

Clerk

AGENDA
Maplewood City Council
7:00 P.M., Thursday, May 20, 1982
Municipal Administration Building
Meeting 82-12

(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. Mortgage Revenue Note Criteria
3. Wire Transfers for Debt Service Payments
4. Budget Transfer for Severance Pay
5. Railroad Bridge at County Road "D" west of Hazelwood St.
6. Lions Club Gambling Permit
7. Revenue Note Hearing Date
8. Adolphus Street Hearing Date: Project No. 81-4
9. Liquor Violation: Bodeil's (Establish hearing date)

(F) PUBLIC HEARINGS

1. Special Use Permit: Hazelwood & Beam Ave. (Health Resources, Inc.) (7:15) _____
2. Alley Vacation: Craig St. to Germain St. (Myckleby) (7:30) _____
3. Rezoning: County Road "B" (Olson) (7:45) _____
4. Board of Adjustments and Appeals:
 - a. Variance: County Road "B" (Olson) (7:45) _____

(G) AWARD OF BIDS - None

(H) UNFINISHED BUSINESS - None

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Kohlman Wetland Acquisition _____
2. Board of Adjustments and Appeals _____

3. Frost Avenue Reconstruction _____
4. Special Exception Permit - Home Occupation (Petersen) _____
5. Special Exception - Mundon _____
6. Authorization to Sell Bonds _____
7. Write-Off of Uncollectible Paramedic Bills for 1981 _____
8. Code Amendment: Definition of Family _____
9. Ordinance Amendment: Metal Buildings _____
10. Sideyard Setbacks in Residence Estate Districts _____
11. Street Overlay Program _____
12. Reconsideration: Plan Update _____

(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:

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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

Seconded by Councilmember Anderson.

Ayes - all.

E. CONSENT AGENDA

Council removed Items E-2, 4 and 10 to become Items J 4, 5 and 6.

Mayor Greavu moved, seconded by Councilmember Juker, Ayes - all, to approve the Consent Agenda Items 1, 3, 5 through 9 and 11 as recommended:

1. Accounts Payable

Approved the accounts (Part I, Fees, Expenses, Services, Check No. 00267 through Check No. 00326 - \$132,314.46; Check No. 012927 through Check No. 013018 - \$157,646.74, Part II - Payroll Checks 03493 through Check No. 03609 - \$54,398.21) in the amount of \$344,359.41.

2. See J-4

3. Temporary Gambling License: Presentation Church

Approved a temporary gambling permit as requested by Presentation Men's Club to have a raffle and tip board on April 25, 1982.

4. See J-5.

5. 1981 Annual Financial Report and Audit

Establish May 4, 1982 as the date to meet with Mr. Robert Voto, Voto DeLaHunt, to discuss the report as presented.

6. Cancellation of Developers Charges: Kennard Storm Sewer

Authorized a transfer from the General Fund to the Special Assessment Fund to eliminate the deficit of \$134 that exists for Project 80-18.

7. State Aid Transfer: Maryland Avenue Project East County Line Fire Station

Authorized retroactive to August 1981 a transfer of \$4,544.52 from the City's Street Construction State Aid Fund to the Special Assessment Fund to cover the cancellation of the East County Line Fire Department special assessment for Maryland Avenue Project.

8. Paramedic Bill: Application for Cancellation

Cancelled the paramedic bill for Charles E. Feldt.

9. Time Extension: Beaver Lake Hills

Approved a one year time extension for the Beaver Lake Hills Preliminary Plat and Planned Unit Development subject to all the original conditions.

10. See J-6

11. Easements: Project 78-10

Approved payment of \$11,500.00 to Mr. and Mrs. Kenneth Benson for permanent ponding easements for Hillwood Dorland Project 78-10.

F. PUBLIC HEARINGS

1. Holloway - Sterling Improvement Project 7:00 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the Improvement of Holloway Avenue from Beebe Road to Century and from Holloway Avenue South approximately 600 feet on Sterling Street by construction of streets, watermain, sanitary sewer, storm sewers and appurtenances. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Mr. Don Christopherson, Short Elliott and Hendrickson, Consulting Engineers, presented the specifics of the proposal.

c. Assistant City Engineer Dave Pillatzke, presented the specifics of the costs for the proposal.

d. Mayor Greavu called for proponents and opponents. The following area residents voiced their questions and opinions:

Paul Hemmelgarn, 1892 Sterling
Donald W. Andersen, Jr., 1886 Sterling
Mrs. Rose F. Westbrook, 1900 Furness
Robert Baker, 2590 Holloway
Ron Fischer, 2580 Holloway
Terry Ahrens, 2276 E. Holloway
Carl W. Tellin, 2572 Holloway
Resident, 1860 Sterling
Bill W. Nyquist, 2510 Holloway
Francis J. Reginek, 2520 Holloway

e. Mayor Greavu closed the public hearing.

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

82 - 4 - 42

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

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

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

Seconded by Councilmember Juker.

Ayes - all.

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

82 - 4 - 43

WHEREAS, after consideration of citizens' requests, during the April 15, 1982 public hearing for consideration of street widening on Holloway Avenue (County Road No. 119), to place stop signs at certain locations on said roadway to regulate traffic; and

WHEREAS, the reconstruction and street widening of Holloway Avenue between McKnight Road and Century Avenue to 46 feet, was ordered as a joint powers project between the City of Maplewood, the City of North St. Paul and Ramsey County; and

WHEREAS, the imposing of said stop signs will regulate traffic and would be of significant safety benefit adjacent to Maplewood Junior High School; and

WHEREAS, the street involved is owned and maintained by Ramsey County;

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

The City Council requests Ramsey County to install and maintain all-way stop signs at the following intersections:

1. Holloway Avenue at Lakewood Drive
2. Holloway Avenue at Margaret Street

Seconded by Councilmember Juker.

Ayes - all.

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

82 - 4 - 44

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

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

1. That it is advisable, expedient, and necessary that the City of Maplewood construct street, storm sewer, and appurtenances on Sterling Street from Holloway Avenue to Ripley Avenue, with cul-de-sac at the southerly most terminus with walkways provided on the easterly and westerly perimeters of said cul-de-sac.
2. That sidewalk be deleted along its entire length.
3. That the cost sharing of the street costs be split with an apportionment of 50 percent to the City of Maplewood and an apportionment of 50 percent

to the City of North St. Paul the sum of which shall total 100 percent of the street project cost.

4. That the Mayor and City Manager enter into a Joint Powers Agreement with the City of North St. Paul for the engineering, construction, financing and maintenance of the ordered improvements.
5. That the City Engineer is designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvements.

Seconded by Councilmember Juker.

Ayes - all.

2. Preliminary Plat and Lot Division: Keller Parkway - Anderson (continuation of hearing) 7:15 P.M.
 - a. Mayor Greavu stated this hearing was a continuation of the public hearing from the meeting of March 18, 1982.
 - b. The applicants, Mr. Frank Frattalone, 3205 Centerville Road and Mr. Richard Anderson, 2830 Keller Parkway, spoke on behalf of their proposal.
 - c. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following were heard:
Mr. Bill Rethke, 2828 Keller Parkway
Mrs. Judy Rethke, 2828 Keller Parkway
 - d. Mayor Greavu closed the public hearing.
 - e. Mayor Greavu moved to approve alternate No. 4 (twenty lots with a public street and utilities) for the Gervais Overlook preliminary plat.

Seconded by Councilmember Maida.

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

f. Councilmember Bastian moved to deny Alternate No. 4 for the Gervais Overlook Preliminary Plat for the applicant that resides at 2830 Keller Parkway on the basis that drainage plans and representations were not adequately proven to the desires of the Council; that the seelyeville muck, which would have to be removed, has not been shown to be suitable for building; it is not known the extent of the unstable soil that would be required for meeting building code requirements; and that there is a finding that the preliminary plat does not necessarily meet the character of the neighborhood; also, it does not take into consideration the needs and does not protect the environment of the area.

Seconded by Councilmember Anderson.

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

Councilmember Bastian then moved that with the rejection of the preliminary plat, this subject matter be referred to the City Planning Commission, who shall consider the following factors when preparing a recommendation for the Council to act on

at the second meeting in May: 1st alternative is alternate three found in the staff report F2a, dated April 7, 1982; 2nd, the alternative they shall look at establishing an RE district that would encompass the area south of the boundary between the two cities and east of Arcade and north of Keller Parkway and east of Kohlman Lane; 3rd alternative, refer the applicant's original desire to have three non-conforming lots, shall we call them which would be the applicant's November, 1980 proposal found in map four of F2c, dated December 29, 1981. It is moved to deny the lot division.

Mayor Greavu recessed the meeting to convene as the Board of Adjustments and Appeals at 9:53 P.M.

Mayor Greavu reconvened the meeting at 9:54 P.M.

3. P.U.D. Preliminary Plat and Easement Vacation - Leonard's Oak Hills No. 5 7:30 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of William Leonard for approval of a preliminary plat, planned unit development and vacation of a drainage easement for Leonard's Oak Hills No. 5. The Clerk stated the notice of hearing was found to be in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. William Leonard, the applicant, spoke on behalf of the proposal.

d. Mr. Dale Hamilton, Consulting Engineer, Suburban Engineering, presented the specifics of Mr. Leonard's proposal.

e. Mayor Greavu called for persons who wished to be heard for or against the project. The following were heard:

Mr. Tom Cramer, 2312 Phylis Court, asked questions regarding the proposal.

f. Mayor Greavu closed the public hearing.

Councilmember Juker moved to extend the meeting past the deadline.

Seconded by Mayor Greavu.

Ayes - all.

g. Councilmember Maida moved to approve the Leonard's Oak Hills No. 5 Planned Unit Development with the following conditions:

1. Omit double dwellings on Lot 12, Block 6, Lots 1 and 5, Block 5; Lots 1 and 2, Block 4, Lot 3, Block 2 and Lot 5, Block 1.
2. A double dwelling be approved for the easterly lot on Highwood Avenue.
3. This PUD shall be void unless the plat is filed in one year or unless Council grants a time extension.

Seconded by Mayor Greavu.

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

Nays - Councilmember Juker.

h. Councilmember Miada moved to approve the Leonard's Oak Hills No. 5 preliminary plat subject to the following conditions:

1. A developer's agreement to be signed for the construction of all public improvements, including bike trails and erosion control measures;
2. Final grading, drainage and utility plans to be submitted and approved by the City Engineer. The plan shall include extending the storm sewer pipe to the east line of the plat;
3. Deed outlot A to the City;
4. Construct an eight-foot wide asphalt trail in front of block 6, lots 12-15 and from the end of the northerly cul-de-sac, along lot 1, block 1 to the north line of the plat;
5. Combine lots 12, 13, 14 and 15, block 6 and divide into three lots;
6. Submit an erosion control plan for approval, which considers recommendations from the Soil Conservation Service;
7. Name the through street, "Leonard Lane" the northerly cul-de-sac and stub, "Lakewood Court" and the east-west cul-de-sac and stub "Valley View Court" and "Valley View Drive";
8. Dedication of utility and drainage easements, as required by the City Engineer;
9. Readjust lot line of northerly cul-de-sac 100 feet south as presented by staff;
10. Attorney to approve covenants for square footing for floor area.

Seconded by Mayor Greavu.

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

Nays - Councilmember Juker.

- i. Councilmember Maida introduced the following resolution and moved its adoption:

82 - 4 - 45

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

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

(For the purpose of the following legal description the east and west one-quarter line in Section 13 is assumed to have a bearing of due east-west).

Beginning at a point 26.0 feet north of and 550.0 feet east of the west one-quarter corner of section 13, township 28, north, range 22 west, City of Maplewood, Ramsey County, Minnesota; thence N 52° 33' 30" E., a distance of 220.41 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); thence N 71° 52' 41" E, a distance of 80.0 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); thence continuing N 71° 52' 41" E, a distance of 80.0 feet, (easement to this point being 60 feet on either side of the centerline, as measured at right angles to said centerline); thence continuing N 71° 52' 41" E, a distance of 200.0 feet, (easement to this point being 50 feet on either side of the centerline, as measured at right angles to said centerline); thence continuing N 71° 52' 41" E, a distance of 9.35 feet; thence N 88 21' 28" E, to the intersection with a line described as follows: beginning 1002.07 feet east of the west one-quarter corner of said section 13; thence N 0° 12' 42" E, a distance of 400' and there terminating (easement to this point being 80 feet on either side of the centerline as measured at right angles to said centerline).

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

1. That an application for vacation was initiated by Bill Leonard on the 19th day of October, 1981;
2. That a majority of the owners of property abutting said easement have signed a petition for the above-described vacation;
3. That said vacation has been referred to and reviewed by the Maplewood Planning Commission on the 15th day of March, 1982 and referred back to the Maplewood City Council with the recommendation of approval.
4. That pursuant to the provisions of Minnesota Statutes, Section 412.851 a public hearing was held on the 15th day of April, 1982 preceded by two-weeks published and posted notice at which meeting the City Council heard all who expressed a desire to be heard on the matter, considered the Planning Commission recommendation and staff reports.

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

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

All that part of the east one-half (E 1/2) fo the southwest quarter (SW 1/4) of the northwest quarter (NW 1/4) fo section thirteen (13), township twenty-eight north, (28No) range twenty-two west (22W) described as follows: Beginning at the southwest corner thereof running thence north 591.75 feet to a point, thence east 348.17 feet to a point which is 591.85 feet north of the south line of said northwest quarter (NW 1/4), thence south 591.86 feet to a point in the south line of said northwest quarter (NW 1/4) 347.11 feet east of the place of beginning, thence west 347.11 feet to place of beginning. Subject to public roads.

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

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

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

Seconded by Mayor Greavu.

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

4. Rezoning: 2010 Clarence Street -Caron and DuFresne (continuation of hearing)
 - a. Mayor Greavu stated this hearing was continued from the April 1, 1982 meeting.
 - b. Mr. Caron, one of the applicants, spoke on behalf of the proposal.
 - c. Mayor Greavu called for proponents. None were heard.

- d. Mayor Greavu called for opponents. None were heard.
- e. Mayor Greavu closed the public hearing.
- f. Councilmember Juker introduced the following resolution and moved its adoption:

82 - 4 - 46

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

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

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

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

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

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

Seconded by Councilmember Anderson.

Ayes - all.

Mayor Greavu recessed the meeting at 10:50 P.M. to reconvene as the Board of Appeals and Adjustments.

Mayor Greavu reconvened the meeting at 10:55 P.M.

G. AWARD OB BIDS

1. Hillwood Drive - Dorland Road Improvements

a. Manager Evans presented the staff report.

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

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

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

H. UNFINISHED BUSINESS

1. Adolphus Street Trunk Sewer Replacement

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

82 - 4 - 48

WHEREAS, pursuant to resolution passed by the City Council on February 10, 1982, plans and specifications for Adolphus Street Sanitary Sewer Trunk Replacement, Project No. 81-4, have been prepared by (or under the direction of) the City Engineer, who has presented such plans and specifications to the Council for approval;

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

- 1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City Clerk.
- 2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least three weeks before date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the Council at 10:00 a.m. on the 14th day of May, 1982, at the City Hall and that no bids shall be considered unless sealed and filed with the Clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota, for 5% of the amount of such bid.
- 3. The City Clerk and City Engineer are hereby authorized and instructed to receive, open, and read aloud bids received at the time and place herein noted, and to tabulate the bids received. The Council will consider the bids, and the award of a contract, at the regular City Council meeting of May 20, 1982.

Seconded by Councilmember Maida. Ayes - all.

2. Memorial Day Opening: Off Sale Liquor - 2nd Reading

- a. Manager Evans presented the staff report.

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

ORDINANCE NO. 513

An Ordinance Amending Chapter 703 of the Municipal Code of Maplewood
Concerning the Sale of Liquor and Beer

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

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

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

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

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

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

Section 2. This Ordinance shall take effect upon adoption and publication.

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

Nays - Councilmember Bastian and Maida.

3. RE District Side Yard Setback - 2nd Reading

a. Manager Evans presented the staff report.

b. The following persons spoke in favor of the ordinance:

Mr. Richard Hagstrom, 2130 Arcade

Mr. Gordon Grant, 2134 Arcade Street

c. Councilmember Bastian moved to approve the ordinance establishing RE district side yard setback.

Seconded by Councilmember Juker. Ayes - Councilmember Anderson, Bastian and Juker.
Nays - Mayor Greavu, Councilmember Maida.
Defeated - 4 to 1 vote required.

4. Definition of Family: Code Amendment - 2nd Reading

- a. Manager Evans presented the staff report.
- b. Councilmember Anderson moved to adopt the ordinance establishing a definition of family.

Seconded by Councilmember Juker. Ayes - Councilmembers Anderson, Juker and Maida.
Nays - Mayor Greavu, Councilmember Bastian.
Defeated - 4 to 1 vote required.

5. Definition of Rooming House: Code Amendment - 2nd Reading.

- a. No action taken.

I. VISITOR PRESENTATION

None.

J. NEW BUSINESS

1. Special Exception - Home Occupation - 540 Ripley

- a. Manager Evans presented the staff report.
- b. Mr. Miles LeFebvre, the applicant, spoke regarding his proposal.
- c. Councilmember Bastian moved approval of a home occupation permit for a gun smithing business at 540 Ripley Avenue subject to:
 1. Compliance with the criteria outlined in the Planning Commission Sub-committee Report.
 2. Approval is granted for one year, after which time the applicant may apply for a renewal if the business has been compatible with the neighborhood and all conditions are being met.
 3. There should be at least one wall-mounted, ten pound A.B.C. fire extinguisher provided in the basement work area.
 4. Electrical outlets are to be provided in the work area to eliminate the need for extension cords.
 5. There shall be no reloading of ammunition other than for the applicants own use.

Seconded by Councilmember Juker. Ayes - all.

2. Special Exception: 2095 E. Larpenteur Avenue

- a. Manager Evans presented the staff report.

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

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

Approval is subject to the following conditions:

1. The hours of operation shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday.
 2. The maximum number of employees that may be permitted, other than family members, is four.
 3. There shall be no retail sales from the premises.
 4. The business shall not be enlarged.
 5. Any parking on Larpenteur Avenue, related to this business, shall be prohibited.
 6. After three years, the Council shall review the applicant's operation for compliance with the above conditions.
3. Soo Line Abandonment
- a. Manager Evans presented the staff report.
 - b. Councilmember Bastian introduced the following resolution and moved its adoption:

82 - 4 - 49

WHEREAS, the Soo Line has received approval from the Interstate Commerce Commission to abandon a 7.86 mile rail line which runs approximately from Interstate 35E and Arlington Avenue in St. Paul to Interstate 694 and County 68 in Oakdale; and

WHEREAS, the Interstate Commerce Commission has granted a 120-day public use negotiation period, during which public bodies only may negotiate for purchase of the corridor; and

WHEREAS, staff from nine governmental units, including Minnesota Department of Natural Resources, Minnesota Department of Transportation, Ramsey county, Washington County, City of Maplewood, City of North St. Paul, City of Oakdale, City of St. Paul, and Metropolitan Council, have reviewed the corridor and made a preliminary determination that there is potential for public use of approximately 60% of the corridor; and

WHEREAS, if no action is taken by the governmental units during the 120-day period, it is likely that the corridor will become a "no man's land" in which undesirable activities will develop, as has occurred in other areas; and

WHEREAS, if no action is taken during the 120-day period, it is likely that small parcels in the corridor will be sold to separate parties, rendering impossible any future continuous use of the corridor; and

WHEREAS, it is not feasible to develop a comprehensive land use plan for the corridor and for each governmental unit to obtain the funds necessary to acquire portions it may wish to use during the short 120-day negotiation period; and

WHEREAS, the Soo Line has indicated informally that it would prefer to work with a single purchaser for the corridor; and

WHEREAS, the most practical approach to a planned use of the corridor would be a joint effort of the several governmental units to purchase the entire corridor, develop a comprehensive, coordinated plan, and then resell to the individual units and to private parties the appropriate parcels for various uses; and

WHEREAS, considerable work as to legal and financial feasibility will be required before this approach can be implemented;

NOW, THEREFORE, BE IT RESOLVED, by City Council of Maplewood, Minnesota, that:

- 1) Maplewood will participate in further development of this approach and will appoint one or more elected officials or staff persons to represent it on a working task force, the recommended composition of which will be developed by staff and presented to the City Council when all of the participating entities have acted on this proposal;
- 2) Staff of Maplewood is authorized to participate in initial discussions and negotiations with the Soo Line in order to determine the available options;
- 3) Staff of Maplewood is authorized to participate in seeking funds and assistance from outside sources for purposes of undertaking the initial legal and financial feasibility work;
- 4) This Resolution does not constitute any commitment by Maplewood to provide any funds for development of this approach to acquisition of the corridor nor any commitment to acquire any portion of the corridor. It is understood that the task force to be created will present the results of the discussions and investigations herein authorized to City Council for further action when completed.

Seconded by Councilmember Anderson.

Ayes - all.

4. Findings of Fact: Hillwood Drive - Dorland Road

a. Manager Evans presented the staff report.

b. Mayor Greavu moved to ratify the findings of fact for the Hillwood Drive-Dorland Road Improvement 78-10 assessments resulting from the March 10, 1982 special meeting.

Seconded by Councilmember Juker.

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

Nays - Councilmember Bastian.

5. Contract for Park Master Plans

a. Manager Evans presented the staff report.

b. Councilmember Juker moved to deny the request to hire a consultant to develop a master plan for Gladstone, Hillside and Pleasantview Parks.

Seconded by Councilmember Maida.

Ayes - all.

6. Payrates for Emergency Preparedness Personnel

a. Manager Evans presented the staff report.

b. Councilmember Bastian moved to approve retroactive to January, 1982 salaries of \$415 per month for the Director of Emergency Preparedness and \$250 per month for the Deputy Director of Emergency Preparedness.

Seconded by Councilmember Anderson.

Ayes - all.

K. COUNCIL PRESENTATIONS

1. Home Occupation Permit - Hazelwood

a. Councilmember Juker stated one of the conditions regarding granting a home occupation permit to Donna Mundon, Hazelwood Street, for her ceramic business was that there be no parking of her customer's cars on Hazelwood. This condition is being violated.

b. Councilmember Juker moved to invite Mrs. Mundon to attend the Council meeting of May 20 to show cause why her home occupation permit should not be revoked.

Seconded by Councilmember Anderson.

Ayes - all.

2. Billboards

a. Councilmember Anderson moved that staff prepare an ordinance to ban new construction of billboards and to place a ten year amorization on existing billboards.

Seconded by Councilmember Juker.

Ayes - Councilmembers Anderson, Juker and Maida.

Nays - Mayor Greavu and Councilmember Bastian.

3. C.D.R.B.

a. Councilmember Bastian moved that the Community Design Review Board, appointed by the Council, evaluate their job functions and report back to the Council by October 1, 1982 as to their continued existence.

Seconded by Councilmember Anderson.

Ayes - all.

4. Human Relations

a. Councilmember Anderson stated the Human Relations Commission is requesting a staff person as liaison.

b. Councilmember Bastian moved to refer the matter to the Manager.

Seconded by Mayor Greavu.

Ayes - all.

Councilmember Juker moved to extend the meeting past the deadline.

Seconded by Mayor Greavu.

Ayes - all.

5. Frost Avenue Plan

a. Councilmember Anderson stated the County has plans for Frost Avenue. He also stated with Council permission, he will go door to door to sell the project.

6. Arbor Day Program

a. Councilmember Bastian questioned if the City was planning anything for Arbor Day.

b. Staff will investigate.

7. Voting Requirements

a. Councilmember Bastian questioned if the Planning Commission could have secret ballots.

b. Manager Evans stated under the Roberts Rules of Order any organization can have a secret ballot.

8. 25th Anniversary

a. Councilmember Bastian stated that the Chamber Committee for the City's 25th Anniversary will meet Monday April 19, at 11:30 A.M. at Hafners.

9. Winter Carnival

a. Mayor Greavu questioned why the City is charging for police services for the St. Paul Winter Carnival event to be held at Aldrich Arena.

b. Manager Evans stated because the City could not afford to pay the Police Officers for the extra time needed.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

12:00 Midnight

City Clerk

MINUTES OF BOARD OF APPEALS AND ADJUSTMENTS
7:00 P.M., Thursday, April 15, 1982
Council Chambers, Municipal Building
Meeting No. 82-1

A. CALL TO ORDER

A meeting of the Maplewood Board of Appeals and Adjustments was held in the Council Chambers, Municipal Building and was called to order at 9:53 P.M. by Chairman Bastian.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

None.

D. PUBLIC HEARINGS

1. Variances: Keller Parkway - Anderson.

a. Chairman Bastian stated the Council had denied the Preliminary Plat and lot division as requested by Mr. Anderson for the Gervais Overlook project. The Board accepted the report regarding the variances for this project.

Chairman Bastian recessed the meeting at 9:54 P.M.

Chairman Bastian reconvened the meeting at 10:51 P.M.

2. Variances: 2010 Clarence Street - Caron and DuFresne

a. Chairman Bastian convened the meeting for a public hearing regarding the request of Anthony Caron and Wendy DuFresne for a lot area variance to construct a double dwelling on an undersized lot. The Clerk stated the hearing notice was found to be in order and noted the dates of publication.

b. Mr. Caron, 2010 Clarence Street, the applicant, spoke on behalf of his request.

c. Chairman Bastian called for proponents. None were heard.

d. Chairman Bastian called for opponents. None were heard.

e. Chairman Bastian closed the public hearing.

f. Councilmember Juker moved to approve the lot area variance of 355 square feet as requested by Anthony Caron and Wendy DuFresne, 2010 Clarence Street, based on the following findings:

1. The lot is irregular in shape.
2. The variance is relatively small.

3. The double-dwelling would not exceed the maximum allowed density in the Land Use plan.

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

Seconded by Councilmember Anderson. Ayes - all.

E. ADJOURNMENT

10:54 P.M.

City Clerk

CITY OF MAPLEWOOD

A C C O U N T S P A Y A B L E

DATE 05-20-82 PAGE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000420	2,932.20	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000421	163.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000422	4,023.84	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000423	80.00	DIANE ROACH	A/R - PARAMEDIC
000424	167.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000425	2,987.40	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000426	60.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000427	102.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000428	4,195.70	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000429	60.00	MBA OF MINNESOTA	TRAVEL + TRAINING
000430	253.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000431	3,051.70	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000432	4,449.81	MN MUTUAL LIFE INS CO	CONTRIBUTIONS, INSURANCE
000433	3,521.47	MN MUTUAL LIFE INS CO	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABLE AND-DENTAL INS PAYABLE AND-CONTRIBUTIONS, INSURANCE
000434	1,939.02	GREAT WEST LIFE ASSURANCE	CONTRIBUTIONS, INSURANCE
000435	2,287.56	GREAT WEST LIFE ASSURANCE	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABLE AND-CONTRIBUTIONS, INSURANCE
000436	1,261.25	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000437	279.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000438	7,326.00	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000439	78.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000440	* 200.00	CHANHASSEN THEATRE	FEES, SERVICE
000441	11.76	AMI PRODUCTS INC	Gals Get-A-Way SUPPLIES, VEHICLE

CHECK#

A M O U N T

C L A I M A N T

P U R P O S E

000442	1,888.34	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000443	3,934.29	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PER
000444	9,226.74	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PER
000445	4,161.70	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000446	276.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000447	Void	Void Check	
000448	73.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000449	3,332.50	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000450	132.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000451	730.87	CONN GENERAL LIFE INS CO	CONTRIBUTIONS, INSURANC
000452	461.93	CONN GENERAL LIFE INS CO	CONTRIBUTIONS, INSURANC
000453	12.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000454	467.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000455	14.75	JUDY CHLEBECK	TRAVEL + TRAINING AND-LEGAL + FISCAL
000456	9.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000457	278.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000458	2,020.65	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
38	66,448.98	NECESSARY EXPENDITURES SINCE LAST COUNCIL MEETING	

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013145	960.00	A-1 BUSINESS MACHINES	REP. + MAINT., EQUIPME
013146	348.66	ACE HARDWARE	MAINTENANCE MATERIALS AND-SUPPLIES, EQUIPMEN
013147	48.52	ACRO-MINNESOTA INC	SUPPLIES, OFFICE
013148	4,432.50	AMERICAN NATIONAL BANK	BOND INTEREST AND-PAYING AGENT FEES
013149	2,835.94	AMERICAN NATIONAL BANK	BOND INTEREST AND-PAYING AGENT FEES
013150	3,825.00	AMERICAN NATIONAL BANK	BOND INTEREST AND-PAYING AGENT FEES
013151	15,347.50	AMERICAN NATIONAL BANK	BONDS PAYABLE AND-BOND INTEREST AND-PAYING AGENT FEES
013152	2,275.00	AMERICAN NATIONAL BANK	BOND INTEREST AND-PAYING AGENT FEES
013153	100.00	AMERICAN TOOL SUPPLY CO	SMALL TOOLS
013154	25.00	ARTCRAFT PRESS INC	SUPPLIES, OFFICE
013155	11.62	LUCILLE AURELIUS	TRAVEL + TRAINING
013156	305.00	BOARD OF WATER COMM	UTILITIES
013157	47.00	BOARD OF WATER COMM	UTILITIES
013158	65.64	BOARD OF WATER COMM	UTILITIES
013159	98.13	BRAD RAGEN INC	SUPPLIES, VEHICLE
013160	28.08	BUREAU OF BUSINESS PRACT	SUBSCRIPTIONS+MEMBERSHI
013161	92.50	CLUTCH + U JOINT	SUPPLIES, VEHICLE
013162	220.00	COPY DUPLICATING PROD	DUPLICATING COSTS
013163	47.65	COPY EQUIPMENT	SUPPLIES, EQUIPMENT
013164	109.11	COTTENS INC	SUPPLIES, VEHICLE
013165	15.13	CUSTOM LABORATORIES INC	FEES, SERVICE
013166	60.65	DALCO CORP	Duplicating Costs SUPPLIES, JANITORIAL

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013167	260.00	PAT DALEY	FEES, SERVICE
013168	22.48	DEGE GARDEN CENTER	Plumbing Inspector MAINTENANCE MATERIALS
013169	192.47	DICKSON	MAINTENANCE MATERIALS
013170	1,613.77	EASTMAN KODAK CO	DUPLICATING COSTS
013171	16.44	DANIEL F FAUST	TRAVEL + TRAINING
013172	16.00	FBI NATL ACADEMY ASSOC	SUBSCRIPTIONS+MEMBERSH
013173	151,769.70	1ST NATL BANK OF ST PAUL	BONDS PAYABLE AND-BOND INTEREST AND-PAYING AGENT FEES
013174	850.00	GENERAL REPAIR SERVICE	REP. + MAINT., UTILITY
013175	20.00	GEORGES BODY SHOP	REP. + MAINT., VEHICLE
013176	509.91	GOODYEAR SERVICE STORE	SUPPLIES, VEHICLE
013177	303.75	DUANE GRACE	FEES, SERVICE
013178	67.50	NORMAN L GREEN	Temp. Bldg. Inspector UNIFORMS + CLOTHING
013179	284.30	GROSS INDUSTRIAL	UNIFORMS + CLOTHING
013180	110.60	GROSS INDUSTRIAL	UNIFORMS + CLOTHING AND-FEES, SERVICE
013181	25.25	HOWIES LOCK + KEY SERVIC	Rug Cleaning REP. + MAINT., VEHICLES AND-REP. + MAINT., EQUI AND-SUPPLIES, EQUIPMENT
013182	93.82	KNOX LUMBER COMPANY	MAINTENANCE MATERIALS
013183	7,087.50	KUNZ OIL CO	INVENTORY OF SUPPLIES
013184	67.77	LABELLES	SUPPLIES, PROGRAM
013185	6,746.51	LAIS BANNIGAN + CIRESI	FEES, SERVICE AND-LEGAL + FISCAL
013186	229.50	LAKE SANITATION	March Services FEES, SERVICE
013187	66.25	LEES AUTO SUPPLY	Rubbish Removal SUPPLIES, VEHICLE
013188	58.00	LUGER LUMBER	MAINTENANCE MATERIALS

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013189	624.34	MAPLEWOOD REVIEW	PUBLISHING AND-LEGAL + FISCAL
013190	79.27	MERIT CHEVROLET CO	REP. + MAINT., VEHICLES AND-SUPPLIES, VEHICLE
013191	873.40	METROPOLITAN INSPETION	FEES, SERVICE Electrical Inspections
013192	884.00	MID-CO TV SYSTEMS	EQUIPMENT, OTHER
013193	23.82	MIDWAY TRACTOR	SUPPLIES, VEHICLE
013194	25.00	MN CITY MANAGERS ASSOC	SUBSCRIPTIONS+MEMBERSHI
013195	3,426.92	MN DEPARTMENT PUBLIC	RENTAL, EQUIPMENT
013196	136.00	MINN STATE TREASURER	SUBSCRIPTIONS+MEMBERSHI
013197	15.00	MINN STATE TREASURER	FEES, SERVICE Certification
013198	252.00	MOGREN BROS LANDSCAPING	MAINTENANCE MATERIALS
013199	147.29	MOTOROLA INC	REP. + MAINT., RADIO
013200	1,437.58	CITY OF MOUNDS VIEW	FEES, SERVICE Data Processing
013201	746.75	MUNIC + PRIVATE SERVICE	AND-FEES, SERVICE Animal Control
013202	20.80	NATIONAL BUSINESS SYSTEM	FEES, SERVICE Microfiche Processing
013203	10.50	NATIONAL WILDLIFE FED	SUBSCRIPTIONS+MEMBERSHI
013204	1,543.24	CITY OF NORTH ST PAUL	UTILITIES
013205	306.62	NORTHERN STATES POWER CO	UTILITIES
013206	1,003.26	NORTHERN STATES POWER CO	UTILITIES
013207	1,642.84	NORTHERN STATES POWER CO	UTILITIES
013208	1,831.36	NORTHERN STATES POWER CO	UTILITIES
013209	26.48	NORTHERN STATES POWER CO	UTILITIES
013210	2,932.50	NW NATIONAL BANK OF MPLS	BOND INTEREST AND-PAYING AGENT FEES
013211	11,669.70	NW NATIONAL BANK OF MPLS	BOND INTEREST AND-PAYING AGENT FEES

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013212	1,127.26	NORTHWESTERN BELL TEL CO	TELEPHONE
013213	410.04	NORTHWESTERN BELL TEL CO	TELEPHONE
013214	206.77	NORTHWESTERN BELL TEL CO	TELEPHONE
013215	451.26	NORTHWESTERN BELL TEL CO	TELEPHONE
013216	1,221.91	NORTHWESTERN BELL TEL CO	TELEPHONE
013217	6.00	LAVERNE NUTESON	TRAVEL + TRAINING
013218	77.50	OSWALD FIRE HOSE	MAINTENANCE MATERIALS
013219	208.16	PALEN/KIMBALL CO	REP. + MAINT., BLDG+GR
013220	2,075.00	PETERSON, BELL + CONVERSE	FEES, SERVICE Retainer for Prosc. At
013221	459.75	PETROLEUM MAINT CO	FEES, SERVICE Testing Gas Tanks
013222	264.00	PITNEY-BOWES INC	RENTAL, EQUIPMENT
013223	352.54	E K QUEHL CO	SUPPLIES, OFFICE
013224	46.90	RADIO SHACK	SMALL TOOLS
013225	11.20	RAMSEY COUNTY TREASURER	FEES, SERVICE Data Processing
013226	20.00	EDWARD REINERT	UNIFORMS + CLOTHING
013227	91.10	RUGGED RENTAL RUGS	FEES, SERVICE Rug Cleaning
013228	9.00	RYCO SUPPLY CO	SUPPLIES, JANITORIAL
013229	519.02	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE
013230	122.98	SEARS ROEBUCK + CO	SUPPLIES, OFFICE AND-SIGNS + SIGNALS
013231	8.50	BETTY SELVOG	TRAVEL + TRAINING
013232	1,965.19	SHORT-ELLIOTT-HENDRICKSN	FEES, SERVICE Water System Study
013233	3.78	SNYDER BROS DRUG STORE	SUPPLIES, OFFICE
013234	32.48	ST PAUL STAMP WORKS INC	SUPPLIES, OFFICE
013235	455.82	STD SPRING + ALIGNMENT	REP. + MAINT., VEHICLES
013236 *	19.66	TARGET STORES INC	SUPPLIES, PROGRAM

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013237	10,574.59	TOLZ,KING, DUVALL	FEES, CONSULTING
013238	658.69	HERB TOUSLEY FORD INC	REP. + MAINT., VEHICLE AND-SUPPLIES, VEHICLE
013239	207.50	TURNQUIST PAPER CO	SUPPLIES, JANITORIAL
013240	32.00	TWIN CITY FRAMING	SUPPLIES, OFFICE
013241	56.70	TWIN CITY HARDWARE CO	SIGNS + SIGNALS
013242	696.56	UNIFORMS UNLIMITED	UNIFORMS + CLOTHING
013243	24.00	UNIVERSAL MEDICAL SERV	SUPPLIES, EQUIPMENT
013244	449.05	VALS BODY SHOP	REP. + MAINT., VEHICLES
013245	38.92	VINCENT BRASS + ALUMINUM	SUPPLIES, VEHICLE
013246	59.35	WARNERS TRUEVALUE HDW	SUPPLIES, VEHICLE AND-SUPPLIES, EQUIPMENT AND-SUPPLIES, JANITORIA
013247	143.16	WEBER + TROSETH INC	SUPPLIES, PROGRAM
013248	13.20	YOCUM OIL CO INC	MAINTENANCE MATERIALS
013249 *	34.65	JULIE MCCOLLUM	WAGES, P/T + TEMP.
013250	140.62	JEFFERY RASCHKE	WAGES, P/T + TEMP.
013251 *	34.65	RICHARD ALLEN WARZEKA	WAGES, P/T + TEMP.
013252	8.85	CHEYENNE COPY CENTER	FEES, SERVICE
013253	12.00	APA-PLANNING ADVISORY	Duplicating Costs BOOKS
109	254,719.13	CHECKS WRITTEN	
TOTAL OF	147 CHECKS TOTAL	321,168.11	

* INDICATES ITEMS FINANCED BY RECREATIONAL FEES

CERTIFICATION REGISTER

CHECK DATE 05-07-82

CHECK	NAME			GROSS PAY	NET PAY
03737	EVANS	BARRY	R	1,817.54	1,066.60
03738	LEWIS	VIVAN	R	740.31	469.62
03739	FELCQUIN	ALFRED	J	747.23	173.83
03740	SCHLEICHER	JCHN	F	125.38	125.38
03741	CUDE	LARRY	J	191.54	144.78
03742	DCPERTY	KATHLEEN	M	305.00	214.08
03743	ZUERCHER	JCHN	L	115.39	115.21
03744	FALST	DANIEL	F	1,446.46	932.51
03745	HAGEN	ARLINE	J	888.92	403.98
03746	MATHEYS	ALANA	K	677.54	470.48
03747	VIGCREN	DELORES	A	586.62	396.69
03748	AURELIUS	LUCILLE	E	1,350.46	682.40
03749	SELVOG	BETTY	D	711.23	450.56
03750	GREEN	PHYLLIS	C	738.92	504.28
03751	SCHADT	JEANNE	L	215.36	176.04
03752	VIETOR	LORRAINE	S	561.69	382.41
03753	HENSLEY	PATRICIA	A	243.81	182.98
03754	BASTYR	DEBORAH	A	532.16	257.97
03755	HAGEN	THOMAS	L	1,424.31	311.83
03756	OMATH	JOY	E	553.39	377.40
03757	RICHIE	CAROL	L	488.31	304.56
03758	SCHALLER	RICHARD	W	927.52	489.08
03759	SVENDSEN	JCANNE	M	677.54	433.92
03760	ARNCLD	DAVID	L	1,171.39	411.73
03761	ATCHISON	JCHN	H	1,036.15	665.64

CERTIFICATION REGISTER

CHECK DATE 05-07-82

CHECK	NAME			GROSS PAY	NET PAY
03762	CAHANES	ANTHONY	G	1,222.97	122.64
03763	CLALSON	DALE	K	1,036.15	144.00
03764	COLLINS	KENNETH	V	1,175.54	98.92
03765	DELMONT	DENNIS	J	1,332.00	41.77
03766	DREGER	RICHARD	C	1,200.46	673.30
03767	FERNOW	RAYMOND	E	498.77	113.40
03768	GREEN	NORMAN	L	1,195.85	636.76
03769	HALWEG	KEVIN	R	1,016.77	502.56
03770	HEINZ	STEPHEN	J	774.46	475.26
03771	HERBERT	MICHAEL	J	1,016.77	602.01
03772	JAGUITH	DANIEL	R	774.46	474.51
03773	LANG	RICHARD	J	1,056.00	504.18
03774	MCDULTY	JOHN	J	1,251.42	198.66
03775	MEEHAN, JR	JAMES	E	997.38	565.28
03776	METTLER	DANIEL	B	1,036.61	648.52
03777	MUESCHTER	RICHARD	M	1,016.77	113.73
03778	MCRELLI	RAYMOND	J	1,016.77	651.89
03779	PELTIER	WILLIAM	F	1,155.14	640.49
03780	SKALMAN	DONALD	W	1,016.77	150.68
03781	STAFNE	GREGORY	L	1,016.77	663.30
03782	STILL	VERNON	T	997.38	564.17
03783	STOCKTON	DARRELL	T	997.38	624.22
03784	ZAFFA	JOSEPH	A	1,197.23	745.56
03785	BECKER	RONALD	G	1,112.89	238.69
03786	CUSICK	DENNIS	S	1,407.00	870.23

CERTIFICATION REGISTER

CHECK DATE 05-07-82

CHECK	NAME	GROSS PAY	NET PAY
03787	GRAF DAVID M	1,065.23	488.66
03788	LEE ROGER W	1,202.96	664.06
03789	MELANDER JON A	1,262.24	100.29
03790	NELSON CAROL M	1,016.77	645.28
03791	RAZSKAZOFF DALE E	1,196.32	204.76
03792	RYAN MICHAEL P	1,065.23	455.02
03793	VORWERK ROBERT E	1,065.23	167.20
03794	YCLNGREN JAMES G	1,045.84	600.12
03795	EMBERTSON JAMES M	944.31	610.38
03796	SCHADT ALFRED C	1,127.54	667.85
03797	FLAUGHER JAYME L	677.54	432.72
03798	FULLER JAMES D	586.62	426.62
03799	NELSON KAREN A	617.08	382.78
03800	NELSON ROBERT D	1,175.54	619.53
03801	RABINE JANET L	549.69	372.10
03802	TICFNER MICHELE A	617.08	298.78
03803	WILLIAMS DUANE J	1,055.54	451.22
03804	BARTA MARIE L	453.69	324.90
03805	HAIDER KENNETH G	1,391.08	307.88
03806	HEGWERTH JUDITH A	490.62	349.30
03807	CASS WILLIAM C	1,157.08	552.82
03808	FREBERG RONALD L	824.00	491.19
03809	HELEY RONALD J	824.00	518.63
03810	HCCFBAN JOSEPH H	756.80	501.07
03811	KANE MICHAEL R	824.00	350.35

CERTIFICATION REGISTER

CHECK DATE 05-07-82

CHECK	NAME			GROSS PAY	NET PAY
03812	KLAUSING	HENRY	F	852.98	446.65
03813	MEYER	GERALD	W	857.39	417.97
03814	PRETTNER	JOSEPH	B	1,088.00	678.52
03815	REINERT	EDWARD	A	824.00	518.63
03816	TEVLIN, JR	HARRY	J	829.67	501.36
03817	ELIAS	JAMES	G	981.69	589.21
03818	GANZEL	PETER	R	728.00	581.94
03819	GEISSLER	WALTER	M	935.08	543.47
03820	GESSELE	JAMES	T	893.54	583.28
03821	PECK	DENNIS	L	981.69	494.05
03822	PILLATZKE	DAVID	J	1,157.08	771.89
03823	WYMAN	JAMES	N	797.54	536.43
03824	LUTZ	DAVID	P	562.62	380.87
03825	BREHEIM	ROGER	W	769.60	470.30
03826	EDSON	DAVID	B	903.00	584.03
03827	MULWEE	GEORGE	W	769.60	473.26
03828	NACEAU	EDWARD	A	913.88	591.85
03829	NUTESON	LAVERNE	S	1,128.80	479.74
03830	OWEN	GERALD	C	840.00	481.96
03831	MACDONALD	JOHN	E	908.80	484.08
03832	MULVANEY	DENNIS	M	878.40	517.37
03833	BRENNER	LOIS	J	677.54	253.71
03834	KRUMMEL	BARBARA	A	270.40	125.14
03835	OEGARD	ROBERT	B	1,364.77	821.79
03836	STAPLES	PAULINE	M	1,056.92	644.87

CERTIFICATION REGISTER

CHECK DATE 05-07-82

CHECK	NAME			GROSS PAY	NET PAY
03837	BURKE	MYLES	R	847.18	453.29
03838	GERMAIN	DAVID	A	847.18	528.08
03839	GUSINCA	MELVIN	J	1,139.00	616.81
03840	HELEY	RCLAND	B	849.70	542.48
03841	LEPCN	JEFFREY	S	72.00	72.00
03842	LIEHARDT	THOMAS	D	315.56	258.15
03843	MARLSKA	MARK	A	850.96	536.45
03844	SANTA	REED	E	860.10	482.69
03845	TAUEMAN	DOUGLAS	J	804.00	497.14
03846	WARD	ROY	G	328.62	251.86
03847	GREW	JANET	M	684.92	435.71
03848	SCLTTER	CHRISTINE		717.03	481.00
03849	CHEBECK	JUDY	M	711.23	290.54
03850	CLSCN	GEOFFREY	M	1,340.31	801.33
03851	EKSTRAND	THOMAS	G	951.24	569.23
03852	JCHNSCN	RANDALL	L	940.19	591.57
03853	OSTROM	MARJORIE		1,133.54	697.48
03854	WENGER	ROBERT	J	857.54	482.74
CHECK REGISTER TOTALS				104,007.20	53,753.12
03734	Delmont	Dennis	J	999.42	689.70
03735	Delmont	Dennis	J	15,272.00	11,148.83
03736	Schaller	Richard	W	34,569.42	25,235.68
CHECK REGISTER TOTALS				154,848.04	90,827.33

MEMORANDUM

TO City Manager
 FROM Finance Director *RO O'Connell*
 RE Mortgage Revenue Note Criteria
 DATE May 11, 1982

During 1981 the City collected only 71% of the current special assessment installments that were due. At the end of 1981, outstanding delinquent special assessments were \$1,282,007. To cope with this problem the payment of delinquent special assessments will be required prior to the issuance of building permits, special use permits, plat approvals and lot divisions.

The criteria for mortgage revenue note financing should also be revised to require that proceeds from the note be used as follows:

1. To pay all delinquent taxes and special assessments.
2. To pay all deferred and special deferred assessments.
3. To provide a cash escrow for payment of all pending special assessments.

Items two and three would virtually eliminate the possibility of future delinquent special assessments on projects financed by mortgage revenue notes.

It is recommended that the Council adopt the above additional requirements for mortgage revenue note financing.

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

MEMORANDUM

TO : City Manager
FROM : Finance Director *10. Trust*
RE : Wire Transfers for Debt Service Payments
DATE : May 11, 1982

In 1981, scheduled principal and interest payments on the City's bonded indebtedness amounts to \$6,248,652. It has been past practice to make these payments by check. These checks are mailed to the paying agent five days before the principal and interest due dates. An estimate of when the checks will clear our checking account is made and the money is invested until this time.

The problem with the current procedure is that occasionally the checks take longer to clear than anticipated which results in a surplus in our checking account that is not invested. Wire transfers of these debt service payments from our bank directly to the paying agent would eliminate this problem. Thus, the City would be able to keep its money fully invested until the principal and interest due dates. The paying agents are agreeable to this change in procedure. Therefore, authorization is requested to allow the wire transfer of all debt service payments.

Handwritten notes and signatures, including the name "J. K. ..."

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

MEMORANDUM

TO : City Manager
FROM : Finance Director *W. Faust*
RE : Budget Transfer for Severance Pay
DATE : May 11, 1982

A budget transfer from the contingency account is needed to finance the severance payments that have been made to Dennis Delmont and the estate of Richard Schaller. The attached excerpt (Note #4) from the City's 1981 Annual Financial Report provides background information regarding severance payments. The initial 1982 appropriation for severance pay was \$39,750. Expenditures to date exceed the budget by \$10,474. Therefore it is recommended that \$15,000 be transferred from the contingency account to cover the current deficit and to provide monies for additional severance payments during the balance of the year.

Action by Council:
Endorsed _____
Initiated _____
Referred _____
Filed _____

NOTES TO FINANCIAL STATEMENTS
December 31, 1981

Note 3: (CONTINUED)

- 3) The City contributes to the Maplewood Fire Fighters Relief Association which is an independent body that administers a pension plan for approximately 165 members. These members are volunteer firemen but are not employees of the City. Instead they are employees of three separate fire departments, which are organized under state law as independent non-profit corporations. For 1980, income of the pension fund consisted of \$58,946 state-aid, \$34,085 investment interest and \$30,170 from the City of Maplewood. In 1981, the City contributed \$32,000 according to a statutory certification of funding requirements dated July 24, 1981, the projected unfunded accrued liability for December 31, 1981 of the pension fund was \$275,637.

According to State law, the City Attorney has indicated that the relief association cannot legally force the City to fund the association's pension benefits.

Note 4: UNPAID EMPLOYEE BENEFITS

Accrued liabilities for unused vacation leave, sick leave, and compensatory time off to which employees are entitled are not reflected in the financial statements of the individual funds. However, the City's annual budget includes an appropriation each year to finance estimated severance payments equal to 10% of the previous year's accrued liability. On December 31, 1981 and 1980 these employee benefits were valued at:

	<u>December 31, 1981</u>		<u>December 31, 1980</u>	
	<u>Value</u>	<u>Portion Payable As Severance Pay</u>	<u>Value</u>	<u>Portion Payable As Severance Pay</u>
Vacation	\$ 158,221	\$158,221	\$130,461	\$130,461
Sick leave	834,727	341,150	701,454	240,718
Compensatory time off	17,635	17,635	26,323	26,323
Totals	<u>\$1,010,583</u>	<u>\$517,006</u>	<u>\$858,238</u>	<u>\$397,502</u>

Vacation and compensatory time off is payable when used or upon termination of employment. Sick leave is payable when used and in some cases upon termination of employment. For sworn police officers, sick leave is payable upon retirement or termination under satisfactory conditions after at least ten years of service at a rate of 50% times accumulated sick leave up to 300 days. All other permanent employees are eligible to receive severance pay for sick leave upon termination at a rate of 50% times accumulated sick leave up to 100 days. In 1978, severance pay for sick leave was discontinued for certain new employees hired. State law provides that severance pay may not exceed one year's pay.

MEMORANDUM

TO: City Manager
 FROM: Public Works Director
 DATE: May 6, 1982
 SUBJECT: Railroad Bridge at County Road "D" west of Hazelwood St.

At a previous City Council meeting, closing the above bridge was discussed. The Council indicated an interest in abandoning the structure due to its limited usefulness and the dangerously narrow width.

Ramsey County also has an interest in closing the bridge. Support from Maplewood would be helpful in this effort.

It is recommended the City Council adopt the attached resolution to support closing the railroad bridge over County Road "D" west of Hazelwood Street.

mb

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

RESOLUTION

WHEREAS, County Road "D" from T.H. 61 to Hazelwood Street carries limited traffic, and

WHEREAS, the railroad bridge is narrow presenting a less than desirable situation for traffic and is in a visible state of disrepair,

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

Ramsey County is requested to make every effort to close the railroad bridge over County Road "D" west of Hazelwood Street to vehicle traffic.

mb

CITY OF MAPLEWOOD

Application for Gambling License

Application is hereby made under Maplewood Municipal Code Chapter 822 which reads in part:

SECTION 1. Chapter 822 of the Maplewood Code is hereby adopted governing licensing and regulating of gambling as approved by the State Legislature and is to read as follows:

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

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

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

for a gambling license.

- 1. Name of Organization: No. Maplewood Lions Club
- 2. Address of Organization: 1310 Frost Ave.
- 3. Date of Application: 4/20/82
- 4. Date of first meeting that has regularly continued to date in Maplewood: May 1965
- 5. List Officers of Organization:

<u>TITLE</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
Pres.	Richard St. Germain	2379 Standridge	770-5759
Vice Pres	Dale Clauson	1347 Skillman	777-5848

Action by Council:

- Endorsed _____
- Modified _____
- Rejected _____
- Date _____

Application for Gambling License

6. Type of Permit

Temporary Single Occasion.
Date _____

Annual

Paddle Wheel

Raffle

Tipboard

7. Profits to be used for:

8. Gambling Manager

Name Clarence Zuckerman

Address 1949 Arcade

Phone # 774-5251

Date of Birth 1927

(Bond for Gambling Manager must be attached).

9. Premises upon which gambling will be conducted:

Address: 1310 Frost Ave

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

June 18, 1982 - to be held

11. Bank that will carry gambling account:

Name None! By Mablewood Lions - Donated for Doris

Address _____
Authorized Account _____
Signatures _____
*All Proceeds to buy new
Wheel Chair Lift & Van
Nelson*

12. Meeting date at which organization authorized this application

2/12/82

Page 3.

Application for Gambling License

I hereby certify that all statements herein are true and correct to the best of my knowledge, that this application is in accordance with applicable ordinances and statutes and that I am authorized to make application in behalf of this eligible organization.

NAME Robert W. Bushman
(Signature)

DATE 4/20/82

Subscribed and Sworn before me this

20 day of April, 1982

Walter J. Miller
Notary Public

ORDINANCE NO. 443

AN ORDINANCE AMENDING THE MAPLEWOOD

CODE BY ADDING THERETO CHAPTER 823

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

Section 1. Chapter 823 of the Maplewood Code is hereby adopted governing licensing and regulating of gambling as approved by the State Legislature and is to read as follows:

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

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

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

"823.040. LICENSES AND FEES.

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

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

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

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

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

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

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

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

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

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

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

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

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

"823.080. REPORTING REQUIREMENTS.

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

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

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

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

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

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

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

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

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

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

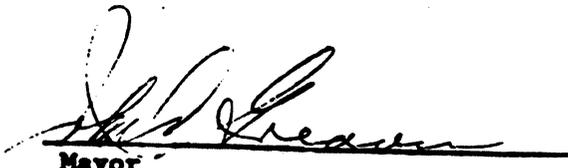
Subd. 2. PROCEDURE. A license shall not be revoked under subdivision 1 until notice and an opportunity for a hearing have first been given to the licensee. The notice shall be personally served upon any of the officers of the licensee as listed in the license or upon the gambling manager as designated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

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

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

Attest:


City Clerk


Mayor

Ayes - all.

This Application must be submitted to the Commissioner in duplicate.

STATE OF MINNESOTA
DEPARTMENT OF ENERGY, PLANNING AND DEVELOPMENT
BUSINESS SERVICES

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

Application
For Approval of Municipal Industrial Revenue Bond Project

Date _____

To:

Minnesota Department of Energy, Planning and Development
Business Services
480 Cedar Street
St. Paul, MN 55101

The governing body of Maplewood, County of Ramsey Minnesota, hereby applies to the Commissioner of the State of Minnesota, Department of Energy, Planning and Development, for approval of this community's proposed municipal Industrial Revenue Bond Issue, as required by Section 1, Subdivision 7, Chapter 474, Minnesota Statutes.

We have entered into preliminary discussions with:

Firm Tanners Lake Partners, a Minnesota General Partnership,
Address whose partners are Northco, Ltd. and Turnpike Properties,
1219 Marquette Avenue Midwest Inc.
City Minneapolis State Minnesota 55402
State of Incorporation N/A
Attorney Bob Sands
Fredrickson, Byron, Address 4744 IDS Center
Colborn, Bisbee and Hanson Minneapolis, Minnesota 55402
Name of Project Tanners Lake Partners Project

This firm is engaged primarily in (nature of business): Real Estate
Development and Management, and Motel Management

The funds received from the sale of the Industrial Revenue Bonds will be used to (general nature of project): Finance the construction and equipping of a
proposed 115 room Cricket Inn Motel in Maplewood

It will be located in Northeast quadrant of the intersection of I-94 and
Century Avenue on approximately 2 acres of land

The total bond issue will be approximately \$ 3,300,000 to be applied toward payment of costs now estimated as follows:

Cost Item	Amount
Land Acquisition and Site Development	\$ 405,000
Construction Contracts	1,875,000
Equipment Acquisition and Installation	200,000
Architectural and Engineering Fees	60,000
Legal Fees	30,000
Interest during Construction	250,000
Initial Bond Reserve	350,000
Contingencies	440,000
Bond Discount	100,000
Other	
TOTAL	3,710,000

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

WHEREAS,

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

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

(c) The City Council of the City of Maplewood (the "City") has received from Tanners Lake Partners, a Minnesota general partnership whose partners are Northco, Ltd. and Turnpike Properties, Midwest Inc. (the "Company") a proposal that the City assist in financing a Project hereinafter described, through the issuance of a Revenue Bond or Bonds or a Revenue Note or Notes hereinafter referred to in this resolution as "Revenue Bonds" pursuant to the Act;

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

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

(e) The Company is currently engaged in the business of real estate development and management and motel management. The Project to be financed by the Revenue Bonds is a 115 room Cricket Inn motel facility to be located in the City and consists of the acquisition of land and the construction of buildings and improvements thereon and the installation of equipment therein, and will result in the employment of 30 additional persons to work within the new facilities;

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

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

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

(i) Minnesota Statutes, Section 474.01 has been amended, effective August 1, 1982, so as to provide that municipalities within the metropolitan area as defined in Minnesota Statutes, Section 473.122 may finance motels and hotels.

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

1. The Council hereby gives preliminary approval to the proposal of Company that the City undertake the Project pursuant to the Minnesota Municipal Industrial Development Act

(Chapter 474, Minnesota Statutes), consisting of the acquisition, construction and equipping of facilities within the City pursuant to Company's specifications suitable for the operations described above and to a revenue agreement between the City and Company upon such terms and conditions with provisions for revision from time to time as necessary, so as to produce income and revenues sufficient to pay, when due, the principal of and interest on the Revenue Bonds in the total principal amount of approximately \$3,300,000 to be issued pursuant to the Act to finance the acquisition, construction and equipping of the Project; and said agreement may also provide for the entire interest of Company therein to be mortgaged to the purchaser of the Revenue Bonds; and the City hereby undertakes preliminarily to issue its Revenue Bonds in accordance with such terms and conditions;

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

3. The Project is hereby given preliminary approval by the City subject to the approval of the Project by the Commissioner of Energy, Planning and Development (the "Commissioner"), and subject to final approval by this Council, Company, and the purchaser of the Revenue Bonds as to the ultimate details of the financing of the Project;

4. In accordance with Subdivision 7a of Section 474.01 Minnesota Statutes, the Mayor of the City is hereby authorized and directed after August 1, 1982 to submit the proposal for the Project to the Commissioner requesting his approval, and other officers, employees and agents of the City are hereby authorized to provide the Commissioner with such preliminary information as he may require;

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

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

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

8. The City authorizes the issuance of serial or term commercial development revenue bonds only if such bonds are purchased by a financial institution(s) within the meaning of Minnesota Statutes, Section 80A.15 and subject to such other conditions as the City may impose prior to the issuance of such bonds;

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

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

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

Mayor

Attest:

City Clerk

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

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

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

City Clerk

(SEAL)

August 2, 1982

[City's Letterhead]

Michael Mulrooney, Director
Department of Energy, Planning and
Development
Business and Community Development
Division
480 Cedar, Hanover Building
St. Paul, Minnesota 55101

Re: City of Maplewood - \$3,300,000
Commercial Development Revenue Note
(Tanners Lake Partners Project)

Dear Mr. Mulrooney:

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

As indicated in the attached Preliminary Resolution, we believe that this Project fully meets the public purpose requirements of Minnesota Statutes, Chapter 474. In particular, this project will accomplish an expansion of the community's tax base by addition of facilities worth more than \$3,300,000 and will provide our citizens with access to needed lodging and dining facilities. Employment from the project should result in up to 30 employees. Finally, we believe that the project will serve the interests of the community by diversifying the commercial base and would help to dampen the severity of any general economic downturns.

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

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

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

and agrees it will comply with the reporting requirements set forth in Minnesota Statutes, Section 474.01, Subdivision 8. The public hearing was held on _____, 1982 at 7:30 o'clock, P.M. at the City Hall in Maplewood, and all interested parties were afforded an opportunity to express their views.

We respectfully request prompt approval by the Commissioner of Energy, Planning and Development of the project under the provisions of Minnesota Statutes, Chapter 474.

Very truly yours,

CITY OF MAPLEWOOD

By _____
Its Mayor

August 2, 1982

[Briggs and Morgan Stationery]

Michael Mulrooney, Director
Department of Energy, Planning and
Development
Business and Community Development
Division
480 Cedar, Hanover Building
St. Paul, Minnesota 55101

Re: City of Maplewood - \$3,300,000
Commercial Development Revenue Note
(Tanners Lake Partners Project)

Dear Mr. Mulrooney:

This is to advise you that our firm has reviewed the attached resolution, the feasibility letter of Dougherty, Dawkins, Strand and Yost, Inc., the application of the City of Maplewood and the letter of transmittal from the City. Based upon a review of that material it is our opinion that the Project referred to therein constitutes a project within the meaning of Minnesota Statutes, Section 474.02, Subdivision 1b and that the proposed financing thereof in the form of a single debt instrument (the "Note") as set forth in the attached resolution is authorized by law.

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

Very truly yours,

Mary L. Ippel

Enclosures

[Bank's Letterhead]

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

Re: Proposed Issuance of Commercial
\$3,300,000 Development Revenue Note
of the City of Maplewood, Minnesota
(Tanners Lake Partners Project)

Gentlemen:

At the request of Tanners Lake Partners, we have conducted a study of the economic feasibility of the proposal that the City of Maplewood issue one or more of its revenue bonds under the provisions of the Minnesota Municipal Industrial Development Act to provide funds for the acquisition and construction of a 115 room Cricket Inn motel facility located within the City of Maplewood, to be owned by Tanners Lake Partners, a Minnesota general partnership whose partners are Northco, Ltd. and Turnpike Properites, Midwest Inc.

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

We understand a copy of this letter will be forwarded by the Maplewood City Mayor to the Commissioner of Energy, Planning and Development of the State of Minnesota to serve as the letter of feasibility required by the Commissioner.

Very truly yours,

By _____
Its _____

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

WHEREAS,

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

(b) The City Council of the City of Maplewood, Minnesota (the "City") has received from Tanners Lake Partners, a Minnesota general partnership whose partners are Northco, Ltd. and Turnpike Properties, Midwest Inc. (the "Company") a proposal that the City assist in financing a project hereinafter described, through the issuance of its industrial revenue bonds (which may be in the form of a single debt instrument) (the "Bonds") pursuant to the Act;

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

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

1. A Public Hearing on said proposal of the Company will be held at the time and place set forth in the Notice of Hearing hereto attached.

2. The general nature of the proposal and an estimate of the principal amount of bonds to be issued to finance the proposal are described in the form of Notice of Hearing hereto attached.

3. The Notice of said Public Hearing shall be in substantially the form contained in the Notice hereto attached.

4. A draft copy of the proposed application to the Commissioner of Energy, Planning and Development, State of Minnesota, for approval of the project, together with proposed forms of all attachments and exhibits thereto, is on file in the office of the City Clerk.

5. The City Clerk is hereby authorized and directed to cause notice of said hearing to be given one publication in the official newspaper and a newspaper of general circulation available in the City, not less than 15 days nor more than 30 days prior to the date fixed for said hearing, as shown in the notice of hearing hereto attached.

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

Mayor

ATTEST:

City Clerk

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

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota will meet at the City Hall in the City of Maplewood, Minnesota at 7:30 o'clock p.m. on _____, 1982, to consider the proposal of Tanners Lake Partners, a Minnesota general partnership whose partners are Northco, Ltd. and Turnpike Properties, Midwest Inc., that the City assist in financing a project hereinafter described by the issuance of industrial development revenue bonds.

Description of Project
(Including general location)

The acquisition of land located at the northeast quadrant of the intersection of Interstate 94 and Century Avenue in the City of Maplewood and the construction and equipping thereon of a 115 room Cricket Inn Motel.

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$3,300,000.

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

A draft copy of the proposed application to the Commissioner of Energy, Planning and Development, State of Minnesota, for approval of the project, together with all attachments and exhibits thereto, is available for public inspection beginning _____, 1982, from _____ o'clock a.m. to _____ o'clock p.m., Monday through Friday, at the City Hall in Maplewood.

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

Dated this _____ day of _____, 1982.

(BY ORDER OF THE CITY COUNCIL)

By /s/ Lucille Aurelius
City Clerk

MEMORANDUM

TO: City Manager
 FROM: Assistant City Engineer
 SUBJECT: ADOLPHUS STREET TRUNK SANITARY SEWER REPLACEMENT
 ASSESSMENT HEARING, PROJECT NO. 81-4
 DATE: May 12, 1982

The proposed project schedule previously submitted to the City Council has been revised to accommodate new Council meeting dates. The schedule for assessment will enable information to be provided on the number of assessment appeals prior to the award of a construction contract.

As previously authorized, the construction bids will be opened on May 14, 1982 after which the bid from the lowest responsible bidder will be used as a basis for the formulation of the assessment, along with estimates of indirect costs for engineering, legal, administration and fiscal expenditures.

The assessment hearing should be held on June 17, 1982. If the assessment is adopted by the City Council on this date, the property owners have thirty (30) days therefrom to file an assessment appeal. On July 17, 1982 the appeal period will terminate and an analysis will be drafted for consideration by the Council on July 26, 1982.

The Council can then evaluate the overall project with respect to the number of appeals and make a determination on the award of a construction contract.

We are, therefore, recommending that the City Council authorize the date for assessment hearing on June 17, 1982. Due to the number of properties affected by the assessment, we are scheduling the hearing at the Gladstone Community Education Center on Frost Avenue.

mb

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

PROPOSED ASSESSEMENT SCHEDULE
PROJECT NO. 81-4

- | | |
|--|-----------------------|
| 1. City Council establishes Assessment Hearing for June 17, 1982 | May 20, 1982 |
| 2. Engineer Opens Bids | May 14, 1982 |
| 3. Publish Assessment Hearing Notice in the Maplewood Review | May 26 & June 2, 1982 |
| 4. Mail Assessment Hearing Notice to Property Owners | May 31, 1982 |
| 5. Assessment Hearing (Assessment Adoption) | June 17, 1982 |
| 6. Last Day of Assessment Appeal Period | July 17, 1982 |
| 7. Award Construction Contract | July 26, 1982 |

NOTICE OF ASSESSMENT HEARING

NOTICE IS HEREBY GIVEN that the City Council of Maplewood, Minnesota, will meet in the auditorium of the Gladstone Community Education Center, Frost Avenue and Manton Street, Maplewood, Minnesota, at 7:00 p.m. on June 17, 1982 to hear all persons concerning the adoption of the assessment roll for Public Improvement Project No. 81-4, Adolphus Street Trunk Sanitary Sewer Replacement, and to adopt the assessment roll as presented or amended. This hearing is scheduled pursuant to Minnesota Statutes Chapter 429. The assessment roll as herein described is on file in the office of the City Clerk.

Area to be assessed: That area generally bounded by T.H. 36 on the north, Edgerton Street on the east, Beaumont Street on the west and Larpenteur Avenue on the south.

All persons who wish to be heard, or to object with reference to this matter may present their cases at this hearing, either orally or in writing. No appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the affected property owner is filed with the City Clerk prior to the Assessment Hearing or presented to the presiding officer at the hearing.

An owner may appeal an assessment to District Court pursuant to M.S.A. Section 429.081 by serving notice of the appeal upon the Mayor or City Clerk of the City of Maplewood within thirty (30) days after the adoption of the assessment and by filing such notice with the District Court within ten (10) days after service upon the Mayor or City Clerk.

Deferment of Assessments: Under the provisions of Minnesota Statutes, Section 435.193 to 435.195 the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. The procedures for applying for such deferment are available from the City Clerk.

BY ORDER OF THE CITY COUNCIL

Lucille E. Aurelius
City of Maplewood, Minnesota

City Clerk

Dated this 20th day of May, 1982

Publish Maplewood Review
May 26 and June 2, 1982

PREPARATION OF ASSESSMENT ROLLS

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement project which consists of the reconstruction of sanitary sewer trunk facilities and all necessary appurtenances in the following described area: McMenemy Street from Roselawn Avenue to 700 feet to the north; Roselawn Avenue from Adolphus Street to I-35E; Adolphus Street from Roselawn Avenue to Larpenteur Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA: that the City Clerk and City Engineer shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land abutting on the streets affected, without regard to cash valuation, as provided by law, and they shall file a copy of such proposed assessment in the City Office for inspection.

Further, the Clerk shall, upon completion of such proposed assessment, notify the Council thereof.

ORDERING ASSESSMENT ROLL HEARING

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the reconstruction of sanitary sewer trunk facilities and all necessary appurtenances in the following described area: McMenemy Street from Roselawn Avenue to 700 feet to the north; Roselawn Avenue from Adolphus Street to I-35E; Adolphus Street from Roselawn Avenue to Larpenteur Avenue, and the said assessment roll is on file in the office of the City Clerk;

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

1. A hearing shall be held on the 17th day of June, 1982 at the Gladstone Community Education Center, Frost Avenue and Manton Street, Maplewood, Minnesota at 7:00 p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published in the official newspaper, at least two weeks prior to the hearing, and to mail notices to the owners of all property affected by the said assessments.
3. The notice of hearing shall state the date, time, and place of hearing, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on file with the Clerk, and that written or oral objections will be considered.

6-9

May 14, 1982

MEMORANDUM

To: City Manager Barry Evans
From: Deputy Chief of Police T. L. Hagen ^{TLH}
Subject: Liquor Violations - Bodell's Liquor Store

On May 11, 1982, Lucille Boda, owner/manager of Bodell's, Inc., 1690 White Bear Avenue, pled guilty in Municipal Court to selling alcoholic beverage to a 16-year-old juvenile. She was fined \$500 and 10 days, which were suspended. This violation occurred on February 20, 1982.

Prior history:

October 20, 1979, charged with underage sales, plea of guilty, sentence of \$100 fine, \$50 suspended. On June 19, 1980, the Council moved to collect \$1,000 in lieu of revocation of liquor license from Bodell's, Inc. Money donated to the Youth Service Bureau.

March 15, 1980, charged with underage sales, plea of guilty, \$50 fine.

August 16, 1980, charged with underage sales, dismissed because of plea of guilty to subsequent charge.

August 21, 1980, charged with underage sales, plea of guilty, \$100 fine. Council held revocation hearing on December 4, 1980, and ordered \$2,000 cash paid in lieu of forfeiture of bond. One thousand dollars to be paid in six months and second \$1,000 to be suspended if no further violations occur in the next year. One thousand dollars was earmarked for police armor vests.

In view of the May 11, 1982, plea of guilty, I would suggest the Council be requested to hold a license revocation hearing and set the date.

TLH:js

cc Liquor File
City Clerk
82-001603

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

LAW OFFICES OF
PETERSON, BELL & CONVERSE

1800 AMERICAN NATIONAL BANK BUILDING
101 EAST FIFTH STREET
ST. PAUL, MINNESOTA 55101
224-4703 (612)

ERWIN A. PETERSON
ROBERT C. BELL
WILLARD L. CONVERSE
ROGER A. JENSEN
KURT F. WALTHER
W. TIMOTHY MALCHOW
MARTIN J. COSTELLO
DAVID S. ANDERSON
JAMES C. ERICKSON
WILLIAM M. DRINANE
PAMELA J. CONVERSE

May 12, 1982

Mr Barry Evans
City Manager
City of Maplewood
1380 Frost Av
Maplewood MN 55109.

MAPLEWOOD -VS- LUCILLE BODA

Defendant Lucille Boda was convicted of selling liquor to minors in this matter, Mr Evans.

The incident occurred on February 20, 1982, at Bodels Liquor, 1690 White Bear Av., Maplewood, MN. She sold alcoholic beverages to Steven Dewayne Beard, 2670 E. 9th Av., North St. Paul, MN (DOB 6/12/65). Here are the police investigatory reports covering that incident.

The Court sentenced Mrs Boda to a \$500 fine and 10 days in jail. The judge suspended the 10 days for one year on condition of paying the \$500 fine and no further violations. Because there have been several violations of this type at Bodels Liquor, I thought you would need this information.

PETERSON, BELL & CONVERSE

MARTIN J COSTELLO

Martin J Costello
cc Tom Hagen

Section 3. The Maplewood Code, Section 703.080, Paragraph (2) is amended to read as follows:

"(2) BOND. No "on sale" license shall be granted until a bond in the amount of Three Thousand and 00/100 (\$3,000.00) Dollars has been furnished, approved by and filed with the proper Village officers. Such bond shall cover both the regular "on sale" license and any Sunday sales license issued to the same licensee.

No "off sale" license shall be granted until a bond in the sum of One Thousand Dollars (\$1,000.00) shall be furnished and approved by the State Liquor Control Commissioner and the Village Council, and filed with the proper Village officers.

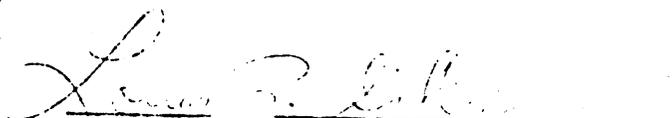
The surety on such bond shall be a surety company duly licensed to do business in the State of Minnesota, and the bond shall be approved as to form and execution by the Village Attorney. All bonds when approved by the proper Village or state officers, as the case may be, shall be deposited with the Village Clerk. All such bonds, whether "off sale" or "on sale" shall be conditioned as follows:

- (a) That the licensee will obey the law relating to such licensed business.
- (b) That the licensee will pay to the municipality, when due, all taxes, license fees, penalties and other charges provided by law.
- (c) That in the event of any violation of the provisions of any law relating to the business for which the license has been granted for the sale of intoxicating liquor, such bond shall be forfeited to the municipality in which such license was issued.
- (d) That the licensee will pay, to the extent of the principal amount of such bond, any damages for death or injury caused by or resulting from the violation of any provisions of law relating to the business for which such licensee has been granted a license, and further conditioned that such recovery may be had also against the surety on his bond.

The amount specified in any bond required is hereby declared to be a penalty and the amount recoverable shall be measured by the actual damages, provided however that the surety thereon shall not be liable for any amount in excess of the penal amount of the bond. All such bonds shall be for the benefit of the obligee and of all persons suffering damages by reason of the breach of the conditions thereof. Such bonds shall run to the village as obligee, and in the event of a forfeiture of any such bond for violation of the law, the District Court of Ramsey County may forfeit the penal sum of the said bond to the Village."

Section 4. This ordinance shall take effect and be in force from and after its passage and publication.

Passed this 26 day of September, 1967
by the Council of the Village of Maplewood.


Mayor

MINUTES OF MAPLEWOOD CITY COUNCIL
 7:30 P.M., Thursday, December 4, 1980
 Council Chambers, Municipal Building
 Meeting No. 80-30

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 7:20 P.M. by Mayor Greavu.

B. ROLL CALL

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

E-A POSTER AWARDS - Fire Chiefs

Fire Marshal Schadt introduced representatives from East County Line, Gladstone and Parkside Fire Districts who presented awards to the winners of the 1980 State Fire Chiefs Poster Contest as follows:

EAST COUNTY LINE FIRE DISTRICT

1st Place	Chris Carbonneau	Age 10	Carver School
2nd Place	Phil Skeie	Age 11	Carver School

GLADSTONE FIRE DISTRICT

1st Place	Kristin Mau	Age 9	Harmony School
2nd Place	Heidi Krengel	Age 9	Harmony School

PARKSIDE FIRE DISTRICT

1st Place	Daniel Hale	Age 10	St. Jerome's School
2nd Place	Debbra Hanson	Age 10	Edgerton School

First place winners receive \$15 cash-check from their district fire department and a Tonka toy fire truck donated by Tonka Toy Corporation, Minneapolis.

Second place winners receive \$10 cash-check from their district fire department.

Posters were judged and evaluated by local fire personnel.

C. APPROVAL OF MINUTES

None.

D. APPROVAL OF AGENDA

K. COUNCIL PRESENTATIONS

2. Cope and Atlantic

a. Councilperson Juker moved that stop signs be placed on Cope Avenue at the intersection of Cope and Atlantic and removed from Atlantic and refer to staff the question of closing the access to Atlantic from Highway 36.

Seconded by Councilman Nelson.

Ayes - all.

F. PUBLIC HEARINGS (continued)

1. Bodells, Inc. -Bond Forfeiture and License Revocation - 7:30 P.M. (continued)

a. Mayor Greavu stated this hearing was continued from the meeting of November 6, 1980.

b. Manager Evans presented the staff report recommending the City Council, because of the under age sale violations, consider the following actions:

1. Forfeit the bond on each offense or in lieu thereof allow the licensee to make a cash payment of \$2,000.00

2. Consider suspension of Bodell's liquor license for seven (7) days on each offense with the suspension period to be imposed during a period after January 1, 1981.

c. Mr. John Daubney, attorney representing Bodells, Inc., spoke on behalf of his client.

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

e. Mayor Greavu closed the public hearing.

f. Mayor Greavu moved that Bodell, Inc. forfeit \$2,000.00 in lieu of a bond with \$1,000.00 to be paid within six months and if there are no further violations by Bodells, Inc. within 12 months, the remaining \$1,000.00 forfeiture would not be collected.

Seconded by Councilman Nelson.

Ayes - all.

2. M G M Liquor Franchise and Off Sale Liquor License -Chesnut 7:45 P.M.

a. Mayor Greavu continued the public hearing from the meeting of November 6, 1980.

b. Mr. Ron Sieloff, attorney representing Dwight Chesnut, spoke on behalf of his clients request for off sale liquor license to be located at 1975 E. County Road D.

c. Mr. Gary Gandrud, attorney representing MGM Liquor, spoke on behalf of the franchise.

d. Mr. Pat Maglish, owner of MGM Liquors, explained how his business operates.

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

MINUTES OF MAPLEWOOD CITY COUNCIL
7:30 P.M., Thursday, October 16, 1980
Council Chambers, Municipal Building
Meeting No. 80-27

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 7:30 P.M. by Mayor Greavu.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes of Meeting No. 80-23 (September 4, 1980)

Councilperson Juker moved that the Minutes of Meeting No. 80-23 (September 4, 1980) be approved as submitted.

Seconded by Councilman Nelson.

Ayes - all.

2. Minutes of Meeting No. 80-24 (September 18, 1980)

Councilman Nelson moved that the Minutes of Meeting No. 80-24 (September 18, 1980) be approved as submitted.

Seconded by Councilman Bastian.

Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Sewer and Water Petition
2. Hook Up - Little Canada

Seconded by Councilperson Juker.

Ayes - all.

E. CONSENT AGENDA

Councilman Nelson moved, Seconded by Councilman Bastian, Ayes - all, to approve the Consent Agenda Items 1 through 9 as recommended:

1. Accounts Payable

Approved the accounts payable (Part I - Fees, Services, Expenses, Check No. 004769 through Check No. 004822 - \$129,979.09; Check No. 007137 through Check No. 007337 - \$147,847.32; Part II - Payroll - Check No. 25732 through Check No. 25857 - \$49,357.34) in the amount of \$327,183.75.

3. Time Extension: Crestview Third Addition

Approved a 90 day time extension for the Crestview Third Addition preliminary plat and a one year extension for the PUD subject to original conditions.

4. Time Extension Beaver Lake Hills

Approved a 90 day time extension for the Beaver Lake Hills preliminary plat, subject to the original conditions.

5. Time Extension: Carsgrove Meadows

Approved a 90 day time extension for the Carsgrove Meadows Preliminary Plat subject to the original conditions.

6. Final Plat: Crestview Forest

Approved the final plat of Crestview Forest Addition subject to meeting all of the conditions of the preliminary plat before the plat is signed and released by the City.

7. Set Hearing Date: Revocation - Liquor License - Bodell's

Establish November 6, 1980 as the date to hold a hearing regarding revocation of bond for Bodell's Liquor Store, 1690 White Bear Avenue.

8. Transfer of Reforestration Grant

Transferred \$2,056.34 reforestration grant money from the Special Assessment Fund to the funds that originally financed the reforestration costs.

9. \$50.00 Donation from Maplewood Coin Club

Accepted \$50.00 donation from Maplewood Coin Club, for the Maplewood Heritage Center, and that a letter of thanks and appreciation be forwarded to them.

A.F.S. Representative

Mr. Rodney Rieke, North High A.F.S. Chapter President invited the Council to attend the A.F.S. Chapter activity on November 1. The purpose of the acitivity on November 1 is to provide an opportunity to formally welcome the students to our area.

G. AWARD OB BIDS

1. Truck and Plows

a. Manager Evans stated three bids were received for furnishing and delivering one 35,000 lb. G.V.W. Truck with wing and front plows. It is recommended that the bid of Bill Boyer Ford, Inc. be accepted in the amount of \$45,925.00.

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

80 - 10 - 198

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Bill Boyer Ford, Inc. in the amount of \$45,928.00 is the lowest responsible bid for one 35,000 lb. G.V.W. truck with wing plow and front plow and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said

MINUTES OF MAPLEWOOD CITY COUNCIL
7:30 P.M., Thursday, May 15, 1980
Council Chambers, Municipal Building
Meeting No. 80-13

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 7:32 P.M. by Mayor Greavu.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes No. 80-9 (April 3, 1980)

Councilman Anderson moved that the Minutes of Meeting No. 80-9 (April 3, 1980) be approved as submitted.

Seconded by Councilperson Juker. Ayes - all.

2. Minutes No. 80-10 (April 17, 1980)

Councilperson Juker moved that the Minutes of Meeting No. 80-10 (April 17, 1980) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

D. APPROVAL OF AGENDA

Councilman Anderson moved to approve the Agenda as amended:

1. Petition - 4-Way Stop - Leland and Atlantic
2. Justice Advisory Board
3. Lawsuit - Highway 35 & Roselawn
4. Clean Up Week
5. Add K-Mart Hearing Date for Revenue Note as E-11
6. Hear Item H-1 Before Public Hearings
7. Hear Item J-2 After H-1

Seconded by Councilperson Juker. Ayes - all.

E. CONSENT AGENDA

Council removed Items 7 and 8 from the Consent Agenda to become J-8 and 9.

Councilman Nelson moved seconded by Juker, Ayes - all, to approve Items 1 through 9 of the Consent Agenda as recommended:

6. Code Amendment: Pigeon Ordinance

- a. Manager Evans presented the staff report.
- b. Councilman Anderson moved first reading of an ordinance pertaining to the regulations governing pigeons.

Seconded by Councilperson Juker.

Ayes - all.

7. 1979 Annual Financial Report and Audit

- a. Manager Evans presented Council copies of the 1979 Annual Financial Report and Audit. Mr. Robert Voto, Voto, DeLaHunt, Inc., will attend the June 16, 1980 Council-Staff Meeting.

8. Gift Paramedic Program

- a. Councilperson Juker moved that a letter of appreciation be forwarded to the estate of Mrs. Helen I. Johnson for the generous donation of \$1,000.00 for the Paramedic Program.

Seconded by Councilman Nelson.

Ayes - all.

- b. Councilman Bastian moved to accept the donation from the estate of Mrs. Helen I. Johnson in the amount of \$1,000.00 and that such donation be placed in the Paramedic Program Capital Outlay account No. 4600.

Seconded by Councilperson Juker.

Ayes - all.

9. Establish Hearing Date - Bodell's Spirit Corner Liquor Store

- a. Council established a hearing date for Bodell's Spirit Corner Liquor Store regarding revocation of bond as provided in Ordinance 703.080 Paragraph (2) C. The hearing is requested due to a clerk in the store pleading guilty to underage sales. The hearing date to be June 19, 1980.

K. COUNCIL PRESENTATIONS

1. Petition - 4 Way Stop - Leland and Atlantic

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

80 - 5 - 127

WHEREAS, it is deemed advisable for traffic safety, to provide 4-way stop signs at the intersection of Leland Road and Atlantic Street;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, that 4-way stop signs be installed at the intersection of Leland Road and Atlantic Street.

Seconded by Mayor Greavu.

Ayes - all.

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

MINUTES OF MAPLEWOOD CITY COUNCIL
7:30 P.M., Thursday, June 19, 1980
Council Chambers, Municipal Building
Meeting No. 80-15

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 7:32 P.M. by Mayor Greavu.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes No. 80-12 (May 15, 1980)

Councilman Anderson moved that the Minutes of Meeting No. 80-12 (May 15, 1980) be approved as submitted.

Seconded by Councilman Nelson.

Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the agenda as amended:

1. Reconsideration
2. Tree Removal Policy
3. Duluth Street Storm Sewer
4. Council Meeting
5. Lawsuit, 35E and Roselawn
6. Stop Sign
7. Beam Avenue Assessments
8. Supreme Court Decision
9. Recognition - Citizen

Seconded by Councilman Bastian.

Ayes - all.

E. CONSENT AGENDA

Councilman Anderson moved, seconded by Councilman Nelson, Ayes - all, that the Consent Agenda Items 1 and 2 be approved as submitted.

1. Accounts Payable

g. Councilman Nelson moved to collect \$1,000 in lieu of revocation of the Off Sale Liquor License Bond of Bodell's, Inc. based on their conviction of under age selling of liquor and that the City donate the \$1,000.00 to the Youth Service Bureau to be used in the chemically dependency program.

Seconded by Councilman Anderson.

Ayes - all.

G. AWARD OF BIDS

1. Insurance

a. Manager Evans presented the staff report.

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

80 - 6 - 144

RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the City's insurance coverage for 1980 - 1981 be awarded to League of Minnesota Cities' Insurance Trust and Western World. (The insurance coverage for worker's compensation, auto and liability.)

Seconded by Councilman Nelson.

Ayes - all.

H. UNFINISHED BUSINESS

1. Frank McGinley - Audit

a. Mr. McGinley stated he still is asking Council to request the State Auditor to do a six (6) year audit of the City's finances. He also requested to be on the next agenda because he needs more information.

b. No action taken.

2. Transfer to Close the 1977 and 1978 Diseased Tree Projects

a. Manager Evans presented the staff report.

MINUTES OF MAPLEWOOD CITY COUNCIL
7:30 P.M., Thursday, November 6, 1980
Council Chambers, Municipal Building
Meeting No. 80-28

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 7:30 P.M. by Mayor Greavu.

B. ROLL CALL

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

C. APPROVAL OF MINUTES

1. Minutes No. 80-25 (October 2, 1980)

Councilman Bastian moved that the Minutes of Meeting No. 80-25 (October 2, 1980) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

2. Minutes No. 80-26 (October 9, 1980)

Councilman Bastian moved that the Minutes of Meeting No. 80-26 (October 9, 1980) be approved as submitted.

Seconded by Councilman Nelson. Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. City Policy
2. Sherwin Williams
3. Cope & Atlantic
4. Revenue Bonds
5. County Ditch 17
6. Gifford vs City

Seconded by Councilman Bastian. Ayes - all.

E. CONSENT AGENDA

Councilman Bastian moved, seconded by Councilman Nelson, Ayes - all, to approve the consent agenda, items 1 through 12 as recommended.

2. Submission of a signed developers agreement for the extension of water to the site be approved by the City Engineer.

Seconded by Councilman Nelson.

Ayes - all.

5. Code Amendment: Double Dwellings in R-1 Zone - 8:15 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding rescinding Sections 903.010 (8) and 904.010 (8) of the Zoning Code which permits double dwellings in R-1 Single Dwelling Residence and F Farm Residence District by Special Use Permit. The Clerk stated the hearing notice was in order and noted the dates of publication.

- b. Manager Evans presented the staff report.

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

"Commissioner Prew moved the Planning Commission recommend to the City Council approval of the following:

1. Rescind Sections 903.010 (8) and 904.010 (8) of the City Code allowing double dwellings in R-1 zones by special use permit.

2. Rescind the moratorium on double dwellings in R-1 zones.

3. Amend Section 202.150 (1) of the Community Design Review Board Ordinance to include the review of double dwellings.

Commissioner Barrett seconded.

Ayes - all."

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

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

- f. Mayor Greavu closed the public hearing.

- g. Councilman Nelson moved first reading of an ordinance rescinding Sections 903.01 (8) and 904.010 (8) of the zoning code as recommended by staff and Planning Commission.

Seconded by Councilman Bastian.

Ayes - Councilmen Bastian and Nelson.

Nay - Mayor Greavu.

6. Rezoning: 763 No. Century (R-1 to LBC) 8:30 P.M.

- a. Mayor Greavu moved to table this item to the November 20, 1980 meeting.

Seconded by Councilman Bastian.

Ayes - all.

7. Bodell Liquor License - Revocation - 8:45 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the forfeiture of bond and off sale liquor license at Bodell, Inc., 1690 White Bear Avenue.

- b. Manager Evans presented the staff report.

Tabled to 12/8/80

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand--Associate Planner
 SUBJECT: Special Use Permit
 LOCATION: Beam Avenue and Hazelwood Street
 APPLICANT: Health Resource Center, Inc./St. John's Hospital
 OWNER: Health Resource Center, Inc./William B. Korstad
 PROJECT: Hospital
 DATE: April 27, 1982

SUMMARY OF THE PROPOSAL

Request

Approval of a special use permit to construct a 290 bed hospital, related medical offices, an emergency ambulatory-care facility and medical-related housing.

Proposed Land Use

Refer to the enclosed materials labeled "Description of the Proposed Project."

Recommendation

Approval of the special use permit for the new hospital and related medical facilities, based on the findings that:

1. The proposed hospital use complies with the DC designation of the Land Use Plan.
2. The hospital is an appropriate use in a BC district.
3. The proposed hospital is a needed facility to serve Maplewood and the adjacent northeasterly suburbs.

Approval is for the use only. The site plan and building design must be approved by the Community Design Review Board.

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

BACKGROUND

Site Description

1. Site size: 30.97 acres
2. Existing Land Use: undeveloped

Surrounding Land Uses

- Northerly: Single dwellings along Hazelwood Street and undeveloped property zoned F, Farm Residential and BC, Business Commercial. This adjacent land is planned for LSC, Limited Service Commercial Center (current Plan), and RB, Residential Business and DC, Diversified Center (Plan Update).
- Southerly: Beam Avenue. South of Beam Avenue is undeveloped property zoned BC(m), Business Commercial (modified) and planned for LSC (current Plan and Plan Update).
- Easterly: Undeveloped property zoned BC and planned for DC (current Plan and Plan Update)
- Westerly: Hazelwood Street. West of Hazelwood Street is undeveloped property zoned M-1, Light Manufacturing and planned for LSC (current Plan) and BW, Business Warehousing (Plan Update).

Past Actions

- 8-7-80: Council approved a special use permit for Health Resource Center, Inc. to operate the community service programs at the old Hazelwood School with conditions.
- 5-21-81: Council approved a special use permit for mineral extraction on the proposed hospital site.
- 3-22-82: The City approved a lot division to create the easterly 8.97 acres for the proposed hospital.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan Designation: LSC (current Plan) and DC (Plan Update).
2. According to the Plan Update, the LSC classification refers to commercial facilities on a neighborhood scale. The DC classification refers to facilities which have a regional orientation in terms of size and scale. This should be the most all-encompassing type of commercial district, permitting a wide variety of retail outlets, hotels, office buildings, medical centers, light industrial developments, and high density residential areas.
3. Zoning: BC

4. Section 911.010(8) of the Zoning Code requires that a hospital may only be developed upon issuance of a special use permit.
5. Section 911.050 of the Zoning Code 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 of 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.

Public Works

1. Water, sanitary sewer and storm sewer are available.
2. The City Engineer has reviewed traffic and drainage elements of the proposal and does not have any objections.

Parks

The Bicycle Routes/Trails Map in the Plan Update proposes an off-street bicycle trail along Beam Avenue. This will be addressed during the site plan review.

Environmental

The applicant has submitted an Environmental Assessment Worksheet (EAW) for the City's review and approval by the State. After the State Environmental Quality Board (EQB) has tentatively approved the EAW, notification of approval will be posted in the EQB Monitor (a weekly publication). Thirty days after this publication, the EAW will be considered to be approved if no objections are received.

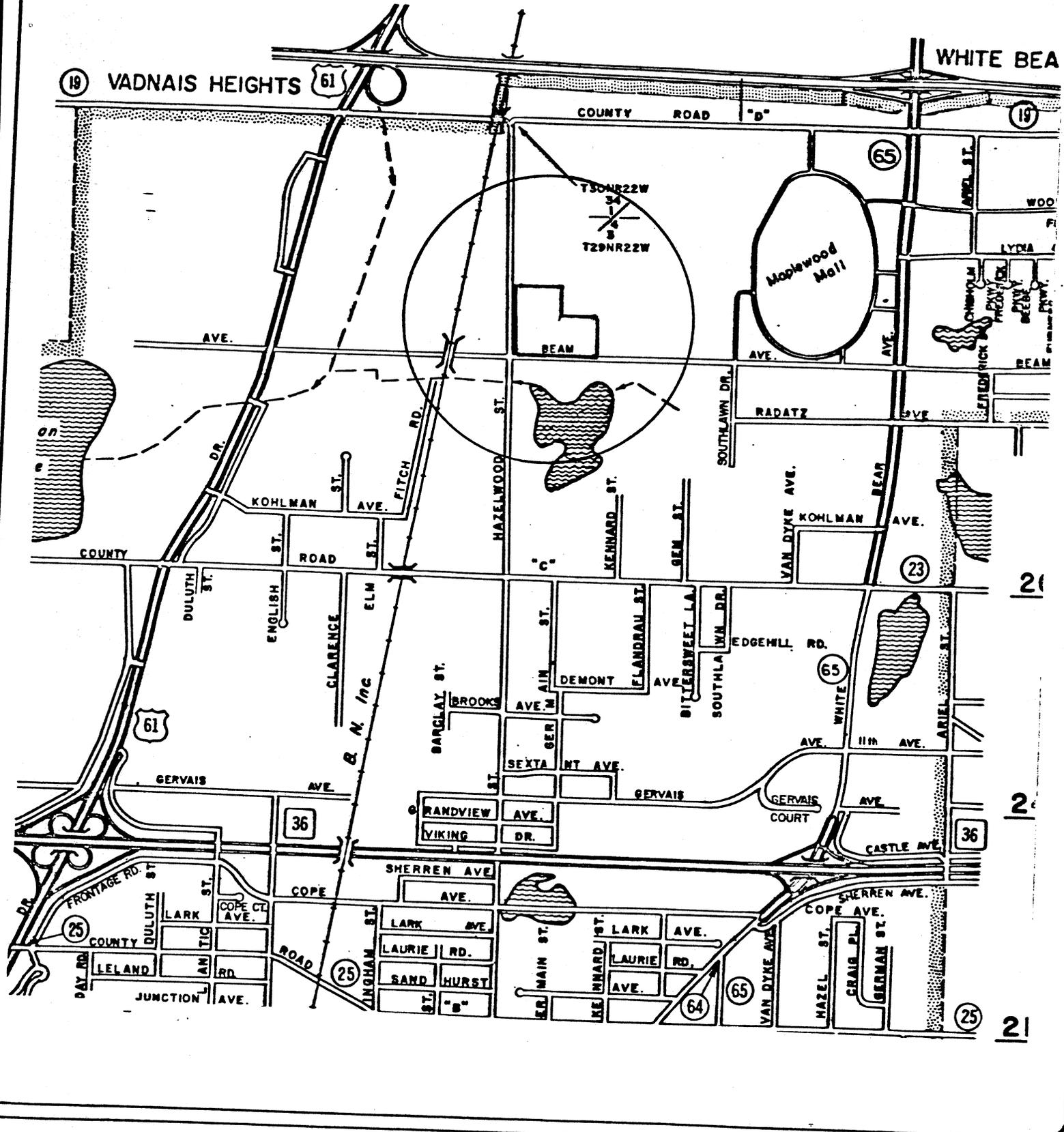
Procedure

1. Planning Commission recommendation
2. City Council public hearing
3. Community Design Review Board review

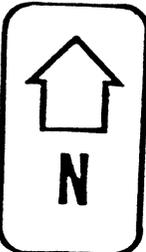
Enclosures

1. Location Map
2. Property Line Map
3. Site Plan
4. Description of the Proposed Project

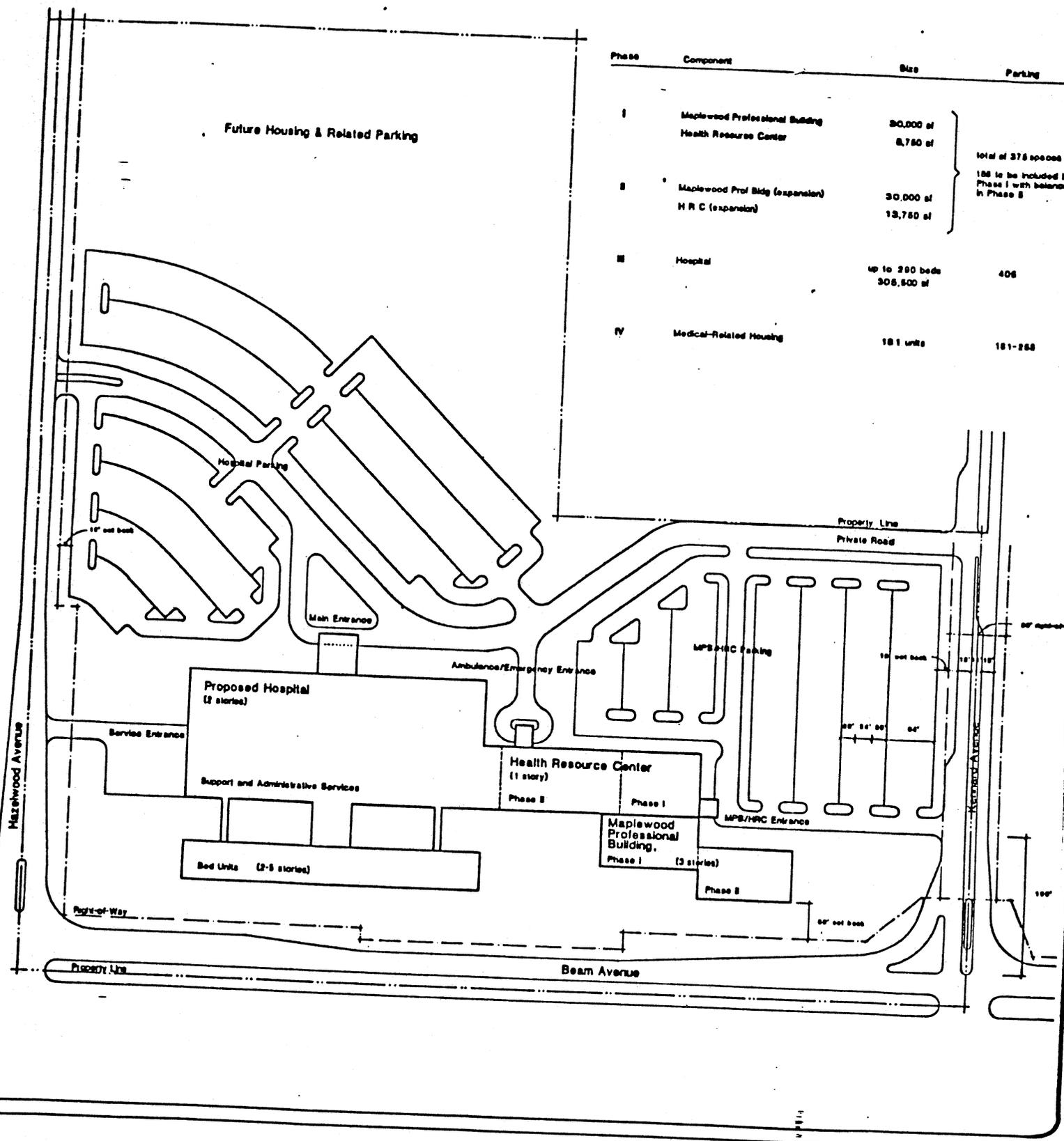
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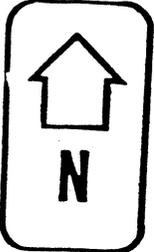
LOCATION MAP



Phase	Component	Size	Parking
I	Maplewood Professional Building	30,000 sf	} total of 375 spaces 188 to be included in Phase I with balance in Phase II
	Health Resource Center	8,750 sf	
II	Maplewood Prof Bldg (expansion)	30,000 sf	}
	H R C (expansion)	13,750 sf	
III	Hospital	up to 280 beds 306,500 sf	406
IV	Medical-Related Housing	181 units	181-288



SITE PLAN



DESCRIPTION OF THE PROPOSED PROJECT

The Health Resources, Inc. project will be located on a 31-acre site in the northeast quadrant of the intersection of Beam and Hazelwood Avenues, in the City of Maplewood, Minnesota, approximately one-half mile west of the Maplewood Mall Regional Shopping Center.

The project will be developed in four phases, of which Phase I will be a medical office facility (The Maplewood Professional Building) and an ambulatory care center (The Health Resource Center). Phase II will add increased space to the Health Resource Center, Phase III will consist of a new hospital, and Phase IV is expected to be medical-related housing. In one of the latter three phases, depending on the timing of demand for space, the Maplewood Professional Building will be doubled in size. Site development will parallel the four building phases, and will involve earthwork and grading, landscaping, roadways and walks, parking areas, and utilities. Since the site has been used for gravel mining, without the terrain being restored, the majority of earthwork will be done during Phase I.

Maplewood Professional Building

Phase I construction, which is planned to commence in July, 1982, will provide 30,000 sq. ft. of medical office space for consultation, examination and treatment, plus support, diagnostic and administration space, outpatient services, and a pharmacy, in a two- or three-story structure. The Maplewood Professional Building will house approximately 20 to 25 physicians, including, at this time, 3 OB-GYN groups, one ENT group, an ophthalmology group, and at least two other groups. (Staffing is not complete at this date, but is estimated as 60 professional, primary, secondary and shared staff.)

Depending on demand for space, an additional 30,000 sq. ft. will be added to the Maplewood Professional Building, as a part of Phase II, III or IV construction, between 1983 and 1991. The staff will increase by approximately 60 employees.

Health Resource Center

The Health Resource Center is programmed to contain approximately 8,750 sq. ft. in a one-story structure, physically connected to the Maplewood Professional Building, although operated as a separate entity. (The Health Resource Center will be a subsidiary of Health Resources Assistance Corp.; the Maplewood Professional Building will be owned in partnership by physicians and HRAC.) The Health Resource Center will extend health and medical services to the northeast suburbs of St. Paul and surrounding communities. The term 'ambulatory care center' describes the facility insofar as there will be no 24-hour beds. Specific services that are programmed will include same day surgery, Urgi Center (emergency room), outpatient physical therapy/sports medicine/neurodiagnostic services; radiology, laboratory, and retail pharmacy. (Outpatient services and pharmacy will actually be located in the Maplewood Professional Building.) Staggered scheduling will permit space-sharing and thus

economize on capital outlay for the facility. The staffing is estimated as 25 to 35 full-time equivalents. Patient volume is projected in considerable detail in the Certificate of Need Application for this facility, published in January, 1982. These include, in the first partial year of operation (8 months, 1983), an estimated 2,700 to 4,100 emergency visits, 1,200 surgeries, and 5,500 physical medicine/therapy visits. Projections are for a near-doubling of volume in about 1 1/2 years.

Phase II of the project may be developed as early as 1983-84, and will consist of 13,750 sq. ft. of additional space for the Health Resource Center.

Hospital

Phase III, which will commence in 1985 at the earliest, will be a new hospital of approximately 305,500 sq. ft. and up to 290 beds. Bed wings will be up to five stories high; the remainder of the facility will have two stories. Staffing is estimated as 850 full-time equivalents, divided among three shifts. The Health Resource Center will continue same day surgery, and outpatient physical therapy services functioning as a self-sufficient entity.

Housing

Phase IV, which is expected to proceed during 1990-91, is projected as health-related housing. The program is not fully defined, but it is assumed that efficiency apartment housing for the elderly, nursing or convalescent care, outpatient or visitor accommodations, or multi-family housing will be developed. The maximum number of units would be 218; at 1.1 persons per unit the population would be 239 and the staff about 15.

Parking

Parking requirements are estimated at 961 to 1,038 for ultimate development:

<u>Component</u>	<u>Size</u>	<u>Basis</u>	<u>Spaces</u>
Maplewood Professional Bldg.	60,000 s.f.	4-5 per 1,000 sq.ft.	300
Health Resource Center	22,500 s.f.	1.7-3.5 per 1,000 sq.ft.	75
Hospital	290 beds	1.2-1.4 per bed	405
Housing	218 units	2 per unit x 0.41	<u>181-258</u>
			961-1,038

(Please refer to the attached memorandum by Strgar-Roscoe, Inc., consulting engineers.)

Project cost through Phase III is estimated as \$30 million. Please refer to Figures 1 and 2 for depictions of the site plans.

Streets and Access

Access will be from Beam Avenue via Hazelwood and Kennard Avenues. Both intersections are already in place and have been constructed with turning lanes for all direction maneuverability. Traffic projections suggest that signals will eventually be warranted at both intersections as development intensifies in the vicinity of Maplewood Mall. The Phase I Health Resource Center and medical office building will have access from the Kennard and Beam Avenues intersection. This initial access is proposed to be over the westerly half (40') of the future Kennard right-of-way via a temporary driveway. Regarding access to the future health care complex, HRI would accept the designation of Kennard Avenue as a public street if requested by the City. The future east/west street is intended to be a private drive to allow maximum control by adjacent land owners.

D. Special Use Permit: Beam Avenue and Hazelwood Street (Health Resources)

Associate Planner Ekstrand said the applicant is requesting approval of a special use permit to construct a 290 bed hospital, related medical office, an emergency ambulatory-care facility and medical-related housing. Staff is recommending approval of the use only.

Fred Hoisington, Brauer and Associates, representing Health Resources introduced the Director of Health Services Development for HRI, project architect, and the staff member from Brauer and Associates who did the site planning. He discussed access to the site, and indicated concern with the Highway 61/694 interchange. He outlined the different phases for the development. They have discussed the proposal with the State Highway Department concerning access to the site. Kennard will become a very important access to them.

The Commission discussed with the applicants the size of the facility, ultimate use of the facility and number of planned personnel.

Commissioner Pellish moved the Planning Commission recommend to the City Council approval of the special use permit for the new hospital and related medical facilities, based on the findings that:

1. The proposed hospital use complies with the DC designation of the Land Use Plan.
2. The hospital is an appropriate use in a BC district.
3. The proposed hospital is a needed facility to serve Maplewood and the adjacent northeasterly suburbs.

Approval is for the use only. The site plan and building design must be approved by the Community Design Review Board.

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

MEMORANDUM

TO: City Manager
 FROM: Associate Planner- Johnson
 SUBJECT: Alley Vacation
 LOCATION: German Street, North of County Road B (see enclosed maps)
 OWNER/APPLICANT: Ruth Myckleby
 DATE: April 23, 1982

SUMMARY OF THE PROPOSAL

Approval of an alley vacation to increase the buildable area of adjoining properties.

CONCLUSION

Analysis

There is no public need for retention of this alley right-of-way except to maintain access to buried utility lines.

Recommendation

Adoption of the enclosed resolution of vacation, vacating the requested right-of-way, subject to retention of a utility easement over the entire right-of-way width from German to Craig Streets.

Approval is on the basis that:

1. The right-of-way is in excess of the public need.
2. It is presently maintained for residential purposes by adjacent property owners.
3. Vacating will increase the buildable area of adjacent properties.

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

BACKGROUND

Description

1. The right-of-way is undeveloped and twenty feet in width.
2. It is maintained for residential purposes.
3. It is not used as an access to adjacent properties.

Surrounding Land Uses

North: Single dwellings

East: German Street. Across German, single dwellings

South: A single dwelling on a double-fronting lot

West: Craig Street. Across Craig Street, single dwellings

DEPARTMENT CONSIDERATIONS

Planning

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

Section 412.851 of State Statute allows a City to vacate any public land interest after a hearing preceded by two-weeks published and posted notice.

Public Works

No City utilities are located within the alley right-of-way.

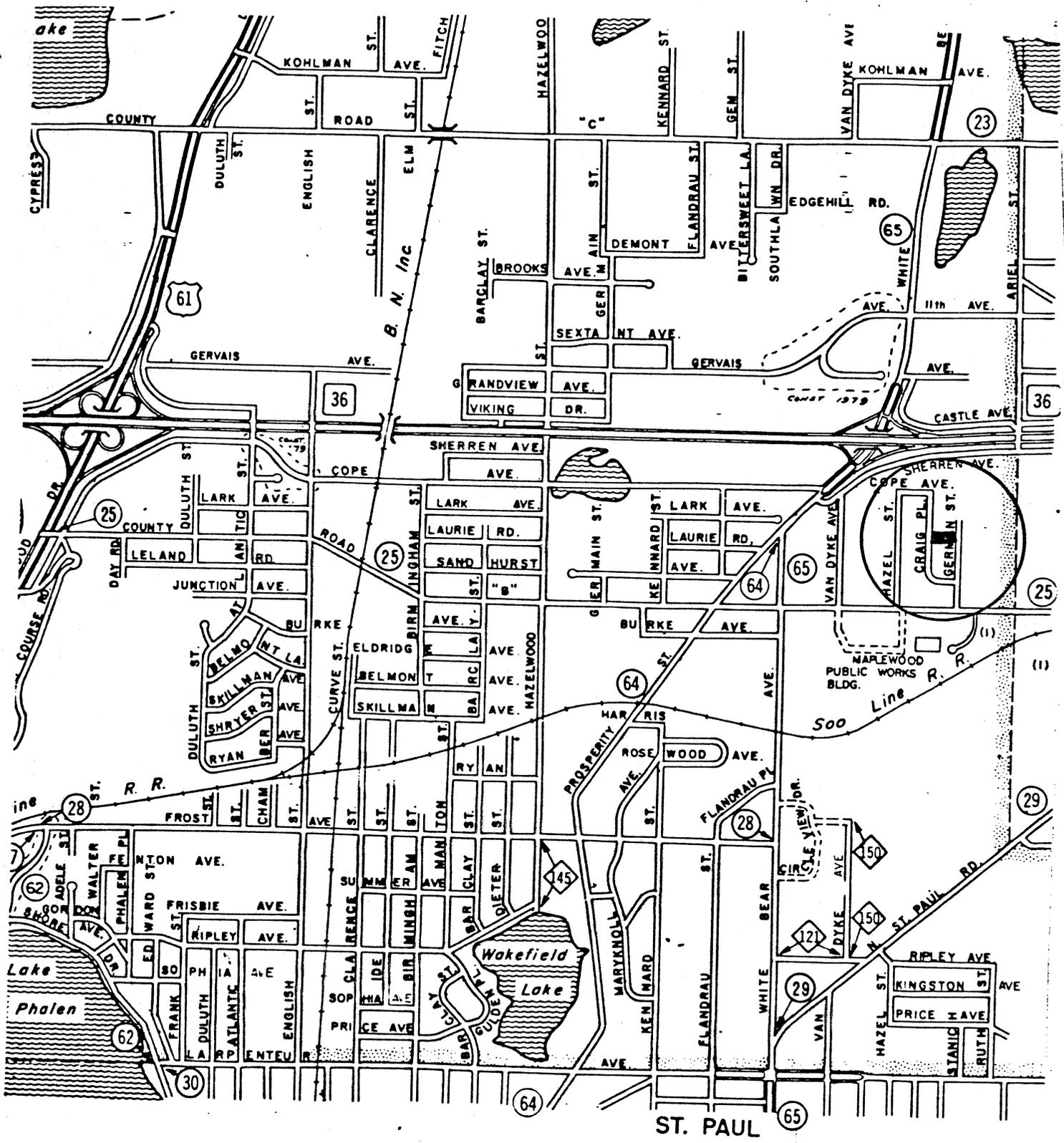
Other Agencies

1. North St. Paul Municipal Power. Power lines are buried in this right-of-way. As-builts for lines and transformer location, relative to the existing alley right-of-way, are not readily available. Retention of a utility easement over the entire right-of-way is recommended.
2. Bell Telephone. There is uncertainty whether a telephone line is buried along this right-of-way. If one does exist, the utility easement to be retained for the power lines is adequate to maintain access.

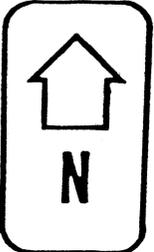
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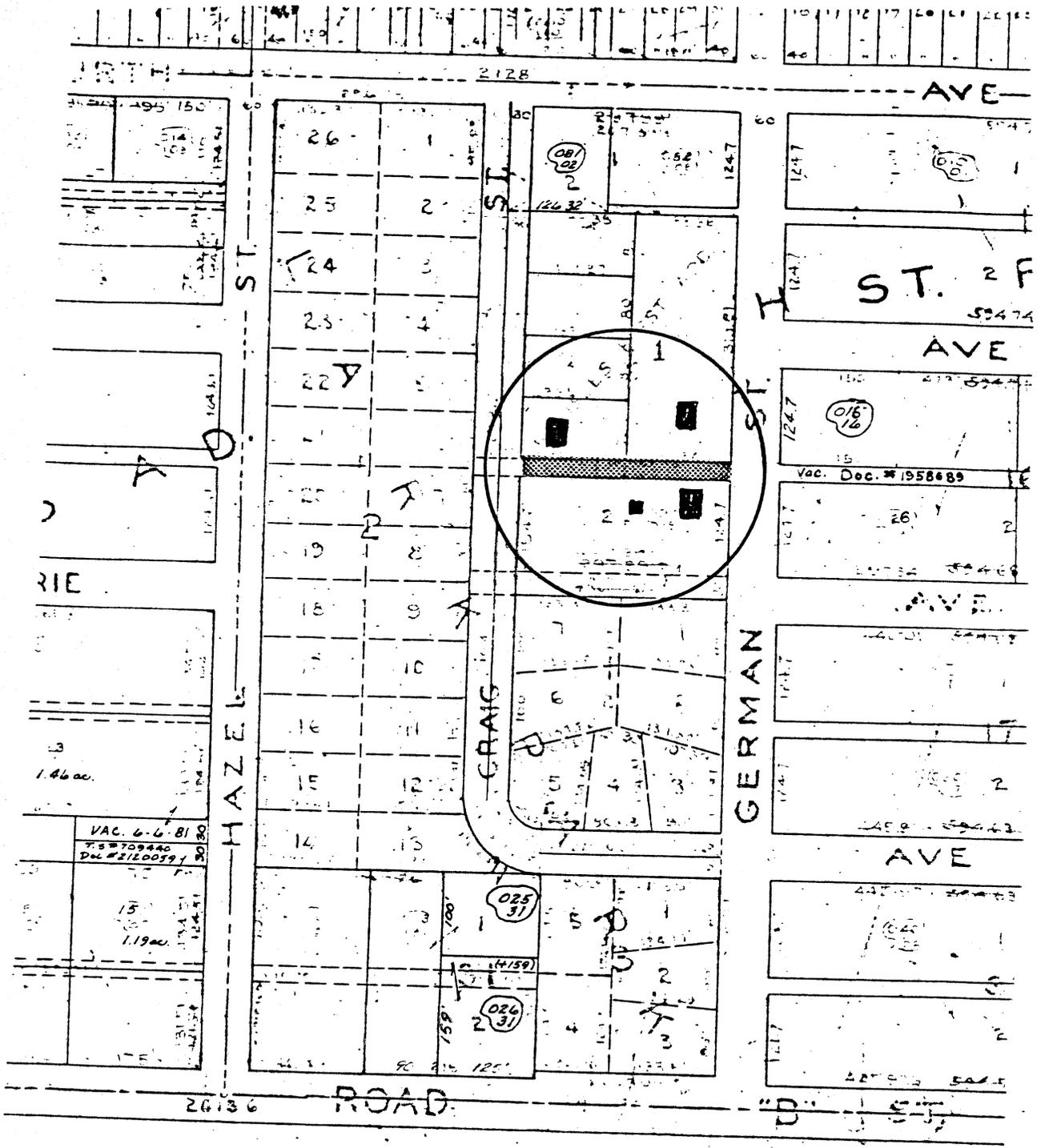
enclosures

1. Location Map
2. Property Line Map
3. Petition
4. Resolution of Vacation

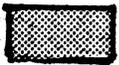


LOCATION MAP





PROPERTY LINE MAP



PROPOSED ALLEY VACATION



N

PUBLIC VACATION PETITION

We, the undersigned, being a majority of the owners of land abutting on the (street),
(alley) or (public easement) described as:

Between Craig and GERMAN Streets, abutting the Belisle's First
Addition

do hereby petition the City Council of Maplewood, Minnesota, to vacate the above described area.

Signature

Name

(Please print or type)

Abstractor's List No.

Goldie M. Belisle

Goldie M. Belisle

Marvin S. Wason Jr.

MARVIN S. WASON JR.

Linda L. Wason

Linda L. Wason

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

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

WHEREAS, Ruth Myckleby has initiated these proceedings to vacate the public interest in the following described real property: Alley right-of-way, between German and Craig Streets, along the south boundary of the Belisle's First Addition, Section 11, Township 29, Range 22.

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

1. That an application for vacation was initiated by Ruth Myckleby on the 6th day of April, 1982;
2. That a majority of the owners of property abutting said alley have signed a petition for the above-described vacation;
3. That said vacation has been referred to and reviewed by the Maplewood Planning Commission on the _____ day of _____, 198____ and referred back to the Maplewood City Council with the recommendation of approval.
4. That pursuant to the provisions of Minnesota Statutes, Section 412.851 a public hearing was held on the _____ day of _____, 19____ preceded by two-weeks published and posted notice at which meeting the City Council heard all who expressed a desire to be heard on the matter, considered the Planning Commission recommendation and Staff reports.

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

1. Lot 5, Block 1, Belisle's First Addition
2. S.135 feet of Lot 1, Block 1, Belisle's First Addition
3. Subject to streets the N 1/2 of 2nd Avenue adj and E 1/2 of Lot 2, Block 15, Smith and Taylors Addition to North St. Paul

All in Section 11, Township 29, Range 22

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

1. The right-of-way is in excess of the public need.
2. It is presently maintained for residential purposes by adjacent property owners.
3. Vacating will increase the buildable area of adjacent properties.

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

Adopted this _____ day of _____, 1982.

Mayor

Manager

Attest:

City Clerk

5-3-82

B. Alley Vacation: Craig Street to German Street (Myckleby)

Secretary Olson said the applicant is requesting approval of an alley vacation to increase the buildable area of adjoining properties. Staff is recommending approval as outlined in their report.

The applicant was present at the meeting and requested the Commission recommend vacation. The adjoining property owners are in favor of the proposal.

Commissioner Kishel moved the Planning Commission recommend to the City Council adoption of the resolution of vacation, vacating the requested right-of-way, subject to retention of a utility easement over the entire right-of-way width from German to Craig Streets.

Approval is on the basis that:

1. The right-of-way is in excess of the public need.
2. It is presently maintained for residential purposes by adjacent property owners.
3. Vacating will increase the buildable area of adjacent properties.

Commissioner Fischer seconded

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

MEMORANDUM

F-3
F-4A

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Zone Change and Variance
LOCATION: West of 1942 East County Road B
OWNER/APPLICANT: Warren Olson
DATE: April 23, 1982

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

SUMMARY OF THE PROPOSAL

Request

Approval of lot width variance and zone change from F-Farm to R-2, Residence District (Double Dwelling)

Proposal

1. Construction of a duplex (over and under units). The appearance would be that of a split entry style single dwelling.
2. The property would be retained under one ownership. At least one unit would be maintained as a rental unit.
3. See the applicant's letter of justification for additional information.

CONCLUSION

Analysis

Although the lot is narrower than the required 85 feet for double dwelling lots, adequate side yard area would be provided. The proposed dwelling would be a duplex (over and under units) which would take up no more area on the lot than a split entry style single dwelling. The lot is presently in existence and is planned for Residential Medium Density uses. The zone change would be consistent with the Land Use Plan designation. The design of the building must be approved by the Community Design Review Board.

Recommendation

- I. Adoption of the enclosed zone change resolution, approving the zone change from F-Farm to R-2 Residence District (Double Dwelling) for the property west of 1942 East County Road B, on the basis that:
 - A. The zone change would be consistent with the Land Use Plan.
 - B. The building would be compatible with the neighborhood.
 - C. There is a need for additional rental units within the City.

II. Approval of a lot width variance of seven feet to permit a double dwelling to be built on the 78-foot wide parcel, west of 1942 East County Road B, on the basis that:

- A. The proposed dwelling would be consistent with the Zoning Code intent to insure adequate side yard lot area.
- B. Strict enforcement would cause the applicant an undue hardship.
- C. The parcel is in existence and planned for residential medium density uses, such as a double dwelling.
- D. Less side yard is needed with a duplex than a side-by-side double bungalow.

BACKGROUND

Site Description

Size: 78.05 x 300 feet, consisting of 23,415 square feet

Existing Land Use: Undeveloped

Surrounding Land Uses

North: County Road B. Across the street, single dwellings

East: Single dwelling

South: Maplewood Public Works Facility

West: Single dwelling

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: Rm, Residential Medium Density
2. The Rm classification is designated for such housing types as single family houses on small lots, two-family homes, townhouses, and mobile homes.
3. Zoning: F-Farm
4. Density Allowable: 22 people/net acre
5. Proposed Density: 6.6 people/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) Section 915.030 of the Zoning Code states that: "In any instance where the governing body is required to consider an exception or change in the zoning ordinance or map in accordance with the provisions of this ordinance, it shall, among other things:

- a. Assure itself that the proposed change is consistent with the spirit, purpose, and intent of the zoning ordinance.
 - b. Determine that the proposed change will not substantially change, insure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - c. Determine that the proposed change will serve the best interest of the village, the convenience of the community (where applicable), and the public welfare."
- (2) Section 202.150 states that the building plans for double dwellings are subject to approval by the Community Design Review Board.
- (3) Section 1008 (f) (9) requires double dwelling lots to be 85 feet wide at the building setback line. The lot is 78 feet wide, requiring a variance of seven feet.

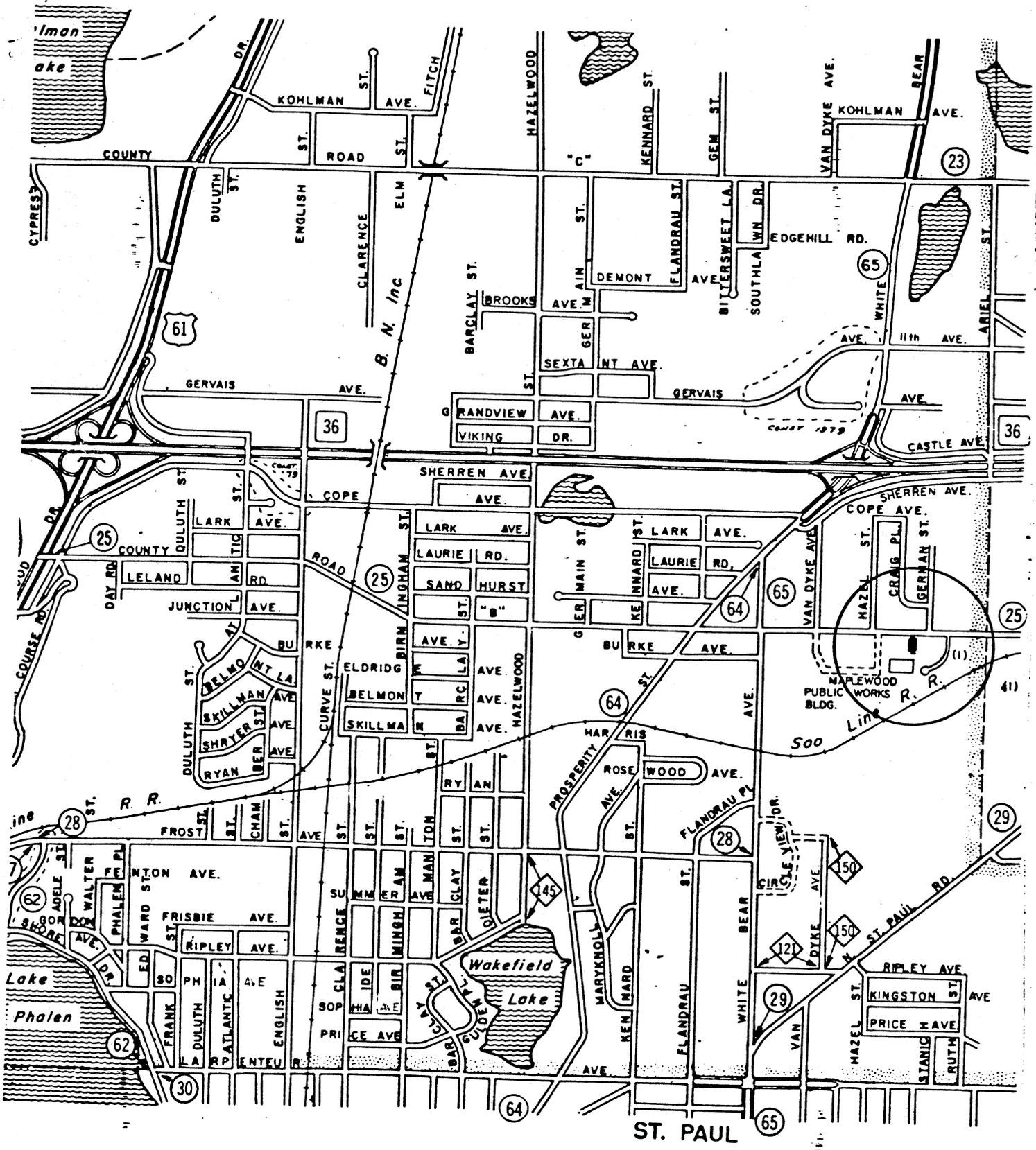
Public Works

Sewer and water are available.

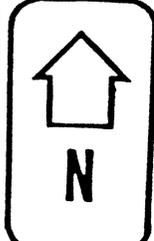
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Enclosures:

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



LOCATION MAP



3-1

JUSTIFICATION

The area in which the zone change proposal lies is a mixed area. This means that within a six (6) square block area we have the following: commercial, light industrial, single and multiple residential, a public works building, golf course, park and play grounds and a county home for the elderly.

The proposed site will accommodate a two (2) family home with a single family appearance. Each unit is in excess of 800 square feet and contains the following: two nice bedrooms, a spacious kitchen, bath, dining room, utility room and a large living room with a fireplace. Each have separate entrances and use a common double garage attached to the dwelling.

The idea of the building is to provide a smaller, but adequate, living area for two small families on a single lot. Using what once was a basement and wasted space, this area could be made into a cozy and clean living space.

ADJOINING PROPERTY OWNER
REZONE PETITION



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(PETITION
(

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

We petition the Maplewood City Council for a change in official zoning classification on the attached described property from Farm zoning to Residential 2 zoning.

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

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

	SIGNATURE	PRINT NAME	ABSTRACT CERT. LIST NO.
930	<u>Betty Ann Olson</u>	Betty Ann Olson 777-4319	150-28
912	<u>Leslie Richardson</u>	Leslie C. Richardson (Judith A.) 777-9731	100-28
	<u>Leslie Richardson</u>	Leslie C. Richardson (Judith A.) 777-9731	100-28
932	<u>Terry D. Warner</u>	Terry D. Warner (Carol L.)	023-31
936	<u>Blake H. U'Ren</u>	Blake H. U'Ren (Joanne P.) 777-5514 ^{OK}	024-31
950	<u>Robert F. Hopkins Jr.</u>	Robert F. Hopkins Jr. (Gloria E.) 770-6443	
975	<u>Mrs. Thorvaid Tollefson</u>	Mrs. Thorvaid Tollefson & Barbara Tollefson ^{OK}	Lit 2 BK 3 Cnct
951	<u>Robert L. Olson</u>	Robert L. Olson (Hazel R.) 777-3638 ^{OK}	Lit 3 BK 3 Cnct
939	<u>George D. Hansen</u>	George D. Hansen (Ruth E.) 777-3223 ^{OK}	Lit 4 BK 3 Cnct
940	<u>Randy M. Forsman</u>	Randy M. Forsman (Elaine M.) and	
	<u>David B. Kuit</u>	David B. Kuit (Mary J.) 429-6244	
	<u>Arthur A. A. Sauer</u>	Arthur A. A. Sauer (Iris) and	
	<u>Omar A. Tveten</u>	Omar A. Tveten 777-5236	
896	<u>Iver A. Wicklander</u>	Iver A. Wicklander (Marge M.) 777-4238	
984	<u>Lillian C. Wicklander</u>	Lillian C. Wicklander 777-2272	

These crossed out, are beyond two hundred feet

ADJOINING PROPERTY OWNER
REZONE PETITION



(
(PETITION
(

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

We petition the Maplewood City Council for a change in official zoning classification on the attached described property from Farm zoning to Residential 2 zoning.

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

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

SIGNATURE	PRINT NAME	ABSTRACT CERT. LIST NO.
1976 - <u>Willis Scott</u>	Willis Scott (Fay Carol)	<u>Lot 1 Block 1</u>
	Jeffrey T. Schmidt (Debra) 738-7850	<u>Lot 2 Block 1</u>
1986 - <u>Alan A. Wothe</u>	Alan G. Wothe 770-2061	<u>Lot 3 Block 1</u>
1001 <u>Douglas J. Witt</u>	Douglas Witt (Danielle N.) 770-8448	<u>Lot 4 Block 1</u>
1995 <u>Richard E. Kaiser</u>	Richard E. Kaiser (Mary E.) 770-7792	<u>Lot 5 Block 1</u>
1991 <u>Robin E. DeRoeker</u>	Robin E. DeRoeker (Sandra J.) 770-6589	<u>Lot 6 Block 1</u>
1985 <u>Richard R. Reichel</u>	Richard R. Reichel (Joy L.) 770-6136	<u>Lot 7 Block 1</u>
1981 <u>Robert A. Miller</u>	Robert A. Miller (Diane L.) 777-8502	<u>Lot 8 Block 1</u>
1975 <u>David P. Fiebiger</u>	David P. Fiebiger (Catherine A) 777-4461	<u>Lot 9 Block 1</u>
1971 <u>Patrick D. Carey</u>	Patrick D. Carey (Julianne J.) 770-8233	<u>Lot 10 Block 1</u>
1988 <u>Timothy J. Eldridge</u>	Timothy J. Eldridge 777-7950	<u>Lot 6 Block 2</u>
1984 <u>Roger C. Culhane</u>	Roger C. Culhane (Linda J.) 770-6536	<u>Lot 7 Block 2</u>
1980 <u>Lawrence A. Quigley</u>	Lawrence A. Quigley (Ann E.) 777-3417	<u>Lot 8 Block 2</u>
1978 <u>Thomas F. Cotroneo</u>	Thomas F. Cotroneo (Debra J.) 770-7719	<u>Lot 9 Block 2</u>
1974 <u>Michael J. McVeigh</u>	Michael J. McVeigh (Nancy A.) 770-5462	<u>Lot 10 Block 2</u>
1972 <u>Frank D. Hinojos</u>	Frank D. Hinojos (Vicky Lowrie)	<u>Lot 11 Block 2</u>
1950 <u>James K. Dralle II</u>	James K. Dralle II (Marianne L.) 777-2574	<u>010-27</u>

those crossed out - beyond 200 feet

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION MAKING FINDINGS OF FACT AND APPROVAL OF A ZONE CHANGE

WHEREAS, a rezoning procedure has been initiated by Warren
Olson for a zone change from F-Farm to R 2
Double Dwelling for the following described property:

The north 300 feet of the westerly 10.55 acres of that part of the northeast 1/4 of the northwest 1/4 of Section 14, Township 29, Range 21, lying Northwesterly of Wisconsin Central Railways, except the west 336 feet thereof and also except the Easterly 80 feet thereof.

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

1. That a rezoning procedure has been initiated by Warren
Olson, pursuant to Chapter 915 of the Maplewood Code;
2. That said rezoning procedure was referred to and reviewed by the Maplewood City Planning Commission on the _____ day of _____, 198____, at which time said Planning Commission recommended to the City Council that said rezoning procedure be approved;
3. That the Maplewood City Council held a public hearing to consider the rezoning procedure, notice thereof having been published and mailed pursuant to law; and
4. That all persons present at said hearing were given an opportunity to be heard and/or present written statements, and the Council considered reports and recommendations of the City Staff and Planning Commission.

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

1. The change would be consistent with the Land Use Plan.
2. The use would be compatible with existing neighborhood character.
3. There is a need for additional rental units in Maplewood.

Adopted this _____ day of _____, 198____.

ATTEST:

Mayor

Manager

City Clerk

E. Rezoning and Variance: County Road B (Olson)

Associate Planner Ekstrand said the applicant is requesting approval of a lot width variance and zone change from F to R-2, Double Dwelling. Staff is recommending approval as outlined in their report.

The applicant indicated he had nothing to add to the staff report. He discussed the style of the duplex he proposes to construct. He also presented a picture of the structure. There would be a separate front and rear entrance for each unit.

Commissioner Kishel moved the Planning Commission recommend the City Council adopt the zone change resolution, approving the zone change from F, Farm to R-2 Residence District (Double Dwelling) for the property west of 1942 East County Road B, on the basis that:

1. The zone change would be consistent with the Land Use Plan.
2. The building would be compatible with the neighborhood.
3. There is a need for additional rental units within the City.

The Planning Commission also recommends to the Board of Adjustments and Appeals approval of a lot width variance of seven feet to permit a double dwelling to be built on the 78 foot wide parcel, west of 1942 East County Road B, on the basis that:

1. The proposed dwelling would be consistent with the Zoning Code intent to insure adequate side yard lot area.
2. Strict enforcement would cause the applicant an undue hardship.
3. The parcel is in existence and planned for residential medium density uses, such as a double dwelling.
4. Less side yard is needed with a duplex than a side-by-side double bungalow.

Commissioner Fischer seconded

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

J-1



Ramsey County
DEPARTMENT OF PUBLIC WORKS

3377 North Rice Street
Saint Paul, Minnesota 55112
(612) 484-9104

Divisions of:
Engineering
Maintenance
Mobile Equipment
Environmental Services

May 10, 1982

Mr. Barry Evans
Maplewood City Engineer
1902 East County Road B
Maplewood, Minnesota 55109

Kohlman Wetland Acquisition - Lake Phalen Restoration Project

Ramsey County currently has a restoration project underway on the Phalen chain of lakes under the Environmental Protection Agency Clean Lakes Program.

Many designs for the restoration project have involved the use of wetlands for filtration purposes to remove nutrients and suspended solids from runoff water prior to inflow to the chain of lakes.

One of the major systems proposed is the Kohlman Wetland Treatment System in the area immediately east of Kohlman Lake and west of Trunk Highway 61 where County Ditch 18 enters Kohlman Lake. The system will consist of a pump and a distribution pond design which will divert inflow water from County Ditch 18 to the wetland on the east side of Kohlman Lake prior to discharge into the lake itself.

The Open Space Division of the County Parks and Recreation Department will assist the Public Works Department in necessary land or easement acquisition for the wetland treatment system.

As stated in the authorizing County Board resolution, we are now seeking approval from the City of Maplewood for the acquisitions. Please schedule this request for consideration by the City Council. The affected properties are indicated on the enclosed map. I have enclosed a suggested resolution for City Council consideration.

Please call me if you require further information.

Daniel G. Schacht, P.E.
Environmental Services Engineer

DGS/clm
Enclosures

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

**RESOLUTION
KOHLMAN WETLAND TREATMENT SYSTEM
LAND ACQUISITION**

WHEREAS, Ramsey County has undertaken a restoration project on the Phalen chain of lakes under the Environmental Protection Agency Clean Lakes Program; and

WHEREAS, Many project design plans for the restoration project have involved the use of wetlands for filtration purposes to remove nutrients and suspended solids from runoff water prior to inflow to the chain of lakes; and

WHEREAS, One of the major systems proposed is the Kohlman Wetland Treatment System adjacent to the east side of Kohlman Lake near where County Ditch 18 enters the lake; and

WHEREAS, In order to install the system it will be necessary to acquire certain properties or easements that would be affected by the system installation or the diverted County Ditch 18 flow; and

WHEREAS, The Board of Ramsey County Commissioners have authorized the acquisition of certain lands or easements needed for the Kohlman Wetland Treatment System, and has ordered the Public Works Department to seek approval of the City of Maplewood for the acquisitions.

NOW, THEREFORE, DOES THE CITY COUNCIL OF MAPLEWOOD, Approve the acquisition of certain lands or easements on the east side of Kohlman Lake in Maplewood for the Kohlman Wetland Treatment System, by Ramsey County for the Lake Phalen Restoration Project.

Resolution

Board of
Ramsey County Commissioners

Presented By Commissioner Norgard Date April 26, 1982 No. 82-405
Attention:

Budget & Accounting; K. Weltzin, Public Works;
A.J. Crea, Parks & Recreation;

WHEREAS, County Board Resolution #80-168 approved on February 11, 1980, amended the Scope of Work Plan for the Lake Phalen Restoration Project which includes the installation of a system described as the Kohlman Wetland Treatment System; and

WHEREAS, In order to install the system, it is necessary to acquire certain properties that would be affected by the system installation or by the diverted overflow; Now, Therefore Be It

RESOLVED, That the Board of Ramsey County Commissioners hereby authorizes the Environmental Services Division of the Ramsey County Public Works Department, with the assistance of the Parks and Recreation Department, to acquire certain lands or easements needed for the installation of the Kohlman Wetland Treatment System which is a part of the Lake Phalen Restoration Project, and all costs, including those for land acquisition, Planning and Development personnel and system construction are proposed to be funded by Environmental Protection Agency and Minnesota Pollution Control Agency grant funds; and Be It Further

RESOLVED, That the Public Works Department shall seek approval of the City of Maplewood for the above referred to acquisitions as may be required by the City of Maplewood.

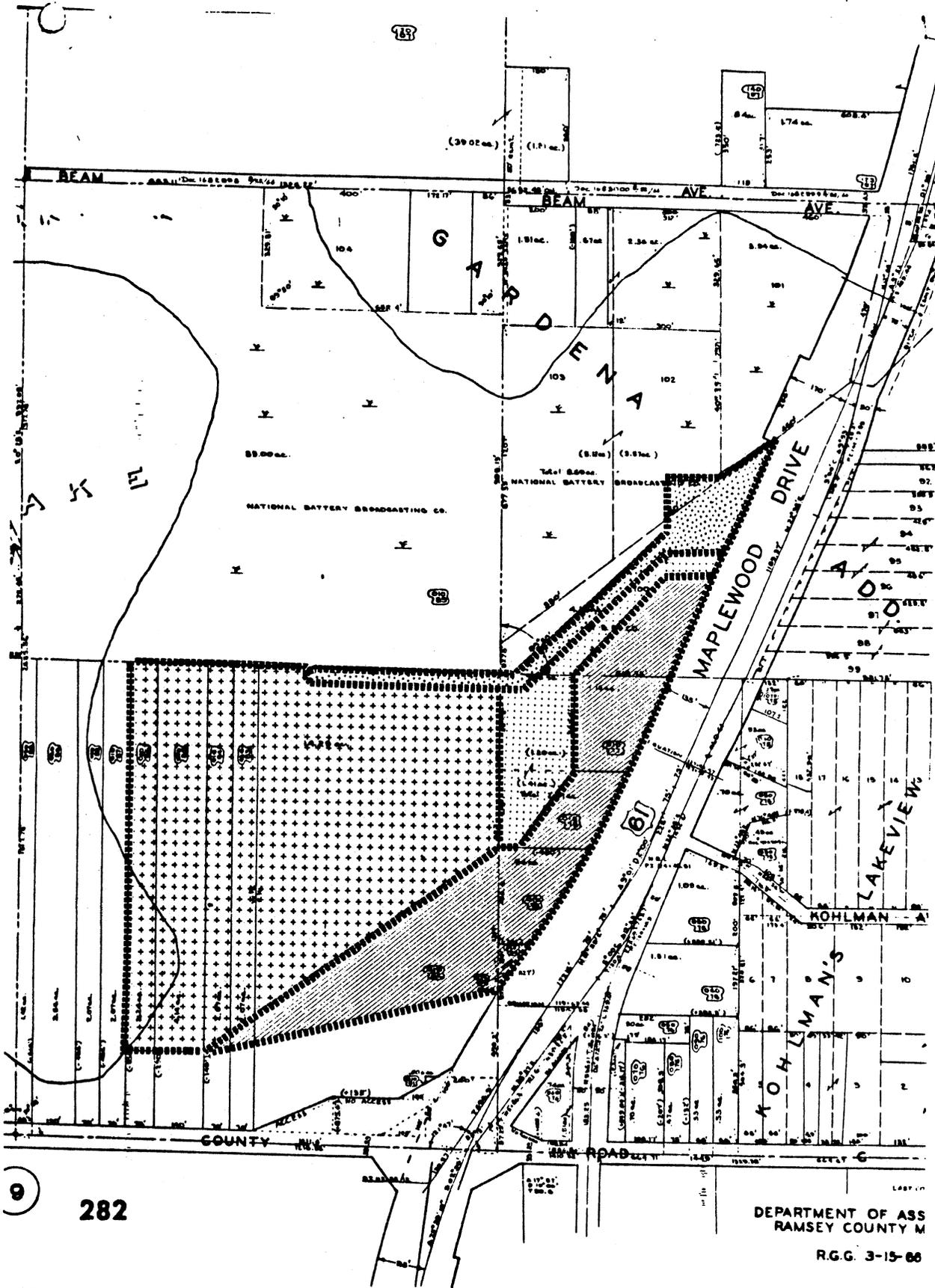
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P. F. S.	
G. G. J.	<input checked="" type="checkbox"/>
M. D. K.	
G. L. L.	
W. A. L.	
D. G. S.	<input checked="" type="checkbox"/>
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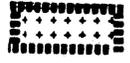
JGA
5/5/82

pf

ROBERT J. ORTH, Chairman

By *[Signature]*
Chief Clerk - County Board



- | | | | |
|---|---|--|--|
|  | PERMANENT FLOWAGE EASEMENT |  | TEMPORARY CONSTRUCTION & PERMANENT ACCESS EASEMENT |
|  | PERMANENT FLOWAGE EASEMENT NO RESTRICTION ON FILLING OR DEVELOPMENT |  | PERMANENT FLOWAGE, PERMANENT ACCESS, & TEMPORARY CONSTRUCTION EASEMENT |

SECTION 4 , R.22 W. , T. 29 N.

SCALE: 1" = 300'
 DATE: 3/3/82
 DRAWN: D. HAGLE

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Board of Appeals and Adjustments
DATE: May 6, 1982

In reviewing the State planning law, it appears that it is not necessary for the Council to convene as the Board of Appeals and Adjustments to consider variances. Council can act on them as the City Council. Section 462,354, sub. 2 of State law states that "the governing body may provide alternatively that there be a separate board of appeals and adjustments or that the governing body or the planning commission or a committee of the planning commission serve as the board of appeals and adjustments..."

The cities of White Bear Lake, Maple Grove, Eagen, and Woodbury are examples of cities where variances are handled by their city councils, rather than a board of adjustments and appeals. Eliminating the board would have the following advantages:

- 1. Less confusion for the audience
- 2. Separate minutes would not have to be done
- 3. Simpler agenda

If the Council would like to make this change, they should direct staff to revise the appropriate ordinances.

mb

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Assistant City Engineer
 DATE: May 13, 1982
 SUBJECT: Frost Avenue Reconstruction
 (From Birmingham to White Bear Avenue)

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

The Ramsey County Department of Public Works has submitted preliminary plans for the reconstruction of Frost Avenue from Birmingham Street to White Bear Avenue. The westerly limit for this project was selected on the basis of keeping the entire improvement within the Wakefield Drainage District.

The County is requesting that we review the preliminary plans for compatibility with City systems and long-range improvements prior to County-conducted public hearings. Due to the magnitude of the controversy expressed during the last public hearing for a similar proposal, we are requesting that the City Council make a determination to provide the County with either a positive or negative support for the proposal.

The proposed improvements consist of the following:

1. Street reconstruction of Frost Avenue from Birmingham Street to White Bear Avenue to a width of 52 feet with concrete curb and gutter.
2. Storm sewer-trunk piping with catch basins from Manton Street to Prosperity Road. This system is proposed to outlet into the Grit chamber located in the Wakefield Park property. The in-place system east of Prosperity would be reconstructed to accommodate the new roadway width and elevations.
3. The County is requesting that the City consider construction of a detached eight-foot bituminous path from Hazelwood Street to White Bear Avenue. The County would pay for the initial cost of construction and the City would pay for any additional right-of-way needed for the path.

In conjunction with the County project, the City may wish to consider upgrading several short sections of sanitary sewer and addition of sidewalk. The upgrading could be accomplished by in-house personnel under routine maintenance and the sidewalk cost would be assessed to benefited properties.

The County is proposing to utilize County State Aid Highway (CSAH) and County funds for eligible items. Costs associated with items not eligible for this funding are anticipated to be picked up by the City, as follows:

1. Three-fourths of the cost of concrete curb and gutter
2. That portion of the storm sewer costs needed for drainage outside the right-of-way
3. Any utility upgrading or modification
4. City facilities added to the project such as sidewalk
5. Right-of-way acquisition for construction limits beyond the existing right-of-way. The only permanent right-of-way requirement known at this time would be on the northwest corner of Prosperity Road and Frost Avenue.

It is the County's objective to see this improvement constructed in 1983.

jw



CITY OF MAPLEWOOD

1380 FROST AVENUE MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY SERVICES

770-4570

MEMORANDUM

TO: Ken Haider - Director of Public Works
FROM: Robert D. Odegard - Director of Community Services *RDO*
SUBJECT: Path on Frost Avenue - Hazelwood to White Bear Avenue
DATE: May 14, 1982

Even though the Comprehensive Plan does not indicate a trail along Frost Avenue, there is a need to provide an East-West path to complete loops using the planned Hazelwood, Prosperity and White Bear Avenue as North-South trails. This need would be reduced if we were certain of the acquisition and use of the abandoned Soo Line trackage for a trail.

Examination of the proposal to encroach upon Wakefield Park for the detached trail indicates that there may be lights moved, but it should be Ramsey Counties responsibility to pay all costs for renovation of the banks, lights, and backstop.

Since long term maintenance and upkeep will be the responsibility of the City, it is extremely important that the design and installation are properly supervised.

MEMORANDUM

TO: City Manager
 FROM: Associate Planner--R. Johnson
 SUBJECT: Special Exception Permit--Home Occupation
 LOCATION: 2169 Arkwright
 APPLICANT/OWNER: Todd Petersen
 DATE: April 23, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a special exception permit to allow the applicant to operate an electronic equipment repair and sales business from his home.

Proposal

1. See the applicant's letter of justification.
2. An unpartitioned 12 x 12 foot basement work area would be set aside for the business. This area would equal thirteen percent of the dwelling floor area.
3. The equipment to be serviced will be limited to that for receiving electronic signals and will not create electrical interferences, according to a Federal Communications official.
4. The applicant's business would be in addition to his wife's day-care facility. The day care is licensed for five non-resident children. Three non-resident children are presently cared for. (State statutes exempt day-care facilities serving ten or less children from local zoning requirements.)

CONCLUSION

Analysis

The applicant's proposal is consistent with the attached Planning Commission home occupation guidelines, except for items four and five (signs and retail sales). If the business or day care expands appreciably, inconsistency with item 6 (traffic) could result.

Item 4 - Outside Appearances of Dwelling:

A sign is presently mounted on an antenna mast above and to the south of the garage. This sign would have to be removed. One sign, not to exceed two square feet in area, mounted flush against the dwelling, is permissible.

Item 5 - Retail Sales Prohibited:

The business would consist of approximately 75% repair and 25% sales of electronic equipment. Televisions, stereos, video games and microwave receivers would be

the type of equipment repaired. Microwave receiving equipment, produced off-site, would be sold.

Guideline five does not permit home occupations which involve the retail sale of products produced off-site. The reasoning for the guideline is that the volume of customers would be considerably less if an inventory has to be produced on-site rather than purchased. This criterion was not enforced when a book exchange and hobby-gift shop were recently approved as home occupations. (See past actions.) No action was taken by the Council regarding the staff proposal to revise this guideline. A clear policy direction is essential to avoid arbitrary and inconsistent decisions. The retail sales portion of the applicant's business, although it would be subordinate to his repair business, should be denied unless guideline five is revised.

Recommendation

- I. Approval of a home occupation for an electronic equipment repair business at 2169 Arkwright Street, subject to the following conditions:
 1. Compliance with the criteria outlined in the Planning Commission Subcommittee Report. The twenty percent floor area criteria in guideline three shall not apply to the day-care facility.
 2. Approval is granted for one year, after which time the applicant may apply for a renewal if the business has been compatible with the neighborhood and all conditions are being met.
 3. The sign presently mounted on the antenna mast, along the garage, shall be removed.
 4. There should be at least one ten pound ABC fire extinguisher provided in the basement workshop area.
 5. The basement work area shall be properly wired to eliminate the need for extension cords to operate ceiling lights and equipment.
 6. No outdoor storage of business-related equipment shall be permitted.
- II. If the Council feels that the Planning Commission's guideline which prohibits the retail sales of products produced off-site is valid, then the retail sales portion of applicant's business should be denied.
- III. If the Council feels that the Planning Commission's retail sales guideline is not appropriate, based upon past actions, the retail sales portion of the applicant's business should be approved. Council should also direct the Planning Commission to revise this guideline to eliminate inconsistencies with past actions.

BACKGROUND

Site Description

Lot Size: 15,435 square foot corner lot

Existing Land Use: A rambler style, 1126 square foot, single dwelling with an attached garage. The driveway can accommodate four cars.

Surrounding Land Uses

North: single dwelling

East: Arkwright Street. Across Arkwright Street, a single dwelling

South: County Road B. Across County Road B, undeveloped land zoned and planned for single dwellings

West: single dwelling

Past Actions

4-17-80: Council approved a book exchange at 1997 White Bear Avenue.

3-19-81: Council approved a hobbycraft-gift shop at 3095 N. McKnight Road as a home occupation. No action was taken regarding a staff proposal to eliminate the guideline prohibiting home occupations with retail sales.

Retail sales comprised 100% of these businesses.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan Designation: RL, Residential Lower Density
2. Zoning: F, Farm Residence
3. Section 905.010(1) of the Zoning Code permits the offices of professional persons within a single dwelling, but only when authorized by the City Council.
4. Chapter 245.812 of Minnesota Statutes states that "a licensed day-care facility serving ten or fewer persons must be considered a permitted single family residential use of property for purposes of zoning."

Public Safety/Building Inspection

1. The basement workshop area should be properly wired to eliminate the use of extension cords for ceiling lighting and equipment.
2. A ten-pound ABC fire extinguisher should be provided in the workshop area.

Other Agencies

Ramsey County Day-Care Licensing:

The proposed business would be compatible with the day-care operation, so long as it is restricted to non-day-care portions of the dwelling.

jw

Enclosures:

Planning Commission Home Occupation Guidelines

The Applicant's Letter of Justification

Location Map

Property Line Map

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.

Tom Ekstrand
1902 E Cnty Rd B
Maplewood MN 55109

December 14 81

DEC 21 1981

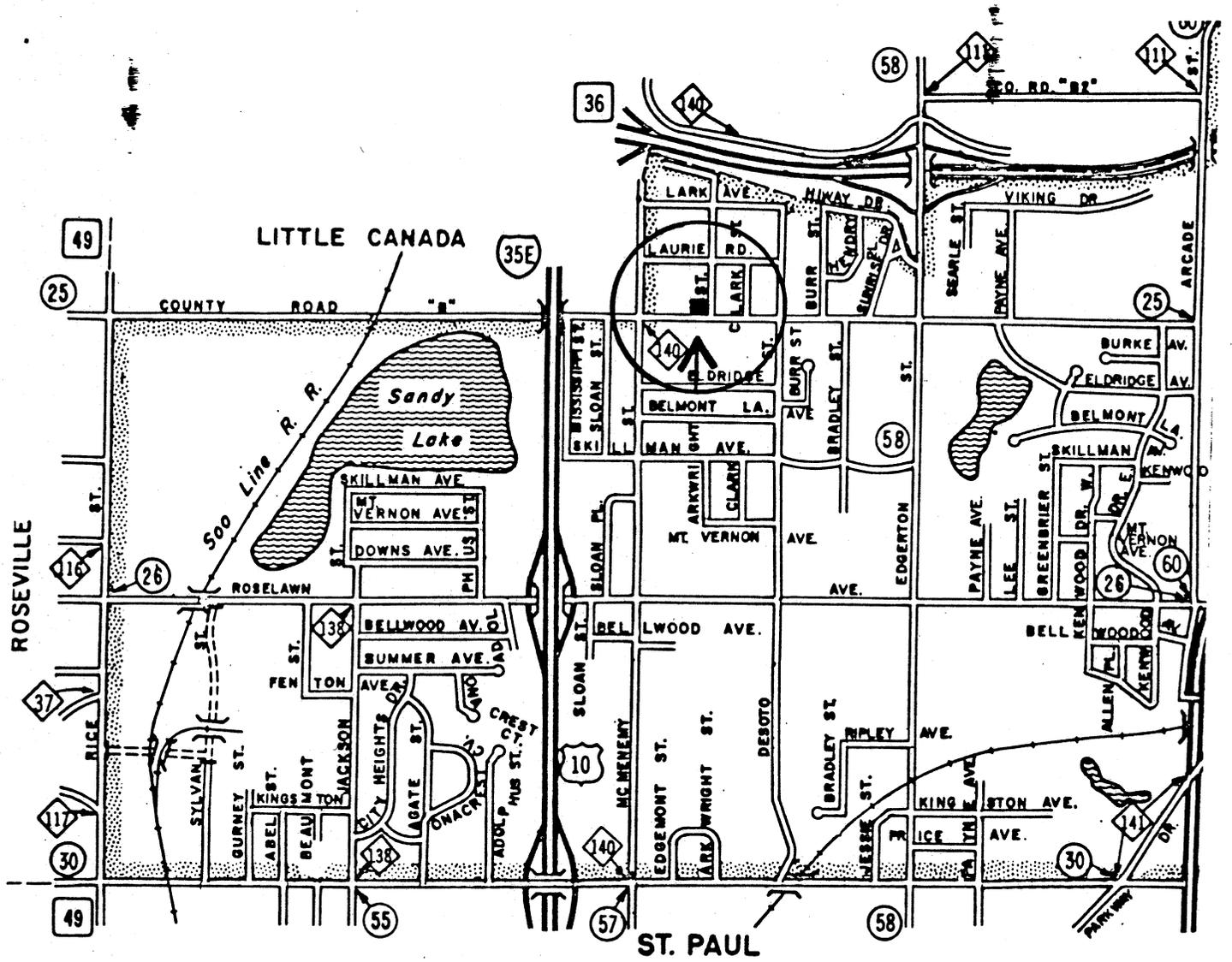
Mr Ekstrand,

I plan to run a part-time business repairing and selling electronic entertainment equipment (TV, stereos, video, etc.).

My hours will be irregular but should average 10 hrs/week. I am the sole proprietor and will not have any employees. There will be no problem with parking because I have a large driveway and there might be only two customers per week.

Business will be conducted in my ~~basement~~ ^{garage}

Todd Peterson
2169 Arkwright
Maplewood
55117



LOCATION MAP



C. Special Exception: 2169 Arkwright Street (Peterson)

Secretary Olson said the applicant is requesting approval of a special exception permit to allow the applicant to operate an electronic equipment repair and sales business from his home. Staff is recommending approval as outlined in their report.

The applicant was not present at the meeting.

The Commission discussed the proposed business in conjunction with the Day Care facility in the dwelling. They also commented on the proposed sales which is to be included with the home occupation.

Commissioner Barrett moved the Planning Commission recommend approval of the home occupation for an electronic equipment repair business at 2169 Arkwright Street, subject to the following conditions:

1. Compliance with the criteria outlined in the Planning Commission Subcommittee report. The twenty percent floor area criteria in guideline three shall not apply to the day-care facility.
2. Approval is granted for one year, after which time the applicant may apply for a renewal if the business has been compatible with the neighborhood and all conditions are being met.
3. The sign presently mounted on the antenna mast, along the garage, shall be removed.
4. There should be at least one ten pound ABC fire extinguisher provided in the basement workshop area.
5. The basement work area shall be properly wired to eliminate the need for extension cords to operate ceiling lights and equipment.
6. No outdoor storage of business-related equipment shall be permitted.

Also if the Council feels that the Planning Commission's guideline which prohibits the retail sales of products produced off-site is valid, then the retail sales portion of the applicant's business should be denied.

=Commissioner Kishel seconded
=Howard, Kishel, Pellish, Sletten
Ellefson, Whitcomb

Ayes - Commissioners Axdahl, Barrett,
Nays - Commissioners Fischer, Hejny,

Motion carries. 6-4

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Special Exception
 LOCATION: 2091 Hazelwood Street
 APPLICANT: Donna Mundon
 DATE: May 12, 1982

The City Council, on April 15, requested that this permit be reconsidered. The original staff report and minutes are enclosed. One of the conditions of the permit is that "Ceramics class students must park in the John Glenn Jr. High parking lot". It was reported to the Council that this condition is not being met.

Staff inspected the site on several week nights within the last two weeks. There were no cars parked on the street.

Recommendation

Direct staff to periodically check the site over the next three months to assure compliance with Council conditions. If violations occur at any time, this case should be put back on the Council agenda for reconsideration of the permit. No further action is recommended at this time.

jc

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

MEMORANDUM

TO: Mayor and City Council
FROM: Acting City Manager
SUBJECT: Special Exception - Home Occupation (Renewal)
LOCATION: 2091 Hazelwood Street
APPLICANT: Donna Mundon
DATE: August 14, 1978

Request

Applicant requests renewal of a Home Occupation permit for part-time ceramics classes.

Existing Land Use

1. The existing lot has 76.28 feet of frontage on Hazelwood Avenue and 473 feet of frontage on the undeveloped right-of-way for Eldridge Avenue. The lot area is 36,080 square feet.
2. The lot is developed with a single-dwelling home.

Proposal

1. The applicant is presently conducting ceramics classes in her home 7:00 P.M. to 9:00 P.M. two times per week.
2. Students park in the John Glenn Jr. High west parking lot. This has been approved by the Assistant Principal (see enclosed letter).

Previous Action

The City Council approved a home occupation permit on March 10, 1977, subject to the following conditions:

1. Applicant to instruct students to park in the John Glenn Jr. High parking lot.
2. Permit is to be annually reviewed commencing June 1, 1978.

Surrounding Development

1. Northerly: Single and Double Family dwellings.
2. Southerly and Westerly: Single Family dwellings.
3. Easterly: John Glenn Jr. High School.

Planning Considerations

1. This parcel is designated for Low Density Residential use.
2. The subject property is zoned R-1, Single Family Residence District.
3. Section 904.010 (4) and (5) of the Maplewood Municipal Code provides for

"offices of professional persons when located in the dwelling of that professional person or persons and when authorized by the governing body". It further states as permitted uses "art studios, photography studios or other artistic pursuits conducted in the residence or accessory building, but only upon the securing of a permit to be issued by the City Council."

Analysis

A fire inspection found that a five pound portable fire extinguisher is required in the basement area.

There have been no formal complaints, since the last permit was issued. The parking problem seems to be resolved with the use of the John Glenn Jr. High parking lot.

Recommendation

Approval for five years, subject to the following conditions:

1. Ceramics class students must park in the John Glenn Jr. High parking lot.
2. One five pound portable fire extinguisher shall be installed in the basement.

15
3-10-77

a. Manager Miller presented the staff report and recommended that the proposed home occupation be denied since a use of this type would produce traffic and parking needs in excess of those of a single family residential area.

b. Commissioner Prew presented the following Planning Commission recommendation:

"Commissioner Sherburne moved the Planning Commission recommend to the City Council the requested home occupation be approved

on the grounds it does meet the requirements for a home business within the residential area, subject to receipt of a letter from the school district indicating approval of the use of the John Glenn Jr. High parking lot.

Commissioner Barrett seconded.

Commissioner Howard moved an amendment that the permit be subject to annual review to insure there is no future parking problems.

Motion failed for lack of a second.

Voting on the motion as amended: Ayes all."

- c. Mrs. Donna Mundon, 2091 Hazelwood Street, spoke on behalf of her request. She stated she has received a letter from the assistant principal at John Glenn Jr. High granting her permission to have her students park in the school parking lot.
- d. Councilman Anderson moved to approve the home occupation permit requested by Mrs. Donna Mundon, 2091 Hazelwood Street, subject to the following conditions:

1. Student parking to be at John Glenn Parking Lot.
2. Permit to be annually reviewed beginning June 1, 1978.

Seconded by Councilman Greavu.

Ayes - Councilmen Greavu and Anderson

Nays - Mayor Bruton, Councilman Wiegert.

Motion failed.

- e. Councilman Wiegert moved to approve the Home Occupation Permit as requested by Mrs. Donna Mundon, 2091 Hazelwood Street, with annual review commencing June 1, 1978, and subject to the Commission recommendation.

Motion died for lack of a second.

- f. Mayor Bruton moved authorization of the Home Occupation Permit as requested by Mrs. Donna Mundon, 2091 Hazelwood Street, subject to conditions that the students will not park on the street and that the permit is to be reviewed annually commencing June 1, 1978.

Motion died for lack of a second.

- g. Councilman Anderson moved to approve the Home Occupation permit requested by Mrs. Donna Mundon, 2091 Hazelwood Street, subject to the following conditions:

1. Applicant to instruct students to park in the John Glenn Jr. High Parking Lot.

2. Permit to be annually reviewed commencing June 1, 1978.

Seconded by Councilman Greavu.

Ayes - Councilmen Anderson, Greavu,
and Wiegert.

Nay - Mayor Bruton.

Motion carried.

M E M O

TO: Maplewood Police Department

FROM: F. B. Klinkerfues, Assistant Principapl
John Glenn Junior High School

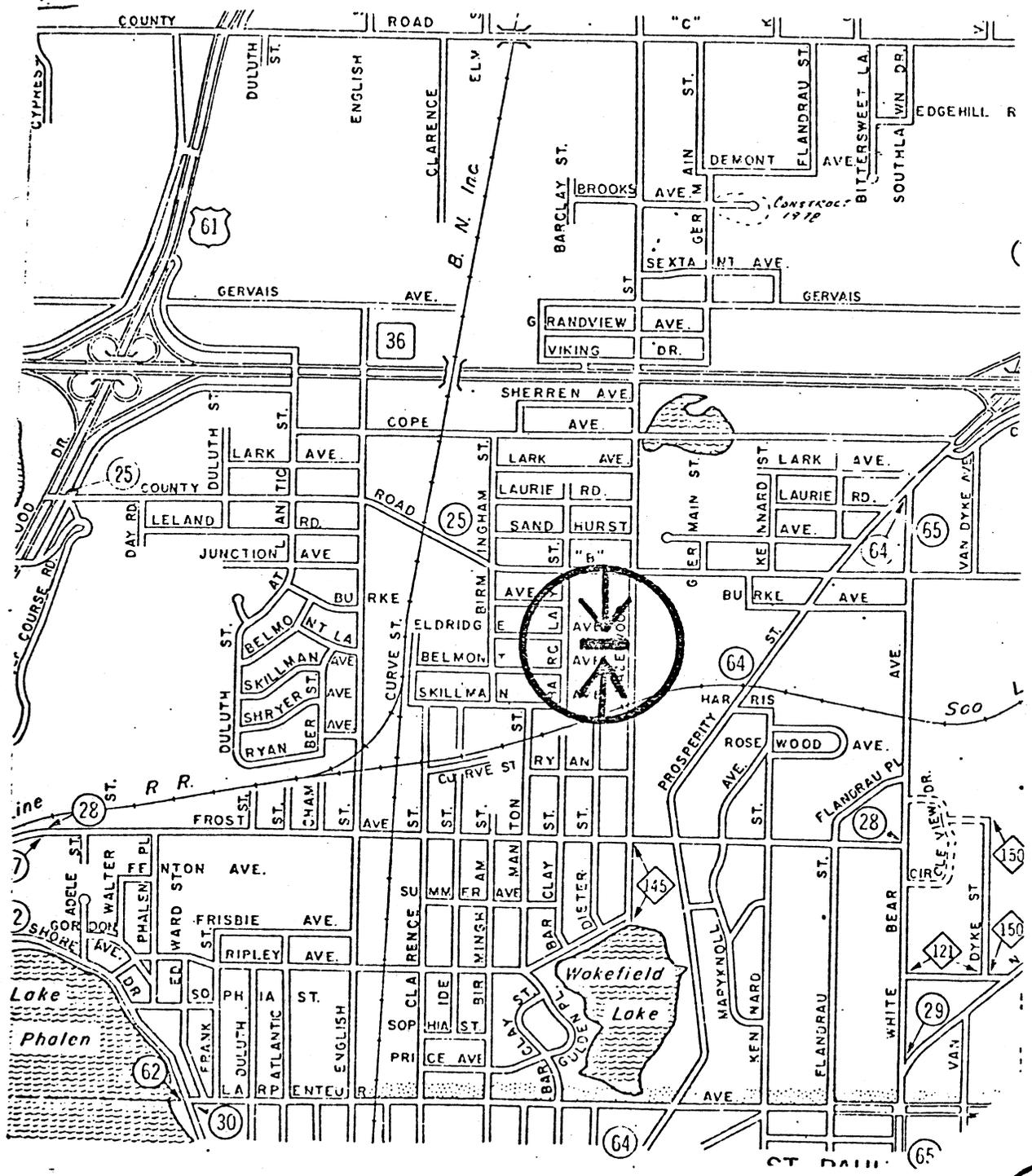
DATE: March 4, 1977

RE: Permission to Park

Please be advised that Mrs. Mundon has our approval to allow her clients to park their cars in the John Glenn west parking lot two evenings per week from approximately 7-9 p.m. We are doing this to assist in alleviating a traffic hazard which would be created if the cars were to be parked in the adjacent street.

FBK:jsd

cc: Mrs. Mundon



ONNA MUNDON
 PETITIONER

HOME OCCUPATION

REQUEST

2091 HAZELWOOD STREET

8-14-78

DATE

SCALE

PG.

- stalls to 20 feet. Also add five feet green area inside the northerly property line by reducing the northerly driveway to 28 feet 9 inches;
5. Site lighting shall be lights directed down so as not to cause glare beyond the property line. Lights shall be extinguished after business hours except for security lighting as necessary;
 6. New and revised curb cuts will need the approval of the County and City Engineers;
 7. Owner and applicant shall agree to the above conditions in writing.

Board Member Mueller seconded. Ayes all."

3. Acting Manager Blank stated he had received a communication from Arby's agreeing to the conditions.

4. Mr. Chet Nadler, representing Arby's, spoke on behalf of the proposal. He also stated they would provide signing for exit and entrance.

5. Councilman Anderson moved to approve the building and site plans for Arby's, 3109 White Bear Avenue, subject to the following conditions:

1. The landscaping plan is approved as shown on the revised plan dated July 14, 1978 from Siefert, Inc.;
2. The trash enclosure shall match the building material and have a gate over the opening to conceal the view of the dumpster;
3. The applicant shall provide the City with a bond for landscaping if it has not been installed prior to occupancy;
4. The site plan shall be revised to have a 10 foot green area inside the east property line by reducing the west driveway to 17 feet, the pick-up lane to 10 feet, the striping area to 3 feet and the rear parking stalls to 20 feet. Also add five feet green area inside the northerly property line by reducing the northerly driveway to 28 feet 9 inches;
5. Site lighting shall be lights directed down so as not to cause glare beyond the property line. Lights shall be extinguished after business hours except for security lighting as necessary;
6. New and revised curb cuts will need the approval of the County and City Engineers;
7. Public Safety review of signing for entrances and exits;
8. Owner and applicant shall agree to the above conditions in writing.

Seconded by Councilman Wiegert.

Ayes - all.

3. Home Occupation Renewal - Ceramic School - 2091 Hazelwood Street

a. Acting Manager Blank presented the staff report recommending approval for five years, subject to the following conditions:

1. Ceramics class students must park in the John Glenn Jr. High parking lot;
2. One five pound portable fire extinguisher shall be installed in the basement.

b. Councilman Anderson moved to approve the renewal of the home occupation permit for ceramic school run by Mrs. Donna Mundox, 2091 Hazelwood Street, as recommended in the staff report.

Seconded by Councilman Wiegert.

Ayes - all.

4. ~~Gambling Permit Applications~~

MEMORANDUM

TO : City Manager
FROM : Finance Director *DO Aust*
RE : Authorization to Sell Bonds
DATE : May 13, 1982

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

PROPOSAL

It is proposed that June 14th be set as the date for the bid opening and award on the sale of \$3,050,000 temporary improvement bonds.

BACKGROUND

In 1979 temporary improvement bonds totaling \$3,420,000 were issued to finance five construction projects. Temporary rather than permanent bonds were issued because the construction costs and schedules were uncertain for the five projects. These projects have now been completed and assessed. The 1979 temporary improvement bonds mature August 1, 1982 and require a payment of \$3,513,468.60 for principal, interest, and paying agent fees. New bonds need to be issued totaling \$2,413,860 to finance the August 1st payment. The difference will be financed by cash which has accumulated from special assessment collections, investment interest, and surplus balances in construction accounts.

Bonds also are required to finance the construction of two new projects: Holloway Avenue and the Highway 61 Frontage Road. A total of \$551,460 is needed for these projects. In addition, \$84,680 of bonds are required to cover the estimated costs of the bond sale and the underwriting discount.

A second three-year temporary bond issue rather than a long-term permanent bond issue is proposed. The reason for this is that bond interest rates are presently near record highs and it is anticipated they will be much lower in three years. If long-term (20-year) permanent bonds were issued, the average interest rate would be about 11.5%. Tax levies totaling \$45,000 would be required if 100% of the special assessment levies were collected when due. Greater tax levies would be required if a lower special assessment collection rate were realized (1981 rate = 70.6%).

The anticipated interest rate on the proposed three-year temporary bond issue is 8.75%. The special assessments pledged to retire this bond issue have a 11% interest rate except for the two new projects being financed which will have a 13% interest rate. Principal and interest payments on special assessments during the next three years will enable the City to retire up to \$807,000 of the new bonds (depending on the assessment collection rate).

Additional information regarding the proposed bond issue is contained in the attached Financing Analysis which was prepared by Juran and Moody. Also, attached is a proposed resolution authorizing the bond sale which was prepared by Briggs and Morgan.

RECOMMENDATION

It is recommended that the Council adopt the attached resolution providing for the sale of \$3,050,000 temporary improvement bonds. Mr. Andy Merry of Juran and Moody, Inc., is scheduled to be present at the Council meeting to answer questions.

CITY OF MAPLEWOOD, MINNESOTA
FINANCING ANALYSIS FOR 1982 BOND ISSUE
MAY 12, 1982

Direct Costs (from the City)

Refinance outstanding \$3,420,000 G. O. Temporary Improvement Bonds of 1979	\$2,413,860*	
Construction for new projects		
80-10, Highway 61 Frontage Road	357,200	
81-12, Holloway Avenue	194,260	
Subtotal		\$2,965,320

Indirect Costs (recommended by Juran & Moody, Inc.)

Issuance expenses (bond counsel, publication, financial printing, Moody's Rating, bond printing, financial advisor)	\$ 25,205	
Bond discount (1.95%)	59,475	
Subtotal		\$ 84,680

Grand Total for Bond Issue \$3,050,000

* Represents balance due after deducting cash which has accumulated from special assessment collections, investment interest, and surplus balances in construction accounts.

Financing Details

Issue: \$3,050,000 G. O. Temporary Improvement Bonds of 1982.

Purpose of Financing:

1. Refinance the \$3,420,000 G. O. Temporary Improvement Bonds of 1979, the proceeds of which were used to defray construction costs on project numbers 75-06, 77-09, 77-12, 79-01 and 79-06.
2. To provide funds for construction of "new money" project numbers 80-10 and 81-12.
3. To provide funds sufficient to cover the estimated costs of issuance and the underwriting discount.

Bonds Dated: July 1, 1982.

Bonds Mature: July 1, 1985.

Interest Payments: January 1, 1983 and semiannually thereafter on each July 1 and January 1.

Option: All or a portion of the bonds are callable at the option of the City on July 1, 1983, and any interest payment date thereafter at a price of par and accrued interest. If only a part of the bonds are called for prepayment, the specific bonds to be prepaid shall be chosen by lot by paying agent.

Denomination: \$5,000.

Minimum Bid: \$2,990,525.

Good Faith Deposit: \$30,500.

Notice of Bond Sale: Date: June 14, 1982.

Bid Opening: 3:00 C.D.T.

Place: Council Chambers, City Hall.

Award: 7:30 C.D.T.

Place: Council Chambers, City Hall.

Notice of Bond Sale Publication:

Commercial West:

May 29, 1982.

Local Paper:

Week of May 24, 1982.

Estimated Delivery Date:

July 26, 1982.

EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF
MAPLEWOOD, MINNESOTA

HELD: _____, 1982

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota, was duly held at the City Hall in said City on the ___ day of _____, 1982, at 7:30 o'clock P.M.

The following members were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR PUBLIC SALE
OF \$3,050,000 GENERAL OBLIGATION
TEMPORARY IMPROVEMENT BONDS OF 1982

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

1. It is hereby found, determined and declared that this City should issue \$3,050,000 General Obligation Temporary Improvement Bonds of 1982 to refund at maturity the outstanding \$3,420,000 General Obligation Temporary Improvement Bonds of 1979, dated August 1, 1979, and to provide funds for the construction of various improvements to the City.

2. This Council shall meet at the time and place specified in the form of notice hereinafter contained for the purpose of opening and considering sealed bids for, and awarding the sale of \$3,050,000 General Obligation Temporary Improvement Bonds of 1982 of said City.

3. The City Clerk is hereby authorized and directed to cause notice of the time, place and purpose of said meeting to be published in the official newspaper of the City and in Commercial West not less than ten days in advance of date of sale, as provided by law, which notice shall be in substantially the form set forth in Exhibit A attached hereto.

4. The terms and conditions of said bonds and the sale thereof are fully set forth in the "Official Terms of Bond Sale" attached hereto as Exhibit B and incorporated herein by reference.

The motion for the adoption of the foregoing resolution was duly seconded by member _____ and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

NOTICE OF BOND SALE

\$3,050,000

CITY OF MAPLEWOOD
RAMSEY COUNTY
MINNESOTA
GENERAL OBLIGATION TEMPORARY
IMPROVEMENT BONDS OF 1982

Sealed bids for these bonds will be opened at 3:00 o'clock P.M., Central Daylight Time on Monday, June 14, 1982 at the City Hall Council Chambers, in Maplewood, Minnesota. Bids will be awarded at 7:30 o'clock P.M., Central Daylight Time on that same date at the Maplewood City Hall Council Chambers. The bonds will be dated July 1, 1982 and interest will be payable January 1, 1983 and semiannually thereafter. The bonds will be general obligations of the Issuer for which its unlimited taxing powers will be pledged. The bonds will mature on July 1, 1985.

All or any portion of the Bonds are callable at the option of the City on July 1, 1983 and on any interest payment date thereafter at a price of par and accrued interest. If only a part of the Bonds are called for prepayment, the specific bonds to be prepaid shall be chosen by lot by the paying agent. Sealed bids for not less than \$2,990,525 and accrued interest on the principal sum of \$3,050,000 will be accepted. The rate of interest and the net effective average rate of the issue may not exceed 12% per annum. An acceptable approving legal opinion will be furnished by Briggs and Morgan, Professional Association, of St. Paul and Minneapolis, Minnesota. The proceeds will be used to refund at maturity the outstanding \$3,420,000 General Obligation Temporary Improvement Bonds of 1979 dated August 1, 1979 and to provide funds for the construction of various improvements to the City.

Dated: _____, 1982

BY ORDER OF THE CITY COUNCIL

/s/ Lucille Aurelius
City Clerk

Additional information
may be obtained from:
Juran & Moody, Inc.
114 East Seventh Street
St. Paul, Minnesota 55101
Telephone No: 612-298-1524

EXHIBIT B
OFFICIAL TERMS OF
BOND SALE

\$3,050,000
GENERAL OBLIGATION TEMPORARY IMPROVEMENT
BONDS OF 1982
CITY OF MAPLEWOOD
RAMSEY COUNTY
MINNESOTA

NOTICE IS HEREBY GIVEN that these bonds will be offered for sale according to the following terms:

TIME AND PLACE: Sealed bids for these bonds will be opened at 3:00 o'clock P.M., Central Daylight Time on Monday, June 14, 1982 at the City Hall Council Chambers in Maplewood, Minnesota. Bids will be awarded at 7:30 o'clock P.M., Central Daylight Time, on that same date at the Maplewood City Hall Council Chambers.

TYPE OF BONDS: Negotiable coupon general obligation bonds, \$5,000 or larger denominations at the option of the bidder.

DATE OF BONDS: July 1, 1982.

PURPOSE: To refund at maturity the outstanding \$3,420,000 General Obligation Temporary Improvement Bonds of 1979, dated August 1, 1979 and to provide funds for the construction of various improvements in the City.

INTEREST PAYMENTS: January 1, 1983, and semiannually thereafter on July 1 and January 1 of each year.

MATURITIES: All bonds of this issue will mature on July 1, 1985.

REDEMPTION:

All or any portion of the Bonds are callable at the option of the City on July 1, 1983 and any interest payment date thereafter at a price of par and accrued interest. If only a part of the bonds are called for prepayment, the specific bonds to be prepaid shall be chosen by lot by the paying agent.

PAYING AGENT:

Bidder's discretion, subject to the approval of the City.

CUSIP NUMBERS:

It is anticipated that CUSIP numbers will be printed on said bonds, but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with terms of the purchase contract.

DELIVERY:

Forty days after award subject to approving legal opinion of Briggs and Morgan, Professional Association, of St. Paul and Minneapolis, Minnesota. Bond printing and legal opinion will be paid by issuer and delivery will be anywhere in the continental United States without cost to the purchaser. Legal opinion will be printed on the bonds at the request of the successful bidder.

TYPE OF BID:

Sealed bids of not less than \$2,990,525 and accrued interest on the principal sum of \$3,050,000 from date of bonds to date of delivery must be filed with the undersigned prior to the time of sale. Bids must be unconditional except as to legality. A certified or cashier's check in the amount of \$30,500, payable to the order of the Treasurer of the issuer must

accompany each bid, to be forfeited as liquidated damages if bidder fails to comply with accepted bid. Bids for the bonds should be addressed to:

City of Maplewood
City Hall
1380 Frost Avenue
Maplewood, Minnesota 55109
Attention: Mrs. Lucille Aurelius
City Clerk

RATES:

The rate must be in an integral multiple of 1/20th or 1/8th of 1% and may not exceed 12% per annum. Additional interest coupons may not be used.

AWARD:

Award will be made solely on the basis of lowest dollar interest cost, determined by addition of any discount to and deduction of any premium from the total interest on all bonds from their date to their stated maturity. The net effective rate of the issue may not exceed 12% per annum.

The Issuer reserves the right to reject any and all bids, to waive informalities and to adjourn the sale.

Dated: _____, 1982

BY ORDER OF THE CITY COUNCIL

/s/ Lucille Aurelius
City Clerk

Additional information
may be obtained from:
JURAN & MOODY, INC.
114 East Seventh Street
St. Paul, Minnesota 55101
Telephone No. 612-298-1524

MEMORANDUM

TO : City Manager
FROM: Finance Director *R. Ernst*
RE : Write-Off of Uncollectible Paramedic Bills for 1981
DATE: May 12, 1982

Action by Council:

Enforced.....
Modified.....
Rejected.....
Date.....

PROPOSAL

It is proposed that paramedic bills totaling \$4,827.60 be written off as being uncollectible.

BACKGROUND

The following is a summary of the transactions for paramedic services provided in 1981 compared to 1980:

	1981	1980
Service charges	\$35,232	\$37,593
Conciliation Court filing fees	433	348
Total billed	<u>\$35,665</u>	<u>\$37,941</u>
Service charges paid	30,607	32,074
Court fees paid	150	141
Hardship cancellations	<u>80</u>	<u>128</u>
Uncollectible balance	<u>\$ 4,828</u>	<u>\$ 5,598</u>

The service charges paid represent 87% and 85% of the service charges billed for 1981 and 1980, respectively. This represents a significant improvement over the 51% collection rate that the City had in 1975 and 1976.

A total of 94 bills were filed in Conciliation Court for paramedic services provided in 1981. Of this number 52 bills were paid. (However, 21 of these failed to pay the Conciliation Court filing fee).

The uncollectible amounts to be written off are itemized in Exhibits A and B. Exhibit A is a listing of bills unpaid after court action. Exhibit B is a listing of unpaid bills that have not been processed through court because of different reasons such as bankruptcy, death, moved without leaving a forwarding address, and unpaid balances of small amounts (\$10 or less). Bills noted "not Ramsey Co." are uncollectible because only bills for Ramsey County residents can be processed through our local Conciliation Court. Bills for non-residents would have to be taken to the Conciliation Court within the County they reside.

RECOMMENDATION

It is recommended that the \$4,827.60 of charges itemized on Exhibits A and B be written off as uncollectible.

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>
Mark A. Thalhuber 1247 Century #9 Maplewood, MN 55119	11/23/80	75.00	014077
Marion L. Matzke 1901 Maryland St. Paul, MN 55119	1/3/81	83.00	100129
Sheldon H. Anderson 1361 Belmont Lane Maplewood, MN 55109	1/5/81	83.00	100202
Sheldon H. Anderson 1361 E. Belmont Maplewood, MN 55109	1/19/81	40.00	100674
Sheldon H. Anderson 1361 E. Belmont Maplewood, MN 55119	1/20/81	80.00	100682
Margaret J. Coleman 2364 Londin Lane Maplewood, MN 55119	1/24/81	123.00	100862
Louis R. Bacigalupo 1854 Beebe #208 Maplewood, MN 55109	1/27/81	43.00	100956
Charles Anderson 1481 Ripley St. Maplewood, MN 55109 FOR: Michelle J. Anderson	1/28/81	3.00	100993
Patrick J. McBride 1700 McMenemy Maplewood, MN 55117	1/29/81	43.00	101008
Sheldon H. Anderson 1361 Belmont Lane Maplewood, MN 55109	2/3/81	14.00	101233
Mitchell W. Ott 1076 Agate #206 St. Paul, MN 55117	3/1/81	3.00	101851
Sheldon H. Anderson 1361 Belmont Lane Maplewood, MN 55109	2/23/81	14.00	102060
Irene F. Dillon 1373 Kohlman Avenue Maplewood, MN 55109	3/2/81	3.00	102321

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>
John W. Collins 2425 E. Larpenteur #304 Maplewood, MN 55109	3/22/81	3.00	103263
Lydia Garcia 1821 English #11 Maplewood, MN 55109 FOR: A. S. Dupree Garcia	4/9/81	5.00	104077
Judith Hughes 1635 Marshall St. Paul, MN 55104 FOR: Tracey L. Hughes	4/12/81	5.00	104209A
Nancy Ruth Palmer 2080 Mississippi #101 Maplewood, MN 55117	4/23/81	5.00	104692
Evelyn Kampfer 1816 Beebe Rd. #206 Maplewood, MN 55109	4/26/81	2.00	104806
Joseph Peter Palmer 1893 Kennard Maplewood, MN 55109	5/2/81	45.00	105093
Harold L. Gilpin 1533 E. Lark Maplewood, MN 55109	5/7/81	35.00	105290
Robert Leon Wynn 965 Forrest St. Paul, MN 55106	5/7/81	45.00	105294
Pat Molitor 1281 Hazelwood St. Paul, MN 55109 FOR: Jason Molitor	5/8/81	5.00	105338
John Richard Hansen 1138 Forest St. Paul, MN 55106	5/10/81	45.00	105421
Kathleen L. O'Connor 1978 Adolphus Maplewood, MN 55117	5/12/81	5.00	105520
Mary Bothwell 2006 Prosperity Maplewood, MN 55109 FOR: Nancy K. Bothwell	5/15/81	5.00	105637
Bruce W. Doris 2360 Edgerton Vadnais Hts., MN 55110	5/15/81	5.00	105663

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	
Laurean Brown 1618 - 9th Street White Bear Lake, MN 55110 FOR: Heidi A. Brown	5/22/81	5.00	105931
Louis Wm. Boykin 1286 Hazelwood #107 St. Paul, MN 55106	6/1/81	45.00	106345
Deborah Gockowski 90 Big Circle Drive Little Canada, MN 55117	6/2/81	5.00	106396
Alice M. Kranich 364 Maple Street St. Paul, MN 55106	6/6/81	45.00	106601
Madeline Peloquin 1247 N. Century #2 Maplewood, MN 55119 FOR: Steven G. Peloquin	6/12/81	45.00	106860
Valerie D. Seals 2332 Dorland Place Maplewood, MN 55109	6/16/81	45.00	107036
David J. Brunell 2351 - 17th Ave. E. No. St. Paul, MN 55109	7/4/81	85.00	107968
Rodney A. Beseman 2180 E. Lydia Maplewood, MN 55109	7/6/81	5.00	108064
Gregory B. Ross 84 McClelland Maplewood, MN 55119	7/9/81	45.00	108204
Karl A. Anderson 2590 Germain Maplewood, MN 55109	7/9/81	45.00	108206
Florence M. Jones 765 W. Terrace Drive Roseville, MN 55113	7/12/81	130.00	108343
Gerald E. Dittel 400 N. McCarrons Blvd. Roseville, MN 55113	7/12/81	45.00	108357
Barbara Johnson 2175 German Maplewood, MN 55109 FOR: Erick J. Tollefson	7/16/81	45.00	108548

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>
M. R. Stauffenecker 336 Labore Road Little Canada, MN 55117	7/17/81	45.00	108579
Robert Mitchell 1717 Florence White Bear Lake, MN 55110 FOR: Lynn Marie Mitchell	7/27/81	45.00	109089
Richard Fitch 1689 Beebe Road No. St. Paul, MN 55109 FOR: Lori Marie Fitch	8/7/81	5.00	109620
Michael P. Igo 366 Co. Rd. F White Bear Lake, MN 55110	8/9/81	45.00	109678
Vernon Stibbins 615 Reaney St. Paul, MN 55106	8/15/81	45.00	110005
Carol Y. Patterson 615 Reaney St. Paul, MN 55106	8/15/81	45.00	110005A
Richard A. Pobewils 1627 Hammond Road White Bear Lake, MN 55110	9/3/81	5.00	110846
Dotti Lehmann 2053 Porsperity Maplewood, MN 55109 FOR: Richard A. Lehmann	9/29/81	45.00	111902
Herschel T. Bauer 215 So. Crestview Maplewood, MN 55119	10/4/81	10.00	112075
Robert Russell 120 W. Iowa St. Paul, MN 55117	10/4/81	5.00	112084
Jody Kim Leyde 286 Arlington St. Paul, MN 55101	10/9/81	85.00	112266
Sidney H. Holmes 1742 Duluth Maplewood, MN 55109	10/22/81	85.00	112791
Rick F. Messin 992 Como Avenue St. Paul, MN 55103	10/26/81	5.00	112936
Jack E. Hendrickson 1909 E. Co. Rd. B Maplewood, MN 55109	11/1/81	45.00	113227

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>
Ruth Brandville 1443 E. Sandhurst Maplewood, MN 55109	11/2/81	85.00	113284
Steven J. MacDonald 2421 N. 1st Street No. St. Paul, MN 55109	11/14/81	85.00	113755
Kim Peterson 1145 University #1 St. Paul, MN 55104	11/19/81	85.00	114004
Ervin Mohs 1985 Barclay Maplewood, MN 55109 FOR: Jessica A. Mohs	12/3/81	85.00	114534
Patricia Homich 1347 E. Skillman Maplewood, MN 55109 FOR: Lisa L. Homich	12/5/81	45.00	114594
Donna M. Verhaagh 2018 Hazelwood Maplewood, MN 55109	12/7/81	85.00	114675
Deborah J. Langer 1854 Beebe Rd. #306 Maplewood, MN 55109	12/9/81	45.00	114744
Debra Peterson 1480 Lark Maplewood, MN 55109 FOR: Emily J. Peterson	12/22/81	5.00	115260
Jody Hunt 1821 English #17 Maplewood, MN 55109 FOR: Casey Lee Hunt	12/29/81	45.00	115524
Steven C. Erickson 1637 Prosperity St. Paul, MN 55106	12/29/81	5.00	115537
		<u>\$ 2,492.00</u>	

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>	<u>EXPLANATION</u>
Alan G. Bailles 5349 Anderlie Lane White Bear Lake, MN 55110 FOR: Gina Ann Bailles	01/03/81	40.00	100138	Ret'd. Mail
Maisie O. Woodbury 348 E. Co. Rd. B Maplewood, MN 55109	01/03/81	35.00	100140	\$80.00 billed* MA pd. \$45.00
Scott C. Timpane 980 Piper Drive St. Paul, MN 55112	01/28/81	40.00	100966	Ret'd. Mail
Mai Lo 1490 E. Co. Rd. B, #201 Maplewood, MN 55109	01/29/81	35.00	101020	\$80.00 billed* MA pd. \$45.00
Renee M. Haller 155 E. Little Canada #109 St. Paul, MN 55117	02/10/81	40.00	101522	Ret'd. Mail
Linda L. Howe 2321 Pond Avenue Maplewood, MN 55119	02/21/81	35.00	101949	\$80.00 billed* MA pd. \$45.00
Axel E. Anderson 2000 White Bear Avenue Maplewood, MN 55109	03/03/81	35.00	102360	\$80.00 billed Medicare/MA Pd. \$45.00*
Gayle M. Turenne 284 E. Roeller West St. Paul, MN 55118	03/06/81	40.00	102506	Not Ramsey Co.
Lena Gaetke 2000 White Bear Avenue Maplewood, MN 55109	03/19/81	35.00	103093	\$80.00 billed Medicare/MA Pd. \$45.00*
Rudolph M. Aguilar 586 Holly #3 St. Paul, MN 55102	03/21/81	40.00	103191	Ret'd. Mail
Larry Lee Eishen 6498 Uppet 54th St. N. Oakdale, MN 55109	03/30/81	40.00	103665	Not Ramsey Co.
Stephen M. Raduny 220 Grenadier Oakdale, MN 55119	04/04/81	80.00	103886	Not Ramsey Co.
Oliver VanAlstine 14420 - 90th St. So. Hastings, MN 55033 FOR: Kevin G. VanAlstine	04/13/81	80.00	104250	Not Ramsey Co.
James G. Holm 345 Univ. - Un. Gospel Miss St. Paul, MN 55101	04/20/81	40.00	104571	Ret'd. Mail

*On medical assistance cases we can only charge what MA allows--balance has to be written off.

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>	<u>EXPLANATION</u>
Michael J. Montero 6805 N. 5th Street Oakdale, MN 55109	05/06/81	40.00	105248	Not Ramsey Co.
Laurie Lynn North 530 Florence Mahtomedi, MN 55115	05/10/81	40.00	105452	Not Ramsey Co.
Harold E. Chapaloney 345 Univ. - Un. Gospel Miss. St. Paul, MN 55101	05/20/81	40.00	105873	Ret'd Mail
Elsie V. Englin 1900 E. Sherren Maplewood, MN 55109	05/13/81	35.00	105528	\$80.00 billed Medicare/MA Pd. \$45.00*
Christine Valturra 17 Grotto St. Paul, MN 55104	06/08/81	80.00	106679	Ret'd. Mail
Kevin Scott Walker 450 Nash Road Wisconsin Rapids, WI 54494	06/13/81	40.00	106921	Not Ramsey Co.
Mary C. Carlson 3208 Diamond 8 Terrace St. Anthony, MN 55421	06/18/81	80.00	107147	Ret'd. Mail
Luana M. MacCarter 4212 E. Robert E. Lee St. Phoenix, AZ 85032	06/30/81	80.00	107717	Not Ramsey Co.
Hazel V. Thro 2005 Ide #203 Maplewood, MN 55109	06/04/81	35.00	106486	\$80.00 billed Medicare/MA pd. \$45.00*
William H. Schmidt 373 Winthrop St. Paul, MN 55119	07/14/81	40.00	108447	Ret'd. Mail
Alice Irene Grant 2413 Dolphin Maplewood, MN 55119	07/16/81	25.60	108541	Billed \$80.00 payment rec'd. over MA allowable

*On medical assistance cases we can only charge what MA allows--balance has to be written off.

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>	<u>EXPLANATION</u>
Patricia A. Stettner 6173 Carmen Ave. E. Inver Grove Hts., MN 55075	07/18/81	80.00	108635	Not Ramsey Co.
Walter M. Niederoski 2691 Geranium Maplewood, MN 55119	07/29/81	12.00	109166	Billed \$80.00 Medicare allowed only 68.00.*
Janet Kay Flynn 426 Marshall St. Paul, MN 55102	08/01/81	40.00	109318	Ret'd. Mail
Kathleen M. Peterson 1512 E. Co. Rd. B #210 Maplewood, MN 55109	08/04/81	35.00	109457	Billed \$80.00 M/A allowed and paid \$45.00*
Sheldon H. Anderson 1361 E. Belmont Maplewood, MN 55109	08/16/81	80.00	110052	Previous bills filed in court never paid.
Charles W. Haines 410-B So. McKnight #15A Maplewood, MN 55119	08/19/81	40.00	110214	Bankruptcy.
Sheldon H. Anderson 1361 E. Belmont Maplewood, MN 55109	08/21/81	80.00	110268	Previous bills filed in court never paid.
Nan Louise Root 1881 Furness #111 Maplewood, MN 55109	08/28/81	80.00	110608	Ret'd. Mail
Candy J. Thomas 1854 Beebe Rd., #131 Maplewood, MN 55109	06/10/81	40.00	106772	Billed \$80 M/A allowed and paid \$45* + court fee
Tirzah Koenke 1900 E. Sherren Maplewood, MN 55109	08/25/81	35.00	110459	Billed \$80 M/A allowed and paid \$45.00*
Nadia Bradbury 896 E. 6th Street St. Paul, MN 55106	09/01/81	5.00	110759	GAMC case - Billed \$40 M/A paid \$35.00
David Leroy McKay 2001 Clark Maplewood, MN 55117	09/08/81	40.00	111032	M/A rejected
Stephen R. Andert 2113 McMenemy Maplewood, MN 55117	09/09/81	5.00	111082	GAMC case - Billed \$40 M/A paid \$35.00
Carol Jean Laducer 143 E. Arch, Apt. A St. Paul, MN 55101	09/21/81	40.00	111601	Ret'd. Mail
Lillian F. Dehaven 2593 Mayer Lane Maplewood, MN 55119	09/28/81	5.00	111852	GAMC case - Billed \$40 M/A paid \$35.00

*On medical assistance/medicare cases we can only charge what MA or medicare allows--
balance has to be written off.

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>	<u>EXPLANATION</u>
Mary Jane Welch 4701 - 81st Ave N Brooklyn Park, MN 55443	10/23/81	40.00	112848	Not Ramsey Co.
Wallace Vanderhewel 1900 Sherren Maplewood, MN 55109	10/24/81	12.00	112874	\$80.00 billed Medicare/MA Pd. \$68.00*
Marcus Monn 2000 White Bear Avenue Maplewood, MN 55109	09/21/81	12.00	111594	\$80.00 billed Medicare/MA Pd. \$68.00*
Gladys Bilderbach 1841 Myrtle Maplewood, MN 55109	10/17/81	75.00	112610	\$120.00 billed Medicare paid \$45.00*
Herschel T. Bauer 215 So. Crestview Maplewood, MN 55119	10/20/81	12.00	112732	\$80.00 billed Medicare/MA Pd. \$68.00*
Deborah J. Valentine 2349 - 12th Ave. N. No. St. Paul, MN 55109	11/19/81	35.00	113987	\$80.00 billed MA paid \$45.00*
Roy Mullen Pine Villa Apt. 115 Menahga, MN 56464	11/23/81	40.00	114128	Not Ramsey Co.
Kerry G. Conrad 689 Cimarron Lake Elmo, MN 55042	11/24/81	20.00	114166	Not Ramsey Co.
George Eiley Clark 6819 - 11th St. N. Oakdale, MN 55119	11/28/81	40.00	114342	Not Ramsey Co.
Gary John Pribnow 14166 Goodview Avenue N. Hugo, MN 55038	11/29/81	10.00	114350	Not Ramsey Co.
Paul K. Hendrickson Route 1 Downing, WI 54734	11/29/81	20.00	114381A	Not Ramsey Co.
Charles W. Haines 410 So. McKnight-B#15 Maplewood, MN 55119	12/5/81	35.00	114592	\$80.00 billed MA paid \$45.00*
Anita L. Belland 1923 E. County Rd. B Maplewood, MN 55109	12/20/81	40.00	115200	Ret'd. Mail

*On medical assistance/medicare cases we can only charge what MA or medicare allows--
balance has to be written off.

<u>NAME & ADDRESS</u>	<u>DATE OF RUN</u>	<u>AMOUNT</u>	<u>CASE NO.</u>	<u>EXPLANATION</u>
FLORENCE LEVERTY 1900 E. Sherren Avenue Maplewood, MN 55109	12/21/81	12.00	115220	\$80.00 billed Medicare/MA Pd. \$68.00*
Daniel A. Terry 6462 - 40th Street N. Oakdale, MN 55119	12/27/81	40.00	115437	Not Ramsey Co.
Lawrence A. Davidson 963 Beech Street St. Paul, MN 55106	12/29/81	80.00	115510	Ret'd. Mail
Edward G. Saum 2318 Case Maplewood, MN 55119	07/19/81	5.00	108688	Under \$10.00
Sandra Grunz 2414 Castle Avenue Maplewood, MN 55109 FOR: Jonathan M. Grunz	09/03/81	40.00	110843	Pending MA pay- ment
		<u>\$ 2,335.60</u>		

MEMORANDUM

Action by Council:

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

Endorsed _____
Modified _____
Rejected _____
Date _____

Request

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

Reasons for Change

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

Objectives of the Amendment

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

CONCLUSION

Analysis

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

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

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

Nonrelated Persons as Sole Occupants of a Dwelling Unit

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

Related Households and Nonrelated Roomers

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

Household of Two Related Persons and Nonrelated Roomers

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

Definition of Rooming and Boarding House

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

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

Recommendation

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

REFERENCE INFORMATION

Existing Ordinance

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

Other Agencies

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

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

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

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

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

Survey of Other Communities

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

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

Group Homes

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

Legal

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

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

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

Procedure

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

Enclosures

1. Proposed Ordinance
2. Survey

ORDINANCE NO. _____

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

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

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

- ~~x. -- Rooming House shall mean any residence building, or any part thereof, containing one or more rooming units, in which space is rented by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator. --~~
- x. Rooming House: As defined in Section 196.010 (26) of the City Zoning Code. For purposes of this ordinance, there shall be no distinction made between rooming and boarding house.

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT ONE

SURVEY OF CITIES CLOSEST TO MAPLEWOOD IN POPULATION

All cities surveyed allowed any number of related family members.

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

(a) Owner Occupied Dwelling

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

MEMORANDUM

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

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

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

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

B. Code Amendment - Definition of Family

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

The HRA review was summarized for the Commission.

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

Commissioner Prew seconded

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

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

Commissioner Prew seconded

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

MEMORANDUM

TO: City Manager
FROM: Associate Planner, Tom Ekstrand
SUBJECT: Ordinance Amendment - Metal Buildings
DATE: March 17, 1982

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

Request

Councilmember Juker requested that staff study the use of metal buildings in the City and consider whether or not their use should be restricted.

Reasons for Change

1. The City allows all types of metal buildings that meet the State Building Code.
2. Metal buildings, particularly pole buildings, without architectural design or decorative non-metal finishes are generally less attractive than non-metal buildings.
3. Since commercial buildings are generally in highly visible locations, their appearance has an effect on Maplewood's image.

Objectives

1. To establish minimum esthetic standards for metal buildings in commercial and industrial zones.
2. To allow the maximum use of metal buildings, while maintaining a minimum standard of appearance.

Issues

The main issues are esthetics, safety, cost and energy efficiency.

Esthetics -

Metal buildings can be as attractive as non-metal buildings, depending on their design and the addition of non-metal materials. Without special design, they can appear to be of less quality than traditional commercial buildings and may damage the image that retailers are trying to achieve in higher class commercial areas.

Metal pole buildings are a particular problem. They are also called "agri-buildings" or "pole barns." Such buildings are best suited for rural areas, or urban areas where they are not highly visible.

Safety -

Metal pole buildings are structurally secure, and if properly engineered and constructed, have no higher risk of fire or collapse than any other structure, according to the Fire Marshal and Building Official.

Cost -

Metal pole buildings are cheaper to build than other types of structures. This is probably the largest advantage from the builders point of view, especially with high inflation and high building costs.

Energy Efficiency -

Metal pole buildings can be constructed and insulated to be as energy efficient as any other type of building.

Alternatives (From most to least restrictive)

- I. Prohibit metal buildings altogether. This would eliminate the chances of any new metal buildings being built in areas where a higher degree of design is being maintained or desired.

The disadvantage is that metal pole buildings would then be prohibited from areas where they would not adversely impact the surrounding neighborhood.

- II. Leave the decision of a metal building's design and compatibility to the Community Design Review Board. The ordinance could be amended to specifically state the City's concern with this type of structure and to give the Board specific authority to deny a proposal if it is found to be incompatible with the area.

Staff feels that alternative II will best serve the City's interests as well as the developers. As long as the Board has the authority to deny a building or to require additional design treatment, metal buildings can be closely monitored.

Recommendation

Approval of the enclosed ordinance amendment (the addition has been underlined).

REFERENCE INFORMATION

Existing Code

1. The existing code does not restrict metal pole buildings, except for Building Code requirements.
2. Section 202.200 of the Community Design Review Board Ordinance states the following:

"The Board may, from time to time at its discretion, recommend to the Planning Commission that certain special community design review areas and that specific criteria to be considered in reviewing applications for development within said areas be established. The Planning Commission shall review such recommendations and shall recommend approval, modification or denial of same to the Village Council. The Village Council shall take the final action on all such recommendations and may designate said areas by resolution."

Survey

Staff surveyed twenty surrounding metropolitan communities. (See enclosed survey.) Of the cities surveyed, four prohibited metal pole buildings and sixteen permitted them. The majority of those cities which permit metal pole buildings, though they do not prohibit them by ordinance, discourage their use.

Inventory

Refer to the inventory of existing metal pole buildings in the City, and the enclosed pictures of seven of these structures. The photographs have been numbered and correspond to this key:

- | | |
|----------------------------|--------------------------|
| 1. Big A Auto Parts | 47 So. Century Avenue |
| 2. Able Mini Storage | 1800 Gervais Court |
| 3. Quality Cabinets | 2672 Highway 61 |
| 4. Don's Paint & Body Shop | 2732 Highway 61 |
| 5. Keller Golf Course | 2166 Highway 61 |
| 6. Carver General Repair | 2730 Highwood Avenue |
| 7. Residential Garage | 1240 So. Sterling Avenue |

Procedure

1. Community Design Review Board recommendation.
2. City Council hearing and first reading.
3. City Council hearing and second reading.

Mb

Enclosures:

1. Proposed Ordinance
2. Survey
3. Metal Pole Building Inventory
4. Photographs

ORDINANCE NO. _____

AN ORDINANCE AMENDMENT REGULATING THE REIVEW OF BUILDINGS

The Council of the City of Maplewood does hereby ordain as follows (additions are underlined>):

Section 1. Section 202.180 of the Maplewood Code is hereby amended to read as follows:

202.180 SUBMITTAL EVALUATION

The Community Design Review Board shall review the materials submitted with the application with respect to the following aspects of the proposal:

1. General site utilization.
2. General architectural considerations, including a review of:
 - a. The height, bulk and area of all buildings on the site.
 - b. The colors and materials to be used.
 - c. The physical and architectural relationship of the proposed with existing and proposed structures in the area.
 - d. The site, layout, orientation and location of all buildings and structures and their relationship with open areas and the topography.
 - e. Height, materials, colors and variations in boundary walls, fences or screen plantings.
 - f. Appropriateness of sign design and exterior lighting.
3. General landscaping considerations.
4. Graphics to be used.

To recommend approval of an application the Board shall make the following findings:

1. That the design and location of the proposed development and its relationship to neighboring or existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.
2. That the design and location of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly, and attractive development contemplated by this ordinance and the Village Comprehensive Municipal Plan.
3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors.

4. That metal buildings must be compatible with the character and quality of surrounding development. Special architectural design and non-metal decorative additions may be required when found to be necessary, to assure compatibility. Metal buildings may be prohibited when found not to be compatible with surrounding development.

The Board in its recommended actions for approval may:

1. Recommend any conditions that it deems reasonable to its action of approval.
2. Recommend that the applicant, as a condition, provide guarantees that the conditions of approval will be complied with.

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

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

Mayor

Attest:

Clerk

Ayes -

Nays -

METAL POLE BUILDINGS
 Survey of surrounding Metropolitan Communities
 Being Closest to Maplewood in Population

November 2, 1981

<u>City</u>	<u>Prohibit</u>	<u>Permit</u>
1. Maplewood		x
2. St. Louis Park	x	
3. Minnetonka		x
4. Richfield		x
5. Coon Rapids		x front elevations must be architectually treated.
6. Burnsville		x
7. Plymouth		x
8. Brooklyn Center	x	
9. Fridley		x
10. Blaine	x (Commercial Dis- tricts)	x (Farm & Industrial Districts)
11. Crystal		x
12. New Brighton		x Building elevations facing streets and residential/and must be architecturally heated.
13. New Hope		x
14. Golden Valley	x	
15. Apple Valley		x
16. Roseville		x
17. South St. Paul		x By Special Use Permit Only allowed in Indus- trial zones.
18. Eagen		x
19. Maple Grove		x
20. Columbia Heights		x
21. White Bear Lake		x

INVENTORY OF
EXISTING METAL POLE BUILDINGS
March 16, 1982

Business or Use	Location
1. Quality Cabinets	2672 Highway 61
2. Blake Excavating-Maplewood Auto Clinic	1201 Frost Avenue
3. Mogren Brothers Sod	2600 White Bear Avenue
4. Able Mini Storage	1800 Gervais Court
5. Sparkle Auto	3065 Highway 61
6. Keller Golf Course	2166 Highway 61
7. Sabota Landscaping	2036 English Street
9. Capitol City Adventist School	1220 South McKnight Road
10. Carver General Repair	2730 Highwood Avenue
11. Roger Fulk-Machine Shop	1810 County Road B
12. Resident's personal garage	1262 McKnight Road
13. Country Side Volkswagen/SAAB (used car department)	1180 Highway 36
14. Don's Paint and Body Shop	2732 Highway 61
15. Big A Auto Parts	47 Century Avenue
16. City of Maplewood Public Works facility (storage)	1902 E. County Road B
17. Truck Utilities	2370 English Street (building on Highway 36)
18. Berg-Torseth	2354 English Street (building on Highway 36)
19. Ramsey County Department of Parks and Recreation	2020 White Bear Avenue (Fairground)
20. Yocum Oil	2729 Stillwater Road (building on Geranium Avenue)
21. Residential Garage	1240 South Sterling Avenue
22. Group Health garage/shop	2165 White Bear Avenue
23. Oxford Disposal Service	2305 Linwood Avenue

- | | |
|--------------------------------------|--|
| 24. Delory Waterproofing | 2095 E. Larpenteur Avenue |
| 25. Larry's Western Store | 2205 E. County Road D |
| 26. Beaver Brothers | 934 County Road C |
| 27. Sport City | 2210 White Bear Avenue |
| 28. Schwinn Bicycles | 2250 White Bear Avenue |
| 29. Quansut Hut at Old Jordon Farm | McKnight Road south of Upper Afton Rd. |
| 30. Construction Center Incorporated | 2050 White Bear Avenue |
| 31. Town and Country Trailer Park | 2557 Highway 61 |
| 32. Ethan Allan Gallery | 1111 E. Highway 36 |
| 33. Midwest Mobile Homes | 1081 E. Highway 36 |
| 34. Farm Residential Agri-Building | 2480 Linwood Avenue |
| 35. Residential Garage | 873 So. Century Avenue |
| 36. Ron's 66 | 2086 Edgerton Street |
| 37. Farm Residential Agri-Building | 2445 Carver Avenue |
| 38. Farm Residential Agri-Building | 2413 Carver Avenue |
| 39. Schroeder Milk Company | 2080 Rice Street |
| 40. Structural Wood Corporation | 1175 Highway 36 |
| 41. Art's Towing | 2384 English Street |

MEMORANDUM

J-10

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

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

INTRODUCTION

Request

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

Reasons for the Change

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

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

Objectives of the Amendment

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

CONCLUSION

Issues

The main issues are aesthetics and privacy.

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

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

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

Issues - continued

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

Recommendation

Approval of the enclosed ordinance.

REFERENCE INFORMATION

Existing Code

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

Procedure

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

Enclosures:

1. Proposed Ordinance
2. Certificate of Survey

ORDINANCE NO. _____

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

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

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

919.050 (3) Minimum setbacks.

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

Side Yard Setback

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

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

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

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

Mayor

Attest:

Clerk

Ayes - _____

Nays - _____

J-11

MEMORANDUM

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: 1982 Overlay Program
DATE: May 17, 1982

The 1982 Budget did not provide funding for a bituminous overlay program similar to the 1980 and 1981 programs.

This program was so well accepted, has reduced maintenance costs, and improved rideability and safety to such a degree that a limited program for 1982 is recommended with financing provided from the Street Construction State Aid Fund.

The program in '82 differs from previous years in that the work is divided into two different types of operations. Repair, as reflected in the "Overlay Area Map" and preventive maintenance shown on the "Sealcoat Area Map."

The areas to be overlaid were selected based on available records which indicate where maintenance costs are highest, while the sealcoat area reflects where minimum preventive maintenance dollars spent today will yield maximum maintenance dollars saved in the future.

The project as shown consists of 3.1 miles of sealcoating and 4.0 miles of overlay and is estimated to cost \$168,500.00 of which \$28,300.00 is for sealcoating.

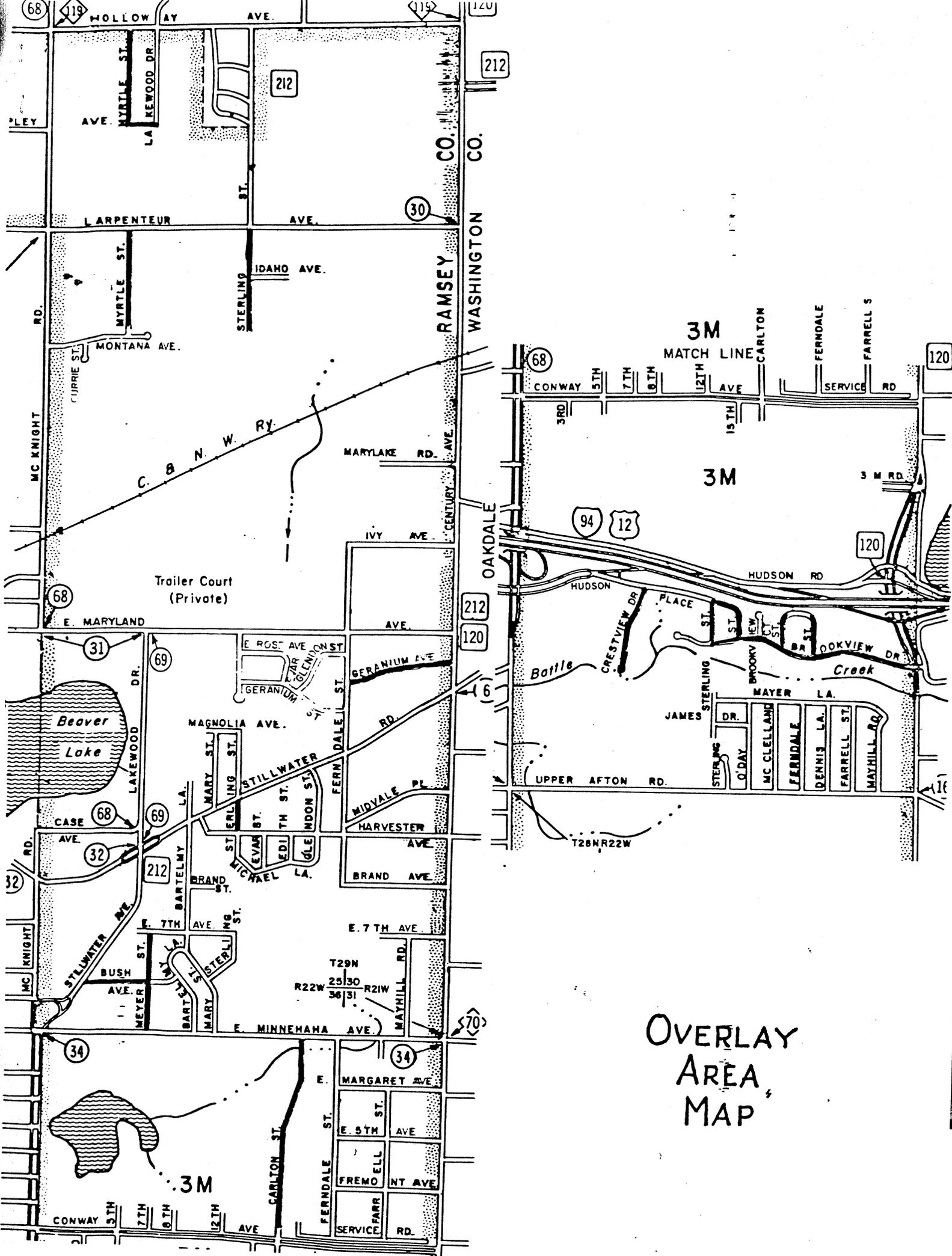
It is recommended that the staff be authorized to prepare the plans and specifications and advertise for bids.

A request for the overlay of Ide Street, south of Frost Avenue, has been received. It is felt that the additional move of paving operations to this location would make the costs excessive. It is therefore recommended that this street would be overlaid when other operations are conducted in the area in the future.

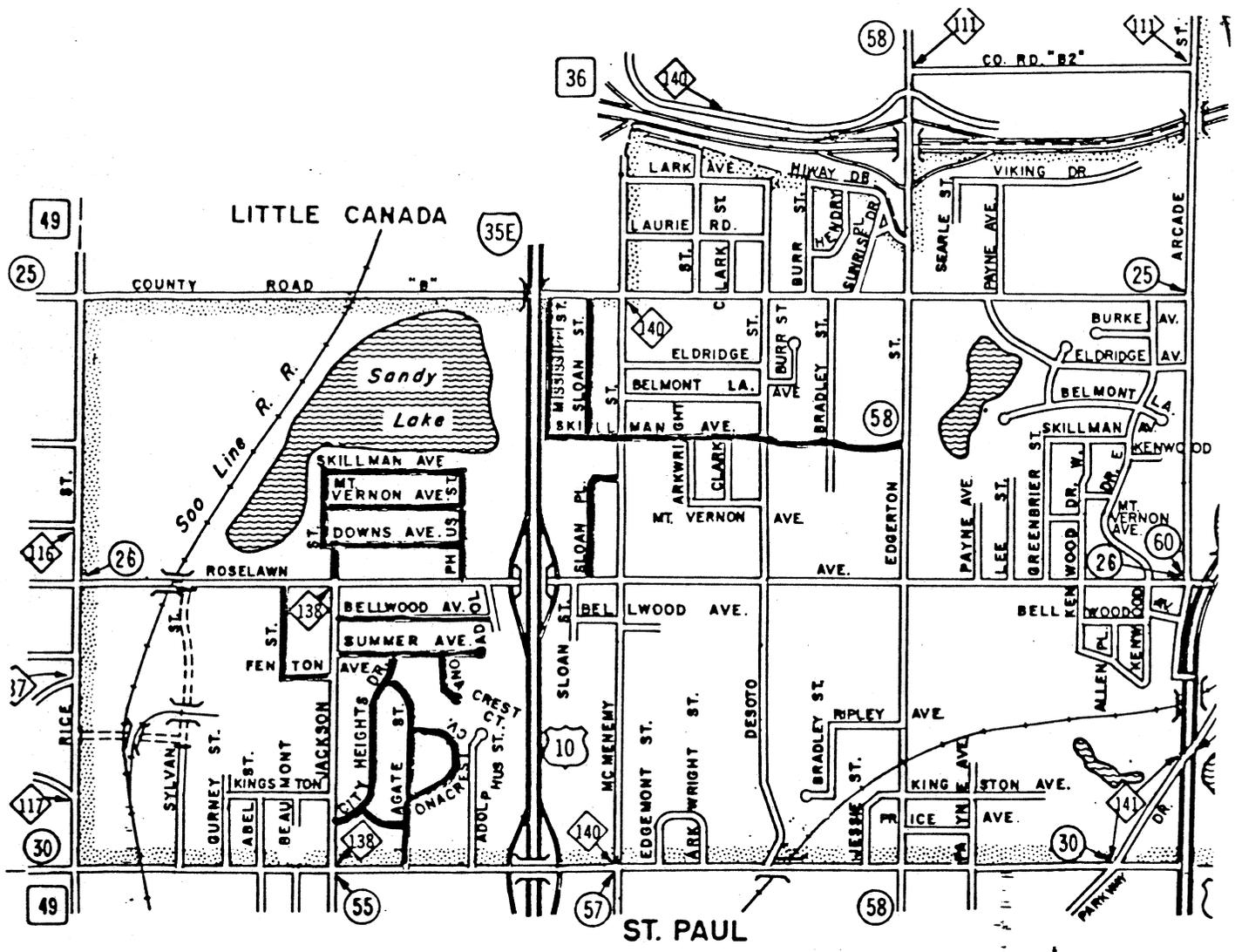
jw
enclosures

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____



OVERLAY
AREA
MAP



SEALCOAT
AREA
MAP