

AGENDA
Maplewood City Council
7:00 P.M., Monday, March 14, 1983
Municipal Administration Building
Meeting 83-06

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

1. Minutes 83-03, January 24, 1983
2. Minutes 83-04, February 14, 1983

(D) APPROVAL OF AGENDA

(E) CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion in the form listed below. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

1. Accounts Payable
2. Sale of Excess Property - Beam & White Bear Ave.
3. H.R.A. Resignation

(F) PUBLIC HEARINGS

1. PUD: Gervais Overlook: 7:00 _____
2. Rezoning: Century & Larpenteur (Priory) 7:15 (4 Votes) _____
3. Rezoning: Century Ave (Hillcrest & NSP) 7:15 (4 Votes) _____
4. Rezoning: Century Ave (Ivy to tracks) 7:15 (4 Votes) _____
5. Rezoning: E. County Line Fire Station 7:30 (4 Votes) _____
6. Watermain Extension - Crestview Drive 7:45 (4 Votes) _____

(G) AWARD OF BIDS

1. EMS Portable & Mobile Radio Units _____
2. Police Vehicles _____

(H) UNFINISHED BUSINESS

1. Hazelwood Street Improvements _____
2. Maplewood Firefighters Relief Association _____
3. Settlement - Walton _____
4. Appointments - Boards & Commissions _____

(I) NEW BUSINESS

1. Code Amendment - Planning Commission Terms _____
2. Transfer Funds - Nature Center _____
3. Frost Avenue: Birmingham - Adele _____
4. T.H. 61 - Frontage Road - Hearing Date _____
5. Neighborhood Commercial District _____
6. Carsgrove's Meadows 1st Addition - Final Plat _____

(J) VISITOR PRESENTATION

(K) COUNCIL PRESENTATIONS

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

(M) ADJOURNMENT

MINUTES OF THE MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, January 24, 1983
Council Chambers, Municipal Building
Meeting No. 83-3

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 Acting Mayor Bastian.

B. ROLL CALL

Gary W. Bastian, Acting Mayor	Present
John C. Greavu, Mayor	Absent
Norman G. Anderson, Councilmember	Present
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Councilmember Anderson moved to approve the following Minutes of Meeting No. 82-31 (November 22, 1982), Meeting No. 82-32 (December 13, 1982), Meeting No. 82-33 (December 16, 1982), Meeting No. 82-34 (December 27, 1982) as submitted.

Seconded by Councilmember Maida. Ayes - all.

D. APPROVAL OF AGENDA

Councilmember Anderson moved to approve the Agenda as amended:

1. Volunteerism
2. Wage and Hiring Freeze
3. Nepotism
4. Sewer Bills

Seconded by Councilmember Maida. Ayes - all.

E. CONSENT AGENDA

Councilmember Anderson moved, seconded by Councilmember Maida, Ayes - all, to approve the Consent Agenda Items 1 through 9 as recommended:

1. Accounts Payable

Approved the Accounts (Part I, Fees, Services, Expenses, Check No. 01348 through Check No. 03177 - \$34,033.46; Check No. 015352 through Check No. 15436 - \$82,595.12; Checks dated January 13, 1983 - \$171,052.15; Part II - Payroll dated January 14, 1983 - \$55,515.48) in the amount of \$343,196.21.

83 - 1 - 12
RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF A PERMANENT
REVENUE NOTE PURSUANT TO CHAPTER 474, MINNESOTA
STATUTES, TO PROVIDE FUNDS TO BE LOANED
TO COMMERCIAL PARTNERS/MAPLEWOOD
FOR INDUSTRIAL DEVELOPMENT PROJECT

RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD
(the "City") as follows:

1. Authority. The City is, by the Constitution and Laws of the State of Minnesota, including Chapter 474, Minnesota Statutes, as amended (the "Act") authorized to issue and sell its revenue notes for the purpose of undertaking an authorized project, to issue and sell notes to evidence temporary loans to be repaid from the proceeds of revenue notes when issued and to enter into contracts necessary or convenient in the exercise of the powers granted by the Act and to pledge revenues of the project and otherwise secure such notes.

2. Authorization of Note and Series of Notes. The City Council adopted a resolution on February 19, 1981 (the "Resolution") authorizing the issuance and sale of a revenue note of the City in the aggregate principal amount of One Million One Hundred Thousand Dollars (\$1,100,000) pursuant to the Act to provide money to be loaned to Commercial Partners/Maplewood, a Minnesota general partnership (the "Partnership"), to finance costs of acquiring, constructing and equipping a commercial building in the City (the "Project Building") to be owned by the Partnership and leased to various tenants, together with necessary equipment (the "Project Equipment") to be located permanently in and become a part of the Project Building or the site thereof (the "Project Site") and necessary site improvements (collectively the "Project" as more fully defined in the Loan Agreement hereinafter mentioned). In anticipation of the issuance of the permanent revenue notes authorized by the Resolution and in order to provide temporary financing for the Project, the City issued and sold its \$1,100,000 City of Maplewood Industrial Development Revenue Bond (Commercial Partners/Maplewood Project) (the "Temporary Bond") which matures on February 1, 1983. The City Council shall now issue and sell its \$1,100,000 Industrial Development Permanent Revenue Note (Commercial Partners/Maplewood Project) (the "Note"). The City Council hereby determines that it is desirable and expedient to authorize, and the City Council does hereby authorize, the issuance and sale of a refunding revenue note of the City on or prior to February 1, 1984 in the aggregate principal amount of One Million One Hundred Thousand Dollars (\$1,100,000) to refund the Note.

3. Documents Presented. Forms of the following documents (the "Note Documents") relating to the Note and the Project have been submitted to and examined by the City Council and are now on file in the office of the City Clerk:

(a) Loan and Purchase Agreement (the "Loan Agreement"), dated as of February 1, 1981, by and among the City, the Partnership and National City Bank of Minneapolis (the "Bank") whereby, among other things, the City agrees to sell and the Bank agrees to purchase the Temporary Bond, the City agrees to make a loan to the Partnership of the proceeds of the sale of the Temporary Bond and the Partnership covenants to complete the Project and to pay amounts sufficient to provide for the prompt payment of the principal of and interest on the Temporary Bond;

(b) First Amendment to Loan and Purchase Agreement (the "Loan Agreement Amendment"), dated as of February 1, 1983, amending and supplementing the Loan Agreement, whereby, among other things, the City agrees to loan the proceeds of the sale of the Note to the Partnership and the Partnership covenants to pay amounts sufficient to provide for the prompt payment of the principal and interest on the Note;

(c) Combination Mortgage, Security Agreement and Fixture Financing Statement (the "Mortgage") dated as of February 1, 1981, by and between the Partnership and the Bank, whereby the Partnership mortgages the Project Site, the Project Building and the Project Equipment (the "Project Facilities") as security for the Temporary Bond (this document not to be executed by the City);

(d) First Amendment to Combination Mortgage, Security Agreement and Fixture Financing Statement (the "Mortgage Amendment"), dated as of February 1, 1983, amending and supplementing the Mortgage, whereby the Partnership mortgages the Project Facilities as security for the Note (this document not to be executed by the City);

(e) Guaranty Agreement (the "Guaranty Agreement") dated as of February 1, 1981 from Robert M. Larsen individually, Paul R. Anderson and Susan Anderson and Alan W. Gustafson and Iris Gustafson (the "Guarantors") to the Bank, whereby the Guarantors guarantee the payment of principal of, premium, if any, and interest on the Temporary Bond to the extent provided therein (this document not to be executed by the City);

(f) First Amendment to Guaranty Agreement (the "Guaranty Amendment") dated as of February 1, 1983, amending and supplementing the Guaranty Agreement, whereby the Guarantors guarantee payment of principal of, premium, if any, and interest on the Note to the extent provided therein (this document not to be executed by the City);

(g) Assignment and Pledge Agreement (the "Assignment") dated as of February 1, 1981, whereby the City assigns to the Bank all of its interest in the Loan and Purchase Agreement and Loan Repayments of the Partnership thereunder (except its rights under Sections 5.02, 7.01, 8.04 and 8.05), for the purpose of securing the full and prompt payment of the Temporary Bond (the form of Assignment and Pledge Agreement attached as Exhibit 2 to the Resolution);

(h) First Amendment to Assignment and Pledge Agreement (the "Assignment Amendment") dated as of February 1, 1983, amending and supplementing the Assignment, whereby the City assigns to the Bank all of its interest in the Loan Agreement, as amended and supplemented by the Loan Agreement Amendment and Loan Repayments of the Partnership thereunder (except its rights under Section 5.02, 7.01, 8.04 and 8.05), for the purpose of securing the full and prompt payment of the Note (the form of Assignment Amendment attached as Exhibit 2 hereto);

(i) Assignment of Rents and Leases (the "Lease Assignment") dated as of February 1, 1981 from the Partnership to the Bank, whereby the Partnership assigns the rents and leases of the Project to the Bank as security for the Temporary Bond (this document not to be executed by the City); and

(j) First Amendment to Assignment of Rents and Leases (the "Lease Assignment Amendment"), dated as of February 1, 1983, amending and supplementing the Lease Assignment, whereby the Partnership assigns the rents and leases of the Project to the Bank as security for the Note (this document not to be executed by the City);

4. Findings. It is hereby found, determined and declared that:

(a) The Project, as described in paragraph 2 hereof and in the Loan Agreement, based upon the representations of the Partnership, constitutes a revenue producing enterprise and is a project authorized by and described in Section 474.02, Subd. 1a of the Act.

(b) The purpose of the Project is and the effect thereof will be to promote the public welfare by: preventing the emergence of blighted and marginal lands and areas of chronic unemployment; preventing economic deterioration; the development of sound industry and commerce 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; halting the movement of talented, educated personnel to other areas and thus preserving the economic and human resources needed as a base for providing governmental services and facilities; adding to the tax base of the City and the county and school district in which the Project Facilities will be located.

(c) The Project has been approved by preliminary resolution of the Council duly adopted August 7, 1980, after a public hearing thereon, duly called and held and has been approved by the Commissioner of Securities of the State of Minnesota as tending to further the purposes and policies of the Act.

(d) The issuance and sale of the Note, the execution and delivery of the Loan Agreement Amendment and the Assignment Amendment and the performance of all covenants and agreements of the City contained in the Note, the Loan Agreement Amendment and the Assignment Amendment, and of all other acts and things required under the Constitution and laws of the State of Minnesota to make the Note, Loan Agreement Amendment and the Assignment Amendment valid and binding obligations of the City in accordance with their terms, are permitted by the Act.

(e) There is no litigation pending or, to the best of its knowledge threatened, against the City relating to the Project or to the Note or the Note Documents, or questioning the organization of the City or its power or authority to issue the Note or execute and deliver the Loan Agreement Amendment and the Assignment Amendment.

(f) The execution and delivery of and performance of the City's obligations under the Note, the Loan Agreement Amendment and the Assignment Amendment have been fully authorized by all requisite action and do not and will not violate any law, any order of any court or other agency of government, or any indenture, agreement or other instrument to which the City is a party or by which it or any of its property is bound, or be in conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

(g) The Loan Agreement as amended and supplemented by the Loan Agreement Amendment (hereafter, the "Amended Loan Agreement") by the Partnership to the Holder of the Note for the account of the City of such amounts as will be sufficient to pay the principal of and interest on the Note when due. No reserve funds are deemed necessary for this purpose. The Amended Loan Agreement obligates the Partnership to provide for the operation and maintenance of the Project Facilities, including adequate insurance, taxes and special assessments.

(h) As required by the provisions of Section 474.10 of the Act, the Note shall recite that the Note is not to be payable from nor charged upon any funds other than amounts payable by the Partnership pursuant to the Amended Loan Agreement which are pledged to the payment thereof, and, in the event of default, moneys derived from foreclosure or other enforcement of the Note Documents; the City is not subject to any liability thereon; no Holder of the Note shall ever have the right to compel the exercise of the taxing power of the City to pay the Note or the interest thereon, nor to enforce payment thereof against any property of the City; the Note shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City; and such Note does not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

(i) Nothing has come to the attention of the City Council to indicate that any member of the City Council (i) has a direct or indirect interest in the Project or any Note Document, (ii) owns any capital stock of or other interest in the Project or the Bank, (iii) will be involved in supervising the completion of the Project on behalf of the Partnership, or (iv) will receive any commission, bonus or other remuneration for or in respect of the Project, the Amended Loan Agreement, or the Note.

5. Approval and Execution of Documents. The forms of Mortgage Amendment, Loan Agreement Amendment, Lease Assignment Amendment, Guaranty Agreement Amendment, and Assignment Amendment referred to in paragraph 3 are approved. The Loan Agreement Amendment, and Assignment Amendment shall be executed in the name and on behalf of the City by the Mayor and the City Manager in substantially the form on file, but with all such changes therein, not inconsistent with the Act or other law, as may be approved by the officers executing the same, which approval shall be conclusively evidenced by the execution thereof. The Mortgage Amendment, the Guaranty Agreement Amendment and the Lease Assignment Amendment may contain such revisions as may be approved by the Bank, the Partnership and the Guarantors. The Mayor, City Manager and City Clerk are authorized to execute and deliver, on behalf of the City, such other documents as are required by the Amended Loan Agreement.

6. Approval of Terms and Sale of Note. The City shall proceed forthwith to issue its City of Maplewood Industrial Development Permanent Revenue Note (Commercial Partners/Maplewood Project), in the authorized principal amount of \$1,100,000 substantially in the form, maturing, bearing interest, payable in the installments and otherwise containing the provisions set forth in the form of Note attached hereto as Exhibit 1, which terms and provisions are hereby approved and incorporated in this Note Resolution and made a part hereof.

A single fully registered Note, substantially in the form of Exhibit 1 to this Note Resolution, shall be issued and delivered to the Bank in the authorized principal amount of \$1,100,000 and as authorized by the Act, principal of and interest on the Note shall be payable at the office of the registered owner thereof as it appears on the registration records maintained by the City Clerk in lawful money of the United States of America. The proposal of the Bank to purchase such Note at a price of \$1,100,000 (100% of par value) is hereby found and determined to be reasonable and is hereby accepted.

7. Execution, Delivery and Endorsement of Note. The Note may be in typewritten or printed form and shall be executed by the manual signatures of the Mayor and the City Manager and the official seal of the City shall be affixed thereto. When so prepared and executed, the Note shall be delivered to the Bank upon payment of the purchase price therefor, and upon receipt of the signed legal opinion of Faegre & Benson, of Minneapolis, Minnesota, bond counsel, pursuant to the Amended Loan Agreement. The Note shall contain a recital that it is issued pursuant to the Act, and such recital shall be conclusive evidence of the validity and regularity of the issuance thereof.

8. Registration Records. The City Clerk, as bond registrar, shall keep a bond register in which the City shall provide for the registration of the Note and for transfers of the Note. The City Clerk is authorized and directed to deliver a certified copy of this Note Resolution to the County Auditor of Ramsey County, together with such other information as the County Auditor may require, and obtain the certificate of the County Auditor as to entry of the Note on the County's bond register as required by the Act and Section 475.63, Minnesota Statutes.

9. Mutilated, Lost, Stolen or Destroyed Note. If the Note is mutilated, lost, stolen or destroyed, the City may execute and deliver to the Holder a new Note of like amount, date, number and tenor as that mutilated, lost, stolen or destroyed; provided that, in the case of mutilation, the mutilated Note shall first be surrendered to the City, and in the case of a lost, stolen or destroyed Note, there shall be first furnished to the City and the Partnership evidence of such loss, theft or destruction satisfactory to the City and the Partnership, together with indemnity satisfactory to them. The City and Partnership may charge the Holder with their reasonable fees and expenses in replacing any mutilated, lost, stolen or destroyed Note.

10. Transfer of Note; Person Treated as Holder. The Note shall be transferable by the Holder on the bond register of the City, upon presentation of the Note for notation of such transfer thereon at the office of the City Clerk, as bond registrar, accompanied by a written instrument of transfer in form satisfactory to the City Clerk and the City Attorney, duly executed by the Holder or its attorney duly authorized in writing. The Holder seeking to transfer ownership of the Note shall also give written notice thereof to the Partnership. The Note shall continue to be subject to successive transfers at the option of the Holder of the Note. No service charge shall be made for any such transfer, but the City Clerk may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith. The person in whose name the Note shall be issued or, if transferred, shall be registered from time to time shall be deemed and regarded as the absolute Holder thereof for all purposes, and payment of or on account of the principal of and interest on the Note shall be made only to or upon the order of the Holder thereof, or its attorney duly authorized in writing, and neither the City, the City Clerk, the Partnership, nor the Bank shall be affected by any notice to the contrary. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Note to the extent of the sum or sums so paid. The Note shall be initially registered in the name of the Bank.

This Note is issued pursuant to the Minnesota Municipal Industrial Development Act, Chapter 474, Minnesota Statutes, as amended (the "Act"), and in conformity with the provisions, restrictions and limitations thereof. This Note is not payable from nor charged upon any funds other than amounts payable by the Partnership, hereinafter mentioned, pursuant to the Loan Agreement, hereinafter mentioned, which are pledged to the payment hereof and in an Event of Default, moneys derived from the foreclosure or other enforcement of the hereinafter mentioned Mortgage, Guaranty Agreement or Lease Assignment. The City is not subject to any liability hereon; no Holder of this Note shall ever have the right to compel the exercise of the taxing power of the City to pay this Note or the interest hereon, nor to enforce payment hereof against any property of the City; and this Note shall not constitute a charge, lien or encumbrance, legal or equitable upon any property of the City; and this Note does not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

This Note is a special obligation in the principal amount of \$1,100,000, which has been authorized by law to be issued and has been issued for the purpose of funding a loan to repay at its maturity a temporary loan from the City to the Commercial Partners/Maplewood, a Minnesota general partnership (the "Partnership") to finance costs of acquiring a site for and constructing and equipping a commercial retail building in the City to be owned by the Partnership and leased to various tenants (the "Project") and to provide permanent financing for the Project. This Note is issued pursuant to a Loan and Purchase Agreement by and among the City, the Partnership and the Bank, dated as of February 1, 1981, as amended and supplemented by a First Amendment to the Loan and Purchase Agreement dated as of February 1, 1983 (together, the "Loan Agreement") and a Note Resolution of the City duly adopted February 19, 1981 and a Note Resolution of the City adopted on January 24, 1983 (the "Note Resolution"). Pursuant to an Assignment and Pledge Agreement dated as of February 1, 1981, as amended and supplemented by a First Amendment to the Assignment and Pledge Agreement dated as of February 1, 1983, (together, the "Assignment") the City has assigned its interest in the Loan Agreement (except its rights under Sections 5.02, 7.01, 8.04 and 8.05 thereof) to the Bank. This Note is secured by the Loan Agreement, the Assignment, the Note Resolution, a Combination Mortgage, Security Agreement and Fixture Financing Statement by the Partnership to the said Bank dated as of February 1, 1981, as amended and supplemented by a First Amendment to the Combination Mortgage, Security Agreement and Fixture Financing Statement dated as of February 1, 1983 (together, the "Mortgage"), an Assignment of Rents and Leases dated as of February 1, 1981 by the Partnership to the Bank, as amended and supplemented by a First Amendment to the Assignment of Rents and Leases dated as of February 1, 1983 (together, the "Lease Assignment") and a Guaranty Agreement dated as of February 1, 1981 from Robert M. Larsen individually, Paul R. Anderson and Susan Anderson, Alan W. Gustafson and Iris

Gustafson (the "Guarantors") to the Bank, as amended and supplemented by a First Amendment to the Guaranty Agreement dated as of February 1, 1983 (together, the "Guaranty Agreement") to which Loan Agreement, Assignment, Note Resolution, Mortgage, Lease Assignment, Guaranty Agreement, and amendments thereof reference is hereby made for a description and limitation of the revenues and funds pledged and appropriated to the payment of the Note, the nature and extent of the security thereby created, the rights of the Holder of the Note, the rights, duties and immunities of the Bank and the rights, immunities and obligations of the City thereunder. Certified copies of the Note Resolution and executed counterparts of the Loan Agreement, the Assignment, Mortgage, Lease Assignment, and Guaranty Agreement are on file at the office of the City Clerk.

The Note shall be subject to prepayment on any interest payment date at the option of the City, at the request of the Partnership, in whole or in part, upon prepayment to the Bank of the principal amount of the Note to be prepaid plus accrued interest thereon to the redemption date.

Notwithstanding anything herein to the contrary, if a Determination of Taxability shall be made within ninety days of the Closing (as defined in the Loan Agreement), the rate of interest on this Note shall automatically increase to the greater of fifteen percent (15.00%) or a rate which shall at all times be equal to two and fifty hundredths percent (2.50%) above the rate of interest publicly announced from time to time by the Bank as its prime rate of interest on ninety-day unsecured loans to commercial borrowers of the highest credit rating and, if the Determination of Taxability shall be made subsequent to ninety days after the Closing, the rate of interest on this Note shall be the lesser of (i) fifteen percent (15.00%) or (ii) a rate which shall at all times be equal to two percent (2.00%) above the rate of interest publicly announced from time to time by the Bank as its prime rate of interest on ninety-day unsecured loans to commercial borrowers of the highest credit rating and this Note shall be deemed to have borne interest at such fixed or variable rate from the Date of Taxability; and the Partnership shall upon written notice from the Holder of the Determination of Taxability, pay to the Holder hereof as additional interest the difference between the amount of interest actually paid from the Date of Taxability (regardless of whether the Bank is the present Holder or if the Note has been paid or redeemed) and thereafter the Partnership shall pay such increased installments of interest thereon at such rate for the remaining maturity of this Note. The Partnership shall also pay the amounts of any interest, penalties, additions to tax and additional amounts referred to in Subchapter A of Chapter 68 of the Internal Revenue Code for which

the Bank has become liable as a result of a Determination of Taxability.

Notice of any such prepayment shall be given to the owner or registered assigns of this Note by certified or registered mail, addressed to him at his registered address, not less than thirty (30) days prior to the date fixed for prepayment, and shall be published, if required by law, in a financial journal circulated in the English language in the cities of Minneapolis or St. Paul, Minnesota, at least once, not less than thirty (30) days before the date so fixed for prepayment. At the date fixed for prepayment, funds shall be paid to the owner hereof at the office of the Bank or shall be deposited with the Bank, sufficient to pay the Note, or the principal amount thereof to be prepaid and accrued interest thereon. Upon the happening of the above conditions, the Note thus called or the principal portions thereof prepaid shall not bear interest after the date of prepayment.

This Note is transferable, as provided in the Note Resolution, only upon the bond register of the City Clerk, as bond registrar, by the owner hereof in person or by his duly authorized attorney, as provided in the Note Resolution.

In case an Event of Default as defined in the Loan Agreement occurs, this Note and the Loan Repayments thereafter to become due under the Loan Agreement may become immediately due and payable, in the manner and with the effect and subject to the conditions provided in the Loan Agreement. The Holder of this Note shall have the right to enforce the provisions of the Note Resolution, Loan Agreement, Assignment, Lease Assignment, Guaranty Agreement and Mortgage.

The terms and provisions of the Note Resolution, Loan Agreement, Assignment, Lease Assignment, Guaranty Agreement and Mortgage, or of any instrument supplemental thereto, may be modified or altered pursuant to Section 9.03 of the Loan Agreement and paragraph 11 of the Note Resolution.

It is hereby certified and recited and the City Council has found: That the Project is an eligible "project" defined in Section 474.02, Subd. 1a of the Act; that the issuance of this Note and the acquisition and construction of the Project will promote the public welfare and carry out the purposes of the Act; that the Project has been approved by the Commissioner of Securities of the State of Minnesota as tending to further the purposes and policies of the Act; that all acts, conditions and things required to be done precedent to and in the issuance of this Note have been properly done, have happened and have been performed in regular and due time, form and manner as required by

law; and that this Note does not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Maplewood, by its City Council, has caused this Note to be signed in its behalf by the manual signatures of the Mayor and the City Clerk and sealed with the corporate seal of the City, all as of the _____ day of _____, 1983.

CITY OF MAPLEWOOD

By _____
Mayor

And By _____
City Manager

(Seal)

(Form of Transfer)

For value received, the undersigned owner does hereby assign and transfer the foregoing Note to the named Assignee, and the undersigned City Clerk of the City of Maplewood as note registrar hereby certifies that the foregoing Note has been transferred and registered on the Bond register in the name of such Assignee.

<u>Name of Assignee</u>	<u>Signature of Owner</u>	<u>Signature of City Clerk</u>	<u>Date of Transfer on Bond Register</u>
_____	_____	_____	_____
_____	_____	_____	_____

EXHIBIT 2
TO NOTE RESOLUTION

(Form of First Amendment to Assignment and Pledge Agreement)

This First Amendment to the Assignment and Pledge Agreement dated as of February 1, 1981, between the CITY OF MAPLEWOOD, Minnesota, a municipal corporation in the County of Ramsey and State of Minnesota (herein called the "City") and the NATIONAL CITY BANK OF MINNEAPOLIS (herein called the "Bank") is made as of the 1st day of February, 1983 between the City and the Bank.

Recitals

The City has executed and delivered to the Bank its single fully registered Industrial Development Permanent Revenue Note (Commercial Partners/Maplewood Project) in the principal amount of \$1,100,000 dated the date of delivery, (the "Note") issued pursuant to a resolution adopted February 19, 1981 and a Note resolution adopted January 24, 1983 (the "Note Resolution").

The proceeds of the Note have been or are to be loaned to Commercial Partners/Maplewood, a Minnesota general partnership (the "Partnership") pursuant to a Loan and Purchase Agreement dated as of February 1, 1981, among the City, the Bank and the Partnership as amended and supplemented by the First Amendment to the Loan and Purchase Agreement dated as of February 1, 1983, among the City, the Bank and the Partnership (together, the "Loan Agreement").

The Note is payable from and secured by the Loan Repayments to be made by the Partnership under the Loan Agreement and the Bank, as a condition to the purchase of the Note, has required the execution of this First Amendment.

ACCORDINGLY, the following terms defined by parenthetical phrase and quotation marks in the recitals to this First Amendment shall have for the purposes of this First Amendment and the Assignment and Pledge Agreement dated as of February 1, 1981 between the City and the Bank, as amended, the definitions thereby given:

Loan Agreement
Note
Note Resolution.

IN WITNESS WHEREOF, the City has executed this First Amendment as of the date first above written, but actually on the _____ day of _____, 1983.

CITY OF MAPLEWOOD

(Seal)

By /s/ John C. Greavu
 Mayor

And By /s/ Barry Evans
 City Manager

5. Hillwood-Dorland-Assessment Cancellation

Resolution No. 83-1-13

WHEREAS, pursuant to resolution 82-3-32 of the City Council of Maplewood, Minnesota, adopted March 4, 1982, the special assessments for the construction of streets, sanitary sewers, watermains, storm sewers and appurtenants under the Dorland Road--Hillwood Drive Improvement 78-10, were levied against properties described as 57 01200 020 55 and 57 01200 100 57;

WHEREAS, the City of Maplewood had previously entered into a development agreement with the owner of said property, under which the prorated project costs assigned to the property are to be reimbursed to the City directly. Furthermore, the developer furnished an irrevocable letter of credit in the amount of 150 percent of said costs as payment surety.

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

the assessments for City Improvement Project No. 78-10, in the amount of \$9,226.69 for parcel 57 01200 020 55 and \$394,107.58 for parcel 57 01200 100 57 be, and the same are hereby cancelled.

4. Transfers to Close Improvement Projects

Approved the following transfers:

	From	To
\$ 5,331.29	Project 73-13	1982 Temp. Imp. Bonds Sinking Fund
2,765.94	Project 75-6	1982 Temp. Imp. Bonds Sinking Fund
76,144.69	Project 79-04	1980 Temp. Imp. Bonds Sinking Fund
2,947.45	Project 79-04	Project 79-15
1,021.04	Project 80-14	1980 Temp. Imp. Bonds Sinking Fund
1,349.75	Project 80-06	1980 Temp. Imp. Bonds Sinking Fund
3,097.39	General Fund	Project 81-11

5. Budget Transfer - Unemployment Compensation

Authorized a budget transfer of \$6,170 from Account 203 111 4360 to Account 203 199 4060 to finance unemployment compensation expenses.

6. Transfer of Project 80-15 Costs

Authorize a transfer of \$1,958.22 from Project 78-10 to the General Fund effective 12/31/82.

7. Annual Report - Community Design Review Board

Accepted the Community Design Review Board's Annual Report.

8. Metro HRA - Rental Rehabilitation Program

Resolution No. 83-1-14

WHEREAS, the City of Maplewood desires to assist lower income families and individuals to obtain adequate housing in the City of Maplewood at an affordable price and to accomplish the purpose of undertaking a program of providing technical assistance and loans to property owners for the purpose of rehabilitating rental units for occupancy by low and moderate income families and individuals; and

WHEREAS, the Metropolitan Council has been duly organized pursuant to Minnesota Statutes 473.123; and has been designated a housing and redevelopment authority pursuant to Minnesota Statutes 473.193, with the powers and duties of a housing and redevelopment authority under the provisions of the Minnesota Housing and Redevelopment Authority Act, Minnesota Statutes 462.411 to 462.711, and the acts amendatory thereto; and

WHEREAS, the City of Maplewood and the Metropolitan Council desire to encourage the stabilization, revitalization, and rehabilitation of the rental property in the City of Maplewood; and

WHEREAS, the City of Maplewood has determined that a program to encourage the rehabilitation of rental units is consistent with the housing goals of the City and consistent with the City's public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MAPLEWOOD that the Metropolitan Council is hereby authorized to implement the Rental Rehabilitation Loan Program to encourage the rehabilitation of affordable private rental units within the City of

Maplewood and that the city administrator is hereby authorized to enter into an agreement with the Metropolitan Council for the operation of such program within the City.

9. Letter of Resignation - Bill Howard

Accept resignation of William Howard from the Planning Commission and adopted the following Resolution No. 83-1-15

WHEREAS, William R. Howard has been a member of the Planning Commission of Maplewood, Minnesota since at least 1969, and has served faithfully in that capacity to the present time; and

WHEREAS, he has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, he has shown sincere dedication to his duties and has consistently contributed his leadership and effort in many ways for the benefit of the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and the citizens of the City that William R. Howard is hereby extended our heartfelt gratitude and appreciation for his dedicated service and we wish him continued success in the future.

H. UNFINISHED BUSINESS

1. Health Resources Inc. - Presentation

a. Mr. Gerald McCarthy, Health Resources, Inc., appeared before the Council to ask that a letter of support for the proposed hospital be forwarded to the Metropolitan Health Planning Board.

b. Councilmember Anderson moved that a letter of support for the relocation of St. John's Hospital to Maplewood be forwarded to the Metropolitan Health Planning Board.

Seconded by Councilmember Juker. Ayes - all.

F. PUBLIC HEARINGS

1. Rezoning - Minnehaha - Castle Design 7:15 P.M.

a. Acting Mayor Bastian convened the meeting for a public hearing regarding a petitioned change in zoning classification filed by Castle Design and Development Co., Inc. from R-1, Single Residence District, to R-3, Multiple Residence District, for property located on Minnehaha Avenue west of Century Avenue. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Chairman Les Axdahl presented the Planning Commission recommendation.

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

e. Acting Mayor Bastian called for proponents. None were heard.

f. Acting Mayor Bastian called for opponents. The following were heard:

Mr. Jerry Erickson, 2670 Minnehaha
Mr. John Moritz, 2708 Minnehaha
Mr. Karold Kringle, 2688 Minnehaha

g. Acting Mayor Bastian closed the public hearing.

h. Acting Mayor Bastian moved approval of the rezoning from R-1 to R-3 the property located on the south side of Minnehaha Avenue across from the Mayhill Road right of way based on the Planning Commission recommendation.

Seconded by Councilmember Maida.

Ayes - Acting Mayor Bastian, Councilmembers
Juker and Maida.

Nays - Councilmember Anderson.

Motion defeated.

H. UNFINISHED BUSINESS (continued)

2. Code Amendment - Shoreland Ordinance - 2nd Reading (4 Votes)

a. Manager Evans presented the staff report.

b. Mr. John Stein, Department of Natural Resources, encouraged the Council to take affirmative action.

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

ORDINANCE NO. 534

AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO INCLUDE
A SHORELAND OVERLAY DISTRICT

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

Section 1. Chapter 36 of the Code of Ordinances is amended to add Article IX as follows:

ARTICLE IX. SHORELAND OVERLAY DISTRICT

Sec. 36-561. Purpose and intent.

(a) It is the purpose of this ordinance to provide for the wise utilization of shoreland areas, in order to protect water quality, the natural characteristics and visual appeal of protected waters, the local tax base, and the general health, safety and welfare of community residents.

(b) Enactment of this ordinance is to provide a mechanism to reduce the negative effects of shoreland overcrowding, such as water pollution, inadequate space on lots for drainage and sanitary facilities, flood damages, and degradation of the aesthetic appeal and natural characteristics of designated shoreland and adjacent water areas.

Sec. 36-562. Establishment of a shoreland overlay district.

- (a) A shoreland overlay district, with its attendant regulations, is hereby established as part of the zoning ordinance. This district shall overlay existing zoning districts, so that any parcel of land lying in the overlay district shall also lay in one or more of the underlying established zoning districts.
- (b) Within the overlay district, all uses may be permitted in accordance with regulations for the underlying zoning district(s), if the uses meet the additional requirements established in this ordinance.

Sec. 36-563. District boundaries.

This overlay ordinance shall apply to the shoreland districts which are delineated on the official zoning maps. These maps shall be on file in the office of the director of community development for inspection and copying.

Sec. 36-564. Definitions.

Average lot area: The average of the lot areas within a single development or phase. For a single lot, the minimum allowable area shall be no less than the average lot area requirement.

Boathouse: A structure used solely for the storage of boats or boating equipment.

Building of record: A structure which was in existence or for which a building permit was issued prior to (effective date of this ordinance).

Lot of record: A lot recorded with the Ramsey County Register of Deeds or Registrar of Titles prior to (effective date of this ordinance).

Multiple Dwelling: Any residential structure containing two or more living units.

Nonpoint source (NPS) pollutant: A contaminant that enters water by washing off the land or seeping into ground water, which alters the physical, chemical, or biological properties of water or the discharge into water of any substance that may create a nuisance or render such water detrimental or injurious to public health, safety or welfare.

Nonpoint source (NPS) pollutant treatment: Storm water management practices which will reduce nonpoint source pollution prior to reaching a protected water.

Ordinary high water mark (OHWM): A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Planned Unit Development: A development planned as a unit which incorporates:

1. Residential and commercial land uses, or

2. Variation(s) from this shoreland overlay ordinance or underlying zoning district regulations relating to, but not limited to, density, setbacks, height limits and minimum lot area which are permitted by negotiated agreement between the developer, the municipality, and the commissioner of natural resources.

Protected waters: Formerly referred to as public waters, means any water of the state as defined in Minnesota Statutes, Section 105.37, subdivision 14.

Regional flood: A flood which is representative of large floods known to have occurred in Minnesota and that can be expected to occur on an average frequency of once every 100 years.

Shoreline: Land abutting the ordinary high water mark.

Shoreland: Land located within the following distances from a protected water:

1. 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and
2. 300 feet from a river or stream, or the landward extent of a flood plain on such a river or stream, whichever is greater.

The practical limits of shorelands may be less than the statutory limits, where such limits are designated by the natural drainage divides at a lesser distance and approved by the Department of Natural Resources.

Structure: Any building, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph or gas lines, including towers, poles and other supporting appurtenances.

Urban run-off: Storm water that flows over land or through a man-made drainage system, that usually contains litter, organic or bacterial wastes.

Sec. 36-565. Shoreland classifications.

(a) Criteria for classification

(Percentages apply only to shoreland located in Maplewood)

- (1) Class I waters are defined as those DNR designated General Development waters in which at least 75% of the shoreland area is planned for commercial or industrial use, as defined by the Maplewood Land Use Plan.
- (2) Class II waters are defined as those DNR designated General Development waters not qualifying for Class I status
- (3) Class III waters are defined as those DNR designated Recreation Development waters having:
 - a. At least 60% of the shoreline in public ownership, or
 - b. At least 50% of the shoreland in public ownership, or
 - c. Less than 10% of the shoreland remaining for development, excluding public open space, as of (date this ordinance becomes effective)

(4) Class IV waters are defined as those DNR designated Recreation Development waters not qualifying for Class III status.

(5) Class V waters are defined as those DNR designated Natural Environmental waters.

(b) Classification of protected waters

(1) Class I waters.

3M Pond
Tanner's Lake

(2) Class II waters.

Battle Creek
Fish Creek
Gervais Lake

(3) Class III waters.

Casey Lake
Keller Lake
Lake Phalen
Silver Lake
Spoon Lake
Wakefield Lake

(4) Class IV waters.

Carver Lake
Kohlman Lake
Oehrline's Lake

(5) Class V waters.

Beaver Lake
Round Lake

Section 36-566. District development standards.

(a) Class I waters.

(1) Commercial Development.

a. Minimum building setback from the OHWM (feet)

50

50

b. Minimum on-site sewage system setback from OHWM (feet)

50

c. Maximum Impervious surface area (%)
with bonus (%)*

50

70

50

(2) Multiple Dwelling.

a. Minimum building setback from OHWM (feet)	75	
b. Maximum impervious surface area (%)	40	
with bonus (%)*	60	

(b) Class II and III waters.

(1) Commercial Development.

a. Maximum building height (stories)	4	4
b. Minimum building setback from the OHWM (feet)	50	75
c. Minimum water frontage (feet)	75	100
d. Minimum on-site sewage system setback from the OHWM (feet)		50
e. Maximum impervious surface area (%)	40	40
with bonus*		
water frontage lots (%)	50	
other lots (%)	60	

(2) Single dwelling.

a. Minimum water frontage	75	100
b. Minimum building setback from the OHWM (feet)	50	75
c. Minimum on-site sewage system setback from the OHWM (feet)		50
d. Average lot area		
water frontage lots (sq.ft.)	15,000	20,000
e. Maximum impervious surface area (%)	30	
with bonus*		
water frontage lots (%)	40	
other lots (%)	50	

(3) Multiple dwelling.

a. Maximum building height (stories)	4	
b. Minimum building setback from the OHWM (feet)	75	
c. Minimum water frontage per development (feet)	85	

d. Maximum impervious surface area (%)	40
with bonus*	
water frontage lots (%)	50
other lots (%)	60
e. Average lot area per unit water frontage lots (sq.ft.)	10,000

(c) Class IV and V waters.

(1) Commercial development.

a. Maximum building height (stories)	3	3
b. Minimum building setback from the OHWM (feet)	75	100
c. Minimum water frontage per development (feet)	75	150
d. Minimum on-site sewage system setback from the OHWM (feet)		75
e. Maximum impervious surface area (%)	30	30
with bonus*		
water frontage lots (%)	40	
other lots	50	

(2) Single dwelling.

a. Minimum water frontage and lot width at building setback line (feet)	75	150
b. Minimum building setback from the OHWM (feet)	75	100
c. Minimum on-site sewage system setback from the OHWM (feet)		75
d. Average lot area		
water frontage lots (sq.ft.)	20,000	40,000
other lots (sq.ft.)	15,000	40,000
e. Maximum impervious surface area (%)	30	30
with bonus*		
water frontage lots (%)	40	
other lots (%)	50	

(3) Multiple dwelling.

a. Maximum building height (stories)	3
b. Minimum building setback from the OHWM (feet)	75
c. Minimum water frontage per development (feet)	85
d. Maximum impervious surface area (%)	40
with bonus*	
water frontage lots (%)	50
other lots (%)	60
e. Average lot area per unit	
water frontage lots (sq.ft.)	15,000
other lots (sq.ft.)	5,000

* Refer to section 36-566 (e) for requirements to qualify for an impervious surface area bonus. Impervious surface area limits shall be determined using the total developable area of a parcel (above the ordinary high water mark and suitable for development), exclusive of streets and sidewalks.

(d) Roads and parking areas.

- (1) Roads and parking areas shall be designed and located so as to retard urban run-off.
- (2) Where practical and feasible, all roads and parking areas shall meet the structure setback standards from the ordinary high water marker specified in section 36-566 (a), (b) and (c). In no instance shall these impervious surfaces be located less than fifty feet from the ordinary high water mark.
- (3) Natural vegetation or other natural materials shall be used to screen parking areas when viewed from the water.

(e) Impervious surface area bonus.

To qualify for an impervious surface area bonus, as permitted in section 36-566 (a), (b) and (c), significant man-made facilities shall be provided and maintained for the reduction of storm water flow or the treatment of urban run-off for nonpoint source water pollutants.

The director of public works shall determine whether a proposed management practice(s) is adequate to warrant a bonus using criteria adopted by the city council and approved by DNR. The criteria will be subject to revision from time to time taking into account the most recent technology. A bonus may range from one to twenty percent for nonwater frontage lots and from one to ten percent for water frontage properties, dependent upon the practice(s) proposed. The director of public works shall forward a copy of proposed bonuses to the DNR for review and comment.

(f) Water quality management plan.

- (1) All development within a shoreland area shall be subject to a water quality management plan, which is to be approved prior to construction by the director of public works, except single and double dwellings meeting the following criteria:
 - a. The parcel is not part of a plat created after (effective date of this ordinance).
 - b. The parcel does not have frontage on a protected water.
- (2) A water quality management plan shall include, but not be limited to, a statement of the construction and effective maintenance of nonpoint source pollutant treatment methods to be used to reduce potential water pollution associated with:
 - a. Urban run-off
 - b. Soil erosion after construction is complete, and
 - c. Soil erosion during construction.

These methods shall be in addition to any significant man-made facilities proposed for an impervious surface area bonus as permitted by section 36-566 (e).

(g) Elevation of the lowest floor.

Where no regulatory flood protection elevation has been established, no structure, except boathouses, piers and docks, shall be placed at an elevation such that the lowest floor, including basement, is less than three feet above the highest known water level. In those instances where sufficient data on known high water levels are not available, the ordinary high water mark shall be used.

(h) Drainage.

All development within shoreland areas shall be consistent with the intent of the Maplewood Drainage Plan, dated January 1974.

(i) Exemption from setback requirements.

Setback requirements from the ordinary high water mark shall not apply to boathouse, piers and docks. Location of piers and docks shall be controlled by applicable state and local regulations.

(j) Reduction in development standards.

Where a shoreland property is--a) separated from all protected waters by a principal or major arterial roadway, as defined by the Maplewood Land Use Plan, b) the area does not drain directly to a protected water, and c) the visual impact of the area from the lake surface is minimal, all applicable development standards may be reduced in restrictiveness by one protected waters classification. (i.e., Property subject to Class III standards may be subject to Class II development standards.)

(k) Substandard lots and buildings.

- (1) Lots of record, not meeting the minimum lot area requirements of this shoreland overlay ordinance, may be allowed as a building site, provided all other dimensional requirements of this shoreland overlay ordinance are complied with insofar as practical.
- (2) A building of record, which is caused to be substandard due to the enactment of this ordinance, may be expanded, provided that:
 - a. The use and expansion are allowed by the zoning ordinance.
 - b. Where practical and feasible, the improvements will not increase the substandardness of the building relative to the requirements of section 36-566, except as permitted in section 36-566 (d) (2) (c), or
 - c. The setback of the structure, if a water frontage lot, is the average setback of adjacent residential structures from the ordinary high water marker or fifty feet, whichever is greater.

(1) Boathouses.

Boathouses may be allowed up to the OHWM provided:

- (1) They do not contain sanitary facilities.
- (2) They are not used for human habitation.
- (3) They are no larger than 160 square feet in area and one story in height.
- (4) They are designed to be aesthetically compatible with the natural setting insofar as practical.

Section 36-567. Shoreland alterations.

- (a) Selective removal of natural vegetation shall be allowed, provided that sufficient vegetative cover remains to screen cars, dwellings and other structures when viewed from the water for aesthetic purposes.
- (b) Grading and filling in shoreland areas may be authorized by a grading and fill permit. Such permit may be granted by the director of public works, subject to the approval of an erosion control plan. At a minimum, an erosion control plan shall require that:
 - (1) The smallest amount of bare ground is exposed for a short a time as feasible.
 - (2) Temporary ground cover, such as mulch, is used and permanent ground cover, such as sod, is planted.
 - (3) Methods to prevent erosion and trap sediment are employed.
 - (4) Fill is stabilized to accepted engineering standards.

- (c) Excavation on shorelands where the intended purpose is connection to a protected water, shall require a permit from the director of public works before construction is begun. Permits may be obtained only after the Commissioner of Natural Resources has issued a permit for any work on the beds of protected waters,
- (d) Any work which will change or diminish the course, current or cross section of a protected water or wetland shall be approved by the Commissioner of Natural Resources, and such approval shall be construed to mean the issuance by the Commissioner of Natural Resources of a permit under the procedures of Minnesota Statutes, Section 105.42 and other related statutes.

Section 36-568. On-site sewage treatment systems.

- (a) All on-site sewage treatment systems shall be designed and installed in accordance with the Minnesota Pollution Control Agency Individual Sewage Treatment Systems Standards (6 MCAR 4.8040).
- (b) All existing sewage treatment systems inconsistent with the standards in Section 36-368 (a) shall be brought into conformance or discontinued within five years from the date of enactment of this ordinance. Any nonconforming sanitary facility found to be a public nuisance shall be brought into conformity or discontinued within thirty days after receiving written notice from the Maplewood environmental health official.

Sec. 36-569. Plan review.

(a) Subdivisions.

- (1) All plats which are inconsistent with the provisions of this ordinance shall be reviewed by the commissioner of natural resources. Such review shall require that the proposed plats be received by the commissioner at least ten days before city council approval of a preliminary plat.
- (2) A copy of all plats within the shoreland overlay district shall be submitted to the commissioner of natural resources within ten days of final approval of the city council.

(b) Planned Unit Developments. (PUD)

Altered zoning standards may be allowed as exceptions to the zoning ordinance for PUD's, provided that:

- (1) Proposals must be approved by the Department of Natural Resources prior to final approval by the municipality. The Department of Natural Resources shall have thirty days from the date of written notification from the city to reply, after which time said proposal shall be considered approved.
- (2) Open space is preserved, that would not have been preserved without the PUD.

- (3) Where a density bonus is considered, the following factors are evaluated to ensure the proposed density will be consistent with the resource limitations of the protected water:
 - a. Physical and aesthetic impact of any increased density
 - b. Density of current development
 - c. Amount of public shoreland and shoreline
 - d. Levels and types of water surface use and public access
 - e. Possible effects on over-all public use of the protected water
- (4) Any shoreline recreation facilities, such as beaches, docks and boat launching facilities are centralized.
- (5) The development is consistent with requirements for a PUD in the City Zoning Code.
- (6) An approved PUD shall not be modified unless approved in writing by the Department of Natural Resources and the city council. The Department of Natural Resources shall have thirty days from the date of written notification from the city to reply, after which time, said request shall be considered approved.

(c) Multiple family and commercial developments.

Nonsingle dwelling detached developments which would disturb at least one acre of shoreland, shall be submitted to the Commissioner of Natural Resources for review and comment at least ten days prior to Community Design Review Board approval.

(d) Reduction of development standards.

Where standards would be reduced under section 36-566(j), notification of the request shall be submitted to the commissioner of natural resources at least ten days prior to issuance of building permit or Community Design Review Board approval, whichever would come first.

Sec. 36-570. Variances and amendments.

- (a) A copy of public hearing notices to consider variances and amendments to the provisions of this ordinance shall be received by the commissioner of natural resources at least ten days prior to such hearings.
- (b) A copy of final decisions granting variances or ordinance amendments shall be submitted to the commissioner of natural resources within ten days of final action.

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

Seconded by Councilmember Maida.

Ayes- all.

3. Code Amendment - Special Use Permits - 2nd Reading (4 Votes)

a. Manager Evans presented the staff report.

b. Councilmember Juker moved to delete the wording of political and insert governmental units.

Seconded by Acting Mayor Bastian. Ayes - all.

c. Councilmember Anderson moved to strike seven years and insert 5 years in sub-section e.

Seconded by Councilmember Juker. Ayes - Councilmembers Anderson, Juker and Maida.

Nays - Acting Mayor Bastian.

d. Acting Mayor Bastian introduced the following ordinance and moved its adoption:

ORDINANCE NO. 535

AN ORDINANCE AMENDING ARTICLE V OF
CHAPTER 36 RELATING TO SPECIAL USE PERMITS

Section 1. Section 36-6 of the Code of Ordinances is amended by adding the following definition:

Section 36-6. Definitions.

Conditional Use: A use requiring a special use or special exception permit.

Section 2. Chapter 36, Article V of the Code of Ordinances is amended as follows:

ARTICLE V. CONDITIONAL USE PERMITS

Section 36-436. Purpose and definition.

Certain uses, while generally not suitable in a particular zoning district due to nuisance characteristics or incompatibility with permitted uses, may under certain circumstances be permitted. The purpose of this article is to provide the city with discretionary power to determine the suitability of certain designated uses upon the community. A conditional use is any use requiring a special use or special exception permit.

Section 36-437. Conditional Uses.

Conditional use permits may be issued by the city council in any zoning district for any of the following:

- (1) Any of the uses or purposes for which such permits are required by the provisions of this chapter.
- (2) Public utility, public service or public building uses in any district, when found to be necessary for the public health, safety, convenience or welfare.
- (3) Mineral extraction in any district.

- (4) To permit the location of any of the following uses in a district, from which they are excluded: heliport library, community center, church, hospital, any institution of any educational, philanthropic or charitable nature, cemetery, crematory, mausoleum or any other place for the disposal of the human dead.
- (5) An off-street parking lot as a principal use in a commercial or industrial zoning district.
- (6) The use of portions of an apartment building for commercial or business uses, such as a dairy store, drugstore, beauty parlor, barbershop, doctor's, dentist's or lawyer's office, and similar uses.
- (7) A warehouse in an M-1 Light Manufacturing District.
- (8) Planned unit developments (PUD).

Section 36-438. Planned unit developments--generally; definition, purpose and intent; requirements; etc.

(a) A "Planned unit development" is a development having two (2) or more principal uses or structures on a single parcel of land of at least five acres. A PUD may include town houses, apartment projects involving more than one building, multiuse structures, such as an apartment building with retail shops at groundfloor level, and similar projects. A PUD may not be divided unless the density distribution approved in the PUD is assured.

(b) It is the intention of this section and the other sections of this division relating to planned unit developments to provide a means to allow flexibility by substantial variances from the provisions of this chapter, including uses, setbacks, height and other regulations. Variances may be granted for planned unit developments provided that:

- (1) Certain regulations contained in this chapter do not realistically apply to the proposed development because of the unique nature of the proposed development.
- (2) They would be consistent with the purposes of this chapter.
- (3) The planned unit development would produce a development of equal or superior quality to that which would result from strict adherence to the provisions of this chapter.
- (4) The variances would not constitute a threat of a substantive nature to the property values, safety, health or general welfare of the owners or occupants of adjacent or nearby land, nor be detrimental to the health, safety, morals or general welfare of the people.
- (5) The variances are required for reasonable and practicable physical development and are not required solely on the basis of financial considerations.

(c) The development shall conform to the plan as filed with the city. Any substantive variations from the plan shall require recommendation by the planning commission and approval by the city council after a public hearing.

Section 36-439. Outlots.

- (a) No building permit shall be issued for construction upon any lot in the City designated as an outlot upon any plat, except by conditional use permit.
- (b) The city council shall not grant a conditional use permit for building upon any outlot, unless said outlot meets the following conditions:
 - (1) It meets the minimum size and frontage requirements provided for in this chapter.
 - (2) It is ready for development and has the requisite public improvements.
 - (3) The permitted density under this Code has not been transferred to another parcel and is therefore, sufficient to accommodate the proposed construction.
 - (4) The outlot is not used for permanent common open space.
 - (5) The proposed construction can overcome or accommodate topographical problems and peculiar site characteristics. (Ord. No. 481, § 1 (§ 1005.030), 2-21-80).

Section 36-442. 440. Application.

Application for conditional use permit shall be made to the director of community development upon the form supplied by the City. Specific application requirements shall be as stated on this form. The applicant shall also, at the time of filing such application, pay a fee to the director of community development to defray administrative expenses incurred by the city in the handling of the application, which fee shall be established by the city council, by Ordinance from time to time.

The application for a conditional use permit shall include a site plan, showing the kind of conditional use proposed, its location on the property, landscaping and screening improvements, location of utility improvements, and ingress and egress from public roads. The plan shall comply with all building and zoning regulations. The applicant shall provide any other information required by the city.

The council may condition the granting of the permit upon adherence to the site plan approved at the public hearing.

Section 26-441. Procedure.

After an application has been submitted, the director of community development shall prepare a report and recommendation and submit it to the planning commission for a recommendation to the city council. The planning commission's recommendation and staff report shall then be forwarded to the city council for a public hearing.

The city council shall hold at least one public hearing on each application for a conditional use permit after a notice of the hearing has been published in the official newspaper at least ten (10) days before said hearing. The city council shall also cause a notice to be mailed to each of the owners of property located within the city within 350 feet of the boundary lines of the property upon which such use has been requested, which notices are to be mailed to the last known address of such owners at least ten days before the date of the hearing (Code 1965, § 911.030).

Section 36-442. Granting; vote of council; conditions; automatic periodic review; new conditions upon review.

- (a) The city council may grant a conditional use permit by a majority vote.
- (b) Approval of a conditional use permit shall be based upon the following findings:
 - (1) The use is in conformity with the City's Comprehensive Plan and with the purpose and standards of this chapter.
 - (2) The establishment or maintenance of the use shall not be detrimental to the public health, safety or general welfare.
 - (3) The use shall be located, designed, maintained and operated to be compatible with the character of that zoning district.
 - (4) The use shall not depreciate property values.
 - (5) The use shall not be hazardous, detrimental or disturbing to present and potential surrounding land uses, due to noises, glare, smoke, dust, odor, fumes, water pollution, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
 - (6) The use shall generate only minimal vehicular traffic on local streets and shall not create traffic congestion, unsafe access or parking needs that will cause undue burden to the area properties.
 - (7) The use shall be served by essential public services, such as streets, police, fire protection, utilities, schools and parks.
 - (8) The use shall not create excessive additional requirements at public cost for public facilities and services; and shall not be detrimental to the welfare of the City.
 - (9) The use shall preserve and incorporate the site's natural and scenic features into the development design.
 - (10) The use shall cause minimal adverse environmental effects.
 - (11) The City Council may waive any of the above requirements for a public building or utility structure, provided the council shall first make a determination that the balancing of public interest between governmental units of the state would be best served by such waiver.
- (c) The city council, in granting a conditional use permit, may attach to the permit such conditions and guarantees as may be necessary for the protection of the public health, safety and welfare. The initial conditions may include a provision specifying a termination date for the permit.
- (d) The proposed construction must be substantially started or the proposed use utilized within one year of council approval or the permit shall become null and void. The council may grant one six-month extension of the permit if just cause is shown. This requirement shall not apply to PUDs with an approved phasing plan. Such extension shall be requested in writing and filed with the director of community development at least thirty days before the expiration of the original conditional use permit. There shall be no charge for filing such petition. The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit. The petition shall be presented to the planning commission for a recommendation and to the city council for a decision.

(e) All conditional use permits shall be reviewed by the council within one year of the date of initial approval. At that review the council may specify an indefinite term or specific term, not to exceed five (5) years, for subsequent reviews. The council may impose new or additional conditions upon the permit at the time of the initial or subsequent reviews. A conditional use permit shall remain in effect as long as the conditions agreed upon are observed, but nothing in this section shall prevent the city from enacting or amending official controls to change the status of conditional uses. Any conditional use that meets the agreed upon conditions and is later disallowed because of the city enacting or amending official controls shall be considered a legal nonconforming use.

(f) The council may, upon review, terminate the permit if the approved conditions may have been violated or the use is no longer in effect. Where the construction of a special building or structure of a monetary value in excess of \$25,000 has been permitted the council shall provide for a period of amortization of not less than five years. Where public health, safety and welfare concerns are threatened the five year amortization period is not required and the council may determine the amortization period, if any, to be allowed.

(g) In the event the council in its review process decides to consider imposing additional conditions or termination of a conditional use permit, the city council shall hold at least one public hearing on that permit after a notice of the hearing has been published in the official newspaper at least ten (10) days before said hearing. The council shall also cause a notice to be mailed to each of the owners of property within 350 feet of the boundary lines of the property; upon which such use has been established, which notices are to be mailed to the last known address of such owners at least ten days before the date of the hearing. (Code 1965, § 911.040. 050, 911.050; Ord. No. 417, § 1, 5-12-77).

(h) Whenever an application for a conditional use permit has been considered and denied by the city council, a similar application affecting substantially the same property shall not be considered again by the city for at least one year from the date of its denial, unless the council directs such reconsideration by at least four votes.

(i) All conditional uses shall comply with the requirements of Section 36-6 and any other applicable ordinance of the city. In order to determine whether a proposed use will conform to the requirements of this section, the council may obtain a qualified consultant to testify. The applicant shall be liable for the cost of the consultant's services.

Section 36-443. Conditional uses to conform to terms and conditions attached to granting of permit.

Any use permitted under the terms of any conditional use permit shall be established and conducted in conformity with the terms of the permit and of any conditions designated in connection therewith.

Any change involving structural alteration, enlargement, intensification of use, or similar change not specifically permitted by the conditional use permit issued shall require an amended permit and all procedures shall apply as if a new permit were being issued. All uses existing at the time of adoption of this ordinance and by virtue thereof granted a conditional use permit shall be considered as having a conditional use permit which contains conditions which permit the land use and structures as they existed on said date and any enlargement, structural alteration, or intensification of use shall require an amended conditional use permit as provided for above.

Section 36-444. Records.

The director of community development shall maintain a record of all conditional use permits issued, including information on the use, location, conditions imposed by the council, time limits, review dates and other information as may be appropriate.

Section 26-445. Filing of permit.

A certified copy of any conditional use permit shall be filed with the county recorder or registrar of titles. The conditional use permit shall include the legal description of the property included.

Section 26-446 - 36-460. Reserved.

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

Seconded by Councilmember Anderson.

Ayes - all.

I. NEW BUSINESS

1. Lower Afton Road - Bicycle

a. Manager Evans presented the staff report.

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

83 - 1 - 16

BE IT RESOLVED BY THE CITY OF MAPLEWOOD, MINNESOTA, CITY COUNCIL the construction plans and specifications for Lower Afton Road Bikeway and Bituminous Overlay, S.A.P. No. 62-639-04 are approved.

Seconded by Councilmember Maida.

Ayes - all.

2. Proposed Legislation Regarding Taxes Withheld by 3M Co.

a. Manager Evans presented the staff report.

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

83 - 1 - 17

WHEREAS, the corporate headquarters of the 3M Company accounts for approximately 34% of the total assessed valuation for the City of Maplewood; and

WHEREAS, the real estate tax appeal by the 3M Company has resulted in over \$720,000 of lost property tax revenues for the City of Maplewood; and

WHEREAS, the City of Maplewood has levied 100% of its authorized property taxes under the levy limit law; and

WHEREAS, the City of Maplewood is prohibited from making any special tax levies over the levy limit to compensate for property taxes being withheld by the 3M Company until the real estate tax appeal is settled in court; and

WHEREAS, a large special tax levy for several years of abatements would have an adverse impact on property taxpayers;

NOW, THEREFORE, BE IT RESOLVED, that the Legislature is hereby requested to amend the statutes as outlined in the attached Exhibit A;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to all Legislators representing portions of Maplewood.

Seconded by Councilmember Maida.

Ayes - all.

3. Ramsey County Court Consolidation

- a. Acting Mayor Bastian reported on the RCLLG Meeting pertaining to consolidation of Suburban Courts.
- b. Councilmember Maida introduced the following resolution and moved its adoption:

83 - 1 - 18

WHEREAS, the Ramsey County League of Local Governments established a study committee to review the Ramsey County Court Consolidation Study;

WHEREAS, the study committee has issued a report on the Court Consolidation Study;

WHEREAS, the City Council of the City of Maplewood desires to comment on the issue;

THEREFORE, BE IT RESOLVED that the position of the City Council of the City of Maplewood is:

- 1) There should be a comprehensive cost-benefit analysis of the impact of consolidation on the county and municipalities.
- 2) There should be an assessment of the impact of consolidation on users.
- 3) There should be an assessment of capital costs and operational economics of three and one court options.
- 4) There should be a strong role for municipalities in the final decision making process.

BE IT FURTHER RESOLVED that until the aforementioned analysis is completed, the City Council of the City of Maplewood opposes a reduction in the present five court system;

BE IT FURTHER RESOLVED that the City Council of the City of Maplewood opposes any changes in existing law which would remove municipal approval for changes in court location.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the Board of County Commissioners, the Ramsey County Municipal Court Administration and Ramsey County Municipalities.

Seconded by Councilmember Anderson.

Ayes - all.

J. VISITOR PRESENTATIONS

1. Mr. Robert Cardinal, 1875 Arcade

a. Mr. Cardinal stated his neighbors dog was impounded by MAPSI for running at large and did not have a dog license. MAPSI kept the dog for the five days and then it was put to sleep. Mr. Cardinal questioned if council was aware of this procedure.

b. Council stated that was the procedure for dogs that are impounded and not claimed.

c. Council requested an article be placed in Maplewood in Motion emphasizing MAPSI's procedure and that licensing of dogs is important.

K. COUNCIL PRESENTATION

1. Volunteerism

a. Councilmember Maida reported on the seminar regarding volunteerism that she attended. She invited other councilmembers to attend a meeting pertaining to volunteerism in Maplewood on February 3, 1983 at 7:30 P.M. in the Council Chambers. The meeting will be a training session and will determine resources and a needs assessment.

2. Wage and Hiring Freeze

a. Councilmember Anderson questioned when the freeze on hiring will end.

b. Council was informed the hiring freeze was place on the entire year of 1983.

c. No action taken.

3. Nepotism

a. Councilmember Anderson questioned nepotism in city government.

b. No action taken.

4. Sewer Bills

a. Councilmember Anderson commented on the change of format for the sewer billing and requested staff to investigate the possibilities of providing return envelopes.

Councilmember Anderson moved to waive the Rules of Procedures and add item K-5 Rezoning moratorium to the Agenda.

Seconded by Councilmember Juker.

Ayes - all.

5. Rezoning Moratorium

a. Councilmember Anderson moved to refer to the Planning Commission the proposal to declare a one year moratorium on any rezoning from R-1 to R-3 and referred the same to staff for review.

Seconded by Councilmember Juker.

Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

9:19 P.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, February 14, 1983
Council Chambers, Municipal Building
Meeting No. 83-04

A. CALL TO ORDER

A regular meeting of the City Council of Maplewood, Minnesota, was held in the Council Chambers, Municipal Building and was called to order at 7:02 P.M. by Acting Mayor Bastian.

B. ROLL CALL

Gary W. Bastian, Acting Mayor	Present
John C. Greavu, Mayor	Absent
Norman G. Anderson, Councilmember	Present
Frances L. Juker, Councilmember	Present
MaryLee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Minutes No. 83-01 January 10, 1983

Councilmember Juker moved to approve the Minutes of Meeting No. 83-01 (January 10, 1983) as corrected:

Page 6 – Item F-4A Capitalize Mayor

Seconded by Councilmember Maida. Ayes – all.

2. Minutes No. 83-02 January 20, 1983

Councilmember Anderson moved to approve the Minutes of Meeting No. 83-02 January 20, 1983 as submitted.

Seconded by Councilmember Juker. Ayes – all.

E. CONSENT AGENDA

Council removed Items E-1, 3, 7, 9, 10 and 16 from the Consent Agenda to become Items I-7, 8, 9, 10, 11 and 12.

Councilmember Anderson moved, seconded by Acting Mayor Bastian, Ayes – all, to approve the Consent Agenda Items 2, 4, 5, 6, 8, 12 and 13 as recommended:

2. Final Plat – Cave's Century 2nd Addition

Approved Cave's Century 2nd Addition final Plat.

4. Community Design Review Board Resignation: Tony Phillippi

Accepted the resignation of Tony Phillippi and passed the following resolution:

Resolution No. 83-2-19

WHEREAS, Tony Phillippi became a member of the Community Design Review Board of Maplewood in March 1979 and has served faithfully in that capacity;

WHEREAS, he has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, he has shown sincere dedication to his duties and has consistently contributed his leadership and effort in many ways for the benefit of the City;

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota and the citizens of the City that Tony Phillippi is hereby extended our heartfelt gratitude and appreciation for his dedicated service and we wish his continued success in the future.

5. Planning Commission Annual Report

Accepted the 1982 Planning Commission annual report.

6. Settlement: Projects 70-5A and 71-15 Morgan (nee Bochmer)

Resolution No. 83-2-20

WHEREAS, pursuant to resolution 76-8-160 of the City Council of Maplewood, adopted August 24, 1976 the special assessments for the construction of Beam Avenue Street (D/P No. 1564) were levied against property described by County Auditors Code No. 57 00210 610 50; and

WHEREAS, it is the desire of this Council that the said assessment against the property described herein be reduced in the amount of \$2,062.32 (\$10,166.00 to \$8,103.68);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for Beam Avenue Street D/P No. 1564 against the property described by County Auditor's Code No. 57 00210 610 50 be and hereby is reduced in the amount of \$2,062.32 (\$10,166.00 to \$8,103.68);

BE IT FURTHER RESOLVED, that the Ramsey County Auditor be and is hereby authorized to make the necessary changes in his records to properly reflect this action.

Resolution No. 83-2-21

WHEREAS, pursuant to resolution 76-8-162 of the City Council of Maplewood, adopted August 24, 1976 the special assessments for the construction of Beam Avenue Street and Bridge (D/P No. 1581) were levied against property described by County Auditors Code No. 57-00210-610-50; and

WHEREAS, it is the desire of this Council that the said assessment against the property described herein be reduced in the amount of \$614.68 (\$3,991.00 to \$3,376.32);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for Beam Avenue Street and Bridge against the property described by County Auditor's Code No. 57 00210 610 50 be and hereby is reduced in the amount of \$614.68 (\$3991.00 to \$3,376.32);

BE IT FURTHER RESOLVED, THAT THE Ramsey County Auditor be and is hereby authorized to make the necessary changes in his records to properly reflect this action.

Resolution 83-2-22

WHEREAS, pursuant to resolution 76-8-160 of the City Council of Maplewood, adopted August 24, 1976 the special assessments for the construction of Beam Avenue Street (D/P No. 1564) were levied against property described by County Auditors Code No. 57 00210 590 50; and

WHEREAS, it is the desire of this Council that the said assessment against the property described herein be reduced in the amount of \$2,062.32 (\$10,166.00 to \$8,103.68);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for Beam Avenue Street (D/P No. 1564) against the property described by County Auditor's Code No. 57 00210 590 50 be and hereby is reduced in the amount of \$2,062.32 (\$10,166.00 to \$8,103.68);

BE IT FURTHER RESOLVED, that the Ramsey County Auditor be and is hereby authorized to make the necessary changes in his records to properly reflect this action.

Resolution 83-2-23

WHEREAS, pursuant to resolution 76-8-162 of the City Council of Maplewood, adopted August 24, 1976 the special assessments for the construction of Beam Avenue Street and Bridge (D/P No. 1581) were levied against property described herein be reduced in the amount of \$614.68 (\$3,991.00 to \$3,376.32);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the assessment for Beam Avenue Street and Bridge (D/P No. 1581) against the property described by County Auditor's Code No. 57 00210 590 50 be and hereby is reduced in the amount of \$614.68 (\$3,991.00 to \$3,376.32);

BE IT FURTHER RESOLVED, that the Ramsey County Auditor be and is hereby authorized to make the necessary changes in his records to properly reflect this action.

8. Part Time Vacancy - Police

Approved the request of the Police Department to hire a part time maintenance person to fill the vacancy.

12. Award of Damages - Project 80-10 Lakeview Lutheran and Fenton

Award the following damages for taking of easements for Project 80-10

Lakeview Lutheran Church	\$10,300.00
James and Lorraine Fenton	\$,250.00

13. White Bear Avenue Improvements - Burke to 36

Ramsey County received bids for the road and signal improvements for White Bear Avenue from Burke Avenue to T.H. 36. Arcon Construction Company is the lowest responsible bidder. The City Council has previously approved three agreements identifying the City's share of the construction cost. The City's share, based on bid prices, totals \$20,041.73 for road and signal improvements. This is reasonably close to the originally estimated total City cost. Approved a motion to concur with the award of bid to Arcon Construction Company and authorize payment of the City's share to Ramsey County in accordance with the appropriate agreements.

F. PUBLIC HEARINGS

1. Plan Amendment - Rezoning - 2335 Stillwater Road 7:00 P.M.

- a. Acting Mayor Bastian convened the meeting for a public hearing regarding a zoning district classification (BC-M to R-3) and a comprehensive plan amendment (SC to RH) for property listed at 2335 Stillwater Road. The Clerk stated the hearing notice was in order and noted the dates of publication.
- b. Manager Evans presented the staff report.
- c. Chairman Les Axdahl presented the following Planning Commission recommendation:

"Commissioner Fischer said inasmuch as the applicant expresses no intention of expanding further and inasmuch as the neighbors are not on the whole objecting to what is there, but do not care to see future expansion and because under the present situation future expansion could occur, moved that the Planning Commission recommend to the City Council approval of the resolution for the Plan amendment from SC to RH, based on the finding that the RH classification would bring the subject parcel into conformity with the land use classification of the surrounding properties.

Commissioner Sletten seconded.

Ayes-Commissioners Axdahl, Barrett, Fischer,

Pellish, Sletten, Whitcomb.

Nays - Commissioner Prew

Abstained - Commissioner Hejny (was not

a member of the Commission during the 1980 action)

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the resolution to rezone the subject parcel from BC (M) to R-3., based on the findings that:

1. The proposed R-3 zoning is consistent with the spirit, purpose and intent of the Zoning Code.
2. The proposed change will not injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.
4. The rezoning would best serve the interest of the public by assuring that any future enlargement or expansion of the commercial structure would not have a significant or adverse affect on the neighborhood.

Commissioner Pellish seconded.

Ayes - Commissioners Axdahl, Barrett,

Fischer, Pellish, Prew, Sletten, Whitcomb.

Abstained - Commissoiner Hejny."

d. Mr. Donald Johnson, 2329 Stillwater Road, the applicant, and his attorney, David Esling, spoke requesting the present zoning remain.

e. Acting Mayor Bastian called for proponents and opponents. The following were heard:

Mr. Mike Kline, 2334 Stillwater Road (Change zone)

Mr. Dennis Mix, 2332 Stillwater Road (Leave zoning)

f. Acting Mayor Bastian closed the public hearing.

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

83 - 2 - 23

WHEREAS, a proceedings for the amendment of the Maplewood Comprehensive Municipal Plan entitled "Plan for Maplewood" has been initiated by the Maplewood City Council for a change of planned use from SC, service commercial to RH, high density residential for the following generally described area:

Lot 6, Auditors Subdivision Number 77.

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 the City Council and referred to the Maplewood Planning Commission, which held a public hearing on the 17th day of January, 1983 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 finding of fact:

The proposed RH classification would bring the subject parcel into conformity with the land use classification of the surrounding properties.

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".

Seconded by Councilmember Juker. Ayes - all.

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

82 - 2 - 24

WHEREAS, a rezoning procedure has been initiated by the Maplewood City Council for a zone change from BC (M), business commercial (modified) to R-3, residence district (Multiple dwelling) for the following described property:

Lot 6, Auditors Subdivision Number 77

Such property being also known and numbered as Number 2335 Stillwater Road, 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 Maplewood City Council, pursuant to Chapter 36 of the Maplewood Code;
2. That said rezoning procedure was referred to and reviewed by the Maplewood City Planning Commission on the 17th day of January, 1983, 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 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 proposed R-3 zoning is consistent with the spirit, purpose and intent of the Zoning Code.
2. The proposed change will not injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.
4. The rezoning would best serve the interest of the public by assuring that any future enlargement or expansion of the commercial structure would not have a significant or adverse affect on the neighborhood.

Seconded by Councilmember Maida.

Ayes – all.

i. Councilmember Anderson moved to initiate a change in the Land Use Plan for a plan amendment for the RH designated area of Stillwater Avenue-Stillwater Road to a RM designation.

Seconded by Councilmember Maida.

Ayes – all.

2. Code Amendment – Multiple Lots 7:15 P.M.

a. Acting Mayor Bastian convened the meeting for a public hearing regarding an amendment to the Code of Ordinances to regulate the construction of dwellings on multiple lots. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the proposed ordinance regulation building on multiple lots.

Commissioner Pellish seconded. Ayes - Commissioners Axdahl, Barrett, Hejny, Pellish, Prew, Sletten, Whitcomb.
Nays - Commissioner Fischer."

d. Acting Mayor Bastian called for proponents. None were heard.

e. Acting Mayor Bastian called for opponents. None were heard.

f. Acting Mayor Bastian closed the public hearing.

g. Councilmember Maida moved first reading of an ordinance amending the Code to regulate the construction of dwellings on multiple lots.

Seconded by Councilmember Anderson. Ayes - all.

3. Liquor License - Red Lobster 7:30 P.M.

a. Acting Mayor Bastian convened the meeting for a public hearing to consider the application of Thomas James Mueller for an On Sale intoxicating liquor license to be located at the Red Lobster Restaurant on the northwest corner of White Bear Avenue and Beam Avenue. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. Tom Mueller, the applicant, spoke on behalf of his request.

d. Mr. Ron Gates, representing Red Lobster, explained the procedures of opening a Red Lobster Restaurant.

e. Acting Mayor Bastian called for proponents. None were heard.

f. Acting Mayor Bastian called for opponents. None were heard.

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

82 - 2 - 25

NOTICE IS HEREBY GIVEN, that pursuant to action by the City Council of the City of Maplewood on February 14, 1983 an On Sale Intoxicating Liquor License was approved for Thomas Mueller, dba Red Lobster, 2925 White Bear Avenue.

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

Seconded by Councilmember Maida. Ayes - all.

G. AWARD OF BIDS

1. Animal Control - MAPSI

- a. Manager Evans presented the staff report.
- b. Acting Mayor Bastian moved to approve the 1983 MAPSI contract for animal control as presented:

Administration Fee	\$37.50 per month
Hourly Rate	15.00
Boarding Fee	5.00 per animal
Euthanasia Fee	7.00
Special Call Out	15.00 per hour

Seconded by Councilmember Maida. Ayes - all.

H. UNFINISHED BUSINESS

1. Rezoning - Minnehaha Avenue - Castle Design - Reconsideration

- a. Councilmember Anderson moved reconsideration of action taken at the meeting of January 24, 1983 regarding the rezoning on Minnehaha Avenue - Castle Design and that the reconsideration be placed on the Agenda for the February 28, 1983 Meeting.

Seconded by Councilmember Maida. Ayes - all.

I. NEW BUSINESS

1. H.R.A. Criteria for New Dwelling for First Time Buyers.

- a. Manager Evans presented the staff report.
- b. Associate Planner Randy Johnson explained the specifics of the program.
- c. Councilmember Anderson moved to notify the following HRA recommended criteria to select among first-time home buyer new construction proposals:

1. Preference will be given in the following order for location:

- a. In-fill development within a "target area". No purchase price ceiling will be imposed other than the ceiling established by the Department of Housing and Urban Development (for 1983-- \$103,070).
- b. In-fill development outside of a "target area." The purchase price must not exceed the Metropolitan Council's 1983 ceiling for modest cost housing (expected to be about \$75,500).
- c. Non in-fill development. The purchase price must not exceed the ceiling for modest cost housing (item 1.b.).

Note: In-fill development is defined as the construction of a single or double dwelling on an existing lot. Subdivision of an existing lot into no more than two parcels will be permissible.

2. Unit mix--nonin-fill

Preference will be given to developments including a mix of units affordable to persons earning more than and less than the adjusted income ceiling of \$39,000.

- Notes: (a) Income credits are \$750 per adult up to two persons and \$500 per child/dependent.
- (b) Federal law requires that for the first six months, 100% of a developer's allocation of mortgage money must be for units affordable to persons within an adjusted income of \$31,200 or less. If these units are not purchased, the developer may market to persons with an adjusted income of \$59,000 or less to commit their allocation.

3. Preference will be given in the following order regarding the builder participation fee:
- a. Proposals to pay more than the minimum required builder participation fee to reserve an allocation (presently set at two points). The additional monies would be used to improve the cash flow for the bond issue.
 - b. Proposals to pay more than the minimum fee and use the excess to buy-down the interest rate on the tax-exempt mortgages for the builder's individual development.
 - c. Proposals to pay the minimum required builder participation fee.
4. Preference will be given for energy-efficient construction.

Requirements for selection shall include, but not be limited to:

- a. Relative standing regarding the above-described selection criteria
- b. Submission of a construction schedule consistent with loan origination period requirements
- c. Proof of construction financing
- d. Proof of site control prior to bond closing
- e. Favorable builder reputation and experience
- f. Zoning and building plan approvals prior to July 15, 1983.

Seconded by Acting Mayor Bastian. Ayes – all.

2. H.R.A. Senior Residence Site – Woodmark, Inc.
- a. Manager Evans presented the staff report.
 - b. Associate Planner Randy Johnson presented the H.R.A. recommendation.
 - c. Mr. David Briggs, Woodmark, Inc., spoke on behalf of the request.
 - d. Acting Mayor Bastian moved to approve a site change from Gervais-White Bear Avenue to the Parkway Drive-Highway 61 site for the zesty senior residence component of the HRA's senior citizen/first time home buyer housing program.

Seconded by Councilmember Anderson. Ayes – all.

3. Approval - Plans and Specs - Highway 61 Frontage Road

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

82 - 2 - 26

WHEREAS, pursuant to resolution passed by the City Council on May 6, 1982, plans and specifications for T.H. 61 Frontage Road (Improvement Project 80-10) have been prepared by or under the direction of the City Engineer and he has presented such plans and specifications to the Council for approval.

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

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City clerk.
2. The City Clerk shall prepare and cause to be inserted in the official paper and in the Construction Bulletin, an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least three weeks before date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the Council at 10:00 a.m. on the 11th day of March, 1983, at the City Hall and that no bids shall be considered unless sealed and filed with the Clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota, for 5% of the amount of such bid.
3. The City Clerk and City engineer are hereby authorized and instructed to receive, open and read aloud bids received at the time and place herein noted, and to tabulate the bids received. The Council will consider the bids, at the regular City Council meeting of March 14, 1983.

Seconded by Councilmember Maida. Ayes - all.

4. Moratorium: R-1 to R-3 Opinion

- a. City Attorney Pat Kelly presented an opinion prohibiting rezoning from R-1 to R-3.
- b. Councilmember Anderson moved to authorize an inhouse study investigating an amendment to the Land Use Plan relating to R-1 and R-3 districts the down-zoning from R-3 to R-1.

Seconded by Acting Mayor Bastian. Ayes - all.

- c. Councilmember Anderson moved a one year moratorium on new applications for rezoning from R-1 to R-3.

Seconded by Councilmember Juker. Ayes - all.

5. Wage and Salary Recommendation

a. Manager Evans presented the staff report.

b. Councilmember Anderson moved to approve the AFSCME Maintenance and Clerical Technical Contracts for 1983 as presented including the following changes:

1. An across the board 55¢ per hour increase
2. \$20 increase on hospitalization (this affects only 26 employees as the others have single coverage)
3. Freezing the movement within the step plan in the Clerical Technical Contract. This means that all employees in that unit will receive the amount enumerated in #1 and that no one will receive a step increase in addition
4. 3¢ an hour increase for heavy equipment operator and lead person when an employee acts in that capacity
5. Return of 13 days seniority lost in 1982 strike.

Seconded by Councilmember Juker.

Ayes – Councilmember Anderson, Juker and Maida.
Nays – Acting Mayor Bastian.

Councilmember Anderson moved to authorize a budget transfer from the Contingency Fund to cover the costs of the wage increase for the AFSCME contracts.

Seconded by Councilmember Juker.

Ayes – Councilmember Anderson, Juker and Maida.
Nays – Acting Mayor Bastian.

c. Acting Mayor Bastian moved to table the non union personnel salary discussions until the meeting of February 28, 1983.

Seconded by Councilmember Anderson.

Ayes – all.

6. Appointments to Boards and Commissions

a. Council established the following meeting schedule to interview the applicants for the City's Boards and Commissions:

Thursday, February 17, 1983	7:00 P.M. to 8:30 P.M.
Wednesday, February 23, 1983	7:00 P.M.
Thursday, February 24, 1983	7:00 P.M.

7. Accounts Payable

Councilmember Anderson moved to approve the accounts (Part I, Fees, Services, Expenses – Check No. 015437 through Check No. 015487 - \$81,977.74; Check register dated February 14, 1983 - \$260,657.61; Part II Payroll – Checks registered \$43,492.29) in the amount of \$386,027.64.

Seconded by Councilmember Juker.

Ayes – all.

8. Fuel Monitoring System

a. Acting Mayor Bastian moved authorization to proceed with the purchase of

the fuel monitoring system in the amount of \$16,908.00 as recommended.

Seconded by Councilmember Anderson. Ayes – all.

9. Planning Commission Resignation – Ed Kishel

a. Acting Mayor Bastian stated he will contact Mr. Ed Kishel requesting he stays as a member of the Planning Commission.

b. Acting Mayor Bastian moved to table this item.

Seconded by Councilmember Anderson. Ayes – all.

10. Designation of Depository

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

83 – 2 – 27

BE IT RESOLVED, that the following be and hereby is selected as a depository for time deposits of the City of Maplewood:

Bank of America

BE IT FURTHER RESOLVED, that the deposits in the above depository shall not exceed the amount of F.D.I.C. or F.S.L.I.C. insurance covering such deposit unless collateral or a bond is furnished as additional security; and

BE IT FURTHER RESOLVED, that funds in the above depository may be withdrawn and wire transferred to any other official depository of the City by the request of the City Treasurer or Finance Director; and

BE IT FURTHER RESOLVED, that this depository designation is effective until changed.

Seconded by Councilmember Maida. Ayes – Councilmember Anderson, Juker and Maida.

Nays – Acting Mayor Bastian.

11. Dispatching Agreement – North St. Paul, Oakdale and Woodbury

a. Acting Mayor Bastian moved to approve the dispatching agreement between the City and North St. Paul, Oakdale and Woodbury as presented.

Seconded by Councilmember Anderson. Ayes – all.

12. Mutual Aid Fire Contracts

a. Acting Mayor Bastian moved to approve the Mutual Aid Fire Contracts between the City and Capital City Mutual Aid Association for a five year term.

Seconded by Councilmember Anderson. Ayes – all.

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Cable TV

a. Councilmember Juker reported on the events at the last Cable TV Meeting.

2. Volunteerism

a. Councilmember Maida stated there will be a meeting regarding "volunteerism" on March 24, 1983 at 7:30 P.M. in the Council Chambers.

3. Senior Citizen Sewer Bills

a. Councilmember Anderson stated he had received calls from senior citizens complaining about the increase in the sewer rates and the discontinuing of the discount for senior citizens.

b. No action taken.

4. Liquor License Zones

a. Acting Mayor Bastian explained about liquor license zones and stated he thought about issuing licenses by per capita by neighborhoods.

b. No action taken.

L. ADMINISTRATIVE PRESENTATIONS

None.

ADJOURNMENT

9:58 P.M.

City Clerk

all dated 3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
046502	03/02/83	724.50	MN STATE TREASURER	MOTOR VEH LIC PBL
046502	03/02/83	156.00	MN STATE TREASURER	DRIVERS LIC PBL
		880.50 *		

046758	03/02/83	107.00	RAMSY CTY CONCIL CRT	AMB BILLINGS
		107.00 *		

046A89	03/02/83	15.00	MN DEPT OF ENERGY	TRAVEL TRAINING
		15.00 *		

047502	03/02/83	843.25	MN STATE TREASURER	MOTOR VEH LIC PBL
047502	03/02/83	140.00	MN STATE TREASURER	DRIVERS LIC PBL
		983.25 *		

049742	03/02/83	54.00	CLERK OF DISTR	CNTY DRIVERS LIC
		54.00 *		

049B40	03/02/83	99.97	MONTGOMERY WARDS	SUPPLIES EQUIP
		99.97 *		

049441 *	03/02/83	574.00	MAPLE LEAF OFFIC	UMPIRE OFFICIALS
049441	03/02/83	440.00	MAPLE LEAF OFFIC	UMPIRE OFFICIALS
049441	03/02/83	1,150.50	MAPLE LEAF OFFIC	UMPIRE OFFICIALS
		2,164.50 *		

049471	03/02/83	165.75-	METRO WASTE CONTROL	SAC RETAINER
		165.75-*		
049472	03/02/83	16,575.00	METRO WASTE CONTROL	SAC PBL
		16,575.00 *		

049502	03/02/83	997.00	MN STATE TREASURER	MOTOR VEH LIC PE
049502	03/02/83	2,583.00	MN STATE TREASURER	MOTOR VEH LIC PE
049502	03/02/83	213.00	MN STATE TREASURER	DRIVERS LIC PBL
049502	03/02/83	294.00	MN STATE TREASURER	DRIVERS LIC PBL
		4,087.00 *		

049504	03/02/83	787.75	MN STATE TREAS	SUR TAX PBL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
049504	03/02/83	15.76- 771.99 *	MN STATE TREAS	SUFTAX RETAINER

049551	* 03/02/83	150.00	MN REC & PARK ASSN	STATE TOURNMNT
049551	03/02/83	65.00 215.00 *	MN REC & PARK ASSN	STATE TOURNMNT

053152	03/02/83	4.00	JUDY CHLEBECK	TRAVEL TRAINING
053152	03/02/83	1.00	JUDY CHLEBECK	TRAVEL TRAINING
053152	03/02/83	4.35	JUDY CHLEBECK	TRAVEL TRAINING
053152	03/02/83	5.00 14.35 *	JUDY CHLEBECK	RECORDING FEE

053458	* 03/02/83	49.50 49.50 *	MCCCNALDS	KOOL KIDS CAPERS

053502	03/02/83	931.00	MN STATE TREASURER	MOTOR VEH LIC PBL
053502	03/02/83	172.00 1,103.00 *	MN STATE TREASURER	DRIVERS LIC PBL

053817	03/02/83	16.00 16.00 *	UNITED WAY	TRAVEL TRAINING

053841	* 03/02/83	175.00 175.00 *	BIRCH PARK SKI	KOOL KIDS CAPERS

054466	03/02/83	8.00 8.00 *	METRO AREA MGMT	TRAVEL TRAINING

054472	03/02/83	1,862.09 1,862.09 *	METRO WASTE CONTROL	DUE TO GOVTUNITS

054502	03/02/83	1,311.75	MN STATE TREASURER	MOTOR VEH LIC PBL
054502	03/02/83	269.00 1,580.75 *	MN STATE TREASURER	DRIVERS LIC PBL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
054842	03/02/83	64.00 64.00 *	WERNER URSULA	REFUND
054843	03/02/83	1,112.61 1,112.61 *	BRCS GARET	REFUND DEPOSIT

055502	03/02/83	3,701.50	MN STATE TREASURER	MOTOR VEH LIC PB
055502	03/02/83	154.00	MN STATE TREASURER	DRIVERS LIC PRL
		3,855.50 *		

055557	03/02/83	4,318.10	MN STATE TREAS PERA	PERA DED
055557	03/02/83	3,608.33	MN STATE TREAS PERA	PERA DED
055557	03/02/83	17.01	MN STATE TREAS PERA	PERA DED
055557	03/02/83	41.10	MN STATE TREAS PERA	PERA DED
055557	03/02/83	20.06	MN STATE TREAS PERA	PERA DED
055557	03/02/83	96.57	MN STATE TREAS PERA	PERA DED
055557	03/02/83	162.86	MN STATE TREAS PERA	PERA DED
055557	03/02/83	180.92	MN STATE TREAS PERA	PERA DED
055557	03/02/83	35.77	MN STATE TREAS PERA	PERA DED
055557	03/02/83	49.88	MN STATE TREAS PERA	PERA DED
055557	03/02/83	351.48	MN STATE TREAS PERA	PERA DED
055557	03/02/83	134.39	MN STATE TREAS PERA	PERA DED
055557	03/02/83	3,991.00	MN STATE TREAS PERA	PERA DED
055557	03/02/83	360.11	MN STATE TREAS PERA	PERA DED
055557	03/02/83	259.24	MN STATE TREAS PERA	PERA DED
055557	03/02/83	167.16	MN STATE TREAS PERA	PERA DED
055557	03/02/83	219.83	MN STATE TREAS PERA	PERA DED
055557	03/02/83	123.00	MN STATE TREAS PERA	PERA DED
055557	03/02/83	574.82	MN STATE TREAS PERA	PERA DED
055557	03/02/83	314.64	MN STATE TREAS PERA	PERA DED
055557	03/02/83	33.46	MN STATE TREAS PERA	PERA DED
055557	03/02/83	185.34	MN STATE TREAS PERA	PERA DED
055557	03/02/83	293.80	MN STATE TREAS PERA	PERA DED
055557	03/02/83	75.35	MN STATE TREAS PERA	PERA DED
055557	03/02/83	120.19	MN STATE TREAS PERA	PERA DED
055557	03/02/83	87.63	MN STATE TREAS PERA	PERA DED
055557	03/02/83	62.34	MN STATE TREAS PERA	PERA DED
055557	03/02/83	47.16	MN STATE TREAS PERA	PERA DED
055557	03/02/83	62.29	MN STATE TREAS PERA	PERA DED
055557	03/02/83	15.91	MN STATE TREAS PERA	PERA DED
055557	03/02/83	365.77	MN STATE TREAS PERA	PERA DED
055557	03/02/83	116.08	MN STATE TREAS PERA	PERA DED
		16,491.59 *		

055742	03/02/83	60.00 60.00 *	CLERK OF DIST COURT	CNTY DRIVERS LIC

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
055844	03/02/83	25.00 25.00 *	BARSTON ROSE	SPEAKER FEE

056394	03/02/83	14,850.00 14,850.00 *	LAYS BANKING	LAND EASEMENTS

056502	03/02/83	349.00 349.00 *	MN STATE TREASURER	DRIVERS LIC PBL

059015	03/02/83	317.95	AFSCME	UNION DUES PBL
059015	03/02/83	5.32	AFSCME	UNION DUES PBL
		323.27 *		

059153	03/02/83	12,968.00 12,968.00 *	CTY EMPLOYEES C/U	CREDIT UNION PBL

059282	03/02/83	58.00 58.00 *	GOVT TRAINING SEPV	TRAVEL TRAINING

059330	03/02/83	450.45	ICMA RETIREMNT	DEF COMP PBL
059330	03/02/83	99.96	ICMA RETIREMNT	DEF COMP PBL
		550.41 *		

059373	03/02/83	145.00 145.00 *	ROSEMARY KANE	WAGE DED PBL

059453	03/02/83	18,034.60 18,034.60 *	MAPLEWOOD STATE BNK	FLT P/R

059470	03/02/83	24.00 24.00 *	PETRO SUPERV ASSN	UNION DUES PBL

059502	03/02/83	16,494.00	MN STATE TREASURER	MOTOR VEH LIC PBL
059502	03/02/83	320.00	MN STATE TREASURER	DRIVERS LIC PBL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		16,814.00 *		

059520	03/02/83	276.90 276.90 *	MN BENEFIT ASSN	MBA INS PBL

059540	03/02/83	237.00 237.00 *	MN MUTUAL LIFE	P/R DEDUCT

059556	03/02/83	200.00 200.00 *	MN STATE RETIREMNT	DEF COMP

059559	03/02/83	7,638.98	MN STATE TREAS S/S	S/S PBL
059559	03/02/83	7,638.98	MN STATE TREAS S/S	S/S PBL
		15,277.96 *		

059870	03/02/83	8,249.14 8,249.14 *	MN STATE COMM REV	SWT P/R

059973	03/02/83	163.73 163.73 *	WISC DEPT REV	STATE TAX PBL
<i>Begin</i>				

073099	03/02/83	27.63 27.63 *	ACRO-MINNESOTA INC	SUBS MEMBERSHIP

073046	03/02/83	148.50	AQUAZYME MIDWEST	CHEMICAL TOILETS
073046	03/02/83	148.50	AQUAZYME MIDWEST	CHEMICAL TOILETS
073046	03/02/83	148.50-	AQUAZYME MIDWEST	CHEMICAL TOILETS
073046	03/02/83	115.50	AQUAZYME MIDWEST	CHEMICAL TOILETS
		264.00 *		

073052	03/02/83	27.63	ARNALS AUTO SERVICE	SUBS MEMBERSHIP
073052	03/02/83	27.63	ARNALS AUTO SERVICE	SUBS MEMBERSHIP
073052	03/02/83	40.00	ARNALS AUTO SERVICE	SUBS MEMBERSHIP
		40.00 *		

073080	03/02/83	56.32	BATTERY + TIRE WHSE	SUPPLIES

Accounts Payable Dated 3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
073080	03/02/83	80.94	BATTERY + TIRE WHSE	SUPPLIES
073080	03/02/83	21.39	BATTERY + TIRE WHSE	SUPPLIES
073080	03/02/83	52.20	BATTERY + TIRE WHSE	SUPPLIES
		210.85 *		

073089	03/02/83	23.41	BERG-TORSETH INC	SUPPLIES VEH
		23.41 *		

073103	03/02/83	25.55	BOARD OF WATER COMM	UTILITIES
073103	03/02/83	16.75	BOARD OF WATER COMM	UTILITIES
073103	03/02/83	12.91	BOARD OF WATER COMM	UTILITIES
073103	03/02/83	14.49	BOARD OF WATER COMM	UTILITIES
		69.70 *		

073108	03/02/83	360.34	BRAD RAGEN INC	SUPPLIES VEH
		360.34 *		

073110	03/02/83	12.70-	BRISSMAN KENNEDY	SUPPLIES JANT
073110	03/02/83	12.70	BRISSMAN KENNEDY	SUPPLIES JANT
073110	03/02/83	12.70	BRISSMAN KENNEDY	SUPPLIES JANT
		12.70 *		

073115	03/02/83	3.60	BROWN PHOTO	FIM REFINISH
		3.60 *		

073130	03/02/83	12.60	CAPITCL RUBBER STAMP	OFFICE SUPPLIES
073130	03/02/83	7.95	CAPITCL RUBBER STAMP	OFFICE SUPPLIES
		20.55 *		

073138	03/02/83	48.50	CARLSON EQUIPMENT CO	SUPPLIES EQUIP
073138	03/02/83	29.10	CARLSON EQUIPMENT CO	SUPPLIES
		77.60 *		

073151	03/02/83	25.00	CITIZENS LEAGUE	SUB MEMBERSHIP
		25.00 *		

073188	03/02/83	12.93	D + D SPEEDOMETER SE	SUPPLIES

3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		12.93 *		

073194	03/02/83	28.94 28.84 *	DANIEL F FAUST	TRAVEL TRAINING

073209	03/02/83	40.00 40.00 *	DENNIS MULVANEY	HEALTH INS REF

073217	03/02/83	232.23 232.23 *	E K QUEHL CO	OFFICE SUPPLIES

073235 *	03/02/83	264.00 264.00 *	FABRA GRAPHICS	STAFF SHIRTS
073236	03/02/83	200.00 200.00 *	BARRY EVANS	VEHICLE ALLOW

073260	03/02/83	16.50	GEN INDUST SUPPLY CO	SUPPLIES
073260	03/02/83	58.32 74.82 *	GEN INDUST SUPPLY CO	SUPPLIES

073270	03/02/83	305.00 305.00 *	GEORGES BODY SHOP	REPAIR MAINT

073302	03/02/83	65.00	HENNEPIN COUNTY CHIE	TRAVEL TRAINING
073302	03/02/83	90.00 155.00 *	HENNEPIN COUNTY CHIE	TRAVEL TRAINING

073322 *	03/02/83	3.00	HOWIES LOCK + KEY SE	SUPPLIES PROG
073322	03/02/83	7.00	HOWIES LOCK + KEY SE	KEYS
073322	03/02/83	9.00	HOWIES LOCK + KEY SE	KEYS
073322	03/02/83	5.00	HOWIES LOCK + KEY SE	SUPPLIES
073322	03/02/83	31.00 55.00 *	HOWIES LOCK + KEY SE	KEYS

073344	03/02/83	2,356.63 2,356.63 *	INTERSTATE DETROIT	REPAIR MAINT

3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION

073348	03/02/83	74.38 74.38 *	INTL BUS MACHINES CO	OFFICE SUPPLIES

073359	03/02/83	443.32 443.32 *	ITASCA EQUIPMENT CO	REPAIR MAINT

073384	03/02/83	74.54 74.54 *	KNOX LUMBER COMPANY	SUPPLIES

073386 *	03/02/83	11.31 11.31 *	KOKESH ATHLETIC SUPP	SUPPLIES PROG

073401	03/02/83	35.00 35.00 *	RICHARD LANG	CANINE SUPPLIES

073415	03/02/83	2,545.00 2,545.00 *	LEAGUE OF MINN CITIE	SUBS MEMBERSHIP

073425	03/02/83	2,688.91	LOGIS	CONTRACT PYM
073425	03/02/83	1,027.19	LOGIS	CONTRACT PYM
		3,716.10 *		

073477	03/02/83	35.00 35.00 *	DANIEL METTLER	CANINE SUPPLIES

073486	03/02/83	10.00	MIDWAY GARAGE	SUPPLIES VEH
073486	03/02/83	10.00	MIDWAY GARAGE	SUPPLIES VEH
073486	03/02/83	10.00	MIDWAY GARAGE	SUPPLIES VEH
		30.00 *		

073488	03/02/83	28.15 28.15 *	MIDWEST SPECIALTIES	SUPPLIES

3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
073506	03/02/83	8.75 8.75 *	MINNESOTA BEARING CO	SUPPLIES

073565	03/02/83	170.00	MITCHELL WINFIELD A	APPRAISAL
073565	03/02/83	170.00	MITCHELL WINFIELD A	APPRAISAL
073565	03/02/83	440.00	MITCHELL WINFIELD A	APPRAISAL
073565	03/02/83	960.00	MITCHELL WINFIELD A	APPRAISAL
073565	03/02/83	2,240.00	MITCHELL WINFIELD A	APPRAISAL
073565	03/02/83	100.00	MITCHELL WINFIELD A	APPRAISAL
		4,080.00 *		

073585	03/02/83	20.00 20.00 *	MULVANEY DENNIS	SAFETY SHOES

073588	03/02/83	13.00 13.00 *	MUNIC. FINANCE OFFIC	BOOKS

073616	03/02/83	36.40 36.40 *	NATIONAL BUSINESS SY	MICROFICHE

073632	03/02/83	135.00 135.00 *	NATL REGISTRY OF E M	RECERTIFICATION

073644	03/02/83	85.30 85.30 *	NORTH CENTRAL CONST	SUPPLIES

073658	03/02/83	9.42	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	940.72	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	840.21	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	2.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	2.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	2.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	2.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	3.53	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	3.53	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	2.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	604.01	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	1,803.61	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	69.51	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	80.40	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	36.13	NORTHERN STATES POWE	UTILITIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
073658	03/02/83	6,008.85	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	77.36	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	90.39	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	92.22	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	112.72	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	32.57	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	203.30	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	4.25	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	4.25	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	4.25	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	4.25	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	77.74	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	153.02	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	244.31	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	20.41	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	119.78	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	113.78	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	88.97	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	409.95	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	576.04	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	38.80	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	13.97	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	141.02	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	81.54	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	9.91	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	89.54	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	59.73	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	204.60	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	144.46	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	63.01	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	136.85	NORTHERN STATES POWE	UTILITIES
073658	03/02/83	157.63	NORTHERN STATES POWE	UTILITIES
		13,984.39 *		

073660	03/02/83	37.24	NORTHWESTERN BELL TE	TELEPHONE
073660	03/02/83	45.29	NORTHWESTERN BELL TE	TELEPHONE
073660	03/02/83	5,258.37	NORTHWESTERN BELL TE	TELEPHONE
073660	03/02/83	42.97	NORTHWESTERN BELL TE	TELEPHONE
		5,383.87 *		

073669	03/02/83	6.00	LAVERNE RUTESON	TRAVEL TRAINING
		6.00 *		

073680	03/02/83	81.75	OSWALD FIRE HCSE	SUPPLIES
		81.75 *		

073726	03/02/83	509.14	RADIO SHACK	PRCG SUPPLIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		509.14 *		

073756	03/02/83	8,040.00	RAMSEY COUNTY TREASU	SAND SALT
073756	03/02/83	60.00	RAMSEY COUNTY TREASU	DATA PROCESSING
		8,100.00 *		

073762	03/02/83	99.85	REEDS SALES + SERVIC	SUPPLIES EQUIP
073762	03/02/83	50.52	REEDS SALES + SERVIC	SUPPLIES
		150.37 *		

073776	03/02/83	54.00	RISK MANAGEMENT PUB	SUBS MEMBERSHIP
		54.00 *		

073780	03/02/83	109.67	ROAD RESCUE INC	REPAIR MAINT
		109.67 *		

073786	03/02/83	13.35	ROSEVILLE AREA SCHOO	ELECTION
		13.35 *		

073794	03/02/83	12.00	RYCO SUPPLY CO	SUPPLIES
		12.00 *		

073798	03/02/83	18.56	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	72.86	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	12.19	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	43.06	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	18.56-	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	22.36	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	15.04	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	45.04	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	24.64-	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	32.40	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	8.54	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	23.40	S + T OFFICE PRODUCT	OFFICE SUPPLIES
073798	03/02/83	425.54	S + T OFFICE PRODUCT	OFFICE SUPPLIES
		675.79 *		

073810	03/02/83	123.95	SEARS ROEBUCK + CO	EQUIPMENT OTHER
073810	03/02/83	324.98	SEARS ROEBUCK + CO	EQUIP OTHER

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		448.93 *		

073841	03/02/83	1,096.80	ST PAUL CITY OF	CRIME LAB
073841	03/02/83	301.25	ST PAUL CITY OF	RADIO MAINT
073841	03/02/83	1,227.95	ST PAUL CITY OF	RADIO MAINT
		2,626.00 *		
073842	03/02/83	32.10	ST PAUL DISPATCH	PUBLISHING
		32.10 *		

073874	03/02/83	404.73	STD SPRING + ALIGNME	SUPPLIES VEH
073874	03/02/83	137.70	STD SPRING + ALIGNME	SUPPLIES VEH
		542.43 *		
073875	03/03/83	875.00	STREICHER GUNS INC	SUPPLIES RANGE
073875	03/02/83	93.00	STREICHER GUNS INC	RANGE SUPPLIES
		968.00 *		

073884	03/02/83	18.94	SUPERAMERICA	GAS OIL
073884	03/02/83	14.93	SUPERAMERICA	GAS OIL
073884	03/02/83	14.92	SUPERAMERICA	GAS OIL
		48.79 *		

073890	03/02/83	37.45	TARGET STORES INC	OFFICE SUPPLIES
073890	03/02/83	9.95	TARGET STORES INC	OFFICE SUPPLIES
073890	03/02/83	22.23	TARGET STORES INC	PRCG SUPPLIES
		69.63 *		
073891 *	03/02/83	14.04	DOUG TAUBMAN	TRAVEL TRAINING
		14.04 *		

073897	03/02/83	92.65	TOUSLEY FORD	REP MAINT VEH
		92.65 *		

073902	03/02/83	704.33	TOLZ, KING, DUVALL	CONTRACT PYM
		704.33 *		

073906	03/02/83	7,063.00	TRACY OIL	FUEL
		7,063.00 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
073914	03/02/83	40.00 40.00 *	TWIN CITY FILTER SER	FILTERS CLEANED

073956	03/02/83	57.45 57.45 *	WAGERS INC	OFFICE SUPPLIES

073960	03/02/83	161.04 161.04 *	WEBER + TROSETH INC	REPAIR MAINT

073962	03/02/83	54.48 54.48 *	WESTINGHOUSE ELECTRI	SUPPLIES

073968	03/02/83	19.54 19.54 *	WHITE BEAR DODGE INC	SUPPLIES VEH

073977	03/02/83	95.69 95.69 *	WW GRAINGER	SUPPLIES
073978	03/02/83	121.25	XEROX CORPORATION	DUPLICATING
073978	03/02/83	121.25 242.50 *	XEROX CORPORATION	DUPLICATING

073981	03/02/83	65.15 65.15 *	ZEP MFG CO	SUPPLIES JANITOF

073936	03/02/83	40.00 40.00 *	TEVLIN HARRY	HEALTH INS REF

073C01 *	03/03/83	6.55 6.55 *	BOWERS CECELIA	REFUND
073C02	03/03/83	26.20 26.20 *	CAROLINA BIOLOG	BOOKS
073C03 *	03/03/83	6.55 6.55 *	DUREN RUTH	REFUND
073C04 *	03/03/83	6.55	HEIMEL BETTY	REFUND

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		6.55 *		
073C05 *	03/03/83	6.55 6.55 *	LJEFFLER MARTHA	REFUND
073C06 *	03/03/83	6.50 6.50 *	PRIGGE LINDA	REFUND
073C07 *	03/03/83	3.25 3.25 *	SIVERSON MARLYS	REFUND
073C08 *	03/03/83	6.55 6.55 *	STIRENS	REFUND
073C09 *	03/03/83	3.25 3.25 *	STRUB MARY	REFUND
073C10	03/03/83	6.00 6.00 *	WISC PK & REC ASSN	BOOKS
073C11 *	03/03/83	6.55 6.55 *	ZOYA CECELIA	REFUND
073C12	03/03/83	67.02 67.02 *	A-JAX POWER BRAKE	REPAIR MAINT
073C13	03/03/83	44.82 44.82 *	ALPINSON	OFFICE SUPPLIES
073C14	03/03/83	47.04	BIRD & CRONIN	REPAIR MAINT VEH
073C14	03/03/83	47.04-	BIRD & CRONIN	REPAIR MAINT VEH
073C14	03/03/83	47.04 47.04 *	BIRD & CRONIN	REPAIR MAINT VEH
073C15	03/03/83	68.00 68.00 *	CURTS & SONS	SUPPLIES
073C16	03/03/83	2.97-	CURTIS INDUSTRIES	SUPPLIES
073C16	03/03/83	55.49 52.52 *	CURTIS INDUSTRIES	SUPPLIES
073C17	03/03/83	10.00 10.00 *	FULLEFS RADIO	RADIO REPAIR
073C18	03/03/83	82.85 82.85 *	JIM HATCH SALES	SUPPLIES VEH
073C19	03/03/83	1,140.00 1,140.00 *	MAPLEWOOD DECORATORS	PAINTING C/H
073C20	03/03/83	125.00 125.00 *	NUCO BUILDERS INC	REPAIR MAINT JAN
073C21	03/03/83	11.40 11.40 *	DISPATCH	PAFERS

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
073022	03/03/83	104.40 104.40 *	THANE HAWKINS POLAR	SUPPLIES VEH
073023	03/03/83	40.00 40.00 *	MATHEYS ALANA K	HEALTH INS REF
073024	03/03/83	40.00 40.00 *	VIGOREN DELORES A	HEALTH INS REF
073025	03/03/83	40.00 40.00 *	BASTYR DEBORAH	HEALTH INS REF
073026	03/03/83	40.00 40.00 *	RICHIE CAROLE	HEALTH INS REF
073027	03/03/83	40.00 40.00 *	FULLER JAMES	HEALTH INS REF
073028	03/03/83	40.00 40.00 *	FREBERG RONALD	HEALTH INS REF
073029	03/03/83	40.00 40.00 *	FELEY RONALD	HEALTH INS REF
073030	03/03/83	40.00 40.00 *	HOOBANK JOSEPH	HEALTH INS REF
073031	03/03/83	40.00 40.00 *	KANE MICHAEL	HEALTH INS REF
073032	03/03/83	40.00 40.00 *	KLAUSING HENRY	HEALTH INS REF
073033	03/03/83	40.00 40.00 *	REINERT EDWARD	HEALTH INS REF
073034	03/03/83	40.00 40.00 *	GEISSLER WALTER	HEALTH INS REF
073035	03/03/83	40.00 40.00 *	LUTZ DAVID	HEALTH INS REF
073036	03/03/83	40.00 40.00 *	BREHEIM ROGER	HEALTH INS REF
073037	03/03/83	40.00 40.00 *	EDSON DAVID	HEALTH INS REF
073038	03/03/83	40.00 40.00 *	MULWEE GEORGE	HEALTH INS REF
073039	03/03/83	40.00 40.00 *	NADEAU ED	HEALTH INS REF
073040	03/03/83	40.00	MAC DONALD JOHN	HEALTH INS REF

3-14-83

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		40.00 *		
073C41	03/03/83	40.00 40.00 *	BURKE MYLES	HEALTH INS REF
073C42	03/03/83	40.00 40.00 *	GERMAIN DAVID	HEALTH INS REF
073C43	03/03/83	40.00 40.00 *	MARUSKA MARK	HEALTH INS REF
073C44	03/03/83	40.00 40.00 *	EKSTRAND TOM	HEALTH INS REF
073C45	03/03/83	40.00 40.00 *	JOHNS CN RANDY	HEALTH INS REF
073C46	03/03/83	40.00 40.00 *	WENGER ROBERT	HEALTH INS REF

164,083.29	FUND 01 TOTAL
1,055.45	FUND 03 TOTAL
170.00	FUND 36 TOTAL
170.00	FUND 37 TOTAL
440.00	FUND 43 TOTAL
960.00	FUND 47 TOTAL
2,240.00	FUND 51 TOTAL
14,950.00	FUND 58 TOTAL
704.33	FUND 61 TOTAL
1,112.61	FUND 69 TOTAL
4,729.18	FUND 90 TOTAL
11,605.71	FUND 96 TOTAL

202,220.57

TOTAL

* INDICATES ITEMS FINANCED BY RECREATIONAL FEES

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0002	484369671	BEHM	LOIS	N 0307-00001	535.18 ()
0002	206242018	EVANS	BARRY	R 0307-00002	1,224.52 ()
0002					1,759.70 *
0010	475143403	PELOQUIN	ALFRED	J 0307-00003	57.06 ()
0010	469869481	SCHLEICHER	JOHN	F 0307-00004	116.03 ()
0010					173.09 *
0011	475500285	MC PHERSON	JO ANNE	F 0307-00005	104.50 ()
0011					104.50 *
0012	357340166	CUDE	LARRY	J 0307-00006	167.51 ()
0012	470520124	DOHERTY	KATHLEEN	M 0307-00007	234.18 ()
0012	471400908	ZUERCHER	JOHN	L 0307-00008	136.78 ()
0012					538.47 *
0021	469501078	FAUST	DANIEL	F 0307-00009	1,050.31 ()
0021					1,050.31 *
0022	469200614	HAGEN	ARLINE	J 0307-00010	524.00 ()
0022	390444446	MATHEYS	ALANA	K 0307-00011	575.18 ()
0022	476704432	MOELLER	MARGARET	A 0307-00012	180.53 ()
0022	473327550	VIGOREN	DELORES	A 0307-00013	373.98 ()
0022					1,653.69 *
0031	471322198	AURELIUS	LUCILLE	E 0307-00014	763.41 ()
0031	474264816	SELVOG	BETTY	D 0307-00015	470.19 ()
0031					1,233.60 *
0032	476269815	SCHADT	JEANNE	L 0307-00016	250.60 ()
0032					250.60 *
0033	477288389	GREEN	PHYLLIS	C 0307-00017	521.92 ()
0033	472244994	HENSLEY	PATRICIA	A 0307-00018	191.22 ()
0033	476620547	KELSEY	CONNIE	L 0307-00019	269.09 ()
0033	468364435	VIETOR	LORRAINE	S 0307-00020	400.09 ()
0033					1,382.32 *
0034	037144969	FREDERICKSON	RITA	M 0307-00021	0.00 (X)
0034	474097528	STOTTLEMYER	EDITH	G 0307-00022	0.00 (X)
0034					*
0041	184440036	BASTYR	DEBORAH	A 0307-00023	297.04 ()

DEPT-NO	EMPL-NO	EMPLOYEE NAME		CHECK-NO	AMOUNT	CLEARED
0041	468461717	COLLINS	KENNETH	V 0307-00024	267.65	()
0041	392240565	HAGEN	THOMAS	L 0307-00025	373.32	()
0041	477227636	CMATH	JOY	E 0307-00026	395.38	()
0041	471502356	RICHIE	CAROLE	L 0307-00027	320.68	()
0041	468602934	SVENDSEN	JOANNE	M 0307-00028	466.12	()
0041					2,120.19 *	
0042	477481364	ARNOLD	DAVID	L 0307-00029	320.51	()
0042	471402115	ATCHISON	JOHN	H 0307-00030	678.01	()
0042	469689867	BOWMAN	RICK	A 0307-00031	424.59	()
0042	468461930	CLAUSON	DALE	K 0307-00032	184.40	()
0042	476446119	DREGER	RICHARD	C 0307-00033	677.73	()
0042	470267887	GREEN	NORMAN	L 0307-00034	607.54	()
0042	469568516	FALWEG	KEVIN	R 0307-00035	509.32	()
0042	469820466	HEINZ	STEPHEN	J 0307-00036	521.31	()
0042	473604916	HERBERT	MICHAEL	J 0307-00037	418.78	()
0042	476528607	JAGUI TH	DANIEL	R 0307-00038	527.77	()
0042	392760009	KARIS	FLINT	D 0307-00039	427.38	()
0042	472222231	KORTUS	DONALD	V 0307-00040	54.14	()
0042	471563591	LANG	RICHARD	J 0307-00041	500.99	()
0042	468181347	MCNULTY	JOHN	J 0307-00042	211.65	()
0042	474607686	MEHANN, JR	JAMES	E 0307-00043	501.35	()
0042	471627417	METTLER	DANIEL	B 0307-00044	728.87	()
0042	469442063	MOESCHTER	RICHARD	M 0307-00045	97.65	()
0042	476340990	MORELLI	RAYMOND	J 0307-00046	669.82	()
0042	475323183	NELSON	ROBERT	D 0307-00047	818.87	()
0042	468462884	PELTIER	WILLIAM	F 0307-00048	573.35	()
0042	470520457	SKALMAN	DONALD	W 0307-00049	131.64	()
0042	473548226	STAFNE	GREGORY	L 0307-00050	617.89	()
0042	471721204	STEFFEN	SCOTT	L 0307-00051	204.63	()
0042	471500251	STILL	VERNON	T 0307-00052	561.03	()
0042	471629204	STOCKTON	DARRELL	T 0307-00053	683.87	()
0042	474260130	ZAPPA	JOSEPH	A 0307-00054	605.91	()
0042					12,259.00 *	
0043	475548434	BECKER	RONALD	D 0307-00055	239.34	()
0043	469441789	GRAF	DAVID	M 0307-00056	494.05	()
0043	476401388	LEE	ROGER	W 0307-00057	596.12	()
0043	473567791	MELANDER	JON	A 0307-00058	10.72	()
0043	468360918	NELSON	CAROL	M 0307-00059	899.85	()
0043	471504316	RAZSKAZOFF	DALE	E 0307-00060	460.17	()
0043	471564801	RYAN	MICHAEL	P 0307-00061	424.69	()
0043	474486071	VORWERK	ROBERT	E 0307-00062	370.30	()
0043	469502201	YOUNGREN	JAMES	G 0307-00063	650.43	()
0043					4,145.67 *	
0045	471401878	EMBERTSON	JAMES	M 0307-00064	754.99	()
0045	472242227	SCHADT	ALFRED	C 0307-00065	802.06	()
0045					1,557.05 *	

DEPT-NO	EMPL-NO	EMPLOYEE NAME		CHECK-NO	AMOUNT	CLEARED
0046	468401899	CAHANES	ANTHONY	G 0307-00066	111.04	()
0046	477627236	FLAUGHER	JAYME	L 0307-00067	470.80	()
0046	475587232	FULLER	JAMES	D 0307-00068	489.63	()
0046	473807030	MARTIN	SHAWN	M 0307-00069	407.19	()
0046	472365919	NELSON	KAREN	A 0307-00070	428.28	()
0046	468600183	RABINE	JANET	L 0307-00071	400.94	()
0046	475363333	WILLIAMS	DUANE	J 0307-00072	476.75	()
0046					2,784.63 *	
0051	471440267	BARTA	MARIE	L 0307-00073	320.44	()
0051	473566872	HAIDER	KENNETH	G 0307-00074	283.14	()
0051	504483174	WEGWERTH	JUDITH	A 0307-00075	367.55	()
0051					971.13 *	
0052	496308314	CASS	WILLIAM	C 0307-00076	668.90	()
0052	471526254	FREBERG	RONALD	L 0307-00077	322.81	()
0052	502544037	HELEY	RONALD	J 0307-00078	531.98	()
0052	471601083	HOCHBAN	JOSEPH	H 0307-00079	556.09	()
0052	471501241	KANE	MICHAEL	R 0307-00080	384.07	()
0052	468363473	KLAUS ING	HENRY	F 0307-00081	0.00	(X)
0052	471500547	MEYER	GERALD	W 0307-00082	426.76	()
0052	468166755	PRETTNER	JOSEPH	B 0307-00083	810.53	()
0052	472241484	REINERT	EDWARD	A 0307-00084	536.81	()
0052	470346224	TEVLIN, JR	HARRY	J 0307-00085	211.65	()
0052					4,449.60 *	
0053	472481010	ELIAS	JAMES	G 0307-00086	601.97	()
0053	167246109	GEISSLER	WALTER	M 0307-00087	574.49	()
0053	501464671	GESSELE	JAMES	T 0307-00088	618.23	()
0053	475441688	PECK	DENNIS	L 0307-00089	477.02	()
0053	476622458	PILLATZKE	DAVID	J 0307-00090	908.61	()
0053	472662522	PRIEBE	WILLIAM	0307-00091	466.86	()
0053					3,647.18 *	
0054	475601431	LUTZ	DAVID	P 0307-00092	383.84	()
0054					383.84 *	
0058	471562563	BREHEIM	ROGER	W 0307-00093	521.40	()
0058	477602582	EDSON	DAVID	B 0307-00094	627.80	()
0058	470541590	MULWEE	GEORGE	W 0307-00095	417.14	()
0058	471501014	NADEAU	EDWARD	A 0307-00096	625.87	()
0058	468361720	NUTESON	LAVERNE	S 0307-00097	517.79	()
0058	471365993	OWEN	GERALD	C 0307-00098	497.97	()
0058					3,207.97 *	
0059	476249760	MACDONALD	JOHN	E 0307-00099	450.92	()

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0059	475501000	MULVANEY DENNIS	M 0307-00100	603.89	()
0059				1,054.81 *	
0061	477301066	BRENNER LOIS	J 0307-00101	166.96	()
0061	468341993	KRUMMEL BARBARA	A 0307-00102	154.09	()
0061	473260389	ODEGARD ROBERT	D 0307-00103	946.54	()
0061	468582618	STAPLES PAULINE	M 0307-00104	479.52	()
0061				1,747.11 *	
0062	473709024	BAUER ALAN	H 0307-00105	0.00	(X)
0062	471447219	BURKE MYLES	R 0307-00106	58.15	()
0062	474608182	GERMAIN DAVID	A 0307-00107	533.26	()
0062	472303411	GUSINDA MELVIN	J 0307-00108	836.70	()
0062	474924209	HAAG MATTHEW	J 0307-00109	0.00	(X)
0062	502544121	HELEY ROLAND	B 0307-00110	545.76	()
0062	473969784	HUNTER TCNY	0307-00111	124.47	()
0062	471748313	LIBHARDT THOMAS	D 0307-00112	0.00	(X)
0062	473565506	MARUSKA MARK	A 0307-00113	543.53	()
0062	474078128	RASCHKE ALBERT	F 0307-00114	0.00	(X)
0062	477646662	SANDQUIST THOMAS	J 0307-00115	0.00	(X)
0062	476203439	SANTA REED	E 0307-00116	357.60	()
0062	474845176	SPANNBAUER MARTIN	J 0307-00117	0.00	(X)
0062	473660035	STARK RICHARD	E 0307-00118	0.00	(X)
0062				2,999.47 *	
0063	270483797	BLACK WILLIAM	J 0307-00119	0.00	(X)
0063	471901502	BOYD JEFFREY	A 0307-00120	0.00	(X)
0063	474442474	BUNKE RICHARD	H 0307-00121	0.00	(X)
0063	476924605	CASSEDAY ELIZABETH	J 0307-00122	0.00	(X)
0063	473684976	CASSEDAY MARY	K 0307-00123	0.00	(X)
0063	468684857	CERNIUS DAVID	G 0307-00124	0.00	(X)
0063	472844611	DALLUGE MATTHEW	D 0307-00125	0.00	(X)
0063	470880293	DELMONT LISA	M 0307-00126	0.00	(X)
0063	474829219	DIEBEL JERRY	D 0307-00127	125.00	()
0063	471884448	GALBRAITH MICHAEL	D 0307-00128	0.00	(X)
0063	476686996	HERBER KARIN	J 0307-00129	0.00	(X)
0063	474743915	KORTUS JAMES	M 0307-00130	0.00	(X)
0063	468984615	KRUMMEL BECKY	J 0307-00131	0.00	(X)
0063	477829499	KRUMMEL ROGER	C 0307-00132	0.00	(X)
0063	469929687	KYRK JODI	A 0307-00133	0.00	(X)
0063	474889823	LANGELETT STEVEN	E 0307-00134	0.00	(X)
0063	469953553	LAPKIN MOLLY	A 0307-00135	0.00	(X)
0063	473700729	MAHRE MICHELE	A 0307-00136	29.05	()
0063	474966150	MIHELICH CINDI	L 0307-00137	47.50	()
0063	473903822	NIELSEN RONALD	C 0307-00138	0.00	(X)
0063	476863802	PAULETTI ANTHONY	A 0307-00139	0.00	(X)
0063	477629606	RASCHKE JEFFERY	J 0307-00140	0.00	(X)
0063	472986940	RICHIE STACY	L 0307-00141	0.00	(X)
0063	469927221	ROTH VINCE	C 0307-00142	0.00	(X)

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0063	473686517	SANDQUIST	KATHRYN E 0307-00143	0.00	(X)
0063	477869067	SPANNBAUER	DAWN M 0307-00144	79.00	()
0063	469742645	SPANNBAUER	KATHLEEN G 0307-00145	52.97	()
0063	477920170	STRAUS	LAURA J 0307-00146	0.00	(X)
0063	472821395	SULLIVAN	NANCY J 0307-00147	0.00	(X)
0063	471528238	TATE	PETER W 0307-00148	7.38	()
0063	470626422	TAUBMAN	DOUGLAS J 0307-00149	633.52	()
0063	475904189	TOWNLEY	MICHAEL F 0307-00150	0.00	(X)
0063	470963203	WALLACE	JON T 0307-00151	0.00	(X)
0063	475747042	WARD	KERI L 0307-00152	0.00	(X)
0063	396324246	WARD	ROY G 0307-00153	284.66	()
0063				1,259.08 *	
0064	151440508	GREW	JANET M 0307-00154	453.39	()
0064	471384624	HORSNELL	JUDITH A 0307-00155	0.00	(X)
0064	474542163	SOUTTER	CHRISTINE 0307-00156	478.81	()
0064				932.20 *	
0071	389448993	CHLEBECK	JUDY M 0307-00157	309.37	()
0071	470540551	OLSON	GEOFFREY W 0307-00158	803.97	()
0071				1,113.34 *	
0072	477627178	EKSTRAND	THOMAS G 0307-00159	467.36	()
0072	475608505	JOHNSON	RANDALL L 0307-00160	500.43	()
0072				967.79 *	
0073	476090677	OSTROM	MARJORIE 0307-00161	713.47	()
0073				713.47 *	
0074	387520776	WENGER	ROBERT J 0307-00162	493.31	()
0074				493.31 *	
COUNT 00162	GRAND TOTAL			54,953.12	
0052	468363473	Klausing	Henry F 0307-00163	450.06	
	Grand Total			55,403.18	

E-2

MEMORANDUM

Action by Council:

Endorsed.....
Modified.....
Rejected.....
Date.....

TO: City Manager
FROM: Director of Public Works
SUBJECT: Southwest Corner Beam Avenue and White Bear Avenue
Sale of Excess Property
DATE: March 8, 1983

The attached map shows a small parcel of excess property that had to be acquired for construction of Beam Avenue. An adjacent owner has shown an interest in purchasing the property. The City has no use for the excess property so it should be sold.

It is recommended the staff be authorized to determine a fair market price and sell the excess City property on the southwest corner of Beam Avenue and White Bear Avenue.

2865 White Bear Avenue
St. Paul, Minn. 55109
February 22, 1983

Maplewood Public Works
Attn: Mr. Ken Heider
1462 E. County Road B
Maplewood, Minn. 55109

Dear Mr. Heider:

On February 15, 1983 I spoke to you about the cost and square footage on the piece of property owned by Maplewood. It is the northwest corner of Seaman and White Bear Avenues. I do have buyers for my property and the corner Maplewood owns. The buyers are Karsht and Redus.

Your help in obtaining this information as soon as possible will be greatly appreciated.

Do not hesitate to call me if I can be of assistance - 777-0848

Sincerely -
Lee J. Schling

RECEIVED
FEB 23 1983

TO: City Manager
FROM: Associate Planner Johnson
SUBJECT: HRA Resignation
DATE: March 9, 1983

Request

1. Accept Ronald Smith's resignation from the Housing and Redevelopment Authority.
2. Appoint a Commissioner to the HRA.

Background

Commissioner Smith's term ends March 1983. He has chosen not to request re-appointment. A letter of resignation was requested but has not been submitted. Commissioner Smith was appointed March 1982 to fill out the remainder of Commissioner/Councilperson Juker's term.

A replacement for Commissioner Smith should be appointed as soon as possible to avoid quorum problems. A quorum at each of the spring meetings will be necessary to insure that the HRA's Housing Program remains on schedule.

On March 8, the HRA unanimously recommended that Ronald Smith receive a joint resolution of appreciation from the HRA and City Council. They felt that although his attendance record was poor, he had served in good faith.

The HRA membership, by statute, consists of five members, each appointed for a five-year term.

Candidates

Two persons have requested appointment, following two months of advertisement in the Maplewood in Motion and local newspapers.

Recommendation

- I. Accept Commissioner Smith's resignation from the Housing and Redevelopment Authority.
- II. Approve the enclosed joint resolution of appreciation.
- III. Appoint a person as soon as possible to fill the March 1983-1988 term with the HRA.

jc
enclosures:
Applications (2)

F-1

MEMORANDUM

TO: City Manager
 FROM: Associate Planner--Johnson
 SUBJECT: Special Use Permit--PUD
 LOCATION: 2830 Keller Parkway
 APPLICANT: Richard Andersen
 OWNERS: Richard Andersen and Jerome Manes
 PROJECT: Gervais Overlook
 DATE: December 2, 1982

Action by Council:

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a special use permit for a planned unit development (PUD) of 42 town house, carriage home, and double-dwelling units.

Proposal

1. See Map three for the site plan concept.
2. The applicant's home would be converted to a double dwelling
3. The site would be accessed by a private driveway.
4. On-site public sewer and water would be provided.
5. The natural wetland area would be retained and incorporated into the County Ditch Seven system as a storm water retention pond.
6. The sand ridge in the center of the site would be left intact.
7. The development would be constructed in two phases (Map three). Phase one would encompass parcel one (map two) and phase two would encompass parcel two (map two). Parcel two will be created as a result of condemnation proceedings for acquisition of Ramsey County Open Space, scheduled to begin in mid-December 1982.
8. A preliminary plat will be applied for following PUD approval.
10. See the enclosed letter of justification.

CONCLUSION

Analysis

The proposal is consistent with the Land Use Plan requirements for cluster development in an area planned for low density residential use.

The site contains a wetland and sand ridge that should be left intact. The proposed clustering would permit these environmental features to be preserved.

Clustering also allows the applicant to maximize an open space buffer between the proposed development and nearby larger lot single dwellings. As a condition of approval, a finding must be made that the structures will be compatible with neighboring single dwellings.

In considering previous proposals to develop this site, Council was concerned that development may intensify local drainage problems. Ramsey County will begin upgrading County Ditch Seven this summer. The proposed pond on this site will be incorporated into the County Ditch Seven project. The effect will be to assist in reducing local storm water problems, not intensify them.

Recommendation

Approval of the enclosed resolution approving a special use permit for the Gervais Overlook planned unit development, on the basis that:

1. The proposal is consistent with the provisions of the Land Use Plan for cluster development in a low density residential neighborhood.
2. The proposal is consistent with interim and proposed shoreland regulations.

Approval is subject to:

1. The Community Design Review Board making a finding that the structures will be compatible with neighboring dwellings.
2. Any conditions imposed by the Community Design Review Board.
3. Combination of parcels one and two
4. Before final plat or building permit approval, the following conditions shall be met:
 - A. Council awarding a construction contract for the extension of sanitary sewer to the site or approval of the Metropolitan Waste Control Commission for use of their sewer in Arcade Street.
 - B. The City of Little Canada ordering the extension of water to the site.
 - C. Final grading, drainage, and utility plans must be approved by the city engineer.
 - D. A signed developer's agreement, with the required surety, being submitted to the city engineer for the provision of on-site sanitary sewer, water, and storm water drainage facilities.
 - E. Dedication of drainage easements to Ramsey County for County Ditch Seven.

- F. Submission of a water quality management plan. The plan shall include, but not be limited to, a statement of the run-off retention methods to be used to reduce potential water pollution during construction and after construction is completed. This plan shall consider the recommendations of the Soil Conservation Service.
- G. Payment of a deferred water assessment (Project 75-16)
- 5. Construction of the first phase must be started within one year of Council approval or the permit shall be null and void, unless an extension is granted by Council. The second phase shall begin within two years of the completion of the first phase. If an extension is not granted, the permit for the second phase shall be null and void.
- 6. Approval of homeowner's association by-laws and declarations by the city attorney.

BACKGROUND

Site Description

1. Gross acreage: phase one--7.75
phase two--2.28
10.03
2. Net acreage: 9.03
3. Existing land use: single dwelling

Surrounding Land Uses

- Northerly: single dwellings on large lots in Little Canada. These properties are zoned and planned for single-dwelling residential.
- Easterly: undeveloped land, planned and zoned for single dwelling use.
- Southeasterly: property proposed for condemnation for Ramsey County Open Space.
- Southerly: undeveloped rear yards of large irregularly shaped single dwellings.
- Westerly: two single dwellings and five undeveloped platted lots fronting on Arcade Street.

Past Actions

12-1-80: The Planning Commission considered a lot division proposal which would have created three parcels (map four) without frontage to a dedicated and maintained public street. Denial was recommended on the basis that:

1. There appear to be other options available for better development of this area.
2. The proposal is not consistent with the spirit and intent of the ordinance.
3. Once the driveway would be developed, it would be difficult to upgrade it to a City street with City sewer and water and assess this upgrading.
4. A hardship has not been demonstrated to exist which is unique to this property.

The applicant withdrew the proposal prior to City Council consideration.

4-15-82: Council denied a preliminary plat with twenty lots (Map five) on the basis that:

1. A drainage plan was not provided that resolved drainage problems in the area.
2. The Council was not satisfied that soil problems could be corrected for suitable building sites. Council did not know the extent of the unstable soil that would be required for meeting building code requirements.
3. The plat does not necessarily meet the character of the neighborhood or the size of the lots.
4. The plat does not take into consideration the need to protect the environment.

Council also referred this matter to the Planning Commission to consider a twelve-lot plat; or an RE-20 district that would encompass the area south of the boundary between the two cities, east of Arcade, and north of Keller Parkway; or as a third alternative, the three-lot division proposed in 1980.

Council also denied the three-lot division.

5-5-82: The applicant submitted a preliminary plat request for twelve single-dwelling lots (Map six). This proposal was withdrawn by the applicant on 6-24-82 because of financial infeasibility and because the owner of the westerly portion of the site (Frank Frattalone) elected to retain his property (parcel one--Map five), as presently platted.

DEPARTMENTAL CONSIDERATIONS

Planning

Land Use Plan designation: RL, Residential Lower Density

2. Permitted density: 14 persons/net acre
3. Proposed density: 13.0 persons/net acre
4. Policy criteria from Plan (page 18-29):

The Low Density Residential classification "allows for concentrations of multiple dwelling units within defined areas, where the conditions below are met. Single dwellings, double dwellings, town houses, quads, and apartments may be found in this classification. The following conditions must be met before this type of development may be permitted:

- "1. Where it is necessary to cluster units in order to preserve valuable natural features, such as wood lots, wetland, or areas of unusual topographic features.
- "2. The maximum density approved by the City Council shall be based on the area of natural features to be preserved and the quality of site and building design. In no case, however, shall the density exceed 14 people per net acre. Net acreage, in this type of development only, shall not include flood plains, existing drainageways, and wetlands that cannot be developed according to Federal, State, or City regulations. Developable land which is to be dedicated for drainage ponds shall be included in calculating density.
- "3. Where the development is part of a planned unit development.
- "4. Where the building(s) are of a scale, design, and location that is compatible with single-dwelling homes located on adjacent property."

Page 12-9:

"Where environmental limitations are present, the City shall encourage low density housing or clustering of different housing types and styles to protect natural features."

Page 12-11:

"Integration of housing styles or types within a development shall be allowed when applicable in order to respond to environmental considerations and service requirements, as long as the total number of units conforms to the prescribed density for the total development."

5. Zoning: R-1, Residence District (Single Dwelling).

6. Compliance with land use laws:

A. Section 36-438 (a) states that, "a special use permit may be issued by the city council in any use district in the city for a planned unit development."

B. Section 36-44 states that:

"(b) The city council, in granting a special use permit, may attach to the permit such conditions and guarantees as may be necessary to the protection of the public, the rights of others and the city.

"(c) All special use permits which do not have a specific termination date or provision for a periodic review, shall be reviewed within one year of the date of passage of the council measure granting such special use permit and every five years thereafter."

C. The development is consistent with the interim shoreland development guidelines adopted by the Council on October 15, 1981.

D. The proposal is consistent with all other applicable zoning codes.

Public Works

1. A Metropolitan Waste Control Commission (MWCC) sanitary sewer is adjacent to the site. A permit from the MWCC would be required to use this sewer. If the permit cannot be obtained, sewer would have to be extended from Kohlman Lane and Keller Parkway.
2. Water is not adjacent to the site and would have to be extended from Little Canada.
3. A private access to the site can be permitted provided fire code requirements are complied with.
4. Keller Parkway and Arcade Street are both county roads, and designated for higher than local neighborhood traffic volumes. The traffic generated by this development should have little impact on the area's traffic situation. The driveway entrance will have to be approved by the County.

Financial

A deferred water assessment (Project #75-16) must be paid prior to the approval of the final plat.

Other Agencies

1. Ramsey County Public Works

A. Improvements to County Ditch seven are proposed for the summer of 1983. The project will consist of piping storm water south along the west side of Arcade Street then to a sedimentation pond on the applicant's site prior to discharge to the wetland to the southeast of the proposed development. An overflow for direct discharge to Gervais Lake would be provided to protect the applicant's site from flooding in the event of a large storm. Storm water ponding and drainage easements need to be obtained from the applicant for this project.

B. A driveway permit to Keller Parkway is required.

2. Ramsey County Open Space:

Condemnation proceedings are scheduled to begin in mid-December to obtain the wetland adjacent to and southeast of the site (Map two). Parcel two will be created as a result of these proceedings.

Citizen Comments

Twenty-six persons owning property within 350 feet of the site from both Little Canada and Maplewood were sent a survey regarding this proposal. Six persons responded, five objecting. Their reasons were:

1. Increased traffic and a hazardous driveway location
2. Too high of a density for the land available
3. This development will increase run-off and pollution of Gervais Lake and the adjacent wetlands.
4. Nuisances due to earth moving, increased assessments, etc.
5. Building within the flood plain.

Procedure

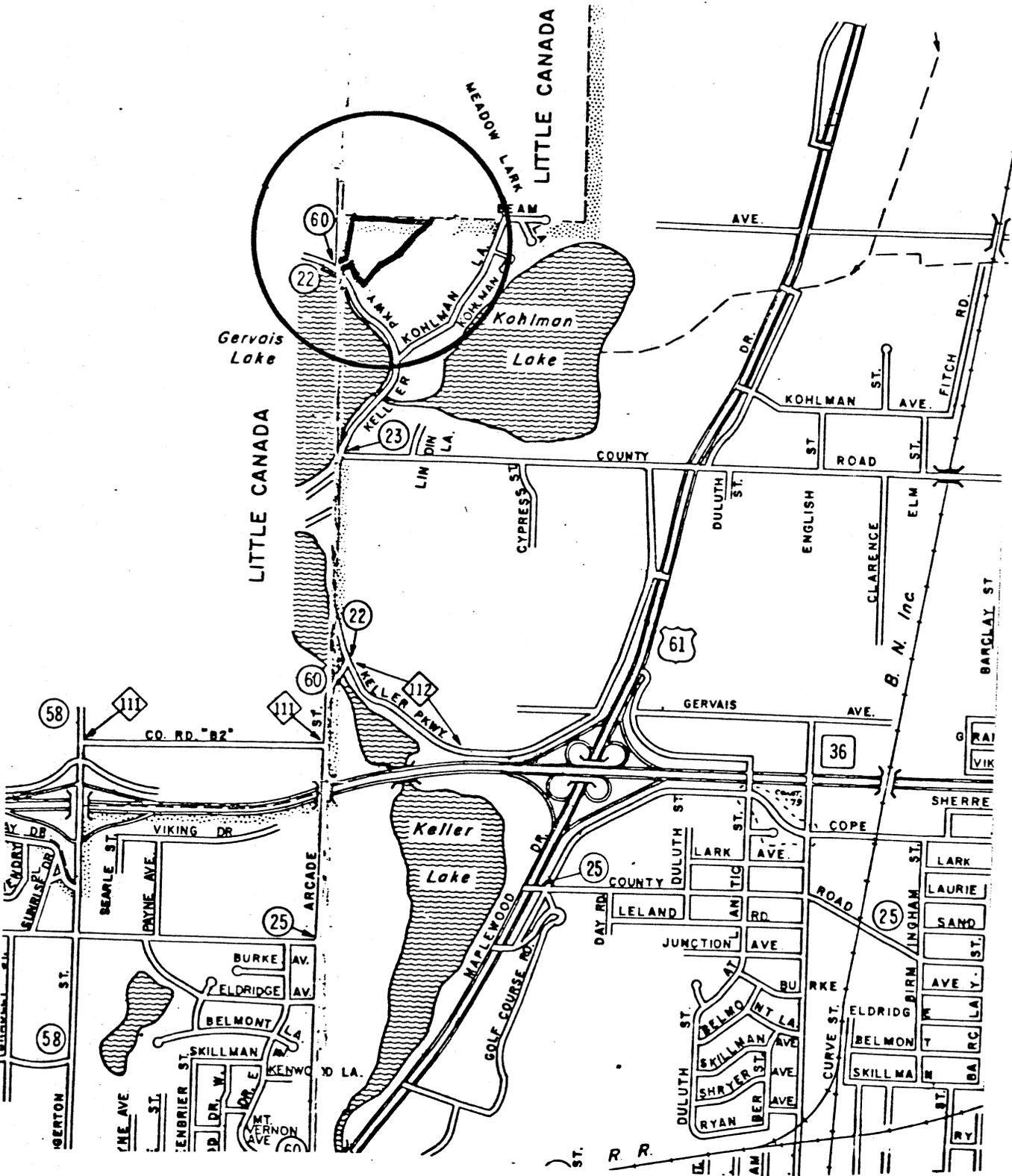
Planned Unit Development

Planning Commission recommendation
City Council

jc

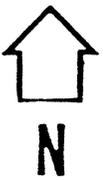
Enclosures

1. Location Map
2. Property Line Map
3. Site Plan--Preliminary PUD Proposal
4. The applicant's 1980 Proposal
5. The Applicant's April 1982 Proposal
6. The Applicant's May 1982 Proposal
7. Letter of Justification
8. Resolution



MAP 1

LOCATION MAP



LABORE ROAD

CHAS. W. BROWNS ADD.

LITTLE CANADA

ARGCADE
SALISE ST.

Potentially Developable

(Potentially landlocked)

Proposed County Ditch #7
Ponding Area Ramsey County

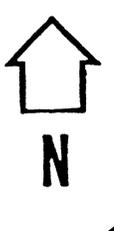
GERVAIS LAKE

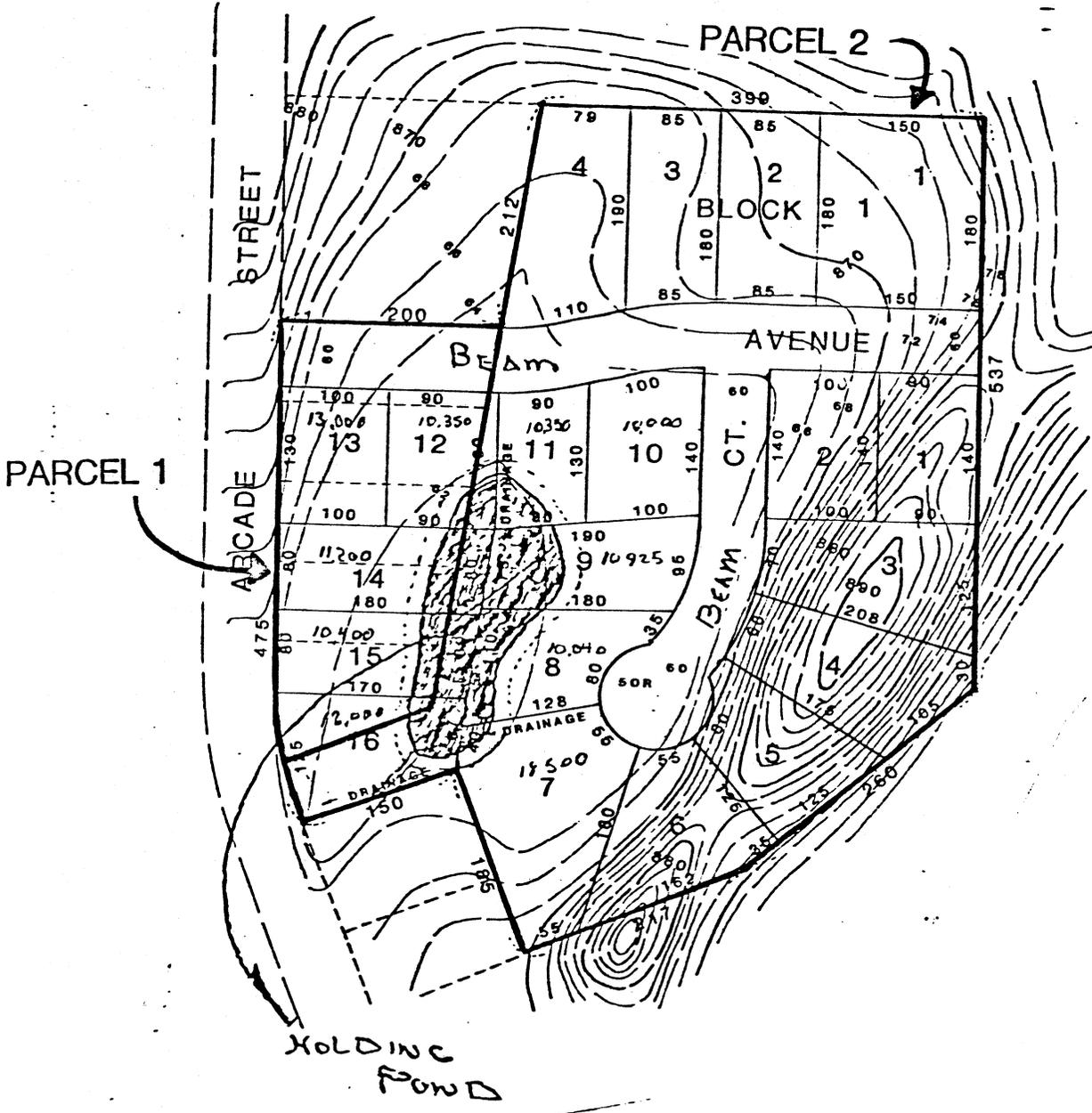
KELLER

PARL

MAP 4

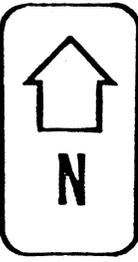
THE APPLICANT'S NOVEMBER 1980 PROPOSAL





MAP 5

PRELIMINARY PLAT FOR 20 LOTS
 APRIL 1982 PROPOSAL



Letter of Justification

We are seeking PUD for our land since in our other proposals we were using low land & High land alike PUD enables us to stay on the high ground, clustering the homes and leaving more land for open space. It also does not over use the land

RESOLUTION NO. _____

COUNTY OF RAMSEY
CITY OF MAPLEWOOD

Resolution Making Findings of Fact and
Approval of a Special Use Permit

WHEREAS, a special use permit request has been initiated by Richard Andersen for a planned unit development for the following-described property:

Lot 1, Block 3, Lake Gervais View Addition, and Government Lot 1 except part commencing at the northeast corner of Government Lot 1, Section 4, Township 29, Range 22; thence South on the East line thereof to a point 1980 feet South from the Northeast corner of the Southwest quarter of the Northwest quarter of said Section 4; thence South 52 degrees West to a point on the Southerly extension of the West line of the East half of the Southwest quarter of the Northwest quarter of Section 4; thence North along said line to a point 537 feet south of the North line of said Government Lot 1; thence Northeasterly to a point on the North line of said Government Lot 1, 300 feet West of the Northeast corner of said Government Lot 1; thence Easterly along said North line of Government Lot 1 to the place of beginning, in the Town of New Canada, Ramsey County, Minnesota. All in Section 4, Township 29, Range 22

Such above property being also known and numbered as 2830 Keller Parkway , Maplewood, Minnesota.

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

1. That a special use permit request was made pursuant to the requirements of Section 36-438 of the Maplewood Zoning Code;
2. That said special use permit request was referred to and reviewed by the Maplewood Planning Commission on the 6th day of December, 1982, at which time said Planning Commission recommended to the City Council that said special use 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 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 MAPLEWOOD CITY COUNCIL, that the above-described special use permit be granted on the basis of the following findings of fact:

1. The proposal is consistent with the provisions of the Land Use Plan for cluster development in a low density residential neighborhood.
2. The proposal is consistent with interim and proposed shoreland regulations.

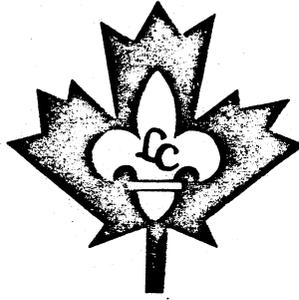
Approval is subject to:

1. The Community Design Review Board making a finding that the structures will be compatible with neighboring dwellings.
2. Any conditions imposed by the Community Design Review Board.
3. Combination of parcels one and two.
4. Before final plat or building permit approval, the following conditions shall be met:
 - A. Council awarding a construction contract for the extension of sanitary sewer to the site or approval of the Metropolitan Waste Control Commission for use of their sewer in Arcade Street.
 - B. The City of Little Canada ordering the extension of water to the site.
 - C. Final grading, drainage, and utility plans must be approved by the city engineer.
 - D. A signed developer's agreement, with the required surety, being submitted to the city engineer for the provision of on-site sanitary sewer, water, and storm water drainage facilities.
 - E. Dedication of drainage easements to Ramsey County for County Ditch Seven.
 - F. Submission of a water quality management plan. The plan shall include, but not be limited to, a statement of the run-off and retention methods to be used to reduce potential water pollution during construction and after construction is completed. This plan shall consider the recommendations of the Soil Conservation Service.
 - G. Payment of a deferred water assessment (Project #75-16)
5. Construction of the first phase must be started within one year of Council approval or the permit shall be null and void, unless an extension is granted by Council. The second phase shall begin within two years of the completion of the first phase. If an extension is not granted the permit for the second phase shall be null and void.
6. Approval of homeowner's association by-laws and declarations by the city attorney.

CITY OF LITTLE CANADA

RAMSEY COUNTY, MINNESOTA

Office of:
JOSEPH G. CHLEBECK, Clerk
515 Little Canada Road
Little Canada, Minn. 55117
484-2177



MAYOR
Raymond Hanson

COUNCIL
Michael Fahey
Beverly Scalze
Dennis Forsberg
Mugs Nardini

Dec. 3, 1982

Mr. Geoff Olson
Director of Community Development
City of Maplewood
1902 E. Co. Rd. B
Maplewood, Mn 55109

Dear Mr. Olson,

This to inform you of our City's objection to the development at 2830 Keller Parkway. The following resolution was introduced and adopted at our Council meeting of Nov. 24, 1982:

RESOLUTION NO. 82-11-600 - INFORMING THE CITY OF MAPLEWOOD THAT THE CITY OF LITTLE CANADA IS OPPOSED TO ANY CONSTRUCTION IN THE AREA PROPOSED BY MR. ANDERSON OTHER THAN SINGLE FAMILY RESIDENTIAL BECAUSE OF THE IMPACT ON LITTLE CANADA AND THE AREA.

Sincerely,


Joseph G. Chlebeck
Clerk

JGC:gb

DEC 7 1982

8. NEW BUSINESS

12-6-82

A. PUD--Gervais Overlook

Secretary Olson said the applicant is requesting approval of a special use permit for a planned unit development of 4 town house, carriage home, and double-dwelling units. Staff is recommending approval.

The Commission discussed with Director of Public Works Haider the length of the private drive and the maintenance of it. The Commission also stated concern with possible traffic visibility problems at the intersection of the private drive onto Arcade Street.

Richard Anderson said staff did a thorough job on the staff report. He suggested stop signs at the intersection to control the traffic would help provide the required safety. He commented on the proposed drainage for the site. He said because of the terrain it will enable him to construct eight unit carriage homes which all have on-grade access.

Commissioner Fischer moved the Planning Commission recommend approval of the resolution approving a special use permit for the Gervais Overlook planned unit development on the basis that:

1. The proposal is consistent with the provisions of the Land Use Plan for cluster development in a low density residential neighborhood.
2. The proposal is consistent with interim and proposed shoreland regulations.

Approval is subject to:

1. The Community Design Review Board making a finding that the structures will be compatible with neighboring dwellings.
2. Any conditions imposed by the Community Design Review Board.
3. Combination of parcels one and two.
4. Before final plat or building permit approval, the following conditions shall be met:
 - a. Council awarding a construction contract for extension of sanitary sewer to the site or approval of the Metropolitan Waste Control Commission for use of their sewer in Arcade Street

- b. The City of Little Canada ordering the extension of water to the site.
 - c. Final grading, drainage, and utility plans must be approved by the City engineer.
 - d. A signed developer's agreement, with the required surety, being submitted to the city engineer for the provision of on-site sanitary sewer, water, and storm water drainage facilities.
 - e. Dedication of drainage easements to Ramsey County for County Ditch Seven.
 - f. Submission of a water quality management plan. The plan shall include but not be limited to, a statement of the run-off retention methods to be used to reduce potential water pollution during construction and after construction is completed. This plan shall consider the recommendations of the Soil Conservation Service.
 - g. Payment of deferred water assessment (Project 75-16).
5. Construction of the first phase must be started within one year of Council approval or the permit shall be null and void, unless an extension is granted by the Council. The second phase shall begin within two years of the completion of the first phase. If an extension is not granted, the permit for the second phase shall be null and void.
 6. Approval of homeowners' association by-laws and declarations by the city attorney.

Commissioner Whitcomb seconded

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

MEMORANDUM

F-2

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning
LOCATION: Larpenteur and Century Avenues
APPLICANT: City of Maplewood
OWNER: St. Paul's Priory
DATE: February 14, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

REQUEST

Rezone the northerly part of the Priory property from M-1, light manufacturing to R-3, residence district (multiple dwelling).

CONCLUSION

Comments

The City Council 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 Land Use Plan.

This rezoning is consistent with the Land Use Plan and would eliminate the development of potential nuisance uses that could develop under M-1 zoning.

The southerly part of the site is left as M-1 zoning because the north and south parts of this property are naturally divided by a marshy drainageway. This drainageway is proposed as a six acre-foot drainage pond on the Maplewood Drainage Plan. Because of this separation, the southerly part of the site would be easier to develop with the adjacent M-1 property to the east.

Recommendation

Approval of the enclosed resolution rezoning the northerly part of the Priory property to R-3.

BACKGROUND

Site Description

The overall Priory parcel is 38.5 acres. The area proposed to be rezoned is 30.6 acres in area and undeveloped. It is used as a nature preserve. (See attachment three.)

Surrounding Land Uses

- Northerly: Larpenteur Avenue and St. Paul Priory land
- Easterly: Century Avenue and undeveloped marsh in Oakdale. This land is designated on the Oakdale Plan for industrial use and a small drainage pond.
- Southerly: The southerly part of the St. Paul Priory parcel--undeveloped and mostly wetland
- Easterly: A ten acre parcel with a single dwelling

Past Actions

7-13-72: Council indefinitely tabled a controversial proposal by the Archdiocese of St. Paul and Minneapolis to construct 172 low and moderate income townhouse and apartment units.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan designations: RM, residential medium density and OS, open space. (See attachment four.)
2. The RM classification is designated for such housing types as single dwellings on small lots, double dwellings, townhouses and mobile homes. The maximum population density is 22 people for each net acre. The number of units for each acre would vary by dwelling type and bedroom mix. As an example, a two and three bedroom townhouse project with private roads would be allowed a maximum density of six units for each acre. A similar apartment project would be allowed 7.5 units for each acre.
3. Zoning maps should be updated as necessary to make both land use maps and zoning maps compatible.
4. Section 36-485 of city code states that "In any instance where the city council or the planning commission is required to consider an exception or change in this chapter, including the zoning map, in accordance with the provisions of this chapter, the council or planning commission shall, among other things:
 - (a) Assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter.
 - (b) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of

the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

(c) Determine that the proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare."

5. Zoning: M-1, light manufacturing
6. The M-1 zone allows commercial, office, warehouse and light manufacturing uses. (See attachment five.)
7. The R-3 zone allows townhouses and apartments at the maximum density specified in the Comprehensive Plan.

ADMINISTRATIVE

Procedure

1. Planning Commission recommendation
2. City Council holds a public hearing and makes a decision. At least four votes are required for approval.

jw

Enclosures

1. resolution
2. location map
3. property line map
4. Land Use Plan
5. M-1 zone

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota was duly called and held in the Council Chambers in said City on the _____ day of _____, 1983 at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, the Maplewood City Council initiated a rezoning from M-1, light manufacturing to R-3, residence district (multiple dwelling) for the north 800 feet of the following described parcel:

unplatted land subject to Century and Larpenteur Avenues, the north half of the northeast quarter of the northeast quarter and the southwest quarter of the northeast quarter of the northeast quarter of section 24-29-22

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

1. This rezoning was initiated by the Maplewood City Council, pursuant to chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on February 21, 1983. The Planning Commission recommended to the City Council that said rezoning be approved.
3. The Maplewood City Council held a public hearing on 1983 to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also considered reports and recommendations of the city staff and Planning Commission.

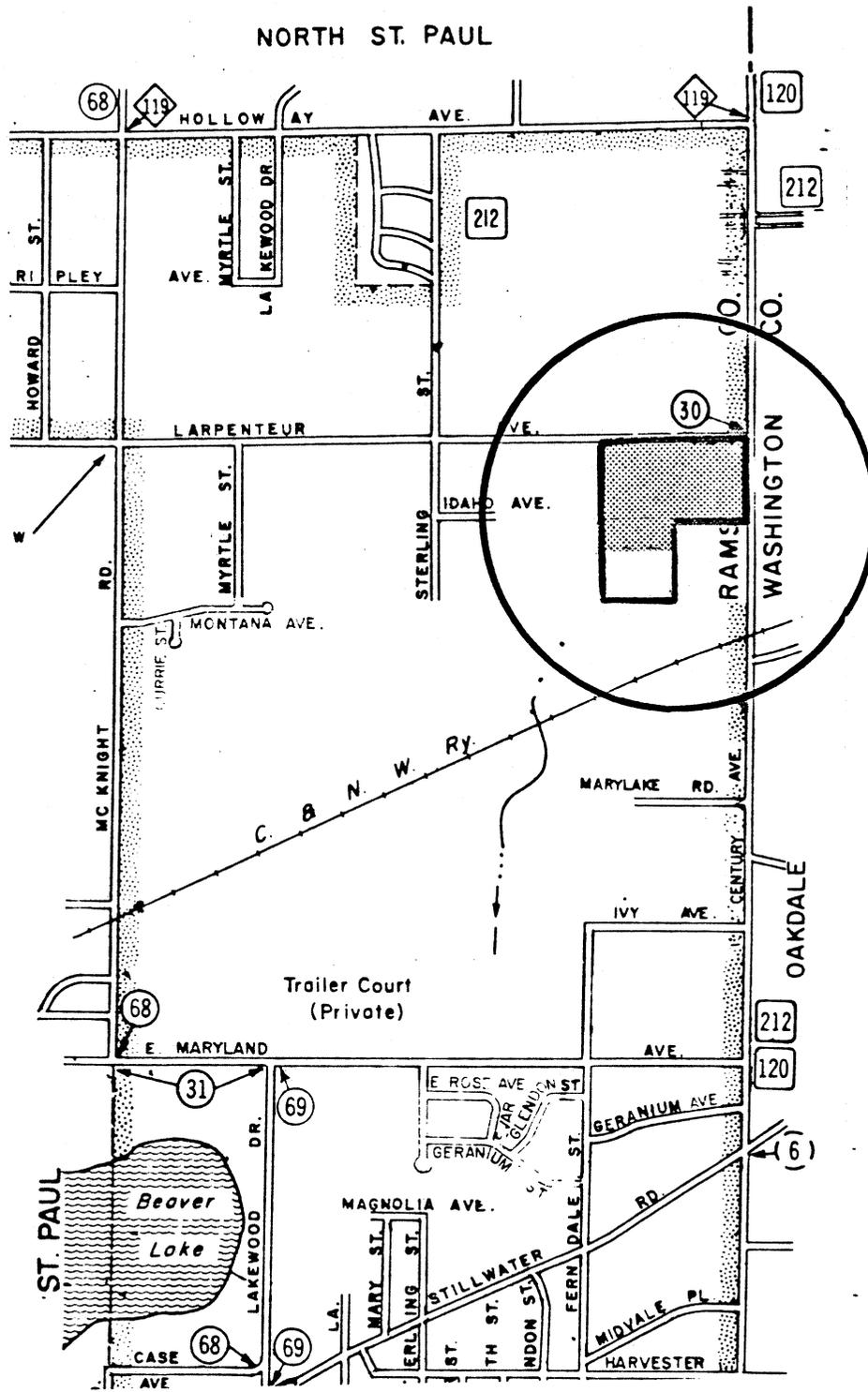
NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL that the above-described rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning ordinance and Comprehensive Plan.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

Adopted this _____ day of _____, 1983.

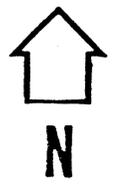
Seconded by _____

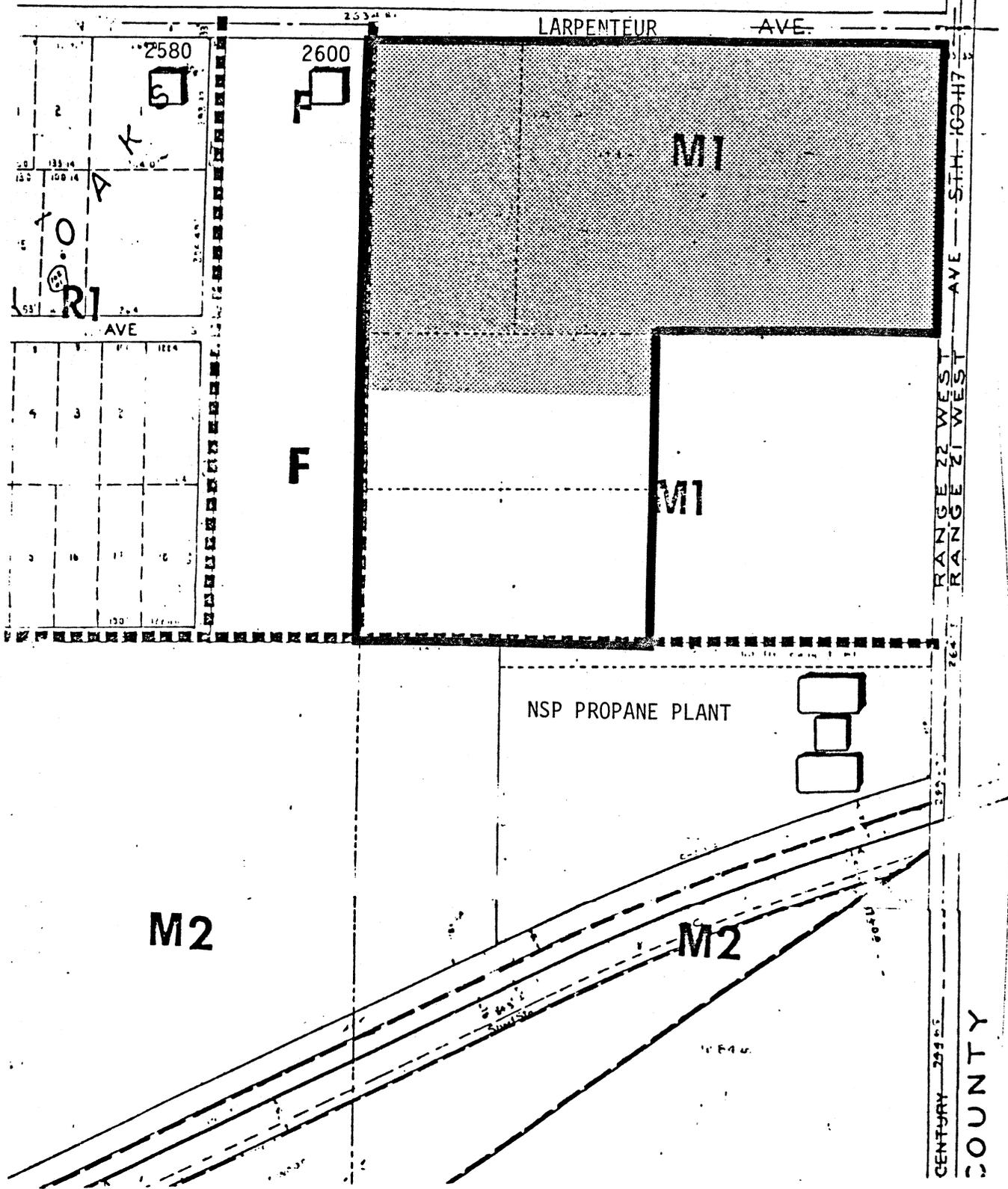
Ayes--



LOCATION MAP

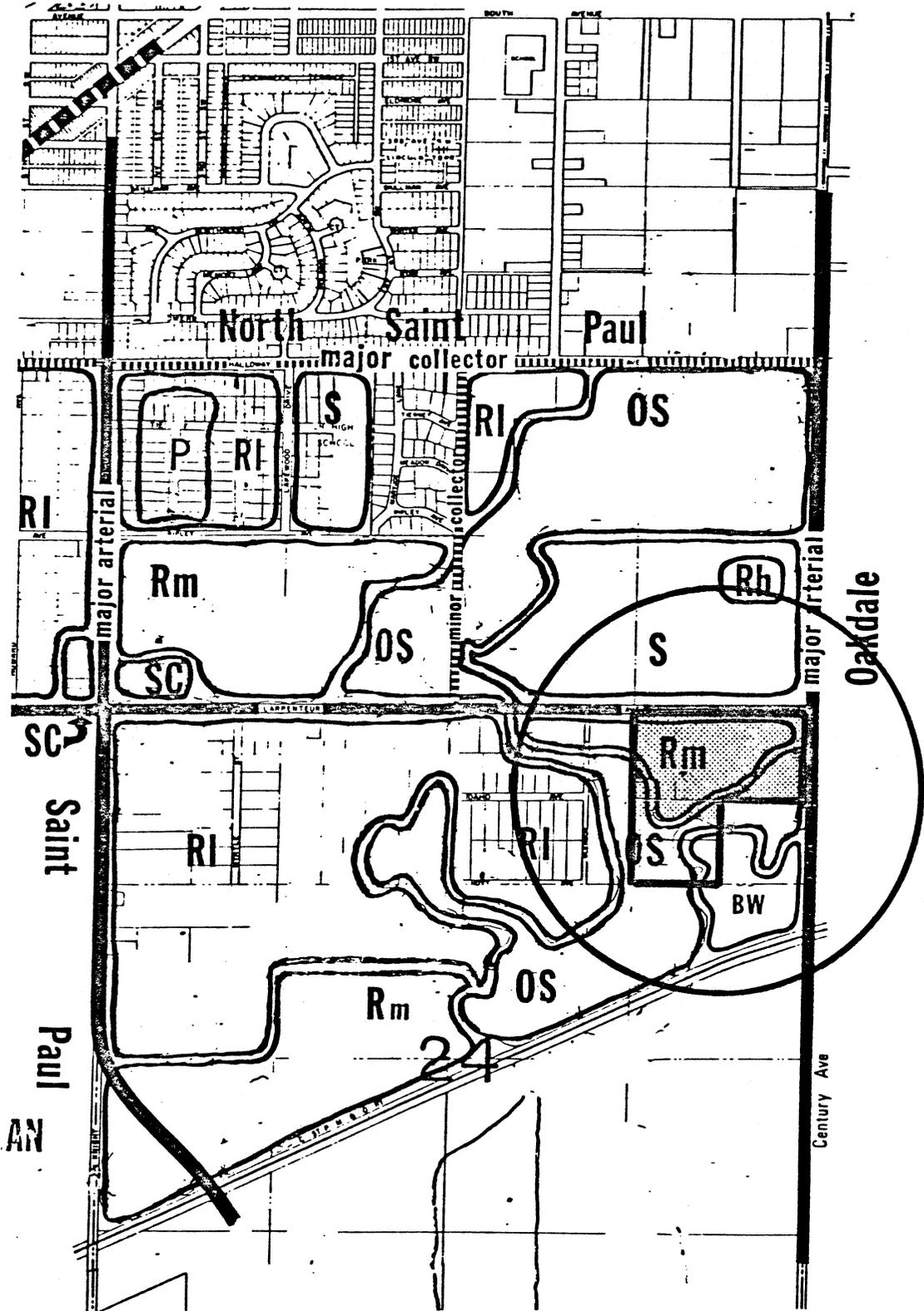
Attachment Two





PROPERTY LINE MAP





Hillside NEIGHBORHOOD LAND USE PLAN

Attachment Four



DIVISION 9. M-1 LIGHT MANUFACTURING DISTRICT

Sec. 36-186. Permitted uses.

In M-1 Light Manufacturing Districts, a building may be erected or used, and a lot may be used or occupied for any of the following purposes and no other, provided that, no use which is noxious or hazardous shall be permitted:

- (a) Any use permitted in a BC Business and Commercial District and SC Shopping Center District, if the council is satisfied that such use will not interfere with proper development of the M-1 Light Manufacturing District, but not otherwise.
- (b) Wholesale business establishments.
- (c) Trucking yard or terminal.
- (d) Custom shop for making articles or products sold at retail on the premises.
- (e) Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating and electrical contractors, blacksmith shop, carpentry, soldering and welding shop.
- (f) Yard for storage, sale and distribution of ice, coal, fuel oil or building materials.
- (g) Commercial place of amusement, recreation or assembly.
- (h) Bottling establishment.
- (i) Manufacturing as follows:
 - (I) Canvas and canvas products.
 - (II) Clothing and other textile products, not including manufacture of textiles.
 - (III) Electrical equipment, appliances and supplies, manufacture and assembly of, not including heavy electrical machinery.
 - (IV) Food products, combining or processing of, not including meat and fish.
 - (V) Jewelry, clocks, watches.
 - (VI) Leather products, including luggage and shoes.
 - (VII) Medical, dental or drafting equipment, optical goods.
 - (VIII) Musical instruments.
 - (IX) Perfumes, pharmaceutical products, compounding of rubber products and synthetic treated fabrics, not including rubber and synthetic processing.
 - (X) Small products from the following previously prepared materials: Cork, feathers, felt, fur, glass, hair, horn, paper, plastics, shells.
 - (XI) Tool, dye and pattern making, and similar small machine shops.
 - (XII) Wood products, including furniture and boxes.
- (j) Carpet and rug cleaning.
- (k) Laundry, dry cleaning or dyeing plant.
- (l) Laboratory, research, experimental and testing.
- (m) Any use of the same general character as any of the above-permitted uses, when authorized as a special exception by the city council.
- (n) Accessory use on the same lot with and customarily incidental to any of the above-permitted uses. (Code 1965, § 909.010; Ord. No. 395, § 1, 5-13-76)

8. NEW BUSINESS

2-21-83

A. Zone Change (St. Paul's Priory Property) Larpenteur and Century

Secretary Olson indicated this is a City initiated zone change. It is proposed to rezone the property from M-1, light manufacturing to R-3, residence district (multiple dwelling)

Chairman Axdahl asked if there was anyone present from the Priory who wished to comment.

Sister Duane, questioned the area to be rezoned. She also wished to know the future scheduled street construction and what right-of-way exists for streets.

Chairman Axdahl asked for other comments--none were heard.

The Commission discussed with the staff the methods of obtaining the open space property to the west. They also discussed possible density credits for the drainage areas.

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution rezoning the northerly part of the Priory property to R-3.

Commissioner Sletten seconded
Fischer, Hejny, Pellish, Sletten, Whitcomb.

Ayes--Commissioners Axdahl,

MEMORANDUM

F-3

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning
LOCATION: Century Avenue
APPLICANT: City of Maplewood
OWNERS: NSP, Hillcrest Development and the Chicago-Northwestern Railroad
DATE: February 14, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

REQUEST

A rezoning from M-2, heavy manufacturing to M-1, light manufacturing.

CONCLUSION

Comments

The City Council 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 Land Use Plan.

This zoning is consistent with the Land Use Plan and would eliminate the development of potential nuisance uses that could develop under M-2 zoning.

The existing NSP facility would become a nonconforming use. This means that the use could continue, but any expansion would have to be approved by the city council by conditional use permit. Any change in use would have to conform to the zoning. Downzoning the NSP property would be consistent with the city's denial of a conditional use permit in 1971 for the expansion of the propane plant.

Recommendation

Approval of the enclosed resolution rezoning this area from M-2 to M-1.

BACKGROUND

Site Descriptions (see attachment three)

Hillcrest site: A large, undeveloped parcel with a fifty-foot wide driveway easement to Century Avenue. Twenty-two acres of this parcel are zoned M-2.

NSP site: A 10.5 acre parcel developed as a propane plant

Surrounding Land Uses

Northerly: undeveloped land, designated on the Land Use Plan for business warehouse use and open space. (See attachment four.)

Easterly: Century Avenue and commercial uses in Oakdale

Southerly: railroad tracks

Westerly: undeveloped Hillcrest Development land, designated for open space and low density residential use on the Land Use Plan.

Past Actions

7-15-71: Council denied a request for a special use permit to expand the existing NSP propane plant onto the adjacent property to the north.

5-17-79: Council approved a special exception, and building and site plans for a warehouse development on the Hillcrest site.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan designations: BW, business warehouse and OS, open space. (See attachment four.)
2. The BW classification includes governmental and public utility buildings and structures, storage and warehousing facilities, wholesale business and office establishments, cartage and express facilities, radio and television stations and other industrial uses of a lower-intensity nature.
3. Page 18-2 of the Land Use Plan states that "Zoning maps should be updated as necessary to make both land use maps and zoning maps compatible."
4. Section 36-485 of City Code states that "In any instance where the city council or the planning commission is required to consider an exception or change in this chapter, including the zoning map, in accordance with the provisions of this chapter, the council or planning commission shall along other things:
 - (1) Assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter.
 - (2) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

- (3) Determine that the proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare."
5. Zoning: M-2, heavy manufacturing
 6. The M-2 zone allows any type of use, except for specified nuisance uses which require a conditional use permit. (See attachment five.) A propane plant is not a specified nuisance use and would, therefore, be permitted.
 7. Public utility uses are also allowed by special use permit in any zoning district (section 36-436 (2)).
 8. The M-1 zone allows commercial, office, warehouse and light manufacturing uses. (See attachment six.) A propane gas facility would not be a permitted use. The existing use would be "grandfathered" in.

Public Works

The open space designation on the Hillcrest site includes a 29 acre-foot drainage pond proposed in the Maplewood Drainage Plan.

ADMINISTRATIVE

Procedure

1. Planning Commission recommendation.
2. City Council holds a public hearing and makes a decision. At least four votes are required for approval.

Enclosures:

1. Resolution
2. Location Map
3. Property Line Map
4. Land Use Plan
5. M-2 Zone
6. M-1 Zone

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota was duly called and held in the Council Chambers in said City on the _____ day of _____, 1983 at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, the Maplewood City Council initiated the following rezonings:

1. M-2, heavy manufacturing to M-1, light manufacturing for the following unplatted parcel: The easterly 1,003 feet of the southeast quarter of the northeast quarter of section 24-29-22, except the land south of the north line of the Chicago-Northwestern railroad property, more commonly described as 1550 No. Century Avenue.
2. The easterly 960 feet of the following unplatted parcel:

Except southeasterly 94 feet part northwesterly of centerline of most northerly main track of C. St. P. M and O. Railway right-of-way of tract composed of following SE 1/4 of NW 1/4 NW 1/4 of SE 1/4 SW 1/4 of SW 1/4 N 1/2 of SW 1/4 and except part in E 970 2/10 ft MOL to NSP Co. as in DOC 1493718 the S 1/2 of NE 1/4 (Subject to Roads and Easements) in section 24-29-22.

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

1. This rezoning was initiated by the Maplewood City Council, pursuant to chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on February 21, 1983. The Planning Commission recommended to the City Council that said rezoning be approved.
3. The Maplewood City Council held a public hearing on to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also 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 rezoning be approved on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning ordinance and comprehensive plan.

2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

Adopted this day of , 1983.

Seconded by

Ayes--

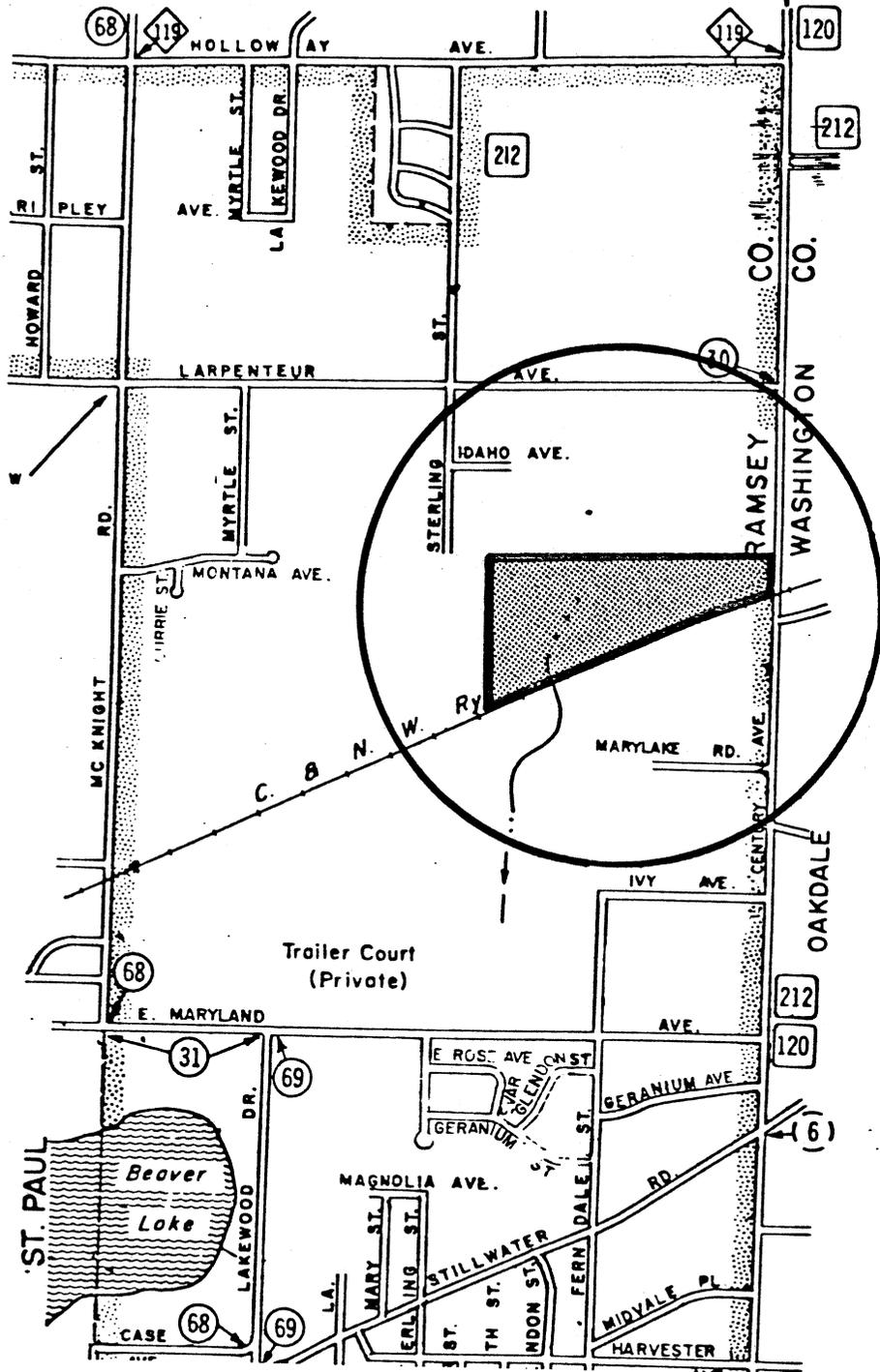
STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS.
CITY OF MAPLEWOOD)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Maplewood, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City of Maplewood, held on the day of , 1983, with the original on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to this rezoning.

Witness my hand as such Clerk and the corporate seal of the City this day of , 1983.

City Clerk
City of Maplewood, Minnesota

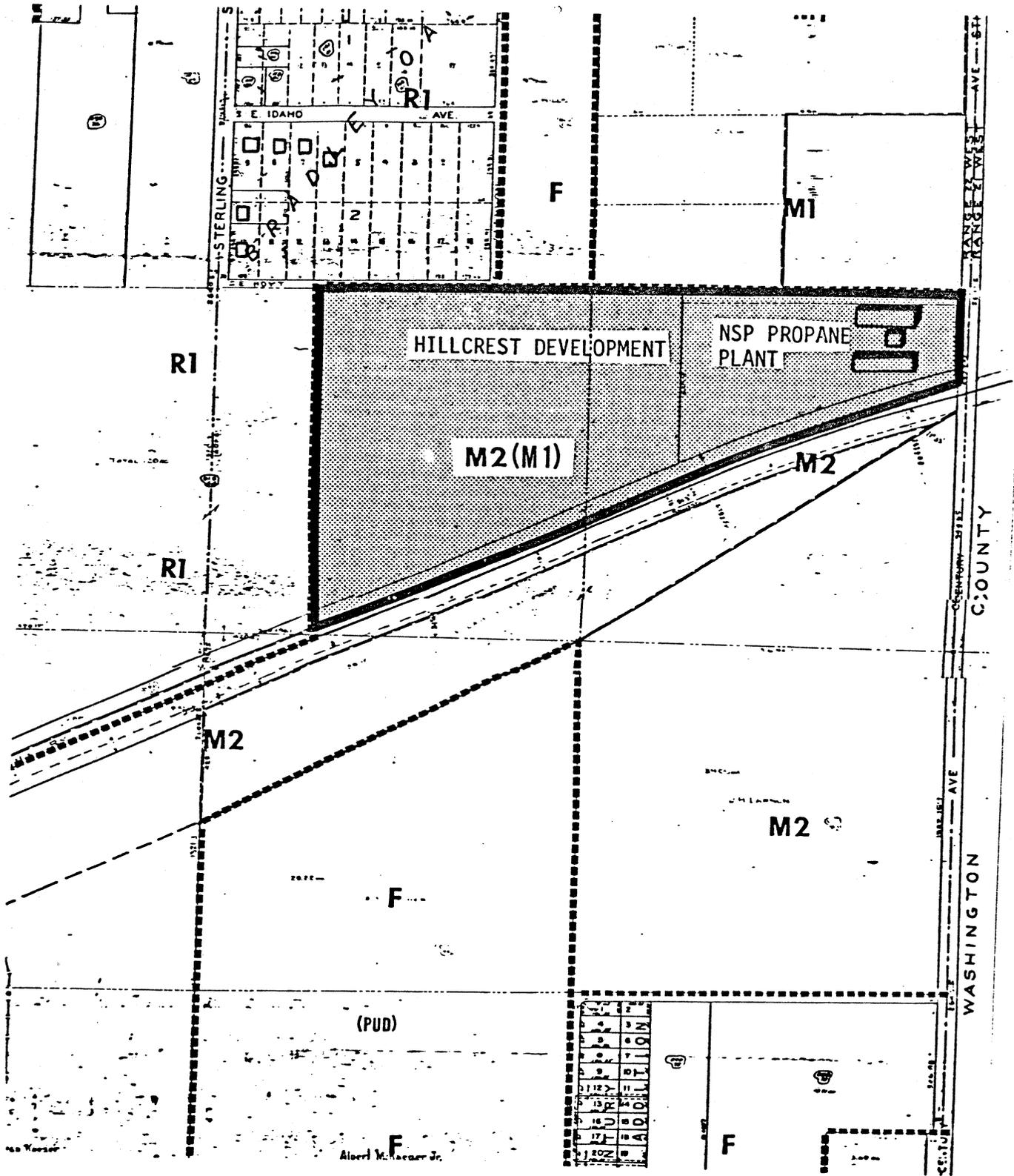
NORTH ST. PAUL



ATTACHMENT TWO

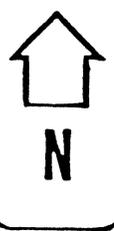
LOCATION MAP

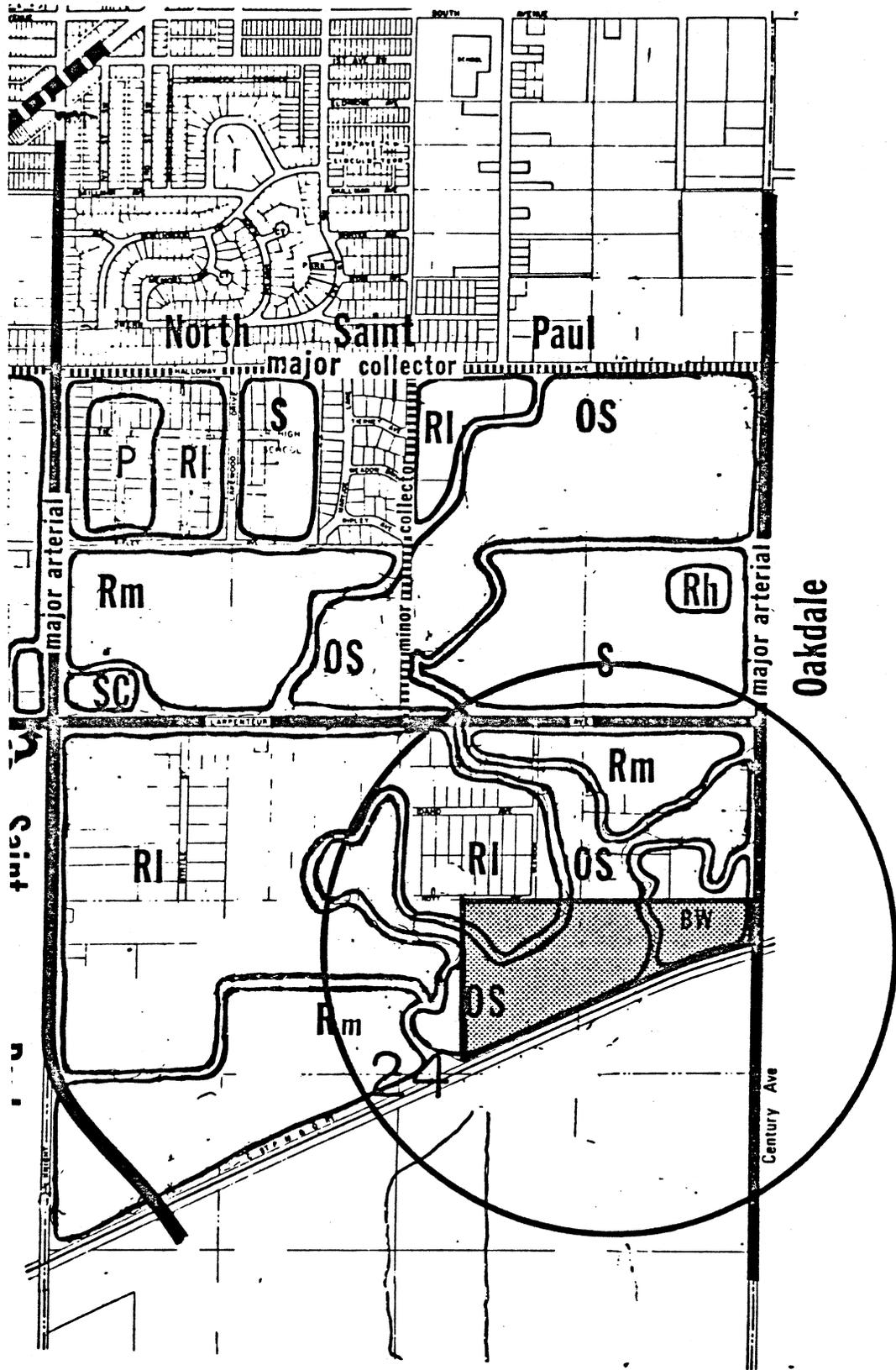




ATTACHMENT THREE

PROPERTY LINE MAP
 Existing Zoning M-2
 Proposed Zoning (M-1)





ATTACHMENT FOUR

Hillside
NEIGHBORHOOD LAND USE PLAN



DIVISION 10. M-2 HEAVY MANUFACTURING DISTRICT

Sec. 36-201. Use regulations.

A building may be erected or used and a lot may be used or occupied for any lawful use, except that the following uses shall only be allowed by special use permit, after a finding by the city council that such use will not be noxious or hazardous to surrounding properties:

- (a) Dwelling, except for living quarters for watchmen or caretakers and their families, as an accessory use to a business or industrial use;
- (b) Abattoir or stock yard;
- (c) Distillation of bones and wood;
- (d) Incinerator or reduction of garbage, offal and dead animals;
- (e) Junkyard, salvage or wrecking yard, or the baling of rags or junk, except when enclosed within a building;
- (f) Manufacture of:
 - (1) Asphalt or asphalt products;
 - (2) Explosives, fireworks, including storage thereof;
 - (3) Fertilizer, when manufactured from organic materials;
 - (4) Gypsum, cement, plaster or plaster of paris;
 - (5) Rubber or gutta percha;
 - (6) Sulphurous, sulphuric, nitric, picric, hydrochloric or other offensive or corrosive acids.
- (g) Wood pulp and fiber, reduction and processing thereof. (Code 1965, § 910.010)

DIVISION 9. M-1 LIGHT MANUFACTURING DISTRICT

ATTACHMENT SIX

Sec. 36-186. Permitted uses.

In M-1 Light Manufacturing Districts, a building may be erected or used, and a lot may be used or occupied for any of the following purposes and no other; provided that, no use which is noxious or hazardous shall be permitted:

- (a) Any use permitted in a BC Business and Commercial District and SC Shopping Center District, if the council is satisfied that such use will not interfere with proper development of the M-1 Light Manufacturing District, but not otherwise.
- (b) Wholesale business establishments.
- (c) Trucking yard or terminal.
- (d) Custom shop for making articles or products sold at retail on the premises.
- (e) Plumbing, heating, glazing, painting, paperhanging, roofing, ventilating and electrical contractors, blacksmith shop, carpentry, soldering and welding shop.
- (f) Yard for storage, sale and distribution of ice, coal, fuel oil or building materials.
- (g) Commercial place of amusement, recreation or assembly.
- (h) Bottling establishment.
- (i) Manufacturing as follows:
 - (I) Canvas and canvas products.
 - (II) Clothing and other textile products, not including manufacture of textiles.
 - (III) Electrical equipment, appliances and supplies, manufacture and assembly of, not including heavy electrical machinery.
 - (IV) Food products, combining or processing of, not including meat and fish.
 - (V) Jewelry, clocks, watches.
 - (VI) Leather products, including luggage and shoes.
 - (VII) Medical, dental or drafting equipment, optical goods.
 - (VIII) Musical instruments.
 - (IX) Perfumes, pharmaceutical products, compounding of rubber products and synthetic treated fabrics, not including rubber and synthetic processing.
 - (X) Small products from the following previously prepared materials: Cork, feathers, felt, fur, glass, hair, horn, paper, plastics, shells.
 - (XI) Tool, dye and pattern making, and similar small machine shops.
 - (XII) Wood products, including furniture and boxes.
- (j) Carpet and rug cleaning.
- (k) Laundry, dry cleaning or dyeing plant.
- (l) Laboratory, research, experimental and testing.
- (m) Any use of the same general character as any of the above-permitted uses, when authorized as a special exception by the city council.
- (n) Accessory use on the same lot with and customarily incidental to any of the above-permitted uses. (Code 1965, § 909.010; Ord. No. 395, § 1, 5-13-76)

F-4

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Director of Community Development
 SUBJECT: Rezoning
 LOCATION: Century Avenue, from Ivy Ave. to the tracks
 APPLICANT: City of Maplewood
 OWNERS: City of Maplewood, Gladys Block, Dick Pearson and Gerta Vanderhoff, and the Chicago and Northwestern Railroad
 DATE: February 14, 1983

Enclosed _____
 Modified _____
 Rejected _____
 Date _____

REQUEST

Rezone the city property from M-2, heavy manufacturing to F, farm residence and the remainder of the site from M-2 to R-3, residence district (multiple dwellings).

CONCLUSION

Comments

The City Council initiated these rezonings as part of its "downzoning" program. This is where the zoning allows a greater intensity of land use than is proposed by the Land Use Plan.

These rezonings are consistent with the Land Use Plan and will eliminate the development of potential nuisance uses that could develop under M-2 zoning. These rezonings would not affect the Pearson mobile home park, since this was approved with a conditional use permit.

Mrs. Vanderhoff has stated that she would like to rebuild a house on her property. The previous house was required to be removed because of fire damage. This can be done under the M-2 zoning. The R-3 zone, however, requires council approval to construct a single or double dwelling. No approval would be required if construction is started within one year of removal (September 1, 1983).

Recommendation

Approval of the enclosed resolution rezoning this area from M-2 to F and R-3.

BACKGROUND

Site Descriptions (See attachment three.)

Maplewood site:

A seventeen acre, undeveloped parcel. This site was previously a public dump. Part of this site is now used as a nature preserve called "Jim's Prairie." The Park and Recreation Commission recommended that this prairie be included on the Minnesota Natural Heritage Register.

Vanderhoff site:

A thirteen acre, undeveloped parcel with several sheds from a previous house. This house was removed because of fire damage.

Pearson-Block site:

A 39 acre parcel that is undeveloped, except for a single dwelling.

Surrounding Land Uses

Northerly: Railroad tracks

Easterly: Century Avenue and single dwellings in Oakdale

Southerly: Undeveloped, except for quads on Ferndale Street. The city approved a PUD for this property allowing the development of single dwellings, double dwellings and quads or townhouses.

Westerly: Undeveloped. The city approved the construction of townhouses, a park and golf course as part of the Maple Greens PUD.

Past Actions

5-18-72: Council indefinitely tabled a special use permit request for a solid waste transfer station on the Vanderhoff site.

9-5-74: Council granted a special use permit for a solid waste transfer station after being ordered to do so by a court.

10-25-82: Council approved a special use permit for a 245 lot mobile home park on the Pearson-Block site.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan designations: RM, residential medium density and OS, open space (See attachment four.)
2. The RM classification is designated for such housing types as single dwellings on small lots, double dwellings, townhouses and mobile homes. The maximum population density is 22 people/net acre. The number of units for each acre would vary by dwelling type and bedroom mix. As an example, a two and three bedroom townhouse project with private roads would be allowed a maximum density of six units for each acre. A similar apartment project would be allowed 7.5 units for each acre.

3. Page 18-2 of the Land Use Plan states that "Zoning maps should be updated as necessary to make both land use maps and zoning maps compatible."
4. Section 36-485 of City Code states that "In any instance where the city council or the planning commission is required to consider an exception or change in this chapter, including the zoning map, in accordance with the provisions of this chapter, the council or planning commission shall, among other things:
 - (a) Assure itself that the proposed change is consistent with the spirit purpose and intent of this chapter.
 - (b) Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 - (c) Determine that the proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare."
5. Zoning: M-2, heavy manufacturing
6. The M-2 zone allows any type of use, except for specified nuisance uses which require a conditional use permit. (See attachment five.)
7. The F zone allows agricultural and single dwelling uses.
8. The R-3 zone allows townhouses and apartments at the maximum density allowed by the Comprehensive Plan. Single dwellings are allowed with council approval.
9. Section 36-17(c) states that "A nonconforming building wholly or partially destroyed by fire, explosion, flood or other phenomenon, or legally condemned, may be reconstructed and used for the same nonconforming use; provided that, building reconstruction shall be commenced within one year from the date the building was destroyed or condemned and shall be carried on without interruption."

ADMINISTRATIVE

Procedure

1. Planning Commission recommendation
2. City Council holds a public hearing and makes a decision. At least four votes are required for approval.

jw

Enclosures

1. resolution
2. location map
3. property line map
4. Land Use Plan
5. M-2 district

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Maplewood, Minnesota was duly called and held in the Council Chambers in said City on the _____ day of _____, 1983 at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, the Maplewood City Council initiated the following rezonings:

1. M-2, heavy manufacturing to F, farm residence for unplatted lands beginning on the North South 1/4 line of Section 24-29-22 450 feet South thereon from the Southerly line of the Omaha Railway right-of-way thence Northeasterly to the Northeast corner of the Northwest 1/4 of the Southeast 1/4 thence Northeasterly to a point 75 feet Southeasterly at a radius from the center line of the main track of said railway thence Southwesterly parallel with and 75 feet Southeasterly at a radius from said track center line to said North South 1/4 line thence South thereon to the beginning in Section 24-29-22.
2. M-2 to R-3, multiple residential for the following two parcels:
 - a. Unplatted land, subject to Century Avenue. Part of the Northeast 1/4, Southeasterly of C. St. P. M. and O. railroad right-of-way in Section 24-29-22, more commonly described as 1487 Century Avenue North.
 - b. Unplatted land, subject to Century Avenue. The Northeast 1/4 of the Southeast 1/4 of Section 24-29-22, more commonly described as 1375 Century Avenue North.

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

1. This rezoning was initiated by the Maplewood City Council, pursuant to chapter 36, article VII of the Maplewood Code of Ordinances;
2. This rezoning was referred to and reviewed by the Maplewood Planning Commission on February 21, 1983, at which time said Planning Commission recommended to the City Council that said rezoning be
3. The Maplewood City Council held a public hearing on _____, 1983 to consider this rezoning. Notice thereof was published and mailed pursuant to law. All persons present at said hearing were given an opportunity to be heard and present written statements. The Council also 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 rezoning be _____ on the basis of the following findings of fact:

1. The proposed change is consistent with the spirit, purpose and intent of the zoning ordinance and Land Use Plan.
2. The proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
3. The proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.

Adopted this day of , 1983.

Seconded by

Ayes--

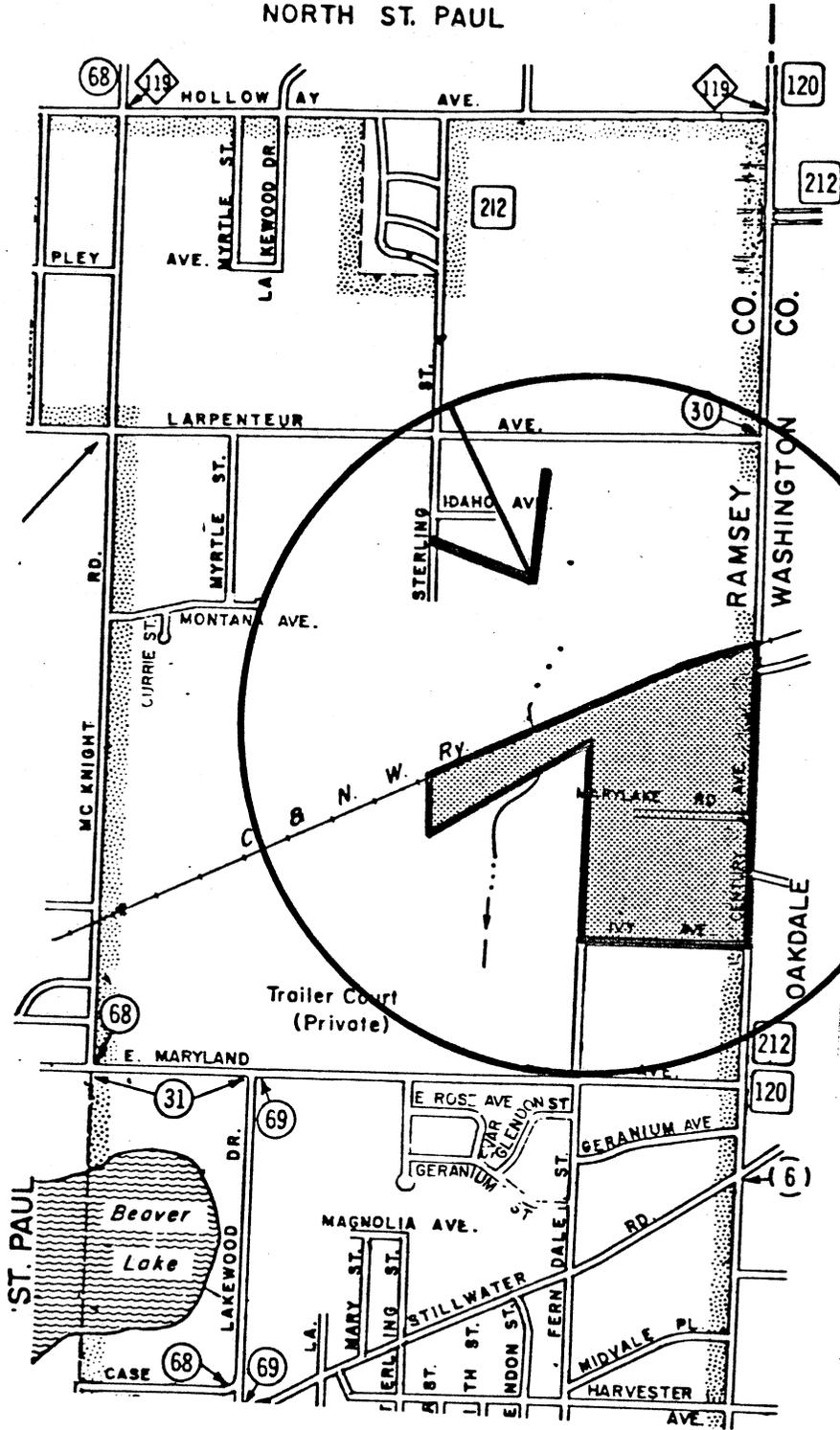
STATE OF MINNESOTA)
)
 COUNTY OF RAMSEY) SS.
)
 CITY OF MAPLEWOOD)

I, the undersigned, being the duly qualified and appointed Clerk of the City of Maplewood, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City of Maplewood, held on the day of , 1983, with the original on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to this rezoning.

Witness my hand as such Clerk and the corporate seal of the City this day of 1983.

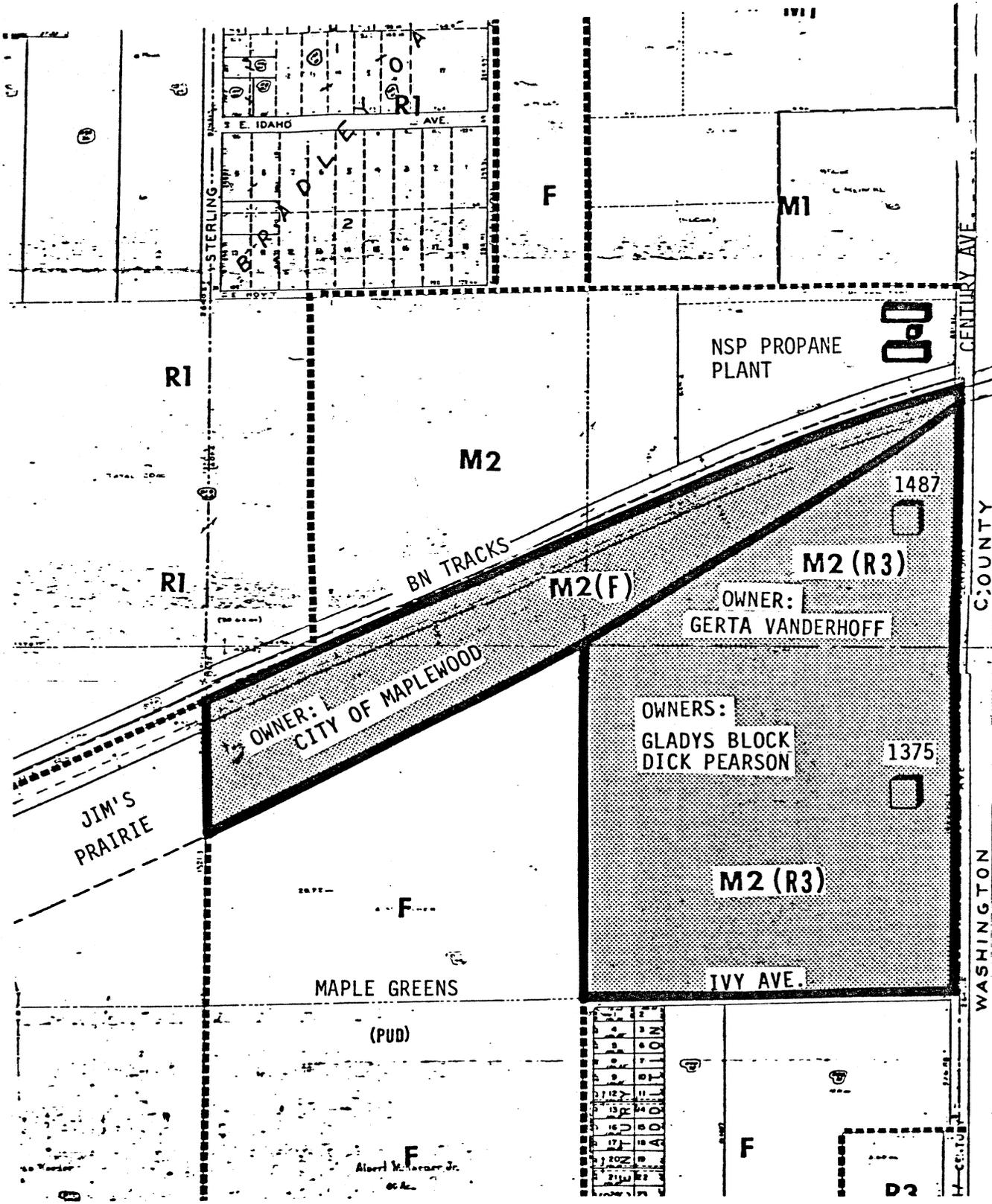
 City Clerk
 City of Maplewood, Minnesota

NORTH ST. PAUL



LOCATION MAP



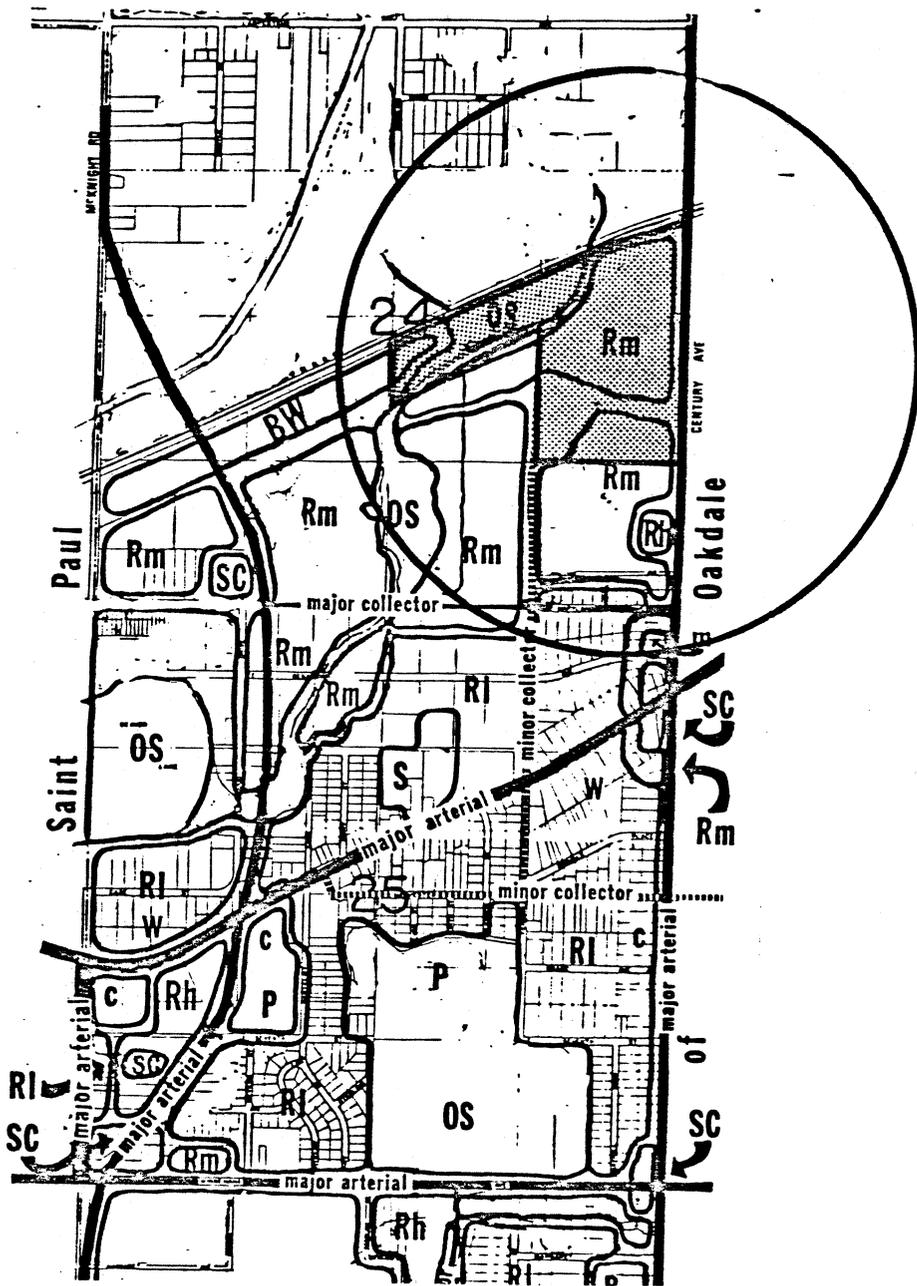


PROPERTY LINE MAP

ATTACHMENT THREE

EXISTING ZONING M2
 PROPOSED ZONING (F) (R3)





Beaver Lake
NEIGHBORHOOD LAND USE PLAN

ATTACHMENT FOUR



DIVISION 10. M-2 HEAVY MANUFACTURING DISTRICT**Sec. 36-201. Use regulations.**

A building may be erected or used and a lot may be used or occupied for any lawful use, except that the following uses shall only be allowed by special use permit, after a finding by the city council that such use will not be noxious or hazardous to surrounding properties:

- (a) Dwelling, except for living quarters for watchmen or caretakers and their families, as an accessory use to a business or industrial use;
- (b) Abattoir or stock yard;
- (c) Distillation of bones and wood;
- (d) Incinerator or reduction of garbage, offal and dead animals;
- (e) Junkyard, salvage or wrecking yard, or the baling of rags or junk, except when enclosed within a building;
- (f) Manufacture of:
 - (1) Asphalt or asphalt products;
 - (2) Explosives, fireworks, including storage thereof;
 - (3) Fertilizer, when manufactured from organic materials;
 - (4) Gypsum, cement, plaster or plaster of paris;
 - (5) Rubber or gutta percha;
 - (6) Sulphurous, sulphuric, nitric, picric, hydrochloric or other offensive or corrosive acids.
- (g) Wood pulp and fiber, reduction and processing thereof. (Code 1965, § 910.010)

2-21-83

C. Zone Change--Century Avenue, Ivy to the tracks.

Secretary Olson said this is a City initiated zone change. It is proposed to rezone the property from M-2, heavy manufacturing to F, farm residence and R-3, residence district (multiple dwellings).

The Commission discussed with staff what affect this would have on the mobile home park proposed by Mr. Pearson.

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

Richard Pearson, 1959 White Bear Avenue, requested this item be tabled as far as his property is concerned, for approximately a one month or two until the final site plan is approved.

Secretary Olson indicated the special use permit would still be in effect.

Commissioner Pellish moved the Planning Commission recommend to the City Council approval of the resolution rezoning this area from M-2 to F and R-3 consistent with the staff report dated February 14, 1983.

Commissioner Whitcomb seconded

The Commission discussed when the public hearing would be held for this proposed zone change and the hearings scheduled for the other zone changes discussed at this meeting. The Commission indicated they should all be held at the same Council meeting.

Voting on the motion:
Pellish, Sletten, Whitcomb.

Ayes--Commissioners Axdahl, Fischer, Hejny,

MEMORANDUM

F-5

TO: City Manager
 FROM: Thomas Ekstrand--Associate Planner
 SUBJECT: Rezoning
 LOCATION: 1177 Century Avenue
 APPLICANT: City of Maplewood
 OWNER: East County Line Fire Department
 DATE: February 2, 1983

Action by Council:

Endorsed.....

Modified.....

Rejected.....

Date.....

SUMMARY OF THE PROPOSAL

Request

1. Rezone the southerly two lots of the East County Line Fire Station property from BC, Business Commercial to LBC, Limited Business Commercial.
2. Rezone the two vacant lots to the north from BC to R-3C, Multiple Residence District (Townhouse).

Proposed Land Use

The property is proposed for RM, Medium Density Residential and M, Municipal Facility in the Land Use Plan. No new development is being proposed.

CONCLUSION

Comments

The City Council 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 Land Use Plan.

The main decision in this case is what should be the use of this property if the fire station is discontinued and the entire property is sold or if the two northerly vacant lots are sold. Under the present zoning, the property could be used for a wide variety of commercial uses, including car sales, repair garage, restaurant or exterior equipment storage. Many of these uses would not be compatible with the residences to the north and west. The city's Land Use Plan proposes that the northerly two lots develop residentially with apartments, double dwellings or townhouses. The R-3C zoning would limit development to townhouses. The LBC zoning of the southerly two lots would limit the use of that property to office use and would allow for reuse of the existing building.

This rezoning would not affect the use of the property for a fire station. A fire station is not a permitted use in a commercial or a residential zone. It is allowed by special use permit only. Since the fire station was constructed before the zoning ordinance went into effect, it is considered a nonconforming use. This means that the fire station can continue, but cannot expand without a special use permit. This would be true regardless of the zoning.

Recommendation (Requires at least four votes for approval)

Approval of the enclosed resolution rezoning the two-lot fire station site from BC to LBC, and approval of rezoning the two vacant lots north of the fire station site to R-3C on the basis that:

1. The changes are consistent with the spirit, purpose and intent of the Zoning Code and the Land Use Plan.
2. The changes would not injure or detract from the use of the neighboring property or from the character of the neighborhood.
3. The changes would serve the best interests and conveniences of the community were applicable, and the public welfare.
4. The changes would not affect the use of the property for a fire station.
5. The changes would be compatible with the adjacent residences.

BACKGROUND

Site Description

1. Site Acreage: 1.89 acres
2. Existing Land Use: East County Line Fire Department

Surrounding Land Uses

- Northerly: Maryland Avenue. North of Maryland Avenue are the Century East Townhomes and a single dwelling.
- Southerly: Geranium Avenue. South of Geranium Avenue is the Yocum Oil garage and State Farm Insurance.
- Easterly: Century Avenue. East of Century Avenue is a baitshop and undeveloped land in the City of Oakdale.
- Westerly: Single dwellings

Past Action

1. The original building was constructed around 1940.
2. There have been two additions: October 1971--hose tower addition
May 1974 --40 foot by 90 foot addition

DEPARTMENT CONSIDERATION

Planning

1. Land Use Designation: RM and M. The RM classification would allow a maximum density of 22 persons per net acre.
2. Zoning: BC
3. The proposed R-3C zoning would be compatible with the RM classification of the Land Use Plan. Density requirements would allow six two-bedroom townhouse units on the two northerly lots.
4. Section 36-485 of the Zoning Code states:

In any instance where the City Council or the Planning Commission is required to consider an exception or change in this chapter, including the zoning map, in accordance with the provisions of this chapter, the Council or Planning Commission shall, among other things:

- a. Assure itself that the proposed change is consistent with the spirit, purpose and intent of this chapter.
- b. Determine that the proposed change will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.

- c. Determine that the proposed change will serve the best interests and conveniences of the community, where applicable, and the public welfare.
 - d. Consider the effect of the proposed change upon the logical, efficient, and economical extension of public services and facilities, such as public water, sewers, police and fire protection and schools.
 - e. Be guided in its study, review and recommendation by sound standards of subdivision practice where applicable.
 - f. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this chapter is complied with, which conditions may include, but not be limited to, harmonious design of buildings, planting and its maintenance a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, and adequate standards of parking and sanitation.
5. The fire station is a nonconforming use. Section 36-17 (e) of the Zoning ordinance states the following:
- No existing building or premises devoted to a use not permitted in the district in which such building or premises is located shall be enlarged, reconstructed or structurally altered, unless:
- a. Required by law or government order; or
 - b. There would not be significant affect, as determined by the city through a special use permit, on the development of the parcel as zoned.
6. Section 36 - 436 (2) of the Zoning Code provides that "special use permits may be issued by the City Council for public utility, public service or public building uses in any district, when found to be necessary for the public health, safety, convenience or welfare."

Fire Chief's Comments

The Fire Chief at the East County Line Station has the following concerns:

1. Downzoning the property will decrease the value of the land making any sale of the land less profitable;and
2. They would not be able to hold special classes or drills,such as setting fire to a car for training in putting out an automobile fire, for example. The Chief feels that they can hold such drills now since the land is zoned commercial, but that residential zoning would prohibit any such activity.

ADMINISTRATIVE

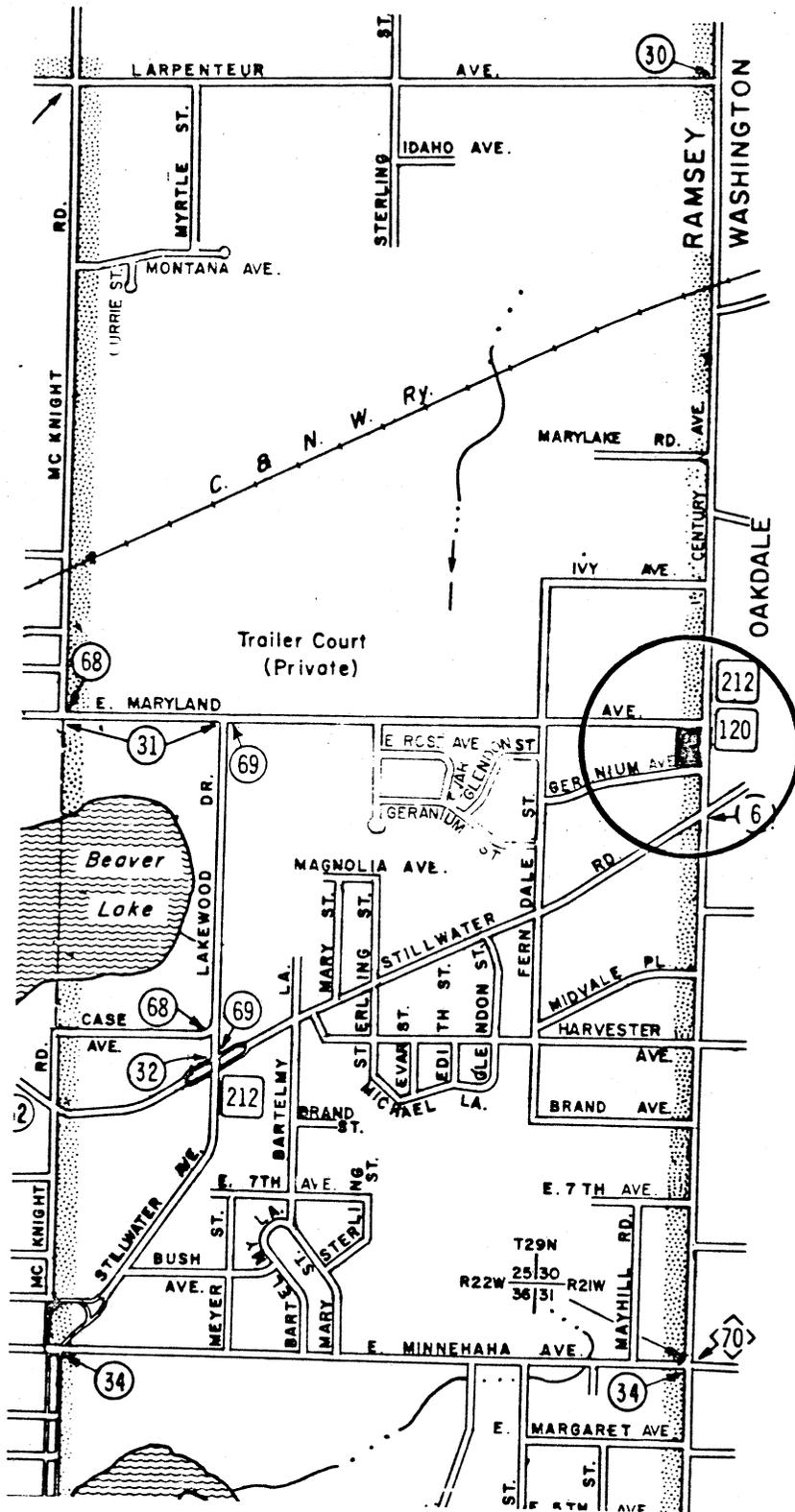
Procedure

1. Planning Commission--Recommendation
2. City Council--Public Hearing and Decision

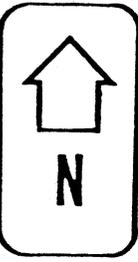
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Enclosures:

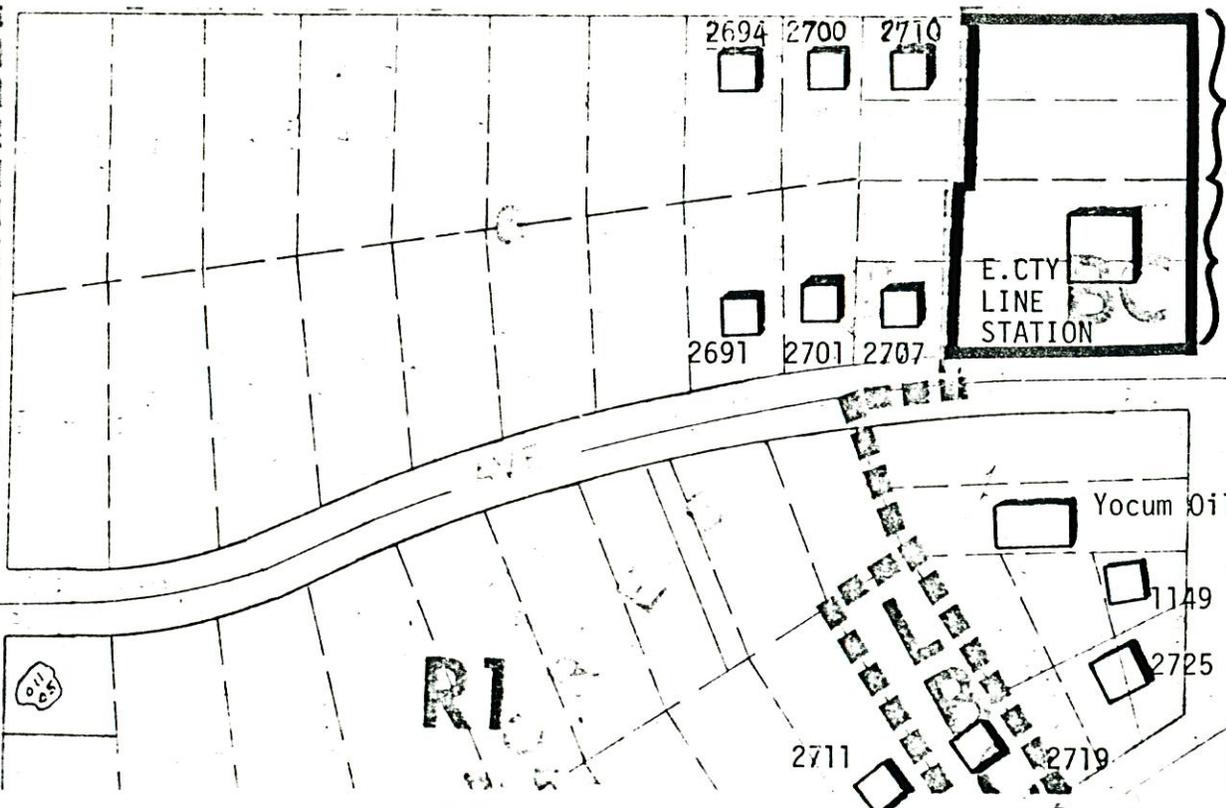
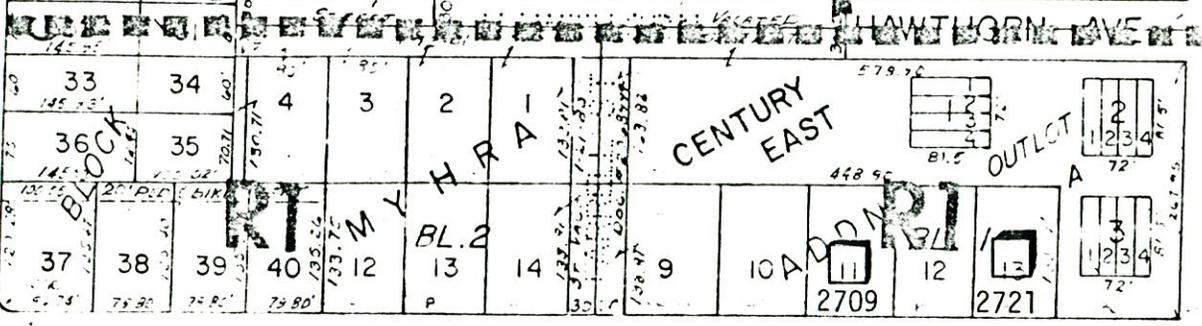
1. Location Map
2. Property Line/Zoning Map
3. Beaver Lake Land Use Plan
4. Resolution



LOCATION MAP



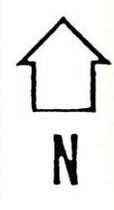
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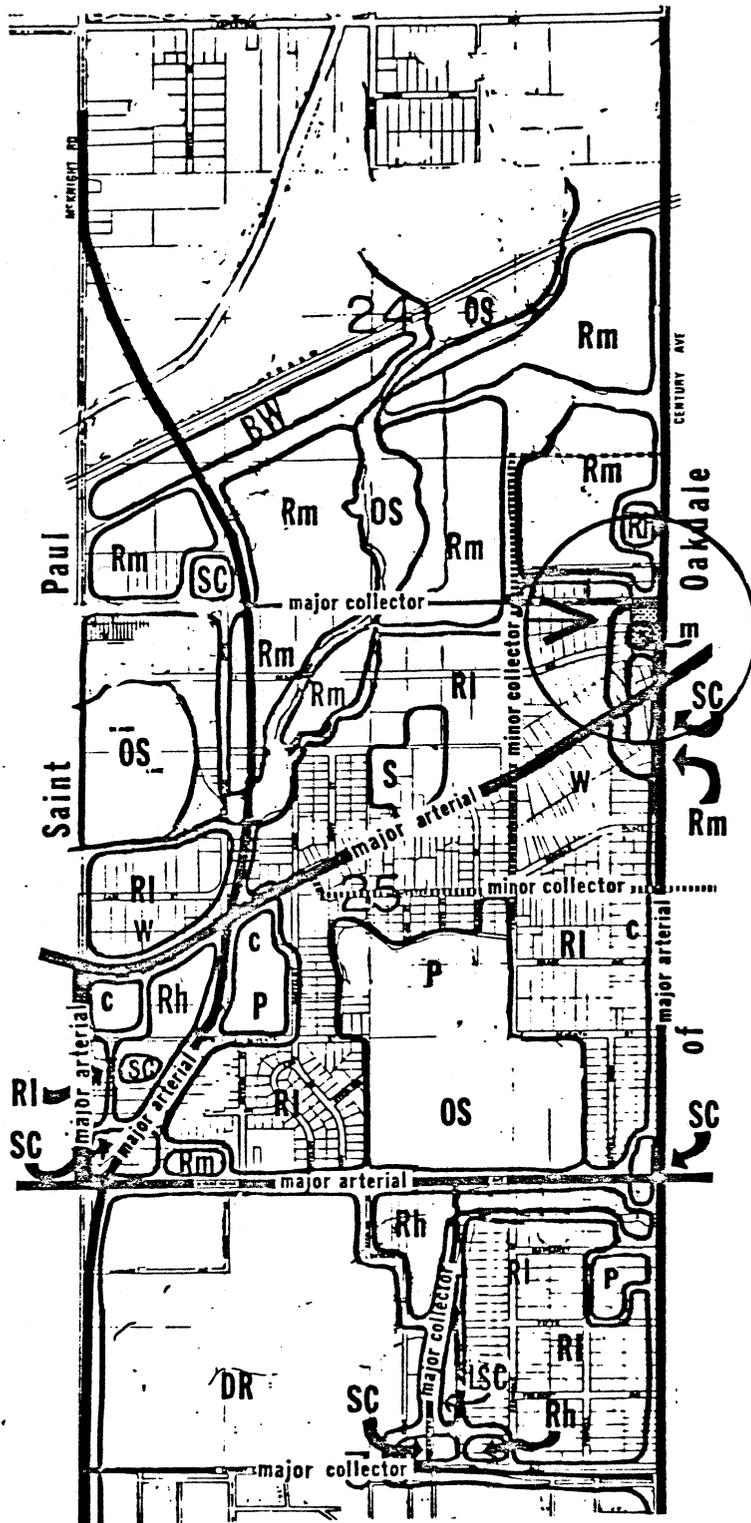


PROPOSED R-3C

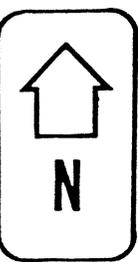
PROPOSED LBC

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 has been initiated by the Maplewood City Council for a zone change from BC, Business Commercial to LBC, Limited Business Commercial, for the following-described property:

Lots 12 and 13, Except W.100 feet, Block 6, Midvale Acres No. 2

and, also, for a zone change from BC to R-3C, Multiple Residence District (townhouse), for the following-described property:

The E.234 feet of Lots 10 and 11, Block 6, Midvale Acres No. 2

Such above properties being also known and numbered as Number 1177 Century Avenue, 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 Maplewood City Council pursuant to Chapter 36 of the Maplewood Code;
2. That said rezoning procedure was referred to and reviewed by the Maplewood City Planning Commission on the seventh day of February, 1983, 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 changes are consistent with the spirit, purpose and intent of the Zoning Code and the Land Use Plan;
2. The changes would not injure or detract from the use of the neighboring property or from the character of the neighborhood.
3. The changes would serve the best interests and conveniences of the community, where applicable, and the public welfare.

4. The changes would not affect the use of the property for a fire station.
5. The changes would be compatible with the adjacent residences.

Adopted this _____ day of _____, 198_____.

Mayor

ATTEST:

City Clerk

B. Rezoning: 1177 N. Century (East County Line Fire Station)

Secretary Olson said the proposal is to rezone the southerly two lots LBC and the two vacant lots to the North to R-3C.

The Commission discussed with Secretary Olson the types of zoning that would be appropriate for the property and use.

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the resolution rezoning the two-lot fire station site from BC to LBC, and approval of rezoning the two vacant lots north of the fire station site to R-3C on the basis that:

1. The changes are consistent with the spirit, purpose and intent of the Zoning Code and the Land Use Plan.
2. The changes would not injure or detract from the use of the neighboring property or from the character of the neighborhood.
3. The changes would serve the best interests and conveniences of the community where applicable, and the public welfare.
4. The changes would not affect the use of the property for a fire station.
5. The changes would be compatible with the adjacent residences.

Commissioner Barrett seconded
Pellish, Prew, Whitcomb

Ayes--Commissioners Axdahl, Barrett,
Abstained--Commissioner Fischer

F-6

MEMORANDUM

TO: City Manager
FROM: Assistant City Engineer
DATE: March 7, 1983
SUBJECT: Crestview Drive-Hudson Place
Watermain Extension
Public Hearing
Project No. 82-19

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

Enclosed, herewith, are feasibility reports for distribution to the City Council. The findings of the report will be presented during the public hearing scheduled on March 14, 1983.

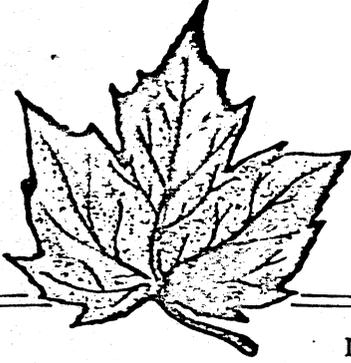
jw
Enclosure

RESOLUTION ORDERING IMPROVEMENT
AFTER PUBLIC HEARING

WHEREAS, after due notice of public hearing on the construction of watermain improvements on Crestview Drive and Hudson Place, a hearing on said improvement in accordance with the notice duly given was duly held on March 14, 1983, and the Council has heard all persons desiring to be heard on the matter and has fully considered the same:

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

1. That it is advisable, expedient, and necessary that the City of Maplewood construct watermain improvements on Crestview Drive and Hudson Place as described in the notice of hearing thereon, and orders the same to be made.
2. The City Engineer is designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvement.



CITY OF
MAPLEWOOD

1902 EAST COUNTY ROAD B MAPLEWOOD, MINNESOTA 55109

DEPARTMENT OF PUBLIC WORKS

770-4550

February 24, 1983

Dear Resident:

On March 10, 1983 between 2:00 and 6:00 p.m. a public information meeting will be held at the Gladstone Fire Station.

The purpose of this meeting is to generally acquaint the affected property owners with the proposed Crestview Drive improvement and answer any questions which they may have relating to this matter.

You are encouraged to attend this information session so that you may fully understand the proposed project and assessment procedures before attending the public hearing at City Hall at 7:45 p.m. on Monday, March 14, 1983.

Thank you,

PUBLIC WORKS DEPARTMENT

NOTICE OF HEARING

ON IMPROVEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Maplewood, Minnesota will meet in the Council Chambers of the City Hall, 1380 Frost Avenue on March 14, 1983 at 7:45 p.m. to consider the making of an improvement on:

Crestview Drive from Hudson Place south to cul-de-sac and Hudson Place from McKnight Road to Sterling Street

by: construction of watermain and services.

The total estimated cost of said improvement is \$210,000.00

It is proposed to assess every lot, piece or parcel of land benefited* by said improvement, whether abutting thereon or not, based upon benefits received without regard to cash valuation.

Persons desiring to be heard with reference to the proposed improvement will be heard at this meeting.

This Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Dated this 2nd day of March, 1983.

BY ORDER OF THE CITY COUNCIL

/s/

Lucille E. Aurelius, City Clerk
City of Maplewood

* BENEFIT, as used here, means that the assessed property is enhanced in value for any purpose, not just its present use.

Publish: Maplewood Review
March 2, 1983
March 9, 1983

March 7, 1983

Action by Council:

MEMORANDUM

Endorsed _____
Modified _____
Rejected _____
Date _____

To: City Manager Barry Evans
From: Director of Public Safety Kenneth V. Collins *KVC*
Subject: Purchase of EMS Portable and Mobile Radio Units

Proposal

It is proposed that the City Council authorize the purchase of six portable and mobile EMS radios in the amount of \$98,150.

Background

We are currently operating on an old radio system that will be phased out June 1, 1983, at which time the new East Metro EMS Radio System will be put into service. At this time it will be necessary for us to have the new EMS radios in order to have communications between our medic units and St. Paul Ramsey Hospital. Without the purchase of these radios, we will not be able to continue our operation as we have it. Our 1983 authorized budget of \$70,000 plus the carryover of \$28,700 exceeds this amount, and no further budget transfers will be necessary to complete this deal.

KVC:js

- cc Radio File
- EMS File
- Budget File
- Finance Director



MOTOROLA
Communications and Electronics Inc.

RECEIVED
FEB 24 1983
NATIONAL
FEDERAL

Address Reply to:
11100 Bren Road West
Minnetonka, MN 55343
(612) 932-9500

February 23, 1983

Ken Collins - Police Chief
Maplewood Police Department
1380 Frost Avenue
Maplewood, Minnesota 55109

SUBJECT: METRO EAST EMS PORTABLE AND MOBILE PRICES

Dear Chief Collins:

This letter will serve as confirmation for the APCOR portable and MEMCOM mobile radio prices I gave you in our meeting on February 22, 1983.

The unit prices shown below are the bid prices from the Metro East EMS bid which opened February 24, 1982.

Bid Item 19A: Q2033; Mobile radio with accessories, less transmitter steering option	\$ 7956.00
Bid Item 20A: Additional Cost for transmitter steering in mobile radio	\$ 1500.00
Bid Item 21A: Mobile radio installation	\$ 590.00
Bid Item 22A: APCOR, portable radio/telemetry unit less transmitter steering option	\$ 5927.00
Bid Item 23A: Additional cost for transmitter steering in portable radio	\$ 385.00

The accessories included with the APCOR portable are as follows:

- (1) NMN6086; Handset
- (1) NLN4598; Nicad battery
- (1) NAE6282; Flexible antenna
- (1) NKN6244; 3-wire patient cable
- (1) NLN4671; 110 VAC charger
- (1) NKN6240; Charger cable kit



Ken Collins
Page Two
February 23, 1983

I also contacted the APCOR plant in Florida to find out if the telephone coupler used with the "Orange Box" will work with the 1.0 watt APCOR and the plant says it will not.

If you have any questions or need additional information, please contact me at 932-9568.

Sincerely,

M O T O R O L A, Inc.
Communications & Electronics

A handwritten signature in cursive script that reads "Jim Sobey".

Jim Sobey
Account Executive
Government Markets Division

JAS:jo

cc: Officer Robert Vorwerk

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

February 28, 1983

STAFF REPORT

TO: City Manager Barry Evans
FROM: Chief of Police Ken Collins
SUBJECT: Purchase of 1983 Model Patrol and Paramedic Vehicles

Proposal: It is proposed that the City Council authorize the purchase of eight 1983 model patrol and paramedic vehicles in the amount of \$71,200.

Background: We currently have 1982 model Ford LTD sedans for patrol and paramedic work. Our 1983 budget authorizes the purchase of six 1983 model patrol vehicles and two 1983 model paramedic vehicles. The Ramsey County Joint Vehicle bid was awarded to White Bear Dodge, Inc. of Vadnais Heights for \$8,900 per vehicle. The Ramsey County Joint Vehicle bid has been found to be the most economical way to purchase our 1983 patrol and paramedic vehicles. Our 1983 authorized budget for the purchase of six patrol vehicles and two paramedic vehicles exceeds this amount and no further budget transfers will be necessary to complete this deal.

KVC:db

cc: Lt. Nelson
Budget File
Finance Director
Vehicle File
Deputy Chief Hagen
Sergeant McNulty



14-1

MEMORANDUM

Action by Council:

TO: City Manager
 FROM: Assistant City Engineer
 DATE: February 18, 1983
 SUBJECT: Hazelwood Street Improvement
 Frost Avenue to T. H. 36
 Project No. 82-13

Endorsed _____
 Modified _____
 Rejected _____
 Date _____

Enclosed, herewith, is the feasibility study for the reconstruction of Hazelwood Street and related storm sewer improvements. We are recommending that the report be reviewed and accepted by the City Council on February 28, 1983 and that authorization is given to hold the public hearing on March 24, 1983. Due to the number of property owners affected by the improvement we are requesting that the meeting be held in the cafeteria of John Glenn Jr. High School.

Also enclosed is a Proposed Project Schedule.

PROPOSED PROJECT SCHEDULE
HAZELWOOD STREET
PROJECT NO. 82-13

1. City Council to accept feasibility study and set date for public hearing February 28, 1983
2. Public hearing orders P & S/or abandons project March 24, 1983
3. City Council to approve P & S and authorize ad for bids May 9, 1983
4. Advertise in Maplewood Review May 11 & 18, 1983
5. Advertise in Construction Bulletin May 13 & 20, 1983
6. Receive and Open Bids June 10, 1983
7. City Council receives bids and sets date for assessment hearing June 13, 1983
8. Advertise in Mapleowod Review June 22 & 29, 1983
9. Assessment hearing July 11, 1983
10. Award of Construction Contract August 8, 1983
11. Commencement of Construction (Trunk Storm Sewer) August 15, 1983
12. Commencement of Construction (Hazelwood Street) April 1, 1984
13. Completion of Construction Sept. 15, 1984

RESOLUTION
ACCEPTING REPORT AND CALLING FOR PUBLIC HEARING

WHEREAS, the City Engineer for the City of Maplewood has been authorized and directed to prepare a report with reference to the improvement of Hazelwood Street between Frost Avenue and T. H. 36 by construction of street, storm sewer and appurtenances, and

WHEREAS, the said City Engineer has prepared the aforesaid report for the improvement herein described:

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

1. The report of the City Engineer advising this Council that the proposed improvement on Hazelwood Street by construction of street and storm sewer is feasible and should best be made as proposed, is hereby received.
2. The Council will consider the aforesaid improvement in accordance with the reports and assessment of benefited property for all or a portion of the cost of the improvement according to M.S.A. Chapter 429, at an estimated total cost of the improvement of \$1,534,000.00.
3. A public hearing will be held in the John Glenn Jr. High School Cafeteria at Hazelwood Street and County Road B on the 24th day of March, 1983, at 7:00 p.m. to consider said improvement. The City Clerk shall give mailed and published notice of such hearing and improvement as required by law.

NOTICE OF HEARING
ON IMPROVEMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Maplewood, Minnesota will meet in the cafeteria of John Glenn Junior High School, 1560 East County Road "B" on March 24, 1983 at 7:00 p.m., to consider the making of an improvement on:

Hazelwood Street between Frost Avenue and T.H. #36--in that area generally bounded by Prosperity Avenue on the East, English Street on the West, Cope Avenue on the North, and the abandoned Soo Line tracks on the South,

by: Construction of street, storm sewer, concrete curbs and gutter and pedestrian walkway.

The total estimated cost of said improvement is \$1,534,000.00.

It is proposed to assess every lot, piece or parcel of land benefited* by said improvement whether abutting thereon or not, based upon benefits received without regard to cash valuation.

Persons desiring to be heard with reference to the proposed improvement will be heard at this meeting.

This Council proposes to proceed under the authority granted by Chapter 429 M.S.A.

Dated this 4th day of March, 1983.

BY ORDER OF THE CITY COUNCIL

Lucille E. Aurelius, City Clerk
City of Maplewood

*BENEFIT as used here, means that the assessed property is enhanced in value for any purpose, not just its present use.

Publish: Maplewood Review
March 9, 1983
March 16, 1983

LAIS, BANNIGAN & KELLY, P.A.

ATTORNEYS AT LAW
409 MIDWEST FEDERAL BUILDING
5TH AND CEDAR
SAINT PAUL, MINNESOTA 55101

H-3

DONALD L. LAIS
JOHN F. BANNIGAN, JR.
PATRICK J. KELLY

AREA CODE 612
224-3781

March 4, 1983

Action by Council:

Mr. Barry R. Evans
Maplewood City Manager
1380 Frost Avenue
Maplewood, Minnesota 55109

Endorsed _____
Modified _____
Rejected _____
Date _____

Re: Dennis Walton v. City of Maplewood
Our File No. 2966 and 3152

Dear Barry:

I am herewith enclosing the Settlement Agreement as prepared by the State of Minnesota for disposal of this claim before the Human Rights Commission.

In addition to the \$2,000, which I recommend that we pay, the Agreement proposes a set of standards for visual acuity requirements. This Agreement should be presented to the Police Civil Service Commission for their review of these requirements and their consent.

If the Council agrees to make the payment of the \$2,000 and if the Civil Service Commission can accept the standards as set forth in this Agreement, then I would be in a position to execute this Agreement on behalf of the City of Maplewood and upon the payment to get the matter closed.

Very truly yours,

LAIS, BANNIGAN & KELLY, P.A.


Donald L. Lais

DLL/me

Enc.

BEFORE THE HUMAN RIGHTS DEPARTMENT
OF THE STATE OF MINNESOTA

State of Minnesota, by Irene
Gomez-Bethke, Commissioner,
Department of Human Rights,

Complainant,

vs.

City of Maplewood, Minnesota,

Respondent.

SETTLEMENT AGREEMENT

DHR File No. E-5240

This agreement is made by and between Dennis Walton ("charging party"); the City of Maplewood, Minnesota ("respondent" or "Maplewood") and the Minnesota Department of Human Rights ("Department"), through its Commissioner ("Commissioner").

WHEREAS, a charge of discrimination was filed pursuant to Minn. Stat. § 363.06 (1978) with the Department by the charging party alleging that respondent had discriminated against him on the basis of physical disability by refusing to hire him as a police officer because his uncorrected visual acuity failed to meet Maplewood's standard; and

WHEREAS, probable cause has been found by the Department to believe the allegations contained in the above-mentioned charge; and

WHEREAS, respondent expressly denies that it has discriminated against the charging party or against any other individual on the basis of physical disability or any other unlawful basis; and

WHEREAS, all parties to this agreement desire to conciliate all issues in dispute between them in the above matter; and

WHEREAS, the undersigned parties have agreed to a full settlement of all issues in dispute between them.

NOW, THEREFORE, in consideration of the promises contained in this document, the undersigned parties agree as follows:

1. This agreement is not intended to and shall not constitute an admission or any evidence of admission for any purpose that respondent violated the Minnesota Human Rights Act, Minn. Stat. § 363.01 et seq. (1982) or any other state or federal law or regulation.
2. Respondent agrees to pay to the charging party within fifteen (15) days of the execution of this agreement by all parties, the sum of Two Thousand Dollars (\$2,000.00).
3. Charging party and the Department hereby waive, release, quit claim, discharge and covenant not to sue respondent with respect to any and all claims which were or could have been asserted in the charge filed by the charging party with the Department in this matter.
4. Respondent agrees that with respect to all employment related purposes it will not use any visual acuity standard in hiring, recruiting, promoting, or employing police officers which discriminates on the basis of physical disability in violation of Minn. Stat. § 363.03, subd. 1 (1982).

5. Respondent will cease and desist from requiring applicants for the position of police officer to meet an uncorrected visual acuity standard in both eyes of 20/30 (Snellen) or better.

6. This agreement establishes procedures which Maplewood shall utilize after ascertaining the visual acuity of applicants for the position of police officer (herein "applicants"). These procedures establish two classes of applicants:

Class 1: Any applicant whose uncorrected visual acuity is determined after testing to be better than 20/40 (Snellen) in both eyes shall be deemed to have sufficient visual acuity.

Class 2: Any applicant whose uncorrected visual acuity is determined after testing to be between 20/40 and 20/200 (Snellen) in one or both eyes shall be offered an opportunity to appear before a visual acuity review board. This board shall be established and operated as set forth below.

Applicants whose visual acuity does not place them in either Class 1 or Class 2 are not affected by the terms of this agreement.

7. Respondent shall establish a visual acuity review board consisting of three individuals: an ophthalmologist, a police officer with at least five years police experience, and a person employed by respondent who is familiar with the job requirements of a Maplewood police officer.

8. All applicants rejected by Maplewood on the basis of visual acuity who are members of Class 2 above shall be notified in writing at the time of their rejection that they are entitled to appear before the visual acuity review board. These individuals

("Class 2 applicants") shall also be notified at this time of the procedure to be followed in order to obtain such an appearance.

9. The visual acuity review board shall at the request of any Class 2 applicant determine whether his visual acuity (corrected or uncorrected) renders him unable to safely and efficiently perform the job requirements of a Maplewood police officer or would constitute a serious threat to his health and safety or that of others if he were employed as a Maplewood police officer.

10. The determination of the visual acuity review board required by paragraph 7 above shall be rendered in such time as to not limit or foreclose the employment opportunities of any Class 2 applicant for the position of police officer who has sought such a determination.

11. Each determination of the visual acuity review board required by this agreement shall be in writing and served by mail upon an individual requesting it.

12. In any document which notifies interested persons of any visual acuity standard utilized by Maplewood in hiring its

police officers, notice shall be included therein of the existence of and procedures used by the visual acuity review board.

DEPARTMENT OF HUMAN RIGHTS

Date _____

IRENE GOMEZ-BETHKE
Commissioner

CITY OF MAPLEWOOD

Date _____

Date _____

DENNIS WALTON

MEMORANDUM

I-1

TO: City Manager
FROM: Director of Community Development
SUBJECT: Code Amendment--Planning Commission Terms
DATE: February 17, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

The enclosed amendment allows a planning commissioner with an expired term to serve until a new appointment or reappointment is made. This will allow the commission to have a quorum after terms have expired without appointments.

Recommendation

Approval of the enclosed ordinance

jc
enclosure:
Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 25 OF THE MAPLEWOOD CODE
OF ORDINANCES RELATING TO THE PLANNING COMMISSION

THE MAPLEWOOD CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 25-19 (b) is hereby amended as follows (additions underlined):

Sec. 25-19. (b)

(b) The members of the first planning commission under the 1970 amendment of this section shall consist of: three (3) members appointed for three (3) years; four (4) members appointed for two (2) years; and four (4) members appointed for one year. The unexpired portion of the year in which the appointments are made shall be considered as one year. All terms shall expire on December thirty-first of the year in which the appointment terminates. A commissioner with an expired term, however, may serve until a new appointment or reappointment is made. As the terms expire, all appointments thereafter shall be for a term of three (3) years. (Code 1965, § 202.020; Ord. No. 263, § 3, 4-2-70)

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

Passed by the Maplewood City Council
this _____ day of _____, 1983.

Mayor

Attest:

Clerk

Ayes--
Nays--

E. Code Amendment: Planning Commission Terms

2-21-83

Secretary Olson said the amendment allows a planning commissioner to continue to serve until a new appointment or reappointment is made.

Commissioner Pellish moved the Planning Commission recommend approval of the ordinance regarding the terms of the commissioners.

Commissioner Fischer seconded
Fischer, Hejny, Pellish, Sletten, Whitcomb.

Ayes--Commissioners Axdahl,



CITY OF MAPLEWOOD

1380 FROST AVENUE MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY SERVICES

770-4570

MEMORANDUM

Enclosed _____
Mailed _____
Registered _____
File _____

To: Barry Evans, City Manager
From: Robert D. Odegard, Director of Community Services *RDO*
Subj: Request For Transfer of Funds From Contingency Account To
The Nature Center Account
Date: March 7, 1983

Effective March 8, 1983, Mrs. Chris Soutter, naturalist at the Maplewood Nature Center, will be on maternity leave until approximately May 7, 1983.

Spring class reservations at the Nature Center are already full and it is necessary that we replace Chris Soutter with a trained naturalist. I have hired Judy Horsnell, who was a former naturalist with the nature center, on a temporary basis. Since the City will have to pay Chris Soutter her full salary while she is on maternity leave, we must provide additional funds for the hiring of a temporary naturalist.

It is requested that \$2,400 be transferred from the contingency fund to part-time wages in the Nature Center.



CITY OF MAPLEWOOD

1380 FROST AVENUE MAPLEWOOD, MINNESOTA 55109

OFFICE OF COMMUNITY SERVICES

770-4570

MEMO

TO: Barry Evans, City Manager
FROM: Robert D. Odegard, Director of Community Services
SUBJECT: Calculations for transfer request of \$2400 from Contingency
Fund to Part-Time Wages, Nature Center
DATE: March 8, 1983

Chris Soutter is already budgeted for 1983.

Cost for hiring temporary Judy Horsnell:

March 7, 1983 thru May 6, 1983 - 45 working days
\$8.22 per hour x 8 hours per day x 45 working days Cost \$2,959.20

Assuming Chris Soutter is granted an additional 16 weeks
(80 work days) of unpaid leave of absence from May 8 thru
August 26, there will be a savings due to the differential
in her pay vs Judy Horsnell's pay.

Chris Soutter 16 weeks:
\$9.11 per hour x 8 hours per day x 80 working days - \$5,830.40

Judy Horsnell 16 weeks:
\$8.22 per hour x 8 hours per day x 80 working days - \$5,260.80

Savings due to differential \$569.60

Approximate amount needed to be transferred to cover
wages from Contingency to Part-Time Labor in the Nature
Centers Budget. \$2,389.60

MEMORANDUM

I-3

TO: City Manager
FROM: Assistant City Engineer
DATE: March 3, 1983
SUBJECT: Frost Avenue Reconstruction
(Adele Street to Birmingham Street)
Project No. 83-1

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

The Ramsey County Department of Public Works has submitted conceptual plans for the third phase of the three-phase program to reconstruct Frost Avenue. The first phase, which was completed in 1982, improved that section of roadway between T.H. 61 and Adele Street. The second phase, Birmingham Street to White Bear Avenue, is scheduled to be reconstructed this year. The proposed third phase, Adele Street to Birmingham Street, will complete the entire route and is contemplated to be constructed in 1984.

The County is requesting that we review the plans for compatibility with City systems and long-range improvements. Project funding would consist of County State Aid Highway (CSAH) monies for eligible items. Costs associated with non-eligible items are anticipated to be borne by the City as follows:

1. Three-fourths of the cost of concrete curb and gutter.
2. That portion of the storm sewer costs to oversize the system to accommodate drainage from outside of the County right-of-way.
3. Any costs associated with utility installations and/or upgrading.
4. Right-of-way acquisition for construction limits beyond the existing right-of-way.

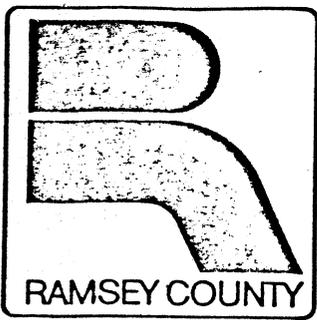
We herewith request that the City Council authorize the City Engineer to have prepared a feasibility study which will address the engineering feasibility, estimated costs and methods of project financing regarding the reconstruction of Frost Avenue between Adele Street and Birmingham Street, and related improvements.

jw

RESOLUTION
CALLING FOR PRELIMINARY PLANS

WHEREAS, the City Council has proposed that the area described as: Frost Avenue between Adele Street and Birmingham Street be improved by construction of street, storm sewer and related improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that the proposed improvement be referred to the City Engineer, who is hereby instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvement is feasible and should best be made as proposed, and the estimated cost of the improvement as recommended.



Ramsey County
DEPARTMENT OF PUBLIC WORKS

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

Divisions of:
Engineering
Maintenance
Mobile Equipment
Environmental Services

December 10, 1982

Mr. Kenneth Haider
Director of Public Works
City of Maplewood
1902 East County Road B
Maplewood, Minnesota 55109

Frost Avenue - Adele Street to Birmingham Street

Under separate cover we recently submitted to you a preliminary draft of our proposed 1983 Five-Year Program. You will note in the program that this portion of Frost Avenue is scheduled for reconstruction in 1984. Accompanying are some colored up aerial photo enlargements schematically showing the proposed 52-foot roadway width within the existing rights of way. You may find the relationship of the roadway to surrounding development of interest to some of your staff and/or council. It puts the magnitude of the proposed development in context with the development and insofar as I can see in a preliminary review does not have significant adverse effects.

Note that we have indicated the need for a storm sewer discharge at approximately the east edge of Schmidt Park. There are presently no storm sewer outfall provisions available at this location. In order for us to reconstruct the roadway in accordance with the program it will be necessary to coordinate provisions for storm sewer outfall facilities. If plans are developed and contracts awarded prior to the reconstruction of this portion of Frost Avenue they should be submitted to Mn/DOT and thereby the city may obtain credits toward the needed storm sewer in Frost Avenue for the outfall facility.

We would appreciate your comments on the project in response to our preliminary five-year program. Hopefully, the final five-year program will be presented to the County Board in March for adoption. If the schedule for this project is not realistic we should like the opportunity to revise the program before its final adoption.

Wayne R. Leonard, P.E.
Coordinating Engineer

WRL/clm

MEMORANDUM

TO: City Manager
 FROM: Assistant City Engineer
 DATE: March 3, 1983
 SUBJECT: T. H. 61 Frontage Road
 Receipt of Bids
 Establish Assessment Hearing Date
 Project No. 80-10

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

As previously authorized, the construction bids will be opened on March 11, 1983. The bidding results and tabulation of bids will be distributed to the City Council at their regular meeting on March 14, 1983.

The bid from the lowest responsible bidder will be used as the basis for the formulation of the assessment rates, along with estimates of indirect costs for engineering, legal, administrative and acquisition costs.

The assessment hearing should be held on April 11, 1983. If the assessment is adopted by the City Council on this date, the property owners have thirty (30) days therefrom to notify the City of their intent to appeal. On May 9, 1983 the appeal period will be near expiration and an analysis will be drafted for consideration by the Council.

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

We, therefore, recommend that the City Council accept the bids, direct the preparation of the assessment roll and authorize the assessment hearing be held on April 11, 1983.

RESOLUTION
ORDERING ASSESSMENT ROLL HEARING

WHEREAS, the Clerk and the Engineer have, at the direction of the Council, prepared an assessment roll for the construction of the T. H. 61 Frontage Road Project No. 80-10, and the said assessment roll is on file in the office of the City Clerk;

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

1. A hearing shall be held on the 11th day of April, 1983, at the City Hall at p.m. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published in the official newspaper, at least two weeks prior to the hearing, and to mail notices to the owners of all property affected by said assessment.
3. The notice of hearing shall state the date, time, and place of hearing, the general nature of the improvement, the area proposed to be assessed, that the proposed assessment roll is on file with the Clerk, and that written or oral objections will be considered.

RESOLUTION ORDERING
PREPARATION OF ASSESSMENT ROLLS

WHEREAS, the City Clerk and City Engineer have presented the final figures for the improvement of the T. H. 61 Frontage Road, Project No. 80-10.

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

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

NOTICE OF ASSESSMENT HEARING

NOTICE IS HEREBY GIVEN that the City Council of Maplewood, Minnesota, will meet in the Council Chambers of the City Hall, 1380 Frost Avenue, at _____ p.m. on April 11, 1983 to hear all persons concerning the adoption of the assessment roll for Public Improvement No. 80-10, T.H. 61 Frontage Road--street, drainage and utility improvements, and to adopt the assessment roll as presented or amended. This hearing is scheduled pursuant to Minnesota Statutes Chapter 429. The assessment roll as herein described is on file in the office of the City Clerk.

Area to be assessed: That area generally bounded by County Road C on the north, T. H. 61 on the west, Gervais Avenue on the south and the wetland area on the east.

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

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

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

Dated this 23rd day of March, 1983.

Lucille E. Aurelius, City Clerk
City of Maplewood, Minnesota

Publish: Maplewood Review
March 23 & 30, 1983

MEMORANDUM

I-5

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Code Amendment--Neighborhood Commercial District
DATE: March 3, 1983

Action by Council:

Enforced _____
Repealed _____
Revised _____
Late _____

INTRODUCTION

Request

Establish a neighborhood commercial zone that is specifically designed for location within or adjacent to a residential district.

Reasons for Change

1. The present commercial zones (see reference information) which permit retail trade are too intensive for location within or adjacent to a residential neighborhood.
2. If a compatible neighborhood use vacates an overly intensive zoned site, there is a potential that a use incompatible with the neighborhood will find the site desirable.
3. As part of the city's downzoning program, staff recognized that no existing commercial zone is appropriate for: a) the northwest corner of Maryland Avenue and the McKnight Road realignment, b) the Maplewood Plumbing property at English Street and Larpenteur Avenue, and c) McMenemy Street and County Road B.

Objectives

To create a commercial zoning district permitting retail trade that is specifically intended for:

1. Location on smaller tracts of land within or adjacent to a residential neighborhood.
2. Pedestrian and bicycle access
3. Businesses which cater to the daily needs of nearby neighborhood residents (i.e. a grocery store, barber shop, small restaurant, etc.).

CONCLUSION

Analysis

The opportunity for neighborhood convenience retail shopping should be preserved. However, limits on the size and types of these uses must be imposed to ensure compatibility with nearby residential uses.

The present zoning code does not offer a commercial zoning district which includes retail uses that would ensure compatibility with a residential setting. The attached neighborhood commercial ordinance is proposed to meet this need.

The Maplewood Plumbing site at Larpenteur Avenue and English Street is an example of the problem that can arise. In this case, business commercial zoning was granted for an insurance office and apartment which were never constructed. A 7-11 store was constructed a few years later, eventually being replaced by the present use which, although a permitted business commercial use, is overly intensive and out-of-character with the residential setting.

A similar situation could result if the Brooks Superette, at McMenemy Street and County Road B, were to vacate the premises.

Recommendation (Four votes required for adoption)

Adopt the enclosed ordinance establishing a NC--Neighborhood Commercial Zoning District.

REFERENCE INFORMATION

Existing Commercial Zoning Districts

1. BC, Business Commercial--the broadest of the commercial districts. The permitted uses include automobile-related businesses, offices, retail and all types of restaurants. (See Attachment A.)
2. SC, Shopping Center--similar to the BC District, except gas stations and auto sales are not permitted. (See Attachment B.)
3. BC(M), Business Commercial (Modified)--similar to the SC district, except restaurants are conditional uses subject to no drive-up window facilities. This is intended as a transition from intensive commercial to residential. (See Attachment C.)
4. CO, Commercial Office--intended to abut a residential district. Emphasis is on professional and administrative offices. Low intensity commercial uses are permitted when secondary to an office use or by conditional use permit, if free-standing. (See Attachment D.)
5. LBC, Limited Business Commercial--similar to the CO district, except retail businesses are not permitted. The district is intended to abut residential districts. All uses are subject to council approval. (See Attachment C.)

Past Actions

Larpenteur Avenue and English Street Site

12-3-64: The site was rezoned from F-farm residence to BC, business commercial for an insurance office and apartment building.

1974: A 7-11 store opened on the site.

1978: Following the vacation of the site by 7-11, council denied a license for a tavern due to neighborhood opposition. Maplewood Plumbing and Heating moved in shortly thereafter.

Survey

The 3000 square foot maximum area is proposed on the basis that the Brooks Superette, at McMenemy Street and County Road B, is approximately 3000 square feet. This structure is a good example of the size structure intended in this district.

Procedures

1. Planning Commission recommendation
2. City Council: First reading
Second reading and adoption (requires at least four votes for adoption)

jw

Enclosures

Proposed Ordinance
Attachments A-D

DIVISION 5A. NC NEIGHBORHOOD COMMERCIAL DISTRICT

Sec. 36-126. Intent.

The intent of this district is to preserve land for the use of businesses that are compatible with adjacent residential land uses. Uses are limited to offices and smaller retail uses that cater to convenience shopping. Pedestrian and bicycle access are to be emphasized.

Sec. 36-127. Permitted uses.

Any of the following uses provided that the floor area of all buildings in any one NC zone shall not exceed 3000 square feet:

1. Bakery or candy shop for the production of goods sold on the premises
2. Beauty parlor or barber shop
3. Dry cleaner or laundromat. All odors must be controlled so as not to be noticeable to adjacent residents.
4. Office or medical and dental clinics
5. Repair shop, except for motorized vehicles. No work shall be performed outside of the building.
6. Drug, hardware or grocery store
7. Studio
8. Tailor or dressmaker shop
9. Veterinary or grooming clinic where there are no outside kennels or storage.

Sec. 36-128. Accessory uses.

1. Off-street parking
2. Signs, in accordance with the sign ordinance

Sec. 36-129. Conditional uses (requires council approval).

Any of the following uses provided that the floor area of all buildings in any one NC zone shall not exceed 8,000 square feet:

1. Any permitted use listed in section 36-127
2. Club, lodge or hall
3. Private school, daycare center or community service use
4. Taxi stand or bus stop
5. Restaurant where there are no drive-up order windows or serving of food to patrons in their automobiles. All cooking odors must be controlled so as not to be noticeable to adjacent residents.

6. Similar uses to those listed in this section

Sec. 36-130. District standards.

(a) Bike racks

Bike racks shall be provided in an area that is convenient to each major building entrance, but which will not disrupt pedestrian or vehicular traffic or fire lanes.

(b) Building design

Buildings in this district shall be designed to be compatible with their surrounding land uses. If more than one use on a site, they shall be planned and organized as a unit. Pedestrians should be able to walk between stores without crossing vehicular traffic lanes. There shall be no exterior storage, other than a trash receptacle which shall be screened as required by Section 36-26 of the zoning code.

(c) Lot coverage

At least 15% of the site shall be landscaped.

(d) Building setbacks

(1) The minimum building setback from a right-of-way shall be thirty feet and twenty feet from side and rear property lines.

(2) Where a setback is from residentially zoned property, the minimum required setbacks shall be increased, not to exceed 75 feet, subject to the most restrictive of the following requirements:

a. Building height: The building setbacks shall be increased two feet for each one foot the building exceeds 25 feet in height.

b. Exterior wall area: Where an exterior wall faces a residentially-zoned property, the wall setback shall be increased five feet for each 1,000 square feet, or part thereof, in excess of 2,000 square feet.

(e) Parking and loading areas

Paved areas shall be provided for loading and unloading of delivery trucks and other vehicles, servicing of shops by refuse collection, fuel, fire, and other service vehicles; automobile accessways; and pedestrian walks.

(f) Plan review

Plan approval is required from the Community Design Review Board. The city may require appropriate conditions to ensure compatibility with the surrounding uses to include, but not be limited to, building height, setbacks, orientation, parking lot location or location of building entrances or screening.

DIVISION 7. BC BUSINESS AND COMMERCIAL DISTRICT

Sec. 36-153. Use regulations.

In a BC Business and Commercial District in the city, the following regulations shall apply:

- (1) *Permitted uses:* 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) Apartment for one family in combination with business use.
 - (b) Hotel, motel, tourist home, rooming house or boarding-house.
 - (c) Retail store, restaurant, office, agency, studio, bank, personal service and craftsmen's shop, mortuary.
 - (d) Automobile sales agency, used car lot, parking garage or lot, provided all facilities are located and all services are conducted on the lot.
 - (e) Newspaper publishing, job printing establishment.
 - (f) Theater.
 - (g) Hand or automatic self-service laundry.
 - (h) Bakery or confectionery shop, for the production of articles to be sold only at retail on the premises.
 - (i) Public garage or motor fuel station; provided that a license to operate such business is first obtained from the city council pursuant to chapter 17 of this Code. All public garages and motor fuel stations must be so located on the site and the site shall be of the size as provided in section 36-156 of this division which defines kinds of operation, site area required and other data relating to such business.
 - (j) Any use of the same general character as any of the above permitted uses; provided that, no use which is noxious or hazardous shall be permitted.
- (2) *Special exceptions:* The following uses are allowed when authorized by the city council as a special exception:
 - (a) All uses permitted in R-3 Residence Districts, except the construction of dwelling houses permitted in divisions 3 and 4 of this article, R-1 and R-2 Residence Districts.
 - (b) Processing and distributing station for milk or other beverages, carting or hauling station.
 - (c) Place of amusement, recreation or assembly, other than a theater, when conducting indoors.
 - (d) Yard for storage, sale and distribution of ice, coal, fuel oil or building materials, when enclosed within a fence of not less than six (6) feet in height, but not including junkyard, salvage, automobile or other wrecking yard. (Code 1965, § 907.010; Ord. No. 232, § 3, 10-19-67; Ord. No. 256, 11-20-69; Ord. No. 402, § 1, 8-12-76)

DIVISION 8. SC SHOPPING CENTER DISTRICT

Sec. 36-173. Use regulations.

In an SC Shopping Center District in the city, a building or combination of buildings may be erected or used, and the lot area may be used or occupied for any of the following purposes, and no other, but in no case shall a building be used for living quarters:

- (1) Retail store, including retail outlet showroom for uses permitted in subparagraph (9) hereof, but not including automobile sales agency; provided that, no goods shall be displayed on the exterior of the premises.
- (2) Restaurant, tea room or cafeteria.
- (3) Office agency or studio.
- (4) The following personal service shops dealing directly with customers; beauty parlor, barber shop, clothes cleaning agency, automatic self-service laundry, dressmaking, millinery or similar shop; provided that all repair or processing work is conducted in accordance with subparagraph (9) below.
- (5) Theater, not including outdoor motion picture establishment, assembly hall, or community building, indoor recreational establishment or library, child day center.
- (6) Bakery, confectionery or custom shop for the production of articles to be sold at retail on the premises; provided that, all baking or processing is conducted in accordance with subparagraph (9) below.
- (7) Bank.
- (8) Passenger station.
- (9) The following uses; provided that, if such uses are located on the ground floor, they shall not be located within twenty-five (25) feet of the front of the building; and further provided that, they shall be effectively screened from the front portion of the building by a wall or partition:
 - a. General servicing or repair.
 - b. Upholstering.
 - c. Carpentry or woodworking.
 - d. Electrical, radio, television repair.
 - e. Hand laundering, dry cleaning or pressing, providing no inflammable fluids are used.
 - f. Tailoring, dressmaking or repair.
 - g. Millinery repair or processing.
 - h. Baking, confectionery making or similar processing.
 - i. Frozen food lockers.
 - j. Any similar use involving repair, processing or storage activity.
- (10) Accessory use customarily incidental to any of the above uses.
- (11) Any use of the same general character as any of the above permitted uses, when authorized as a special exception by the city council; provided that, such use shall be permitted subject to such reasonable restrictions as the city council may determine; and further provided that, no trade or business shall be permitted which is either noxious or hazardous.

Sec. 36-154. LBC Limited Business Commercial District.

The LBC Limited Business Commercial District is hereby established and may be authorized by the council in those locations where a regular BC Business Commercial District abuts a residential district, the intent of this provision being to make possible a modified commercial area in the nature of a buffer zone wherein the uses, subject to prior council approval, will be limited to professional offices and such other similar uses as the council may determine. The proposed plan of use in any such LBC limited business commercial district shall be submitted to the council for final determination and approval. (Code 1965, § 907.010; Ord. No. 232, § 3, 10-19-67; Ord. No. 256, 11-20-69; Ord. No. 402, § 1, 8-12-76)

Sec. 36-155. BC(M) Commercial District (Modified).

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. Walk-in theatre
 - d. Job printing shop
 - e. Bakery or candy shop producing goods for on-premises retail 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 City Council by means of a special use permit:
 - a. All uses permitted in R-3 Multiple Dwelling Districts, except the construction of houses permitted in R-1 and 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. All cooking odors must be controlled so as not to be noticeable to adjacent residences.
 - d. Place of amusement, recreation, or assembly, other than a theater, where there are no outdoor activities.

DIVISION 6. CO COMMERCIAL OFFICE DISTRICT

Sec. 36-136. Purpose and intent.

(a) The CO Commercial Office District is established primarily to provide areas for the development of professional and administrative offices, related uses together with supportive, low intensity commercial uses in locations in close proximity to residential areas where such uses can conveniently serve the public, and to create a suitable environment for such uses and buildings specially designed for their purposes, located on sites large enough to provide room for appropriate separation of uses, landscaped open spaces and off-street parking facilities.

(b) This district is intended to be located primarily on heavily traveled streets or adjacent to commercial or industrial districts, and is designed to lessen the impact of these uses on residential areas. (Ord. No. 380, § 100, 1-16-75)

Sec. 36-137. Permitted uses.

In a commercial office district, unless otherwise provided in this chapter, no building or use of land shall be erected, structurally altered or expanded, except for one or more of the following uses:

- (a) Professional offices;
- (b) Administrative offices;
- (c) Medical and dental offices and clinics;
- (d) Financial offices, stock brokerages, banks and savings and loans, real estate offices and other general business offices;
- (e) *Related commercial uses:*

Incidental services, such as restaurants, pharmacies and retail sales which serve primarily the occupants and patrons of the permitted office use, when conducted within the same building. Related commercial uses shall not exceed twenty-five (25) percent of the total net floor area of the building.

- (f) *Supportive commercial uses:*

The following free standing uses may be permitted upon approval by the city council of a special exception: Specialty or gift stores, office supply, ticket agency, travel service, opticians and similar uses. The uses provided for in this paragraph may be the sole use of a particular property or building, or may be combined with any permitted or conditional uses allowed in the district, upon compliance with the necessary special exception or special use procedures. (Ord. No. 380, § 101, 1-16-75)

Sec. 36-138. Conditional uses.

The following uses are permitted in a CO District subsequent to review and approval of a special use permit:

- (a) Medical and dental laboratories, not including the manufacture of pharmaceutical or other products for general sales and distribution;
- (b) Public and quasi-public uses appropriate to the district, such as hospitals, convalescent hospitals, and professional, business and technical schools;
- (c) Public utility and service buildings, structures and uses appropriate to the district:

It is the intent of this paragraph to provide for uses which supply public or quasi-public services which are of a substantially automated nature or require only periodic maintenance, such as water pumping stations, telephone relay or switching facilities and similar uses. It is not intended that office facilities, maintenance dispatching depots or any use which generates regular daily use or traffic would fall within this definition.

- (d) *Restaurants:*

In keeping with the intent and purpose of the CO district, a restaurant use does not include a drive-in or any restaurant commonly referred to as "fast food" or "franchise" wherein the emphasis is on automobile oriented clientele or where any sizeable proportion of the total activity is involved in takeout orders intended for consumption other than within the building. Questions of the applicability of this definition to an individual proposal shall be reviewed by the planning commission, which shall forward a recommendation to the city council for final determination.

- (e) Any other office use which is determined to be the same general character as the above uses. (Ord. No. 380, § 102, 1-16-75)

MEMORANDUM

TO: City Manager
 FROM: Associate Planner Johnson
 SUBJECT: Final Plat--Carsgroves Meadows Addition
 APPLICANT: Roberts Construction, Inc.
 OWNER: Ray Nowicki
 DATE: March 9, 1983

Request

Approval of a final plat for sixty single-dwelling lots.

Past Action

7-16-81: Council vacated a portion of Cypress Street and approved the preliminary plat for Carsgroves Meadows, subject to the following conditions:

1. Construction of a 12 inch watermain from Gervais Avenue to County Road C through the plat.
2. Construction of a storm sewer and ponding system that will limit the rate of run-off onto adjacent property to present levels as determined by the City Engineer.
3. Construction of Connors Avenue to Cypress Street for a second means of access to the proposed subdivision.
4. Construction of all internal plat improvements.
5. Include the proposed remnant parcel located west of the proposed Forest Street, with the plat as an Outlot. This Outlot shall be combined with the property to the west. The metes and bounds property description for the plat shall be changed to reflect the inclusion of this property.
6. Vacation of the 40 foot ingress-egress easement south from County Road C.
7. Dedication of a street and utility easement for that portion of proposed Forest Street which lies on the adjoining property to the west.
8. Staff approval of a finished grading and drainage plan.
9. Dedication of 33 feet rather than 43 feet for the south half of County Road C.

10. Transfer of the .7 persons/net acre density excess to the applicant's property to the west.
11. Drainage easements shall be dedicated along the back lot lines, as per the City Engineer's direction.
12. Compliance with the recommendations of the Soil Conservation Service, dated November 21, 1977.
13. Final plat approval cannot be granted until the EAW process has been completed.
14. Dedication of the 10 foot temporary roadway easements on the north and south sides of the easterly 60 feet of proposed Connors and Delmont Avenues for purposes of temporary cul-de-sacs. These easements are to be separate from the plat.

7-26-82: Council approved a time extension for this plat, subject to the original conditions.

Status

Street grading, utilities and curbs have been installed as provided by a June 10, 1982 developer's agreement. Final plat approval is being requested prior to completion of the required public improvements, therefore, a letter of credit must be submitted to ensure their completion. Completion of the remaining improvements and the start of home construction is proposed for this Spring.

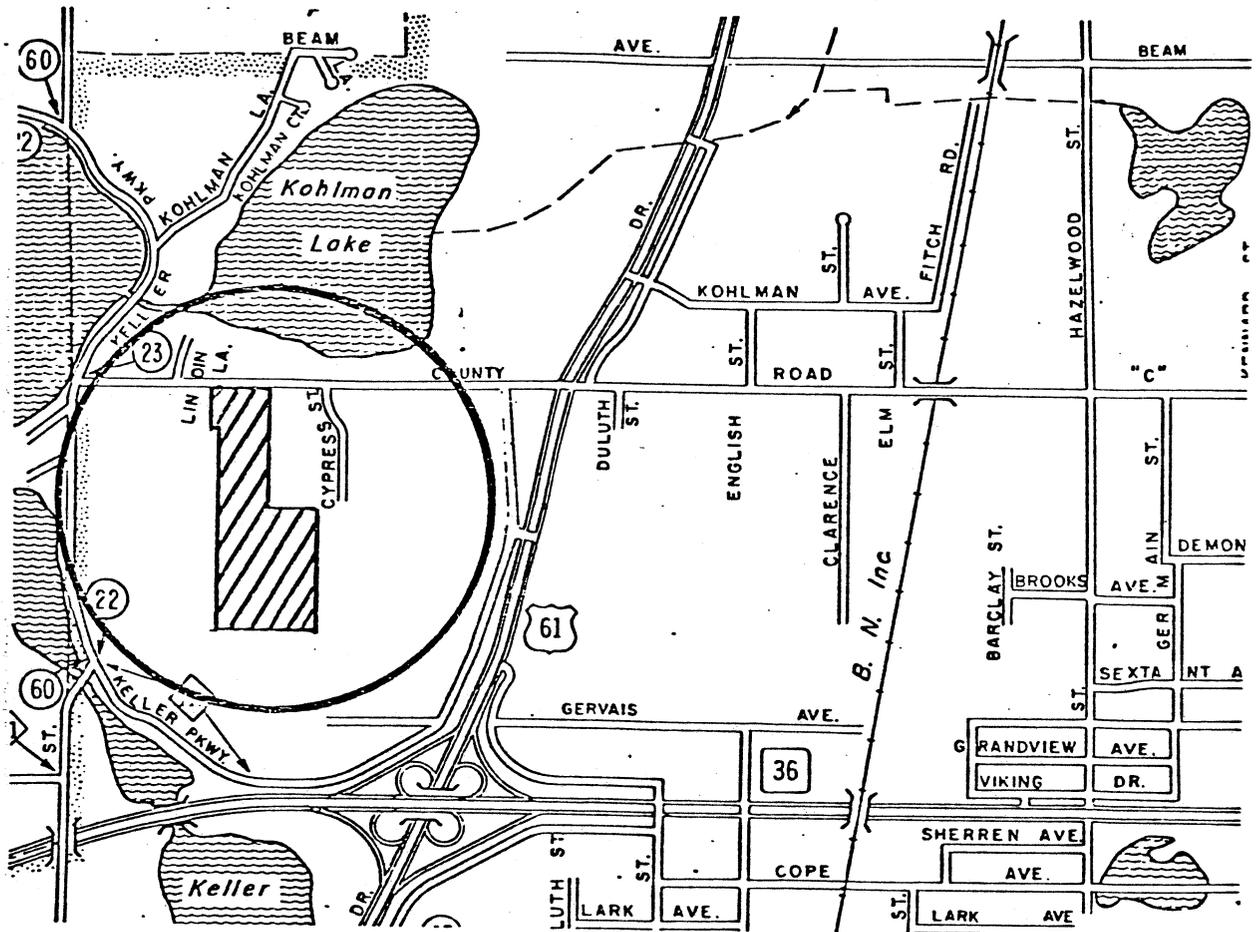
Recommendation

Approval of the final plat, subject to:

1. The receipt of an irrevocable letter of credit for completion of required public improvements prior to the City signing of the final plat.
2. Submission of temporary roadway easements for the north and south side of Demont Avenue for a temporary cul-de-sac at the east boundary of the site.

jc
Enclosures

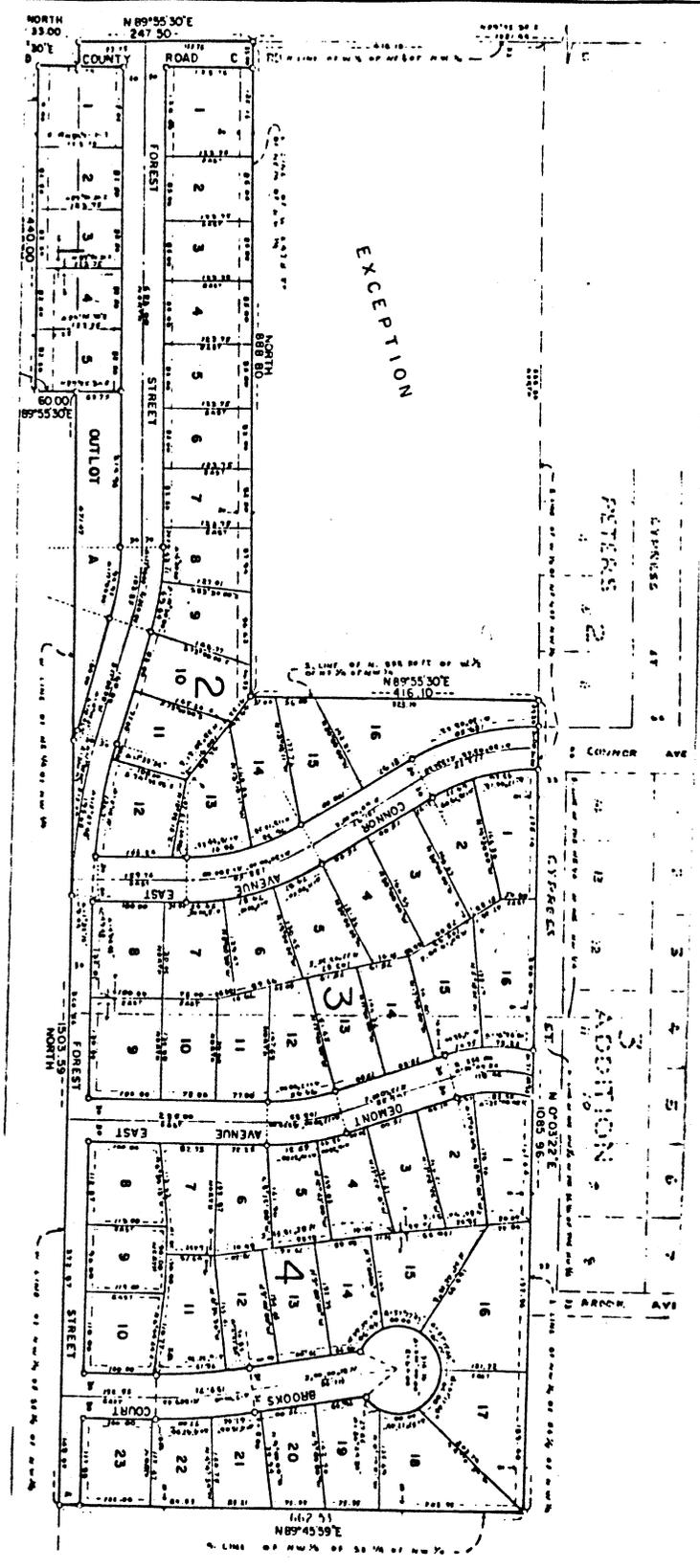
1. Location Map
2. Property Line Map
3. Final Plat



Attachment 1

LOCATION MAP





Attachment 3

CARSGROVES MEADOWS FINAL PLAT

