brought before the Council the proposal for a 20-home sub-division, Gervais Overlook, at 2830 Keller Parkway, Maplewood. At this time, we would like to express our appreciation for the superb planning and preparation of this plot by the Staff headed by yourself.

We would at this time request that the sub-division as presented before Council on February 4; both the 20-home sub-division, and the prior submitted lot split of 1980, be placed on the Agenda for the March meeting for a decision by the Council as to how to proceed in the development of the land in question.

Sincerely,



RICHARD J. ANDERSEN

MEMORANDUM

F-20

TO: City Manager
FROM: Director of Community Development
SUBJECT: Preliminary Plat
LOCATION: 2830 Keller Parkway
APPLICANT: Richard J. Anderson
OWNERS: Richard J. Anderson and Frank Frattalone
PROJECT: Gervais Overlook
DATE: December 29, 1981

SUMMARY OF THE PROPOSAL

Approval of a preliminary plat for twenty detached single-dwelling homes

CONCLUSION

Analysis

Several neighboring property owners have expressed concern that development of this site will intensify local water problems. On the contrary, local flooding and drainage concerns are being addressed by the provision of an on-site storm water retention pond. This pond will also serve as an integral part of the County Ditch seven improvement project, scheduled for construction in the summer of 1982.

The property owner to the north, Sanford Brink, is concerned that the proposed development would eliminate the future development of the southern portion of his property. (See Map two.) Little Canada reviewed the issue on December 9, 1981. Their response (enclosed letter) was that Mr. Brink would have to pay any costs that would accrue to Little Canada to develop an access feasibility study. To date, Mr. Brink has not contacted Little Canada to initiate such a study.

Staff is opposed to creating a border street, requiring cooperative construction, maintenance and billing agreements, between the two cities to provide Mr. Brink the opportunity to create only four lots. Since so few potential lots are involved, and it is in the public good to avoid the creation of border streets wherever possible, the issue should be settled between the two land owners.

The applicant has offered to purchase the 500 by 150 foot parcel. Mr. Brink was not interested. The applicant has also offered to allow for a north-south street access to this property. In so doing, the applicant would lose one lot and add 180 feet of nonbenefiting street and utility improvements to his plat. Mr. Brink's response was to compensate the applicant for only the loss of one lot, expecting the applicant to extend the improvements at his own expense. The applicant declined the compensation proposal.

Furthermore, the applicant has complied with Staff's request to extend proposed Beam Avenue to provide access to the landlocked parcel abutting to the east.

Recommendation

- I. Approval of the preliminary plat, subject to complying with the following conditions before final plat approval:
 1. Remedial soils measures, based upon soil boring data and analysis, shall be submitted to the City Building Official for approval. These measures must provide that the lots proposed in areas with unstable soils can meet building code requirements.
 2. Council awarding a construction contract for the extension of sanitary sewer to the site.
 3. Final grading, drainage, and utility plans shall be approved by the Director of Public Works. These plans shall include, but not be limited to, the provision for all drainage to be directed to the interior of the plat.
 4. The City of Little Canada ordering the extension of water to the site.
 5. A signed developer's agreement, with the required surety, is submitted to the Director of Public Works for public improvements, including a temporary cul-de-sac for proposed Beam Avenue.
 6. Dedication of 30 foot wide storm sewer easements, centered on the following lot lines:
 - a. the north line of lot fourteen
 - b. the south line of lot eight, and
 - c. the northeast line of lot six.
 7. Submission of an erosion control plan, before building permits are issued, which considers the recommendations of the Soil Conservation Service.
 8. Payment of deferred water assessments.
 9. The name "Block 2" is to be placed on the lots located south of proposed Beam Avenue.
 10. Correction of the map scale reference. 1:200 is not correct.
- II. Council ordering a feasibility study for the extension of sanitary sewer to the applicant's property. The applicant shall pay for this study.

BACKGROUND

Site Description

1. Gross acreage: 8.56
2. Net acreage: 6.74
3. Existing land use: single-dwelling home
4. The site consists of six platted lots.

Surrounding Land Uses

Northerly: single-dwelling homes on larger lots in Little Canada. This land is zoned and planned for single-dwelling residential.

Easterly: a fourteen acre landlocked, undeveloped parcel.

Southerly: undeveloped rear portions of a large, irregularly shaped single-family lots fronting on Keller Parkway and the proposed Ramsey County Ditch seven pond area.

Westerly: three single-family lots, two of which are developed, and Arcade Street. Across Arcade Street are single-dwelling homes and Gervais Lake, all in Little Canada.

Past Actions

December 1, 1980: The Planning Commission considered a lot division proposal which would have created three parcels without frontage to a dedicated and maintained public street. (See Map Four) Denial was recommended on the basis that:

1. There appear to be other options available for better development of this area.
2. The proposal is not consistent with the spirit and intent of the ordinance.
3. Once the driveway would be developed, it would be difficult to upgrade it to a City street with City sewer and water and assess this upgrading.
4. A hardship has not been demonstrated to exist which is unique to this property.

The applicant withdrew the proposal prior to City Council consideration.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan designation: RL, Residential Lower Density.
2. Zoning: R-1, Residence District (single-dwelling)

3. Proposed density: 12.2 persons/net acre

4. Permitted density: 14 persons/net acre

5. Compliance with Land Use Laws:

a. Section 1006 (c) of the Platting Code states that:

"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."

b. The plat is consistent with the DNR shoreland development guidelines adopted by the Council on October 15, 1981.

c. The plat is consistent with City Platting requirements.

Public Works

1. Sanitary sewer and water main are not adjacent to the proposed plat. Extension of the Maplewood sanitary sewer system from Kohlman Lane and Keller Parkway is required. Extension of the Little Canada water system is required.

2. Storm drainage facilities must be provided with the plat. The pond on this site will serve a dual function:

a. storm water control for the plat, and

b. sedimentation control for County Ditch seven storm water, prior to discharge to the proposed Ramsey County Open Space land located to the southeast of the plat.

These improvements would prevent flooding and protect water quality. (See Other Agencies - Ramsey County Public Works for County Ditch seven information.)

3. Soil borings and analysis will identify remedial measures for building sites. This includes such items as high water table or insufficient bearing capacity.

4. According to the City's Transportation Plan, Keller Parkway is adequate for the current traffic. The proposed plat will have little impact on the traffic situation.

Financial

A deferred water assessment (project #75-16) must be paid prior to the approval of the final plat.

Other Agencies

1. The Soil Conservation Service:

Development of the Hayden-Kingsley soil area located at the plat's eastern edge (See Map Seven) could result in erosion and resultant sedimentation of the wetland east of the proposed plat area. Sedimentation of this wetland would in affect reduce its flood storage capacity which in-turn will affect the hydrology of Gervais Lake. The Hayden-Kingsley soils forming a ridge of approximately twenty feet in height, are subject to side slope seepage. They are otherwise suitable for development.

Fourteen lots are proposed for development on Seeleyville muck, which presents severe limitations to development. This soil is unstable to foundations and streets and the water table is near the surface. If development does occur, all organic soil should be removed, replaced with suitable fill sufficient to raise the soil level above the water table, and allowed to settle before construction begins. Subsurface drainage will be moving toward Gervais Lake and will need to be given particular attention. Homes with basements are not recommended.

For on-site erosion control, the following procedures are recommended:

- a. Grading be done during the dry season.
- b. A filter blanket and sediment dike be established adjacent to the on-site wetland.
- c. The existing wetland to the southeast should be cut off from Gervais Lake landlocking site drainage. Some form of temporary basin may need to be constructed to temporarily detain site waters.
- d. Grading of the knoll at the site's east side should progress from west to east to maintain a vegetative strip between the on-site wetland and the grading at all times.
- e. If fill is to be removed from the site, a gravel roadway should be installed to minimize transportation of soils onto roadways.
- f. All exposed soils should be stabilized as soon as possible by vegetative measures.

2. Ramsey-Washington Metro Watershed District:

- a. A District permit for development of the plat is required.
- b. Relative to Gervais Lake, the storm water holding capacity of the drainage pond required on this site is insignificant. The basin's principal function should be as a sedimentation basin.

-3. Ramsey County Public Works:

- a. Considerable work is being done to minimize the impacts of storm water runoff entering the Kohlman-Gervais-Keller-Phalen chain of lakes. It

is extremely important the developer consider designs which do not increase the rate of runoff and nutrient loading from the given area.

- b. Improvements to County Ditch seven are proposed for the summer of 1982. The project will consist of piping storm water south along the west side of Arcade Street then to a sedimentation pond on the applicant's site prior to discharge to the wetland to the southeast of the plat. (Map Five) An overflow for direct discharge to Gervais Lake would be provided to protect the applicant's site from flooding in the event of a large storm.

4. Ramsey County Open Space:

Ramsey County will initiate condemnation proceedings in the near future for the wetland area to the southeast of the plat. (Map Five) County jurisdiction of this area must be gained before the County Ditch seven project can proceed.

Citizen Comments

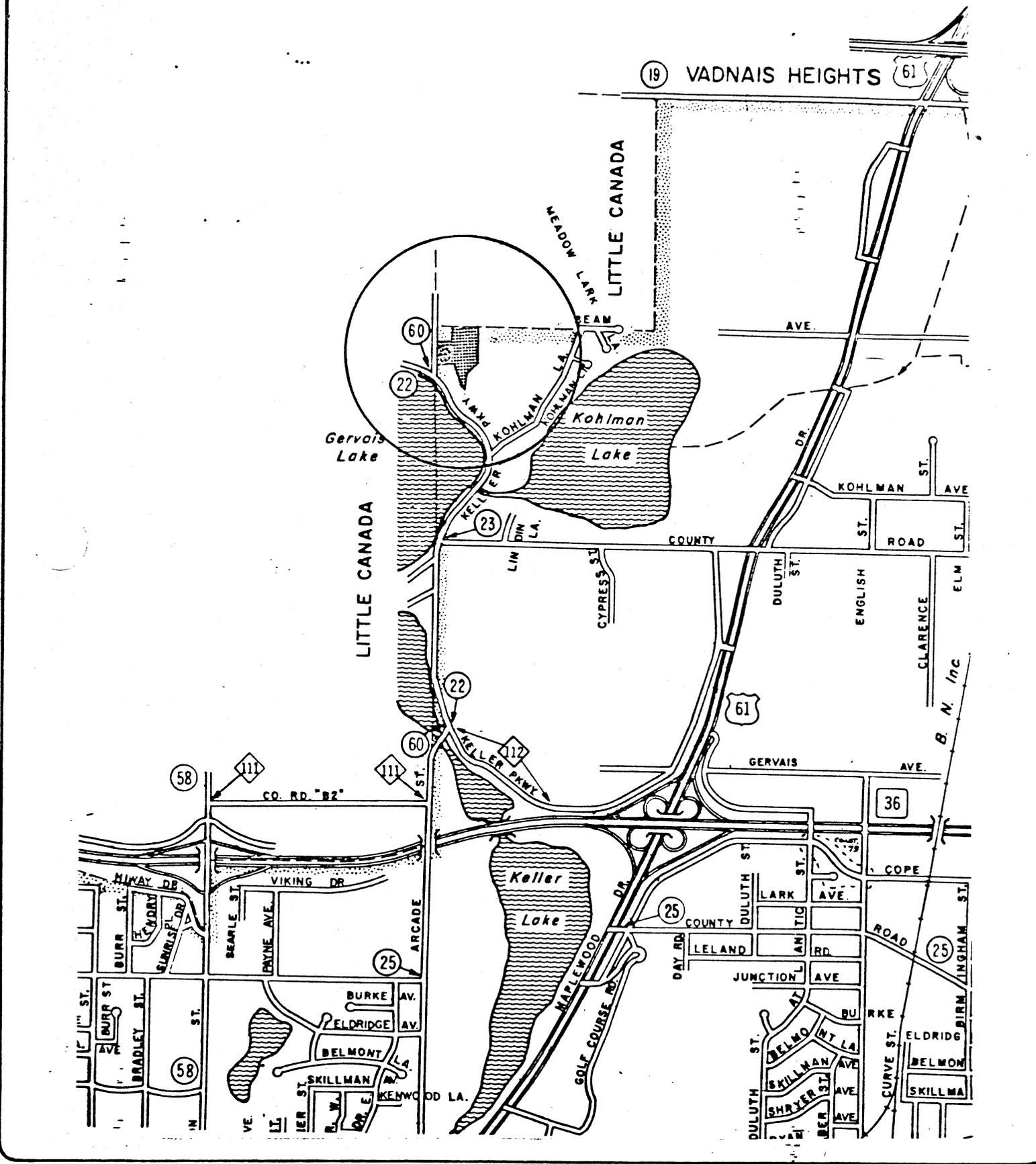
Of thirteen property owners surveyed, eight responded. Seven are opposed. Sanford Brink, the abutting property owner to the north, requested that the applicant redesign the plat to align proposed Beam Avenue with the Little Canada/Maplewood boundary. Little Canada was notified of this request. Little Canada's response letter to Mr. Brink, (letter enclosed) was that if he wished to pursue the issue he would have to pay the cost of the necessary studies. To date, Mr. Brink has not contacted Little Canada to initiate the required study(s).

Comments from the eight persons opposed to the development, brought up the following issues:

1. The unsuitability of a wetland for development.
2. Erosion and runoff from the property, polluting the wetlands and the lake.
3. Affects on an existing high water table in the area, with regard to on-site sanitary facilities.
4. Affect on the existing Keller Parkway traffic problems.
5. The effect of eliminating the wetland on the storm water entering the chain of lakes, in terms of flooding and cost of storm water treatment through the St. Paul system.
6. Whether the development will cause a need for storm sewers in the area, to be paid for by adjacent property owners.
7. The affect on neighborhood character, of twenty lots smaller than the present norm.

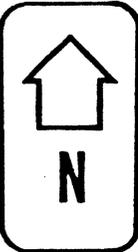
Enclosures

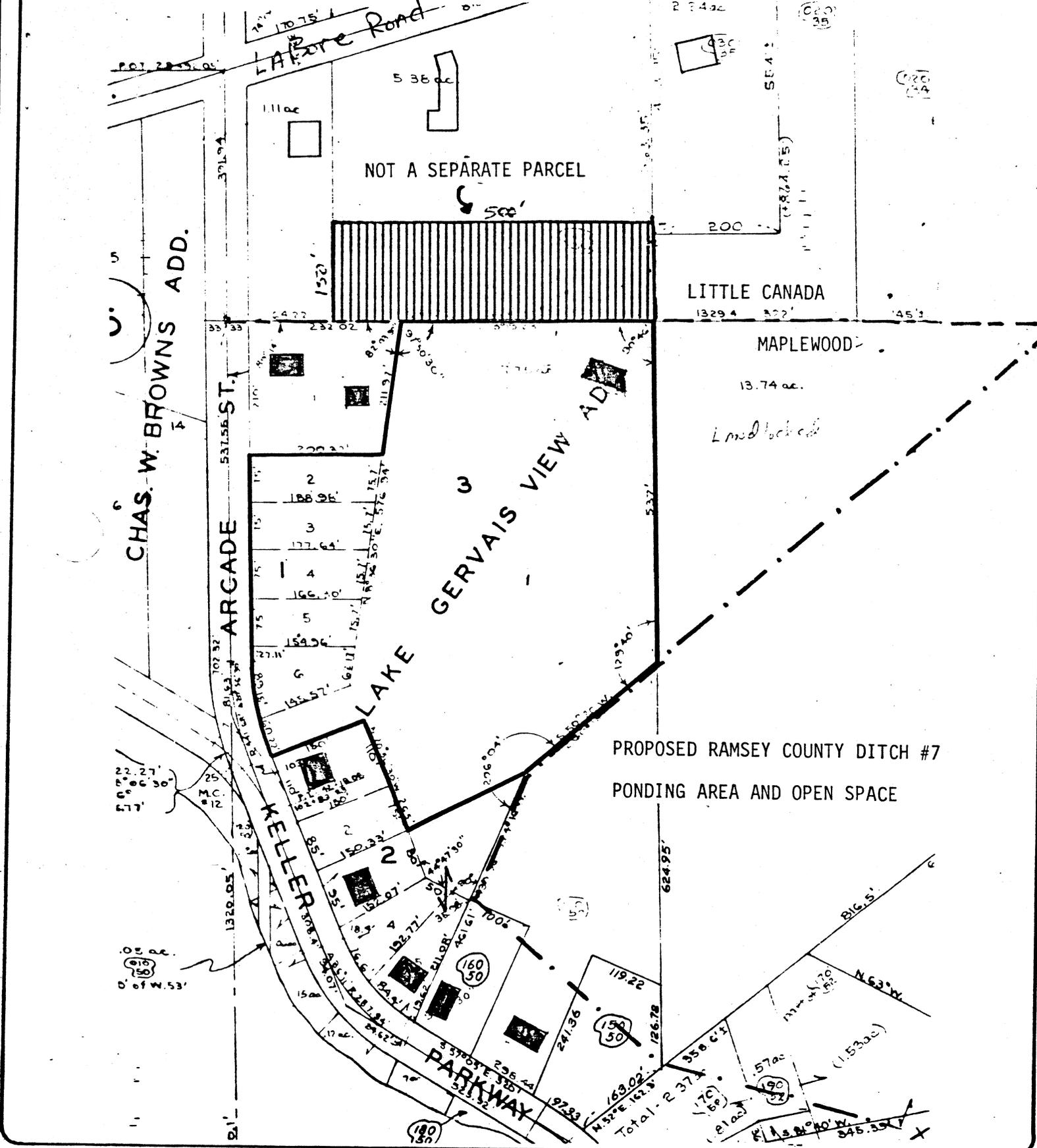
1. Location Map
2. Property Line Map
3. Preliminary Plat Map
4. The applicant's November 1980 Lot division Proposal
5. County Ditch Seven Drainage and Open Space
6. Excerpt from the Maplewood Drainage Plan
7. SCS Soils Map
8. Letter from Little Canada to Sanford Brink, 12-17-81



MAP 1

LOCATION MAP



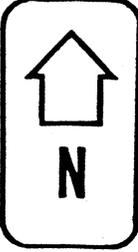


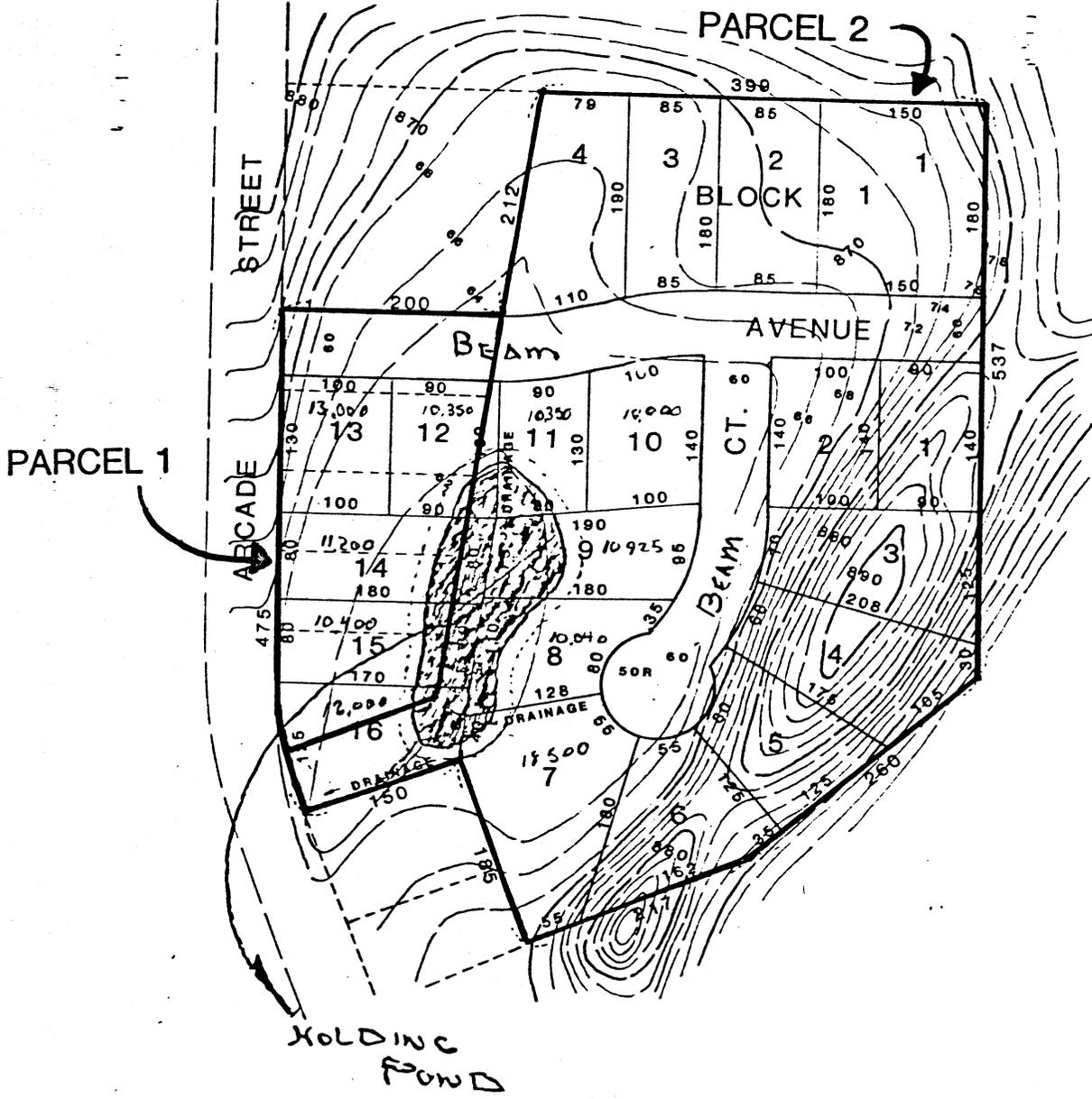
MAP 2

PROPERTY LINE MAP



Parcel for which street access is desired by Sanford Brink

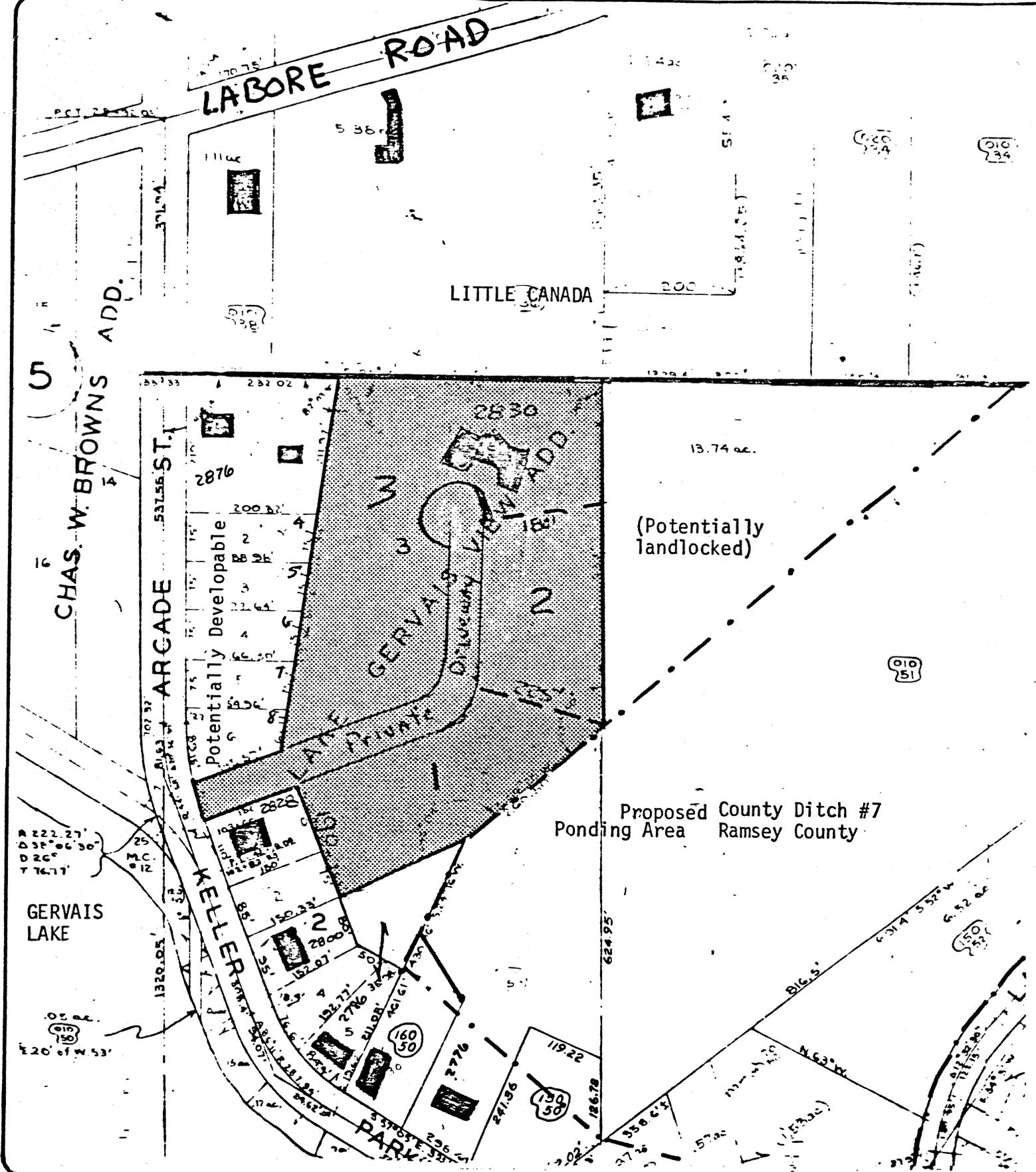




MAP 3

PRELIMINARY PLAT



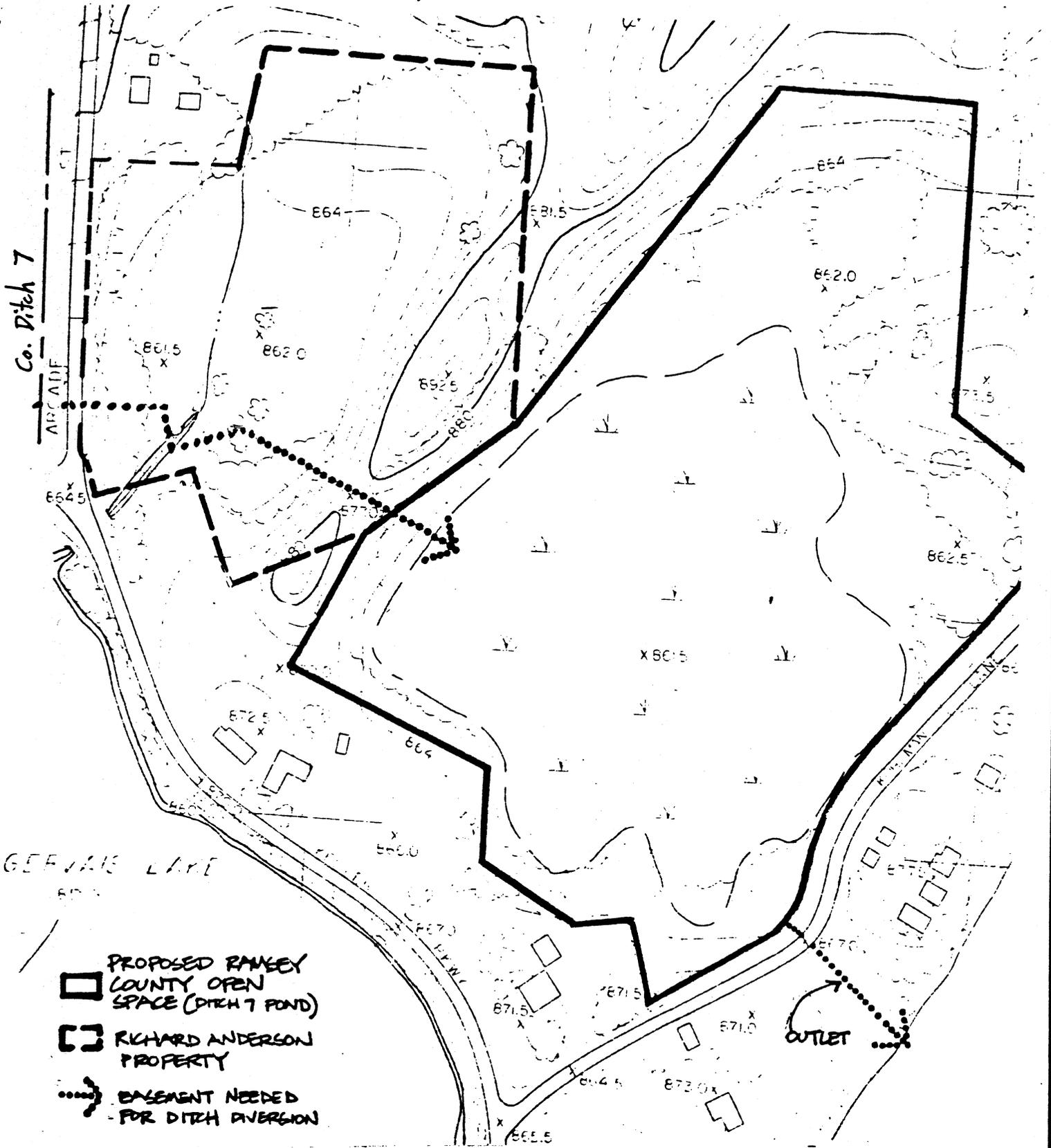


MAP 4

THE APPLICANT'S NOVEMBER 1980 PROPOSAL



Co. Ditch 7

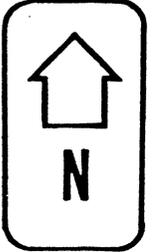


-  PROPOSED RAMSEY COUNTY OPEN SPACE (DITCH 7 POND)
-  RICHARD ANDERSON PROPERTY
-  BASEMENT NEEDED FOR DITCH DIVERSION

MAP 5

COUNTY DITCH SEVEN, DRAINAGE AND OPEN SPACE PROPOSAL

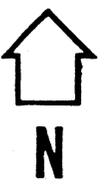
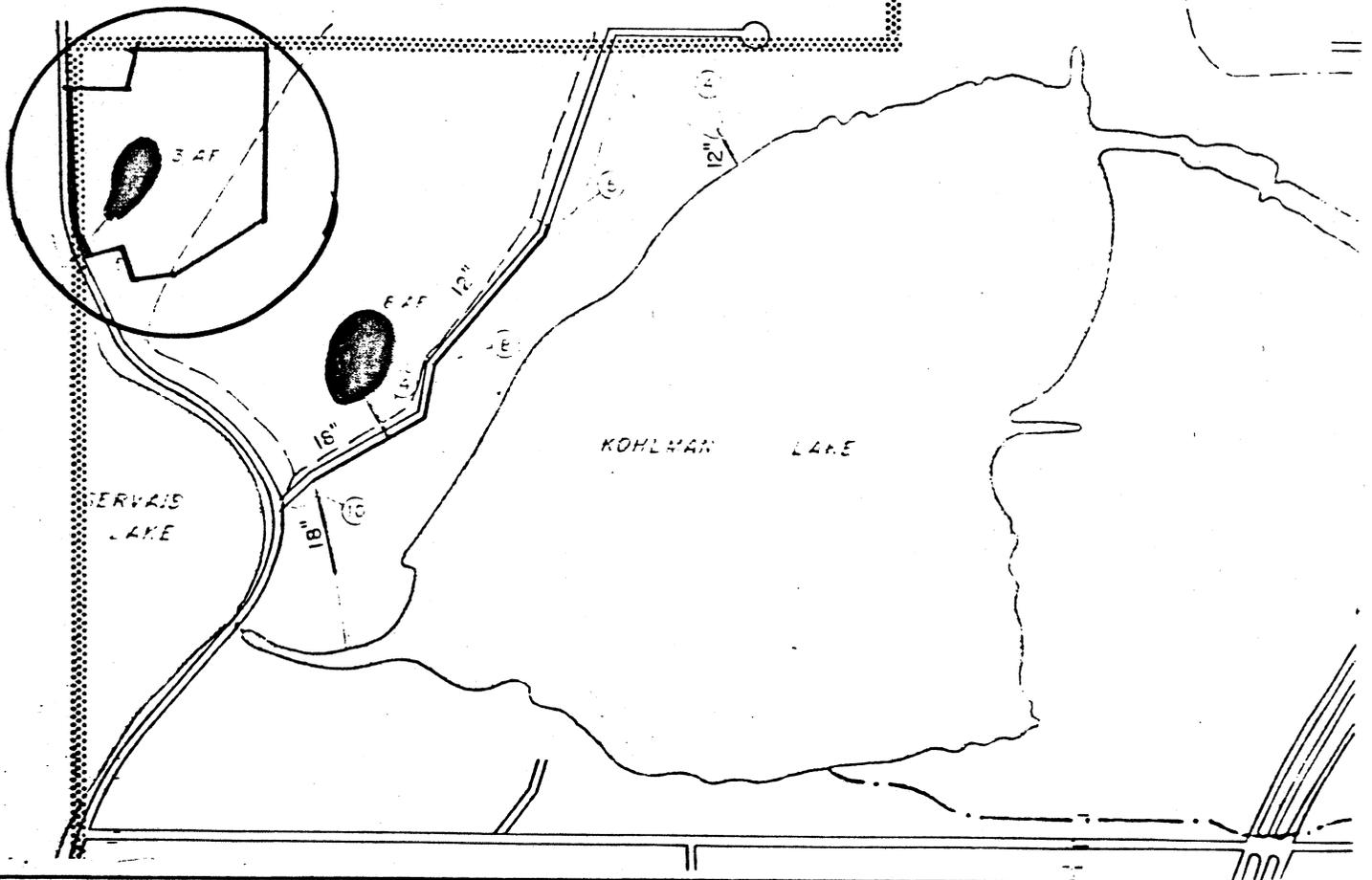
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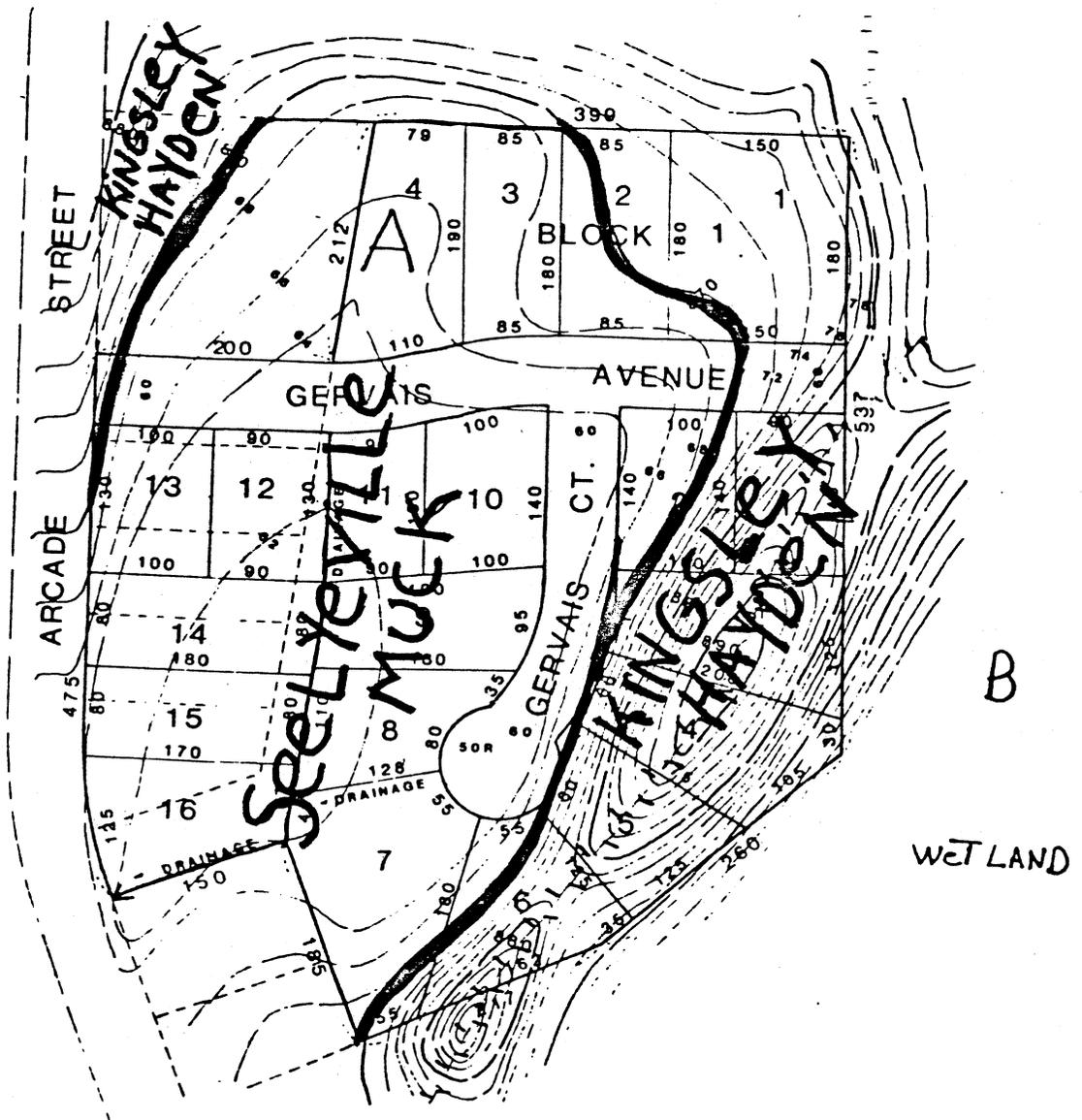


DRAINAGE PLAN

KOHLMAN LAKE

MAJOR WATERSHED DIVIDE	— · — · — ·
INTERIOR WATERSHED DIVIDES	— — — — —
PROPOSED STORM SEWER	— — — — — 42"
EXISTING STORM SEWER	- - - - -
OPEN CHANNEL	— — — — —
STORM WATER STORAGE AREA	
INUNDATION AREA	
STORAGE AREA VOLUME	4 AF
DISCHARGE IN CFS	— — — — —
CITY LIMITS	· · · · ·





MAP 7

EXCERPT FROM SCS's SOILS REPORT



NORTHWEST ASSOCIATED CONSULTANTS INC.

December 17, 1981

Mr. Sanford Brink
2926 LaBore Road
Little Canada, Minnesota 55109

Dear Mr. Brink:

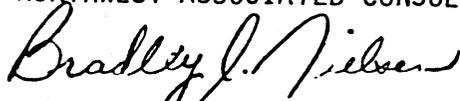
The City of Maplewood has recently asked the Little Canada City Council to comment on a preliminary plat which has been proposed by Mr. Richard Anderson. Since the property in question abuts the south side of your property located on LaBore Road, it is understandable that you would be concerned with its development.

The City Council has directed our office, as the City's planning consultants, to inform you that they are willing to review alternative roadway schemes for the area in question, but feel it would be inappropriate to spend City tax dollars to resolve one property owner's concerns. Past policy has been that potential beneficiaries of such City action should be responsible for the costs of the necessary study. Based upon this policy, you are advised that if you are interested in having the City study this issue, a request to the City Council is required on your part.

Please contact Joe Chlebeck at City Hall (484-2177) if you wish to be placed on some future Council meeting agenda. If you have any questions regarding this matter, feel free to contact our office (925-9420) at any time.

Sincerely,

NORTHWEST ASSOCIATED CONSULTANTS, INC.



Bradley J. Nielsen
Senior Planner

BJN/nd

cc: Little Canada City Council
Joe Chlebeck
Clayton Parks
Randy Johnson - Maplewood

- 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.

Richard Anderson, 2830 Keller Parkway, said he did talk to the City of Little Canada regarding extension of City water into the property. The sewer is adequate to be extended to service the property.

The Commission discussed the location of the Maplewood water lines in the area.

The applicant commented on the types of soils within his plat. He said some soil borings had been done on the property.

Commissioner Kishel moved the Planning Commission recommend approval of the preliminary plat for Gervais Overlook subject to:

1. Remedial soils measures, based upon soil boring data and analysis, shall be submitted to the City Building Official for approval. These measures must provide that the lots proposed in areas with unstable soils can meet building code requirements.
2. Council order a feasibility study for the extension of sanitary sewer to the applicant's property. The applicant shall pay for this study. Council awarding a construction contract for the extension of sanitary sewer to the site.
3. Final grading, drainage, and utility plans shall be approved by the Director of Public Works. These plans shall include, but not be limited to, the provision for all drainage to be directed to the interior of the plat.
4. The City of Little Canada ordering the extension of water to the site.
5. A signed developer's agreement, with the required surety, is submitted to the Director of Public Works for public improvements, including a temporary cul-de-sac for proposed Beam Avenue.
6. Dedication of 30 foot wide storm sewer easements, centered on the following lot lines:
 - a. the north line of lot fourteen

F 24

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Variances and Lot Division
LOCATION: 2830 Keller Parkway
APPLICANT/OWNER: Richard Anderson
DATE: November 26, 1980

Request

Approval of two variances to allow the creation of three lots, which would not have frontage on a dedicated public street.

Site Description

Location: See enclosed maps

Lot Size: An irregular shaped, 7.37 acre parcel

Existing Land Use: A single family dwelling and accessory structures. The only access to the site is through a 60 X 150 foot corridor with frontage on Arcade Street. A 750 foot long dirt driveway serves the existing home.

Proposal

Create three separate lots accessed by a private driveway. Two homes, in addition to the existing dwelling, would be constructed. (See enclosed Property Line Map).

Surrounding Land Uses

North: Large lot single family residences located in the City of Little Canada, zoned and planned for single family residential

East: A 14 acre land locked undeveloped parcel.

Southerly: Undeveloped rear portions of large irregularly shaped single family lots fronting on Keller Parkway.

Westerly: Eight single family lots, six of which are developed, bisected by the subject property's frontage corridor to Keller Parkway (see Property Line Map).

Past Actions

1. October 20, 1977:

- a. Board of Appeals and Adjustments indefinitely tabled a request by Mark Kocourek (Burr Avenue and Effingham Street) to develop a lot without frontage on a dedicated public street and directed staff to investigate other alternatives
- b. Council ordered a feasibility study for the possible construction of Effingham Street between Burr Street and Bradley Street.

2. November 10, 1977: A preliminary feasibility study was presented to Council indicating that the construction of Effingham would be post-prohibitive. Council moved to refund \$810.00 of a sanitary sewer deferred assessment paid by the Applicant.
3. 1-26-78: Council approved a lot area variance, but denied two street access variances as requested by Mr. Richard Novak (Carey Heights Drive), based on the following :
 1. The street access variances do not meet the "spirit and intent" of the ordinance.
 2. A precedent would be set for similar lots in other areas of the City.
 3. There may be times of the year when emergency services could not gain access to the property.
 4. There is no hardship that is "unique to the individual property under consideration".
4. 5-1-80: Council conditionally approved a request by Keith Libby to subdivide and develop a parcel west of Carver Lake which does not have access to dedicated a public street, based upon:
 1. There has been a hardship caused the applicant, because the acquisition of the abutting land to the south by Ramsey County Open Space, has substantially reduced the feasibility of developing a public street into the applicant's property;
 2. The spirit and intent of the ordinance will be met if the applicant provides a paved driveway along the existing right-of-way and agrees to maintain it.

Approval was conditioned as follows:

1. The applicant shall install a paved driveway on the existing right-of-way to the specifications of the City Engineer.
2. The applicant shall sign an agreement to maintain the drive to the City standards, including snow plowing. This agreement shall be recorded to run with the property. If applicant does not maintain the drive, he shall be assessed if City forces are used. If the drive is expanded to a City Street the applicant forgoes any previous agreement.
3. Construction of any additional homes on this property must meet current requirements for platting.

Planning

1. Land Use Designation: RL- Residential Low Density
2. Zoning: R-1, Single Family Residential
3. Code Considerations:
 - a. Section 1005.010(5) of the City Platting Code states that all lots shall abut on a publicly dedicated street.

- b. Section 501.020 of the City Zoning Code states that, "No building permits will be issued for any construction within the Village unless the building site is located adjacent to an existing street which is dedicated and maintained as a Village street, or unless provision for street construction has been made in full compliance with this Code and in no case until grading work as provided herein has been completed and certified to the clerk by the Village Engineer; except that in isolated instances the Council may enter an agreement with a property owner for special handling of an unusual situation which agreement shall be recorded so as to run with the land affected".
- c. Section 912.040 states that, "No building shall hereafter be erected or altered unless there is direct access to it from a street or highway through an open space at least as wide as the dwelling and on the same lot".

4. Statutory Considerations:

Section 462.357, Subdivision 6 (2) of the Minnesota State Statutes states that the Board of Appeals and Adjustments has the power to "hear requests, for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance".

5. Effect on Adjacent Properties:

If the County purchases the proposed County Ditch #7 ponding area property (Item 6-Public Works), the property to the east may become land locked unless access can be gained through the Applicant's property. Some question exists as to whether or not the property to the east is developable.

Public Works

1. No City water is available.
2. Little Canada maintains sanitary sewer in Arcade Street.
3. The Drainage Plan calls for a 3 acre foot pond in the south portion of proposed Lot 3 (see Excerpt of Drainage Plan)
4. Development of on-site septic facilities may be a problem, due to high water table.
5. A deferred water assessment (Project #75-16) is to be paid prior to approval of a lot split.
6. On June 19, 1978, Ramsey County approved the acquisition of County Ditch #7 Ponding Area, as illustrated on the enclosed property line map.

Public Safety

If allowed to build on a private drive, delivery of emergency services is complicated by:

1. address confusion
2. dirt road surface subject to wash out and soft spots
3. no scheduled snow removal
4. no fire hydrant availability

Citizen Comment

Staff surveyed the thirteen land owners with property within 150 feet of the Applicant's. Four responses were received. Three respondents (2776, 2786, and 2800 Keller Parkway) objected, on the basis that:

- a. A financial hardship to pay for sewer by my property to serve the Applicant
- b. Ramsey County would like to buy some of my property for open space and the Applicant's project could affect this deal, because his property is also involved in the Ramsey County plans
- c. We already have drainage problems created by the "private driveway". When drainage to the lake occurs it carries heavy loads of sediment. Additional construction and increased drainage will compound an existing problem. Further, what guarantee provides against further subdivision of the Lots 2 and 3 once the variance for the private driveway has been granted?"
- d. "No sewer, more lake pollution because of low area and poor drainage. We now have a drainage problem from the upper levels down to the lake. He has already cut down a significant hill for fill for his road and left a 20 foot cliff right on my property line. This bank is now eroding each time it rains. Is this legal - is there a code on the pitch of a bank next to someone else's property?"

Analysis

Approval of the requested variances would be inconsistent with the spirit and intent of the Zoning Code.

The intent of the Ordinance is to assure public access to each home in the City. Without a public street, there may be times when emergency public safety services could not be provided, such as police, fire, and ambulance, due to a lack of snow plowing, an unstable road surface, or a parked vehicle which blocks the access. Situations of this type could open the City up to potential law suits

Secondly, there is no justification for a "circumstance unique to the individual property under consideration." To satisfy this requirement, a hardship must be proven to exist which is not self imposed and which runs with the land. The applicant's justification is based upon personal economic needs and as such is not sufficient justification for approval of a variance.

A precedent for denial of the applicant's request was established by the Novak case in 1978. In both cases, opportunity exists for additional development if the variances were to be approved. Secondly, a hardship unique to the subject property, was/has not been established.

Recently, Council approved access variances for Keith Libby. However, the Libby case is to be differentiated from both the Novak and the present applicant's requests. A hardship was established which ran with the land and was not self imposed. Secondly, no potential existed for future development of the Libby property.

In the opinion of Staff, approval of the applicant's request would not be consistent with past Council action. As a result, the Council may obligate itself to approve similar requests in the future and, in effect, lower its development standards.

Further, development of the subject property should not be allowed until a public street is provided. Consideration should also be given to leaving options open for accessing the property to the east in the event the property is determined to be developable.

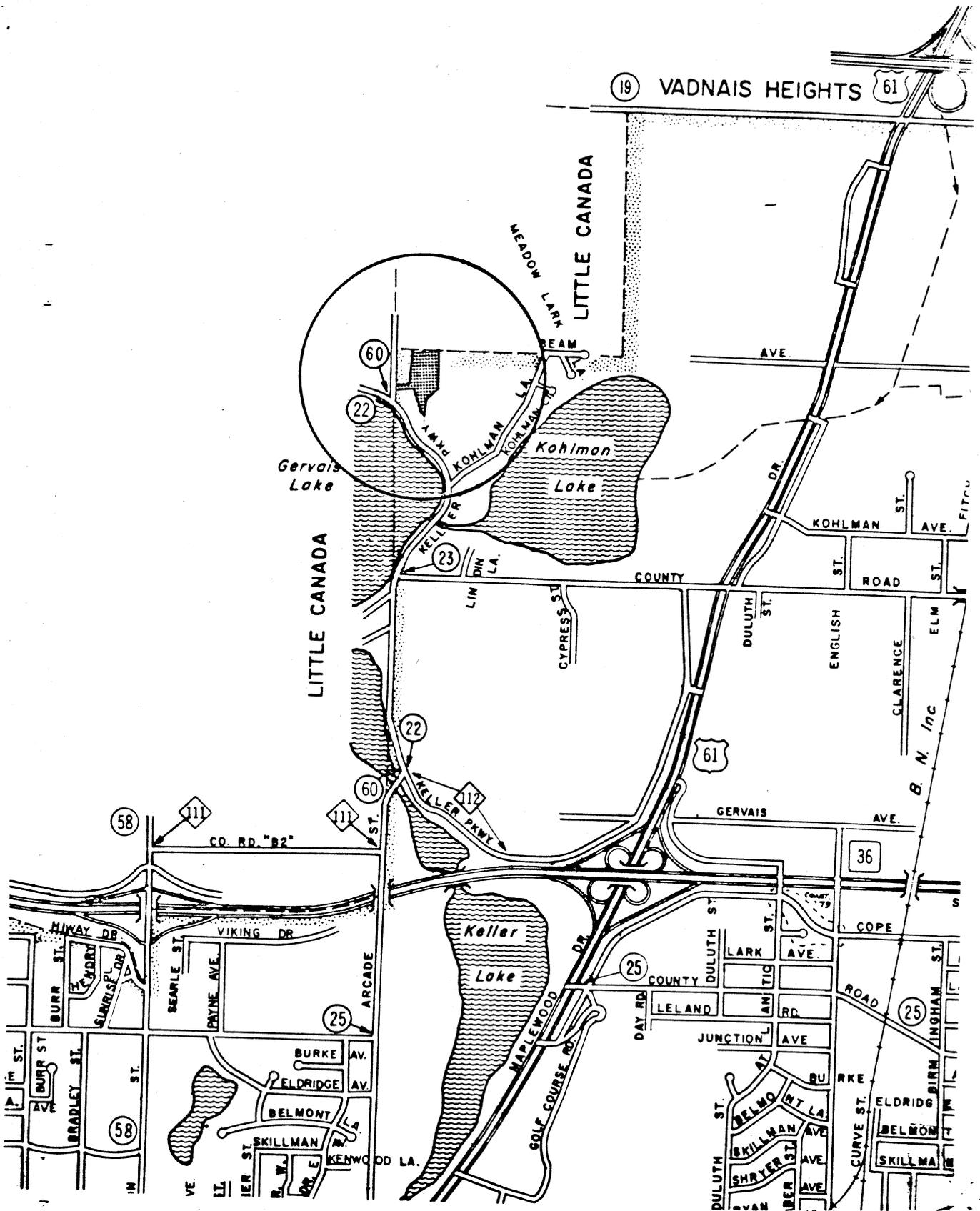
Recommmendation

Denial of the two public street access related variances, on the basis that:

1. The proposal is not consistent with the spirit and intent of the ordinance.
2. Once the driveway would be developed, it would be difficult to upgrade it to a City Street with sewer and water and assess this upgrading.
3. A hardship has not been demonstrated to exist which is unique to the property.

Enclosed:

1. Location Map
2. Property Line Map
3. Excerpt from the Drainage Plan
4. Applicant's letter of justification, dated 11-10-80



RICHARD ANDERSON
 PETITIONER

LOCATION MAP

LOT DIVISION/VARIANCE
 REQUEST

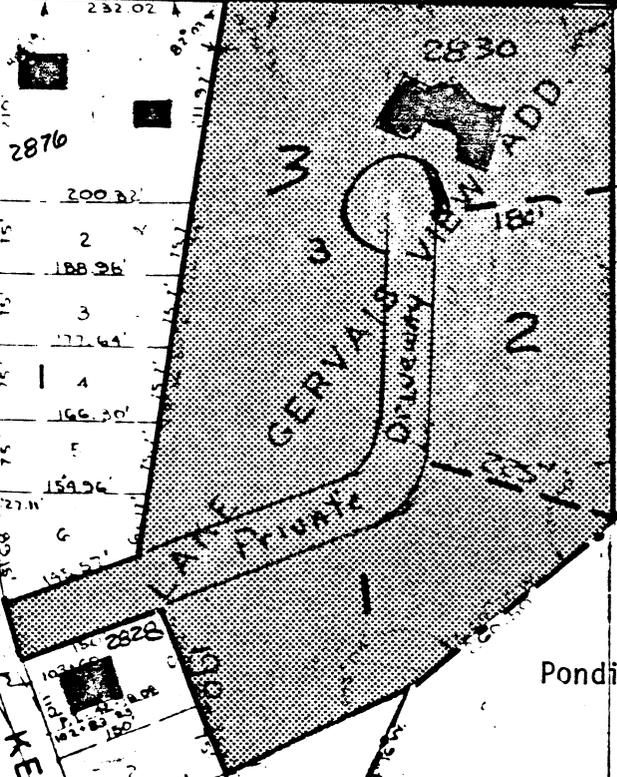


LABORE ROAD

LITTLE CANADA

CHAS. W. BROWNS ADD.

ARCADIE ST.



(Potentially landlocked)

Proposed County Ditch #7
Ponding Area Ramsey County

GERVAIS LAKE

RICHARD ANDERSON

PETITIONER

LOT DIVISION/VARIANCE
REQUEST

PROPERTY LINE MAP



APPLICANT'S PROPERTY



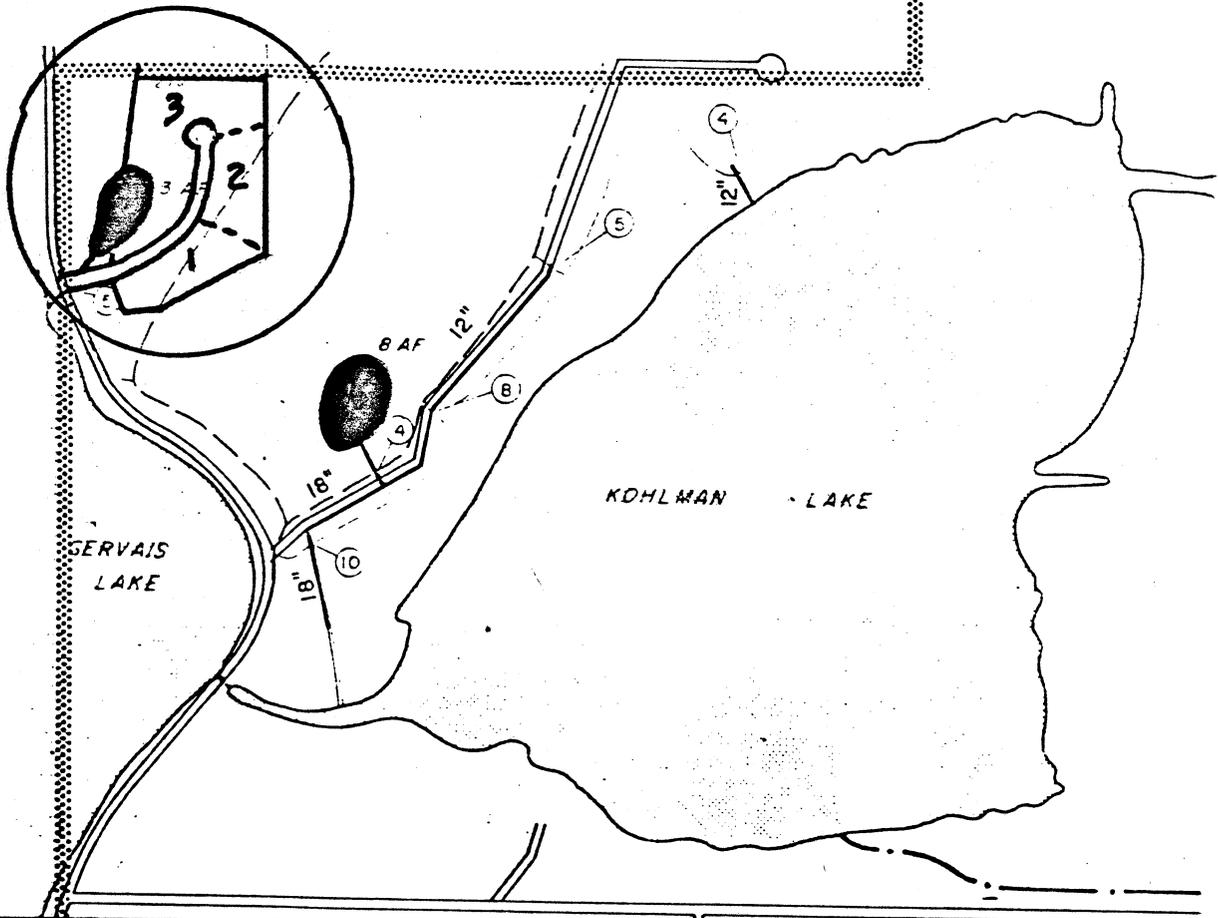
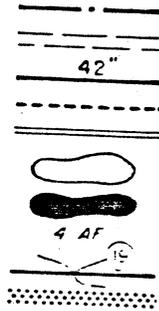
BOUNDRY OF PROPOSED PONDING AREA



DRAINAGE PLAN

KOHLMAN LAKE

MAJOR WATERSHED DIVIDE
INTERIOR WATERSHED DIVIDES
PROPOSED STORM SEWER
EXISTING STORM SEWER
OPEN CHANNEL
STORM WATER STORAGE AREA
INUNDATION AREA
STORAGE AREA VOLUME
DISCHARGE IN CFS
CITY LIMITS



ANDERSON

PETITIONER

VARIANCE/LOT DIVISION

REQUEST

EXCERPT FROM MAPLEWOOD DRAINAGE PLAN



2830 Keller Parkway
St. Paul, MN 55109
November 10, 1980

Maplewood Planner and/or Planning Commission

We seek a special use permit to divide 7.3 acres of land so described in our application .

The hardships included in this case we feel is the fact that the land and home evaluation is up to near \$ 150,000.00 making it impossible to continue to support two or more children in college for the next four years.

The alternative to this is to seek the development of 15 homesites, which if accepted, would mean at least \$ 100,000.00 out front, and that seems totally out of range in order to continue to live on this land.

Sincerely,



Mr. and Mrs. Richard J. Andersen
484-8770

Secretary Olson said the applicant is requesting approval of three variances to allow the creation of three lots, which would not have frontage on a dedicated public street. Staff is recommending denial as outlined in their report.

Commissioner Fischer asked what would be required to develop the property without variances from the Code being granted.

Secretary Olson said the property would have to be platted and a paved public roadway would have to be constructed. An ultimate development plan was presented by the applicant which proposed about 15 lots.

Commissioner Kishel asked if the applicant did present a plat for the property, would the Public Works Department suggest that an access be made available to the landlocked property to the east as part of a proposed plat.

Secretary Olson said yes, Staff normally reviews the plat with relation to a street system that will benefit all properties. Discussion may also be necessary with Ramsey County as to their proposed acquisition and the property to the east which may be land locked.

Richard Anderson, said when he purchased this parcel he also purchased lots 2 through 6. He said the homes along Keller Parkway are not connected to sanitary sewer, therefore, their statement as to pollution of the lake by future development was not valid. He has started to construct a holding basin for the sediment to be held so it would not go into the lake. Also, part of the problem was created by previous Councils by having the only access to 7.3 acres a 60 foot right of way.

Commissioner Kishel said possibly Lots 2 through 6 could be combined with the larger parcel under consideration and then be replatted with the necessary streets and utilities off Arcade Street in an area where there would not be as much peat to go through.

Mr. Anderson said that is a possibility. However, if the property would be replatted, economically he could not provide for the construction of the necessary streets.

Commissioner Whitcomb moved that the Planning Commission recommend to the Board of Adjustments and Appeals denial of variance application on the basis of:

1. There appear to be other options available for better development of this area.
2. The proposal is not consistent with the spirit and intent of the ordinance.
3. Once the driveway would be developed, it would be difficult to upgrade it to a City Street with City sewer and water and assess this upgrading.
4. A hardship has not been demonstrated to exist which is unique to this property.

Commissioner Kishel seconded

Ayes - all.

MEMORANDUM

F-3

TO: City Manager
FROM: Director of Community Development
SUBJECT: PUD, Preliminary Plat and Easement Vacation
LOCATION: Highwood Avenue (See enclosed maps.)
APPLICANT: William E. Leonard
OWNERS: William E. and Bonnie L. Leonard
PROJECT: Leonard's Oak Hills No. 5
DATE: March 10, 1982

Application
Date
File
Date

SUMMARY OF THE PROPOSAL

Request

The applicant is requesting approval of a planned unit development, preliminary plat and vacation of a drainage easement.

Proposal

1. This project consists of 21 single-dwelling lots and eleven double-dwelling lots. (Refer to the enclosed plat.)
2. Outlot A, which includes existing ponds, would be dedicated to the City.
3. The existing drainage easement would be reduced in width. The ditch would be realigned to flow into a storm sewer pipe.

CONCLUSION

Comment

The main issue in this case is the eleven proposed double-dwellings. The Plan Update calls for "an occasional double-dwelling" in RL areas. Eleven doubles seems excessive. Staff is, therefore, recommending that five of the doubles abutting existing development be dropped. The remaining doubles would be relatively isolated from surrounding development and would provide another type of housing choice in the area.

Recommendation

- I. Approval of the PUD, with the following conditions:
 1. Omit the double-dwellings on block 6, lot 12; block 5, lots 5 and 1; block 4, lots 1 and 2.
 2. This PUD shall be void, unless the plat is filed in one year or unless Council grants a time extension.
- II. Approval of the preliminary plat, subject to:
 1. A developer's agreement to be signed for the construction of all public improvements, including bike trails and erosion control measures.

Recommendation - continued

2. Final grading, drainage and utility plans to be submitted and approved by the City Engineer. The plan shall include extending the storm sewer pipe to the east line of the plat.
 3. Deed outlot A to the City.
 4. Construct an eight-foot wide asphalt trail in front of block 6, lots 12-15 and from the end of the northerly cul-de-sac, along lot 1, block 1 to the north line of the plat.
 5. Move the northerly cul-de-sac ten feet to the east and adjust lot lines to provide more room for the bike trail and to avoid a variance on lot 3, block 2.
 6. Submit an erosion control plan for approval, which considers recommendations from the Soil Conservation Service.
 7. Name the through street, "Leonard Lane;" the northerly cul-de-sac and stub, "Lakewood Court;" and the east-west cul-de-sac and stub "Valley View Court" and "Valley View Drive."
 8. Dedication of utility and drainage easements, as required by the City Engineer.
- III. Approval of the enclosed resolution vacating the drainage easement subject to filing of the final plat.

BACKGROUND

Site Description

gross acreage 18.22 acres

net acreage 13.62 acres

-existing land use: undeveloped

-existing easement: There is an existing drainage easement for a drainage ditch that cuts across the southeast corner of the site. Most of this easement is proposed to be vacated and rededicated for a new storm sewer pipe.

Surrounding Land Uses

northerly: Undeveloped land, planned for RL, residential lower density use and zoned F, farm residence.

easterly: Undeveloped land, planned for RL use and zoned F, and a single dwelling on Highwood Avenue .

southerly: Highwood Avenue. South of Highwood Avenue are single dwellings.

westerly: A six-acre parcel with a single-dwelling, planned for RL use and zoned F.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Plan designation (existing and update): RL
2. The Plan Update describes the RL designation as, "primarily designated for a variety of single-dwelling homes. An occasional double-dwelling may be allowed " (p.18-29).
3. Maximum allowed density: 14 people per net acre
4. Proposed density: 12.9 people per net acre
5. Zoning: F
6. Lot 3, block 2 has only ninety feet of frontage. City Code requires 100 feet. Since a variance has not been applied for, it is assumed that this is an oversight.

Environmental

1. Most of the site is pasture, without trees. There are several large oaks east of the northerly pond. Several of these would be removed.
2. Slopes range from flat to approximately 25%.
3. The soils, generally, have moderate limitations for building.

Environmental - continued

4. There are two ponds on outlet A that will be dedicated to the City as drainage ponds.

Public Works

1. Sanitary sewer and water are available on Highwood Avenue.
2. The drainage plan calls for a nine acre-foot pond. This is shown on the plat.

Parks

1. The park plan proposes a mini-park in the area of outlet A. Outlet A, with additional land from the Schwichtenberg property to the north, would meet this need.
2. The City trail plan calls for a north/south trail through the plat, connecting with the southerly route, which is proposed to be constructed in the area of the Lakewood Drive right-of-way. (See enclosed plat map.) The City has a cash escrow to construct the connecting portion on Highwood Avenue, fronting the Valley View Estates plat.
3. The Park and Recreation Commission reviewed this plat on March 8 and made the following recommendations:
 - a. That an eight-foot wide off-street trail be put on Lots 12, 13, 14, 15, Block 6, Leonard's Oak Hills No. 5 Addition.
 - b. That the trail follow along Outlet A, Lot 1, Block 1.
 - c. To recommend with park budgeted funds, as available, at the same time install an 8' wide off-street trail along Valley View Estates on the north side of Highwood Avenue ending at Lakewood Drive.

Property Values

The enclosed study from the Coon Rapids Assessing Department concludes that double-dwellings do not affect the value of surrounding single-dwellings.

Other Agencies

1. The engineer for the Ramsey-Washington Metro Watershed District states that, "it appears that the project will be consistent with the District's hydraulic and hydrologic concerns." A permit is required.
2. The Ramsey Soil and Water Conservation District reviewed the plat and made several recommendations pertaining to erosion and drainage. (See enclosed report.) The City Engineer will consider these recommendations in reviewing the grading and drainage plan.
3. Ramsey County had no objections.

Citizen Comments

24 surveys were sent to the property owners within 200 feet of the plat. Of the six replies, two were in favor and four had objections. The following is a summary of the objections:

1. Opposed to the double-dwellings and their effect on property values.
2. Skeptical of the drainage easement vacation.
3. Afraid of assessments.
4. Preserve the ponding area.
5. The area east of the ponds should not be developed.
6. Want RE zoning in this area.

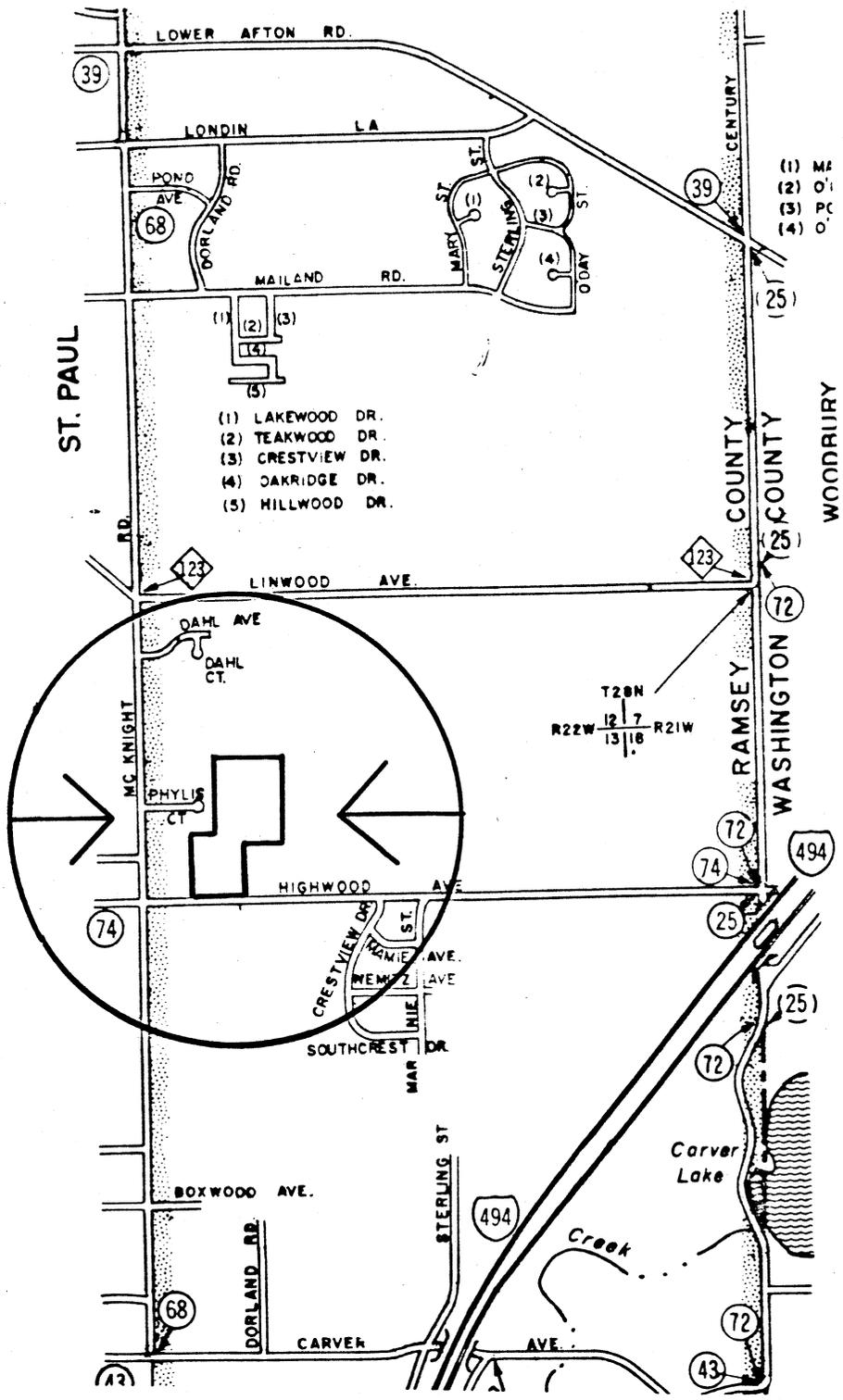
ADMINISTRATIVE

Procedure

1. Planning Commission recommendation
2. City Council public hearing and decision

Enclosures

1. Location map
2. Property line map
3. Plat map 1-4-82
4. Coon Rapids sales study
5. Easement vacation resolution
6. SCS report



LOCATION MAP



SPECIAL SALE STUDIES
BY
COON RAPIDS ASSESSING DEPARTMENT

Many times in the past the statement has been made by various people that "If that double bungalow or that apartment or that home occupation is allowed it will have a detrimental effect on my property value." More often than not this type of statement is made by the abutting property owner or the owner across the street and the immediate assumption is that the new proposed use will cause his property value to decline. In order to accurately determine if the above statements were true our office this year again conducted some rather comprehensive sales studies to check the market behavior. In order to arrive at a meaningful conclusion several guidelines were set as follows:

1. All the sales that occurred in 1977 and 1978 were used.
2. All sales were compared to our 1979 estimated market values.
3. Abutting properties for double bungalows, duplexes and home occupations are defined as those properties along side, across the street and behind the subject property while in the apartment study all properties within 350 feet of the subject were used.
4. The abutting property sales and their ratios to our values were compared to similar but non-abutting property sales and their ratios to our values.
5. All comparables were to properties within the immediate area.

On the following page is a summary of the comprehensive study outlining the number of subject properties in each study, the number of abutting properties, the number of sales in 1977 and 1978 and the total sales, the combined ratio of sales to our value and the corresponding combined ratios of sales of our values of the surrounding area. While individual areas may show a fluctuation of ratios especially when only one or two sales are involved the composite overall difference is so small that the only conclusion that again can be reached is that the presence of these uses do not affect the abutting property values as of this date.

<u>TYPE OF USE</u>	<u>NO. OF SUBJECT STUDIED</u>	<u>NO. OF ABUTTING PROPERTIES</u>	<u>PROPERTIES SOLD IN 1977</u>	<u>PROPERTIES SOLD IN 1978</u>	<u>TOTAL PROPERTIES SOLD</u>	<u>COMBINED RATIO OF SOLD PROPERTIES</u>	<u>RATIO OF SURROUNDING AREAS</u>
Duplexes & Double Bungalows	89	356	27	23	50	.991	.988
Apartments	24	Estimated 200	31	34	65	.981	.975
Home Occupations	23	210	14	12	26	.954	.960

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION MAKING FINDINGS OF FACT AND APPROVING
VACATION OF PUBLIC INTEREST IN REAL PROPERTY

WHEREAS, Bill Leonard has initiated these proceedings to vacate the public interest in the following described real property:

Drainage Easement over the Northwest Quarter (N.W. 1/4), Section 13, Township 28 North, Range 22 West, City of Maplewood, Ramsey County, Minnesota, Centerline described as follows:

(For the purpose of the following Legal Description the East and West One-Quarter line in Section 13 is assumed to have a bearing of due East - West).

Beginning at a point 26.0 feet North of and 550.0 feet East of the West one-quarter corner of Section 13, Township 28, North, Range 22 West, City of Maplewood, Ramsey County, Minnesota; thence N. $52^{\circ} 33' 30''$ E., a distance of 220.41 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); thence N. $71^{\circ} 52' 41''$ E., A distance of 80.0 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); Thence continuing N. $71^{\circ} 52' 41''$ E., A distance of 80.0 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); Thence continuing N. $71^{\circ} 52' 41''$ E., a distance of 200.0 feet, (easement to this point being 50 feet on either side of the centerline, as measured at right angles to said centerline); Thence continuing N. $71^{\circ} 52' 41''$ E., a distance of 9.35 feet; thence N. $88^{\circ} 21' 28''$ E., to the intersection with a line described as follows: beginning 1002.07 feet East of the West one-quarter corner of said section 13; thence N. $0^{\circ} 12' 42''$ E., a distance of 400' and there terminating (easement to this point being 80 feet on either side of the centerline as measured at right angles to said centerline.)

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

1. That an application for vacation was initiated by Bill Leonard on the 19th day of October, 1981;
2. That a majority of the owners of property abutting said easement have signed a petition for the above-described vacation;
3. That said vacation has been referred to and reviewed by the Maplewood Planning Commission on the _____ day of _____, 198__ and referred back to the Maplewood City Council with the recommendation of _____.
4. That pursuant to the provisions of Minnesota Statutes, Section 412.851 a public hearing was held on the _____ day of _____, 198__ preceded by two-weeks published and posted notice at which meeting the City Council heard all who expressed a desire to be heard on the matter, considered the Planning Commission recommendation and Staff reports.

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

The Easterly 197 feet of the Southwest quarter (SW 1/4) of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Thirteen (13), Township Twenty-eight (28), Range twenty-two (22), subject to the rights of the public in highways,

All that part of the East one-half (E 1/2) of the Southwest quarter (SW 1/4) of the Northwest quarter (NW 1/4) of Section Thirteen (13), Township Twenty-eight North, (28NO) Range twenty-two West (22W) described as follows:

Beginning at the Southwest corner thereof running thence North 591.75 feet to a point, thence East 348.17 feet to a point which is 591.85 feet North of the South line of said Northwest quarter (NW 1/4), thence South 591.86 feet to a point in the South line of said Northwest quarter (NW 1/4) 347.11 feet East of the place of beginning, thence West 347.11 feet to place of beginning. Subject to public roads.

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

1. The easement serves no public purpose, with the realignment and construction of a storm sewer pipe.
2. New easements for the storm sewer pipe have been dedicated.

BE IT FURTHER RESOLVED, that the City Clerk be and hereby is directed to prepare a notice of completion of the proceedings pursuant to the provisions of Minnesota Statutes, Section 412.851 and shall cause the same to be presented to the County Auditor for entry in his transfer records and that the same shall be thereafter filed with the Ramsey County Recorder.

ADOPTED THIS _____ day of _____, 1982.

Mayor

ATTEST:

City Clerk

Mid-America Bank Building
1827 North Saint Paul Road
Maplewood, Minnesota 55109
Telephone (612) 777-0127



MINNESOTA
SOIL AND WATER CONSERVATION DISTRICTS

November 23, 1981

To: City of Maplewood, Planning Staff

Subject: Review of LeOnard Oak Hill # 5 plat.

Mr Stan Wenland presented his review of the Leonard Oak Hill # 5 plat to the Ramsey Soil and Water Conservation District Supervisors for their consideration. We accept his report.

Most of the plat consists of soils having moderate limitations to development. Since part of this plat is designated in the Maplewood Drainage Plan care should be taken to limit fill and control drainage so as not to restrict the function of that plan. Particular attention should be given to on site and off site erosion as concentrated runoff water may increase erosion, particularly off site.

An erosion and water control plan should be required. We recommend a performance bond to guarantee compliance.

Sincerely,

Russell S. Adams, Jr.
Plat Review Committee

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

1827 North St. Paul Road, Maplewood, MN 55109

Ph: 777-0127

November 16, 1981

TO: Supervisors of Ramsey Soil & Water Conservation District

SUBJECT: Review of Leonard Oak Hill #5 on request of the City of Maplewood.

I) Introduction

The proposed plat is located northeast of the McKnight Road - Highwood Avenue intersection. Map 1 (attached) indicates the location of the proposed plat. The currently proposed plat is a smaller section of a plat (South Oaks) reviewed in January 1979. Appropriate portions of that review will be repeated here. The purpose of this report is to evaluate the proposed land use in terms of the existing soil and water resources.

II) Existing Soil and Water Resources

A) Soil and Topography

Slopes on the site range from nearly flat to approximately 25% (4:1). The steeper slopes are relatively long (200-500 ft.) extending beyond the limits of the plat.

Two principal soil types are on the plat. One identified as community development group 3, the other as community development group (CDG) 5. Their approximate boundaries are outlined on the plat map and their characteristics are outlined below:

CDG 3: The soils are well and moderately well drained silts and loams and occasionally sands over loamy subsoils.

These soils, generally, pose moderate limitations to building site suitability. The water table is usually below 5 feet, however, on lower slope locations where soils are not as well drained the water table can be within 3 to 5 feet of the ground surface. Shrink swell and frost action potential are low. Bearing strength is low.

CDG 5: These soils are somewhat poor and poorly drained. The most significant characteristic of these soils is wetness. The water table is within 1 to 3 feet of the ground surface. Soil strength is poor to fair. Shrink swell potential is low but potential frost action is high. These soils pose severe limitations to building site development.



It should be noted that the soil information presented is general in nature. It does not substitute for on site investigation by a qualified soil scientist, which is recommended for site specific soils information.

B) Water Resources

The plat contains a stormwater storage basin as shown on the Maplewood Drainage Plan prepared by Barr Engineering. The Drainage Plan calls for 9AF of storage on the site. The proposed plat provides the required storage with fill shown only on the southeast edge of the wetland area being used. (Review plat map and map 2)

Outlet of the storage basin is handled by storm sewer. The pipe is proposed to outlet on the north side of Highwood Avenue. This is a change from the existing situation on two points:

1. The wetland which will serve as the stormwater storage basin is currently landlocked - it will have an outlet.
2. Runoff crossing the plat at the point of the proposed drainage easement currently flows beneath Highwood Avenue to the south. The proposed storm sewer will intercept this flow and outlet it into the north road ditch. The ultimate destination of these waters is the same - the route is different.

The ravine on the south side of Highwood that currently handles the flows discussed above is badly eroded and in need of repair. The proposal would relieve flows in the ravine but subject the road ditch to, probably, increased flows. In addition, the stormwater storage basin at the outlet of the ravine and adjacent to McKnight (see map 2) would be passed rather than used as shown in the Maplewood Drainage Plan.

III) Recommendations

1. A 6AF stormwater storage basin is called for by the Maplewood Drainage Plan on the property east of and outleting into the drainage easement. (See Map 2) Establishment of this basin at the time the plat is developed may be necessary since it could affect the size of the storm sewer intercepting the flows from this area. A potential for flooding in the area of the storm sewer catch basins (labeled area "B" on the plat map) exists if the pipe does not have the capacity to handle flows from the 9AF storage basin to the north as well as the runoff from the east. Establishment of the 6AF pond to the east could reduce this potential. In any event, the functioning of this storm sewer system should be carefully evaluated by a qualified hydrologist.

2. The effects of the changes in the runoff patterns should be carefully evaluated. Specifically the change in flows directed to the north road ditch of Highwood and the bypassing of the 3 AF storage pond adjacent to McKnight Avenue.

3. Erosion in the ravine south of the proposed plat should be corrected.
4. Structures placed on soils with wetness problems will need special design features to overcome these problems. An on site soils investigation will more accurately define the nature and degree of this problem. At present, the following lots appear to have potential for wetness or dampness related problems: Block 1, lot 4; Block 4, lot 1; Block 5 lots 1-5, and Block 6, lots 11 & 12.
5. Appropriate structural precautions are needed to avoid damage by frost action to paved surfaces.
6. Sidehill seepage could be a problem in some locations. Precautions should be taken to protect foundations and basements from damage by seepage where this hazard presents itself.
7. Erosion control during construction will require special measures. An erosion control plan should be developed indicating the timing and type of measures to be applied. A combination of sediment filter fences (see attached information), mulch and temporary or permanent seedings should be applied to ensure the maximum of area coverage is maintained and that what sediment is generated is contained on the site. Appendix 1 contains mulching and seeding recommendations.
8. Two areas will be particularly sensitive to erosion during construction. These are located on the plat map as "A" and "B". They are reviewed below:
 - A: The steepness of these slopes and the length of slope above the proposed plat area as well as the areas of water concentration combine to create high erosion potential. A diversion to intercept up slope water and direct it away from the area being graded is recommended. This diversion should outlet to a stable area, the proposed street would probably fill this need.
 - B: Concentrated flows in this area will cause severe erosion on disturbed areas. The storm sewer and the land shaping needed to direct flows into it should be built very early in the land grading process and vegetated as quickly as possible.

It should be noted that vegetated waterways can handle flows up to 4.5 fps in velocity. If flows of higher velocity are anticipated the waterway will need rock lining or some other type of protection.

As this plat progresses, this office is available for further assistance. Please feel free to call 777-0127.

Sincerely,


Stan Wendland
District Conservationist

Enclosure

8. NEW BUSINESS

A. PUD/Preliminary Plat/ Easement Vacation - Leonard's Oak Hills #5

Secretary Olson said the applicant is requesting approval of a planned unit development, preliminary plat and vacation of a drainage easement to construct 21 single-dwelling and eleven double dwelling homes.

The Commission and Secretary Olson discussed the proposed alignment of the storm sewer pipe.

Bill Leonard said he would be willing to eliminate the duplex lots as recommended by Staff, however he felt the lots in the back area of the plat would be a good location for duplex type lots.

Dale Hamilton, Suburban Engineer commented on Staff's recommendations, specifically the condition for the asphalt trail. He also indicated that development of the plat will be phased, therefore requests the trails be constructed concurrent with the development of the plat.

Commissioner Kishel moved the Planning Commission recommend approval of the PUD, with the following conditions:

1. Omit the double dwellings on block 5, lot 12; block 5, lots 5 and 1; block 4, lots 1 and 2.
2. This PUD shall be void, unless the plat is filed in one year or unless Council grants a time extension.

Commissioner Fischer seconded
Barrett, Ellefson, Fischer, Howard, Kishel, Pellish, Prew, Sletten, Whitcomb.

Ayes - Commissioners Axdahl,

Commissioner Pellish moved approval of the preliminary plat, subject to:

1. A developer's agreement to be signed for the construction of all public improvements, including bike trails and erosion control measures.
2. Final grading, drainage and utility plans to be submitted and approved by the City Engineer. The plan shall include extending the storm sewer pipe to the east line of the plat.
3. Deed outlot A to the City.
4. Construct an eight-foot wide asphalt trail on public right-of-way fronting block 6, lots 12-15 subject to Ramsey County approval and from the end of the northerly cul-de-sac, along lot 1, block 1 to the north line of the plat concurrent with the development of lot 1.
5. Move the northerly cul-de-sac ten feet to the east as needed and adjust lot lines to provide more room for the bike trail to the satisfaction of the staff, to avoid a variance on lot 3, block 2.
6. Submit an erosion control plan for approval, which considers recommendations from the Soil Conservation Service.

7. Name the through street, "leonard Lane;" the northerly cul-de-sac and stub, "Lakewood Court;" and the east-west cul-de-sac and stub "Valley View Court" and "Valley View Drive."
8. Dedication of utility and drainage easements, as required by the City Engineer.

Commissioner Sletten seconded Ayes - Commissioners Axdahl,
Barrett, Ellefson, Fischer, Howard, Kishel, Pellish, Prew, Sletten, Whitcomb.

Commissioner Kishel moved the Planning Commission recommend approval of the resolution vacating the drainage easement subject to filing of the final plat.

Commissioner Fischer seconded Ayes - Commissioners Axdahl,
Barrett, Ellefson, Fischer, Howard, Kishel, Pellish, Prew, Sletten, Whitcomb.

F-4

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Zone Change and Lot Area Variance
 LOCATION: 2010 Clarence (See enclosed maps.)
 APPLICANTS: Anthony Caron and Wendy DuFresne
 OWNERS: Arnold and Gladys Pfarr
 DATE: February 18, 1982

SUMMARY OF THE PROPOSAL

Approval of a lot area variance and zone change from M-1, Light Manufacturing to R-2, Residence District (Double Dwelling), to construct a double-dwelling.

CONCLUSIONS

Analysis

The proposed rezoning would be compatible with the Land Use Plan and surrounding development. It should be noted that the density of block 10 would be 33 people per net acre with the double-dwelling. The allowable density is 34 people per net acre. This may limit any further development of the applicant's property.

Recommendation

- I. Approval of the lot area variance for 355 square feet, on the basis that:
 - 1. The lot is irregular in shape.
 - 2. The variance is relatively small.
 - 3. The double-dwelling would not exceed the maximum allowed density in the Land Use Plan.

The variance is approved with the condition that the metal storage shed be relocated so that it is at least five feet from lot 11, before a building permit is issued for lot 11.

- II. Approval of the enclosed resolution rezoning lot 11, block 10 of the Gladstone Addition from M-1 to R-2, on the basis that:

1. The rezoning would be compatible with the Land Use Plan and the use of adjacent property.
2. The existing M-1 zone is not compatible with the area.

BACKGROUND

Site Description

Size: an irregular sized lot, with 98.8 feet of frontage and 11,645 square feet of area.

Existing land use: undeveloped

Easements: a drainage easement across the south thirty feet of the entire property.

Surrounding Land Uses

North: The applicant's single-dwelling, garage, and metal shed. The shed appears to be partially located on the lot to be rezoned.

East: The easterly half of an undeveloped alley right-of-way and vacated Claire Street right-of-way. Across the alley is an apartment building.

South: Railroad right-of-way, proposed to be abandoned.

West: Clarence Street. Across Clarence Street, undeveloped land, planned for Medium Density Residential use and zoned for Light Manufacturing.

Past Actions

January 20, 1966: Lots 1 - 6 and 12 - 22, block 10, Gladstone Addition were rezoned from R-1, Residence District (single-dwelling) to M-1, Light Manufacturing. Lots 7-11, block 10 were specifically excluded from the zone change.

November 10, 1969: A zoning map update was adopted which rezoned the applicant's property for M-1, Light Manufacturing use.

May 1, 1980: Council vacated Claire Street abutting the applicant's property to the south and the west half of the alley abutting lot 11, subject to retention of a thirty foot wide drainage easement over the Claire Street right-of-way.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan designation: Rh, High Density Residential.
2. Zoning: M-1, Light Manufacturing.
3. Density permitted: 34 persons per net acre.
4. Existing density: (Block 10) 30 persons/net acre
5. Proposed density: (Block 10) 33 persons/net acre
6. Policy Criteria from the Land Use Plan: Page 18-30 (Plan Update)

High Density Residential (RH). This classification is designated for such housing types as apartments, two-family homes, townhomes, nursing homes, dormitories, or elderly housing.

7. Compliance with the Land Use laws:

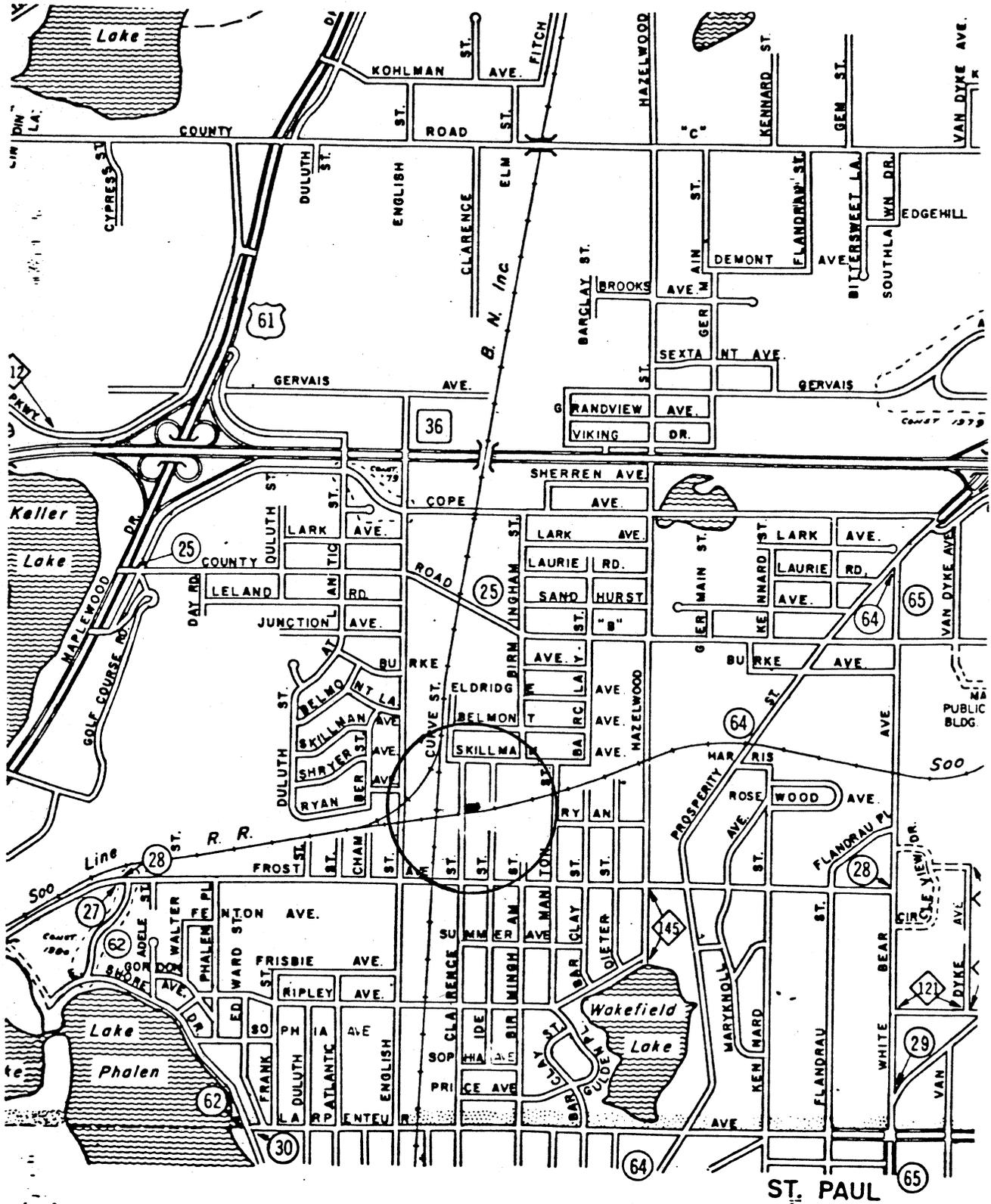
- A. Section 915.030 of the Zoning Code states that: "In any instance where the governing body is required to consider an exception or change in the zoning ordinance or map in accordance with the provisions of this ordinance, it shall, among other things:
1. Assure itself that the proposed change is consistent with the spirit, purpose, and intent of the zoning ordinance.
 2. Determine that the proposed change will not substantially change, injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 3. Determine that the proposed change will serve the best interest of the Village, the convenience of the community (where applicable), and the public welfare."
- B. Section 905.030 requires a double-dwelling lot to be at least 12,000 square feet in area. The applicant's lot is 11,645 square feet requiring a variance of 355 square feet.

Public Works

Sewer and water are available in Clarence Street.

Enclosures:

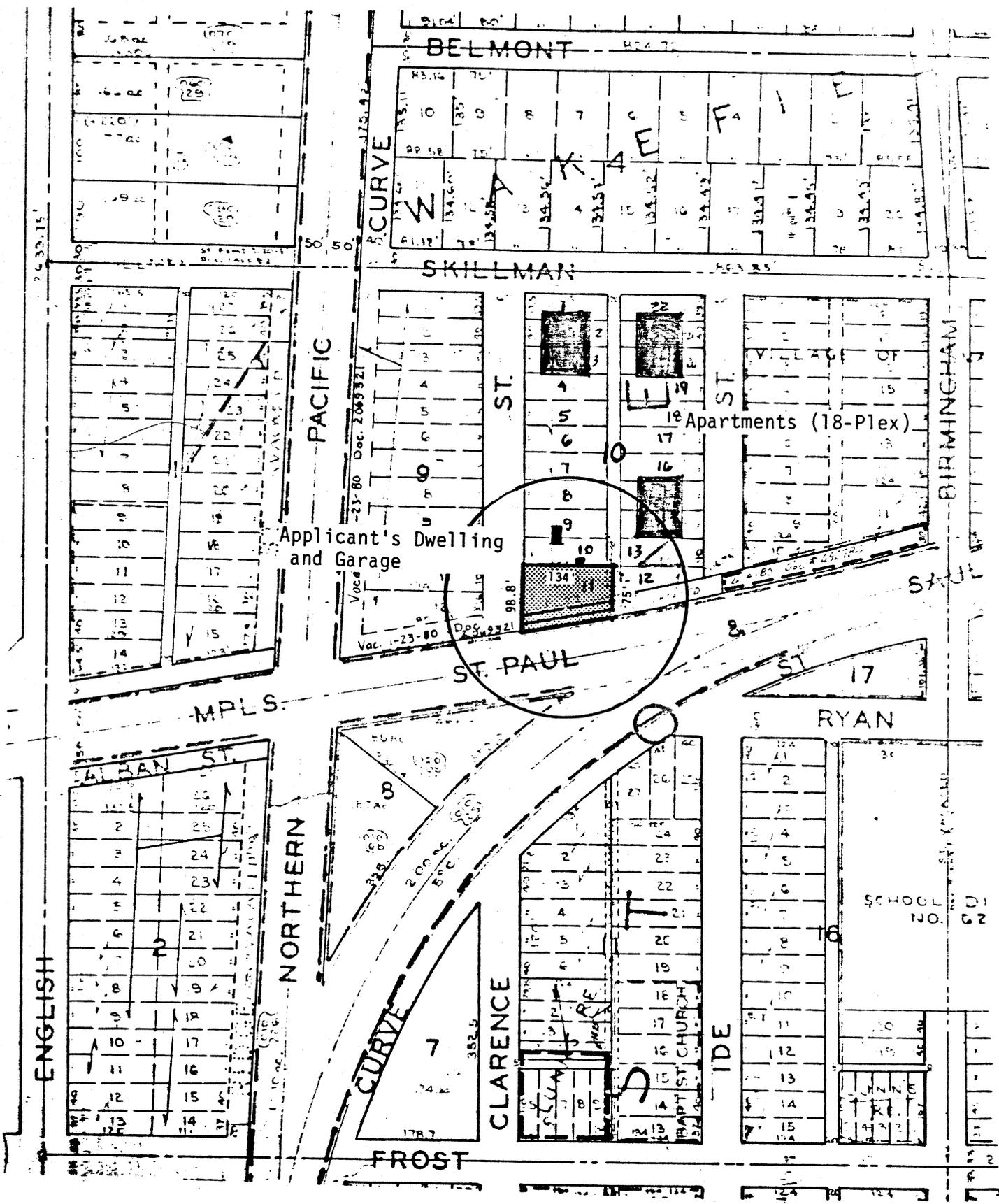
1. Location Map
2. Property Line Map
3. Applicant's Letters of Justification
4. Rezone Petition
5. Resolution



Map 1

LOCATION MAP



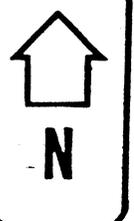


MAP 2

PROPERTY LINE MAP



Drainage Easement



1-5-82

There is an existing garage which would prevent me from taking enough footage from the next lot to meet square footage requirements.

Also to the south there is 50 FT of R.R. right of way then the tracks then another 50 ft of right of way.

The lot in question is in a residential area with a mixture of apartment buildings, single family homes & duplexes.

I have also been told through Maplewood Zoning Dept. (Bandy Johnson) that the long term land use plan for this area calls for multiple dwelling buildings.

Therefore I feel that an R-2 zoning rather than a light industrial zoning would better fit Maplewoods plan for this area.

It would also better fit my plans, which are to either sell the lot for construction of a duplex, or possibly to build a duplex myself sometime in the future.

Thank You
Anthony Corron
Wendy Dehane

ADJOINING PROPERTY OWNER
REZONE PETITION

(
(PETITION
(



We, the undersigned property owners collectively represent 50% or more of the adjoining property owners within 200 feet of the requested rezone-property described on the attached application in accordance with Section 915.010 of the Maplewood Municipal Code.

We petition the Maplewood City Council for a change in official zoning classification on the attached described property from Light Industrial zoning to R-2 zoning.

Our names can be verified, as legal constituted land owners, on the certified abstract (listing owners of land within 350 feet of the requested rezone area) which is required to be filed in conjunction with the rezone application and this petition.

The written signature of any person's name on this petition is indication of that person's understanding of the proposed zone, the proposed location and an endorsement for approval of such change.

ABSTRACT CERT.
LIST NO.

SIGNATURE	PRINT NAME	ABSTRACT CERT. LIST NO.
<i>Bertram Getsug</i>	BERTRAM GETSUG	2
<i>Pauline Getsug</i>	PAULINE GETSUG	2
<i>Saul S. Garelick Trust</i>	SAUL S. GARELICK TRUST	2
<i>U/A dated May 30, 1979</i>	<i>U/A dated May 30, 1979</i>	2
<i>Saul S. Garelick, Trustee</i>	<i>Saul S. Garelick Trustee</i>	2
<i>Robert J. Lombardo Trust</i>	<i>Robert J. Lombardo Trust</i>	2
<i>Trust U/A dated Aug 12, 1979</i>	<i>U/A dated Aug 12, 1979</i>	2
<i>Robert J. Lombardo Trustee</i>	<i>Robert J. Lombardo Trustee</i>	2
<i>Joseph P. Lombardo</i>	JOSÉPH-P. LOMBARDO	3
<i>Patsy Monno</i>	PATSY MONNO	3
<i>Arnold Pfarr</i>	ARNOLD PFARR	4
<i>Gladys A. Pfarr</i>	GLADYS A. PFARR	4
<i>Victor J. Tedesco</i>	VICTOR J. TEDESCO	3

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION MAKING FINDINGS AND FACTS AND APPROVAL OF A
ZONE CHANGE

WHEREAS, a rezoning procedure has been initiated by Anthony Caron and Wendy DeFresne for a zone change from M-1, Light Manufacturing to R-2, Double Dwelling for the following described property:

Lot 11, Block 10 and accruing vacated street and alley, Gladstone Addition, Section 15, Township 29, Range 22

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

1. That a rezoning procedure has been initiated by Anthony Caron and Wendy DuFresne, pursuant to Chapter 915 of the Maplewood Code;
2. That said rezoning procedure was referred to and reviewed by the Maplewood City Planning Commission on the 22nd day of February, 1982, at which time said Planning Commission recommended to the City Council that said rezoning procedure be _____;
3. That the Maplewood City Council held a public hearing to consider the rezoning procedure, notice thereof having been published and mailed pursuant to law; and
4. That all persons present at said hearing were given an opportunity to be heard and/or present written statements, and the Council considered reports and recommendations of the City Staff and Planning Commission.

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

1. The rezoning is compatible with the Land Use Plan and the use of adjacent property.
2. The existing M-1 zone is not compatible with the area.

Adopted this _____ day of _____, 19__.

Mayor

Attest:

City Clerk

8. NEW BUSINESS

A. Rezoning and Variance - 2010 Clarence (Caron and DuFresne)

Secretary Olson said the applicant is requesting approval of a lot area variance and a zone change to R-2, Double dwelling. Staff is recommending approval of the request.

The Commission discussed with Secretary Olson rezoning the complete area to be consistent with the Land Use Plan.

Anthony Caron, 2010 Clarence Street, said the duplex would fit the area.

Commissioner Kishel moved the Planning Commission recommend approval of the lot area variance for 355 square feet, on the basis that:

1. The lot is irregular in shape.
2. The variance is relatively small.
3. The double-dwelling would not exceed the maximum allowed density in the Land Use Plan.

The variance be approved with the condition that the metal storage shed be relocated so that it is at least five feet from Lot 11, before a building permit is issued for lot 11.

Commissioner Fischer seconded Ayes - Commissioners Axdahl, Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard

Commissioner Kishel moved the Planning Commission recommend the City approve the resolution to rezone lot 11, block 10, Gladstone Addition on the basis that:

1. The rezoning would be compatible with the Land Use Plan and the use of adjacent property.
2. The existing M-1 zone is not compatible with the area.

Commissioner Fischer seconded Ayes - Commissioners Axdahl, Prew, Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard

MEMORANDUM

TO: City Manager
 FROM: Assistant City Engineer
 DATE: April 8, 1982
 SUBJECT: Award of Construction Contract
 Hillwood Drive - Dorland Road
 Street, Utilities and Drainage Improvements
 Project No. 78-10

To date, two appeals have been filed against those assessments levied with regard to the above-referenced project. They are as follows:

1. Assessment No. (1)

Parcel: 57-01200-020-50
 Owner: John J. and Ardith Kirby
 2488 Mailand Road
 St. Paul, MN 55109

Assessment
 Amount:

Storm Sewer and Drainage

222,000 square feet @ \$0.0913 per square foot = \$20,268.60

TOTAL ASSESSMENT \$20,268.60

2. Assessment No. (46)

Parcel: 57-01200-010-56
 Owner: V. George Oxford, Jr. and Pauline M. Oxford
 2305 Linwood Avenue East
 St. Paul, MN 55119

Assessment
 Amount:

1" Water Services

1 Service @ \$416.59 per service= \$ 416.59

Sanitary Sewer

325.0 Front Feet @ \$27.86 per front foot= \$ 9,054.50

Sanitary Sewer Services

2 Services @ \$419.81 per service= \$ 839.62

Storm Sewer and Drainage

266,076 Square Feet @ \$0.0913 per square foot= \$24,292.74

TOTAL ASSESSMENT \$34,603.45

GRAND TOTAL OF APPEALS \$54,872.05

These assessments were reviewed with respect to the benefits received by a professional land appraiser and the finds were presented during the March 10, 1982 meeting. The findings concluded that the assessments were equal to the net increase in value to the subject properties as a result of the proposed improvements.

We, therefore, may be able to sustain the assessments. Even if the appeal decisions are to be in the property owners' favor, the results would probably be in the form of a reduction of assessment, not a total cancellation.

The City Council has also reduced assessments to several properties in the Van Dahl Addition and one property on Linwood Avenue, resulting in a reduction in assessment revenues of \$7,972.03.

In computing the project costs for determination of the assessment rates, contingencies were added for construction overruns and easement acquisition costs which total approximately \$122,000.00. We have since progressed with the negotiations for the easements to realize an over estimate on easement acquisition costs, and have made agreements with the property owners along Dorland Road to fill in their properties which will result in elimination of a segment of storm sewer at \$6,900.00.

RECOMMENDATION

We believe that the savings realized through negotiations for easement acquisition, cost savings by a reduction in storm sewer, and contingencies that were added initially, would more than offset potential reductions in assessments.

The City has incurred approximately \$110,000.00 in Engineering, Legal and Administrative costs to date.

We, therefore, recommend the City Council proceed with the project and award a construction contract to the lowest responsible bidder, Mueller Pipeliners. Mueller Pipeliners submitted a base bid of \$685,577.20 with a deduct bid of \$7,736.85 for using PVC (Plastic) pipe and \$5,373.90 for ABS (Plastic truss) pipe in lieu of VCP (clay) pipe. The current City standard is PVC which will result in the lowest combinations of bids of \$677,840.35.

/mb

AWARD OF BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the base bid with deduct for PVC piping of Mueller Pipelines, Inc., in the amount of \$677,840.35 is the lowest responsible bid for the construction of Hillwood Drive - Dorland Road - Linwood Avenue, Streets, Utilities and Drainage Improvements (Project No. 78-10), and the Mayor and City Clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City.

H-1

MEMORANDUM

TO: City Manager
FROM: Assistant City Engineer
DATE: April 8, 1982
SUBJECT: Adolphus Street Trunk Sewer Replacement
Project No. 81-4

The plans and specifications have been completed for the Adolphus Street Trunk Sewer Replacement Improvement Project. The plans represent the increase in pipe size from 10-inch diameter to 12-inch diameter as directed by the City Council during the public hearing.

We have also studied the need and costs for widening the Adolphus Street roadway surface from Larpenteur Avenue to the north as requested by adjacent land owner. The existing roadway is approximately 28 feet in width, consisting of two traffic lanes and one parking lane. The 28 feet, with allowed one side parking, does not provide for safe road geometrics during ideal conditions, and the hazard is very apparent when snow storage encroaches onto the pavement during the winter months. There is a definite need for widening to provide for increased traffic safety and emergency vehicle access.

We have studied several alternate plans, the most feasible of which consists of widening the pavement to 36 feet from Larpenteur Avenue north to approximately a point adjacent to the apartment building garages. The cost of this widening is estimated to increase the project cost by approximately \$16,000.00 and would require easement acquisition across the westerly part of the Sinclair Service Station property.

Since this proposal will benefit the general motoring public, we have not considered special assessments to adjacent properties.

Recommendation

In accordance with the attached schedule, we are recommending that the City Council accept and approve the plans and specifications and authorize the City Clerk to advertise for construction bids.

/mb

PROJECT SCHEDULE

ADOLPHUS STREET TRUNK SEWER REPLACEMENT

1. Council receives feasibility report and schedules public hearing. January 7
2. Public hearing February 10
3. Council orders plans and specifications February 10
4. Council approves plans and specifications and orders bids. Set bid opening for May 14 and assessment hearing for June 9, 1982 April 15
5. Ad for bids published in Construction Bulletin April 23, 30
6. Ad for bids published in legal newspaper April 21, 28
7. Bids received May 14
8. Notice of assessment hearing published in legal newspaper and individual notices mailed Mail-May 24
Publish-May 26
9. Council considers bids May 20
10. Assessment hearing June 9
11. Council awards contract July 15
12. Contractor begins construction July 19
13. Contractor completes construction October 15

RESOLUTION

APPROVING PLANS, ADVERTISING FOR BIDS

WHEREAS, pursuant to resolution passed by the City Council on February 10, 1982, plans and specifications for Adolphus Street Sanitary Sewer Trunk Replacement, Project No. 81-4, 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 is 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 a.m. on the 14th day of May, 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 the regular City Council meeting of May 20, 1982.

H-2

ORDINANCE NO.

An Ordinance Amending Chapter 703 Of The Municipal Code of Maplewood Concerning The Sale Of Liquor And Beer

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

Section 1. That Section 703.150 is hereby amended to read as follows:

703.150. OPERATION HOURS. No "on sale" sale of liquor shall be made on Monday before eight o'clock A.M., and no such "on sale" sales shall be made on Tuesday, Wednesday, Thursday, Friday or Saturday between the hours of one o'clock A.M. and eight o'clock A.M., and on Sunday no such "on sale" sale shall be made between the hours of one o'clock A.M. and twelve o'clock midnight, except as may be otherwise provided, nor shall such "on sale" sale be made at any time on Christmas Day.

No "off sale" sale of such liquor shall be made before eight o'clock A.M. or after eight o'clock P.M. on Monday, Tuesday, Wednesday, Thursday or Friday, and before the hour of eight o'clock A.M. or after the hours of ten o'clock P.M. on Saturday, and no such "off sale" sales of liquor shall be made at any time on Sunday. No "off sale" shall be made on New Years Day, January 1; Independence Day, July 4, Thanksgiving Day; or Christmas Day, December 25; but on the evenings preceding such days, notwithstanding the above provisions, off sales may be made until ten o'clock P.M.; except that no "off sale" shall be made on December 24 after eight o'clock P.M.

In addition to the foregoing regulations, no "on sale" sales of liquor shall be made between the hours of eight o'clock A.M. and three o'clock P.M. on the last Monday of May.

No "on sale" licensee shall permit any person to consume any liquor on his premises except within the hours when the sale of such liquor is permitted; provided, however, that in the case where such "on sale" license is operated in a bona fide club organized under Minnesota Statutes, Chapter 317, which has been in continuous operation for a period of five years prior to the enactment of this ordinance, liquor may be consumed in the club during the hours when sale of intoxicating liquor is not permitted on condition the club is open only to its members, ceases operations no later than one o'clock on any night, limits its sales during such time to non-intoxicating beverages, and admits law enforcement officers whenever it is in operation.

Action by Council: Section 2. This Ordinance shall take effect upon adoption and publication.

Endorsed _____
Modified _____
Rejected _____
Date _____

Mayor

Attest:

Clerk

Ayes-
Nays-

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Sideyard Setbacks in Residence Estate Districts
DATE: April 6, 1982

Action by Council:

Enclosed
Mr.
P.

INTRODUCTION

Request

Councilman Bastian has requested that staff consider increasing the required side yard setbacks in areas zoned R-E, Residence Estate District.

Reasons for the Change

On February 18, 1982, Mr. Richard M. Hagstrom presented the City Council with a Certificate of Survey indicating that the house he recently purchased was abutting his southerly lot line. This was contrary to his belief upon purchasing the property (see enclosed map). The problem developed when a new home was built on the adjacent lot to the south only 14.5 feet from his own home. Mr. Hagstrom felt that his privacy was in jeopardy because of the small separation between the dwellings.

Under the proposed ordinance, there would be a minimum of thirty feet between these homes.

Objectives of the Amendment

1. To establish side yard setbacks for R-E lots, which are more in proportion to their lot size.
2. To provide additional space between adjacent dwellings for privacy and for a more balanced appearance of the house on a large lot.

CONCLUSION

Issues

The main issues are aesthetics and privacy.

From an appearance standpoint, a dwelling on a large R-E lot, built five feet from a side lot line would appear to be crowding the adjacent parcel. Increasing the side yard setbacks proportionately for each R-E lot size category would help to provide more of a balanced appearance. The increased setback would also provide added privacy for neighbor.

Staff proposes increase the minimum side yard setback requirements as follows:

Zoning Category	Minimum Lot Frontage Required	Side Yard Setback Proposed
R-E (20)	100 feet	15 feet
R-E (30)	120 feet	20 feet
R-E (40)	140 feet	25 feet

Issues - continued

By increasing the side yard setback requirements as listed, there would still be at least 70 feet, 80 feet and 90 feet respectively, of buildable lot width available. Staff feels that if the setbacks were increased any further, it may restrict a home builder too much and force him to construct the home in the middle of the parcel. Depending upon the topography of the land and proximity to adjacent development, such a requirement may be too limiting.

Recommendation

Approval of the enclosed ordinance.

REFERENCE INFORMATION

Existing Code

1. Section 919.050 of the Zoning Code provides the following R-E District Standards:
 - a. Minimum Lot Area. The minimum lot area shall be determined by the City Council at the time of rezoning, but shall be limited to 20,000, 30,000, or 40,000 square feet. The Council shall base their decision on the character of developed lots within an existing neighborhood or on the desired character of lots in an undeveloped area. Minimum lot area requirements shall be designated on the Zoning map in each R-E District's title, e.g. R-E (30), standing for a minimum lot area of 30,000 square feet. Once established, any request to change a district's minimum lot area requirement shall be processed as a request for rezoning.
 - b. Minimum Lot Width at the Building Setback Line.
 - R-E (20) - 100 feet
 - R-E (30) - 120 feet
 - R-E (40) - 140 feet
 - c. Minimum Setbacks. As required for R-1, Residence District (single dwelling).
 - d. Maximum Building Height. As required for R-1, Residence District (single dwelling).
 - e. Legally buildable lots before the rezoning to an R-E zone shall be considered buildable after rezoning to an R-E zone.
2. The side yard setback in an R-1 zone is five feet.

Procedure

1. Planning Commission recommendation
2. Council hearing and first reading
3. Council adoption on second reading

Enclosures:

1. Proposed Ordinance
2. Certificate of Survey

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING
SETBACKS IN R-E DISTRICTS

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

Section 1. Section 919.050 (3) is hereby amended as follows:

919.050 (3) Minimum setbacks.

- a. Within R-E Districts, the following minimum building setbacks for dwellings, accessory buildings and drive-ways shall apply:

Side Yard Setback

R-E (20)	15 feet
R-E (30)	20 feet
R-E (40)	25 feet

- b. All other setbacks shall be as required for R-1, Residence District (Single Dwelling).

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

Passed by the City Council
of the City of Maplewood,
Minnesota, this _____ day
of _____, 19 _____ .

Mayor

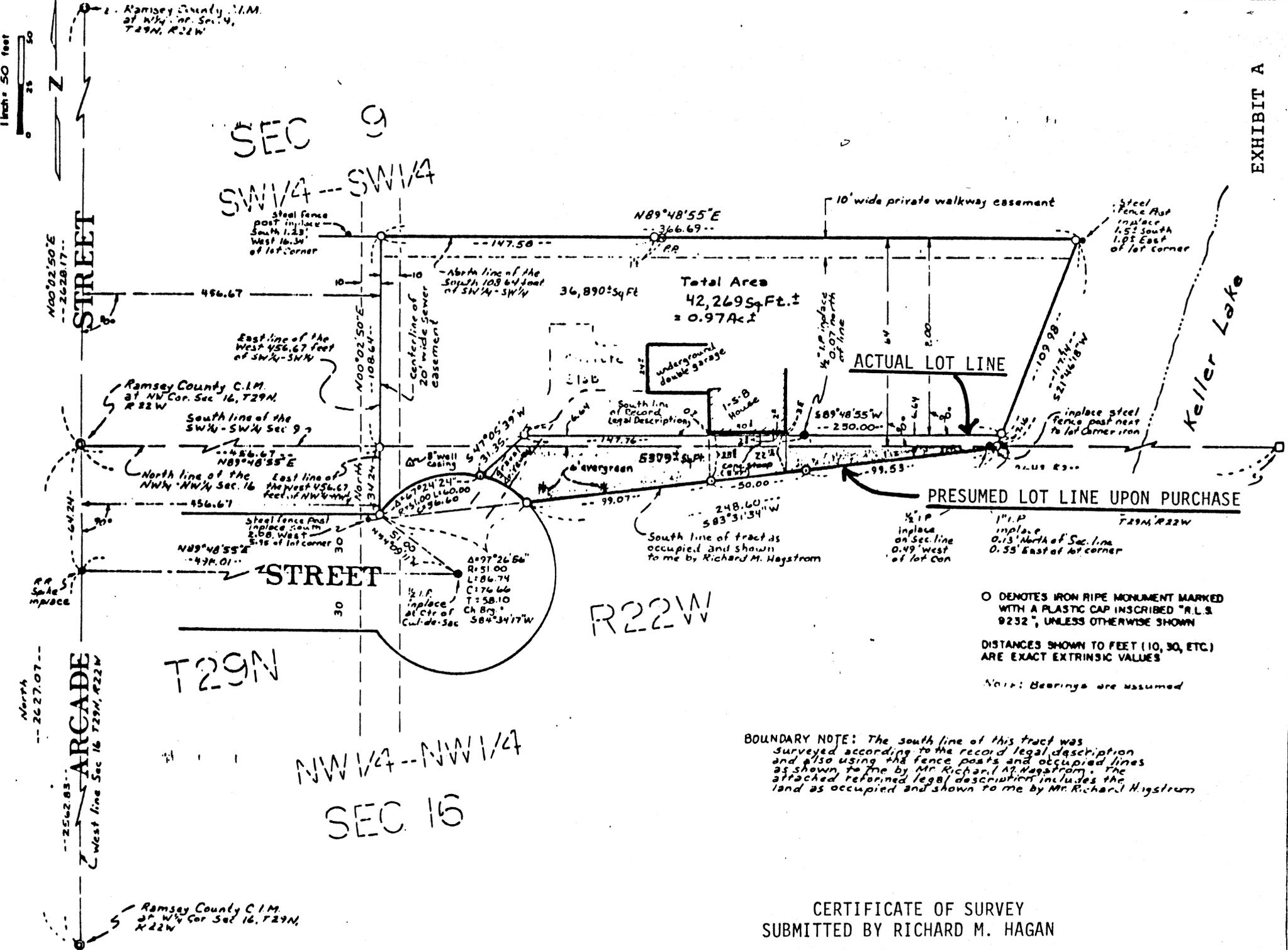
Attest:

Clerk

Ayes - _____

Nays - _____

1 inch = 50 feet



Total Area
42,269 Sq. Ft. ±
= 0.97 Acs ±

36,890 ± Sq Ft

PRESUMED LOT LINE UPON PURCHASE

ACTUAL LOT LINE

○ DENOTES IRON PIPE MONUMENT MARKED WITH A PLASTIC CAP INSCRIBED "R.L.S 9232", UNLESS OTHERWISE SHOWN

DISTANCES SHOWN TO FEET (10, 30, ETC.) ARE EXACT EXTRINSIC VALUES

Note: Bearings are assumed

BOUNDARY NOTE: The south line of this tract was surveyed according to the record legal description and also using AB fence posts and occupied lines as shown to me by Mr. Richard M. Hagstrom. The attached reference legal description includes the land as occupied and shown to me by Mr. Richard M. Hagstrom

CERTIFICATE OF SURVEY
SUBMITTED BY RICHARD M. HAGAN

Ramsay County C.I.M.
of NW 1/4 of Sec. 16, T29N,
R22W

Ramsay County C.I.M.
of NW 1/4 Cor. Sec. 16, T29N,
R22W

SEC 9
SW 1/4 - SW 1/4

T29N

NW 1/4 - NW 1/4
SEC 16

R22W

Keller Lake

STREET

STREET

ARCADE

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Code Amendment: Definition of Family
APPLICANT: Department of Community Development
DATE: January 21, 1982

Approved By: _____
Date: _____
Title: _____

Request

1. To amend the definition of "family" to limit the number of nonrelated members.
2. To establish definitions for rooming and boarding houses.

Reasons for Change

A Councilman and at least one Planning Commissioner have noted a concern by residents with an increase in nonrelated residents in single-dwellings. Time Magazine reports a national trend involving unrelated buyers who double up to beat the high costs of homeownership. This sharing may be done by singles, couples, or senior citizens. Houses in some part of the country are being specifically built for these situations, with identically sized master bedrooms at opposite ends of the house.

Objectives of the Amendment

1. To preserve the quiet, family-oriented character of neighborhoods.
2. To limit the problems of parking, traffic, congestion, and overcrowding in neighborhoods.
3. To allow a reasonable number of nonrelated individuals to live as a single housekeeping unit.
4. To allow a reasonable number of nonrelated individuals to reside as roomers with a family of related persons.

CONCLUSION

Analysis

To limit the number of nonrelated persons permitted to reside together in a single dwelling zoning district, two issues should be addressed:

- a. The number of nonrelated persons that should be permitted to reside together as sole occupants of a single housekeeping unit.
- b. The number of nonrelated individuals that should be permitted to reside as roomers with a family of related individuals.

A related issue - the number of unrelated individuals necessary for status as a rooming or boarding house, should also be addressed.

Nonrelated Persons as Sole Occupants of a Dwelling Unit

When nonrelated individuals are the sole occupants of a dwelling unit, a limit of five persons should be established. This policy would be consistent with nine of twenty-one metropolitan communities surveyed (attached), the uniform building code definition of family (Reference Information - Other Agencies), and the average size of a Maplewood family plus two nonrelated roomers, as discussed below.

Related Households and Nonrelated Roomers

All households of related persons, no matter how large, should be permitted to "take in" a reasonable number of nonrelated roomers. Limiting the number to two would be consistent with the requirements of nine of twenty-one surveyed metropolitan area communities (attachment), and Maplewood's definition of rooming house, as defined in the Rental Housing Maintenance Code.

Household of Two Related Persons and Nonrelated Roomers

Limiting two related persons to two roomers would be unfair if five unrelated individuals were to be permitted as a single housekeeping unit. For consistency, a household of two related persons should be permitted to "take in" up to three nonrelated roomers.

Definition of Rooming and Boarding House

The Rental Housing Maintenance Code classifies a residence as a rooming house if a room or rooms are rented to three or more persons unrelated to the owner/operator. The zoning code presently does not define rooming or boarding house, but does restrict them to Multiple Residence and Business-Commercial zoning districts.

To avoid any possible code interpretation problems, particularly for the single person or two related person household wishing to "take in" roomers, zoning code definitions of rooming and boarding house should be established consistent with the proposed definition of family. Second, the Rental Housing Maintenance Code definition of rooming house should be replaced by a reference to the zoning code definition.

Recommendation

- I. Approval of the enclosed Zoning Ordinance Amendment redefining family and adding definitions for rooming and boarding houses. (Requires at least four votes for approval.)
- II. Approval of the enclosed Rental Housing Maintenance Code Amendment revising the definition of rooming house to correspond to the zoning code definition. (Requires at least a simple majority.)

REFERENCE INFORMATION

Existing Ordinance

1. Section 916.010 (7) of City Code defines "family" as, "Any number of persons living and cooking together as a single housekeeping unit."
2. Section 214.040 (4) (x) of the Rental Housing Maintenance Code defines "Rooming House" to mean any residence building, or any part thereof, containing one or more rooming units, in which space is rented by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

Other Agencies

1. State of Minnesota - Uniform Building Code Section 407, defines "Family" as:

"an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit."

2. National Fire Protection Association (NFPA) Section 22-1.1 of the 1981 Life Safety Code stipulates that:

"one- and two-family dwellings include buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family with no more than three outsiders, if any, accommodated in rented rooms."

The code does not define "family" or "outsider."

Survey of Other Communities

Nine of twenty-one communities surveyed, or 43%, limit the number of nonrelated persons who can live in a single dwelling to five. Blaine and Golden Valley, aside from Maplewood, have no limit. (See enclosed survey.)

Among the surveyed communities, 43% also limit a family to two roomers. In two communities, Burnsville and Cottage Grove, a family with roomers can not exceed the number of permitted nonrelated individuals.

Group Homes

State law exempts a state licensed group home or foster home servicing six or fewer mentally retarded or physically handicapped persons from local regulation in single-dwelling zones.

Legal

The following evaluation of past court decisions in Zoning and Planning Law Report recommends that at least two unrelated persons be allowed to reside together (Vol. 1, No. 1., pp. 4-5):

"The case for requiring a minimum of two unrelated persons to be allowed to reside in a single family zone seems a strong one, in that: (1) two unrelated persons, as opposed to a group of unrelated persons, do not pose so much of a threat or disturbance to the prevailing "family" characteristics of a neighborhood; (2) the claims of a need of companionship or housekeeping assistance are greater for a single individual, particularly if elderly; and (3) greater rights of domestic privacy are implicated in the relationship of two individuals than in that of a group, cf. Eisenstadt v. Baird, 405 U.S. 432 (1972).

"Pending decisional law on the question of whether even two unrelated persons may be barred from residing together in a single family zone, the guidelines for restrictive single family zoning, for purposes of federal constitutional law, appear to be as follows: groups of three or more unrelated individuals, may be barred from residing in single family districts, but groups of individuals related by "blood, adoption, or marriage" must be allowed to reside together without qualification as to their degree of kinship. To be emphasized, however, is that the above guidelines serve for purposes of passing federal constitutional muster; state courts, interpreting state constitutions, may still review restrictive single family zoning with a more critical eye."

Procedure

1. HRA: Recommendation
2. Planning Commission: Recommendation
3. City Council:
 - a. First reading and public hearing
 - b. Second reading and adoption

Enclosures

1. Proposed Ordinance
2. Survey

AN ORDINANCE AMENDING SECTION 916 OF THE MAPLEWOOD CITY CODE RELATING TO THE DEFINITION OF FAMILY, ROOMING HOUSE AND BOARDING HOUSE

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

Section 1. Section 916.010 is hereby amended to revise the following language (language to be deleted is crossed out, language to be added is underlined):

~~916.010--(7)-Family:--Any-number-of-per-sons-living-and-cooking-together-as-a-single--housekeeping-unit.~~

916.010 (7). Family: A family is one of the following, living together as a single housekeeping unit:

- a. An individual or a group of persons not to exceed five, who are not related by blood, marriage, foster children, or adoption, or
- b. Two persons related by blood, marriage, foster children, or adoption and not more than three unrelated persons, or
- c. Three or more persons related by blood, marriage, foster children, or adoption and not more than two unrelated persons.

Section 2. Section 916.010 is hereby amended to add the following language:

916.010 (24) Boarding House: A rooming house in which meals are provided.

916.010 (25) Rooming House: Any single housekeeping unit in which space is rented, less meals, to persons unrelated to the resident manager or property owner, in excess of the definition of family, as defined in Section 916.010 (7).

Section 3. This ordinance shall take effect and be in force from and after passage and publication.

Passed by the Maplewood City Council
this _____ day of _____, 1982.

ATTACHMENT ONE

SURVEY OF CITIES CLOSEST TO MAPLEWOOD IN POPULATION

All cities surveyed allowed any number of related family members.

<u>CITY</u>	<u>MAXIMUM NUMBER OF NONRELATED RESIDENTS</u>	<u>MAXIMUM NUMBER OF ROOMERS (a)</u>
Maplewood	No limit	-
Coon Rapids	6	2
Roseville	4	2
Burnsville	4	(b)
Plymouth	5	2
Brooklyn Center	5	(2 rooms may be rented)
Fridley	5	-
Blaine	No limit	-
South St. Paul	5	5
Eagen	5	-
Maple Grove	4	1 or 2 depending on the zoning district
Columbia Heights	3 or unlimited if same sex	2
Cottage Grove	4	(b)
West St. Paul	4	2
Shoreview	5	(one room may be rented)
Crystal	3	1
New Brighton	3	2
New Hope	5	1
Golden Valley	No limit	2
White Bear Lake	5	2
Apple Valley	5	-
MEDIAN NUMBER	5	1.5

(a) Owner Occupied Dwelling

(b) A family with roomers cannot exceed the allowable number of nonrelated residents.

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Definition of Family
 DATE: March 17, 1982

Councilmember Maida asked staff to survey the cities adjacent to Maplewood.

<u>CITY</u>	<u>MAXIMUM NUMBER OF NON-RELATED RESIDENTS</u>	<u>MAXIMUM NUMBER OF ROOMERS</u>
North St. Paul	2	1
Oakdale	5	2
Woodbury	5	8 - requires special permit
Newport	5	8 - requires special permit
St. Paul	4	(a)
Roseville	4	2
White Bear Lake	5	2
Vadnais Heights	No limit	No limit
Little Canada	Information not available	

(a) A family with roomers cannot exceed the allowable number of non-related residents.

B. Code Amendment - Definition of Family

Secretary Olson said this proposal is to amend the definition of "family" as outlined in the Maplewood Code and also establish definitions for rooming and boarding houses.

The HRA review was summarized for the Commission.

Commissioner Kishel moved the Planning Commission recommend approval of the Zoning Ordinance amendment redefining family and adding definitions for rooming and boarding houses.

Commissioner Prew seconded
Ayes - Commissioners Axdahl, Prew,
Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard

Commissioner Pellish moved the Planning Commission recommend approval of the Rental Housing Maintenance Code amendment revising the definition of rooming house to correpond to the Zoning Code definition (Section 214).

Commissioner Prew seconded
Ayes - Commissioners Axdahl, Prew,
Pellish, Sletten, Whitcomb, Fischer, Hejny, Kishel, Howard

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 214 OF THE MAPLEWOOD CITY CODE RELATING TO THE DEFINITION OF ROOMING HOUSE

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

Section 1. Section 916.040 (4) (X) is hereby amended as follows (language to be deleted is crossed out and proposed language is underlined):

~~x. -- Rooming House shall mean any residence building, or any part thereof, containing one or more rooming units, in which space is rented by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.~~

x. Rooming House: As defined in Section 196.010 (26) of the City Zoning Code. For purposes of this ordinance, there shall be no distinction made between rooming and boarding house.

Section 2. This ordinance shall take effect and be in force from and after passage and publication.

Passed by the Maplewood City Council
this _____ day of _____, 1982.

J-1

MEMORANDUM

TO: City Manager
 FROM: Associate Planner - Randy Johnson
 SUBJECT: Special Exception - Home Occupation
 LOCATION: 540 Ripley
 OWNER/APPLICANT: Miles LeFebvre
 DATE: March 31, 1982

Action by Council:
 [Faded text]

SUMMARY OF THE PROPOSAL

1. Approval of a special exception permit to operate a gun-smithing business as a home occupation.
2. Federal firearms licensing has been requested, effective August 1982, in order for the applicant to be able to purchase parts for repairing firearms.
3. A requirement of federal licensing is that the permit must be issued to an applicant at a particular address.
4. Once customers and an inventory are established, the applicant plans to move the business to a commercial site. (See attached letter.)

CONCLUSION

Analysis

The applicant's proposal compares to the Planning Commission's home occupation guidelines (attached), as follows:

1. The business would be operated year-round, Monday through Friday, from noon to 7:00 p.m.
2. There would be no employees other than the applicant.
3. The proposed work area would be located in the basement. It would consist of approximately 225 square feet of unpartitioned area, or eighteen percent of the dwelling floor area. Proposed supplemental storage areas under the steps and in an adjacent partitioned room would not cause the business area to exceed the maximum of twenty percent of dwelling floor area.
4. No sign or other changes to the dwelling exterior are proposed.
5. There would be no retail sales.
6. Few customers would visit the applicant's home. Most of the repair work would be performed on a contract basis for the East Side Gun Shop (St. Paul) and firearms-related organizations. Adequate off-street parking exists for any customers that would visit the premises. United Parcel Service would be used to deliver parts to the premises.

7. There will be no equipment associated with the home occupation that would create a nuisance of sound, vibration, odors, or electrical interference. Equipment on the premises would be limited to a wood lathe, gun stock duplicator, and drill press.
8. The business would not constitute a fire, health, or safety hazard. No ammunition will be stored, other than for the applicant's personal use. Cleaning solvents would be kept on hand but would not exceed typical household amounts.

Recommendation

Approval of a home occupation for a gun smithing business at 540 Ripley Avenue, subject to:

1. Compliance with the criteria outlined in the Planning Commission Subcommittee Report.
2. Approval is granted for one year, after which time the applicant may apply for a renewal if the business has been compatible with the neighborhood and all conditions are being met.
3. There should be at least one wall-mounted, ten pound A.B.C. fire extinguisher provided in the basement work area.
4. Electrical outlets are to be provided in the work area to eliminate the need for extension cords.

BACKGROUND

Site Description

1. Lot Area: 14,484 square feet
2. Existing Land Use: A 1250 square foot rambler-style dwelling

Surrounding Land Use

- North: Ripley Avenue. Across Ripley Avenue, undeveloped land zoned and planned for single dwellings
- East: Unimproved Jessie Street right-of-way. To the east, undeveloped land zoned and planned for single dwellings
- South: Undeveloped parcels without an improved access, planned and zoned for single dwellings
- West: A single dwelling

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: RL, Residential Lower Density
2. Zoning: R-1, Residence District (Single Dwelling)
3. Section 905.010(1) of the Zoning Code permits the offices of professional persons within a single dwelling, but only when authorized by the City Council.

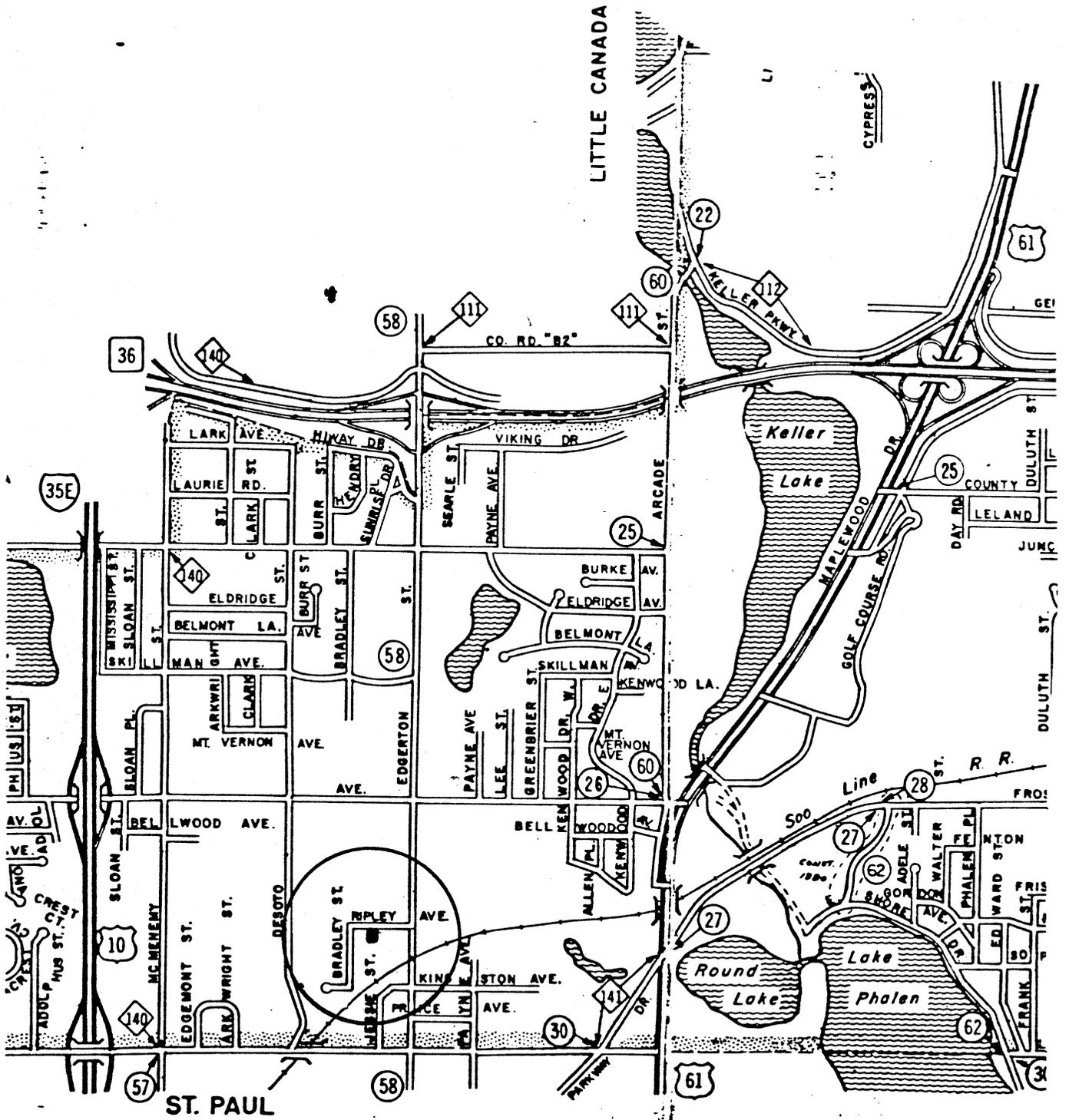
Public Safety

1. Outlets should be provided to eliminate the use of extension cords for lighting and equipment.
2. A wall-mounted, ten pound A.B.C. fire extinguisher, or greater, should be provided in the workshop area.

=jw

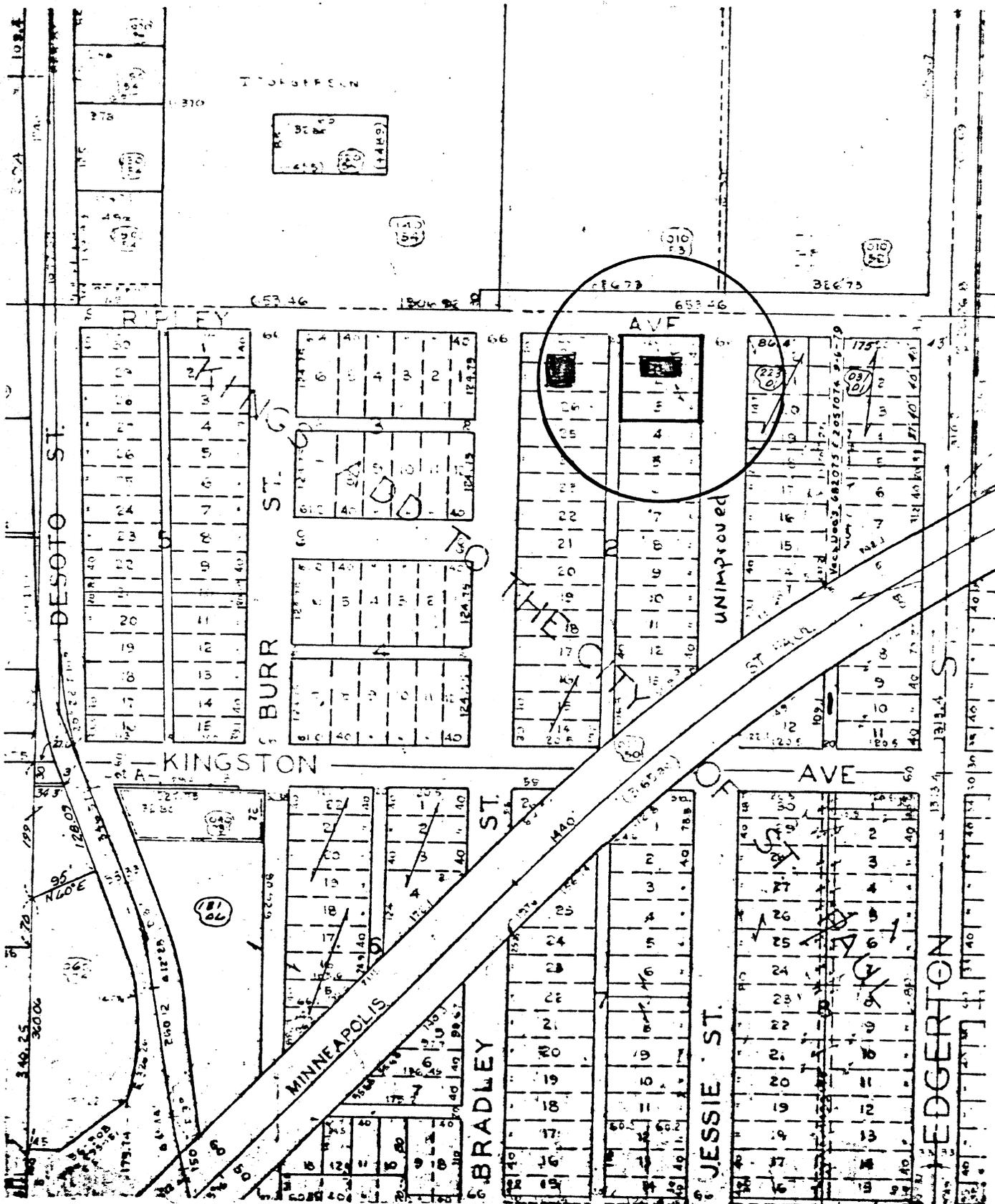
Enclosures:

1. Location Map
2. Property Line Map
3. Applicant's letter, dated 3-1-82
4. Planning Commission Subcommittee Report



LOCATION MAP





PROPERTY LINE MAP



1 March 1982

City of Maplewood
1902 East County Road B
Maplewood, Minnesota
55109

Miles LeFebvre
540 Ripley Avenue
Maplewood, Minnesota
55117

Dear Sir:

I would like a permit to use my basement for gunsmithing. I do not plan to put a sign up and there is adequate parking in my driveway. there will be no other employee. The area in the basement used will be 15X15. The total area of the basement is 28X44. The reason I would like to use my basement is; I would like to build up my inventory and customers to a point where I could move into a commercial building.

Thank You

Miles LeFebvre
Miles LeFebvre

PLANNING COMMISSION SUBCOMMITTEE REPORT

The Planning Commission concurs with the need for an appropriate definition of a home occupation. It is also felt that while certain occupations require the issuance of a special use permit, other activities such as those that do not have any of the following should be allowed without a permit:

1. Employment of any person not residing in the dwelling unit
2. Customers visiting the premises
3. Manufacture of products on the premises.

The Planning Commission proposes the following guidelines for a Home Occupation:

Home Occupation requiring a permit is defined as that occupation conducted in a dwelling unit involving the manufacture and/or sale of a product or service, subject to the following limitations:

1. Is conducted on a continuing basis, that is, for more than 30 days out of the year.
2. Not more than one person other than members of the family residing on the premises shall be allowed to engage in such occupation.
3. The use of the premises for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than an area equivalent to 20% of the dwelling unit floor area shall be used in the conduct of the home occupation.
4. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
5. There shall be no retail sales of products produced off site in connection with such home occupation.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and the need for off-street parking shall not exceed more than three off-street parking spaces for the home occupation at any given time in addition to the parking spaces required by the resident occupants; in no event shall such number of off-street parking spaces exceed a total of five such spaces for the premises and shall be off of the street other than in a required front yard.
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. No fire, safety, or health hazard shall exist for the residents of the dwelling unit, customers, or employee.

J-2

MEMORANDUM

TO: City Manager
 FROM: Associate Planner--Tom Ekstrand
 SUBJECT: Special Exception--Home Occupation
 LOCATION: 2095 E. Larpenteur Avenue
 APPLICANT/OWNER: Ronald DesLauries
 PROJECT: The Delory Company
 DATE: March 24, 1982

Action 1-1-82

SUMMARY OF THE PROPOSAL

Request

Approval of a special exception to continue operating the Delory Company, a basement waterproofing and sewer and water installation business.

Home Occupation Description

1. Refer to the applicant's letter dated 1-26-82.
2. The equipment kept on the applicant's property includes trucks and back-hoes, plus an assortment of smaller tools and materials.
3. Hours of operation: 8:00 a.m. to 4:30 p.m., Monday through Friday. Business drops off during the winter months.

CONCLUSION

Issues

Staff investigated this business after receiving an inquiry from one of the Planning Commissioners as to the Delory Company's compliance with zoning regulations. Staff found that the business has been in operation at this location since 1971 and also that there have not been any complaints received on the business.

The following is an evaluation of the applicant's proposal against the Planning Commission's home occupation criteria:

1. The business is conducted year-round.
2. The applicant has two to four employees.
3. The applicant does not utilize his house for his business, but the back yard and accessory buildings are used for business purposes.
4. The applicant's business is virtually undetectable from Larpenteur Avenue, due to the hill on which it is located. There are no business signs on the property.

5. There are no retail sales conducted on site.
6. The primary traffic generated by this business consists of up to four employees who park in front of the water pumping station on Beebe Road and the applicant's trucks coming and going.
7. There is no equipment operated on site which would create a disturbance to neighbors.
8. The business does not constitute a fire or health hazard to the premises or neighborhood.

The purpose of a home occupation permit is to allow homeowners to pursue business activities which will not detract from the residential characteristics of a neighborhood. The problem with this request is that the area devoted to the business exceeds that of the dwelling. This situation is clearly inconsistent with the intent of the home occupation guidelines. Presently, a home occupation is limited to 20% of a dwelling's floor area. This guideline is to preserve the residential character of a neighborhood.

The applicant's location, however, is advantageous in that there is only one close neighbor who may be effected by the business (this neighbor has not filed any complaints). Also, by being located on top of the hill, the business is secluded and screened from the public's view. In addition to these points, Larpenteur Avenue is not a quiet residential street which would warrant purely residential development.

Staff's concern is that denial of this request and the resultant order to cease operation immediately, although consistent with City policy, would ignore the fact that there have been no complaints of this business during its eleven years of existence. Given this situation, plus the concealed setting of the business, it would seem prudent to give the applicant a deadline to "phase out" the business.

Staff has discussed this matter with the applicant. He indicated that a seven to ten year phase-out period would be acceptable since he is presently looking for a commercial location to move his business.

Council recently approved a special exception for the continuance of an existing ice distribution business at 1915 Manton Street, and applied a seven year phase-out period. After seven years the business must terminate.

Recommendation

Approval of a special exception to operate a waterproofing business at 2095 East Larpenteur for a period of time not to exceed seven years, after which time the business shall be terminated. Approval is recommended on the basis that:

1. The City has not received any complaints about this business from the neighbors.
2. The subject property is not easily visible from Larpenteur Avenue.

Approval is subject to the following conditions:

1. The hours of operation shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday.
2. The maximum number of employees that may be permitted, other than family members, is four.
3. There shall be no retail sales from the premises.
4. The business shall not be enlarged.
5. Any parking on Larpenteur Avenue, related to this business, shall be prohibited.
6. After three years, the Council shall review the applicant's operation for compliance with the above conditions.

BACKGROUND

Site Description

1. Lot Size: 1.03 acres
2. Existing Land Use: Single-dwelling, a metal storage building, a wooden shed, garage and a small one-story structure used as an office by the applicant

Surrounding Land Uses

- Northerly: Undeveloped land planned for RM, residential medium density use and zoned R-3, multiple dwellings
- Southerly: Larpenteur Avenue. South of Larpenteur Avenue are single-dwellings in the City of St. Paul
- Easterly: A single-dwelling and a Maplewood water pump station
- Westerly: Hillside Junior High School parking lot

Past Action

January 1977: The City issued a building permit to the applicant to construct a metal storage building.

8-20-81: Council approved a special exception for Mel McFarlane at 1915 Manton Street to continue operating an ice plant from his residence. The time limit on the permit shall not exceed seven years, after which time the business must terminate. Approval was conditioned upon:

1. The delivery vehicle shall be limited to a pick-up truck or like vehicle.
2. No additional ice machines shall be installed.
3. The ice plant shall not be enlarged, except a walk-in cooler may be installed.
4. Hours of operation shall be limited from 8:00 a.m. to 9:00 p.m.
5. No more than one person, other than family members residing on the premises, shall be allowed to engage in the operation of the business.
6. Signage shall be limited to one sign, not to exceed two square feet in area, and mounted flat against the wall of the dwelling.
7. Noise from the compressor units shall be muffled to the maximum extent possible at all times, given existing opportunities.
8. A fire extinguisher shall be installed in the loft area. Location and extinguisher type to be approved by the Fire Marshal.
9. If the business is in operation, the Council shall review the applicant's compliance with the above conditions in three years.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation:

Plan Update - Because of the site's small size, the municipal facility designation for the pump station covers the site.

Current Plan - R-M, Medium Density Residential

2. Zoning: R-1

3. Section 904.010(4) of City Code states that offices of professional persons are allowable in single-family residential zones "when located in the dwelling of that professional person or persons, and when authorized by the lawful governing body."

4. Refer to the Planning Commission's Subcommittee Report on home occupations.

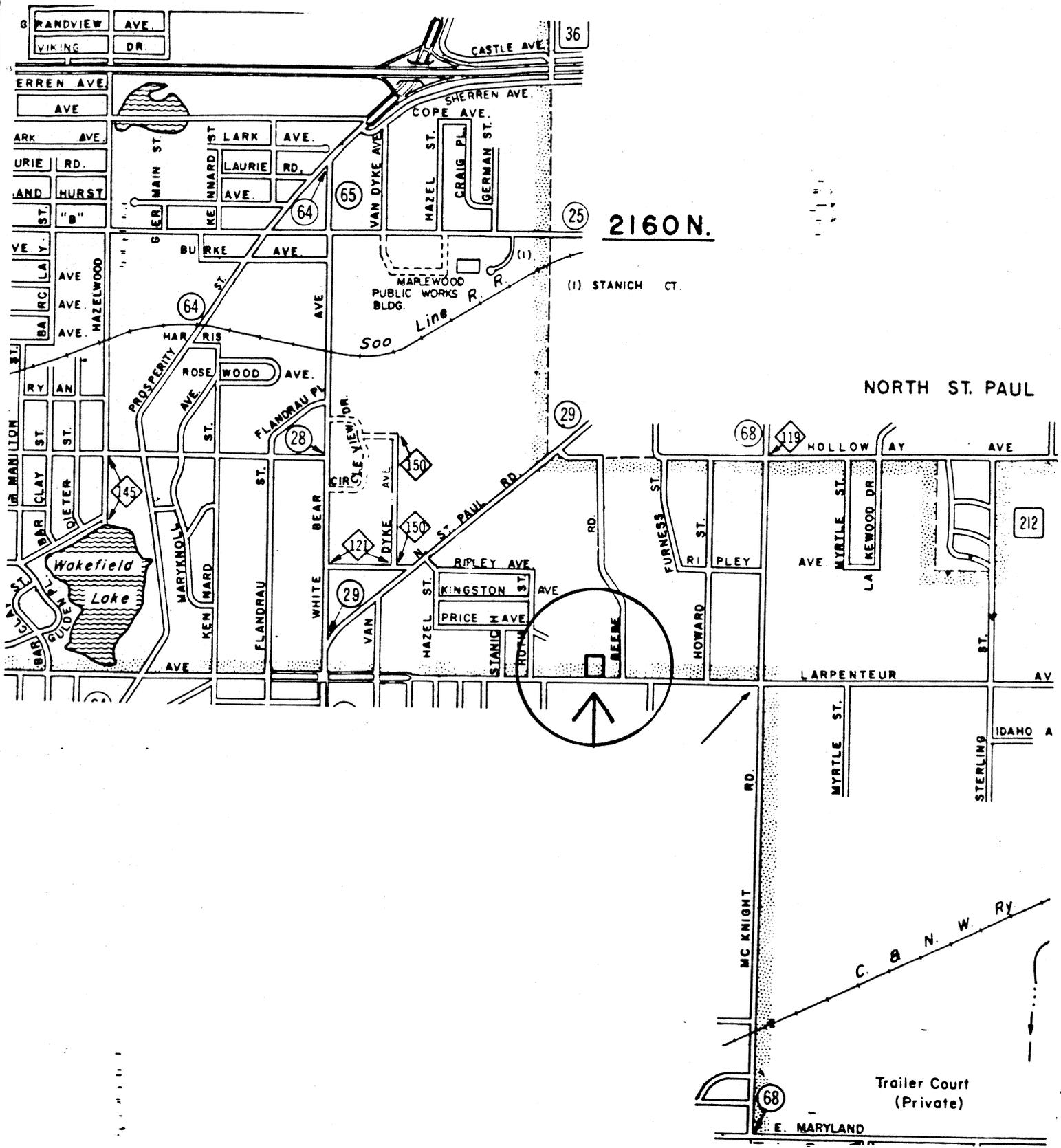
Public Safety

No on-street parking should be allowed on Larpenteur Avenue by employees or customers.

MB

Enclosed:

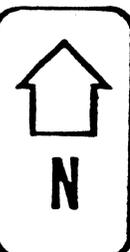
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2. Property Line Map
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4. Planning Commission Subcommittee Report

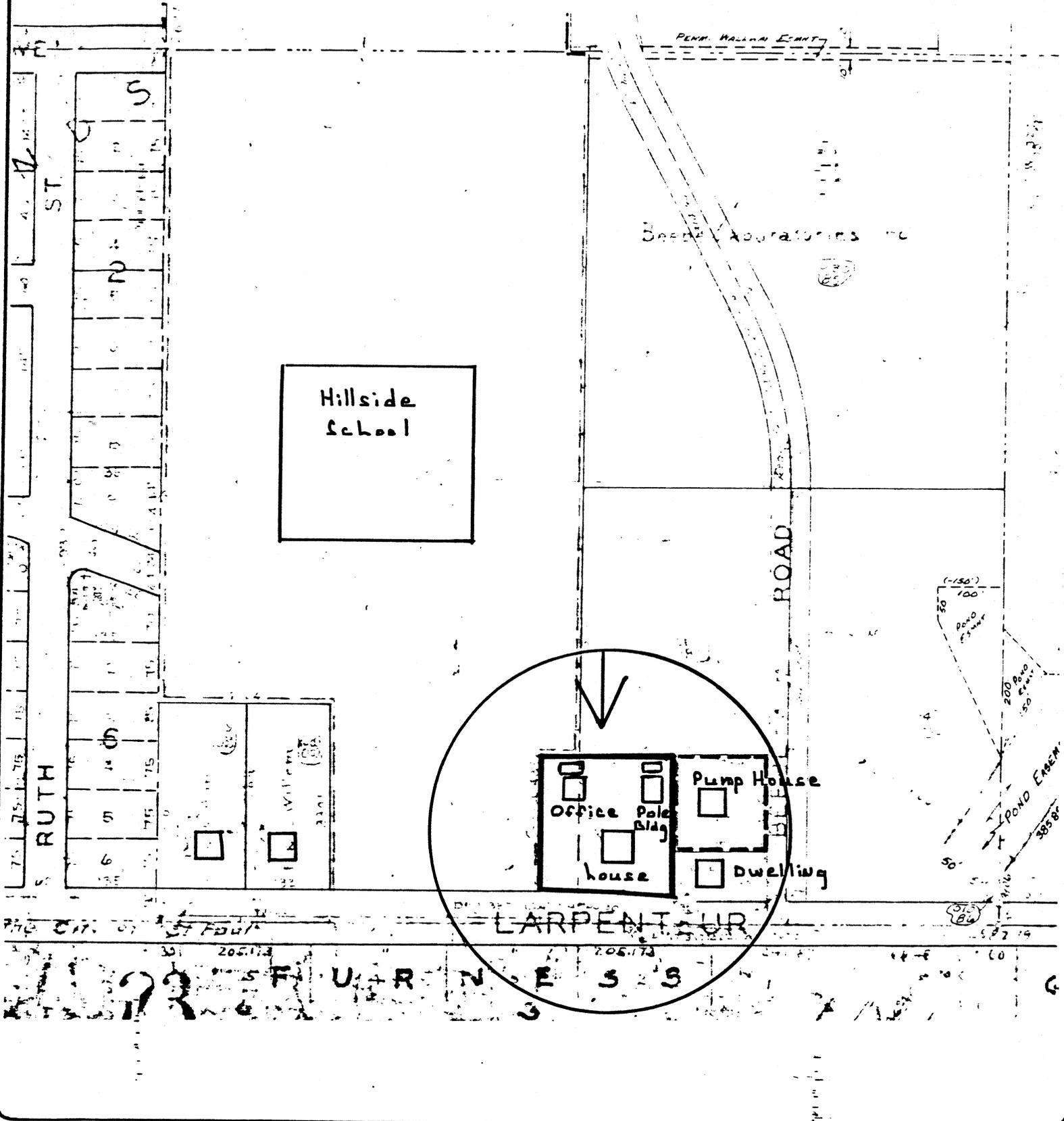


2160N.

NORTH ST. PAUL

LOCATION MAP





PROPERTY LINE MAP



The Delory Co.

•Basement Waterproofing
•Augering

2095 E. Larpenteur Avenue
St. Paul, Minnesota 55109
777-8720 777-8028

•Sewer & Water Installation
•Realty Post & Sign Installation

1/26/82

City of Maplewood
1902 E. County Rd. B
Maplewood Minn. 55109
Thomas Ekstrand

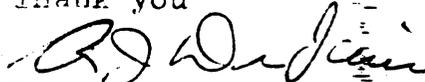
Mr. Ekstrand,

We have occupied the home at 2095 E. Larpenteur for the past 11 years. During this time we have run a small business from this property, sewer and water installation and basement waterproofing. To the best of my knowledge, none of my neighbors have ever complained about this. In 1977, when the City of Maplewood the pump station next to us, they asked us to build a pole barn on our property to garage our equipment. This we did immediately. We have, for the past two years, been looking for other property to move our business to. We are still looking, and do need the additional space. Due to the high interest rates and general economy, there has been a drastic drop in our business, as we deal mainly with homebuilders. The number of our employees varies from 2 to 4 at this time. Deliveries of materials are about 3 times per year, and parcel post deliveries about the same. The nature of our business does not call for customers coming to us, so other than our employees, there is very little traffic. The buildings and land are used mainly for storage of materials supplies and trucks.

On the South side of Larpenteur is St. Paul. We have only 1 neighbor on the Maplewood side of Larpenteur within about 1000 feet. I have talked to him, and he said if needed he would send a letter to the City of Maplewood stating our business has never bothered him or caused him a problem of any kind.

In closing, for 11 years we have operated our business and residence from this location. During this time I believe we have had a very good relationship with our neighbors and the City of Maplewood. To not grant a special use permit at this time, would create a great financial hardship. We ask the City of Maplewood to work with us at this time until we are able to find another parcel of land. I am enclosing a rough diagram of our property and the surrounding area to show that we are basically surrounded by vacant land, a school, the pump station and one neighbor. We sit high on a hill, and our business is in the back and barely visible from anywhere except our immediate property.

Thank you


Ronald DesLauries

PLANNING COMMISSION SUBCOMMITTEE REPORT

The Planning Commission concurs with the need for an appropriate definition of a home occupation. It is also felt that while certain occupations require the issuance of a special use permit, other activities such as those that do not have any of the following should be allowed without a permit:

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8. No fire, safety, or health hazard shall exist for the residents of the dwelling unit, customers, or employee.

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Soo Line Abandonment
DATE: April 7, 1982

A memo and resolution is being prepared for City Council approval,
by Ramsey County, which I should have by Monday.

/mb

Issued By _____
Date _____
Prepared _____
Date _____