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AGENDA
Maplewood City Council
7:00 P.M., Monday, July 26, 1982
Municipal Administration Building
Meeting 82-18

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

1. Minutes 82-15 (June 28, 1982)
2. Minutes 82-16 (July 12, 1982)
3. Minutes 82-17 (July 15, 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 the form listed below. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Accounts Payable
2. Revenue Sharing Audit
3. Time Extension - Carsgrove Meadows
4. Time Extension - Schwichtenberg Addition
5. Final Plat - Adrienne's Addition

(E-1)

1. Adolphus St. Sanitary Sewer Assessments

(F) PUBLIC HEARINGS

1. P.U.D. Preliminary Plat & Alley Vacation - English St. Townhouses (7:00)

2. Street Vacation - Southlawn (7:15)

(G) AWARD OF BIDS

1. Bituminous Seal Coating _____
2. Bituminous Overlay _____
3. Adolphus St. Sanitary Sewer _____

(H) UNFINISHED BUSINESS

(I) VISITOR PRESENTATION

(J) NEW BUSINESS

1. Revise Assessment Roll - Hillwood & Dorland _____
2. Special Exception - 2994 Winthrop _____
3. EAW - Pearson Estates _____
4. Ordinance Amendment - Billboards _____
5. Council/HRA Joint Meetings _____
6. Sewer Fund Transfer _____
7. Pipeline Ordinance _____

(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	=	<u>1,864.00</u>
		\$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

- 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

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, July 12, 1982
Council Chambers, Municipal Building
Meeting No. 82-16

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota was held in the Council Chambers, Municipal Building and was called to order at 7:00 P.M. by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Arrived at 7:10 P.M.
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Absent

C. APPROVAL OF MINUTES

None.

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Liquor License
2. Budget Meeting
3. Police Policy
4. Parade
5. Assessment Hearing
6. Recycling Center
7. Storm Sewers
8. Minnehaha and Century

Seconded by Councilmember Anderson. Ayes - all.

E. CONSENT AGENDA

Councilmember Anderson moved, seconded by Councilmember Juker, Ayes - all, to approve the Consent Agenda Items 1 through 3 as recommended:

1. Accounts Payable

Approved the accounts (Part I, Fees, Services, Expenses, Check No. 000596 through Check No. 000647 - \$132,515.55; Check No. 013568 through Check No. 013671 - \$131,150.01; Part II, Payroll - Check 04284 through Check No. 04410 - \$56,880.18) in the amount of \$320,545.74.

2. Establish Hearing Date - Revenue Note - Emerald Inn

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 12th day of July, 1982.

/s/ John C. Greavu
Mayor

Attest:

Lucille E. Aurelius
City Clerk

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

To whom it may concern:

Notice is hereby given that the City Council of the City of Maplewood, Minnesota will meet at the City Hall in the City of Maplewood, Minnesota, at 7:00 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 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 July 13, 1982, 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 12th day of July, 1982

(BY ORDER OF THE CITY COUNCIL)

By /s/ Lucille E. Aurelius
City Clerk

3. Final Approval - Revenue Note - St. Paul Business - 35E and Roselawn
Resolution No. 82-7-82

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

/s/ John C. Greavu
Mayor

Attest:

/s/ Lucille E. Aurelius
City Clerk

(SEAL)

F. PUBLIC HEARINGS

1. On Sale Liquor License - The Brothers-In-Law 7:00 P.M.
 - a. Mayor Greavu convened the meeting for a public hearing regarding the application of Jeffrey S. Schwartz for an On Sale Intoxicating Liquor License at the Brothers-In-Laws, 3035 White Bear Avenue (Maplewood Square). The Clerk stated the hearing notice was in order and noted the dates of publication.
 - b. Manager Evans presented the staff report.
 - c. Mr. Jeffrey Schwartz, the applicant, spoke on behalf of his request. He further stated he has no other interest in any other liquor establishment.
 - d. Mayor Greavu called for proponents. None were heard.
 - e. Mayor Greavu called for opponents. None were heard.
 - f. Mayor Greavu closed the public hearing.
 - g. Councilmember Anderson introduced the following resolution and moved its adoption:

82 - 7 - 83

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood on July 12, 1982, an On Sale Intoxicating Liquor License was approved for Jeffrey S. Schwartz, dba Brothers-In-Law, 3035 White Bear Avenue.

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

Seconded by Mayor Greavu.

Ayes - all.

H. UNFINISHED BUSINESS

1. Roof Sign - ICO Station
 - a. Manager Evans presented the staff report.
 - b. The Manager of the ICO Station spoke on behalf of the request.

c. Councilmember Anderson moved to approve the six by five foot roof sign on top of the 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.

Seconded by Mayor Greavu.

Ayes - all.

2. Special Exception: 1770 Onacrest Curve - Beran

a. Manager Evans presented the staff report.

Councilmember Bastian arrived at the meeting at 7:10 P.M.

b. Ms. Diane Beran, 1770 Onacrest Curve, the applicant spoke on behalf of the proposal.

c. Councilmember Bastian moved to approve 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.

Seconded by Councilmember Anderson.

Ayes - all.

3. Code Amendment: Minimum House Width and Foundation: Second Reading

a. Manager Evans presented the staff report.

b. Councilmember Anderson introduced the following ordinance and moved its adoption:

ORDINANCE NO. 516

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.

Seconded by Councilmember Juker. Ayes - all.

4. Code Amendment - Metal Buildings - Second Reading

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

ORDINANCE NO. 517

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, B C, 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 and be in force after its passage and publication.

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

5. Code Amendment: Board of Adjustments and Appeals - Second Reading

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

ORDINANCE NO. 518

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~~ City 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~~ City 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~~ City Council may be in person or by agent or attorney. The ~~Board Council~~ City 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~~ City 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.

Seconded by Councilmember Juker. Ayes - all.

F. PUBLIC HEARINGS (continued)

2. Small Kennel License - Patrick C. Rossbach - 7:15 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Patrick C. Rossbach for a small kennel license to house (3) three dogs at 2229 Hazelwood Street. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. Patrick Rossbach, 2229 Hazlewood Street, the applicant, spoke on behalf of the request.

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

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

Mrs. Betty Smity, 2239 Hazelwood is not against the license, but wishes it to be limited to three (3) dogs.

f. Mayor Greavu closed the public hearing.

g. Mayor Greavu moved to grant a small kennel license to Patrick C. Rossbach, 2229 Hazelwood Street, to house three (3) family pets subject to annual review.

Seconded by Councilmember Anderson. Ayes - all.

H. UNFINISHED BUSINESS (continued)

6. The DeLory Company Request

a. Mayor Greavu had requested this item be placed on the agenda.

b. Mr. DeLory, DeLory Company, wishes to be allowed to obtain sewer permits although he is not a master plumber.

c. Councilmember Bastian moved to table this item until the first meeting in August to allow him to obtain further information.

Seconded by Councilmember Anderson. Ayes - all.

I. VISITOR PRESENTATIONS

None.

J. NEW BUSINESS

1. Radio Repeater Equipment - Budget Transfer

a. Manager Evans presented the staff report.

b. Councilmember Bastian moved to authorize a budget transfer from the contingency fund to cover the cost of purchasing the radio repeater equipment and the associated telephone line installation as recommended.

Seconded by Mayor Greavu.

Ayes - all.

2. Forfeiture of Bond - Bodell's Liquors

a. Manager Evans presented the staff report.

b. Councilmember Bastian moved to donate the receipts of the June 28, 1982 bond forfeiture to the East Communities Family Service Center.

Seconded by Mayor Greavu.

Ayes - all.

3. Lot Survey Policy

a. Manager Evans presented the staff report with the recommendation that the Council 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.

b. Councilmember Bastian moved to adopt the lot survey policy as presented with a revision that states "The City Manager may waive the lot survey requirement where common sense indicates that a proposed structure is not near a lot line or minimum setback line".

Seconded by Councilmember Juker.

Ayes - all.

5. MnDOT Beam Avenue Agreement

a. Manager Evans presented an agreement from MnDOT regarding City and State cost sharing for the installation of a signal system at Beam Avenue and T.H. 61.

b. Councilmember Anderson moved to approve the agreement as presented with MnDOT regarding the installation of a signal system at Beam Avenue and T.H. 61.

Seconded by Councilmember Juker.

Ayes - all.

K. COUNCIL PRESENTATIONS

1. Liquor License

a. Councilmember Juker moved to have staff investigate the possibility of the City having more than the 18 On Sale Liquor Licenses that is currently our limit.

Seconded by Councilmember Anderson.

Ayes - all.

2. Budget Meeting

a. Councilmember Juker requested there be a budget meeting established.

b. Council established a budget meeting at 7:00 A.M., Thursday, July 15, 1982 at Perkins Restaurant on County Road D.

3. Police Policy

- a. Councilmember Juker questioned if it is the policy of the Maplewood Police Department to give aid to accident victims in another city.
- b. Acting Police Chief Hagen stated if our police department come upon an accident in another city, they would give aid.

4. Parade

5. Assessment Hearing

- a. Councilmember Juker stated that there had been assessment hearings scheduled for July 22, 1982 and this is the same night as the scheduled White Bear Avenue parade. The Council is expected to represent the City at this parade.
- b. Councilmember Juker moved to hold the assessment hearings on July 29, 1982.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

c. Improvement 81-6 Shade Tree Disease

Councilmember Juker introduced the following resolution and moved its adoption:

82 - 7 - 84

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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

d. Improvement No. 79-4 English Street Improvements

Councilmember Juker introduced the following resolution and moved its adoption:

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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

e. Improvement 78-20 Brookview Drive Storm Sewer

Councilmember Juker introduced the following resolution and moved its adoption:

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 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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

f. Improvement 78-24 Beam Avenue West of T.H. 61

Councilmember Juker introduced the following resolution and moved its adoption:

82 - 7 - 87

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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

g. Improvement 78-9 East Shore Drive

Councilmember Juker introduced the following resolution and moved its adoption:

82 - 7 - 88

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 Improvement, 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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

h. Improvement 80-14 Keller Parkway Sanitary Sewer

Councilmember Juker introduced the following resolution and moved its adoption:

82 - 7 - 89

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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

i. Improvement 79-15 Southlawn-Radatz

Councilmember Juker introduced the following resolution and moved its adoption:

82 - 7 - 90

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 29th 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.

Seconded by Councilmember Anderson.

Ayes - Mayor Greavu, Councilmembers Anderson and Juker.

Nays - Councilmember Bastian.

J. NEW BUSINESS (continued)

4. Moratorium on House Moving

a. Manager Evans stated staff is requesting a moratorium on moving houses into or within the City until this issue can be studied. The following is recommended:

- I. Establish a moratorium on moving houses into or within Maplewood for six months or until a new ordinance is adopted.
- II. Direct Staff to prepare an ordinance on house moving. If Council has specific requirements they wish to have in the ordinance, we would appreciate their direction on this as well.

b. Mr. Morris, 3034 N. Chippewa Court, spokesman for the area, stated he supports the request for a moratorium (a house is being proposed to be moved onto a lot across from him).

c. Councilmember Bastian moved to place a three month moratorium on houses being moved into Maplewood and directed staff to prepare an ordinance regulating house moving.

Seconded by Mayor Greavu.

Ayes - all.

K. COUNCIL PRESENTATIONS (continued)

8. Minnehaha and Century

a. Councilmember Anderson questioned if permits given have a time limit.

b. Staff stated the developer at Minnehaha and Century had one year to start construction.

7. Storm Sewers

a. Councilmember Anderson requested staff to research assessing City wide for storm sewer improvements.

6. Recycling Center

a. Several residents of the area of McKnight Road and Minnehaha Avenue, where the waste recycling center is proposed to be constructed, presented their objections to the proposal. The following persons were heard:

Phyllis Schwartz, 649 Ferndale
Joe Lindbeck, 2550 Minnehaha
Marge Zabel, E. Fifth Street
Mike Ross, 571 Farrell
Doug Thompson, 643 Ferndale
Hilmer Anderson, 814 Mayhill Road
Mary Johnson, 882 Bartelmy Lane
Arlen Fronning, 2698 Fifth Street
Richard Dippel, 2424 Bush
Mabel Thompson, 643 Ferndale

b. Council stated they did not have any voice in this decision. There will be a meeting of the nine member Siting Task Force of the Ramsey/Washington Waste to Energy Project on Wednesday, July 14, 1982, at the Washington County Health Building.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

9:25 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Thursday, July 15, 1982
Council Chambers, Municipal Building
Meeting No. 82-17

A. CALL TO ORDER

A special meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 7:00 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	Absent

C. PRESENTATIONS

1. Holloway Avenue -Approving Plans - Advertisement for bids

a. Director of Public Works Ken Haider presented the plans and specifications for the construction of Holloway Avenue Improvements Project 81-12 and requested authorization to advertise for bids.

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

82 - 7 -

WHEREAS, pursuant to resolution passed by the City Council on April 15, 1982, plans and specifications for Holloway Avenue Improvements (Improvement Project 81-12) have been prepared by or under the direction of the City Engineer and he has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which is attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City Clerk.
2. The City Clerk shall prepare and cause to be inserted in the official paper (and in the Construction Bulletin) an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published two times, at least ten (10) days before date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered, by the Council at the time and date selected by the City Engineer, at the City Hall and that no bids shall be considered unless sealed and filed with the Clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota, for 5% of the amount of such bid.
3. The City clerk and City engineer are hereby authorized and instructed to receive, open, and read aloud bids and to tabulate the bids received.

ADVERTISEMENT FOR BIDS

The City of Maplewood, Minnesota, will receive sealed bids for the following project:

MAPLEWOOD- NORTH ST. PAUL
JOINT HOLLOWAY AVENUE IMPROVEMENT
MAPLEWOOD IMP. NO. 81-12 (SAP 138-119-01)
NORTH ST. PAUL IMP. NO. SAD 8103 (SAP 151-258-01)

The project will include the following approximate major quantities.

Common Excavation	31,700 CY.
Bituminous Materials	11,500 TON
CL. 5 Aggregate Base	20,000 TON
Concrete Curb and Gutter	10,800 L.F.
Sod and Topsoil	14,000 S.Y.
6" Dip Watermain	1,950 L.F.
Sidewalk	22,900 S.F.
8" Sanitary Sewer	550 L.F.
12" through 36" RC Storm Sewer	4,700 L.F.

AND MISC. APPURTANCES

Bids will be received until 10:00 a.m. on Wednesday the 18th day of August, 1982, at the Municipal Building, 1380 Frost Avenue, Maplewood, Minnesota 55109, at which time and place all bids will be publicly opened. The City shall have 40 days from August 18, 1982 within which to award a contract hereinunder.

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

Proposal forms, contract documents, drawings and specifications as prepared by Short Elliott Hendrickson, Inc., (SEH) are on file for inspection in the office of the City Engineer located at 1902 East County Road "B", Maplewood, Minnesota, 55109, and in the office of SEH, Consulting Engineers, whose address is 222 East Little Canada Road, St. Paul, Minnesota 55117.

Contractors desiring drawings, specifications and related documents for the purpose of submitting a bid may secure them from SEH upon deposit of \$45.00 for each set. The deposit for one set of drawings and specifications will be refunded to each Contractor who submits a bona fide bid and the date for the opening of bids.

The City Council reserves the right to reject any and all bids, to waive irregularities and informalities, or to award the contract to the lowest responsible bidder, and in the best interest of the City.

LUCILLE E. AURELIUS
CITY CLERK
CITY OF MAPLEWOOD, MN.

Seconded by Councilmember Anderson.

Ayes - all.

Mayor Greavu adjourned the meeting at 7:07 P.M. to meet with the City Attorney John Bannigan regarding the assessment appeals for Adolphus Street Sanitary Sewer Improvement 81-4.

D. ADJOURNMENT

7:07 P.M.

City Clerk

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
000648	71.00	RAMSEY CO CLERK OF DIST	GNTY D/L FEES PAYABLE
000649	4,237.25	MN MUTUAL LIFE INS CO	CONTRIBUTIONS, INSURANCE
000650	3,516.67	MN MUTUAL LIFE INS CO	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABL AND-DENTAL INS PAYABLE AND-CONTRIBUTIONS, INSUR
000651	174.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000652	3,246.00	METRO WASTE CONTROL COMM	DUE TO OTHER GOVT UNITS Maint. Contract
000653 *	160.00	STORYTALERS	FEES, SERVICE JULY 4th CELEBRATION
000654 *	275.00	SIDE SHOW	FEES, SERVICE JULY 4th CELEBRATION
000655 *	150.00	ILLUMINARIA MIME	FEES, SERVICE JULY 4th CELEBRATION
000656 *	50.00	ARIEL	FEES, SERVICE JULY 4th CELEBRATION
000657	1,905.14	GREAT WEST LIFE ASSURANCE	CONTRIBUTIONS, INSURANCE
000658	2,321.44	GREAT WEST LIFE ASSURANCE	A/R - INS CONTINUANCE AND-HEALTH INS PAYABLE AND-LIFE INS DED PAYABL AND-CONTRIBUTIONS, INSUR
000659	223.76	G+H DISTRIBUTORS	MAINTENANCE MATERIALS
000660	333.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000661	6,178.50	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000662	264.40	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENSAT
000663	15,732.88	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABLE
000664	7,529.67	STATE OF MN	STATE INCOME TAX PAYABLE
000665	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
000666	277.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
000667	297.43	AFSCME LOCAL 2725	UNION DUES PAYABLE AND-FAIR SHARE FEES P/

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000668	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE
000669	10,875.00	CITY + CTY CREDIT UNION	CREDIT UNION DEB PAYAB
000670	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYABL
000671	187.50	MAPLEWOOD STATE BANK	WAGE DEDUCTIONS PAYABL
000672	608.50	MN TEAMSTERS LOCAL 320	UNION DUES PAYABLE
000673	15,932.75	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000674	273.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000675	770.85	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000676	2,530.00	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000677	280.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000678	1,600.00	GARY SOLOMONSON ASSOC	FEES, CONSULTING
000679 *	541.20	VALLEYFAIR ENTERTAINMENT	SUPPLIES, PROGRAM
000680	67.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYABLE
000681	24.00	MICHELLE TUCHNER	A/R MISCELLANEOUS
000682	3,462.35	MINN STATE TREASURER	Jury Duty MV LICENSE FEES PAYABLE
000683	120.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000684 *	180.00	MINNESOTA TWINS	FEES, SERVICE
000685	2,539.25	MINN STATE TREASURER	ADULT SPECIAL EVENTS MV LICENSE FEES PAYABLE
000686	276.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000687 *	750.00	MN REC + PARKS ASSOC	FEES, SERVICE
000688	750.00	POSTMASTER	SUMMER SOFTBALL POSTAGE
000689 *	210.00	MN SOFTBALL ASSOC	FEES, SERVICE
000690	14.88	THE BIG WHEEL	SUMMER SOFTBALL SUPPLIES, VEHICLE
000691 *	41.00	DOUG TAUBMAN	SUPPLIES, PROGRAM

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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000692	48.75	LUCILLE AURELIUS	POSTAGE AND-TRAVEL + TRAINING AND-SUPPLIES, OFFICE AND-SUPPLIES, JANITORIA AND-FEES, SERVICE
000693	181,866.56	MUELLER PIPELINERS INC	SLIDE DEVELOPMENT AWARDED CONST CONTRACTS
000694	256.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000695	3,180.35	MINN STATE TREASURER	MV LICENSE FEES PAYABLE
000696 *	287.43	EILEEN BAKER	WAGES, P/T + TEMP.
000697	.00	VOID CHECK	VOIDED CHECKS
000698	60.00	RAMSEY CTY CONCILIATION	A/R - PARAMEDIC
000699 *	160.00	MET CENTER	FEES, SERVICE YOUTH SPECIAL EVENTS
000700	17.50	ACHIEVEMENT SEMINARS INC	TRAVEL + TRAINING
000701	3,113.40	MINN STATE TREASURER	MV LICENSE FEES PAYABL
000702	280.00	MINN STATE TREASURER	STATE D/L FEES PAYABLE
000703	800.56	CONN GENERAL LIFE INS CO	CONTRIBUTIONS, INSURANC
000704	377.97	CONN GENERAL LIFE INS CO	A/R - INS CONTINUANCE AND-CONTRIBUTIONS, INSU
57	279,794.44	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
013672	330.78	ACE HARDWARE	MAINTENANCE MATERIALS AND-SUPPLIES, EQUIPMENT
013673	193.04	ACRO-MINNESOTA INC	SUPPLIES, OFFICE
013674	100.50	AMERICAN AUTO TRIM	REP. + MAINT., VEHICLES
013675	39.77	AMSTERDAM PRINTING CO	SUPPLIES, OFFICE
013676	318.00	AQUAZYME MIDWEST	FEES, SERVICE CHEMICAL TOILETS
013677	62.75	ARNALS AUTO SERVICE	REP. + MAINT., VEHICLES
013678	3,302.67	ARNALS AUTO SERVICE	REP. + MAINT., VEHICLES
013679	1,943.60	ARNALS AUTO SERVICE	REP. + MAINT., VEHICLES
013680	13.83	ARTSIGN	SUPPLIES, OFFICE
013681	1,192.50	JAMES BAHT	FEES, SERVICE
013682	393.68	BATTERY + TIRE WHSE INC	Heating Inspector SUPPLIES, VEHICLE
013683	203.88	BOARD OF WATER COMM	UTILITIES
013684	8,717.50	BOARD OF WATER COMM	OTHER CONSTRUCTION COS
013685	43.70	BILL BOYER FORD	SUPPLIES, VEHICLE
013686	40.00	BRAO RAGEN INC	SUPPLIES, VEHICLE
013687	90.00	BROCK WHITE CO	SUPPLIES, VEHICLE
013688	36.05	BROWN PHOTO	SUPPLIES, OFFICE
013689	163.28	CALLAHAN STEEL SUPPLY	MAINTENANCE MATERIALS
013690	12.95	CHAMPION AUTO STORES	SUPPLIES, VEHICLE
013691	28.85	CHIPPEWA SPRINGS CO	FEES, SERVICE WATER COOLER
013692	108.00	COLE PUBLICATION	BOOKS
013693	220.00	COPY DUPLICATING PROD	DUPLICATING COSTS
013694	143.81	COPY EQUIPMENT	SUPPLIES, EQUIPMENT
013695 *	1.28	COUNTRY CLUB MARKET INC	SUPPLIES, PROGRAM

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
013696	28.20	DABRUZZI UPHOLSTERY	FEES, SERVICE REPAIR CHAIR
013697	380.00	PAT DALEY	FEES, SERVICE PLUMBING INSPECTOR
013698	9.10	KATHLEEN DOHERTY	TRAVEL + TRAINING
013699	1,554.82	EASTMAN KODAK CO	DUPLICATING COSTS
013700 *	5.76	FUN SERVICE	SUPPLIES, PROGRAM
013701	190.97	GENUINE PARTS CO	SUPPLIES, VEHICLE
013702	115.54	B F GOODRICH CO	SUPPLIES, VEHICLE
013703	761.32	GOODYEAR SERVICE STORE	SUPPLIES, VEHICLE AND-REP. + MAINT., VEH
013704	31.83	GOPHER SHOOTERS SUPPLY C	SUPPLIES, RANGE
013705	369.87	DUANE GRACE	FEES, SERVICE TEMP. INSPECTOR
013706	32.30	JANET GREW	TRAVEL + TRAINING
013707	223.00	GROSS INDUSTRIAL	UNIFORMS + CLOTHING
013708	231.50	GROSS INDUSTRIAL	UNIFORMS + CLOTHING
013709	14.00	ARLINE J HAGEN	TRAVEL + TRAINING
013710	52.28	HOMELITE DIV OF TEXTRON	SUPPLIES, VEHICLE
013711	39.65	HOWIES LOCK + KEY SERVIC	REP. + MAINT., VEHICLE AND-SUPPLIES, OFFICE AND-SUPPLIES, VEHICLE AND-SUPPLIES, EQUIPMEN
013712	116.96	HUDSON MAP CO	SUPPLIES, EQUIPMENT
013713	95.02	INTL HARVESTER CO	SUPPLIES, VEHICLE
013714 *	699.00	J + J TROPHYS + SPORTS	SUPPLIES, PROGRAM
013715 *	3.00	JOLLY TYME FAVORS	SUPPLIES, PROGRAM
013716	219.20	KNOX LUMBER COMPANY	MAINTENANCE MATERIALS
013717	289.50	LAKE SANITATION	FEES, SERVICE RUBBISH REMOVAL
013718	19,326.25	LEAGUE OF MINNESOTA	DUE TO OTHER GOVT UNII Workers Compensation

CHECK#	A M O U N T	C L A I M A N T	P U R P O S E
013719	37.49	LEES AUTO SUPPLY	SUPPLIES, VEHICLE AND-SMALL TOOLS
013720	34.95	LENFER INC	REP. + MAINT., VEHICLES
013721	97.14	LUGER LUMBER	MAINTENANCE MATERIALS
013722	71.35	MANDO PHOTO	FEEES, SERVICE FILM PROCESSING
<u>013723</u> VOID	<u>4,216.00</u>	<u>MAPLELEAF-OFFICIALS-ASSN-----</u>	<u>FEEES, SERVICE</u>
013724 *	13.90	MAPLEWOOD BAKERY	SUPPLIES, PROGRAM
013725	35.99	MAPLEWOOD FOODS	SUPPLIES, PROGRAM
013726	200.00	MAPLEWOOD PLBG + HTG INC	MAINTENANCE MATERIALS
013727	153.36	MAPLEWOOD REVIEW	PUBLISHING AND-LEGAL + FISCAL
013728	2.66	MERIT CHEVROLET CO	SUPPLIES, VEHICLE
013729	1,047.00	METROPOLITAN INSPETION	FEEES, SERVICE ELECTRICAL INSPECTION
013730	76.95	MIDWAY GARAGE	REP. + MAINT., VEHICLE
013731	946.00	MIDWAY TRACTOR	SUPPLIES, VEHICLE AND-RENTAL, EQUIPMENT AND-SMALL TOOLS
013732	174.30	MN BLUEPRINT	SUPPLIES, EQUIPMENT
013733	2,217.90	MN DEPARTMENT PUBLIC	RENTAL, EQUIPMENT
013734	5,857.17	MN UNEMPLOY COMP FUND	UNEMPLOYMENT COMP.
013735	1,780.00	WINFIELD A MITCHELL	FEEES, SERVICE AND-LEGAL + FISCAL MAY & JUNE APPRAISALS
013736	189.00	MOGREN BROS LANDSCAPING	MAINTENANCE MATERIALS
013737	15.00	MUNICIPAL CLERKS + FIN	SUBSCRIPTIONS+MEMBERSH
013738	944.38	MUNIC + PRIVATE SERVICE	FEEES, SERVICE ANIMAL CONTROL
013739	1,458.04	CITY OF NORTH ST PAUL	UTILITIES
013740	975.21	NORTHERN STATES POWER CO	UTILITIES

CITY OF MAPLEWOOD	A C C O U N T S P A Y A B L E		DATE 07-26-82	PAGE 7
CHECK*	A M O U N T	C L A I M A N T	P U R P O S E	
013741	6,929.97	NORTHERN STATES POWER CO	UTILITIES	
013742	316.69	NORTHERN STATES POWER CO	UTILITIES	
013743	20.10	NORTHERN STATES POWER CO	UTILITIES	
013744	250.57	NORTHERN STATES POWER CO	UTILITIES	
013745	824.77	NORTHWESTERN BELL TEL CO	TELEPHONE	
013746	337.08	NORTHWESTERN BELL TEL CO	TELEPHONE	
013747	25.40	NORTHWESTERN BELL TEL CO	TELEPHONE	
013748	67.80	OXYGEN SERVICE CO INC	SUPPLIES, EQUIPMENT	
013749	790.00	PALEN/KIMBALL CO	REP. + MAINT., BLDG+GR	
013750	7.50	DENNIS PECK	TRAVEL + TRAINING	
013751	2,075.00	PETERSON, BELL + CONVERSE	FEES, SERVICE - RETAINED PROSECUTING ATTORNEY	
013752	13.05	POOLSIDE	SUPPLIES, OFFICE	
013753	44.85	PROTECT-AIRE	SUPPLIES, VEHICLE	
013754	15.16	RADIO SHACK	SUPPLIES, EQUIPMENT	
013755	12,749.83	RAMSEY COUNTY TREASURER	AWARDED CONST CONTRACT	
013756	204.00	RICE STREET CAR WASH	REP. + MAINT., VEHICLE	
013757	81.00	RICE STREET CAR WASH	REP. + MAINT., VEHICLE	
013758 *	3.34	RICHARDS MARKET	SUPPLIES, PROGRAM	
013759	91.10	RUGGED RENTAL RUGS	FEES, SERVICE RUG CLEANING	
013760	54.76	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE	
013761	3,149.60	T A SCHIFSKY + SONS INC	MAINTENANCE MATERIALS	
013762	VOID	6,970.88	SOIL EXPLORATION CO	FEES, SERVICE
013763	23.11	CHRISTINE SOUTTER	SUPPLIES, OFFICE AND-POSTAGE AND-TRAVEL + TRAINING	
013764	1,582.90	CITY OF ST PAUL	REP. + MAINT., EQUIP AND-REP. + MAINT., RA	

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013765	39.00	ST PAUL RAMSEY HOSPITAL	TRAVEL + TRAINING
013766	17.52	PAULINE STAPLES	TRAVEL + TRAINING
013767	28.50	STD SPRING + ALIGNMENT	REP. + MAINT., VEHICLES
013768	1,353.69	STEEL SUPPLY + CULVERT	LAND IMPROVEMENT
013769	329.58	DON STREICHER GUNS INC	EQUIPMENT, OTHER AND-SUPPLIES, VEHICLE
013770	9.25	SUPERINTENDENT OF DOCUM	BOOKS
013771	76.50	TABULATING SERV BUREAU	FEEs, SERVICE
013772 *	516.03	TARGET STORES ROSEVILLE	Data Processing SUPPLIES, EQUIPMENT AND-SUPPLIES, PROGRAM AND-SMALL TOOLS
013773	64.52	DOUG TAUBMAN	TRAVEL + TRAINING
013774	10,786.42	TOLZ, KING, DUVALL	FEEs, SERVICE AND-OUTSIDE ENGINEERIN Infiltration/Inflow An
013775	291.24	HERB TOUSLEY FORD INC	REP. + MAINT., VEHICLE
013776	47.30	TRUCK UTILITIES + MFG CO	REP. + MAINT., BLDG+GR
013777	974.40	TURNQUIST PAPER CO	SUPPLIES, JANITORIAL AND-MAINTENANCE MATERI
013778	37.31	TWIN CITY HARDWARE CO	MAINTENANCE MATERIALS
013779	830.00	TWIN CITY TESTING	REP. + MAINT., VEHICLE
013780	973.41	UNIFORMS UNLIMITED	UNIFORMS + CLOTHING
013781	45.14	DELORES A VIGOREN	TRAVEL + TRAINING
013782	50.50	VIRTUE PRINTING CO	SUPPLIES, OFFICE
013783	2.68	ROBERT E VORWERK	TRAVEL + TRAINING
013784	150.00	WAGERS	REP. + MAINT., EQUIPME
013785 *	137.16	WARNERS TRUEVALUE HDW	CHEMICALS AND-SMALL TOOLS AND-MAINTENANCE MATER. AND-SUPPLIES, JANITOR. AND-SUPPLIES, PROGRAM

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013786	302.56	XEROX CORPORATION	DUPLICATING COSTS
013787 *	35.00	MICHELLE ANDERSON	WAGES, P/T + TEMP.
013788 *	294.00	EILEEN BAKER	WAGES, P/T + TEMP.
013789 *	37.50	RONALD L BESETH JR	WAGES, P/T + TEMP.
013790 *	144.37	ELIZABETH CASSEDAY	WAGES, P/T + TEMP.
013791 *	40.00	MARY CASSEDAY	WAGES, P/T + TEMP.
013792 *	190.16	LISA MARIE DELMONT	WAGES, P/T + TEMP.
013793 *	142.00	GERALD DIEBEL	WAGES, P/T + TEMP.
013794 *	400.00	STEVEN DIEBEL	RENTAL, EQUIPMENT
013795 *	146.30	MARY FOWLER	WAGES, P/T + TEMP.
013796 *	173.37	CHRIS GALBRAITH	WAGES, P/T + TEMP.
013797 *	152.07	MATTHEW HAAG	WAGES, P/T + TEMP.
013798 *	159.00	KARIN J HERBER	WAGES, P/T + TEMP.
013799 *	261.27	PAUL ALAN HAGSTROM	TRAVEL + TRAINING AND-WAGES, P/T + TEMP.
013800 *	22.00	KARI HOKENSON	WAGES, P/T + TEMP.
013801 *	23.70	THERESA A JENTS	WAGES, P/T + TEMP.
013802 *	148.08	KATHRYN J KROFTA	SUPPLIES, PROGRAM AND-WAGES, P/T + TEMP.
013803 *	177.00	MICHELE ANN MAHRE	WAGES, P/T + TEMP.
013804 *	313.82	JULIE MCCOLLUM	SUPPLIES, PROGRAM AND-WAGES, P/T + TEMP.
013805 *	22.00	SHARON L MONETTE	WAGES, P/T + TEMP.
013806 *	169.12	CRISTIN ANN NOEGEN	WAGES, P/T + TEMP.
013807 *	128.43	DAVID BRIAN ODEN	WAGES, P/T + TEMP.
013808 *	154.77	NANCY A PERSON	WAGES, P/T + TEMP.
013809 *	131.00	LAURIE JO POSSIN	WAGES, P/T + TEMP.

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
013810	182.38	JEFFERY RASCHKE	WAGES, P/T + TEMP.
013811 *	115.31	VINCE ROTH	WAGES, P/T + TEMP.
013812 *	33.00	KATHRYN E SANDQUIST	WAGES, P/T + TEMP.
013813 *	198.86	BRIAN SHERBURNE	TRAVEL + TRAINING AND-WAGES, P/T + TEMP.
013814 *	136.87	GWEN SHERBURNE	WAGES, P/T + TEMP.
013815 *	328.12	C GARY TEWINKEL	WAGES, P/T + TEMP.
013816 *	283.45	THOMAS THELL	WAGES, P/T + TEMP. AND-TRAVEL + TRAINING
013817 *	403.00	MAURICE WEINBLATT	WAGES, P/T + TEMP.
013818 *	87.23	DAWN MARIE SPANNBAUER	WAGES, P/T + TEMP.
013819 *	14.00	AUDREY NECK	R E F U N D
013820 *	40.00	ROGER PRIGGE	R E F U N D
013821 *	91.00	MARCIA WALLIN	R E F U N D
150	110,920.37	CHECKS WRITTEN	
TOTAL OF	207 CHECKS TOTAL	390,714.81	

* INDICATES ITEMS FINANCED BY RECREATIONAL FEES

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME			GROSS PAY	NET PAY
04412	BEHM	LOIS	N	586.62	407.44
04413	EVANS	BARRY	R	1,817.54	1,089.09
04414	LEWIS	VIVAN	R	465.19	314.55
04415	PELOGLIN	ALFRED	J	747.23	193.39
04416	SCHLEICHER	JOHN	F	106.25	106.25
04417	CUDE	LARRY	J	191.54	145.44
04418	DOWERTY	KATHLEEN	M	305.00	217.56
04419	ZUEPCHER	JOHN	L	115.39	115.13
04420	FAUST	DANIEL	F	1,446.46	950.94
04421	HAGEN	ARLINE	J	888.92	398.58
04422	MATHEYS	ALANA	K	677.54	473.93
04423	VIGOREN	DELCRES	A	586.62	399.79
04424	AURELIUS	LUCILLE	E	1,350.46	705.29
04425	SELVCG	BETTY	D	711.23	457.85
04426	GREEN	PHYLLIS	C	738.92	511.71
04427	SCHACT	JEANNE	L	212.00	175.54
04428	VIETOR	LORRAINE	S	561.69	381.88
04429	HENSLEY	PATRICIA	A	294.84	219.13
04430	FREDERICKSON	RITA	M	29.00	29.00
04431	STOTTLEMYER	EDITH	G	105.00	105.00
04432	BASTYR	DEBORAH	A	572.07	281.60
04433	HAGEN	THOMAS	L	1,424.31	324.08
04434	OMATH	JOY	E	553.39	369.01
04435	RICHIE	CAROL	L	497.97	304.49
04436	SVENDSEN	JOANNE	M	677.54	440.97

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME			GROSS PAY	NET PAY
04437	APNOLD	DAVID	L	1,182.92	429.85
04438	ATCHISON	JOHN	H	1,036.15	702.12
04439	BOWMAN	RICK	A	629.54	459.51
04440	CAMANES	ANTHONY	G	1,216.15	139.72
04441	CLAUSON	DALE	K	1,036.15	168.48
04442	COLLINS	KENNETH	V	1,211.99	62.50
04443	DPEGER	RICHARD	C	1,212.00	693.86
04444	GREEN	NORMAN	L	1,207.38	651.41
04445	HALWEG	KEVIN	R	1,016.77	537.94
04446	HEINZ	STEPHEN	J	774.46	509.46
04447	HERBERT	MICHAEL	J	1,016.77	646.59
04448	JAGUITH	DANIEL	R	774.46	508.71
04449	KORTUS	DONALD	V	508.40	373.34
04450	LANG	RICHARD	J	1,056.00	538.49
04451	MCNULTY	JOHN	J	1,206.92	181.08
04452	MEEHAN, JR	JAMES	E	997.38	530.39
04453	METTLER	DANIEL	B	1,036.61	689.01
04454	MOESCHTER	RICHARD	M	1,016.77	157.58
04455	MOPELLI	RAYMOND	J	1,016.77	689.89
04456	PELTIER	WILLIAM	F	1,163.08	654.69
04457	SKALMAN	DONALD	W	1,029.48	184.19
04458	STAFNE	GREGORY	L	1,026.30	669.45
04459	STILL	VERNON	T	997.38	600.66
04460	STOCKTON	DARRELL	T	997.38	664.56
04461	ZAPPA	JOSEPH	A	1,208.77	733.53

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME			GROSS PAY	NET PAY
04462	BECKER	RONALD	D	1,065.23	279.98
04463	CUSICK	DENNIS	S	1,332.00	847.72
04464	GRAF	DAVID	M	1,065.23	523.02
04411	LEE	ROGER	W	1,104.00	640.02
04465	MELANDER	JON	A	1,106.54	57.83
04466	NELSON	CAROL	M	1,218.35	791.63
04467	RAZSKAZOFF	DALE	E	1,084.61	170.04
04468	RYAN	MICHAEL	P	1,065.23	493.86
04469	VORWERK	ROBERT	E	1,065.23	230.04
04470	YOUNGREN	JAMES	G	1,055.19	645.19
04471	EMBERTSON	JAMES	M	944.31	627.36
04472	SCHACT	ALFRED	C	1,127.54	674.62
04473	FLAUGHER	JAYME	L	724.13	469.37
04474	FULLER	JAMES	D	586.62	428.16
04475	NELSON	KAREN	A	677.51	426.46
04476	NELSON	ROBERT	D	1,231.60	660.66
04477	RABINE	JANET	L	608.09	413.52
04478	TUCHNER	MICHELE	A	645.23	324.46
04479	WILLIAMS	DUANE	J	1,055.54	491.97
04480	BARTA	MARIE	L	461.75	305.18
04481	HAIDER	KENNETH	G	1,391.08	229.34
04482	HEGWERTH	JUDITH	A	490.62	351.73
04483	CASS	WILLIAM	C	1,157.08	573.03
04484	FREBERG	RONALD	L	824.00	510.54
04485	HELEY	RONALD	J	824.00	538.88

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME			GROSS PAY	NET PAY
04486	HOCHEAN	JOSEPH	H	824.00	547.65
04487	KANE	MICHAEL	R	824.00	370.60
04488	KLAUSING	HENRY	F	847.08	463.57
04489	MEYER	GERALD	W	834.08	425.04
04490	PRETTNER	JOSEPH	B	1,088.00	693.10
04491	REINERT	EDWARD	A	824.00	538.88
04492	TEVLIN, JR	HARRY	J	825.26	519.20
04493	ELIAS	JAMES	G	981.69	609.01
04494	GANZEL	PETER	R	392.00	344.68
04495	GEISSLER	WALTER	M	1,040.28	610.88
04496	GESSELE	JAMES	T	893.54	603.03
04497	PECK	DENNIS	L	981.69	514.20
04498	PILLATZKE	DAVID	J	1,157.08	792.12
04499	HYMAN	JAMES	N	797.54	555.69
04500	LUTZ	DAVID	P	562.62	384.18
04501	BREHEIM	ROGER	W	812.89	514.19
04502	EDSON	DAVID	B	840.00	569.32
04503	MULHEE	GEORGE	W	812.89	517.15
04504	NADEAU	EDWARD	A	841.29	561.19
04505	NUTESON	LAVERNE	S	1,128.80	495.46
04506	OWEN	GERALD	C	843.44	502.76
04507	MACDONALD	JOHN	E	908.80	459.78
04508	MULVANEY	DENNIS	M	878.40	536.25
04509	BRENNER	LOIS	J	677.54	262.02
04510	KRUMMEL	BARBARA	A	283.92	135.91

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME			GROSS PAY	NET PAY
04511	ODEGARD	ROBERT	D	1,364.77	842.83
04512	STAPLES	PAULINE	M	1,056.92	686.35
04513	BUPKE	HYLES	R	824.00	453.82
04514	GERMAIN	DAVID	A	824.00	531.00
04515	GUSINCA	MELVIN	J	1,088.00	616.11
04516	HELEY	ROLAND	B	824.00	548.63
04517	MAICA	MATTHEW	J	256.00	216.18
04518	MARUSKA	MARK	A	829.04	531.80
04519	RASCHKE	ALBERT	F	172.20	153.77
04520	SANDGLIST	THOMAS	J	138.13	138.13
04521	SANTA	REED	E	845.76	494.19
04522	SPANNEALER	MARTIN	J	294.00	294.00
04523	STARK	RICHARD	E	310.00	310.00
04524	WAPC	TROY	G	224.00	224.00
04525	WAFZEKA	RICHARD	A	257.05	225.47
04526	SPANNEALER	KATHLEEN	G	296.50	247.28
04527	TAUBMAN	DOUGLAS	J	804.00	517.20
04528	WAPC	ROY	G	328.62	253.25
04529	GREW	JANET	M	684.92	448.59
04530	SOUTTER	CHRISTINE		684.92	470.04
04531	CHLEBECK	JUDY	M	711.23	296.43
04532	OLSON	GEOFFREY	W	1,340.31	822.75
04533	EKSTRAND	THOMAS	G	932.83	573.49
04534	JOHNSON	RANCALL	L	932.83	597.83
04535	OSTROM	MARJORIE		1,133.54	709.30

CERTIFICATION REGISTER

CHECK DATE 07-16-82

CHECK	NAME		GROSS PAY	NET PAY
04536	WENGER	ROBERT J	857.54	497.58
CHECK REGISTER TOTALS			104,065.35	57,225.14
04537	Lewis	Vivian R.	4,288.67	2,843.39
CHECK REGISTER TOTALS			\$108,354.02	\$60,068.53

MEMORANDUM

TO: City Manager
FROM: Finance Director *W. O. Trust*
RE: Revenue Sharing Audit
DATE: July 19, 1982

A special audit of the City's Revenue Sharing Fund is required to be completed by September 30, 1982. Arrangements have been made with the firm that conducts the City's annual audit to perform the special revenue sharing audit. Details of the proposed contract are in the attached letter. The estimated cost of the special audit is \$2,220. It is recommended that the appropriate City officials be authorized to execute the attached agreement.

DELAHUNT VOTO & CO., LTD.

CERTIFIED PUBLIC ACCOUNTANTS

Birch Lake Professional Building • 1310 E. Hwy. 96 • White Bear Lake, MN 55110 • Phone 426-3263

April 12, 1982

RONALD J. DELAHUNT, RETIRED

ROBERT J. VOTO, CPA
TIMOTHY E. REARDON, CPA
ROBERT G. TAUTGES, CPA

City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

Om accordance with your request to perform the required Federal Compliance Audit of the Revenue Shring program of the City of Maplewood, this letter confirms our understanding of the terms of the engagement. As a recipient of Revenue Sharing monies in excess of \$25,000 per year, the City is required to have a special compliance audit every three years. The previous audit of the program was for the year ended December 31, 1978 and therefore, the city is required to have a compliance audit for 1981.

We will perform the required compliance audit in conformance with generally accepted auditing standards and the Revenue Sharing Act as amended (Section 51.101). The audit will cover the year ended December 31, 1981. We will complete the audit and all required reports for submission to the Office of Revenue Sharing no later than September 30, 1982. We anticipate performing the audit in August, 1982.

Our fee for service will be billed upon conclusion of the audit at our standard rates in effect. The audit fee is a qualifying Revenue Sharing expenditure and may be charged to the Revenue Sharing Fund. Efficient completion of the audit requires the following information to be provided by the City:

- Supporting documentation (invoice, contract and for payroll - check numbers) for Revenue Sharing expenditures available for auditor's review.
- Copies of report (actual use) filed with Office of Revenue Sharing.
- Copies of publications of notice.
- Copy of Census Bureau Form RS-9.
- Copy of Revenue Sharing Budget for period under audit.
- Copies of Council Minutes applicable to Revenue Sharing Hearings and Budget.

- Documentation regarding salaries (if any) paid with Revenue Sharing:
 - amount paid with Revenue Sharing
 - total salaries paid for employee classification
 - listing of employees paid with Revenue Sharing

If the terms of this agreement, as set forth above, are acceptable to you, please indicate by having this letter signed in the appropriate spaces designated below and return to our office. A copy of this letter is enclosed for your records.

Respectfully submitted,

DE LA HUNT VOTO & CO., LTD.


Robert J. Voto, President

CITY OF MAPLEWOOD, MINNESOTA

By: _____
Mayor

Date: _____

By: _____
Manager

Date: _____

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Time Extension--Preliminary Plat
LOCATION: Forest Street, south of County Road C
OWNER: Ray Nowicki
APPLICANT: Robert's Properties
PROJECTS: Carsgrove's Meadows First and Second Additions
DATE: July 2, 1982

Request

A one year time extension for preliminary plat approval for Carsgrove's Meadows First and Second Additions.

Past Action

7-16-81: Council approved preliminary plats for Carsgrove's Meadows First and Second Additions, subject to several conditions. One of these conditions was that arrangements be made to privately finance and construct the necessary internal and external public improvements.

6-10-82: The applicant entered into a developer's agreement with the City to privately provide the necessary improvements

Status

Construction of these improvements is in progress and expected to be completed by fall. The applicant anticipates applying for final platting at that time.

Code Requirements

Section 1005 (e) of the Platting Code states that preliminary approval shall be authorized for a period of one year, after that time "the City may extend the period by agreement with the subdivider and subject to all applicable performance conditions and requirements, or it may require submission of a new application, unless substantial physical activity and investment has occurred in reasonable reliance on the approved application and the subdivider will suffer substantial financial damage as a consequence of a requirement to submit a new application".

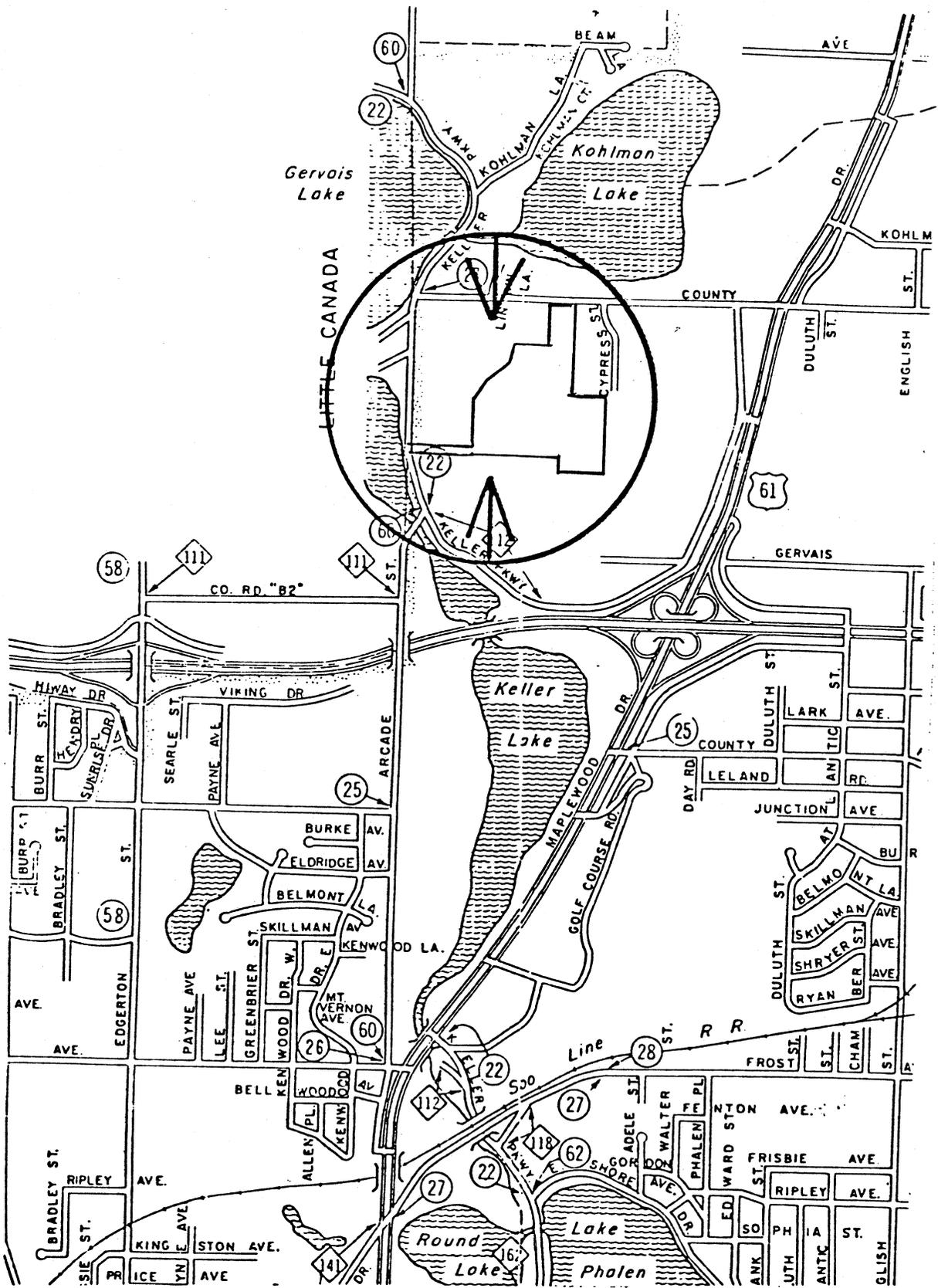
Recommendation

Approval of a one year time extension for Carsgrove's Meadows First and Second Addition, on the basis that construction of the Forest Street project is in progress

Enclosures

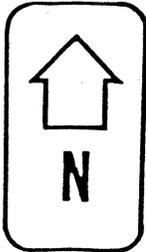
1. Location Map
2. Preliminary Plats for each addition

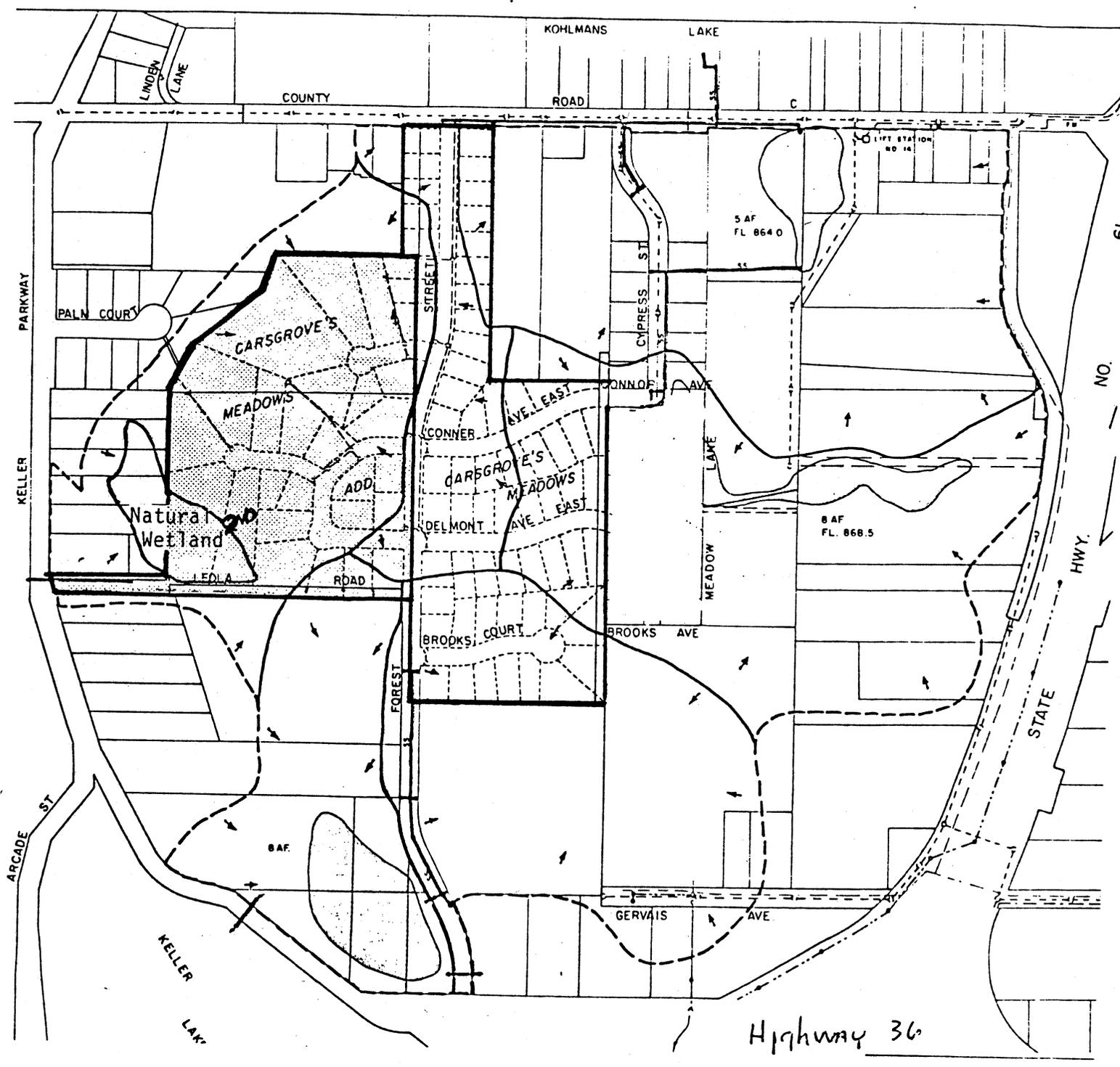
jc



MAP 1

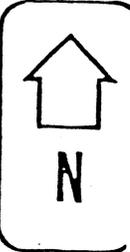
LOCATION MAP





MAP 2

SITE PLAN--CARSGROVE'S MEADOWS FIRST & SECOND ADDITIONS



Highway 36

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Preliminary Plat Time Extension
LOCATION: Linwood Avenue East of McKnight Road
APPLICANT: Schwichtenberg Properties
OWNER: Ralph and Joyce Schwichtenberg
PROJECT: Schwichtenberg Addition
DATE: July 16, 1982

Request

Approval of a time extension for the Schwichtenberg Addition preliminary plat.

Past Action

8-21-80: Council approved the preliminary plat for the Schwichtenberg Addition with the following conditions:

1. The final plat shall not be approved until:
 - a. Provision is made to extend sanitary sewer to the lots on Linwood Avenue.
 - b. Lot 13 shall be changed to "Outlot A".
 - c. A signed developers agreement is submitted to the Director of Public Works for his approval. The developers agreement shall include:
 - 1) Construction and easements for temporary cul-de-sacs at the end of Dorland and Dahl Roads
 - 2) Storm sewer easements along the east line of lots 11 and 12 and over the existing pond
 - 3) Final approval of grading, drainage, and utility plans
 - 4) Implementation of erosion control measures, as recommended by the Soil Conservation Service
 - 5) Extension of the Dorland Road sewer to serve lots 1 and 2.
2. Payment of the cash connection charge for watermain service in Linwood Avenue.
3. Removal of the barn and garages or redraw lots 1 and 8 to get the barn and house on one lot.

11-6-80: Council passed a resolution ordering a feasibility study for sanitary sewer along Linwood Avenue to the subject property.

12-4-80 and 3-19-81: Council approved 90 day time extensions for the preliminary plat.

6-4-81: Council ordered a project extending sanitary sewer 1320 feet east of McKnight Road. The project also extends the existing water main in Linwood to this point. The Council ordered the project contingent on the applicant entering into a developers' agreement and providing the required surety within 90 days. After 90 days the project expired due to the surety and the developers' agreement not being provided. These utilities have subsequently been installed as part of the Linwood Heights development.

7-2-81: Council approved another 90 day time extension for the Schwichtenberg Addition preliminary plat. Council subsequently amended the platting code which made preliminary plats effective for one year.

8-3-81: The Planning Commission recommended approval of a Plan amendment from RL, Low Density Residential to RLE, Low Density Residential Extended. Approval is conditioned on the Community Design Review Board making a finding that the town houses would be of a scale, design, and location that is compatible with single-family homes, located in any adjacent RL area.

This plan amendment was part of a revised preliminary plat consisting of town homes, double dwellings and single-family dwellings. This proposal was dropped by the applicant and never received Council review.

Analysis

Staff does not see any reason to deny this time extension. The cash connection charges have been paid and sanitary sewer is now available on Linwood Avenue, so the project is moving ahead. The applicant has also applied for a final plat on the three westerly parcels along Linwood Avenue.

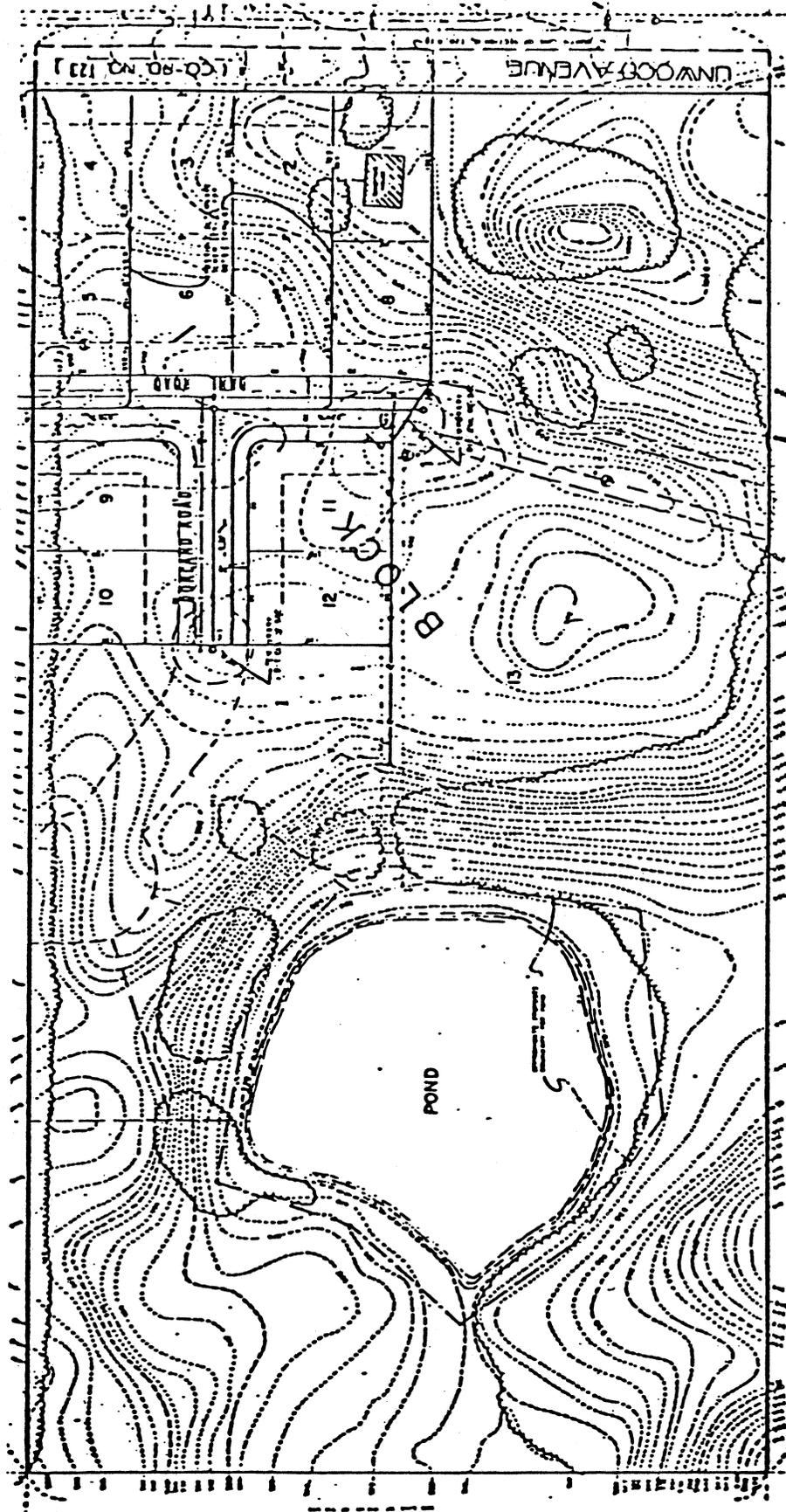
Recommendation

Approval of a time extension for the Schwichtenberg Addition preliminary plat, subject to the original conditions. Approval is based on the following findings:

1. Council has approved a number of time extensions for preliminary plats in the past.
2. There have been no changes in the area that would justify denial of the time extension.
3. The applicant is showing progress in the completion of the requirements of the preliminary plat.

Enclosures:

1. Location Map
2. Plat map



TOTAL PLAT
SCHWICHTENBERG ADDITION



MEMORANDUM

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Final Plat
LOCATION: Dorland Road, North of Linwood Avenue
APPLICANT/OWNER: Castle Design and Development
PROJECT: Adrienne's Addition
DATE: July 7, 1982

On June 28 Council approved the preliminary plat for Adrienne's Addition , subject to:

1. Revision of the Linwood Heights PUD to include Adrienne's Addition.
2. 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.
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 submitted 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 Linwood Heights Development shall apply to Adrienne's Addition, with specific regard to soil stabilization following the completion of Dorland Road.

The applicant has met the requirements for final plat approval. Conditions 3 and 4 must be satisfied prior to building permits being issued.

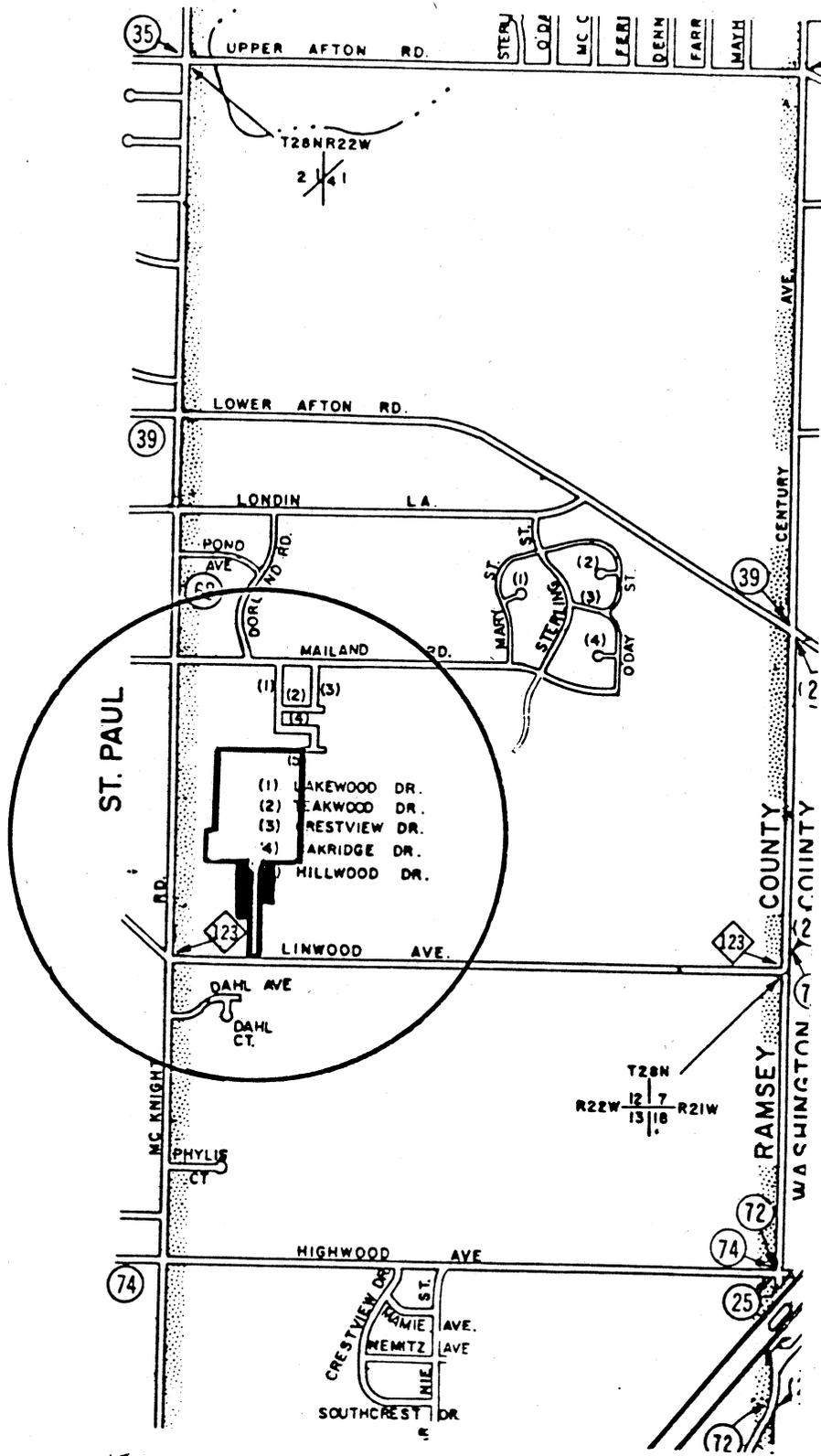
Recommendation

Approval of the final plat for Adrienne's Addition.

jc

Enclosures:

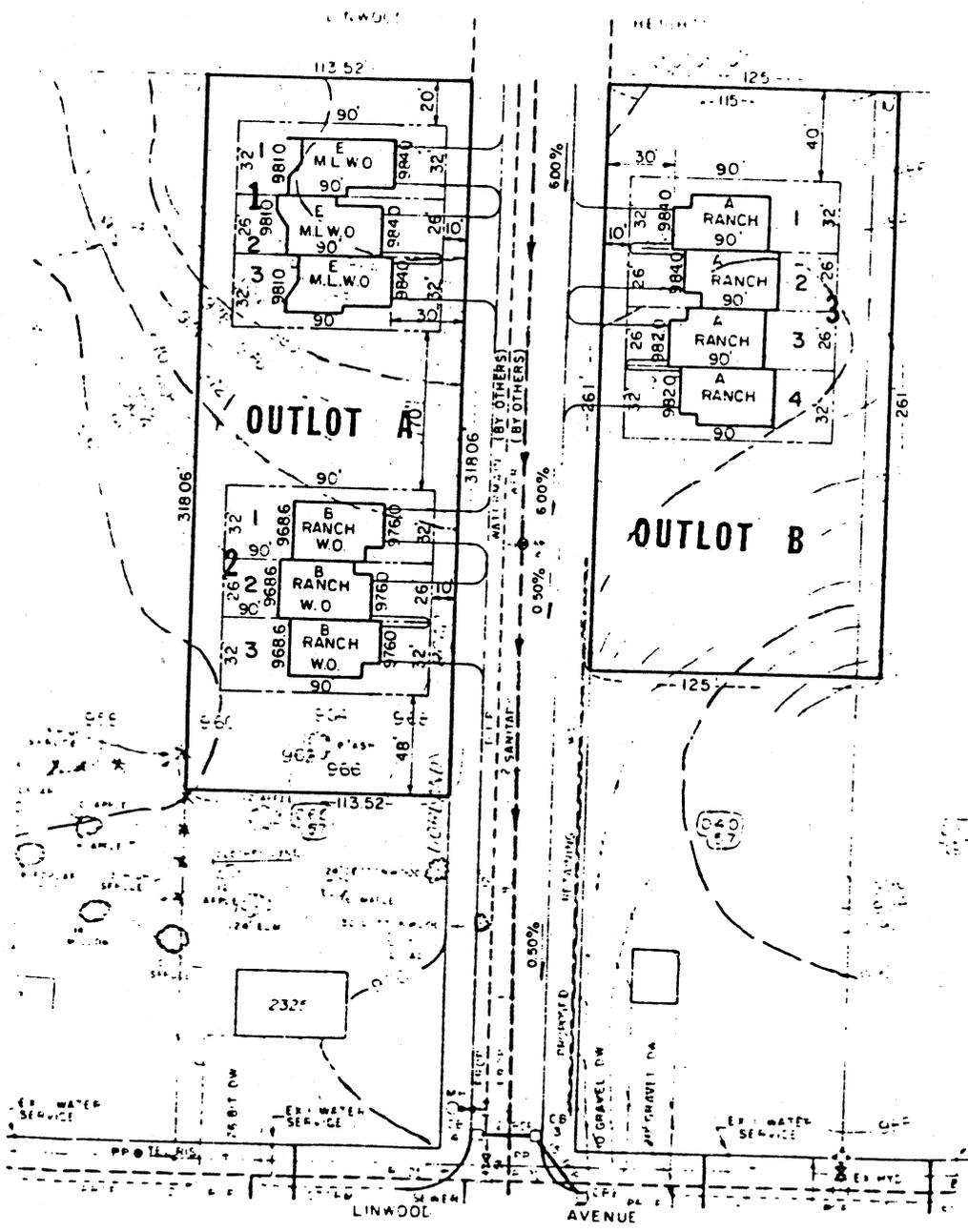
1. Location Map
2. Preliminary plat.



Map 1

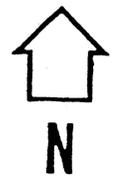
LOCATION MAP





Map 3

Preliminary Plat
Adrienne's Addition



MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: PUD, Preliminary Plat and Street and Alley Vacations
 LOCATION: County Road B and English Street
 APPLICANT/OWNER: Citation Corporation
 PROJECT: English Street Townhouses
 DATE: July 14, 1982

SUMMARY OF THE PROPOSAL

Request

1. Approval as a planned unit development for the whole project.
2. Approval of a preliminary plat for phase one.
3. Vacation of the alley right-of-way within the first phase.

Proposed Land Use

1. This project consists of three phases. Phase one, fronting on Cope Avenue, consists of twelve units. Phase two, between phase one and County Road B, consists of 38 units. Phase three, south of County Road B, consists of 22 units. The total project would consist of 72 units--nine double dwellings, two three-plexes and twelve four-plexes.
2. Double dwellings are planned at the northwest corner of the plat to provide a transition for the existing house on the lot to the west.
3. Each individual unit has its own lot. The remainder of the property is to be owned and maintained by a homeowners' association.
4. Each unit would have two bedrooms.

CONCLUSION

Comments

Council previously approved this project in 1978. Time limits expired and were not renewed, because of financing problems. This project is consistent with the Comprehensive Plan and identical to the project approved in 1978.

Recommendations

- I. Approval of the PUD for the entire project, subject to the following conditions:
 1. The first building permit must be approved within one year or Council must approve a time extension.
 2. A protective planting screen, to be approved by the Community Design Review Board, shall be provided between the four-plexes and the railroad tracks.

- II. Approval of the preliminary plat for phase one, subject to completing the following conditions before final plat approval:
1. Suitable arrangements be made with the City Engineer to provide services from Cope Avenue.
 2. A final grading and drainage plan be approved by the City Engineer.
 3. Dedication of an additional thirty foot utility easement along the east side of Block one.
 4. Submission of an erosion control plan.
 5. Submission of a developer's agreement to construct a ten foot wide bituminous path with a split rail fence on each side.
 6. Approval of the by-laws and rules of the homeowners' association to ensure that all common areas will be maintained.
- III. Approval to vacate the twenty foot wide alley that runs along the south side of phase one, from English Street to the railroad tracks, subject to final plat approval.

BACKGROUND

Site Description

Gross acreage: 15.5 acres

Net acreage--Phase 1: 1.7 acres
Phase 2: 6.6 acres
Phase 3: 5.7 acres
Total: 14.0 acres

Existing Land Use:

1. Undeveloped, but platted into undeveloped streets, alleys and substandard forty foot wide lots.
2. The alley to be vacated has no utilities. There may be part of a storage shed on it.

Surrounding Land Uses

1. Northerly: Cope Avenue
2. Easterly: The Burlington Northern tracks
3. Southerly: An undeveloped City park
4. Westerly: English Street. There are three single dwellings on the east side of English Street. The land on the west side is all single dwellings.

Past Actions

11-14-72: Council denied a rezoning from R-1 to R-3 for the portion of the subject property north of County Road B. The basis for denial was insufficient drainage facilities for an apartment development and unanswered questions on the future of County Road B and the English Street-Highway 36 interchange.

10-19-78: Council approved a preliminary plat for a similar development as that being proposed, subject to:

1. Construction of walkways in the 20 foot dedicated rights-of-way and along the south side of County Road B, adjacent to the applicant's property. Walkway design must be constructed to standards approved by the City Engineer;
2. Implementation of the recommendations in the Soil Conservation Service report of 6/16/78 and 6/22/78;
3. Submittal of a grading plan acceptable to the City Engineer;
4. Submittal of a detailed utility plan indicating sewer invert and proposed sewer routes to be approved by the City Engineer;
5. The final plat shall not be approved until after Council considers a storm water improvement project to sewer the area. If such project is denied, applicant may provide on-site ponding that will assure no greater rate of run-off than currently exists;
6. Dedication of a ponding easement in the southeast corner of the site, to be determined by the feasibility study for the storm water improvement project;

7. That a financial arrangement acceptable to the City Engineer be established to pay for any restoration needed to County Road B;
8. The final plat shall not be approved until the City Attorney has reviewed and approved the by-laws and rules of the proposed homeowners' association to assure that all common areas will be maintained;
9. Owner and applicant agree to the above conditions in writing.

Council also approved a PUD for the project, subject to:

1. Final Plat approval
2. A protective planting screen, to be approved by the Community Design Review Board shall be provided between the four-plexes and the railroad tracks.
3. A first building permit be issued within twelve months of the Planned Unit Development approval.

Council also approved the right-of-way vacations subject to final plat approval and referred to the City Attorney a question of vacating the property and where the right-of-way property would be allocated.

6-12-79: The Community Design Review Board approved the design of the above project.

8-2-79: Council approved the final plat, subject to:

1. That a developer's agreement is signed and security agreements are provided for those improvements (storm sewer improvement to be included) to be constructed after the plat is signed.
2. Final construction plans and space to be approved by City Engineer;
3. Compliance with conditions 6, 7 and 8 before the plat is signed;
4. Council approval of a revision to condition 5, that will allow the development of the project with on-site ponding.

The conditions for final plat approval were not met and time extensions expired. All previous approvals are now void.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land use plan designation: RM, residential medium density. This classification is designated for such housing types as single dwellings on smaller lots, double dwellings, townhouses, and mobile homes. The maximum population density is 22 people per net acre.
2. Density--phase one: 25.2 people per net acre
 phase two: 20.2 people per net acre
 phase three: 13.3 people per net acre
 overall: 18.0 people per net acre
3. Zoning: R-1, residence (single-dwelling)
4. The project meets all City Code requirements.

Public Works

1. Phase one should not substantially impact storm drainage in the area. Sanitary sewer and watermain are available in Cope Avenue. A problem with the services,

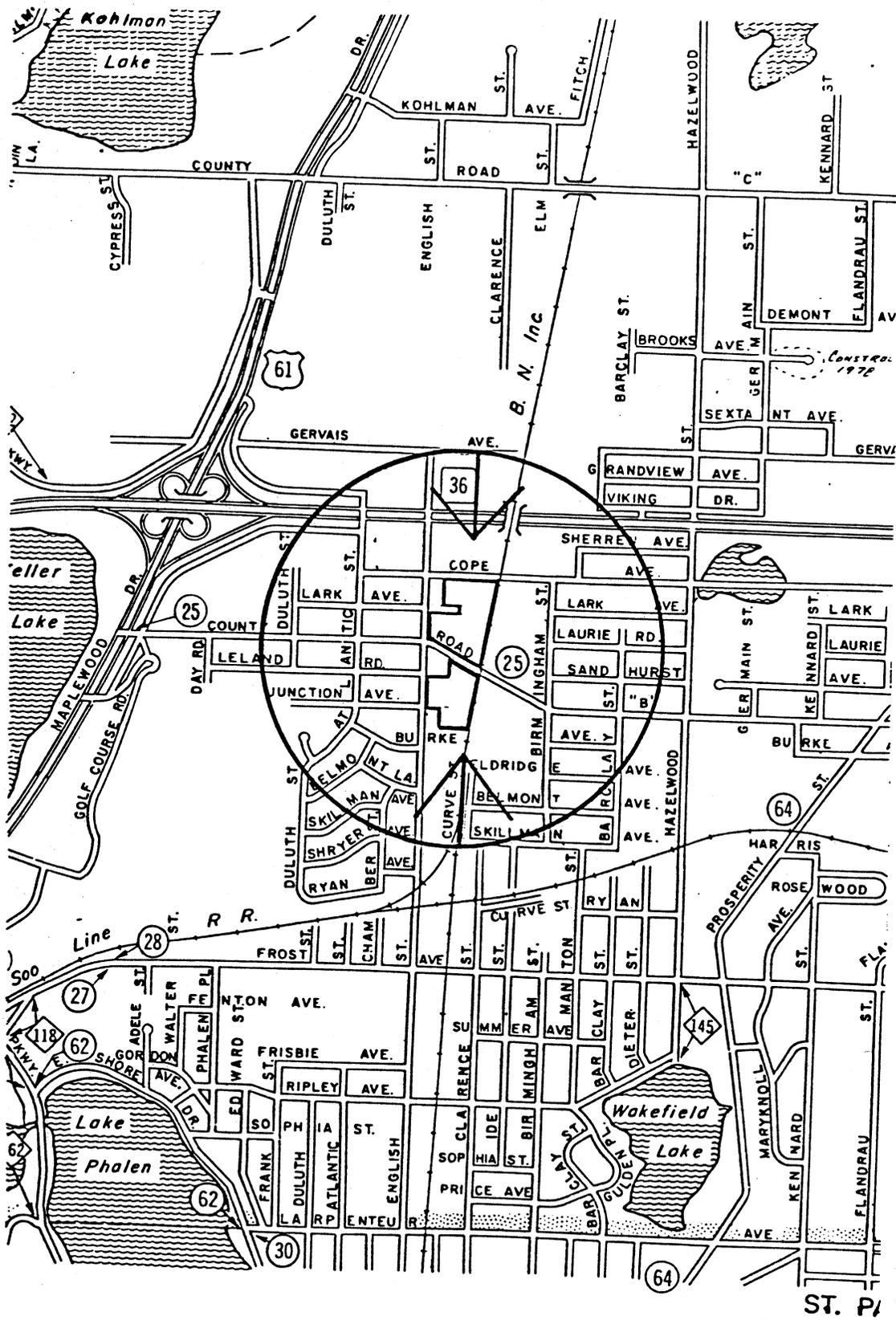
however, does exist. There are six sewer and six water services extended to the building sites. The developer has the option to extend an additional six service groups or construct lateral sewer and water in the south boulevard. If six service groups are extended, the developer will be required to make special arrangements with the Public Works Department to ensure adequate restoration of Cope Avenue. If the developer elects to construct lateral sewer and water in the south boulevard, a development agreement is required.

2. Phases two and three will each require development agreements, because utility extensions are required. Phases two and three will also impact the storm drainage for the area. The City Council considered a project to provide storm sewer for this area in 1980. The project was denied at that time. It is the opinion of the City Engineer that storm sewer facilities as proposed in 1980 (Project 79-8) be required before Phases two or three are constructed.

Parks

1. The Park and Recreation Commission reviewed this project on June 14, 1982 and had no suggested changes.
2. A twenty foot wide right-of-way for a public walkway is proposed to connect the city park to the south with Cope Avenue.

jw
Enclosures
Location Map
Property Line Map
Plat Map



PETITIONER

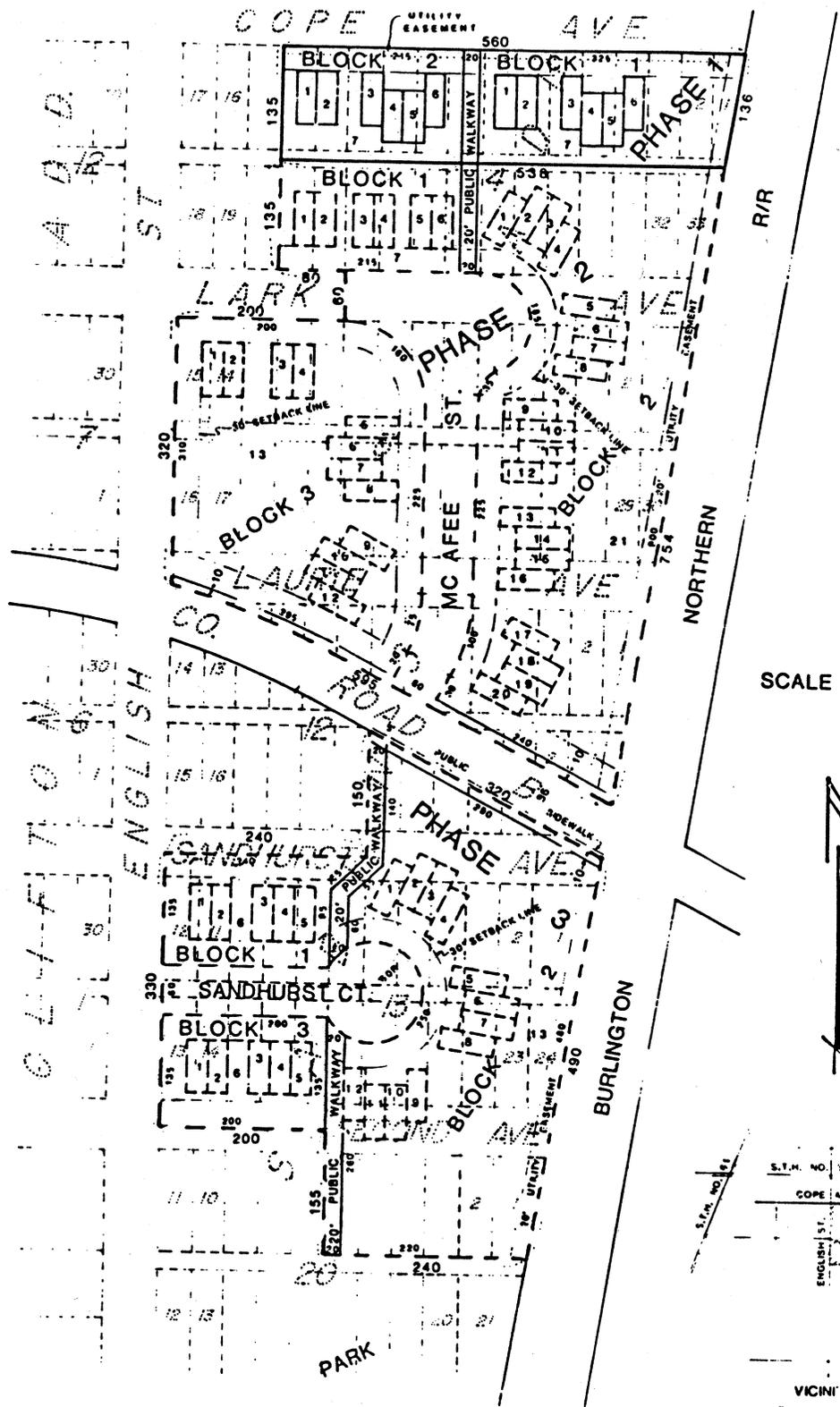
LOCATION MAP

DATE

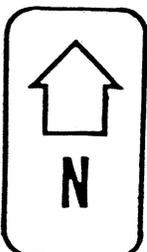
REQUEST

SCALE

PG.



English Street Townhouses
 5/28/82
 Plat Map



MEMORANDUM

TO: City Manager
 FROM: Thomas Ekstrand--Associate Planner
 SUBJECT: Street Vacation
 LOCATION: Southlawn Drive, south of Edgehill Road
 APPLICANT: Lavern A. and Barbara J. Oszman
 DATE: July 13, 1982

SUMMARY OF THE PROPOSAL

Request

The vacation of that part of Southlawn Drive lying south of Edgehill Road. This portion of right-of-way measures 66 by 470 feet.

Proposal

The applicants are proposing to construct an 18 by 25 foot home addition, which would reduce their setback from the Southlawn Drive right-of-way to ten feet. The street vacation is, therefore, needed to comply with setback requirements.

RECOMMENDATION

Approval of the vacation of Southlawn Drive south of Edgehill Road, on the basis that it would be in the best public interest since:

1. The topography of the right-of-way is steep and, therefore, not conducive to street construction.
2. The subject right-of-way is not needed for any public utility.

BACKGROUND

Description of Right-of-Way

1. Width: 66 feet
2. Length 470 feet
3. Existing Use: Undeveloped
4. Topography: The grade drops off considerably to the south.

Surrounding Land Uses

Northerly: Paved Southlawn Drive

Southerly: A 30 by 66 foot section of undeveloped Demont Street. South of Demont Street is undeveloped land zoned LBC, Limited Business Commercial and planned for OS, Open Space.

Easterly: Undeveloped land owned by Ramsey County zoned R-1, Residence District (Single Dwelling) and planned for RL, Low Density Residential and OS.

Westerly: The applicants single dwelling residence and undeveloped land zoned R-1 and planned for RL.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan: RL
2. Zoning: R-1
3. Chapter 412.851 of Minnesota Statutes authorizes the City Council to vacate any alley, street, public grounds, public way or any part thereof if it appears in the interest of the public to do so.

Public Works

1. The subject portion of Southlawn Drive contains no existing utilities and is not planned for such.
2. There is no need to retain this portion of Southlawn Drive for traffic purposes.

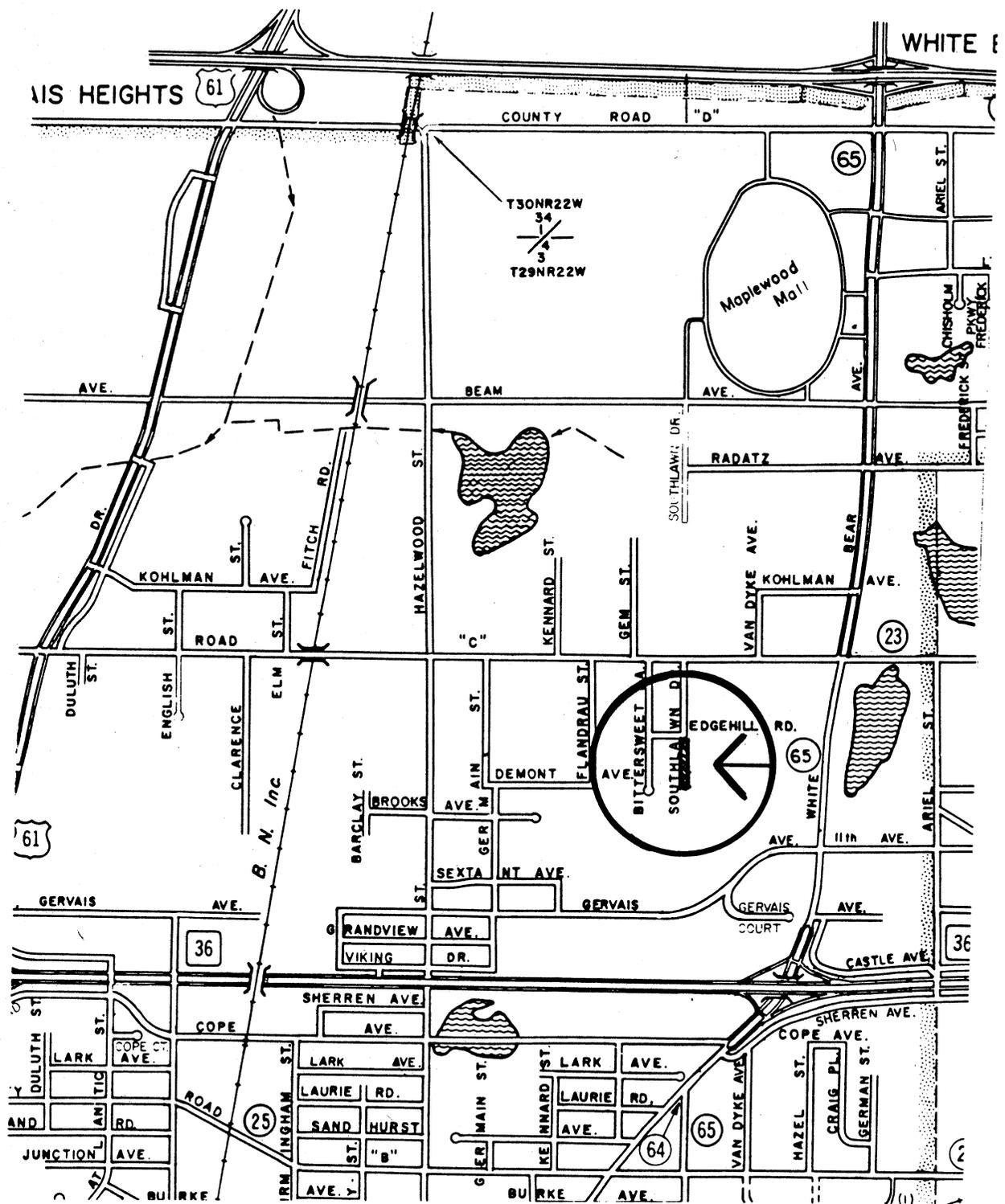
Other Agencies

Ramsey County Open Space approves of the proposed street vacation.

jw

Enclosures:

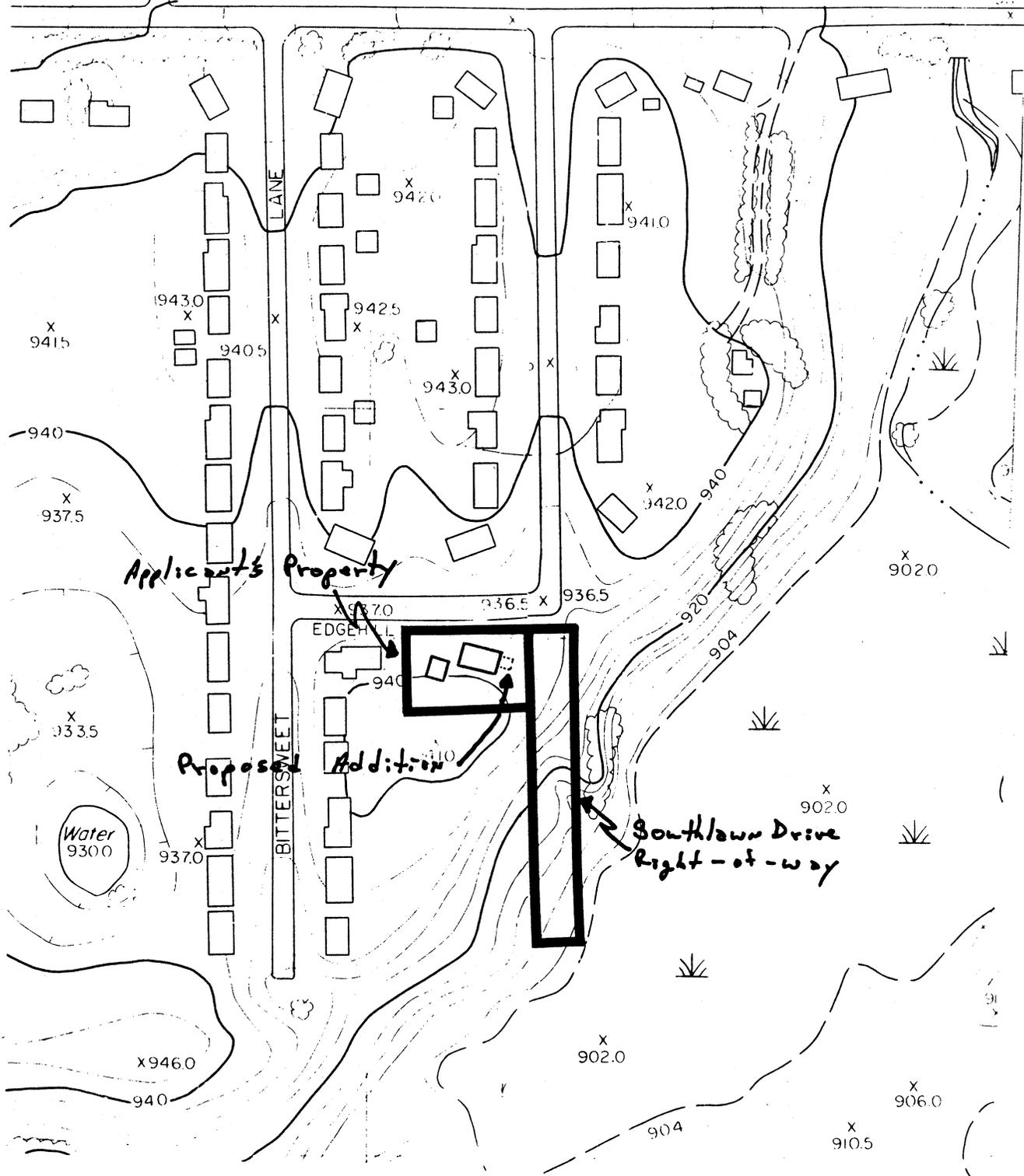
1. Location Map
2. Property Line Map
3. Topographic Map
4. Resolution



LOCATION MAP



105,000'E



LOCATION MAP



RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

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

WHEREAS, Lavern A. and Barbara J. Oszman have initiated these proceedings to vacate the public interest in the following described real property:

All of Southlawn Drive lying between the easterly extension of the north line of Lot 1, Block 5 Crestmoor Addition and the easterly extension of the south line of Lot 6, Block 5 Crestmoor Addition.

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

1. That an application for vacation was initiated by Lavern A. and Barbara J. Oszman on the 28th day of May, 1982;
2. That a majority of the owners of property abutting said street have signed a petition for the above-described vacation;
3. That said vacation has been referred to and reviewed by the Maplewood Planning Commission on the _____ day of _____, 198__ and referred back to the Maplewood City Council with the recommendation of _____;
4. That pursuant to the provisions of Minnesota Statutes, Section 412.851 a public hearing was held on the _____ day of _____, 198__ preceded by two-weeks published and posted notice at which meeting the City Council heard all who expressed a desire to be heard on the matter, considered the Planning Commission recommendation and Staff reports.

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

Lots 1 through 6, Block 5 Crestmoor Addition and Lots 10 through 13, Block 1 Crestmoor Addition.

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

1. The topography of the right-of-way is steep and, therefore, is not conducive to street construction;
2. The subject right-of-way is not needed for any public utility.

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

ADOPTED THIS _____ day of _____, 198_____.

Mayor

Manager

ATTEST:

City Clerk

G-1
G-2

MEMORANDUM

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: Award of Bids
DATE: July 12, 1982

Bids were received for the Bituminous Seal Coating (Project 82-10) and Bituminous Overlay (Project 82-11) on Tuesday, July 7th.

The bid for the seal coating was approximately \$1,000.00 under the estimate, while the bid for the overlay was approximately \$58,000 under the estimate.

It is recommended that the bid for Project 82-10 be awarded to the low bidder, Allied Blacktop, Inc. in the amount of \$27,301.60 and that the bid for Project 82-11 be awarded to the low bidder, Northwest Asphalt, Inc. in the amount of \$86,304.00

Bid tabulations and appropriate resolutions are attached.



mb
Enclosures

TABULATION OF BIDS

Pursuant to due call and notice thereof, a special meeting of the officials designated for a bid opening by the City Council of Maplewood was convened at 10:00 a.m., C.D.S.T., Wednesday, July 7, 1982. The purpose of this meeting was to receive, open and publicly read aloud bids for Bituminous Seal Coating, Project No. 82-10.

Present were William Cass and Joseph Prettnner.

Following the reading of the notice of advertisement for bids, the following bids were opened and read:

BIDDER	AMOUNT
Allied Blacktop Co.	\$27,301.60
Blacktop Service Co.	\$34,595.00

All bids were accompanied by a Bond or Certified Check in the amount of 5% of the bid. Pursuant to prior instruction of the Council, the City Clerk referred the bids received to the Director of Public Works instructing him to tabulate same and report with his recommendation at the regular City Council meeting of July 26, 1982.

Meeting adjourned at 10:15 a.m.

AWARD OF BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Allied Blacktop Company in the amount of \$27,301.60 is the lowest responsible bid for Bituminous Seal Coating, Project No. 82-10, and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City.

TABULATION OF BIDS

Pursuant to due call and notice thereof, a special meeting of the officials designated for a bid opening by the City Council of Maplewood was convened at 10:30 a.m. C.D.S.T., Wednesday, July 7, 1982. The purpose of this meeting was to receive, open and publicly read aloud bids for Bituminous Overlay, Project No. 82-11.

Present were William Cass and Joseph Prettner.

Following the reading of the notice of advertisement for bids, the following bids were opened and read:

BIDDER	AMOUNT
Alexander Construction Co., Inc.	\$102,975.01
T.A. Schifsky, Inc.	99,792.00
Northwest Asphalt, Inc.	86,304.00
C.S. McCrossan, Inc.	110,160.00
Tower Asphalt Co., Inc.	100,320.00
Total Asphalt Co.	94,992.00
Ashbach Construction Co.	111,120.00

All bids were accompanied by a Bond or Certified Check in the amount of 5% of the bid. Pursuant to prior instruction of the Council, the City Clerk referred the bids received to the Director of Public Works instructing him to tabulate same and report with his recommendation at the regular City Council meeting of July 26, 1982.

Meeting adjourned at 10:45 a.m.

AWARD OF BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Northwest Asphalt, Inc. in the amount of \$86,304.00 is the lowest responsible bid for the Bituminous Overlay, Project No. 82-11, and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for an on behalf of the City.

MEMORANDUM

TO: City Manager
 FROM: Assistant City Engineer
 SUBJECT: Receipt & Tabulation of Bids
 Award of Construction Contract
 Adolphus Street Sanitary Sewer Replacement
 Project No. 81-4
 DATE: July 19, 1982

Bids were received and opened on May 14, 1982 for the reconstruction of the Adolphus Trunk Sanitary Sewer system as follows:

<u>Ranking</u>	<u>Bidder</u>	<u>Amount</u>
1	Orfei and Sons, Inc.	\$206,025.69
2	Mueller Pipeliners, Inc.	\$212,621.80
3	Nodland Associates	\$214,166.50
4	Austin P. Keller	\$228,555.50
5	Barbarossa and Sons, Inc.	\$231,262.05
6	Northdale Construction	\$252,266.65
7	Encon Utilities	\$261,236.20
8	Crossings, Inc.	\$266,307.50
9	Julian Johnson	\$326,165.50
	Engineers' Estimate	\$248,867.50

Orfei and Sons, Inc. has a record of successfully completed projects of similar work and magnitude within the metropolitan area and is, therefore, considered the lowest responsible bidder.

The lowest bid was used as the basis for the assessment which was adopted on July 12, 1982.

We have not received any formal appeals as of this writing. However, based on the written statements received at the hearings, the assessments are considered to be sustainable.

We herewith recommend that the City Council consider awarding a construction contract to Orfei and Sons, Inc. in the amount of \$206,025.69.

RESOLUTION
FOR
AWARD OF BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Orfei and Sons, Incorporated in the amount of \$206,025.69 is the lowest responsible bid for the construction of Adolphus Street Trunk Sanitary Sewer Replacement and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for an on behalf of the City.

tabulation of bids

TOLTZ, KING, DUVALL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

PROJECT NO. B1-4
FOLDER NO. 8
INITIALS DJP

PROJECT Adolphus Street Trunk Sewer
LOCATION Maplewood, Minnesota
OWNER City of Maplewood, Minnesota
COMM. NO. 7647 SHEET 1A OF 3 SHEETS

BIDS RECEIVED 5-14-82 RECORDED BY LDB

ITEM NO.	DESCRIPTION	QUANTITY	Engineer's Estimate		Orfei and Sons		Mueller Pipeliners		Nodland Associates		Austin P. Keller		Barbarossa & Sons	
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
	DATE OF COMPLETION													
	CERTIFIED CHECK					as specified		as specified		as specified		as specified		
	BID BOND					5%		5%		5%		5%		
1	Connect to Existing Manhole	6 Ea	200.00	1,200.00	150.18	901.08	335.00	2,010.00	100.00	600.00	1200.00	7,200.00	350.00	2,100.00
2	10" DIP Cl. 50 Sanitary Sewer	624 LF	20.00	12,480.00	22.81	14,233.44	21.90	13,665.60	25.00	15,600.00	22.00	13,728.00	24.00	14,976.00
3	10" DIP Cl. 50 Sanitary Sewer	80 LF	22.50	1,800.00	23.90	1,912.00	22.60	1,808.00	25.50	2,040.00	22.00	1,760.00	26.00	2,080.00
4	12" PVC SDR 35 SS 0-10'	275 LF	15.00	4,125.00	15.96	4,389.00	15.05	4,138.75	19.00	5,225.00	24.00	6,600.00	22.00	6,050.00
5	12" PVC SDR 35 SS 10-12'	520 LF	16.00	8,320.00	16.68	8,673.60	15.60	8,112.00	19.00	9,880.00	24.00	12,480.00	24.00	12,480.00
6	12" PVC SDR 35 SS 12-14'	372 LF	18.00	6,696.00	17.55	6,528.60	16.50	6,138.00	19.50	7,254.00	24.00	8,928.00	26.00	9,672.00
7	12" PVC SDR 35 SS 14-16'	348 LF	19.50	6,786.00	18.64	6,486.72	17.20	5,985.60	20.00	6,960.00	24.00	8,352.00	28.00	9,744.00
8	12" PVC SDR 35 SS 16-18'	255 LF	32.00	8,160.00	20.05	5,112.75	18.10	4,615.50	21.00	5,355.00	24.00	6,120.00	30.00	7,650.00
9	12" PVC SDR 35 SS 18-20'	48 LF	24.50	1,176.00	24.52	1,176.96	19.20	921.60	23.00	1,104.00	24.00	1,152.00	32.00	1,536.00
10	12" PVC SDR 35 SS 20-22'	40 LF	27.50	1,100.00	28.44	1,137.60	19.85	794.00	25.00	1,000.00	24.00	960.00	34.00	1,360.00
11	12" PVC SDR 35 SS 22-24'	95 LF	30.00	2,850.00	30.62	2,908.90	20.60	1,957.00	27.00	2,565.00	24.00	2,280.00	36.00	3,420.00
12	12" DIP Cl. 50 SS 0-10'	690 LF	23.00	15,870.00	23.74	16,380.60	23.05	15,904.50	28.00	19,320.00	28.00	19,320.00	26.00	17,940.00
13	12" DIP Cl. 50 SS 10-12'	95 LF	23.00	2,185.00	24.46	2,323.70	23.65	2,246.75	28.00	2,660.00	28.00	2,660.00	28.00	2,660.00
14	12" DIP Cl. 50 SS 12-14'	55 LF	23.00	1,265.00	25.33	1,393.15	24.50	1,347.50	28.50	1,567.50	28.00	1,540.00	30.00	1,650.00
15	12" DIP Cl. 50 SS 14-16'	40 LF	25.50	1,020.00	26.42	1,056.80	25.25	1,010.00	29.00	1,160.00	28.00	1,120.00	32.00	1,280.00
16	12" DIP Cl. 50 SS 16-18'	35 LF	29.80	1,043.00	27.83	974.05	26.10	913.50	30.00	1,050.00	28.00	980.00	34.00	1,190.00
17	12" DIP Cl. 50 SS 18-20'	119 LF	40.00	4,760.00	32.30	3,843.70	27.20	3,236.80	32.00	3,808.00	28.00	3,332.00	36.00	4,284.00
18	12" DIP Cl. 50 SS 20-22'	65 LF	40.00	2,600.00	36.22	2,354.30	27.90	1,813.50	34.00	2,210.00	28.00	1,820.00	38.00	2,470.00
19	12" DIP Cl. 50 SS 22-24'	75 LF	42.00	3,150.00	38.40	2,880.00	28.65	2,148.75	36.00	2,700.00	28.00	2,100.00	40.00	3,000.00
20	12" DIP Cl. 50 SS 24-26'	95 LF	46.70	4,436.50	41.13	3,907.35	29.05	2,759.75	38.00	3,610.00	28.00	2,660.00	42.00	3,990.00
21	12" DIP Cl. 50 SS 26-28'	85 LF	50.30	4,275.50	44.63	3,793.55	29.50	2,507.50	40.00	3,400.00	28.00	2,380.00	44.00	3,740.00
22	4" x 10" MJCIP Service Tee	11 Ea	300.00	3,300.00	223.38	2,457.18	290.00	3,190.00	240.00	2,640.00	200.00	2,200.00	175.00	1,925.00
23	4" on 12" PVC Wye Branches	4 Ea	150.00	600.00	67.63	270.52	85.00	340.00	60.00	240.00	80.00	320.00	75.00	300.00
24	4" x 12" MJCIP Service Tee	7 Ea	400.00	2,800.00	236.48	1,655.36	350.00	2,450.00	290.00	2,030.00	250.00	1,750.00	250.00	1,750.00
25	6" x 10" MJCIP Service Tee	1 Ea	325.00	325.00	209.87	209.87	340.00	340.00	280.00	280.00	200.00	200.00	200.00	200.00
26	6" x 12" MJCIP Service Tee	1 Ea	425.00	425.00	252.65	252.65	390.00	390.00	320.00	320.00	250.00	250.00	250.00	250.00
27	4" PVC Sewer Service or Riser Pipe	65 LF	8.00	520.00	11.81	767.65	12.85	835.25	7.50	487.50	11.00	715.00	10.00	650.00
28	4" DIP Cl. 50 Sewer Service	420 LF	14.00	5,880.00	15.64	6,568.80	14.95	6,279.00	10.00	4,200.00	15.00	6,300.00	14.00	5,880.00
29	6" DIP Cl. 50 Sewer Service	35 LF	16.00	560.00	16.20	567.00	16.45	575.75	10.00	350.00	17.00	595.00	13.00	455.00

tabulation of bids

TOLTZ, KING, DUVAL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

BIDS RECEIVED 5-14-82 RECORDED BY LDB

PROJECT Adolphus Street Trunk Sewer
LOCATION Maplewood, Minnesota
OWNER City of Maplewood, Minnesota
COMM. NO. 7647 SHEET 2A OF 3 SHEETS

ITEM NO.	DESCRIPTION	QUANTITY	Engineer's Estimate		Orfei and Sons		Mueller Pipeliners		Nodland Associates		Austin P. Keller		Barbarossa & Sons	
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
	DATE OF COMPLETION													
	CERTIFIED CHECK													
	BID BOND													
30	4" Diameter Standard Manholes 0-10'	12 Ea	1050.00	12,600.00	869.97	10,439.64	870.00	10,440.00	1,000.00	12,000.00	900.00	10,800.00	900.00	10,800.00
31	Extra Depth of 4' Dia. MH over 10'	60.4 LF	67.50	4,077.00	50.60	3,056.24	55.50	3,352.20	50.00	3,020.00	60.00	3,624.00	70.00	4,228.00
32	8" Outside Drop Connection 0-4'	3 Ea	750.00	2,250.00	586.18	1,758.54	815.00	2,445.00	1,000.00	3,000.00	600.00	1,800.00	700.00	2,100.00
33	Extra Depth of 8" Drop over 4'	13 LF	50.00	650.00	30.76	399.88	96.00	1,248.00	50.00	650.00	50.00	650.00	65.00	845.00
34	Trench Stabilization	400 LF	4.00	1,600.00	0.12	48.00	2.70	1,080.00	3.00	1,200.00	1.00	400.00	3.50	1,400.00
35	Abandon Existing Manhole	6 Ea	400.00	2,400.00	103.78	622.68	140.00	840.00	100.00	600.00	400.00	2,400.00	200.00	1,200.00
36	Remove Existing Manhole	6 Ea	300.00	1,800.00	61.31	367.86	100.00	600.00	100.00	600.00	400.00	2,400.00	300.00	1,800.00
37	By-pass Pumping of Sewage	1 LS	6360.00	6,360.00	1889.28	1,889.28	1400.00	1,400.00	1000.00	1,000.00	5000.00	5,000.00	2000.00	2,000.00
38	Sign and Maintain Detour Route	1 LS	1000.00	1,000.00	420.00	420.00	3650.00	3,650.00	500.00	500.00	500.00	500.00	1500.00	1,500.00
39	Replace Protruding Service	1 LS	500.00	500.00	1047.04	1,047.04	1000.00	1,000.00	500.00	500.00	700.00	700.00	1200.00	1,200.00
40	Repair Cracked Pipe from Inside	1 LS	500.00	500.00	545.57	545.57	850.00	850.00	500.00	500.00	800.00	800.00	1000.00	1,000.00
41	Water Line Trench Excavation	95 LF	20.00	1,900.00	4.53	430.35	20.00	1,900.00	5.00	475.00	8.00	760.00	12.00	1,140.00
42	Adjust Valve Box	10 Ea	50.00	500.00	56.49	564.90	50.00	500.00	90.00	900.00	75.00	750.00	90.00	900.00
43	Item Not Used													
44	Adjust Manhole Casting	3 Ea	100.00	300.00	86.94	260.82	110.00	330.00	100.00	300.00	100.00	300.00	100.00	300.00
45	Clear and Grub Trees	1 Ea	100.00	100.00	157.50	157.50	80.00	80.00	100.00	100.00	1000.00	1,000.00	200.00	200.00
46	Remove Bituminous Pavement	7,250 SY	2.75	19,937.50	0.79	5,727.50	0.80	5,800.00	0.75	5,437.50	0.30	2,175.00	0.75	5,437.50
47	Remove Concrete Curb	137 LF	2.00	274.00	1.42	194.54	1.40	191.80	1.50	205.50	2.00	274.00	1.35	184.95
48	Remove Conc. Driveway Pavement	49 SY	6.00	294.00	1.84	90.16	1.85	90.65	2.00	98.00	5.00	245.00	2.00	98.00
49	Subgrade Correction	300 CY	2.00	600.00	1.58	474.00	1.60	480.00	1.50	450.00	1.60	480.00	1.50	450.00
50	Topsoil Borrow (LV)	660 CY	7.00	4,620.00	6.83	4,507.80	5.80	3,828.00	5.50	3,630.00	7.00	4,620.00	5.50	3,630.00
51	Aggregate Base, Class 3	810 Ton	4.00	3,240.00	3.95	3,199.50	5.25	4,252.50	4.00	3,240.00	3.85	3,118.50	3.75	3,037.50
52	Aggregate Base, Class 5	3,135 Ton	5.00	15,675.00	4.73	14,828.55	6.05	18,966.75	5.00	15,675.00	4.60	14,421.00	4.50	14,107.50
53	Bit. Base Course Mixture	755 Ton	15.00	11,325.00	11.34	8,561.70	11.35	8,569.25	11.50	8,682.50	11.10	8,305.00	10.80	8,154.00
54	Bit. Binder Course Mixture	112 Ton	15.00	1,680.00	11.34	1,270.08	11.35	1,271.20	11.50	1,288.00	11.10	1,243.20	10.80	1,209.60
55	Bit. Wearing Course Mixture	935 Ton	14.00	13,090.00	11.97	11,191.95	12.00	11,220.00	12.00	11,220.00	11.70	10,939.50	11.40	10,659.00
56	Bituminous Material for Mixture	95.7 Ton	175.00	16,747.50	173.25	16,580.03	173.00	16,556.10	175.00	16,747.50	170.00	16,269.00	165.00	15,790.50
57	CRS-1 Bituminous Material for Tack	445 Gal	1.30	578.50	1.05	467.25	1.05	467.25	1.00	445.00	1.00	445.00	1.00	445.00
58	Bituminous Curb, MnDOT 2358	1,250 LF	2.50	3,125.00	1.58	1,975.00	1.60	2,000.00	1.50	1,875.00	1.60	2,000.00	1.50	1,875.00
59	Conc. Curb to Match Existing Design	137 LF	10.00	1,370.00	15.75	2,157.75	10.00	1,370.00	16.00	2,192.00	9.00	1,233.00	15.00	2,055.00

tabulation of bids

TOLTZ, KING, DUVALL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

PROJECT Adolphus Street Trunk Sewer

LOCATION Maplewood, Minnesota

OWNER City of Maplewood, Minnesota

COMM. NO. 7647

SHEET 3A OF 3 SHEETS

BIDS RECEIVED 5-14-82 RECORDED BY LDB

ITEM NO.	DESCRIPTION	QUANTITY	Engineer's Estimate		Orfei and Sons		Mueller Pipeliners		Nodland Associates		Austin P. Keller		Barbarossa	
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
	DATE OF COMPLETION													
	CERTIFIED CHECK													
	BID BOND													
60	6" Concrete Driveway Pavement	49 SY	23.00	1,127.00	31.50	1,543.50	25.00	1,225.00	38.00	1,862.00	30.00	1,470.00	40.00	1,960.00
61	Roadside Seeding	1.6 Ac	250.00	400.00	131.25	210.00	535.00	856.00	90.00	144.00	380.00	608.00	100.00	160.00
62	Seed, Mixture No. 5	160 Lbs	2.00	320.00	1.00	160.00	1.15	184.00	1.10	176.00	1.60	256.00	1.10	176.00
63	Sodding	5,030 SY	1.30	6,539.00	1.00	5,030.00	1.25	6,287.50	1.05	5,281.50	1.20	6,036.00	1.05	5,281.50
64	Mulch Material, Type 1	3.2 Ton	150.00	480.00	126.00	403.20	110.00	352.00	105.00	336.00	130.00	416.00	105.00	336.00
65	Commercial Fertilizer 10-10-10	800 Lbs	0.25	200.00	0.16	128.00	0.13	104.00	0.15	120.00	0.30	240.00	0.15	120.00
66	Appl. of Water for Dust Control	20,000 Gal	0.05	1,000.00	0.01	200.00	0.02	400.00	0.005	100.00	0.10	2,000.00	0.04	800.00
	Total Bids (Items 1 - 66)			248,867.50		206,025.69		212,621.80		214,166.50		228,555.70		231,262.05

tabulation of bids

TOLTZ, KING, DUVALL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

PROJECT Adolphus Street Trunk Sewer

LOCATION Maplewood, Minnesota

OWNER City of Maplewood, Minnesota

COMM. NO. 7647

SHEET 1 OF 3 SHEETS

BIDS RECEIVED 5-14-82, RECORDED BY LDB

ITEM NO.	DESCRIPTION	QUANTITY	Northdale Const.		Encon Utilities		Crossings, Inc.		Julian Johnson		UNIT	TOTAL	UNIT	TOTAL	
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL					
	DATE OF COMPLETION														
	CERTIFIED CHECK														
	BID BOND														
1	Connect to Existing Manhole	6 Ea	400.00	2,400.00	375.00	2,250.00	470.00	2,820.00	1000.00	6,000.00					
2	10" DIP Cl. 50 Sanitary Sewer 12-14'	624 LF	20.50	12,792.00	30.00	18,720.00	28.00	17,472.00	40.00	24,960.00					
3	10" DIP Cl. 50 Sanitary Sewer 14-16'	80 LF	22.00	1,760.00	32.00	2,560.00	29.00	2,320.00	42.00	3,360.00					
4	12" PVC SDR 35 SS 0-10'	275 LF	21.30	5,857.50	23.00	6,325.00	19.00	5,225.00	32.00	8,800.00					
5	12" PVC SDR 35 SS 10-12'	520 LF	22.30	11,596.00	24.00	12,480.00	20.00	10,400.00	33.00	17,160.00					
6	12" PVC SDR 35 SS 12-14'	372 LF	23.30	8,667.60	25.50	9,486.00	21.00	7,812.00	34.00	12,648.00					
7	12" PVC SDR 35 SS 14-16'	348 LF	24.30	8,456.40	27.50	9,570.00	22.00	7,656.00	36.00	12,528.00					
8	12" PVC SDR 35 SS 16-18'	255 LF	26.30	6,706.50	32.50	8,287.50	23.00	5,865.00	38.00	9,690.00					
9	12" PVC SDR 35 SS 18-20'	48 LF	29.30	1,406.40	37.00	1,776.00	26.00	1,248.00	42.00	2,016.00					
10	12" PVC SDR 35 SS 20-22'	40 LF	32.30	1,292.00	40.00	1,600.00	28.00	1,120.00	46.00	1,840.00					
11	12" PVC SDR 35 SS 22-24'	95 LF	35.30	3,353.50	43.00	4,085.00	30.00	2,850.00	50.00	4,750.00					
12	12" DIP Cl. 50 SS 0-10'	690 LF	30.30	20,907.00	31.00	21,390.00	32.00	22,080.00	40.00	27,600.00					
13	12" DIP Cl. 50 SS 10-12'	95 LF	31.30	2,973.50	32.50	3,087.50	37.00	3,515.00	41.00	3,895.00					
14	12" DIP Cl. 50 SS 12-14'	55 LF	32.30	1,776.50	34.00	1,870.00	38.00	2,090.00	42.00	2,310.00					
15	12" DIP Cl. 50 SS 14-16'	40 LF	34.30	1,372.00	36.50	1,460.00	39.00	1,560.00	44.00	1,760.00					
16	12" DIP Cl. 50 SS 16-18'	35 LF	36.30	1,270.50	39.50	1,382.50	41.00	1,435.00	46.00	1,610.00					
17	12" DIP Cl. 50 SS 18-20'	119 LF	38.30	4,557.70	46.50	5,533.50	44.00	5,236.00	50.00	5,950.00					
18	12" DIP Cl. 50 SS 20-22'	65 LF	40.30	2,619.50	49.50	3,217.50	47.00	3,055.00	54.00	3,510.00					
19	12" DIP Cl. 50 SS 22-24'	75 LF	42.30	3,172.50	54.00	4,050.00	55.00	4,125.00	58.00	4,350.00					
20	12" DIP Cl. 50 SS 24-26'	95 LF	44.30	4,208.50	60.00	5,700.00	62.00	5,890.00	62.00	5,890.00					
21	12" DIP Cl. 50 SS 26-28'	85 LF	47.30	4,020.50	68.50	5,822.50	80.00	6,800.00	66.00	5,610.00					
22	4" x 10" MJCIP Service Tee	11 Ea	200.00	2,200.00	220.00	2,420.00	250.00	2,750.00	200.00	2,200.00					
23	4" on 12" PVC Wye Branches	4 Ea	75.00	300.00	60.00	240.00	76.00	304.00	100.00	400.00					
24	4" x 12" MJCIP Service Tee	7 Ea	245.00	1,715.00	250.00	1,750.00	329.00	2,303.00	250.00	1,750.00					
25	6" x 10" MJCIP Service Tee	1 Ea	230.00	230.00	240.00	240.00	270.00	270.00	225.00	225.00					
26	6" x 12" MJCIP Service Tee	1 Ea	275.00	275.00	280.00	280.00	360.00	360.00	275.00	275.00					
27	4" PVC Sewer Service or Riser Pipe	65 LF	15.00	975.00	18.50	1,202.50	10.00	650.00	6.00	390.00					
28	4" DIP Cl. 50 Sewer Service	420 LF	20.00	8,400.00	29.00	12,180.00	15.00	6,300.00	8.00	3,360.00					
29	4" DIP Cl. 50 Sewer Service	35 LF	21.00	735.00	30.00	1,050.00	18.00	630.00	10.00	350.00					

tabulation of bids

TOLTZ, KING, DUVALL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

BIDS RECEIVED 5-14-82 RECORDED BY LDB

PROJECT Adolphus Street Trunk Sewer
LOCATION Maplewood, Minnesota
OWNER City of Maplewood, Minnesota
COMM. NO. 7647 SHEET 1B OF 3 SHEETS

ITEM NO.	DESCRIPTION	QUANTITY	Northdale Const.		Encon Utilities		Crossings, Inc.		Julian Johnson					
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL
	DATE OF COMPLETION													
	CERTIFIED CHECK													
	BID BOND													
30	4" Diameter Standard Manholes 0-10'	12 Ea	875.00	10,500.00	900.00	10,800.00	1260.00	15,120.00	1000.00	12,000.00				
31	Extra Depth of 4' Dia. MH over 10'	60.4 LF	60.00	3,624.00	60.00	3,624.00	110.00	6,644.00	75.00	4,530.00				
32	3" Outside Drop Connection 0-4'	3 Ea	1100.00	3,300.00	1100.00	3,300.00	605.00	1,815.00	500.00	1,500.00				
33	Extra Depth of 8" Drop over 4'	13 LF	85.00	1,105.00	62.00	806.00	133.00	1,729.00	50.00	650.00				
34	Trench Stabilization	400 LF	4.10	1,640.00	4.00	1,600.00	5.00	2,000.00	4.00	1,600.00				
35	Abandon Existing Manhole	6 Ea	175.00	1,050.00	360.00	2,160.00	220.00	1,320.00	250.00	1,500.00				
36	Remove Existing Manhole	6 Ea	200.00	1,200.00	160.00	960.00	385.00	2,310.00	400.00	2,400.00				
37	By-pass Pumping of Sewage	1 LS	6000.00	6,000.00	1500.00	1,500.00	8400.00	8,400.00	18000.00	18,000.00				
38	Sign and Maintain Detour Route	1 LS	3500.00	3,500.00	750.00	750.00	2900.00	2,900.00	2000.00	2,000.00				
39	Replace Protruding Service	1 LS	2250.00	2,250.00	3000.00	3,000.00	275.00	275.00	2000.00	2,000.00				
40	Repair Cracked Pipe from Inside	1 LS	1000.00	1,000.00	650.00	650.00	385.00	385.00	1500.00	1,500.00				
41	Water Line Trench Excavation	95 LF	30.00	2,850.00	6.25	593.75	13.00	1,235.00	6.00	570.00				
42	Adjust Valve Box	10 Ea	100.00	1,000.00	90.00	900.00	68.00	680.00	50.00	500.00				
43	Item Not Used													
44	Adjust Manhole Casting	3 Ea	200.00	600.00	100.00	300.00	73.00	219.00	75.00	225.00				
45	Clear and Grub Trees	1 Ea	500.00	1,500.00	150.00	150.00	156.00	156.00	100.00	100.00				
46	Remove Bituminous Pavement	7,250 SY	0.83	6,017.50	0.80	5,800.00	1.25	9,062.50	1.00	7,250.00				
47	Remove Concrete Curb	137 LF	5.00	685.00	2.00	274.00	1.10	150.70	3.00	411.00				
48	Remove Conc. Driveway Pavement	49 SY	1.95	95.55	5.00	245.00	4.00	196.00	5.00	245.00				
49	Subgrade Correction	300 CY	1.65	495.00	2.00	600.00	2.10	630.00	6.00	1,800.00				
50	Topsoil Borrow (LV)	660 CY	6.00	3,960.00	5.80	3,828.00	5.70	3,762.00	6.00	3,960.00				
51	Aggregate Base, Class 3	810 Ton	4.15	3,361.50	3.95	3,199.50	5.40	4,374.00	5.50	4,455.00				
52	Aggregate Base, Class 5	3,135 Ton	5.00	15,675.00	4.75	14,891.25	5.20	16,302.00	6.00	18,810.00				
53	Bit. Base Course Mixture	755 Ton	11.90	8,984.50	11.35	8,569.25	12.00	9,060.00	16.00	12,080.00				
54	Bit. Binder Course Mixture	112 Ton	11.90	1,332.80	11.35	1,271.20	12.40	1,388.80	16.50	1,848.00				
55	Bit. Wearing Course Mixture	935 Ton	12.60	11,781.00	12.00	11,220.00	12.40	11,594.00	17.00	15,895.00				
56	Bituminous Material for Mixture	95.7 Ton	182.00	17,417.40	175.00	16,747.50	170.00	16,269.00	175.00	16,474.50				
57	CRS-1 Bituminous Material for Tack	445 Gal	1.10	489.50	1.05	467.25	1.30	578.50	2.00	890.00				
58	Bituminous Curb, MnDOT 2358	1,250 LF	2.75	3,437.50	1.60	2,000.00	2.00	2,500.00	3.00	3,750.00				
59	Conc. Curb to Match Existing Design	137 LF	10.00	1,370.00	17.00	2,329.00	12.40	1,698.80	15.00	2,055.00				

tabulation of bids

TOLTZ, KING, DUVALL, ANDERSON
& ASSOCIATES, INC.
ST. PAUL, MINNESOTA
ENGINEERS ARCHITECTS

BIDS RECEIVED 5-14-82 RECORDED BY LDB

PROJECT Adolphus Street Trunk Sewer
LOCATION Maplewood, Minnesota
OWNER City of Maplewood, Minnesota
COMM. NO. 7647 SHEET 3B OF 3 SHEETS

ITEM NO.	DESCRIPTION	QUANTITY	Northdale Const.		Encon Utilities		Crossings, Inc.		Julian Johnson		UNIT	TOTAL	UNIT	TOTAL	
			UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL	UNIT	TOTAL					
	DATE OF COMPLETION														
	CERTIFIED CHECK														
	BID BOND														
00	Concrete Driveway Pavement	49 SY	28.00	2,372.00	40.00	1,960.00	19.00	931.00	18.00	882.00					
01	Roadside Seeding	1.1 Ac	118.00	188.80	95.00	152.00	177.00	283.20	100.00	160.00					
02	Seed, Mixture No. 5	100 Lbs	1.25	200.00	1.15	184.00	1.15	184.00	2.00	320.00					
03	Sodding	5,630 SY	1.15	5,784.50	1.10	5,533.00	1.00	5,030.00	1.50	7,545.00					
04	Mulch Material, Type 1	3.2 Ton	120.00	384.00	110.00	352.00	170.00	544.00	125.00	400.00					
05	Commercial Fertilizer 10-10-10	300 Lbs	0.15	120.00	0.13	104.00	0.55	440.00	2.00	1,600.00					
06	Appl. of Water for Dust Control	20,000 Gal	0.10	2,000.00	0.02	400.00	0.10	2,000.00	0.04	800.00					
	Total Bids (Items 1 - 06)			252,266.65		261,236.20		266,307.50		326,165.50					

J-1

MEMORANDUM

TO: City Manager
FROM: Assistant City Engineer
SUBJECT: Assessment Amendments
Hillwood Drive-Dorland Road-Linwood Avenue
Project No. 78-10

The assessment for the above-referenced project was adopted on March 4, 1982 which preceded the actual construction of the municipal improvements. During the course of the construction the number of sanitary sewer and water services were revised as requested by the property owners to meet future needs.

All of the affected property owners confirmed the changes by signing statements acknowledging their request for added services and the additional assessment costs associated with the changes.

A list of the requested revisions is as follows:

Assessment No.	Parcel	Changed Items	Amount
49	57-01200-060-57	Add 3 Water Services @ \$416.59/EA Add 3 San. Services @ \$419.81/EA	+\$1,249.77 +\$1,259.43

These service costs should be apportioned to the northerly portion of the recent lot split.

52	57-01200-120-57	Add 1 Water Service @ \$416.59?EA	+\$ 416.59
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This service cost should be apportioned to the northerly portion of the recent lot split.

47	57-01200-010-57	Add 145FF San.Sewer @ \$27.86/FF	+\$4,039.70
53	57-01200-020-58	Delete 3 Water Sercices @ \$416.59 Delete 3 San. Services @ \$419.81	-\$1,249.77 -\$1,259.43
55	57-01300-090-28	Add 1 Water Service @ \$416.59	+\$ 416.59
57	57-01300-160-28	Add 1 San. Service @ \$419.81	+\$ 419.81
60	57-01300-200-28	Add 1 Water Service @ \$416.59	+\$ 416.59

We recommend that the City Council amend the assessment roll to incorporate the subject changes.

mb

RESOLUTION NO. _____

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

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

WHEREAS, pursuant to the provisions of Minnesota Statutes,
Section 429.061, Subd. 1 thereof, a public hearing was held on
March 4, 1982 upon due published and mailed notice affording
all property owners who wish to be heard and who had presented
written and/or oral objections to the proposed assessment roll;

WHEREAS, the proposed assessment roll was adopted March 4,
1982 thereby commencing the period of time within which to appeal
therefrom to run pursuant to provisions of Minnesota Statutes,
Section 429.081; and

WHEREAS, the March 4, 1982 meeting was adjourned to March 10,
1982 for the purpose of hearing the objections of property owners
who disputed the amount of the assessments; and

WHEREAS, certain of the owners who were assessed for Project
No. 78-10 as above described and afforded an opportunity to be
heard thereon, have entered into contractual agreements with the
City for certain additional water services and sanitary sewer
services over and above those noted in the original assessment roll.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of
Maplewood that the Clerk be, and hereby is, directed to amend the
assessment roll to include those additional water services and
sanitary sewer services contracted for by the affected owners and
to incorporate the same in the assessment roll to be sent to the
County of Ramsey, all of which are set forth on Exhibit "A" attached
hereto and incorporated herein by reference.

Adopted this _____ day of _____, 1982.

ATTEST:

John Greavu, Mayor

Lucille E. Aurelius,

J-2

MEMORANDUM

TO: City Manager
 FROM: Associate Planner--Johnson
 SUBJECT: Special Exception--Home Occupation
 LOCATION: 2994 Winthrop Drive
 OWNER/APPLICANT: Kenneth Mihelich
 DATE: July 14, 1982

SUMMARY OF THE PROPOSAL

Request

A special exception permit to operate an archery supply business (Ken's Supply Center) as a home occupation.

Proposal

Refer to the applicant's attached letter of request. A summary is as follows:

1. The applicant makes arrows and targets in his spare time as a hobby.
2. The arrows and targets, as well as a side line of bows, quivers, finger guards, etc., produced off-site are offered for sale three or four week-ends a year by garage sale.
3. The majority of the sales are while attending archery tournaments.
4. There would be no permanent signs.
5. The archery business is a hobby. The applicant has no intentions of increased home use or sales.
6. The applicant, and occasionally his son and daughter, would be involved.

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.

A similar request to allow limited retail sale of products produced off-site was recently approved for Diane Beran, 1770 Onacrest Curve, to operate a folk art painting business. (See Past Actions.)

The occasional sale of archery supplies by garage sale, three or four times a year, would be consistent with Council's desired policy for limited retail sales.

The proposal is consistent with the remainder of the Planning Commission's home occupation guidelines. (See attachment.) Further, no abutting property owner is opposed to the applicant's proposal.

Recommendation

Approval of a special exception permit to operate an archery supply business, as a home occupation, at 2994 Winthrop Drive, 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 workshop area.

BACKGROUND

Site Description

Size: 105 by 113 foot corner lot
Existing Land Use: Single dwelling and attached garage

Surrounding Land Uses

North: Lydia Avenue. Across Lydia Avenue, single dwellings
East and South: Single dwellings
West: Winthrop Drive. Across the street, single dwellings

Past Actions

5-20-82: a) Council conditionally approved an electronic equipment repair and sales home occupation for Todd Petersen at Payne and Roselawn Avenues. Limited retail sales of electronic equipment was approved.

b) Council directed the Planning Commission to revise their home occupation guideline number five (attached) to permit limited retail sales.

7-12-82: Council conditionally approved a special exception permit to operate a folk art painting business, as a home occupation, at 1770 Onacrest Curve for Diane Beran. The conditions were the same as proposed for the applicant.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: RL, Residential Lower Density
2. Zoning: R-1, Residence District (Single Dwelling)
3. Compliance with Land Use Laws: Section 904.010(4) states that "the offices of professional persons (are allowable) when located in the dwelling of that professional person or persons and when authorized by the lawful governing body."

Public Safety

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

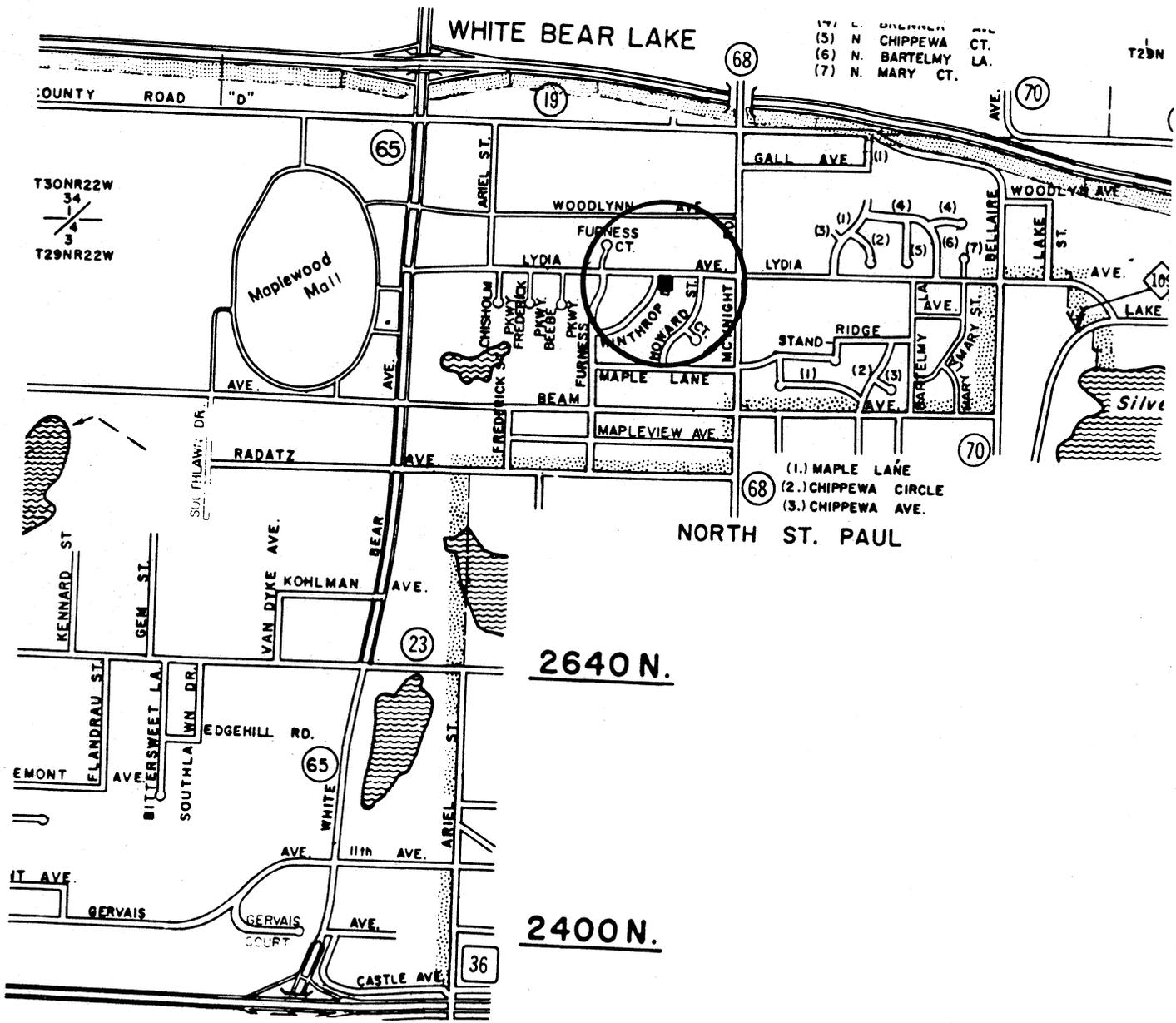
Citizen Comments

Staff surveyed each of the five abutting property owners. None are opposed to the applicant's proposal.

jw

Enclosures:

1. Location Map
2. Property Line Map
3. Applicant's Letter of Request
4. Planning Commission Home Occupation Guidelines



LOCATION MAP



WOOLLYNN

AVE

N E T N O R L I N

2798.2

AVE

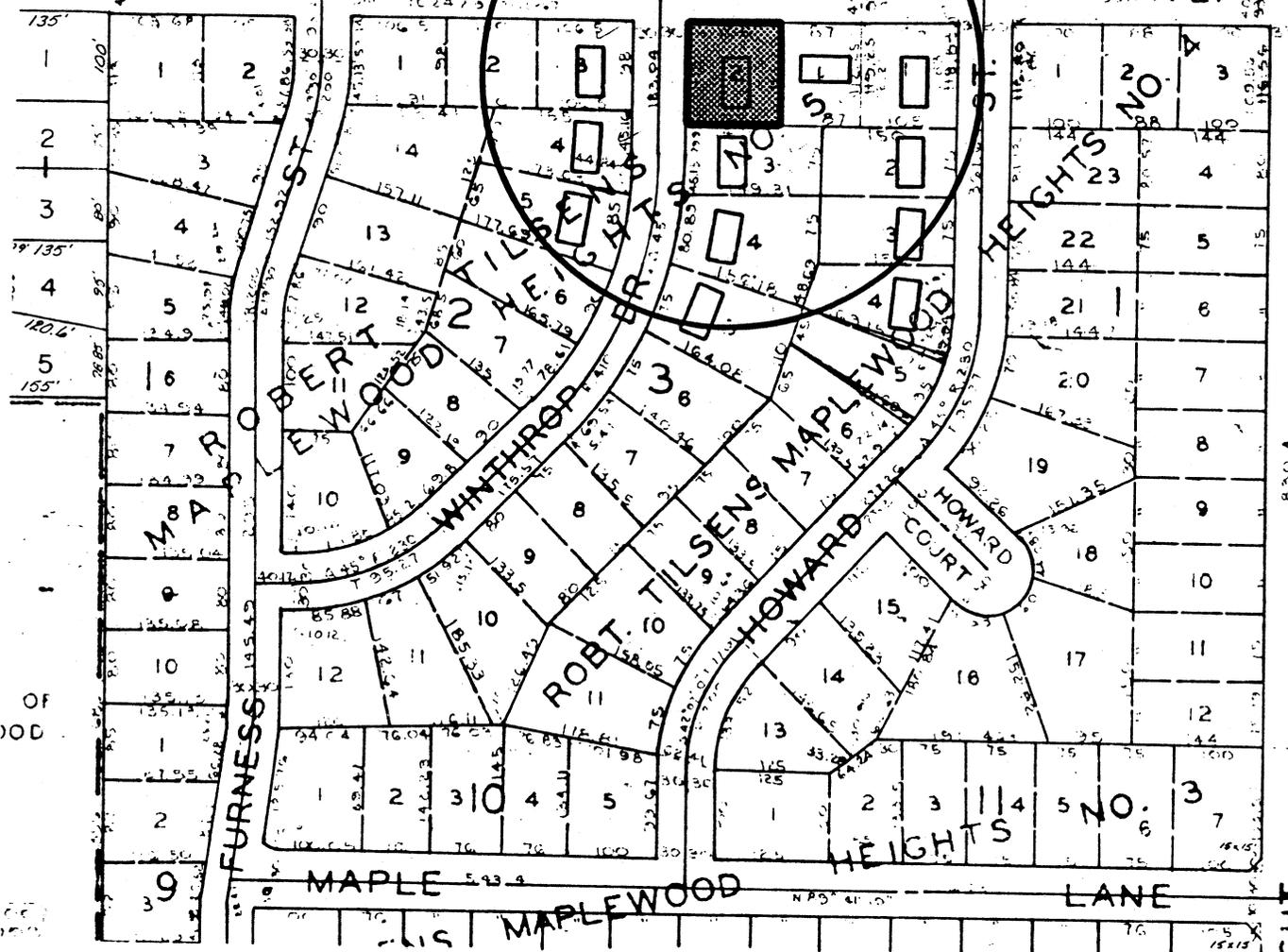
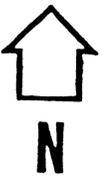
HEIGHTS NO. 23

HOWARD COURT

HEIGHTS

LANE

PROPERTY LINE MAP





1. Applicant: KENNETH MIHELICH
 Address: 2994 WINTHROP DRIVE ZIP 55109
 Telephone No. 777-1565 (Home) 778-5081 (3M) (Work)
 Relation to Property: _____

2. Property Owner: SAME AS ABOVE (KEN'S SUPPLY CENTER)
 Address: _____ ZIP _____
 Telephone No. _____ (Home) _____ (Work)
 Owner's Signature: _____

3. Property Description: HOME OCCUPATION REQUEST.
THIS IS AN ARCHERY HOBBY WHICH I AT TIMES
SELL BOWS, ARROWS AND OTHER ARCHERY
ITEMS. I AM EMPLOYED FULL TIME BY 3M
ARCHITECTURAL ENGINEERING AND HAVE BEEN
see page 2 (con't)

4. Submit complete written explanation of the proposed use and justification for approval. If the application is for a home occupation, indicate the major equipment used, number of employees, average hours/week of operation, and number of deliveries/week.

5. Submit any plans that would help describe your proposal. Please include 14 copies of any plan larger than 8 1/2 by 11 inches.

Maplewood recommends that you discuss your proposal with adjacent property owners before a formal application is made. Any conflicts that you can resolve ahead of time will make it easier and faster for the City to process your application.

FEE: \$30.00 (No fee for home occupation requests)

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.

Check here if you would like any plans retained for you after the processing of this application. Please note that all plans will not be available for return.

FOR 17 YEARS. ARCHERY HAS BEEN MY SPORT ACTIVITY FOR 25 YEARS. BOTH TARGET TOURNAMENT AND HUNTING. IT HAS BECOME ONE OF MY FAMILIES SPORT ACTIVITIES ALSO. NOT ONLY HAVE I HELD A STATE ARCHERY RECORD BUT BOTH MY SON AND DAUGHTER HOLD STATE ARCHERY RECORDS.

I NOW MAKE ARROWS AND ETHAFOAM TARGETS IN MY SPARE TIME AS A HOBBY AND SELL THEM. I HAVE ALSO ACQUIRED OTHER ARCHERY ITEMS WHICH I SELL AS A SIDE LINE.

THE AREA IN MY HOME I USE IN THIS ACTIVITY IS ONE 3'4" TABLE, ONE 2'-6" X 4'10" WORK AREA WITH 2 SHELVES AND A 3' X 4' WORK BENCH IN MY GARAGE.

I DO NOT HAVE ANY EMPLOYEES, EXCEPT OCCASIONALLY MY SON AND DAUGHTER WILL HELP ME WITH A WEEKEND GARAGE TYPE SALE.

I HOLD ABOUT 3 OR 4 WEEKEND SALES PER YEAR, TOTALING ABOUT 8 DAYS OF ACTUAL SALES DURNING THE YEAR WHICH IS DURNING THE MONTHS OF JUNE, JULY & AUGUST. THAT IS ALSO THE ONLY TIME OF THE YEAR WHICH I HAVE PERSONS STOPPING BY FOR ARCHERY SUPPLIES.

THE MONTHS OF NOVEMBER THRU MAY I HAVE ALMOST NO ACTIVITY.

AS FAR AS DELIVERIES BY UPS
THIS PROBABLY HAPPENS ABOUT
10 TIMES A YEAR.

THE MAJORITY OF MY SALES ARE MADE
AT ARCHERY SHOOTS AND TOURNAMENTS
ON WEEKENDS WHICH I ATTEND.

THE ADVERTIZING I DO IS BY HAND
OUTS AND WORD OF MOUTH.

THIS IS ONLY A HOBBY AND SIDE
LINE ACTIVITY. IT IS HOW I INTEND
TO CONTINUE THIS ACTIVITY FROM MY
HOME NO FUTURE INCREASES IN
HOME USE OR SALES.

THANK YOU.

KENNETH MIHELICH

Kenneth Mihelich

APRIL 6, 1982

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.

MEMORANDUM

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: EAW - Pearson Estates
 DATE: July 16, 1982

Enclosed is the environmental assessment worksheet (EAW) for Pearson Estates. An EAW is required by the State for a mobile home park of over 100 units. The City must make a finding as to whether an environmental impact statement (EIS) should be required.

There are three findings for an EIS to be required (see pp. 11-12 of the EAW):

1. The project is a major action.
2. The project has the potential for significant environmental effects.
3. The project has more than local significance.

This project would not be a major action or have more than local significance. An EIS should not, therefore, be required. There are three environmental issues:

1. Loss of all or part of a unique tamarack bog
2. Development on a wetland
3. Development of steep slopes

These problems can be dealt with through local permits, such as the special use permit and plan approval. We do not feel that the time and expense of an environmental impact statement would be necessary or helpful.

Once the City Council completes the EAW, it must be published by the Environmental Quality Board for thirty (30) days. If the City's decision is not appealed, the City can then consider the special use permit.

Recommendation

Authorize Staff to send the enclosed environmental assessment worksheet to the Environmental Quality Board for publication, with a negative declaration (no environmental impact statement).

MINNESOTA ENVIRONMENTAL QUALITY BOARD
ENVIRONMENTAL ASSESSMENT WORKSHEET
AND NOTICE OF FINDINGS

DO NOT WRITE IN THIS SPACE
E.R. # _____

NOTE: The purpose of the Environmental Assessment Worksheet (EAW) is to provide information on a project so that one can assess rapidly whether or not the project requires an Environmental Impact Statement. Attach additional pages, charts, maps, etc., as needed to answer these questions. Your answers should be as specific as possible. Indicate which answers are estimated.

I. SUMMARY

A. ACTIVITY FINDING BY RESPONSIBLE AGENCY (PERSON)

Negative Declaration (No EIS) EIS Preparation Notice (EIS Required)

B. ACTIVITY IDENTIFICATION

1. Project name or title Pearson Estates

2. Project proposer(s) Dick Pearson

Address 1781 E. Arlington Street, St. Paul, Minnesota 55119

Telephone Number and Area Code (612) 776-2721

3. Responsible Agency or Person Maplewood

Address 1380 Frost Avenue, Maplewood, MN 55109

Person in Responsible Agency (Person) to contact for further information on this EAW: Geoff Olson Telephone: 770-4560

4. This EAW and other supporting documentation are available for public inspection and/or copying at: Location City of Maplewood
Telephone 770-4560 Hours 8-4:30

5. Reason for EAW Preparation

Mandatory Category - cite MEQB Rule number(s) 3.024 () Petition Other

C. ACTIVITY DESCRIPTION SUMMARY

1. Project location

County Ramsey City/Township name Maplewood

Township number 29 (North), Range number 22 East or West (circle one),

Section number(s) 24 Street address (if in city) or legal description:

NE 1/4 of the SE 1/4 of Section 24, Township 29, Range 22

2. Type and scope of proposed project: 240-250 unit mobile home park

3. Estimated starting date (month/year) October 1982

4. Estimated completion date (month/year) October, 1983

5. Estimated construction cost \$500,000

6. List any federal funding involved and known permits or approvals needed from each unit of government and status of each: None

Unit of Government (federal, state, regional, local)	Name or Type of Permit/Approval or Federal Funding	Status

7. If federal permits, funding or approvals are involved, will a federal EIS be prepared under the National Environmental Policy Act? NO YES UNKNOWN

N/A

II. ACTIVITY DESCRIPTION

A. Include the following maps or drawings:

1. A map showing the regional location of the project.
2. An original 8½ x 11 section of a U.S.G.S. 7½ minute, 1:24,000 scale map with the activity or project area boundaries and site layout delineated. Indicate quadrangle sheet name. (Original U.S.G.S. sheet must be maintained by Responsible Agency; legible copies may be supplied to other EAW distribution points.)
3. A sketch map of the site showing location of structures and including significant natural features (water bodies, roads, etc).
4. Current photos of the site must be maintained by the Responsible Agency. Photos need not be sent to other distribution points.

B. Present land use.

1. Briefly describe the present use of the site and lands adjacent to the site. Present use is partially for cropland and partially wooded and unformable areas. Adjacent lands are formlands to the north, lowlands to the west, multiple family to the south and Century Avenue to the east.

2. Indicate the approximate acreages of the site that are:

a. Urban developed	<u>0</u> acres	f. Wetlands (Type III, IV, V)	<u>0</u> acres
b. Urban vacant	<u>0</u> acres	g. Shoreland	<u>0</u> acres
c. Rural developed	<u>2</u> acres	h. Floodplain	<u>0</u> acres
d. Rural vacant	<u>4</u> acres	i. Cropland/Pasture land	<u>22</u> acres
e. Designated Recreation/Open Space	<u>0</u> acres	j. Forested	<u>2</u> acres
		k. Wetland (Type II)	<u>10</u> acres

3. List names and sizes of lakes, rivers and streams on or near the site, particularly lakes within 1,000 feet and rivers and streams within 300 feet.

None

C. Activity Description

1. Describe the proposed activity, including staging of development (if any), operational characteristics, and major types of equipment and/or processes to be used. Include data that would indicate the magnitude of the proposed activity (e.g. rate of production, number of customers, tons of raw materials, etc).

240-250 sites will be developed for new mobile homes in 2 stages with the south half proceeding first. The grading plan calls for scraping off the high areas to fill the low areas creating a terraced development with complete water, sanitary and storm sewer, gas, electrical utilities developed for each site.

2. Fill in the following where applicable:

a. Total project area <u>40</u> acres	g. Size of marina and access channel (water area) <u>X</u> sq. f
or	
Length <u>--</u> miles	h. Vehicular traffic trips generated per day <u>750</u> ADT
b. Number of housing or recreational units <u>250</u>	i. Number of employees <u>X</u>
c. Height of structures <u>10</u> ft.	j. Water supply needed <u>60,000</u> gal/d Source: <u>City of Maplewood</u>
d. Number of parking spaces <u>506</u>	k. Solid waste requiring disposal <u>150</u> tons/
e. Amount of dredging <u>0</u> cu. yd.	l. Commercial, retail or industrial floor space <u>X</u> sq. f
f. Liquid wastes requiring treatment <u>45,000</u> gal/da	

III. ASSESSMENT OF POTENTIAL ENVIRONMENTAL IMPACT

A. SOILS AND TOPOGRAPHY

1. Will the project be built in an area with slopes currently exceeding 12%? No X Yes
2. Are there other geologically unstable areas involved in the project, such as fault zones, shrink-swell soils, peatlands, or sinkholes? NO X YE
3. If yes on 1 or 2, describe slope conditions or unstable area and any measures to be used to reduce potential adverse impacts. Slope conditions will be removed and terraced gently dropping 40' over 1300'. (See enclosed report from the Soil Conservation Service)

systems, and ditching, if these are included in the project.

(See enclosed report from the Soil Conservation Service.)

5. Estimate the total amount of grading and filling which will be done:
50,000 cu. yd. grading 30,000 cu. yd. filling of on site.

What percent of the site will be so altered? 70 %

6. What will be the maximum finished slopes 3-5 %

7. What steps will be taken to minimize soil erosion during and after construction?

During construction staked hay bales will be used at the site perimeter to the south and west after construction all runoff will be handled by an underground storm sewer system.

B. VEGETATION

1. Approximately what percent of the site is in each of the following vegetative types:

Woodland	<u>10</u> %	Cropland/ Pasture	<u>55</u> %
Brush or shrubs	<u>10</u> %	Marsh	<u>25</u> %
Grass or herbaceous	<u>X</u> %	Other (specify)	<u>X</u> %

2. How many acres of forest or woodland will be cleared, if any? 2 acres

3. Are there any rare or endangered plant species or areas of unique botanical or biological significance on or near the site? (See DNR publication The Uncommon Ones.) NO X YES

If yes, list the species or area and indicate any measures to be used to reduce potential adverse impact.

(See enclosed addendum)

C. FISH AND WILDLIFE

1. Are there any designated federal, state or local wildlife or fish management areas or sanctuaries near or adjacent to the site? X NO YES

2. Are there any known rare or endangered species of fish and wildlife on or near the site? (See DNR publication The Uncommon Ones.) X NO YES

3. Will the project alter or eliminate wildlife or fish habitat? X NO YES

4. If yes on any of questions 1-3, list the area, species or habitat, and indicate any measures to be used to reduce potential adverse impact on them.

D. HYDROLOGY

1. Will the project include any of the following?
If yes, describe type of work and mitigative measures to reduce adverse impacts.

- | | | |
|--|-----------|-----------------|
| a. Drainage or alteration of any lake, pond, marsh, lowland or groundwater supply | <u>NO</u> | <u>YES</u>
X |
| b. Shore protection works, dams, or dikes | <u>X</u> | _____ |
| c. Dredging or filling operations | _____ | <u>X</u> |
| d. Channel modifications or diversions | <u>X</u> | _____ |
| e. Appropriation of ground and/or surface water | <u>X</u> | _____ |
| f. Other changes in the course, current or cross-section of water bodies on or near the site | <u>X</u> | _____ |

2. What percent of the area will be converted to new impervious surface? 50

3. What measures will be taken to reduce the volume of surface water runoff and/or treat it to reduce pollutants (sediment, oil, gas, etc)?
Each lot will have grassed areas to absorb runoff from trailer roof; catch basins and storm sewer system will be provided connected to the City system; a holding pond will be developed in a low open space area.

4. Will there be encroachment into the regional (100 year) floodplain by new fill or structures? X NO _____ YES

If yes, does it conform to the local floodplain ordinance? _____ NO _____ YES

5. What is the approximate minimum depth to groundwater on the site? Don't have soil borings. _____ feet

E. WATER QUALITY

1. Will there be a discharge of process or cooling water, sanitary sewage or other waste waters to any water body or to groundwater? X NO _____ YES
If yes, specify the volume, the concentration of pollutants and the water body receiving the effluent.

2. If discharge of waste water to the municipal treatment system is planned, identify any toxic, corrosive or unusual pollutants in the wastewater. None

3. Will any sludges be generated by the proposed project? X NO _____ YES
If yes, specify the expected volume, chemical composition and method of disposal.

4. What measures will be used to minimize the volumes or impacts identified in questions 1-3?

N/A

5. If the project is or includes a landfill, attach information on soil profile, depth to water table, and proposed depth of disposal.

N/A

F. AIR QUALITY AND NOISE

1. Will the activity cause the emission of any gases and/or particulates into the atmosphere? NO YES
If yes, specify the type and origin of these emissions, indicate any emission control devices or measures to be used, and specify the approximate amounts for each emission (at the source) both with and without the emission control measures or devices.

2. Will noise or vibration be generated by construction and/or operation of the project? NO YES
If yes, describe the noise source(s); specify decibel levels [dB(A)], and duration (hrs/da) for each and any mitigative measures to reduce the noise/vibration.
Only general construction noise will be generated by trucks, graders, etc., required for sitework and utilities installation - no unusual noise.

3. If yes on 1 or 2, specify whether any areas sensitive to noise or reduced air quality-(hospitals, elderly housing, wilderness, wildlife areas, residential developments, etc) are in the affected area and give distance from source.

NO

G. LAND RESOURCE CONSERVATION, ENERGY

1. Is any of the site suitable for agricultural or forestry production or currently in such use? NO YES
If yes, specify the acreage involved, type and volume of marketable crop or wood produced and the quality of the land for such use.
27 acres used for corn crops - quality and accessibility is marginal and will soon be in the middle of a residential area.
2. Are there any known mineral or peat deposits on the site? NO YES
If yes, specify the type of deposit and the acreage.
In the low wet lands there is approximately 5 acres of peat.

3. Will the project result in an increased energy demand? NO X YES
 Complete the following as applicable:

a. Energy requirements (oil, electricity, gas, coal, solar, etc.)

Type	Estimated Annual Requirement	Peak Demand (Hourly or Daily)		Anticipated Supplier	Firm Contract or Interruptible Basis?
		Summer	Winter		
Electric		4-10 PM	4-10PM	NSP	Firm
Gas		4-10 PM	4-10PM	NSP	Firm

b. Estimate the capacity of all proposed on-site fuel storage.

NONE

c. Estimate annual energy distribution for:

space heating 60 % lighting 20 %
 air conditioning 10 % processing 0 %
 ventilation 10 %

d. Specify any major energy conservation systems and/or equipment incorporated into this project.

Added efficiency of newer mobile homes on the market with better insulation, windows, furnaces.

e. What secondary energy use effects may result from this project (e.g. more or longer car trips, induced housing or businesses, etc)?

None

H. OPEN SPACE/RECREATION

1. Are there any designated federal, state, county or local recreation or open space areas near the site (including wild and scenic rivers, trails, lake accesses)? NO X YES

If yes, list areas by name and explain how each may be affected by the project. Indicate any measures to be used to reduce adverse impacts.

Jim's Prairie is a local open space area immediately to the west of this proposed development.

I. TRANSPORTATION

1. Will the project affect any existing or proposed transportation systems (highway, railroad, water, airport, etc)? NO X YES
If yes, specify which part(s) of the system(s) will be affected. For these, specify existing use and capacities, average traffic speed and percentage of truck traffic (if highway); and indicate how they will be affected by the project (e.g. congestion, percentage of truck traffic, safety, increased traffic (ADT), access requirements).

We have concluded that no congestion of the highway will result more or in the future because of this development.

2. Is mass transit available to the site? X NO YES
3. What measures, including transit and paratransit services, are planned to reduce adverse impacts? NONE

J. PLANNING, LAND USE, COMMUNITY SERVICES

1. Is the project consistent with local and/or regional comprehensive plans? NO X YES
If not, explain:

If a zoning change or special use permit is necessary, indicate existing zoning and change requested.

Zoned M-2 heavy industrial. Change requested to medium density as indicated on the comprehensive plan.

2. Will the type or height of the project conflict with the character of the existing neighborhood? X NO YES
If yes, explain and describe any measures to be used to reduce conflicts.

3. How many employees will move into the area to be near the project. How much new housing will be needed? N/A
4. Will the project induce development nearby--either support services or similar developments? X NO YES
If yes, explain type of development and specify any other counties and municipalities affected.

5. Is there sufficient capacity in the following public services to handle the project and any associated growth?

Public Service	Amount required for project	Sufficient Capacity?
water	60,000 gal/da	Yes
wastewater treatment	45,000 gal/da	Yes
sewer	Private (no public required) feet	Yes
schools	100 pupils	Yes
solid waste disposal	150 ton/mo	Yes
streets	Private (No public required) miles	Yes
other (police, fire, etc.)		Yes

If current major public facilities are not adequate, do existing local plans call for expansion, or is expansion necessary strictly for this one project and its associated impacts? No

6. Is the project within a proposed or designated Critical Area or part of a Related Actions EIS or other environmentally sensitive plan or program reviewed by the EQB? X NO YES
If yes, specify which area or plan.
7. Will the project involve the use, transportation, storage, release or disposal of potentially hazardous or toxic liquids, solids or gaseous substances such as pesticides, radioactive wastes, poisons, etc.? X NO YES
If yes, please specify the substance and rate of usage and any measures to be taken to minimize adverse environmental impacts from accidents.

8. When the project has served its useful life, will retirement of the facility require special measures or plans? X NO YES
If yes, specify:

K. HISTORIC RESOURCES

1. Are there any structures on the site older than 50 years or on federal or state historical registers? X NO YES
2. Have any arrowheads, pottery or other evidence of prehistoric or early settlement been found on the site? X NO YES
Might any known archaeological or paleontological sites be affected by the activity? X NO YES
3. List any site or structure identified in 1 and 2 and explain any impact on them.

N/A

L. OTHER ENVIRONMENTAL CONCERNS

Describe any other major environmental effects which may not have been identified in the previous sections.

NONE

IV. OTHER MITIGATIVE MEASURES

Briefly describe mitigative measures proposed to reduce or eliminate potential adverse impacts that have not been described before.

NONE

V. FINDINGS

The project is a private () governmental () action. The Responsible Agency (Person), after consideration of the information in this EAW, and the factors in Minn. Reg. MEQB 25, makes the following findings.

1. The project is () is not () a major action.
State reasons:

The density and type of development are within the limits of the City plan. Only local and watershed district permits are required.

2. The project does () does not () have the potential for significant environmental effects.
State reasons:

All or part of a unique tamarack bog would be lost. The site plan can be revised to preserve this bog.

3. (For private actions only.) The project is () is not () of more than local significance.
State reasons:

The project would not have an adverse affecton any regional system.

IV. CONCLUSIONS AND CERTIFICATION

NOTE: A Negative Declaration or EIS Preparation Notice is not officially filed until the date of publication of the notice in the EQB Monitor section of the Minnesota State Register. Submittal of the EAW to the EQB constitutes a request for publication of notice in the EQB Monitor.

- A. I, the undersigned, am either the authorized representative of the Responsible Agency or the Responsible Person identified below. Based on the above findings the Responsible Agency (Person) makes the following conclusions. (Complete either 1 or 2).

1. NEGATIVE DECLARATION NOTICE

No EIS is needed on this project, because the project is not a major action and/or does not have the potential for significant environmental effects and/or, for private actions only, the project is not of more than local significance.

2. EIS PREPARATION NOTICE

An EIS will be prepared on this project because the project is a major action and has the potential for significant environmental effects. For private actions, the project is also of more than local significance.

a. The MEQB Rules provide that physical construction or operation of the project must stop when an EIS is required. In special circumstances, the MEQB can specifically authorize limited construction to begin or continue. If you feel there are special circumstances in this project, specify the extent of progress recommended and the reasons.

b. Date Draft EIS will be submitted: _____
(month) (day) (year)

(MEQB Rules require that the Draft EIS be submitted within 120 days of publication of the EIS Preparation Notice in the EQB Monitor. If special circumstances prevent compliance with this time limit, a written request for extension explaining the reasons for the request must be submitted to the EQB Chairman.)

c. The Draft EIS will be prepared by (list Responsible Agency(s) or Person(s)):

_____ Signature

_____ Title

_____ Date

B. Attach an affidavit certifying the date that copies of this EAW were mailed to all points on the official EQB distribution list, to the city and county directly impacted, and to adjacent counties or municipalities likely to be directly impacted by the proposed action (refer to question III.J.4 on page 9 of the EAW). The affidavit need be attached only to the copy of the EAW which is sent to the EQB.

C. Billing procedures for EQB Monitor Publication

State agency ONLY: Attach to the EAW sent to the EQB a completed OSR 100 form (State Register General Order Form--available at Central Stores). For instructions, please contact your Agency's Liaison Officer to the State Register or the Office of the State Register--(612) 296-8239.

ADDENDUM

Page 4
B - 3

There is a tamarack bog that would be partially and perhaps totally lost. Professor Donald Lawrence from the University of Minnesota Department of Botany stated in a letter of August 4, 1979, that this bog "is a very small, almost circular, depression containing a tamarack--yellow birch--sphagnum moss bog. This is one of the southernmost tamarack bogs in Minnesota; perhaps the developer could be urged to preserve rather than destroy it."

Barbara Coffin, coordinator for the Department of Natural Resources Natural Heritage Program, stated in a letter of June 30, 1982, that this bog was a unique natural resource. "Remnant stands of tamarack are unusual in the Metropolitan area, and this stand is worthy of protection."

One alternative to preserve this area would be to revise the site plan to protect the bog, developing the marsh to the south of the bog instead.

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



MINNESOTA SOIL AND WATER CONSERVATION DISTRICTS

June 27, 1981 1982

To: City of Maplewood

From: Ramsey Soil & Water Conservation District Supervisors
Plat Review Committee, Chairman

Russell S. Adams, Jr.

Subject: Proposed Richard Pearson Mobile Home Park

Mr. Stan Wendland presented his review of the proposed Richard Pearson Mobile Home Park to the Ramsey Soil and Water Conservation District Board of Supervisors for their consideration. We accept his review.

The soils at this site present moderate to severe limitations to development due to both erosion potential and wetness.

The proposed grading plan would leave the soil at a gradual 3 to 4% slope. This would leave an 8 tons/ acre/ year potential erosion rate, above the acceptable 5 tons/ acre/ year. Existing slopes could yield 170 tons/ acre/ year if proper precautions are not taken during development. If development is allowed on Group 3 soils an acceptable erosion control plan should be mandatory and a performance bond be required to guarantee compliance. We recommend following the suggestions of Stan Wendland.

Both Soil Groups 5 and 7 are soils we would not normally recommend for development. With proper care (replacing organic soil with suitable fill, etc.) Soil Group 5 might be suitable for a trailer park. We do not recommend development of Soil Group 7. In keeping with past policy we recommend that Soil Group 7 be retained for storm water and sediment retention.

JUN 29 1982

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

1827 North St. Paul Road, Maplewood, MN 55109

June 22, 1982

To: Supervisors, Ramsey Soil and Water Conservation District

Subject: Review of proposed Richard Pearson Mobile Home Park on request of the City of Maplewood.

Introduction

The proposed plat is located adjacent to Century Avenue, one-fourth mile north of Maryland Avenue (see Map 1). The site is 40 acres and the proposed use is for a mobile home park.

The purpose of this report is to review the proposed land use in terms of the existing soil and water resources. Recommendations will be made addressing inherent site limitations and erosion control measures needed during and after construction. The soils information presented is general in nature and intended for general planning purposes. To address specific questions about specific locations, an on site soils investigation by a qualified soils engineer is recommended.

Inventory of Existing Soil and Water Resources

A) Soils and Topography

The site is essentially composed of two slopes facing each other across a central drainageway with flatter areas above each slope. These slopes are, generally, well over 18% (see Map 2). A wetland is located at the base of the slopes. The vertical drop of the property is about 40 feet from the highest point to the lowest point.

The site contains five different soil types. However, based on the soil properties that relate to building site development, the soils may be placed into three groups. The general boundaries are outlined on the plat map and their properties are described below.

These groups have been predetermined so you will notice that the group numbers present on this site are not consecutive.

Group 3: This group consists of dominantly well and moderately well drained, silty and loamy soils but also includes some sandy soils with loamy underlying materials. The following soil characteristics are in general common to all soils in this group.

Seasonal high water table is usually below 5 feet; however, it is at depths of 3 to 5 feet in lower areas of the landscape.

Permeability is moderate to moderately rapid.

Bearing strength is fair.

Shear strength is fair.



Shrink-swell potential is low to moderate.
Potential frost action is moderate.

These soils have generally good potential for building site development. The hazard of erosion and cost of planning and construction are related to the steepness and length of slope. Foundations and roads are subject to structural damage due to frost action or soil shrink-swell. Drains are needed in some areas to control seepage of water into the basements.

Group 5: Soils in this area are poorly drained consisting of silt loams over silt loams, sandy loams and loams. The following soil characteristics are in general common to this area.

Seasonal high water table is at depths of 0 to 1 foot.
Permeability ranges from moderately to moderate.
Bearing strength is poor to fair.
Shrink-swell potential is low to moderate to high.
Potential frost action is high.

These soils have poor potential as locations for residential or commercial development due to the poor drainage and seasonal high water table. Even with proper design and engineering to overcome the limitations, the maintenance and upkeep of parking lots, roads, utilities, etc., can be quite an expense due to structural damage by frost action.

Group 7: This group consists of very poorly drained, deep organic (over 5 ft.) soils. The following soil characteristics are in general common to all soils in this group.

Seasonal high water table is usually at the surface.
Permeability has a wide range.
Bearing strength is generally very poor.
Shear strength is generally very poor.
Potential frost action is high.

These soils have poor potential for all kinds of development due to the high water table and very poor strength of organic materials. Soils in this group also have low bulk densities, and are very compressible and in general have undesirable construction characteristics.

B) Water Resources

The proposed plat drains to a wetland lying on and to the west of the property. Drainage from the wetland is to Beaver Lake via a stormwater storage pond and channelized flow (see Map 3).

The site contains approximately 10 acres of this 89 acre, wetland. A small part of the wetland within the site is vegetated with Tamarac and other wetland plants more common to northern Minnesota.

A broad drainage way bisects the site running from Century Avenue to

the wetland. No culvert was found that would outlet water from the east side of Century into this drainageway. It is, apparently, subject to only local runoff.

Critique and Recommendations

A review of the potential for erosion on this site indicates that it may be high. Sediment loss on the two existing slopes could reach the annual rate of 170 tons/acre/year on the north slope and 320 tons. acre/year on the south slope. However, these figures can be misleading because the final topography of the site will, apparently, bear little resemblance to the existing landscape. When grading is complete, the site will have a long, gradual slope of about 3-4% from Century Avenue, westward down to the wetland. Approximately 2/3 to 3/4 of the wetland area (principally, the portion that intrudes eastward into the site) will be filled. The annual erosion rate on this slope, with no protection and no divisions by streets, would be about 8 tons/acre/year on the upper half and 23 tons/acre/year on the lower half. Erosion control on this slope may be accomplished with mulch and vegetative cover. The addition of the north-south streets, as shown on the plat map, will serve as diversions and the central storm sewer will pick up any concentrated flows. Both these features will greatly aid control of erosion on the final landscape. Erosion will be controlled on the final landscape with establishment of permanent vegetative cover. (see Appendix 2)

The real problems with erosion control on this site are most probable during grading of the existing landscape to the final proposed topography. The following recommendations are intended to mitigate problems during this period:

1. Grading should work from the top of the hills to the bottom. Temporary or permanent cover should be established on the upper portion as work proceeds downslope.
2. Extensive grading of the site should be avoided, if possible, during the months of May, June and July; fifty-seven percent (57%) of the total erosive energy content of a year's worth of rainfall (Jan. 1 to Dec. 30) comes during these three months.
3. Once grading of the site is begun it should be completed as quickly as possible.
4. An erosion control plan incorporating the above recommendations and the appropriate portions of Appendix 1 should be developed before grading begins.

The following recommendations apply to other aspects of the site:

1. Appropriate steps should be taken to ensure that erosion does not occur at the storm sewer outlet.

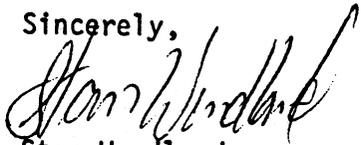
2. The stability of the fill placed in wetland areas should be ensured by whatever means necessary to prevent frost action and shrink-swell damage to foundations, paved surfaces and utilities.

3. The elevation of homesites adjacent to the wetland should be adequately above future flood elevations. This elevation should anticipate the flood conditions that will exist in the area when the tributary watersheds are fully developed.

4. The portion of the wetland vegetated with Tamarac may have a unique value to Maplewood. The Maplewood naturalist may wish to review this site and provide an opinion to the City.

If there are any questions regarding this report, please call 777-0127.

Sincerely,



Stan Wendland
District Conservationist
Ramsey County Field Office

The following recommendations are intended to control both wind and water caused erosion:

i) Areas opened by grading should remain exposed no longer than one week before final grading is completed and permanent vegetation is established. If these areas cannot be completed within one week, they should be covered with straw mulch applied at the rate of 3000-4000 lbs/acre immediately. If permanent vegetation cannot be established within 60 days then a temporary seeding should be applied prior to mulching using one of the following mixtures:

- a) Early spring to July 1: 1½ bu/ac of oats
- b) July 1 to October 15: 1½ bu/ac of rye
- c) October 15 through winter: use mulch

The temporary seeding is intended to give protection for a period of 2 to 12 months.

ii) Permanent vegetation may be established by seeding or sodding. Areas where overland flow exceeds 3 fps should be sodded. The sod should be laid at right angles to the slope and staked. On slopes over 25%, the sod may be covered with jute mesh and pegged down to hold the sod securely. Where seeding is done a suitable mixture for the conditions encountered and the uses anticipated may be selected from the tables attached.

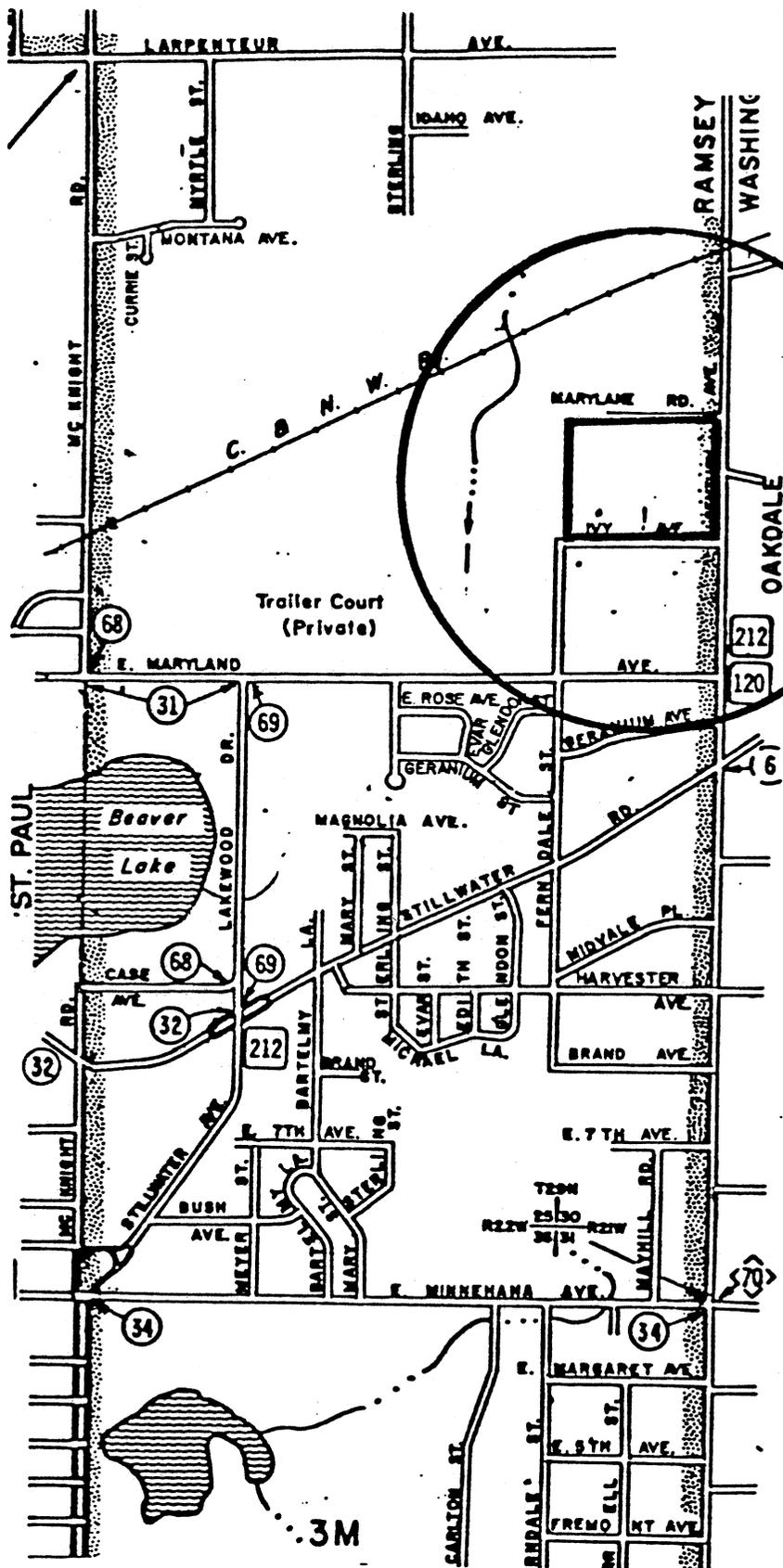
iii) Mulch must be applied to either temporary or permanent seedings. The mulch can be straw, applied at the rate of 3000-4000 lbs/ac (70-80 bales/acre), or long fibered wood cellulose applied at the rate of 2500 lbs/acre.

The straw mulch can be anchored by pressing it in with a straight set blunt disc or by covering with a netting and stapling. The long fibered wood cellulose comes in rolled blankets with netting. The blankets are rolled out and stapled.

iv) In addition to wind and water caused erosion, vehicle traffic can create dust problems. To control this dust source, water can be used in traffic areas. Traffic areas can also be mulched with sawdust, wood chips or gravel. If gravel is used it should be placed in areas that will become walkways or driveways, otherwise it will have to be removed to permit sodding or seeding of the area.

v) Stockpiles of topsoil should be stabilized with mulch or a temporary or permanent seeding. The slopes of these stockpiles, while short, tend to be steep and need to be smoothed and flattened somewhat prior to application of mulch or seed.

T DEIN



LOCATION MAP

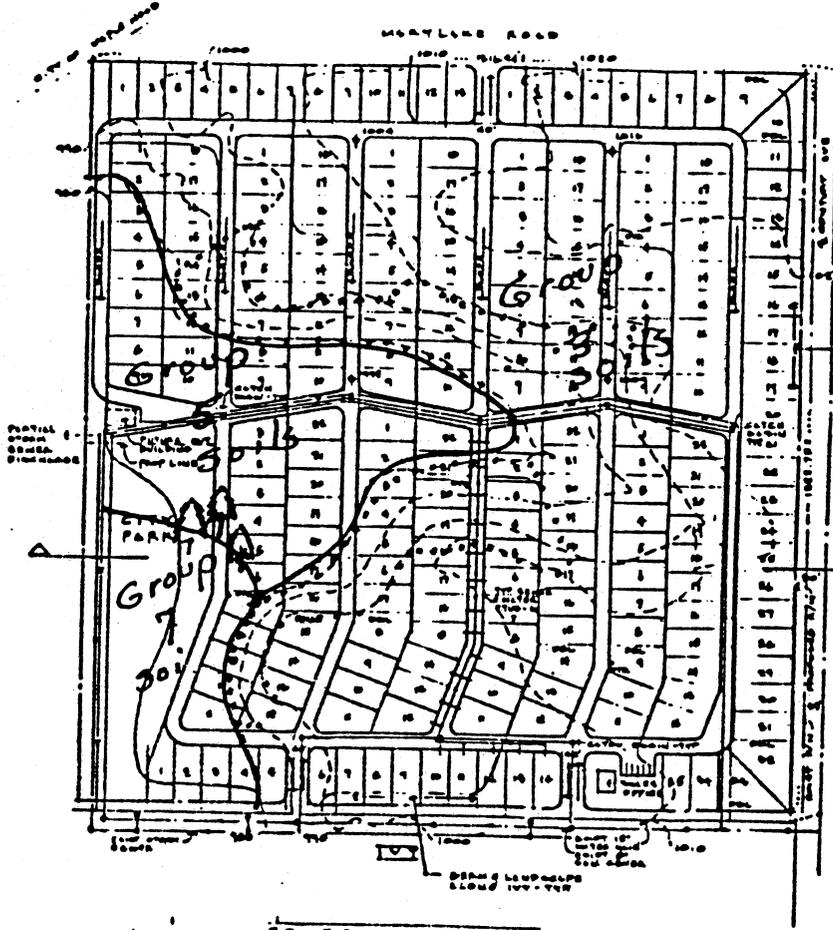


Map 2

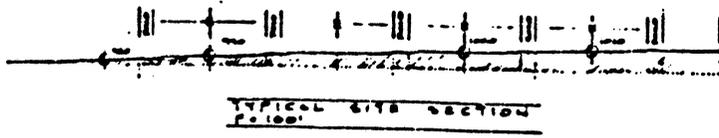
GENERAL NOTES
 ALL ROADS TO BE 32' WIDE
 UNLESS NOTED OTHERWISE
 TOTAL NUMBER OF LOTS: 220
 DOUBLE LOTS: 120
 DOUBLE LOTS: 100

Legend

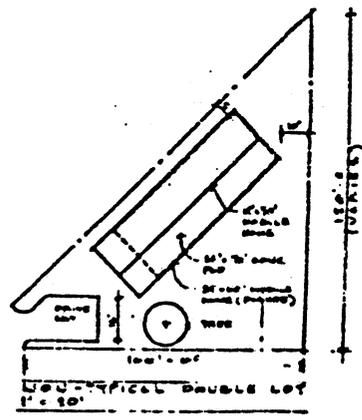
- ~ Approximate soil boundaries
- ... outlines areas with slopes $> 18\%$.
-  Approximate location of ~~Tamarac~~ wetlands



PEARSON ESTATES
 PRELIMINARY PLAN
 1" = 100'



TYPICAL SITE SECTION
 1" = 100'



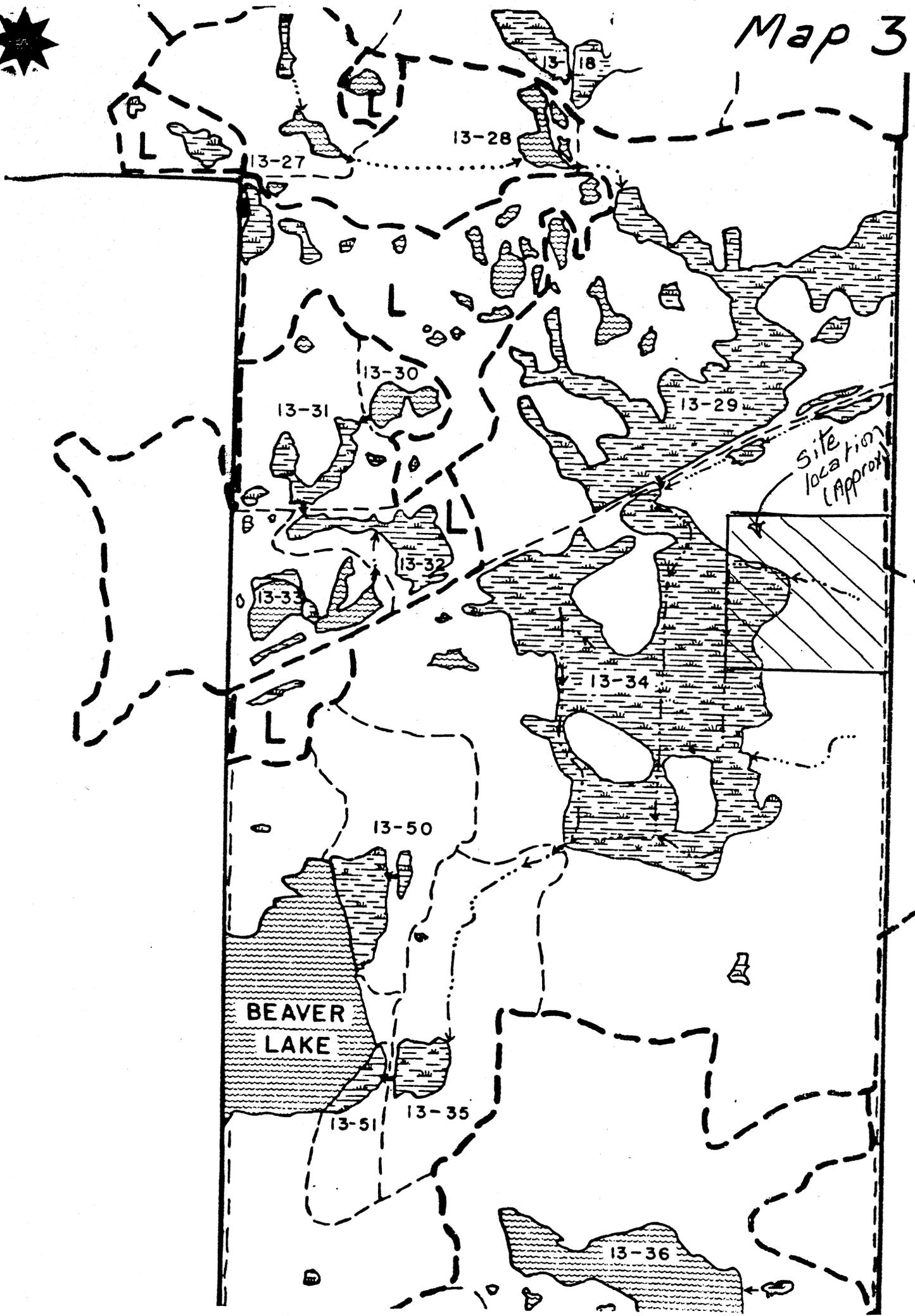
TYPICAL LOT PLAN
 1" = 20'

TYPICAL DOUBLE LOT
 1" = 20'

SITE PLAN



Map 3



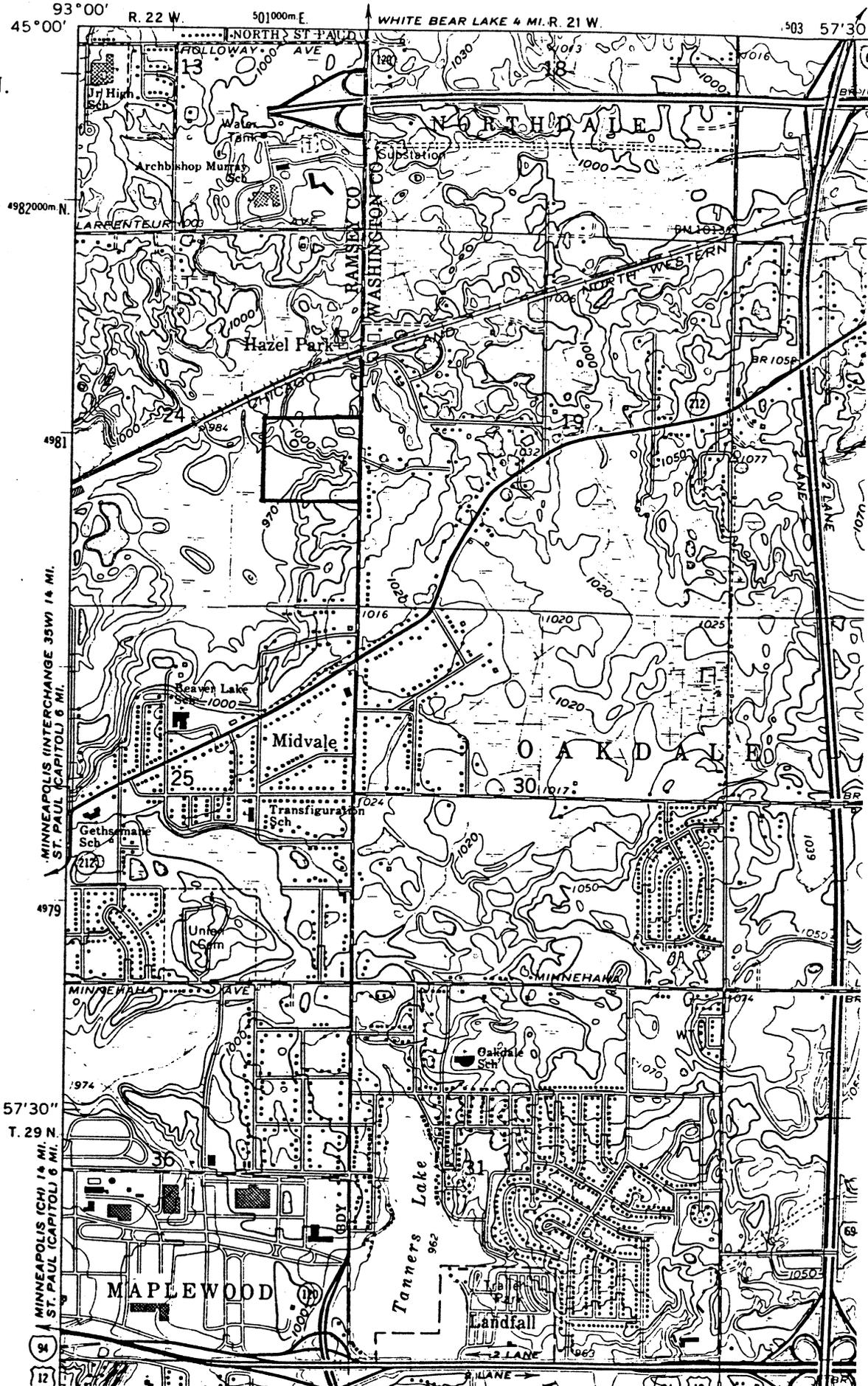
1/2 SE
BEAR LAKE WEST

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

LAKE ELMO. MINN.

NW/4 HUDSON 15' QUADRANGLE
N4452.5—W9252.5/7.5

1967



12

MEMORANDUM

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Ordinance Amendment: Billboards
DATE: July 6, 1982

Request

The City Council, on April 15, 1982, requested that staff prepare an ordinance amendment to ban new construction of billboards and to require the removal of all existing billboards within ten years.

Alternatives (from most to least prohibitive)

Alternative I (see enclosed ordinance)--Prohibit the display of commercial messages visible from a public street on billboards.

Alternative II (see enclosed ordinance)--Increase the restrictions governing billboards.

Alternative III--Take no action, thereby maintaining the existing ordinance.

Comments

Alternative I accomplishes the intent of Council's request, while complying with a recent Supreme Court decision concerning banning of billboards. (Refer to the enclosed "Zoning and Planning Law Report" on the Metromedia, Inc. v. City of San Diego decision.) This alternative prohibits commercial messages on new billboards visible from a public street. New billboards may continue to be built for noncommercial messages, subject to the standards of the sign ordinance.

Existing billboards are allowed to continue advertising commercial messages for ten years. The sign must then be limited to noncommercial messages or the sign must be removed within 120 days.

Alternative II would allow billboards, but would tighten up standards by:

1. Only allowing them in SC, Shopping Center; BC, Business Commercial; M-1, Light Manufacturing and M-2 Heavy Manufacturing zones.
2. Increasing minimum spacing requirements between billboards from 500 to 1000 feet.
3. Reducing the maximum sign area permitted from 850 square feet to 300 square feet.
4. Requiring all disturbed ground beneath the sign to be restored.

5. Establishing a height limit.
6. Eliminating the exemption that nonconforming billboards now have from the removal requirements that all other signs have. Under the current ordinance, all nonconforming signs, except billboards, must be removed ten years after installation or four years after notification of nonconformity, whichever is longer.

Alternative II was previously considered by the Council on August 6, 1981. No action was taken on this proposal, since a moratorium was declared.

Alternative III would result in no change. If the existing code remained in effect, the following problems would continue:

1. The potential would remain for a proliferation of billboards, due to the 500 foot minimum spacing requirement. Refer to the map indicating the number of possible sign locations under the current ordinance.
2. The existing code allows billboards to be 850 square feet in area. This seems too large for a suburban city.
3. Billboards are allowed on land zoned BC (M) under the current ordinance. The only areas zoned BC (M) in the City are the south side of Beam Avenue and Don John's property on Stillwater Avenue. These zones are intended to buffer adjacent single dwellings. Billboards should not be allowed.
4. There is no height limitation.
5. The City cannot require the removal of nonconforming billboards.

Maplewood's requirements are more lenient than those of many cities in the metro area of similar population. (See the enclosed survey results.)

Recommendation

- I. Staff recommends alternative I or II, depending on Council's preference. Alternative III is not recommended, on the basis that:
 - A. The potential would remain for a proliferation of billboards.
 - B. Billboards could continue to be excessively large.
 - C. Ground restoration is not required.
 - D. Billboards are permitted in BC (M) districts.
 - E. There are no height limits.
 - F. The City cannot require the removal of nonconforming billboards.

Note: Alternative I requires a majority vote, since it does not regulate by zoning district. Alternative II requires at least four votes, since it does regulate by zoning district. Alternative III requires no action.

- II. Since the moratorium ends on August 20, Council should extend it if they wish to study the billboard issue beyond this date.

REFERENCE INFORMATION

Existing Code

Refer to the existing billboard ordinance enclosed (Alternative III).

Past Actions

7-14-77: The current Sign Ordinance was adopted. The City had previously prohibited billboards.

12-20-79: Council passed a moratorium on the erection of billboards until such time as the Sign Ordinance has been fully reviewed.

4-2-81: Council tabled action on an amendment to the billboard ordinance that would have primarily increased the spacing requirement between billboards and reduced the maximum size permitted from 850 square feet to 300 square feet. Council also moved to remove the moratorium on the construction of billboards.

8-6-81: Council considered the same billboard amendment and tabled action until August 20, 1981.

8-20-81: Council placed a moratorium on the issuance of billboard sign permits for a period not to exceed one year or until an ordinance is presented.

9-3-81: Council tabled action on revising the fee schedule for billboards until an ordinance amendment for billboard signs is presented.

4-15-82: Council moved that staff prepare an ordinance to ban the new construction of billboards and to place a ten year amortization on existing billboards.

7-13-82: The Community Design Review Board recommended approval of Alternative II.

Procedures

1. Recommendation from the Community Design Review Board
2. City Council--public hearing and first reading of the proposed amendment.
3. City Council--second reading of the proposed amendment.

Enclosures

1. Proposed billboard ordinance (Alternative I)
2. Revised billboard ordinance (Alternative II)
3. Current billboard ordinance (Alternative III)
4. Zoning and Law Report
5. Existing billboard map
6. Map--number of possible billboard locations under current Ordinance.
7. Map--Number of possible billboard locations under proposed Alternative II
8. Billboard survey
9. Naegele's Proposal

ALTERNATIVE I

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER 819 TO THE MAPLEWOOD MUNICIPAL CODE CONCERNING OFF-PREMISES COMMERCIAL ADVERTISING SIGNS

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

Section 1. The Maplewood City Code is amended to add Chapter 819:

819 COMMERCIAL ADVERTISING ON BILLBOARDS

819.010 DEFINITIONS

1. Sign: refers to any structure, device, advertisement, advertising device, or visual representation intended to advertise, identify, or communicate information, to attract the attention of the public for any purpose and without prejudice to the generality of the foregoing includes any symbols, letters, figures, illustration, or forms painted or otherwise affixed to a building or structure, and any beacon or searchlight intended to attract the attention of the public for any purpose and also any structure or device the prime purpose of which is to border, illuminate, animate, or project a visual representation, provided, however, that this definition shall not be held to include official notices issued by any Court or public office or officer in the performance of a public or official duty, and traffic control signs as defined in the "Motor Vehicle Act". For the purpose of removal, signs shall also include all sign structures.
2. Premises: means the contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

819.020 OFFENSES

1. It shall be unlawful to maintain upon any sign constructed on or after the effective date of this ordinance, any commercial message except a message which advertises a product, service, activity, event, person, institution or business located on the premises where the sign is located or the sale or rental of such premises.
2. Ten years after the effective date of this ordinance, it shall be unlawful to maintain upon any sign constructed before the effective date of this ordinance, any commercial message except a message which advertises a product, service, activity, event, person, institution or business located on the premises where the sign is located or the sale or rental of such premises.

3. After the effective date of this ordinance, it shall be in violation hereof to maintain any structure formerly used as a sign and not in use for any other purpose for more than 120 days after its use for a sign has ceased.

819.030 EXCEPTIONS

This ordinance does not apply to:

1. Any sign which is not visible to motorists or pedestrians on any public highway, street or alley.
2. Any temporary sign, as defined in the City Sign Ordinance (Chapter 818).
3. Signs providing directions to local businesses.

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

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

Mayor

Attest:

Clerk

Ayes--
Nays--

ALTERNATIVE II

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 818 OF THE MAPLEWOOD CODE RELATING TO SIGNS

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

Section 1. The following portions of Chapter 818 of the Maplewood Code are hereby amended to read as follows: (Additions are underlined and deletions are crossed out):

818.020 DEFINITIONS

- g. ~~Billboard:~~ refers to a nonaccessory an off-premises sign erected for the purpose of advertising a product, event, person, institution, activity, business, service, or subject not entirely-related-to located on the premises on which said sign is located.
- s. ~~Non-Accessary Sign (Off-Premises):~~ refers to a sign which directs attention to a business, commodity, service, or entertainment, not exclusively-related-to-the-premises-at-which-the-sign-is-located, or to a business, commodity, service or entertainment which is conducted, sold or offered elsewhere than on the premises at which the sign is located.

818.140. BILLBOARDS

1. Location:

~~Poster panels or bulletins are subject to review, except for copy, by the Community Design Review Board and may be located on Industrial, Manufacturing, Commercial or Retail Zone Districts subject to restrictions set out in this ordinance.~~

- a. Billboards may only be located in the following zoning districts:

SC, Shopping Center, BC, Business Commercial, M-1, Light Manufacturing and M-2, Heavy Manufacturing zones.

- b. Billboards shall not be permitted on a building

2. Spacing:

~~No billboard sign may be located closer to any other such advertising devices on the same side of the street or highway facing traffic heading in the same direction than five hundred (500) feet on any city street, primary highway, interstate or fully controlled freeway within the incorporated City, provided, however, this provision does not prevent erection of double faced, back-to-back, or V-type signs with a maximum of one (1) sign per facing.~~

~~3.--The-above-spacing-does-not-apply-to-structures-separated-by-buildings-or-other-obstructions-in-such-a-manner-that-only-one-(1)-sign-facing-located-within-the-above-spacing-distance-is-visible-from-the-highway-or-street-at-any-one-time.~~

a. Billboards shall not be located closer than:

(1) 1200 feet to another billboard on the same side of the same street along limited access highways (Highways 61 and 36, I-694, I-35-E, I-494 and I-94) and 1000 feet to another billboard on the same side of the same street on the remaining highways.

(2) 100 feet to a commercial, industrial or institutional building.

(3) 100 feet to any on-premises sign.

(4) 200 feet to a residential district.

(5) 100 feet to a church or school premises.

b. A billboard shall not be erected or maintained in such a place or manner as to obscure or otherwise physically interfere with an official traffic control device or a railroad safety signal or sign, or to obstruct or physically interfere with the drivers' view of approaching, merging, or intersecting traffic for a distance of 500 feet.

c. No billboard shall be erected or maintained in or within 500 feet of local parks, historic sites, and public picnic or rest areas; provided that, an advertising device may be permitted within 500 feet of the park, site or area on commercially zoned property, with the approval of a Special Use Permit.

3. Size:

The maximum area of a sign face shall not exceed ~~eight-hundred-fifty-(850)~~ 300 square feet, including border and trim, but excluding base and apron supports and other structural members. The maximum size limitation stated in this paragraph shall apply to each side of a sign structure. ~~and-signs~~ Signs may be placed back-to-back or in a V-type ~~construction~~ arrangement if there are no more than two sign faces. A billboard may only display one message at a time on any sign face.

4. Height

The maximum height for billboards shall be determined by the height requirements for on-premises signs in the zoning district in which the sign is located.

5. Lighting:

a. Billboards ~~will~~ shall not be illuminated with flashing light or lights, except those giving public service information such as, but not limited to, time, date, temperature, weather or news.

b. Billboard lighting ~~will~~ shall be effectively shielded so as not to impair the vision of any operator of a motor vehicle.

c. Billboard lighting ~~must~~ shall not interfere with the effectiveness of or obscure any official traffic sign, device or signal.

d. Billboards shall not use lights between midnight and 6:00 a.m.

6.--Fees-and-Permits:

- a.--The-fee-schedule-as-set-forth-in-this-ordinance-will-apply-equally-to-billboard-signs.
- b.--Annual-permit-renewals-will-be-required.--Permit-renewals-will-not-be-accepted-more-than-sixty-(60)-calendar-days-prior-to-expiration-of-permit.--All-permits-will-expire-on-June-30th-of-each-year.
- c.--The-annual-fee-for-such-renewals-will-be-on-the-same-basis-and-schedule-as-prescribed-for-the-original-permit.
- d.--A-penalty-of-two-(\$2.00)-Dollars-will-be-charged-upon-failure-to-pay-the-annual-permit-fee--for-renewal-on-or-before-July-1-of-each-year.
- e.--The-administrator-may-revoke-the-permit-granted-herein,-for-cause-upon-thirty-(30)-days-written-notice-of-such-hearing-to-the-permittee.-Such-notice-and-hearing-are-subject-to-the-procedure-as-outlined-in-Section-818.040.-Subsection-9-of-this-ordinance.

7.--Nonconforming-Signs:

Any-billboard-sign-existing-at-the-time-of-the-enactment-of-this-ordinance-and-not-conforming-to-its-provisions,shall-be-regarded-as-legal-nonconforming-signs-which-may-be-continued,-if-properly-repaired-and-maintained-as-provided-in-this-ordinance-and-continue-to-be-in-conformance-with-other-ordinances-of-this-municipality.

Nonconforming-signs-which-are-structurally-altered,-relocated,-or-replaced-shall-comply-immediately-with-all-provisions-of-this-code.

6. Ground Restoration

Any ground area disturbed, due to the construction or removal of a billboard, shall be restored to its original condition.

7. Any previously adopted requirements that conflict with this ordinance shall be null and void.

Section 2. This ordinance shall take effect 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--

ALTERNATIVE III

Section 14. 818.140. BILLBOARDS.

1. Location:

Poster panels or bulletins are subject to review, except for copy, by the Community Design Review Board and may be located on Industrial, Manufacturing, Commercial or Retail Zone Districts subject to restrictions set out in this ordinance. Billboards shall not be permitted on a building.

2. Spacing:

No billboard sign may be located closer to any other such advertising devices on the same side of the street or highway facing traffic heading in the same direction than five hundred (500) feet on any city street, primary highway, interstate or fully controlled freeway within the incorporated City, provided, however, this provision does not prevent erection of doublefaced, back-to-back, or V-type signs with a maximum of one (1) sign per facing.

3. The above spacing does not apply to structures separated by buildings or other obstructions in such a manner that only one (1) sign facing located within the above spacing distance is visible from the highway or street at any one time.

4. Size:

The maximum area of a sign face shall not exceed eight hundred fifty (850) square feet, including border and trim, but excluding base and apron supports and other structural members. The maximum size limitation stated in this paragraph shall apply to each side of a sign structure and signs may be placed back-to-back, or in a V-type construction.

5. Lighting:

- a. Billboards will not be illuminated with flashing light or lights except those giving public service information such as, but not limited to time, date, temperature, weather or news.
- b. Billboard lighting will be effectively shielded so as not to impair the vision of any operator of a motor vehicle.
- c. Billboard lighting must not interfere with the effectiveness of or obscure any official traffic sign, device or signal.

6. Fees and Permits:

- a. The fee schedule as set forth in this ordinance will apply equally to billboard signs.
- b. Annual permit renewals will be required. Permit renewals will not be accepted more than sixty (60) calendar days prior to expiration of permit. All permits will expire on June 30th of each year.
- c. The annual fee for such renewals will be on the same basis and schedule as prescribed for the original permit.
- d. A penalty of Two (\$2.00) Dollars will be charged upon failure to pay the annual permit fee for renewal on or before July 1 of each year.
- e. The administrator may revoke the permit granted herein, for cause upon thirty (30) days written notice of such hearing to the permittee. Such notice and hearing are subject to the procedure as outlined in Section 818.040, Subsection 9 of this ordinance.

7. Non-conforming Signs:

Any billboard sign existing at the time of the enactment of this ordinance and not conforming to its provisions, shall be regarded as legal non-conforming signs which may be continued, if properly repaired and maintained as provided in this ordinance and continue to be in conformance with other ordinances of this municipality.

Non-conforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.

ZONING AND PLANNING LAW REPORT

Vol. 4, No. 8

September, 1981

THE METROMEDIA OPPORTUNITY

by Clan Crawford, Jr.

Clan Crawford, Jr. practices law in Ann Arbor, Michigan, where he has served on the city council, zoning board of appeals and historic district commission. He is the author of a number of books and numerous articles on various aspects of zoning and has lectured extensively on the subject.

- Supreme Court's Metromedia Decision Supports Control of Signs and Billboards
- Model Sign Control Ordinance Offered
- First Amendment Considerations

(On July 2, 1981, the U.S. Supreme Court handed down a momentous decision in the case of Metromedia, Inc. v. City of San Diego. This constitutes the first time that the high Court has ever given full consideration to the legality of general billboard and sign regulation. Because the Court invalidated San Diego's ordinance, it has been widely assumed that the decision represented a victory for billboard interests and a setback to public efforts to control community aesthetics. In the following article, author Crawford argues that the Metromedia decision actually advances the opportunity for controlling billboard blight and presents a model ordinance which he feels comports with the constitutional requirements demanded by the Supreme Court. Crawford highlights the salient points of the Metromedia decision by discussing how the proposed ordinance would deal with the particular objections and requirements enunciated by the Supreme Court in its judgment of San Diego's ordinance.)

Introduction

The recent decision of the U.S. Supreme Court in *Metromedia, Inc. v. City of San Diego*, 453 U.S. —, 101 S. Ct. 2882, 69 L. Ed. 2d 800, 49 U.S.L.W. 4925 (July 2, 1981), *rev'g*, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 610 P.2d 407 (1980), has been grossly mis-

reported in the lay press. This is probably the result of the unusual alignment of opinions and views taken by the various Supreme Court Justices in that case. According to the general press, San Diego "lost" because its ordinance was held invalid. In fact, however, San Diego, along with a lot of other municipali-

Zoning and Planning Law Report is published eleven times per year by Clark Boardman Company, Ltd.
435 Hudson Street, New York, NY 10014. Subscription: \$62.50 for eleven issues.
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Court has now solidified enough questionable law to provide an adequate legal basis for some highly restrictive sign legislation.

The confusion stems from the fact that there were five separate opinions and no one majority opinion, and in the way they lined up. The White group, in an opinion written by Justice White and signed also by Justices Stewart, Marshall and Powell, made a number of rulings, discussed below, which are highly favorable to sign regulations, but held the ordinance invalid because these Justices regarded it as discriminating unlawfully against signs with noncommercial messages and among different types of noncommercial messages. In particular, they objected to the fact that the ordinance permitted commercial signs in places where noncommercial signs were barred. 101 S. Ct. at —, 69 L. Ed. 2d at 818–20, 49 U.S.L.W. at 4931–32.

Justice Brennan, joined by Justice Blackmun, agreed that the ordinance was invalid, but for very different reasons, described more fully below. 101 S. Ct. at —, 69 L. Ed. 2d at 824–35, 49 U.S.L.W. at 4934–39. Thus, six Justices voted to invalidate the ordinance. The other three—Chief Justice Burger, 101 S. Ct. at —, 69 L. Ed. 2d at 845–54, 49 U.S.L.W. at 4939–42; Justice Rehnquist, 101 S. Ct. at —, 69 L. Ed. 2d at 854–55, 49 U.S.L.W. at 4942–43; and Justice Stevens, 101 S. Ct. at —, 69 L. Ed. 2d at 835–45, 49 U.S.L.W. at 4943–47—voted to uphold the ordinance in separate opinions, but their views were closely aligned with those of the White group except on the discrimination issue which proved critical to the result. As a result, had the San Diego ordinance been worded a bit differently, it appears that it would have been upheld by a 7–2 vote.

The Metromedia Opportunity

Justice Brennan noted that the opinion of the White group concluded that San Diego could, without violating the First Amendment, ban all billboards containing commercial speech messages and complained that they were “thereby sending the message to municipalities that bifurcated billboard regulations prohibiting commercial messages but allowing non-commercial messages would pass constitutional muster.” 101 S. Ct. at —, 69 L. Ed. 2d at 824, 49 U.S.L.W. at 4934.

This aspect of the plurality’s decision, as accurately perceived by Justice Brennan, is THE METROMEDIA OPPORTUNITY.

A Model Ordinance

Let us have a look at a model. The following ordinance was prepared, after the *Metromedia* decision,

for use by Michigan municipalities, but it would probably be equally suitable in many other states:

AN ORDINANCE TO REGULATE THE USE OF SIGNS AND PROVIDE FOR REMOVAL OF OBSOLETE STRUCTURES.

The City (Township) of _____ ordains:

Section 1. Findings. It is hereby determined that the number of signs in the City (Township) is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces the effectiveness of signs needed to direct the public. It is also determined that the appearance of the City (Township) is marred by the excessive number of signs. It is also determined that the number of distracting signs ought to be reduced in order to reduce the aforementioned effects, and that the signs of least value to people within the City (Township) are those which carry commercial messages other than the advertisement of any product, service, event, person, institution or business located on the premises where the sign is located or the sale or rental of such premises. It is also determined that the regulations contained in this Ordinance are the minimum amount of regulation necessary to achieve its purposes.

Section 2. Definitions. As used in the ordinance:

(A) SIGN means any structure or wall or other object used for the display of any message.

(B) PREMISE means the contiguous land in the same ownership which is not divided by any public highway, street or alley or right-of-way therefor.

Section 3. Offenses. After the 90th day after this Ordinance takes effect it shall be a violation hereof to maintain upon any sign any commercial message except one which advertises some product, service, activity, event, person, institution or business located on the premises where the sign is located or the sale or rental of such premises. It shall be a violation hereof to maintain any structure formerly used as a sign and not in use for any other purpose for more than 120 days after its use for a sign has ceased.

Section 4. Exceptions. This ordinance does not apply to any sign which is not visible to motorists or pedestrians on any public highway, street or alley, nor to any specific information panel for the direction of motorists which may be located, under authority of any statute, on any highway property of the State of Michigan. This ordinance does not regulate the size, lighting or spacing of signs.

Section 5. Penalty-Effective Date. Whoever violates this Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$100 or imprison-

or both, for each offense. Each and every day on which a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. This Ordinance shall take effect on (no sooner than the 31st day after first publication).

Section 6. Severability. This Ordinance, and the various parts, sections and clauses hereof, are hereby declared to be severable. If any part, section or clause is adjudged invalid, the remainder shall remain in full force and effect.

Analysis of Model Ordinance Under Metromedia Criteria

The first thing that should be noted about this ordinance is that it neither prohibits the future erection of new signs nor forbids the continued use of existing signs. It does not control signs at all, just the messages thereon. The astute will at once recognize that this technique is intended to sidestep a lot of the grounds on which sign regulations have been held invalid where they required the removal of existing signs or prevented the erection of new ones.

Now let us go through the ordinance one section at a time to consider the legal issues presented and test them against the *Metromedia* opinions.

Traffic Hazards and Aesthetics as Police Power Justifications

The legislative findings in the first section are intended to provide the rationale for the exercise of the police power. As experienced zoning lawyers are aware, the U.S. Supreme Court has laid down a general limitation on zoning power which would presumably be applicable to sign laws such as the model. In *Nectow v. Cambridge*, 277 U.S. 183, 188, 48 S. Ct. 447, 72 L. Ed. 842 (1927), where a zoning ordinance was held invalid as applied to a particular tract, the Court stated that “[s]uch restriction cannot be imposed if it does not bear a substantial relation to the public health, safety, and morals, or general welfare.”

The City of San Diego asserted in *Metromedia* that traffic safety and aesthetics provided the substantial relation. The White group opined that either was sufficient, quoting from the decision of the Supreme Court of California below, 26 Cal. 3d at 859, 164 Cal. Rptr. at 515, to the effect that “as a matter of law . . . an ordinance which eliminates billboards designed to be viewed from the streets and highways reasonably relates to traffic safety” and that “billboards are intended to, and undoubtedly do, divert a

—, 69 L. Ed. 2d at 815, 49 U.S.L.W. at 4930.

The three dissenters concurred: Stevens, 101 S. Ct. at —, 69 L. Ed. 2d at 836, 49 U.S.L.W. at 4943; Burger, 101 S. Ct. at —, 69 L. Ed. 2d at 848, 49 U.S.L.W. at 4940; and Rehnquist, 101 S. Ct. at —, 69 L. Ed. 2d at 854, 49 U.S.L.W. at 4943. Even Brennan and Blackmun went along with the idea, but unlike the rest of the Court, they would not accept the city’s determination that the ordinance would promote traffic safety or was necessary for aesthetic reasons. They took the position that the city should have and failed to produce convincing evidence in support of its position, 101 S. Ct. at —, 69 L. Ed. at 827–31, 49 U.S.L.W. at 4935–37.

This urging by Brennan and Blackmun that a city should be required to prove that its ordinance advances traffic safety and aesthetics is the main distinguishing feature of their opinion. A number of billboard regulation cases have turned upon surveys presented by well-heeled billboard companies which purport to show that billboards do not create any traffic hazard. In the realm of aesthetics, it is rather easy to point to other eyesores in most communities and argue that since the municipality has done nothing to eliminate them, it is merely picking on the billboard companies in an arbitrary fashion. Fortunately, none of the other Justices went along with Brennan and Blackmun on this vital point and, in the long run, this fact may turn out to be the most important aspect of *Metromedia*.

This authority should be useful in excluding testimony of surveys purporting to show that billboards create no dangers. If necessary, it may be opportune for the municipal attorney to ask the witness whether billboards are designed to attract attention and whether accident avoidance requires both drivers and pedestrians to pay close attention to what they are doing.

Is Aesthetics Alone a Sufficient Justification?

Hopefully, the foregoing may find broad utility in convincing some of our reluctant state courts to hold that police power regulations may be based upon aesthetic considerations alone. In the *Metromedia* decision below, the Supreme Court of California so held, 26 Cal. 3d 848, 164 Cal. Rptr. 510, 516–19, 610 P.2d 407, 413–16, reversing its own prior holding in *Varney & Green v. Williams*, 155 Cal. 318, 100 P. 867 (1909). However, we still have many states like Michigan. In *Wolverine Sign Works v. Bloomfield Hills*, 279 Mich. 205, 208, 271 N.W. 823 (1937), appears the following: “Aesthetics may be an incident but cannot be the moving factor.” This statement has been often repeated, not only in sign

control cases, but in others as well. The most recent Michigan sign case is *Central Advertising v. Ann Arbor*, 391 Mich. 533, 213 N.W.2d 27 (1974).

A number of other important courts have now held that aesthetics, alone, is enough. *Suffolk Outdoor Advertising Co. v. Hulse*, 43 N.Y.2d 483, 402 N.Y.S.2d 368, 363 N.E.2d 263 (1977), *appeal dismissed*, 439 U.S. 809 (1978), *John Donnelly & Sons v. Outdoor Advertising Bd.*, 369 Mass. 206, 339 N.E.2d (1975), and *Oregon City v. Hartke*, 240 Ore. 35, 400 P.2d 225 (1965), are examples. Readers may also wish to examine articles by Bufford, "Beyond the Eye of the Beholder: A New Majority of Jurisdictions Authorize Aesthetic Regulation," 48 UMKC L. Rev. 125 (1980) and Polisky, "Regulation of Signs and Billboards," appearing in ZONING AND PLANNING LAW REPORT, Vol. 1, No. 7 (May 1978). Polisky also discusses, in considerable detail, cases having to do with political and "For Sale" signs.

Ordinance Definitions

The definitions in Section 2 of the model ordinance require little discussion. The definition of "sign" is more limited than we see in most sign control ordinances, but should be adequate for the kind of regulation involved. The definition of "premises" is intended to prevent the owner of a store or gas station from buying the property across the street to give him the right to put up an "on-premises" sign.

Distinction Between On- and Off-Premises Signs

Section 3 of the model contains the operative regulatory wording. It raises several questions. The first is the validity of making a distinction between on-premises and off-premises signs. It has often been argued that if a sign advertising a gas station is allowed on the premises of a gas station, a sign advertising some brand of beer or chewing gum should also be allowed at the same place. The argument was made and discussed in *Metromedia*. It was rejected explicitly by five Justices—The White group, 101 S. Ct. at —, 69 L. Ed. 2d at 809–10, 49 U.S.L.W. at 4927–28, and Justice Stevens, 101 S. Ct. at —, 69 L. Ed. 2d at 836, 49 U.S.L.W. at 4943—and was rejected implicitly by the other two dissenters. Brennan and Blackmun did not commit themselves.

Putting Sign Companies Out of Business

It may be asserted that the ordinance is invalid because it will put sign companies out of business. In *Metromedia*, the parties stipulated that the San Diego ordinance, if enforced, would "eliminate the outdoor advertising business in the City of San Diego." 101 S. Ct. at —, 69 L. Ed. 2d at 808, 49 U.S.L.W. at 4927. The White group mentioned that the ordinance had

been attacked on this ground, but did not hold it invalid for this reason. 101 S. Ct. at —, 69 L. Ed. 2d at 812, 49 U.S.L.W. at 4929. Brennan and Blackmun similarly allowed that "a city may totally ban them if it can show that a sufficiently substantial governmental interest is directly furthered by the total ban, and that any more narrowly drawn restriction, i.e., anything less than a total ban, would promote less well the achievement of that goal." 101 S. Ct. at —, 69 L. Ed. 2d at 827, 49 U.S.L.W. at 4935. The other Justices voted to uphold the ordinance. Thus, none of the Justices apparently regards an ordinance invalid just because it happens to put somebody out of business. Evidently the entire Court is mindful of the large number of fireworks stands, gambling establishments and houses of ill repute that have been put out of business by police power regulations.

Distinction Between Commercial and Noncommercial Signs

In *Metromedia*, Justice Brennan expressed doubt that an ordinance banning commercial but permitting noncommercial billboards would be constitutional, but seemed to base his doubts on the grounds that local officials would have censorship powers in determining which messages are commercial and which are not, a First Amendment rather than an Equal Protection question. 101 S. Ct. at —, 69 L. Ed. 2d at 831–35, 49 U.S.L.W. at 4937–39. The model ordinance, hopefully, avoids this difficulty, since it calls for no permit and does not give any local official power to make such a decision, although obviously, the local attorney, in determining whether to take enforcement proceedings, must make a preliminary determination. However, this is no more than he must do when deciding whether to prosecute any alleged violation of any ordinance, and the courts, of course, stand ready to correct any errors he may make.

Justice Brennan, joined by Justice Blackmun, in their concurring opinion in *Metromedia* set forth the following examples to show the difficulty involved. 1. "Visit Joe's Ice Cream Shoppe." 2. "Joe's Ice Cream Shoppe uses only the highest quality dairy products." 3. "Because Joe thinks that dairy products are good for you, please shop at Joe's Shoppe." 4. "Joe says to support dairy price supports: they mean lower prices for you at his Shoppe." They cite some other examples, showing, among other things, that how we regard a message may depend upon whose sign is involved. 101 S. Ct. at —, 69 L. Ed. 2d at 834, 49 U.S.L.W. at 4938.

Obviously, somebody has to make a determination as to whether to permit a given message to be placed upon a sign, but it appears to be legally much safer to let the owner make the decision in the first instance,

and the municipal attorney may then decide whether to try to convince the courts that the message is commercial.

Overbreadth Challenges

In *Metromedia*, Justice White cites *Central Hudson v. Public Service Comm'n*, 447 U.S. 557, 563-66, 100 S. Ct. 2343, 65 L. Ed. 2d 341 (1980), as establishing the following four-part rule against overbroad restrictions on commercial free speech. "(1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no farther than necessary to accomplish the given objective." 101 S. Ct. at —, 69 L. Ed. 2d at 814-15, 49 U.S.L.W. at 4930. White and his followers concluded that the San Diego ordinance met the test, 101 S. Ct. at —, 69 L. Ed. 2d at 818, 49 U.S.L.W. at 4931. Justice Stevens also concurred, 101 S. Ct. at —, 69 L. Ed. 2d at 835-36, 49 U.S.L.W. at 4943, as, presumably, did the other two dissenters.

The model ordinance does not go quite as far as the San Diego measure, since it places no restrictions on signs with noncommercial messages. For this reason, it would seem to meet the *Central Hudson* test. In this regard, anyone claiming that the model ordinance regulations are overbroad and go beyond what is necessary to achieve the twin objectives of traffic safety and aesthetics should be asked to set forth what lesser regulation would do the job.

The Issue of a Total Ban

Since the model ordinance does not totally ban billboards—it permits those with noncommercial messages and those that are on-premises—it ought to evade such rulings as *Wolverine Sign Works v. Bloomfield Hills*, 279 Mich. 205, 271 N.W. 823 (1937), to the effect that statutory authority to regulate billboards does not extend to a total ban. It should also avoid the First Amendment arguments that can be made with respect to any restriction on noncommercial speech, since such utterances enjoy a higher degree of constitutional protection than commercial messages.

Removal Provisions

When it comes to proceedings to require the removal of abandoned sign structures, it is to be expected that the billboard companies will engage in a lot of activity intended to forestall removal efforts in the hope that the ordinance may be overturned or changed to again permit billboards to be used for

commercial messages. These will probably include use for public service messages or for displaying works of art or other uses. However, such tactics cost money, as does the maintenance of sign structures that do not produce revenue. If the ordinance survives judicial scrutiny, it can be hoped that most sign owners will comply eventually with the requirement that obsolete structures be removed. In the meantime, it may be rather costly and unproductive to attempt to enforce the removal provision against determined opposition.

Ordinance Exceptions and Claims of Discrimination

Section 4 of the ordinance, which contains the exceptions, was carefully worded to avoid unlawful discrimination. The first exception, designed to assure the relationship of the regulations to the stated objectives of preventing traffic hazards and improving the appearance of the municipality, merely excepts signs not visible from the public streets. This answers an objection of Justices Brennan and Blackmun in *Metromedia* to the prohibition of signs visible from the "boundary of the premises" in the San Diego ordinance. They noted that traffic couldn't be hurt by signs visible from the boundary but not from the streets. 101 S. Ct. at —, 69 L. Ed. 2d at 828-29, 49 U.S.L.W. at 4935-36.

The exception relating to specific information panels is applicable, of course, only in those states where state authorities have begun a specific information panel program under the Federal Highway Beautification Act, 23 U.S.C. § 131. In such cases, the power of the municipality to regulate signs probably doesn't extend to those erected on state highway land under authority of state law anyway.

The final exception is intended merely to avoid any conflict with state laws, such as Mich. CL. 252.305, Mich. Stats. Anno. 9.391(104), which purport to occupy the whole field of regulation of the size, lighting and spacing of signs, and are intended to bring

ZONING AND PLANNING LAW REPORT

Publisher: Alan L. Morse
Editor-in-Chief: Justin D. Franklin, J.D.

Editor: Fredric A. Strom, J.D.
Contributing Editor: J. Benjamin Gailey
Assistant Editor: Nancy Chapman

Published at New York, New York monthly except in August by

Clark Boardman Company, Ltd.
435 Hudson Street
New York, New York 10014

Subscription rate: \$62.50 for eleven issues.
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the state into compliance with the Federal Highway Beautification Act.

Compensation for Removal

The ordinance does not provide compensation for removal of signs because it does not require the removal of any signs. The only thing that it requires to be removed is former sign structures that are totally unused. Who has standing to raise the issue unless he has such a structure and wants to prove that it has substantial value, standing there doing nothing?

Nonconforming Signs

The model ordinance likewise does not permit the continuation of nonconforming uses. It is not intended as a zoning ordinance, since it applies equally throughout the community and does not divide the community into different districts with different regulations. It is intended to be adopted under the general laws with respect to municipal police power regulation, not under the zoning enabling act. Land use regulations of this character have been recognized as not subject to the nonconforming use provisions of the zoning enabling acts in two decisions of the Michigan Court of Appeals. *Casco Township v. Brame Trucking Co.*, 34 Mich. App. 466, 191 N.W.2d 506 (1971), involving a soil removal ordinance, and *Renne v. Waterford Township*, 73 Mich. App. 685, 252 N.W.2d 842, *appeal den'd* 400 Mich. 840 (1977), involving an ordinance requirement to discontinue septic tank use and hook up to a new sewer.

Conclusion

The U.S. Supreme Court's decision in *Metromedia* does indeed seem to be a very significant case. Despite the number of opinions and lack of a majority, it appears to clear the air on several of the issues that have raised doubts about the validity of many sign regulations, mostly in favor of the regulators. Furthermore, unlike many recent decisions in the land use control area, it appears to provide us with more answers than new questions.

The *Metromedia* decision doesn't answer all of the questions, of course. There still remain many issues involving on-premises sign regulation, control of non-commercial messages and others. In addition, the decision raises at least one question that is certain to produce a lot of litigation. Which messages are commercial and which are not? Possibly we will end up with a rule that a commercial message is one that appears intended to advertise some commercial activity, with the courts evading the puzzles posed by Justice Brennan by focusing on intent rather than content. This is a familiar concept both in civil and criminal litigation.

In the long run, the impact of *Metromedia* will probably depend upon the extent to which it is followed by the highest courts of the several states. However, its majority rulings seem to be pretty much in step with the leanings of state court decisions in recent years and it will probably serve to popularize these trends.

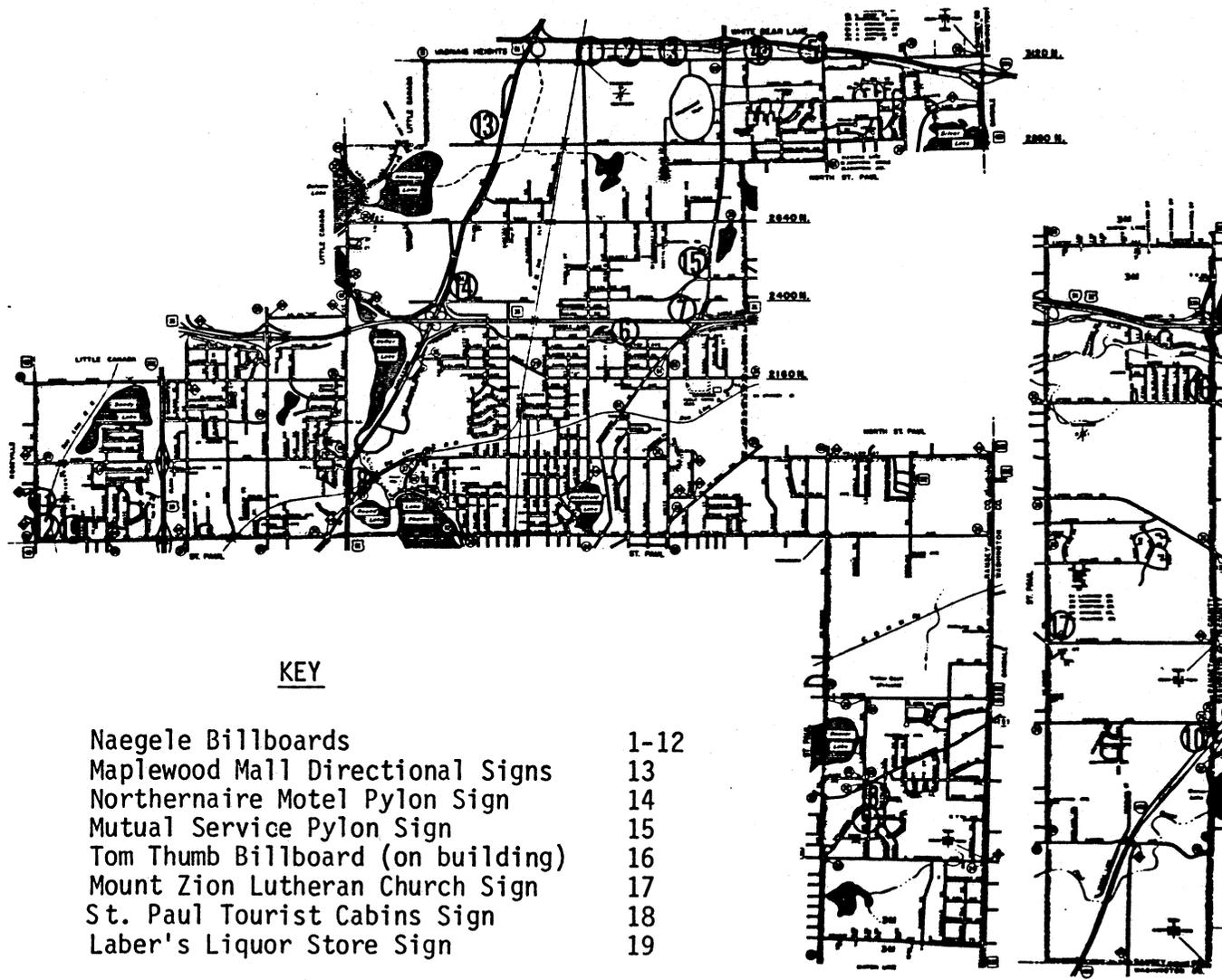
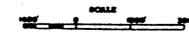
The model ordinance which I have presented above appears to meet the requirements of all but two of the Justices. Through the adoption of ordinances embodying such precepts, we may hope for better days in the struggle to control billboard blight.

(*Editor's Note:* In conjunction with its decision in *Metromedia, Inc. v. City of San Diego, supra*, the U.S. Supreme Court, on July 2, 1981, summarily disposed of four other pending appeals involving sign or billboard controls. First, the Court denied certiorari in *City of San Diego v. Metromedia, Inc.*, — U.S. —, 101 S. Ct. —, 69 L. Ed. 2d 1004, 49 U.S.L.W. 3979 (No. 80-196), which was the City of San Diego's own appeal from that portion of the judgment of the Supreme Court of California which held that the federal Highway Beautification Act, 23 U.S.C. § 131, preempted the San Diego ordinance, at least to the extent of requiring compensation for the removal of billboards located within 660 feet of federal interstate and primary highways. Second, the Court vacated judgment in the case of *Ryan Outdoor Advertising, Inc. v. City of Salinas*, — U.S. —, 101 S. Ct. —, 69 L. Ed. 2d 999, 49 U.S.L.W. 3978, (No. 80-1797), thereby remanding the case to the Court of Appeal of California, First Appellate District, so that that court might reconsider its earlier unpublished opinion upholding a broad ban on off-site advertising in light of the *Metromedia* decision. Third, the Court denied certiorari in *Department of Transportation of the State of Oklahoma v. Pile*, — U.S. —, 101 S. Ct. —, 69 L. Ed. 2d 1004, 49 U.S.L.W. 3979 (No. 79-1617), thus upholding a determination by the Supreme Court of Oklahoma, 603 P.2d 337 (1979), that a state statute banning billboards should be judicially interpreted as not applying to noncommercial billboards in order to avoid unconstitutionality. Fourth, and finally, the Court summarily affirmed in *Campbell v. John Donnelly & Sons*, — U.S. —, 101 S. Ct. —, 69 L. Ed. 999, 49 U.S.L.W. 3978 (No. 80-1597), thereby upholding the federal Court of Appeals' determination, 639 F.2d 6 (1st Cir. 1980), that Maine's statewide ban on billboards, while valid insofar as commercial messages were concerned, was overbroad and in violation of the First Amendment by reason of its virtual total prohibition of ideological and noncommercial signs in the state.)

MUNICIPALITY OF
MAPLEWOOD

ISSUED BY THE
 MINNESOTA DEPARTMENT OF HIGHWAYS
 IN COOPERATION WITH THE
 U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION

SCALE OBTAINED AND MAP PREPARED BY THE
 TRANSPORTATION AND TRANSIT
 PLANNING AND PROGRAMMING DIVISION
 OFFICE OF
 TRANSPORTATION PLANNING

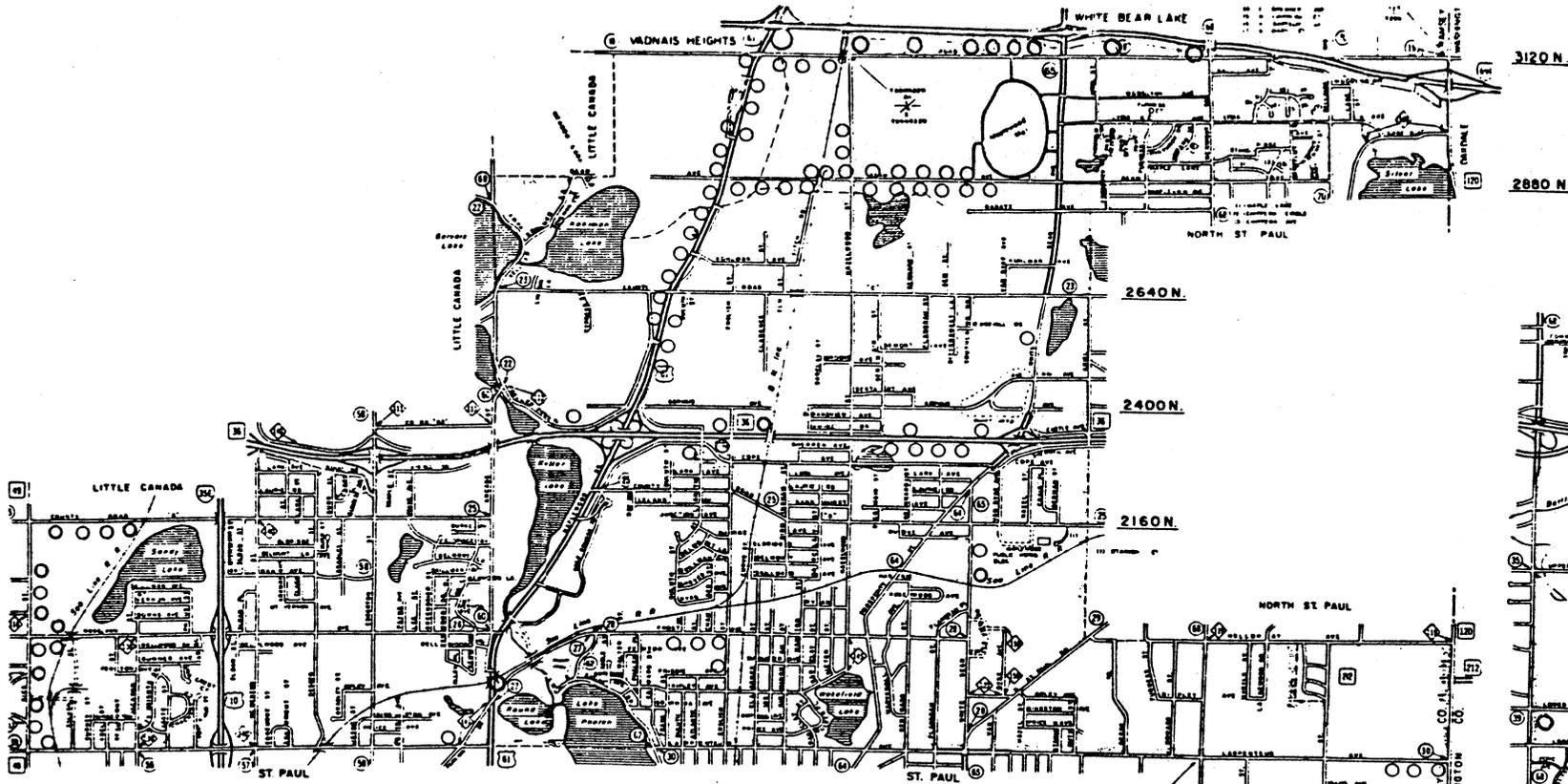


KEY

- | | |
|-----------------------------------|------|
| Naegele Billboards | 1-12 |
| Maplewood Mall Directional Signs | 13 |
| Northernaire Motel Pylon Sign | 14 |
| Mutual Service Pylon Sign | 15 |
| Tom Thumb Billboard (on building) | 16 |
| Mount Zion Lutheran Church Sign | 17 |
| St. Paul Tourist Cabins Sign | 18 |
| Laber's Liquor Store Sign | 19 |

MAP 1

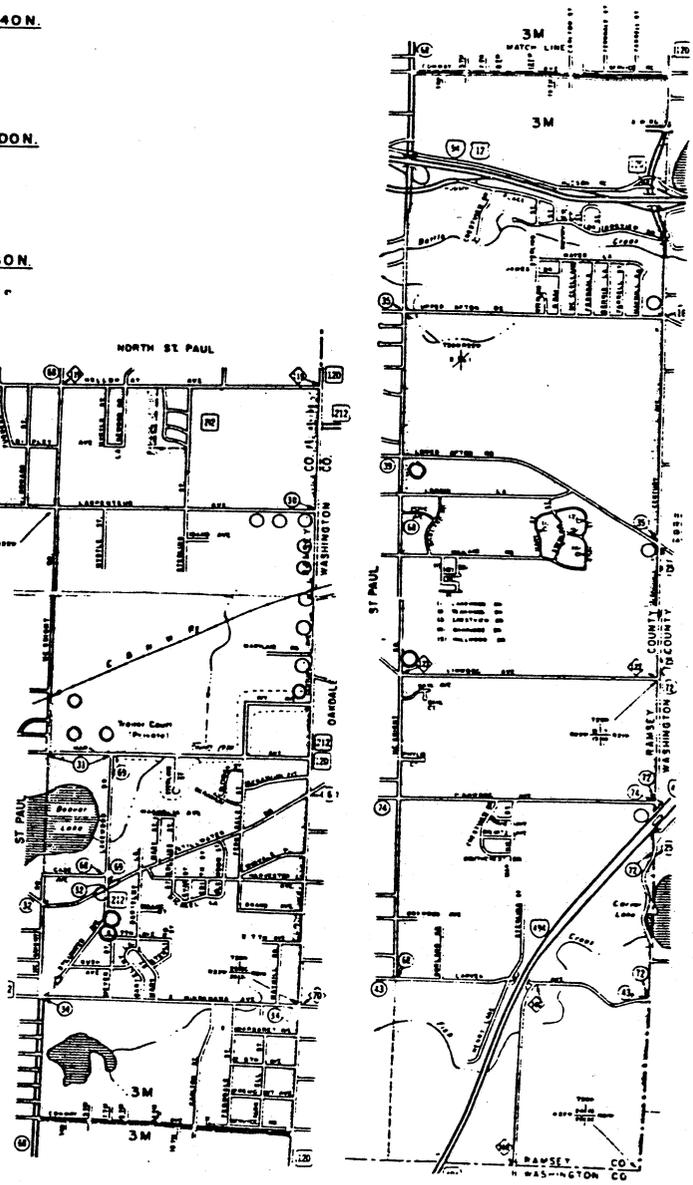
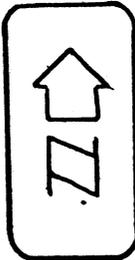
EXISTING BILLBOARDS

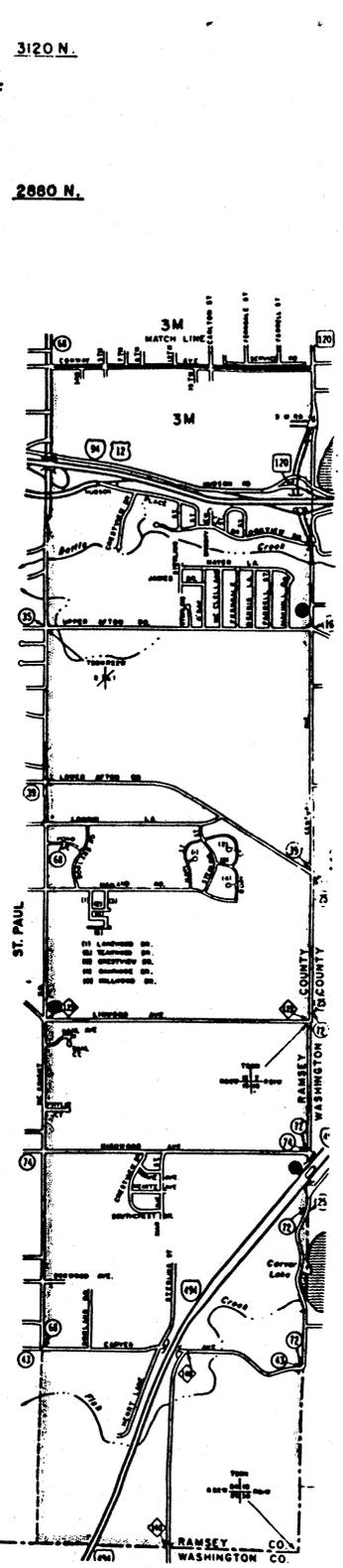
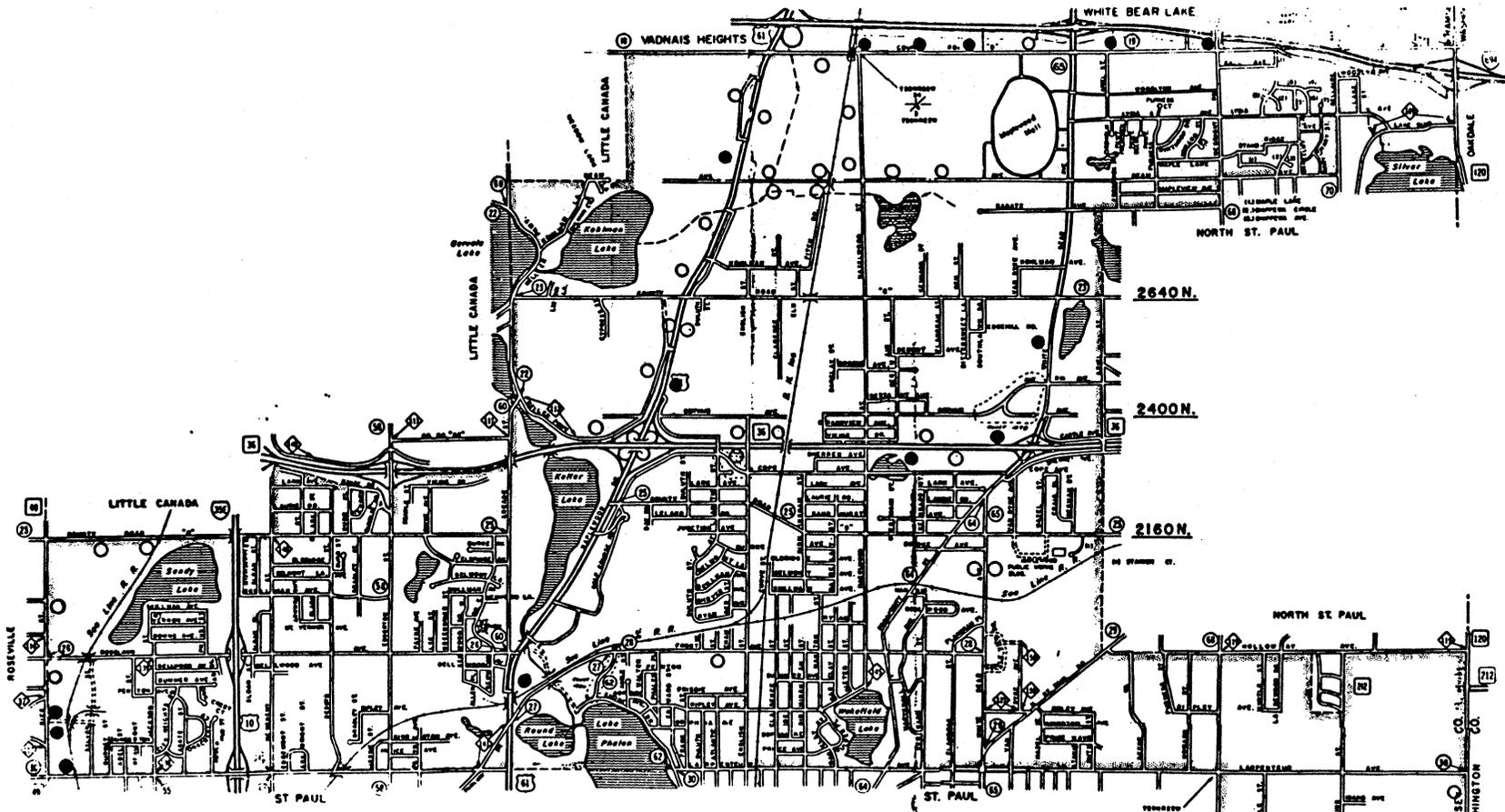


NUMBER OF POSSIBLE BILLBOARD
 LOCATIONS UNDER THE CURRENT
 ORDINANCE
 (existing billboards are
 included)
 101 billboards are shown

CITY OF MAPLEWOOD
 PETITIONER

SIGN ORDINANCE AMENDMENT
 REQUEST





NUMBER OF POSSIBLE BILLBOARD LOCATIONS
 UNDER PROPOSED ALTERNATIVE II
 (existing billboards are included)

52 billboards are shown

● Existing Billboards



7
1440 N.
8
1200 N.
9
960 N.
10
720 N.
11
480 N.

BILLBOARD SURVEY

Staff surveyed the 18 metropolitan cities that are closest to Maplewood in population, to determine the required separation between billboards. Six of these cities prohibited billboards. The other 12 are ranked below by their answers. The number in paranthesis after each City's name is their 1980 population.

<u>CITY</u>	<u>SEPARATION REQUIRED BETWEEN BILLBOARDS IN FEET</u>
1. Burnsville (35,674)	2,000 - (Presently revising ordinance)
2. Plymouth (31,615)	Separation based on speed limit
	55 MPH 1,500
	35 MPH 1,000
3. White Bear Lake (22,528)	1,000
4. Coon Rapids (35,820)	1,000
5. Fridley (30,228)	1,000
6. New Brighton (23,269)	1,000
MEDIAN = 1,000 feet	
1. Eagen (20,532)	1,000
2. Blaine (28,558)	500
<u>MAPLEWOOD</u> (26,990)	500
3. Crystal (25,543)	*500 on Interstates 400 elsewhere
4. Richfield (37,851)	*500 on Interstates 300 elsewhere
5. Minnetonka (38,683)	*500 on Highways - 1200 on Interstates 200 elsewhere
6. South St. Paul (21,235)	*500 on Interstates *100 on State Highways 0 elsewhere, individually reviewed by special use permit

*State of Minnesota Requirements

The following cities surveyed do not allow any new billboards:

Maple Grove (20,525)
 New Hope (23,087)
 Brooklyn Center (31,230)
 Golden Valley (22,775)
 Apple Valley (21,818)
 Roseville (35,820)

For further information, the billboard separation requirements for suburban cities adjacent to Maplewood that are not listed above are as follows:

Oakdale	Billboards prohibited presently. Ordinance under revision.
Woodbury	1,000
(NOTE: only billboards promoting a business or activity in Woodbury are allowed)	
Newport	Moratorium on billboards
Little Canada	Billboards prohibited
Vadnais Heights	1,300
North St. Paul	40

NAEGELE PROPOSAL

*a. Billboards shall not be located closer to any other such billboard on the same side of the street or highway facing traffic heading in the same direction than:

(1) 1,000 feet on any limited access highway.

(2) 750 feet on the remaining arteries.

(3) This spacing does not apply to structures separated by buildings or other obstructions in such a manner that only one sign face located within the above spacing distance is visible from the highway or street at any one time.

*b. Billboards shall not be located within the boundary lines of any railroad right of way.

3. Size:

The maximum size limitation stated in this section shall apply to each side of a sign structure ~~and signs.~~ Signs may be placed back-to-back or in a ~~V-type-construction~~ arrangement if there are no more than two sign faces.

The maximum area of a sign face shall not exceed:

*a. 750 square feet on limited access highways, including border and trim, but excluding base and apron supports and other structural members.

*b. 450 square feet on the remaining arteries, including border and trim, but excluding base and apron supports and other structural members.

*4. Height:

The height shall be measured from the grade or the highway, whichever is higher.

The maximum height for billboards shall not exceed:

a. 40 feet on limited access highways.

b. 30 feet on the arteries.

*Proposed amendments to Alternative II.

5. Lighting:

- a. Billboards will shall not be illuminated with flashing light or lights, except those giving public service information such as, but not limited to, time, date, temperature, weather or news.
- b. Billboard lighting will shall be effectively shielded so as not to impair the vision of any operator of a motor vehicle.
- c. Billboard lighting ~~must~~ shall not interfere with the effectiveness of or obscure any official traffic sign, device or signal.
- d. Billboards shall not use lights between midnight and 6 a.m.

*6. Specifications:

Where the structural support is visible from the road in which it is intended to be viewed, the billboard shall be constructed on a single pole.

7. Ground Restoration:

Any ground area disturbed, due to the construction or removal of a billboard, shall be restored to its original condition.

*7- 8. Nonconforming Signs:

Any billboard sign existing at the time of the enactment of this ordinance and not conforming to its provisions, shall be regarded as legal nonconforming signs which may be continued, if properly repaired and maintained as provided in this ordinance and continue to be in conformance with other ordinances of this municipality.

Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this code.

9. Any previously adopted requirements that conflict with this ordinance shall be null and void.

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

*Proposed amendments to Alternative II.

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

Mayor

Attest:

Clerk

Ayes--
Nays--

J-5

MEMORANDUM

TO: City Manager
FROM: Associate Planner--HRA Staff Liaison--Johnson
SUBJECT: HRA Housing Proposal
DATE: July 15, 1982

Request

Schedule a shirt-sleeve session for August 5th, immediately following the Council's regular briefing session to discuss:

1. The recommendations of the market feasibility study for the HRA's proposed senior citizen/first-time home buyer housing program.
2. Discuss the decisions that should be made at the August 9th Council meeting in order to proceed with the proposal.

The afternoon or evening on Tuesday, August 3rd or Wednesday, August 4th are suggested as alternate times.

Background

The market feasibility study, authorized by Council on June 28th is to be completed by the end of July. A decision whether to proceed should be made at the August 9th meeting to ensure that all deadlines can be met.

In preparation for the August 9th Council meeting, the HRA suggests that their recommendations regarding the following items should be discussed at the requested shirt-sleeve session:

1. Selection of a developer and an alternate for the seniors' residence, assuming the feasibility study is favorable.
2. Naming of a bond counsel and bond underwriter to prepare the legal documents listed in attachment A, to gain tax increment financing and tax-exempt bonding authority.
3. Who will pay the cost of preparing the legal documents listed in attachment A.
4. If the first-time home buyer program is necessary, how the required local contribution would be financed. (Presently estimated to be \$210,000 or 3% of a \$7 million bond issue.)

Recommendation

Schedule a shirt-sleeve session for August 5th, immediately following the Council's regular briefing session, to discuss whether to proceed with the HRA's proposed senior citizen/first-time home buyer housing program.

The afternoon or evening on Tuesday, August 3rd or Wednesday, August 4th, are suggested as alternate dates and times.

mb
Enclosure

ATTACHMENT "A"

Legal documents for tax-increment financing and tax-exempt bonding authority.

A. Tax-Increment Financing (Seniors' Building)		Cost
Tax-increment financing Plan		
Interest reduction or redevelopment agreement		\$5,000
B. Tax-Exempt Housing Revenue Bonds (First-time Home Buyer Program)		
1. Housing Plan and Program		
Preparation of the MHFA Application		\$3,000 - \$4,000
2. MHFA Application Review fee		<u>1,000</u>
		<u>\$4,000 - \$5,000</u>
Total		\$9,000 - \$10,000

The costs to prepare the legal documents for the seniors' residence would not be at risk unless the seniors project is dependent upon the first-time home buyer program. The HRA is recommending that these costs be paid by the developer.

The document preparation costs for the first-time home buyer program would be at risk. In February, 1983, the Minnesota Housing Finance Agency will choose among the best program proposals in a competition for \$27.5 million in tax-exempt bonding authority. The HRA's first choice is for the developer to pay these costs. However, since this expenditure would be lost if the bonding authority is not authorized, City participation should be considered if the developer does not wish to participate prior to approval being gained.

A criterion to be used to select among the candidate developers, is the extent to which they will commit to these costs. Developer proposals are to be submitted on July 28th.

J-6

MEMORANDUM

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: Sewer Contingency Fund Transfer
DATE: July 15, 1982

Recent television camera inspection of a portion of the City's sewage collection system has identified and isolated an area of heavy ground water infiltration.

The area identified is a 10 inch clay pipe main lying south of Minnehaha and extending from Ferndale to McKnight Road. This is commonly referred to as the "Minnehaha Easement line".

By way of video tape we have been able to view the actual infiltration as it occurred. Individual leaks range from one gallon per minute to as much as eight gallons per minute on a year around basis.

A study of the problem and the associated cost of treating the infiltration indicate that the area lying between the Carlton Street alignment extended and McKnight Road accounts for 97% of the infiltration. Further comments will be limited to this portion of the main.

As mentioned earlier, the existing main is 10 inches in diameter. However, because of the elimination in 1975 of the lift station located at Margaret and Century, an 8 inch main will serve future needs in the contributing district. There are virtually no service connections to this main. Average depth of the line is 16 feet.

Replacement of the main would be quite costly because of the depth, the need for the line to remain in service, and the known ground water that would be encountered. Chemical sealing is not recommended because of the water present and the high flow in the main.

The most suitable method for this type of project is known as "slip lining". A plastic pipe is inserted into the main through a manhole and then pulled through the pipe to the next manhole, and the ends are then sealed inside the manholes to prevent flow between the old pipe and the new liner.

Major costs are associated with reconnecting services after slip lining. The fact that no services are connected to this main makes this method well suited to our needs.

Though current prices are not available in this area an estimate based on adjusted national averages (\$17.60/ft--Engineering News Record) and considering the dewatering anticipated would be \$35.00 per foot, or a total of \$90,000.

The costs for treatment of the ground water are as follows:

1982	\$ 21,906	(Actual)
1983	24,535	(MWCC projected 12% increase)
1984	26,734	(9% estimated inflation)
1985	29,140	(9% estimated inflation)
1986	<u>31,763</u>	(9% estimated inflation)
TOTAL	\$134,078	

This results in a total pay back in approximately 3 1/2 years.

Financing can be accomplished in one of four ways:

1. Transfer of \$51,000 from the Sewer Contingency Fund together with over spending the 1982 budget by \$39,000. Though not desirable, this alternative has two advantages. The treatment costs for infiltration for the next year would be saved, and those funds set aside for payments relating to "lake overflow" could be used. This is the recommended alternative.
2. Dividing the project into two equal parts, one replaced this fall with Contingency Fund dollars, and the second half financed in the 1983 Budget. Increased cost of the project, due to size, could reach \$10,000. This coupled with 1/2 of the treatment costs for the next year make this alternate less desirable.
3. Budget for the work in 1983. Again, less desirable because of the need to pay for treatment for an additional year.
4. Special assessment. Because of time constraints no work could be accomplished this year, therefore the additional treatment costs would be incurred.

Additionally, though it is "extraordinary" maintenance staff feels that it is properly termed a maintenance function. Unlike the Adolphus sewer which is being assessed, there are no services connected to the to the main, there is no history of "back ups" affecting the properties served by the main, and because of the City's method of billing, any savings in treatment costs would be reflected on a City-wide basis as opposed to a direct benefit or savings to those in this particular service district

ORDINANCE NO:

AN ORDINANCE GRANTING TO THE WILLIAMS PIPE LINE COMPANY CERTAIN RIGHTS, PRIVILEGES, AUTHORITY, CONDITIONS AND RESTRICTIONS TO OCCUPY AND USE THE STREETS, ALLEYS, LANES, PARKS AND PUBLIC GROUNDS IN THE CITY OF MAPLEWOOD, MINNESOTA, FOR THE PURPOSE OF LAYING, RELAYING, REMOVING, CONSTRUCTING, MAINTAINING, REPAIRING AND OPERATING PIPE LINES THEREIN.

The City Council of Maplewood, County of Ramsey, does ordain as follows:

Section 1: That subject to all conditions and requirements hereinafter contained, there is hereby granted to Williams Pipe Line Company, a corporation organized and existing under and by virtue of the Laws of the State of Delaware, an authorized to do business within the State of Minnesota, and to its assigns for the period from the date hereof and ending , 19 , the right, privilege and authority to enter upon, use and occupy in the manner hereinafter indicated, those certain streets, alleys and public grounds of the City of Maplewood herein, or hereafter designated, including any territory that may hereafter be added to said City for the purpose of laying, relaying beneath the surface of the ground and removing, constructing, maintaining and operating pipes, tunnels and conduits for the purposes of transporting through said pipes, tunnels and conduits, gasoline, non-pressure nitrogen fertilizer solutions, oil products or water.

Section 2: Williams Pipe Line Company shall lay, relay, remove, construct, operate and maintain its pipes, tunnels and conduits so as not to be an impediment or obstruction to the use of or an injury to the surface of any streets, alleys or public grounds, or injury or obstruction to any sidewalk, water mains, sewers, or lateral branches thereof, whether heretofore or hereafter constructed, nor interfere with the proper drainage of said City, and if at any time in the future it shall be found necessary to change or lower said pipe line to meet the requirements of the City or of the consulting engineer, said Williams Pipe Line Company shall so change or lower its said pipe line at its own expense, upon sixty (60) days written notice by the City to said Williams Pipe Line and its office at 3585 North Lexington Avenue, St. Paul, Minnesota 55112; and that said Williams Pipe Line Company shall immediately after such laying, relaying, construction or removal, replace or restore with like material, the roadway, sidewalks and ground surfaces upon or under which the work of laying, relaying, constructing or removing said pipes has done, to as good or durable condition as they were in before the doing of such work.

Section 3: Existing or future pipelines, tunnels and conduits shall be located or constructed in such streets, alleys, and public grounds of said City within sixteen (16) feet of an existing pipeline laid and constructed by Great Lakes Pipe Line Company (now Williams Pipe Line Company), which said pipeline was laid substantially along the following described lines:

LEGAL DESCRIPTION OF LINES

That no authority is conferred by the City of Maplewood to the grantee herein upon any private property described in the foregoing right-of-way.

Section 4:

A. Upon detection by the City of any product or odor of any product transported by Grantee outside of its pipes, tunnels and conduits, the City shall promptly notify grantee of said fact. Immediately upon grantee's receipt of such notice, grantee shall shut down its affected pipes, tunnels and conduits and within forty-eight (48) hours thereafter furnish to the City an initial report in writing on the results of its inspection and testing of the affected pipes, tunnels and conduits. If the initial report indicates that any product is escaping from grantee's pipes, tunnels and conduits, grantee shall, within sixty (60) days after the initial notice by the City, present to the City test data in which demonstrates to the City's reasonable satisfaction that the product is not then escaping from grantee's pipe line. All of the inspection and testing required for this subparagraph A shall be done at grantee's expense; provided, however, that the grantee's assumption of the initial burden of such expense shall not preclude nor inhibit grantee from exercising any rights it may have to seek reimbursement from others who may have been responsible therefor. The City's authorized representative shall be entitled to observe all pipeline pressure tests and remedial work required of grantee by this subparagraph A and shall have access to the pressure test data developed in connection therewith. If, after the City has given the notice required by this subparagraph A, the city shall incur or contract for any reasonable expenditure including the reasonable value of its own employees and equipment in locating products or odor of products, grantee shall pay said expenditures unless grantee shows to the City's reasonable satisfaction that products did not escape from grantee's pipe, tunnels, or conduits.

B. If, within sixty (60) days period prescribed in subparagraph A above, grantee shall have been unable to demonstrate to the reasonable satisfaction of the City that products are not escaping from any segment of its pipe line in the City limits, grantee shall refrain from transporting any product through the segment and shall surrender and

release its right under this ordinance to operate said pipeline segment and shall promptly remove any such inoperable segment of its pipeline. If grantee shall fail to remove the inoperable segment of its pipeline as provided above within thirty (30) days after the end of the sixty (60) day period provided in subparagraph A above, the City, at its option, may remove said segment and the cost of such removal shall be paid to the City by grantee.

C. The grantee and its assigns, shall be liable for any damage caused by and arising in any manner out of the exercise of the rights, privileges and authority granted by this ordinance to the public and private property, or persons without need for proof of negligence on the part of the grantee.

D. The grantee shall, at all times, indemnify and save the City harmless from all damages, judgments, costs and expenses caused by and arising in any manner out of the exercise of the rights, privileges and authority granted by this ordinance and shall, at its own expense defend all suits and actions brought against the City arising out of the grantees exercise of rights, privileges, and authority granted by this ordinance upon being notified of the pendency thereof.

Section 5: If the said City, in the future shall lower the surface of any street, alley or public ground in which any of such pipes of said grantee are laid, said grantee shall, upon request, promptly lower its said pipes to a depth of at least thirty (30) inches below such new surface at no cost to the City.

Section 6: Grantee shall furnish to the City verified copies of all pressure tests made by grantee which tests shall be made at least yearly and include a statement as to the method of testing and the length of pipe tested. That said testing shall be done in a workmanlike manner and truly reflect the condition of the pipes, tunnels and conduits within the limits of the City of Maplewood.

Section 7: That grantee and its assigns shall pay an annual license fee to the City of _____ per year for all of the privileges therein granted, including the use of the above described streets and alleys for the laying, maintaining and operating of its pipelines. The annual license fee herein may be paid in advance for the entire term provided by ordinance, such fee shall not be in lieu of property taxes. The City Council reserves the right to amend this ordinance at any time upon thirty (30) days notice mailed to the grantee. That all notice provided for herein shall be mailed to grantee's office located at 3585 North Lexington Avenue, St. Paul, Minnesota 55112.

Section 8: In the event the grantee desires to renew this ordinance upon its expiration, sixty (60) days notice must be given of its intention to do so prior to the date of expiration.

Section 9: The grantee within thirty (30) days after the passage and publication of this ordinance shall file with the City Clerk a written acceptance thereof, and this ordinance shall take effect and be in force from its passage, publication, approval and acceptance as hereinbefore provided.

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

Mayor

Attest:

City Clerk