

Minutes of Maplewood City Council
7:00 P.M. Monday, January 10, 1983.
Council Chambers, Municipal Building
Meeting No. 83-

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 Graham.

B. Roll Call

John C. Graham Mayor	Present
Norman S. Anderson Councilmember	Present
Gary W. Probst Councilmember	Present
Francis L. Jukis Councilmember	Present
Mary Lee Mehta Councilmember	Present

C. Approval of Minutes

None

D. Approval of Agenda

Mayor Graham moved to approve the Agenda as amended:

1. Maplewood in Motion
2. Maplewood Plan
3. Work Sessions
4. Appointments - Council Review
5. Update Ordinance
6. Labor Negotiation - Executive Session

Seconded by Councilmember Probst.

Ay. all.

E. Consent Agenda

1

Council member Anderson moved, seconded by Mayor Hanson Ags all that the Consent Agenda Item 1 through 9 as recommended:

1. Accounts Payable

Approved the accounts (Part I Fees, Services, Expenses - Check No. 001297 through Check No. 001347 - \$136,285.50; Check No. 015238 through Check No. 015351 - \$39,039.73; Checks dated 12-30-82 - \$11,489.95; Part II Payroll - Checks No. 06134 through Check No. 06270 - \$42,979.57) in the amount of \$259,794.75.

2. Interfund Transfers

Approved the following interfund transfers:

\$85,312	From W. A. C. Fund	To Special Assessment Fund 1973 Bonds (#513)
71,700	Hydrant Fund	1977 Bonds (#520)
6,010	Hydrant Fund	1979 Bonds (#522)
2,050	Water Fund	1979 Bonds (#522)
<hr/> \$165,072	Total	

3. Hillwood Drive - Portland Park Imp. 78-10

Resolution No. 83-1-1
Copy attached

4. Inflow/Infiltration Analysis

Resolution No. 83-1-2
Copy attached

5. T.H. 61 - Basement

Authorized the escrowing of \$4,200.00 with the Court to allow for the "Trick Take" procedure.

RESOLUTION FOR
REDUCTION OF RETAINAGE
ON AWARDED CONSTRUCTION CONTRACT

WHEREAS, the City has awarded a construction contract on April 15, 1982 with the appropriate performance and payment sureties, and

WHEREAS, the construction has proceeded on schedule and portions of which have been substantially completed;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the City Engineer shall reduce the payment retainage on the Hillwood Drive--Dorland Road Project No. 78-10 from five percent (5%) to two percent (2%) of the value of the work completed to date.

RESOLUTION

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

The Infiltration/Inflow Analysis for Maplewood, Minnesota, prepared
by Toltz, King, Duvall, Anderson and Associates, Inc. and Planning
Design and Research Engineers, Inc. is accepted by the City.

6. Special Exceptions Renewal - Pizza Time Theater

Approved the renewal of the Pizza Time Theater special exception permit to allow token operated games and amusements for a period of five years.

7. First Time Home Buyer Program

Ratified a local contribution to the 1983 Maplewood First Time Home Buyer program of 15.8 percent (\$1,147,512) as established by the City Manager in the program application.

8. Final Payment - North Hazelwood Park

Resolution No. 83-1-3

Copy attached

9. 1983 Fee Schedule - Park Facilities

Approved the 1983 fee schedule for Reservation of Park facilities as presented.

F. Public Hearings

1. Code Amendment - Shoreland Ordinance
7:00 P.M.

a. Mayor Deane convened the meeting for a public hearing regarding adoption of a shoreland ordinance. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. John Sims, Department of Natural Resources explained the State's requirements.

RESOLUTION
ACCEPTING WORK AND ORDERING FINAL PAYMENT

WHEREAS, pursuant to an amended written contract approved by the City on June 4, 1981, U. D. Contracting Inc. of Brooklyn Park, Minnesota has completed Maplewood Improvement Project 80-02 in accordance with said amended contract,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA. The work completed under said amended 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.

d. Chairman Leo Axtell presented the following Planning Commission Recommendation:

"Commissioner Fischer moved the Planning Commission recommend that the City Council approve the proposed shoreland ordinance as outlined in staff's report dated October 7, 1982.

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

Commissioner Fischer moved to amend the definition of structure to read, "anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures."

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

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

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

g. Mayor Braun closed the public hearing.

h. Councilmember Maile moved first reading of an ordinance regulating the development of land that is generally within 100 ft of a shoreline or 300 feet of a creek.

Seconded by Councilmember Anderson. Aye--all

2. Bear Ave. Assessments 7:15 P.M.

a. Mayor Braun convened the meeting for a public hearing regarding the adoption of Superior Bear Avenue Assessments, Imp. No. 70-5A and Imp. No. 71-15. The Clerk stated the hearing notice was in order and noted the date of publication.

b. Mayor Braun presented the staff

report.

c. Director of Public Works Ken Hilde explained the assessment roll.

d. Mayor Green called for opponents. None were heard.

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

f. Mayor Green closed the public hearing.

g. Mayor Green introduced the following resolution and moved its adoption.

83-1-

Copy attached

Seconded by Councilmember Hilde. Aye all.

h. Mayor Green introduced the following resolution and moved its adoption.

83-1-

Copy attached

Seconded by Councilmember Hilde. Aye all.

3. Code Amendment - Special Use Permits 7:30 P.M.

a. Mayor Green convened the meeting for a public hearing regarding the adoption of an ordinance amending the zoning code concerning special use permits. The clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

*James
Certify this resolution
Same as other.*

RESOLUTION NO. _____

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

148

WITNESSETH:

WHEREAS, pursuant to the provisions of that Judgment of the Ramsey County District Court dated, filed and entered the 31st day of July, 1980, the Maplewood City Council proposes to reassess for local public improvements commonly known and numbered as Beam Avenue Assessments, Projects No. 70-5A and 71-15, those parcels of real property in the amounts as more particularly described herein-after, to wit:

~~SEE EXHIBIT "A-1" ATTACHED~~

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

1. That the proposed assessment set forth in Exhibit "A-1" attached is hereby accepted and shall constitute the special assessment against said parcels and that each said parcel is found to benefit by the local public improvement in the amount of the assessment levied against it.
2. ~~That the assessment for Project No. 70-5A for storm sewer and Project No. 71-15 for sanitary sewer, water and storm sewer shall be payable in equal annual installments extending over a period of twelve (12) years, the first of the installments to be payable on or after the first Monday in January, 1983, and shall bear interest at the rate of seven (7%) per cent per annum from the date of the adoption hereof.~~
That the assessment for Project No. 70-5A for street, curb and gutter and for Project No. 71-15 for street and bridge, shall be payable in equal annual installments extending over a period of three (3) years; the first of the installments to be payable on or after the first Monday in January, 1983 and shall bear interest at the rate of seven (7%) per cent per annum from the date of the adoption hereof. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1982. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. That the terms and provisions of Resolutions No. 76-81-160, 161 and 162, insofar as they are not otherwise inconsistent herewith are incorporated herein by reference.
4. That the City Clerk shall forthwith transmit a certified duplicate of this assessment to the Ramsey County Auditor to be extended on the property tax lists of said County and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Adopted this 25th day of October, 1982.

Mayor

Manager

(S E A L)

Attest:

City Clerk

Approved as to form:

City Attorney

*Please
Verify this resolution
Same as other.*

RESOLUTION NO. _____

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

149

WITNESSETH:

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1. That the proposed assessment set forth in Exhibit "A-1" attached is hereby accepted and shall constitute the special assessment against said parcels and that each said parcel is found to benefit by the local public improvement in the amount of the assessment levied against it.
2. That the assessment for Project No. 70-5A for storm sewer and Project No. 71-15 for sanitary sewer, water and storm sewer shall be payable in equal annual installments extending over a period of ^{thirteen (13)} ~~twelve (12)~~ years, the first of the installments to be payable on or after the first Monday in January, 1983, and shall bear interest at the rate of seven (7%) per cent per annum from the date of the adoption hereof. ~~That the assessment for Project No. 70-5A for street, curb and gutter and for Project No. 71-15 for street and bridge, shall be payable in equal annual installments extending over a period of three (3) years; the first of the installments to be payable on or after the first Monday in January, 1983 and shall bear interest at the rate of seven (7%) per cent per annum from the date of the adoption hereof. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 1982. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.~~
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Adopted this 25th day of October, 1982.

Mayor

Manager

(S E A L)

Attest:

City Clerk

Approved as to form:

City Attorney

c. Chairman As Axtell presented the following Planning Commission Recommendation:

"Commissioner Fischer moved that number 4 be added to the ordinance permitting mobile home parks by conditional use permits

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

Commissioner Whitcomb moved the Planning Commission forward the proposed ordinance amendment to the city council for approval as amended by the Commission.

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

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

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

f. Mayor Straw closed the public hearing.

g. Councilmember Proctor reviewed his proposals.

h. Councilmember Proctor moved 1st reading of an ordinance amending the zoning code as it relates to special use permits.

Seconded by Councilmember Maeda.

Ayes - Mayor Straw, Councilmembers Anderson, Proctor and Maeda

Nay - Councilmember Jules

4. Community Development Block Grant.
7:45 P.M.

a. Mayor Straw adjourned the meeting for a public hearing regarding

consideration being given to applying for a
Community Development Block Grant. The
Clerk stated the hearing notice was
in order and noted the date of publication.

A. Manager Evans presented the staff report.

C. Mayor Gorman called for proponents. None
were heard.

D. Mayor Gorman called for opponents.
None were heard.

E. Mayor Gorman closed the public hearing.

F. Councilmember Jaker introduced the following
resolution and moved its adoption.

R-1 -
Copy attached

Seconded by Councilmember Anderson. Aye all.

5. Rezoning a Vacancies: English Street
Jos P. M.

A. Mayor Gorman convened the meeting
for a public hearing regarding the request
of Ralph S. Needell for a zone change from
BC Business Commercial to R-1 Single Residence
District and lot width and lot area variances
on property located on the east side of English
Street south of Skelton Avenue. The Clerk
stated the hearing notice was in order
and noted the date of publication.

A. Manager Evans presented the staff report.

C. Chairman Joe Agdahl presented the

(8)

Following Planning Commission report:

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution rezoning the subject site from BC to R-1. Approval is based on the findings that:

1. R-1 zoning would be consistent with the Land Use Plan since single-family dwellings on small lots are permitted.
2. A single dwelling would be consistent with the adjacent development along English Street.
3. Density requirements as listed in the Land Use Plan would not be exceeded.

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

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution granting a lot width and area variance on the basis that:

1. There is a hardship since the property could not be put to reasonable use if the code requirements were strictly enforced.
2. The variance would be in keeping with the spirit and intent of the ordinance.
3. The city has approved comparable lot width and area variances in the past.

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

d. Mr. Ralph Neibel, the applicant, spoke on behalf of his request.

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

f. Mayor Orman called for opponents. The following were heard:

Mrs. Beips, 2034 English
Mr. Janus Sabota
Mrs. Virginia Fishback, 2022 English

g. Mayor Orman closed the public hearing.

L. Councilmember Boston moved to table this item until such time as the opening question for the whole area is held with the understanding that this item be one of the first to be heard.

Seconded by Councilmember Anderson. Aye all.

G. Award of Bids

None

H. Unfinished Business

1. Frost Avenue - Birmingham - White Bear Avenue

a. Mayor Evans stated

This item was tabled December 16, 1982 so the full Council could consider the matter. No new information was requested at that time.

If the City Council does wish to proceed with the project it is recommended that staff be authorized to execute the ~~attached~~ ^{attached} agreements with the County. The financing for road and storm sewer construction would be through assessments, while the "Opticom" would be financed by the State-Aid Street Account.

A. M. David Sampson, 1503 Frost Ave spoke against the project.

c. Councilmember Anderson moved to ~~now~~ delete Item No. 9 - Bike paths from the proposal.

Seconded by Mayor Evans. Aye all.

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

13-1-
Copy attached

Seconded by Mayor Evans. Aye all.

RESOLUTION ORDERING IMPROVEMENT,
APPROVING PLANS, ADVERTISING FOR BIDS

WHEREAS, after due notice of public hearing on the construction of street and storm sewer improvements on Frost Avenue from Birmingham Street to White Bear Avenue, a hearing on said improvement in accordance with the notice duly held on December 16, 1982, and the Council has heard all persons desiring to be heard on the matter and has fully considered the same; and

WHEREAS, the improvement shall be accomplished by the Ramsey County Department of Public Works under the direction of the County Engineer, and he has presented to the Council an agreement for the preparation of the plans and specifications, City obligations and County obligations relating to the construction thereof, for approval,

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

1. That it is advisable, expedient and necessary that Ramsey County construct street and storm sewer facilities on Frost Avenue from Birmingham Street to White Bear Avenue as described in the notice of hearing thereon, except for the bituminous path, and orders the same to be made.
2. The agreement with Ramsey County for construction of this project is hereby approved and ordered placed on file in the office of the City Clerk.
3. The plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the Office of the City Clerk.
4. Authorization to advertise for bids is hereby approved.

I. New Business

1. Special Exception: 1904 Maryknoll Ave.

a. Manager Evans presented the staff report.

b. Chairman Joe Axtell presented the following Planning Commission report:

Commissioner Prew moved the Planning Commission recommend to the City Council approval of the resolution approving a beauty shop at 1904 Maryknoll Avenue, on the basis that it meets all city code requirements. Approval is subject to the installation of one, five-pound ABC Fire Extinguisher in the lower level.

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

c. Mr. Jack Larson, the applicant, spoke in behalf of the proposal.

d. Councilmember Boston introduced the following resolution and moved its adoption:

83-1-
Copy attached

Seconded by Councilmember Joplin. Ayes all.

2. Time Extension - Bean Lakeside Addition
Biletich

a. Manager Evans presented the staff report.

b. Mr. Vaya Biletich, the applicant, spoke in behalf of his request for a preliminary plat time extension.

c. Councilmember Anderson moved to approve a one year time extension for the Bean Lakeside Addition preliminary plat.

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

RESOLUTION MAKING FINDINGS OF FACT
AND APPROVAL OF A SPECIAL EXCEPTION PERMIT

WHEREAS, a special exception permit request has been initiated by Kathleen Apman to operate a home beauty shop for the following described property:

Lot 3, block 1 Maryknoll Addition, except the north 88-9/10 feet

Such above property being also known and numbered as 1904 Maryknoll Avenue, Maplewood, Minnesota:

WHEREAS, the procedural history of this special exception permit request is as follows:

1. That a special exception permit request has been initiated pursuant to the requirements of section 36-66 of the Maplewood Zoning Code;
2. That said special exception permit request was referred to and reviewed by the Maplewood Planning Commission on the 20th day of December, 1982, at which time said Planning Commission recommended to the City Council that said special exception permit be approved;
3. That the Maplewood City Council held a public hearing to consider the special use request, notice thereof having been published and mailed pursuant to law; and
4. That the Council considered reports and recommendations of the city staff and Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL, that the above-described special exception be granted on the basis of the following finding of fact: the beauty shop would meet all city code requirements.

Approval is subject to the installation of one, five-pound ABC fire extinguisher.

Adopted this _____ day of _____, 19_____.

Mayor

ATTEST:

City Clerk

(11)

Seconded by Mayor Graw. Ays - Mayor Graw,
Councilmembers Anderson, Baston
and Maida
Nay - Councilmember Jakes

3. Council Appointments

a. Acting Mayor

1. Mayor Graw nominated Councilmember Baston as Acting Mayor

2. Councilmember Anderson nominated Councilmember Jakes as Acting Mayor

3. Mayor Graw moved to appoint Councilmember Baston as Acting Mayor.

Seconded by Councilmember Maida.

Ays - Mayor Graw, Councilmembers
Anderson, Baston and Maida

Nay - Councilmember Jakes

b. Official Newspaper

1. Mayor Graw introduced the following resolution and moved its adoption:

83-1-

Be It Resolved that the City Council of Maplewood Minnesota designate the Maplewood Review as the official newspaper for the year 1983

Seconded by Councilmember Maida. Ays - Mayor Graw
Councilmembers Anderson
Baston and Maida
Nay - Councilmember Jakes

c. Planning Commission Chairperson

1. Councilmember Anderson moved to appoint Les Updeake Chairman of the Planning Commission.

Seconded by Councilmember Bastian. Aye all.

d. Rules of Procedure

1. Mayor Graham introduced the following resolution and moved its adoption:

83-1-
Copy attached

Seconded by Councilmember Bastian. Aye all.

4. Travel and Training

a. Manager Evans presented the staff report.

b. Councilmember Maida moved to approve the recommendation that the

be revised to provide that ~~reimbursement policy for out-of-state conferences~~ employee pay 15% of the total eligible costs for attending the conference.

Seconded by Councilmember Bastian.

Aye - Councilmembers Bastian and Maida

Nays - Mayor Graham Councilmembers Anderson and Gibbs.

5. O.A.C. Commercial and Industrial

Councilman Nelson introduced the following resolution and moved its adoption:

81 - 1 - 4

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the Maplewood Review is designated the Official City Newspaper for the year 1981.

Seconded by Councilman Anderson.

Ayes - Mayor Greavu, Councilmen Anderson, Bastian and Nelson.

Nays - Councilperson Juker.

e. Rules of Procedures

Councilman Bastian introduced the following resolution and moved its adoption:

81 - 1 - 5

Section 1.

MEETINGS

Regular: The City Council shall hold regular meetings on the ~~first~~ ^{Second} and ~~third~~ ^{Fourth} ~~Thursdays~~ ^{Mondays} of each month at 7:00 P.M., provided that when the day fixed for any regular meeting falls on a day designated by law as a legal holiday, such meeting shall be held at the same hour on the next succeeding Thursday not a holiday.

Special: The Mayor or any two members of the Council by writing filed with the City Clerk at least twenty-four hours before such meeting may call a special meeting. Notice of such meeting shall state the purpose or purposes thereof and shall be personally delivered to each member or be left at the members usual place of residence with a person of suitable age and discretion then residing therein, or written notice thereof shall be left in a conspicuous place at the residence if no such person can be found there. The notice shall be delivered twelve hours before the meeting time. Except for trivial matter, business transacted at a special meeting shall be limited to that mentioned in the call. Emergency meetings may be called at any time providing all members of the Council sign waivers of notice to such meeting and said waivers shall be filed with the City Clerk.

Place: All meetings shall be held in the Council Chambers of the Maplewood Municipal Building unless there is a published notice designating another location.

Presiding Officers: The Mayor shall preside at all meetings of the Council. In the absence of the Mayor the Acting Mayor shall preside. In the absence of both, the Councilmen shall elect one of their number as temporary chairman.

Quorum: Three members of the Council shall constitute a quorum at any meeting of the Council, but a smaller number may adjourn from time to time.

Order of Business: At the hour appointed for meeting, the members shall be called to order by the Mayor, or in his absence by the Acting Mayor, or in the absence of both by the Clerk. The Clerk shall call the roll, note the absentees and announce whether a quorum is present. In the absence of the Clerk, the Mayor shall appoint a secretary protem. Upon the appearance of the quorum the Council shall proceed to business which shall be conducted in the following order:

- A. Call to Order
- B. Roll Call
- C. Approval of Minutes
- D. Approval of Agenda
- E. Consent Agenda
- F. Public Hearings
- G. Awarding of Bids
- H. Unfinished Business
- I. Visitor Presentations
- J. New Business
- K. Council Presentations
- L. Administrative Presentations
- M. Adjournment

Curfew: No additional agenda item will be discussed after 10:30 P.M. No discussion will continue past 11:00 P.M. Meetings adjourned under this policy will be continued to the next Thursday at 7:00 P.M. The continued meeting will start at the point on the agenda where the adjournment occurred. No new items will be added to the continued meeting agenda.

First Regular: At the first regular Council meeting in January of each year, the Council shall (1) designate the depository of City Funds, (2) designate the official newspaper, (3) choose an Acting Mayor from the membership of the Council who shall perform the duties of the Mayor during the disability or absence of the Mayor, and (4) review the Rules of Procedure of the City Council and make any necessary changes if such changes are desired.

Section 2.

AGENDA FOR REGULAR MEETING

- (1) All matters to be submitted to the Council shall be filed not later than 12:00 Noon on the ~~Monday~~ ^{Monday} prior to the ~~Monday~~ ^{Monday} Council meeting at which consideration is desired, and shall be delivered to the City Manager, or in his absence the City Clerk. In unusual circumstances and when the matter does not require investigation, an item may be accepted after the deadline upon the approval of the City Manager.
- (2) Except for trivial matters, no item or business shall be considered for action by the Council which does not appear on the agenda for the meeting, except that an item or urgent business which requires immediate action and is so determined by a majority of the Council may be considered by the Council whether or not there is a full membership present. The Council will hear all reasonable citizen petitions, requests and statements however, such items which do not specifically appear on the agenda shall be deferred to a future meeting for more careful consideration and study if Council action, other than filing, is required or requested.

The Mayor and each Councilman shall be provided with a copy of the agenda, minutes of the previous meeting, and any other reports and information pertinent to the agenda at least seventy-two hours prior to each regular Council meeting.

No matter may be submitted for Council action by any administrative official, department head, or employee unless it has first been presented to the City Manager for inclusion on the agenda.

Section 3.

MINUTES:

- (a) The City Clerk shall keep a record of all Council meetings.
- (b) Unless a reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if each member has previously been provided with a copy.
- (c) The Council may, by motion carried by majority vote amend the minutes. Such amending motion shall become a part of the minutes of the subsequent meeting.

Section 4.

DUTIES OF THE PRESIDING OFFICER:

The presiding officer shall preserve strict order and decorum at all meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council in which event a majority vote of the Council shall govern and conclusively determine such questions or order. He may vote on all questions and on a roll call vote determine the order in which votes are cast.

Section 5.

RULES OF DEBATE:

- (a) The Mayor or other Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by the rules imposed on all members and shall not be deprived of any of the rights and privileges of a Councilman by reason of his acting as the Presiding Officer.
- (b) Every member desiring to speak shall address the chair, and upon recognition by the Presiding Officer shall confine himself to the question under debate avoiding all personalities and indecorous language.
- (c) A member, once recognized, shall not be interrupted when speaking unless it be to call him to order or to vote on a motion to close a debate, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined and if in order, he shall be permitted to proceed.
- (d) A motion to reconsider any action taken by the Council must be made at meeting at which such action was taken or at the next regular meeting of the Council and must be made by a member of the Council who voted with the prevailing side, provided that if such motion to reconsider is passed, then the parties entitled to notice on the original action shall be notified, and the reconsideration of the action shall be taken at the next regular meeting following passage of the motion to reconsider.
- (e) A Councilman may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council, or the reason for his dissent from or support of any action of the Council, entered in the minutes. Such a request may be made at the time of said action or consideration or at the time of the adoption of said minutes. Unless the Council, by motion, objects, such statements shall be entered in the minutes.

- (f) The Clerk shall enter in the minutes a synopsis of the discussion on any question coming in proper order before the Council.

Section 6.

ADDRESSING THE COUNCIL:

Any person desiring to address the Council shall first secure the permission of the Presiding Officer.

Each person addressing the Council shall give his name and address in an audible tone for the records, and unless further time is granted by the Presiding Officer, shall limit his address to five minutes, except at a public hearing when the limit shall be ten minutes. All remarks should be addressed to the Council as a body and not to any member. No person other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Councilman or any member of the Administrative Staff except through the Presiding Officer.

Section 7.

GENERAL RULES OF ORDER:

Robert's Rules of Order and Robert's Parliamentary Law shall be accepted as an authority on parliamentary practice on matters not specifically covered and in case of a conflict these rules shall govern.

Section 8.

VOTING:

Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

Section 9.

DECORUM AND ITS ENFORCEMENT:

The Council members, while the Council is in session, must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

Section 10.

ORDINANCES, RESOLUTIONS, MOTIONS AND REPORTS:

- (a) Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council except that the City Manager or Attorney may present ordinances, resolutions and other matters or subjects to the Council.
- (b) Every ordinance and resolution shall be presented in writing and read in full at a Council meeting; provided, however, that the reading of an ordinance or resolution may be dispensed with by unanimous consent. Upon the vote

on ordinances, resolutions and motions, the ayes and naves shall be recorded unless the vote is declared unanimous. Upon the request of any member of the Council, the vote shall be by roll call of all members of the Council as provided under DUTIES OF THE PRESIDING OFFICER in this resolution. A majority vote of all members of the Council shall be required for the passage of all ordinances, motions and resolutions except as otherwise provided by law.

- (c) Every ordinance other than emergency ordinances shall have two public readings as provided in Subsection (b) of this Section, and at least fourteen days shall elapse between the first reading or waiver thereof and the second reading or waiver thereof.
- (d) An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared, passed by a vote of at least four members of the Council, as recorded by ayes and naves. No prosecution shall be based upon the provisions of any emergency ordinance until the same has been filed with the City Clerk and posted in three conspicuous places in the City and twenty-four hours after such filing and posting shall have elapsed or until the ordinance has been published, unless the person, persons, firms or corporations charged with violations thereof shall have had notice of the passage thereof prior to the act or omission complained of.
- (e) All ordinances and resolutions shall be filed with the Clerk and made a part of the minutes. Reports, petitions and correspondence shall be filed with the Clerk and made a part of the minutes by reference.

Section 11.

CONDUCT OF CITY EMPLOYEES:

- (a) The City Manager may take part in the discussions of the City Council and may recommend to the Council such measures as he may deem necessary for the welfare of the people and efficient administration of the affairs of the City. He shall have all the rights, powers and duties prescribed by Minnesota Statutes in regard thereto, however, it is recognized that the City Council is the policy making body for the City and the City Manager shall confine his discussions at Council meetings to statements of fact, recommendations based on his knowledge and experience and explanations of the reasons for the same, and any matters pertaining to administration.
- (b) The City Attorney may not take part in the discussions of the City Council except to answer questions directed to him, comment on matters involving legal posers or procedures of the City, and to present factual material to the Council.
- (c) No City Employee, other than the City Manager or Attorney, shall enter into discussions of the City Council except to answer questions directed to such employee, or to present factual information.
- (d) The above regulations of City employees shall not be construed to limit the appearance before the City Council of any City employee when such appearance is made as a taxpayer or member of the public, for or against some particular issue under discussion by the Council when such employee has an interest in the outcome thereof.

Section 12.

WAIVER:

By 4/5 consent of all Councilmen these rules may be waived.

Section 13.

ADJOURNMENT:

A motion to adjourn shall always be in order and decided without debate.

Seconded by Councilman Nelson.

Ayes - all.

f. Suburban Rate Authority

Councilman Anderson introduced the following resolution and moved its adoption:

81 - 1 - 6

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

Mayor John Greavu is hereby designated as a director of the Suburban Rate Authority, and Manager Barry R. Evans is hereby designated to serve as alternate director of the Suburban Rate Authority for the year 1981 and until their successors are appointed.

Seconded by Councilman Nelson.

Ayes - all.

2. Park Acquisition Charge

a. Councilman Bastian moved to approve the 1981 Park Acquisition charge as recommended.

Seconded by Councilman Anderson.

Ayes - all.

3. 1981 Animal Control Contract

Councilman Bastian moved to approve the 1981 Animal Control Contract with M.A.P.S.I. as recommended.

Seconded by Councilman Anderson.

Ayes - all.

K. COUNCIL PRESENTATIONS

1. March Meeting

a. Councilperson Juker stated she would be unable to attend the 1st meeting in March.

b. Councilman Anderson moved to set the 2nd and 4th Thursdays in March for regular Council meetings.

Councilman Anderson withdrew his motion.

a. *Mayor Evans stated*

The Maplewood Park and Recreation Commission discussed the Commercial and Industrial Charges for Neighborhood Parks at their December 13, 1982, meeting. Last year the City Council increased the commercial and industrial property fee from 3-1/2% market value to 5% with a \$12,000 per acre maximum.

It is the Park and Recreation Commission's recommendation that for 1983 the City Council approve an increase to 6% of market value on commercial and industrial property in the City of Maplewood.

A. Mayor Evans moved that the B.A.C. Commercial and Industrial charges remain the same as 1982.

Seconded by Councilmember Mails. Aye all.

6. *B.A.C. Residential*

a. *Mayor Evans stated*

The Maplewood Park and Recreation Commission at its December 13, 1982, meeting discussed the Park Acquisition Charge For Neighborhood Parks and made the following recommendation: It is recommended that the Maplewood City Council increase the average acquisition cost to \$4,775 and the average acre development cost be continued at \$7,500, which will establish a new price of \$85.25 per person.

A. Mayor Evans moved that the B.A.C. - Residential charges remain the same as 1982.

Seconded by Councilmember Anderson. Aye all.

7. *Ramsey County League*

a. *Mayor Evans stated presented a bill for the 1983 Membership dues for the Ramsey County League of Local Governments in the amount of \$1,250.00.*

A. Mayor Evans moved to table until further information be obtained.

Seconded by Councilmember Anderson

Ag. - Mayor Green, Councilmember
Anderson, Jucker and Maile

Ray - Councilmember Boston.

J. Visitor Presentation

1. Richard Anderson, 2832 Keller Parkway

a. Mr. Anderson brought the Council
up to date as to what has transpired
with his property by Beam and Kahlman.
He wishes to proceed with the development
and would like ~~Council's~~ an indication
of how the Council feels.

b. No action taken.

K. Council Presentations

1. Maplewood In Motion

a. Councilmember Jucker stated that ^{part of} the latest Maplewood In Motion was all
gash and recreation articles in articles
regarding the City were ~~in~~ in the
back. She feels City articles belong in the beginning.

2. Maplewood Plan

a. Councilmember Anderson discussed ~~to property~~
~~area~~ in the Gladstone area that was
recently turned down for a rezoning.
It is now a court case.

3. Work Sessions

- a. Councilmember Bastion asked if the Council / Staff work sessions on Thursdays were going to continue.
- b. Council indicated the meetings would continue at 5:00 P.M.

4. Appointments - Council Review

- a. Councilmember Bastion requested a procedure be set up for Council to interview the applicants for the City Commission and Boards.
- b. No action taken until all applications are received.

5. Update Ordinances

- a. Councilmember Bastion questioned if the code was being updated.
- b. Staff stated the code ~~was~~ being updated.

Schedule - Late Camp - Sewer Billing

- a. Council~~man~~ requested staff to inform Schedule Truck Company that they will be required to pay the sewer ^{bill} plate charge.

R. Administrative Presentation

1. Labor Negotiation

Council adjourned the meeting at 10:25 P.M.
to meet in executive session to discuss
labor negotiation.

M. Adjournment

10:25 P.M.

~~City Club~~