

Lee

AGENDA
Maplewood City Council
7:00 P.M., Monday, July 12, 1982
Municipal Administration Building
Meeting 82-16

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

1. Minutes 82-15 (June 28, 1982)

(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 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. Establish Hearing Date - Revenue Note - Emerald Inn
3. Final Approval - Revenue Note - St. Paul Business, 35E & Roselawn

(F) PUBLIC HEARINGS

1. On-Sale Liquor License - The Brothers-In-Law (7:00) _____
2. Small Kennel License - Patrick C. Rossbach (7:15) _____

(G) AWARD OF BIDS
None

(H) UNFINISHED BUSINESS

1. Roof Sign: ICO Station _____
2. Special Exception: 1770 Onacrest Drive (Beran) _____
3. Code Amendment: Minimum House Width & Foundation (2nd Reading) _____
4. Code Amendment: Metal Buildings (2nd Reading) _____
5. Code Amendment: Board of Adjustments and Appeals (2nd Reading) _____
6. The Delory Co. Request _____

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Radio Repeater Equipment _____
2. Forfeiture of Bond - Bodell's Liquors _____
3. Lot Survey Policy _____
4. Moratorium on House Moving _____
5. MiNDOT Beam Avenue Agreement _____

(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, June 28, 1982
Council Chambers, Municipal Building
Meeting No. 82-15

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, and was called to order at 7:03 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. Minutes No. 82-12 (May 20, 1982)

Councilmember Anderson moved that the Minutes of Meeting No. 82-12 (May 20, 1982) be approved as submitted.

Seconded by Councilmember Bastian.

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

2. Minutes No. 82-13 (June 14, 1982)

Councilmember Anderson moved that the Minutes of Meeting No. 82-13 (June 14, 1982) be approved as submitted.

Seconded by Councilmember Bastian.

Ayes - all.

3. Minutes No. 82-14 (June 17, 1982)

Councilmember Bastian moved that the Minutes of Meeting No. 82-14 (June 17, 1982) be approved as submitted.

Seconded by Councilmember Maida.

Ayes - all.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the agenda as amended:

1. City Sign Vandalism
2. A.M.M.
3. Down Zoning

Seconded by Councilmember Bastian.

Ayes - all.

E. CONSENT AGENDA

Councilmember Maida moved, seconded by Mayor Greavu, Ayes all, to approve the Consent Agenda Item 1 through 4 as recommended:

1. Accounts Payable

Approved the accounts (Part I - Fees, Services, Expenses - Check No. 000537 through Check No. 000595 - \$238,506.37; Check No. 013405 through Check No. 013567 - \$266,103.35; Part II - Payroll Check No. 04158 through Check No. 04283 - \$55,299.57) in the amount of \$559,909.29.

2. Used Car License (McDaniels)

Approved a Used Car Lot License for Maplewood Toyota at 2873 No. Maplewood Drive.

3. Easement Acquisition T.H. 61

Approved the payment of \$13,600.00 for perpetual and temporary construction easements for Project 80-10 to Patrick W. and Donna M. Goff owners of Outlot A, Goff's Maplewood Addition:

Permanent 29,340 SF @ \$.40/SF	=	\$11,736.00
Temporary 19,560 SF @ \$.095/SF	=	1,864.00
		<hr/>
		\$13,600.00

4. 1982 Assessment Hearings

1. Improvement 81-6 Shade Tree Disease Control Program

a. Resolution No. 82-6-66

WHEREAS, the City Clerk and City Engineer have presented the final figures for Project 81-6 Shade Tree Disease Control Program;

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.

b. Resolution No. 82-6-67

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for Project No. 81-6 Shade Tree Disease Control Program 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 22nd day of July, 1982, at the City Hall 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 said assessment.

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.

2. Improvement 79-4 English Street Improvements South of County Road C

a. Resolution No. 82-6-68

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement 79-4 English Street Improvements South of County Road C;

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.

b. Resolution No. 82-6-69

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 79-4 English Street Improvements south of County Road C 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 22nd day of July, 1982, at the City Hall at 7:15 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 said assessment.
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.

3. Improvement 78-20 Brookveiw Drive Storm Sewer

a. Resolution No. 82-6-70

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement 78-20 Brookview Drive Storm Sewer;

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.

b. Resolution No. 82-6-71

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 78-20 Brookview Drive Storm Sewer 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 22nd day of July, 1982, at the City Hall at 7:30 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 said assessment.
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.
4. Improvement 78-24 Beam Avenue West of T.H. 61

a. Resolution No. 82-6-72

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement 78-24 Beam Avenue west of T.H. 61;

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.

b. Resolution No. 82-6-73

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 78-24 Beam Avenue west of T.H. 61 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 22nd day of July, 1982, at the City Hall at 7:45 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 said assessment.
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.

5. Improvement 78-9 East Shore Drive Water Improvement

a. Resolution No. 82-6-74

WHEREAS, the City Clerk and City engineer have presented the final figures for the improvement 78-9 East Shore Drive Water Improvements;

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 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.

Resolution No. 82-6-75

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 78-9 Water Improvements, East Shore Drive 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 22nd day of July, 1982, at the City Hall at 8:00 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 said assessment.
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. Improvement 8-14 Keller Parkway Sanitary Sewer

a. Resolution No. 82-6-76

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement 80-14 Keller Parkway Sanitary Sewer;

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.

b. Resolution No. 82-6-77

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 80-14 Keller Parkway Sanitary Sewer 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 22nd day of July, 1982, at the City Hall at 8:15 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 said assessment.
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.

7. Improvement 79-15 Southlawn Radatz Improvements

a. Resolution No. 82-6-78

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement 79-15 Southlawn--Radatz Improvements;

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.

b. Resolution No. 82-6-79

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of Project No. 79-15 Southlawn--Radatz Improvements 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 22nd day of July, 1982, at the City Hall at 8:30 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 said assessment.
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.

F. PUBLIC HEARINGS

1. Adolphus Street Assessments 7:00 P.M. Continuation

a. Director of Public Works Ken Haider stated this hearing had been continued from June 17, 1982 to obtain more information pertaining to the 1/2 to 1 unit ratio being charged 1/2 unit for each apartment dwelling compared to 1 unit per single family dwelling. Following further investigation it is recommended the initial calculation of .50 to 1 be maintained.

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

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

Jerome Bovy, 1839 Onacrest
Loretta Looney, 1985 Jackson
Warren Bauer, 453 Laurie Road
Elizabeth Olson, 2129 McMenemy Road.

d. Mayor Greavu closed the public hearing.

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

86 - 6 - 80

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the reconstruction of trunk sanitary sewer as described in the files of the City Clerk as Project No. 81-4, and has amended such proposed assessment as it deems just:

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

1. Such proposed assessment, as amended, a copy of which is attached hereto

and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment for trunk sanitary sewer reconstruction shall be payable in equal annual installments extending over period of 19 years, the first of the installments to be payable on or after the first Monday in January, 1983, and shall bear interest at the rate of Thirteen (13) percent per annum from September 10, 1982. To the first installment shall be added interest on the entire assessment from September 10, 1982 until December 31, 1982. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding any portion of the cost so paid to the assessments levied for any of such later extension or improvements.
5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Anderson. Ayes - all.

2. Cricket Inn - Industrial Revenue Note 7:00 P.M.

- a. Mayor Greavu convened the meeting for a public hearing regarding the application of Tanners Lake Partners for an industrial revenue note in the amount of \$3,300,000.00 for 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 a 115 room Cricket Inn Motel. The Clerk stated the hearing notice was in order and noted the dates of publication.
- b. Manager Evans presented the staff report.
- c. A representative from Dougherty and Dawkins, financial advisors, spoke on behalf of the proposal.
- d. Representatives of Tanners Lake Partners also spoke on behalf of the proposal.
- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. None were heard.

g. Mayor Greavu closed the public hearing.

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

82 - 6 - 81

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.

/s/ John C. Greavu
Mayor

Attest:

/s/ Lucille E. Arelius
City Clerk

Seconded by Mayor Greavu.

Ayes - all.

3. Bodell, Inc. - Hearing - Liquor License Violation - 7:15 P.M.

a. Mayor Greavu convened the hearing for a public hearing regarding the revocation of the Off Sale Liquor License for Bodell, Inc., 1690 White Bear Avenue for violation of the liquor license ordinances. 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 and presented a letter from Bodell's stating they were surrendering their license and going out of business.

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 Anderson moved to revoke the Off Sale Liquor License of Bodell, Inc.

Seconded by Councilmember Juker.

Councilmember Anderson withdrew his motion.

g. Councilmember Bastian moved to forfeit the bond of Bodell's, Inc. based on the findings of a long history of violations of City Ordinances and State Statutes.

Seconded by Councilmember Anderson. Ayes - all.

h. Councilmember Anderson moved to revoke the Off Sale intoxicating liquor license held by Bodell, Inc., 1690 White Bear Avenue, based on repeated violations of state statute and City ordinance.

Seconded by Councilmember Juker. Ayes - all.

G. AWARD OF BIDS

1. Insurance

a. Manager Evans presented the staff report and stated he concurred with the recommendation of the Agents Insurance Committee that the present insurance policies be renewed for one year with the League of Minnesota Cities Insurance Trust. A representative of the committee will be at the Council meeting to answer questions.

b. Mayor Greavu moved to renew for one year the present insurance policies for

workers compensation, auto and liability coverages with the League of Minnesota
Cities Insurance trust for the following amounts:

Property	\$11,046
Liability	21,002
Auto	19,359
Bond	640
Sub Total	<u>52,047</u>
Worker's Comp.	<u>77,305</u>
	\$129,352

Seconded by Councilmember Maida. Ayes - all.

H. UNFINISHED BUSINESS

1. Rescinding of Diseased Shade Tree Ordinance

a. Manager Evans stated Ordinance No. 358 of the City of Maplewood requires certain actions on the part of staff, as well as residents of the City.

Lack of funding for the 1982 program prevents proper conduct of the program, therefore, placing staff in the position of not complying with the ordinance.

It is recommended that the ordinance be rescinded.

b. No action taken.

2. Plan Update

a. Manager Evans stated that the Council had voted to reconsider the action to approve the Comprehensive Plan Update.

b. Following discussion, Councilmember Anderson moved that the west side of White Bear Avenue from Larpenteur Avenue to Frost Avenue remain residential.

Seconded by Councilmember Juker. Ayes - all.

c. Councilmember Bastian moved to approve the Comprehensive Plan Update as amended.

Seconded by Councilmember Maida. Ayes - all.

F. PUBLIC HEARINGS (continued)

- 4. a. Special Use Permit - Frattalone Excavating, Inc.
- b. Variance - Frattalone Excavating, Inc. 7:45 P.M.

1. Mayor Greavu convened the meeting for a public hearing regarding the request of F.M. Frattalone Excavating, Inc. for a special use permit and three variances to excavate dirt from the site at Highway 61 and Beam Avenue. The Clerk stated the hearing notices were found to be in order and noted the dates of publication.

2. Manager Evans presented the staff report with the following recommendations:

- I. Approval of a special use permit for mineral extraction, subject to the following conditions:

- A. Adherence to the requirements and standards set forth in Section 917 (Mineral Extraction) of the City Code.
 - B. County Road D or Highway 61 be used exclusively for access to the subject site.
 - C. In accordance with Section 917.060 (4), annual mineral extraction permits must be obtained from the City Engineer. A plan for each year's operation shall be approved by the City Engineer. Annual permits shall designate the area, total acreage to be excavated, quantity of material to be removed, and specific erosion control measures.
 - D. All excavation shall be in accordance with each year's approved plan. No deviations shall be allowed without prior approval from the City Engineer.
 - E. There shall be no explosive detonations of any kind on the site.
 - F. A suitable structure or method of operation must be employed to remove excess dirt from truck bodies and tires prior to exiting onto a public right-of-way.
 - G. A variance be granted allowing operation beyond the 30-foot zone established in Section 917.070 (2 D) of City Code. If the variance is not granted, grading operations must comply with the above Code by ceasing 30 feet from property lines.
 - H. The permit holder is responsible for acquiring any permits from other agencies.
 - I. All grading shall be in accordance with the approved grading plan prepared by Harry S. Johnson Companies, Inc., received April 28, 1982.
- II. Approval of the three variances on the basis that:
- A. The site is not adjacent to developed property with established grades.
 - B. The owners intend to construct energy efficient earth-sheltered structures. The steeper slopes (2:1) are necessary for this type of development.
 - C. Erosion control techniques will be required to stabilize soils during and after mining operations.
3. The following Planning Commission recommendation was given:
- "Commissioner Kishel moved the Planning Commission recommend to the City Council the approval of a special use permit for mineral extraction, subject to the following conditions:
- 1. Adherence to the requirements and standards set forth in Section 917 (Mineral Extraction) of the City Code.
 - 2. County Road D or Highway 61 be used exclusively for access to the subject site.
 - 3. In accordance with Section 917.060 (4), annual mineral extraction permits must be obtained from the Director of Public Works. A plan for each year's

operation shall be approved by the City Engineer. Annual permits shall designate the area, total acreage to be excavated, quantity of material to be removed, and specific erosion control measures.

4. All excavation shall be in accordance with each years approved plan. No deviations shall be allowed without prior approval from the Director of Public Works.
5. There shall be no explosive detonations of any kind on the site.
6. A suitable structure or method of operation must be employed to remove excess dirt from truck bodies and tires prior to exiting onto a public right-of-way.
7. A variance be granted allowing operation beyond the 30-foot zone established in Section 917.070 (2 D) of City Code. If the variance is not granted, grading operations must comply with the above Code by ceasing 30 feet from property lines.
8. The permit holder is responsible for acquiring any permits from other agencies.
9. All grading shall be in accordance with the approved grading plan prepared by Harry S. Johnson Companies, Inc. received April 28, 1982.

Commissioner Sletten seconded.

Ayes - Commissioners Fischer, Howard, Kishel,
Prew, Sletten, Whitcomb, Ellefson.
Abstained - Commissioner Barrett

Commissioner Kishel moved the Planning Commission recommend approval of the three variances on the basis that:

1. The site is not adjacent to developed property with established grades.
2. The owners intend to construct energy efficient earth-sheltered structures. The steeper slopes (2:1) are necessary for this type of development.
3. Erosion control techniques will be required to stabilize soils during and after mining operations.

Commissioner Sletten seconded.

Ayes - Commissioners Fischer, Howard, Kishel,
Prew, Sletten, Whitcomb, Ellefson
Abstained - Commissioner Barrett"

4. Mayor Greavu called for proponents. None were heard.
5. Mayor Greavu called for opponents. None were heard.
6. Mayor Greavu closed the public hearing.

7. Councilmember Anderson moved to approve the special use permit as requested by Frattalone Excavating, Inc. for mineral excavation subject to the conditions given by staff and the Planning Commission.

Seconded by Councilmember Maida. Ayes - all.

8. Councilmember Bastian moved to approve the three variances as requested by Frattalone Excavating, Inc. for mineral excavation subject to the conditions

given by staff and the Planning Commission.

Seconded by Councilmember Anderson. Ayes - all.

5. PUD/Plat-Adrienne's Addition

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Castle Design and Development to revise the Linwood Heights Planned Unit Development to include the proposed Adrienne's Addition preliminary plat for (10) ten townhouse units. The Clerk stated the hearing notice was found to be in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Fischer moved the Planning Commission recommend the City Council revise the Linwood Heights Planned Unit Development to include Adrienne's Addition, subject to the Community Design Review Board making a finding that the proposed townhouses will be of a scale, design, and location that is compatible with single dwellings located on adjacent property.

Commissioner Sletten seconded.

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

Commissioner Fischer moved the Planning Commission recommend the City Council approve the Adrienne's Addition Preliminary Plat, subject to:

1. Revision of the Linwood Heights PUD to include Adrienne's Addition.
2. Revision of the Linwood Heights homeowner's association bylaws and rules, as appropriate, to include Adrienne's Addition. These changes shall be approved by City staff to insure that all common areas will be maintained and that access can be gained to all public improvements.
3. Footings shall be pinned by registered surveyor before the foundation is laid to assure that party walls will be constructed exactly on common lines, or foundations must be constructed and surveyed before submitting a final plat.
4. City engineer's approval of an erosion control plan before building permits are issued for Adrienne's Addition.
5. The developer's agreement for the Linwood Heights Development shall apply to Adrienne's Addition, with specific regard to soil stabilization following the completion of Dorland Road.

Commissioner Sletten seconded.

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

d. Mr. Ken Gervais, Castle Design and Development Company, Inc., spoke on behalf of the proposal.

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

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

g. Mayor Greavu closed the public hearing.

h. Mayor Greavu moved to approve the revision of the Linwood Heights Planned Unit Development to include Adrienne's Addition of the ten (10) townhouse units subject to the following conditions:

I. Revise the Linwood Heights Planned Unit Development to include Adrienne's Addition, subject to:

The Community Design Review Board making a finding that the proposed townhouses will be of a scale, design, and location that is compatible with single dwellings located on adjacent property.

II. Approve the Adrienne's Addition Preliminary Plat, subject to:

A. Revision of the Linwood Heights PUD to include Adrienne's Addition.

B. Revision of the Linwood Heights home owner's association bylaws and rules, as appropriate, to include Adrienne's Addition. These changes shall be approved by City staff to insure that all common areas will be maintained and that access can be gained to all public improvements.

C. Footings shall be pinned by registered surveyor before the foundation is laid to assure that party walls will be constructed exactly on common lines, or foundations must be constructed and surveyed before submitting a final plat.

D. City Engineer's approval of an erosion control plan before building permits are issued for Adrienne's Addition.

E. The developer's agreement for the Linwood Heights Development shall apply to Adrienne's Addition, with specific regard to soil stabilization following the completion of Dorland Road.

Seconded by Councilmember Bastian. Ayes - all.

6. Mobile Homes - R-1 Zone 8:30 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the proposal to amend the zoning code to establish a minimum building width and permanent foundations for structures constructed in an R-1 zoning district. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Barrett moved the Planning Commission recommend to the City Council approval of the proposed ordinance included in the staff report dated June 2, 1982, which restricts building width and has a foundation requirement.

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

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

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

f. Mayor Greavu closed the public hearing.

g. Councilmember Juker moved first reading of an ordinance amending the zoning code to establish building width and foundation requirements in an R-1 Zoning District.

Seconded by Councilmember Bastian. Ayes - all.

I. VISITOR PRESENTATIONS

None.

J. NEW BUSINESS

1. Code Amendment - Metal Buildings - 1st Reading

a. Manager Evans stated the City Council on May 20, 1982 directed staff to prepare an ordinance amendment prohibiting the erection of any new metal pole buildings in Maplewood and to restrict the construction of buildings with metal exteriors to M-1, Light Manufacturing, M-2, Heavy Manufacturing and B.C. Business Commercial districts.

b. Board Member Tom Deans, Community Design Review Board, presented his views on the proposal.

c. Councilmember Anderson moved first reading of an ordinance regulating the construction of metal pole buildings.

Seconded by Councilmember Juker. Ayes - all.

2. Soo Line Abandonment

a. Manager Evans stated a committee of staff people, representing Maplewood, St. Paul, Oakdale, North St. Paul, Ramsey County, Washington County, DNR, MnDOT, and Metropolitan Council, have been meeting over the last few months to discuss the feasibility of acquiring all or part of the Soo Line Railroad right-of-way for a bike trail.

A task force is needed to negotiate with the railroad and develop a financing plan to pay for the right-of-way. The first meeting of the task force will be on June 30 from 4:30 to 6:00 p.m. A representative from Maplewood should be appointed.

b. Councilmember Maida moved to appoint City Manager Barry Evans to the task force to negotiate with the Soo Line railroad to develop a financing plan to pay for the right-of-way.

Seconded by Mayor Greavu. Ayes - all.

3. Code Amendment - Board of Adjustments - First Reading

a. Manager Evans stated the Council, on May 20, directed staff to prepare an ordinance amendment replacing the Board of Appeals and Adjustments with the City Council.

b. Councilmember Bastian moved to approve first reading of an ordinance replacing the Board of Appeals and Adjustments with the City Council.

Seconded by Councilmember Anderson. Ayes - all.

4. H.R.A. Housing Program

- a. Manager Evans presented the staff report.
- b. Mr. Stan Keel, Holmes and Graven, spoke and answered questions from the Council.
- c. Councilmember Bastian moved concept approval of the HRA Housing program as presented to assist moderate income older adults and first time home buyers secure housing that meets their needs and to authorize a market feasibility study for the proposal subject to the following recommendations:
 - I. Concept approval of a housing program which includes the following elements:
 - A. Construction of from 100-125 new housing (condominium or cooperative) for moderate income older adults through tax increment financing.
 - B. Study the possibility of relying on the MHFA's tax exempt housing revenue bonding authority to assist first-time home buyers purchase homes in Maplewood which are presently occupied by moderate income older adults. If not feasible to rely on MHFA monies, pursue the feasibility of Maplewood sponsoring the issue.
 - II. Authorize a \$4000 expenditure from the City's contingency fund to Gary Solomonson Associates for the preparation of a market feasibility study for the HRA's seniors/first-time home buyers housing proposal, subject to:
 - A. Confirmation that Gary Solomonson Associates' work is recognized by Standard and Poors.
 - B. An agreement being secured with each developer that, if selected, they will pay the costs of both phases of the feasibility study.
 - C. Written confirmation from Gary Solomonson Associates that both phases of the market feasibility study can be completed by August 2, 1982.
 - III. City Manager or Finance Officer shall contact the School District for joint contributions.

Seconded by Councilmember Anderson. Ayes - all.

K. COUNCIL PRESENTATIONS

- 1. City Sign Vandalism
 - a. Councilmember Bastian questioned what had happened to the City's Maple Leaf on the front of City Hall.
 - b. Staff stated the sign is being repainted and is not finished yet.
- 2. Association of Metropolitan Municipalities
 - a. Councilmember Bastian questioned if the City had paid the annual dues for this organization.
 - b. Staff will investigate.
- 3. Down Zoning

a. Councilmember Bastian stated at the corner of Larpenteur and Jackson the property is zoned high density in the middle of residential zoning. He questioned if there are other areas such as this one in the City, if so can these properties be down zoned. He also is concerned about the use of school property which are being closed at this time, particularly Harmony School.

b. Councilmember Bastian moved that the Planning Commission begin to investigate the down zone questions and report back to the Council regarding this and also new zones that the Planning Commission would find desirable.

Seconded by Councilmember Anderson. Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

9:40 P.M.

City Clerk

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota, was duly called and held in the Council Chambers in said City on the 28th day of June, 1982, at 7:00 P.M.

The following members were present: Mayor Greavu
Councilmembers Anderson, Bastian, Juker, Maida

The following members were absent: None

Councilmember Bastian introduced the following resolution and moved its adoption:

RESOLUTION APPROVING THE COMPREHENSIVE PLAN UPDATE
82-6-81A

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

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

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

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

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

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

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

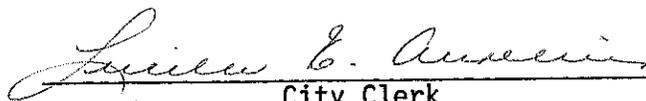
Seconded by Councilmember Maida Ayes all

Adopted this 28th day of June, 1982.

STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS.
CITY OF MAPLEWOOD)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Maplewood, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City of Maplewood, held on the 28th day of June, 1982, with the original on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to the Comprehensive Plan Update.

Witness my hand as such Clerk and the corporate seal of the City this 29th day of December, 1982.



City Clerk
City of Maplewood, Minnesota

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000596	1,894.18	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000597	3,963.50	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000598	8,563.61	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PERA
000599	14.75	MINNESOTA STATE DOCUMNTS	BOOKS
000600	3,438.50	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000601	282.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000602	76.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000603	2,434.35	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000604	123.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000605	2,295.25	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000606	312.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000607	76.13	KENTUCKY FRIED CHICKEN	SUPPLIES, PROGRAM
000608	333.15	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENSAT.
000609	17,786.09	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE
000610	7,149.85	STATE OF MN	STATE INCOME TAX PAYAB
000611	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
000612	277.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
000613	297.43	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES PA
000614	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE
000615	10,871.00	CITY + CTY CREDIT UNION	CREDIT UNION DED PAYAB
000616	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYABL
000617	279.70	MN BENEFIT ASSOC	MBA INS PAYABLE
000618	141.12	WISCONSIN DPT OF REVENUE	STATE INCOME TAX PAYAE

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
000619	14,378.66	MN STATE TREASURER-FICA	F.I.C.A. PAYABLE AND-DUE TO OTHER GOVT
000620	3,205.00	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000621	169.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000622	105.00	LEAGUE OF MN HUMAN RIGHT	TRAVEL + TRAINING
000623	265.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000624	2,469.70	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000625	2,454.50	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000626	182.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000627	8.00	METRO AREA MGT ASSOC	TRAVEL + TRAINING
000628	74.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000629	2,314.45	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000630	112.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000631	1,612.20	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000632	233.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000633	11.70	BOARD OF WATER COMM	UTILITIES
000634	15.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000635	227.00	MINN STATE TREASURER	DNR LICENSE FEES PBL
000636	200.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000637	3,453.85	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000638	229.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000639	3,605.50	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000640	1,911.04	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000641	3,963.29	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PER
000642	8,353.10	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, PER

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
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000643	13,600.00	PATRICK W GOFF AND	LAND, EASEMENTS
000644 *	375.00	TWIN CITIES MUSICIANS	FEES, SERVICE 4th of July Celebrati
000645	162.00	MINN STATE TREASURER	STATE D/L FEES PAYABL
000646	4,971.75	MINN STATE TREASURER	MV LICENSE FEES PAYAB
000647	2,966.70	MINN STATE TREASURER	MV LICENSE FEES PAYAB
52	132,515.55	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
013568	75.00	AMERICAN PUBLIC	TRAVEL + TRAINING
013569	511.50	AQUAZYME MIDWEST	FEES, SERVICE Chemical Toilets
013570	299.70	ARBOR PLASTICS PRODUCTS	MAINTENANCE MATERIALS
013571	12.66	BOARD OF WATER COMM	UTILITIES
013572	256.54	BOARD OF WATER COMM	OUTSIDE ENGINEERING F
013573	114.41	BOARD OF WATER COMM	OUTSIDE ENGINEERING F
013574	7.22	BILL BOYER FORD	SUPPLIES, VEHICLE
013575	284.18	BRAD RAGEN INC	SUPPLIES, VEHICLE
013576	23.90	BROWN PHOTO	MAINTENANCE MATERIALS
013577	3.05	CAPITOL RUBBER STAMP CO	SUPPLIES, OFFICE
013578	107.99	COLLINS ELECTRICAL CONST	MAINTENANCE MATERIALS
013579	64.96	COPY EQUIPMENT	SUPPLIES, EQUIPMENT
013580	10.80	DISPATCH-PIONEER PRESS	SUBSCRIPTIONS+MEMBERS
013581	1,466.52	EASTMAN KODAK CO	DUPLICATING COSTS
013582	215.80	BARRY EVANS	TRAVEL + TRAINING AND-VEHICLE ALLOWANCE
013583	1,423.00	FLEXIBLE PIPE TOOL CO	SUPPLIES, VEHICLE
013584	110.57	FOX VALLEY MARKING SYST	SMALL TCOLS
013585	24.72	PETER GANZEL	TRAVEL + TRAINING
013586	9.13	GENERAL MOTORS CORP	SUPPLIES, VEHICLE
013587	2,112.00	GEOTECHNICAL ENG CORP	OUTSIDE ENGINEERING F
013588	34.30	GLADSTONE LUMBER MART	MAINTENANCE MATERIALS
013589	336.58	DUANE GRACE	FEES, SERVICE Temp. Bldg. Inspector
013590	10.57	JANET GREW	SUPPLIES, OFFICE AND-SUPPLIES, PROGRAM
013591	4.00	HANDY HITCH + WELDING CO	SUPPLIES, PROGRAM

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
013592	46.23	HARMON GLASS	SUPPLIES, VEHICLE
013593	23.45	HILLCREST CHAMPION AUTO	SUPPLIES, EQUIPMENT
013594	9.77	HIRSHFIELDS	SUPPLIES, OFFICE
013595	6.30	HOWIES LOCK + KEY SERVIC	SUPPLIES, OFFICE AND-SUPPLIES, EQUIPME
013596	35.00	INTER ASSN OF CHIEFS	SUBSCRIPTIONS+MEMBERS
013597	16.60	INTL CITY MGMT ASSOC	BOOKS
013598	69.84	INTERNATIONAL HARVESTER	SUPPLIES, VEHICLE
013599	138.00	INTL TOWEL-LINEN CO	MAINTENANCE MATERIALS
013600	234.28	KNOX LUMBER COMPANY	MAINTENANCE MATERIALS
013601	32.50	RICHARD J LANG	SUPPLIES, PROGRAM
013602	150.00	MAPLEWOOD REVIEW	PUBLISHING
013603	127.60	MENSIOR INDUSTRIES	SUPPLIES, VEHICLE
013604	87,939.93	METRO WASTE CONTROL COMM	SEWAGE TREATMENT
013605	32.50	DANIEL METTLER	SUPPLIES, PROGRAM
013606	76.60	MINNESOTA TORO	SUPPLIES, VEHICLE
013607	4.66	STATE OF MN	REP. + MAINT., EQUIPM
013608	7.50	MINN STATE TREASURER	FEES, SERVICE Certification
013609	875.10	MOTOROLA INC	REP. + MAINT., RADIO
013610	105.00	MUNIC. FINANCE OFFICERS	TRAVEL + TRAINING
013611	20.80	NATIONAL BUSINESS SYSTEM	FEES, SERVICE Microfiche
013612	17.90	NATIONAL WILDLIFE FED	SUPPLIES, PROGRAM
013613	3.57	ROBERT D NELSON	TRAVEL + TRAINING
013614	16,311.50	CITY OF NORTH ST PAUL	DUE TO OTHER GOVT UNIT Street Improvements
013615	11.10	NORTHERN STATES POWER CO	UTILITIES
013616	618.72	NORTHERN STATES POWER CO	UTILITIES

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
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013617	442.70	NORTHERN STATES POWER CO	UTILITIES
013618	578.27	NORTHERN STATES POWER CO	UTILITIES
013619	46.25	NW SERVICE STATION EQUIP	FEES, SERVICE Fuel Pumps
013620	685.23	NORTHWESTERN BELL TEL CO	TELEPHONE
013621	832.49	NORTHWESTERN BELL TEL CO	TELEPHONE
013622	531.70	NORTHWESTERN BELL TEL CO	TELEPHONE
013623	199.23	NORTHWESTERN BELL TEL CO	TELEPHONE
013624	1,081.85	NORTHWESTERN BELL TEL CO	TELEPHONE
013625	493.18	PARK MACHINE INC	REP. + MAINT., VEHICL AND-SUPPLIES, VEHICLE
013626	95.50	PETROLEUM MAINT CO	FEES, SERVICE Pump water from Tanks
013627	3,369.85	RAMSEY COUNTY TREASURER	FEES, SERVICE AND-OUTSIDE ENGINEERI Stripe Streets
013628	26.55	REEDS SALES + SERVICE	SUPPLIES, VEHICLE
013629	91.10	RUGGED RENTAL RUGS	FEES, SERVICE Rug Cleaning
013630	197.15	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE
013631	108.83	A C SCHATZ	TRAVEL + TRAINING
013632	2,581.60	T A SCHIFSKY + SONS INC	MAINTENANCE MATERIALS
013633	31.65	SPECIALTY RADIO SERVICE	REP. + MAINT., RADIO
013634	6.05	PAULINE STAPLES	SUPPLIES, PROGRAM
013635	1,520.92	DON STREICHER GUNS INC	SUPPLIES, RANGE
013636 *	296.72	TARGET STORES INC	SUPPLIES, PROGRAM AND-SUPPLIES, OFFICE AND-MAINTENANCE MATER
013637	67.00	TITLE INS CO OF MINN	LEGAL + FISCAL
013638	37.50	TWIN CITY FILTER SERV IN	FEES, SERVICE Filters cleaned
013639	131.75	TWIN CITY TESTING	OUTSIDE ENGINEERING FE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013640	17.50	UNIFORMS UNLIMITED	UNIFORMS + CLOTHING
013641	183.89	WARNERS TRUEVALUE HDW	MAINTENANCE MATERIALS AND-SUPPLIES, PROGRAM AND-SMALL TOOLS AND-SUPPLIES, OFFICE
013642	72.53	WINDSOR LANDSCAPING INC	MAINTENANCE MATERIALS
013643	25.15	ZEP MFG CO	SUPPLIES, JANITORIAL
013644 *	159.30	LYNN A ANDERSON	WAGES, P/T + TEMP.
013645 *	287.43	DAVID BAIR	WAGES, P/T + TEMP.
013646 *	361.25	PAUL ALAN HAGSTROM	WAGES, P/T + TEMP.
013647 *	87.30	JULIE MCCOLLUM	WAGES, P/T + TEMP.
013648	264.00	JEFFERY RASCHKE	WAGES, P/T + TEMP.
013649 *	164.50	BRIAN SHERBURNE	WAGES, P/T + TEMP.
013650 *	369.37	C GARY TEWINKEL	WAGES, P/T + TEMP.
013651 *	332.80	THOMAS THELL	WAGES, P/T + TEMP. AND-TRAVEL + TRAINING
013652 *	376.65	MAURICE WEINBLATT	WAGES, P/T + TEMP.
013653 *	120.00	DAWN MARIE SPANNBAUER	WAGES, P/T + TEMP.
013654 *	10.00	LYLE DUCKLOW	R E F U N D
013655 *	10.00	JACOB HAEGELE	R E F U N D
013656 *	12.00	BARBARA KRUMMEL	R E F U N D
013657 *	10.00	ROBERT MINAR	R E F U N D
013658 *	10.00	PAUL MORRIS	R E F U N D
013659 *	10.00	JARREL RUDDICK	R E F U N D
013660 *	12.00	KATHY URBANSKI	R E F U N D
013661 *	9.00	MARY ZIERHUT	R E F U N D
013662	72.49	GARRETT FREIGHTLINES INC	MAINTENANCE MATERIALS

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
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013663 *	12.00	NEELIMA KINIKAR	R E F U N D
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013664 *	12.00	JUDITH PETERSON	R E F U N D
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013665 *	10.00	NANCY KOLLER	R E F U N D
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013666 *	12.00	CAROLYN VIK	R E F U N D
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013667 *	9.00	E.P. HUSNICK	R E F U N D
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013668 *	12.00	THERESA JUFNER	R E F U N D
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013669	140.00	INDIANHEAD TRUCK LINES	FEES, SERVICE Diesel Fuel Transfer
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013670	16.53	AMOCO OIL CO	FUEL + OIL
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013671	8.00	UNIV OF WISC ARBORETUM	SUBSCRIPTIONS+MEMBERS
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104	131,150.01	CHECKS WRITTEN	
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TOTAL OF	156 CHECKS TOTAL	263,665.56	
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* INDICATES ITEMS FINANCED BY RECREATIONAL FEES

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME			GROSS PAY	NET PAY
04285	BEHM	LOIS	N	586.62	407.44
04286	EVANS	BARRY	R	1,817.54	1,089.09
04287	LEWIS	VIVAN	R	740.31	489.10
04288	PELOQUIN	ALFRED	J	747.23	193.39
04289	SCHLEICHER	JOHN	F	127.50	127.50
04290	OUDE	LARRY	J	191.54	145.44
04291	DOHERTY	KATHLEEN	M	305.00	217.56
04292	ZUERCHER	JOHN	L	115.39	115.13
04293	FAUST	DANIEL	F	1,446.46	950.94
04294	HAGEN	ARLINE	J	888.92	404.43
04295	MATHEYS	ALANA	K	677.54	473.93
04296	VIGOREN	DELORES	A	586.62	399.79
04297	AURELIUS	LUCILLE	E	1,350.46	705.29
04298	SELVOG	BETTY	D	711.23	463.70
04299	GREEN	PHYLLIS	G	752.26	519.74
04300	SCHADT	JEANNE	L	107.68	88.62
04301	VIETOR	LORRAINE	S	561.69	386.08
04302	HENSLEY	PATRICIA	A	340.20	248.78
04303	FREDERICKSON	RITA	M	68.00	68.00
04304	STOTTLEMYER	EDITH	G	143.00	143.00
04305	BASTYR	DEBORAH	A	532.16	261.39
04306	HAGEN	THOMAS	L	1,424.31	331.08
04307	OMATH	JOY	E	553.39	381.01
04308	RICHIE	CAROL	L	488.31	307.58
04309	SVENDSEN	JOANNE	M	706.12	461.48

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME			GROSS PAY	NET PAY
04310	ARNOLD	DAVID	L	1,171.39	430.51
04311	ATCHISON	JOHN	H	1,036.15	678.37
04312	BOWMAN	RICK	A	314.77	252.75
04313	CAHANES	ANTHONY	G	1,204.16	133.85
04314	CLAUSON	DALE	K	1,036.15	156.73
04315	COLLINS	KENNETH	V	1,175.54	49.47
04316	DREGER	RICHARD	C	1,301.75	744.16
04317	GREEN	NORMAN	L	1,195.85	650.92
04318	HALWEG	KEVIN	R	1,016.77	518.39
04319	HEINZ	STEPHEN	J	774.46	490.21
04320	HERBERT	MICHAEL	J	1,016.77	622.84
04321	JACQUITH	DANIEL	R	774.46	489.46
04322	KORTUS	DONALD	V	508.40	325.84
04323	LANG	RICHARD	J	1,056.00	518.94
04324	MCDULTY	JOHN	J	1,255.15	221.01
04325	MEEHAN, JR	JAMES	E	997.38	506.64
04326	NETTLER	DANIEL	B	1,036.61	665.26
04327	MOESCHTER	RICHARD	M	1,016.77	133.83
04328	MORELLI	RAYMOND	J	1,016.77	671.99
04329	PELTIER	WILLIAM	F	1,151.54	655.35
04330	SKALMAN	DONALD	W	1,016.77	165.46
04331	STAFNE	GREGORY	L	1,026.30	649.90
04332	STILL	VERNON	T	997.38	576.91
04333	STOCKTON	JARRELL	T	1,016.08	649.95
04334	ZAPPA	JOSEPH	A	1,197.23	765.07

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME			GROSS PAY	NET PAY
04335	BECKER	RONALD	D	1,065.23	256.23
04336	CUSICK	DENNIS	S	1,332.00	854.72
04337	GRAF	DAVID	M	1,065.23	510.12
04338	LEE	ROGER	W	1,104.00	625.47
04339	MELANDER	JON	A	1,065.23	20.57
04340	NELSON	CAROL	M	1,016.77	660.06
04341	RAZSKAZOFF	DALE	E	1,084.61	149.59
04342	RYAN	MICHAEL	P	1,065.23	470.11
04343	VORWERK	ROBERT	E	1,065.23	182.29
04344	YOUNGREN	JAMES	G	1,111.29	652.00
04345	EMBERTSON	JAMES	M	944.31	631.56
04346	SCHAUT	ALFRED	C	1,127.54	685.12
04347	FLAUGHER	JAYME	L	677.54	445.27
04348	FULLER	JAMES	D	586.62	428.16
04349	NELSON	KAREN	A	645.23	408.46
04350	NELSON	ROBERT	D	1,175.54	635.72
04351	RABINE	JANET	L	549.69	380.43
04352	TUCHNER	NICHELE	A	651.28	327.83
04353	WILLIAMS	DUANE	J	1,055.54	472.42
04354	BARTA	MARIE	L	453.69	326.04
04355	HAIDER	KENNETH	G	1,391.08	229.34
04356	WEGWERTH	JUDITH	A	496.54	355.50
04357	CASS	WILLIAM	C	1,157.08	573.03
04358	FREBERG	RONALD	L	824.00	510.54
04359	HELEY	RONALD	J	824.00	538.88

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME			GROSS PAY	NET PAY
04360	HOCHBAN	JOSEPH	H	790.40	527.58
04361	KANE	MICHAEL	R	824.00	370.60
04362	KLAUSING	HENRY	F	829.04	453.17
04363	MEYER	GERALD	W	859.94	439.20
04364	PRETTNER	JOSEPH	B	1,126.80	712.72
04365	REINERT	EDWARD	A	824.00	538.88
04366	TEVLIN, JR	HARRY	J	835.65	524.95
04367	ELIAS	JAMES	G	981.69	609.01
04368	GANZEL	PETER	R	446.00	386.87
04369	GEISLER	WALTER	M	1,022.74	601.70
04370	GESSELE	JAMES	T	893.54	603.03
04371	PECK	DENNIS	L	1,055.32	544.79
04372	PILLATZKE	DAVID	J	1,157.08	792.12
04373	WYMAN	JAMES	N	797.54	555.69
04374	LUTZ	DAVID	P	562.62	384.18
04375	BREHEIM	ROGER	W	769.60	490.07
04376	EDSON	DAVID	B	840.00	569.32
04377	MULWEE	GEORGE	W	769.60	493.03
04378	NADEAU	EDWARD	A	853.60	568.47
04379	NUTESON	LAVERNE	S	1,086.00	482.40
04380	OWEN	GERALD	C	840.00	500.86
04381	MACDONALD	JOHN	E	908.80	459.78
04382	MULVANEY	DENNIS	M	878.40	536.25
04383	BRENNER	LOIS	J	715.65	293.88
04384	KRUMMEL	BARBARA	A	283.92	135.91

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME			GROSS PAY	NET PAY
04385	ODEGARD	ROBERT	D	1,364.77	842.83
04386	STAPLES	PAULINE	M	1,056.92	686.35
04387	GERMAIN	DAVID	A	824.00	535.20
04388	GUSINDA	MELVIN	J	1,098.20	620.57
04389	HELEY	ROLAND	B	839.29	557.10
04390	LEMON	JEFFREY	S	113.40	113.40
04391	MAIDA	MATTHEW	J	288.00	240.76
04392	MARUSKA	MARK	A	824.00	541.03
04393	RASCHKE	ALBERT	F	205.00	183.06
04394	SANDQUIST	THOMAS	J	30.88	30.88
04395	SANTA	REED	E	834.20	487.76
04396	SPANNBAUER	MARTIN	J	320.00	320.00
04397	STARK	RICHARD	E	320.00	320.00
04398	WARD	TROY	G	320.00	320.00
04399	WARZEKA	RICHARD	A	399.00	332.80
04400	SPANNBAUER	KATHLEEN	G	80.00	76.73
04401	TAUBMAN	DOUGLAS	J	804.00	517.20
04402	WARD	ROY	G	328.62	253.25
04403	GREW	JANET	M	684.92	448.59
04404	SOUTTER	CHRISTINE		710.60	485.48
04405	CHLEBECK	JUDY	M	711.23	300.63
04406	OLSON	GEOFFREY	W	1,340.31	822.75
04407	EKSTRAND	THOMAS	G	932.83	573.49
04408	JOHNSON	RANDALL	L	932.83	597.83
04409	OSTROM	MARJORIE		1,133.54	716.30

CERTIFICATION REGISTER

CHECK DATE 07-02-82

CHECK	NAME		GROSS PAY	NET PAY
04410	WENGER	ROBERT J	857.54	497.58
CHECK REGISTER TOTALS			103,126.59	56,428.79
04284	Burke	Myles R	824.00	451.39
CHECK REGISTER TOTALS			103,950.59	56,880.18

LAW OFFICES
BRIGGS AND MORGAN

PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

SAINT PAUL, MINNESOTA 55101

2452 IDS CENTER

MINNEAPOLIS, MINNESOTA 55402

(612) 291-1215

July 6, 1982

CHARLES W. BRIGGS (1887 - 1978)
J. NEIL MORTON
COLE ORHLER
A. LAURENCE DAVIS
FRANK HAMMOND
LEONARD J. KEYES
B. C. HART
JOHN M. SULLIVAN
BERNARD F. FRIEL
BURT E. SWANSON
M. J. GALVIN, JR.
DAVID C. FORSBERG
JOHN J. MCNEELY
GERALD H. SWANSON
MCNEIL V. SETICOUR, JR.
TERENCE N. DOYLE
RICHARD H. KYLE
JONATHAN H. MORGAN
JOHN L. DEVNEY
R. L. SORENSON
PETER H. SEED
PHILIP L. BRUNER
SAMUEL L. HANSON
RONALD E. ORCHARD
JOHN R. KENEFICK
JOHN R. FRIEDMAN
DAVID J. SPENCER
DANIEL J. COLE, JR.
PETER W. SIPKINS
DOUGLAS L. SKOR
MICHAEL H. JERONIMUS
R. SCOTT DAVIES
JAMES W. LITTLEFIELD
JOHN B. VAN DE NORTH, JR.
STEVEN Z. KAPLAN
RICHARD G. MARE
ANDREW C. BECHER
JEROME A. GRIS
STEVE A. BRAND

MARE W. WESTRA
ALAN H. MACLIN
JEFFREY F. SEAW
DAVID G. GREENING
DAVID B. SAND
BETTY L. HUM
CHARLES R. HAYNOR
ROCCO J. MAPPEL, JR.
ANDREA M. BOND
MARTIN H. FISE
JOHN BULTENA
ROBERT L. DAVIS
RICHARD H. MARTIN
TRUDY H. SCHROER
MARY L. IPPEL
DAVID J. ALLEN
ROBYN L. HANSEN
MARGARET K. SAVAOG
JEANNE M. FORNERIS
BRIAN G. BELISLE
TONY R. STEMBERGEB
MARY SCHAFFNER EVINGER
MICHAEL H. STREATER
STEVEN T. HALVERSON
RICHARD D. ANDERSON
SALLY A. SCOGGIN
JAMES F. CHRISTOFFEL
DAVID C. McDONALD
BRUCE W. MOOTY
VIRGINIA A. DWYER
TRUDY R. GASTAZORO
ELIZABETH J. ANDREWS
PETER C. HALLS
CHARLES B. ROGERS
OF COUNSEL
RICHARD E. KYLE
SAMUEL H. MORGAN
FRANK N. GRAHAM

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

REPLY TO Saint Paul

Re: City of Maplewood - Commercial Development Note
of 1982 (Emerald Inn Project)

Dear Lou:

Enclosed in connection with the above referenced matter
are the following documents:

1. Application to the Commissioner of Energy,
Planning and Development together with the
exhibits required by the application
2. Resolution Calling for a Public Hearing
3. Preliminary Resolution

It is my understanding that the Resolution Calling
for a Public Hearing will be acted upon at the Council meeting
on July 12. In the Notice of Public Hearing I set the hearing
date for August 9, 1982. If this is not acceptable or if you
have any other questions, please do not hesitate to contact
me.

Very truly yours,

Mary L. Ippel
Mary L. Ippel

MLI:jat
Enc.

APPLICATION/AGREEMENT
FOR TAX EXEMPT
MORTGAGE REVENUE NOTE FINANCING

This Agreement is hereby entered into between the City of Maplewood, Minnesota, hereinafter called the "City" and Emerald Inn of Maplewood hereinafter called the "applicant".

The applicant is requesting financing for a development project and desires that the City issue notes according to the terms of the Municipal Industrial Development Act of 1967 as amended. In order for the application to be considered by the City, the applicant hereby agrees to pay all costs involved in the legal and fiscal review of the proposed project and all costs involved in the issuance of said notes to finance the project.

It is further agreed and understood that the City reserves the right to deny any application for financing in any stage of the proceedings prior to adopting the resolution authorizing the issuance of notes.

1. APPLICANT:

- a. Business Name - Emerald Inn of Maplewood
- b. Business Address - 771 NE Harding Street, Minneapolis, Mn 55413
- c. Business Form (corporation, partnership, sole proprietorship, etc.) -
- d. Authorized Representative - Chayton Corporation, 771 NE Harding, Mpls, Mn
- e. Telephone - 612/378-2563

2. NAME(S) OF MAJORITY STOCKHOLDERS, OFFICERS & DIRECTORS, PARTNERS, PRINCIPALS:

- a. Judson Dayton
- b. Duncan Dayton
- c. Edmund Chute
- d. Fred Chute, Jr.
- e. David Chute
- f. Arthur B. Johnson

3. INCLUDE A PROPERTY LINE MAP SHOWING EXACT LOCATION OF PROPERTY, NAMES OF ADJACENT STREETS, AND DIMENSIONS OF PROPERTY.

4. NATURE OF BUSINESS

- a. Briefly describe the project proposal: 66-unit Emerald Inn economy motel, similar to the Northridge Emerald Inn at 694 & Lexington in Arden Hills.

b. Is the project associated with an existing Maplewood Business?
Yes _____ No X. If yes: Relocation _____ Expansion _____
Rehabilitation _____

5. AMOUNT OF CITY FINANCING BEING REQUESTED: \$ 1,500,000

6. PURPOSE OF REQUESTED FINANCING: To construct economy motel

- a. Business purpose to be served. To provide modern, attractive, economical sleeping rooms, and to provide jobs to the area.
- b. Public purpose to be served.

7. BUSINESS PROFILE:

a. Number of employees in Maplewood:

	Full Time	Part Time
Before this project	_____	_____
After this project	<u>5</u>	<u>20</u>

b. Projected annual sales: \$ 400,000

c. Projected annual payroll: \$80,000

8. NAMES OF:

- a. Financial consultant for the business: Don Zibell, of Boulay, Heutmaker, Zibell & Company, Edina, Mn.
- b. Legal counsel for the business: Dorsey & Whitney
- c. Corporate counsel: Dorsey & Whitney

9. WHAT IS YOUR TARGET DATE FOR:

- a. Construction start: October 1, 1982
- b. Construction completion: April 15, 1983

Chayton Corporation, for Emerald Inn of Maplewood
Name of Applicant

Fred Chute Jr.
Signature of Authorized Representative

President, Chayton Corporation
Title

7-6-82
Date

The following items must be submitted with this application to the Community Development Department:

1. A \$500.00 filing fee
2. A resolution setting a hearing date
3. An application to the Commissioner of Securities for approval of Municipal Industrial Revenue Bond project

If you have any questions on items 2 or 3, call the City Clerk, Lucille Aurelius, 770-450

MORTGAGE REVENUE NOTE CRITERIA

Adopted 10-16-80

A. Definitions

1. Existing Business shall be defined as a presently operating industry or commercial enterprise with at least one year of operational history within the City
2. New Business shall be defined as any industrial or commercial enterprise which does not qualify as an existing business.

B. Project Eligibility Guidelines

1. The project shall be compatible with the overall development plans of the City, including the Comprehensive Plan, Zoning, and Community Design Review Board Standards
2. The project shall not require a significant amount of public expenditures for City improvements such as roads, sewers, and watermains
3. The project shall involve an existing business that the City wishes to expand or a new business which the City wishes to attract:
 - a. Existing Business Criteria
Any expansion, relocation, or rehabilitation of an existing business
 - b. New Business Criteria
 1. Offers significant new employment, opportunities, based upon the nature of the use, on a year around basis, or
 2. The project involves the rehabilitation of a vacant or scheduled to be vacated structure, or
 3. The proposed location is within a designated development or redevelopment target area, and
 4. Possesses a low potential for creating pollution.
4. The number of businesses of the same general nature in the area of the proposed project shall be considered in determining the need for commercial revenue note financing.
5. The note shall be for an issue of not less than \$300,000
6. Construction must begin within one year of preliminary approval.

C. Application Processing Guidelines

1. City financing of the project shall be limited to the issuance of a single mortgage revenue note, to be marketed as a private placement.
2. Final approval shall not be granted by the City Council until the project has received approval with respect to zoning, site design, building design, or platting.
3. The applicant shall sign a memorandum of agreement providing that they will pay all costs involved in the legal and fiscal review of the proposed project and all costs involved in the issuance of notes to finance the project.
4. The City reserves the right to deny any application for financing at any stage of the proceedings prior to adopting the resolution authorizing issuance of the note.

The purpose of the above data is to evaluate your proposal under City laws and policies. You may refuse to provide this data. Refusal, however, may jeopardize approval of your application. The above information will be made public to all who request it.

This Application must be submitted to the Commissioner in duplicate.

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

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:

Corporation or partnership to be formed consisting of the Firm following people: Judson Dayton, Duncan Dayton, Fred Chute, Dr. Ed Chute, David Chute and Arthur B. Johnson
 Address 771 N.E. Harding

City Minneapolis State Minnesota

State of Incorporation Minnesota

Attorney Dorsey & Whitney Address Minneapolis, Minnesota

Name of Project Emerald Inn Project

This firm is engaged primarily in (nature of business): real estate development

The funds received from the sale of the Industrial Revenue Bonds will be used to (general nature of project): acquire land, construct and equip a 66 unit Emerald Inn hotel

It will be located in Maplewood

The total bond issue will be approximately \$ 1,500,000 to be applied toward payment of costs now estimated as follows:

Cost Item	Amount
Land Acquisition and Site Development	\$ <u>225,000</u>
Construction Contracts	<u>915,000</u>
Equipment Acquisition and Installation	<u>152,000</u>
Architectural and Engineering Fees	<u>27,000</u>
Legal Fees	<u>50,000</u>
Interest during Construction	<u>40,000</u>
Initial Bond Reserve	<u>-0-</u>
Contingencies	<u>-0-</u>
Commitment and Letter of Credit fees	<u>50,000</u>
Development Fees	<u>25,000</u>
Utility Hook-Up Charges	<u>16,000</u>

It is presently estimated that construction will be completed on or about April 1, 1982. When completed, there will be approximately 25 new jobs created by the project at an annual payroll of approximately \$ 80,000 based upon currently prevailing wages.

The tentative term of the financing is 10 years, commencing October 1, 1982.

The following exhibits are furnished with this application and are incorporated herein by reference:

1. An opinion of bond counsel that the proposal constitutes a project under Minnesota Stat., Chapter 474.02.
2. A copy of the city council resolution giving preliminary approval for the issuance of its revenue bonds.
3. A comprehensive statement by the municipality indicating how the project satisfies the public purpose of Minnesota Stat., Chapter 474.01.
4. A letter of intent to purchase the bond issue or a letter confirming the feasibility of the project from a financial standpoint.
5. A statement, signed by the principal representative of the issuing authority, to the effect that upon entering into the revenue agreement, the information required by Minn. Stat., Ch. 474.01 Subd. 8 will be submitted to the Department of Energy, Planning and Development.
6. A statement, signed by the principal representative of the issuing authority, that the project does not include any property to be sold or affixed to 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.
7. A statement, signed by the principal representative of the issuing authority, that a public hearing was conducted pursuant to Minn. Stat. 474.01 Subd. 7b. The statement shall include the date, time and place of the meeting and that all interested parties were afforded an opportunity to express their views.
8. A copy of the notice of publication of the public hearing.

We, the undersigned, are duly elected representatives of Maplewood, Minnesota, and solicit your approval of this project at your earliest convenience so that we may carry it to a final conclusion.

Signed by: _____
(Principal Officers or Representatives of Issuing Authority)

This approval shall not be deemed to be an approval by the Commissioner or the State of the feasibility of the project or the terms of the lease to be executed or the bonds to be issued therefor.

Date of Approval _____

Commissioner
Minnesota Department of Energy,
Planning and Development

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

WHEREAS,

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

(b) The City Council of the City of Maplewood (the "City") has received from Judson Dayton, Duncan Dayton, Dr. Edward Chute, David Chute and Arthur B. Johnson, who propose to form a corporation or partnership (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 "Note") 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 7:00 o'clock P.m. on Monday, August 9, 1982, to consider the proposal of Judson Dayton, Duncan Dayton, Fred Chute, Dr. Edward Chute, David Chute and Arthur B. Johnson, who propose to form a corporation or partnership (the "Company"), that the City assist in financing a project hereinafter described by the issuance of an industrial development revenue note.

Description of Project
(Including general location)

A 66 unit Emerald Inn hotel to be located next to the Perkins restaurant and fronting on County Road D in the southeast quadrant of the intersection of I-694 and White Bear Avenue

The estimated principal amount of bonds or other obligations to be issued to finance this project is \$1,500,000.

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 the Company 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 7-12-82, from 8:00 o'clock A.m. to 5:00 o'clock P.m., Monday through Friday, at the office of the City Clerk.

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 _____
City Clerk

6-3

LAW OFFICES
BRIGGS AND MORGAN
PROFESSIONAL ASSOCIATION

2200 FIRST NATIONAL BANK BUILDING

SAINT PAUL, MINNESOTA 55101

2452 IDS CENTER

MINNEAPOLIS, MINNESOTA 55402

(612) 291-1215

July 6, 1982

CHARLES W. BRIGGS (1887 - 1978)
J. NEIL MORTON
COLE OEHLE
A. LAURENCE DAVIS
FRANK HAMMOND
LEONARD J. KEYES
B. C. HART
JOHN M. SULLIVAN
BERNARD P. FRIEL
BURT E. SWANSON
M. J. GALVIN, JR.
DAVID C. FORSBERG
JOHN J. MCNEELY
GERALD H. SWANSON
MCNEIL V. SETMOUR, JR.
TERENCE N. DOYLE
RICHARD H. KYLE
JONATHAN H. MORGAN
JOHN L. DEVNEY
R. L. SORENSON
PETER H. SEED
PHILIP L. BRUNER
SAMUEL L. HANSON
RONALD E. ORCHARD
JOHN B. KENEFICK
JOHN R. FRIEDMAN
DAVID J. SPENCER
DANIEL J. COLE, JR.
PETER W. SIKPINS
DOUGLAS L. SKOR
MICHAEL H. JERONIMUS
R. SCOTT DAVIES
JAMES W. LITTLEFIELD, JR.
JOHN B. VAN DE NORTH, JR.
STEVEN Z. KAPLAN
RICHARD G. MARE
ANDREW C. BECHER
JEROME A. GEIS
STEVE A. BRAND

MARK W. WESTRA
ALAN H. MACLIN
JEFFREY F. SHAW
DAVID G. GREENING
DAVID B. SAND
BETTY L. HUM
CHARLES R. HAYNOR
ROCCO J. MAFFEI, JR.
ANDREA M. BOND
MARTIN H. FISK
JOHN BULTENA
ROBERT L. DAVIS
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TRUDY H. SCHROER
MARY L. IPPEL
DAVID J. ALLEN
ROBYN L. HANSEN
MARGARET K. SAVAGE
JEANNE M. FORNERIS
BRIAN G. BELISLE
TONY R. STEMBERGER
MARY SCHAFFNER EVINGER
MICHAEL H. STREATER
STEVEN T. HALVERSON
RICHARD D. ANDERSON
SALLY A. SCOGGIN
JAMES F. CHRISTOFFEL
DAVID C. McDONALD
BRUCE W. MOOTY
VIRGINIA A. DWYER
TRUDY R. GASTEAZORO
ELIZABETH J. ANDREWS
PETER C. HALLS
CHARLES B. ROGERS

OF COUNSEL
RICHARD E. KYLE
SAMUEL H. MORGAN
FRANK N. GRAHAM

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

REPLY TO Saint Paul

Re: City of Maplewood - \$3,200,000 Commercial
Development Revenue Note of 1982
(St. Paul Business Center Project)

Dear Lou:

In connection with the above referenced matter are two copies of the Final Note Resolution which is scheduled to be acted upon at the July 12 Council meeting. Prior to the Council meeting I will forward to you the following documents:

1. Loan Agreement
2. Pledge Agreement
3. Combination Mortgage, Security Agreement and Fixture Financing Statement
4. Assignments of Rents and Leases
5. Construction Loan Agreement
6. Guaranty

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

Very truly yours,
Mary L. Ippel
Mary L. Ippel

MLI:jat
Enc.

FINAL NOTE RESOLUTION

CITY OF MAPLEWOOD

\$3,200,000 COMMERCIAL DEVELOPMENT
REVENUE NOTE OF 1982

(ST. PAUL BUSINESS CENTER PROJECT)

Adopted: _____, 1982

(The cover sheet and this table of contents are not a part of the attached Resolution, but are included by Bond Counsel for convenience only.)

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NOTE RESOLUTION

RESOLVED by the City Council of the City of Maplewood, as follows:

ARTICLE ONE

DEFINITIONS, LEGAL AUTHORIZATION AND FINDINGS

1-1. Definitions.

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

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

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

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

Borrower: St. Paul Business Center, a Minnesota general partnership, its successors, assigns, and any surviving, resulting or transferee business entity which may assume its obligations under the Loan Agreement;

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

Construction Fund: the fund established by the City pursuant to this Resolution and into the Proceeds Account of the Construction Fund the proceeds of the Note will be deposited;

Construction Loan Agreement: the agreement to be executed by the City, the Borrower and the Lender, relating to the disbursement and payment of Project Costs for the construction and installation of the Improvements and the refunding of the outstanding principal amount of the Prior Note;

Guarantors: collectively, William S. Reiling and Donald Bachmeier;

Guaranty: the guaranty of the payment of, among other things, the principal of and interest on the Note to be executed by the Guarantors as of the date of this Agreement;

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

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

Leases: leases of space in the Project between the Borrower and various tenants, including any amendment thereof or supplement thereto, entered into in accordance with the provisions thereof;

Lender: First National Bank of Minneapolis, in Minneapolis, Minnesota, its successors and assigns;

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

Mortgage: the Combination Mortgage, Security Agreement and Fixture Financing Statement between the Borrower as mortgagor, to the Lender, as mortgagee, securing payment of the Note and interest thereon including any mortgage supplemental thereto entered into in accordance with the provisions thereof;

Note: the \$3,200,000 Commercial Development Revenue Note of 1982, (St. Paul Business Center Project) to be issued by the City pursuant to this Resolution;

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

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

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

Principal Balance: so much of the principal sum on the Note as remains unpaid at any time;

Prior Note: the Commercial Development Revenue Note of 1981 (St. Paul Business Center Project);

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

Project Costs: the total of all "Construction Costs" and "Loan and Carrying Charges," as those terms are defined in the Loan Agreement and all costs to refund the outstanding principal amount of the Prior Note;

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

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

1-2. Legal Authorization.

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

1-3. Findings.

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

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

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

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

(4) the amount estimated to be necessary to partially finance the Project Costs, including the costs and estimated costs permitted by Section 474.05 of the Act, will require the issuance of the Note in the aggregate principal amount of \$3,200,000 as hereinafter provided;

(5) it is desirable, feasible and consistent with the objects and purposes of the Act to issue the Note, for the purpose of refunding the outstanding principal amount of the Note and to complete the financing of the Improvements to be included in the Project;

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

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

1-4. Authorization and Ratification of Project.

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

ARTICLE TWO

NOTE

2-1. Authorized Amount and Form of Note.

The Note issued pursuant to this Resolution shall be in substantially the form set forth herein, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution, and in accordance with the further provisions hereof; and the total principal amount of the Note that may be outstanding hereunder is expressly limited to \$3,200,000 unless a duplicate Note is issued pursuant to Section 2-6. The Note shall be in substantially the following form:

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

Commercial Development Revenue Note of 1982
(St. Paul Business Center Project)

\$3,200,000

FOR VALUE RECEIVED the CITY OF MAPLEWOOD, Ramsey County, Minnesota (the "City"), hereby promises to pay the First National Bank of Minneapolis (the "Lender"), its successors or registered assigns (the Lender and any such successor or registered assignee being also sometimes hereinafter referred to as the "Holder"), from the source and in the manner hereinafter provided, the principal sum of THREE MILLION TWO HUNDRED THOUSAND DOLLARS (\$3,200,000) or so much thereof as remains unpaid from time to time (the "Principal Balance"), with interest thereon at the rates specified in paragraphs 1(a) and 1(b) hereof (the "Tax Exempt Rates") or at such higher rate as provided in paragraph 1(c) hereof (the "Taxable Rate"), in any coin or currency which at the time or times of payment is legal tender for the payment of public or private debts in the United States of America, in accordance with the terms hereinafter set forth.

1. (a) From and after the date hereof through and including January 1, 1983, interest only shall be paid at the rate of _____% per annum. Interest shall accrue from the date hereof and shall be payable on the first day of the calendar month next succeeding the date hereof and on the first day of each and every month thereafter through and including January 1, 1983.

(b) Commencing on February 1, 1983 and on the first day of each calendar month thereafter, the Principal Balance shall be amortized in equal consecutive monthly installments of principal and interest the amount of each of which is to be calculated on an assumed thirty-year amortization with interest from January 1, 1983 at the rate of _____% per annum and a final installment on July 1, 1992 (the "Final Maturity Date") which shall be equal to the unpaid Principal Balance and accrued interest thereon. Any payment shall be applied first to accrued interest and thereafter to reduction of the Principal Balance.

(c)(i) In the event that the interest on this Note shall become subject to federal income taxation pursuant to a Determination of Taxability (as hereinafter defined), the interest rate on this Note shall be increased, retroactively effective from and after the Date of Taxability (as hereinafter defined) to _____ percent (_____ %) per annum (the "Taxable Rate"), provided, however, that in no event shall the Taxable Rate for any period be less than the Tax Exempt Rate otherwise in effect for the same period. The City shall immediately upon demand pay to the Holder and to each prior Holder affected by such Determination of Taxability an amount equal to the amount by which the interest accrued retroactively at such increased rate from the Date of Taxability to the date of payment exceeds the amount of interest actually accrued and paid to the Holder and any such prior Holder during said period. (Such obligation of the City shall survive the payment in full of the principal amount of this Note). Commencing on the Payment Date next following the date of payment of such additional interest and continuing on each Payment Date thereafter (unless the Holder shall accelerate the maturity of the Note pursuant to clause (ii) of this paragraph (c)), this Note shall be payable as follows:

- (A) if amortization of the Principal Balance had not theretofore commenced under paragraph (b) hereof, the monthly payments of interest only hereunder shall be increased to reflect the accrual of interest at the Taxable Rate and the monthly installments of principal and interest payable commencing with the February 1, 1983 payment shall be recomputed on the basis of the Taxable Rate on an assumed thirty year amortization; or
- (B) if amortization of the Principal Balance had theretofore commenced under paragraph (b) hereof, the Principal Balance shall be payable in equal monthly installments in amounts sufficient to amortize the Principal Balance over the period ending on the Final Maturity Date, and accrued interest at the increased Taxable Rate shall be payable with each principal installment.

(ii) Upon a Determination of Taxability, the Holder may declare the entire Principal Balance of this Note

together with accrued interest thereon at such retroactively increased Taxable Rate to be immediately due and payable, together with the prepayment premium, if any, specified in paragraph 8 hereof.

(iii) The Holder shall give notice, as soon as practicable, to the Borrower of any Notice of Taxability, as hereinafter defined, received by the Holder and permit the Borrower to contest, litigate or appeal the same at its sole expense. In the event any such contest, litigation or appeal is undertaken, the increased interest provided in paragraph (b)(i) shall, nevertheless, be payable to the Holder and shall be held by the Holder in escrow (without paying interest thereon) pending final disposition of such contest, litigation or appeal, provided that the Borrower shall indemnify and hold harmless the Holder and each prior Holder from any and all penalties, interest or other liabilities which they may incur on account of such contest, litigation or appeal.

(iv) The terms "Determination of Taxability," "Date of Taxability" and "Notice of Taxability" shall have the meanings ascribed to such terms in the Loan Agreement, dated the date hereof (the "Loan Agreement"), between the City and St. Paul Business Center (the "Borrower").

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

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

4. This Note is issued by the City to refund the outstanding principal amount of the Commercial Development Revenue Note of 1981 (St. Paul Business Center Project) and to complete the financing of a Project, as defined in Section 474.02, Subdivisions 1a, Minnesota Statutes, consisting of the construction and installation of an office complex of four buildings containing office/warehouse space, pursuant to the Loan Agreement, and this Note is further issued pursuant to and in full compliance with the Constitution and laws of the State of Minnesota, particularly Chapter 474, Minnesota Statutes, and pursuant to a resolution of the City Council duly adopted on _____, 1982 (the "Resolution").

5. This Note is secured by a Pledge Agreement of even date herewith by the City to the Lender (the "Pledge Agreement"), a Combination Mortgage, Security Agreement and Fixture Financing Statement, of even date herewith among the Borrower and Daniel W. Fourre, James D. Voigt and Robert L. Reiling and their respective spouses, as mortgagor, and the Lender as mortgagee (the "Mortgage") by an Assignment of Rents and Leases, of even date herewith, from the Borrower to the Lender (the "Assignment of Rents and Leases") and a Guaranty from William S. Reiling and Donald Bachmeier to the Lender (the "Guaranty"). The proceeds of this Note shall be placed in the Proceeds Account of the Construction Fund established pursuant to the Resolution and the Construction Loan Agreement (hereinafter referred to) and disbursement of the proceeds of this Note from the Construction Fund is subject to the terms and conditions of a Construction Loan Agreement of even date herewith among the Lender, the City and the Borrower (the "Construction Loan Agreement").

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

7. The Borrower may prepay the Principal Balance in whole or in part in increments of \$100,000 on any Payment Date upon at least 30 days advance written notice to the Holder (or such lesser period of notice as the Holder may approve) and upon payment of an amount equal to the principal amount being so prepaid, plus accrued interest hereon to the date of prepayment, plus the prepayment premium calculated in accordance with paragraph 8 hereof. This Note is also subject to mandatory prepayment in whole or in part pursuant to Section 2.1 of the Construction Loan Agreement in the amount of any sums remaining in the Proceeds Account of the Construction Fund at the Completion Date (as such terms are defined in the Construction Loan Agreement), in which event a prepayment premium shall also be payable in accordance with paragraph 8 hereof, and the time of such prepayment may not be extended pursuant to paragraph 6 hereof. Upon the occurrence of certain

"Events of Default" under the Construction Loan Agreement and/or under the Mortgage, and as provided in paragraph 12 hereof, the Holder may declare the Principal Balance and accrued interest on this Note to be immediately due and payable (any such action and any similar action pursuant to paragraph 1(c)(ii) hereof being hereinafter referred to as an "acceleration" of this Note), in which event a prepayment premium shall also be payable in accordance with paragraph 8 hereof.

Upon the occurrence of certain events of damage, destruction or condemnation, the Holder may, as provided in the Mortgage, apply the net proceeds of any insurance or condemnation award to the prepayment, in whole or in part, of the Principal Balance in which event a prepayment premium may be payable in accordance with paragraph 8 hereof.

8. (a) If at the time of any prepayment on or prior to July 1, 1987 or acceleration of this Note occurring prior to July 1, 1987, the Borrower shall pay, together with the premium, if any, set forth in paragraph (b) hereof an amount equal to 1-1/2% of the amount of principal so prepaid notwithstanding the foregoing, no such prepayment premium shall be payable with respect to a prepayment made at the option of the Holder pursuant to Article Five of the Mortgage or Section 5.02 of the Loan Agreement unless an Event of Default had occurred under the Loan Agreement or the Mortgage at or prior to time such prepayment is made.

(b) If at the time of any prepayment or acceleration of this Note, the yield on U.S. Treasury securities (as published by the Federal Reserve Bank of New York) having a maturity date closest to the Final Maturity Date (the "Government Yield"), as determined by the Holder as of the date of prepayment or acceleration, is less than _____%, the Borrower shall pay a premium calculated as follows: (a) The amount of principal so prepaid shall be multiplied by (i) the amount by which _____% exceeds the Government Yield as of the date of prepayment or acceleration, times (ii) a fraction, the numerator of which is the number of days remaining to the Final Maturity Date and the denominator of which is 360. (b) The resulting product shall then be divided by the number of whole months then remaining to the Final Maturity Date, yielding a quotient (the "Quotient"). (c) The amount of the prepayment premium payable under this paragraph shall be the present value on the date of prepayment or acceleration (using the Government

Yield as of the date of prepayment or acceleration as the discount factor) of a stream of equal monthly payments in number equal to the number of whole months remaining to the Call Date, with the amount of each such hypothetical monthly payment equal to the Quotient and with the first payment payable on the date of prepayment or acceleration notwithstanding the foregoing, no such prepayment premium shall be payable with respect to a prepayment made at the option of the Holder pursuant to Article Five of the Mortgage or Section 5.02 of the Loan Agreement unless an Event of Default had occurred under the Loan Agreement or the Mortgage at or prior to time such prepayment is made.

9. The payments due under paragraph 1 hereof shall continue to be due and payable in full until the entire Principal Balance and accrued interest due on this Note have been paid regardless of any partial prepayment made hereunder.

10. As provided in the Resolution and subject to certain limitations set forth therein, this Note is transferable upon the books of the City at the office of the City Manager by the Holder in person or by his agent duly authorized in writing, at the Holder's expense, upon surrender hereof together with a written instrument of transfer satisfactory to the City Clerk duly executed by the Holder or his duly authorized agent. Upon such transfer the City Clerk will note the date of registration and the name and address of the new registered Holder in the registration blank appearing below. The City may deem and treat the person in whose name the Note is last registered upon the books of the City with such registration noted on the Note, as the absolute owner hereof, whether or not overdue, for the purpose of receiving payment of or on the account of the Principal Balance, redemption price or interest and for all other purposes, and all such payments so made to the Holder or upon his order shall be valid and effective to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid, and the City shall not be affected by any notice to the contrary.

11. This Note and interest hereon and any premium due hereunder are payable solely from the revenues and proceeds under the Loan Agreement pledged to the payment thereof pursuant to the Pledge Agreement, except as the same may otherwise be payable in accordance with, the Mortgage, the Guaranty and the Assignment of Rents and Leases, and do not

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

12. It is agreed that time is of the essence of this Note. If the City defaults in the payment when due of any installment of principal or interest or any premium or penalty due hereunder and if said default shall have continued for a period of ten (10) days, or if an Event of Default shall occur as set forth in the Mortgage, the Construction Loan Agreement or the Loan Agreement, then the Holder shall have the right and option to declare the Principal Balance, and accrued interest thereon, together with the premium specified in paragraph 8 hereof, immediately due and payable but solely from the sources specified in paragraph 11 hereof. Failure to exercise such option at any time shall not constitute a waiver of the right to exercise the same at any subsequent time.

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

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

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

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

CITY OF MAPLEWOOD, MINNESOTA

Mayor

ATTEST:

City Clerk

(SEAL)

2-2. The Note.

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

2-3. Execution.

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

2-4. Delivery of Note.

The offer of the Lender to purchase the Note upon the terms recited herein and in the Loan Agreement, at a price equal to the total principal amount of the Note, is found to be reasonable and advantageous to the City and is accepted.

Before delivery of the Note there shall be filed with the Lender the following items:

- (1) an executed copy of each of the following documents:
 - (A) the Loan Agreement;
 - (B) the Pledge Agreement;
 - (C) the Mortgage;
 - (D) the Assignment of Rents and Leases;
 - (E) the Construction Loan Agreement;
 - (F) the Guaranty; and
 - (G) a cost certificate signed by the Borrower certifying the use of the proceeds of the Note.

(2) an opinion of Counsel for the Borrower in scope and substance satisfactory to Bond Counsel and Lender as to the authority of the Borrower to enter into the transaction and other related matters;

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

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

2-5. Disposition of Note Proceeds

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

2-6. Registration of Transfer.

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

2-7. Mutilated, Lost or Destroyed Note.

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

2-8. Ownership of Note.

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

ARTICLE THREE

PREPAYMENT OF NOTE BEFORE MATURITY

3-1. Prepayment.

The Note may be prepaid in accordance with the provisions of the Note.

ARTICLE FOUR
GENERAL COVENANTS

4-1. Payment of Principal and Interest.

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

4-2. Performance of and Authority for Covenants.

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

4-3. Performance of Covenants.

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

4-4. Nature of Security.

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

ARTICLE FIVE

MISCELLANEOUS

5-1. Severability.

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

5-2. Authentication of Transcript.

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

5-3. Registration of Resolution.

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

5-4. Authorization to Execute Agreements.

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

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

Adopted: _____, 1982.

Mayor of the City of Maplewood

Attest:

City Clerk

June 21, 1982

MEMORANDUM

To: City Manager Barry Evans
From: Acting Chief of Police Thomas Hagen
Subject: On-Sale Liquor License Application of Jeffrey Scott Schwartz,
Supervisor of Brothers, Inc., Restaurant, dba The Brothers-In-Law,
Inc.

A background investigation of Mr. Schwartz has been completed. We find nothing which would preclude Jeffrey S. Schwartz from obtaining an on-sale license.

A further check reveals Brothers-In-Law, Inc., was recently incorporated in Minnesota, listing Sherman Richter and Charles R. Schwartz as directors. The Minnesota Liquor Control Commission advises they have no licenses issued to Brothers-In-Law, Inc., nor to Sherman Richter or Charles R. Schwartz.

TLH:js

cc City Clerk
Liquor File
82-005614

RECEIVED
JUN 3 1982

CITY OF MAPLEWOOD

APPLICATION FOR INTOXICATING LIQUOR LICENSE
MAPLEWOOD POLICE

THIS APPLICATION SHALL BE SUBMITTED IN DUPLICATE.

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

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

EVERY QUESTION MUST BE ANSWERED - 546-6561 - *Francois*
- *ATTN Office 4/11/82*

1. I, Jeffrey Scott Schwartz as Supervisor - 776-2133
(Individual owner, officer or partner)

for and in behalf of himself

hereby apply for an On-Sale Intoxicating Liquor License to be located at Maplewood Square Shopping Center, 3035 White Bear Avenue, legally described as Lot 14, Block 1, Maplewood Mall Addition.

(Give address and legal description) _____ in the City of

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

2. Give applicants' date of birth:

_____ 14th day of April, 1957
(Day) (Month) (Year)

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

868 East Third Street, St. Paul, Minnesota 55106; 1301 Shelard Parkway, Minneapolis, Minnesota; 516 Hillcrest, St. Cloud, Minnesota.

*Brothers
In Law*

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

If naturalized state date and place of naturalization _____

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

5. The person who executes this application shall give wife's or husband's full name and address. Stephanie Ann Schwartz, 868 East Third Street, St. Paul, MN 55106

6. What occupations have applicant and associates in this application followed for the past five years?
(a) Counselor at Guild of Catholic Women, St. Paul; (b) Mailing promotion clerk--Japs-Olson Printing, Minneapolis; and (c) Manager of Bernie's, Inc., a restaurant.

*#1
Liquor License
File*

82-485614

7. If partnership, state name and address of each partner. Not applicable.

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

if a subsidiary of any other corporation, so state _____

give purpose of corporation _____

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

(Name)

(Address)

(City)

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

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

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

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

10. Is the establishment located near an academy, college, university, church, grade or high school? No. State the approximate distance of the establishment from such school or church _____

11. State name and address of owner of building Maplewood Square Associates, 2125 DeSoto, St. Paul, MN 55117; has owner of building any connection, directly or indirectly, with applicant? _____

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

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

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

- _____
- _____
- _____
15. State whether applicant, or any of his associates in this application, during that past five years were ever convicted of any Liquor Law violations or any crime in this state, or any other state, or under Federal Laws, and if so, give date and details. NO.
- _____
- _____
- _____
16. Is applicant, or any of his associates in this application, a member of the governing body of the municipality in which this license is to be issued? NO. If so, in what capacity? _____
- _____
17. State whether any person other than applicants has any right, title or interest in the furniture, fixtures, or equipment in the premises for which license is applied, and if so, give names and details
1. The Brothers-in-Law, Inc.--owner.
2. Gelco Leasing, security interest in furniture, fixtures and equipment, pursuant to lease purchase transaction. Gelco Rental and Leasing, 1 Gelco Drive, Eden Prairie, MN 55343.
18. Have applicants any interest whatsoever, directly or indirectly, in any other liquor establishment in the State of Minnesota? NO. Give name and address of such establishment _____
- _____
19. Furnish the names and addresses of at least three business references, including one bank reference Mr. Stan Gaffin, Vice President, Zapp National Bank, St. Cloud, MN; Mr. Robert Ryan, Administrator, Guild Hall, 286 Marshall, St. Paul, MN; Mr. Thomas Holm, Director of Management, Minnesota School of Business, 11 South Fifth Street, Minneapolis, MN.
20. Do you possess a retail dealer's identification card issued by the Liquor Control Commissioner which will expire December 31st of this year? Give number of same NO.
21. Does applicant intend to sell intoxicating liquor to other than the consumer? NO.
- _____
22. State whether applicant intends to possess, operate or permit the possession or operation of, on the licensed premises or in any room adjoining the licensed premises, any slot machine, dice, gambling device and apparatus, or permit any gambling therein NO.
23. Are the premises now occupied, or to be occupied, by the applicant entirely separate and exclusive from any other business establishment? Restaurant premises are separate from other businesses within the shopping center.
24. State trade name to be used The Brothers-in-Law
25. State name of person that will operate store Applicant.
26. Give Federal Retail Liquor Dealer's Tax Stamp Number None at present time.

27. If off sale license is being applied for, do you intend to deliver liquor by vehicle? N/A. If state number of motor vehicle permits issued by Liquor Control Commissioner for current year _____

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

29. Financing of the construction of this building will be as follows:

Not Applicable. (existing building)

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

31. Give description of type of operation if this is an on-sale license application (i.e. whether cocktail lounge, nite club, restaurant, etc., specifying capacity by number of customers and any other pertinent data). Sit-down family restaurant with approximately 208 seats with cocktail lounge seating approximately 35.

32. What previous experience have you had in the operation of the type of business described in the answer to No. 31 above Applicant is currently graduating from the Minneapolis Business College in the field of business management, supplementing three years of part-time employment in the restaurant field and three years as manager of Bernie's, Inc. previously located in Minneapolis, Minnesota.

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

Jeffrey S. Schwartz
(Signature of Applicant)
Jeffrey S. Schwartz

Subscribed and sworn to before me this
26 day of May, 1982.
A. J. J. J.



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

JEFFREY SCOTT SCHWARTZ

Balance Sheet
May 26, 1982

ASSETS:

Cash on Hand:	\$ 100.00
Home - Market Value:	70,000.00
Home Furnishings	3,500.00
Automobiles:	<u>3,000.00</u>
TOTAL ASSETS:	<u>\$76,600.00</u>

LIABILITIES:

Home Mortgage	<u>\$48,000.00</u>
TOTAL LIABILITIES:	\$48,000.00
EQUITY:	<u>28,600.00</u>
TOTAL LIABILITIES & EQUITY:	<u>\$76,600.00</u>

Applicant is one of five recipients of certain emergency maintenance and school funds from a spend thrift trust held at the Zapp National Bank, St. Cloud, Minnesota. At approximately age 35, applicant may demand and receive his distributive share of trust balance, approximately \$200,000.00.

Affidavit of Jeffrey Scott Schwartz
in application for on-sale Liquor
License in Maplewood Square Shopping
Center in the City of Maplewood.

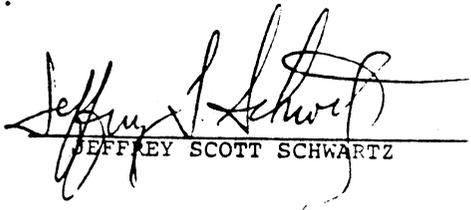
AFFIDAVIT OF NO
MULTIPLE OWNERSHIP
OF LIQUOR LICENSE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

JEFFREY SCOTT SCHWARTZ, being first duly sworn, deposes
and states as follows:

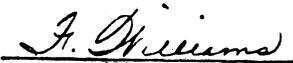
1. That he is the named applicant for an on-sale liquor
license in Maplewood Square in the City of Maplewood.
2. That he is at least 21 years of age.
3. That he has not been convicted with the past five
years of a criminal offense, save parking violations, within the
State of Minnesota or elsewhere.
4. That the license, if granted, would be used in the
operation of a sit-down restaurant and cocktail lounge to be
known as The Brothers-in-Law.
5. That he does not hold, directly or indirectly, and
has no interest in, another intoxicating liquor license within
the City of Maplewood or the State of Minnesota.

FURTHER AFFIANT SAITH NOT.

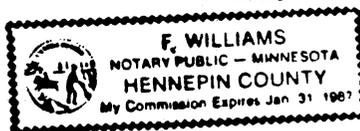


JEFFREY SCOTT SCHWARTZ

Subscribed and sworn to before me
this 26 day of May, 1982.



NOTARY PUBLIC



BURSTEIN & DOUGLAS

ATTORNEYS AT LAW

PARKDALE 3, SUITE 300

5354 CEDAR LAKE ROAD

MINNEAPOLIS, MINNESOTA 55416

FRED BURSTEIN
BRUCE J. DOUGLAS

AREA CODE 612
TELEPHONE 546-6561

June 17, 1982

Mr. Thomas Hagen
Acting Chief of Police
1380 Frost Avenue
Maplewood, Minnesota 55109

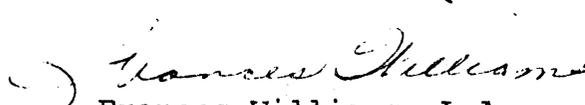
Dear Mr. Hagen:

Pursuant to your request, we enclose herewith the Articles of Incorporation and Certificate of Incorporation for The Brothers-in-Law, Inc. Thank you very much for your most expeditious handling of this investigation. Should there be any further information or data that would be necessary for you to review, do not hesitate to contact us.

Again, thank you for all your services hopefully expediting this matter to the Council agenda for the 21st.

Yours very truly,

BURSTEIN & DOUGLAS


Frances Williams, L.A.

FW:jlw

Enclosures



To All To Whom These Presents Shall Come, Greeting:

Whereas, Articles of Incorporation, duly signed and acknowledged under oath, have been filed for record in the office of the Secretary of State, on the 21st day of May, A. D. 1982, for the incorporation of

THE BROTHERS-IN-LAW, INC.

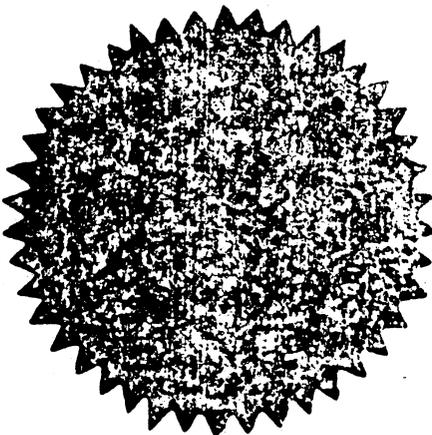
under and in accordance with the provisions of Minnesota Statutes, Chapter 302A,

Now, Therefore, by virtue of the powers and duties vested in me by law, as Secretary of State of the State of Minnesota, I do hereby certify that the said

THE BROTHERS-IN-LAW, INC.

is a legally organized Corporation under the laws of this State.

Witness my official signature hereunto subscribed and the Great Seal of the State of Minnesota hereunto affixed this Twenty-First day of May in the year of our Lord one thousand nine hundred and Eighty-Two



Jean Anderson Grove
Secretary of State.

ARTICLES OF INCORPORATION

OF

THE BROTHERS-IN-LAW, INC.

We, the undersigned incorporators, for the purpose of forming a corporation under and pursuant to the provisions of M.S.A. Chapter 302A, known as the "Minnesota Business Corporation Act", do hereby adopt, sign and acknowledge the following Articles of Incorporation.

ARTICLE I

The name of this corporation is "THE BROTHERS-IN-LAW, INC."

ARTICLE II

The purposes of this corporation are as follows:

To own, hold, rent, control, lease, operate, conduct and engage in the restaurant business.

To such extent as a corporation organized under the Minnesota Business Corporation Act of the State of Minnesota may now or hereafter lawfully do, to undertake, conduct, manage, assist, promote and to engage or participate in every kind of commercial, industrial, manufacturing, agricultural, scientific or other enterprise, business, undertaking, venture, operation of every kind and description.

To acquire by purchase, exchange, lease, devise or otherwise, and to hold, own, maintain, manage, improve, develop and operate, and to sell, transfer, convey, lease, mortgage, exchange or otherwise dispose of or deal in or with, real property, wheresoever situate, and any and all rights, interests or privileges therein; and to erect, construct, make, improve and operate, or to aid or subscribe toward the erection, construction, making, improvement and operation of offices, warehouses, plants, mills, stores, laboratories, studios, workshops, buildings and other establishments and installations, and equipment, machinery, apparatus and other facilities, of every kind and description.

To acquire by purchase, exchange, lease, bequest or otherwise, to import, manufacture, produce, to hold, own, use, manage, improve, alter, develop and to mortgage, pledge, sell, export, assign, transfer, lease, exchange or otherwise dispose of or deal in or with goods, commodities, wares, machinery, supplies, merchandise and all other personal property of every kind and description, tangible or intangible, wheresoever situate, and any and all rights, interests or privileges therein.

ARTICLE III

This corporation shall be perpetual in duration.

ARTICLE IV

The location, post office and registered office of this corporation in Minnesota is 754 Twelve Oaks Center, Wayzata, MN 55391.

ARTICLE V

The total authorized number of shares which the corporation shall have authority to issue is 250,000 shares, each having a par value of 1¢ per share.

The Board of Directors shall have authority to provide by By-laws as to the restrictions on the sale, assignment, transfer, pledge, mortgaging of any of the shares of this corporate stock, as well as the redemption of such stock in the event of the death of any stockholder.

ARTICLE VI

The amount of stated capital with which this corporation shall begin business shall be one thousand dollars.

ARTICLE VII

The names, post office addresses and terms of office of the first Directors are:

<u>Name</u>	<u>Address</u>
Sherman Richter,	754 Twelve Oaks Center, Wayzata, MN
Charles R. Schwartz,	626 Armstrong, St. Paul, MN

The term of office of such Directors shall be for one year, or until the next annual meeting of the shareholders of the corporation.

ARTICLE VIII

The name and post office address of the incorporators of this corporation, who are of full age, are as follows:

<u>Name</u>	<u>Address</u>
Sherman Richter,	754 Twelve Oaks Center, Wayzata, MN
Charles R. Schwartz,	626 Armstrong, St. Paul, MN

ARTICLE IX

The Board of Directors may from time to time, by virtue of a majority of its members, make, alter, amend or rescind any of the By-laws of this corporation subject to the power of the shareholders to change or repeal such By-laws.

IN TESTIMONY WHEREOF, we have hereunto set my hands this 20 day of May, 1982.

In the Presence of:

Ann P. Brown
Harold Vorhies

Sherman Richter
 Sherman Richter

Charles R. Schwartz
 Charles R. Schwartz

STATE OF MINNESOTA)
) ss.
 COUNTY OF HENNEPIN)

On this 20th day of May, 1982, personally appeared before me, a Notary Public within and for said County, Sherman Richter and Charles R. Schwartz, to me known to be the person named in and who executed the foregoing Articles of Incorporation, and acknowledged this to be of their own free act and deed for the uses and purposes therein expressed.

[Signature]
 Notary Public

My Commission Expires Oct. 24, 1984

MORIARTY & JANZEN, P.A.
750 Twelve Oaks Center
15500 Wayzata Boulevard
Wayzata, MN 55391

C O N S E N T

The undersigned hereby consents to the formation of a corporation to be named "THE BROTHERS-IN-LAW, INC." in the State of Minnesota.

Dated: May 6, 1982

THE BROTHERS RESTAURANTS,
INCORPORATED

By

Its

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Maplewood City Council at its meeting of Monday, July 12, 1982, at 7:15 P.M. in the Council Chambers of the Maplewood Municipal Building, located at 1380 Frost Avenue, Maplewood, Minnesota, will consider and publicly hear the request for a Small Kennel License for:

APPLICANT: Patrick C. Rossbach
2229 Hazelwood Avenue
Maplewood, Minnesota 55109

PROPOSAL: To provide housing for three (3) pets (two (2) poodles and one (1) hunting dog). Not for commercial purposes.

LOCATION: 2229 Hazelwood Avenue

ANY PERSONS HAVING INTEREST IN
THIS MATTER ARE INVITED TO ATTEND AND
BE HEARD
CITY OF MAPLEWOOD, MINNESOTA

Publish: Maplewood Review - June 30 and July 7th, 1982.

7:15 P.M.

July 12, 1982

APPLICATION FOR DOG KENNEL LICENSE

NAME PATRICK C. ROSSBACH

ADDRESS 2229 HAZELWOOD AVE

TELEPHONE NUMBER 770 - 6007

NAME OF KENNEL NONE

PRESENT ZONING OF PROPERTY ON WHICH KENNEL IS LOCATED RESIDENTIAL

LEGAL DESCRIPTION OF PROPERTY ON WHICH KENNEL IS LOCATED UNKNOWN

CAPACITY OF KENNELS (BY NUMBER OF ANIMALS) 3

KIND OF SERVICES PROVIDED NONE

QUALIFICATIONS AND EXPERIENCE OF APPLICANT FOR OPERATING KENNEL BUSINESS NONE

REMARKS THIS APPLICATION IS NOT FOR AN ACTUAL KENNEL

BUSINESS, BUT TO KEEP 2 SMALL HOUSEDOGS (POODLES)

AND 1 HUNTING DOG (SEMER) IN COMPLIANCE WITH CITY ORD.

DATE 6-14, 1982.

SIGNED *Patrick C. Rossbach*

Approved by the City Council on the _____ day of _____, 19 _____.

Approved by the City Clerk on the _____ day of _____, 19 _____.

Fee Paid \$ _____ Date _____ Receipt No. _____

DATE REPORTED: 6-25-80 TIME REPORTED: 10:50
 VICTIM: PATRICK C. ROSSBACH
 HOME ADDR.: 5509 HAZELWOOD AV. APT.
 CITY/STATE: MAPLEWOOD MN
 BUSINESS ADDR.:
 CITY/STATE:
 UOC CODE:
 LOCATION OF OCCURRENCE: 5509 HAZELWOOD AV
 MISC. NO.:

OFFENSE/INCIDENT: RENEWAL PERMIT
 PATROL AREA: GRID NO.:
 SQUAD: REPORTING OFF. 1: MADSI NO.: SQUAD: REPORTING OFF. 2: NO.:
 DATE OCCURRED (OR EARLIEST): TIME OCCURRED (OR EARLIEST): LATEST POSS. DATE: LATEST POSS. TIME:
 INVEST. OFF. 1 NO.: INVEST. OFF. 2 NO.: DISP.: DISP. DATE: JURIS.:

PERSON REPORTING: RICHARD R. RYZICKA
 ANIMAL CONTROL MGR
 HOME ADDR.: CITY/STATE: BUSINESS ADDR.: CITY/STATE:
 LICENSE: YEAR: STATE: MAKE: MODEL: COLOR: DRIVER (A,B,C):
 DESCRIPTION:

USE THESE LETTERS (A-B-C) TO IDENTIFY AND DESCRIBE SUSPECTS IN CHECK BOXES #1 THRU 19 AND IN DETAILED NARRATIVE ON PAGE 2.
 START CHECK BOXES HERE
 1 WEAPON: 1=REVOLVER, 2=AUTOMATIC, 3=OTHER H/GUN, 4=RIFLE, 5=SHOTGUN, 6=SAWED S/GUN, 7=DISAB. CHEMICAL, 8=KNIFE, 9=SHARP INSTR., 10=BLUNT INSTR., 11=EXPLOSIVE

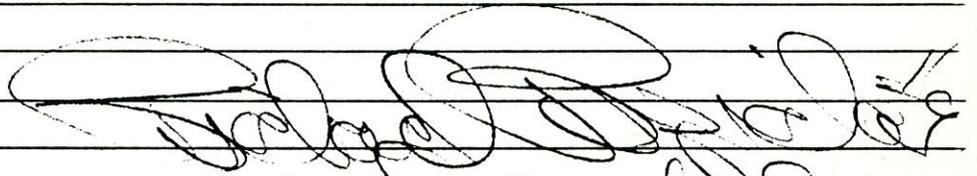
2 RELATIONSHIP: 1=HUSBAND, 2=WIFE, 3=IMMED. FAMILY, 4=BLOOD RELAT., 5=MALE FRIEND, 6=FEM. FRIEND, 7=LEGAL CUST., 8=ACQUAINTANCE, 9=ROOMMATE, 10=HOMOSEXUAL, 11=STRANGER
 3 RACE: 1=WHITE, 2=BLACK, 3=NATIVE AMER., 4=PAC. ISLANDER, 5=ASIAN, 6=ALAS. ESKIMO, 7=UNKNOWN
 4 SEX: 1=MALE, 2=FEMALE, 3=UNKNOWN
 5 HEIGHT: 1=UNDER 5'4", 2=5'5" - 5'8", 3=5'9" - 6', 4=6'1" - 6'3", 5=OVER 6'3"
 6 WEIGHT: 1=UNDER 100#, 2=100 - 140, 3=140 - 160, 4=160 - 180, 5=180 - 200, 6=200 - 225, 7=OVER 225#
 7 BUILD: 1=THIN, 2=MEDIUM, 3=STOCKY, 4=MUSCULAR, 5=OBESE
 8 HAIR STYLE: 1=BALD, 2=THINNING, 3=SHORT, 4=SHLDR.LG, 5=AFRO, MED., 6=AFRO, LGE., 7=PROCESSED, 8=CURLY
 9 HAIR COLOR: 1=BLACK, 2=BLOND, 3=BROWN, 4=GRAY, 5=SANDY, 6=SALT/PEP., 7=WHITE, 8=FROSTED, 9=RED/AUB., 10=OTHER

10 EYE COLOR: 1=BLACK, 2=BLUE, 3=BROWN, 4=GRAY, 5=GREEN, 6=HAZEL, 7=MAROON, 8=PINK, 9=UNK.
 11 FACIAL HAIR: 1=NONE, 2=UNSHAVEN, 3=NEAT BEARD, 4=FULL BEARD, 5=SM. MUST., 6=LGE. MUST.
 12 MASK: 1=FACE, 2=DISGUISE, 3=STOCKING, 4=SKI
 13 TEETH: 1=MISSING UP, 2=MISSING DN., 3=GOLD UP, 4=GOLD DN., 5=SILVER UP, 6=SILVER DN., 7=OTHER
 14 TATTOO: 1=ARMS, 2=HANDS, 3=FACE, 4=LEGS, 5=CHEST, 6=BACK
 15 HANDED: 1=RIGHT, 2=LEFT
 16 DEFORMITIES: 1=FACE/HEAD, 2=EYES, 3=EARS, 4=HANDS, 5=ARMS, 6=LEGS, 7=TRUNK
 17 SPEECH: 1=REGIONAL, 2=FOREIGN, 3=STUTTER, 4=STAMMER, 5=LISP, 6=EFFEMINATE, 7=GRUFF, 8=OBSCENE
 18 PHYSIC/MENTAL: 1=RETAARDED, 2=EPILEPTIC, 3=PHYS. H'CAP., 4=SENILE, 5=DISTURBED
 19 INJURY: 1=MINOR UNTREATED, 2=TREATED AT SCENE, 3=HOSPITAL, 4=FATAL, 5=SELF INFLICTED, 6=OTHER

20 STRUCTURE/AREA: 1=SINGLE FAMILY, 2=APARTMENT, 3=APART. BUNGALOW, 4=DUPLEX, 5=FOUR PLEX, 6=TOWN HOUSE, 7=CONDOMINIUM, 8=GARAGE, 9=HOTEL/MOTEL, 10=ENTERTAINMENT, 11=RESTAURANT, 12=FAST FOOD, 13=LIQUOR STORE, 14=BAR, 15=SUPER MARKET, 16=SUPERETTE, 17=RETAIL STORE, 18=SERVICE BUSI., 19=GAS STATION, 20=BANK, 21=OFFICE, 22=GOV'T. BLDG., 23=MANUFACT. CO., 24=CHURCH, 25=SCHOOL, 26=CONST. SITE, 27=STREET, 28=ALLEY, 29=PARKING LOT, 30=PARK, 31=VEHICLE, 32=TRACTOR/TRLR., 33=TRAIN, 34=BUS, 35=SKYWAY, 36=OTHER
 21 ENTRY/EXIT AREA: 1=BASEMENT, 2=GROUND LEVEL, 3=2nd FLOOR, 4=OTHER, 1=FRONT, 2=REAR, 3=SIDE, 4=ROOF, 5=SKY LITE, 1=EXTER. WALL, 2=INTER. WALL
 22 TOOL USED: 1=PRY TOOL, 2=BOLT CUTTER, 3=SAW, 4=CHOPPING TOOL, 5=HAMMER/SLEDGE, 6=BRICK/ROCK, 7=VICE GRIP, 8=DRILL, 9=TORCH/HEAT, 10=EXPLOSIVE, 11=TAPE, 12=OTHER
 23 VEHICLE DAMAGE: 1=FRONT, 2=REAR, 3=RT. FRONT, 4=RT. SIDE, 5=RT. REAR, 6=LT. FRONT, 7=LT. SIDE, 8=LT. REAR, 9=TOP, 10=BOTTOM
 24 VEHICLE TYPE: 1=COMPACT, 2=MID-SIZE, 3=FULL SIZE, 4=WAGON, 5=SPORTS CAR, 6=VAN, 7=CUSTOM VAN, 8=PICK UP, 9=CAMPER, 10=MOTORCYCLE, 11=TRI-WHEEL, 12=DUNE BUGGY, 13=DUMP TRUCK, 15=TRACTOR/TRLR., 16=CONSTR. VEH., 17=OTHER
 METHOD OF ENTRY: 1=UNLOCKED, 2=BREAK GLASS/UNLOCK, 3=UNLOCK WITH TOOL, 4=PHYSIC. FORCE, 5=BREAK GLASS, 6=BREAK WITH OBJ., 7=PRY, 8=CUT, 9=REMOVE, 10=USE KEY, 11=PULL CYL'R.
 GREEN STORM WINDOW DOOR

CASE CONTROL NO.

STOPPED AT 0809 HAZELWOOD AV TO CHECK ON A
KENNEL PERMIT. THE PARTY HAS 2 WHT POODLES AND
ON SETTER/RETRIVER RED IN COLOR. PARTY HAS A
FENCE ALL AROUND THE YARD. THE DOGS HAVE PROPER
SHELTER AND FOOD & WATER. THIS REQUEST LOOKS
GOOD TO ME. TWO DOGS ARE LICENSED TO THE
CITY.


Detective [Name]
Animal Control Unit

List of persons notified for dog kennel license:

Charles & Betty Smith
2239 Hazelwood

Paul & Constance Pelletier
1536 Lark

Ronald & Gloria Ronquist
1534 Lark

David & Nancy Seagren
1512 Lark

Joseph & Bonnie Lou Miller
1517 E. Laurie Road

Robert & Kathleen Albert
1521 E. Laurie Road

Billeigh & Olga Riser
2205 Hazelwood Avenue

Hubert Schacht
1526 E. Laurie Road

John Hoschka
1520 E. Laurie Road

Myrna Kane
1512 E. Laurie Road

Eldred & Judy Baier
2240 Hazelwood

John Davis
2210 Hazelwood

Patrick Rossbach
2229 Hazelwood Avenue

MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand, Associate Planner
 SUBJECT: Roof Sign Review
 LOCATION: VanDyke Street and North St. Paul Road
 APPLICANT: Inter City Oil of America
 OWNER: K-Mart, Inc.
 PROJECT: ICO Station Roof Sign
 DATE: May 26, 1982

SUMMPARY OF THE PROPOSAL

Request

Approval to place a six by five foot roof sign on top of the ICO station.

Proposal

Refer to the enclosed sketch and maps.

CONCLUSION

Issues

Staff feels that there is some basis for this request. In order to locate a pole sign to meet code, the sign pole would have to be placed in the parking lot. This would decrease the visibility of the sign, interfere with traffic and look out of place. Furthermore, a pole sign could not be placed on the grass in back of the building since it would interfere with the overhead power lines and also be on public right-of-way.

Recommendation

Approval of the roof sign for Inter City Oil at 1760 Van Dyke Street, based on the findings that:

1. A pole sign will not work due to the buildings proximity to the property line and interference of overhead power lines.
2. The proposed sign would meet size requirements as outlined in the ordinance and would meet the intent of the ordinance compared with any other permitted method of signing.

BACKGROUND

Site Description

1. Site Size: The gas station site covers approximately 7,000 square feet of the 14-acre K-Mart property.
2. Existing Land Use: K-Mart Store and gas station

Surrounding Land Use

Northerly: North St. Paul Road and A and W Rootbeer

Southerly: K-Mart Parking Lot

Easterly: K-Mart Store

Westerly: VanDyke Street and First Federal Savings and Loan

Past Action

6-23-81: The Board approval plans for ICO to install a canopy is subject to the following conditions:

1. Applicant to obtain all necessary City licenses and permits.
2. Lighting from the canopy shall be directed or screened so not to cause any undue glare onto adjacent properties or roadways.
3. Approval by the Community Design Review Board does not constitute approval of a building permit.
4. Some plantings to be added along the North St. Paul Road frontage to help decorate the site. Plan to be submitted for review and approval by staff. The canopy has not been installed yet, but all applicable conditions have been met so far.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: SC, Service Commercial
2. Zoning: BC, Business Commercial
3. Section 9. 818.090 of the Sign Ordinance states the following regarding roof signs:
 - a. Roof signs shall only be permitted upon review and approval of a special permit by the City Council. All roof signs in existence at the time of adoption of this ordinance shall be considered as legal non-conforming signs.

- b. The allowable height of a roof sign shall in no case exceed a height above the roof equal to the height of the elevation of the building upon which the sign is located. The height above the roof may be equal to the height from the grade of the access street to the top of a parapet wall or the highest point of the roof. Regardless of the height of the building, no roof sign shall exceed a height of 20 feet without approval of a variance as provided for in Section 818.040, Subsection 10.
- c. All roof signs hereafter erected, placed, altered or moved, shall be reviewed by the Community Design Review Board prior to consideration by the City Council. In order to recommend to the Council approval of a roof sign request, the Board must find that because of terrain, location and/or configuration of adjacent development and similar considerations that such a sign best serves the property and public and secures the intent of this ordinance as compared with any other permitted methods of signing.

mb

Enclosures:

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

BEAR

WHITE

RIPLEY AVE.

RIPLEY

TOWN CRIED

A & W

207 01

STREET MARGO
Dax 5 4876 3 27

1256.88

HIGHLAND

EXISTING GAS STATION

1st FEDERAL

K MART

KINK

PRICE

MEISTER'S

131305'

VAN DYKE

PLAZA

SINGLE FAMILY HOMES

10 50

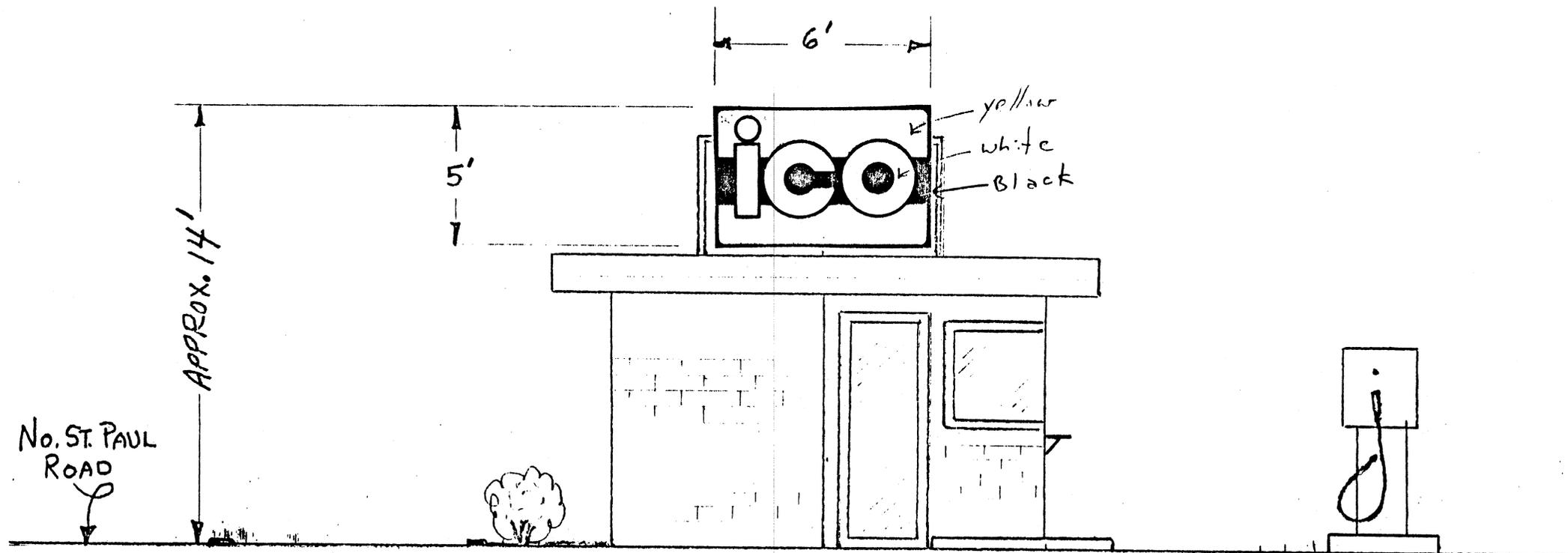
LARPEUTEUR

PROPERTY LINE MAP



N

Proposed internally lit roof sign at Inter City Oil Company station
at 1760 Van Dyke Street, Maplewood, Minn. at K-Mart Store.
Sign color will be black and yellow.



View looking northeast. Scale approximately 1/4" = 1'

Drawn by Ken Wingard
May 24, 1982

B. Inter-City Oil--Sign Review

6-8-82

Ken Wingard, general Manager for Inter-City Oil was present at the meeting indicated the sign would be internally illuminated. It will be situated just above the roof line.

Board Member Hedlund moved the Board recommend approval of the roof sign for Inter-City Oil at 1760 VanDyke street, based on the findings that:

1. A pole sign will not work due to the buildings proximity to the property line and interference of overhead power lines.
2. The proposed sign would meet size requirements as outlined in the ordinance and would meet the intent of the ordinance compared with any other permitted method of signing.

Board Member Phillippi seconded Ayes - all.

MEMORANDUM

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Special Exception--Home Occupation
DATE: July 1, 1982

- On June 14th, Councilperson Maida asked that this request be tabled to July 12. Tabling was to permit staff to survey the adjacent property owners with regard to the proposed limited retail sales of painting equipment produced off-site.

All five abutting neighbors have indicated they have no objection to the applicant's proposal.

Tabling was also because the applicant was not in attendance. Upon checking, it was found that the meeting notice contained the wrong hearing date--June 21 rather than June 14.

Recommendation

Approval, subject to the conditions listed on page two of the attached report.

jw
Attachment

MEMORANDUM

TO: City Manager
FROM: Associate Planner--Randall Johnson
SUBJECT: Special Exception--Home Occupation
LOCATION: 1770 Onacrest Curve
APPLICANT/OWNER: Diane Beran
DATE: May 28, 1982

SUMMARY OF THE REQUEST

Request

A special exception permit to operate a decorative folk art painting business (Diane's Designs) from the applicant's home.

Proposal

1. The business area would be located in a 10 x 12 foot room on the main level of a one-story dwelling.
2. No advertisement is proposed for the premises.
3. The applicant teaches folk art painting in conjunction with the school district's adult education program. The classes are not taught at the applicant's home. Nearby students occasionally (one or two times per week) purchase painting supplies from the applicant at her home.
4. All sales on the premises are by appointment only.
5. The applicant's husband and son make the wooden items that are painted by the applicant.
6. The applicant relies upon word-of-mouth advertising for product sales and students.
7. The paints stored on the premises are water-based acrylics, which do not constitute a fire hazard.

CONCLUSION

Analysis

The Planning Commission's home occupation guideline number five does not permit the retail sale of products produced off-site. Council has, however, recently instructed the Planning Commission to amend this guideline to permit limited sale of such products.

The occasional sale of painting supplies to students, by appointment only, would be consistent with Council's desired policy.

The proposal is consistent with the remainder of the Planning Commission's home occupation guidelines.

Recommendation

Approval of a special exception permit to operate a folk art painting business, as a home occupation, at 1770 Onacrest Curve, subject to:

1. Compliance with the criteria outlined in the Planning Commission Subcommittee Report, except guideline number five.
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. A smoke detector shall be located on the main and basement levels of the dwelling.
4. A five-pound ABC fire extinguisher shall be wall mounted and readily available to the kitchen area.

BACKGROUND

Site Description

1. Lot Size: A 17,500 square foot lot
2. Existing Land Use: A single dwelling with an attached garage

Surrounding Land Uses

North: Single dwelling

East: Adolphus Street. Across Adolphus Street, apartment buildings. The applicant's rear yard drops off steeply to Adolphus Street.

South: Single dwelling

West: Onacrest Curve. Across Onacrest Curve, single dwellings

Past Actions

5-20-82: Council approved an electronic equipment repair and retail sales business for Todd Peterson at 2169 Arkwright Street. Retail sales of the products produced off-site were permitted so long as they remain secondary to the service portion of the business. Council instructed the Planning Commission to permit limited sales of products produced off-site.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan Designation: RL, Residential Lower Density
2. Zoning: R1, Residence District (Single Dwelling)
3. Section 904.010(5) of the Zoning Code permits an art studio, photography studio, or other artistic pursuits conducted in a residence or accessory building when authorized by the City Council.

Public Safety

1. A smoke detector should be installed on the basement and main levels of the dwelling.
2. A five-pound ABC fire extinguisher should be wall mounted and readily accessible to the kitchen area.

Citizen Comments

All five abutting property owners were surveyed as to the applicant's intentions for limited retail sales of products produced off-site. Each returned a response indicating no objection to the proposal.

jw

Enclosures:

1. Planning Commission Home Occupation Guidelines
2. Location Map
3. Property Line Map

PLANNING COMMISSION SUBCOMMITTEE REPORT

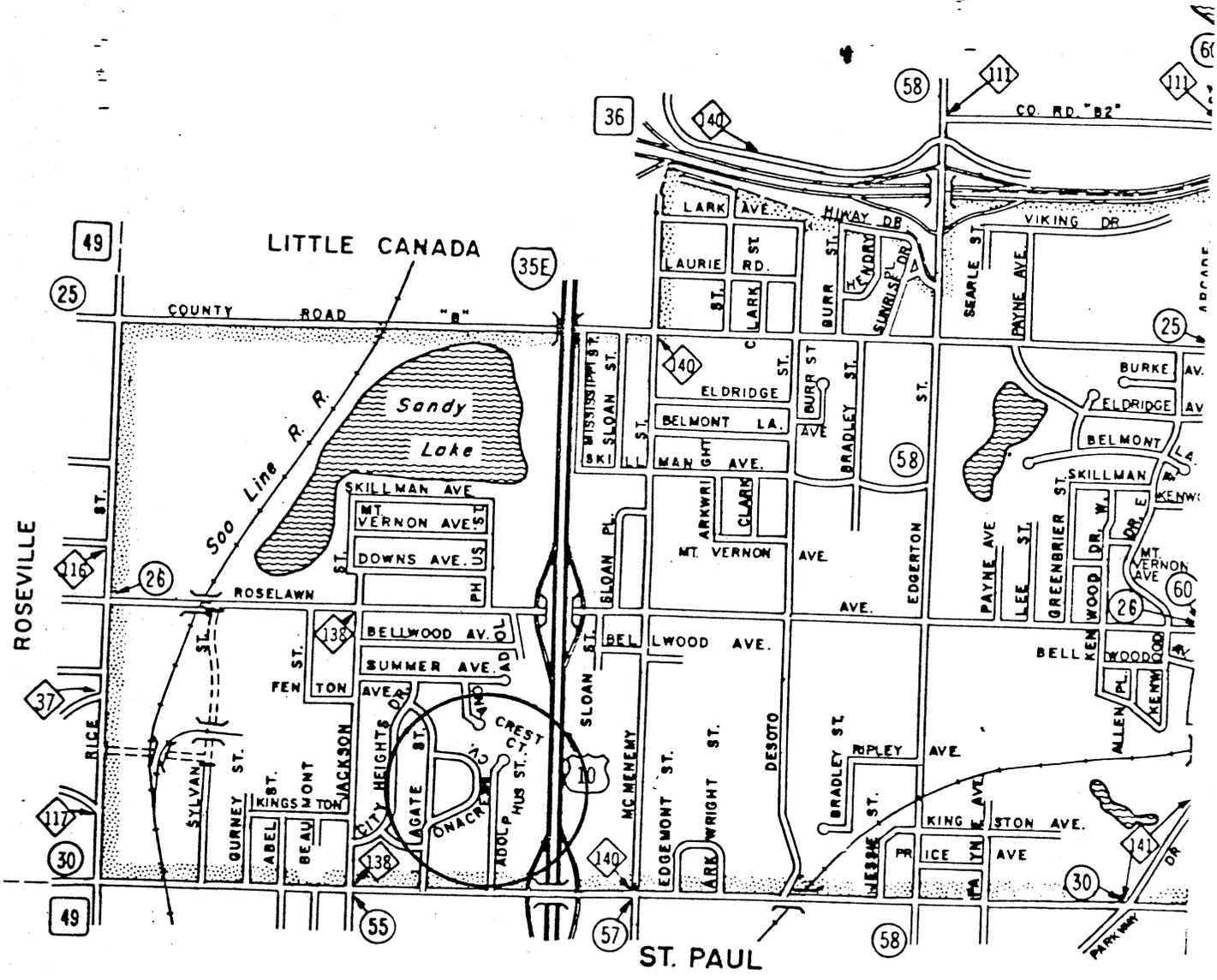
The Planning Commission concurs with the need for an appropriate definition of a home occupation. It is also felt that while certain occupations require the issuance of a special use permit, other activities such as those that do not have any of the following should be allowed without a permit:

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

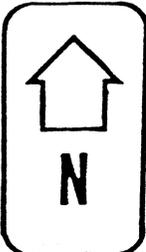
The Planning Commission proposes the following guidelines for a Home Occupation:

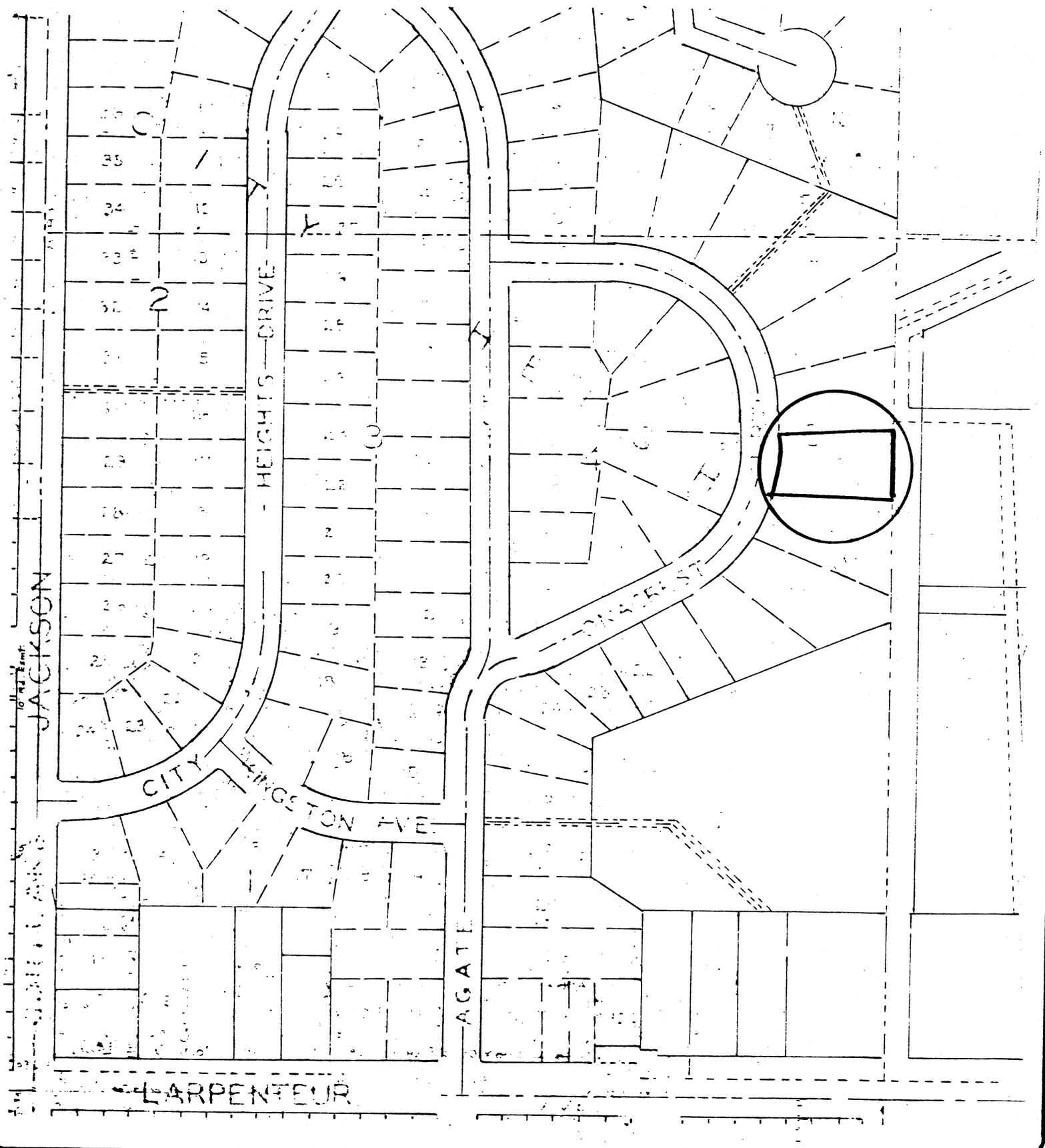
Home Occupation requiring a permit is defined as that occupation conducted in a dwelling unit involving the manufacture and/or sale of a product or service, subject to the following limitations:

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

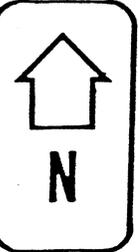


LOCATION MAP





PROPERTY LINE MAP



MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Code Amendment: Mobile Homes in R-1 Zones
DATE: June 2, 1982

INTRODUCTION

Request

Councilmember Juker requested on November 5 that the Code be amended to prohibit single-wide mobile homes in R-1, Residence Districts (single dwelling).

Comments

Councilmember Juker feels that single-wide mobile homes should not be allowed in R-1 districts for the following reasons:

- 1. Most mobile homes are not compatible in design with other types of single dwellings.
- 2. Mobile homes may devalue other types of single dwellings.

Because of recent state legislation, cities may not prohibit mobile homes, but they may regulate width and type of foundation. The enclosed ordinance requires a minimum width of twenty-one feet and a permanent foundation. Most single-wide mobile homes are 12 to 14 feet in width, with a few at sixteen feet. Most conventional homes have a width of 24 to 28 feet.

Recommendation

Approval of the enclosed ordinance.

jc

BACKGROUND

1. The existing code allows mobile homes in all zoning districts.
2. Section 912.140 states that, "Special permits shall be required for the placing of a house trailer or mobile home on a property for temporary use as a dwelling. Said temporary use permit shall not exceed 90 days from the date of issuance." This section restricts temporary use, but not the permanent use of mobile homes in residential districts.
3. Modular homes are similar in design to conventional homes, but most of the work is done in factories. The house is then shipped to the site in sections.
4. In 1979, the Metropolitan Council surveyed sixty metropolitan communities and found that 51 or 85% of them restrict mobile homes to mobile home parks, except for emergency situations.
5. The State recently changed the Municipal Planning Act to prohibit the exclusion of mobile homes from cities. (Refer to the enclosed "Action Alert" from the League of Minnesota Cities.)

Enclosure:
proposed ordinance
"Action Alert"

ORDINANCE NO _____.

AN ORDINANCE ESTABLISHING MINIMUM WIDTH AND FOUNDATION
REQUIREMENTS IN R-1 ZONES

THE MAPLEWOOD CITY COUNCIL DOES HEREBY ORDAIN:

SECTION 1. Section 904.100 is hereby added as follows:

904.100. BUILDING WIDTH AND FOUNDATION REQUIREMENTS.

1. The minimum building width on any side shall be at least twenty-one feet. The building width shall not include entryways or other appurtenances that do not run the full depth of the building.
2. All buildings shall provide a permanent foundation with perimeter frost footings or a "floating" slab that meets the State Building Code.

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

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

Mayor

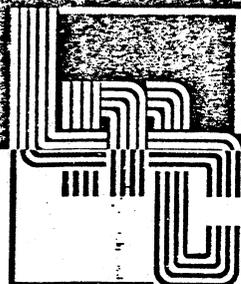
Attest:

Clerk

Ayes -

Nays -

action alert



league of minnesota cities

April 15, 1982

TO: City Managers, Administrators, Clerks
(Please pass a copy along to your city planner or zoning administrator)

FROM: Duke Addicks, Legislative Counsel
Cathy Quiggle, Research Assistant

RE: Mobile/Manufactured Housing

Minnesota Laws 1982, Chapter 490 amending M.S. 462.357, Subd. 1 changes the Municipal Planning Act to prohibit the exclusion of mobile/manufactured homes from cities. (The complete text of the law as amended is enclosed. New language is underlined, old language is stricken.) These new provisions are not effective until August 1, 1982. Until then, any manufactured homes are subject to the zoning ordinance presently in effect in a city.

Pursuant to this new legislation, by August 1, 1982, cities may wish to amend their zoning ordinances to establish the following:

1. design standards for dwellings in residential districts such as: minimum width, minimum square footage, siding material, roof lines, type of foundation requirements;
2. residential district(s) in which only dwellings meeting the Uniform Building Code are permitted;
3. residential district(s) in which manufactured homes as defined by M.S. 327.31-327.35 (not required by law to meet the Uniform Building Code) are permitted as well as site built homes which meet the Uniform Building Code, i.e. a mixed district;
4. mobile home park district(s) for those mobile homes unable to meet design standards in residential districts.

There is some confusion over whether the establishment of the above mentioned design standards is now the only legal method of regulating the location of manufactured homes within a city. The Michigan Supreme Court held in Robinson Township v. Donald Knoll, 302 NW 2d 146 (Mich. 1981), that a municipality's exclusion of mobile homes

(OVER)

from all areas not designated as mobile home parks had no reasonable basis under the police power and was therefore unconstitutional. The Court stated, however, that a mobile home could be excluded if it failed to satisfy reasonable standards designed to assure favorable comparisons with permitted site built housing. Thus, regulation by design standards applicable to both site built and manufactured housing seems to be the preferred approach.

It can be argued, however, that under the city's authority to regulate by class of building (M.S. 462.357, Subd. 1) it can establish some residential districts which permit manufactured homes and some which do not. The fact that manufactured homes are subject to a different building code than site built homes would seem to be a recognition that they are, in fact, a different class of building.

It can also be argued that the intent of the legislature in passing the new law was to prohibit only the total exclusion of manufactured homes from a city. Line 24 of the bill originally read, "No regulation or single family zoning ordinance may prohibit ... manufactured homes built in conformance with sections 327.31, Subd. 6, or any other single family dwellings that comply with all other zoning ordinances promulgated pursuant to this section." It would seem that if the legislature intended to prohibit the exclusion of manufactured homes from all single family districts it would have passed the bill as originally written instead of passing the amended version which deleted the phrase "single family zoning ordinance". Therefore, if the city were to establish some district permitting manufactured homes within the city, it would seem to be in compliance with the intent of the law.

Again these changes in the Municipal Planning Act do not become effective until August 1, 1982. Because the application of the law is unclear we will pass along further information as it becomes available. If you have further questions please call Cathy Quiggle at the League office. Through April 23rd our phone number will be (612) 222-2861; thereafter, it will be (612) 227-5600.

DA:CQ:rmm

Attach.

Sec. 2. Minnesota Statutes 1980, Section 462.357, Subdivision 1, is amended to read:

Subdivision 1. (AUTHORITY FOR ZONING.) For the purpose of promoting the public health, safety, morals and general welfare, a municipality may by ordinance regulate the location, height, width, bulk, type of foundation, number of stories, size of buildings and other structures, the percentage of lot which may be occupied, the size of yards and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation, conservation of shorelands, as defined in section 105.485, access to direct sunlight for solar energy systems as defined in section 116H.02, flood control or other purposes, and may establish standards and procedures regulating such uses. No regulation may prohibit earth sheltered construction as defined in section 116H.02, subdivision 3, or manufactured homes built in conformance with sections 327.31 to 327.35 that ~~empties~~ comply with all other zoning ordinances promulgated pursuant to this section. The regulations may divide the municipality into districts or zones of suitable numbers, shape and area. The regulations shall be uniform for each class or kind of buildings, structures or land and for each class or kind of use throughout such district, but the regulations in one district may differ from those in other districts. The ordinance embodying these regulations shall be known as the zoning ordinance and shall consist of text and maps. A city may by ordinance extend the application of its zoning regulations to unincorporated territory located within two miles of its limits in any direction, but not in a county or town which has adopted zoning regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the zoning of land on its side of a line equidistant between the two noncontiguous municipalities unless a town or county in the affected area has adopted zoning regulations. Any city may thereafter enforce such regulations in the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

/rmm
4/15/82

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Ordinance Amendment--Metal Buildings
DATE: July 1, 1982

On June 28, 1982, the City Council gave first reading to an ordinance amendment regulating the construction of metal pole buildings. This proposed ordinance amendment (labeled I) reflects the Community Design Review Board's motion which Staff endorses.

jw
Enclosures

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Ordinance Amendment--Metal Buildings
DATE: June 15, 1982

Request

The City Council, on May 20, 1982, directed staff to prepare an ordinance amendment prohibiting the erection of any new metal pole buildings in Maplewood, and to restrict the construction of buildings with metal exteriors to M-1, Light Manufacturing, M-2, Heavy Manufacturing and BC, Business Commercial districts.

Comments

The reason for prohibiting metal pole buildings is simply esthetics. Metal pole buildings, which are also referred to as "pole barns" and "agri-buildings," are appropriate for rural areas because of their design, but are not well suited for urban locations where they would be highly visible. Examples of this style of metal building are the Keller Golf Course maintenance building and Blake Excavating's garage.

For purposes of definition, the term "metal pole building" should not be used. Not all metal buildings which have the "pole building" appearance are structurally supported by vertical poles or columns. Able Mini Storage and Big A Auto Parts are examples of metal buildings which are not considered pole buildings since they are not physically supported in this fashion.

Alternatives (From most to least restrictive)

- I. Prohibit metal pole buildings altogether. This would eliminate the chances of any new such 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.

Alternative II is the proposal previously considered by Council on 5-20-82.

Staff has included two ordinance amendments for the Council's review and comparison.

Recommendation

Both proposals appear to be effective. Either one, therefore, is recommended for approval.

jw
Enclosures

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 I
2. Proposed Ordinance II
3. Survey
4. Metal Pole Building Inventory

ORDINANCE NO. _____

AN ORDINANCE AMENDMENT REGULATING THE
REVIEW OF METAL POLE BUILDINGS

The City Council of the City of Maplewood does hereby ordain as follows:

Section 1. Section 202.240 of the Maplewood Code is hereby added to read as follows:

202.040 SPECIAL AREAS

1. It shall be unlawful to erect a metal building in the City of Maplewood which is of a design commonly referred to as a "metal pole building," "pole barn" or "agri-building," unless such building would be located in a F, Farm Residence District or unless such building is a metal storage building commonly used as a back yard storage shed. Should any dispute arise over the classification of a proposed metal building, the Director of Community Development shall determine whether the proposed metal building fits into the "metal pole building" category. Appeals of the Director's decision shall be made to the City Council for a determination of building type.
2. Buildings having metal exteriors, but not being of the typical pole building design, may only be allowed in areas zoned F, Farm Residence, BC, Business Commercial, M-1, Light Manufacturing and M-2, Heavy Manufacturing. Special architectural design and nonmetal decorative modifications may be required to assure compatibility with community development.

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

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

Mayor

Attest:

Clerk

Ayes -
Nays -

ORDINANCE NO. _____

AN ORDINANCE AMENDMENT REGULATING THE REVIEW 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 modifications shall be required 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 architecturally 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

Board Member Hedlund moved the Board recommend the following addition to the Maplewood Code:

202.040 Special Areas

1. It shall be unlawful to erect a metal building in the City of Maplewood which is of a design commonly referred to as a "metal pole building," "pole barn" or "agri-building," unless such building would be located in a F, Farm Residence District or unless such building is a metal storage building commonly used as a back yard storage shed. Should any dispute arise over the classification of a proposed metal building, the Director of Community Development shall determine whether the proposed metal building fits into the "metal pole building" category. Appeals of the Director's decision shall be made to the City Council for a determination of building type.
2. Buildings having metal exteriors, but not being of the typical pole building design, may only be allowed in areas zoned F, Farm Residence, BC, Business Commercial, M-1, Light Manufacturing and M-2, Heavy Manufacturing. Special architectural design and nonmetal decorative modifications may be required to assure compatibility with community development.

Board Member Deans seconded

Ayes - all.

7. VISITOR PRESENTATIONS

8. BOARD PRESENTATIONS

9. STAFF PRESENTATIONS

A. Discussion of Board Self-evaluation

The Board discussed what information should be included in the evaluation report to the City Council. They also reviewed the function of the Board.

10. ADJOURNMENT

Meeting adjourned at 8:49 p.m.

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Board of Appeals and Adjustments
DATE: June 1, 1982

The City Council, on May 20, directed staff to prepare an ordinance amendment replacing the Board of Appeals and Adjustments with the City Council.

Background

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, Eagan 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

Recommendation

Approval of the enclosed ordinance

jw
Enclosure
Proposed Ordinance

ORDINANCE NO. _____

BOARD OF APPEALS AND ADJUSTMENTS REPLACED WITH THE MAPLEWOOD CITY COUNCIL
HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Code is hereby amended as follows (deletions
crossed out and additions underlined):

~~202.110. -- BOARD OF APPEALS AND ADJUSTMENT ESTABLISHED. -- A Board of Appeals and Adjustments is hereby established for the purpose of hearing and determining appeals from decisions of administrative officials of Maplewood in matters relating to the enforcement of zoning ordinances; and for hearing and determining petitions for adjustment of conditions imposed by zoning or planning ordinances.~~

~~202.111. -- MEMBERSHIP OF APPEALS BOARD. -- The Board of Appeals and Adjustments shall consist of the Mayor and four (4) members of the Village Council.~~

202.112. POWERS AND DUTIES OF THE BOARD OF APPEALS AND ADJUSTMENTS, APPEALS AND VARIANCES. The Board of Appeals and Adjustments City Council shall hear and decide all appeals from alleged erroneous decisions of any administrative or enforcement officer of Maplewood in matters relating to the administration and enforcement of the zoning ordinances of Maplewood. the Board Council shall also hear requests for variances from the literal provisions of the zoning ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. Such grants shall not provide for a use which is not permitted under the zoning classification in which the property is located. The Board Council may impose conditions in granting variances to insure compliance and to protect adjacent properties. In matters relating to planning, the Board of Appeals and Adjustments City Council shall have the powers set forth in Minnesota Statutes, Section 462.359, Subd. 4.

202.113. PROCEDURES. Appeals may be brought before the Board of Adjustments and Appeals City Council by any affected person. Appearance before the Board Council may be in person or by agent or attorney. The Board Council shall schedule a hearing within ~~thirty~~ sixty days after an appeal is submitted in writing. All notices of appeal must be filed with the Village Clerk Director of Community Development within the time prescribed by applicable law, ordinance or regulation. The decision of the Board of Appeals and Adjustments City Council shall be final and no further action shall be required or allowed by the municipality, except that the Village Council may in accordance with the decision, rescind or otherwise alter any decision previously made which may have been subject of the appeal. Further appeal may be taken to the District Court of Ramsey County providing such appeal is made within twenty (20) days after the date of the decision of the Board of Appeals and Adjustments City Council.

The Board of Appeals and Adjustments City Council shall render its decision on any appeal within ninety (90) days after the date of the end of the hearing.

202.114.--RULES-AND-REGULATIONS.--The Board of Appeals and Adjustments may adopt and promulgate rules and regulations governing its function and such rules and regulations shall be published for at least sixty (60) days before adoption.--Such rules and regulations shall become effective only after approval by the Village Council, provided that the Council shall have sixty (60) days from the time such rules and regulations are submitted to the Council within which to approve or reject any or all such rules, and provided further that if the Council fails to act within said 60 days, the rules shall take effect without Council approval.--Such rules may provide for oaths to be taken by witnesses and may also provide for written briefs.

202.115.--RECORDS-OF-THE-BOARD.--The Board of Appeals and Adjustments shall keep a record of its activities and proceedings, including, but not limited to, the minutes of its meetings, and also its findings, the action taken, and the final orders in all hearings of appeals or for adjustments. A copy of every order it makes shall be forwarded to the Village Council by delivering same to the Village Clerk.

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

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

Mayor

Attest:

Ayes -

Nays -

Clerk

The Delory Co.

H-6

•Basement Waterproofing
•Augering

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

•Sewer & Water Installation
•Realty Post & Sign Installation

May 21, 1982

Mr. Barry Evans
Maplewood City Hall
1380 First Ave.
St. Paul, MN 55119

Dear Mayor and Members of the City Council:

From: City Mgr.
Referred To:
Mayor & Council
Clerk
Fin. Director _____
Com. Develop.
Com. Services _____
Pub. Safety _____
Pub. Works
Personnel _____
File _____
Other _____
Date 6-29-82

We met before your group on May 6, 1982 to request a change in licensing for Sewer and Water Contractors. As the Ordinance now exists, a licensed plumber must pull the permit, and we as a licensed, bonded and insured sewer and water contractor are left to his discretion. In many cities there are two licenses, one for plumbing inside and a separate one for outside sewer and water. This procedure is more desirable to us, as most sewer and water in Maplewood is now in except for new construction. Often we put the outside system in weeks or even months before the inside plumbing is started.

In most all cases separate bids are given by plumbers and sewer and water contractors and we don't even know who the plumber is going to be. Our work is mainly to open the trench, tie sewer and water to street stubs and run to under foundation. This of course is always tested and inspected by Maplewood before we backfill. We do no inside plumbing. In effect, no plumber will ever see our work except for the two lines at the inside of the wall.

Most plumbers sublet all outside work as they do not have the equipment to do this. We have in the past 20 years installed thousands of sewers in the seven County Metro Area. I guess our point is that we are in two different businesses and think we should have the right to do our work without having to pay a fee or go through the problems and expense of having someone else pull a permit for a job he will never see. It is no different than requiring a roofer to have a carpenter pull his permit because he is pounding nails into a wooden roof.

Our livelihood depends entirely on someone else. If a plumber is out of town, mad at us or doesn't renew his license (as I believe is the case of our plumber), we cannot even start our jobs. We normally have bid these long before we start, and unless the plumber pulls the permit, our bid cannot be honored. If I were a plumber I would be very hesitant to put my license, insurance, etc. on the line for a contractor I didn't even know.

As the City Managers' secretary stated, probably the only advantage with the existing system is that one permit is pulled instead of two and it takes less bookwork and filing. Even your inspector and license clerks don't think the existing system is right. We have over \$100,000 invested in equipment and feel this is a very serious point. How would you like to have a neighbor who may or may not be around, like you, etc. sign a sheet every day so you could go to work and then have to pay them for it beside. In our case we have a letter on file from a plumber to pull permits in his name. What do we do if he retires, dies, moves away, or as I believe in this case, lets his Maplewood license expire. We have no one else and will have to quit working in Maplewood.

page 2

All of our business is on bid, and it is obvious we would not be getting as much work if we were not low bidder on what we do. This could result in thousands of dollars in future loss to Maplewood residents in having to pay higher prices. For the sake of a little extra filing and bookkeeping for Maplewood, I think this puts all sewer and water contractors in a very uncomfortable position.

Sincerely

Ron DesLauries
DELORY COMPANY

RD:bes

MEMORANDUM

TO: Mayor and City Council
FROM: City Manager
SUBJECT: Radio Repeater Equipment
DATE: July 2, 1982

Attached is a letter from John Zuercher which was necessary to forward on June 23 in order to meet a rather arbitrary Federal deadline. I discussed this with three of you on that date. In order to finally authorize this, we will need a transfer from the contingency fund of \$9,150 in order to purchase and install the equipment. This amount is 50% of the cost, with the rest being supplied by the Federal Government. There may also be a contribution by the fire companies, which may then reduce our cost.



BRE:1nb



CITY OF
MAPLEWOOD

1380 FROST AVENUE MAPLEWOOD, MINNESOTA 55109

DEPARTMENT OF EMERGENCY PREPAREDNESS

770-4547

June 23, 1982

Mr. Howard Strabala
State Regional Coordinator
State Emergency Services Division
Griggs-Midway Bldg.
Room 180
1821 University Avenue
St. Paul, Minnesota 55104

Subject: Project Application for the City of Maplewood

Dear Mr. Strabala:

Please consider this letter confirmation that the City of Maplewood has committed \$9,150 for the purpose of the purchase and installation of radio repeater equipment and the associated telephone line installation.

Sincerely,

John Zuercher
Deputy Director

JZ:kd

cc: John Kennedy
bcc: ✓ Barry Evans
Tom Hagen
Dennis Cusick

June 29, 1982

MEMORANDUM

To: City Manager Barry Evans
From: Acting Chief of Police T. Hagen *TJH*
Subject: Forfeiture of Bond - Bodell's Liquors

The Council, on prior occasions, has dedicated bond forfeiture to:

1. Youth Service Bureau - 1980
2. Police armor vests - 1980

Because of cut-backs in funding to the East Communities Family Center, I would recommend the Council consider donating the receipts of the June 28, 1982, bond forfeiture to the East Communities Family Service Center.

TLH:js

cc City Clerk
Liquor File
82-001603

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Survey Requirements
DATE: July 1, 1982

Request

The City Council, on May 20, requested that staff investigate whether to require lot surveys with various city approvals for construction.

Past Action

Previous to 2-2-78: Staff had been requiring a survey or enough property stakes to verify a questionable lot line with a building permit. This requirement was waived where common sense indicated that a proposed structure was not near a lot line or minimum setback line.

2-2-78: Council directed staff to discontinue the above policy.

10-4-79: Council adopted the following policy:

Lot lines must be verified by a certificate of survey or enough visible stakes in place to determine the lot line. The proposed structure shall be shown on the survey with setbacks indicated. This requirement may be waived where common sense indicates that a proposed structure is not near a lot line or minimum setback line. The Inspector will make a visual check of the building's setback lines in the field. If the Inspector feels that there may be a violation, the builder or contractor shall be responsible for verifying the lot line in the field to the Inspector.

Survey of Other Cities

The enclosed survey of other cities shows that most cities require surveys for lot divisions and building permits. Warren Forsberg, a surveyor, indicated that a survey for an average 75' x 135' lot would cost \$250-\$300.

Analysis

The current city policy of requiring a survey or property stakes for building permits has been effective. This policy should be extended to lot divisions and other city approvals when setbacks to existing buildings or lot lines are at issue, such as variances and Design Review Board approvals. Such a policy would have avoided the Piletich-Hagstrom dispute that Council recently went through.

Recommendation

Extend the 1979 policy requiring a survey or stakes for building permits to include lot divisions, variances, Design Review Board approvals, and other city approvals where setbacks to existing buildings or lot lines are at issue.

SURVEY OF OTHER CITIES
CITIES CLOSEST TO MAPLEWOOD IN POPULATION

Survey Required

	<u>Lot Divisions</u>	<u>Building Permits</u>
Coon Rapids	Yes (before a deed is recorded)	Yes
Roseville	Yes	No
Burnsville	No	Yes
Plymouth	Yes	Yes
Brooklyn Center	Lot Divisions not Allowed Platting Only	Yes
Fridley	Yes	Lot Stakes or Survey
Blaine	Yes	No
Crystal	Lot Divisions not Allowed Platting Only	Yes
New Brighton	Yes	Yes
New Hope	Yes	Yes
Golden Valley	Yes	Yes
White Bear Lake	No	No
Apple Valley	Yes	Yes
South St. Paul	Not Available	
Eagen	Yes	No
Maple Grove	Yes	Yes
Columbia Heights	No	Yes
Cottage Grove	Yes	No
West St. Paul	Not Available	
Shoreview	Yes	Yes
ADJACENT CITIES		
St. Paul	Yes	No, unless unplatted
White Bear Lake	No	Must have stakes

Survey of Other Cities continued -

	<u>Lot Divisions</u>	<u>Building Permits</u>
North St. Paul	Yes	Yes
Oakdale	No	No
Woodbury	Yes	Yes
Newport	Yes	Yes
Roseville	Yes	No
Little Canada	Yes	Yes
Vadnais Heights	No	No

MEMORANDUM

TO: City Manager
FROM: Director of Public Works *KSH*
DATE: July 6, 1982
SUBJECT: MnDOT Beam Avenue Agreement

The City Council has previously approved the installation of a signal system at Beam Avenue and Highway 61. This is the agreement for cost sharing proposed by MnDOT.

It is recommended the City Council approve the agreement as submitted.