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AGENDA
Maplewood City Council
6:00 P.M., Thursday, October 7, 1982
Municipal Administration Building
Meeting 82-26

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

Minutes 82-25, September 13, 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

(EA) SPECIAL HEARINGS

1. 1983 Budget (6:00 P.M.) _____

2. Plan Amendment - Health Resources (6:30 P.M.) _____

(F) PUBLIC HEARINGS

1. Commercial Development Revenue Note - Emerald Inn (7:00) _____

2. Rezoning - 2669 & 2677 E. 7th St. (7:15) _____

3. Code Amendment - B C M (7:30) _____

(G) AWARD OF BIDS

(H) UNFINISHED BUSINESS

1. Planning Fees _____

2. City Council/Planning Committee Meeting _____

(I) NEW BUSINESS

(J) VISITOR PRESENTATION

(K) COUNCIL PRESENTATIONS

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

(M) ADJOURNMENT

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, September 13, 1982
Council Chambers, Municipal Building
Meeting No. 82-25

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	Present
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Minutes No. 82-22 (August 19, 1982)

Councilmember Juker moved that the Minutes of Meeting No. 82-22 (August 19, 1982) be approved as submitted.

Seconded by Councilmember Anderson. Ayes - all.

2. Minutes No. 82-23 (August 23, 1982)

Councilmember Anderson moved that the Minutes of Meeting No. 82-23 (August 23, 1982) be approved as submitted.

Seconded by Councilmember Juker. Ayes - all.

3. Minutes No. 82-24 (August 25, 1982)

Councilmember Juker moved to approve the Minutes of Meeting No. 82-24 (August 25, 1982) as submitted.

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

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the agenda as amended:

1. Amend Comprehensive Plan
2. McKnight Road
3. Assessment Policy Review
4. Reconsideration for Clarification
5. 25th Anniversary Run
6. Rezoning on Frost
7. Engineering Technician

Seconded by Councilmember Bastian. Ayes - all.

E. CONSENT AGENDA

Council removed Consent Agenda Item 8 and placed it as Item E-A3.

Councilmember Anderson moved, seconded by Councilmember Juker, Ayes - all, to approve the Consent Agenda Items 1 through 7, 9 through 11 and 13 through 16 as recommended:

1. Accounts Payable

Approved the accounts (Part I - Fees, Services, Expenses, Check No. 00810 through Check No. 000895 - \$281,972.79; Check No. 014103 through Check No. 014256 - \$332,403.54; Part II, Payroll - Check No. 04794 through Check No. 04922 - \$58,175.55) in the amount of \$672,551.88.

2. Budget Transfer - Severance Pay

Authorized a \$25,000 transfer from account 101-402-4010 to finance the estimated severance payments for the balance of 1982.

3. Termination of 3M Agreement for Fire Protection

Authorized termination of the agreement with the 3M Company for fire protection.

4. Renewal - Employee Disability and Dental Coverage

Authorized renewal of the existing one year contracts for long term disability insurance with Connecticut General and self insurance dental plan with Employee Benefit Plan.

5. Public Hearing - 1983 Budget

Resolution No. 82-9-119

NOTICE IS HEREBY GIVEN, that the Maplewood City Council will hold a public hearing to consider proposed uses of federal revenue sharing funds by the City of Maplewood during 1983 and the relationship of such funds to the City's entire 1983 Budget. The hearing will begin at 6:00 p.m. on October 7, 1982, and will be held in the Council Chambers at 1380 Frost Avenue. All citizens will have the opportunity to provide written and oral comments on the possible uses of revenue sharing funds and to ask questions concerning the entire budget and the relationship of revenue sharing funds to the entire budget.

The following is a summary of the proposed budget:

	<u>Proposed 1983 Budget</u>	<u>Proposed Revenue Sharing Portion</u>
General Government	\$ 6,334,010	\$ -0-
Finance	174,910	-0-
City Clerk	320,290	-0-
Public Safety	2,727,970	307,000
Public Works	3,215,270	-0-
Community Services	801,280	-0-
Community Development	239,880	-0-
Totals	<u>\$13,813,610</u>	<u>\$ 307,000</u>

The revenue sharing funds are proposed to be transferred to the General Fund and used

to partly finance the contracts between the City and its three fire departments: Gladstone, Parkside and East County Line. A detailed breakdown of the above will be available for public inspection during normal business hours at the City Hall, 1380 Frost Avenue.

ANY PERSONS HAVING INTEREST in this matter are invited to attend and be heard. Senior Citizens are encouraged to attend and comment. Handicapped persons needing assistance or aids should contact the City Clerk before the meeting.

6. Budget Transfer - Highview North Judgement

Authorized the following budget transfers to finance the Highview North judgement:

\$ 42,760	101-199-4910	General Fund Contingency
1,995	203-199-4910	Revenue Sharing Fund Contingency
755	203-111-4360	Revenue Sharing Fund Newsletter Publishing
<u>\$ 45,510</u>		

7. Approval of Election Judges

Resolution No. 82-9-120

RESOLVED, that the City Council of Maplewood, Minnesota, accepts the following list of Election Judges for the 1982 Primary Election, Tuesday, September 14, 1982:

Precinct No. 1

Eleanor Mathews, Chairman
Lorraine Schneider
Maryls Hartman
Mike Wasiluk

Precinct No. 2

Pat Thompson, Chairman
Evelyn Axdahl
Kathleen Dittel
Bea Hendricks

Precinct No. 3

Barb Leiter, Chairman
Charlotte Wasiluk
Lynette Leonard
Betty Emerson

Precinct No. 4

Caroline Warner, Chairman
Joyce Lipinski
Marjory Tooley
Elsie Wiegert

Precinct No. 5

Jeanne Hafner, Chairman
Emma Klebe

Precinct No. 7

Betty Haas, Chairman
Myrtle Malm
Wyman Hageman
Judy Widholm

Precinct No. 8

Jean Myers, Chairman
Lorraine Fischer
Rita Frederickson
Edity Stottlemeyer

Precinct No. 9

Ida Szczepanski, Chairman
Mary Johnson
Dolores Mallet
Betty Berglund

Precinct No. 10

Anne Fosburgh, Chairman
Mary Lou Liedler
Dorothy Arbore
Pat Werden

Precinct No. 11

Dolores Lofgren, Chairman
Maxine Olson

Sibbie Sandquist
Phyllis Erickson

Shirley Luttrell
Margaret McDonald

Precinct No. 6

Precinct No. 12

Kathy Supan, Chairman
Linda Prigge
Joanne Houghton
Joyce Schmidt

Mary Libhardt, chairman
Deloris Fastner
Mildred Dehn
Audrey Duellman

8. Time Extension - Stillwater Road and Stillwater Avenue (Gaughan)

See EA-3

9. Time Extension - Crestview Third Addition

Approved a one year time extension for the Crestview Third Addition preliminary plat.

10. Time Extension - Goff's Mapleview Addition

Approved a one year time extension for the Goff's Mapleview Addition preliminary plat except the three lots fronting on County Road C which have received final plat approval.

11. Final Payment - 1982 Overlay and 1982 Seal Coating

a. Resolution No. 82-9-121

WHEREAS, pursuant to a written contract signed with the City on August 16, 1982, Allied Blacktop Company, Inc. has satisfactorily completed Project 82-10 in accordance with such contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the work completed under such contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on such contract, taking the contractor's receipt in full.

b. Resolution No. 82-9-122

WHEREAS, pursuant to a written contract signed with the City on July 7, 1982, Northwest Asphalt, Inc. has satisfactorily completed Project 82-11 in accordance with such contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the work completed under such contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED, that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on such contract, taking the contractor's receipt in full.

12. Commercial Revenue Note - Emerald Inn - Final Approval

Remove from Agenda.

13. Change Order - Brookview Drive

Resolution No. 82-9-123

WHEREAS, the City Council of Maplewood, Minnesota, has heretofore ordered Improvement Project No. 78-20 and has let a construction contract therefore pursuant to Minnesota Statutes, Chapter 429; and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 78-20, Contract Amendment #1;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the Mayor and City Clerk are hereby authorized and directed to modify the existing contract by executing said Contract Agreement #1.

14. Final Payment - Brookview Drive

Resolution No. 82-9-124

WHEREAS, pursuant to a written contract approved by the City on June 18, 1981, DeLuxe Construction, Incorporated, has satisfactorily completed Maplewood Improvement Project No. 78-20 in accordance with said contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA, the work completed under said contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment on such contract, taking the contractor's receipt in full.

15. Donation - Trinity Baptist

Accepted a donation of \$225 from Trinity Baptist Church, 2220 Edgerton Street, with appreciation.

16. Change Order - Adolphus Street

Resolution No. 82-9-125

WHEREAS, the City Council of Maplewood, Minnesota, has heretofore ordered Improvement Project No. 81-4 and has let a construction contract therefore pursuant to Minnesota Statutes, Chapter 429; and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 81-4, Contract Amendment #1;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the Mayor and City Clerk are hereby authorized and directed to modify the existing contract by executing said Contract Amendment #1.

E A SPECIAL HEARINGS

1. Plan Amendment - Health Resources

a. Mayor Greavu stated this hearing was continued from the meeting of August 23, 1982. Health Resources, Inc. is requesting approval of a plan amendment from SC Service Commercial to RB - Residential Business to construct a 100 plus condominium or cooperative residence for senior citizens.

1980 and 1990--195 of these units for the elderly and the remainder for families;

WHEREAS, on May 11, 1982, the Maplewood Housing and Redevelopment Authority recommended to the City Council that the feasibility of a seniors' condominium residence/first-time home buyer housing program should be evaluated;

WHEREAS, a listing of developers with expertise in seniors' housing was requested from the Metropolitan Council;

WHEREAS, four of the twelve developers contacted by Staff indicated that they had site control in Maplewood;

WHEREAS, seven sites were submitted for consideration by the four interested developers (Bor-son, Health Resources, Inc./Ebenezer Society, P.J. Gaughan, and Woodmark, Inc.);

WHEREAS, on August 9, 1982, Council:

1. Requested site plans for the three best senior resident sites, as recommended by the HRA on July 28, 1982, and
2. Authorized City participation of up to \$4,000 for the preparation of the first-time home buyer application, subject to repayment by the developer of the seniors' residence, if the application is approved;

WHEREAS, on September 2, 1982, the HRA and City Council jointly interviewed the developers of the proposed sites for the seniors' residences;

WHEREAS, Gary Solomonson Associates' feasibility study concluded that there is a market demand for both the proposed seniors' residence and first-time home buyer's program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maplewood, that the following actions are hereby authorized:

1. Preparation of an application to the Minnesota Housing Finance Agency for authority to issue tax-exempt housing revenue bonds, at a cost to the City, not to exceed \$4,000, subject to repayment by the chosen developer(s) of the seniors' residence, if this application is approved.
2. Preparation of a tax-increment financing plan to construct a seniors' condominium/cooperatives subject to site plan approval being granted by the City. All costs to be paid by the chosen developer(s).

Seconded by Councilmember Juker. Ayes - all.

d. Councilmember Bastian moved to direct staff to review other sites for the senior residents proposal and authorized staff to execute letters of understanding with:

- A. WoodMark, Inc. to review senior resident development sites.
- B. Holmes and Graven, chartered to serve as bond counsel.
- C. Juran and Moody, Inc. to serve as financial advisor
- D. Miller and Schroeder Municipals as bond underwriter.

Seconded by Councilmember Juker. Ayes - all.

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

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WHEREAS, the City of Maplewood (the "City") is interested in developing a first-time homebuyer/senior citizen housing program; and

WHEREAS, the City is interested in selling housing revenue bonds pursuant to Minnesota Statutes, chapter 462C (the "Act") in order to provide loans to the purchasers of housing units sold by senior citizens in the City; and

WHEREAS, the Act requires the adoption of a Housing Plan (the "Plan") after the holding of a public hearing, after published notice at least 30 days prior to the date of the public hearing;

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

1. That a public hearing on the proposed Plan is set for October 25, 1982 at 7:00 p.m. in the Council Chambers.
2. That the City Clerk is directed to publish the following notice of public hearing once at least 30 days prior to the public hearing in a newspaper circulating generally in the City:

NOTICE OF PUBLIC HEARING
GENERAL HOUSING PLAN

NOTICE IS HEREBY GIVEN that the City Council will meet in the City Hall at 7:00 p.m., October 25, 1982, and conduct a public hearing pursuant to the requirements of Minnesota Statutes, Section 462C.01, et seq., as it relates to adoption of a General Housing Plan. This plan will describe the housing needs of the City and will describe a plan to meet said needs and other matters required by Minnesota Statutes, Chapter 462C.

Persons desiring to be heard on the proposed plan may address the Council. Further information regarding the plan will be available at the office of the City Manager after October 11, 1982.

Seconded by Councilmember Juker. Ayes - all.

3. Time Extension - Stillwater Avenue and Stillwater Road - Gaughan
 - a. Councilmember Bastian moved approval of a one year time extension for P.J. Gaughan's planned unit development at Stillwater Road and Stillwater Avenue, on the basis that market conditions have not permitted this project to move forward during the past year and there have been no changed conditions which would justify a denial.

Seconded by Councilmember Anderson. Ayes - all.

F. PUBLIC HEARINGS

1. House Moving: 2799 Southlawn Drive - 7:00 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Herman Johnson to move a house onto property at 2799 Southlawn Drive. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. Herman Johnson, the applicant, spoke on behalf of his proposal.

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 Bastian moved to approve the request of Herman Johnson to move a house onto property at 2799 Southlawn Drive subject to the following conditions being met before a moving permit is issued:

1. Payment of delinquent taxes and assessemnts

2. Payment of a \$100 application fee

3. Provide a cash escrow, an irrevocable letter of credit, or equivalent security of \$1,000.00 to guarantee any street repair that may be required resulting from damages caused by moving the building.

4. Lot lines shall be verified by the applicant by survey pins.

5. Furnish an irrevocable letter of credit, cash escrow, or equivalent security 1-1/2 times the estimated cost of remodeling, refinishing, or otherwise constructing or reconstructing such building in accordance with the plans and specifications. With this surety, it shall be further conditioned that the work will be completed within ninety days of the issuance of the prmit.

6. All rubbish, materials, extra fill, dirt, debris or left over material shall be removed from the property within seven days after a building is removed from a site in Maplewood.

7. Any excavation or basement left after a house is moved from or within a lot in Maplewood shall be filled in within 48 hours, unless a permit is approved to move another house onto said excavation. Any uncovered basement or excavation shall be fenced.

2. Sign Variance: Denny's Restaurant 7:15 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Denny's Inc. for a sign height variance to erect an eighty foot tall pylon sign (a variance of 52 feet) and a sign area variance for a 350 square foot sign (variance is 150 square feet). The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Board Member Dean Hedlund presented the following Community Design Review Board recommendation:

"Board Member Hedlund moved the Board recommend approval of the sign variance as presented to the Board with a maximum height of 50 feet, each sign not to exceed 175 feet--one sign for Cricket Inn and one sign for Denny's. No additional free standing signs would be permitted on either site. The variance is recommended on the basis that the sign would not be readable at 25 feet by the interstate traffic and also, by combining the two signs on one 50 foot pole, it will minimize the clutter that multiple signs may create on the visual environment. The ordinance presently would permit each sign to be 200 square feet if on different poles. No additional signs shall be installed on the approved 50 foot pole.

Board Member Deans seconded. Ayes - all."

- d. Mr. Jack Lawrence, Signcrafters, explained the specifics 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 Anderson moved approval of this sign plan stamped 8-10-82 for a sign height and sign area variance for Denny's Restaurant and the Cricket Inn, on the basis that:
 1. Strict enforcement to height limitations would cause undue hardship since the sign would not be readable by the interstate traffic.
 2. By combining the signs on one fifty-foot tall pole, Denny's and the Cricket Inn would have minimized the clutter that multiple signs create on the environment. The ordinance presently would allow one 200 square foot sign for each business if on separate poles.

Approval is subject to the following conditions:

1. The maximum height of the sign shall be fifty feet.
2. Each of the two sign faces shall not exceed 175 square feet.
3. No additional free-standing signs shall be allowed on either site.
4. No additional signs shall be allowed on this sign pole.

Seconded by Councilmember Juker. Ayes - all.

3. Code Amendment: Setbacks to Residential Zones - 7:30 P.M.
 - a. Mayor Greavu convened the meeting for a public hearing concerning establishing minimum setbacks for all types of building in R-1 and R-2 zones that are based on height of buildings. 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 ordinance amendment to establish minimum setback requirements, based upon building height and mass, for multiple dwelling, commercial and industrial structures that would abut F, Farm Residence, R-1, Residence District (single Dwelling) and R-2, Residence District (Double Dwelling) as outlined in staff's report dated August 11, 1982.

Commissioner Whitcomb seconded. Voting: Ayes-Commissioners Barrett, Howard, Kishel, Prew, Sletten, Whitcomb
Nays-Commissioners Fischer and Hejny.

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the screening ordinance as outlined in staff's report dated August 11, 1982.

Commissioner Kishel seconded. Ayes-Commissioners Barrett, Fischer, Hejny, Howard, 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 Bastian moved to table this item until October 7, 1982 meeting.

Seconded by Mayor Greavu. Ayes - all.

4. Code Amendment: Environmental Protection Ordinance 7:45 P.M.

a. Mayor Greavu convened the meeting for a public hearing concerning a code amendment for an environmental protection ordinance. 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 Fischer moved that while the Commission approves the concept, there are some questions with the document as presented and does not feel ready to endorse it at this time.

Commissioner Whitcomb seconded. Ayes-Commissioners Fischer, Whitcomb, Sletten, Howard.

Nays-Commissioners Barrett and Prew
Abstained-Commissioners Kishel & Hejny."

d. Several area residents and developers voiced their opinions regarding the proposal.

e. Councilmember Anderson moved to refer the proposed environmental protection ordinance to the Planning Commission and the Housing and Redevelopment Authority for further study and that the developers be contacted for their input.

Seconded by Councilmember Juker. Ayes - all.

G. AWARD OF BIDS

1. Holloway Avenue

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

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BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of T.A. Schifsky and Sons, Incorporated in the amount of \$845,032.78, is the lowest responsible bid for the construction of street, watermain, sanitary sewer and drainage improvements on Holloway Avenue, Project No. 81-12, 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.

Seconded by Councilmember Anderson.

Ayes - all.

H. UNFINISHED BUSINESS

1. Employee Medical Insurance

- a. Manager Evans presented the staff report.
- b. Mayor Greavu moved to authorize a one-year contract with Blue Cross/Blue Shield for medical insurance based upon their proposal received on September 3, 1982.

Seconded by Councilmember Anderson.

Ayes - all.

2. BC(M) Moratorium

- a. Manager Evans presented the staff report.
- b. Councilmember Anderson moved to extend the moratorium on the issuance of special use permits for recreation or restaurant uses in the Business-Commercial-Modified zoning district from September 17, 1982 to November 8, 1982.

Seconded by Councilmember Juker.

Ayes - all.

3. Billboard Moratorium

- a. Manager Evans presented the staff report.
- b. Councilmember Juker moved to extend moratorium for three months or until an ordinance is adopted.

Seconded by Councilmember Anderson.

Ayes - Councilmembers Anderson, Bastian
Juker and Maida.

Nays - Mayor Greavu.

4. "No Parking" Larpenteur Avenue

- a. Manager Evans presented the staff report.
- b. No action taken. The applicants were not in attendance at the meeting.
- c. Council directed the Police Department to check this area for parking problems.

I. NEW BUSINESS

1. Increase in Permit Fees

- a. Manager Evans presented the staff report.
- b. Councilmember Bastian moved to table the permit fees until the next regular meeting and that Council discuss these at the work shop session.

Seconded by Mayor Greavu.

Ayes - all.

2. Jon Belisle - Sewer Fees

- a. No action taken. Applicant was not in attendance at the meeting.

3. Bellaire Sanitation - Automated Refuse Removal

- a. Manager Evans presented the staff report.
- b. Councilmember Bastian moved to direct staff to prepare an ordinance regulating automated refuse removal.

Seconded by Mayor Greavu.

Ayes - all.

4. Eleventh Avenue Right of Way Tax Delinquency

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

82 - 9 - 129

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

WHEREAS, the City of Maplewood wishes to continue using certain property hereinafter described for street purposes, to wit, 11th Street; and

WHEREAS, said premises are listed as tax forfeited lands known as Parcel No. 57 01110 010 39;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS: that the City of Maplewood hereby requests that the County Land Commissioner and/or other appropriate officials obtain for the City of Maplewood a Minnesota Use Deed for City Street purposes for 11th Avenue the property described as follows, to wit:

The South 165 feet of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter of Section 11, Township 29, Range 22, except the West 60 feet thereof which is held by Ramsey County for White Bear Avenue right-of-way.

The appropriate city officials are hereby authorized and directed to forward a copy of this Resolution to the Land Commissioner of the County of Ramsey and proceed to obtain said deed.

Seconded by Councilmember Bastian.

Ayes - all.

J. VISITOR PRESENTATIONS

1. Andy Zuercher

a. Mr. Zuercher stated he formalized plans to build a pole building in April, 1982. He received approval from the Planning Commission at that time. He applied for a building permit some time later and was told the Council had passed an ordinance prohibiting pole buildings.

b. Council stated he could apply for a variance.

K. COUNCIL PRESENTATIONS

1. Amend Comprehensive Plan

a. Councilmember Juker stated she wished to amend the Comprehensive Land Use Plan for the Gladstone area. She outlined the area that should be changed.

b. Councilmember Juker moved to initiate an amendment to the Land Use Plan for the Gladstone area.

Seconded by Councilmember Anderson.

Ayes - Councilmembers Anderson, Juker and Bastian.

Nays - Mayor Greavu, Councilmember Maida.

2. McKnight Road

a. Councilmember Anderson requested a feasibility study be made for McKnight Road.

b. Staff stated a feasibility study has already been completed and previously presented to Council.

3. Assessment Policy

a. Councilmember Anderson requested the City assessment policy be reviewed.

4. Reconsideration for Clarification

a. Councilmember Anderson stated he would like to reconsider a motion made at the last meeting on the Frost Avenue rezoning for clarification purposes only.

b. Manager stated if requested it would be placed on the next agenda.

5. 25th Anniversary Run

a. Councilmember Bastian stated the 25th Anniversary Run will be held October 17, 1982. It will start at noon at Plaza 3000 and will be 5 miles. There will be applications available at City Hall.

L. ADMINISTRATIVE PRESENTATIONS

1. Engineering Technician

a. Manager Evans stated one of the Engineering Technicians resigned and requested authorization to replace him.

b. Mayor Greavu moved to authorize the Manager to proceed to fill the engineering

technician position.

Seconded by Councilmember Maida.

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

Nays - Councilmember Anderson.

M. ADJOURNMENT

11:40 P.M.

City Clerk

CITY OF MAPLEWOOD

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

DATE 10-07-82 PAGE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000941	84,062.42	MUELLER PIPELINERS INC	AWARDED CONST CONTRA
000942	13.20	JUDY CHLEBECK	TRAVEL + TRAINING
000943	3,465.45	MINN STATE TREASURER	MV LICENSE FEES PAYA
000944	298.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000945	66.00	RAMSEY CTY CONCILIATION	A/R - PARAMEDIC
000946	3,786.75	METRO WASTE CONTROL COMM	S.A.C. PAYABLE
000947	5,829.49	DELUXE CONSTRUCTION	CONT PBL - RET PCT AND-AWARDED CONST CC
000948	2,977.30	MINN STATE TREASURER	MV LICENSE FEES PAYA
000949	237.00	MINN STATE TREASURER	STATE D/L FEES PAYAE
000950	83.50	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYAE
000951	3,031.65	MINN STATE TREASURER	MV LICENSE FEES PAYA
000952	110.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000953	1,393.51	MINN STATE TREAS-SURTAX	SURCHARGE TAX PAYABL
000954	100.00	LOIS BEHM	Change - League of I
000955	88,858.01	OFFEI + SONS INC	Regional Meeting AWARDED CONST CONTRA
000956	1,872.60	MINN STATE TREASURER	MV LICENSE FEES PAYA
000957	291.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000958	30.00	GOVT TRAINING SERVICE	TRAVEL + TRAINING
000959	180.00	LAVERNE NUTESON	TRAVEL + TRAINING
000960	1,907.25	MINN STATE TREASURER	MV LICENSE FEES PAYA
000961	187.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000962	8.00	SPRINGER COLLECTIONS	FEES, SERVICE Paramedic Collector
000963	3,208.25	MINN STATE TREASURER	MV LICENSE FEES PAYA
000964	286.00	MINN STATE TREASURER	STATE D/L FEES PAYAB

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
000965	1,898.46	MN STATE TREASURER-PERA	CONTRIBUTIONS, PERA
000966	3,962.28	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, P
000967	8,690.87	MN STATE TREASURER-PERA	P.E.R.A. DED PAYABLE AND-CONTRIBUTIONS, P
000968	8.00	METRO AREA MGT ASSOC	TRAVEL + TRAINING
000969	267.87	STATE OF MN	DUE FROM OTHER GOVT AND-INVENTORY OF SUP
000970	204.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000971	2,773.75	MINN STATE TREASURER	MV LICENSE FEES PAYA
000972	1,000.00	EMPLOYEE BENEFIT CLAIMS	DEPOSITS WITH PAYING
000973	75.00	RAMSEY CO CLERK OF DIST	CNTY D/L FEES PAYAB
000974	12.00	HEALTH EDUCATION SERVICE	BOOKS
000975	2,039.50	MINN STATE TREASURER	MV LICENSE FEES PAYA
000976	158.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000977	12,031.04	ORFEI + SONS INC	Construction Develop Sent to City in error PREPAID EXPENSE
000978	3,672.72	BLUE CROSS + BLUE SHIELD	
000979	219.00	MINN STATE TREASURER	STATE D/L FEES PAYAB
000980 *	1,670.50	MAPLELEAF OFFICIALS ASSN	FEES, SERVICE Fall Softball
000981	5.95	METRO AREA MGT ASSOC	TRAVEL + TRAINING
000982	2,606.15	MINN STATE TREASURER	MV LICENSE FEES PAYA
000983	332.38	ICMA RETIREMENT CORP	DEFERRED COMP PAYABLE AND-DEFERRED COMPENS
000984	15,670.40	MAPLEWOOD STATE BANK	FED INCOME TAX PAYABI
000985	7,358.22	STATE OF MN	STATE INCOME TAX PAYA
000986	200.00	MN STATE RETIREMENT SYST	DEFERRED COMP PAYABLE
000987	291.68	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
000988	24.00	METRO SUPERVISORY ASSOC	UNION DUES PAYABLE
000989	277.00	MN MUTUAL LIFE INS CO	DEFERRED COMP PAYABLE
000990	10,898.00	CITY + CTY CREDIT UNION	CREDIT UNION DED PAYA
000991	145.00	ROSEMARY KANE	WAGE DEDUCTIONS PAYAE
000992	187.50	MAPLEWOOD STATE BANK	WAGE DEDUCTIONS PAYAE
000993	276.90	MN BENEFIT ASSOC	MBA INS PAYABLE
000994	160.09	WISCONSIN DPT OF REVENUE	STATE INCOME TAX PAYA
000995	14,063.96	MN STATE TREASURER-FICA	F.I.C.A. PAYABLE AND-DUE TO OTHER GOVT
000996	.60	MINN STATE TREASURER	MV LICENSE FEES PAYAE
000997	142.00	MINN STATE TREASURER	STATE D/L FEES PAYABI
000998	30.00	GOVT TRAINING SERVICE	TRAVEL + TRAINING
000999	4,081.75	MINN STATE TREASURER	MV LICENSE FEES PAYAE
59	297,716.15	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
014379	9.96	ACE HARDWARE	SUPPLIES, OFFICE
014380	11.34	ADVANCE LIGHTING INC	SUPPLIES, EQUIPMENT
014381	68.50	ADVANCE SHORING CO	SUPPLIES, JANITORIAL
014382	16.45	ALBRECHT LANDSCAPING	MAINTENANCE MATERIAL
014383	1,479.01	JAMES BAHT	FEEs, SERVICE
014384	10,777.17	BOARD OF WATER COMM	Bldg. Inspector UTILITIES AND-OTHER CONSTRUCTI
014385	23.00	AVA BURKE	R E F U N D
014386	129.96	CHAPLIN PUBLISHING	LEGAL + FISCAL
014387	399.00	COAST TO COAST	SUPPLIES, RANGE
014388	352.55	COLLINS ELECTRICAL CONST	REP. + MAINT., BLDG+
014389	64.95	RICHARD C DREGER	UNIFORMS + CLOTHING
014390	1,515.53	EASTMAN KODAK CO	DUPLICATING COSTS
014391	400.00	EMP BENEFIT PLANS INC	FEEs, CONSULTING
014392	200.00	BARRY EVANS	VEHICLE ALLOWANCE
014393	39.24	DANIEL F FAUST	TRAVEL + TRAINING
014394	86.68	B F GOODRICH CO	SUPPLIES, VEHICLE
014395	502.08	GOODYEAR SERVICE STORE	SUPPLIES, VEHICLE AND-REP. + MAINT., VI
014396	201.39	DUANE GRACE	FEEs, SERVICE
014397	21.18	HALE COMPANY INC	Temp. Inspector MAINTENANCE MATERIAL
014398	42.25	HEJNY RENTALS INC	RENTAL, EQUIPMENT
014399	60.00	HILLCREST GLASS CO	MAINTENANCE MATERIAL
014400	1,110.36	HOLIDAY INN	R E F U N D AND-A/R MISCELLANEOUS AND-TRAVEL + TRAINING
014401	35.00	INTER ASSN OF CHIEFS	SUBSCRIPTIONS+MEMBERS

CITY OF MAPLEWOOD

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

DATE 10-07-82 PAGE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
014402	90.00	JONES CHEMICALS	SUPPLIES, EQUIPMENT
014403	172.66	KNOX LUMBER COMPANY	MAINTENANCE MATERIALS
014404	125.00	L Z COMPANY INC	REP. + MAINT., VEHICLE
014405	4,676.75	LAIS BANNIGAN + KELLY	FEEES, SERVICE AND-LEGAL + FISCAL Aug. Services
014406	32.50	RICHARD J LANG	SUPPLIES, PROGRAM
014407	51,543.00	MN CITIES INS TRUST	INSURANCE
014408	5.00	DAVID LUTZ	SUPPLIES, OFFICE
014409	19.59	MACQUEEN EQUIPMENT INC	SUPPLIES, VEHICLE
014410 *	29.30	NAPLEWOOD REVIEW	PUBLISHING
014411	87,939.93	METRC WASTE CONTROL COMM	SEWAGE TREATMENT
014412	32.50	DANIEL METTLER	SUPPLIES, PROGRAM
014413	70.00	MN CHIEFS OF POLICE ASSN	SUBSCRIPTIONS+MEMBER
014414	165.00	MN DEPARTMENT PUBLIC	RENTAL, EQUIPMENT
014415	174.76	MN MINING + MFG CO	SUPPLIES, OFFICE
014416	148.22	MN UNEMPLOY COMP FUND	UNEMPLOYMENT COMP.
014417	23.25	STATE OF MN	BOOKS
014418	460.00	W A MITCHELL	LEGAL + FISCAL
014419	2,055.00	MOLINE PRINTING	PUBLISHING
014420	875.10	MOTOROLA INC	REP. + MAINT., RADIO
014421	1,050.25	MUNIC + PRIVATE SERVICE	FEEES, SERVICE Animal Control
014422	1,000.00	MUNIC + PRIVATE SERVICE	FEEES, SERVICE Animal Control
014423	33.80	NATIONAL BUSINESS SYSTEM	FEEES, SERVICE Microfiche Processing
014424	102.51	NORTHERN STATES POWER CO	UTILITIES
014425	613.35	NORTHERN STATES POWER CO	UTILITIES
014426	687.56	NORTHWESTERN BELL TEL CO	TELEPHONE

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
014427	1,375.00	POSTMASTER	POSTAGE
014428	48.25	POWER BRAKE EQUIP CO	SUPPLIES, VEHICLE
014429	89.95	E K QUEHL CO	SUPPLIES, OFFICE
014430	159.90	RADIO SHACK	SUPPLIES, EQUIPMENT AND-SUPPLIES, OFFICE
014431	148.00	RAMSEY CLINIC ASSOC P A	FEES, SERVICE
014432	1,964.88	RAMSEY COUNTY TREASURER	Physical OUTSIDE ENGINEERING AND-MISC CONTRACTUAL AND-FEES, SERVICE Microfilming
014433	397.50	RICE STREET CAR WASH	REP. + MAINT., VEHIC
014434	72.00	RICE STREET CAR WASH	REP. + MAINT., VEHIC
014435	8.02	ROAD RESCUE INC	SUPPLIES, EQUIPMENT
014436	789.38	SMI TESTING	OUTSIDE ENGINEERING
014437	212.64	S + T OFFICE PRODUCTS	SUPPLIES, OFFICE
014438	18.65	SAFEWAY SLING CO	MAINTENANCE MATERIAL
014439	1,641.65	T A SCHIFSKY + SONS INC	MAINTENANCE MATERIAL
014440	9,900.06	SCHOELL + MADSON INC	OUTSIDE ENGINEERING
014441	1,440.45	CITY OF ST PAUL	REP. + MAINT., RADIO AND-REP. + MAINT., E
014442	68.95	CITY OF ST PAUL	FEES, SERVICE Photo Service
014443	38.50	STD SPRING + ALIGNMENT	REP. + MAINT., VEHIC
014444	19.11	SUPERAMERICA	SUPPLIES, VEHICLE AND-FUEL + OIL
014445	12.50	SUPERINTENDENT OF DOCUM	BOOKS
014446	21.00	SUPERINTENDENT OF DOCUM	SUBSCRIPTIONS+MEMBER
014447 *	1,500.50	J THOMAS ATHLETIC CO	SUPPLIES, PROGRAM
014448	43.43	TRUCK UTILITIES + MFG CO	REP. + MAINT., BLDG+
014449	220.00	TURNQUIST PAPER CO	DUPLICATING COSTS

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
014450	37.50	TWIN CITY FILTER SERV IN	FEES, SERVICE Filters Cleaned
014451	94.25	WAGERS	SUPPLIES, OFFICE
014452	13.69	WARNERS TRUEVALUE HDW	MAINTENANCE MATERIALS AND-SUPPLIES, EQUIPM
014453	58.68	WESTINGHOUSE ELECTRIC	SUPPLIES, JANITORIAL
014454	55.39	WHITE BEAR DODGE INC	REP. + MAINT., VEHIC
014455 *	282.90	DONNA BORASH	WAGES, P/T + TEMP.
014456 *	255.30	SANDRA DEMARS	WAGES, P/T + TEMP.
014457	41.25	PAUL HAAG	WAGES, P/T + TEMP.
014458	7.28	ALBERT RASCHKE	TRAVEL + TRAINING
014459	214.00	JEFFERY RASCHKE	WAGES, P/T + TEMP.
014460 *	138.93	DENISE RYDEN	WAGES, P/T + TEMP.
014461 *	84.00	NANCY J SULLIVAN	WAGES, P/T + TEMP.
014462	57.75	JON THOMAS WALLAGE	WAGES, P/T + TEMP.
014463	66.00	MARY ALBRECHT	WAGES, P/T + TEMP.
014464	66.00	DOROTHY ARBORE	WAGES, P/T + TEMP.
014465	61.00	EVELYN I AXDAHL	WAGES, P/T + TEMP.
014466	74.00	BETTY MAE BERGLUND	WAGES, P/T + TEMP.
014467	64.00	MILDRED DEHEN	WAGES, P/T + TEMP.
014468	68.00	AUDREY DUELLMAN	WAGES, P/T + TEMP.
014469	65.00	BETTY L EMERSON	WAGES, P/T + TEMP.
014470	68.00	PHYLLIS J ERICKSON	WAGES, P/T + TEMP.
014471	68.00	DELORIS FASTNER	WAGES, P/T + TEMP.
014472	66.00	LORRAINE FISCHER	WAGES, P/T + TEMP.
014473	70.12	ANN FOSBURGH	WAGES, P/T + TEMP.
014474	70.00	RITA FREDERICKSON	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
014475	78.62	ELIZABETH HAAS	WAGES, P/T + TEMP.
014476	76.50	JEANNE A HAFNER	WAGES, P/T + TEMP.
014477	70.00	WYMAN HAGEMAN	WAGES, P/T + TEMP.
014478	64.00	MARLYS HARTMAN	WAGES, P/T + TEMP.
014479	68.00	BEA HENDRICKS	WAGES, P/T + TEMP.
014480	74.50	JOANNE HOUGHTON	WAGES, P/T + TEMP.
014481	82.87	MARY JOHNSON	WAGES, P/T + TEMP.
014482	72.00	EMMA KELBE	WAGES, P/T + TEMP.
014483	81.81	BARBARA LEITER	WAGES, P/T + TEMP.
014484	73.00	LYNETTE LEONARD	WAGES, P/T + TEMP.
014485	72.25	MARY LIBHARDT	WAGES, P/T + TEMP.
014486	68.00	MARY LOU LIEDER	WAGES, P/T + TEMP.
014487	72.00	JOYCE LIPINSKI	WAGES, P/T + TEMP.
014488	78.62	DELORES LOFGREN	WAGES, P/T + TEMP.
014489	74.00	SHIRLEY LUTTRELL	WAGES, P/T + TEMP.
014490	74.00	DELORES MALLETT	WAGES, P/T + TEMP.
014491	70.00	MYRTLE MALM	WAGES, P/T + TEMP.
014492	76.50	ELEANOR MATHEWS	WAGES, P/T + TEMP.
014493	66.00	MARGARET MCDONALD	WAGES, P/T + TEMP.
014494	78.62	JEAN MYERS	WAGES, P/T + TEMP.
014495	72.00	MAXINE OLSON	WAGES, P/T + TEMP.
014496	73.00	LINDA PRIGGE	WAGES, P/T + TEMP.
014497	68.00	SIBBIE SANDQUIST	WAGES, P/T + TEMP.
014498	60.00	AMY SCHADT	WAGES, P/T + TEMP.
014499	73.00	JOYCE SCHMIDT	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
014500	72.00	LORRAINE SCHNEIDER	WAGES, P/T + TEMP.
014501	70.00	EDITH STOTTEMEYER	WAGES, P/T + TEMP.
014502	79.68	KATHY SUPAN	WAGES, P/T + TEMP.
014503	8.00	IDA SZCZEPANSKI	WAGES, P/T + TEMP.
014504	75.43	PATRICIA M THOMPSON	WAGES, P/T + TEMP.
014505	72.00	MARJORY TOOLEY	WAGES, P/T + TEMP.
014506	76.50	CAROLINE WARNER	WAGES, P/T + TEMP.
014507	77.00	CHARLOTTE P WASILUK	WAGES, P/T + TEMP.
014508	72.00	MICHAEL WASILUK	WAGES, P/T + TEMP.
014509	70.00	PATRICIA WERDEN	WAGES, P/T + TEMP.
014510	70.00	JUDITH WIDHOLM	WAGES, P/T + TEMP.
014511	72.00	ELSIE WIEGERT	WAGES, P/T + TEMP.
014512 *	10.00	MARCIE ESBOLDT	R E F U N D
014513 *	6.00	MARY FINNEGAN	R E F U N D
014514	6.80	ROBERT DICKERSON	SURCHARGE TAX PAYABL AND-R E F U N D -Bldg Permit
014515 *	8.00	MRS GARY GERKE	R E F U N D
014516 *	6.00	TERRY KASIANOU	R E F U N D
014517 *	6.00	VICKI WELLER	R E F U N D
014518 *	14.00	PATRICIA ZOLLINGER	R E F U N D
014519	58.20	THE TRAFFIC INSTITUTE	SUPPLIES, EQUIPMENT
014520 *	120.00	CARLETON RACQUET CLUB	FEES, SERVICE Adult Special Events
014521	5.00	FRIENDS OF MEEB	SUBSCRIPTIONS+MEMBER
014522 *	6.00	MRS EDWARD LUDKE	R E F U N D
014523 *	10.00	VAL MEYER	R E F U N D
014524 *	95.50	MAPLE HILLS COURSE	SUPPLIES, PROGRAM

CHECK*	A M O U N T	C L A I M A N T	P U R P O S E
014525	7.24	EDWARD OAMARA	
014526	25.00	STATE TREAS SURPLUS PROP	Telephone Expense SUBSCRIPTIONS+MEMBER
148	195,023.63	CHECKS WRITTEN	
TOTAL OF	207 CHECKS TOTAL		492,739.78

CERTIFICATION REGISTER

CHECK DATE 09-24-82

CHECK	NAME			GROSS PAY	NET PAY
05285	ANDERSON	NORMAN	G	275.00	181.95
05286	BASTIAN	GARY	W	275.00	256.57
05287	GREAVU	JOHN	C	350.00	254.61
05288	JUKER	FRANCES	L	275.00	230.20
05289	MAIDA	MARYLEE	T	275.00	239.04
05290	BEHM	LOIS	N	586.62	407.44
05291	EVANS	BARRY	R	1,817.54	1,210.87
05292	PELOQUIN	ALFRED	J	796.27	220.72
05293	SCHLEICHER	JOHN	F	116.88	116.88
05294	GUDE	LARRY	J	191.54	145.44
05295	DOHERTY	KATHLEEN	M	311.10	221.61
05296	ZUERCHER	JOHN	L	115.39	115.13
05297	FAUST	DANIEL	F	1,446.46	950.94
05298	HAGEN	ARLINE	J	888.92	398.58
05299	MATHEYS	ALANA	K	677.54	473.93
05300	VIGCREN	DELORES	A	586.62	399.79
05301	AURELIUS	LUCILLE	E	1,350.46	705.29
05302	SELVOG	BETTY	D	811.25	508.35
05303	GREEN	PHYLLIS	C	755.59	521.75
05304	SCHADT	AMY	L	6.50	6.50
05305	SCHADT	JEANNE	L	215.36	178.28
05306	VIETOR	LORRAINE	S	592.12	400.49
05307	HENSLEY	PATRICIA	A	256.71	193.94
05308	BASTYR	DEBORAH	A	532.16	257.19
05309	COLLINS	KENNETH	V	1,504.62	209.96

CERTIFICATION REGISTER

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CHECK	NAME			GROSS PAY	NET PAY
05310	HAGEN	THOMAS	L	1,424.31	324.08
05311	OMATH	JOY	E	553.39	369.01
05312	RICHIE	CAROL	L	501.23	300.48
05313	SVENDSEN	JOANNE	M	709.30	457.59
05314	ARNOLD	DAVID	L	1,182.92	429.85
05315	ATCHISON	JOHN	H	1,036.15	702.12
05316	BOWMAN	RICK	A	629.54	424.40
05317	GAHANES	ANTHONY	G	1,273.15	167.30
05318	CLAUSON	DALE	K	1,036.15	168.48
05319	DREGER	RICHARD	C	1,272.60	725.18
05320	GREEN	NORMAN	L	1,207.38	651.41
05321	HALWEG	KEVIN	R	1,056.00	550.70
05322	HEINZ	STEPHEN	J	774.46	509.46
05323	HERBERT	MICHAEL	J	1,016.77	606.59
05324	JAGUITH	DANIEL	R	784.14	513.87
05325	LANG	RICHARD	J	1,056.00	581.49
05326	MGNULTY	JOHN	J	1,206.92	181.08
05327	MEEHAN, JR	JAMES	E	1,047.26	554.79
05328	METTLER	DANIEL	B	1,036.61	689.01
05329	MOESCHTER	RICHARD	M	1,016.77	157.58
05330	MORELLI	RAYMOND	J	1,016.77	689.89
05331	PELTIER	WILLIAM	F	1,163.08	654.69
05332	SKALMAN	DONALD	W	1,016.77	177.21
05333	SMITH	SCOTT	A	53.60	53.60
05334	STAFNE	GREGORY	L	1,016.77	637.97

CERTIFICATION REGISTER

CHECK DATE 09-24-82

CHECK	NAME			GROSS PAY	NET PAY
05335	STILL	VERNON	T	997.38	600.66
05336	STOCKTON	DARRELL	T	1,084.67	707.26
05337	ZAPPA	JOSEPH	A	1,208.77	733.53
05338	BECKER	RONALD	D	1,065.23	233.98
05339	GRAF	DAVID	M	1,065.23	523.02
05340	LEE	ROGER	W	1,104.00	640.02
05341	MELANDER	JON	A	1,065.23	35.12
05342	NELSON	CAROL	M	1,098.13	850.73
05343	RAZSKAZOFF	DALE	E	1,142.89	169.05
05344	RYAN	MICHAEL	P	1,093.83	509.58
05345	VORWERK	ROBERT	E	1,172.04	288.74
05346	YOUNGREN	JAMES	G	1,089.49	661.44
05347	EMBERTSON	JAMES	M	944.31	627.36
05348	SCHADT	ALFRED	C	1,127.54	674.62
05349	FLAUGHER	JAYME	L	711.42	462.94
05350	FULLER	JAMES	D	630.62	455.32
05351	NELSON	KAREN	A	657.33	415.21
05352	NELSON	ROBERT	D	1,231.60	660.66
05353	RABINE	JANET	L	549.69	380.43
05354	WILLIAMS	DUANE	J	1,055.54	491.97
05355	BARTA	MARIE	L	477.69	315.34
05356	HAIDER	KENNETH	G	1,391.08	229.34
05357	WEGWERTH	JUDITH	A	490.62	351.73
05358	CASS	WILLIAM	C	1,157.08	573.03
05359	FREBERG	RONALD	L	824.00	485.54

CERTIFICATION REGISTER

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CHECK	NAME			GROSS PAY	NET PAY
05360	HELEY	RONALD	J	824.00	538.88
05361	HOCHBAN	JOSEPH	H	824.00	547.65
05362	KANE	MICHAEL	R	939.88	424.43
05363	KLAUSING	HENRY	F	824.00	450.22
05364	MEYER	GERALD	W	824.00	439.50
05365	PRETTNER	JOSEPH	B	1,241.00	768.53
05366	REINERT	EDWARD	A	824.00	538.88
05367	TEVLIN, JR	HARRY	J	824.00	518.50
05368	ELIAS	JAMES	G	981.69	609.01
05369	GEISSLER	WALTER	M	935.08	563.58
05370	GESSELE	JAMES	T	893.54	603.03
05371	PECK	DENNIS	L	981.69	485.20
05372	PILLATZKE	DAVID	J	1,157.08	792.12
05373	WYMAN	JAMES	N	1,172.78	747.72
05374	LUTZ	DAVID	P	562.62	384.18
05375	BREHEIM	ROGER	W	769.60	490.07
05376	EDSON	DAVID	B	918.75	612.50
05045	MULWEE	GEORGE	W	769.60	493.03
05377	NADEAU	EDWARD	A	895.41	600.92
05378	NUTESON	LAVERNE	S	1,088.00	476.55
05379	OWEN	GERALD	C	840.00	500.86
05380	MACDONALD	JOHN	E	908.80	459.78
05381	MULVANEY	DENNIS	M	878.40	553.95
05382	BRENNER	LOIS	J	725.18	299.20
05383	KRUMMEL	BARBARA	A	270.40	126.98

CERTIFICATION REGISTER

CHECK DATE 09-24-82

CHECK	NAME			GROSS PAY	NET PAY
05384	ODEGARD	ROBERT	D	1,364.77	842.83
05385	STAPLES	PAULINE	M	1,056.92	686.35
05386	BURKE	MYLES	R	824.00	453.82
05387	GERMAIN	DAVID	A	824.00	531.00
05388	GUSINDA	MELVIN	J	1,088.00	616.11
05389	HELEY	ROLAND	B	824.00	548.63
05390	LEMON	JEFFREY	S	88.20	88.20
05391	MARUSKA	MARK	A	826.52	530.42
05392	RASCHKE	ALBERT	F	172.20	153.77
05393	SANDQUIST	THOMAS	J	38.00	38.00
04924	SANTA	REED	E	824.00	472.81
05394	TAUBMAN	DOUGLAS	J	804.00	517.20
05395	WARD	ROY	G	328.62	253.25
05396	GREW	JANET	M	684.92	448.59
05397	SOUTTER	CHRISTINE		684.92	470.04
05398	CHLEBECK	JUDY	N	711.23	296.43
05399	JLSON	GEOFFREY	W	1,340.31	822.75
05400	EKSTRAND	THOMAS	G	932.83	573.49
05401	JOHNSON	RANDALL	L	910.74	586.22
05402	JSTROM	MARJORIE		1,133.54	709.30
05403	WENGER	ROBERT	J	857.54	497.58
CHECK REGISTER TOTALS				101,725.86	55,321.96

MEMORANDUM

EA-1

TO: City Manager
 FROM: Finance Director *R.O. O'Connell*
 RE: Public Hearing and Resolutions - 1983 Budget
 DATE: September 30, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Federal revenue sharing laws require that a public hearing be held concerning the City's proposed 1983 Budget and the use of revenue sharing monies. A copy of the public hearing notice is attached for informational purposes (Exhibit A).

Adoption of the 1983 Budget requires passage of a resolution. The expenditure amounts listed in the proposed resolution are based upon the proposed 1983 Budget delivered to the Council on August 25th after the adjustments itemized in Exhibit B. The following is a summary of the General Fund adjustments made:

<u>Original Proposed Budget</u>	<u>Exhibit B Adjustments</u>	<u>Current Proposed Budget</u>	
\$ 939,139		\$ 939,139	Beginning Fund Balance
5,292,040	- 50,790	5,241,250	Revenues
307,000	- 34,260	272,740	Transfers in from the Revenue Sharing Fund
5,600,980	- 50,790	5,550,190	Expenditures
30,000		30,000	Transfers out to Special Assessment Fund
176,000	- 34,260	141,740	Transfer out to Capital Improvement Fund
<u>\$ 731,199</u>		<u>\$ 731,199</u>	Ending Fund Balance

The proposed resolution for adoption of the 1983 Budget is attached as Exhibit C. As in past years, this resolution provides that all budget changes require City Council approval except for minor changes which can be approved by the City Manager. In the past, the City Manager was authorized to implement budget changes of up to \$1,000 without Council approval. For 1983, the resolution increases this limit to \$1,500. The last paragraph of this resolution implements the new procedure of transferring revenue sharing monies to the General Fund for expenditure in order to simplify accounting and auditing procedures.

A second resolution (Exhibit D) must be adopted that levies taxes payable in 1983 that will provide an amount sufficient enough to support the 1983 Budget. The second part of this resolution adjusts the tax levies previously certified for all existing bond issues. It should be noted that these previously certified bond issue tax levies were initially established at the time bonds were sold and equal the estimated unassessed improvement project costs. The scheduled tax levies have to be adjusted annually to finance the debt service requirements based upon the special assessments actually levied and investment interest earnings.

Adoption of both resolutions is recommended.

NOTICE OF PUBLIC HEARING
PROPOSED 1983 BUDGET

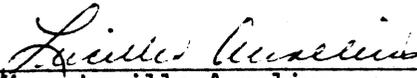
NOTICE IS HEREBY GIVEN, that the Maplewood City Council will hold a public hearing to consider proposed uses of federal revenue sharing funds by the City of Maplewood during 1983 and the relationship of such funds to the City's entire 1983 Budget. The hearing will begin at 6:00 p.m. on October 7, 1982, and will be held in the Council Chambers at 1380 Frost Avenue. All citizens will have the opportunity to provide written and oral comments on the possible uses of revenue sharing funds and to ask questions concerning the entire budget and the relationship of revenue sharing funds to the entire budget.

The following is a summary of the proposed budget:

	<u>Proposed 1983 Budget</u>	<u>Proposed Revenue Sharing Portion</u>
General Government	\$ 6,334,010	\$ -0-
Finance	174,910	-0-
City Clerk	320,290	-0-
Public Safety	2,727,970	307,000
Public Works	3,215,270	-0-
Community Services	801,280	-0-
Community Development	239,880	-0-
Totals	<u>\$13,813,610</u>	<u>\$ 307,000</u>

The revenue sharing funds are proposed to be transferred to the General Fund and used to partly finance the contracts between the City and its three fire departments: Gladstone, Parkside and East County Line. A detailed breakdown of the above will be available for public inspection during normal business hours at the City Hall, 1380 Frost Avenue.

ANY PERSONS HAVING INTEREST in this matter are invited to attend and be heard. Senior Citizens are encouraged to attend and comment. Handicapped persons needing assistance or aids should contact the City Clerk before the meeting.



Mrs. Lucille Aurelius
City Clerk

Publish: September 22, 1982

Post: In City Hall for public display

CHANGES MADE TO THE PROPOSED 1983 BUDGET

- 50,790 1. For the General Fund on page 18, the estimates revenues for Account 3622 should be reduced from \$50,790 to \$0 due to termination of the 3M Company fire protection contract.
- 50,790 2. For the General Fund on page 47, the appropriation for Account 4480 should be reduced from \$614,660 to \$563,870 due to termination of the 3M Company fire protection contract.
- 34,260 3. For the Revenue Sharing Fund on Page 69, the estimated revenues should be revised from \$230,180 to \$195,920. Also, the transfer out to the General Fund should be revised from \$307,000 to \$272,740.
- 34,260 4. For the General Fund on Page 20, the transfer in from the Revenue Sharing Fund should be revised from \$307,000 to \$272,740. Also, the transfer out to the Capital Improvement Fund should be revised from \$176,000 to \$141,740.
- 6,160 5. For the General Fund on page 25, the appropriation for Account 4480 should be reduced from \$74,660 to \$68,500 in order to hold legal costs at the 1982 level.
- 1,920 6. For the General Fund on page 46, the appropriation for Account 4480 should be reduced from \$54,500 to \$52,580 in order to reduce the Fire Departments requested contract increases from 9% to 5% for paramedic assistance services.
- 19,270 7. For the General Fund on page 47, the appropriation for Account 4480 should be further reduced (see #2 above) from \$563,870 to \$544,600 in order to reduce the Fire Department's requested contract increases from 9% to 5% for fire fighting services.
- +27,350 8. For the General Fund on page 34, the appropriation for Account 4910 (contingency) should be increased from \$290,730 to \$318,080 in order to offset the decreased appropriations itemized in the preceding changes #5 - #7.

RESOLUTION ADOPTING A BUDGET FOR 1983

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA, that the budget for 1983 is hereby adopted with the following appropriations for each department and fund:

General Fund:	
General Government	\$ 680,630
Finance	174,910
City Clerk	151,070
Public Safety	2,677,180
Public Works	939,240
Community Services	687,280
Community Development	239,880
General Fund Total	<u>5,550,190</u>
Hydrant Charge Fund:	
Public Works	61,910
Sewer Fund:	
City Clerk	169,220
Public Works	1,914,650
V.E.M. Fund:	
Public Works	299,470
Park Development Fund:	
Community Services	114,000
Debt Service Funds	221,030
Special Assessment Fund--Debt	
Service Accounts	<u>5,432,350</u>
Total	<u>\$13,762,820</u>

BE IT FURTHER RESOLVED, that all budget changes shall require City Council approval except for budget transfers of up to \$1,500 between accounts which shall be implemented upon approval by the City Manager.

BE IT FURTHER RESOLVED, that authorization is hereby given to transfer \$307,000 of revenue sharing monies to the General Fund to partly finance the contracts between the City and its three fire departments: Gladstone, Parkside and East County Line.

RESOLUTION LEVYING TAXES PAYABLE IN 1983

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

1. The following amounts of taxes be levied for 1982, payable in 1983, upon the taxable property in said City of Maplewood, for the following purposes:

General Fund	\$3,223,980
Debt Service Funds	88,300
Special Assessment Fund	502,700
Total Levy	<u>\$3,814,980</u>

2. There is on hand in the following sinking funds excess amounts as indicated after each fund and such shall be used to pay on the appropriate obligations of the City:

Description	
1964 Water Improvement Bonds	\$ 54,364
1964 Consolidated Improvement Bonds	20,000
1965 Municipal Building Bonds	684
1965 General Obligation Improvement Bonds	17,000
1966 General Obligation Improvement Bonds	24,000
1967 General Obligation Sanitary Sewer Bonds	2,200
1967 General Obligation Improvement Bonds	8,600
1968 Improvement Bonds	6,500
1969 General Obligation Improvement Bonds	45,000
1971 General Obligation Improvement Bonds	65,000
1972 General Obligation Improvement Bonds - Series 1	1,600
1972 General Obligation Improvement Bonds - Series 2	2,000
1973 Improvement Bonds	95,000
1977 Public Works Building Bonds	6,400
1977 General Obligation Improvement Bonds - Series 2	65,000
1979 General Obligation Improvement Bonds	9,900
1980 Fire Station Bonds	84,000
Total	<u>\$507,248</u>

In accordance with Minnesota Statutes 475.61 and 273.13, Subd. 19 (3), (a), (b), (c) and Chapter 297a and Chapter 162 of Minnesota Statutes, the County Auditor of Ramsey County is hereby authorized and directed to reduce by the amounts above mentioned the tax that would be otherwise included in the rolls for the year 1982 and collectible in 1983.

3. It has been determined that the following bond issues have insufficient projected assets to meet projected liabilities, as required by State Statute, and the original resolution levying ad-valorem taxes must be increased in the following amount:

Description	Increase In Levy
1970 General Obligation Improvement Bonds	3,100
1977 General Obligation Improvement Bonds - Series 1	115,900

In accordance with Minnesota Statute 475.61, Subd. 2, the County Auditor of Ramsey County is hereby authorized and directed to increase by the amount above mentioned the tax that would be otherwise included in the rolls for the year 1982 and collectible in 1983.

4. Changes set forth in sections one (1) and (2) above result in a net reduction of \$388,248 and are summarized and hereby adopted as Schedule "A". Such amounts shown are the total amounts to be spread on the rolls in 1982 and collectible in 1983 for each of the bond issues shown, including the reductions and increases in levy amounts set forth in sections one (1) and two (2) above.
5. The City Clerk is hereby authorized and directed to furnish a copy of this resolution to the County Auditor of Ramsey County forthwith.

BONDS & INTEREST LEVIES COLLECTIBLE 1983

<u>BOND ISSUES</u>	<u>Prin. Amount</u>	<u>Date</u>	<u>Code No.</u>	<u>Per Bond Register</u>	<u>Amount Levied</u>
Water Main Extension Improvement	\$ 600M	9/15/64	509	\$ 54,364	\$ -
Consolidated Improvement	975M	12/1/64	509	20,000	-
Municipal Building	175M	5/1/65	301	16,884	16,200
General Obligation Improvement	835M	12/1/65	509	17,000	-
General Obligation Improvement	750M	12/1/66	509	24,000	-
General Obligation Impr. Sanitary Sewer	645M	7/1/67	503	12,000	9,800
General Obligation Improvement	450M	12/1/67	504	12,000	3,400
General Obligation Improvement	380M	12/1/68	505	6,500	-
*General Obligation Improvement	1,980M	12/1/69	514	45,000	-
**General Obligation Improvement	605M	12/1/70	521	10,000	13,100
*General Obligation Improvement	1,740M	8/1/71	514	65,000	-
State Aid Bonds	540M	8/1/71	302	-	-
General Obligation Improvement	1,090M	5/1/72	510	30,000	28,400
General Obligation Improvement	670M	12/1/72	511	30,000	28,000
General Obligation Improvement	2,175M	7/1/73	513	95,000	-
**General Obligation Improvement	1,240M	11/1/74	521	45,000	45,000
**General Obligation Improvement	1,360M	12/1/75	521	75,000	75,000
**General Obligation Improvement	1,990M	5/1/76	521	128,600	128,600
General Obligation Improvement-Series 1	3,730M	4/1/77	519	12,400	128,300
Public Works Building Bonds	995M	4/1/77	303	78,500	72,100
General Obligation Improvement-Series 2	3,815M	10/1/77	520	65,000	-
General Obligation Bonds - 1979	825M	8/1/79	522	53,000	43,100
Fire Station Bonds	470M	8/1/80	304	84,000	-
				<u>\$979,248</u>	<u>\$591,000</u>

*TAX LEVIES PLEDGED TO REDEEM G. O. REFUNDING IMPROVEMENT BONDS 1974

**TAX LEVIES PLEDGED TO REDEEM G. O. REFUNDING IMPROVEMENT BONDS 1977

MEMORANDUM

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Plan Amendment (Reconsideration)
LOCATION: 2696 Hazelwood Avenue
APPLICANT: Health Resources, Inc.
OWNER: Health Resources, Inc.
DATE: October 1, 1982

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a plan amendment from SC-Service Commercial to RB-Residential Business.

Proposal

1. Construct a 72 unit cooperative residence for the more "frail" senior citizens. (See Map five.)
2. The existing building would continue to be used for the applicant's offices, community health education, and outreach programs. This facility would also be used by the seniors for dining, gymnasium, convenience shops and meeting room facilities.
3. See the applicant's letter of request.
4. This site is one of two sites recommended for a split site seniors' residence development in conjunction with the Housing and Redevelopment Authority's (HRA) tandem senior citizen/first-time home buyer program proposal. (See Planning section.)

CONCLUSION

Analysis

The present service commercial designation for this site would permit overly intensive uses relative to the surrounding land uses and should be changed. Designation as residential-business would permit the applicant to continue to use the ex-school facility, as well as construct a seniors' residence of from 104 two-bedroom to 208 one-bedroom units on the remaining six acres. This density is consistent with the applicant's request and would not be out of character with surrounding land uses. Neighborhood objections have been raised on the basis of increased traffic, property devaluation, and loss of recreation opportunities. The HRA felt these arguments are unjustified.

This site is desirable for a seniors' residence because of the residential neighborhood atmosphere and opportunities afforded by the park for interaction among seniors and area youth. Bus service will eventually be convenient, when extended to the future hospital site on Beam and Hazelwood Avenues. Because of these attributes, this site is considered by the Housing and Redevelopment Authority to be an excellent choice for the proposed seniors' residence.

Recommendation

Approval of the enclosed resolution amending the Land Use Plan from SC-Service Commercial to RB-Residential Business for 2696 Hazelwood Avenue.

BACKGROUND

Site Description

1. Size: 6.13 acres - seniors' residence
3.88 acres - existing building
2. Existing Use:
 - a. Parcel one (map three): Two ball fields, leased by the City for organized softball and tee-ball. This lease permits the "use of the ball diamond, providing said use does not conflict with the use of the property by the applicant."
 - b. Parcel two (map three): Existing building, presently being used for the applicant's offices and community service programs, including out-patient treatment for chemical dependence, home health care, and community health education.

Surrounding Land Uses

North and East: Hazelwood Park

South: A single dwelling on a 4.4 acre parcel, planned for residential lower density.

West: Hazelwood Avenue. West of Hazelwood Avenue, several single dwellings on larger lots.

Past Actions

8-7-80: Council approved a special use permit for the applicant to operate the community service programs, with the following conditions:

1. The permit shall be good for one year. It may be renewed if Council determines that the use had no adverse affect on the neighborhood. The concerns for parking spaces can be discussed at that time.
2. Striping of the parking lot for 52 spaces.
3. The city shall have a continued use of the ball diamond providing it does not conflict with the use of the applicant.
4. The City shall sign a hold-harmless agreement absolving Health Resources, Inc. of any injury liabilities for City use of the facilities.
5. The applicant shall appear before the Council if an increase of the number of parking stalls beyond the 52 spaces is needed within one year preceding the renewal of their special use permit.

8-6-81: a. Council renewed the special use permit for the Health Resources Center for one year since there had not been any problems caused by this facility after one year of operation.

- b. Council approved a parking lot expansion for the facility. This expansion has been completed.

8-23-82: Council renewed the applicant's special use permit for the Health Resources Center for one year.

- 9-12-82: a. Council rejected the applicant's present request. The motion for approval failed for a lack of support.
- b. Council authorized the HRA to proceed with the proposed tandem senior residence/first-time home buyer program, less the applicant's site.

9-27-82: Council moved to reconsider the applicant's proposal on October 7.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan designation: SC-Service Commercial
2. Policy Criteria from the Plan:
 - a. The Service Commercial classification is oriented to facilities which are local or community-wide scale. While a full range of commercial uses is permitted in this district, certain types of facilities which may be of a high-intensity nature, such as fast-food restaurants, discount sales outlets, gas stations, and light industrial uses, should be permitted subject to specific performance guidelines. The objective of establishing this district is to provide for a wide variety of commercial uses, compatible with the character and development of the neighborhoods in which they are located.
 - b. The Residential Business classification includes high density residential and office uses, and should provide some transition between a commercial use that generates a high amount of traffic, such as a Diversified Center, and residential uses.
 - c. Page 21-5: Housing within the community should be flexible to permit a mixture of people in all housing areas regardless of age, ethnic, racial, cultural, or socioeconomic backgrounds.
 - d. Page 18-8: Housing should be provided which meets the physical and psychological needs of all persons.
 - e. Page 18-9: Locate multiple family housing in areas not inferior to those generally used for conventional single-family housing.
 - f. Page C-37: 1) An elderly housing project should be located in a residential district, but with good access to commercial facilities and services, such as grocery stores, drug stores, medical clinics and passive recreational areas. When these services are more than one-quarter or one-half mile from a site, access becomes a problem.

- 2) Access to community services which are not in close proximity to the site should be provided by an adequate public or private transportation system.
 - 3) The housing facility should be located so that quick response of emergency services (i.e. medical, ambulance, police, and fire) can be provided, especially when these are not provided on-site.
 - 4) Whenever possible, open spaces for gardens or recreation should be programmed into an elderly housing project.
3. Zoning: F-Farm Residence
 4. Density: 34 people/net acre would be the maximum permissible density. A seniors' residence with 104 two-bedroom to 208 one-bedroom units could be constructed on the undeveloped portion of this site (parcel one--map three).
 5. Plan Update:
 - a. Amendments to the Land Use Plan authorized from March 3, 1982 to March 15, 1982, resulted in a net loss of 61 acres of high and medium density acreage city-wide.
 - b. 39 acres of higher density land were eliminated in the Hazelwood neighborhood.
 6. Housing and Redevelopment Authority (HRA) Housing Proposal:
 - a. On September 2, the HRA accepted the findings and recommendations of a feasibility study conducted by Gary Solomonson Associates for the HRA's proposed tandem senior residence/first-time home buyers program and recommended that the Council approve the concept.

A split site seniors' residence is recommended. The former Hazelwood School site is recommended for the "frail elderly" component and the Woodmark site (Gervais Avenue, west of White Bear Avenue) is recommended for the "younger empty nester" component.
 - b. On September 22, the HRA:
 - 1) Reaffirmed its September 2 recommendation to pursue a split site seniors' development, including the applicant's site. The applicant's site is the preferred alternative for a frail elderly development on the basis that:
 - a) The former school facilities (gymnasium, congregate dining, and meeting rooms) could result in a significant cost savings relative to development of the facility on the Woodmark site.
 - b) The vistas, proximity to open space, residential neighborhood setting and opportunity for interaction with youth are attributes highly desirable for seniors' housing.
 - 2) Indicated that it (HRA) would probably not desire to pursue a seniors' residence development if there would not be a "frail elderly" component.

The only alternative available would be to construct both components (frail and younger empty nesters residences) on the Woodmark site. The developer, however, is skeptical about the marketability of such a development.

- c. If the first-time home buyer component of the HRA's tandem program is to remain as an option, the application must be initiated no later than October 8. A decision on the Hazelwood School site must be made on October 7.

Public Works

1. Sewer and water lines have adequate capacity for a large residential structure.
2. County Road C and Hazelwood are designated as minor arterial roadways.

Parks and Recreation

1. Development of this site would result in the loss of one, if not both, of the tee-ball playing fields currently being leased from the applicant.
2. On August 9, the Parks and Recreation Commission discussed the potential loss of the play fields but made no recommendation.
3. The applicant acknowledges that the northerly field would be lost. However, a goal of planning seniors' residences is to ensure opportunities for the interaction of youth and the seniors. The preliminary site plans indicate the southerly site will be retained and enhanced for youth as well as seniors' recreation.

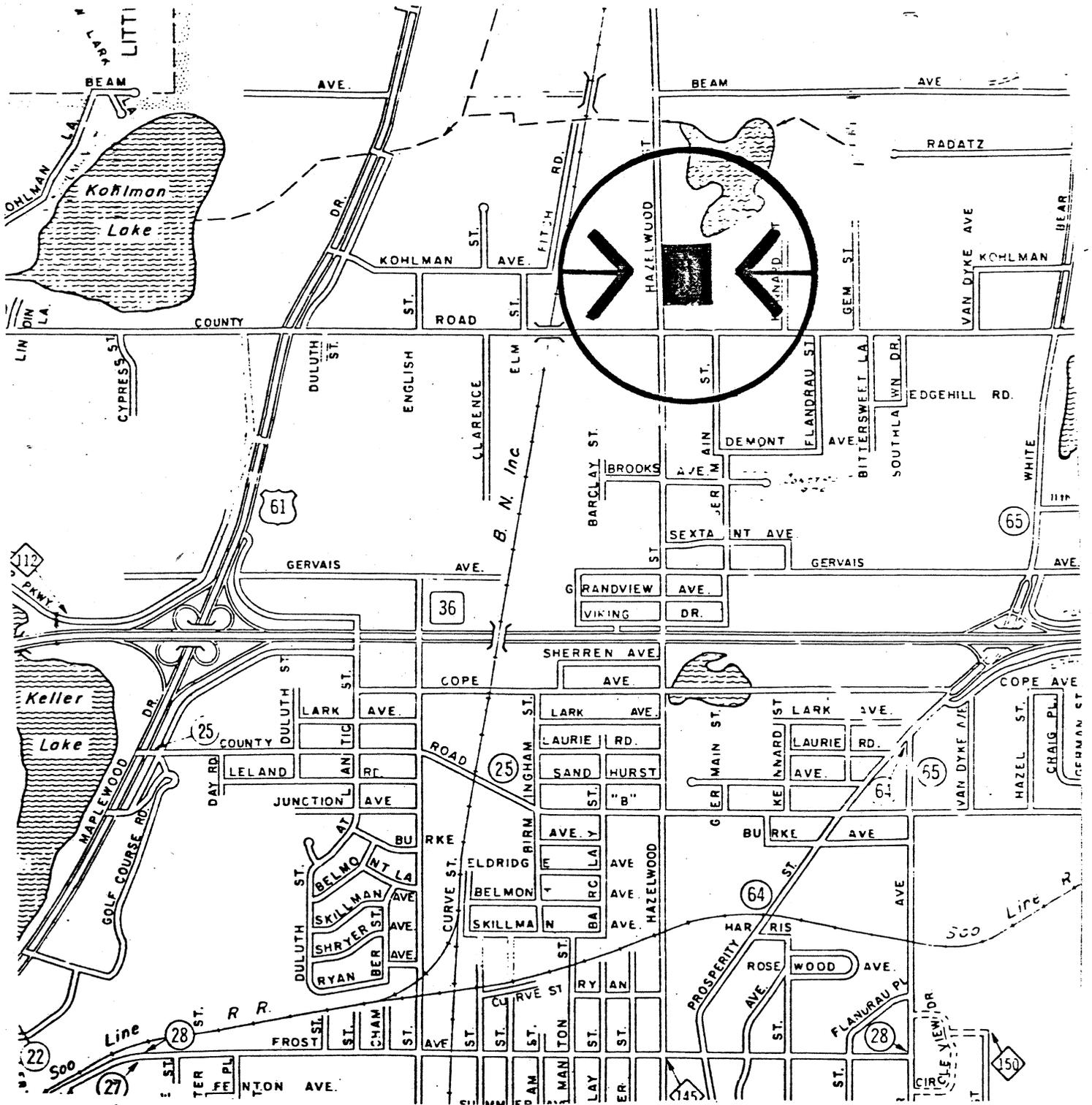
Citizen Comments

Neighboring property owners have expressed opposition to the applicant's proposal on the basis that the development would increase traffic on Hazelwood, devalue residential property, and reduce recreation opportunities in the neighborhood for children.

jw

Enclosures:

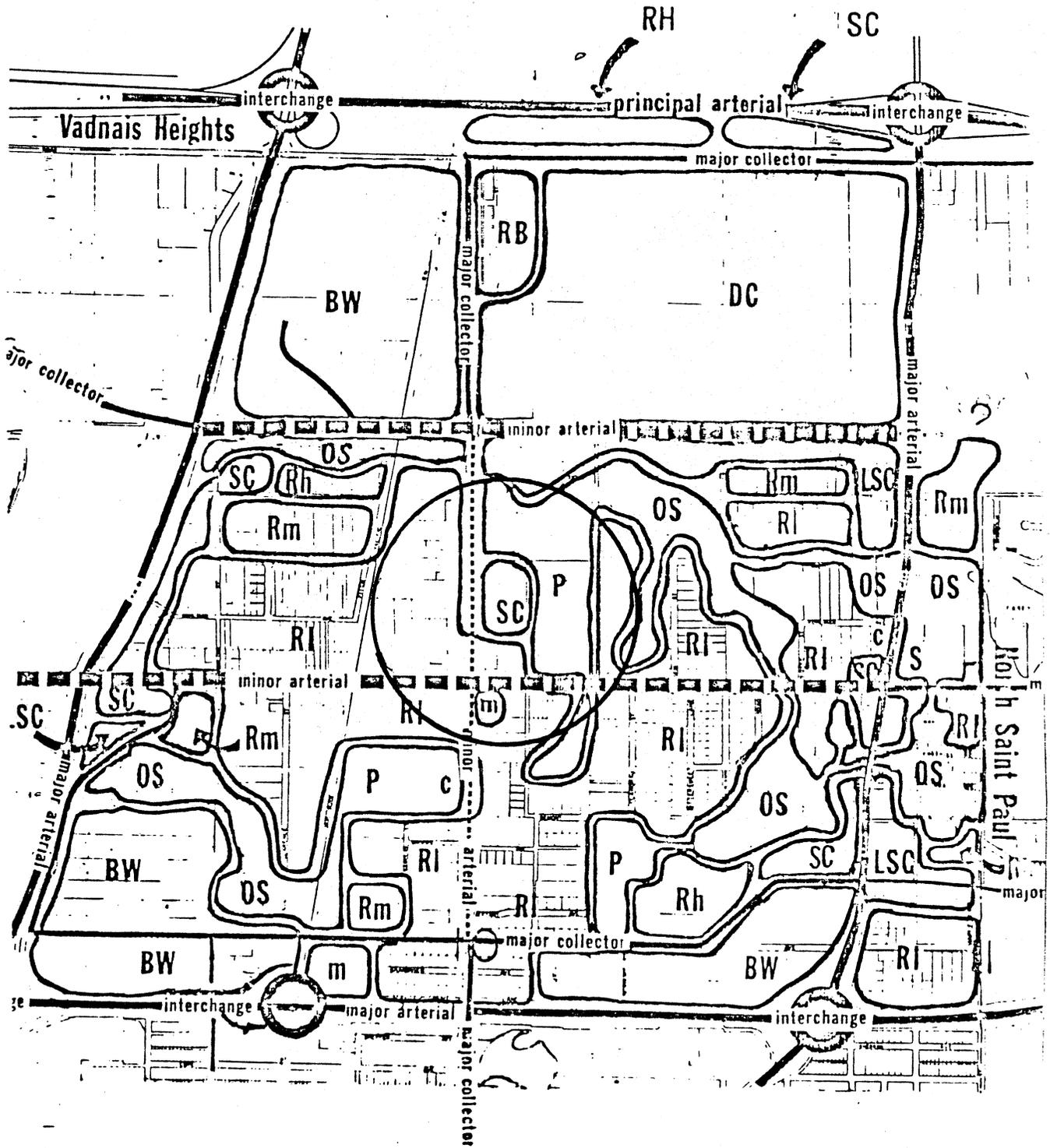
1. Location Map
2. Property Line Map
3. Site Plan Map
4. Land Use Plan Map
5. Proposed Site and Building Schematic
6. Applicant's Letter of Request
7. Resolution



Map 1

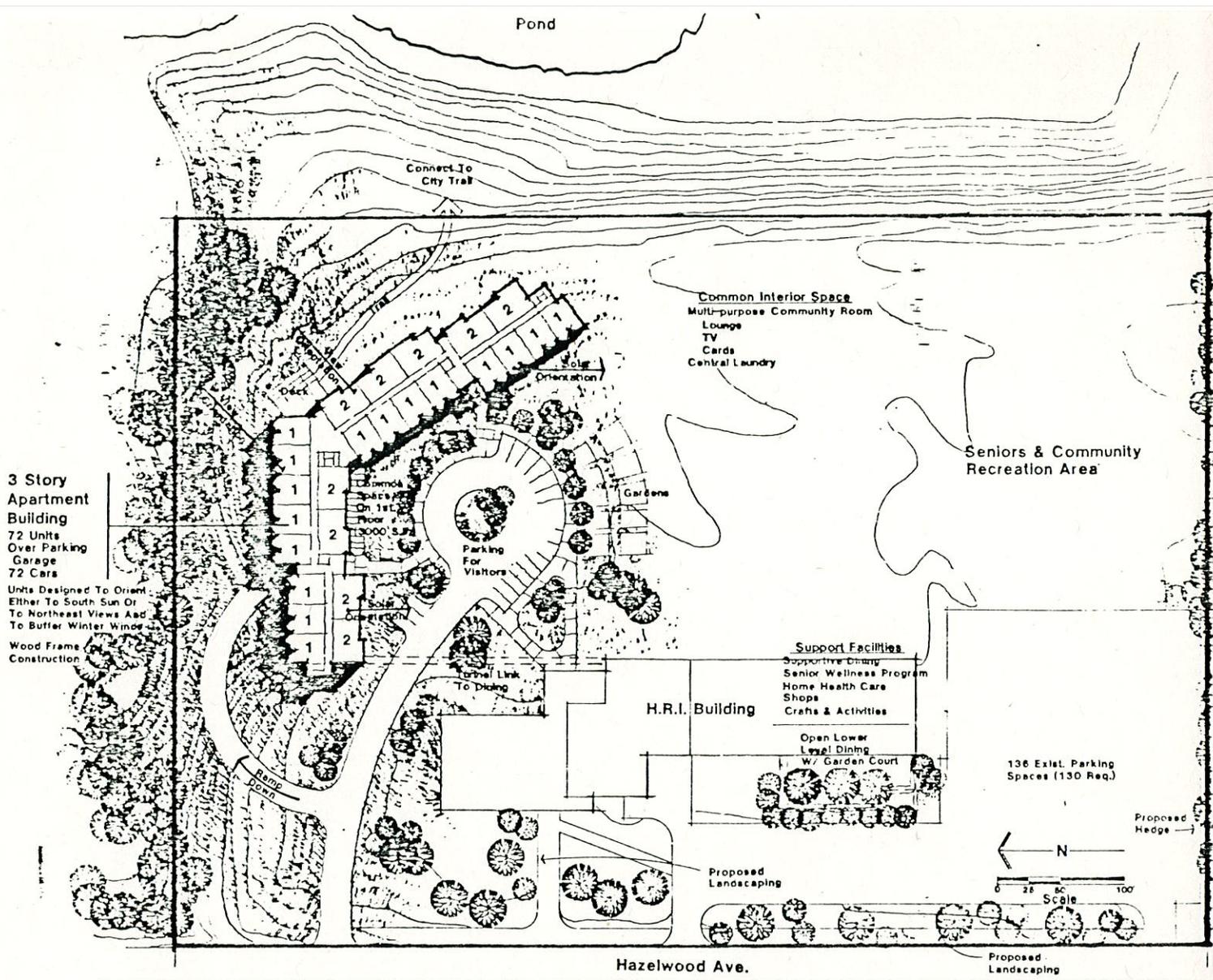
LOCATION MAP





Hazelwood
NEIGHBORHOOD LAND USE PLAN

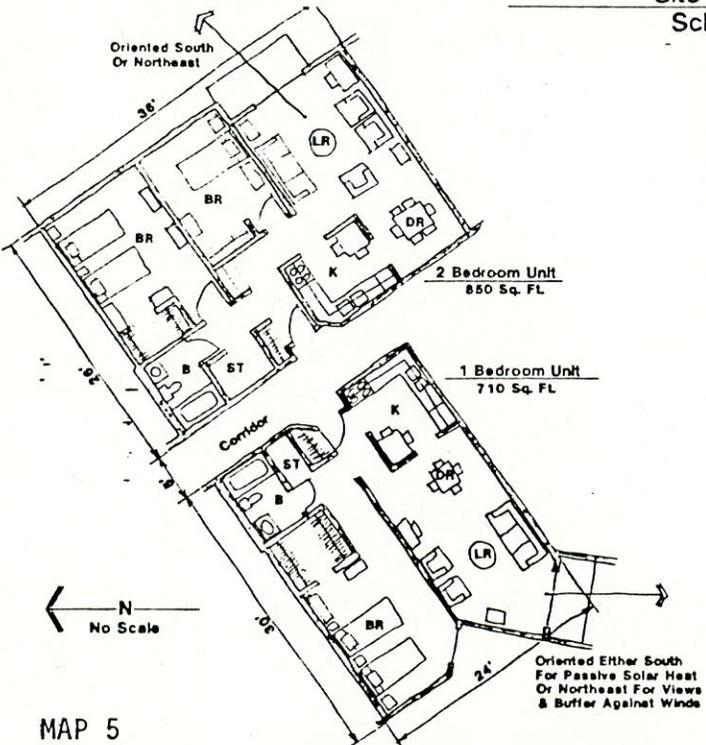




Site / Building Schematic

General Data

<p>Dwelling Units 47 - 1 Bedroom At 710 Sq. Ft. Ea. 25 - 2 Bedroom At 850 Sq. Ft. Ea. 72 Units</p> <p>Parking 136 Exist. Building 72 Garage 18 Surface <input type="checkbox"/> Proposed 226 Total Spaces</p> <p>Apartment Building Areas Garage - 24,000 Sq. Ft. Apartment Building - 3 Levels At 24,000 Sq. Ft. Ea. : 72,000 Sq. Ft. 96,000 Sq. Ft. Total</p>	<p>Site Size 10.6 Acres</p> <p>Building Coverage 44,000 Sq. Ft. Exist. Building 24,000 Sq. Ft. Housing Project 68,000 Sq. Ft. Total/15% Of Site</p> <p>Open Space 6.0 Acres/57% Of Site</p> <p>Density 9.1 People/Acre</p>
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Dwelling Unit Schematic

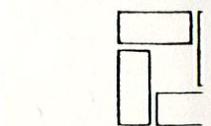
MAP 5

Senior Homes

Proposer
 Health Resources, Inc.
 2696 Hazelwood Ave.
 Maplewood, MN
 55109

MILLI HANSEN
 WESTERBERG
 BE
 ARCHITECTS II

Brauer & Associates Ltd. Inc.
 7901 Flying Cloud Drive, Eden Prairie, Minnesota 55344



BUTLER SC
 SUITE 300 100 N. SIETH ST
 MINNEAPOLIS MN 55403 812-33



Health Resources, Inc.

A Holding Corporation for Medical, Health & Hospital Services

12 July 1982

Mr Randall Johnson
Associate Planner
City of Maplewood
1902 East County Road B
Maplewood, Minnesota 55109

Dear Mr Johnson

Health Resources, Inc. is interested in designing a senior housing project in conjunction with its Hazelwood School site. At the present time the Comprehensive Plan would prohibit high density housing in that it has a commercial classification.

Our intention would be to blend high density residential with supportive offices and shops. In our preliminary planning stages we feel that by physically attaching the senior high rise to a building which houses a wide variety of supportive programs such as shops, food, recreational services, and educational programs in health and wellness, we could enhance the life of those in and around the project. We certainly do not feel this would in any way have an adverse affect on the surrounding community or the Comprehensive Plan. Many of the services would be available to people living outside the housing project.

We therefore request a change in the Comprehensive Plan from SC to RB.

If you have any questions, please contact me.

Sincerely

James B Swanson
Vice President
Senior Services Division
OS

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION APPROVING A LAND USE PLAN AMENDMENT

WHEREAS, a proceedings for the amendment of the Maplewood Comprehensive Municipal Plan entitled "Plan for Maplewood" has been initiated by Health Resources, Inc. for a change of Planned Use from SC-Service Commercial to RB-Residential-Business, for the following generally described area:

Except Hazelwood Park, all that property lying north of the south 510 feet in the Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of Section three (3), Township 29, Range 22.

WHEREAS, the procedural history of the proposed amendment is as follows:

1. The City of Maplewood has a Comprehensive Municipal Plan entitled "Plan for Maplewood" adopted pursuant to the provisions of Minnesota Statutes, Chapter 670, Laws 1965 (the Municipal Planning Act, Minnesota Statutes Annotated, Sections 462.351 to 462.364 thereof);
2. Minnesota Statutes, Section 462.355, Subdivision 2 and 3 thereof, provide for amendment of the Comprehensive Municipal Plan or of any section thereof;
3. An amendment of the Comprehensive Municipal Plan has been proposed by Health Resources, Inc. and referred to the Maplewood Planning Commission, which held a public hearing on the 16th day of August, 1982 pursuant to Minnesota Statutes, 462.355, Subdivision 2 thereof, notice by mail and publication having been given, heard all who wished to be heard, considered all written and staff reports and analysis.

WHEREAS, the Maplewood City Planning Commission, having considered the testimony of those present, all written submissions to it and staff reports, approved the amendment on the following findings of fact:

1. The present designation of SC-Service Commercial is overly intensive and out-of-character with adjacent planned uses.
2. The resultant density would not be inconsistent with the surrounding land uses.
3. The site is well suited for a seniors' residence.
4. Six of 39 acres of higher density residential land would be regained which had been lost in this neighborhood during the Plan Update process.

NOW, THEREFORE, BE IT RESOLVED that the Maplewood City Council hereby certifies the above-described amendment to its Comprehensive Municipal Plan entitled "Plan for Maplewood."

Adopted this _____ day of _____, 19____.

Mayor

Manager

ATTEST:

Clerk

5. PUBLIC HEARING

A. Plan Amendment: 2696 Hazelwood (HRI)

Secretary Olson said the applicant is requesting approval for a Plan amendment from SC, Service Commercial to RB, Residential Business. Staff is recommending approval of the request. He indicated the hearing notice was properly published.

Bill Knutson, Health Service Development, 2696 Hazelwood, the proposal is to construct residential restructures for seniors in Maplewood.

Chairman Prew asked if there was anyone else present who wished to speak regarding this proposal.

Ron Erickson, 2673 Hazelwood Avenue, said he was originally informed the site may be too small and possibly would not be considered for senior housing development. He basically objects to the proposal, does not wish further development in the area. He is concerned with the added traffic in the area.

James Love, 2661 Hazelwood, also concerned with added development in the area and additional traffic.

The Commission explained the difference between the Plan designations and what type of use is permitted in the categories and also the difference between the Plan and the zoning districts.

They discussed with the applicant the type of units to be constructed, and also the phasing scheduled for the hospital development at Beam and Hazelwood.

Chairman Prew closed the public hearing portion of the meeting.

Commissioner Fischer reviewed the process of site selection for the seniors residence.

Commissioner Sletten moved the Planning Commission recommend to the City Council approval of the resolution amending the Land Use Plan from SC, Service Commercial to RB, Residential Business for 2696 Hazelwood Avenue.

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

Commissioner Sletten moved the Planning Commission recommend to the City Council approval of a three-year time extension for the special use permit to conduct community service programs at 2696 Hazelwood Avenue, since there have not been any problems caused by this facility during the past two years of operation.

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

6. VISITOR PRESENTATIONS

7. COMMUNICATIONS

LAW OFFICES
BRIGGS AND MORGAN
PROFESSIONAL ASSOCIATION

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J. NEIL MORTON
COLE OEHLER
A. LAURENCE DAVIS
FRANK HAMMOND
LEONARD J. KEYES
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BERNARD P. FRIEL
BURT E. SWANSON
M. J. GALVIN, JR.
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GERALD H. SWANSON
MCNEIL V. SEYMOUR, JR.
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RICHARD H. KYLE
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ALAN H. MACLIN

2200 FIRST NATIONAL BANK BUILDING
SAINT PAUL, MINNESOTA 55101

~
2452 IDS CENTER
MINNEAPOLIS, MINNESOTA 55402

(612) 291-1215

Action by Council:

October 1, 1982

Endorsed _____
Modified _____
Rejected _____
Date _____

MARK R. MILLER
JEFFREY F. SHAW
DAVID G. GREENING
DAVID B. SAND
BETTY L. HUM
CHARLES R. HAYNOR
ROCCO J. MAFFEL, JR.
ANDREA M. BOND
MARTIN H. FISK
JOHN BULTENA
ROBERT L. DAVIS
RICHARD H. MARTIN
TRUDY H. SCHROER
MARY L. IPPEL
ROYLN L. HANSEN
WILLIAM J. JOANIS
MARGARET K. SAVAGE
JEANNE M. FORNERIS
BRIAN G. BELISLE
TONY R. STEMBERGER
MICHAEL H. STREATER
STEVEN T. HALVERSON
JOHN H. LINDSTROM
RICHARD D. ANDERSON
SALLY A. SCOGGIN
JAMES F. CHRISTOPFEL
BARBARA JEAN D'ACQUILA
DAVID C. McDONALD
BRUCE W. MOOTY
VIRGINIA A. DWYER
ERIC NILSSON
TRUDY R. GASTEAZORO
ELIZABETH J. ANDREWS
PETER C. HALLS
CHARLES B. ROGERS

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

Ms. Lucille Aurelius
1380 Frost Avenue
Maplewood, MN

REPLY TO
St. Paul

RE: City of Maplewood \$1,100,000 Commercial
Development Revenue Note of 1982
(Emerald Inn of Maplewood Project)

Dear Lu:

Enclosed in connection with the above referenced
matter are copies of the following:

1. Final Note Resolution
2. Loan Agreement
3. Pledge Agreement
4. Combination Mortgage, Security Agreement,
Fixture Financing Statement
5. Construction Loan Agreement
6. Assignment of Rents and Leases
7. Guaranty Agreement
8. Various closing certificates and opinions

The reason that it is necessary that we have the rehearing
on this matter is because the Notice of Public Hearing for
the preliminary hearing was not published 15 days prior to
the public hearing. The Commissioner of Energy, Planning and
Development will not approve an industrial revenue bond
project unless a minimum of 15 days published notice is given
prior to the public hearing.

BRIGGS AND MORGAN

Ms. Lucille Aurelius
October 1, 1982
Page Two

In addition the adoption of the final Note Resolution is scheduled for October 7, 1982 after the public rehearing. Because of the necessity for a rehearing the purchaser of the Note is requiring that this Note be closed as soon as possible.

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

Very truly yours,

A handwritten signature in cursive script that reads "Mary L. Ippel".

Mary L. Ippel

MLI/jw
Enclosures

F1

Action by Council:

MEMORANDUM

Endorsed...
Modified...
Rejected...
Date_____

TO: CITY MANAGER BARRY EVANS
FROM: CITY CLERK
REGARDING: PRELIMINARY APPROVAL - INDUSTRIAL REVENUE NOTES - EMERALD INN
DATE: AUGUST 3, 1982

Developers of the Emerald Inn Project are requesting approval for a \$1,500,000 Industrial Revenue Note to construct a 66 unit Emerald Inn economy motel on County Road D east of White Bear Avenue.

Representatives of Emerald Inn will be at the meeting to present their proposal.

APPLICATION/AGREEMENT
FOR TAX EXEMPT
MORTGAGE REVENUE NOTE FINANCING

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

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

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

1. APPLICANT:

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

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

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

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

4. NATURE OF BUSINESS

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

b. Is the project associated with an existing Maplewood Business?

Yes _____ No X. If yes: Relocation _____ Expansion _____
Rehabilitation _____

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

6. PURPOSE OF REQUESTED FINANCING: To construct economy motel

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

b. Public purpose to be served.

7. BUSINESS PROFILE:

a. Number of employees in Maplewood:

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

b. Projected annual sales: \$ 400,000

c. Projected annual payroll: \$80,000

8. NAMES OF:

a. Financial consultant for the business: Don Zibell, of Boulay, Heutmaker, Zibell & Company, Edina, Mn.

b. Legal counsel for the business: Dorsey & Whitney

c. Corporate counsel: Dorsey & Whitney

9. WHAT IS YOUR TARGET DATE FOR:

a. Construction start: October 1, 1982

b. Construction completion: April 15, 1983

Chayton Corporation, for Emerald Inn of Maplewood
Name of Applicant

Fred Chute Jr.
Signature of Authorized Representative

President, Chayton Corporation
Title

7-6-82
Date

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

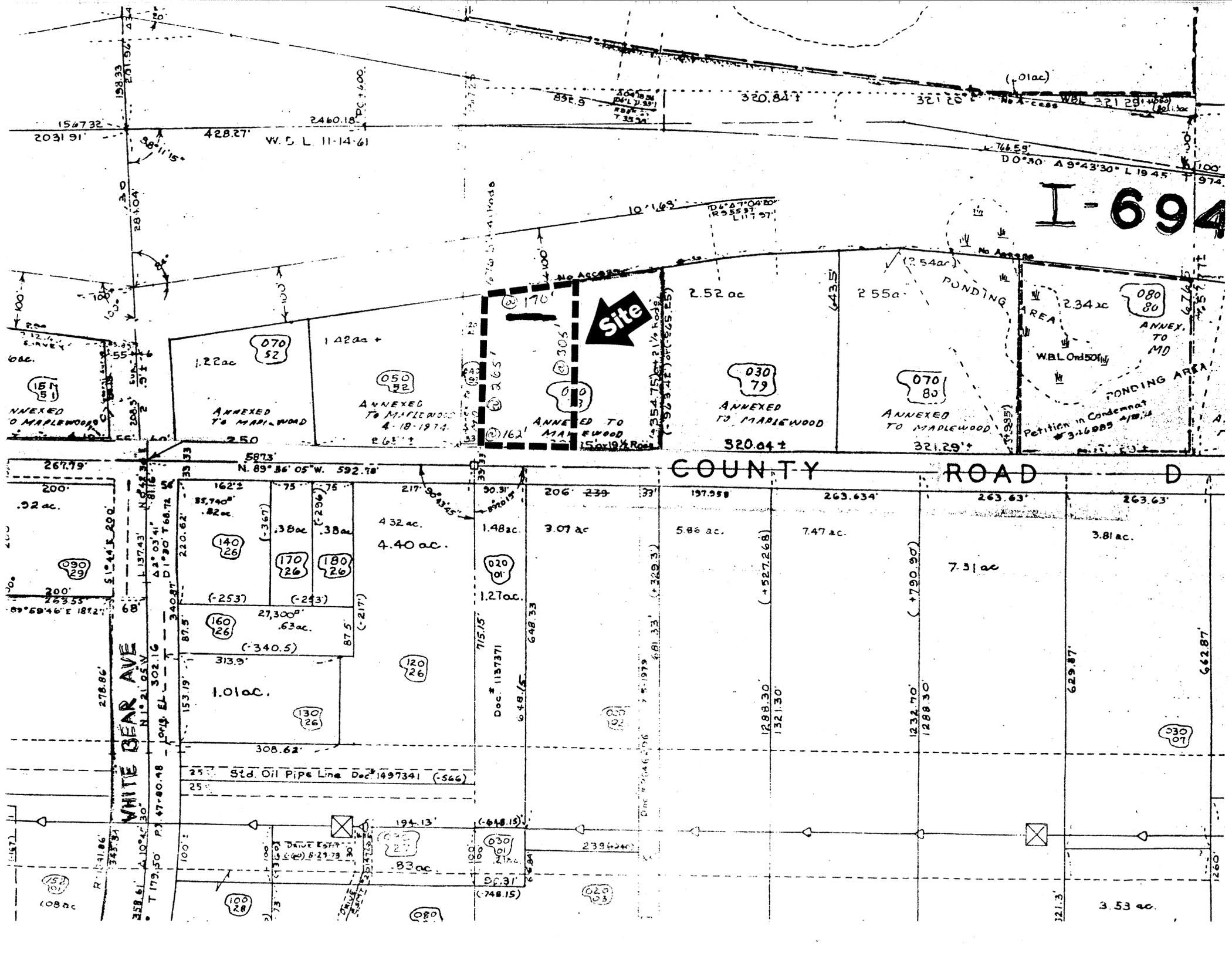
1. A \$500.00 filing fee
2. A resolution setting a hearing date
3. An application to the Commissioner of Securities for approval of Municipal Industrial Revenue Bond project

If you have any questions on items 2 or 3, call the City Clerk, Lucille Aurelius, 770-4500

I-694

Site

COUNTY ROAD D



154732
203191
428.27
W.S.L. 11-14-61

ANNEXED
TO MARLEWOOD

070/52
1.22 ac
ANNEXED
TO MARLEWOOD

050/52
1.42 ac +
ANNEXED
TO MARLEWOOD
4-18-1974

010/3
ANNEXED TO
MARLEWOOD

030/79
2.52 ac
ANNEXED
TO MARLEWOOD

070/80
2.55 ac
ANNEXED
TO MARLEWOOD

080/80
2.34 ac
ANNEX.
TO MD
WBL Ord 50114
Petition in Condemnat
3-16-88

WHITE BEAR AVE
179.150
101.49 EL
302.16
101.49 EL
302.16

1.01 ac

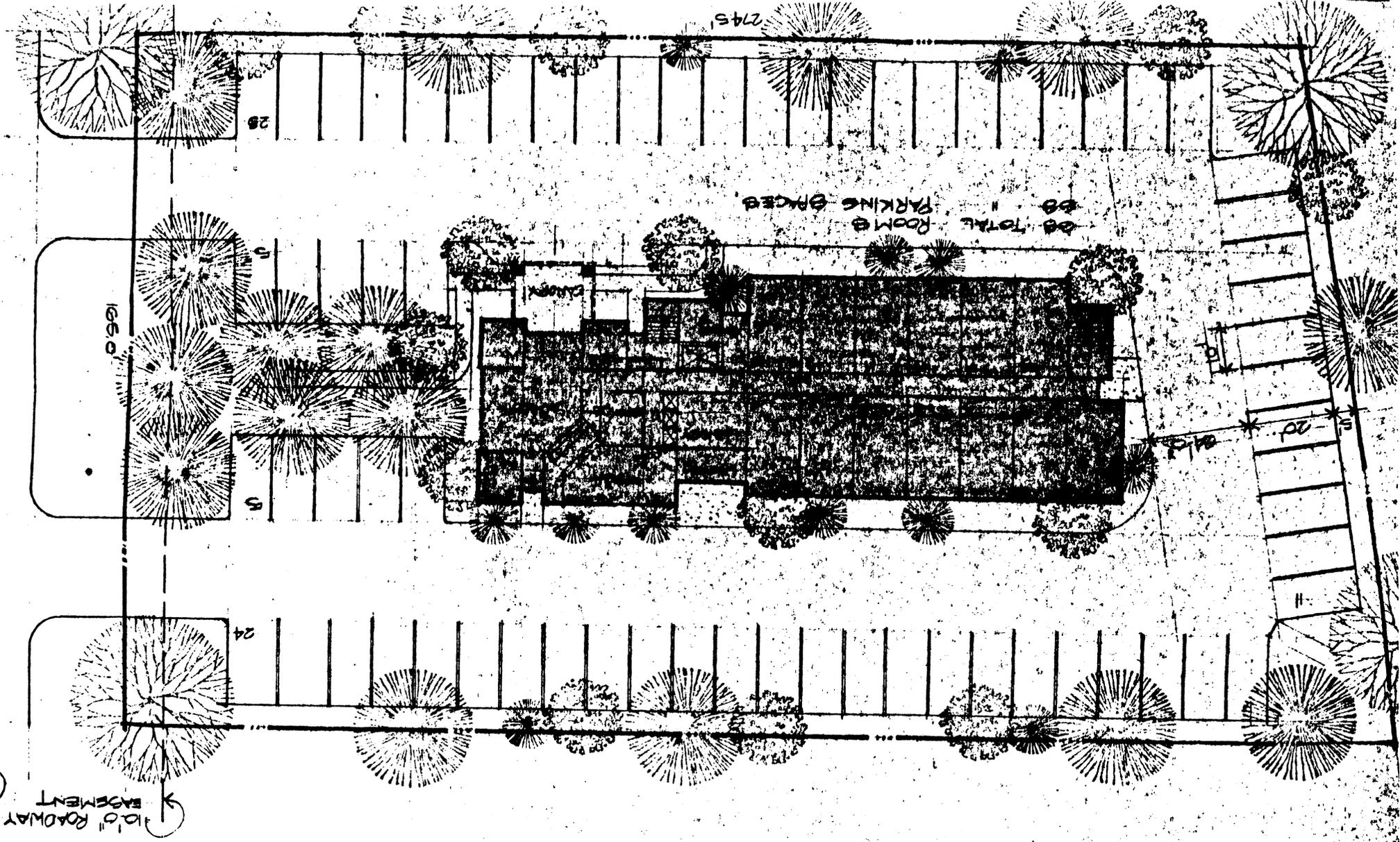
080/21
83 ac

030/10
21 ac

020/03
21 ac

3.53 ac

COUNTY ROAD - D



EMERALD INN

Northridge Emerald Inn

1125 Red Fox Road
Arden Hills, MN 55112

Phone 612/484-6557

"After over 40 years of travel all over the world, I always look for lodging that meets my three "C" test; Clean, Comfortable and Courteous. The Emerald Inn rates very high in each category. Plus, it's convenient, it's economical and QUIET, which after a hectic business day I appreciate."

S.H. Fischer, Control Data Corporation

"The Emerald is a quiet, clean Inn where the traveler is treated in a friendly manner. It is adjacent to I-694 providing good access to the Minneapolis or St Paul business districts. Room rates are reasonable and the rooms are attractively furnished. I heartily recommend this Inn to all travelers."

Charles Lyons, Land O' Lakes

"I have stayed at rooms ranging two to three times the cost of Emerald Inn's rooms. These more expensive rooms have been smaller, older, and not as clean as at the Emerald Inn. I wasn't paying for just a room; I was paying for a grand lobby, a swimming pool, and other recreational facilities - none of which I would use and enjoy. I'm a businessman, and I use a motel for bed and bath, not for a vacation resort. If someone has the same needs and wants, I would highly recommend the Emerald Inn."

Paul Skrip, Trane Sentinel

"My reason for staying at the Northridge Emerald Inn? Quiet, clean rooms. Polite personnel. Location is close to our home office. And, their rates are the most reasonable I've found."

Wes Oppegard, R.L. Gould Co.

"Our family's stay at the Emerald Inn for three months was lovely. The warmth and total cooperation we received from all the staff, including the owner, was so appreciated. We will never forget how accommodating everyone was during our troubled times.

The "extras" the Emerald offers made it seem like home - free coffee all day and night, free ice, color television, and not to forget our rooms were kept immaculate. All I can say is, when it was time to leave, my son did not want to go, and neither did I!

Our family has no question regarding where we would recommend other family members and friends to stay but at the Emerald Inn."

Mr. & Mrs. Jim Kooy & Ricky
(home damaged by 1981 tornado)

FINAL NOTE RESOLUTION

CITY OF MAPLEWOOD

\$1,100,000 COMMERCIAL DEVELOPMENT
REVENUE NOTE OF 1982

(EMERALD INN OF MAPLEWOOD PROJECT)

Adopted: ^{October}~~September~~ __, 1982

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

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NOTE RESOLUTION

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

ARTICLE ONE

DEFINITIONS, LEGAL AUTHORIZATION AND FINDINGS

1-1. Definitions.

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

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

Assignment of Rents and Leases: the agreement to be executed by the Borrower assigning all the rents, issues, profits and leases 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: Emerald Inn of Maplewood, 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 acquisition, construction and installation of the Project;

Guarantors: [to come] _____

Guaranty: collectively, the guaranties of the payment of, among other things, the principal of, premium, if any, 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;

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 \$1,100,000 Commercial Development Revenue Note of 1982, (Emerald Inn of Maplewood 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 pledging 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;

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

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

Resolution: this Resolution of the City adopted ^{October} September 18, 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 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 promotion of tourism in the state, the attraction, encouragement and development of economically sound industry and commerce so as to prevent, so far as possible, the emergence of blighted and marginal lands and areas of chronic unemployment; the development of revenue-producing enterprises to use the available resources of the community, in order to retain the benefit of the community's existing investment in educational and public service facilities; the halting of the movement of talented, educated personnel of all ages to other areas 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 \$1,100,000 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 financing the Project;

(6) the Note and the interest accruing thereon do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation and do not constitute or give rise to a pecuniary liability or a charge against the general credit or taxing powers of the City and neither the full faith and credit nor the taxing powers of the City 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 \$1,100,000 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
(Emerald Inn of Maplewood Project)

\$1,100,000

FOR VALUE RECEIVED the CITY OF MAPLEWOOD, Ramsey County, Minnesota (the "City"), hereby promises to pay to the order of 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 ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) or so much thereof as remains unpaid from time to time (the "Principal Balance"), with interest thereon at the rate specified in paragraphs 1(a) and 1(b) hereof (the "Tax Exempt Rate") 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 September 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 September 1, 1983.

(b) Commencing on October 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 September 1, 1983 at the rate of ____% per annum and a final installment on September 1, 2012 (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 _____ % per annum (the "Taxable Rate"). 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 first day of the month next following the date of payment of such additional interest and continuing on the first day of each month 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 October 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 monthly installments of principal and interest payable commencing with the next succeeding payment shall be recomputed on the basis of the Taxable Rate and amortization over the remaining portion of the original assumed amortization.

(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, plus the prepayment premium, calculated in accordance with 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; provided that any such contest, litigation or appeal is, in the reasonable opinion of the Holder, being undertaken and carried forward in good faith, diligently and with reasonable dispatch. 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 Tanners Lake Partners (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 elapsed.

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 provide funds for a Project, as defined in Section 474.02, Subdivisions 1b, Minnesota Statutes, consisting of the acquisition, construction and equipping of an Emerald Inn Motel, 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 September 13, 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 between the Borrower 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 Guaranties from [to come] _____

_____ to the Lender (collectively, 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 the first day of any month 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 3.1 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, the 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.

This Note may be called for redemption and prepayment, in whole, at the option of the Holder, on October 1, 1992 (or at any time within six months following October 1, 1992), on October 1, 1997, on September 1, 2002 and on October 1, 2007, (the "Call Dates"), upon at least thirty (30) days advance written notice to the Borrower (or such lesser period of notice as the Borrower may approve). The Borrower has the right under this Note on any Call Date of which the Holder has given the required notice, in lieu of redemption of this Note, upon five (5) days advance written notice prior to such Call Date, to purchase the Note from the Holder or give notice to the Holder that it has secured a purchaser for the Note. The Holder agrees, in lieu of redemption of this Note to sell the Note to the Borrower or such purchaser on such Call Date at a purchase price equal to the Principal Balance and accrued interest.

8. (a) If at the time of any prepayment on or prior to October 1, 1987 or acceleration of this Note occurring prior to October 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, Construction Loan Agreement or the Mortgage and remains uncured at the time such prepayment is made.

October

(b) If at the time of any prepayment or acceleration of this Note, occurring prior to ~~August~~ ^{October} 1, 1992 the yield on U.S. Treasury securities (as published by the Federal Reserve Bank of New York) having a maturity date closest to October 1, 1992 (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 October 1, 1992 and the denominator of which is 360, (b) the resulting product shall then be divided by the number of whole months then remaining to October 1, 1992 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 October 1, 1992, 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 paragraph 1(c)(ii) hereof or 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, Construction Loan Agreement, or the Mortgage and remains uncured at the 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 five (5) 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, if any, payable under paragraph 8 hereof, immediately due and payable but solely from the sources specified in paragraph 11 hereof. Failure to exercise such option at any time shall not constitute a waiver of the right to exercise the same at any subsequent time.

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

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

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

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

CITY OF MAPLEWOOD, MINNESOTA

Mayor

ATTEST:

City Clerk

(SEAL)

2-2. The Note.

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

2-3. Execution.

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

2-4. Delivery of Note.

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

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

(1) an executed copy of each of the following documents:

(A) the Loan Agreement;

(B) the Pledge Agreement;

(C) the Mortgage;

(D) the Assignment of Rents and Leases;

(E) the Construction Loan Agreement;

(F) the Guaranty; and

(G) a cost certificate signed by the Borrower certifying the use of the proceeds of the Note.

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

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

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

2-5. Disposition of Note Proceeds

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

2-6. Registration of Transfer.

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

2-7. Mutilated, Lost or Destroyed Note.

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

2-8. Ownership of Note.

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

ARTICLE THREE

PREPAYMENT OF NOTE BEFORE MATURITY

3-1. Prepayment.

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

ARTICLE FOUR

GENERAL COVENANTS

4-1. Payment of Principal and Interest.

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

4-2. Performance of and Authority for Covenants.

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

4-3. Performance of Covenants.

The City agrees to enforce all covenants and obligations of the Borrower under the Loan Agreement and Construction Loan Agreement, and to perform all covenants and

other provisions pertaining to the City contained in the Note, the Loan Agreement and the Construction Loan Agreement and subject to Section 4-4.

4-4. Nature of Security.

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

ARTICLE FIVE

MISCELLANEOUS

5-1. Severability.

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

5-2. Authentication of Transcript.

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

5-3. Registration of Resolution.

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

5-4. Authorization to Execute Agreements.

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

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

Adopted: _____, 1982.

Mayor of the City of Maplewood

Attest:

City Clerk

F-2

MEMORANDUM

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning
LOCATION: 2669 and 2677 E. 7th St.
APPLICANT: City of Maplewood
OWNERS: William Basler (2669 E. 7th St.)
Robert Basler (2677 E. 7th St.)
DATE: August 25, 1982

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

SUMMARY OF THE PROPOSAL

Request

Rezone the two lots from M-1, light manufacturing to R-1, residence district (single dwelling).

Proposed Land Use

Both lots are occupied with single dwellings. No further development is proposed.

CONCLUSION

Comments

The city initiated this rezoning as part of its "downzoning" program. This is where the zoning allows a greater intensity of land use than is proposed by the city land use plan.

These two lots were rezoned to M-1 for a small shop at 2669 E. Seventh Street in 1961. The shop burned and was not replaced. The owner is now in a nursing home. Because of the M-1 zone, the existing homes are non-conforming uses and cannot expand without a special use permit. Rezoning to R-1 would resolve this problem.

Recommendation

Approval of the enclosed resolution rezoning the two lots from M-1 to R-1.

BACKGROUND

Site Description

Acreage: 1.37 acres

Existing land use: two single dwellings

Surrounding Land Uses

Northerly and Easterly: single dwellings

Southerly: Union Cemetery

Westerly: Maplewood Nature Center

Past Actions

5-4-61: Council rezoned the site from R-1 to M-1.

Planning

Land Use Plan designation: RL, residential lower density

Zoning: M-1

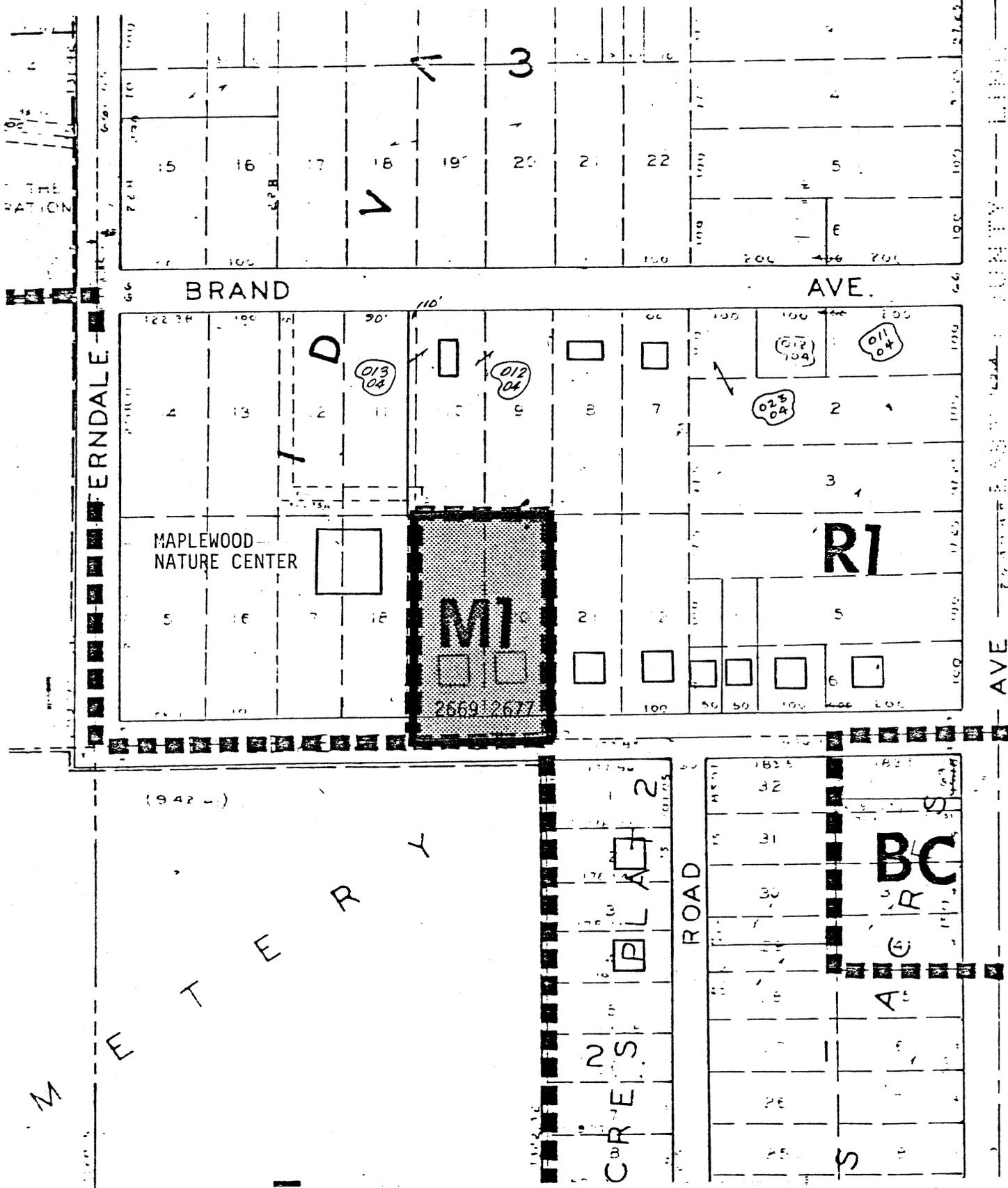
ADMINISTRATIVE

Procedure

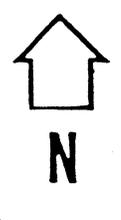
1. Planning Commission--recommendation
2. City Council--1st reading
3. City Council--2nd reading (requires at least four votes for adoption)

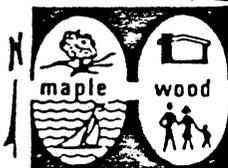
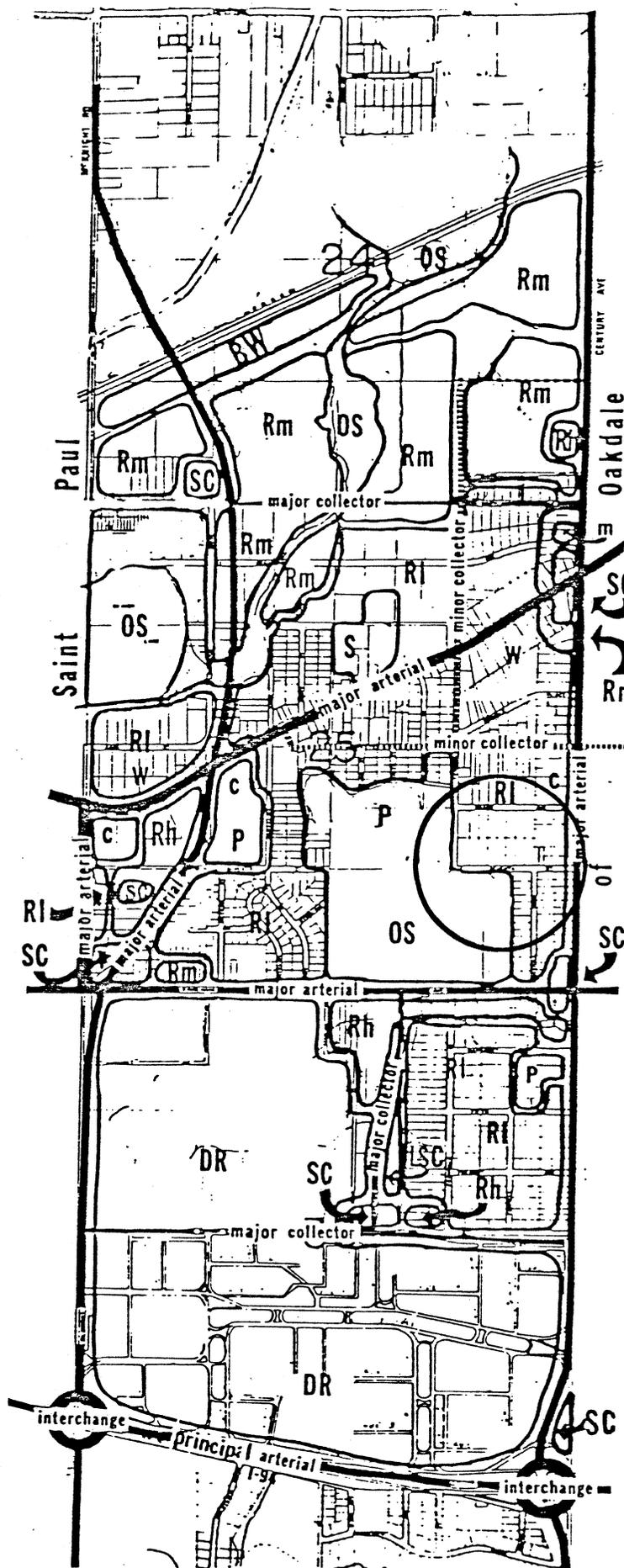
Enclosures

location map
property line map
Beaver Lake Land Use Plan
resolution



PROPERTY LINE MAP





Beaver Lake
NEIGHBORHOOD LAND USE PLAN

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION MAKING FINDINGS OF FACT AND
APPROVAL OF A ZONE CHANGE

WHEREAS, a rezoning procedure has been initiated by the city council for a zone change from M-1, light manufacturing to R-1, residence district (single dwelling) for the following described property:

lots 19 and 20, block 4, Midvale Acres

Such above property being also known and numbered as Number 2669 and 2677 E. Seventh Street, Maplewood, Ramsey County, Minnesota;

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

1. That a rezoning procedure has been initiated by the city council, pursuant to Chapter 915 of the Maplewood Code;
2. That said rezoning procedure was referred to and reviewed by the Maplewood City Planning Commission on the 20th day of September, 1982, at which time said Planning Commission recommended to the City Council that said rezone procedure be approved;
3. That the Maplewood City Council held a public hearing to consider the rezoning procedure, notice thereof having been published and mailed pursuant to law; and
4. That all persons present at said hearing were given an opportunity to be heard and/or present written statements, and the Council considered reports and recommendations of the City Staff and Planning Commission.

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

1. The rezoning is consistent with the Land Use Plan.
2. The property is used for single dwellings, rather than light manufacturing.

Adopted this ____ day of _____, 1982.

Mayor

ATTEST:

Manager

City Clerk

9-20-82

D. Rezoning: 2669 and 2677 E. 7th Street

Secretary Olson said the proposal is to down zone from M-1 to R-1.

The owners of the property were not present at the meeting. No other comments were received.

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the proposed zone change resolution for 2669 and 2677 E. 7th street from M-1 to R-1.

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

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Code Amendment: - BC (M) District
APPLICANT: City Council
DATE: August 30, 1982

Endorsed _____
Modified _____
Rejected _____
Date _____

INTRODUCTION

Request

Amend the BC(M) Business Commercial-Modified zone to exclude restaurants and places of amusement, recreation or assembly, other than a theater.

Reasons

Council believes restaurants and recreation orientated businesses generate more traffic and nuisance potential than is desirable when abutting residential uses.

Objections

1. Restrict BC(M) zone uses to those compatible with single dwelling residential development.
2. Avoid being any more restrictive than necessary to protect our assessments.

CONCLUSION

Analysis

Certain restaurant and recreation uses should continue to be permitted in the BC(M) zone.

Where a restaurant or recreation facility would have the appearance of a typical office or retail structure, it should be permitted, subject to restrictions to ensure compatibility with adjacent residential property.

Structures such as the European Health Spa, Carlton Racquet Ball Club and Chester's Restaurant are no less compatible with residential uses than would be a walk-in theater or motel, both of which are presently permitted uses in the BC(M) zone.

An intent section should be added to the ordinance to indicate that restrictions may be imposed on, but not limited to, building height, parking lot location or location of building entrances. These restrictions, plus the newly proposed setback ordinance requiring a fifty-foot setback with screening for commercial uses adjacent to residential uses, would ensure compatibility with abutting uses.

The definition of restaurant should be revised to eliminate ambiguous terms, such as "heavily oriented to the automobile" and "customarily developed as a single purpose building." These terms were intended to prohibit restaurant franchises such as the 1960's style A & W restaurants, where patrons were served food in their

automobiles.

The present interpretation of these terms is to prohibit restaurants with drive-in order facilities. However, in 1980, the Ramsey County District Court felt that the definition could include most all types of restaurants being that it was so vague. The City attorney recommends that restaurant uses should be retained in the BC(M) zone to support the City's case to uphold the assessments for Beam Avenue.

Recommendation

Approve the enclosed ordinance amendment to clarify the type of restaurant and recreation uses that would be prohibited from business commercial-modified zoning districts.

REFERENCE INFORMATION

Existing Zoning Code Provisions

1. Section 907.050 (2) allows restaurants and places of amusement, recreation or assembly, other than a theater, by special use permit.
2. Section 907.050 (3) specifically prohibits drive-in restaurants and drive-in theaters.
3. Section 907.050 (4) defines drive-in restaurants as: "restaurants, due to their particular nature, related activity patterns, or similar factors, as having the potential for creating special problems. Restaurants which are heavily oriented to the automobile for their clientele, restaurants which customarily develop single purpose buildings or buildings physically designed and constructed to provide specialized identification require particular review to assure compatibility with existing and proposed uses, proper relationship to area traffic and access systems, compatibility with the community's Comprehensive Plan and to avoid, where possible, problems of potential subsequent use of the property and its improvements."

Past Actions

3-11-76: Council amended the zoning code to establish the BC(M) zoning district. (This district was created specifically for the area south of Beam Avenue, between Hazelwood and White Bear Avenues.) The purpose was to allow a wide variety of commercial uses, while prohibiting uses that are heavily oriented to the automobile and, therefore, not compatible with adjacent homes.

5-25-76: Council approved the zone change from F-Farm residence to BC(M)Business Commercial-Modified, for the property south of Beam Avenue.

8-20-81: Council approved a special use permit to locate a Pizza Time Theater restaurant in the BC(M) zoning district, south of Beam Avenue (Hirschfield's Building) subject to conditions.

9-17-81: a. Council enacted a moratorium on special use permits in the BC-M zoning district for a period of up to one year or until the Planning Commission makes a recommendation.

b. Council rescinded the 8-20-81 special use permit approval for Pizza Time Theater. (The applicant had asked that their request for reconsideration be withdrawn.)

Legal

Due to pending assessment appeals for Beam Avenue, the City Attorney recommends that the "City Council not further restrict the uses to which property on the south side of Beam Avenue can be put, but rather specifically define the existing restrictions (on restaurants and recreation uses) so as to relieve any doubt or ambiguity as to the type of uses prohibited. Making reference to 'heavily oriented to the automobile' is too inclusive. The fast-food operations envisioned in the early 1970's are no longer marketed or franchised."

ADMINISTRATIVE

Procedure

1. Planning Commission Recommendation
2. City Council
 - a. First reading (requires a simple majority for approval)
 - b. Second reading and final adoption (requires at least four votes for approval)

mb

ORDINANCE NO. _____

An Ordinance Amending Chapter 907
Maplewood Municipal Code Relating to
Restaurant and Recreation Uses

BE IT ORDAINED BY THE CITY OF MAPLEWOOD AS FOLLOWS:

Section 1. Section 907.050 is amended to read as follows (language crossed out is to be deleted, language underlined is to be added):

1. INTENT. The BC(M), Business Commercial-Modified District is intended to provide for the orderly transition between more intensive commercial uses and low or medium density residential areas. Restrictions on, but not limited to, building height, setbacks, orientation, parking lot location, or location of building entrances may be required to ensure compatibility with abutting residential uses.

2. USE REGULATIONS. A building may be erected or used, and a lot may be used or occupied, for any of the following purposes, and no other:

- a. Retail Store; professional administrative offices; bank or savings and loan; personal service, craftsmen's shop, mortuary
- b. Hotel or motel
- c. ~~Theater, walk-in~~ Walk-in theatre
- d. Job printing shop
- e. Bakery or candy shop producing goods for ~~on-premise~~ on-premises retail ~~sale~~ sales.
- f. Any use of the same general character as any of the above permitted uses, as determined by the City Council, provided that no use which is noxious or hazardous shall be permitted.

3. The following uses when authorized by the ~~lawful-governing-body~~ City Council by means of a special use permit:

- a. All uses permitted in R-3 Residence- Multiple Dwelling Districts, except the construction of dwelling- houses permitted in 904, R-1 and 905, R-2 districts
- b. Laundromat or similar automatic self-service laundry
- c. Restaurant, where there are no drive-up order windows or serving of food to patrons in their automobiles.
- d. Place of amusement, recreation, or assembly, other than a theater, where there are no outdoor activities.

3- 4. Prohibited uses:

- a. Drive-in theaters or drive-in restaurants
- b. Commercial or fee parking lots where such use is the only use of a given parcel or where such use provides for general rather than specific use parking.

- 4- 5. Definitions:

(a) Drive-in restaurant. ~~The City Council hereby finds that certain restaurants, due to their particular nature, related activity patterns, or similar factors, have the potential for creating special problems. Restaurants which are heavily oriented to the automobile for their clientele, restaurants which customarily develop single purpose buildings or buildings physically designed and constructed to provide specialized identification require particular review to assure compatibility with existing and proposed uses, proper relationship to area traffic and access systems, compatibility with the community's Comprehensive Plan and to avoid, where possible, problems of potential subsequent use of the property and its improvements. A restaurant with a drive-up order window or serving of food to patrons in their automobiles.~~

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

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

Mayor

ATTEST:

Clerk

G. Code Amendment--BC (M) District.

Secretary Olson said the proposal is to amend the BC (M) district to exclude restaurants and places of amusement, recreation or assembly, other than a theater.

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

Norman Anderson, 1603 Frost Avenue, said when the BC (M) district was established, the prime concern was restaurants abutting residential property. The cooking odors from restaurants are objectionable to people living by them. He asked if the Commission could possibly suggest an amendment that would prohibit restaurants completely from BC (M) districts.

The Commission suggested additional restrictions for setbacks, regulations to have restaurants install filtering equipment .

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the ordinance amendment to clarify the type of restaurant and recreation uses that would be prohibited from Business Commercial (Modified) zoning districts.

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

11-1

MEMORANDUM

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Director of Community Development
SUBJECT: Planning Fees
DATE: October 1, 1982

State law requires that planning fees be passed by ordinance. Council gave first reading to fee increases on September 27, except for the Community Design Review Board and electronic games. The Community Design Review Board ordinance is not part of the Zoning Code and, therefore, does not have to be passed by ordinance. Council should, however, establish a fee.

Recommendation

Approve the enclosed ordinance setting planning application fees and approve a Community Design Review Board fee of \$50.00.

jc
enclosure:
Ordinance

PLANNING FEES

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

_____ Fees. The following nonrefundable application fees shall be required:

Zone Change	\$125.00
Special Use Permit	125.00
Planned Unit Development	125.00
Special Exception	50.00
Comprehensive Plan Amendment	125.00
Variances:	
R-1	35.00
all other districts	75.00
Vacations	40.00
Lot Divisions	25.00 for each lot created
Preliminary Plat	5.00 for each lot, with a minimum of \$50.00 and a maximum of \$175.00
Home Occupation Permit	35.00 for the initial permit and 10.00 for an annual renewal

Section 2. Section 818.040 (c) of the sign code is amended as follows:

818.040 (c). Permit Fees: (1) A sign permit fee (except for billboards) shall be paid in accordance with the following schedule:

<u>Square Feet</u>	<u>Fee</u>
1 - 10	\$ 5.00
11 - 25	10.00
26 - 50	20.00
51 - 100	50.00
over 100	100.00

(2) The fee for billboards shall be \$7.00 for the first five square feet, plus 40¢ for each additional square foot.

Section 3. This ordinance shall take effect after its passage and publication.

Passed by the Maplewood City Council on October 4, 1982.

Mayor

Attest:

Clerk

Ayes--
Nays--

H-2

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Director of Community Development
SUBJECT: City Council/Planning Commission Study Meeting
DATE: October 1, 1982

Endorsed _____
Modified _____
Rejected _____
Date _____

The City Council, on September 13, decided to set a date on October 7 for a study meeting with the Planning Commission and Staff to discuss the proposed environmental protection ordinance and the proposed ordinance regulating setbacks to R-1 zones.

Recommendation

Set a study meeting for October 21.

mb