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AGENDA
Maplewood City Council
7:00 P.M., Thursday, May 6, 1982
Municipal Administration Building
Meeting 82-11

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES
1. Minutes 82-10 (April 15)

(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. No Parking: East Shore Drive
3. Manual of Engineering Guidelines
4. Final Plat: Linwood Avenue
5. Final Plat: Bollman's Addition
6. Final Plat: Maple Ridge Mall
7. Contribution: Moose Lodge
8. Commercial Development Revenue Note: Maplewood Dental Specialists Bldg.
9. Traffic Signals & Opticoms: Funding

(F) PUBLIC HEARINGS
Board of Adjustments and Appeals:

1. Variance: Barclay St. (O'Leary) (7:00)
2. Variance: Maryland Ave. & Ferndale St. (Charter Development, Inc.) (7:00)
3. Highway 61 Frontage Road (7:15)
4. Plan Amendment & Special Use Permit: Larpenteur Ave. and Jackson Street (REM Development, Inc.) (7:45)
5. Board of Adjustments and Appeals:
 - a. Variance: Larpenteur Ave. & Jackson St. (REM Development, Inc.) (7:45)

(G) AWARD OF BIDS
1. Towing Contract

(H) UNFINISHED BUSINESS - None

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Special Exception: 931 County Road C (Howard) _____
2. Special Exception: Game Room (Maplewood Square) _____
3. English Street: D. Tucci _____
4. Maplewood Bowl: G. Anderson _____
5. Sewer Contracting: Delory Co. _____
6. Brookview Drive: Assessment Method _____
7. Tree Removal Program _____
8. RE Rezoning: South of Lower Afton Road _____
9. Plan Update _____
10. Richard Hagstrom: Request to appear before Council _____

(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, April 15, 1982
Council Chambers, Municipal Building
Meeting No. 82-10

A. CALL TO ORDER

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

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Meeting No. 82-7 (March 18, 1982)

Mayor Greavu moved that the Minutes of Meeting No. 82-7 (March 18, 1982) be approved as submitted.

Seconded by Councilmember Bastian. Ayes - all.

2. Meeting No. 82-8 (April 1, 1982)

Councilmember Bastian moved that the Minutes of Meeting No. 82-8 (April 1, 1982) be approved as submitted.

Seconded by Councilmember Juker. Ayes - all.

3. Meeting No. 82-9 (April 6, 1982)

Councilmember Juker moved that the Minutes of Meeting No. 82-9 (April 6, 1982) be approved as corrected:

Page 2 - "work"

Seconded by Councilmember Anderson. Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Home Occupation Permit - Hazelwood
2. Billboards
3. C.D.R.B.
4. Human Relations
5. Frost Avenue Plans
6. Arbor Day Program
7. Voting Requirements
8. 25th Anniversary
9. Winter Carnival

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 building permit is issued for lot 11.

Seconded by Councilmember Anderson. Ayes - all.

E. ADJOURNMENT

10:54 P.M.

City Clerk

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
000327	1,886.80	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000328 *	3,935.92	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000329	9,044.02	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000331	2,958.50	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000332	208.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000333	738.14	CONN GENERAL LIFE INS CO	CONTRIBUTIONS, INSURANCE
000334 *	461.93	CONN GENERAL LIFE INS CO	CONTRIBUTIONS, INSURANCE
000335	3,406.50	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000336	260.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000337	222.67	LUCILLE AURELIUS	TRAVEL + TRAINING
000338	100.00	MN RESCUE + 1ST AID ASSN	TRAVEL + TRAINING
000339	65.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000340	87.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000341	3,160.65	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000342	30.00	RAYMOND GOEBELT	A/R - PARAMEDIC
000343	80.00	RAMSEY COUNTY WORKHOUSE	A/R - PARAMEDIC
000344	198.00	UNITED WAY-ST PAUL AREA	UNITED FUND DED PAYABLE
000346	90.00	GOVT TRAINING SERVICE	TRAVEL + TRAINING
000347	50.00	ACADEMY INTL INST CF	SUBSCRIPTIONS+MEMBERSHIP
000348 *	1,128.00	VALLEY TOURS	FEES, SERVICE Gals Get A Way
000349 *	1,424.00	MAPLELEAF OFFICIALS ASSN	FEES, SERVICE MAA Basketball, Volleyball
000350	50.00	CRAGUNS PINE BCH LODGE	TRAVEL + TRAINING
000351	3,000.00	LAIS + EANNIGAN TRUST CO	OTHER ACQUISITION COSTS
000352	50.00	RAMSEY CTY CONCILIATION	A/R - PARAMEDIC

CHECK#	AMOUNT	CLAIMANT	PURPOSE
000353	1,624.75	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000354	300.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000355	18.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000356	147.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000357	264.40	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENSATIO
000358	18,831.34	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE
000359	7,523.09	STATE OF MN	STATE INCOME TAX PAYABLE
000360	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
000361	227.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
000362	297.43	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES PAYA
000363	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE
000364	11,436.00	CITY + CTY CREDIT UNION	CREDIT UNION DEC PAYABLE
000365	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYABLE
000366	632.25	MN TEAMSTERS LOCAL 320	UNION DUES PAYABLE
000367	107.50	MAPLEWOOD STATE BANK	WAGE DEDUCTIONS PAYABLE
000368	3,108.00	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000369	261.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000370	300.00	MUNIC. FINANCE OFFICERS	FEES, SERVICE-Certificate of Conformance review
000371	1,000.00	EMPLOYEE BENEFIT CLAIMS	DEPOSITS WITH PAYING AGT
000372	218.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000373	2,170.25	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000374	100.00	THE DISPATCHER SEMINAR	TRAVEL + TRAINING
000375	1,309.75	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000376	212.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
000377	73.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000378	1,528.00	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000379	102.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000380	11,500.00	LAIS + BANNIGAN TRUST CO	LAND, EASEMENTS
000381	1,466.00	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000382	240.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000383	20.00	SUBURBAN AREA CHAMBER	TRAVEL + TRAINING
000384	223.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000385	2,167.00	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000386	6.00	METRO AREA MGT ASSO	TRAVEL + TRAINING
000387	7,086.54	LAIS BANNIGAN + CIRESI	FEES, SERVICE AND-LEGAL + FISCAL Jan & Feb. Services
000388	169.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000389	2,668.70	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000390	1,964.60	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000391 *	3,999.23	MN STATE TREASURER-PERA	P.E.R.A. DEC PAYABLE AND-CONTRIBUTIONS, PERA
000392	9,167.14	MN STATE TREASURER-PERA	P.E.R.A. DEC PAYABLE AND-CONTRIBUTIONS, PERA
000393	232.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000394	1,895.25	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000395	144.00	EVELYNNE THOMPSON	TRAVEL + TRAINING
000396	65.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000397	8,415.00	METRO WASTE CONTROL COMM	S.A.C. PAYABLE
000398	206.22	TILSEN HOMES INC	R E F U N D
000399	750.00	POSTMASTER	POSTAGE

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
000400	121.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000401	1,258.50	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000402	1,006.67	MINN STATE TREAS-SURTAX	SURCHARGE TAX PAYABLE
000403	191.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000404	1,401.95	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000405 *	23.82	CAROL WRIGHT GIFTS	SUPPLIES, PROGRAM
000406	203.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000407	318.91	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENSATION
000408	18,537.00	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE
000409	7,452.08	STATE OF MN	STATE INCOME TAX PAYABLE
000410	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
000411	227.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
000412	297.43	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES PAYABLE
000413	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE
000414	11,665.00	CITY + CTY CREDIT UNION	CREDIT UNION DED PAYABLE
000415	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYABLE
000416	283.90	MN BENEFIT ASSOC	MBA INS PAYABLE
000417	148.24	WISCONSIN DPT OF REVENUE	STATE INCOME TAX PAYABLE
000418	14,365.62	MN STATE TREASURER-FICA	F.I.C.A. PAYABLE AND-DUE TO OTHER GOVT UNITS
000419	80.00	BLANCH L SACKETT	A/R - PARAMEDIC
91	195,215.69	NECESSARY EXPENDITURES SINCE LAST COUNCIL MEETING	

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
013019	11.76	AMI PRODUCTS INC	SUPPLIES, VEHICLE
013020	31.32	AMERICAN PUBLIC	BOOKS
013021	27.90	EARL F ANDERSON + ASSOC	SIGNS + SIGNALS
013022	50.85	APPLIANCE REPAIR CTR	SUPPLIES, JANITORIAL
013023	158.00	AQUATRCL CCRE	REP. + MAINT., UTILITY
013024	123.60	ARNALS AUTO SERVICE	REP. + MAINT., VEHICLES
013025	1,650.17	ARNALS AUTO SERVICE	REP. + MAINT., VEHICLES
013026	14.06	ARTSIGN	SUPPLIES, EQUIPMENT
013027	86.03	ARTS TOWING	REP. + MAINT., VEHICLES
013028	180.29	BATTERY + TIRE WHSE INC	SUPPLIES, VEHICLE
013029	2,046.00	BEACON PRODUCTS CO	MAINTENANCE MATERIALS
013030	268.83	BOARD OF WATER COMM	UTILITIES
013031	13.06	BILL BOYER FCRC	SUPPLIES, VEHICLE
013032	13.25	BROWN PHOTO	SUPPLIES, OFFICE
013033	25.00	AVA BURKE	R E F U N D
013034	243.40	CALLAHAN STEEL SUPPLY	MAINTENANCE MATERIALS
013035	14.46	CARLSON EQUIPMENT CO	MAINTENANCE MATERIALS
013036	114.98	CENTURY CAMERA	SUPPLIES, VEHICLE
013037	44.90	CHIPPEWA SPRINGS CC	FEEs, SERVICE Water Cooler
013038	994.94	COLLINS ELECTRICAL CONST	REP. + MAINT., BLDG+GRDS -REP. + MAINT., EQUIP
013039	220.00	COPY DUPLICATING PROD	DUPLICATING COSTS
013040	4,548.00	DELAHUNT + VOTC CC	FEEs, SERVICE
013041	10.80	DISPATCH-PIONEER PRESS	Audit SUBSCRIPTIONS+MEMBERSHIP
013042	36.00	DISPATCH-PIONEER PRESS	PUBLISHING

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
013043	1,311.29	EASTMAN KODAK CO	DUPLICATING COSTS
013044	280.00	BARRY EVANS	VEHICLE ALLOWANCE
013045 *	750.00	FABRA GRAPHICS	SUPPLIES, PROGRAM
013046	160.00	GENERAL OFFICE PRODUCTS	EQUIPMENT, OFFICE
013047	8.73	GOODIN COMPANY	MAINTENANCE MATERIALS
013048	137.26	GOODYEAR SERVICE STORE	SUPPLIES, VEHICLE
013049	27.72	JANET GREW	SUPPLIES, PROGRAM AND-SUPPLIES, JANITORIAL AND-BOOKS AND-RENTAL, EQUIPMENT
013050	30.00	GRUBERS HARDWARE BANK	MAINTENANCE MATERIALS
013051	775.00	HILLCREST GLASS CO	REP. + MAINT., BLDG+GRDS
013052	202.04	HOWIES LOCK + KEY SERVIC	SUPPLIES, OFFICE AND-REP. + MAINT., VEHICLE
013053	59.50	INTL BUS MACHINES CORP	SUPPLIES, OFFICE
013054*	160.00	J + J TROPHYS + SPORTS	SUPPLIES, PROGRAM
013055	68.00	JOHNSON - BOGGS MENSWEAR	UNIFORMS + CLOTHING
013056*	71.25	JONSON SPECIALITIES D243	SUPPLIES, PROGRAM
013057	68.04	KNOX LUMBER COMPANY	SUPPLIES, EQUIPMENT
013058	32.50	RICHARD J LANG	SUPPLIES, PROGRAM
013059	35.00	STEVEN J LUKIN	FEES, SERVICE EMT Instructor
013060	62.06	MANDC PHOTO	FEES, SERVICE Film Processing
013061	196.87	MAPLEWOOD REVIEW	PUBLISHING
013062	1,700.00	MARSHALL + STEVENS INC	FEES, SERVICE FAMS Reports
013063	42.00	MEGA SPORTSWEAR	UNIFORMS + CLOTHING
013064	51.96	MERCURY OFFICE SUPPLY	SUPPLIES, OFFICE
013065	87,539.93	METRO WASTE CONTROL COMM	SEWAGE TREATMENT

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
013066	32.50	DANIEL METTLER	SUPPLIES, PROGRAM
013067	25.08	MIDWAY TRACTOR	SUPPLIES, VEHICLE
013068	125.00	MN DEPARTMENT PUBLIC	RENTAL, EQUIPMENT
013069 *	66.00	MN REC + PARKS ASSCC	TRAVEL + TRAINING
013070	10.00	MINN STATE TREASURER	FEES, SERVICE Notary Fee
013071	4,088.00	WINFIELD A MITCHELL	LEGAL + FISCAL
013072	3,823.13	CITY OF MOUNDS VIEW	FEES, SERVICE Data Processing
013073	31.20	NATIONAL BUSINESS SYSTEM	FEES, SERVICE Microfiche Processing
013074	55.36	NORTH ST PAUL WELDING IN	SUPPLIES, VEHICLE
013075	15.45	NORTHERN STATES POWER CO	UTILITIES
013076	991.87	NORTHERN STATES POWER CO	UTILITIES
013077	380.00	NORTHWEST BAG CO	MAINTENANCE MATERIALS
013078	643.55	NORTHWESTERN BELL TEL CO	TELEPHONE
013079	63.64	NORTHWESTERN BELL TEL CO	TELEPHONE
013080	217.27	OLD DOMINION BRUSH	SUPPLIES, VEHICLE
013081	55.64	CXFORD CHEMICALS INC	SUPPLIES, EQUIPMENT
013082	407.40	FALEN/KIMBALL CO	REF. + PAINT., BLDG+GRDS
013083	39.04	PARK MACHINE INC	SUPPLIES, VEHICLE
013084	4.75	ALFRED FELCQUIN	TRAVEL + TRAINING
013085 *	244.52	C R PETERSON INC.	SUPPLIES, PROGRAM
013086	211.50	PETROLEUM MAINT CO	FEES, SERVICE Pumping Gas Tanks
013087	2.22	POLAR CHEV	SUPPLIES, VEHICLE
013088	44.01	POWER ERAKE + EQUIP INC	SUPPLIES, VEHICLE
013089	11.95	JOSEPH PRETTNER	TRAVEL + TRAINING
013090	524.04	E K GUEHL CO	SUPPLIES, OFFICE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013091	156.05	RAMSEY SOIL + WATER	PUBLISHING AND-DUE TO OTHER GOVT UNI
013092	155.25	RUGGEC RENTAL RUGS	FEES, SERVICE Rug Cleaning
013093 *	274.46	S + S ARTS + CRAFTS	SUPPLIES, PROGRAM
013094	211.63	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE
013095	1,484.60	T A SCHIFSKY + SONS INC	MAINTENANCE MATERIALS
013096	4,283.85	SCHDELL + MADSON INC	OUTSIDE ENGINEERING FEES
013097	27.66	SIMPLEX SECURITY	SUPPLIES, JANITORIAL
013098	29.50	THE SKEF	SUPPLIES, PROGRAM
013099 *	153.43	SOUTH ST PAUL CITY OF	FEES, SERVICE Senior Citizen
013100	2,589.70	CITY OF ST PAUL	REP. + MAINT., RADIC AND-REP. + MAINT., EQUIP
013101	3,825.65	DON STREICHER GUNS INC	EQUIPMENT, OTHER
013102	58.14	SUPERAMERICA	SUPPLIES, VEHICLE
013103	765.26	SUPERAMERICA	FUEL + OIL
013104	1,384.97	SUPERAMERICA	FUEL + OIL
013105	76.50	TABULATING SERV BUREAU	FEES, SERVICE
013106 *	31.29	TARGET STORES INC	SUPPLIES, PROGRAM
013107	20.00	HARRY TEVLIN	UNIFORMS + CLOTHING
013108	77.60	P R TOLL CO	SUPPLIES, VEHICLE
013109	5,109.60	TOLZ, KING, DUVALL	OUTSIDE ENGINEERING FEES
013110	2.72	TOUSLEY SPORT CENTER	SUPPLIES, VEHICLE
013111	194.61	TRUCK UTILITIES + MFG CO	SUPPLIES, VEHICLE
013112	37.50	TWIN CITY FILTER SERV IN	FEES, SERVICE Filters cleaned
013113	136.40	UNIFORMS UNLIMITED	UNIFORMS + CLOTHING
013114	101.25	UNIVERSAL MEDICAL SERV	SUPPLIES, EQUIPMENT

CHECK#	A M C U N T	C L A I M A N T	P U R P O S E
013115	4.20	DELORES A VIGCEN	TRAVEL + TRAINING
013116	183.62	VINCENT BRASS + ALUMINUM	SUPPLIES, VEHICLE
013117	80.21	WARNERS TRUEVALUE FDW	MAINTENANCE MATERIALS AND-SUPPLIES, EQUIPMENT
013118	38.90	WEBER + TROSETH INC	SUPPLIES, VEHICLE
013119	724.42	WEYERHAUSER COMPANY	MAINTENANCE MATERIALS
013120	252.75	XEROX CORPCRATION	DUPLICATING COSTS
013121	55.40	ZEP MFG CO	SUPPLIES, JANITORIAL
013122	40.00	MICHELLE ANDERSON	WAGES, P/T + TEMP.
013123 *	40.00	ROBERTA OLSON	WAGES, P/T + TEMP.
013124 *	6.50	MILDRED BECK	R E F U N D
013125 *	25.00	BETTY BREDEMUS	R E F U N D
013126 *	25.00	FRAN BREDEMUS	R E F U N D
013127 *	50.00	DARYL BENSON	R E F U N D
013128 *	25.00	MABEL BCOGREN	R E F U N D
013129 *	25.00	MARION CASTO	R E F U N D
013130 *	50.00	TERRY CONWAY	R E F U N D
013131 *	50.00	TOWN CRIER	R E F U N D
013132 *	25.00	LILLIAN GIEL	R E F U N D
013133 *	25.00	SUSAN GIEL	R E F U N D
013134 *	5.00	MEN GUTZMAN	R E F U N D
013135 *	50.00	DUANE LUNGGREN	R E F U N D
013136 *	25.00	HELEN MCHWINKEL	R E F U N D
013137 *	9.00	COLLEEN MATHISEN	R E F U N D
013138 *	25.00	PEARL OLSON	R E F U N D
013139 *	25.00	FREEDA PRIEBE	R E F U N D

CHECK*	A M C U N T	C L A I M A N T	P U R P O S E	
013140	*	50.00	KATHY SPANBAUER	R E F U N D
013141	*	1.00	MARVIN SIEGEL	R E F U N D
013142	*	50.00	JAMES URICK	R E F U N D
013143	*	25.00	MARIAN WOJCIK	R E F U N D
013144	*	50.00	MARQUARDT ELECTRIC	R E F U N D
126	148,340.49	CHECKS WRITTEN		
TOTAL OF	217	CHECKS TOTAL	335,556.18	

* INDICATES ITEMS FINANCED BY RECREATIONAL FEES

CERTIFICATION REGISTER

CHECK DATE 04-23-82

CHECK	NAME			GROSS PAY	NET PAY
03610	ANDERSON	NORMAN	G	275.00	181.83
03611	BASTIAN	GAPY	W	275.00	256.57
03612	GREAVU	JOHN	C	350.00	251.83
03613	JUKER	FRANCES	L	275.00	227.82
03614	MAIDA	MAFYLEE	T	275.00	237.29
03615	EVANS	BARRY	R	1,817.54	1,066.60
03616	LEWIS	VIVAN	R	740.31	469.62
03617	PELOQUIN	ALFRED	J	747.23	173.83
03618	SCHLEICHER	JOHN	F	178.50	178.50
03619	CUDE	LARRY	J	191.54	144.78
03620	DOHERTY	KATHLEEN	M	305.00	214.08
03621	ZUERCHER	JOHN	L	115.39	115.21
03622	FAUST	DANIEL	F	1,446.46	932.51
03623	HAGEN	ARLINE	J	888.92	398.13
03624	MATHEYS	ALANA	K	677.54	470.48
03625	VIGOREN	DELORES	A	586.62	396.69
03626	AURELIUS	LUCILLE	E	1,350.46	688.40
03627	SELVOG	BETTY	D	711.23	444.71
03628	GREEN	PHYLLIS	C	738.92	504.28
03629	SCHADT	JEANNE	L	215.36	176.04
03630	VICTOR	LORRAINE	S	561.69	378.21
03631	HENSLEY	PATRICIA	A	235.31	177.11
03632	BASTYR	DEBORAH	A	532.16	253.77
03633	HAGEN	THOMAS	L	1,424.31	304.83
03634	OMATH	JOY	E	553.39	365.40

CERTIFICATION REGISTER

CHECK DATE 04-23-82

CHECK	NAME			GROSS PAY	NET PAY
03635	RICHIE	CAROL	L	488.31	295.56
03636	SCHALLER	RICHARD	W	1,541.54	927.63
03637	SVENDSEN	JOANNE	M	677.54	428.42
03638	ARNOLD	DAVID	L	1,171.39	404.73
03639	ATCHISON	JOHN	H	1,036.15	689.39
03640	CAHANES	ANTHONY	G	1,234.26	127.88
03641	CLAUSON	DALE	K	1,036.15	155.75
03642	COLLINS	KENNETH	V	1,241.66	125.59
03643	DELMONT	DENNIS	J	1,332.00	61.05
03644	DREGER	RICHARD	C	1,425.55	779.85
03645	FERNOW	RAYMOND	E	498.77	57.15
03646	GREEN	NOFMAN	L	1,195.85	630.91
03647	HALWEG	KEVIN	R	1,016.77	522.11
03648	HEINZ	STEPHEN	J	803.50	509.44
03649	HERBERT	MICHAEL	J	1,035.83	635.55
03650	JAQUITH	DANIEL	R	781.72	497.49
03651	KOFTUS	DONALD	V	686.34	477.18
03652	LANG	RICHARD	J	1,056.00	523.73
03653	MCNULTY	JOHN	J	1,262.63	188.63
03654	MEEHAN, JR	JAMES	E	997.38	589.03
03655	METTLER	DANIEL	B	1,036.61	672.27
03656	MOESCHTER	RICHARD	M	1,016.77	137.48
03657	MORELLI	RAYMOND	J	1,016.77	669.79
03658	PELTIER	WILLIAM	F	1,151.54	631.63
03659	SKALMAN	DONALD	W	1,016.77	162.43

CERTIFICATION REGISTER

CHECK DATE 04-23-82

CHECK	NAME			GROSS PAY	NET PAY
03660	STAFNE	GREGORY	L	1,032.66	642.02
03661	STILL	VERNON	T	997.38	587.92
03662	STOCKTON	DARPELL	T	1,076.86	684.78
03663	ZAPPA	JOSEPH	A	1,219.69	746.03
03664	BECKER	RONALD	D	1,112.89	262.44
03665	CUSICK	DENNIS	S	1,414.50	866.89
03666	GRAF	DAVID	M	1,065.23	501.56
03667	LEE	ROGER	W	1,153.48	653.15
03668	MELANDER	JON	A	1,117.73	44.18
03669	NELSON	CAROL	M	1,144.27	734.68
03670	RAZSKAZOFF	DALE	E	1,064.61	173.48
03671	RYAN	MICHAEL	P	1,065.23	478.77
03672	VOFWERK	ROBERT	E	1,162.73	229.15
03673	YOUNGREN	JAMES	G	1,167.40	675.96
03674	EMBERTSON	JAMES	M	944.31	606.18
03675	SCHADT	ALFRED	C	1,127.54	657.35
03676	FLAUGHER	JAYME	L	677.54	432.72
03677	FULLER	JAMES	D	586.62	426.62
03678	LINDNER-Void	KATHRYN	E	549.69	381.29
03679	NELSON	KAREN	A	634.44	391.79
03680	NELSON	ROBERT	D	1,175.54	613.68
03681	RABINE	JANET	L	274.85	208.18
03682	TUCHNER	MICHELE	A	617.08	298.78
03683	WILLIAMS	DUANE	J	1,055.54	470.77
03684	BARTA	MAPIE	L	463.29	331.04

CERTIFICATION REGISTER

CHECK DATE 04-23-82

CHECK	NAME			GROSS PAY	NET PAY
03685	HAIDER	KENNETH	G	1,391.08	307.88
03686	WEGWERTH	JUDITH	A	490.62	349.30
03687	CASS	WILLIAM	C	1,157.08	552.82
03688	FREBERG	RONALD	L	824.00	491.19
03689	HELEY	RONALD	J	901.25	560.40
03690	HOCHBAN	JOSEPH	H	756.80	501.07
03691	KANE	MICHAEL	F	893.53	388.31
03692	KLAUSING	HENRY	F	899.83	473.09
03693	MEYER	GERALD	W	841.81	409.44
03694	PRETTNER	JOSEPH	B	1,098.20	677.92
03695	REINERT	EDWARD	A	824.00	518.63
03696	TEVLIN, JR	HARRY	J	951.24	589.69
03697	ELIAS	JAMES	G	981.69	589.21
03698	GEISSLER	WALTER	M	935.08	543.47
03699	GESSELE	JAMES	T	901.92	587.79
03700	PECK	DENNIS	L	981.69	494.05
03701	PILLATZKE	DAVID	J	1,157.38	771.89
03702	WYMAN	JAMES	N	797.54	536.43
03703	LUTZ	DAVID	P	647.01	430.46
03704	BREHEIM	ROGER	W	798.46	486.12
03705	EDSON	DAVID	B	840.00	549.97
03706	MULWEE	GEORGE	W	769.60	473.26
03707	MADEAU	EDWARD	A	886.46	577.07
03708	NUTESON	LAVERNE	S	1,128.80	473.89
03709	OWEN	GERALD	C	840.00	481.96

CERTIFICATION REGISTER

CHECK DATE 04-23-82

HECK	NAME			GROSS PAY	NET PAY
03710	MACDONALD	JOHN	E	908.80	484.08
03711	MULVANEY	DENNIS	M	878.40	517.37
03712	BRENNER	LOIS	J	728.36	281.58
03713	KRUMMEL	BARBARA	A	263.64	120.56
03714	ODEGARD	ROBERT	D	1,364.77	821.79
03715	STAPLES	PAULINE	M	1,056.92	644.87
03716	BURKE	MYLES	R	824.00	433.57
03717	GERMAIN	DAVID	A	824.00	511.17
03718	GUSINDA	MELVIN	J	1,088.00	594.56
03719	HELEY	ROLAND	B	824.00	528.38
03720	LEMON	JEFFREY	S	77.40	77.40
03721	LIBHARDT	THOMAS	D	170.00	148.21
03722	MARUSKA	MARK	A	824.00	509.68
03723	SANTA	REED	E	829.44	465.88
03724	TAUBMAN	DOUGLAS	J	804.00	497.14
03725	WARD	ROY	G	328.62	251.66
03726	GREW	JANET	M	708.47	447.58
03727	SOUTTER	CHRISTINE		684.92	463.39
03728	CHLEBECK	JUDY	M	711.23	286.34
03729	OLSON	GEOFFREY	W	1,340.31	801.33
03730	EKSTRAND	THOMAS	G	932.83	527.26
03731	JOHNSON	RANDALL	L	910.74	576.35
03732	OSTROM	MARJORIE		1,133.54	690.48
03733	WENGER	ROBERT	J	857.54	482.74
HECK REGISTER TOTALS				106,365.79	55,606.19

MEMORANDUM

TO: City Manager
FROM: Director of Public Works
DATE: April 29, 1982
SUBJECT: No Parking - East Shore Drive

The residents in the apartment building west of the Frost Avenue Connection on East Shore Drive have requested a no-parking zone be established. Ramsey County maintains this section of roadway and has no objection to the parking restriction.

It is recommended the City Council adopt a resolution requesting Ramsey County post East Shore Drive west of the Frost Avenue Connection no parking.

Approved by Council

MEMORANDUM

TO: City Manager
FROM: Assistant City Engineer
DATE: April 29, 1982
SUBJECT: Manual of Engineering Guidelines

Enclosed herewith is a "Manual of Engineering Guidelines" which we recommend to the City Council for adoption.

The City provides developers the option of retaining independent engineers and contractors to perform the work associated with the design and construction of streets and utilities within their subdivisions. These systems are eventually accepted by the City for ownership and maintenance as part of the City's overall municipal system.

We sense the need for engineering standards to insure quality installations and uniform performance for the existing and future residents of Maplewood.

Therefore, to standardize engineering requirements for developers to meet those requirements used by the City staff engineers and consultants, it is important that guidelines be adopted.

This manual outlines requirements, materials, performance specifications and standards for the preparation of plans and specifications and construction of streets, sanitary sewers, watermains, and storm drainage facilities.

mb
enclosure

Action by Council:

Editor _____
Manager _____
Ref: _____
Date _____

MEMORANDUM

TO: City Manager
 FROM: Tom Ekstrand, Associate Planner
 SUBJECT: Final Plat
 LOCATION: Linwood Avenue
 APPLICANT/OWNER: Washington Service Corporation
 PROJECT: Linwood Heights
 DATE: April 19, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Request

Approval of a final plat for a 74 unit townhouse development (21 buildings).

Past Action

7-2-81: Council approved the preliminary plat for Linwood Heights, subject to the following conditions:

1. The final plat shall not be approved unless:
 - a. Council orders the construction of Hillwood Drive from the east side of the Crestwood Knolls Plat to McKnight Road, including sanitary sewer, water, storm sewer, and storm water retention ponds;
 - b. Council orders the construction of Dorland Road from proposed Hillwood Drive to Linwood Avenue, including sanitary sewer, storm sewer, and a storm water retention pond.
 - c. The lot split is approved by council and the property for Dorland Road is deeded to the City
 - d. That lots 7, 12 and 24 be designated as outlots and that whatever changes are necessary to meet the 30 foot setback requirements be made to the agreement of staff and developer.
 - e. The City Attorney has reviewed and approved the by-laws and rules of the proposed homeowners' association to assure all common areas are maintained.
 - f. Easements for public utilities to be approved by the Director of Public Works
 - g. The applicant shall enter into a developers' agreement with the City for on-site public improvements.
2. Approval of a final grading and drainage plan by the City Engineer.
3. Submission of an erosion control plan, incorporating the Soil Conservation Services recommendations to the Director of Community Development before building permits are issued.
4. Approval of a Planned Unit Development.

Analysis

All conditions for final plat approval have been met. The final plat needs to be revised to include an easement for public purposes over the Hillwood Drive cul-de-sac in the northwesterly corner of the site.

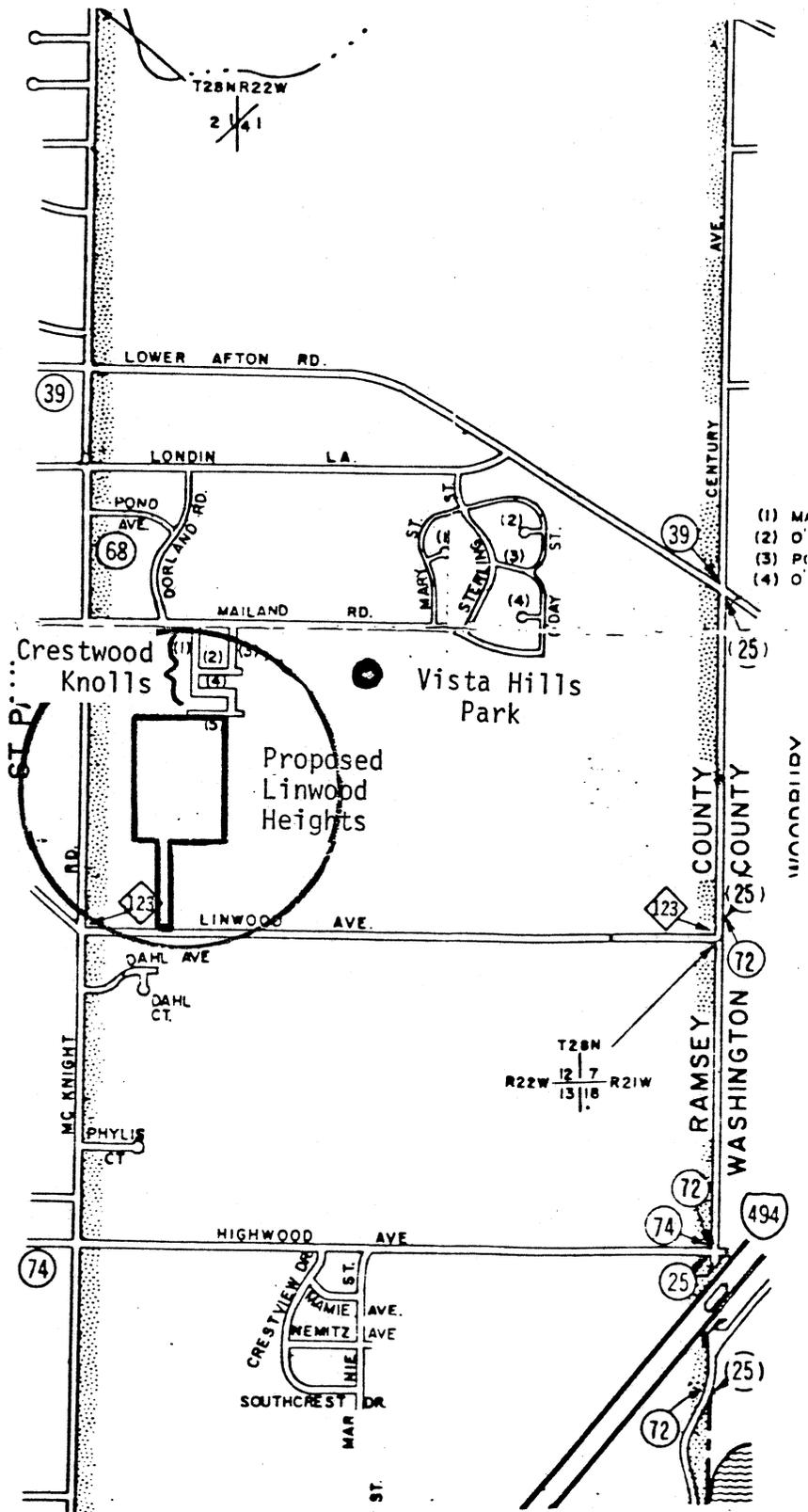
Recommendation

Approval of the final plat for Linwood Heights, subject to the condition that the applicant shall provide an easement for public purposes for the Hillwood Drive cul-de-sac.

jw

Enclosures:

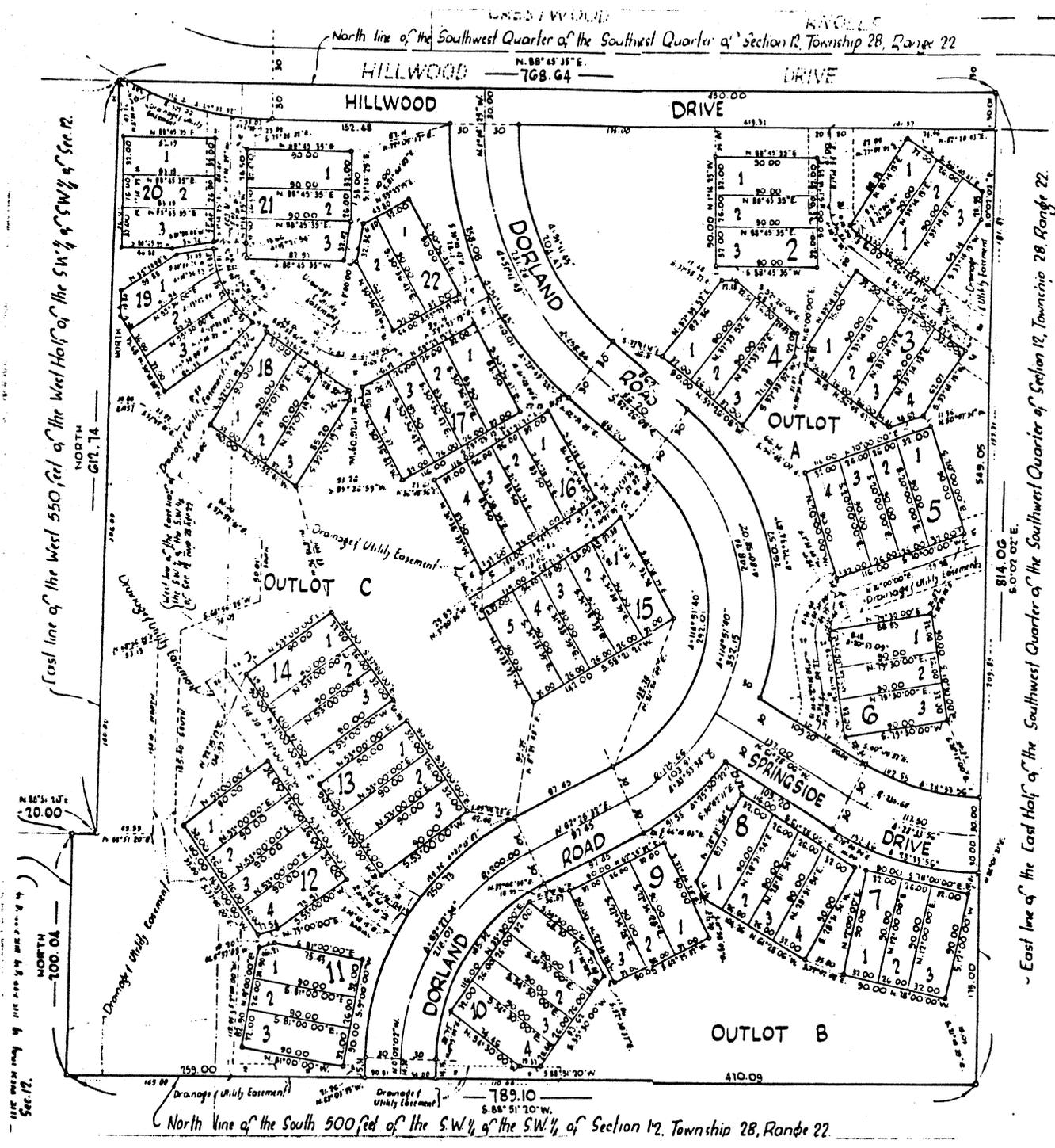
1. Location Map
2. Site Plan



LOCATION MAP

LINWOOD HEIGHTS





SITE PLAN

LINWOOD HEIGHTS



MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Final Plat
 LOCATION: County Road B and Hazel Street
 APPLICANT: Castle Design and Development Co., Inc.
 OWNER: Arthur W. Bollman
 PROJECT: Arthur W. Bollman's Addition
 DATE: April 20, 1982

Action by Council:
 Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Request

Approval of a final plat for a four-lot single-family subdivision.

Past Action

5-7-81: Council approved the preliminary plat subject to:

1. Payment of sewer cash connection charge for lots 1 and 2.
2. Evidence of an adequate well water supply.
3. City Engineer approval of the final grading and drainage plan.

Analysis

The following is in response to the conditions of final platting:

1. Cash connection charges have not been paid.
2. There is no reason to suspect that there is not an adequate supply of well water available.
3. The City Engineer has approved the final grading and drainage plan.

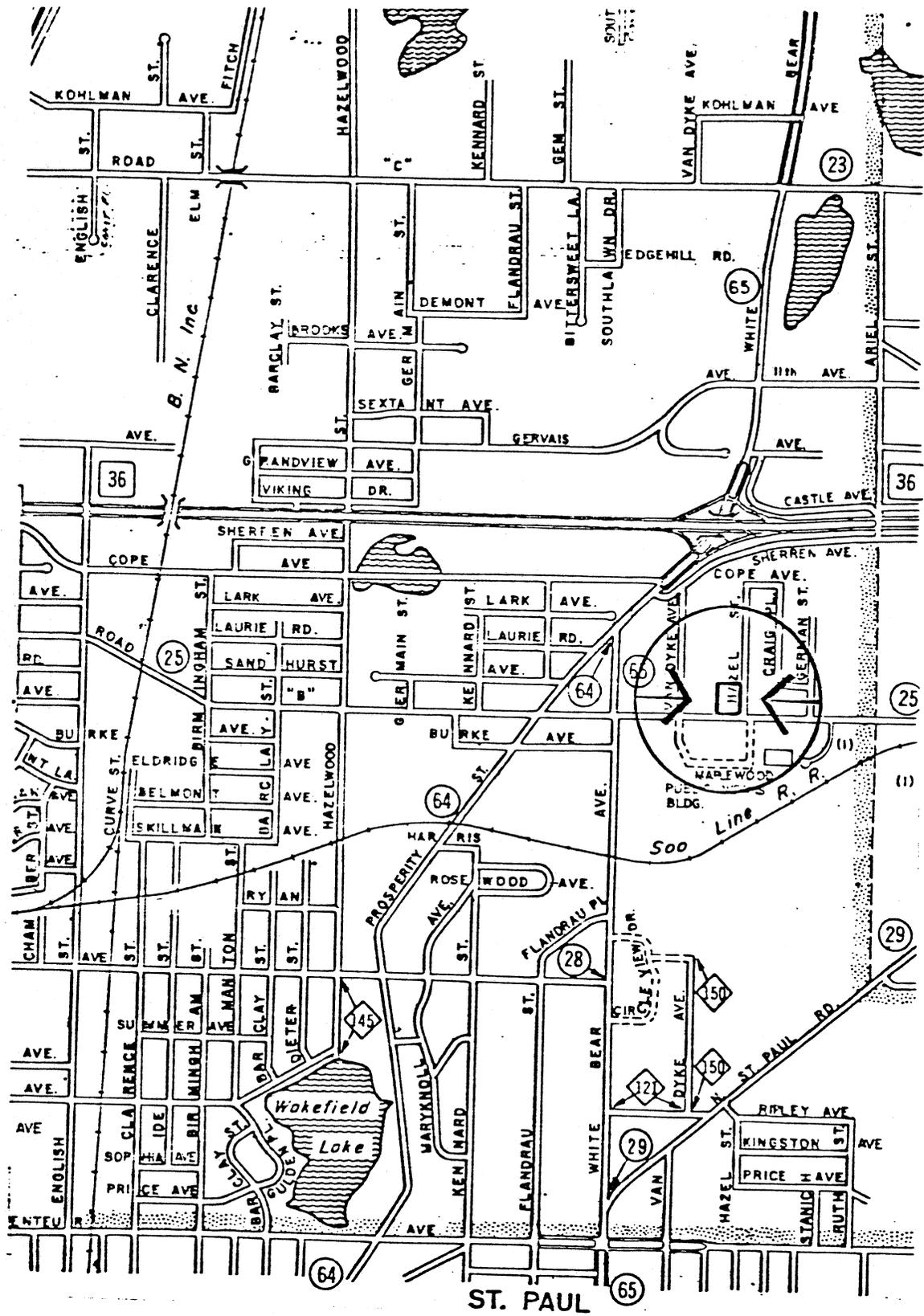
Recommendation

Approval of the final plat for Arthur Bollman's Addition, subject to the payment of sewer cash connection charges for lots 1 and 2 before the plat is signed.

Enclosures:

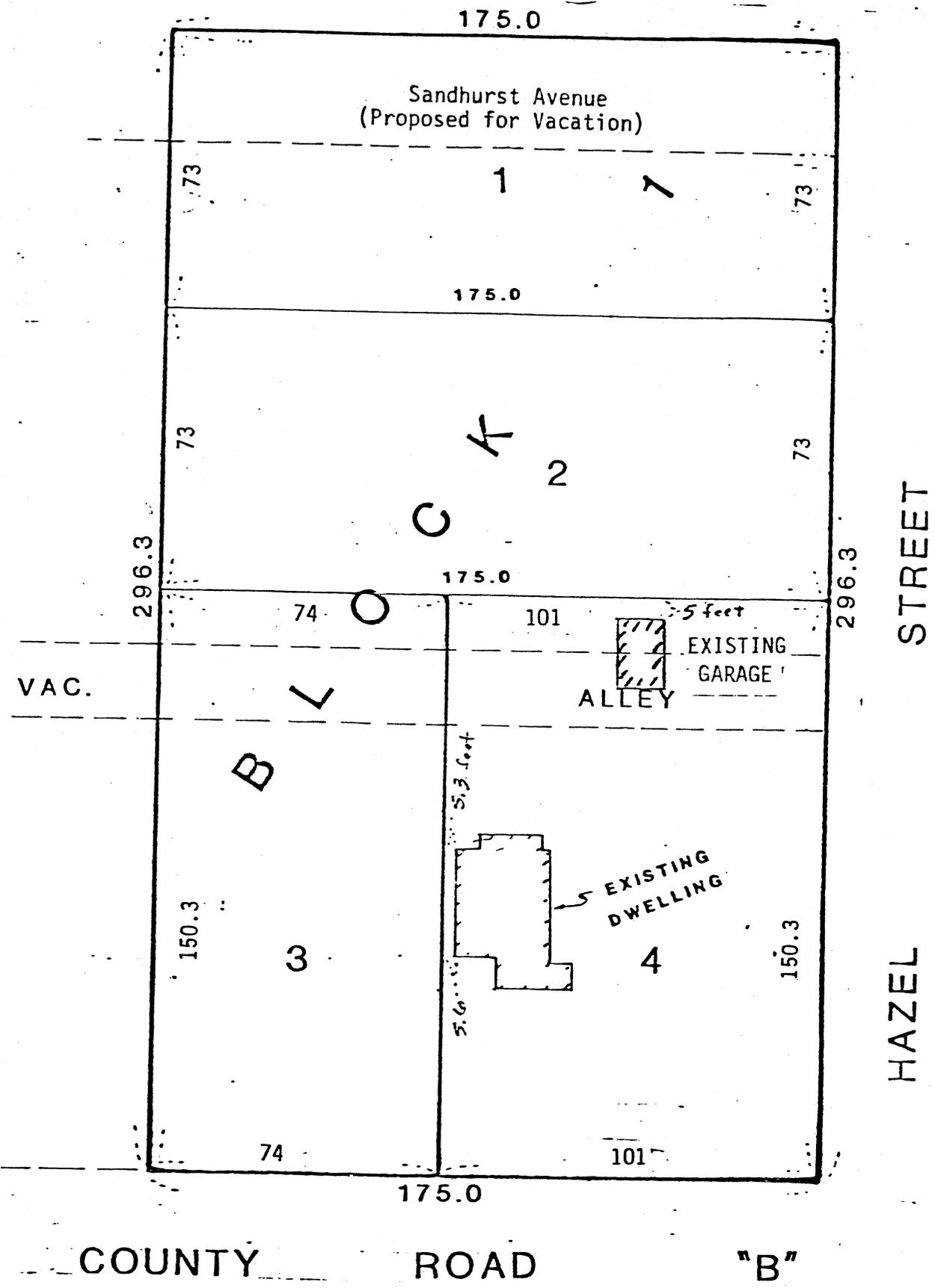
1. Location Map
2. Site Plan

10/17



LOCATION MAP





SITE PLAN



MEMORANDUM

TO: City Manager
 FROM: Associate Planner--Johnson
 SUBJECT: Final Plat
 LOCATION: Gervais and White Bear Avenues
 APPLICANT/OWNER: Stanley Wessin (Lecon Properties)
 PROJECT: Maple Ridge Mall
 DATE: April 29, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Request

Approval of a final plat to create six commercial lots and an outlet.

Proposal (See enclosed plat)

1. The outlet would be dedicated to Ramsey County Open Space.
2. Lots two through four would comprise the Maple Ridge Mall site. Lots one and three would be developed separately.
3. There are no proposals at this time to develop the remainder of the plat.

Past Action

12-17-81: Council approved a preliminary plat for Maple Ridge Mall, subject to the following conditions:

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

Analysis

The City Engineer has conceptually approved grading, drainage, and utility plans for this project. Final approval cannot be granted until the County and Watershed District have completed their review. Final approval must be granted before a building permit will be issued.

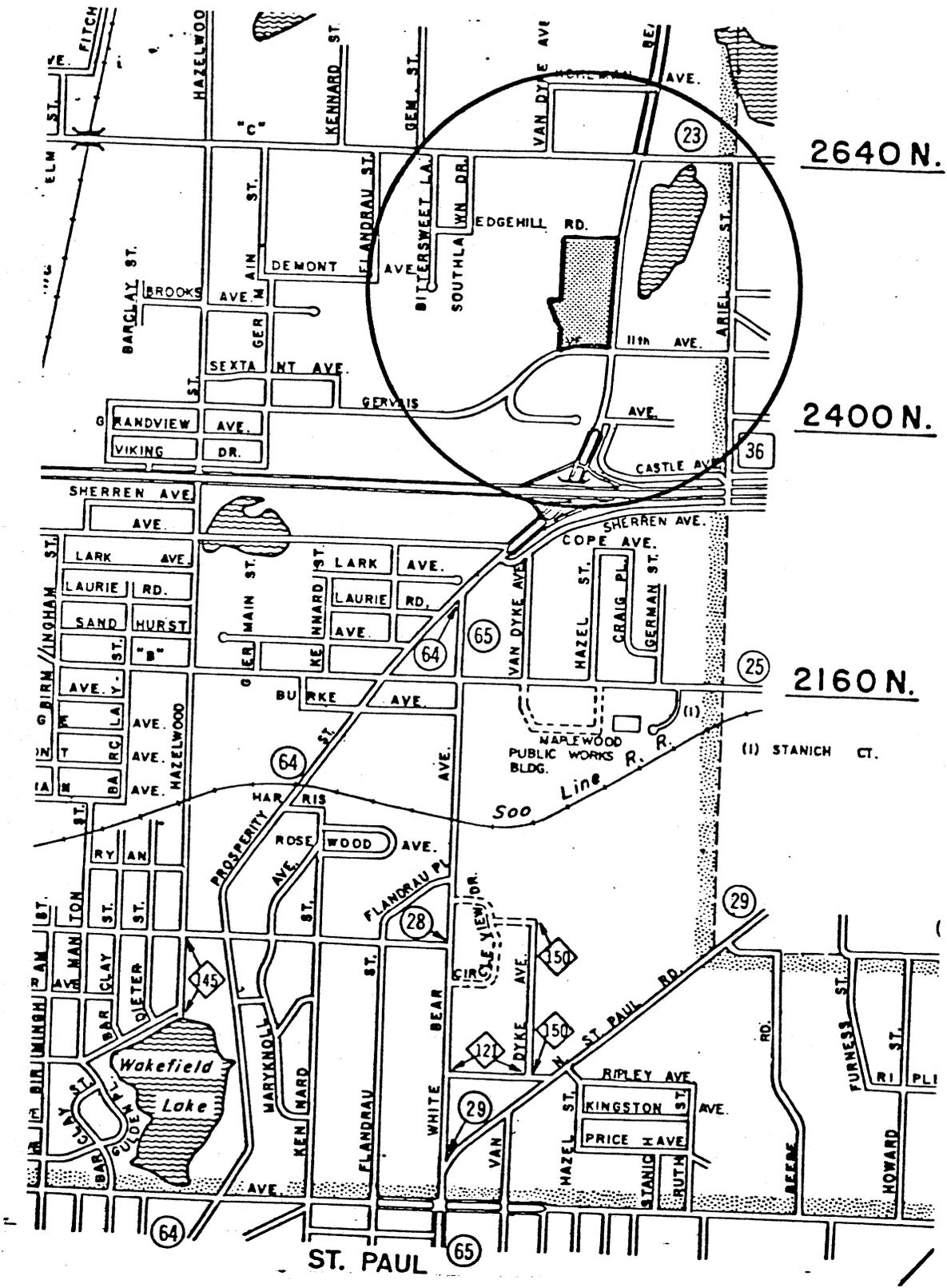
A deed for the dedication of Outlot A to Ramsey County should be submitted before the plat is signed.

A deed was filed with Ramsey County last summer to transfer the north forty feet of block six, Maplewood Addition to the property owner to the north.

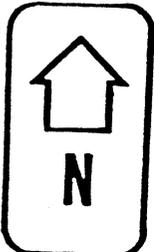
Recommendation

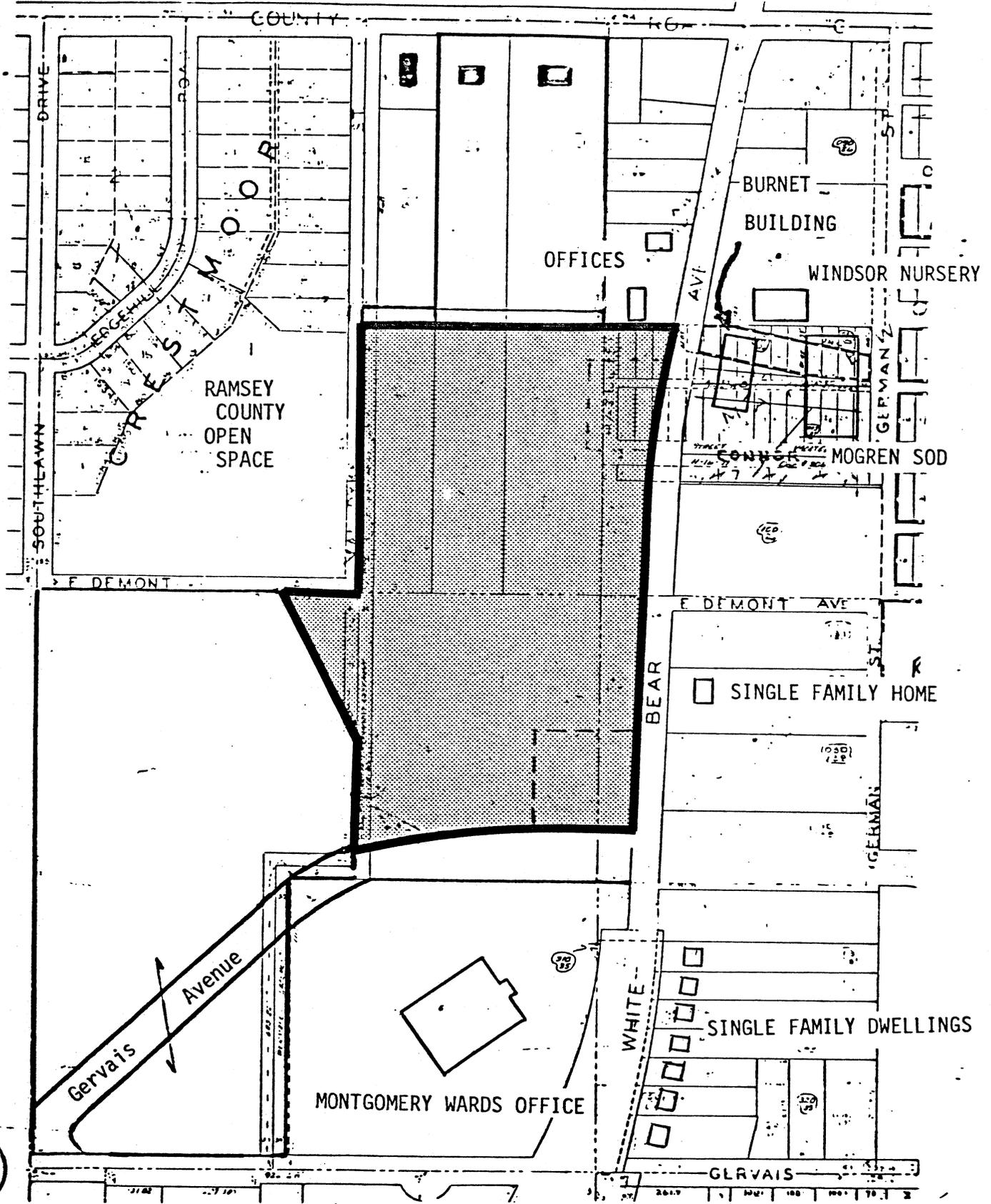
Approval of the final plat for Maple Ridge Mall, subject to the submission of a deed for the dedication of Outlot A to Ramsey County prior to signing the plat.

jc
enclosures
Location Map
Property Line Map
Final Plat



LOCATION MAP





PROPERTY LINE MAP



MEMORANDUM

To: Barry Evans, City Manager
From: Robert D. Odegard, Director of Community Services
Subj: Acceptance of Contribution from St. Paul Lodge No. 963-
Loyal Order of Moose
Date: April 9, 1982

Our department is in receipt of a check from St. Paul Lodge No. 963, Loyal Order of Moose, in the amount of \$250.00. They have requested that this donation be used for planting flowers this spring in the parks.

I recommend that the \$250.00 contribution from the Loyal Order of Moose, Lodge No. 963, be receipted to the General Fund and also adjust the Park Maintenance Materials Fund by the addition of \$250.00.

The Community Services Department will acknowledge the contribution with a letter of appreciation to the Moose Lodge.

Action by Council:

For approval of Council
Date: _____

ROBERT L. JENSEN, D.D.S., M.S.D.
JANE HERMES JENSEN, D.D.S., M.S.D.

E-8

SPECIALISTS IN PERIODONTICS

MAPLEWOOD MEDICAL & PROFESSIONAL BLDG.
1812 NORTH ST. PAUL ROAD • MAPLEWOOD, MN 55109
PHONE: 770-3014

WOODBURY OFFICE
1937 WOODLANE DRIVE
WOODBURY, MN 55125
PHONE: 738-9050

STILLWATER OFFICE
13961 NORTH 60TH ST.
STILLWATER, MN 55082
PHONE: 439-8032

April 29, 1982

Mrs. Lucille Aurelius, City Clerk
Maplewood City Offices
1380 Frost Avenue
Maplewood, MN 55109

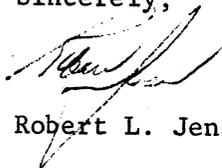
Re: Maplewood Dental Specialists Building

Dear Mrs. Aurelius:

This letter is to indicate our intention to pay connection charges for our building on White Bear Avenue and 11th Avenue at the time we close on our loan with the First State Bank of St. Paul. We will not be proceeding with construction of a building on Cope Avenue.

Please contact us if you need additional information. Thank you.

Sincerely,



Robert L. Jensen, D.D.S.

RLJ/bh

4/29/82
Jensen
K
R
I

FINAL NOTE RESOLUTION

CITY OF MAPLEWOOD

\$800,000 COMMERCIAL DEVELOPMENT REVENUE NOTE OF 1982

(MAPLEWOOD DENTAL SPECIALTIES PROJECT)

ADOPTED: _____, 1982

NOTE RESOLUTION

(This Table of Contents is not a part of this Resolution, but is included for convenience only)

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NOTE RESOLUTION

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

ARTICLE ONE

DEFINITIONS, LEGAL AUTHORIZATION AND FINDINGS

1-1. Definitions.

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

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

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

Borrower: Maplewood Dental Specialties, a Minnesota general partnership, its successors, assigns, and any surviving, resulting or transferee business entity which may assume its obligations under the Loan Agreement;

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

Construction Loan Agreement: the agreement to be executed by the City, the Borrower and the Lender, relating to the disbursement and payment of Project Costs for the acquisition of the Land and the construction and installation of the Improvements;

Equipment: any and all machinery, equipment, furniture and other tangible personal property purchased or to be purchased by the Borrower with the proceeds of the Note, including, without limitation, those items of machinery, equipment, furniture and other personal property more particularly listed and described on Exhibit B to this Agreement;

Guarantors: collectively, Dr. Dennis McMahon, Dr. Walter B. Parsons, Dr. Robert L. Jensen and Dr. Jane H. Jensen;

Guaranty: the Guaranty of Specific Indebtedness to be executed by or on behalf of the Guarantors as of the date of this Agreement;

Improvements: the structures and other improvements, including any Equipment, to be constructed or installed by the Borrower on the Land in accordance with the Plans and Specifications;

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

Leases: all leases now or hereafter affecting the Land;

Lender: First State Bank of Saint Paul, St. Paul, Minnesota, its successors and assigns;

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

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

Note: the \$800,000 Commercial Development Revenue Note of 1982 (Maplewood Dental Specialties Project), to be issued by the City pursuant to this Resolution and the Loan Agreement;

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

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

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

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

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

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

Resolution: this Resolution of the City adopted _____, 1982, together with any supplement or amendment thereto.

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

1-2. Legal Authorization.

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

1-3. Findings.

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

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

(2) The City has made the necessary arrangements with the Borrower for the establishment within the City of a Project consisting of certain property all as more fully described in the Loan Agreement and which will be of the character and

accomplish the purposes provided by the Act, and the City has by this Resolution authorized the Project and execution of the Loan Agreement, the Pledge Agreement, the Note and the Construction Loan Agreement, which documents specify the terms and conditions of the acquisition and financing of the Project;

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

(4) the amount estimated to be necessary to partially finance the Project Costs, including the costs and estimated costs permitted by Section 474.05 of the Act, will require the issuance of the Note in the principal amount of \$800,000 as hereinafter provided;

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

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

(7) The Note is an industrial development bond within the meaning of Section 103(b) of the Internal Revenue Code and is to be issued within the exemption provided under subparagraph (A) of Section 103(b)(6) of the Code with respect to an issue

of \$1,000,000 or less; provided that nothing herein shall prevent the City from hereafter qualifying the Note under a different exemption if, and to the extent, such exemption is permitted by law and consistent with the objects and purposes of the Project.

1-4. Authorization and Ratification of Project.

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

ARTICLE TWO

NOTE

2-1. Authorized Amount and Form of Note.

The Note issued pursuant to this Resolution shall be in substantially the form set forth herein, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, and in accordance with the further provisions hereof; and the total principal amount of the Note that may be outstanding hereunder is expressly limited to \$800,000 unless a duplicate Note is issued pursuant to Section 2-7. The Note shall be in substantially the following form:

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

Commercial Development Revenue Note of 1982
(Maplewood Dental Specialties Project)

\$800,000

FOR VALUE RECEIVED the CITY OF MAPLEWOOD, Ramsey County, Minnesota, (the "City") hereby promises to pay to the order of First State Bank of Saint Paul, in St. Paul, Minnesota (the "Lender"), its successors or registered assigns, from the source and in the manner hereinafter provided, the principal sum of EIGHT HUNDRED THOUSAND DOLLARS AND 00/100 DOLLARS (8,000,000.00), or so much thereof as may have been advanced to or for the benefit of the City and remains unpaid from time to time (the "Principal Balance"), with interest thereon at the rate of thirteen and twenty-five hundredths percent (13.25%) per annum or at such other rate as hereinafter provided in paragraphs 1(c) and 1(d) hereof, in any coin or currency which at the time or times of payment is legal tender for the payment of public or private debts in the United States of America, in accordance with the terms hereinafter set forth.

1. (a) From and after the date hereof and until the "Amortization Date" (the first day of the calendar month next succeeding completion of the Project in accordance with the Construction Loan Agreement hereinafter referred to, but in any event no later than _____ unless extended by the Lender), interest only shall be paid. Interest shall accrue from and after the date of each and every advance so made under this Note and shall be payable on the first day of the calendar month next succeeding the date upon which the first advance is made, and on the first day of each and every month thereafter.

(b) From and after the Amortization Date, the Principal Balance shall be paid in 240 equal consecutive monthly installments payable on the first day of each month commencing on the first day of the calendar month next succeeding the Amortization Date and continuing until the Principal Balance shall have been paid (the "Final Maturity Date").

(c) From and after the Amortization Date, interest accruing on the Principal Balance for any calendar month shall be payable on the first day of each month commencing on the first day of the calendar month next succeeding the Amortization Date and continuing until the accrued interest on the Principal Balance shall have been paid. Unless a "Determination of Taxability" shall occur, in which event the interest rate shall be governed by paragraph 1(d) hereof, the rate of interest shall be adjusted every three years on January 10 until the Final Maturity Date, beginning January 10, 1986. On each such January 10, the rate of interest shall be adjusted to a rate equal to seventy-five hundredths percent (.75%) in excess of the average of the rates published for the preceding four weeks as the 182 day United States Treasury Bill yield as such rate is published each Tuesday in the Wall Street Journal (or in the event such rates are not published or are otherwise not available, a similiar successor rate chosen by the Borrower and approved in writing by the Lender, provided that if no such successor rate can be agreed upon, Lender shall have the option of calling this Note).

(d) If the interest on this Note should become subject to federal income taxation pursuant to a "Determination of Taxability" as that term is defined in Section 4.07 of the Loan Agreement of even date herewith between the City and Maplewood Dental Specialties (the "Borrower") (the "Loan Agreement"), and the Lender delivers to the Borrower a copy of the notice of the "Determination of Taxability", the interest rate shall be immediately adjusted to six percent (6%) per annum in excess of the average of the rates published for the preceding four weeks as the 182 day United States Treasury Bill yield as such rate is published each Tuesday in the Wall Street Journal (or in the event such rates are not published or are otherwise not available, a similiar successor rate chosen by the Borrower and approved in writing by the Lender, provided that if no such successor rate can be agreed upon, Lender shall have the option of calling this Note) which rate shall be adjusted on each succeeding January 10 and each monthly installment thereafter payable shall be adjusted accordingly. In addition the Lender shall be entitled to receive upon demand an amount equal to the aggregate difference between (i) the monthly payments theretofor made to the Lender on this Note between the "Date of Taxability", as that term is defined in the Loan Agreement, and the date of receipt by the Borrower of notice of such "Determination of Taxability", and (ii) the monthly payments which would have been made during such period if the adjusted rate had been in effect throughout such period.

2. In any event, the payments hereunder shall be sufficient to pay all principal and interest due, as such principal and interest becomes due, and to pay any premium or

service charge, at maturity, upon redemption, or otherwise. Interest shall be computed on the basis of a 360 day year, but charged for the actual number of days elapsed in a 365 day year.

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

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

5. This Note is issued by the City to provide funds for a project, as defined in Section 474.02, Subdivision 1a, Minnesota Statutes, consisting of the acquisition of real estate, and the construction of a 12,000 square foot office/dental facility thereon, pursuant to a Loan Agreement of even date herewith between the City and Maplewood Dental Specialties (the "Borrower") (the "Loan Agreement"), and this Note is further issued pursuant to and in full compliance with the Constitution and laws of the State of Minnesota, particularly Chapter 474, Minnesota Statutes, and pursuant to a resolution of the City Council duly adopted on _____ (the "Resolution").

6. This Note is secured by a Pledge Agreement of even date herewith by the City to the Lender (the "Pledge Agreement"), a Statutory Mortgage, Assignment of Leases and Rents, Security Agreement and Fixture Financing Statement, of even date herewith between the Borrower, as mortgagor, and the Lender as mortgagee (the "Mortgage") Assignments of Life Insurance Policies issuing the lives of Dr. Dennis McMahon, Dr. Walter B. Parsons, Jr. and Dr. Robert L. Jensen. Payment of this Note is unconditionally and jointly and severally guaranteed by Dr. Dennis McMahon, Dr. Walter B. Parsons, Dr. Jane H. Jensen, and Dr. Robert L. Jensen pursuant to the terms of a certain Guaranty of Specific Indebtedness in favor of the Lender (the Guaranty) and the disbursement of the proceeds of this Note is subject to the terms and conditions of a Construction Loan Agreement of even date herewith between the Lender, the City and the Borrower (the "Construction Loan Agreement").

7. The Lender may extend the times of payments of interest and/or principal of or any service charge or premium due on this Note, including the Final Maturity Date, without

notice to or consent of any party liable hereon and without releasing any such party. However, in no event may the Final Maturity Date be extended beyond thirty (30) years from the date hereof.

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

9. This Note is further subject to prepayment by the City, at any time, without a premium, in whole or in part, upon the occurrence of certain events of damage, destruction or condemnation of the property secured by the Mortgage, as specified in Section 2 of the Mortgage. In addition, the Lender shall have the option to declare the Principal Balance and accrued interest due and payable on the first day of the tenth (10th) Loan Year and the first day of the fifteenth (15th) Loan Year upon _____ (____) days prior written notice to the City and the Borrower. The term "Loan Year" as used herein shall mean a twelve (12) month period commencing on the Amortization Date and on each anniversary thereof.

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

11. As provided in the Resolution and subject to certain limitations set forth therein, this Note is transferable upon the books of the City at the office of the City Clerk, by the Lender in person or by his agent duly authorized in writing, at the Lender's expense, upon surrender hereof together with a written instrument of transfer satisfactory to the City Clerk, duly executed by the Lender or his duly authorized agent.

Upon such transfer the City Clerk will note the date of registration and the name and address of the new registered Lender in the registration blank appearing below. The City may deem and treat the person in whose name the Note is last registered upon the books of the City with such registration noted on the Note, as the absolute owner hereof, whether or not overdue, for the purpose of receiving payment of or on the account, of the Principal Balance, redemption price or interest

and for all other purposes, and all such payments so made to the Lender or upon his order shall be valid and effective to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the City has caused this Note to be duly executed in its name by the manual signatures of the Mayor and City Clerk and has caused the corporate seal to be affixed hereto, and has caused this Note to be dated _____, 1982.

CITY OF MAPLEWOOD, MINNESOTA

Mayor

Attest:

City Clerk

(SEAL)

PROVISIONS AS TO REGISTRATION

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

<u>Date of Registration</u>	<u>Name and address Registered Owner</u>	<u>Signature of City Clerk</u>
<hr/>	First State Bank of Saint Paul 1000 Payne Avenue St. Paul, Mn. 55101	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

2-2. The Initial Note.

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

2-3. Execution.

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

2-4. Delivery of Initial Note.

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

- (1) an executed copy of each of the following documents:
 - (A) the Loan Agreement;
 - (B) the Pledge Agreement;
 - (C) the Mortgage;
 - (D) the Construction Loan Agreement;
 - (E) the Guaranty;
 - (F) the Assignments of Life Insurance Policies;
 - (G) a Cost Certificate signed by the Borrower certifying the use of the proceeds of the Note;
 - (H) Leases now existing.
- (2) an opinion of Counsel for the Borrower as prescribed by Bond Counsel;

(3) the opinion of Bond Counsel as to the validity and tax exempt status of the Note;

(4) a title commitment in form and substance satisfactory to the Lender;

(5) such other documents and opinions as Bond Counsel may reasonably require for purposes of rendering its opinion required in subsection (3) above or that the Lender may reasonably require for the closing.

2-5. Disposition of Note Proceeds.

There is hereby established with the Lender a Construction Fund to be held by the Lender as a separate account of the City as provided in the Construction Loan Agreement. Upon delivery of the Note to Lender, the proceeds of such Note shall be credited to the Construction Fund held by the Lender on behalf of the City, at which time the entire principal amount of the Note shall be deemed advanced, and the Lender shall, on behalf of the City, disburse funds from the Construction Fund for payment of Project Costs upon receipt of such supporting documentation as the Lender may deem reasonably necessary, including compliance with the provisions of the Construction Loan Agreement. The Borrower shall provide the City with a full accounting of all funds disbursed for Project Costs.

2-6. Registration of Transfer.

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

2-7. Mutilated, Lost or Destroyed Note.

In case any Note issued hereunder shall become mutilated or be destroyed or lost, the City shall, if not then prohibited by law, cause to be executed and delivered, a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such

mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the Lender's paying the reasonable expenses and charges of the City in connection therewith, and in the case of a Note destroyed or lost, the filing with the City of evidence satisfactory to the City that such Note was destroyed or lost, and furnishing the City with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2-8. Ownership of Note.

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

2-9. Limitation on Note Transfers.

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

2-10. Issuance of New Notes.

Subject to the provisions of Section 2-9, the City shall, at the request and expense of the Lender issue new notes, in aggregate outstanding principal amount equal to that of the Note surrendered, and of like tenor except as to number, principal amount, and the amount of the monthly installments payable thereunder, and registered in the name of the Lender or such transferee as may be designated by the Lender.

ARTICLE THREE

GENERAL COVENANTS

3-1. Payment of Principal and Interest.

The City covenants that it will promptly pay or cause to be paid the principal of and interest on the Note at the place, on the dates, solely from the source and in the manner provided herein and in the Note. The principal and interest are payable solely from and secured by revenues and proceeds derived from the Loan Agreement, the Pledge Agreement, the Mortgage, the Construction Loan Agreement and the Guaranty, which revenues and proceeds are hereby specifically pledged to the payment thereof in the manner and to the extent specified in the Note, the Loan Agreement, the Pledge Agreement, the Mortgage, the Construction Loan Agreement and the Guaranty; and nothing in the Note or in this Resolution shall be considered as assigning, pledging or otherwise encumbering any other funds or assets of the City.

3-2. Performance of and Authority for Covenants.

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

3-3. Enforcement and Performance of Covenants.

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

3-4. Nature of Security.

Notwithstanding anything contained in the Note, the Mortgage, the Loan Agreement, the Pledge Agreement or any other document referred to in Section 2-4 to the contrary, under the provisions of the Act the Note may not be payable from or be a charge upon any funds of the City other than the revenues and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon, nor shall the Note otherwise contribute or give rise to a pecuniary liability of the City or, to the extent permitted by law, any of the City's officers, employees and agents. No holder of the Note shall ever have the right to compel any exercise of the taxing power of the City to pay the Note or the interest thereon, or to enforce payment thereof against any property of the City other than the revenues pledged under the Pledge Agreement; and the Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and the Note shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation; but nothing in the Act impairs the rights of the Lender to enforce the covenants made for the security thereof as provided in this Resolution, the Loan Agreement, the Pledge Agreement, the Mortgage, the Assignments of Life Insurance Policies, the Construction Loan Agreement, the Guaranty and in the Act, and by authority of the Act the City has made the covenants and agreements herein for the benefit of the Lender; provided that in any event, the agreement of the City to perform or enforce the covenants and other provisions contained in the Note, the Loan Agreement, the Pledge Agreement, the Assignments of Life Insurance Policies, and the Construction Loan Agreement shall be subject at all times to the availability of revenues under the Loan Agreement, the Mortgage, the Construction Loan Agreement, the Guaranty, and the Assignments of Life Insurance Policies sufficient to pay all costs of such performance or the enforcement thereof, and the City shall not be subject to any personal or pecuniary liability thereon.

ARTICLE FOUR

MISCELLANEOUS

4-1. Severability.

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

4-2. Authentication of Transcript.

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

4-3. Registration of Resolution.

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

4-4. Authorization to Execute Agreements.

The forms of the proposed Loan Agreement, the Pledge Agreement, the Construction Loan Agreement, the Guaranty and the Mortgage are hereby approved in substantially the form heretofore presented to the City Council together with such additional details therein as may be necessary and appropriate

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

Adopted: _____, 1982

Mayor of the City of Maplewood

Attest:

City Clerk

E-9

MEMORANDUM

TO: City Manager
FROM: Director of Public Works
SUBJECT: Traffic Signal and Opticom Funding
DATE: April 30, 1982

The Minnesota Department of Transportation is proposing to install several signal systems this summer in Maplewood. The City is expected to fund a portion of the cost when a City street is involved. When emergency vehicle preemption equipment is installed, it will be totally funded by the City. The following is a list of the locations and estimated costs:

	Signal	"Opticom"
TH94 South Ramp, Burns Avenue at McKnight Road	-	\$12,000
TH94 North Ramp at McKnight Road	-	\$12,000
TH61 at Beam Avenue	\$4,500	\$12,000
TH36 at English Street	<u>\$4,500</u>	<u>\$12,000</u>
	\$9,000	\$48,000
	TOTAL...	\$57,000

It is recommended that the City Council authorize a transfer of up to \$57,000 from the State Aid Street Fund to fund the above installations.

mb

MEMORANDUM

TO: City Manager
 FROM: Associate Planner--Johnson
 SUBJECT: Variances--Lot Area, Width and Frontage
 LOCATION: Barclay Street, North of Ryan Avenue Action by Council:
 APPLICANT: Terry O'Leary
 OWNERS: Terry O'Leary and Mark Reilling
 DATE: April 13, 1982

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY OF THE PROPOSAL

Approval of lot area, lot frontage, and lot width variances, to construct a single dwelling on an existing forty-foot wide interior lot, with 5,400 square feet of area.

CONCLUSION

Analysis

Construction of a home on this parcel would be out-of-character with existing neighborhood development. The smallest built-upon parcel in the immediate vicinity, is at least 80 feet wide, twice the width of the subject lot (Map two).

The corner lot, abutting to the south, is substandard in width. The existing dwelling is very close to the north property line (Map three). Adequate separation between the existing and proposed dwellings may be difficult to maintain, due to the narrowness of the subject parcel.

Neighborhood density, at present, is 14.7 persons/net acre, slightly exceeding the 14 persons/net acre maximum. The addition of another dwelling would increase the density to 15.6 persons/net acre.

Approval would be inconsistent with Council's 1973 denial of a similar request by Marcello Trach. (See past actions and enclosed legal opinion.) Any hardship sustained by the applicant would be self-imposed, further negating grounds for a variance. Apparently, the applicant contracted to purchase this property before thoroughly checking out the potential for zoning or building restrictions. The Ramsey Land Commissioner's office, routinely advises perspective buyers to do so. Persons who purchase tax-forfeit property for development, must do so at their own risk.

Recommendation

Denial of lot area, lot frontage, and lot width variances for construction of a single dwelling on Lot 9, Block 27, Gladstone Plat 2, on the basis that:

1. Development of this Lot would be inconsistent with the intent of the zoning code, resulting in a dwelling out-of-character with existing neighborhood development.
2. Approval would be inconsistent with the previous denial of a similar request.

3. Neighborhood density would further exceed the allowable maximum.
4. Strict enforcement would not cause an undue hardship unique to the individual lot in question.
5. The best use of the property, in the public interest, would be combination with the parcel to the south to create a proper sized corner lot and to sustain adequate separation between dwellings.
6. The present owners purchased this property in 1982. The requirements from which a variance is requested, have been in effect since the 1960's. Any hardship incurred would be self-imposed.
7. The property is maintained by an adjacent property owner and is not an eyesore.

BACKGROUND

Planning

Lot Size: 40 x 135 feet, with 5,400 square feet of area

Existing Land Use: Undeveloped

Ownership: The parcel is in separate ownership from adjacent parcels

Surrounding Land Uses

North: Single dwelling on an 80 x 135 foot lot

East: Barclay Street. Across Barclay Street, single dwellings, on 100 x 135 foot lots

South: Single dwelling, on an 80 x 135 foot substandard corner lot

West: Single dwellings, on 80 x 135 foot lots

Past Actions

8-16-73: Council denied lot area and width variances for a forty-foot wide lot, owned by Marcello Tracy, located on Gurney Street, north of Larpenteur Avenue, on the basis that:

1. "the variances are so extreme as to not to practically allow the construction of a home on the site in accordance with Village Code and in conformance with the housing in the neighborhood,
2. the property was acquired after the 75-foot frontage requirement for building was established and also because of the drainage problem as it relates to the alley."

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan designation: RL, Residential Lower Density
2. Zoning: R-1, Residence District (single dwelling)
3. Permitted Density: 14 persons/net acre
4. Existing Density (Map two--blocks 27 and 30, Gladstone Plat 2): 14.7 persons/net acre
5. Proposed Density (Blocks 27 and 30, Gladstone Plat 2): 15.6 persons/net acre
6. Compliance with Land Use Laws

a. Statutory:

Section 462.357 Subdivision 6 (2) states that the Board of Appeals and Adjustments is empowered to hear requests for variances from the literal provisions of the ordinance in instances where:

- (1) Strict enforcement would cause undue hardship because of circumstances unique to the individual property.
- (2) Where it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance.

b. Ordinance:

- (1) Sections 904.030 and 1008 (f) (1) state that a single-dwelling lot must be no less than 10,000 square feet in area.

Variance 1

This parcel contains 5,400 square feet requiring a lot area variance of 4,600 square feet.

- (2) Sections 904.030 and 1008 (f) (1) state that a single-dwelling lot must be no less than 75 feet wide at the building setback line.

Variance 2

This parcel is 40 feet wide, requiring a lot width variance of 35 feet.

- (3) Section 1008 (f) (1) states that a rectangular single-dwelling lot must have at least 60 feet of frontage.

Variance 3

This parcel is 40 feet wide, requiring a lot frontage variance of 20 feet.

Public Works

Sewer and water are available.

Financial

At the time of forfeiture, there was an unpaid watermain assessment in the amount of \$55.78. This has not been paid. If Council approves the variances, a condition of approval should be the payment of unpaid past and levied assessments plus interest.

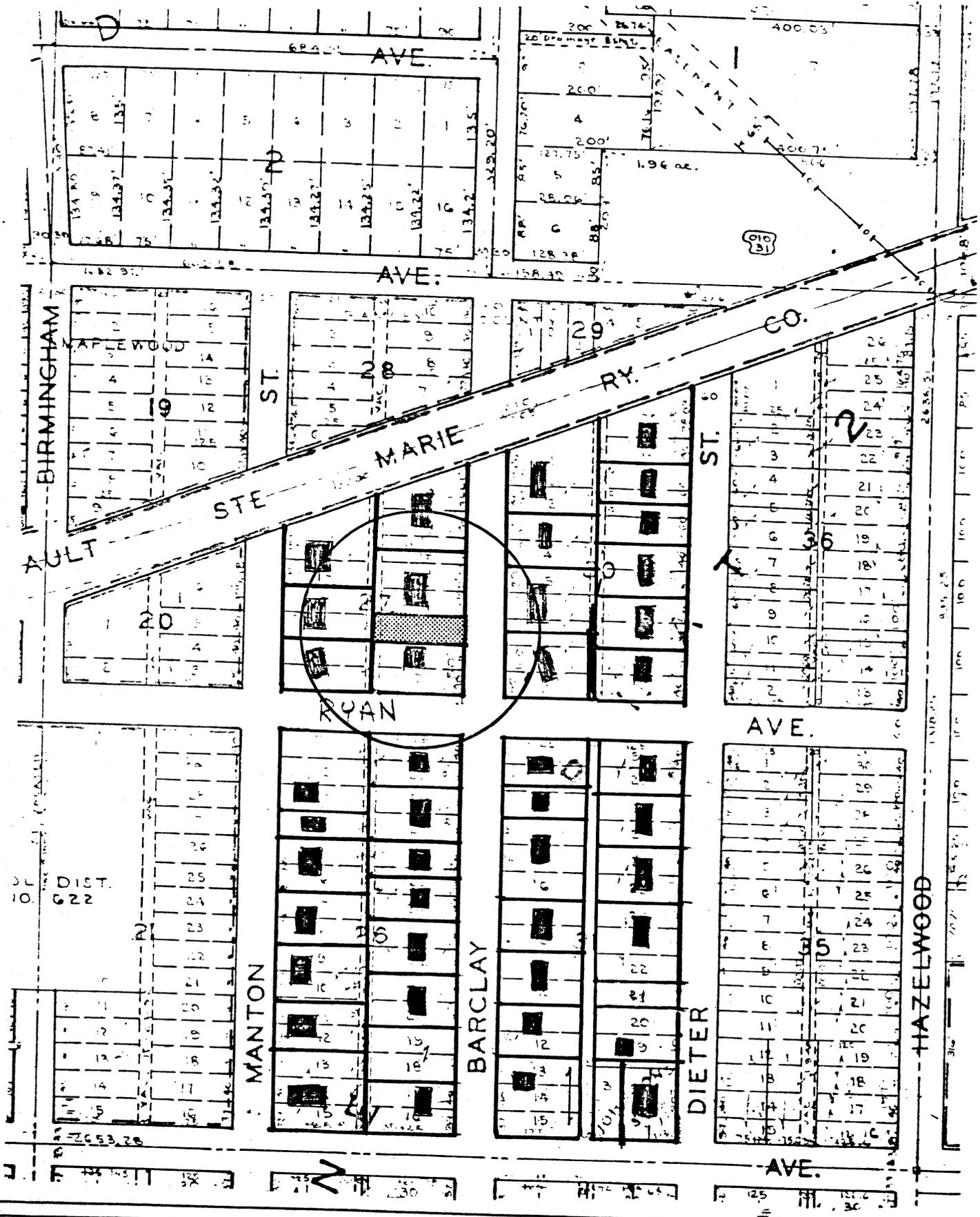
Ramsey County Land Commissioner

This property went tax forfeit on August 15, 1967. Maplewood authorized its sale in November, 1967. The applicant purchased it on February 12, 1982

for \$6,000 (\$720 paid to date, the remainder due over a ten year period). Mr. Eaves of the Land Commissioner's office, indicates that their policy is to suggest that perspective buyers check with the individual cities for any zoning or building limitations, before purchase.

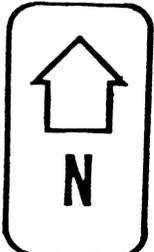
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Enclosures:

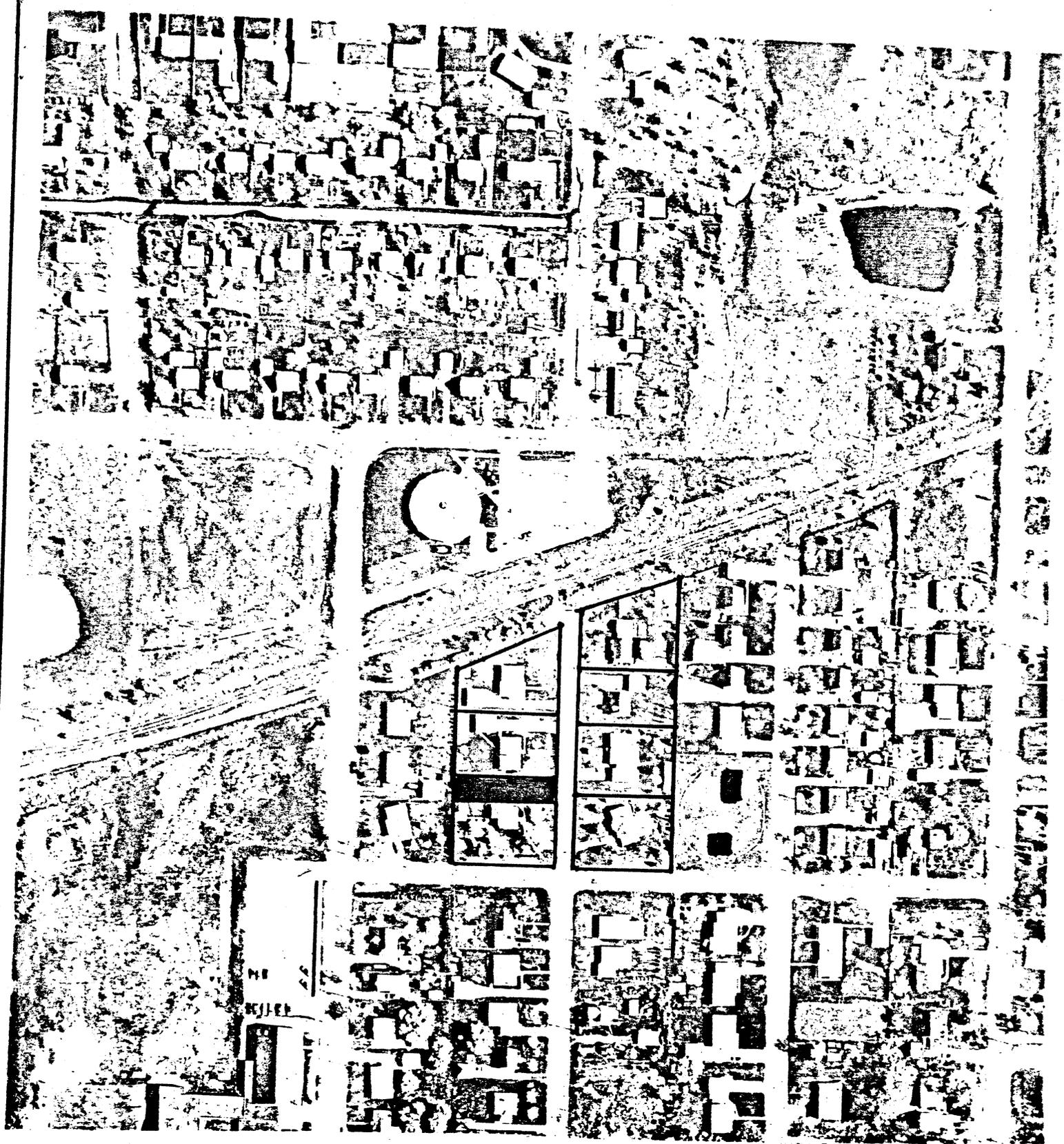
1. Location Map
2. Property Line Map
3. Applicant's Letter of Justification
4. Letter from John Bannigan



Map Two

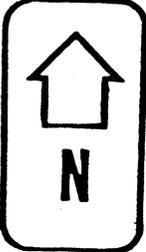
PROPERTY LINE MAP





MAP 3

LOCATION OF EXISTING DEVELOPMENT



To whom it may concern,

My name is Terry O'Harry. I purchased the lot that now is being presented for your approval. City of Maplewood. Sheddstone Plat 2 Ramsey Co. Minn East $\frac{1}{2}$ of vacated alley adjoining and lot 9, Block 27. I then found out that a variance would be needed to build here. It would now be impossible to purchase the property on either side because houses are already standing. I have now mentioned and plan to make sure that a building would be put up with the liking of the area. I would make the house deeper and yet try to please whomever would pass by or live near this new dwelling.

If any more questions asked or any further reason to elaborate on this is needed please feel free to call me Terry O'Harry at

770-5301

Thank You,

Terry O'Harry

LAIS, BANNIGAN & CIRESI, P. A.

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

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

From: City Mgr.

Referred To:

AREA CODE 612
224-5781

Mayor ✓

Council ✓

Clerk ✓

Fin. Director _____

Com. Develop. ✓

Parks & Rec. _____

Pub. Safety _____

Pub. Works _____

Attorney _____

Press _____

Other _____

Date 3-29-74

March 19, 1974

Mayor and City Council
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

ATTENTION: Michael G. Miller

RE: Marcella Tracy vs. Village of Maplewood

Honorable Mayor and Councilmembers:

On August 16, 1973, Marcella Tracy appeared before the Village Council sitting as its Board of Adjustments and Appeals to consider her Petition for a variance from the minimum lot area and lot width requirements of the Village code. Mrs. Tracy owned a 40 foot wide lot which was platted as such prior to the effective date of the City zoning code.

The City Council, sitting as the Board of Adjustments and Appeals denied the application for minimum width and area requirements.

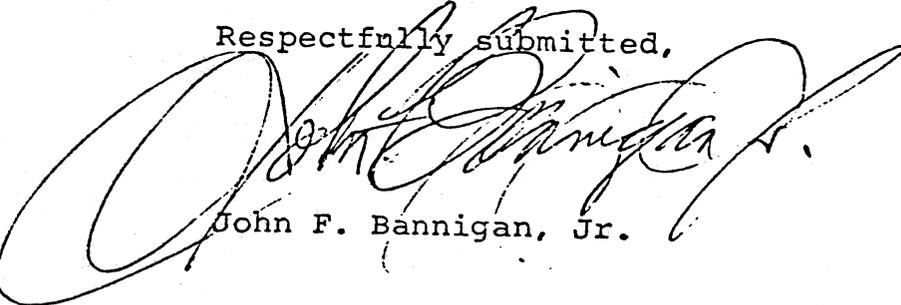
Mrs. Tracy initiated legal action seeking a declaratory judgment in Ramsey County District Court. At the trial of the matter, the Ramsey County District Court intimated that if the matter could not be disposed of, he would most likely find that Mrs. Tracy's husband had purchased an unbuildable lot but, inasmuch as it was an unbuildable lot, that two assessments for sewer and water were therefore improperly assessed. Rather than go to trial, the judge asked that we attempt to negotiate a settlement whereby the court would find that the Council action was not unreasonable, arbitrary or capricious but that the lot was, in fact, unbuildable and therefore not benefited by the two aforementioned assessments. Rather than go through lengthy judicial proceedings to arrive at this end, the undersigned indicated that he would recommend such a disposition to the City Council.

Mayor and City Council
of Maplewood
March 19, 1974
Page 2

Consider this letter as my recommendation that the City Council find that Lot 28, Block 12, St. Aubin & Dion's Rice Street Addition to the City of St. Paul, Minnesota, was improperly assessed and that the principal plus interest be remitted.

As an additional aside, an abutting owner, James Commander, will purchase the lot and incorporate it in his homestead.

Respectfully submitted,



John F. Bannigan, Jr.

JFB:jmw

C. Variance: Barclay Street (O'Leary)

Secretary Olson said the applicant has requested this item be tabled until May 3 Planning Commission meeting as he cannot attend this meeting.

Commissioner Pellish moved the Planning Commission table this item until May 3, 1982.

Commissioner Fischer seconded Ayes - Commissioners Barrett, Fischer,
Howard, Pellish, Prew, Sletten, Whitcomb
4-19-82

MEMORANDUM

TO: City Manager
 -FROM: Tom Ekstrand, Associate Planner
 SUBJECT: Window Variance
 -LOCATION: Ferndale Street and Maryland Avenue
 -APPLICANT: Charter Development, Inc.
 OWNER: Maple Greens Company
 PROJECT: Beaver Creek Carriage Homes
 DATE: April 13, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a variance to place windows in the side elevations of the Beaver Creek Carriage Home units. (Refer to the enclosed letter dated 3-25-82.)

Proposed Land Use

The development would consist of eleven eight-unit condominium buildings (88 units total).

CONCLUSION

Issues

Staff does not have any problem with the proposed variance. Since these windows would be in hallways, there would be no loss of privacy for any occupant. The proposed windows would benefit the buildings since they would provide natural lighting to the hallways. Furthermore, strict enforcement of the Code by not permitting the windows would result in a less attractive development.

Recommendation

Approval of the variance for the Beaver Creek Carriage Homes on the basis that:

1. The placement of the windows will not compromise the privacy of the occupants.
2. The windows will add to the aesthetics of the development.

BACKGROUND

Site Description

1. Site Area: 5.25 acres
2. Existing Land Use: Undeveloped

-Surrounding Land Uses

Northerly: Undeveloped property planned for Rm, Medium Density Residential and zoned F, Farm Residential

Southerly: Maryland Avenue and single-family dwelling development

Westerly: Undeveloped property planned for Rm and zoned F

Easterly: Ferndale Street. East of Ferndale Street is property being developed with quad homes

Past Action

1-26-82: The Community Design Review Board approved plans for this development, subject to conditions. One of the conditions is that "the setback between buildings shall be increased to 36 feet where applicable unless the windows are eliminated from those end building elevations. If the applicant obtains a setback variance from Council, the end building elevations shall be approved with windows."

PLANNING CONSIDERATIONS

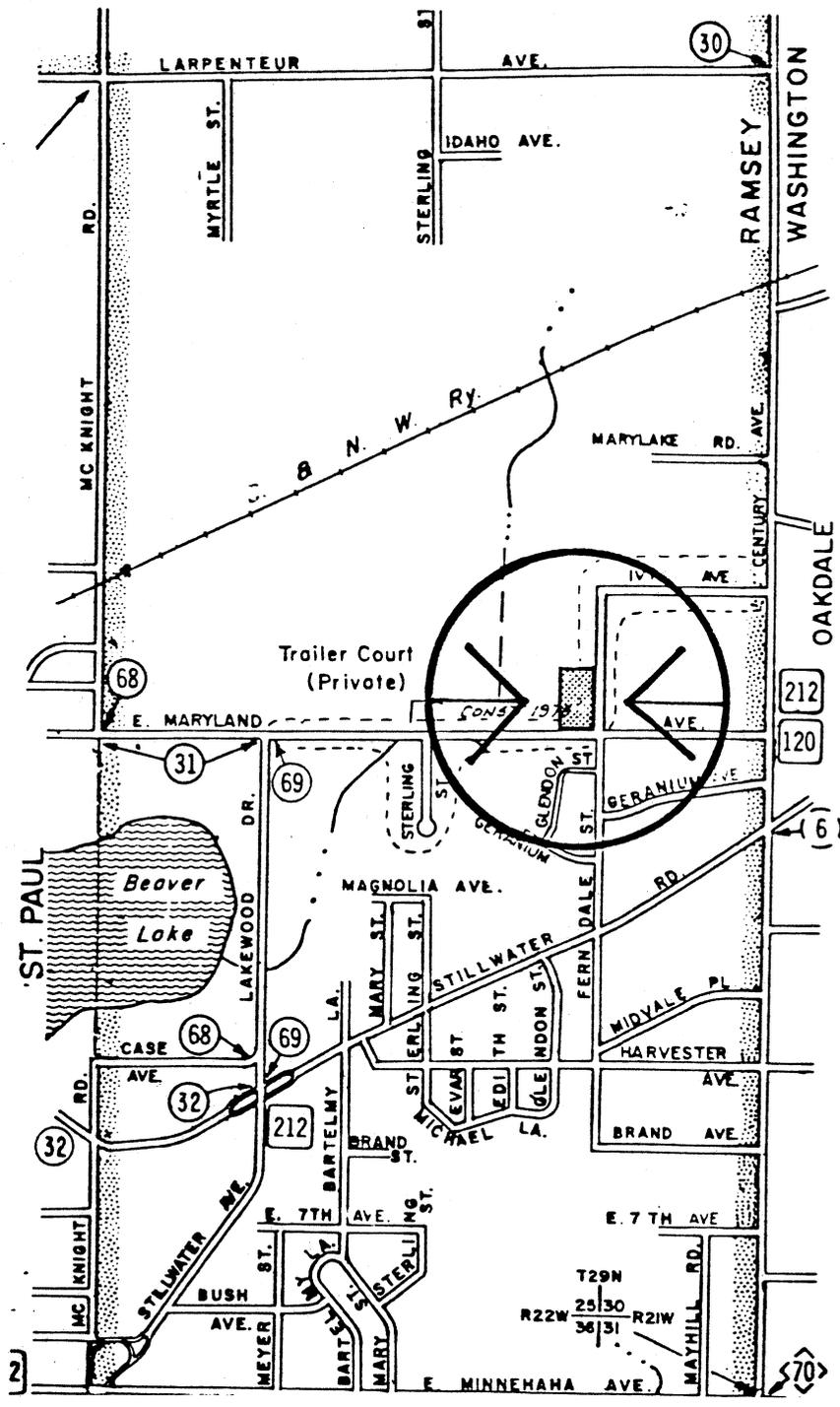
1. Land Use Plan Designation: Rm, Medium Density Residential (Current Plan and Plan Update)
2. Zoning: F, Farm Residential
3. Section 906.311(B) of the City Code requires that there be 36 feet between buildings. However, if facing elevations are windowless, then the setback may be reduced by one-third. In this instance the applicant has proposed a 24-foot setback between most buildings, which would require a variance because facing elevations have windows. These windows, however, are hallway windows and not for any dwelling units.

If the variance is denied, the applicant would simply remove these side windows.

4. State law requires that the following findings be made before a variance can be granted:
 - a. Strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
 - b. The variance would be in keeping with the spirit and intent of the ordinance.

Enclosures:

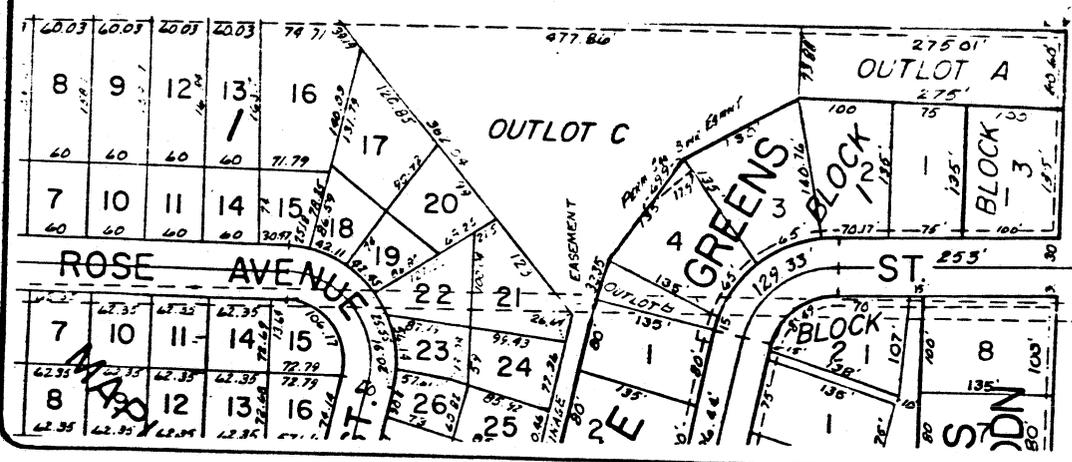
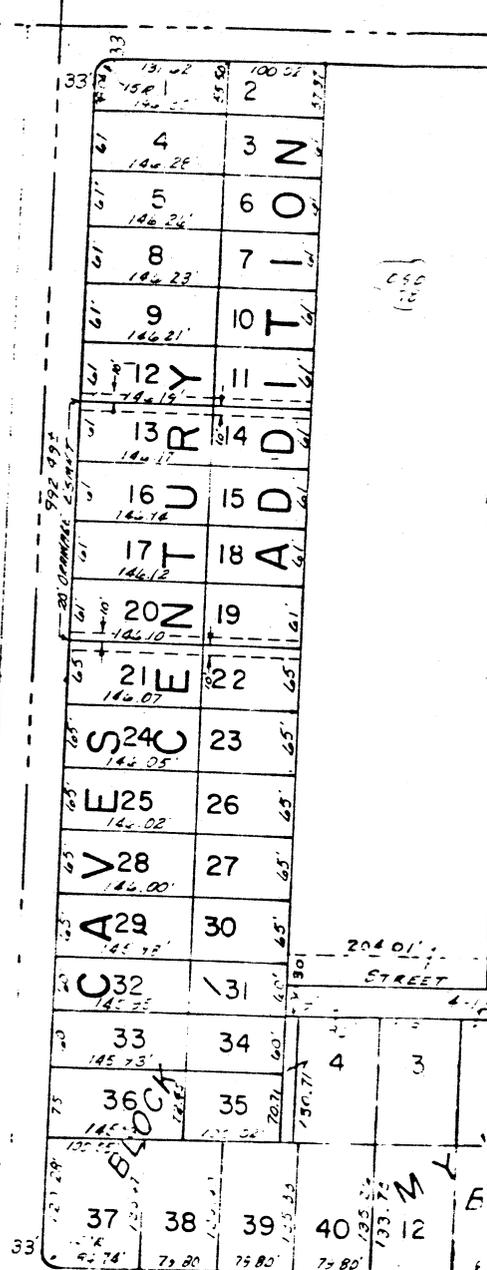
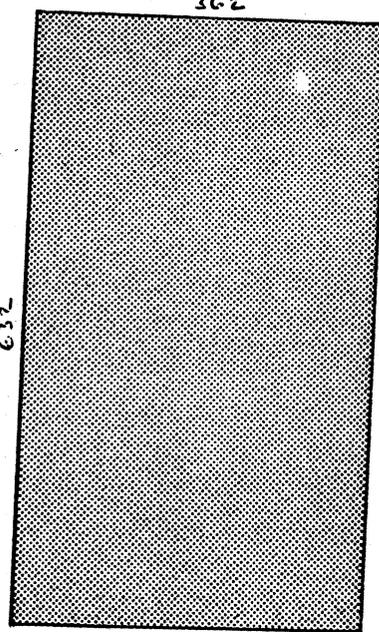
1. Location Map
2. Property Line Map
3. Applicant's letter dated 3-25-82
4. Plans date-stamped 3-26-82



LOCATION MAP



Albert McKaeger Jr.
40 Ac.



PROPERTY LINE MAP



CDI CHARTER DEVELOPMENT, INC.

1709 N. MCKNIGHT RD.

MAPLEWOOD, MN. 55109

(612) 770-2131

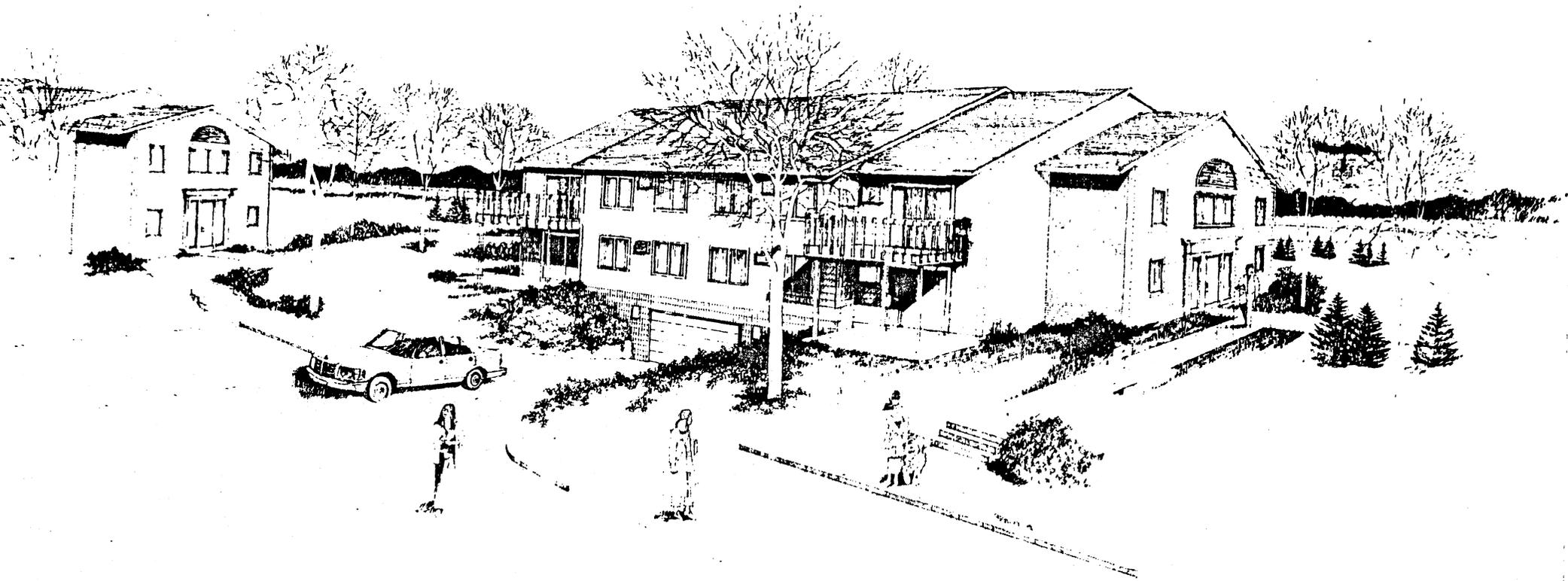
March 25, 1982

TO WHOM IT MAY CONCERN:

REQUEST:

A variance for placement of a small window in the entry halls of the Beaver Creek Carriage Homes units. A variance is required because the buildings are less than 36 feet apart.

1. The property is part of the Maple Greens Planned Unit Development and is approved for 110 units. The plan as submitted and approved contains only 88 units. Strict enforcement of the subject ordinance would not reduce the planned density or modify placement of the buildings, but would result in a less esthetic project.
2. The apparent purpose of the subject ordinance is to protect the privacy of the occupants. The variance is sought for placement of a small, single pane window in the entry halls of the units for lighting and esthetic purposes. The placement of the windows does not compromise the privacy of the occupants and significantly adds to the esthetics of the buildings, both from inside the units as well as the outside appearance of the buildings.



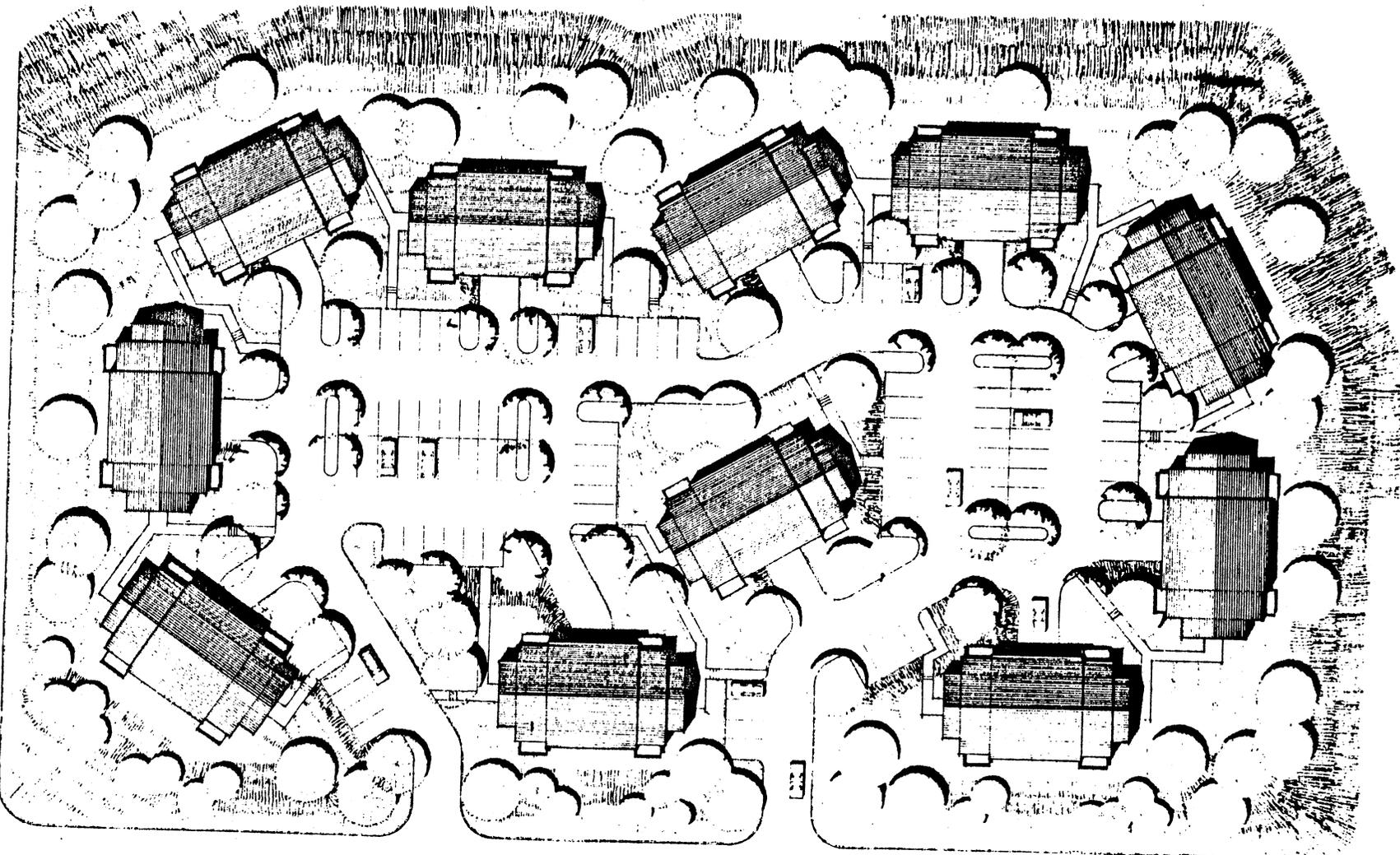
Beaver Creek Carriage Homes



MAR 26 1982

Beaver Creek Carriage Homes

MARYLAND AVENUE

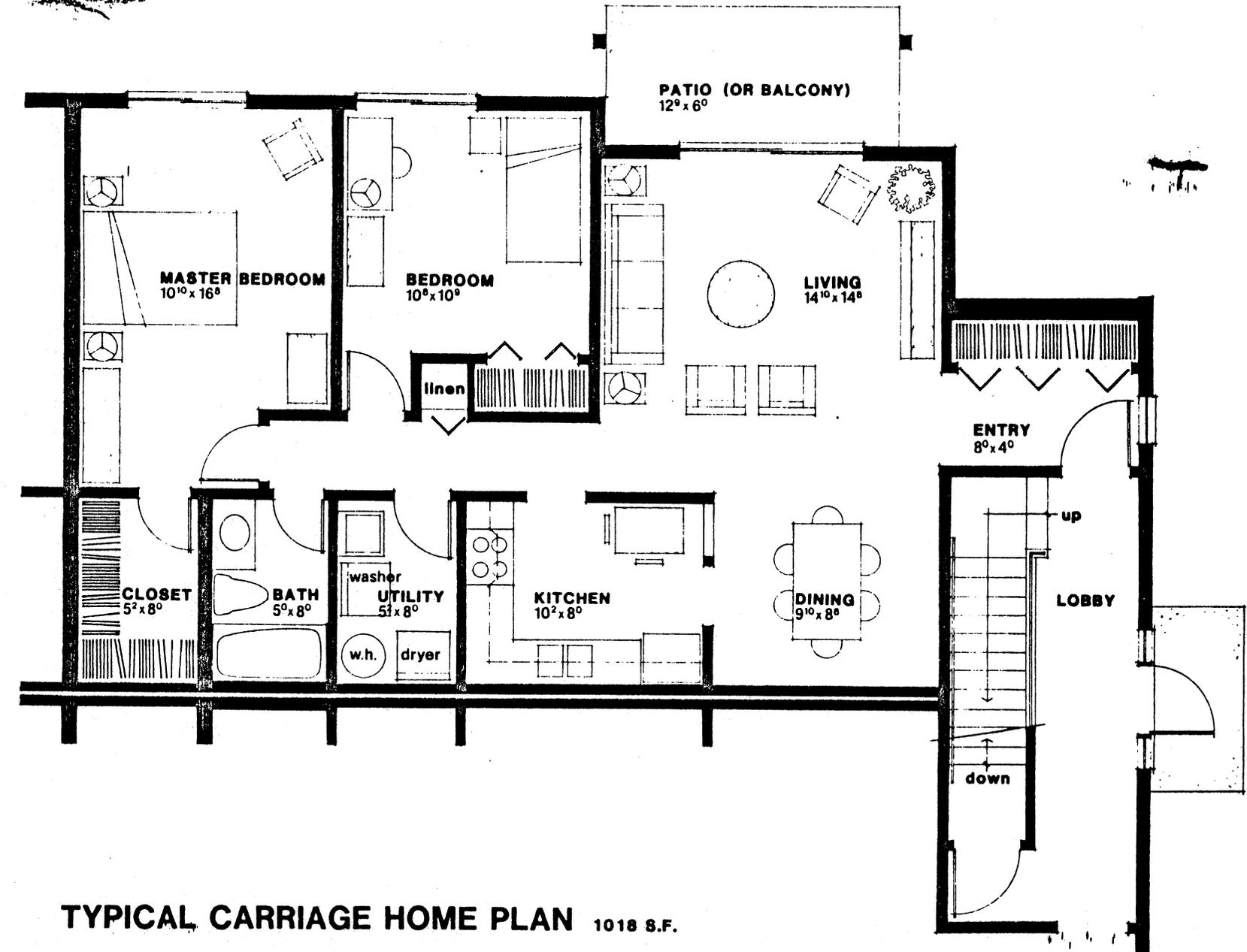


FERNDALE STREET



SITE PLAN

Beaver Creek Carriage Homes



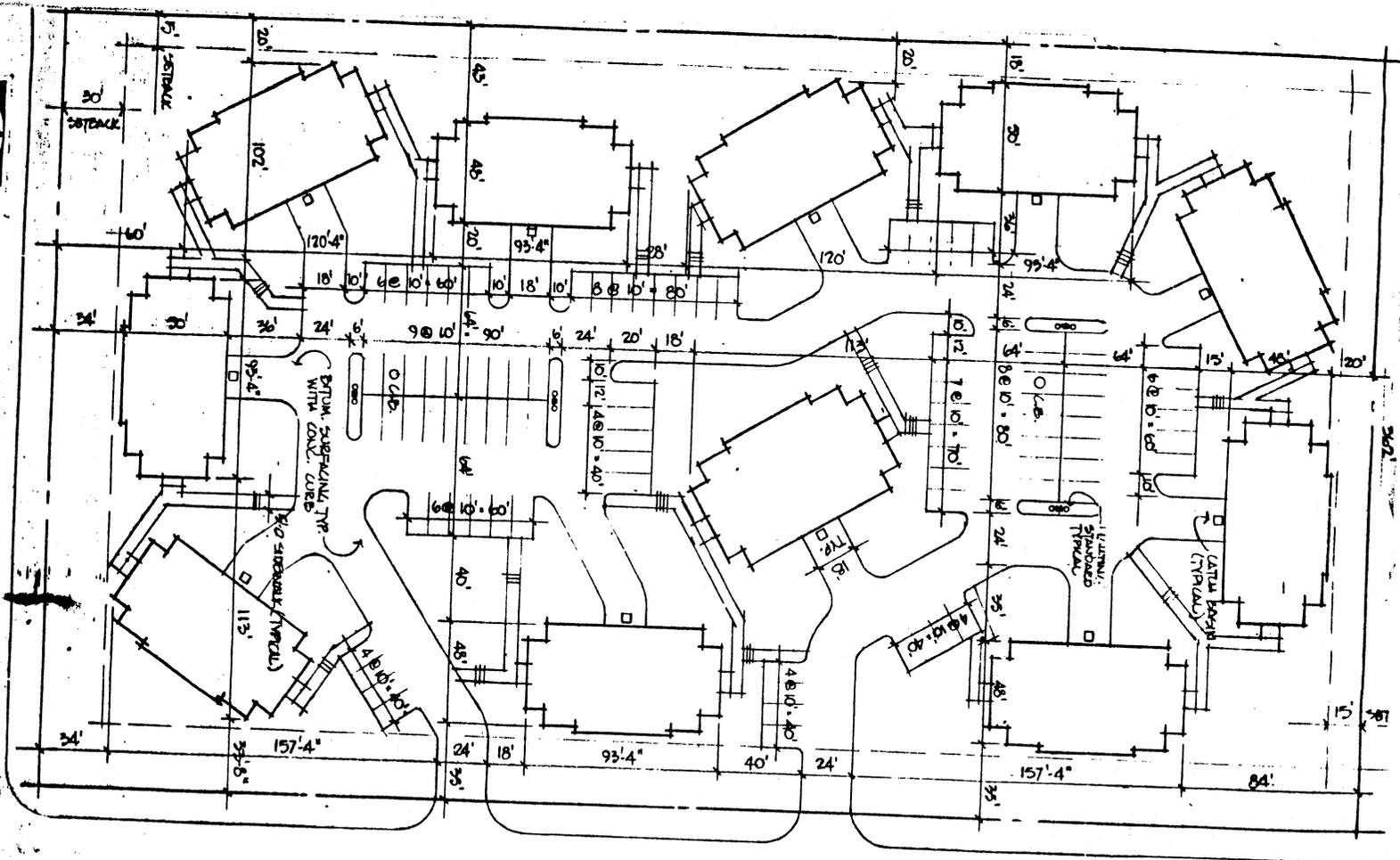
TYPICAL CARRIAGE HOME PLAN 1018 S.F.

MAR 26 1982



MARYLAND AVENUE

PORTED LINE INDICATES
PORTED CURB C&G
PORTED CURB C&G



FERNDALE STREET

MAR 26 1982

B. Variance: Beaver Creek Carriage Homes

Secretary Olson said the applicant is requesting approval of a variance to place windows in the side elevations of the Beaver Creek Carriage Home Units. Staff is recommending approval as outlined in their report.

The applicant was present and indicated he had nothing to add to the staff report.

Commissioner Barrett moved the Planning Commission recommend to the Board of Adjustments and Appeals approval of the variance for the Beaver Creek Carriage Homes on the basis that:

1. The placement of the windows will not compromise the privacy of the occupants.
2. The windows will add to the aesthetics of the development.

Commissioner Sletten seconded Ayes - Commissioners Barrett, Fischer,
Howard, Pellish, Prew, Sletten, Whitcomb

4-19-82

MEMORANDUM

F3

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Highway 61 Frontage Road
DATE: April 14, 1982

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

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 construction of a frontage road, east of Highway 61, from Gervais Avenue to County Road C. Storm sewer, sanitary sewer and watermain would also be installed (refer to the maps in the rear of the study).

The improvements would be financed jointly by the Minnesota Department of Transportation (Mn/DOT) and the City of Maplewood. Upon completion, the roadway and utilities would be maintained by Maplewood.

Reasons for the Project

To eliminate the existing frontage road access and two private driveway accesses to the north-bound lanes of Highway 61, from Gervais Avenue to County Road C. Mn/DOT has given this project a high priority.

Land Use Plan

The alignment of this project is consistent with the frontage road corridor proposed for this area in the Lane Use Plan (Map One).

Bicycle Route and Trail Plan

An on-street bicycle route is planned along this corridor (see Map Two). The roadway is proposed to be 36 feet wide which can accommodate two six-foot wide one-way bike lanes and two twelve-foot wide traffic lanes. There are no plans to permit on-street parking.

Disposal of Excess Right-of-way

Conner Avenue and Duluth Street, north of the proposed frontage road (Map Three), are proposed for vacation once the project is awarded. The land area from these right-of-ways has been included with adjacent properties for assessment purposes.

The right-of-way under the jurisdiction of Mn/DOT (Map Three), is expected to be vacated once the frontage road is completed.

Status

A public hearing will be held on May 6, 1982, to consider the feasibility study. If accepted, construction is estimated to begin late August or early September, 1982.

Recommendation

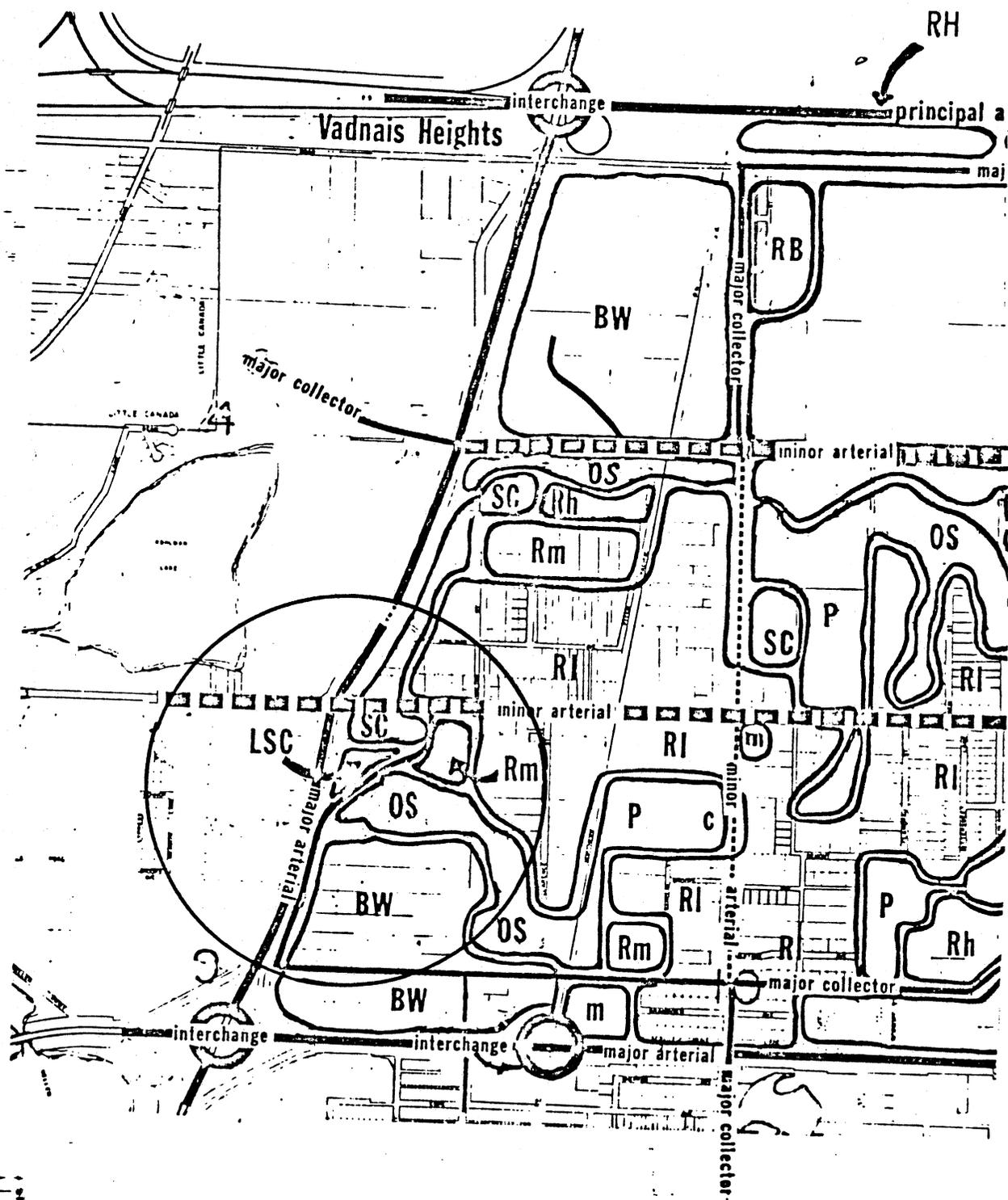
That the Planning Commission make the following findings:

1. That the construction of the proposed frontage road, east of Highway 61, from Gervais Avenue to County Road C, is consistent with the Land Use Plan.
2. At such time that this project is awarded, Council should initiate the vacation of Connor Avenue and Duluth Street, lying north of the proposed frontage road.

mb

Enclosures:

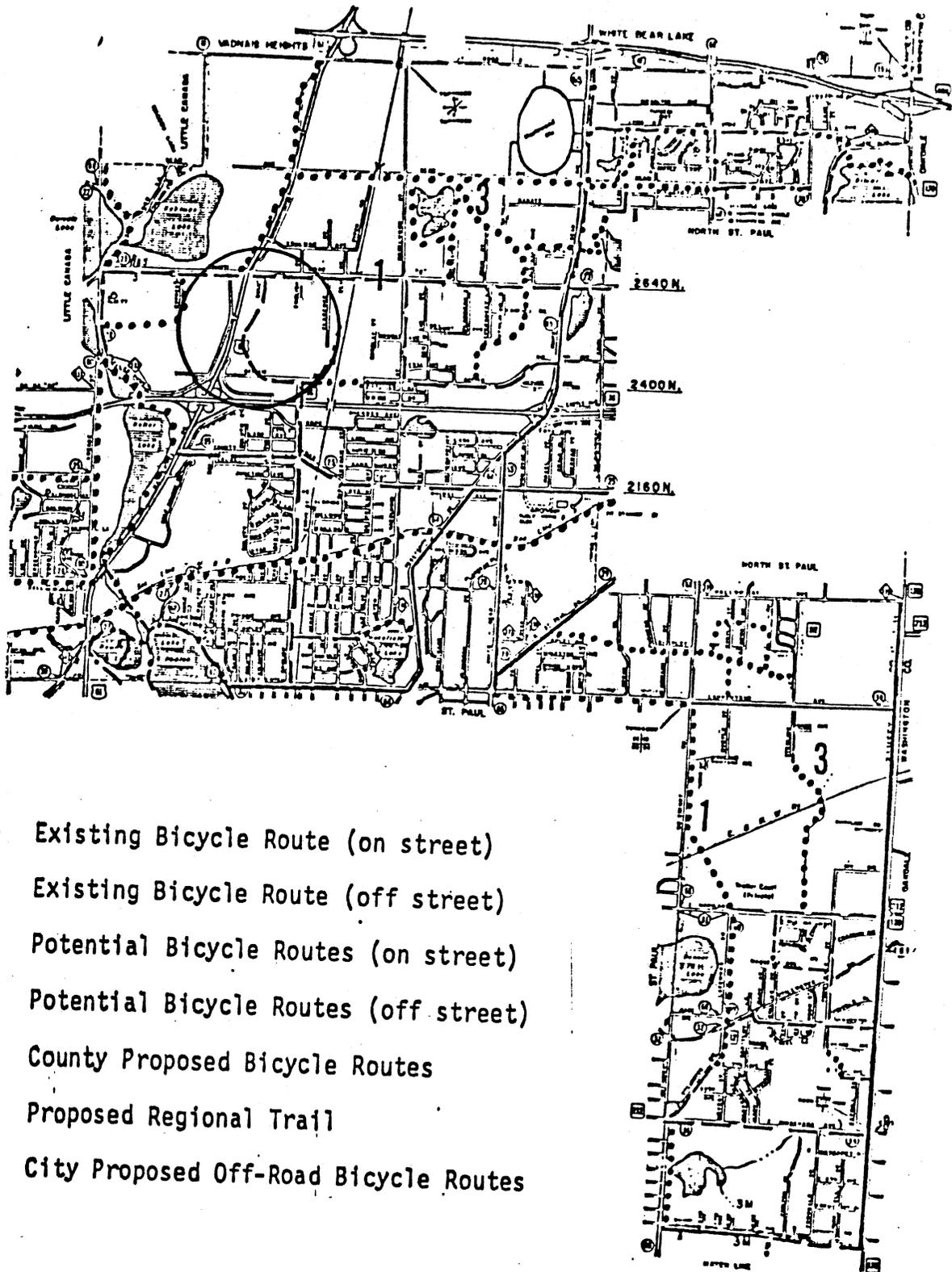
1. Feasibility Study
2. Hazelwood Land Use Plan
3. Bicycle Routes and Trails Plan
4. Excess Right-of-Way Map



Map One

Hazelwood
NEIGHBORHOOD LAND USE PLAN





- Existing Bicycle Route (on street)
- - - Existing Bicycle Route (off street)
- - - Potential Bicycle Routes (on street)
- Potential Bicycle Routes (off street)
- 1 County Proposed Bicycle Routes
- 2 Proposed Regional Trail
- 3 City Proposed Off-Road Bicycle Routes

Map Two

bicycle routes/trails



E. Highway 61 Frontage Road

Secretary Olson said the Planning Commission is required to make a finding on the compatibility of capital improvements with the Comprehensive Plan.

Public Works Haider reviewed the traffic pattern for this proposed frontage road, in conjunction with the existing roadways.

Commissioner Fischer moved the Planning Commission make the following findings:

1. That the construction of the proposed frontage road, east of Highway 61, from Gervais Avenue to County Road C, is consistent with the Land Use Plan.
2. At such time that this project is awarded, Council should initiate the vacation of Connor Avenue and Duluth Street, lying north of the proposed frontage road.

Commissioner Whitcomb seconded Ayes - Commissioners Barrett, Fischer, Howard, Pellish, Prew, Sletten, Whitcomb

F-3

MEMORANDUM

TO: City Manager
FROM: Director of Public Works
DATE: April 28, 1982
SUBJECT: T.H. 61 Frontage Road
Public Hearing
Project No. 80-10

The public hearing for the above referenced project has been scheduled for the May 6, 1982 Council meeting. We are herewith returning the feasibility study to the City Council for their reference. Also attached is a draft resolution if the plans and specifications are ordered.

jw
enclosures

Action by Council:

Endorsed _____
Notified _____
Project _____
Date _____

RESOLUTION ORDERING IMPROVEMENT
AFTER PUBLIC HEARING

WHEREAS, after due notice of public hearing on the construction of street, storm sewer, sanitary sewer, watermain and appurtenances on T.H. 61 Frontage Road (Maplewood Drive) from Gervais Avenue to County Road "C", a hearing on said improvement in accordance with the notice duly given was held on May 6, 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 street, storm sewer, sanitary sewer, watermain and appurtenances on T.H. 61 Frontage Road (Maplewood Drive) from Gervais Avenue to County Road "C" as described in the notice of hearing thereon, and orders the same to be made.
2. The City Engineer is designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvement.

F-4
F-5

MEMORANDUM

TO: City Manager
FROM: Associate Planner, Tom Ekstrand
SUBJECT: Plan Amendment, Special Use Permit and Variances
LOCATION: Larpenteur Avenue and Jackson Street
APPLICANT/OWNER: REM Development, Inc.
PROJECT: Greenwood North
DATE: April 28, 1982

SUMMARY OF THE PROPOSAL

Request

1. Approval of a Comprehensive Plan amendment from RL, Low Density Residential to RH, High Density Residential.
2. Approval of a special use permit to construct a thirty-six bed housing complex for physically and mentally handicapped persons.
3. Approval of the following variances:
 - a. A variance to provide one-half of the required number of parking spaces (18 are proposed, 36 are required).
 - b. A variance for exemption from the garage requirement.
 - c. A floor area variance to provide rooms with less floor area than Code requires (Code requires 880 square feet for a two-bedroom apartment. The applicant is proposing 180 square foot units.).

Proposed Land Use

Refer to the enclosed narrative and site plan.

CONCLUSION

There is one major problem with the proposed facility. The site plan will not accommodate the three acre-foot holding pond proposed for the site by the Maplewood Drainage Plan. Refer to the Topographic Map.

Staff will be meeting with the developer to discuss alternatives in site design. Staff, therefore, does not have a recommendation at this time but will present one at the meeting.

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

BACKGROUND

Site Description

1. Site size: 1.58 acres
2. Existing Land Use: undeveloped

Surrounding Land Uses

- Northerly: Single dwellings
- Southerly: Larpenteur Avenue and single dwellings
- Easterly: Jackson Street and single dwellings
- Westerly: Unconstructed Beaumont Street and single dwellings

Past Action

12-28-67: Council approved the vacation of the north-south alley on the subject property.

1-3-80: Council approved three variances for the Concordia Arms senior citizen building. These were:

- a. The garage requirement was waived.
- b. The project would have 103 parking spaces instead of the required 205. However, if a parking problem would develop within the first year, the parking lot would have to be expanded. The applicant provided a letter of credit for this parking lot expansion.
- c. A floor area variance was granted for the one bedroom units which measured 624 square feet each. This was a variance of 24 square feet or 4% of the required floor area of 587 square feet.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: RL (current Plan and Plan Update)
2. This land use classification allows for a maximum of 14 persons per net acre. The proposed RH designation would allow for a maximum of 34 persons per net acre, or 53.72 persons for the 1.58 acre site.
3. To calculate the proposed density, Staff applied the bedroom mix averages required for elderly housing. This average assures two persons per two bedroom living unit. With eighteen two-bedroom units planned, the proposed density would be 36 persons.
4. According to the Plan Update, the RH classification is designated for such housing types as apartments, two-family homes, townhouses, nursing homes, dormitories, or elderly housing.
5. Zoning: R-3, Residence District (Multiple Family)

6. Compliance with land use laws:

Municipal Ordinance

- a. Section 906.010(5.a) will allow hospitals, clinics, nursing homes and other buildings used for treatment of human ailments upon issuance of a special use permit granted by the City Council.
- b. Section 911.050 provides that the City Council, in granting a special use permit, may attach to the permit such conditions and guarantees as may be necessary to the protection of the public, the rights of others and the City. All special use permits which do not have a specific termination date or provision for a periodic review, shall be reviewed within one year of the date of passage and publication of this ordinance and every five years thereafter.
- c. Section 906.030(1) requires that there be two parking stalls provided for each dwelling unit, one-half of which shall be enclosed in a garage or carport. Eighteen spaces are proposed.

Statutory

- a. Section 462.356 subdivision 6(2) of the Minnesota State Statutes requires that the following findings be made before a variance can be granted:
 1. Strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
 2. The variance would be in keeping with the spirit and intent of the ordinance.

Public Works

Based on the preliminary site plan, the following items should be brought to the developer's attention.

1. Sanitary sewer and water are available in Jackson Street, but there may be some construction difficulties to make a water connection. The water connection merits further investigation by the developer's engineer.
2. The drainage plan shows a 3 Ac. Ft. pond on this property. The enclosed map shows the shape and size of the existing low area.
3. The size of the proposed building and the amount of fill proposed will not accommodate this pond. The site plan must be revised.

Public Safety

There is concern over the safety of residents because of the high traffic volume on both Larpenteur Avenue and Jackson Street. Supervision of the residents, when off of the grounds, should be assured at all times.

Parks

The Bicycle Routes/Trails Map in the Plan Update proposes an on-street bicycle route along Jackson Street.

Community Service

Refer to the enclosed "Philosophy" of the Greenwood Residences.

Citizen Input

Staff conducted a telephone survey of the adjacent property owners. Only three persons were reached and had the following comments.

1. The traffic is too heavy for this type of facility. It would be potentially dangerous for the residents.
2. This type of facility is inappropriate to be located next to single-family dwellings and a day-care home.

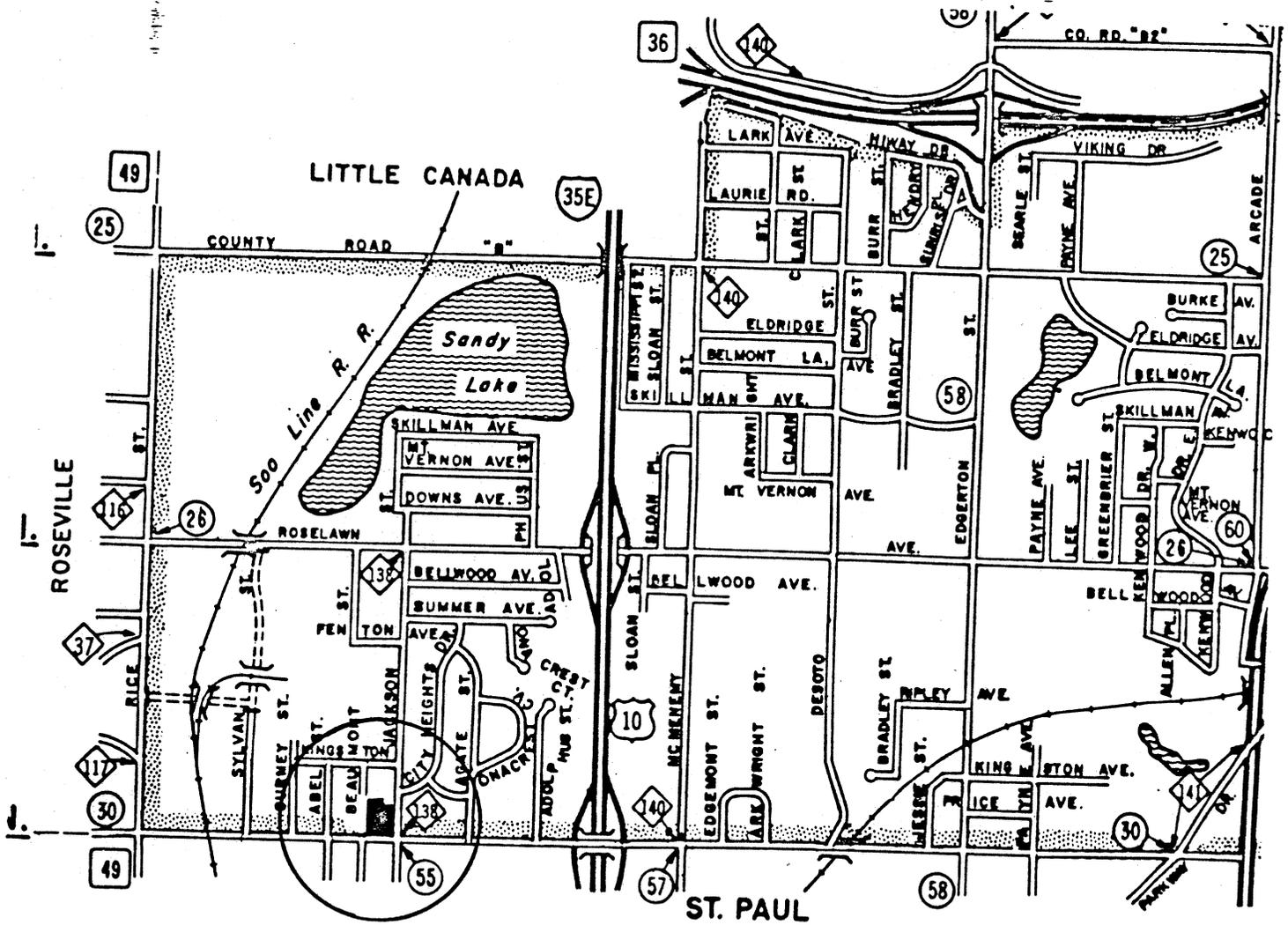
Procedure

1. Planning Commission public hearing and recommendation.
2. City Council public hearing and action on Plan amendment, variances and special use permit.
3. Community Design Review Board review.

jw

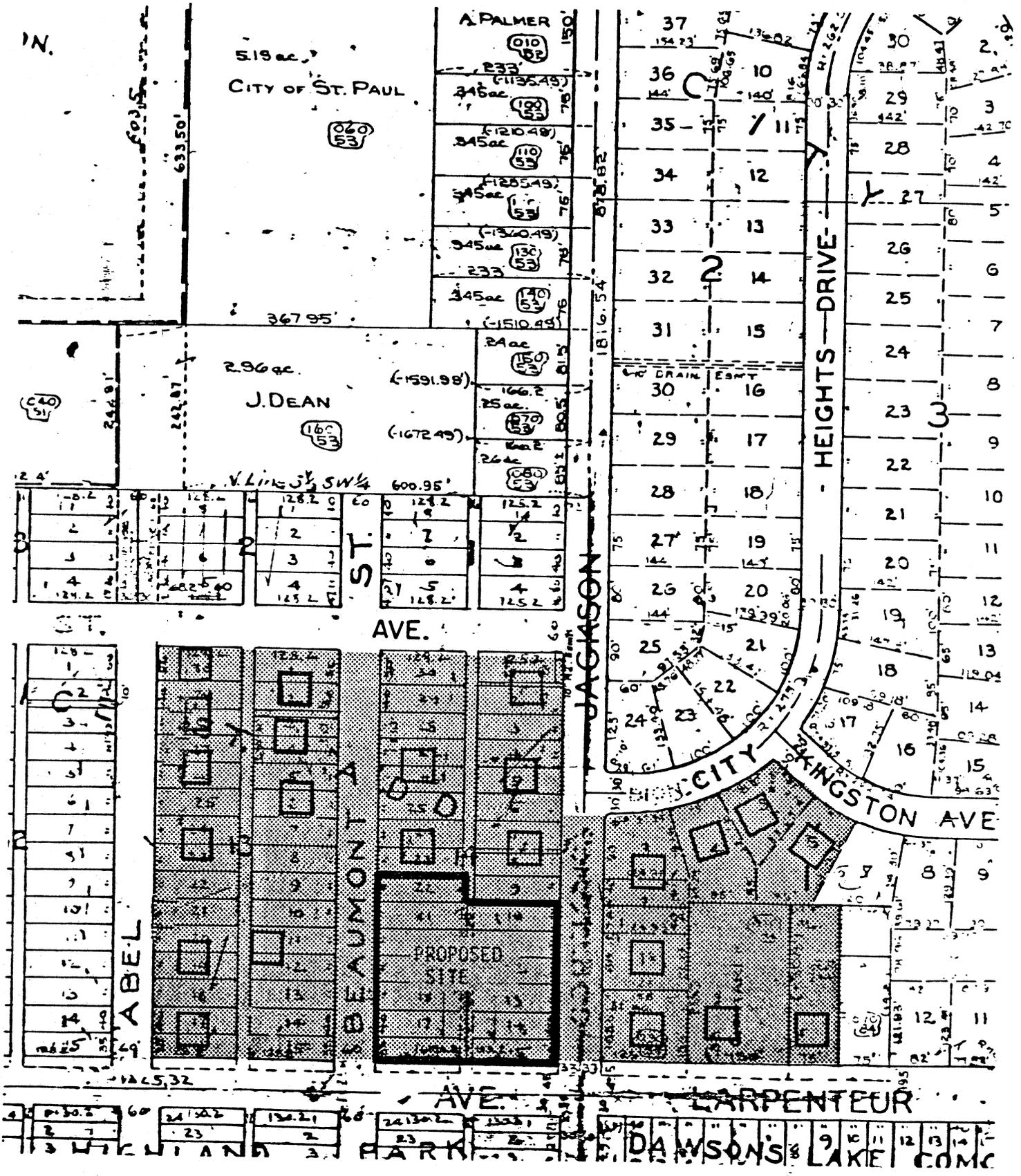
Enclosures:

1. Location Map
2. Property Line Map
3. Topographic Map
4. Narrative Material
5. Site Plan date-stamped 12-21-81



LOCATION MAP



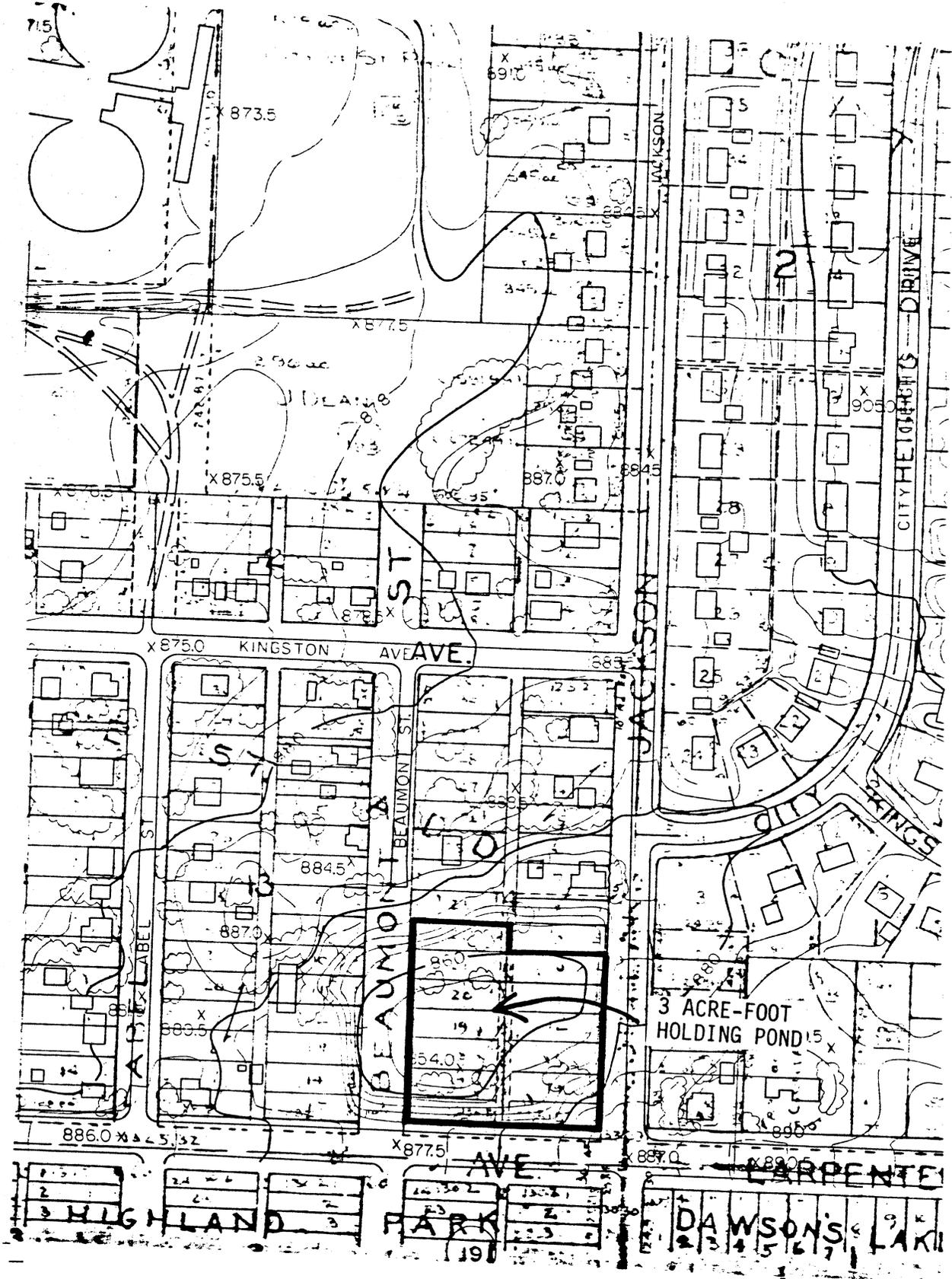


PROPERTY LINE MAP

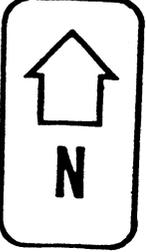


DENSITY STUDY AREA (10.33 ACRES)





TOPOGRAPHIC MAP





6921 York Avenue South
Edina, Minnesota 55435
612/925-5067

February 2, 1982

Thomas Ekstrand
Associate Planner
City of Maplewood
1902 E County Road B
Maplewood, Minnesota 55109

RE: Supervised Living Facility for Larpenter and Jackson

Dear Tom,

The Materials submitted to you earlier refer to 20 employees at one time however, that was a much larger facility (48-50) and we feel that the 19 proposed parking stalls is more than adequate for a facility of 36.

Enclosed is the Board of Appeals and Comprehensive Plan Amendment.
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Miller". The signature is written in dark ink and is positioned above the typed name and title.

Thomas Miller
Vice President

TM/lag

Enclosure

Comprehensive Plan Amendment

Page 2

7. A The property has been zoned R-3 (multifamily) and would not have any adverse effects on the Comprehensive plan or surrounding area.

The proposed use would generate less traffic than any other residential or multifamily use.

The characteristics of the area would dictate a higher intensity use than the Comprehensive Plan indicates.

- B Submitted
C Enclosed
D Submitted previously

Board of Appeals

Page 2

5. a. City has copies
b. The variance is requested from 36 to 19 because the only people who drive cars are employees (none of the residents drive) of the facility and additional parking would be unnecessary and unneeded.

Our request meets the spirit of the ordinance since we would be providing more than an adequate amount of parking for the type of use.

- c. Submitted previously

B & C HOMES, INC.

PROPOSED NEED, USE, STAFF, AND TRAFFIC EXPECTED AT NEW FACILITY

The need to build a new facility arises from the growing waiting list of prospective residents who desire to be placed in one of the two existing Greenwood Residences; namely, Greenwood East and Greenwood West. Should this facility be built in Maplewood it would be called Greenwood North. Presently it is planned to be a 36-bed home for mentally retarded and physically handicapped young adults who meet the criteria attached. The building will be divided into three units of 12 beds each and subdivided into groups of six for greater staff effectiveness while maintaining a home like atmosphere. The staff-resident ratio will be close to 1:1 considering the three shifts daily. The established number of employees including non-direct care staff will be approximately 48 at Greenwood North with the greatest number working during the 6:00 to 9:30 AM shift and during the 3:00 to 11:00 PM shift. At these times the maximum number of employees should total approximately 20.

There will be ample provision for off the street parking with access on Jackson Street. Greenwood North will have 3 vans for transporting its handicapped to and from community services. The residents are obligated to attend school or workshops on a daily basis. Present plans call for about 1/3 of them to leave approximately 8:30 AM and return around 3:30 P.M. via busses or vans which will load off street on the drive through driveway. The other 2/3 of the residents will be provided an in-house day program in the lower level of the building.

Building this facility in Maplewood should be to the advantage of the community. Besides increasing tax revenues it should leave considerable retail trade in the area. Employment opportunities will be available as well as utilization of community churches, volunteer groups, recreational activities, etc. There should be no great need for increased security or concern for the surrounding area since residents are supervised around the clock and are constantly evaluated during their habilitation programs. All operation of the facility will be strictly regulated under Rules 34 and 80 of the Minnesota State Department of Welfare.

GREENWOOD

RESIDENCES

PHILOSOPHY

PURPOSE

PROGRAM

ORGANIZATION

NEW FACILITY
(NEED, USE, STAFF)

BY

B & C HOMES, INC.

PHILOSOPHY

Greenwood Residences, administration and staff believe that every individual has human value and should be afforded equal dignity, respect and the opportunity to pursue happiness. We believe that everyone is capable to growth and has the right to an environment that is as close to normal as possible. Our goal is to help each of our residents reach the maximum of his/her physical, social, intellectual and vocational functioning. The environment and structure of Greenwood Residences Inc., will provide one alternative within the Minnesota comprehensive residential programs for mentally retarded adults. Greenwood Residences Inc., with its community accessibility will be a part of a very viable solution in combination with other alternatives for providing myriad living situations for mentally retarded adults.

We provide residential facilities for disabled persons that will be located within the mainstream of community life and will be accessible to public transportation, education, religious, recreational and other community resources. A living unit will consist of 12 individuals who are compatible in terms of age and functioning level. The living unit, bedrooms, and lounges will be furnished to be comfortable, cheerful, practical and aesthetically pleasing. Residents have the opportunity to decorate their rooms and to help in decorating all the common living areas. Each resident will be afforded privacy by having at most one roommate and access to all areas of the facility, and quiet, private areas away from group involvement. We will encourage an atmosphere of belonging and "ownership" in the unit. Each resident, as a member of the unit, will be involved in all household responsibilities. We believe this atmosphere of ownership fosters increased growth and independence.

Careful selection of group composition is integral in providing meaningful relationships with peers and staff. A unit of 12 residents provides the opportunity for close, meaningful relationships to be developed. Residents need enough individual difference and uniqueness to provide stimulation but enough communalities to promote good peer relationships. We want each individual to be part of the group, but the foremost consideration is individuality or a good concept of self. We believe that each individual has special needs that can best be helped by association with others who can complement these needs.

Supervision and training will be provided on an individual need basis. We believe that the development of skills and behaviors is essential to increasing the individual's ability to control his/her environment. Step-by-step training in such areas as hygiene, grooming, dietary needs, household maintenance, use of community resources, communications, interpersonal relations, at each step increases the individual's knowledge and, therefore, his/her ability to choose alternatives.

Each resident has the right to be involved in all decisions concerning his/her welfare. He/she has the right to be involved in the planning of goals and programs and their implementation and evaluation. We are advocates for the client, support all his/her human and civil rights, and will provide an atmosphere which encourages maximum growth and independence.

Greenwood Residences seek to provide a comfortable, attractive, community-based residential setting where multi-handicapped mentally retarded adults may live with compatible peers. Residents will come primarily from the nearby area to promote continued meaningful involvement with family and friends.

In addition to a comfortable living setting, behavioral, developmental, and medical services will be provided to enhance the residents' ability to live as independently as possible. Highly qualified residential staff will serve as appropriate role models, fostering an attitude and atmosphere which promotes each resident's self-respect, independence and growth.

Individualized programs will be developed for each resident to teach and reinforce independent skills in any of the following areas:

- | | |
|---------------------------------------|---|
| a. personal and oral hygiene | k. dressing skills |
| b. money management | l. fine and gross motor skills |
| c. transportation | m. dining skills and etiquette |
| d. room and facility care | n. laundry skills and personal clothing maintenance |
| e. interpersonal relationships | o. mobility training |
| f. marketing and cost comparison | p. respect for person and property |
| g. communication and use of telephone | q. self image |
| h. street safety | r. coping skills |
| i. recreation | |
| j. use of medications | |

If specialized training in these or other areas is needed by a resident, it will be provided by facility staff or community consultants. Lack of training by Greenwood staff in a particular skill area will not be considered sufficient reason to omit that area from a program plan.

Community-based medical, dental, educational, vocational, recreational, and religious services will be used whenever possible to promote the most normal life style available for each resident.

PROGRAM IMPLEMENTATION

An interdisciplinary team will develop an individualized program plan for each resident which will be designed to meet the resident's priority needs.

Program plans are carried out by instructors who have two to four years of college and/or experience with mentally retarded persons and who participate regularly in workshops and inservice training to increase their proficiency in teaching appropriate skills.

Methods of implementation are chosen to best fit the task, skill, or behavior being taught and the personality of the resident learning the skill. Some of the techniques that may be used are:

1. behavior modification - positive reinforcement, time out from positive reinforcement, token economies, etc. Any aversive or deprivation procedure will be reviewed by a human relations committee prior to initiation.
2. reflective and/or active listening
3. role playing
4. reality therapy - validation therapy - reality orientation
5. peer reinforcement
6. developmental sequenced learning
7. task analysis (content and/or process)
8. analysis of individual strengths and weaknesses
9. relaxation therapy
10. problem-solving techniques

An individual resident may have program(s) utilizing more than one implementation method at any one time and/or methods may change as a resident progresses through a hierarchy of needs.

Continuous evaluation of individualized program plans and of the resident's progress, skills, and needs will be carried out by program staff. Sufficient staff ratios will be maintained to provide 24-hour supervision of each resident.

ADMISSION POLICY

Greenwood Residences will give equal consideration to individuals without regard to race, creed, or national origin. Due to the fact that resident rooms are shared, residents of the same sex as the proposed roommate will be considered except in the case of married couples who wish to share a room.

Ability to benefit from a community based developmental behavior and medical oriented program will be the prime factor in consideration for admission.

Multihandicapped adults as defined in Rule 34 and Rule 80 of the Minnesota Department of Public Welfare will be considered eligible if the following criteria are met.

- A. Primary diagnosis of mental retardation.
- B. Age 18 or older upon admission. Waivers must be obtained from the Department of Public Welfare if outside these limits.
- C. Individuals who are mentally and/or physically incapable of self preservation are given first priority.
- D. Individuals with limitations such as cerebral palsy, sight impairments, epilepsy, brain damage, any other physical limitation such as fine and gross motor coordination, or behavior problems (mild, controllable) are eligible. Persons with hearing or speech impairment are also eligible if hearing or speech impairment is in conjunction with another disability.
- E. Individuals must have the potential to benefit from the program of Greenwood Residence Inc., and need training in any of the following areas:
 1. developmental skills
 2. self-help skills
 3. community orientation
 4. social skills
 5. behavior managementand/or require consulting services in any of the following areas:
 1. physical therapy
 2. occupational therapy
 3. speech pathology
 4. audiology
 5. psychological counseling
 6. medical(Preference will be given to persons needing occupational therapy and/or physical therapy to maintain or improve mobility and independence)
- F. Availability and participation in an on-going suitable day program.
- G. Mutual acceptance of a contract between client and the agency as to programs and goals.

Applicants with the following conditions will not be considered:

1. Individuals who have a history of and/or have a current self-injurious behavior resulting in severe tissue damage, or a severe antisocial or destructive behavior.

2. Individuals who have a history of and/or currently considered physically aggressive toward clients/staff to the extent that severe tissue damage may result.
3. Persons who are so severely hearing impaired as to need manual communication will not be considered eligible
4. Persons with a disability onset at an age later than during developmental period will not be considered eligible.

All admissions are considered probationary for the first six months.

B & C HOMES, INC.

ORGANIZATION

B & C Homes, Inc. was formed in August, 1978 specifically to take over the operation of existing residential facilities for the developmentally disabled young adults known as Greenwood Residence, Inc. This corporation was organized in 1976 and rented space in Prospect Park to house and serve 30 physically handicapped and mentally retarded individuals. In August, 1977 the residents were moved to their present locations at Greenwood West, 6019 West 39th St., St. Louis Park and Greenwood East, 1609 Jackson St., St. Paul.

B & C Homes, Inc. is a Minnesota corporation formed and controlled by two local business men, Norman Bollinger and Clyde Chisholm together with their wives which make up the Board of Directors. The Bollingers live in Anoka while the Chisholms reside in Golden Valley.

PROPOSED EXPANSION PLANS

Soon after the acquisition of the Greenwood properties, B & C Homes, Inc. were faced with the need to build a new facility. The reasons being a growing waiting list from families that wanted to admit their handicapped into Greenwood and the inadequate structures for dealing with heavy care, non-ambulatory individuals.

The services of REM, Inc. were engaged to plan and construct a modern Class B facility in Ramsey County to meet our needs. B & C Homes will lease this new property to carry out the programs and services of the State Department of Public Welfare for as many new residents as will be approved.

F. Public Hearing Date: REM Development

Secretary Olson said Staff is recommending a hearing date of May 3, 1982 for this plan amendment.

Commissioner Fischer moved the Planning Commission establish a Plan Amendment public hearing for May 3, 1982.

Commissioner Pellish seconded Ayes - Commissioners Barrett, Fischer,
Howard, Pellish, Prew, Sletten, Whitcomb 4-19-82

Lis
G-1

May 3, 1982

MEMORANDUM

To: City Manager Barry Evans
From: Deputy Chief of Police T. L. Hagen *T.L.H.*
Subject: Award of Tow Contract

Upon reviewing all bids and based on the following criteria, I recommend award of the towing contract to Rice Street Towing:

1. Cumulative bid prices for all types of tows is lowest.
2. Security is excellent.
3. Manned 24 hours daily for convenience of the public in returning vehicles. Use full-time employees.
4. Excellent equipment for all types of tows.
5. Insurance certificate and bid bond cash is in order.
6. Rice Street Towing is located at 33 E. Acker Street, near freeways, response time should be 8-15 minutes.
7. Meets all other specifications.
8. Will provide free tows to City police vehicles.

TLH:js

cc Towing File

Action by Council:

Approved _____
 Disapproved _____
 Referred _____
 Other _____

April 26, 1982

MEMORANDUM

To: Chief Hagen
From: Sgt. Dreger
Subject: Tow Company Inspection

As per your request, I went to and inspected the 5 towing companies who bid our towing contract. They were inspected as to the following areas of interest to the department; security, fencing, distance from P.D., equipment available. They are listed and rated below.

	<u>Security</u>	<u>Fencing</u>	<u>Distance to PD</u>	<u>Equip. Avail</u>
Rice St. Towing 33 E. Acker	excellent	excellent	10 min.	excellent handle any veh. air ba
Andi's Towing 846 Earl	poor	poor (down in areas)	10 min.	acceptable
Twin City Towing 1280 Jackson	excellent	excellent	8 min.	excellent
Schoonover Towing 1060 W. Co. Rd. E	excellent	excellent	15 min.	very good
Art's Towing 2384 English	very good	very good	5 min.	marginal dependabili- in present condition

It is my consideration that Rice St. Towing be given the opportunity to handle our towing.

	Twin City	Art's Towing	Andi's	Rice Street	Schoonover
Storage - 1st Day	\$ 5.00	\$ 6.00	\$ 5.00	\$ 5.00	\$ 0.00
Storage - Additional Days	5.00	6.00	5.00	5.00	5.00
Type I	28.00	28.00	25.00	26.00	30.00
Type II	33.00	35.00	25.00	26.00	30.00
Type III	75.00	55.00	65.00	35.00	45.00
Type IV	25.00 Add'l.	15.00 Add'l.	25.00 Add'l.	9.00 Add'l.	20.00 Add'l.
Type V	35.00	40.00	35.00	35.00	35.00
City Squads	15.00	00.00	00.00	00.00	00.00
Cumulative	\$221.00	\$185.00	\$185.00	\$141.00	\$165.00

MEMORANDUM

J-1

TO: City Manager
FROM: Tom Ekstrand, Associate Planner
SUBJECT: Special Exception
LOCATION: 931 County Road C
APPLICANT/OWNER: William R. Howard
PROJECT: The Howard Agency
DATE: April 9, 1982

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a Special Exception to operate the Howard Agency, an insurance office, from the Applicant's home.

Proposed Land Use

Refer to the Applicant's letter dated 3-18-82.

CONCLUSION

Analysis

The proposed home occupation complies with the criteria as outlined on the Planning Commission Subcommittee report. (See enclosed.)

Recommendation

Approval of a special exception for a home occupation permit to operate an insurance office, subject to the following conditions:

1. Compliance with all of the criteria as outlined in the Planning Commission Subcommittee report.
2. The special exception may be renewed after three years if Council is satisfied that there has not been any nuisances created by the business.
3. The applicant shall install one five-pound fire extinguisher and smoke detectors within the dwelling. The placement of these shall be determined by the Fire Marshal.

BACKGROUND

Site Description

1. Lot size: 5.67 acres
2. Existing Land Use: Single family dwelling and garage

Surrounding Land Uses

- Northerly: Kohlman Lake
Southerly: County Road C. South of County Road C are single family homes and Bever Brothers Nursury
Easterly: Single family homes on large lots
Westerly: Single family homes

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: OS, Open Space and RL, Low Density Residential (Current Plan and Plan Update)
2. Zoning: R-1, Residence District (Single Dwelling) and F, Farm Residential
3. Section 904.010 (4) of the Zoning Ordinance permits office of professional persons to be located within the dwelling of that person upon approval by the City Council.
4. Refer to the enclosed Planning Committee Subcommittee report on home occupations. Each of the eight guidelines would be met by this proposal.

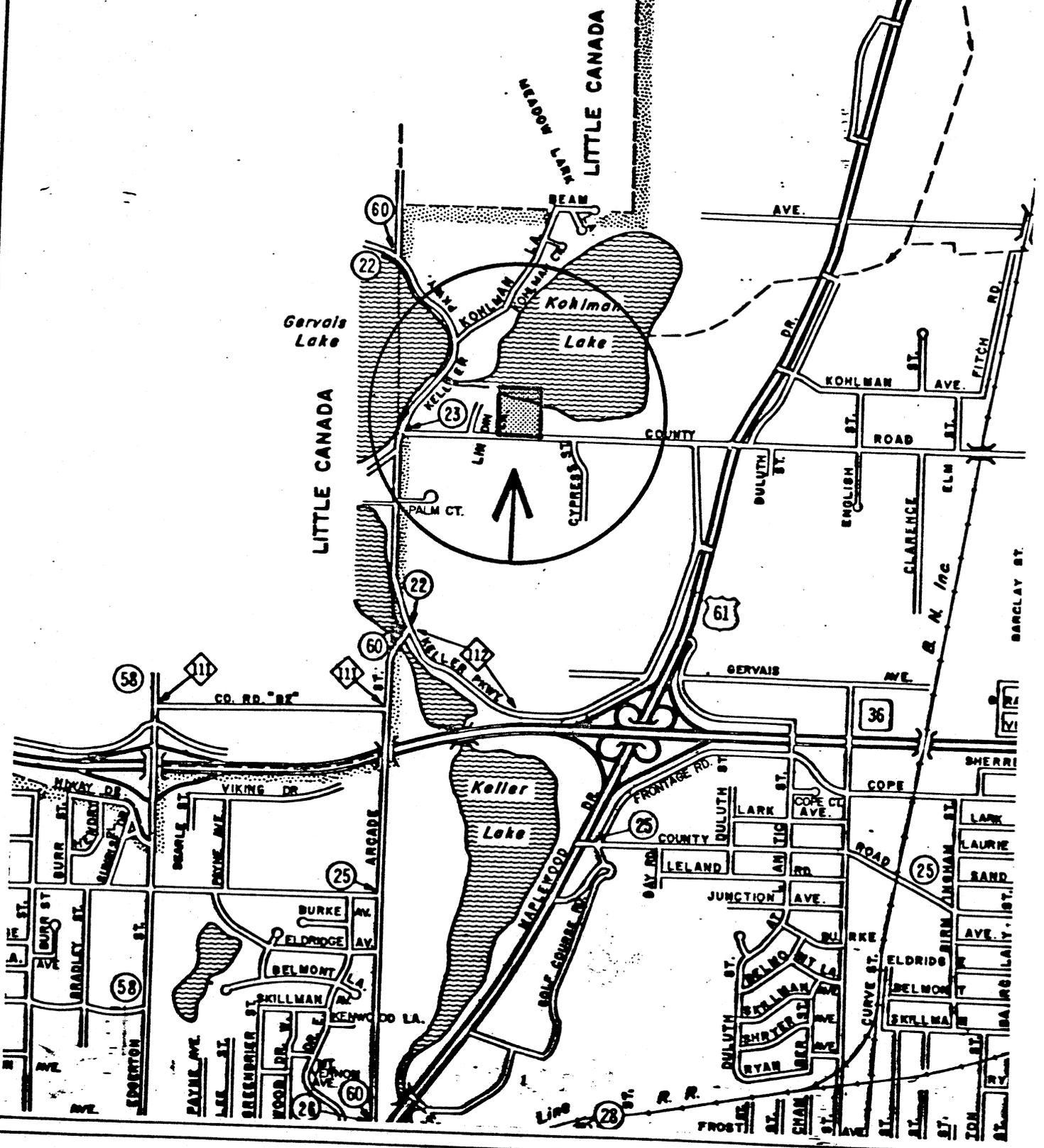
Public Safety

1. One five-pound all purpose fire extinguisher should be installed.
2. Smoke detectors should be installed according to the Fire Marshal's specifications.

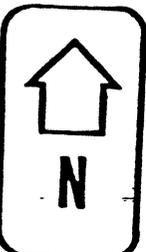
Enclosures:

1. Location Map
2. Property Line Map
3. Applicant's letter dated 3-18-82
4. Planning Commission Subcommittee Report

① VADNAIS HEIGHTS 61



LOCATION MAP



WILLIAM R. HOWARD
GERALDINE B. HOWARD

THE HOWARD AGENCY

Pioneer Building Telephone: 224-9101

ST. PAUL, MINNESOTA 55101

18 March 1982

Mr. Geoff Olson, Director
Community Development
City of Maplewood
1902 East Co. Road B
Maplewood, Minn. 55109

Re: Application for Special Use
Permit for Home Occupation

Dear Geoff,

For quite a number of years, Mrs. Howard and I have operated our general insurance agency out of an office in the Pioneer Bldg. in downtown St. Paul. Recently, the building was sold and the purchaser plans to use the first seven floors which includes our office. We therefore will have to move to another location.

We find that it is rare that any of our clients come to our office as the great majority of our contacts with them are in the form of our calling on them at their office or home, of our telephoning them, or of our writing them. A downtown office, therefore, is of little value to us. In view of the above, it seems to be good sense to move our desks, filing cabinets, and typewriters to an available room in our home and to operate from that location.

If a client should come to our home to see us about his insurance, there is plenty of off-street parking by the house and in front of the garage.

We have no employees of any kind and do not anticipate hiring any.

Other than mail, there would be no deliveries to the house.

We have no intention of erecting a sign on the premises nor of doing any advertising. The operation would not result in any change in the appearance of the property.

It would be appreciated, Geoff, if you would submit this application to the Council and if you will advise me as to when it will appear on the agenda, I would be glad to be present to answer any questions that any of the members might have.

Thanks, a lot, and with best personal regards, I remain,

Yours very truly,

W. R. Howard
W. R. Howard

REPRESENTING U. S. F. & G. SINCE 1938

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.

G. Special Exception: 931 E. County Road C (Howard)

Secretary Olson said the request is a special exception to operate an insurance agency from the applicant's home. Staff is recommending approval as outlined in their report.

Commissioner Howard vacated his seat on the Commission for this agenda item.

William Howard said he was satisfied with the staff report, he now has fire extinguishers in the furnace room, laundry room, kitchen, and garage. They are 2 1/2 pound extinguishers. He also has smoke detectors.

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of a special exception for a home occupation permit to operate an insurance office, subject to the following conditions:

1. Compliance with all of the criteria as outlined in the Planning Commission subcommittee report.
2. The special exception may be renewed after three years if Council is satisfied that there has not been any nuisances created by the business.
3. The applicant shall install one five-pound fire extinguisher and smoke detectors within the dwelling. The placement of these shall be determined by the Fire Marshal.

Commissioner Sletten seconded
Pellish, Prew, Sletten, Whitcomb

Ayes - Commissioners Barrett, Fischer,

4-19-82

J-2

MEMORANDUM

TO: City Manager
 FROM: Tom Ekstrand, Associate Planner
 SUBJECT: Special Exception
 LOCATION: 3035 White Bear Avenue
 APPLICANT: Eugene Winstead
 OWNER: Maplewood Square Associates
 PROJECT: Game Room
 DATE: April 8, 1982

Action by Council:
 Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY OF THE PROPOSAL

Approval to open an electronic video game room in the Maplewood Square Shopping Center. There would be 24 machines and full time supervision.

CONCLUSION

Issues

Staff's only concern is this facility has the potential for becoming a hangout for teenagers and adolescents if supervision becomes lax. There should be periodic reviews of this facility, therefore, to determine if there are any problems.

Recommendation

Approval of a special exception for the proposed game room in the Maplewood Square, since the use does not appear that it would be objectionable to any adjacent business. Approval is subject to:

1. All required licenses for operation shall be obtained from the City.
2. This permit may be renewed after one year of operation, provided there have been no problems created by the facility.

4

BACKGROUND

Site Description

1. Site Size: 3.6 acres
2. Total Building Floor Area: 1.03 acres
3. Proposed Game Room Floor Area: 1,170 square feet
4. Existing Lane Use: Maplewood Square Shopping Center

Surrounding Land Uses

- Northerly: Dial Finance
- Southerly: Sound of Music
- Easterly: White Bear Avenue and the Plaza 3000
- Westerly: Payless Shoe Source

Past Action

Council has approved special exception in this area for these game room facilities:

1. Pizza Time Theater (Maplewood East Shopping Center), approved 8-20-81.
2. The Circus (Maplewood Mall), approved 11-5-81.
3. Alladdin's Castle (Maplewood Mall), approved 2-1-79.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: DC, Diversified Center (Current Plan and Plan Update)
2. Zoning: BC, Business Commercial
3. Section 907.010 (2.c.) of the Zoning Ordinance requires that in BC districts, places of amusement may only be permitted when authorized by the lawfully governing body as a special exception.
4. Parking requirements will be met since parking spaces for the game room use is calculated the same as for the previous retail use.

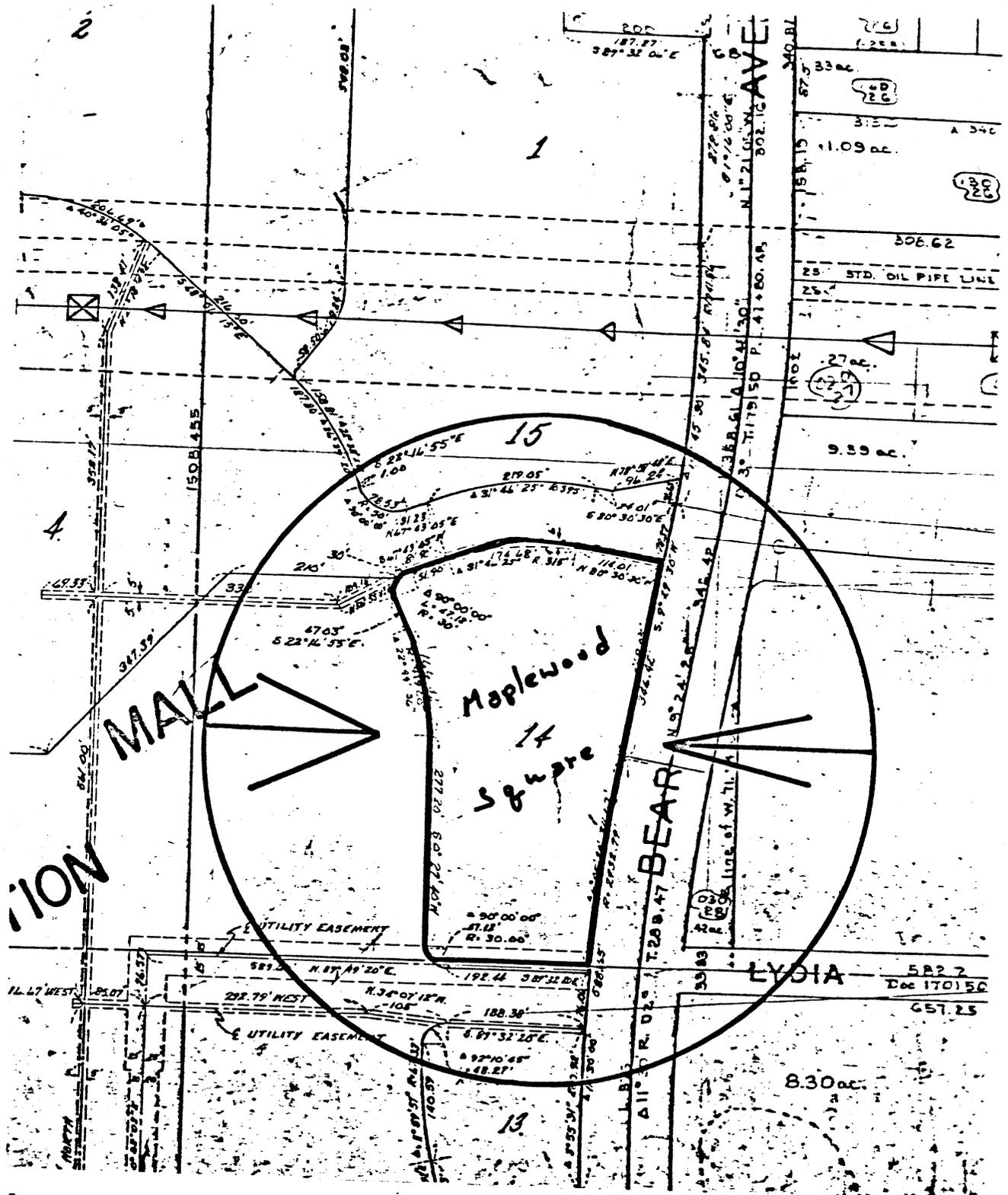
City Clerk

- Licenses must be obtained for all machines.

mb

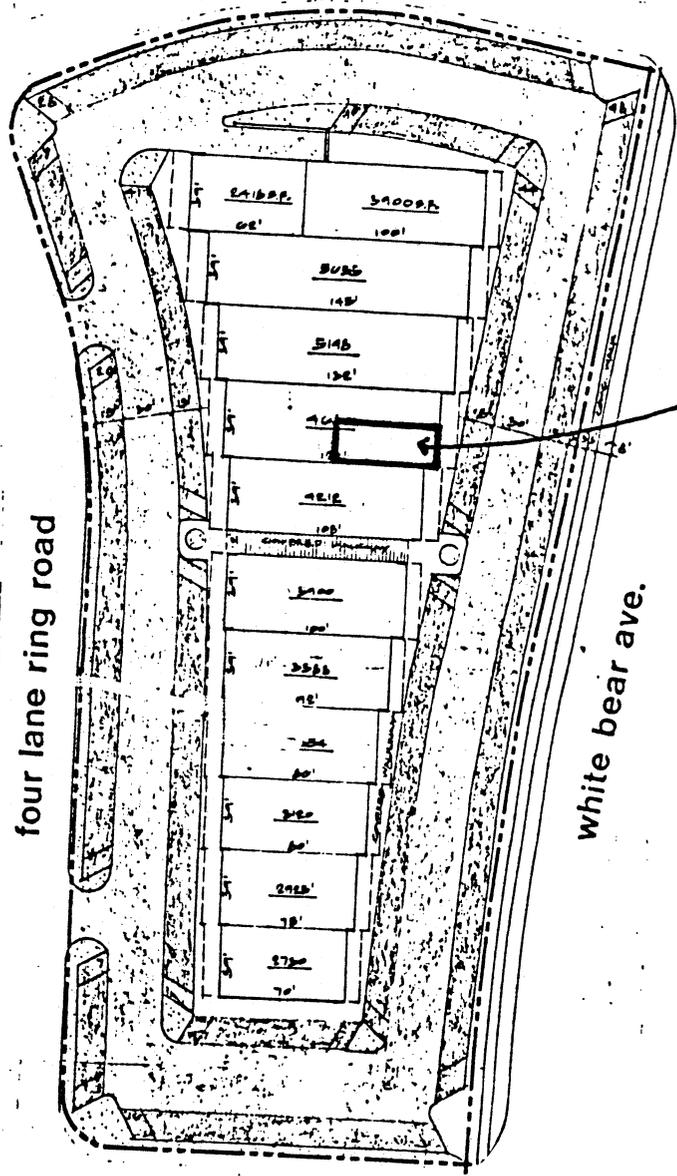
Enclosures:

1. Location Map
2. Property Line Map
3. Site Plan



PROPERTY LINE MAP





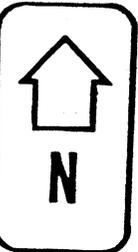
PROPOSED GAME ROOM LOCATION

four lane ring road

white bear ave.

SITE PLAN

Maplewood Square



A. Special Exception: Maplewood Square

Secretary Olson said the applicant is requesting approval to open an electronic video game room in the Maplewood Square Shopping Center. Staff is recommending approval of the special exception as outlined in their report.

Commissioner Sletten moved the Planning Commission recommend to the City Council approval of a special exception for the proposed game room in the Maplewood Square, since the use does not appear that it would be objectionable to any adjacent business. Approval is subject to:

1. All required licenses for operation shall be obtained from the City.
2. This permit may be renewed after one year of operation, provided there have been no problems created by the facility.

Commissioner Howard seconded
Howard, Pellish, Prew, Sletten, Whitcomb

Ayes - Commissioners Barrett, Fischer,

4-19-82

April 28, 1982

Mr. Barry Evans
City Manager
City of Maplewood, Minnesota 55109

Dear Mr. Evans,

On December 8 1981, the Department of Public Works submitted a Feasibility study on the English Street Extension, north of Kohlman. The study recommended no action be taken until an approved preliminary plat is provided and that the financing be the responsibility of the property owners. We were under the impression that our project would be treated in the same manner as the English Street Extension, south County Road C project.

With this in mind, please put this subject on the Agenda of the City Council for Thursday, May 6, 1982.

Thank you.



David E. Tucci

DET:bem

David E. Tucci and Mrs. John Tucci
1293 Kohlman Avenue
St. Paul, Minnesota 55109

Action by Council:

Endorsed_____

Modified_____

Rejected_____

Date_____

J-4

MAPLEWOOD BOWL, INC.
1955 English St
Maplewood, Mn. 55109

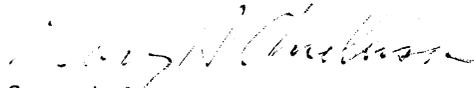
Mr. Barry Evans
City Manager
City of Maplewood
1380 Frost Ave.
Maplewood, Mn. 55109

April 23, 1982

Dear Mr. Evans,

We would like to be put on the agenda for the May 6th, 1982 City Council meeting. We want to discuss any questions that the City of Maplewood has concerning Maplewood Bowl. Please advise us of the approximate time. Thank you.

Sincerely,



Gary Anderson
An owner of Maplewood Bowl

Action by Council _____
Indorsed _____
Referred _____
Rejected _____
Date _____

The Delory Co.

J-5

- Basement Waterproofing
- Augering

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

- Sewer & Water Installation
- Realty Post & Sign Installation

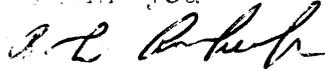
City Manager
City of Maplewood
1380 Frost Ave.
Maplewood Minn.

Sir,

I called recently regarding licensing for a sewer contractor in the City of Maplewood. I was informed that in order to pull a permit we would have to be a licensed plumber. Our Company has been in the sewer and water business in Maplewood for many years. We have installed hundreds of sewers in Maplewood, and we are not plumbers. We feel this ordinance should be changed as we do no inside plumbing and are only doing outside sewer and water. (House to street stub.) There are only a few communities in the 7 County Metro area that require a company to be licensed as a plumber when they do no plumbing. We would like to request a hearing at the council to perhaps change this ordinance. It seems wrong to have to have a licensed plumber pull a permit for a job he will never see, that involves no plumbing, and cannot be covered up until the City inspector has checked and tested the work.

Action by _____
Enforced _____
Refused _____
Rejected _____
Date _____

Thank you



Bob Averbeck
Genl. Manager

MEMORANDUM

TO: City Manager
FROM: Director of Public Works
DATE: April 27, 1982
SUBJECT: Brookview Drive Assessment Method, Project No. 78-20

The assessment hearing for the Brookview Drive Storm Sewer Improvement is anticipated to be held within the next few months. The feasibility study indicated three options concerning alternate methods of assessments. At the time the project was ordered, the method of assessment was not chosen. We are, therefore, requesting that the City Council make a determination as to the method by which the project costs will be financed.

All properties benefited by the storm sewer reconstruction project have been assessed under the 1975 Special Assessment Levy at the rate of \$0.0125/SF for residential and \$0.05/SF for commercial property.

The estimated project costs and cost recoveries contained hereinafter, are estimated based on costs known to date and may, therefore, not be actual assessment costs.

The three alternatives, as explained in the feasibility, are as follows, along with an alternate added at this time:

Alternate "A"

All residential properties would be assessed at one-half or the (at that time) current rate ($1/2 \times \$0.045/SF$) = \$0.0225/SF. No credit is proposed for previous assessments.

Alternate "B"

All residential and commercial properties would be assessed at the current rates (at that time), of \$0.045/SF and \$0.090/SF respectively. The properties would receive credit for assessments previously levied.

Alternate "C"

This alternate is to fully assess the cost of the project while maintaining the 2:1 ratio of commercial to residential rates. At the time of the feasibility study presentation, the rates were estimated at \$0.088/SF for commercial and \$0.044/SF for residential. The project was considerably more expensive than anticipated, resulting in actual rates of \$0.077/SF for residential and \$0.154/SF for commercial. No credit was proposed under this alternate.

Alternate "D"

We have added this alternate to be consistent with current City Policy of assessing at rates of \$0.077/SF for residential and \$0.154/SF for commercial and to provide a credit for previous assessments for an inadequately designed system.

Action by Council:

By _____
President _____
By _____
Date _____

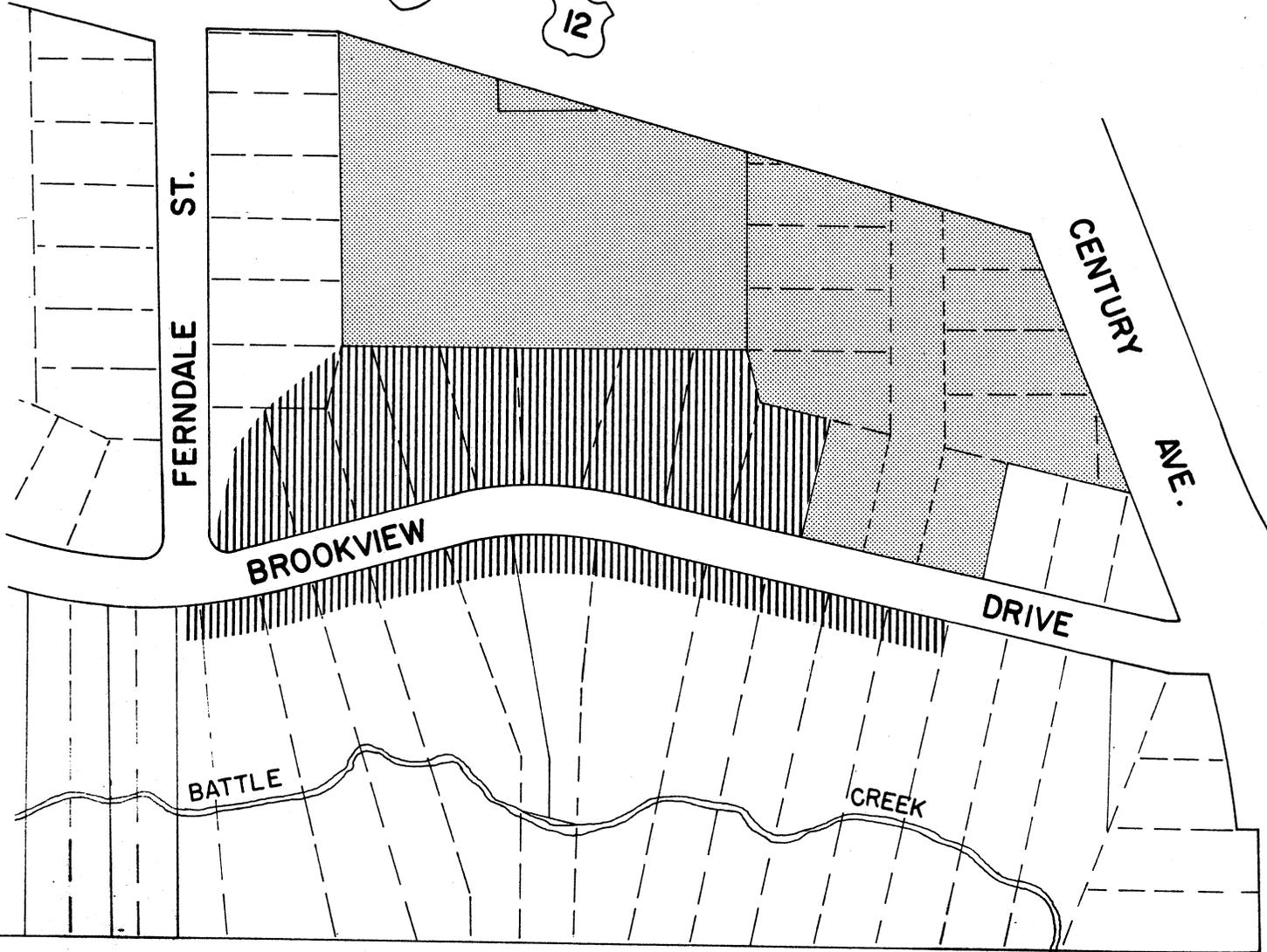
Alternate	Project Cost	Assessment Rates	Assessment Recovery	Credit	City Participation
A	\$57,800	\$0.0225/SF (R) - (C)	\$ 3,800	-	\$54,000
B	\$57,800	\$0.045/SF (R) \$0.090/SF (C)	\$ 7,600 <u>\$26,150</u>	\$ 1,960 <u>\$14,540</u>	
			\$33,750	\$16,500	\$40,550
C-1	\$57,800	\$0.044/SF (R) \$0.088/SF (C)	\$ 7,450 <u>\$25,550</u> <u>\$33,000</u>	- - -	<u>\$24,800</u>
C-2	\$57,800	\$0.077/SF (R) \$0.154/SF (C)	\$13,000 <u>\$44,800</u> <u>\$57,800</u>	- - -	-
D	\$57,800	\$0.077/SF (R) \$0.154/SF (C)	\$13,000 <u>\$44,800</u> <u>\$57,800</u>	\$ 1,960 <u>\$14,540</u> <u>\$16,500</u>	<u>\$16,500</u>



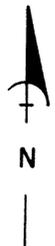
Previously Assessed Residential



Previously Assessed Commercial



PROJECT 78-20
BROOKVIEW DRIVE STORM SEWER



Action by Council:

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: Tree Removal Program
DATE: April 22, 1982

Endorsed _____
Modified _____
Rejected _____
Date _____

HISTORY OF THE TREE DISEASE CONTROL PROGRAM IN MAPLEWOOD

The City of Maplewood has maintained a successful tree disease control program since 1974. As Graph I shows, disease losses since 1977 have been declining. In 1977 more than 4,500 elms were lost to Dutch Elm Disease. In 1981, elm losses were down to 400, about 1.2% of the Maplewood elm population.

This decline in disease incidence is not due to a lack of elms, since an estimated 33,000 elms remain within the City. The success of our program is due to a rapid and nearly complete removal of hazardous elmwood--i.e. sanitation. Hazardous elmwood is any wood that is a breeding site for elm bark beetles, the main vectors for Dutch Elm disease.

Without continuing sanitation, and with such a large remaining elm population, Maplewood can expect a tenfold increase in Dutch Elm disease losses within three years.

We cite five benefits to the City of Maplewood if we continue the high quality of our sanitation program:

1. By spreading our tree losses over a longer period of time, we facilitate efficient and orderly tree removal.
2. Aesthetically, a sound Dutch Elm disease management program insures that we will not lose all of our elm trees in a short period of time and become a barren landscape.
3. We will gain time to develop a comprehensive tree management program that will guide our tree planting efforts in an organized and agreed upon manner in order to meet all our needs and to minimize the effect of any future plant epidemics.
4. We will save the majority of our elm trees.
5. We will save money. Studies show that, depending on the level of control, a community can save from 35-75% of total tree removal costs and property value, over what it would cost without a control program.

In summary, disease incidence is declining, but the City should maintain a minimum sanitation program for years to come.

At this time, several decisions regarding the 1981, 1982 and 1983 Diseased Tree Removal Programs should be made.

1981 Program

The time for preparation of the assessment roll for the trees removed in 1981 is upon us. The State Grant in Aid for trees removed will be approximately \$3,430.00

or about 10.7% of the total cost of \$32,183.00.

It is proposed to assess 90% of the cost of the removals to the affected property owners, and to pass on the 10% received from the State. Boulevard trees would be assessed at 50% of the total removal costs (this is the maximum allowed under State law).

The City's total monetary burden would be \$6,028.00 or \$4,213.00 for trees removed on City-owned property, plus \$1,815.00 for the unassessed portion of boulevard trees. The remaining \$26,155.00 would be recovered from assessments totaling \$22,725.00, and the State Grant-in-Aid of \$3,430.00.

1982 Program

State funds for the Shade Tree Program have been eliminated and the law requiring Maplewood to have a shade tree program has been changed to allow us to decide if we wish to have a program at all. This would require recinding our ordinance. If the City elects to have a program, it must be conducted in accordance with our ordinance and the same State laws which were in effect in 1981.

Based on the facts presented in the History of the Diseased Tree Removal Program in Maplewood, and the disasterous conditions which would prevail if the program were to be dropped, it is recommended that the program for 1982 be authorized.

Funding the 1982 program should be decided at this time. Three options appear to be available to us. They are:

1. The City should pay all costs associated with the removal of all public and private trees. Budgetary considerations weigh heavily against this option, therefore, it has been eliminated from further consideration at this time.
2. The City should assess 100% of the cost of all trees removed on private property and 50% of the cost of removing boulevard trees. This option would place the least burden on the budget. It is estimated that the total cost to the City would be about \$7,234.00. However, this option is not in keeping with the past practice of sharing part of the cost of tree removals on private property with the affected owner. It should be noted that over the years the percentage of the costs paid by Grant-in-Aid has steadily decreased.
3. The City should continue to pay a portion of the costs for removal of trees on private property. This places a heavier burden on the budget. If the recommended assessment policy for 1981 removals were adopted and extended to cover 1982 removals, the City's total cost is estimated to be \$9,961.00.

Option number two is recommended as it places the least burden on the City budget, and is in keeping with the downward trend in Grants-in-Aid passed on to the property owner.

1983 Program

In addition to the options presented above, another option is available for 1983. We shall call it option four, which reads:

4. The City shall impose a special levy for the removal of all diseased shade trees on public or private lands. As allowed by MSA 18.023, this levy is not restricted by general levy limits imposed by State law.

This option is recommended for the following reasons:

- a. A special levy would be a more equitable method of financing a tree program than special assessments. Everyone in a community benefits from tree disease control, not just those that have trees removed. People with healthy trees especially benefit from disease control and yet they do not pay for it.
- b. Special assessments for tree removal can be a great burden on individual property owners. Assessments of \$100-\$300 per tree are common. The cut-off of State Grant-in-Aid money makes this more severe. A small levy on every parcel has much less financial impact.
- c. Special assessments are difficult to administer because of annual hearings, billings and required notices. The 1980 assessment for project 80-6 required approximately 60 man hours to prepare.
- d. Public opinion and efficiency of a tree disease program should improve if a special levy were imposed. People will be less reluctant to report diseased trees since the City would remove them without additional cost to the homeowners.
- e. For people who homestead their property, a portion of a special levy would be paid out of State funds through homestead credit. Assessments are excluded from homestead credit.

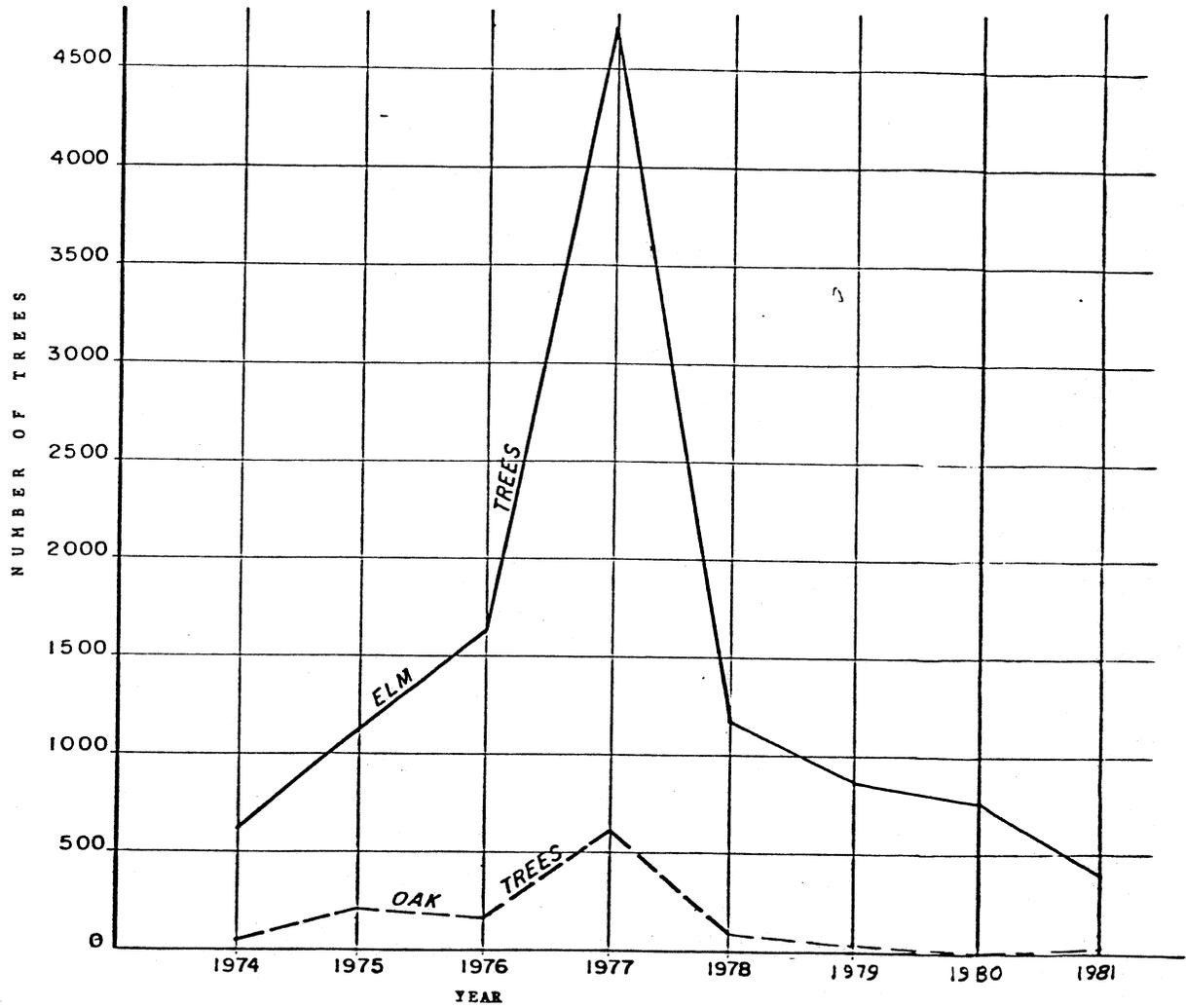
The attached table is a comparison (and projection), of the recommendations made in this report. The 1983 projections are based on a 50% increase in the number of trees marked, and a 20% increase in the overhead costs. These increases reflect the expected tendencies of the public to report diseased trees without hesitation, and to require the City to remove the trees at no additional cost to themselves.

The special levy required to finance the expected \$69,896.00 costs for the project would be \$3.15 per \$10,000.00 of assessed valuation. A home with an estimated market valuation of \$70,000.00 would pay an additional tax of \$4.64. A portion of this additional tax would be offset by the homestead credit.

	ASSESSMENT 1981	ESTIMATED ASSESSMENT 1982	PROPOSED SPECIAL LEVY 1983
TREES MARKED	400 (Actual)	400	600
TREES REMOVED BY CITY CONTRACTOR	242 (Actual)	242	600
CITY COST	City Trees \$4,213	\$5,056	\$60,000 (Contractor)
	Boulevard Trees \$1,815	\$2,178	\$ 9,896 (Overhead)
	\$6,028	\$7,234	\$69,896
ASSESSED COST	Private Trees \$20,910	\$25,092	
	Boulevard Trees \$ 1,815	\$ 2,178	
	\$22,725	\$27,270	
STATE AID @ 10..7%	\$ 3,430	--	--
TOTAL COST	\$ 32,183	\$34,504	\$69,896
COST OF AVERAGE TREE ON PRIVATE PROPERTY	\$ 146	\$ 175	\$ 116

GRAPH I

NUMBER OF TREES LOST TO DUTCH ELM AND OAK WILT DISEASES



J. 8

TO: City Manager
FROM: Director of Community Development
SUBJECT: RE Rezoning South of Lower Afton Road
DATE: April 9, 1982

Action by Council:
-
-
Endorsed _____
Modified _____
Rejected _____
Date _____

Request

The City Council, on February 4, requested that the Planning Commission prepare a report of the property south of Lower Afton Road that could be considered for RE districts and the report is to be presented by the second meeting in May.

Overall Purpose of the Request

To preserve the unique natural features of the area, without increasing the price of lots any more than necessary.

Objectives in Order of Importance (page numbers refer to the Plan Update)

1. Ordinances should be as specific and objective as possible (staff proposal).
2. The City should continue to use planning principles for housing areas which encourage . . . c. Preservation of natural and environmental features, such as ponds, trees, wetlands, shorelands, and floodplains (p. 12-8).
3. Where environmental limitations are present, the City shall encourage low density housing or a clustering of different housing types and styles to protect natural features (p. 12-9).
4. Housing should be kept as affordable as possible for the widest range of people (staff proposal).
5. The maximum allowed density should not be reduced solely for the purpose of creating higher income or exclusive neighborhoods (staff proposal).
6. Ordinances should be in a form that prospective developers can easily determine what their rights are before buying the property (staff proposal).
7. Environmental overlay districts should be used to protect areas of the City that may be subject to environmental limitations and have not yet been developed (p. C-23).
8. The Planned Unit Development Ordinance should be revised to enable the City to make better use of this mechanism for promoting housing diversity and environmental protection (p. C-23).
9. Maximize site amenities through minimum grading and site preparation (p. 18-5).
10. Ensure efficient utilization and conservation of land on both an individual site as well as a community basis (p. 18-3).

11. Residential areas should be planned and designed with shorter street lengths and with a minimum of land area devoted to streets (p. 18-11).
12. The City land use plan should be the guide in determining population density and distribution, although some flexibility for changing land use patterns and densities should be maintained (p. 18-8).

Decisions Needed in Priority

1. Decide on the area to be studied.
2. Decide on the specific natural features to be protected.
3. Decide how best to protect these natural features, based on the above objectives.

Decision one: Decide on the area to be studied.

Council originally directed staff to study, the area south of Lower Afton Road. Council, however, has previously discussed larger lots or preserving natural features in other areas of the City, such as:

1. south of Larpenteur and north of the tracks
2. north of Kohlman Lane and Keller Parkway

If Council is concerned with preserving natural features in other parts of the City, the study area should be expanded to comprise the whole City.

Decision Two: Decide on specific natural features to be protected.

The following natural features should be considered for protection:

1. wetlands (see enclosed map)
2. slopes with a 12% or greater grade (see enclosed map)
3. woodlands (see enclosed map)
4. shorelands and floodplains(see enclosed map)
5. unique habitats

WETLANDS

The following objectives should be used in deciding which wetlands to preserve (in order of importance):

1. Use existing wetlands to meet the ponding requirements of the "Maplewood Drainage Plan".
2. Protect the water quality of lands and streams by using wetlands to remove sediment and nutrients from run-off. Improved water quality:

- increases property values around lakes and streams
- improves fish and wildlife habitats
- improves recreational opportunities--swimming and fishing
- reduces public costs of storm sewer maintenance and lake renovation projects

3. Maintain wetlands with significant fish and wildlife habitats.
4. Allow the development of wetlands that serve no significant public purpose.
5. Existing wetlands should be used to meet open space requirements.
6. Preserve wetlands that aid in groundwater recharge. This could be important, but significant recharge areas have not been determined at this time.

SLOPES WITH A 12% OR GREATER GRADE

Twelve percent is the grade used in our "Critical Area Overlay District Ordinance".

The purpose for regulating steep slopes is to avoid ecological problems caused by siltation and pollution of lakes and streams due to excessive erosion and run-off. There is also benefit in preserving the natural character of steep slopes.

WOODLANDS

The Metropolitan Council model environmental overlay ordinance uses the following definitions:

Woodland--a group of trees at least one-half acre in area and with a crown cover of fifty percent or greater.

Tree--any woody plant that has at least one trunk whose diameter four feet above ground is four inches or greater.

Crown Cover--the ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

SHORELANDS AND FLOODPLAINS

Shorelands are defined by the State as:

1. 1000 feet from the normal high water mark of a pond, lake or wetland
2. 300 feet from a river or stream, or the landward side of a designated floodplain, whichever is greater

UNIQUE HABITATS

The only unique habitat is a virgin prairie owned by the City, west of Century and south of the tracks, called "Jim's Prairie".

Decision Three: Decide how best to protect these natural features, based on the above objectives.

Existing City Ordinances

1. In 1979, the City adopted an environmental overlay district for the area south of Carver Avenue and west of I-494. This ordinance protects steep slopes, wetlands, trees, and unique plant and animal species. This ordinance has specific standards that could be applied in the study area. (See enclosed ordinance.)
2. The City's subdivision regulations state that "In the subdividing of any land, due regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions, which if preserved will add attractiveness and value to the proposed development. The City Council may require the clustering of lots, such as with a PUD, to preserve natural features" (section 1008-f-8).

While this ordinance expresses good intentions, it is too vague and lacks specific, objective standards.

3. Staff is working on a shoreland ordinance that must be adopted by September.
4. Section 1008 (e) (2) of the subdivision regulations protects streams and drainageways--"Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourses, together with such further width or construction, or both, as will be adequate for the stormwater drainage of the area".
6. Section 1006 (e) of the subdivision regulations states that "the City Council may require that a reasonable portion of any proposed subdivision be dedicated to the public as . . . drainage and holding areas or ponds". The City has required such dedications where ponds are shown on the "Maplewood Drainage Plan".

Alternatives to Protecting Natural Features (In order of preference)

1. Environmental Protection Ordinance

Advantage: Specific natural features would be protected without raising lot costs by arbitrarily increasing lot areas or reducing density.

Disadvantage: In order to be specific and objective, this ordinance would be more complex and technical than the other alternatives. This would make the ordinance harder to use. This type of ordinance, however, has been adopted for use in the critical area south of Carver Avenue.

2. A PUD zone with the maximum allowed density reduced to eight people per net acre. This is the average density that would result if the site was developed with 20,000 square foot lots. The PUD zone would allow Council the discretion of determining which areas on the site are to be left undeveloped.

Advantages:

- a. The developer could cluster homes on part of the site and preserve large areas of undeveloped land containing natural features.
- b. Clustering units would reduce grading and public improvement costs.

Disadvantages

- a. Since there would be no specific predetermined requirements for which natural features to preserve, Council would have to decide this on a case by case basis.
- b. Arbitrarily reducing the density may unnecessarily raise lot costs.

3. RE rezoning

Advantage: This would be the simplest alternative to administer.

Disadvantages:

- a. This would be the least effective alternative for preserving natural features, because of the grading required for street and homesites.
- b. This alternative would raise the cost of lots more than the other alternatives.

Comments

Alternative one best meets the overall purpose and objectives--it would most effectively preserve natural features, without increasing the price of lots any more than necessary. The enclosed chart and drawings compare the relative costs per lot of dividing a forty acre parcel into 10,000, 20,000, 30,000, and 40,000 square foot lots (alternative 3). The chart also shows the cost of reducing the density, without increasing lot areas (alternative 2). If Council's main concern is preserving significant natural features, without increasing lot costs any more than necessary, then alternative one is best.

If, however, Council's main concern is preserving natural features with reduced density, with less concern for lot costs, then alternative two is best.

If Council's main concern is large lot neighborhoods, with less concern for natural features and lot costs, then alternative three is best. Staff conducted a survey of property owners south of Lower Afton Road with lots of 20,000 square feet or more. Three-fourths of them favored an RE zone, with fairly equal preference for 20,000, 30,000, and 40,000 square foot lots. (See enclosed survey.)

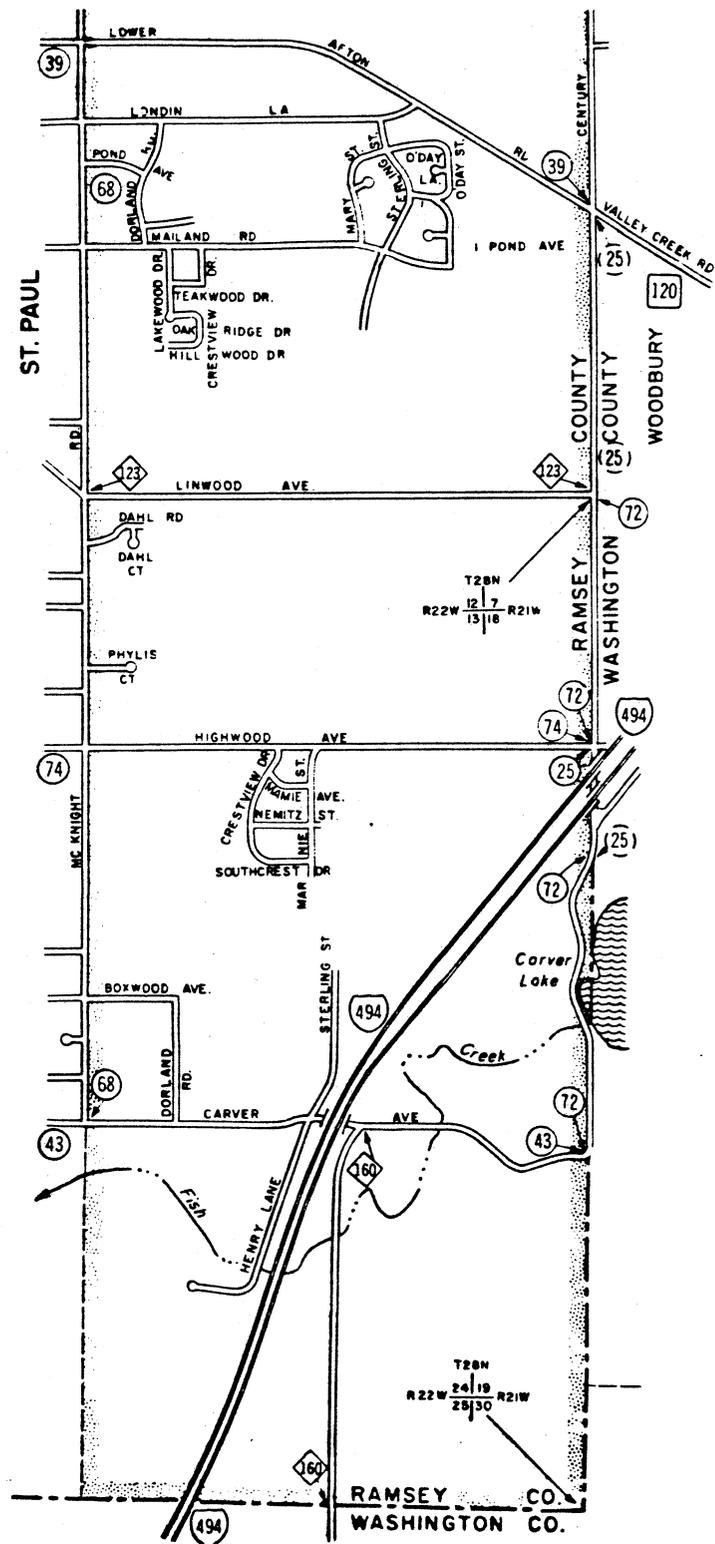
Recommendation

Direct staff to prepare an environmental protection ordinance that would protect the specific natural features recommended in this report.

jc

enclosures

Study area
Wetland map
Slope and soil map
Tree cover map
Floodplain map
Critical Area Overlay District Ordinance
Chart and site plans of alternatives
Survey
HRA minutes



STUDY AREA

REQUESTED BY COUNCIL: 2-4-82

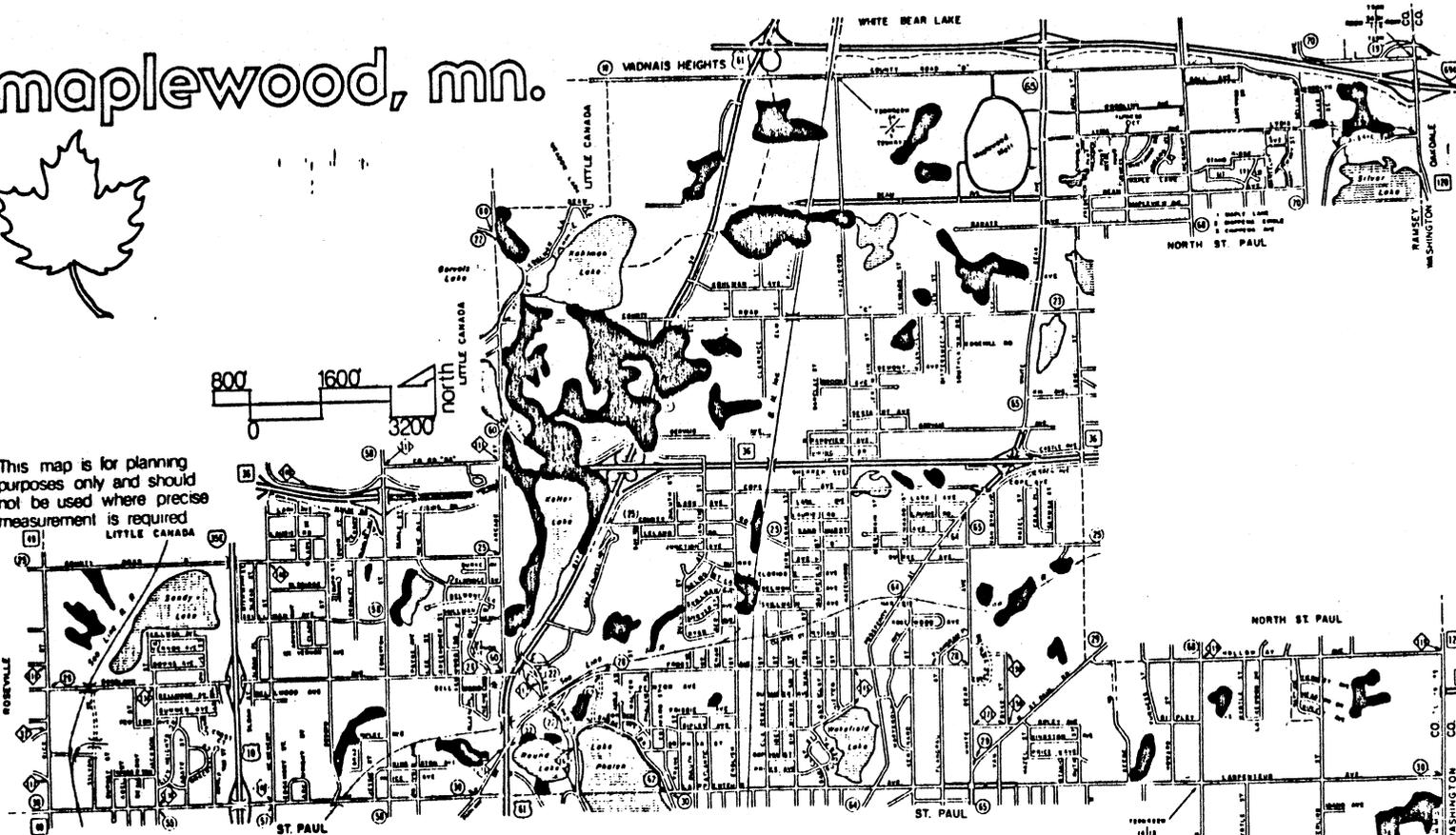


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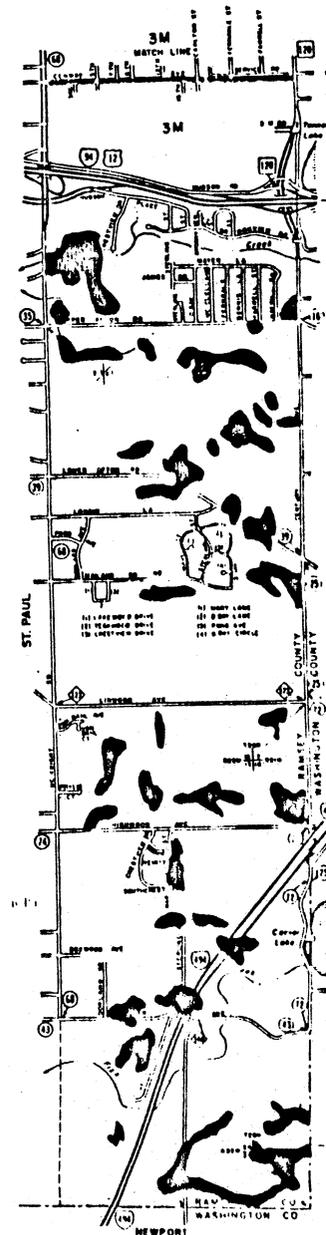
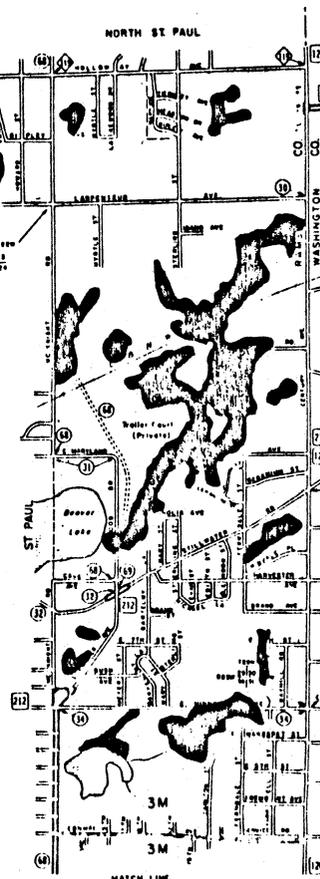


This map is for planning purposes only and should not be used where precise measurement is required

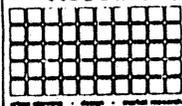
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wetlands



Midwest
Planning
Research

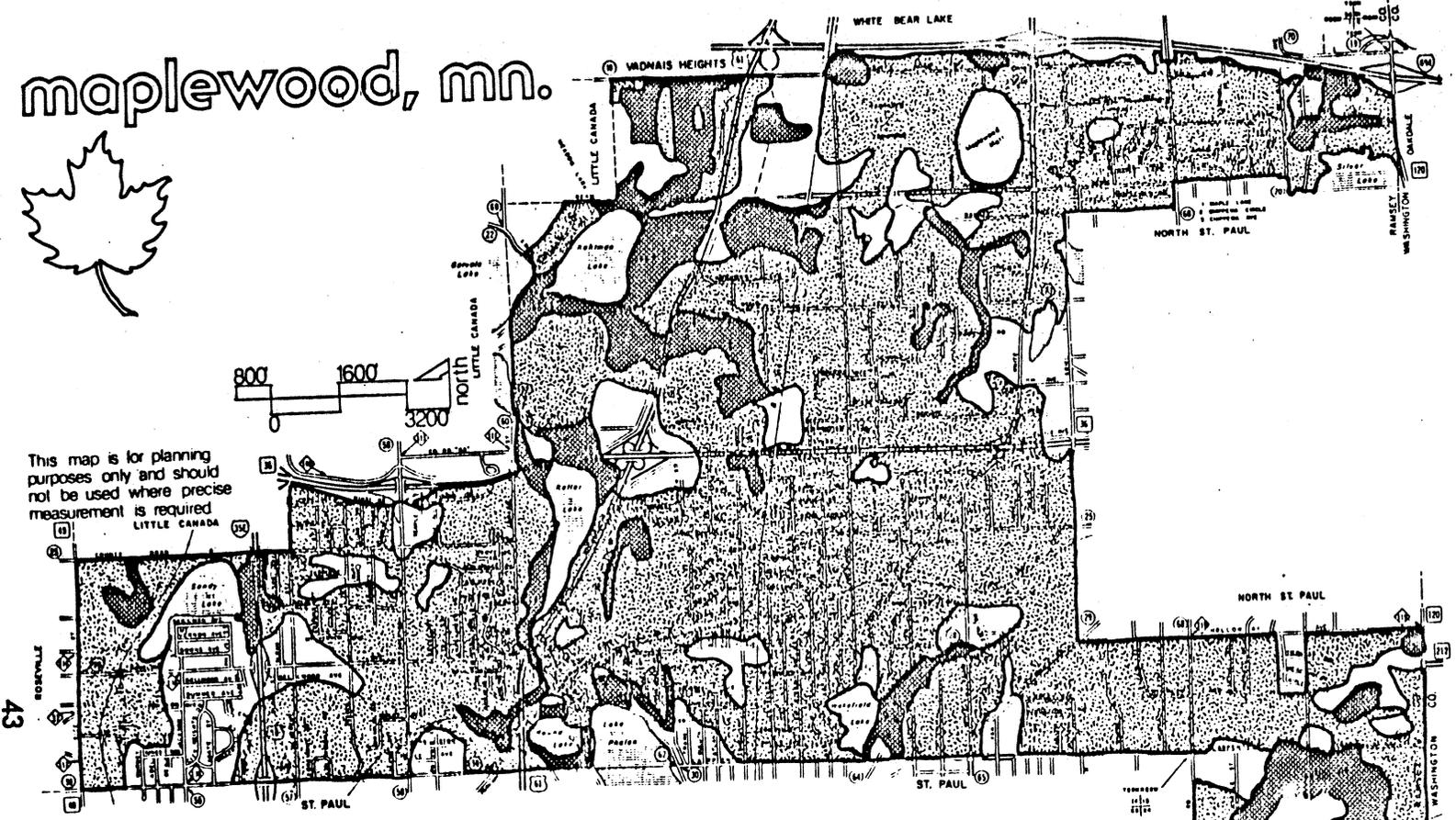


Source: Ramsey County Soil & Conservation Service

maplewood, mn.

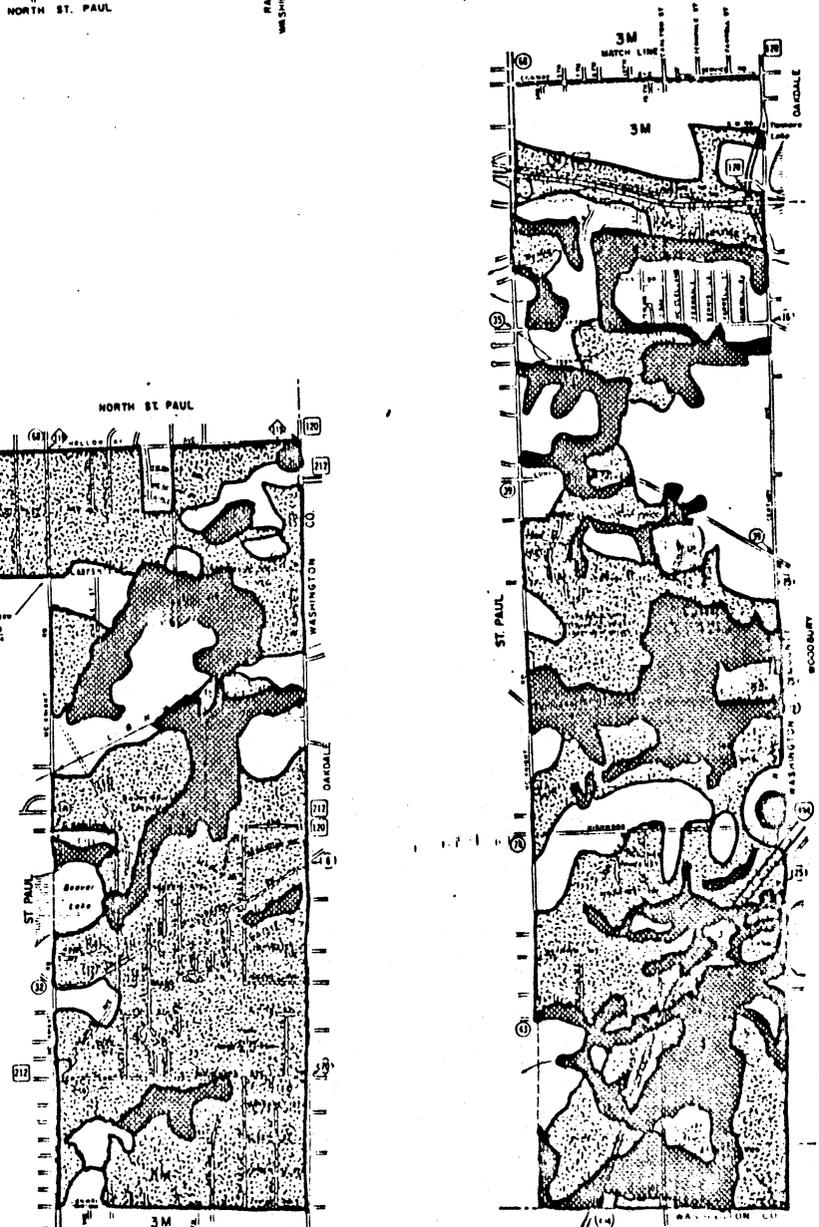


This map is for planning purposes only and should not be used where precise measurement is required



slope and soil limitation

-  Slight
-  Moderate
-  Severe

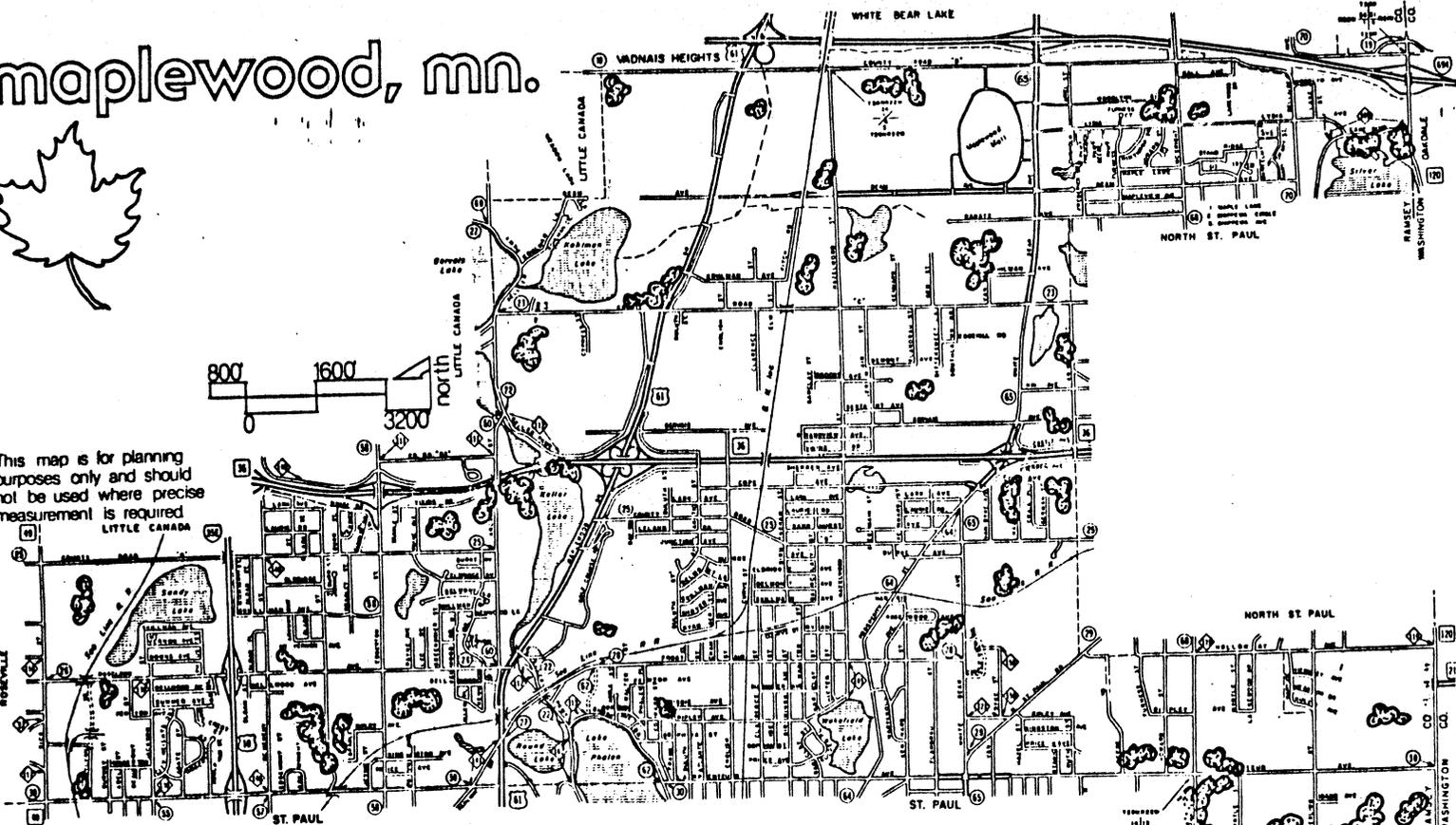


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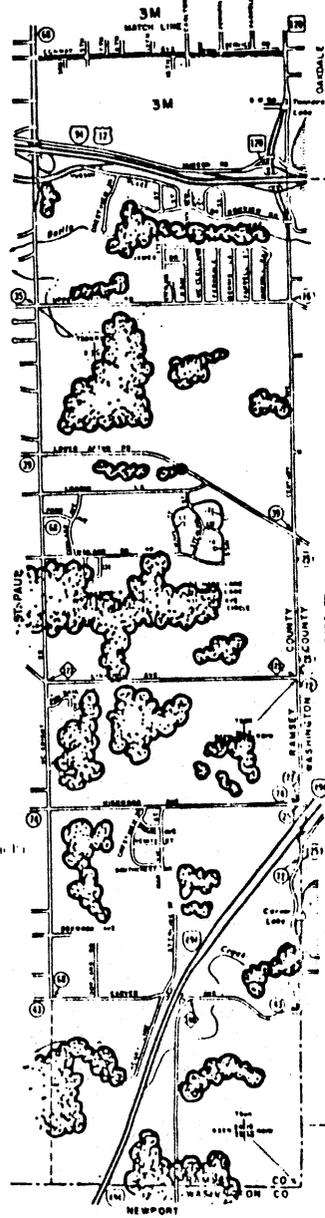
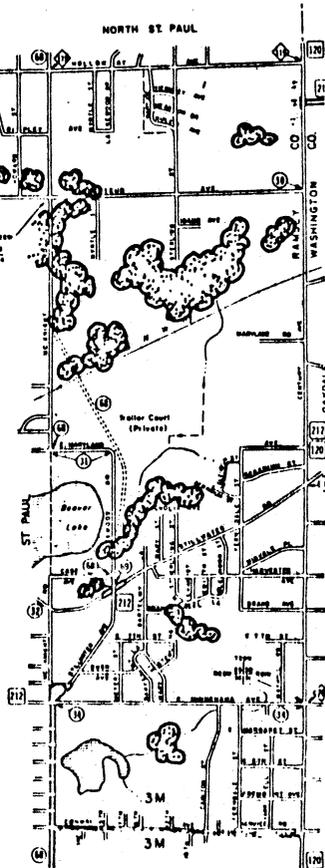


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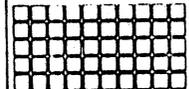
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tree cover



Midwest
Planning
Research

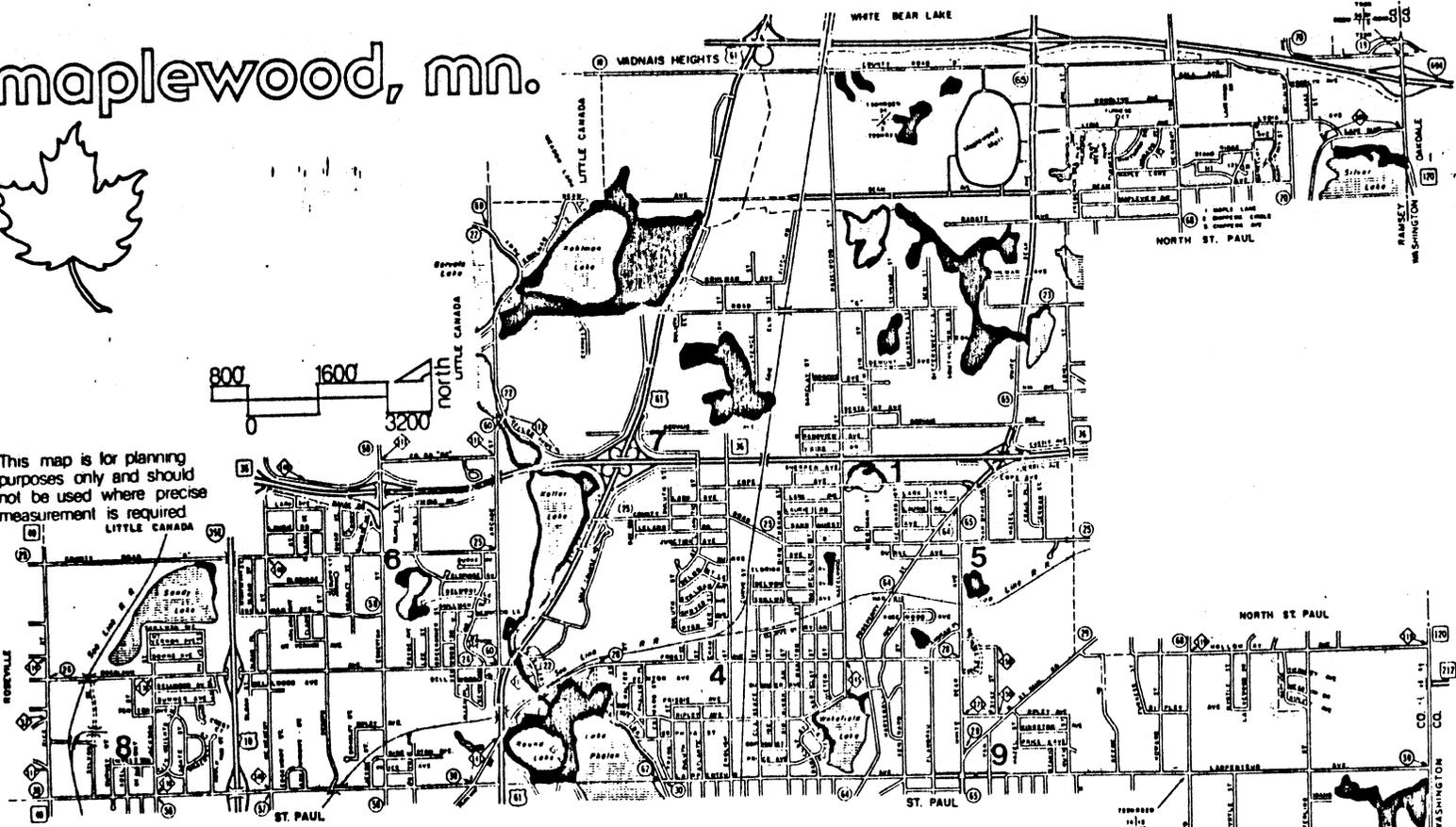


maplewood, mn.



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This map is for planning purposes only and should not be used where precise measurement is required.

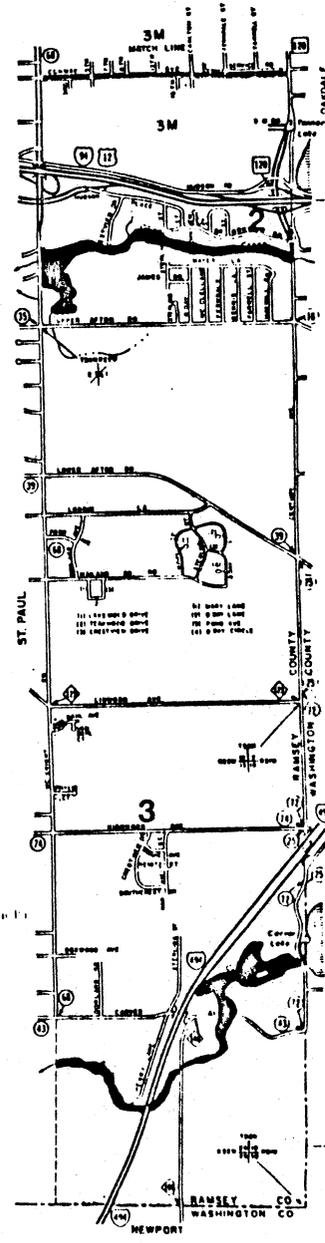


floodplain

1 Flooding problem areas. Numbers refer to text.



Source: U.S. Department of HUD



ORDINANCE NO. 461

CRITICAL AREA OVERLAY DISTRICT ORDINANCE
An Ordinance Promoting the Health, Safety
and Welfare of the Citizens of Maplewood,
Minnesota, by amending the zoning ordinance,
adopting new sections, creating a Critical
Area Overlay District, and creating a Site
Planning Requirement therein.

Section 1. The Zoning Code of the City of Maplewood is amended to add Chapter 918.

GENERAL PROVISIONS

918.010. Findings. The City of Maplewood finds that the Mississippi River Corridor within the Metropolitan Area and the river is a unique and valuable local, state, regional and national resource. The river is an essential element in the local, regional, state and national transportation, sewer and water, and recreational system and serves important biological and ecological functions. The prevention and mitigation of irreversible damage to this resource and the preservation and enhancement of its natural, essthetic, cultural, and historical values is in furtherance of the health, safety, and general welfare of the city.

918.020. Purpose and Intent. It is the purpose and intent of this ordinance to prevent and mitigate irreversible damage to this unique state, local, regional, and national resource, to preserve and enhance its value to the public and protect and preserve the system as an essential element in the city's transportation, sewer and water, and recreational systems in accordance with the following policies:

- (a) The Mississippi River Corridor shall be managed as a multi-purpose public resource by conserving the scenic, environmental, recreational, mineral, economic, cultural, and historic resources and functions of the river corridor and providing for the continuation of development of residential and open space uses within the river corridor.
- (b) The Mississippi River Corridor shall be managed in a manner consistent with its natural characteristics and its existing development and in accordance with regional plans for the development of the Metropolitan Area.
- (c) The Mississippi River Corridor shall be managed in accordance with the Critical Areas Act of 1973, the Minnesota Environmental Policy Act of 1973, and the Governor's critical area designation order, Executive Order No. 130 dated November 19, 1976, and other applicable state and federal laws.

918.030. Establishment of Critical Area Overlay District. A critical area overlay district with its attendant regulations is hereby established as part of the zoning ordinance of Maplewood, Minnesota. This district shall overlay existing zoning districts, so that any parcel of land lying in the overlay district shall also lay in one or more of the underlying established zoning districts. Territory within the overlay district shall be subject to the requirements established by other applicable ordinances and regulations of the City of Maplewood. Within the overlay district, all uses shall be permitted in accordance with the

regulations for the underlying zoning district(s) provided, however, that such uses shall not be entitled to or issued the appropriate development permit until they have first satisfied the additional requirements established in this ordinance.

918.040. District Boundaries. This overlay ordinance shall apply to the critical areas district which is specially delineated on the official zoning map of the City of Maplewood for purposes of determining the application of this ordinance to any particular parcel of land, the above-referenced map shall be on file in the office of the Director of Community Development and shall be available for inspection and copying.

918.050. Definitions.

1. Critical Area - the area known as the Mississippi River Corridor Critical Area designated by the Governor in Executive Order No. 130 dated November, 1976.
2. Crown Cover - the ration between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.
3. Dimensional Requirement - minimum and maximum setbacks, yard requirements, or structure height or size restriction in the Zoning Ordinance Section.
4. Erosion - the general process by which soils are removed by flowing surface or sub-surface water or wind.
5. Gross Soil Loss - the average annual total amount of soil material carried from one acre of land by erosion.
6. Lift Station - a facility, usually including pumping facilities, for the lifting of sewage or stormwater runoff to a higher sewage facility or stormwater runoff facility.
7. Natural Rate of Absorption - the amount of stormwater absorbed into the soil during a storm of once in twenty year occurrence.
8. Person - any individual, firm, corporation, partnership, association or other private or governmental entity.
9. Pipeline - an underground line of pipe including associated pumps, valves, control devices and other structures utilized for conveying liquids, gases, sewage or other finely divided solids from one point to another.
10. Retaining Wall - a structure utilized to hold a slope in a position which it would not naturally remain in.
11. Sediment - suspended matter carried by water, sewage or other liquids.
12. Septic Tank - any device for the treatment and disposal of human waste which utilizes the percolation of the liquid portion of the waste into the soil including all portions of said system which are not contained inside a building.

13. Slope - the inclination of the natural surface of the land from the horizontal.
14. Soil - the upper layer of earth which may be dug or plowed; the loose surface material of the earth in which vegetation normally grows.
15. Structure - anything manufactured, construction, or erected which is normally attached to or positioned on land, including portable structures.
16. Substation - any utility structure other than lines, pipelines, holes or towers.
17. Terrace - a relatively level area bordered on one or more sides by a retaining wall.
18. Tree - any woody plant that has at least one trunk whose diameter is four feet above the ground is four inches or greater.
19. Utility Facility - physical facilities of electric, telephone, telegraph, cable television, water, sewer, solid waste, gas, and similar service operations.
20. Vegetation - all plant growth, especially tree, shrubs, mosses and grasses.
21. Water Body - any lake, stream pond, wetland, or river.
22. Wetland - any land which is seasonably wet or flooded including all marshes, bogs, swamps, and floodplains.

918.060. Site Plan Contents.

- A. Site plans shall be prepared to a scale appropriate to the size of the project and suitable for the review to be performed.
- B. The following information shall be provided in the site plan:
 - (1) location of the property including such information as the name and numbers of adjoining roads, railroads, existing subdivisions, or other landmarks.
 - (2) the name and address of owner(s) or developer(s), the section, township and range, northpoint, date and scale of drawing, and number of sheets.
 - (3) existing topography as indicated on a contour map having a contour interval no greater than 2 feet per contour; the topography map shall also clearly delineate any bluffline, all streams, including intermittent streams and swales, waterbodies, statement of water quality and a classification given to the waterbody by the Minnesota Department of Natural Resources and the Minnesota PCA, if any. The topography map shall indicate the floodway and/or flood fringe lines.
 - (4) a plan delineating existing drainage of the water setting forth in which direction the volume and at what rate stormwater is conveyed from the site and setting forth those areas of the site where stormwater collects and is gradually percolated into the ground or slowly released to stream or lake.

SITE PLANNING REQUIREMENTS.

918.070. Site Plan Required. No building permit, zoning approval or subdivision approval permit or certificate shall be issued for any action located in an area covered by this ordinance until a site plan has been prepared and approved in accordance with the provisions of this ordinance.

918.080. Exceptions.

- A. No site plan shall be required for an existing single-family dwelling nor for the extension, enlargement, change or alteration thereof, nor accessory structures thereto, provided that the dwelling remains a single-family dwelling.
- B. No site plan shall be required for any use permitted on a temporary basis for a period not to exceed two years when such use is established without site preparation and makes no discharge on to the site. No extensions shall be granted beyond the two-year temporary permit.

918.090. Site Plan Application. A written application for site plan approval shall be filed with the Director of Community Development containing evidence adequate to show that the proposed use will conform to the standards set forth in this ordinance. Three (3) sets of clearly legible blue or black-lined copies or drawings and required information shall be submitted to the Director of Community Development and shall be accompanied by an application fee of \$30.00.

- (5) a description of the soils of the site including a map indicating soil types by areas to be disturbed as well as a soil report prepared by a soil scientist containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed and describing any remedial steps to be taken by the developer to render the soils suitable. All areas proposed for grading shall be identified by soil type, both as to soil type of existing top soil and soil type of the new contour. The location and extent of any erosion area shall be indicated. The stability of rock units along bluff lines shall be included in the soils description.
- (6) a description of the flora and fauna, which occupy the site or are occasionally found thereon, setting forth with detail those areas where unique plant or animal species may be found on the site.
- (7) a description of any features, buildings or areas which are of historic significance.
- (8) a map indicating proposed finished grading shown at contours at the same intervals as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features.
- (9) a landscape plan drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all existing vegetation, clearly locating and describing any vegetation proposed for removal and all proposed landscape materials which will be added to the site as part of the development.

- (10) a proposed drainage plan of the developed site delineating in which direction, the volume, and at what rate stormwater will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect and gradually percolate into the ground, or be slowly released to stream or lake. The plan shall also set forth hydraulic capacity of all drainage structures to be constructed or existing structures to be utilized, including volume of holding ponds and design storm.
- (11) an erosion and sedimentation control plan indicating the type, location, and necessary technical information on control measures to be taken both during and after construction including a statement expressing the calculated anticipated gross soil loss expressed in tons/acre/year both during and after construction.
- (12) the proposed size, alignment, height and intended use of any structures to be erected or located on the site.
- (13) a clear delineation of all areas which shall be paved or surfaced including a description of the surfacing material to be used.
- (14) a description of the method to be provided for vehicular and pedestrian access to the proposed development and public access to the river and/or public river view opportunities both before and after development: a description of the development's impact on existing views of and along the river.
- (15) a description of all parking facilities to be provided as part of the development of the site including an analysis of parking needs generated by the proposed development.
- (16) a delineation of the area or areas to be dedicated for public use.
- (17) a delineation of the location and amounts of excavated soils to be stored on the site during construction.
- (18) any other information pertinent to the particular project which in the opinion of the Director of Community Development or applicant is necessary or helpful for the review of the project.
- (19) the Director of Community Development may waive any of the above requirements that are not applicable.

918.100. Site Plan Approval. The Director of Community Development shall approve or deny all applications, except those that would normally need approval by the City Council. If the applicant is not satisfied with the decision of the Director of Community Development, the decision may be appealed to the City Council after a recommendation from the Planning Commission.

918.110. Site Plan Approval Standards. No site plan which fails to satisfy the following standards shall be approved by the City Council or Director of Community Development.

- A. The applicant shall demonstrate that the proposed development shall be planned, designed, constructed and maintained to avoid substantial probabilities of:

- (1) accelerated erosion.
 - (2) pollution, contamination, or siltation of water bodies, rivers and streams.
 - (3) damage to vegetation.
 - (4) injury to wildlife habitats.
 - (5) increased flood potential.
 - (6) decreased ground water recharge.
- B. The applicant shall demonstrate that the types and densities of land use proposed shall be suited to the site and soil conditions and shall not present a threat to the maintenance of the groundwater quality, a potential increase in maintenance cost of utilities, parking areas, or roads, and shall not be subject to problems due to soil, limitations, including, but not limited to soil bearing strength, shrink/swell potential, and excessive frost movement.
- C. No development shall be permitted on land having a slope before alteration in excess of 12 percent unless the applicant shall prove that the following conditions are met:
- (1) The foundation and underlying material of any structure, including roads, shall be adequate for the slope condition and soil type.
 - (2) Adequate controls and protections exist uphill from the proposed development such that there is no danger of structures or roads being struck by falling rock, mud, uprooted trees, or other materials.
 - (3) The proposed development presents no danger of falling rock, mud, uprooted trees, or other materials to structures downhill.
 - (4) The view of the developed slope from the river and opposite riverbank is consistent with the natural appearance of the undeveloped slope, consistent with any historic areas nearby, compatible with the view from historic areas, and compatible with surrounding architectural features. To the maximum extent possible, the use of natural devices, including vegetation management shall be preferred over the construction of artificial devices, including culverts, holding ponds, walls, and terracing.
 - (5) All other structures other than buildings and roadway surfaces, but including retaining walls shall meet the following design requirements:
 - (a) retaining walls or terrace contours shall not exceed five feet in height;
 - (b) construction materials shall be subject to Community Design Review Board approval;
 - (c) the minimum space in between terraces and retaining walls shall be twenty feet.

- (6) Any lift stations required to service the slope development with local sewer systems are designed in accordance with local design standards and approved by the city engineer. The applicant shall furnish a satisfactory arrangement or agreement by which the cost of maintenance and operation of the lift station are borne by those serviced by the facility.
- (7) No septic tank shall be placed on a slope of greater than 12%. The natural slope may not be altered in any way where the septic tank system or part thereof is to be located. The drain lines shall be located parallel to contour lines.
- (8) In no case shall slopes with a natural slope in excess of 45% be developed.

- D. Development shall be accomplished only in such a manner that on-site gross soil loss levels shall not exceed five (5) tons per acre per year during construction, but only two (2) tons per acre per year when the site is adjacent to a water body or water course and 0.5 tons per acre per year after construction activities are completed.
- E. Development shall not substantially diminish the scientific, historical, educational, recreational or aesthetic value of natural areas and unique plant and animal species, and shall not substantially alter the reproductive cycle of the species.
- F. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on site as erosion control facilities. The use of natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds, and ditches.
- G. The development shall be located in such a manner as to minimize the removal of vegetation and alteration of the natural topography.
- H. The applicant shall demonstrate that there are no feasible or prudent alternatives to cutting trees on the site: development shall be permitted only in such a manner that the maximum number of trees shall be preserved. No trees may be cut except those occupying the actual physical space in which a structure, drive or roadway is to be erected. In the event that solar collection is utilized, trees may be cut to allow sufficient sunlight to the solar collectors if the applicant can demonstrate there are no feasible or prudent alternatives. If trees are cut, the density of trees shall be restored to that which existed before development, but in no case shall the applicant be required to raise the density above 10 trees per acre. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree's crown cover.
- I. Development in woodlands shall not reduce the existing crown cover greater than 50 percent and shall be conducted in such a manner that the understory and litter is preserved.
- J. Fishing in a wetland shall not exceed the excess storage and nutrient stripping capacities of the wetland based on the ultimate projected develop-

ment of the wetland watershed. Flood storage and nutrient stripping capacities shall be calculated in accordance with Appendix B.

- K. Wetlands and other water bodies shall not be used as primary sediment traps during or after construction.
- L. The proposed development will not increase the runoff rate or decrease the natural rate of absorption of stormwater.
- M. The quality of water runoff and water infiltrated to the water table or aquifer shall be as high after development as it was before development of the site.
- N. When filling in a wetland, a minimum amount of filling may be allowed when necessary but in no case shall the following restrictions on total amount of filling be exceeded. Since the total amount of filling which can be permitted is limited, the City of Maplewood, when considering permit applications, shall consider the equal apportionment of fill opportunity to riparian land owners.
 1. Total filling shall not cause the total natural flood storage capacity of the wetland to fall below the projected volume of runoff from the whole developed wetland watershed generated by a 6" rainfall in 24 hours. Any increase in runoff must be detained for on-site infiltration through the soil to the water table.
 2. Total filling shall not cause the total natural nutrient stripping capacity of the wetland to fall below the nutrient production of the wetland watershed for its projected development.
 3. Only fill free of chemical pollutants and organic wastes may be used.
- O. No part of any septic tank system shall be located closer than 150 feet from the edge of a water body or water course unless it can be shown that no effluent will directly or indirectly reach the water body, water course or wetland.
- P. The development is consistent with the reasonable preservation of the view of the river corridor from other properties and by the public rights-of-way has been minimized.
- Q. The grades of any streets shall not exceed 10 percent.
- R. Any and all erosion control, stormwater runoff, utility access, and similar structures shall be designed to be maintained, cleaned out, and otherwise operated without requiring the crossing of private lands with or the operation of motorized heavy maintenance vehicles and equipment, such as bulldozers, trucks, and back-hoes on slopes in excess of 8 percent. As used in this section, private lands includes any out-lots.
- S. The proposed development, both vehicular and pedestrian, shall be adequate and consistent with local transportation and thoroughfare planning.
- T. The proposed development shall not lessen public access to and along the river bluff, nor does it lessen public opportunity to view the river from within the corridor.

- U. The conduct of all grading, landscaping, structure placement, and street routing shall be consistent with and to the maximum extent in furtherance of the goals and policies for the development of the river corridor adopted by the City of Maplewood on March 1, 1979.

CRITICAL AREA CROSSINGS.

918.120. - Utility Facilities. Utility crossings of the critical area corridor or routing within the corridor shall meet the following standards:

- A. - Underground placing of the utility facility shall be required unless economic, technological and land characteristic factors make underground placement feasible. Economic considerations alone shall not be made the major determinant regarding feasibility.

B. Overhead crossings, if required, shall meet the following criteria:

- (1) The crossings shall be adjacent to or part of an existing utility corridor, including bridge or overhead utility lines.
- (2) All structures utilized shall be as compatible as practicable with land use, scenic views, and existing transmission structures in height, material, color, and design.
- (3) Right of way clearance shall be kept to a minimum.
- (4) Vegetative screening shall be utilized to the maximum extent consistent with safety requirements.
- (5) Routing shall avoid unstable soils, blufflines, or high ridges, the alteration of the natural environment, including grading shall be minimized.
- (6) The crossings be subject to the site planning requirements set forth in Article II.

C. Utility Substations. Utility substations shall be subject to the following standards:

- (1) All substations shall be subject to the site planning requirements set forth in Article II.
- (2) New substations or refurbishment of existing substations shall be compatible in height, scale, building materials, landscaping and signing with surrounding natural environment or land uses. Screening by natural means is encouraged and should be compatible with the surrounding environment.

D. Pipelines. Pipelines and underground utility facilities shall be subject to the following standards:

- (1) All pipelines and underground facilities shall be subject to the site planning requirements set forth in Article 918.070.
- (2) The facilities shall be located to avoid wetlands, woodlands, and areas of unstable soils.

- (3) All underground placing of utility facilities and pipelines shall be followed by revegetation and rehabilitation to the conditions which existed on site prior to development providing the original conditions were environmentally and aesthetically desirable.

918.130. Public and Private Roads. New roads crossing the critical area corridor or routed within the critical area corridor shall meet the following standards:

- A. Roads shall be constructed to minimize impacts on the natural terrain and natural landscape.
- B. Extreme cuts and fills are to be avoided.
- C. All roads shall be subject to the site planning requirements set forth in Article 918.070.
- D. New roads shall not utilize the river corridor as a convenient right-of-way for new arterials.
- E. New roads shall be restricted to those facilities needed to access existing and planned residential uses.

918.140. Existing Structures. Existing structures, the location, or the use of which is inconsistent with this ordinance or the critical areas designation order shall not be eligible for any permit granted by the City for expansion, change of use, renewal of existing permit, or building permit, unless the following criteria are met:

- A. The applicant shall provide and maintain adequate screening of the structure from the water through the use of natural vegetative means.
- B. The public's ability to view the river and river corridor from existing public streets shall not be further degraded by the proposed activity.

918.150. Signs.

- A. All advertising signs permitted within the critical area shall conform with the provisions of the Maplewood Sign Ordinance.
- B. Views of the water from vistas and public roads shall not be impaired by the placement of business or advertising signs.
- C. All advertising signs, the location of which is not in conformance with this section are deemed non-conforming uses and shall be removed within three years of the effective date of this ordinance.

ON SITE SEWER DISPOSAL.

918.160. Purpose and Intent. The following regulations are adopted to:

- A. Regulate individual sewer disposal systems as to prevent contamination of underground bodies of water, streams or other surface bodies of water.
- B. Prevent individual sewer disposal systems from creating a health hazard and/or a nuisance for the general public or for individuals.

918.170. General Requirements.

- A. Location and installation of the individual sewage disposal system and each part thereof shall be such that, with reasonable maintenance it will function in a sanitary manner and will not create a nuisance nor endanger the safety of any domestic water supply. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope of natural and finished grade, soil permeability, depth of ground water, geology, proximity to existing or future water supplies, accessibility for maintenance, and possible expansion of the system.
- B. No part of the system shall be located so that it is nearer to any water supply, or so that surface drainage from its location may reach any domestic water supply.
- C. Raw sewage, septic tank effluent, or seepage from a soil absorption system shall not be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock formation the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground. This requirement shall not apply to the disposal of sewage in accordance with a process approved by the State Board of Health or the Water Pollution Control Commission.
- D. The lot size shall be 3 acres or more to permit installation of the individual sewage disposal system in accordance with all the requirements pertaining thereto.
- E. Installation of individual sewage disposal systems shall not be made in low swampy areas or areas which may be subject to flooding.
- F. In areas with high ground-water table or where limestone or any geological formation similarly faulty is covered by less than fifty (50) feet of earth, the final disposal unit shall be a title field. The bottom of the trenches shall be not less than four (4) feet above the highest known or calculated water table or the surface of the faulty rock formation.
- G. Bulldozers, trucks, or other heavy machinery shall not be driven over the system after installation.
- H. The system or systems shall be designed to receive all sewage from the dwelling, building or other establishment served, including laundry waste and basement floor drainage. Footing or roof drainage shall not enter any part of the system. Where the construction of additional bedrooms, the installation of mechanical equipment, or other factors likely to affect the operation of the system can be reasonably anticipated, the installation of a system adequate for such anticipated need shall be required.
- I. The system shall consist of a building sewer, a septic tank, and a soil absorption unit. The soil absorption unit shall consist of a sub-surface disposal field. All sewage shall be treated in the septic tank and the septic tank effluent shall be discharged to the disposal field. The septic tank drain field system shall be considered the only acceptable system for installation unless it can be demonstrated that this system is not feasible on the particular lot in question and if it can be demonstrated that the system being proposed as an alternate will not create a pollution problem.

- J. Soil absorption systems for the disposal of sewage waste shall not be stalled on land where the slope exceeds twelve percent (12%).

918.170. Maintenance Requirements.

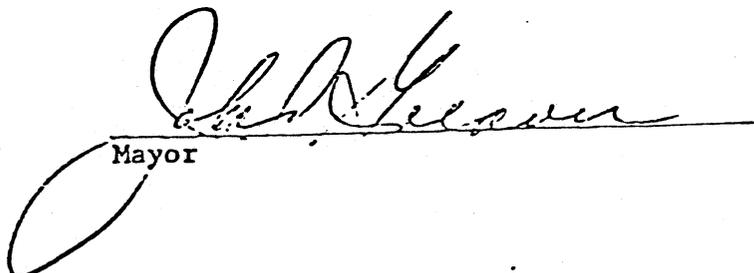
- A. At least once a year the owner of any septic tank or his agent shall measure or arrange for measurement of the depth of sludge and scum in a septic tank. When, as a result of such measurement the top of the sludge layer in the tank or any compartment of the tank is found to be less than twelve (12) inches below the bottom of the outlet baffle or submerged pipe or is the bottom of the scum layer is less than three (3) inches above the bottom of the septic tank outlet baffle or submerged pipe, the owner or agent shall arrange for the removal and sanitary disposal of sludge and scum from the tank; provided that such requirement for measuring shall be waived for any septic tank which is cleaned as indicated at least once each year.
- B. At least once each year the owner of any system equipped with a distribution box shall arrange for the opening of the distribution box and the removal of any settled solids therein. Such material shall be disposed of to the septic tank or by other means acceptable to the City.
- C. At least once between May 1 and June 30 of each year the depth of liquid in each seepage pit shall be measured. When, as a result of such measurement it is found that the liquid level in the pit is less than one foot below the inlet, a second measurement shall be made eight (8) to twelve hours after the first measurement, during which time no liquid shall be discharged to the seepage pit. If, as a result of the second measurement it is found that the liquid level in the pit has not lowered at least two (2) feet during the indicated period of time, an additional seepage pit or other acceptable soil absorption system shall be provided.
- D. Servicing of septic tanks and soil absorption units shall conform to the Minnesota Department of Health and Minnesota Pollution Control Agency specifications. Disposal of sludge and scum removed from the system shall be
- (1) into a municipal sewer disposal system where practicable.
 - (2) in the absence of a public sewer, at a disposal site approved by the Pollution Control Agency.
 - (3) sludge shall not be discharged into any lake or water-course, nor upon land without burial.

918.180. Alternative Systems.

- A. Alternative methods of sewage disposal such as holding tanks, electric or gas incinerators, biological and/or tertiary treatment plants or land disposal systems, wherever required or allowed in particular circumstances shall be subject to the standards, criteria, rules and regulations of the Minnesota Department of Health and Minnesota Pollution Control Agency, and shall also require approval of the City Council.

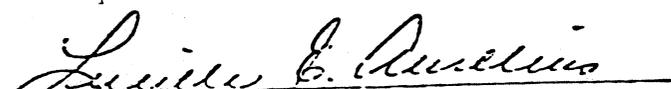
Section 2. This ordinance shall take effect after its passage and publication.

Passed by the City Council
of the City of Maplewood,
Minnesota, this 1st day of
March, 1979.



Mayor

Attest:



Clerk

Ayes - 5

Nays - 0

ORDINANCE NO. 503

AN ORDINANCE AMENDING SECTIONS 918 AND 1004 OF THE
MAPLEWOOD CODE RELATING TO THE CRITICAL AREA OVERLAY
DISTRICT AND PLATTING CODE

THE CITY COUNCIL OF MAPLEWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. SECTION 918.050 of the Maplewood Code is hereby amended by adding new subparagraphs 23 and 24, to read as follows:

23. Bluffline - a line delineating a top of a slope with direct drainage to the Mississippi River or Fish Creek, connecting the points at which the slope becomes less than 18 percent. (More than one bluffline may be encountered proceeding landward from the river).

24. Park Dedication Fee - as defined in Section 211.010 of the City Code.

SECTION 2. SECTION 918.110 of the Maplewood Code is hereby amended to read as follows:

918.110. SITE PLAN APPROVAL STANDARDS. No site plan which fails to satisfy the following standards shall be approved by the City Council or Director of Community Development.

- A. No development shall be permitted on slopes of 18 percent or greater which are in direct drainage to the Mississippi River Bluffs or Fish Creek. (Refer to map on file with the Director of Community Development.)
- B. In areas not in direct drainage to the Mississippi River Bluffs or Fish Creek, no development shall be allowed on slopes greater than 40 percent. (Refer to map on file with the Director of Community Development.)
- C. No development, whether or not in direct drainage to the Mississippi River Bluffs or Fish Creek, shall be permitted on land having a slope, before alteration, in excess of 12 percent unless the applicant proves the following conditions are met:
 - (1) The foundation and underlying material of any structure, including roads, shall be adequate for the slope condition and soil type.
 - (2) Adequate controls and protections exist uphill from the proposed development such that there is no danger of structures or roads being struck by falling rock, mud, uprooted trees, or other materials.
 - (3) The proposed development presents no danger of falling rock, mud, uprooted trees, or other materials to structures downhill.
 - (4) The view of the developed slope from the river and opposite river-bank is consistent with the natural appearance of the undeveloped slope, consistent with any historic areas nearby, compatible with the view from historic areas, and compatible with surrounding architectural features. To the maximum extent possible, the use of natural devices, including vegetation management shall be preferred over the construction of artificial devices, including culverts, holding ponds, walls, and terracing.

(5) All other structures other than buildings and roadway surfaces, but including retaining walls shall meet the following design requirements:

- (a) retaining walls or terrace contours shall not exceed five feet in height;
- (b) construction materials shall be subject to Community Design Review Board approval;
- (c) the minimum space in between terraces and retaining walls shall be twenty feet.

(6) Any lift stations required to service the slope development with local sewer systems are designed in accordance with local design standards and approved by the City Engineer. The applicant shall furnish a satisfactory arrangement or agreement by which the cost of maintenance and operation of the lift station are borne by those serviced by the facility.

(7) No septic tank shall be placed on a slope of greater than 12%. The natural slope may not be altered in any way where the septic tank system or part thereof is to be located. The drain lines shall be located parallel to contour lines.

D. The applicant shall demonstrate that the proposed development shall be planned, designed, constructed and maintained to avoid substantial probabilities of:

- (1) accelerated erosion
- (2) pollution, contamination, or siltation of water bodies, rivers and streams
- (3) damage to vegetation
- (4) injury to wildlife habitats
- (5) increased flood potential
- (6) decreased ground water recharge

E. The applicant shall demonstrate that the types and densities of land use proposed shall be suited to the site and soil conditions and shall not present a threat to the maintenance of the groundwater quality, a potential increase in maintenance costs of utilities, parking areas, or roads, and shall not be subject to problems due to soil, limitations, including, but not limited to soil bearing strength, shrink/swell potential, and excessive frost movement.

F. All new structures and roads shall be placed no closer than 40 feet from a bluffline. Exceptions shall be:

- (1) Public recreation facilities, scenic overlooks, public "observation" platforms, or public trail systems
- (2) The construction of above-ground pumping stations for sewer lines, such stations shall be screened from view from the river.
- (3) Other development, when the applicant can conclusively demonstrate that neither construction of final development will negatively impact slopes with a grade of 18 percent or greater.

- G. Development shall be accomplished only in such a manner that on-site gross soil loss levels shall not exceed five (5) tons per acre per year during construction, but only two (2) tons per acre per year when the site is adjacent to a water body or water course and 0.5 tons per acre per year after construction activities are completed.
- H. Development shall not substantially diminish the scientific, historical, educational, recreational or aesthetic value of natural areas and unique plant and animal species, and shall not substantially alter the reproductive cycle of the species.
- I. Erosion protection measures shall make maximum use of natural in-place vegetation rather than the placing of new vegetation on site as erosion control facilities. The use of natural erosion control devices shall be preferred to the maximum extent over the construction of artificial drainage devices including culverts, holding ponds, and ditches.
- J. The development shall be located in such a manner as to minimize the removal of vegetation and alteration of the natural topography.
- K. The applicant shall demonstrate that there are no feasible or prudent alternatives to cutting trees on the site: development shall be permitted only in such a manner that the maximum number of trees shall be preserved. No trees may be cut except those occupying the actual physical space in which a structure, drive or roadway is to be erected. In the event that solar collection is utilized, trees may be cut to allow sufficient sunlight to the solar collectors if the applicant can demonstrate there are no feasible or prudent alternatives. If trees are cut, the density of trees shall be restored to that which existed before development, but in no case shall the applicant be required to raise the density above 10 trees per acre. The applicant shall demonstrate that all grading which takes place will be conducted in a manner that preserves the root zone aeration and stability of existing trees and provides an adequate watering area equal to at least one-half of each tree's crown cover.
- L. Development in woodlands shall not reduce the existing crown cover greater than 50 percent and shall be conducted in such a manner that the understory and litter is preserved.
- M. Fishing in a wetland shall not exceed the excess storage and nutrient stripping capacities of the wetland based on the ultimate projected development of the wetland watershed. Flood storage and nutrient stripping capacities shall be calculated in accordance with Appendix B.
- N. Wetlands and other water bodies shall not be used as primary sediment traps during or after construction.
- O. The proposed development will not increase the runoff rate or decrease the natural rate of absorption of stormwater.
- P. The quality of water runoff and water infiltrated to the water table or aquifer shall be as high after development as it was before development of the site.
- Q. When filling in a wetland, a minimum amount of filling may be allowed when necessary but in no case shall the following restrictions on total amount of filling be exceeded. Since the total amount of filling which be permitted is limited, the City of Maplewood, when considering permit

applications, shall consider the equal apportionment of fill opportunity to riparian land owners.

- (1) Total filling shall not cause the total natural flood storage capacity of the wetland to fall below the projected volume of runoff from the whole developed wetland watershed generated by a 6" rainfall in 24 hours. Any increase in runoff must be detained for on-site infiltration through the soil to the water table.
 - (2) Total filling shall not cause the total natural nutrient stripping capacity of the wetland to fall below the nutrient production of the wetland watershed for its projected development.
 - (3) Only fill free of chemical pollutants and organic wastes may be used.
- R. No part of any septic tank system shall be located closer than 150 feet from the edge of a water body or water course unless it can be shown that no effluent will directly or indirectly reach the water body, water course or wetland.
- S. The grades of any streets shall not exceed 10 percent.
- T. Any and all erosion control, stormwater runoff, utility access, and similar structures shall be designed to be maintained, cleaned out, and otherwise operated without requiring the crossing of private lands with or the operation of motorized heavy maintenance vehicles and equipment, such as bulldozers, trucks, and back-hoes on slopes in excess of 8 percent. As used in this section, private lands includes any out-lots.
- U. The proposed development, both vehicular and pedestrian, shall be adequate and consistent with local transportation and thoroughfare planning.
- V. The proposed development shall not lessen public access to and along the river bluff, nor does it lessen public opportunity to view the river from within the corridor.
- W. Development proposed along the Fish Creek Corridor shall be subject to the provisions of the City's Flood Plain Ordinance.
- X. The conduct of all grading landscaping, structure placement, and street routing shall be consistent with and to the maximum extent in furtherance of the goals and policies for the development of the river corridor adopted by the City of Maplewood on March 1, 1979.

SECTION 3, SECTION 918.170 is amended to read as follows:

SECTION 918.170 GENERAL REQUIREMENTS. The guidelines set forth in 6MCAR4.8040 (formerly WPC 40) shall serve as the minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems.

SECTION 4. SECTIONS 918.170 (Maintenance Requirements) and 918.180 (Alternative systems) are renumbered to Sections 918.180 and 918.190, respectively.

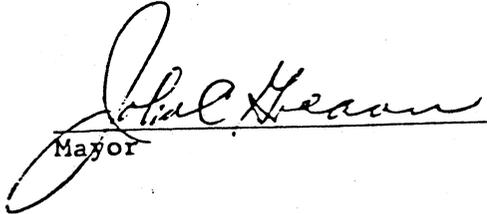
SECTION 5. SECTION 1004.080 of the City Platting Code is hereby amended by adding a new subsection (3), to read as follows:

- (e) Within the legal boundaries of the City's designated Critical Area the City Council may require dedication for public open space or scenic easement, bluffs which are 18 percent or greater in slope and which are

in direct drainage to the Mississippi River Bluffs or Fish Creek. The City Council may release the developer in part or in total from a park dedication fee in lieu of the value of the above dedicated blufflands.

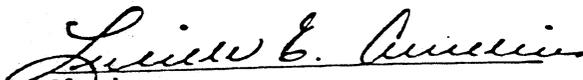
SECTION 6. This ordinance shall take effect upon its passage and publication.

Passed by the City Council
of the City of Maplewood,
this 21st day of May, 1981.



Mayor

Attest:



Clerk

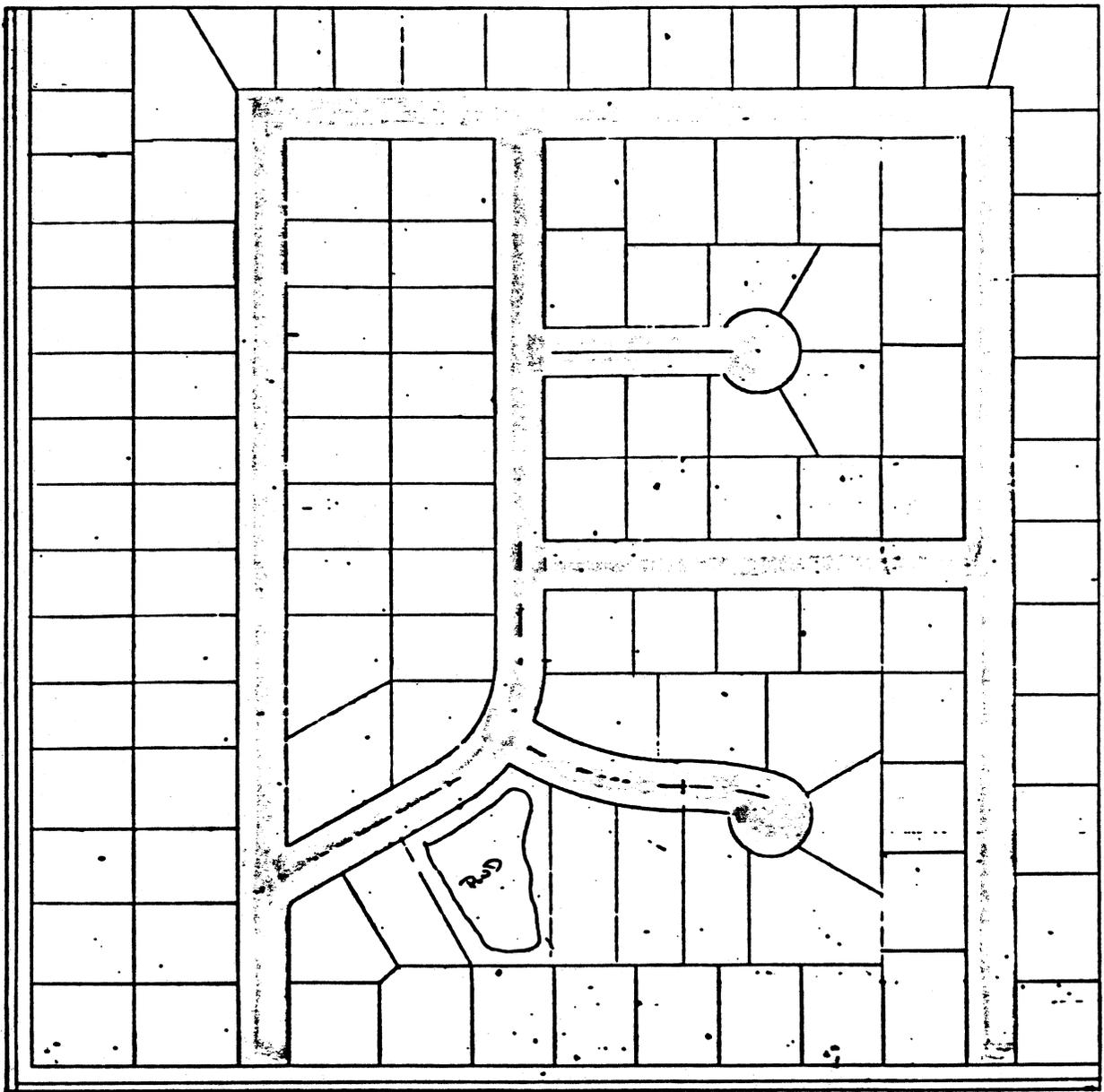
Ayes - 5

Nays - 0

COMPARISON OF COSTS AND LOTS AT VARYING LOT SIZES

WILSON JONES	LOT SIZE					* SPECIAL
	10,000 ^R	20,000 ^R	30,000 ^R	40,000 ^R		REDUCED DENSITY
1	TOTAL LOTS	118	67	46	36.5	68
2		\$	\$	\$	\$	\$
3	RAW LAND COST	320000	320000	320000	320000	320000
4						
5	SANITARY SEWER	431065	288850	249075	216175	222125
6	SAC	50150	28475	19550	15512	28900
7	WATER SYSTEM	424700	283050	238650	237400	222700
8	WAC	17700	10050	6900	5475	10200
9	STORM SEWER	120390	85800	72000	72600	55500
10	STREETS	701465	496465	435465	437465	379465
11	PAC	38468	21842	14996	11899	22168
12						
13	TOTAL BASIC COST	2,103,938	1,534,532	1,356,636	1,316,526	1,261,358
14						
15	PER LOT COST	\$ 17,829.98	\$ 22,903.46	\$ 29,492.08	\$ 36,069.22	\$ 18,549.38
16						
17	USABLE LAND	29.91 AC	33.31 AC	33.31 AC	33.77 AC	35.01 AC
18						
19						
20						
21	NOTE: SPECIAL DENSITY USES THE 20,000 ^R DENSITY ON 10,000 ^R LOTS.					
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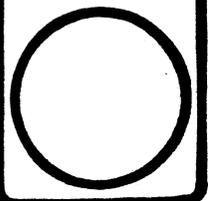
REFER TO THE ENCLOSED MAPS

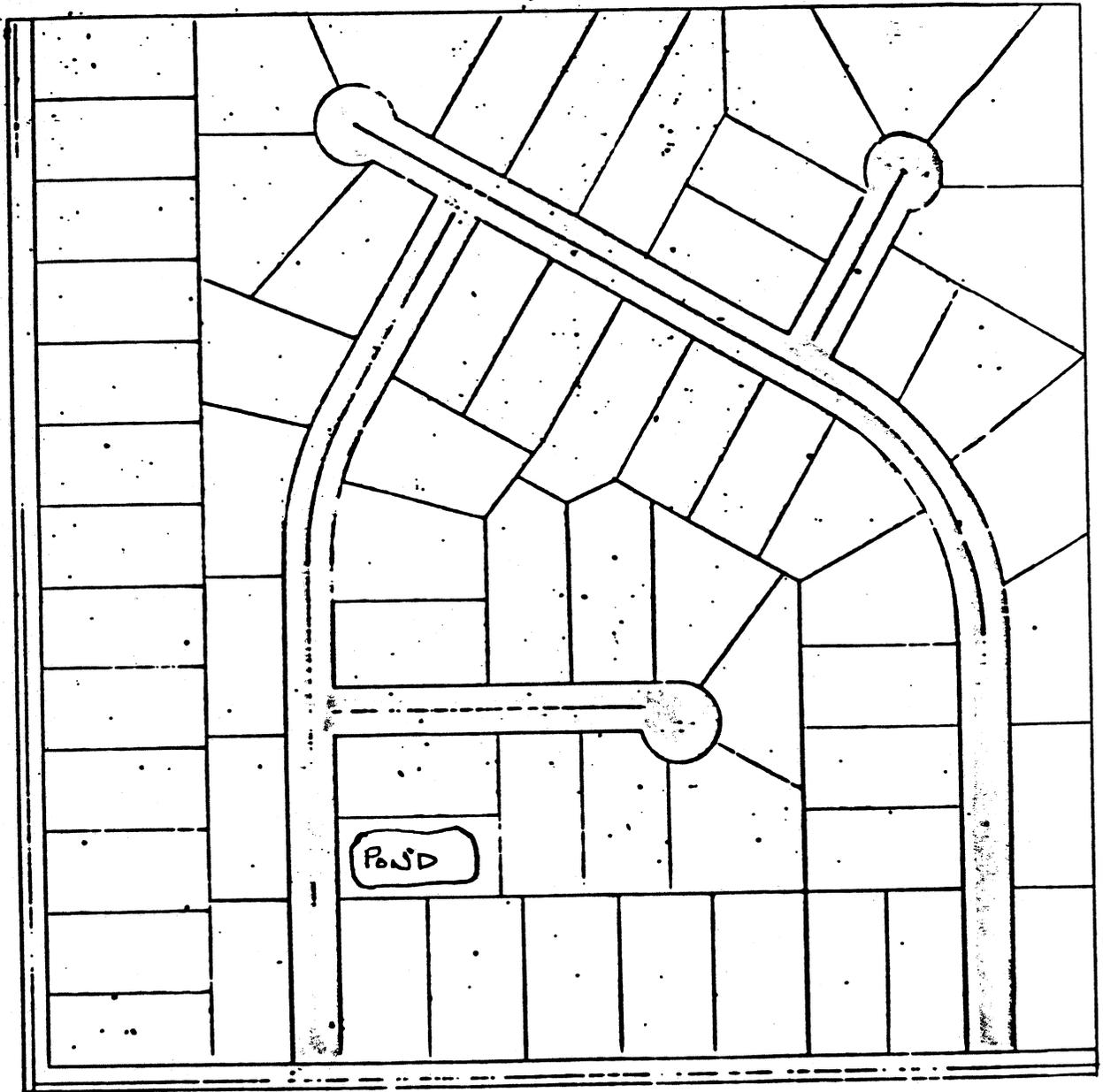


10,000 SQUARE FOOT LOT CONCEPT

Scale :

Date: 4-15-82



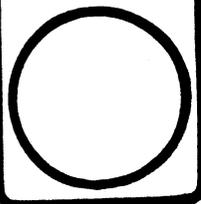


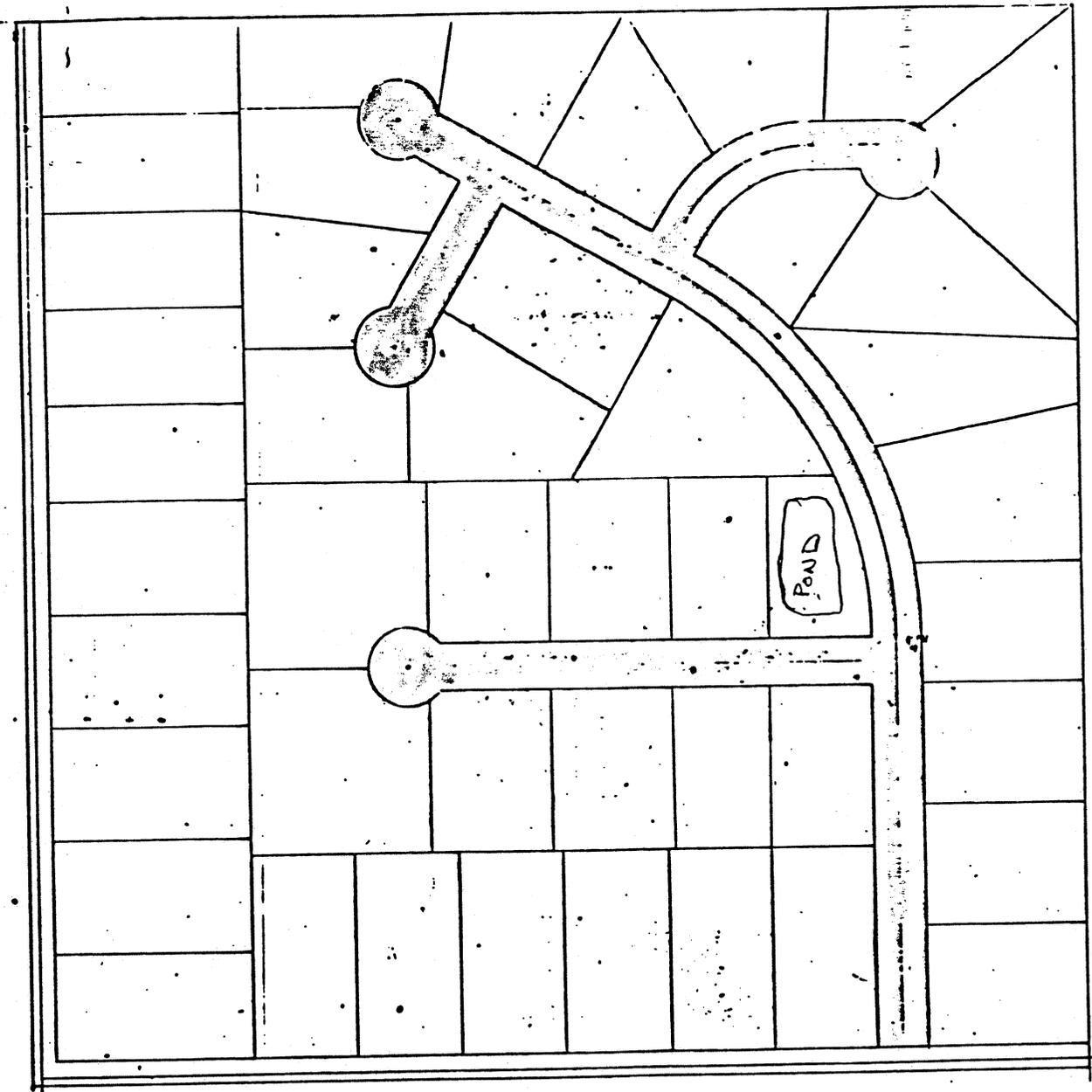
20,000 SQUARE FOOT LOT CONCEPT

Scale:

Date:

4-15-82



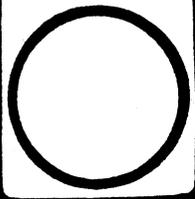


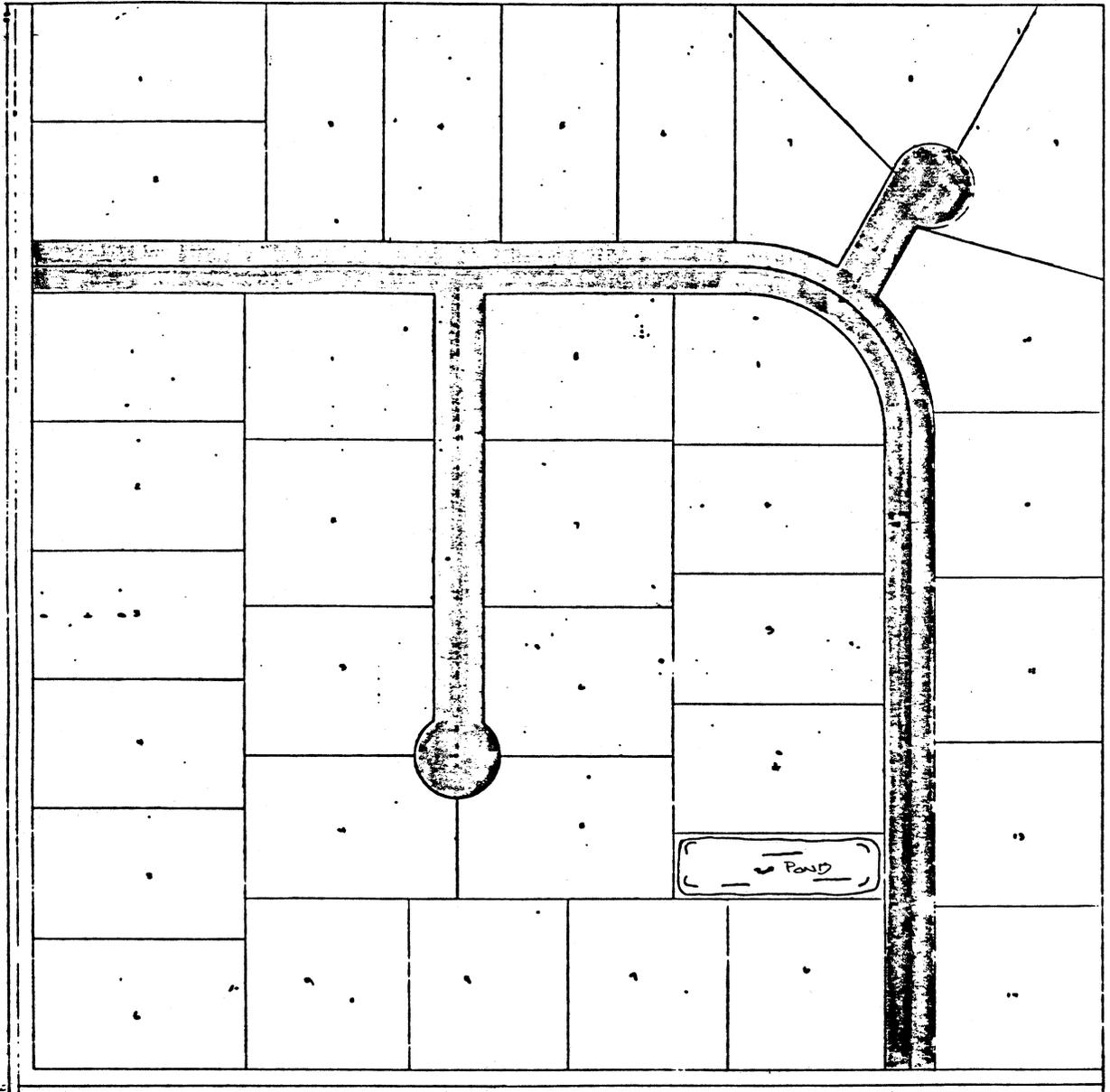
30,000 SQUARE FOOT LOT CONCEPT

Scale:

Date:

4-15-82



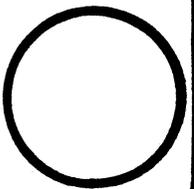


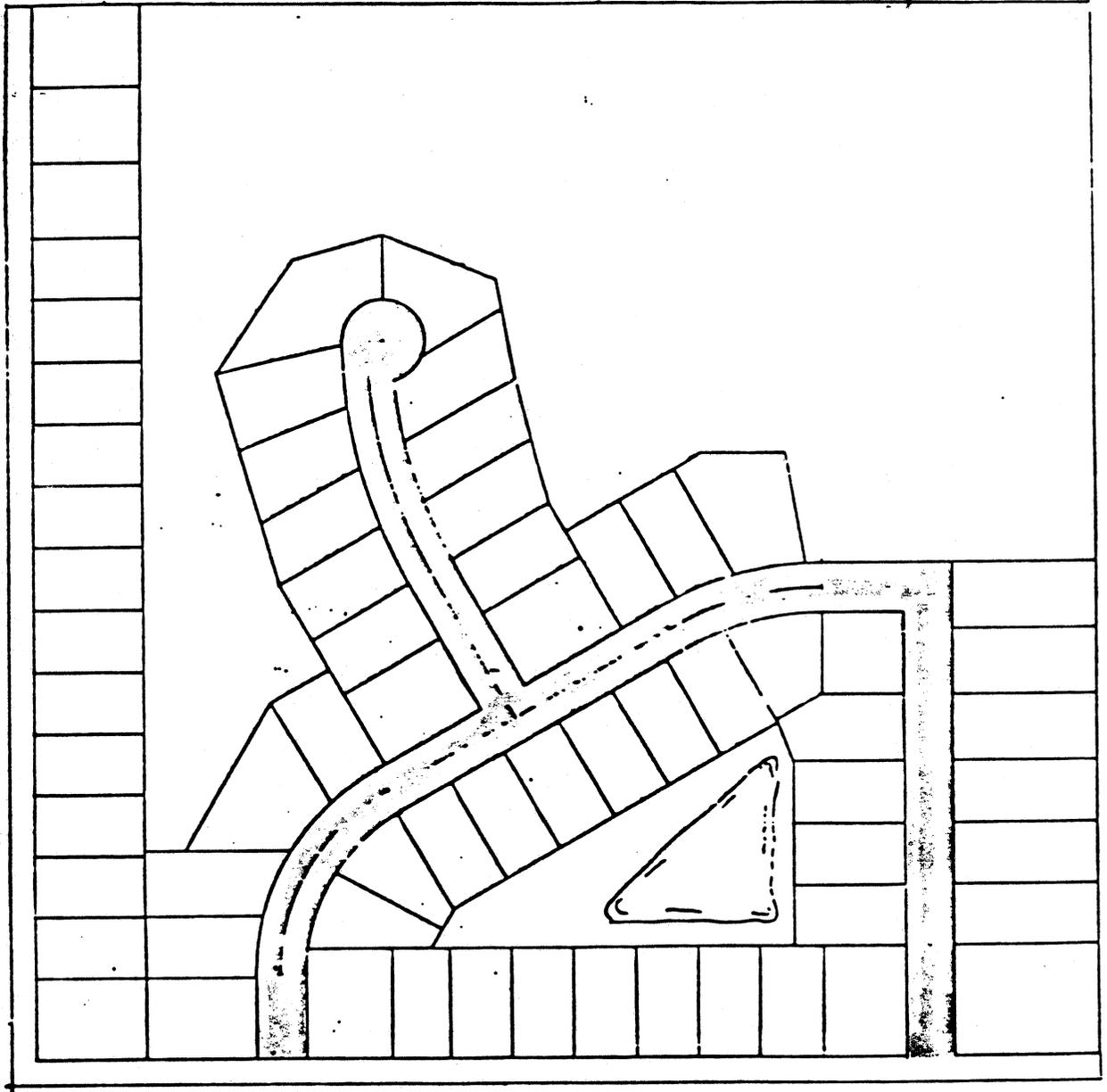
40,000 SQUARE FOOT LOT CONCEPT

Scale:

Date:

4-15-82



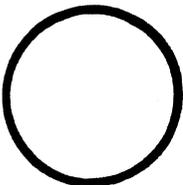


SPECIAL DENSITY LOT CONCEPT

Scale :

Date :

4-15-82



SURVEY OF ADJACENT CITIES FOR
ENVIRONMENTAL ORDINANCES OR ZONING DISTRICTS

Woodbury:

Any wetland over one acre must be dedicated to the City. No other environmental ordinances or zoning districts.

Newport:

No environmental ordinances or zoning districts

St. Paul:

Critical Area ordinance
Site Plan review is required for slopes over 18%.
No other environmental ordinances or zoning districts

Roseville:

The City has a strict shoreland ordinance. Environmental concerns in other areas are taken care of through the site plan review process--no specific ordinance or zoning district for environmental protection.

Little Canada:

Could not get an answer

Vadnais Heights

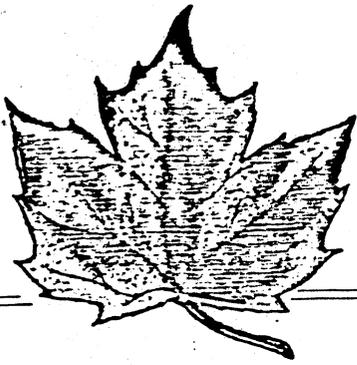
The City requires the preservation of wetlands shown on their drainage plan. They have no other ordinances or zoning districts for environmental protection.

White Bear Lake:

No environmental ordinances or zoning districts

North St. Paul

A developed city



CITY OF MAPLEWOOD

1902 EAST COUNTY ROAD B

MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY DEVELOPMENT

770-4560

April 2, 1982

The City Council is considering raising the minimum lot area for new developments in Maplewood, south of Lower Afton Road, from 10,000 square to 20,000, 30,000, or 40,000 square feet. The enclosed map shows the area being studied.

The purpose of raising the minimum lot area is to create large lot neighborhoods with more open space, that preserve the unique natural features of south Maplewood. The disadvantage is that it would increase the price of new lots.

In order to help the City Council come to a decision, would you please answer the following questions:

1. Do you favor increasing the minimum lot areas in the area on the enclosed map? Yes 92 No 28
2. If you favor the increase, what should be the minimum lot area for your neighborhood, including your lot?

24 20,000 square feet

25 30,000 square feet

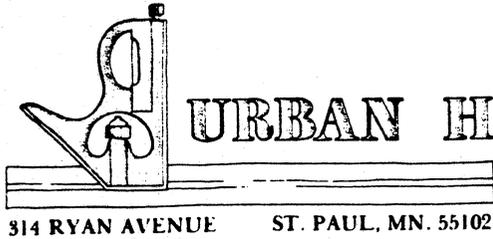
42 40,000 square feet

1 15,000 square feet (write-in)

Thank you for your assistance. Please return this form in the enclosed envelope by April 16.

Very truly yours,

Geoff Olson, AICP
Director of Community Development



URBAN HERITAGE

INC.

612 • 291 • 2794

April 12, 1982

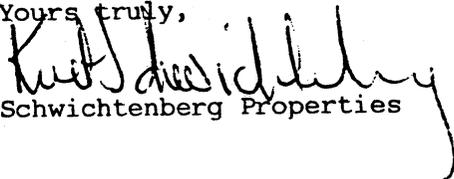
Mr. Geoff Olson
Director of Community Development
Maplewood, Minnesota

Dear Geoff,

I would like to express my opposition to the change of lot specifications South of Lower Afton Road in the strongest possible terms. This proposal is diametricly opposed to the present thrust of planning practice and is very likely the most far reaching step that the Council could take to render ineffective the efforts that all of us in the housing industry are making to produce residential units that are affordable for the average American family.

We will oppose this proposal with all of the energies at our disposal.

Yours truly,


Schwichtenberg Properties

MINUTES OF THE MAPLEWOOD
HOUSING AND REDEVELOPMENT AUTHORITY
April 13, 1982
1902 EAST COUNTY ROAD B, MAPLEWOOD

1. Call to Order

Chairman Fischer called the meeting to order at 7:30 p.m.

2. Roll Call

Lorraine Fischer
Lucille Bryant
Guy Glover
Greg Schmit
Ronald Smith

- 8D. Rezoning "Lea" South of Lower Afton Road to RE. Geoff Olson, Director of Community Development, indicated that the Council has requested the Planning Commission to consider the potential of estate lot zoning in the southern portion of the City. Councilpersons Maida and Juker were in attendance.

Staff is asking for further direction from the Council as to whether the intent of this request is to protect the unique environmental characteristics of this area or to create elite neighborhoods. The membership was opposed to the establishment of large lot districts for the primary purpose of creating elite neighborhoods. The preferred approach is an environmental overlay district which would preserve natural features without arbitrarily increasing the cost of housing.

Chairman Fischer motioned and Commissioner Schmit seconded to direct staff to prepare an environmental protection ordinance that would protect the specific natural features recommended in the staff report. It is felt the other alter-

natives would only add to housing costs, while providing a lesser degree of protection for the environment.

Motion carried unanimously. Commissioner Glover was absent.

D. RE District in the South Leg

Secretary Olson said the City Council requested the Planning Commission prepare a report of the property south of Lower Afton Road that could be considered for RE districts. Staff is recommending an environmental protection ordinance be prepared that would protect the specific natural features as outlined in their report.

Public Works Director reviewed proposed lot layouts for property and the costs that would be involved with the various improvements for the property. Approximately 40 acres of land were used in the development.. He gave the costs per lot for the various sized lots.

Commissioner Fischer said the HRA indicated they wished to have the tool applied not only in the leg of the City but also throughout the City where appropriate.

Chairman Prew asked if there was anyone present who wished to comment on the proposal.

Kurt Schwichtenberg, 314 Ryan Avenue, owner of property on Linwood Avenue. He did not think the RE zoning would apply to his property. The Commission has approved a RLE zoning for his property, however the plat was not approved because the utilities were not planned for the complete parcel. Because of costs involved for the improvements, they have to replan the townhouse area.

The Commission discussed with Secretary Olson how an environmental protection ordinance would be enforced and what would be included in the ordinance.

The Commission questioned how many large lots have been divided and developed and also what type of development is presently under construction in the southern leg.

Staff indicated that the majority of development has been townhouse type development.

The Commission indicated they thought an environmental protection ordinance could be applied throughout the City. They also said some indication should be made on zoning/planning maps to inform people of this ordinance when they are requesting information on property with the intent to purchase it.

Commissioner Pellish moved the City Council direct staff to prepare an environmental protection ordinance for entire City that would protect the specific natural features recommended in staff's report dated April 9, 1982

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

A-19-82

J-9

TO: City Manager
FROM: Director of Community Development
SUBJECT: Plan Update
DATE: April 23, 1982

Action by Council:
Enforced _____
Modified _____
Rejected _____
Date _____

Request

Approval of the Maplewood Comprehensive Plan Update. (This update includes the Barton Aschman Transportation Study and the 1980 Sewer Plan.)

Past Actions (See enclosed resolutions and minutes.)

4-6-81: The Planning Commission approved the Plan Update.

8-6-81: Council accepted the Plan Update with several amendments.

10-15-81: Council accepted several more additions.

2-11-82: The Metropolitan Council approved the Plan.

March-April 1982: The Planning Commission held hearings and made the following amendments to the Plan, (Land use designations are defined on pages 18-28 to 18-32):

1. Cope Avenue park site: P to RL (p. 19-15)
2. Revisions to the trail map: (p. 15-10)
3. Hillcrest Development property: RM to RL on the northerly portion (p.19-19)
4. White Bear Avenue, Larpenteur Avenue to Frost Avenue: LSC to RL and RB (p.19-17)
5. Ryan Equipment property (White Bear Ave.): OS to BW (p.19-15)
6. Omit a minor collector east of Afton Heights Park (p. 19-23)
7. Amend the acreage charts to reflect changes in the land use maps. (p.19-3)

Comments

Council is required by State law to adopt the Plan by November 11, 1982. No further hearings are required. Council may adopt the Plan now, make revisions (a hearing should then be held), or schedule a work session with the Planning Commission.

The green pages in the Plan Update are those with changes since the joint meeting with the Planning Commission in 1980.

Recommendation

When Council is ready to approve the Comprehensive Plan Update, I recommend

adoption of the enclosed resolution (attachment one).

mb

Enclosures:

1. Resolution
2. April 6, 1981 Resolution
3. August 6, 1981 Minutes
4. October 15, 1981 Resolution
5. Letter from Met Council

RESOLUTION APPROVING THE COMPREHENSIVE
PLAN UPDATE

WHEREAS, the Metropolitan Land Planning Act, Minnesota Statutes, Section 473.851-473.872, requires that the City of Maplewood prepare and submit a comprehensive plan to the Metropolitan Council; and

WHEREAS, the Planning Commission approved the Plan Update on April 6, 1981; and

WHEREAS, the Planning Commission approved amendments on July 20, September 21, and October 5, 1981; and

WHEREAS, the Planning Commission approved further amendments on March 15, April 5 and April 19, 1982; and

WHEREAS, the Metropolitan Council reviewed the Plan on February 11, 1982; and

WHEREAS, all requirements of the Metropolitan Land Planning Act have been met;

NOW, THEREFORE, does the City Council approve the Comprehensive Plan Update as amended, including the 1979 Barton Aschman Study and the 1980 Sewer Plan.

Adopted this _____ day of _____, 1982.

Mayor

ATTEST:

Clerk

(S E A L)

RESOLUTION ADOPTING THE COMPREHENSIVE PLAN UPDATE BY THE PLANNING COMMISSION

WHEREAS, the Metropolitan Land Planning Act requires local governmental units to prepare comprehensive plans and submit them to the Metropolitan Council for review; and

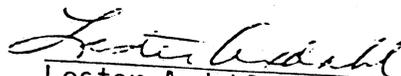
WHEREAS, these plans entitled City of Maplewood Comprehensive Plan and Comprehensive Sewer Plan represent the response to the City of Maplewood to the requirements of the Metropolitan Land Planning Act; and

WHEREAS, four neighborhood public hearings were held with required legal notice; and

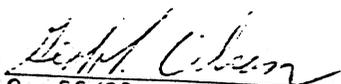
WHEREAS, these plans were sent to all adjacent or affected jurisdictions for review and comment on October 21, 1980.

Be it hereby resolved by the Maplewood Planning Commission that the update of the Maplewood Comprehensive Plan, including the Comprehensive Sewer Plan be adopted with all approved amendments.

Adopted by the Maplewood Planning Commission this 6th day of April, 1981.


Lester Axdahl, Chairman

Attested by:


Geoff Olson, Secretary

3. Plan Update Review 8-6-81

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

81 - 8 - 166

WHEREAS, the Metropolitan Land Planning Act requires local governmental units to prepare comprehensive plans and submit them to the Metropolitan Council for review; and

WHEREAS, the Metropolitan Council has requested additional information for the Plan Update; and

WHEREAS, these additions were adopted by the City of Maplewood Planning Commission on July 20, 1981, following a public hearing with required legal notice; and

WHEREAS, these additions were considered and accepted, but not adopted, by the City Council on August 6, 1981;

NOW, THEREFORE, does the City Council accept and the Planning Commission adopt the following additions to the Comprehensive Plan Update:

1. Pages 41-53 of the Planning Inventory, prepared by Midwest Planning and Research.
2. The information on wastewater flow projections in the June 29, 1981 memorandum from Edwin A. Smith of Toltz, King, Duvall, Anderson and Associates, Inc.
3. A number 6 is added to page 32 of the Sewer Plan as follows: "6. Require percolation tests and soil borings before issuing permits."
4. "The City will comply with Mn/DOT rules concerning obstructions to air navigation."
5. "The Maplewood Transportation Plan, done by Barton-Aschman in 1979, is adopted as part of the Plan Update, except that the Plan Update shall apply wherever a conflict occurs between the two."

In addition, the Director of Community Development is authorized and directed to submit the comments in his memorandum of July 7, 1981 and the additions to the Plan Update to the Chairman of the Metropolitan Council for review under Section 473.175 of the Metropolitan Land Planning Act.

Seconded by Councilman Bastian.

Ayes - all.

Councilman Bastian moved to suspend the Rules of Procedures and extend the meeting past the stated deadline.

Seconded by Councilperson Juker.

Ayes - all.

Resolution Pertaining to Additions to the Plan Update

WHEREAS, the Metropolitan Land Planning Act requires local governmental units to prepare comprehensive plans and submit them to the Metropolitan Council for review; and

WHEREAS, the Metropolitan Council has requested additional information for the Plan Update, and

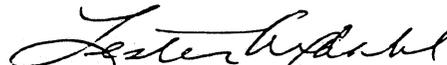
WHEREAS, these additions were adopted by the City of Maplewood Planning Commission on September 21 and October 5, 1981, following a public hearing with required legal notice; and

NOW, THEREFORE, does the City Council accept and the Planning Commission adopt the following additions to the Comprehensive Plan Update:

1. Deletion of the I-494 and Century Avenue interchange.
2. Amending the Maplewood Heights Neighborhood Plan to designate the area between Lydia Avenue, Woodlynn Avenue, and Ariel Street for Rm, Residential Medium use.
3. Establish a 1985 and 1990 phasing plan.

Adopted by the City Council this 15th day of October, 1981.

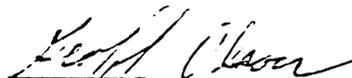

John Greavu, Mayor


Lester Axdahl, Chairman
Planning Commission

Attest:

Attest:


Lucille Aurelius, City Clerk


Geoff Olson, AICP
Director of Community Development

February 22, 1982

Geoff Olson, Director
Community Development
City of Maplewood
1380 Frost Ave.
Maplewood, MN 55109



300 Metro Square Building
Saint Paul, Minnesota 55101
Telephone 612/291-6359

RE: City of Maplewood
Comprehensive Plan Review
Metropolitan Council Referral File No. 8585-2

Dear Mr. Olson:

At its meeting on February 11, 1982, the Metropolitan Council considered the Maplewood Comprehensive Plan. This consideration was based on a report of the Physical Development Committee, Referral Report No. 81-247. A copy of this report, which was adopted as presented, is attached.

The Council adopted Resolution No. 82-34 which provides for adoption of this report and the recommendations contained on pages 15 and 16 of the report. These recommendations are as follows:

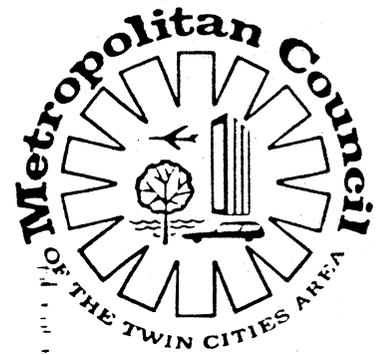
That the City of Maplewood be advised that:

- A. This report constitutes the Council's official review required under the Metropolitan Land Planning Act (MLPA).
- B. No Plan modifications are required pursuant to Minn. Statutes Sec. 473.175, Subd. 5.
- C. The Plan is in conformance with metropolitan system plans for transportation, parks, and airports, and sewers.
- D. Maplewood should provide planned growth data for the eight sewer service districts served by constrained flow facilities. This data should be a part of their CSP and should include location and timing of all local lateral and trunk sewers and projected volume of sewage flow on an annual basis for at least the eight constrained sewer service areas. Concerns of neighboring cities are to be addressed in the CSP. Only extensions of sewer service in an approved CSP will be allowed in the eight constrained sewer service areas. Maplewood should address the concerns of the MWCC letter of November 3, 1981 at the time the CSP is submitted for approval.
- The above information may be provided as a Comprehensive Plan amendment at a later date if such information is not available today.
- E. Comments provided by other jurisdictions are attached. The City of St. Paul has raised some concerns about inter-community flows which are addressed in the sewer sections of this review.

An Agency Created to Coordinate the Planning and Development of the Twin Cities Metropolitan Area Comprising:
Anoka County O Carver County O Dakota County O Hennepin County O Ramsey County O Scott County O Washington County

An Equal Opportunity Employer

Geoff Olson, Director
February 22, 1982
Page Two



300 Metro Square Building
Saint Paul, Minnesota 55101
Telephone 612/291-6359

- F. The Plan relates to other chapters of the Metropolitan Development Guide chapters as follows:
1. Metropolitan Development Framework
 - a. The Plan's forecast for population, households and employment are consistent with Development Framework forecasts.
 - b. The Plan's land use designations and land demand estimates are consistent with the policies applicable to an area of planned urbanization.
 - c. The Plan does not show the timing and staging of land uses expected to develop by 1990. The City should closely monitor land development in those areas with both sewer constraints and high development projections and provide land use timing and staging consistent with regional plans either in plan amendments or in the City's Comprehensive Sewer Plan.
 2. Investment Framework
 - a. The capital improvement programs are in conformance with the definition of a capital improvement program in MSA 473.852, Subdivision 4, except that estimated amounts should be included for each year and for each revenue source for street, sanitary sewer and storm sewer improvements, and information on the need and the financial impact should be included for all projects.
 - b. To improve the capital improvement program, the City should add a schedule of annual principal and interest payments necessary to retire the outstanding indebtedness in future plan revisions.
 - c. At such time as the City amends its capital improvement program (at least biennially), it should send a copy to the Metropolitan Council for review and comment as required in Minnesota Statutes 473.852, Subd. 4.
 3. The Plan is consistent with the Housing chapter of the MDG and the Council's Environmental Protection plans and policies. Any new ordinances should be submitted pursuant to MS 273.206 to the Council for review prior to final adoption.

Geoff Olson, Director
February 22, 1982
Page Three



300 Metro Square Building
Saint Paul, Minnesota 55101
Telephone 612/291-6359

The Land Planning Act requires that the City of Maplewood adopt its Comprehensive Plan within nine months of the completion of the Metropolitan Council's review of the Plan. The Council should be formally advised when such action has occurred. If there are substantial changes made in the Plan before adoption, please note these when you notify the Council of the Plan's adoption.

Sincerely,

METROPOLITAN COUNCIL

A handwritten signature in cursive script that reads "Charles R. Weaver". The signature is written in black ink and extends to the right with a long horizontal stroke.

Charles R. Weaver
Chairman

CRW:vv
Attachment

cc: Barry Evans, Manager, City of Maplewood
Affected School Districts
Adjacent Communities
Ramsey and Washington Counties
Ray Odde, Metropolitan Waste Control Commission
Fred Tanzer, Regional Coordinator, Mn/DOT
Mary Youle, CPD Representative, HUD
Romi Slowiak, Metropolitan Council Staff

C. Cope Avenue Park Site (P to Rm)

Secretary Olson read the notice of public hearing. The request is to revise the Plan Update to Rm. Associate Planner Johnson discussed the proposal with the Commission.

John Kavanagh, owner, requested approval of the change to Rm.

Chairman Axdahl asked if there was anyone else present who wished to comment.

David O'Connor, 1575 E. Sandhurst Drive, questioned why the City would not purchase the property at the price requested by the owner.

Public Works Director Haider said the property went through the condemnation procedure, the price the Courts decided was more than the City's appraisal was. The City, therefore, felt they could not afford to purchase the property. The condemnation proceedings were dropped.

Mr. O'Connor asked if there was another plan for a park in the area to trade off the density.

Secretary Olson showed the City Park Plan to Mr. O'Connor.

Amos Haynes, 1625 E. County Road B, said he had a problem with drainage for quite some time before it was corrected. He asked if there would be high density structures constructed on the property if it is designated to Rm. He also questioned if the development would cause additional drainage problems for the neighborhood.

Secretary Olson explained what type of units are permitted in an area designated Rm. Public Works Director Haider said the City has an overall drainage plan for the City. There could be the possibility of a storm sewer project as a result of complete development of the site.

Mr. O'Connor said when there is a heavy rain there is a water problem.

The following indicated they would rather have the property remain as open space, also questioned what was proposed for development on the property, commented on the drainage pattern in the neighborhood:

- Mark Sigmundik, 1613 Sandhurst
- Joe Timmer, 1621 Sandhurst
- Jim Walstrand, 1611 E. Sandhurst
- Joe Whennis, 1581 E. Sandhurst
- Daryle Frear, 2255 Hazelwood
- Steve Elias, 1467 Lark
- Betty Smith, 2279 Hazelwood
- Dennis Petersen, 1480 Lark
- Patricia Crescent, 2209 Kennard
- Charles Boyles, 1445 Lark
- Paul Peltier, 1536 Lark
- Gary Fruth, 1453 Lark
- Myrtle Hughes, 1546 Laurie

Jim Perrier, 1510 Cope
Betty Schmidt, 2239 Hazelwood
Philip James, Hazelwood and Cope
George Moore, 2194 Hazelwood
Mrs. John Davis, 2210 Hazelwood

Chairman Axdahl closed the public hearing portion of the meeting.

The Commission discussed the alternative uses suggested by the neighborhood residents for the property.

Commissioner Kishel moved the Planning Commission recommend to the City Council that the site in question be redesignated for an Rm use based on the recommendation of the City Attorney as it relates to the litigation on the property.

Commissioner Pellish seconded

The Commission reviewed the history as to why the Rm designation was applied to the property in the original Comprehensive Plan. Some of the Commission members indicated what Land Use designation they would prefer rather than Rm.

Commissioner Fischer moved the Planning Commission table this item to obtain additional information on the litigation and an opinion from the Parks Commission regarding a partial park as opposed to a total park in the area and also how close the City was with their offer for purchasing the property.

Commissioner Whitcomb seconded

Barrett, Ellefson, Fischer, Howard, Pellish, Prew, Sletten, Whitcomb.

Ayes - Commissioners Axdahl,

Abstained - Commissioner Kishel

A. Plan Amendment (continued): Cope Avenue Park Site

Associate Planner Johnson reviewed the proposal with the Commission. Staff is recommending designating the property to RL, Residential Lower Density.

Chairman Prew asked for comments from any interested parties.

John Kavanagh reviewed some of the history regarding his property and the request. He reviewed the letter he had forwarded to the Planning Commission dated February 7, 1981 which requested no change in the Land Use designation for the property. He said there have been a number of changes made for the property in the Land Use designation. He thought economics should be considered when making a land use designation on property as it would not be feasible to construct single-family homes on the property. He requests the property be redesignated Rm.

David O'Connor, 1575 E. Sandhurst, felt that multiple development would cause additional traffic. There will be additional traffic with the townhouse project presently under construction in the area. He did not think there was sufficient park land in the area now. He wished to have the property remain as park land.

Resident, 1510 Cope Avenue, indicated he was in favor of Low Density.

Chairman Prew closed the public hearing.

The Commission questioned if this would be an area where a PUD could be used in an RL area to preserve some of the natural features of the property.

Secretary Olson said it could be possible to use a PUD to preserve some of the open area around the pond as requested by some of the surrounding property owners.

The Commission reviewed the land use designations of the surrounding property in the neighborhood.

Commissioner Barrett moved the Planning Commission recommend to the City Council redesignation of Blocks 8, 9, and 10 of Smith and Taylors Addition to North St. Paul from Park and Rm, Residential Medium Density to RL, Residential Lower Density

Commissioner Whitcomb seconded
Whitcomb, Pellish, Prew, Fischer

Ayes - Commissioners Barrett,
Nays - Commissioners Howard, Sletten

Motion carries 5 - 2

4-19-82

A. Revisions to the Trail Map (Park and Recreation Commission)

The Parks Commission is requesting a revision to the trail map in the Plan Update. Staff's recommendation is included in their report.

Dean Sherburne, Parks and Recreation Commission, 1078 Marnie Street, said the Commission has no problem with the two changes proposed. They have also proposed an off street trail down Highwood from the street in the proposed Leonard's Oak Hills Addition.

Commissioner Pellish moved the Planning Commission recommend approval of the Parks and Recreation Commission trail map proposal with the following changes:

1. Omit the east-west trail between Kohlman Lake and Highway 61.
2. Realign the proposed off-street bike path at the northwest corner of Larpenteur Avenue and Sterling Street to run north of the pond and intersect with Sterling Street. Also, there should be a north-south trail added which would provide a link between Maplewood Junior High School and Larpenteur Avenue.
3. An off street trail to be designated from proposed Leonard's Oak Hills addition down Highwood.

Commissioner Barrett seconded

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

3-15-82

B. Hillcrest Development Property (Rm to RL)

Secretary Olson read the notice of public hearing. Associate Planner Johnson said the request is to change the land use designation to RL, Residential Lower Density.

Secretary Olson read a letter received from the Mayor of the City of St. Paul relative to the proposed change.

Geoff Jarpe, attorney representing Hillcrest Development, reviewed the previous discussion with the Planning Commission and the history of the property. One of the reasons they object to the decrease in density on the property is that property in the neighborhood has been changed from RL to Rm to permit higher density on that property. They feel a compromise between the R-3 zoning, which was originally on the property, and RL is Rm.

The Commission and Secretary Olson discussed the land use designations for the surrounding property, the zoning of the property and also what the property was designated for in the 1973 Comprehensive Plan.

The Commission discussed with Mr. Jarpe the previous development proposals, zoning and land use designations for the property.

Commissioner Prew moved the Planning Commission recommend changing the Land Use Plan designation for parcel 3 to RL, parcels 1 and 2 to be Rm.

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

A. Plan Amendment - White Bear Avenue (Larpenteur to Frost)

Secretary Olson read the notice of public hearing. It is proposed to amend the Comprehensive Plan to change the land use designation from LSC to RL. Staff is recommending changing to RB, Residential Business.

Chairman Axdahl asked if there was anyone present who wished to comment regarding the proposed change.

Paul Holt, 1895 White Bear Avenue, asked when the property was changed to LSC.

Secretary Olson explained the difference between zoning and Land Use designations.

Mr. Holt said they would like to have the area remain residential.

Erin Martin, 1865 White Bear Avenue, also wished the property to remain residential. They do not wish an office building next to them.

Mrs. Donley, 1834 Flandrau also requested the property remain residential.

Walter Pehoski, 1772 Flandrau, said if the property is to be both commercial and residential it would present more problems for the people living on Flandrau.

Harry Johnson, 1717 White Bear Avenue, asked who initiated the proposed change.

The Commission explained the procedure in establishing the hearing.

Mr. Johnson said he is in favor of the proposed change to go more commercial.

Mr. Donley, 1834 Flandrau, would like the property residential. He thought a survey of Flandrau residents should also be taken.

Larry Bothwell, 1922 Flandrau, he thought it is best to use a street as a dividing line between commercial and residential rather than at mid block. Commercial development would add more traffic to White Bear Avenue and also Frost and Larpenteur.

Mr. Johnson, 1726 Flandrau, not in favor of any commercial use of the property. Thought commercial development would result in trash in the yards, additional traffic and so forth.

Mr. Bothwell said he thought the worst alternative would be to have a mixture of commercial and residential.

Margaret Walz, 1644 Flandrau, would rather have the area stay residential.

Mike Carver, 1733 White Bear Avenue, indicated he would rather have commercial building next to him than the rental property which is now there.

Mr. Klein, 1741 E. Larpenteur Avenue, opposed to any change, wants residential. He also presented a letter from the property owner of 1702 Flandrau who wished the property to remain residential.

Mr. Greczyba, 1812 Flandrau, wished the property to remain residential.

Mrs. Greczyba, 1812 Flandrau, wished the property to remain residential. She suggested the notice to property owners should be more descriptive.

Mr. Johnson, 1726 Flandrau said they were not surveyed as to the proposed change.

Councilman Anderson commented on the proposed Plan Amendment and the reason for requesting the Planning Commission to review the land use designation for this area of White Bear Avenue. He indicated he had surveyed the property owners three times. Each time the request for residential use has been less.

Beverly Gustafson, her parents live at 1753 White Bear Avenue, they wish the property to remain residential.

Chairman Axdahl closed the public hearing portion of the meeting.

The Commission discussed the uses permitted in the RB district and also where the Comprehensive Plan recommends transition from one type of land use to another.

The Commission discussed with Staff the advantages and disadvantages in using the Business Residential designation and what type of residential uses would be permitted. They also reviewed the history of the various zone changes proposed.

Commissioner Barrett moved the Planning Commission recommend to the City Council they amend the Land Use Plan from LSC, Limited Service Commercial to RL, Residential Lower Density for the area lying west of White Bear Avenue between Frost and Larpenteur Avenues based on the following:

1. Preserve the existing single dwelling character of these properties and those abutting to the west.
2. Reduce the potential for median being installed along White Bear Avenue.
3. The storm sewer system in White Bear Avenue is inadequate for further commercial development
4. Allowing individual commercial driveways, without median control, would cause unacceptable traffic conflicts
5. The above traffic conflicts would further increase with the higher anticipated volume of commercial traffic.

Commissioner Fischer seconded

Commissioner Kishel and Prew indicated they believed the property would eventually be developed as commercial, it may take 5 to 10 years. The change will result from a zone change request. They also commented on the purpose of a Comprehensive Plan.

Voting on the motion:
Prew, Whitcomb, Axdahl

Ayes - Commissioners Barrett, Fischer,

Nays - Commissioners Ellefson, Hejny,

Kishel, Pellish, Howard
Motion fails for lack of majority

The Commissioners commented on what type of land use designation they felt was appropriate and the reasons why.

Commissioner Kishel moved the Planning Commission recommend to the City Council that the land along White Bear Avenue from Frost Avenue to Larpenteur Avenue on the west side be designated Residential Business, RB, for the reason that there is a mixture of need and will give the City Council an opportunity to consider changes that will slowly take place.

Commissioner Ellefson seconded

Commissioner Prew moved an amendment to have the property from Larpenteur Avenue north to 1829 White Bear Avenue be designated as RB and the property from 1831 White Bear Avenue north to Frost Avenue be designated RL.

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

Voting on the motion as amended: Ayes - Commissioners Axdahl, Barrett, Ellefson, Fischer, Hejny, Howard, Kishel, Pellish, Prew, Whitcomb

B. Plan Amendment - Ryan Equipment

Secretary Olson read the notice of public hearing. Staff is recommending redesignation of the site from OS and LSC to BW, Business Warehousing.

The Commission discussed with Secretary Olson the uses permitted under the BW designation, the methods that can be used to buffer the residences to the north and setback required.

Chairman Axdahl asked if there was anyone present who wished to comment on the proposal.

Clay Jones, 2128 Prosperity, questioned if access would have to be allowed off Prosperity as well as White Bear Avenue. He did not think Prosperity was constructed to handle industrial type traffic. There is a drainage problem in the area that was designated as open space.

Mildred Grelish, 2111 Prosperity, said when the property was changed to M-1 zoning, the neighbors signed the petition with the understanding the only reason was to expand the building,

A resident from 2111 Prosperity asked how much more of the property could be developed

Secretary Olson said there is about 10 1/2 acres to the site, it would depend on the individual development proposal.

Mr. Grelish also questioned possible locations of driveways, setbacks of buildings and what procedures would be followed to develop the property.

Secretary Olson said Dick Pearson, a property owner in the area, indicated he was in favor of the proposal.

W. F. Franz, 1750 Burke, commented on the drainage on the subject property. Additional work would have to be done to develop the property. He is concerned that he would receive an assessment for additional drainage work. The building that exists does fit into the area. He would prefer not to have a building constructed on the property that would not be designed properly to be adjacent to a residential area.

Director of Public Works Haider the area under consideration was considered as Open Space under the design of County Ditch 17 construction. If more intense use would be contemplated for the property, the developer would be creating the additional ponding necessary and would probably have to pay for it himself. It would depend on what Council's decision would be.

Norm Anderson, 1603 Frost Avenue, said the property owners along Burke and Prosperity assumed the property would stay as it is, open space. He feels the property should remain open space. Any more intense building in the area would have an affect on County Ditch 17. Another consideration is the proposal to construct warehousing on the east side of White Bear Avenue. He requested the Commission give consideration to leave the Open Space designation.

Joe Ristrom, 2120 Prosperity, said the ponding on the east side of White Bear Avenue does drain across to the ponding on the west side and then into the ditch.

Mr. Grelish, 2111 Prosperity, commented on the drainage in the area. With additional development, there would be additional problems with drainage.

Chairman Axdahl closed the public hearing portion of the meeting.

The Commission asked if there was a proposal in the drainage plan to have any of this property become public drainage.

Director Haider said no, there is no need for additional drainage if the property remains open space. Ponding would be reviewed at the time of the site review of any proposed development.

Commission indicated that one consideration in leaving the property designated as Open Space would be an indication to a potential developer that some kind of special conditions exist at the site, therefore, requiring special designs during development planning.

Commissioner Prew moved the Planning Commission recommend to the City Council redesignate the entire Ryan Equipment property from Open Space and Limited Service Commercial to BW, Business Warehousing.

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

4-5-82

D. Omit a Minor Collector East of Afton Heights Park

Secretary Olson read the notice of public hearing. It is proposed to eliminate the minor collector street designation lying west of Century Avenue and north of Upper Afton Road. Associate Planner Johnson further explained the proposal.

Chairman Axdahl asked if there was anyone present who wished to comment on the proposal.

Commissioner Pellish moved the Planning Commission recommend to remove the minor collector designation from Sterling Street, Mayor Lane and Mayhill Road, lying in the neighborhood west of Century Avenue and north of Upper Afton Road.

Commissioner Fischer seconded

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

C. Plan Amendment - Acreage Chart

Secretary Olson read the notice of public hearing. The proposal is to update the land use acreage chart. Staff is recommending that this item be tabled until April 19 until action is taken on the Cope Avenue Park Site.

Commissioner Barrett moved the Planning Commission table this item until April 19.

Commissioner Ellefson seconded Ayes - Commissioners Axdah, Barrett, Ellefson, Fischer, Hejny, Howard, Kishel, Pellish, Prew, Whitcomb

4-5-82

B. Plan Amendment (continued): Acreage Chart

Associate Planner Johnson said staff has reviewed the Plan amendments and revised the acreage chart as shown in their report.

Commissioner Sletten moved the Planning Commission recommend the City Staff revise the acreage chart to include the 3-2-81 through 4-5-82 redesignations and the redesignation of the Cope Avenue Park Site.

Commissioner Fischer seconded Ayes - Commissioners Barrett, Fischer,
Howard, Pellish, Prew, Sletten, Whitcomb

4-19-82