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AGENDA
Maplewood City Council
7:00 P.M., Monday, May 23, 1983
Municipal Administration Building

(A) CALL TO ORDER

(B) ROLL CALL

(C) APPROVAL OF MINUTES

Minutes 83-06, March 14, 1983
Minutes 83-08, April 11, 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. Home Occupation: 2125 White Bear Avenue
3. Final Plat - Gonzalez Addition
4. Joint Use Rental Agreement
5. Conditional Use Permit Renewal - St. John's

(F) PUBLIC HEARINGS

1. Plan Amendment: White Bear Ave. South of Co. Road B (7:00) _____
2. Rezoning: White Bear Ave, South of Co. Road B (7:00) _____
3. Conditional Use Permit: 1564 Grandview (7:15) _____
4. Rezoning: Sherren, Barclay & Cope Ave. (7:30) _____
5. Rezoning: 2300-10 Hazelwood Ave. (7:30) _____
6. Rezoning: Cope, Hwy 36 & German St. (7:45) _____
7. Preliminary Plot: Bennington Woods (8:00) _____
8. Variance: Dieter St. (Moe) (8:15) _____

(G) AWARD OF BIDS

1. Pick-up Trucks _____
2. Frost Ave. Reconstruction (Concurrence) _____

(H) UNFINISHED BUSINESS

1. Ordinance to Abolish Insurance Committee (2nd Reading) _____
2. PUD Amendment: Maryland to Ferndale _____
3. Code Amendment: Metal Buildings (2nd Reading) _____
4. Variance: 2483 Hwy 61 (C Zuercher) _____
5. National Fire Code (2nd Reading) _____
6. Budget Change: Watershed Assessments _____
7. Crestview Drive Watermain _____

(I) NEW BUSINESS

1. Plan Amendment: 2075 Prosperity Rd. _____
2. Code Amendment: Appendix E - Sprinklers _____

(J) VISITOR PRESENTATION

(K) COUNCIL PRESENTATIONS

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

(M) ADJOURNMENT

1. Accounts Payable

Approved the accounts (Part I, Fees, Services, Expenses, Check register dated March 2, 1983 - \$202,220.57; Part II - Payroll dated March 11, 1983 - \$55,403.18) in the amount of \$257,623.75.

3. H.R.A. Resignation

Resolution No. 83-3-35

WHEREAS, Ronald Smith became a member of the Housing and Redevelopment Authority of Maplewood, Minnesota, in March, 1982 and has served in that capacity to the present time; and

WHEREAS, he will not be available for reappointment after the expiration of his term in March; and

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

WHEREAS, he has contributed his leadership and effort 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 Ronald Smith is hereby extended our appreciation for his service as a Commissioner of the Maplewood Housing and Redevelopment Authority and we wish him continued success in the future.

F. PUBLIC HEARINGS

1. P.U.D. Gervais Overlook 7:00 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mr. Richard Anderson for approval of a special use permit for a planned unit development of 42 townhouse, carriage home and double dwelling units. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Fischer moved 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."

- d. Mr. Richard Anderson, the applicant, spoke on behalf of his request.
- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. the following were heard:

Mr. Tim Murphy, 2756 Keller Parkway
Mrs. Kristine Novak, 2780 Keller Parkway
Mr. Bob Long, 2870 Arcade Street
Mr. Ed Berglund, 2800 Keller Parkway
Mrs. Judy Rethke, 2828 Keller Parkway
Mr. Ron Brown, 2776 Keller Parkway
Mr. Willard Benker, 2786 Keller Parkway
Mrs. Kathryn Benker, 2876 Keller Parkway

A petition signed by the area residents was presented opposing the proposal.

g. Mayor Greavu closed the public hearing.

h. Mayor Greavu moved to approve the request of Mr. Richard Anderson for a Planned Unit Development subject to the conditions listed in the Planning Commission recommendation with the exception of condition 4b.

Seconded by Councilmember Maida.

Councilmember Bastian moved to deny the Planned Unit Development as requested by Mr. Richard Anderson based on the findings that the proposal does not address the water pollution and the water run off problems; that it does increase the vehicle traffic on local streets; that the essential public services, such as streets, fire protection and utilities are not adequately provided; that the use fails to incorporate all the natural and scenic features into the design; that it has an adverse environmental impact upon the existing area and that it has been demonstrated that there could be depreciation of the surrounding property due to the water run off problems.

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

Nays - Mayor Greavu, Councilmember Maida.

Voting on original motion as amended.

Ayes - Councilmembers Anderson, Bastian and Juker.

Nays - Mayor Greavu and Councilmember Maida.

2. Rezoning: Century and Larpenteur

a. Mayor Greavu convened the meeting for a public hearing regarding rezoning the northerly part of the Priory property from M-1, light manufacturing, to R-3, residence district (Multiple Dwelling). The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

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

Commissioner Sletten seconded.

Ayes - Commissioners Axdahl, Fischer, Hejny, Pellish, Sletten, Whitcomb."

d. There was no one representing the Priory at the meeting.

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

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

g. Mayor Greavu closed the public hearing.

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

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 Lands 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 the 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 March 14, 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.

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

3. Rezoning - Century Avenue (Hillcrest and N SP)

a. Mayor Greavu convened the meeting for a public hearing regarding the proposed rezoning of the property west of Century Avenue, north of Chicago Northwestern Railroad property from M-2 Heavy Manufacturing to M-1 Light Manufacturing. The Clerk noted the dates of publication and stated the hearing notice was in order.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the Planning Commission recommendation:

"Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution rezoning this area from M-2 to M-1.

Commissioner Hejny seconded.
Pellish, Sletten, Whitcomb.

Ayes - Commissioners Axdahl, Fischer, Hejny,

Commissioner Pellish moved that as Mr. Christianson has brought before the Commission a matter for consideration for clarification of the status of the zoning on his property, the Council direct the Planning Commission or staff to review the status of the zoning of this property.

Commissioner Fischer seconded.
Pellish, Sletten, Whitcomb."

Ayes - Commissioners Axdahl, Fischer, Hejny,

- d. An attorney representing Hillcrest Development Company spoke. He requested that the property be correctly rezoned to R-3.
- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. None were heard.
- g. Mayor Greavu closed the public hearing.
- h. Councilmember Bastian introduced the following resolution and moved its adoption:

83 - 3 - 37

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 the 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 97- 2/10 ft MOL to N SP Co. as in DOC 1493718 the S 1/2 of NE 1/4 (subj to rds & esmts) 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 March 14, 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.

Seconded by Councilmember Anderson.

Ayes - all.

4. Rezoning - Century Avenue (Ivy to tracks) 7:15 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding the proposed rezoning of the property west of Century Avenue, North of Ivy Avenue, from M-2 Heavy Manufacturing to F Farm Residence and R-3 Multiple Dwelling. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

" Commissioner 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.

Ayes - Commissioners Axdahl, Fischer, Hejny, Pellish, Sletten, Whitcomb."

d. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following expressed their views:

Mr. Richard Pearson, 1959 White Bear Avenue
Mr. Rich Vanderhoff

e. Mayor Greavu closed the public hearing.

f. Councilmember Maida moved to approve the rezoning of the property as stated in the staff report from M-2 Heavy Manufacturing to F Farm Residence and R-3 Residence District Multiple Dwelling.

Seconded by Councilmember Bastian. Ayes - Councilmember Anderson, Bastian and Maida.

Nays - Mayor Greavu and Councilmember Juker.

Motion failed.

5. Rezoning: East County Line Fire Department

a. Mayor Greavu convened the meeting for a public hearing regarding the proposed rezoning of 1177 Century Avenue from BC Business Commercial to LBC Limited Business Commercial and R-3C Multiple Residence District (Town House). The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner 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.
Prew, Whitcomb.

Ayes--Commissioners Axdahl, Barrett, Pellish,
Abstained -- Commissioner Fischer."

d. Mr. Don Haue, representing the East County Line Fire Department, commented on the proposed rezoning and asked questions of the Council.

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

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

g. Mayor Greavu closed the public hearing.

h. Councilmember Bastian moved to table the proposed rezoning until first meeting in September to allow the East County Line Fire Department time to either consolidate their lots or replat, whichever can be accomplished with the least cost.

Seconded by Councilmember Anderson.

Ayes - all.

6. Watermain Extension - Crestview Drive 7:45 P.M.

a. Mayor Greavu convened the meeting for a public hearing regarding construction of watermain improvements on Crestview Drive and Hudson Place. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Assistant City Engineer Dave Pillatzke presented the specifics of the improvements. The approximate cost of the project would be:

\$31.30 per front foot
\$860.00 for each service

d. Mayor Greavu called for proponents. The following were heard:

Mr. Joe Boland, 131 Crestview Drive
Mr. Gary Sherburne, 137 Crestview (in favor of project, opposed to price)
Henry P. Dembiczak, 140 Crestview Drive
Charles Ferrise, 170 Crestview Drive

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

Ms. Myra Hirsch, representing Christ United Methodist Church
Mr. John Blumer, 175 Crestview Drive
Mr. Bill Zappa, 230 Crestview Drive
Mr. Gerald Grant, 221 Crestview Drive
Rev. Stuart Norris, 235 Crestview Drive, representing the Apostolic Bible College
Mr. W.L. Muir, 212 Crestview Drive
Mr. Tom Morriott, 222 Crestview Drive
Mr. Joe Griemann, 185 O'Day (asked questions regarding the need for the improvement)

f. Chief Duane Williams, East County Line Fire Department, spoke regarding the low water pressure in the area.

g. Mayor Greavu closed the public hearing.

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

83 - 3 - 38

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.

Seconded by Councilmember Anderson.

Ayes - Councilmembers Anderson, Bastian, Juker and Maida.

Mayor Greavu abstained.

G. AWARD OF BIDS

1. EMS Portable and Mobile Radio Units

a. Manager Evans presented the staff report.

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

83 - 3 - 39

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Motorola in the amount of \$98,150 is the lowest responsible bid for the purchase of six portable and mobile EMS radios and the Mayor and Clerk are hereby

authorized and directed to enter into a contract with said bidder for and on behalf of the City.

Seconded by Councilmember Maida.

Ayes - all.

2. Police Vehicles

a. Manager Evans presented the staff report.

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

83 - 3 - 40

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of White Bear Dodge in the amount of \$71,200 is the lowest responsible bid for the purchase of eight 1983 Model patrol and paramedic vehicles and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City.

Seconded by Councilmember Maida.

Ayes - all.

H. UNFINISHED BUSINESS

1. Hazelwood Street Improvements - Feasibility Study

a. Manager Evans presented the staff report.

b. Mr. Pete Moritz, 2291 Hazelwood, spoke against the project.

c. Mr. William Gallagher, 2125 Hazelwood, spoke in favor of the project.

d. Councilmember Anderson moved to accept the feasibility report and to order a public hearing to be held at John Glenn Jr. High, March 24, 1983 at 7:00 P.M.

Seconded by Mayor Greavu.

Ayes - Mayor Greavu and Councilmember Anderson.

Nays - Councilmembers Bastian, Juker and Maida.

2. Maplewood Firefighters Relief Association

a. Manager Evans stated the Maplewood Firefighters Relief Association are requesting two By-Law changes and it is necessary to have these changes ratified.

b. Mayor Greavu moved to ratify the following two By Law changes to the Maplewood Firefighters Relief Association:

1. Article 6
Section 2 Service Credit

Each member will accumulate a service credit at the rate of \$58.34 per month or major fraction thereof, (\$700.00 per year). Maximum service credit after 30 years would be \$21,000.00. Leave of absence will not count as service time, and the service entry date will be adjusted accordingly.

2. Article 6
Section 4 Pension Benefits

Subdivision 1 Regular Pension
Subdivision 2 Early Vested Pension Benefit

Any member who has served more than ten (10) years of active service but less than twenty (20) years may apply for early vested pension benefit. When the member reaches the age of fifty (50) years they will receive their pension as follows:

a. For duty of

more than 10 years, less than 11 years,	60%
11	64%
12	68%
13	72%
14	76%
15	80%
16	84%
17	88%
18	92%
19	96%
20	100%

b. The payment amount will be calculated by using the amount payable per year of service in effect at the time of such early retirement, multiplied by the number of accumulated years of service, multiplied by the appropriate percentage as defined in (a) above.

c. During the time a member is on early vested pension they will not be eligible for the benefits provided for in Section 6.

d. All monies deferred under the early vested provision shall earn 5% interest compounded annually.

e. The effective date of this provision is January 23, 1983.

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

3. Settlement - Walton

a. Councilmember Bastian moved to table for further clarification.

Seconded by Councilmember Bastian. Ayes - all.

4. Appointments - Boards and Commissions

a. Police Civil Service Commission

Councilmember Anderson moved to appoint William Mikiska to the Police Civil Service Commission.

Seconded by Councilmember Juker. Ayes - all.

b. H.R.C.

Councilmember Bastian moved to appoint Maria Larsen to the Human Relations Commission.

Seconded by Councilmember Anderson. Ayes - all.

c. Planning Commission

1. Councilmember Juker moved to reappoint Paul Ellefson, Duane Prew and Dave Whitcomb to the Planning Commission.

Seconded by Councilmember Bastian. Ayes - all.

2. Councilmember Juker moved to appoint Marvin Sigmundyk to the Planning Commission to fill the vacancy created by the resignation of William Howard.

Seconded by Mayor Greavu. Ayes - all.

3. Councilmember Bastian moved to readvertise for Planning Commission vacancies for precincts 3, 7, 9, 10 and 12.

Seconded by Councilmember Maida. Ayes - all.

d. Community Design Review Board

1. Councilmember Anderson moved to appoint Thomas Dean to the Community Design Review Board.

Seconded by Councilmember Bastian. Ayes - all.

2. Councilmember Bastian moved to readvertise for vacancies on the Community Design Review Board.

Seconded by Councilmember Bastian. Ayes - all.

e. Park and Recreation Commission

1. Councilmember Juker moved to reappoint Joe Fox to the Park and Recreation Commission.

Seconded by Councilmember Bastian. Ayes - all.

2. Councilmember Juker moved to readvertise for vacancies on the Park and Recreation Commission for Precincts 1, 7, 9, 10 and 12.

Seconded by Councilmember Bastian. Ayes - all.

Council requested the reporter from the Maplewood Review to put an article in the paper announcing there are openings on the commissions and boards. Applications will be received until April 1, 1983.

f. H.R.A.

Councilmember Bastian moved to appoint Paul Zugschwert to the Housing and Redevelopment Authority.

Seconded by Councilmember Anderson. Ayes - all.

I. NEW BUSINESS

1. Code Amendment - Planning Commission Terms

a. Manager Evans presented a Code Amendment allowing 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.

b. Councilmember Bastian moved first reading of an ordinance which would allow a planning commissioner with an expired term to serve until a new appointment or reappointment is made.

Seconded by Councilmember Maida.

Ayes - all.

2. Transfer of Funds - Nature Center

a. Manager Evans presented the staff report.

b. Councilmember Maida moved to approve a budget transfer of \$2,400 from the Contingency Fund to the Nature Center part time wages account.

Seconded by Councilmember Bastian.

Ayes - all.

3. Frost Avenue - Birmingham to Adele

a. Manager Evans presented the staff report.

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

83 - 3 - 41

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.

Seconded by Councilmember Maida.

Ayes - all.

4. T.H. 61 Frontage Road - Hearing Date Project 80-10

a. Manager Evans presented the staff report.

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

83 - 3 - 42

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 assess-

ment in the City Office for inspection.

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

Seconded by Councilmember Anderson.

Ayes - all.

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

83 - 3 - 43

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.

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.

/s/ Lucille E. Aurelius
City Clerk, City of Maplewood

Seconded by Councilmember Anderson.

Ayes - all.

5. Neighborhood Commercial District

a. Manager Evans presented the staff report.

b. Councilmember Juker moved first reading of an ordinance establishing a neighborhood commercial zone that is specifically designed for location within or adjacent to a residential district.

Seconded by Councilmember Maida.

Ayes - all.

6. Carsgrove's Meadows 1st Addition - Final Plat

Removed from Agenda.

7. Sale of Excess Property - Beam and White Bear Avenue

a. Manager Evans presented the staff report.

b. Councilmember Juker moved to authorize staff to determine a fair market price and sell the excess City property on the southwest corner of Beam Avenue and White Bear Avenue.

Seconded by Councilmember Bastian.

Ayes - all.

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Parking

a. Councilmember Juker stated she had talked to several of the police officers who object to having to park at night on the west side of the building.

b. Councilmember Juker instructed that the police officers who work the afternoon and evening shifts be allowed to park in the east parking lot.

2. Volunteerism

a. Councilmember Maida commented on the volunteerism program. She stated they needed more business to become involved.

3. Interchange at 694 and 61

- a. Councilmember Anderson requested MnDOT be advised that an interchange at Highways 694 and 61 is needed, especially when St. John's Hospital is finished.
- b. Staff stated a letter had already been forwarded to MnDOT.

4. Senior Citizen Sewer Rates

- a. No discussion.

5. Commissioners

- a. Councilmember Anderson stated he felt that the money the Council donated towards an appreciation dinner for the commission and board members should be continued.
- b. No action taken.

6. Letter of Appreciation

- a. Councilmember Bastian moved that the letter of appreciation be forwarded to Mr. Ed Kishel as he has decided to resign from the Planning Commission.

Seconded by Councilmember Anderson.

Ayes - all.

L. ADMINISTRATIVE PRESENTATIONS

None.

M. ADJOURNMENT

12:05 A.M.

City Clerk

MINUTES OF MAPLEWOOD CITY COUNCIL
7:00 P.M., Monday, April 11, 1983
Council Chambers, Municipal Building
Meeting No. 83-8

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 7:01 P.M. by Mayor Greavu.

B. ROLL CALL

John C. Greavu, Mayor	Present
Norman G. Anderson, Councilmember	Present
Gary W. Bastian, Councilmember	Present
Frances L. Juker, Councilmember	Present
Mary Lee Maida, Councilmember	Present

C. APPROVAL OF MINUTES

1. Minutes No. 83-07 (March 28, 1983)

Councilmember Bastian moved to approve the Minutes of Meeting No. 83-07 (March 28, 1983) as corrected:

Page 13: Item I-8 "Seconded by Councilmember Anderson."

Seconded by Mayor Greavu.

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

D. APPROVAL OF AGENDA

Mayor Greavu moved to approve the Agenda as amended:

1. Interviews
2. 3M
3. Reporter
4. City Hall
5. Senior Citizen Sewer Billing
6. Storm Sewer
7. Industrial Revenue Bond
8. Settlement - Beam Avenue
9. Used Police Vehicle
10. Bids - Public Official Liability Insurance

Seconded by Councilmember Bastian. Ayes - all.

E. CONSENT AGENDA

Councilmember Bastian moved, seconded by Mayor Greavu, Ayes - all, to approve the Consent Agenda, Items 1 through 6 as recommended:

1. Accounts Payable

Approved the accounts (Part I - Fees, Services, Expenses dated April 11, 1983 - \$182,159.33; Part II - Payroll dated April 8, 1983 - \$55,524.85) in the amount of \$237,684.18.

2. Revision of Special Assessment Interest Rates

Approved that the interest rate on new special assessment rolls be one percent greater than the floating maximum interest rate on bonds.

3. Donation

Council accepted a \$100.00 donation from the Maplewood Coin Club to be used for the Maplewood Heritage Center and instructed a letter of thank you be forwarded.

4. Home Occupation: Time Extension

Approved to renew the home occupation permit for five years for a gunsmithing shop at 540 Ripley Avenue subject to:

1. The applicant obtaining an annual home occupation license from the city clerk.
2. Mounting the ten-pound A. B. C. fire extinguisher on the wall in a location approved by the Fire Marshal.

5. Maplewood Professional Building

Authorized the appropriate City Officials to sign the standard agreement for the operation and maintenance of the private water system which has been constructed on the Maplewood Professional Building site.

6. Transfer to Close Project 82-05

Authorized a transfer of \$124.72 from the General Fund to Project 82-05 to close the fund.

F. PUBLIC HEARINGS

1. 7:00 P.M. Liquor License - Ralph John Karczewski

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Ralph John Karczewski for an On Sale Intoxicating Liquor License to be located at the Maplewood Mall. The Clerk read the notice hearing and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Mr. Ralph Karczewski, the applicant, spoke on behalf of his request.

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

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

f. Mayor Greavu closed the public hearing.

g. Mayor Greavu moved to approve the application of Mr. Ralph Karczewski for an On Sale Intoxicating Liquor License to be located at the Maplewood Mall.

Seconded by Councilmember Maida.

Ayes - Mayor Greavu, Councilmember Maida.

Nays - Councilmembers Anderson, Bastian and Juker.

G. AWARD OF BIDS

1. Public Officials Liability Insurance

a. Manager Evans presented the staff report.

b. Mayor Greavu moved to award the bids to Great Southwest for the Public Officials Liability Insurance Coverage.

Seconded by Councilmember Bastian. Ayes - all.

F. PUBLIC HEARINGS (continued)

2. 7:15 P.M. P.U.D. Hazelwood Street Health Resources

a. Mayor Greavu convened the meeting for a public hearing regarding the request of Health Resources for approval of a conditional use permit for a planned unit development and variances from parking and minimum floor area requirements.

b. Manager Evans presented the staff report.

c. Commissioner Duane Prew presented the Planning Commission recommendation:

" Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution, approving a conditional use permit for the Hazel Ridge planned unit development, including the following variances:

1. Minimum floor area variance to permit the Hazel Ridge Cooperative residence to offer one-bedroom units of 580 and 620 square feet and two-bedroom units of 803 square feet. Code requires 650 and 880 square feet, respectively.

2. A parking variance for 75 rather than the 150 spaces required by code and 55 covered spaces rather than 75 as required by code.

Approval of the conditional use permit including variances is subject to:

1. The previously permitted community services programs may continue to be offered provided Council makes a finding that the use has had no adverse affect on the neighborhood.
2. If Council determines there is insufficient on-site parking for the cooperative residence, within one year of 95% occupancy, additional parking may be required.
3. Development of Parcel A shall require an amendment to the planned unit development. The Director of Community Services should be notified of any proposed development prior to scheduling use of the softball facilities for an upcoming season.

The following conditions shall be satisfied before the resolution is recorded:

1. Handicap parking requirements shall be met as required by the Uniform Building Code.
2. The City engineer shall approve final utility drainage and grading plans.
3. The Director of Community Services shall approve the location of the foot trails.
4. The Director of Public Safety shall approve all on-site public safety related signage (stop, handicap, fire lane, etc).
5. The Community Design Review Board shall make a finding that the design is compatible with the character of the zoning district.
6. Staff approval of the proposed owner's association by-laws to assure all common areas are maintained.

Commissioner Whitcomb seconded. Ayes - Commissioners Prew, Barrett, Fischer, Signundik, Whitcomb.

Nays - Commissioner Sletten."

- d. Mr. Jim Swanson, Health Resources, spoke on behalf of the proposal.
- e. Mayor Greavu called for proponents. None were heard.
- f. Mayor Greavu called for opponents. The following were heard:
Mrs. Christeen Stone, 2727 Hazelwood Avenue.
- g. Mayor Greavu closed the public hearing.
- h. Mayor Greavu introduced the following resolution and moved its adoption:

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WHEREAS, a conditional use permit for the Hazel Ridge Planned Unit Development, including variances for floor area and parking for the 75-unit seniors' residence, has been initiated by Health Resources, Inc. for the following described property:

The North 800 feet of the South 1310 feet of the West 578 feet of the S W 1/4 of Section 3, Township 29, Range 22.

Such above property being also known and numbered as 2696 Hazelwood Avenue, Maplewood, Minnesota:

WHEREAS, the procedural history of this conditional use permit and variance request is as follows:

1. That a conditional use permit and variance request has been initiated pursuant to the requirements of sections 36-438, 36-109 and 36-122 of the Maplewood Zoning Code;
2. That said conditional use permit and variance request was referred to and reviewed by the Maplewood Planning Commission on the 21st day of March, 1983, at which time said Planning Commission recommended to the City Council that said conditional use permit and variances be approved.

3. That said conditional use permit and variance request was referred to and reviewed by the Maplewood Housing and Redevelopment Authority on the 8th day of March, 1983, at which time the said Housing and Redevelopment Authority recommended to the City Council that said conditional use permit and variances approved;
4. That the Maplewood City Council held a public hearing to consider the conditional use request, notice thereof having been published and mailed pursuant to law; and
5. 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, Planning Commission, and Housing and Redevelopment Authority.

WHEREAS, the variances requested in conjunction with the planned unit development as follows:

- a. A parking space variance of 75 spaces, including twenty covered spaces.
- b. A minimum floor area variance to permit one bedroom units of 580 and 620 square feet and two bedroom units of 803 square feet.

NOW, THEREFORE, BE IT RESOLVED BY THE MAPLEWOOD CITY COUNCIL, that the above described conditional use permit and variances be granted for the Hazel Ridge planned unit development, subject to the following conditions:

1. That the previously permitted community services programs may be continued provided Council determines that the use had no adverse affect on the neighborhood.
2. If Council determines there is inadequate on site parking for the cooperative residence within one year of 95% occupancy, additional parking spaces may be required.
3. Development of Parcel A shall require an amendment to the planned unit development. The Director of Community Services shall be notified of the any proposed development of this parcel prior to scheduling use of the softball/tee-ball facilities for an upcoming season. In addition, the Director of Community Services shall be included in the planning process for the development of Parcel A as a recreational facility. The Director of Community Services shall approve the location of the foot trails and of the proposed use of Parcel A as a recreational facility.
4. Right turn lane only when exiting the site.
Approval of the planned unit development is recommended on the basis of the following findings of fact:
 1. The use conforms with the City's Comprehensive Plan and with the purpose and standards of chapter 36-348 of City Code.
 2. The establishment or maintenance of the use would not be detrimental to the public health, safety or general welfare.
 3. The use would be located, maintained and operated to be compatible with the character of that zoning district.
 4. There is no evidence that the use would depreciate property values.

5. The use would not be hazardous, detrimental or disturbing to present and potential surrounding land uses, due to noises, glare, smoke, dust, odor, fumes, water pollution, water runoff, vibration, general unsightliness, electrical interference or other nuisances.
6. The facility would have a minimal impact on Hazelwood Avenue, planned as a minor arterial roadway. The use would not create traffic congestion, unsafe access or parking needs that will cause undue burden to the area properties.
7. The use would be served by essential public services, such as streets, police, fire protection, utilities, schools and parks.
8. The use would not create excessive additional requirements at public cost for public facilities and services; and would not be detrimental to the welfare of the City.
9. The use would preserve and incorporate the site's natural and scenic features into the development design.
10. The use would cause minimal adverse environmental effects.
11. Council and the Housing and Redevelopment Authority have given concept approval for development of this site as the "frail-elderly" component of the HRA's tandem senior citizen/first-time home buyer housing program.

Approval of the variances is recommended on the basis of the following findings of fact:

1. The zoning code does not consider the unique nature of parking space and floor area requirements for senior housing, as such strict enforcement of the code would constitute an undue hardship.
2. The variances are required for the reasonable and practical development of the proposed seniors' residence and are not based solely on financial concerns.
3. The parking variance is less than that approved for Concordia Arms (50% versus 59%). No parking problem has occurred at Concordia Arms.
4. If a problem were to occur, adequate room exists on the site to provide additional on-site parking.
5. The common dining, lounge and meeting room areas within the residence and those accessible by tunnel in HRA's office building compensate for the smaller unit areas.
6. The proposed floor areas are consistent with similar seniors' developments in the Twin Cities.
7. The variances will not constitute a threat of a substantive nature to the inhabitants or adjacent property owners.

Seconded by Councilmember Maida.

Ayes - all.

Councilmember Bastian moved to suspend the Rules of Procedures and discuss Item K-7 at this time.

Seconded by Councilmember Maida.

Ayes - all.

K. COUNCIL PRESENTATIONS

7. Industrial Revenue Note

a. Manager Evans presented the staff report.

b. Mayor Greavu moved that a letter be written indicating that the City Council will consider Industrial Revenue Bonds as a way of financing the proposed St. John's Hospital.

Seconded by Councilmember Anderson.

Ayes - all.

F. PUBLIC HEARINGS (continued)

3. 7:30 P.M. - Rezoning: Larpenteur Avenue and Parkway Drive

a. Mayor Greavu convened the meeting for a public hearing regarding a request for a zone change from BC (Business Commercial) to R-3 (multiple dwelling) the property known as the Maple Hills Golf Course and driving range. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of a resolution rezoning the Maple Hills Golf Course and the Bennington Woods property from BC, business commercial to R-3, residence district (multiple dwelling).

Commissioner Sletten seconded . Ayes - Commissioners Prew, Barrett, Fischer, Sigmundik, Sletten, Whitcomb."

d. Mr. Dave Biggs, Woodmark, Inc., spoke on behalf of the proposal.

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

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

Mrs. Robert Johnson, 207 W. Kenwood Drive, presented a petition signed by area residents opposing the rezoning.

Mr. Robert Anderson, 211 W. Kenwood Drive.

Mr. Carl Peterson, 1951 W. Kenwood Drive.

The resident at 734 E. Larpenteur Avenue.

g. Mayor Greavu closed the public hearing.

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

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WHEREAS, the City of Maplewood initiated a rezoning from BC , business commercial to R-3, multiple residential for the following described property:

Subject to roads and easements and vacated streets adjacent to: Southwest triangular portions of lots 13 and 14, measured as 75 feet on southline of lot 14 to the northeast corner of lot 13; and all of lots 15 - 30 lot B Moores Garden lots, except that part south and west of the following described line: commencing at the southwest corner of lot 2, thence north 564.09 feet to point of beginning, thence south $84^{\circ} 39''$ for 571.71 feet, thence S $17^{\circ} 45.5''$ E for 203.77 feet, thence S $74^{\circ} 42''$ E 172.71 feet MOL and except 98.5 feet MOL by 208.5 foot MOL tract adjacent to Parkway Drive to road, beginning at the southwest corner of lot 2, thence east on the south line of said lot 417.61 feet, thence north 224.55 feet, thence north $N61^{\circ} 18''$ east for 210.22 feet thence N $17^{\circ} 45.5''$ W for 197.52 feet, thence N $84^{\circ} 39''$ W for 541.37 feet to the west line of lot 2, thence south on west line 564.09 feet to beginning, Moores Garden Lots, Section 17, Township 29, Range 22;

This property is also known as the Maple Hills Golf Course and driving range.

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

1. This rezoning was initiated by the City of Maplewood, pursuant to Chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on March 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 April 11, 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.

Seconded by Councilmember Maida.

Ayes - all.

4. 7:45 P.M. Assessment Hearing - Project 80-10

a. Mayor Greavu convened the meeting for the assessment roll for Trunk Highway

61 Improvement Project 80-10. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

c. Assistant City Engineer Dave Pillatzke presented the specifics of the proposed assessment roll.

d. City Attorney Patrick Kelly explained the procedures of the assessment hearing.

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

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

Mr. John Matson, 1230 E. County Road C

g. Mayor Greavu closed the public hearing.

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

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WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for the construction of the T.H. 61 Frontage Road as described in the files of the City Clerk as Project Number 80-10, and has amended such proposed assessment as it deems just;

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

1. Such proposed assessment, as amended, a copy of which is attached hereto and made a part hereof, it hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of 19 years, the first of the installments to be payable on or after the first Monday in January, 1984, and shall bear interest at the rate of percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from September 10, 1983, until December 31, 1983. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. It is hereby declared to be the intention of the Council to reimburse itself in the future for the portion of the cost of this improvement paid for from municipal funds by levying additional assessments, on notice and hearing as provided for the assessments herein made, upon any properties abutting on the improvement but not made, upon any properties abutting on the improvement but not herein assessed for the improvement, when changed conditions relating to such properties make such assessment feasible.
4. To the extent that this improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made, but which are not herein assessed therefore, it is hereby declared to be the intention of the Council, as authorized by Minnesota Statutes Section 420.051, to reimburse the City by adding

any portion of the cost so paid to the assessments levied for any of such later extension or improvements.

5. The Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County, and such assessments shall be collected and paid over in the same manner as other municipal taxes.

Seconded by Councilmember Bastian.

Ayes - all.

- i. Council established April 25, 1983 as the date to hear any assessment appeals.

5. 8:00 P.M. Alley Vacation between DeSoto Street and Burr Street

- a. Mayor Greavu convened the meeting for a public hearing regarding the request of Mr. Walter Laszcwski to vacate the alley lying directly east of DeSoto Street between Kingston Avenue and Ripley Avenue. The Clerk stated the hearing notice was in order and noted the dates of publication.

- b. Manager Evans presented the staff report.

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

"Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution vacating the alley except that part abutting lots six and seven.

Commissioner Whitcomb seconded.

Ayes - Commissioners Prew, Barrett, Fischer, Sigmundik, Sletten Whitcomb.

Commissioner Whitcomb moved the Planning Commission recommend to the City Council approval of the resolution vacating the alley abutting lots six and seven, subject to either

1. It is verified to the city by property stakes or survey that the garage on 1771 Burr Street is at least five feet from the west property line, or
2. If the garage does exist within the limits of the expanded lot, a variance for the five foot setback requirement is obtained or
3. A deed from 1778 DeSoto Street is presented to the city deeding the 7.5 feet of the alley abutting lots six and seven to 1771 Burr Street

before recording the vacation.

Commissioner Fischer seconded.

Ayes - Commissioners Prew, Barrett, Fischer, Sigmundik, Sletten, Whitcomb."

- d. Mr. Walt Laszcwski, the applicant, spoke on behalf of his request.

- e. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following expressed their opinions:

Mr. Al Griggs, 1771 Burr
Mrs. Mary Schrenkler, 1778 Burr

f. Mayor Greavu closed the public hearing.

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

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WHEREAS, Walter Laszcwski initiated proceedings to vacate the public interest in the following described real property:

The alley in block five, Kings Addition to the City of St. Paul, lying between the south line of Ripley Street and thr north line of Kingston Avenue, except that part abutting lots six and seven and lots 24 and 25

WHEREAS, the following adjacent properties are affected:

Lots 1-5, 8-23 and 26-30, block 5 Kings Addition to the City of St. Paul.

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

1. This vacation was initiated by Walter Laszcwski on February 18, 1983;
2. A majority of the owners of property abutting said alley have signed a petition for this vacation;
3. This vacation was reviewed by the Planning Commission on Marcy 21, 1983. The Planning Commission recommended to the City Council that this vacation be approved;
4. The City Council held a public hearing on April 11, 1983 to consider this vacation. Notice thereof was published and mailed pursuant to law. All persons present at this 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.

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

Lots 1-5, 8-23 and 26-30, block 5 Kings Addition to the City of St. Paul.

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

1. There is no need for a public alley over this right-of-way.

Seconded by Councilmember Maida.

Ayes - all.

6. 8:15 P.M. Rezoning: 1685 White Bear Avenue - Kentucky Fried Chicken

a. Mayor Greavu convened the meeting for a public hearing regarding a proposal to down zone the property at 1685 White Bear Avenue from BC, business commercial to R-1 single residence district. The Clerk stated the hearing notice was in order and noted the dates of publication.

b. Manager Evans presented the staff report.

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

"Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution rezoning this site to R-1, residence district (single dwelling).

Commissioner Barrett seconded.

Discussion as to whether the land use designation and the proposed zoning is appropriate for the property.

Voting on the motion: Ayes - Commissioners Fischer, Barrett, Sigmundik
Nays - Commissioners Prews, Sletten, Whitcomb.

Motion fails."

d. Mr. J. E. Brill, Jr., attorney representing Kentucky Fried Chicken, 1685 White Bear Avenue, spoke against the proposal.

e. Mayor Greavu called for persons who wished to be heard for or against the proposal. The following were heard:

Mr. Carl Kircher, 1709 White Bear Avenue
Mr. Harry Jonsson, 1717 White Bear Avenue.

f. Mayor Greavu closed the public hearing.

g. Councilmember Anderson moved to deny the request to down zone the property at 1685 White Bear Avenue from BC to R1 and to refer back to Planning Commission the question of zoning the property to BC (M).

Seconded by Councilmember Maida. Ayes - all.

Mayor Greavu moved to suspend the Rules of Procedures to discuss Item I-3.

Seconded by Councilmember Bastian. Ayes - all.

I. NEW BUSINESS

3. Ide Street Parking Restriction

a. Manager Evans presented a letter from several property owners on Ide Street north of Frost Avenue requesting reconsideration of the Council action to restrict parking. Staff has attempted to notify all the affected owners of the meeting.

b. Mrs. Donna Funk, Gladstone House, and Mr. Tim Klein, Ide Street, stated their positions.

c. Councilmember Bastian moved to reconsider the previous action taken by the Council to place No Parking signs on Ide Street for certain hours.

Seconded by Mayor Greavu. Ayes - all.

d. Councilmember Bastian moved to suspend the Rules of Procedures and placed

"No Parking" anytime signs on the east side of Ide Street.

Seconded by Councilmember Anderson.

Ayes - all.

H. UNFINISHED BUSINESS

1. Rezoning - Maryland Avenue and McKnight Road

a. Manager Evans presented the staff report.

b. Councilmember Anderson moved to rescind the action taken by the Council at the last meeting.

Seconded by Councilmember Juker. Ayes - all.

c. Councilmember Bastian moved to place this item on the May 9, 1983 agenda.

Seconded by Councilmember Anderson. Ayes - all.

2. Code Amendment: NC District - 2nd Reading

a. Manager Evans presented the staff report.

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

ORDINANCE NO.

DIVISION 5A. NC NEIGHBORHOOD COMMERCIAL DISTRICT

Section 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.

Section 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.

Section 36-128. Accessory uses.

1. Off-street parking.

2. Signs, in accordance with the sign ordinance.

Section 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.

Section 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.

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

Seconded by Councilmember Juker.

Ayes - all.

3. Inventory of Potential R-1 to R-3 Rezoning

- a. Manager Evans presented an inventory of undeveloped sites that are zoned F-farm residence or R-1 single residence district and designated on the land use plan for multiple dwelling development.
- b. Council directed staff to establish hearing dates.

I. NEW BUSINESS (continued)

1. Plan Modification - Project 81-12

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

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WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvement Project No. 81-12 and has let a construction contract therefore pursuant to Minnesota Statutes, chapter 429; and

WHEREAS, the construction plans and specifications have been previously approved; and

WHEREAS, the engineer has provided information relative to a plan amendment that is in the best interest of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the construction plans and specifications should be changed to cause construction of sidewalk to be made along the south boulevard of Holloway Avenue from

McKnight Road to the westerly lot line of the Ramsey County Open Space property and along the north boulevard from Margaret Street to Century Avenue.

Seconded by Councilmember Anderson.

Ayes - all.

2. Sterling Street - Holloway to Larpenteur

a. Manager Evans presented a letter from an area resident requesting the City reconsider its position on Sterling Street maintenance.

b. Councilmember Bastian moved to accept the letter and moved to table any action until such time as the overlay program is considered.

Seconded by Mayor Greavu.

Ayes - all.

4. Reconsideration - Hazelwood Street

a. Councilmember Juker presented a list of questions that she would like answered before taking any further action regarding the Hazelwood project.

b. Councilmember Juker moved to instruct staff to investigate her requests and submit a report.

Seconded by Councilmember Anderson.

Ayes - all.

c. Mr. Bill Gallagher, 2125 Hazelwood and Mr. Joe Saura, 2051 Hazelwood, discussed the problems.

J. VISITOR PRESENTATIONS

None.

K. COUNCIL PRESENTATIONS

1. Interviews

a. Council established interviews for prospective commission members on Wednesday, 6:30 P.M., April 20, 1983.

2. 3M Company

a. Council questioned what the settlement in the 3M case was.

b. Staff answered.

3. The Reporter

a. Councilmember Maida wished to thank the Maplewood Review Reporter, Jonathan Clyde Glass, for all his efforts.

4. City Hall

a. Councilmember Anderson commented on combining City Halls.

5. Senior Citizen Billing

a. Councilmember Anderson commented on how other cities handle senior citizen billing.

b. Staff will investigate.

6. Storm Sewer Assessment

a. Councilmember Anderson commented on his opinion that storm sewer assessments should be on an equal basis.

L. ADMINISTRATIVE PRESENTATIONS

1. Settlement

a. Manager Evans presented the staff report.

b. Mayor Greavu moved to approve the settlement in the amount of \$3,000.00 to Don M. Lattimore in regards to his lawsuit involving Project 77-14.

Seconded by Councilmember Anderson.

Ayes - all.

2. Police Vehicle

a. Manager Evans presented the staff report.

b. Mayor Greavu moved to approve the sale of the Police 1981 Chevrolet station wagon for \$1,000 to the Parkside Fire Department.

Seconded by Councilmember Anderson.

Ayes - all.

M. ADJOURNMENT

10:49 P.M.

City Clerk

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
122100	05/11/83	203.00	BLUE CROSS	INS PREMIUM
122100	05/11/83	203.00	BLLE CROSS	INS PREMIUM
122100	05/11/83	203.00-	BLUE CROSS	INS PREMIUM
122100	05/11/83	494.84	BLLE CROSS	INS PREMIUM
122100	05/11/83	494.84	BLUE CROSS	INS PREMIUM
122100	05/11/83	494.84-	BLLE CROSS	INS PREMIUM
122100	05/11/83	27.72	BLUE CROSS	INS PREMIUM
122100	05/11/83	27.72	BLLE CROSS	INS PREMIUM
122100	05/11/83	27.72-	BLLE CROSS	INS PREMIUM
122100	05/11/83	55.43-	BLLE CROSS	INS PREMIUM
122100	05/11/83	55.43	BLUE CROSS	INS PREMIUM
122100	05/11/83	55.43	BLLE CROSS	INS PREMIUM
122100	05/11/83	27.71	BLUE CROSS	INS PREMIUM
122100	05/11/83	27.71-	BLLE CROSS	INS PREMIUM
122100	05/11/83	27.71	BLLE CROSS	INS PREMIUM
122100	05/11/83	376.53-	BLLE CROSS	INS PREMIUM
122100	05/11/83	376.53	BLUE CROSS	INS PREMIUM
122100	05/11/83	376.53	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86-	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86	BLUE CROSS	INS PREMIUM
122100	05/11/83	110.86	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86-	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86	BLLE CROSS	INS PREMIUM
122100	05/11/83	110.86-	BLUE CROSS	INS PREMIUM
122100	05/11/83	173.42-	BLLE CROSS	INS PREMIUM
122100	05/11/83	173.42	BLLE CROSS	INS PREMIUM

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDCR	ITEM DESCRIPTION
122100	05/11/83	173.42	BLUE CROSS	INS PREMIUM
122100	05/11/83	16.63	BLUE CROSS	INS PREMIUM
122100	05/11/83	16.63	BLUE CROSS	INS PREMIUM
122100	05/11/83	16.63-	BLUE CROSS	INS PREMIUM
122100	05/11/83	155.48	BLUE CROSS	INS PREMIUM
122100	05/11/83	155.48-	BLUE CROSS	INS PREMIUM
122100	05/11/83	155.48	BLUE CROSS	INS PREMIUM
122100	05/11/83	219.66	BLUE CROSS	INS PREMIUM
122100	05/11/83	219.66-	BLUE CROSS	INS PREMIUM
122100	05/11/83	219.66	BLUE CROSS	INS PREMIUM
122100	05/11/83	476.37-	BLUE CROSS	INS PREMIUM
122100	05/11/83	476.37	BLUE CROSS	INS PREMIUM
122100	05/11/83	476.37	BLUE CROSS	INS PREMIUM
122100	05/11/83	175.44-	BLUE CROSS	INS PREMIUM
122100	05/11/83	175.44	BLUE CROSS	INS PREMIUM
122100	05/11/83	175.44	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94-	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94	BLUE CROSS	INS PREMIUM
122100	05/11/83	191.94-	BLUE CROSS	INS PREMIUM
122100	05/11/83	83.14	BLUE CROSS	INS PREMIUM
122100	05/11/83	83.14	BLUE CROSS	INS PREMIUM
122100	05/11/83	83.14-	BLUE CROSS	INS PREMIUM
122100	05/11/83	55.43-	BLUE CROSS	INS PREMIUM
122100	05/11/83	55.43	BLUE CROSS	INS PREMIUM
122100	05/11/83	55.43	BLUE CROSS	INS PREMIUM

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
122100	05/11/83	175.44	BLLE CROSS	IAS PREMIUM
122100	05/11/83	175.44-	BLUE CROSS	INS PREMIUM
122100	05/11/83	175.44	BLLE CROSS	INS PREMIUM
122100	05/11/83	240.02	BLLE CROSS	INS PREMIUM
122100	05/11/83	240.02	BLLE CROSS	IAS PREMIUM
122100	05/11/83	240.02-	BLLE CROSS	INS PREMIUM
		3,561.86 *		

122282	05/11/83	95.00	GOVT TRAINING	TRAVEL TRAINING
		95.00 *		

122502	05/11/83	8,627.02	MN STATE TREASURER	MOTOR VEH LIC PBL
122502	05/11/83	5,814.65	MN STATE TREASURER	MOTOR VEH LIC PBL
122502	05/11/83	270.00	MINN STATE TREAS	DRIVERS LIC PBL
122502	05/11/83	274.00	MN STATE TREASURER	DRIVERS LIC PBL
		14,985.67 *		

122540	05/11/83	137.91	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	1,362.92	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	319.14	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	446.20	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	129.18	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	3.60	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	129.20	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	10.82	MN MUTUAL LIFE	INSURANCE

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
122540	05/11/83	10.82	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	45.86	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	45.85	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	505.58	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	2,417.07	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	179.43	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	251.16	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	341.40	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	12.62	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	521.67	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	266.76	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	123.61	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	67.16	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	434.40	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	112.70	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	54.85	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	247.22	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	3.60	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	123.60	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	131.98	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	11.46	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	445.88	MN MUTUAL LIFE	INSURANCE
122540	05/11/83	18.68	MN MUTUAL LIFE	INSURANCE
		8,912.33 *		

122557	05/11/83	4,334.78	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	18.22	MN STATE TREAS PERA	PERA PBL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
122557	05/11/83	44.99	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	19.49	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	100.76	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	173.39	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	189.04	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	38.19	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	53.61	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	145.45	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	364.51	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	4,013.65	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	352.66	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	261.60	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	209.27	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	182.10	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	129.52	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	617.23	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	329.74	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	35.28	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	197.92	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	302.12	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	79.31	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	126.67	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	96.81	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	64.76	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	49.58	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	65.96	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	16.66	MN STATE TREAS PERA	PERA PBL
122557	05/11/83	421.79	MN STATE TREAS PERA	PERA PBL

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CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
122557	05/11/83	119.80	MN STATE TREAS PERA	PERA PBL
		13,154.86 *		

122085	05/11/83	15,000.00	PATRICIA FERRAZZO	SETTLEMENT
		15,000.00 *		

123086	05/11/83	62.40	THEODORE SCHEIDER	REFUND
		62.40 *		

124502	05/11/83	4,974.58	MN STATE TREAS	MOTOR VEH LIC PBL
124502	05/11/83	246.00	MN STATE TREAS	DRIVERS LIC PBL
		5,220.58 *		

125502	05/11/83	5,389.20	MN STATE TREAS	MOTOR VEH LIC PBL
125502	05/11/83	109.00	MN STATE TREAS	DRIVERS LIC PBL
		5,498.20 *		

125742	05/11/83	83.00	CLERK OF DISTR CT	CNTY DRIVERS LIC PBL
		83.00 *		

126472	05/11/83	93,787.28	METRO WASTE CONTR	SEWER CHARGE
		93,787.28 *		

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CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION

126502	05/11/83	2,556.75	MN STATE TREAS	MOTOR VEH LIC PBL
126502	05/11/83	308.00	MN STATE TREAS	DRIVERS LIC PBL
		2,864.75 *		

129015	05/11/83	324.20	AFSCME#2725	UNION DUES
129015	05/11/83	24.00	PETRO SUPERV ASSN	UNION DUES
129015	05/11/83	5.32	AFSCME#2725	UNION DUES
		353.52 *		

129153	05/11/83	12,762.50	CTY-CNTY EMPL C/U	CREDIT UN PBL
		12,762.50 *		

129167	05/11/83	40.34-	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	6.86	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	18.52	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	9.88	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	6.48	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	18.52	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	28.46	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	24.04	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	8.60	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	11.75	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	60.82	CONN GEN LIFE INS	INSURANCE PBL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
129167	05/11/83	437.91	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	38.17	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	27.12	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	46.76	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	25.75	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	98.38	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	74.42	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	7.44	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	41.13	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	68.88	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	18.10	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	25.75	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	20.76	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	14.64	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	11.33	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	14.96	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	3.66	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	71.70	CONN GEN LIFE INS	INSURANCE PBL
129167	05/11/83	27.30	CONN GEN LIFE INS	INSURANCE PBL
		1,227.75 *		

129330	05/11/83	573.24	ICMA RETIREMNT	DEFERR COMP
129330	05/11/83	102.96	ICMA RETIREMNT	DEFERR COMP
		676.20 *		

129373	05/11/83	145.00	ROSEMARY KANE	P/R DEDUCT
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1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		145.00 *		

129453	05/11/83	14,058.36	MAPLEWOOD STATE BK	FWT PBL
129453	05/11/83	187.50	MAPLEWOOD ST BNK	P.R DEDUCT
		14,245.86 *		

129502	05/11/83	4,017.50	MN STATE TREAS	MOTOR VEH LIC PBL
129502	05/11/83	133.00	MN STATE TREAS	DRIVERS LIC PBL
		4,150.50 *		

129540	05/11/83	310.00	MN MUTUAL LIFE INS	INS PBL
		310.00 *		

129562	05/11/83	640.00	MN TEAMSTERS	UNION DUES
		640.00 *		

129870	05/11/83	7,892.87	MN ST COMM REVENUE	SWT PBL
		7,892.87 *		

129087	05/11/83	53.76	RAYMOND FERNOW	REFUND
		53.76 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143008	05/12/83	4.14	ACE HARDWARE	SUPPLIES
143008	05/12/83	16.94	ACE HARDWARE	SUPPLIES
143008	05/12/83	10.88	ACE HARDWARE	SUPPLIES
143008	05/12/83	84.28	ACE HARDWARE	SUPPLIES
		116.24 *		
143009	05/12/83	13.28	ACRO-MINNESOTA INC	OFFICE SUPPLIES
		13.28 *		

143052	05/12/83	554.32	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	32.65	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	32.65	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	32.65-	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	26.75	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	31.85	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	265.65	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	30.15	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	24.25	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	93.00	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	48.50	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	80.75	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	80.95	ARNALS AUTO SERVICE	REPAIR MAINT VEH
143052	05/12/83	21.75	ARNALS AUTO SERVICE	REPAIR MAINT VEH
		1,290.57 *		

143056	05/12/83	671.80	ARTCRAFT PRESS INC	FINANCIAL REPORT

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		671.80 *		

143058	05/12/83	90.00	ARTS TOWING	TOWING
		90.00 *		

143080	05/12/83	49.50	BATTERY + TIRE WHSE	SUPPLIES VEH
		49.50 *		

143089	05/12/83	431.19	BERG-TCRSETH INC	SUPPLIES VEH
		431.19 *		

143097	05/12/83	68.53	BILL BOYER FCRD	SUPPLIES VEH
143097	05/12/83	57.08-	BILL BOYER FORD	SUPPLIES VEH
143097	05/12/83	598.88	BILL BOYER FCRD	SUPPLIES VEH
143097	05/12/83	51.34	BILL BOYER FORD	SUPPLIES VEH
		661.67 *		

143103	05/12/83	50.00	BCARD OF WATER COMM	PYM CONTRACT
143103	05/12/83	21.97	BOARD OF WATER COMM	PYM CONTRACT
143103	05/12/83	52.72	BOARD OF WATER COMM	PYM CONTRACT
		124.69 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143115	05/12/83	61.55	BROWN PHOTO	SUPPLIES
		61.55 *		

143147	05/12/83	85.99	CHAMPION AUTO STORES	SUPPLIES
143147	05/12/83	85.99	CHAMPION AUTO STORES	SUPPLIES
		171.98 *		

143155	05/12/83	1,038.99	CITY OF MOUNDS VIEW	PYM CONTRACT
143155	05/12/83	177.93	CITY OF MOUNDS VIEW	PYM CONTRACT
		1,216.92 *		

143161	05/12/83	53.50	CLUTCH + TRANSMISSIO	SUPPLIES VEH
		53.50 *		

143175	05/12/83	191.30	COPY DUPLICATING PRO	DUPLICATING COST
		191.30 *		

143177	05/12/83	3.90	COPY EQUIPMENT	OFFICE SUPPLIES
		3.90 *		

143193	05/12/83	370.00	CALEY PAT	PLUMBING INSP

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		370.00 *		
143194	05/12/83	14.88	FAUST DANIEL F	TRAVEL TRAINING
		14.88 *		

143205	05/12/83	17,075.50	DELAHUNT + VOTO CO	PYM CONTRACT
		17,075.50 *		

143215	05/12/83	40.00	DIAMOND RADIATOR REP	REPAIR MAINT VEH
143215	05/12/83	250.00	DIAMOND RADIATOR REP	REPAIR MAINT VEH
143215	05/12/83	35.00	DIAMOND RADIATOR REP	REPAIR MAINT VEH
		325.00 *		

143222	05/12/83	163.91	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	4.78	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	85.00	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	363.73	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	378.72	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	12.35	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	316.12	EASTMAN KODAK CO	DUPLICATING COSTS
143222	05/12/83	3,222.72	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	3,222.72-	EASTMAN KODAK CO	DUPLICATING COSTS
143222	05/12/83	322.72	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	3,222.72	EASTMAN KODAK CC	DUPLICATING COSTS
143222	05/12/83	3,222.72-	EASTMAN KODAK CC	DUPLICATING COSTS

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		1,647.33 *		

143237	05/12/83	97.65	FEDERAL LUMBER CO	SUPPLIES
		97.65 *		

143255	05/12/83	25.50	G+K SERVICES	UNIFORMS
143255	05/12/83	25.50	G+K SERVICES	UNIFORMS
143255	05/12/83	25.50	G+K SERVICES	UNIFORMS
143255	05/12/83	25.50	G+K SERVICES	UNIFORMS
143255	05/12/83	19.20	G+K SERVICES	UNIFORMS
143255	05/12/83	19.20	G+K SERVICES	UNIFORMS
143255	05/12/83	19.20	G+K SERVICES	UNIFORMS
143255	05/12/83	19.20	G+K SERVICES	UNIFORMS
143255	05/12/83	19.20	G+K SERVICES	UNIFORMS
143255	05/12/83	19.10	G+K SERVICES	UNIFORMS
143255	05/12/83	19.10	G+K SERVICES	UNIFORMS
143255	05/12/83	19.10	G+K SERVICES	UNIFORMS
143255	05/12/83	19.10	G+K SERVICES	UNIFORMS
143255	05/12/83	18.00	G+K SERVICES	UNIFORMS
143255	05/12/83	18.00	G+K SERVICES	UNIFORMS
143255	05/12/83	18.00	G+K SERVICES	UNIFORMS
143255	05/12/83	18.00	G+K SERVICES	UNIFORMS
		327.20 *		

143269	05/12/83	5.88	GENUINE PARTS CO	SUPPLIES VEH
143269	05/12/83	14.17	GENUINE PARTS CO	SUPPLIES VEH

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		20.05 *		

143276	05/12/83	53.04	GOODYEAR SERVICE STO	SUPPLIES VEH
143276	05/12/83	28.00	GOODYEAR SERVICE STO	REPAIR MAINT VEH
143276	05/12/83	4.50	GOODYEAR SERVICE STO	REPAIR MAINT VEH
143276	05/12/83	10.00	GOODYEAR SERVICE STO	REPAIR MAINT VEH
143276	05/12/83	203.16	GOODYEAR SERVICE STO	REPAIR MAINT VEH
		298.70 *		

143285	05/12/83	315.00	GRACE DUANE C	CONSULTING INSP
143285	05/12/83	356.25	GRACE DUANE C	CONSULTING INSP
		671.25 *		

143301	05/12/83	57.00	HEJNY RENTALS INC	RENTAL
		57.00 *		

143332 *	05/12/83	62.40	IND SCHOOL DIST 622	PRINTING
143332	05/12/83	115.25	IND SCHOOL DIST 622	PRINTING
143332	05/12/83	964.92	IND SCHOOL DIST 622	CUSTODIAL
		1,142.57 *		

143395	05/12/83	2,126.25	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	11.25	LAIS BANNIGAN + KELL	MARCH SERVICES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143395	05/12/83	11.25	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	810.00	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	22.50	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	112.50	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	303.75	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	90.00	LAIS BANNIGAN + KELL	MARCH SERVICES
143395	05/12/83	3,318.75	LAIS BANNIGAN + KELL	MARCH SERVICES
		6,806.25 *		
143396	05/12/83	42.00	LAKE SANITATION	RUBBISH REMOVAL
143396	05/12/83	127.50	LAKE SANITATION	RUBBISH REMOVAL
		169.50 *		

143408	05/12/83	21.00	LAW ENFORCEMENT EQUI	Film Rental
		21.00 *		

143435	05/12/83	16.62	MACQUEEN EQUIPMENT I	SUPPLIES VEH
		16.62 *		

143440	05/12/83	14.28	PANDO PHOTO	Film Processing
		14.28 *		

143452	05/12/83	123.09	MAPLEWOOD REVIEW	PUBLISHING
		123.09 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDGR	ITEM DESCRIPTION

143565	05/12/83	40.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	60.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	900.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	300.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	40.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	60.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
143565	05/12/83	280.00	MITCHELL WINFIELD A	PROFESSIONAL SERV
		1,680.00 *		

143586	05/12/83	3.00-	MUNIC + PRIVATE SERV	ANIMAL CONTROL
143586	05/12/83	718.50	MUNIC + PRIVATE SERV	ANIMAL CONTRCL
		715.50 *		

143592	05/12/83	72.00	MUNICILITE CO	SUPPLIES VEH
		72.00 *		

143647	05/12/83	53.10	NORTH ST PAUL CITY	UTILITIES
143647	05/12/83	1,475.22	NORTH ST PAUL CITY	UTILITIES
		1,528.32 *		

143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	8.97	NORTHERN STATES POWE	UTILITIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143658	05/12/83	2.40-	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	786.92	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	3.53	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	2.40	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	36.05	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	129.42	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	414.14	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	124.69	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	170.11	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	7.06	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	7.06-	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	81.95	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	4.25	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	4.25	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	7.06	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	4.25	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	5.95	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	417.18	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	262.73	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	182.42	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	95.46	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	61.68	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	4.31-	NORTHERN STATES POWE	UTILITIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143658	05/12/83	217.16	NORTHERN STATES POWE	UTILITIES
143658	05/12/83	227.36	NORTHERN STATES POWE	UTILITIES
		3,255.62 *		

143660	05/12/83	205.40	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	37.57	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	1,259.21	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	49.37	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	5.47	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	39.79	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	42.97	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	42.97	NORTHWESTERN BELL TE	TELEPHONE
143660	05/12/83	42.97	NORTHWESTERN BELL TE	TELEPHONE
		1,725.72 *		

143669	05/12/83	6.00	NOTES ON LAVERNE	TRAVEL TRAINING
		6.00 *		

143688	05/12/83	7.46	PARK MACHINE INC	SUPPLIES VEH
		7.46 *		

143694	05/12/83	2,075.00	PETERSON, BELL + CONV	RETAINER PROS ATT
		2,075.00 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143702	05/11/83	294.00	PITNEY BOWES	RENTAL CONTRACT
		294.00 *		

143738	05/12/83	60.00	RAMSEY COUNTY CHIEFS	TRAVEL TRAINING
		60.00 *		

143756	05/12/83	10.00	RAMSEY COUNTY TREASU	SERVICES-TAXES
		10.00 *		

143762	05/12/83	99.40	REEDS SALES + SERVIC	SUPPLIES
143762	05/12/83	98.98	REEDS SALES + SERVIC	SUPPLIES
		198.38 *		

143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	13.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	18.00	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	22.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	18.00	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	9.00	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	5.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	18.00	RICE STREET CAR WASH	VEH MAINT

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143768	05/12/83	13.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	22.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT
143768	05/12/83	4.50	RICE STREET CAR WASH	VEH MAINT

172.00 *

143792	05/12/83	6.25	RUGGED RENTAL RUGS	RUGS CLEANED
143792	05/12/83	40.65	RUGGED RENTAL RUGS	RUGS CLEANED
143792	05/12/83	40.65	RUGGED RENTAL RUGS	RUGS CLEANED
143792	05/12/83	6.25	RUGGED RENTAL RUGS	RUGS CLEANED

93.80 *

143794	05/12/83	61.25	RYCO SUPPLY CO	SUPPLIES
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61.25 *

143798	05/12/83	20.07	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	50.53	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	72.36	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	.78	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	12.75	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	70.54	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	36.82	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	5.18-	S + T OFFICE PRODUCT	OFFICE SUPPLIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143798	05/12/83	20.74	S + T OFFICE PRODUCT	OFFICE SUPPLIES
143798	05/12/83	15.36	S + T OFFICE PRODUCT	OFFICE SUPPLIES
		294.77 *		

143802	05/12/83	2,987.67	SCHOELL + MADSON INC	PYM CONTRACT
		2,987.67 *		

143810	05/12/83	43.96	SEARS ROEBUCK + CO	SUPPLIES
143810	05/12/83	84.71	SEARS ROEBUCK + CO	SUPPLIES
		128.67 *		

143841	05/12/83	649.75	ST PAUL CITY OF	REPAIR MAINT VEH
143841	05/12/83	28.00	ST PAUL CITY OF	REPAIR MAINT VEH
		677.75 *		

143855	05/12/83	25.00	STAPLES PAULINE	GAS
		25.00 *		

143874	05/12/83	125.23	STD SPRING & ALIGN	REPAIR MAINT VEH
		125.23 *		
143875	05/12/83	555.00	STREICHER GUNS INC	EQUIPMENT
		555.00 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION

143890 *	05/12/83	3.19	TARGET STORES INC	OFFICE SUPPLIES
143890	05/12/83	20.50	TARGET STORES INC	SUPPLIES PROG
143890	05/12/83	28.44	TARGET STORES INC	SUPPLIES PROG
		52.13 *		

143902	05/12/83	125.68	TOLZ KING DUVALL	PYM CONTRACT
143902	05/12/83	3,140.14	TCLZ KING DUVALL	PYM CONTRACT
		3,265.82 *		

143922	05/12/83	56.53	TWIN CITY HARDWARE C	SUPPLIES
143922	05/12/83	61.73	TWIN CITY HARDWARE C	SUPPLIES
143922	05/12/83	11.59	TWIN CITY HARDWARE C	SUPPLIES
		129.85 *		

143955	05/12/83	20.75	VW EIMICKE ASSOC INC	OFFICE SUPPLIES
143955	05/12/83	20.75	VW EIMICKE ASSOC INC	OFFICE SUPPLIES
		41.50 *		

143957	05/12/83	5.66	WARNERS TRUEVALUE HD	SUPPLIES JAN
143957	05/12/83	29.83	WARNERS TRUEVALUE HD	SUPPLIES VEH
143957	05/12/83	2.49	WARNERS TRUEVALUE HD	SUPPLIES VEH
		37.98 *		

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CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION

143960	05/12/83	350.87	WEBER + TROSETH INC	REPAIR MAINT VEH
143960	05/12/83	41.66	WEBER + TROSETH INC	REPAIR MAINT VEH
143960	05/12/83	12.00	WEBER + TROSETH INC	REPAIR MAINT VEH
143960	05/12/83	6.00	WEBER + TROSETH INC	REPAIR MAINT VEH
143960	05/12/83	9.50	WEBER + TROSETH INC	REPAIR MAINT VEH
		420.03 *		

143968	05/12/83	51,067.20	WHITE BEAR DODGE INC	EQUIPMENT
143968	05/12/83	17,022.40	WHITE BEAR DODGE INC	EQUIPMENT
		68,089.60 *		

143978	05/12/83	135.37	XEROX CORPORATION	DUPLICATING COSTS
143978	05/12/83	135.36	XEROX CORPORATION	DUPLICATING COSTS
		270.73 *		

143A51	05/11/83	9.00	HOUCK MILDRED	REFUND
		9.00 *		

143B11	05/12/83	5,734.22	MORSE CLINTON	PROFESSIONAL SERI
143B11	05/12/83	18.68	MORSE CLINTON	PROFESSIONAL SERI
		5,752.90 *		

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
143C13	05/11/83	5.20	ALBINSON	OFFICE SUPPLIES
		5.20 *		

143C17	05/11/83	101.00	FULLERS RADIO	REPAIR MAINT EQUI
		101.00 *		

143D17	05/11/83	181.54	KREBS ENTERPRISES	REPAIR MAINT VEH
		181.54 *		

143D23	05/11/83	26.00	PLAQUES PLUS INC	OFFICE SUPPLIES
143D23	05/11/83	26.00	PLAQUES PLUS INC	OFFICE SUPPLIES
		52.00 *		

143E01 *	05/11/83	10.00	BECK EECKY L	REFUND
		10.00 *		
143E02	05/11/83	10.00	BERGLUND MARCIE	REFUND
		10.00 *		
143E03 *	05/11/83	9.00	CALEGUIRE MARGARET	REFUND
		9.00 *		
143E04	05/11/83	22.90	DOSTER SALES & SERV	SUPPLIES VEH
		22.90 *		
143E05	05/11/83	188.55	HARMON GLASS	REPAIR MAINT VEH

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		188.55 *		
143E06	* 05/11/83	8.00	HASKINS MILLIE	REFUND
		8.00 *		
143E07	* 05/11/83	10.00	HELLAND ARTHUR	REFUND
		10.00 *		
143E08	05/11/83	23.01	HORSNELL JUDITH A	TRAVEL TRAINING
		23.01 *		
143E09	* 05/11/83	18.00	KIEWEL FRED	REFUND
		18.00 *		
143E10	* 05/11/83	10.00	KING GEORGIANNA	REFUND
		10.00 *		

143E12	05/11/83	9.00	KROLL JUDY	REFUND
143E12	05/11/83	Void	3.75	SUPPLIES
143E12	05/11/83		3.75	SUPPLIES
			-16.50	
143E13	* 05/11/83	18.00	LARSON BEV	REFUND
		18.00 *		
143E14	* 05/11/83	11.00	LYNCH AMY	REFUND
		11.00 *		
143E15	05/11/83	104.50	MN CORRECTIONAL IND	REPAIR MAINT VEH
		104.50 *		
143E16	05/11/83	24.50	NO ST PAUL KIRBY	SUPPLIES

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		24.50 *		
143E17	05/11/83	15.54	NORTHWOOD HDW	SUPPLIES
		15.54 *		
143E18	05/11/83	25.00	PARRANTC JE &	REFUND
		25.00 *		
143E19	05/11/83	93.90	P B PLASTIC ENTER	OFFICE SUPPLIES
		93.90 *		

143E21 *	05/11/83	18.00	SCHOENECKER EILEEN	REFUND
		18.00 *		
143E22 *	05/11/83	9.00	SMITH PATRICIA	REFUND
		9.00 *		
143E23	05/11/83	13.00	SPECIALTY RADIC SERV	REPAIR MAINT EQU
		13.00 *		
143E24 *	05/11/83	20.00	STEEBER MICHAEL	REFUND
		20.00 *		
143E25 *	05/11/83	73.47	U.S.GAMES	PROGRAM SUPPLIES
143E25	05/11/83	107.31	U.S.GAMES	PRCGRAM SUPPLIES
143E25	05/11/83	109.02	U.S.GAMES	PRCGRAM SUPPLIES
143E25	05/11/83	696.00	U.S.GAMES,	PROGRAM SUPPLIES
143E25	05/11/83	169.42	U.S.GAMES	PROGRAM SUPPLIES
		1,155.22 *		
143E26	05/11/83	35.10	VIKING ELEC SUPPLY	SUPPLIES

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CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		35.10 *		
143E27 *	05/11/83	50.00	WARD ROY	REFUND
		50.00 *		
143E28	05/11/83	3.88	WARZEKA RICHARD	SUPPLIES
143E28	05/11/83	3.88	WARZEKA RICHARD	SUPPLIES
		7.76 *		
143E29	05/11/83	20.00	WRIGHT DR MAY	SPEAKER
		20.00 *		

143E31	05/11/83	20.00	HELEY ROLAND	UNIFORMS
		20.00 *		
143E32	05/11/83	88.91	HALWEG KEVIN R	UNIFORMS
		88.91 *		
143E33 *	05/12/83	268.50	SWANK PICTURES INC	FILM RENTAL
		268.50 *		

183255	05/12/83	19.10	G+K SERVICES	UNIFORMS
183255	05/12/83	19.10-	G+K SERVICES	UNIFORMS
183255	05/12/83	19.10-	G+K SERVICES	UNIFORMS
183255	05/12/83	19.10	G+K SERVICES	UNIFORMS
		.00 *		

***** * INDICATES ITEMS FINANCED BY RECREATIONAL FEES
 208,865.56 FUNC 01 TOTAL

1983 CITY OF MAPLEWOOD

CHECK REGISTER

CHECK NO.	DATE	AMOUNT	VENDOR	ITEM DESCRIPTION
		17,022.40	FUNC 02	TOTAL
		717.69	FUNC 03	TOTAL
		11.25	FUNC 36	TOTAL
		11.25	FUNC 37	TOTAL
		40.00	FUNC 39	TOTAL
		60.00	FUNC 41	TOTAL
		1,710.00	FUNC 43	TOTAL
		22.50	FUNC 45	TOTAL
		2,987.67	FUNC 47	TOTAL
		412.50	FUNC 50	TOTAL
		343.75	FUNC 51	TOTAL
		90.00	FUNC 58	TOTAL
		125.68	FUNC 61	TOTAL
		21.97	FUNC 68	TOTAL
		60.00	FUNC 75	TOTAL
		280.00	FUNC 76	TOTAL
		52.72	FUNC 80	TOTAL
		3,140.14	FUNC 81	TOTAL
		99,284.77	FUNC 90	TOTAL
		2,252.31	FUNC 96	TOTAL
		337,495.66	TOTAL	

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0002	484369671	BEHM	LOIS	N 0503-00001	445.31 ()
0002	206242018	EVANS	BARRY	R 0503-00002	1,121.32 ()
0002					1,566.63 *
0010	473664474	JAHN	DAVID	J 0503-00003	117.45 ()
0010	475143603	PELOQUIN	ALFRED	J 0503-00004	63.21 ()
0010	469869481	SCHLEICHER	JOHN	F 0503-00005	0.00 (X)
0010					180.66 *
0011	475500285	MCPHERSON	JOANNE	F 0503-00006	26.00 ()
0011					26.00 *
0012	357340166	CUDE	LARRY	J 0503-00007	148.43 ()
0012	470520124	DOHERTY	KATHLEEN	M 0503-00008	232.78 ()
0012	471400908	ZUERCHER	JOHN	L 0503-00009	119.65 ()
0012					500.86 *
0021	469501078	FAUST	DANIEL	F 0503-00010	977.13 ()
0021					977.13 *
0022	469200614	HAGEN	ARLINE	J 0503-00011	431.70 ()
0022	390444446	MATHEYS	ALANA	K 0503-00012	488.73 ()
0022	476704432	MOELLER	MARGARET	A 0503-00013	0.00 (X)
0022	473327550	VIGOREN	DELORES	A 0503-00014	379.33 ()
0022					1,299.76 *
0031	471322198	AURELIUS	LUCILLE	E 0503-00015	818.26 ()
0031	474264816	SELVOG	BETTY	D 0503-00016	482.03 ()
0031					1,300.29 *
0032	476269815	SCHADT	JEANNE	L 0503-00017	291.75 ()
0032					291.75 *
0033	477288389	GREEN	PHYLLIS	C 0503-00018	529.69 ()
0033	472244994	HENSLEY	PATRICIA	A 0503-00019	187.73 ()
0033	476620547	KELSEY	CONNIE	L 0503-00020	170.20 ()
0033	468364435	VIETOR	LORRAINE	S 0503-00021	406.18 ()
0033					1,293.80 *
0034	037144969	FREDERICKSON	RITA	M 0503-00022	0.00 (X)
0034	474097528	STOTTLEMYER	EDITH	G 0503-00023	0.00 (X)
0034					

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0041	184440036	BASTYR	DEB ORAH A 0503-00024	303.07	()
0041	468461717	COLLINS	KENNETH V 0503-00025	220.79	()
0041	392240565	HAGEN	THOMAS L 0503-00026	420.11	()
0041	477227636	OMATH	JOY E 0503-00027	376.41	()
0041	471502356	RICHIE	CAROLE L 0503-00028	324.41	()
0041	468602934	SVEND SEN	JOANNE M 0503-00029	465.15	()
0041				2,109.94 *	
0042	477481364	ARNOLD	DAVID L 0503-00030	347.97	()
0042	471402115	ATCHISON	JOHN H 0503-00031	666.56	()
0042	469689867	BOWMAN	RICK A 0503-00032	435.82	()
0042	468461930	CLAUSON	DALE K 0503-00033	206.12	()
0042	476446119	DREGER	RICHARD C 0503-00034	705.86	()
0042	470267887	GREEN	NORMAN L 0503-00035	642.19	()
0042	469568516	HALWEG	KEVIN R 0503-00036	532.85	()
0042	469820466	HEINZ	STEPHEN J 0503-00037	544.30	()
0042	473604916	HERBERT	MICHAEL J 0503-00038	532.37	()
0042	476528607	JAGUI TH	DANIEL R 0503-00039	578.62	()
0042	392760009	KARIS	FLINT D 0503-00040	440.55	()
0042	472222231	KORTUS	DONALD V 0503-00041	212.33	()
0042	471563591	LANG	RICHARD J 0503-00042	524.62	()
0042	468181347	MCNULTY	JOHN J 0503-00043	192.93	()
0042	474607686	MEHAN, JR	JAMES E 0503-00044	605.24	()
0042	471627417	METTLER	DANIEL B 0503-00045	669.37	()
0042	469442063	MOESCHTER	RICHARD M 0503-00046	139.43	()
0042	476340990	MORELLI	RAYMOND J 0503-00047	662.82	()
0042	475323183	NELSON	ROBERT D 0503-00048	759.95	()
0042	468462884	PELTIER	WILLIAM F 0503-00049	600.34	()
0042	470520457	SKALMAN	DONALD W 0503-00050	155.33	()
0042	473548226	STAFNE	GREGORY L 0503-00051	604.65	()
0042	471721204	STEFFEN	SCOTT L 0503-00052	196.41	()
0042	471500251	STILL	VERNON T 0503-00053	549.93	()
0042	471629204	STOCKTON	DARRELL T 0503-00054	667.50	()
0042	474260130	ZAPPA	JOSEPH A 0503-00055	637.79	()
0042				12,811.85 *	
0043	475548434	BECKER	RONALD D 0503-00056	216.14	()
0043	469441789	GRAF	DAVID M 0503-00057	526.14	()
0043	476401388	LEE	ROGER W 0503-00058	618.99	()
0043	473567791	MELANDER	JON A 0503-00059	28.74	()
0043	468360918	NELSON	CAROL M 0503-00060	795.67	()
0043	471504316	RAZSKAZOFF	DALE E 0503-00061	595.60	()
0043	471564801	RYAN	MICHAEL P 0503-00062	465.41	()
0043	474486071	VORWERK	ROBERT E 0503-00063	231.73	()
0043	469502201	YOUNGREN	JAMES G 0503-00064	638.48	()
0043				4,116.90 *	
0045	471401878	EMBERTSON	JAMES M 0503-00065	660.04	()

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0045	472242227	SCHADT ALFRED	C 0503-00066	712.16	()
0045				1,372.20 *	
0046	468401899	CAHANES ANTHONY	G 0503-00067	146.59	()
0046	477627236	FLAUGHER JAYME	L 0503-00068	491.68	()
0046	475587232	FULLER JAMES	D 0503-00069	467.49	()
0046	473807030	MARTIN SHAWN	M 0503-00070	392.32	()
0046	472365919	NELSON KAREN	A 0503-00071	427.62	()
0046	468600183	RABINE JANET	L 0503-00072	392.32	()
0046	475363333	WILLIAMS DUANE	J 0503-00073	470.54	()
0046				2,788.56 *	
0051	471440267	BARTA MARIE	L 0503-00074	261.33	()
0051	473566872	HAI DER KENNETH	G 0503-00075	171.25	()
0051	504483174	WEGWERTH JUDITH	A 0503-00076	357.34	()
0051				789.92 *	
0052	496308314	CASS WILLIAM	C 0503-00077	594.21	()
0052	471526254	FREBERG RONALD	L 0503-00078	333.55	()
0052	502544337	HELEY RONALD	J 0503-00079	547.22	()
0052	471601083	HOCHBAN JOSEPH	H 0503-00080	565.26	()
0052	471501241	KANE MICHAEL	R 0503-00081	394.91	()
0052	468363473	KLAUS ING HENRY	F 0503-00082	481.12	()
0052	471500547	MEYER GERALD	M 0503-00083	441.36	()
0052	468166755	PRETTNER JOSEPH	B 0503-00084	750.94	()
0052	472241484	REINERT EDWARD	A 0503-00085	547.65	()
0052	470346224	TEVLIN, JR HARRY	J 0503-00086	172.07	()
0052				4,828.29 *	
0053	472481010	ELIAS JAMES	G 0503-00087	571.67	()
0053	167246109	GEISSLER WALTER	M 0503-00088	576.11	()
0053	501464671	GESSELE JAMES	T 0503-00089	663.04	()
0053	475441688	PECK DENNIS	L 0503-00090	489.77	()
0053	476622458	PILLATZKE DAVID	J 0503-00091	778.75	()
0053	472662522	PRIEBE WILLIAM	0503-00092	479.01	()
0053				3,556.35 *	
0054	475601431	LUTZ DAVID	P 0503-00093	389.91	()
0054				389.91 *	
0058	471562563	BREHE IM ROGER	M 0503-00094	498.94	()
0058	477602582	EDSON DAVID	B 0503-00095	578.07	()
0058	470541590	MULWE E GEORGE	M 0503-00096	465.72	()
0058	471501014	NADEAU EDWARD	A 0503-00097	488.20	()
0058	468361720	RUTES CN LAVERNE	S 0503-00098	396.01	()
0058	471365993	OWEN GERALD	C 0503-00099	508.92	()
0058				2,935.86 *	

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0059	476249760	MACDONALD	JOHN E 0503-00100	460.39	()
0059	475501000	MULVANEY	DENNIS M 0503-00101	615.31	()
0059				1,075.70 *	
0061	477301066	BRENNER	LOIS J 0503-00102	205.69	()
0061	468341993	KRUMMEL	BARBARA A 0503-00103	137.98	()
0061	473260389	ODEGARD	ROBERT D 0503-00104	878.74	()
0061	468582618	STAPLES	PAULINE 0503-00105	693.78	()
0061				1,916.19 *	
0062	473709024	BAUER	ALAN H 0503-00106	0.00	(X)
0062	471447219	BURKE	MYLES R 0503-00107	73.39	()
0062	474608182	GERMAIN	DAVID A 0503-00108	544.31	()
0062	472303411	GUSINDA	MELVIN J 0503-00109	765.25	()
0062	474924209	HAAG	MATTHEW J 0503-00110	120.00	()
0062	502544121	HELEY	ROLAND B 0503-00111	559.09	()
0062	473969784	HUNTER	TONY 0503-00112	118.51	()
0062	471748313	LIBHARDT	THOMAS D 0503-00113	0.00	(X)
0062	473565506	MARUSKA	MARK A 0503-00114	663.27	()
0062	474078128	RASCHKE	ALBERT F 0503-00115	26.27	()
0062	477646662	SANDQUIST	THOMAS J 0503-00116	0.00	(X)
0062	476203439	SAATA	REED E 0503-00117	0.00	(X)
0062	474845176	SPANNBAUER	MARTIN J 0503-00118	0.00	(X)
0062	473660035	STARK	RICHARD E 0503-00119	0.00	(X)
0062				2,870.09 *	
0063	471801203	ASHTON	KATERI D 0503-00120	0.00	(X)
0063	270483797	BLACK	WILLIAM J 0503-00121	63.65	()
0063	471901502	BOYD	JEFFREY A 0503-00122	0.00	(X)
0063	474442474	BUNKE	RICHARD H 0503-00123	0.00	(X)
0063	476924605	CASSEDAY	ELIZABETH J 0503-00124	0.00	(X)
0063	473684976	CASSEDAY	MARY K 0503-00125	0.00	(X)
0063	468684857	CERNIUS	DAVID G 0503-00126	0.00	(X)
0063	472844611	DALLUGE	MATTHEW D 0503-00127	0.00	(X)
0063	470880293	DELMONT	LISA M 0503-00128	0.00	(X)
0063	474829219	DIEBEL	JERRY D 0503-00129	0.00	(X)
0063	471884448	GALBRAITH	MICHAEL D 0503-00130	0.00	(X)
0063	476686996	HERBER	KARIN J 0503-00131	0.00	(X)
0063	474743915	KORTUS	JAMES M 0503-00132	0.00	(X)
0063	468984515	KRUMMEL	BECKY J 0503-00133	0.00	(X)
0063	477829499	KRUMMEL	ROGER C 0503-00134	0.00	(X)
0063	469929687	KYRK	JODI A 0503-00135	0.00	(X)
0063	474889823	LANGELETT	STEVEN E 0503-00136	0.00	(X)
0063	469953553	LARKIN	HOLLY A 0503-00137	0.00	(X)
0063	473700729	MAHRE	MICHELE A 0503-00138	0.00	(X)
0063	473869923	MCCULLOM	JULIE A 0503-00139	0.00	(X)
0063	474966150	MIHELICH	CINDI L 0503-00140	0.00	(X)
0063	473903822	NIELSEN	RONALD C 0503-00141	0.00	(X)

DEPT-NO	EMPL-NO	EMPLOYEE NAME	CHECK-NO	AMOUNT	CLEARED
0063	476863802	PAULETTI ANTHONY	A 0503-00142	0.00	(X)
0063	477629606	RASCHKE JEFFERY	J 0503-00143	39.43	()
0063	472986940	RICHIE STACY	L 0503-00144	0.00	(X)
0063	469927221	ROTH VINCE	C 0503-00145	0.00	(X)
0063	468946400	RYDEN DENISE	0503-00146	0.00	(X)
0063	473686517	SANDQUIST KATHRYN	E 0503-00147	0.00	(X)
0063	477869067	SPANNBAUER DAWN	M 0503-00148	0.00	(X)
0063	469742645	SPANNBAUER KATHLEEN	G 0503-00149	0.00	(X)
0063	477920170	STRAUS LAURA	J 0503-00150	0.00	(X)
0063	472821395	SULLIVAN NANCY	J 0503-00151	42.00	()
0063	471528238	TATE PETER	W 0503-00152	0.00	(X)
0063	470626422	TAUBMAN DOUGLAS	J 0503-00153	533.93	()
0063	475904189	TOWNLEY MICHAEL	F 0503-00154	0.00	(X)
0063	475783041	VIETOR WENDY	L 0503-00155	0.00	(X)
0063	470963203	WALLACE JON	T 0503-00156	0.00	(X)
0063	475747042	WARD KERI	L 0503-00157	0.00	(X)
0063	396324246	WARD ROY	G 0503-00158	257.50	()
				936.51 *	
0064	151440508	GREW JANET	M 0503-00159	464.64	()
0064	471384624	HORSNELL JUDITH	A 0503-00160	520.47	()
0064	474542163	SOUTTER CHRISTINE	0503-00161	486.04	()
				1,471.15 *	
0071	389448993	CHLEBECK JUDY	M 0503-00162	318.72	()
0071	470540551	OLSON GEOFFREY	W 0503-00163	739.67	()
				1,058.39 *	
0072	477627178	EKSTRAND THOMAS	G 0503-00164	484.88	()
0072	475608505	JOHNSON RANDALL	L 0503-00165	530.45	()
				1,015.33 *	
0073	476090677	OSTROM MARJORIE	0503-00166	731.06	()
				731.06 *	
0074	387520776	WENGER ROBERT	J 0503-00167	507.46	()
				507.46 *	
GRAND TOTAL				56,718.54	

COUNT 00167

MEMORANDUM

E-2

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Home Occupation Renewal
LOCATION: 2125 White Bear Avenue
APPLICANT/OWNER: Shirley Trebesch
PROJECT: Village Beauty Shop
DATE: May 4, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

Request

Renewal of a permit for a beauty shop home occupation.

Comments

All conditions are being met. There have been no complaints received from neighbors. A license for 1983 must also be obtained.

Recommendation

Approval to renew the home occupation for a beauty shop at 2125 White Bear Avenue, subject to the following conditions:

1. The permit shall be reviewed by the city council in five years.
2. The applicant shall keep the existing fire extinguisher in the salon area.
3. On-street parking by customers shall be discouraged.
4. No expansion of the permit in any way shall occur without the approval of the city council.
5. Operation be limited to two chairs.
6. The applicant shall obtain an annual home occupation license from the city clerk.

BACKGROUND

Past Actions

5-17-73: Council approved the home occupation subject to nine conditions.

7-6-78: Council approved a renewal of this home occupation, subject to the following conditions:

1. The permit shall be reviewed every five years by the city council;
2. The permit shall be subject to revocation by the city council upon justified complaints;
3. The sign shall be removed from the front yard and mounted on the house to meet the sign code;
4. A fire extinguisher shall be installed in the salon area;
5. Conditions number 3, 4, 6, 7 and 8 shall remain in force from the original approval of May 17, 1973;
(Original conditions:
 3. The permit shall not be transferable;
 4. The permit shall be subject to revocation by the Village Council upon justified complaints;
 6. No on-street parking by customers shall be encouraged, and an improved off-street parking area which is properly hard surfaced and landscaped shall be required on the property;
 7. Operation be limited to two chairs;
 8. No expansion of the permit in any way shall occur without the approval of the Village Council.)
6. Owner and applicant agree to the above conditions in writing.

Code Requirements

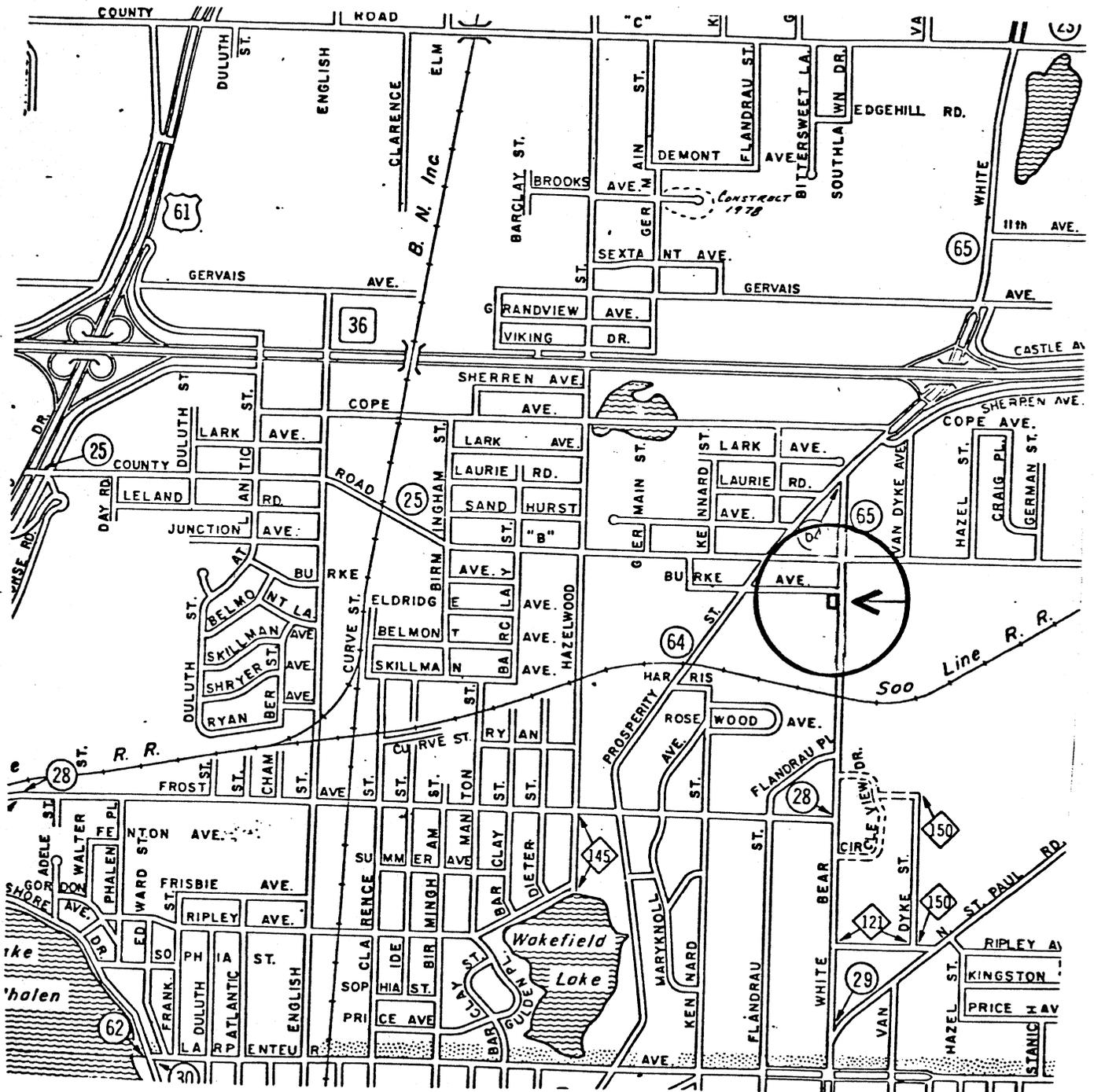
1. All requirements of the city code relating to home occupations are being met.
2. Section 36-442(e) provides that upon review of a home occupation renewal request, the council may specify an indefinite term or specific term not to exceed five years for subsequent reviews.
3. The city's licensing code requires that a license be secured from the city clerk annually in the month of January to continue operation of a home occupation.

A license renewal was not applied for in January. The applicant was unaware of this requirement.

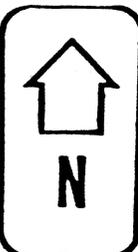
jw

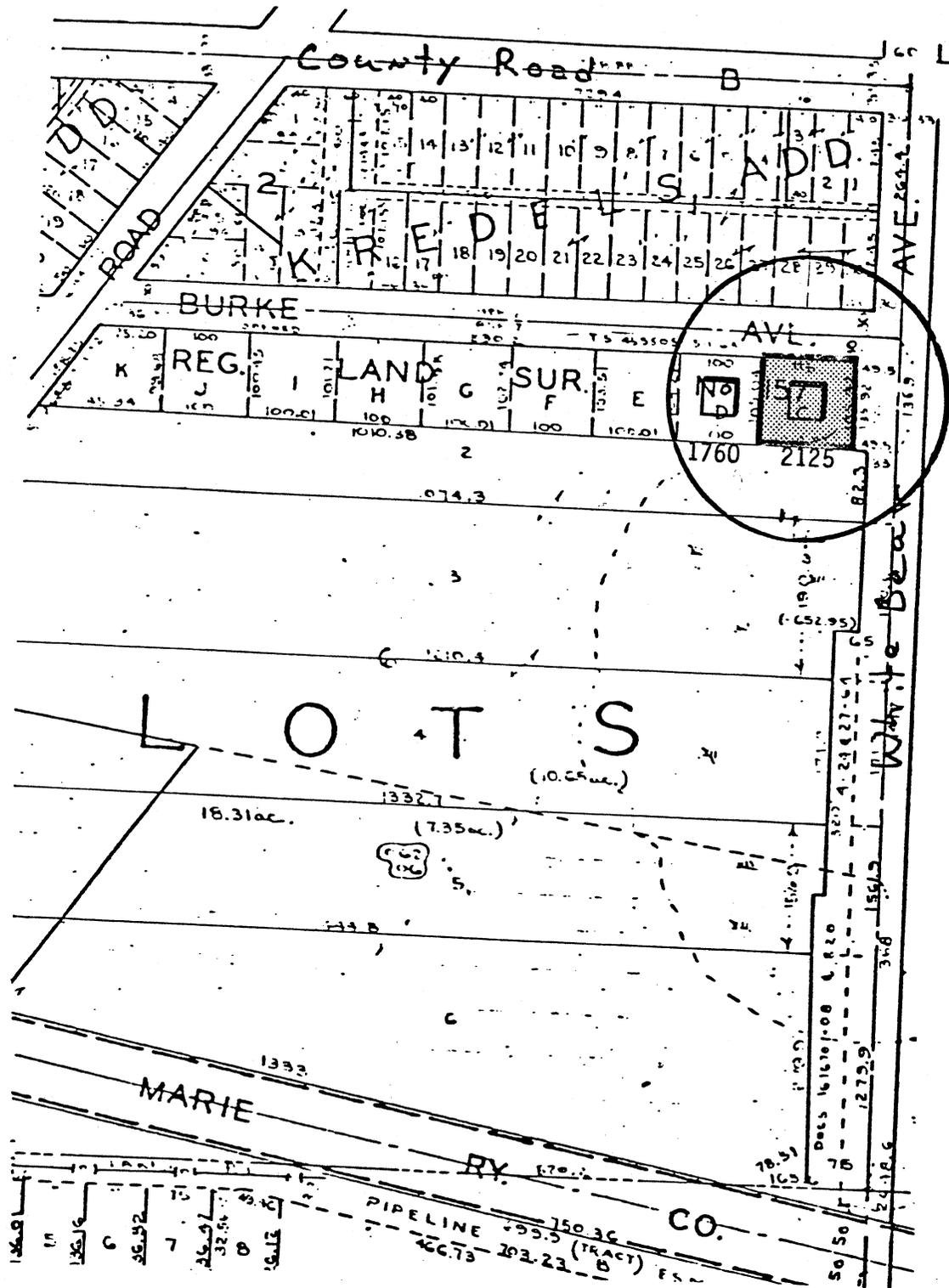
Enclosures:

1. Location Map
2. Property Line Map



LOCATION MAP





PROPERTY LINE MAP



MEMORANDUM

E-3

Action by Council:

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Final Plat
LOCATION: County Road C and Keller Parkway
APPLICANT/OWNER: Rodolfo Gonzalez
PROJECT: Gonzalez Addition
DATE: May 13, 1983

Endorsed _____
Modified _____
Rejected _____
Date _____

Request

Final plat approval to create five single-dwelling lots.

Comments

All conditions of preliminary platting have been satisfied.

Recommendation

Approval of the Gonzalez Addition final plat, subject to the corners of each lot being monumented by land survey prior to issuance of any building permits.

BACKGROUND

Past Actions

8-6-81: Council approved the Gonzalez Addition preliminary plat, subject to the following conditions:

1. Payment of deferred assessments of \$1,312.50 for sanitary sewer and \$630.15 for street improvement on County Road C;
2. An erosion control and grading plan shall be prepared with the advice of the Soil Conservation Service and submitted for staff approval prior to final plat approval.

9-27-82: Council approved a one year time extension for the Gonzalez Addition preliminary plat.

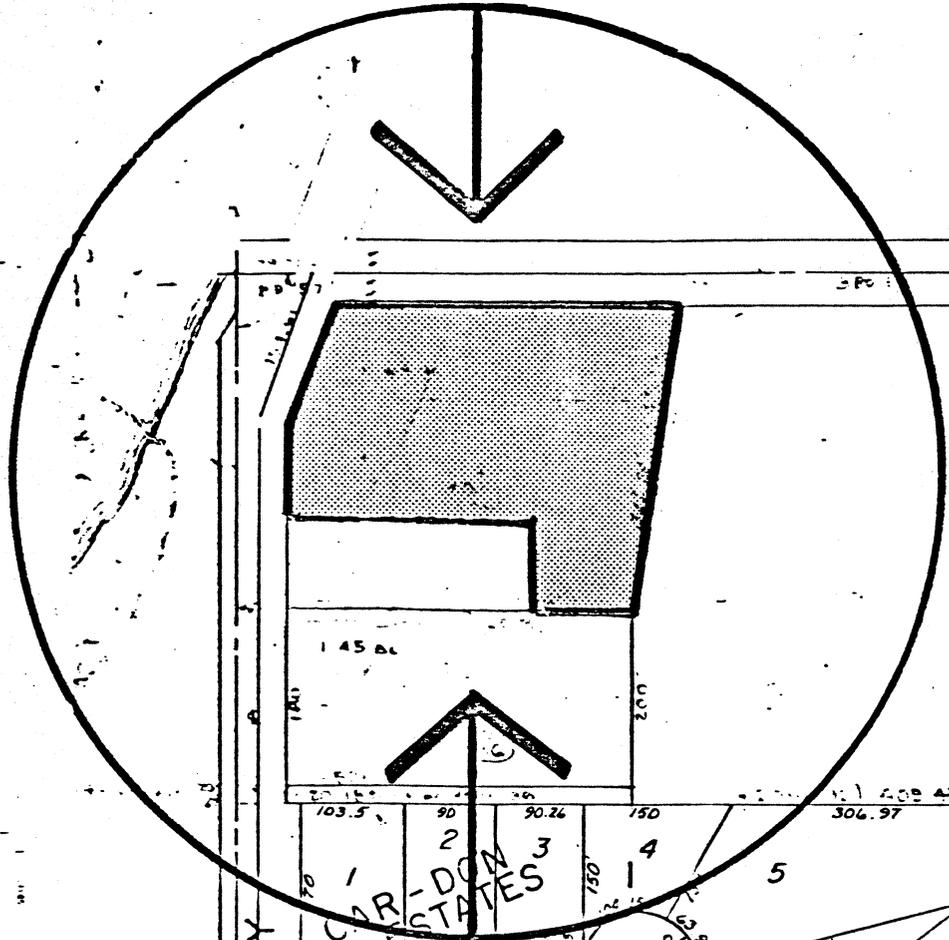
Public Works

The grading plan is acceptable with the exception of the proposed filling within the designated drainage easement in the southeast corner of the site. The grading permit will address this concern.

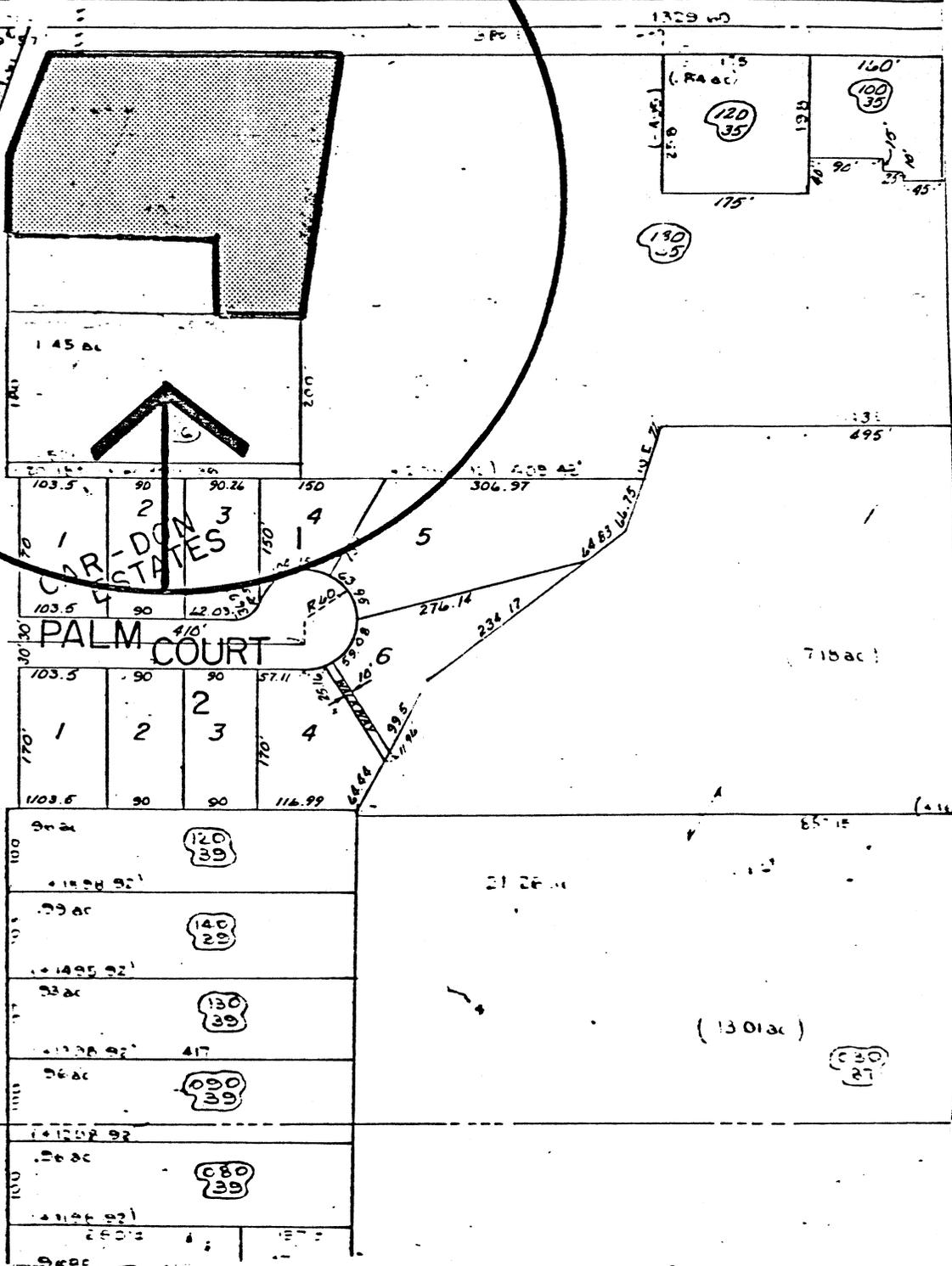
jw

Enclosures:

1. Location Map
2. Property Line Map
3. Final Plat



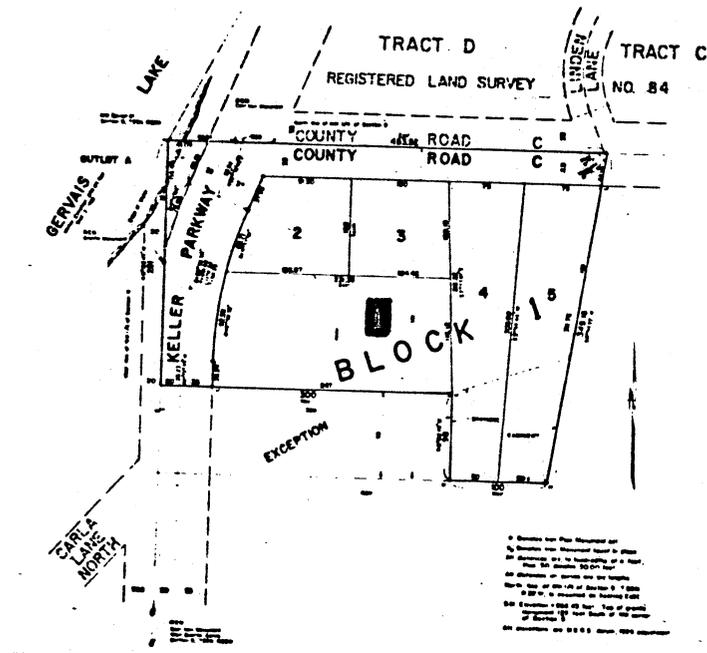
KELLER PARKWAY



Attachment two

PROPERTY LINE MAP

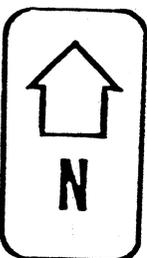


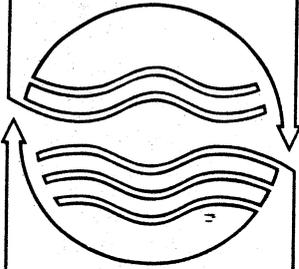


Attachment three

GONZALEZ ADDITION

FINAL PLAT





Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

April 12, 1983

Mr. Barry Evans, City Manager
City of Maplewood
1380 Frost Avenue
Maplewood, MN 55109

Dear Mr. Evans:

Enclosed is Joint Use Rental Agreement No. 150 which is being renewed for a five-year period from January 1, 1983, through December 31, 1987. The annual payment has been increased to \$4,022.00, with payments made on an annual basis rather than on a monthly basis. The payment for 1983 will be made shortly after execution of this Agreement. Subsequent payments will be made on January 31st, of each year thereafter.

Please execute all three (3) copies of the enclosed Agreement and return to this office. Your prompt attention to this matter will be greatly appreciated.

Sincerely,

Anthony C. Gnerre
Deputy Chief Administrator

cc: R. L. Berg, Comptroller, MWCC
R. W. Arbour, Interceptor System Manager, MWCC

Enclosures
ACG:CLL

STATEMENT OF AGREEMENT RENEWAL
JOINT USE RENTAL AGREEMENT NO. 150

The Metropolitan Waste Control Commission and the City of Maplewood agree to renew the Joint Use Rental Agreement No. 150 under the terms and conditions contained in the agreement which is currently in force between these parties. The renewal period shall be for five (5) years commencing on January 1, 1983 through December 31, 1987.

The Commission hereby agrees to pay the municipality the total sum of \$4,022.00 for the use, operation and maintenance of the interceptor sewers described in Exhibit "A" of the original agreement on or before January 31 of each calendar year during the agreement renewal period.

On or before November 1, 1987, the Commission may give the municipality written notice of its intention to renew this Agreement. Within thirty (30) days after receipt of such notice the municipality shall notify the Commission in writing whether it will renew the Agreement. If the municipality fails to give such notice within such period, the Agreement shall be renewed for the following calendar year without modification, except by consent of both parties. If the Commission fails to give the municipality notice of its intention to renew by November 1, 1987, the Agreement shall be renewed only by consent of both parties.

That both parties agree to the renewal period and terms is evidenced by the signatures affixed to the renewal Agreement.

CITY OF MAPLEWOOD

METROPOLITAN WASTE CONTROL COMMISSION

George H. Frisch, Chairman

George W. Lusher, Chief Administrator

Date

Date

STATEMENT OF AGREEMENT RENEWAL
JOINT USE RENTAL AGREEMENT NO. 150

The Metropolitan Waste Control Commission and the City of Maplewood agree to renew the Joint Use Rental Agreement No. 150 under the terms and conditions contained in the agreement which is currently in force between these parties. The renewal period shall be for five (5) years commencing on January 1, 1983 through December 31, 1987.

The Commission hereby agrees to pay the municipality the total sum of \$4,022.00 for the use, operation and maintenance of the interceptor sewers described in Exhibit "A" of the original agreement on or before January 31 of each calendar year during the agreement renewal period.

On or before November 1, 1987, the Commission may give the municipality written notice of its intention to renew this Agreement. Within thirty (30) days after receipt of such notice the municipality shall notify the Commission in writing whether it will renew the Agreement. If the municipality fails to give such notice within such period, the Agreement shall be renewed for the following calendar year without modification, except by consent of both parties. If the Commission fails to give the municipality notice of its intention to renew by November 1, 1987, the Agreement shall be renewed only by consent of both parties.

That both parties agree to the renewal period and terms is evidenced by the signatures affixed to the renewal Agreement.

CITY OF MAPLEWOOD

METROPOLITAN WASTE CONTROL COMMISSION

George H. Frisch, Chairman

George W. Lusher, Chief Administrator

Date

Date

STATEMENT OF AGREEMENT RENEWAL
JOINT USE RENTAL AGREEMENT NO. 150

The Metropolitan Waste Control Commission and the City of Maplewood agree to renew the Joint Use Rental Agreement No. 150 under the terms and conditions contained in the agreement which is currently in force between these parties. The renewal period shall be for five (5) years commencing on January 1, 1983 through December 31, 1987.

The Commission hereby agrees to pay the municipality the total sum of \$4,022.00 for the use, operation and maintenance of the interceptor sewers described in Exhibit "A" of the original agreement on or before January 31 of each calendar year during the agreement renewal period.

On or before November 1, 1987, the Commission may give the municipality written notice of its intention to renew this Agreement. Within thirty (30) days after receipt of such notice the municipality shall notify the Commission in writing whether it will renew the Agreement. If the municipality fails to give such notice within such period, the Agreement shall be renewed for the following calendar year without modification, except by consent of both parties. If the Commission fails to give the municipality notice of its intention to renew by November 1, 1987, the Agreement shall be renewed only by consent of both parties.

That both parties agree to the renewal period and terms is evidenced by the signatures affixed to the renewal Agreement.

CITY OF MAPLEWOOD

METROPOLITAN WASTE CONTROL COMMISSION

George H. Frisch, Chairman

George W. Lusher, Chief Administrator

Date

Date

MEMORANDUM

E-5

Action by Council:

TO: City Manager
FROM: Thomas Ekstrand--Associate Planner
SUBJECT: Conditional Use Permit Renewal
LOCATION: Beam Avenue and Hazelwood Street (See Location Map)
APPLICANT: Health Resource Center, Inc./St. John's Hospital
OWNER: Health Resource Center, Inc./William B. Korstad
PROJECT: Hospital
DATE: May 6, 1983

Endorsed _____
Modified _____
Rejected _____
Date _____

Request

Renewal of a conditional use permit to construct a 290-bed hospital, related medical offices, an emergency ambulatory-care facility and medical-related housing. Refer to the enclosed Site Plan.

Past Actions

5-20-82: Council approved a conditional use permit for the proposed hospital and related medical facilities based on the following findings:

1. The proposed hospital use complies with the DC designation of the Land Use Plan.
2. The hospital is an appropriate use in a BC district.
3. The proposed hospital is a needed facility to serve Maplewood and the adjacent northeasterly suburbs.

Ordinance Requirement

Section 36-442(11.e.) states that all conditional use permits shall be reviewed by the Council within one year of the date of approval. At that review the Council may specify an indefinite term or specific term not to exceed five years for subsequent reviews.

Recommendation

Renewal of the conditional use permit for a 290-bed hospital and related medical facilities, subject to review by Council in five years.

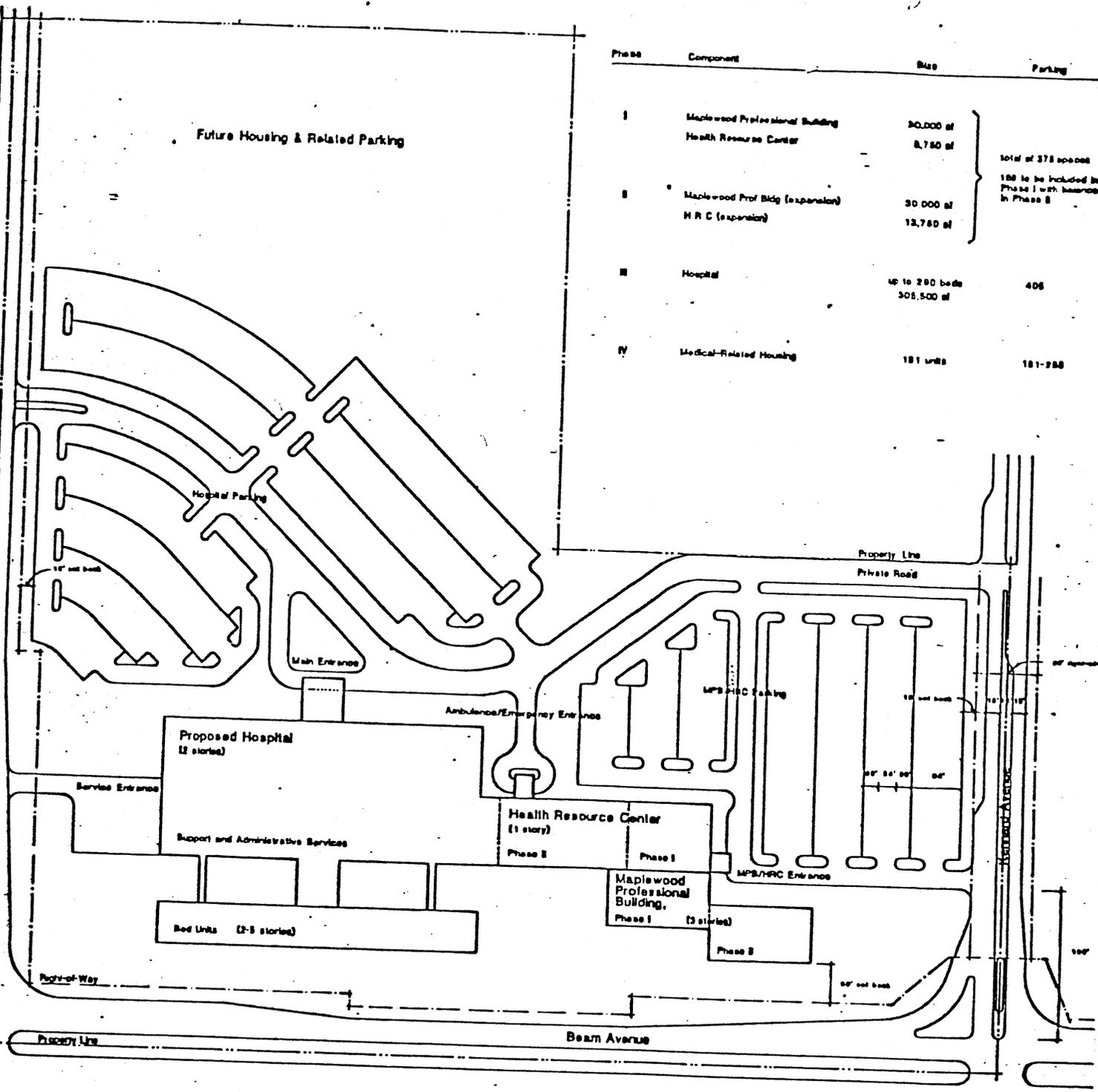
jw

Enclosures:

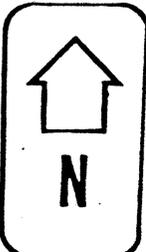
1. Location Map
2. Site Plan

1-54

Phase	Component	Size	Parking
I	Maplewood Professional Building	90,000 sf	Total of 278 spaces 188 to be included in Phase I with increase in Phase II
	Health Resource Center	8,780 sf	
II	Maplewood Prof Bldg (expansion)	30,000 sf	406
	H.R.C. (expansion)	13,780 sf	
III	Hospital	Up to 280 beds 305,500 sf	406
IV	Medical-Related Housing	181 units	181-288



SITE PLAN



MEMORANDUM

F-1
Action by Council:

TO:	City Manager	Endorsed_____
FROM:	Associate Planner--Johnson	Modified_____
SUBJECT:	Plan Amendment (RM and LSC to BW)	Rejected_____
LOCATION:	East of White Bear Avenue, South of County Road B	Date_____
APPLICANT:	Director of Community Development	
OWNER:	Lillian Wicklander, Richard Pearson and Construction Center, Inc.	
DATE:	April 15, 1983	

Request

Amend the Land Use Plan from RM, residential medium density and LSC, limited service commercial to BW, business warehouse for the east side of White Bear Avenue, as shown on attachment three.

Reason for Request

1. This proposal is in response to Council's city-wide downzoning program. The present zoning--BC, business commercial and M-1, light manufacturing--permits uses that are more intensive than anticipated by the Land Use Plan.
2. No development proposals are pending for the site.

Comments

Rather than downzone this property, the Land Use Plan should be amended to correct the inconsistency between the Plan and present zoning. The present M-1, light manufacturing zoning is compatible with the site and adjacent uses. The BC, business commercial zoning on the northern portion of the site is being recommended for rezoning to M-1 in a separate report.

This site possesses two public works related limitations--sanitary sewer and access (see Background Information--Public Works). M-1-zoning is the best zoning alternative to recognize these limitations.

Recommendation

- I. Approve the enclosed resolution (attachment one) revising the Land Use Plan from RM and LSC to BW for an area lying east of White Bear Avenue and south of County Road B.
- II. Amend the acreage chart on page 19-3 of the Land Use Plan to reflect the change from RM to BW.

BACKGROUND

Site Description

Acreage: 11.3

Existing Land Use: Construction-related warehousing and offices and undeveloped property.

Surrounding Land Uses

North: Single dwellings, planned for service commercial use and Kinney Shoes

East: City property containing a storm drainage pond and planned for a park

South: Undeveloped Ramsey County property, separated from the main body of county property by an abandoned railroad right-of-way. The Department of Natural Resources is seeking authorization to purchase the railroad right-of-way for a trail.

West: White Bear Avenue. Across the road, a large tract of property planned and partially developed as BW, business warehouse use.

Past Action

11-2-61: Council rezoned from R-1, residential to BC, business commercial the portion of the subject site that is presently planned for RM, residential medium density (attachment two). The proposed use is not specified in the file or minutes.

Planning

1. Land Use Plan designation: Rm, residential medium density and LSC, limited service commercial.
 - A. The LSC classification refers to commercial facilities on a neighborhood scale. Heavy industrial uses, department stores, motels, auto accessory stores, etc. would be prohibited, while other land uses of a medium intensity nature would be permitted subject to meeting certain performance standards.
 - B. The RM classification is designated for such housing types as single family houses on small lots, two-family homes, townhouses, and mobile homes. The maximum population density is 22 people per net acre.
2. Proposed Land Use Plan designation: BW, business warehouse. This 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. Zoning: BC, business commercial and M-1, light manufacturing. (Refer to attachments five and six for permitted uses.)

Public Works

1. Development of this site will require a sewage lift station facility. Publicly owned lift stations should be avoided, as recommended by the sewer plan. Large structures, typical of M-1 uses, would keep the potential for subdivision of the site to a minimum. The fewer separate property owners, the better the chances of a private agreement for construction and maintenance of a private lift station.
2. Development such as warehousing, rather than other forms of commercial or residential development, is also preferred to reduce the number of potential turning movements into and from this site via uncontrolled driveway intersections. Such turning movements are undesirable because they disrupt traffic flow.

Procedure

1. Planning Commission recommendation following a public hearing
2. Metropolitan Council review for impact on metropolitan systems
3. City Council decision

jw

Enclosures

1. Resolution
2. Existing Land Use Plan
3. Proposed Land Use
4. Property Line Map
5. BC 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, a proceedings for the amendment of the Maplewood Comprehensive Municipal Plan entitled "Plan for Maplewood" has been initiated by the City of Maplewood for a change of planned use from LSC, limited service commercial and RM, residential medium density to BW, business warehousing for the following generally described area:

The south 183 feet of the west 633 feet of the northwest 1/4 of the northwest 1/4 (subject to roads and easements) in section 14, township 29, range 22 and except the north 33 feet and the south 183 feet; the west 433 feet of the northwest 1/4 of the northwest 1/4 (subject to road) in section 14, township 29, range 22

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

1. The City of Maplewood has a Comprehensive Municipal Plan entitled "Plan for Maplewood" adopted pursuant to the provisions of Minnesota Statutes, Chapter 670, Laws 1965 (the Municipal Planning Act, Minnesota Statutes Annotated, Sections 462.351 to 462.364 thereof);
2. Minnesota Statutes, Section 462.355, Subdivision 2 and 3 thereof, provide for amendment of the Comprehensive Municipal Plan or of any section thereof;
3. An amendment of the Comprehensive Municipal Plan has been proposed by the City of Maplewood and referred to the Maplewood Planning Commission, which held a public hearing on the 18th day of April, 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, recommended approval of the amendment.

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

1. The proposed classification would not have any adverse effects on the Comprehensive Plan.

2. It would be consistent with the existing development and zoning on and near the site.
3. It would be consistent with the potential sewer and access limitations associated with the site.

Adopted this day of , 1983.

Seconded by Ayes--

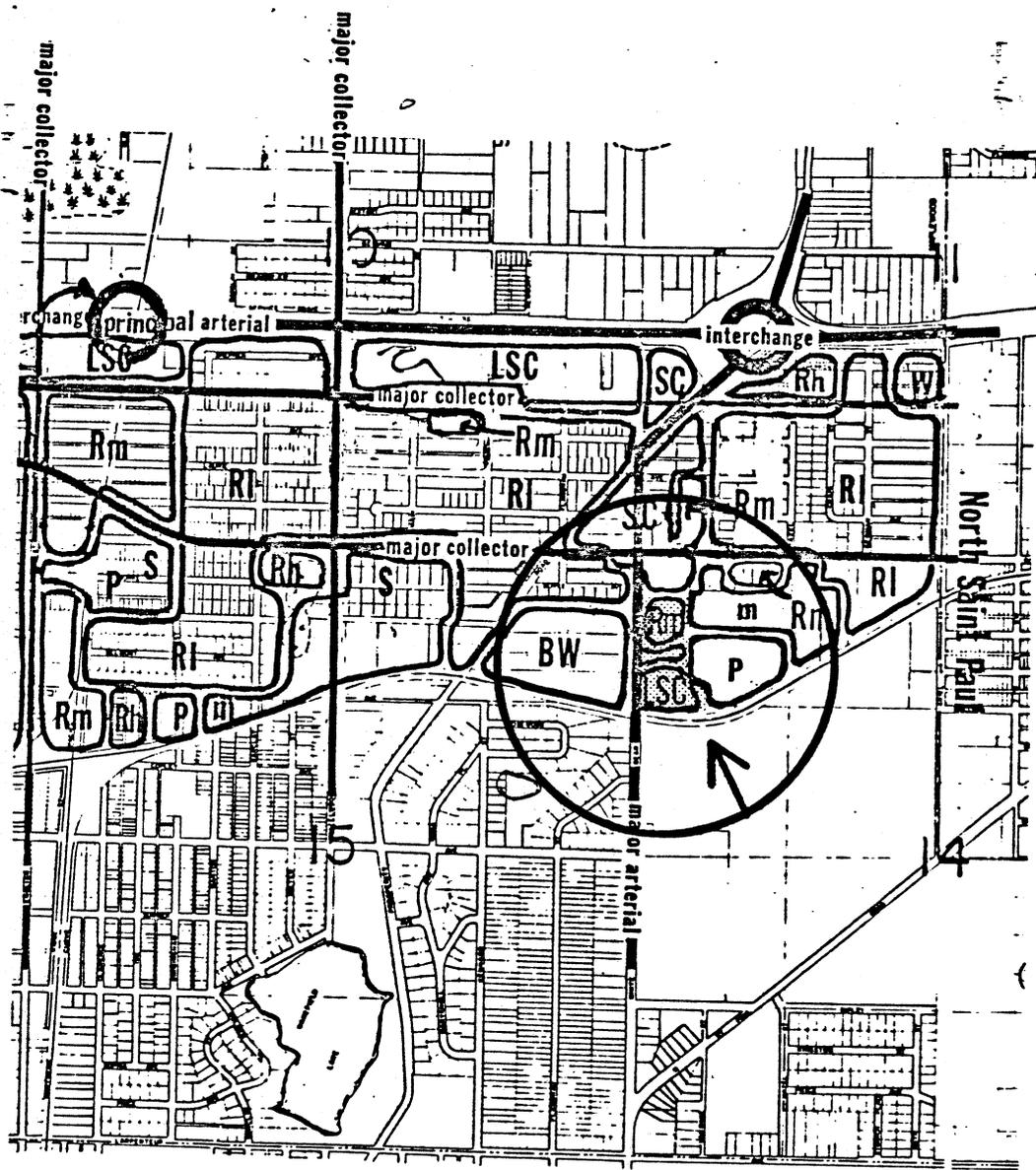
STATE OF MINNESOTA)
 COUNTY OF RAMSEY) SS.
 CITY OF MAPLEWOOD)

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

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

 City Clerk
 City of Maplewood, Minnesota

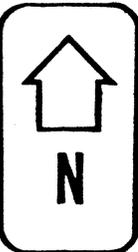
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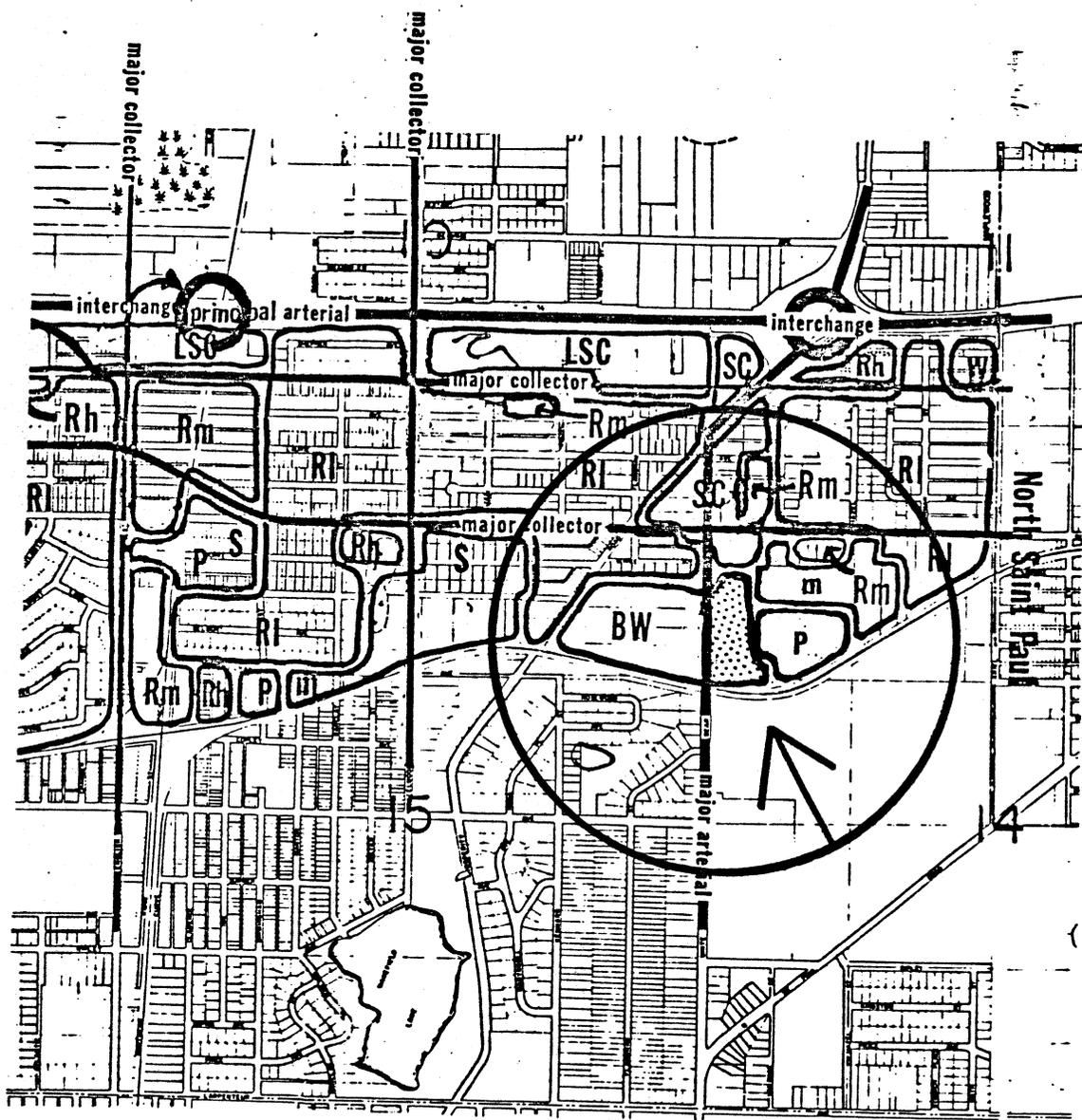


Attachment 2

**Sherwood Glen
NEIGHBORHOOD LAND USE PLAN**

EXISTING LAND USE





Attachment 3

**Sherwood Glen
NEIGHBORHOOD LAND USE PLAN**

PROPOSED LAND USE

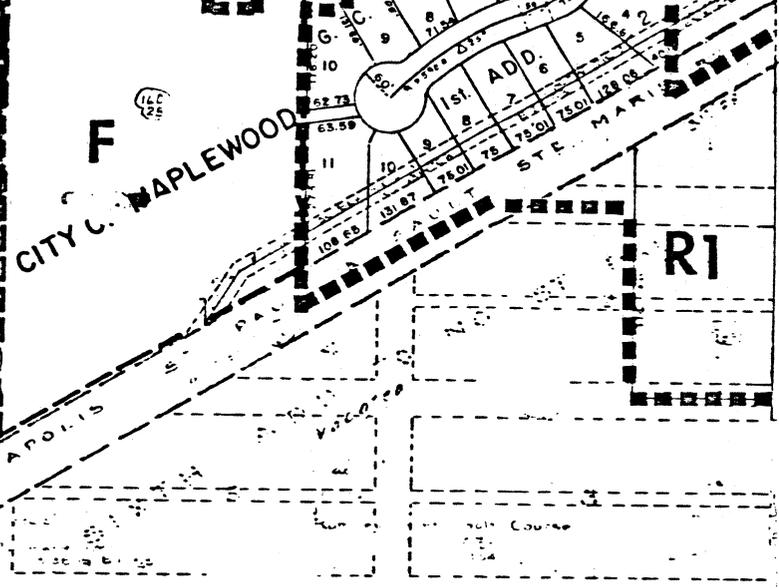
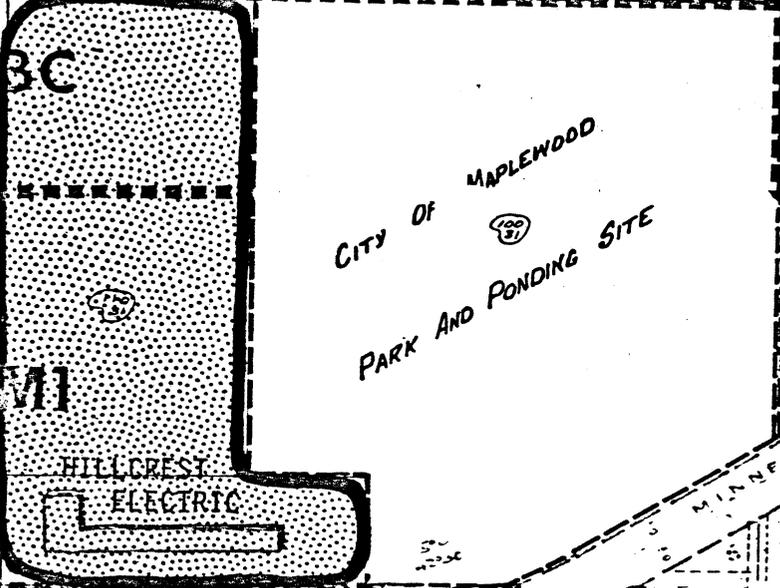


SMITH, FULK & TAYLORS ADD. TO NO. ST. PAUL

KINNEY SHOES

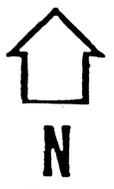
MACHINE SHOP

ROAD



Attachment 4

PROPERTY LINE MAP



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.

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;

A. Plan Amendment: White Bear Avenue (North of Tracks)

4-18-83

Associate Planner Johnson read the notice of public hearing. The proposal is to amend the land use plan from RM and LSC to BW for the east side of White Bear Avenue.

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

Dick Pearson, 1959 White Bear Avenue, owner of the property being considered for a plan amendment, said he is against the down zoning. He felt it would decrease the value of the land. He said Mr. Monette said he wished the zoning to remain the same on the Pearson property.

Leona Wicklander, owner of the property next to Mr. Pearsons, questioned what construction of warehouses next to her would do to the value of their home.

Chairman Axdahl closed the public hearing portion of the meeting.

Commissioner Hejny moved the Planning Commission recommend to the City Council approval of the resolution revising the land use plan to comply with the present zoning of the property., such as SC.

Commissioner Prew seconded

The Commission discussed what land use category would be most compatible with the zoning.

Voting on the motion: Ayes--Commissioners Axdahl, Barrett, Fischer, Hejny, Sigmundik, Sletten

Nays--Commissioner Prew

MEMORANDUM

F-2

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Rezoning (BC to M-1)
LOCATION: White Bear Avenue, South of County Road B
OWNER: Lillian Wicklander and Richard Pearson
APPLICANT: City of Maplewood
DATE: April 14, 1983

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

Request

Rezone this property from BC, business commercial to M-1, light manufacturing.

Reasons for Change

1. A Land Use Plan amendment (separate report) is being proposed to change this site from RM, residential medium density to BW, business warehouse, in response to Council's city-wide downzoning program.
2. No development proposed is pending for the site.

Comments

This property, together with the property to the south, possesses sanitary sewer and access limitations. (See Background Information--Public Works.) M-1 zoning is the best zoning alternative to recognize these limitations. M-1 zoning would be consistent with the proposed Land Use Plan designation of BW, business warehouse.

Recommendation (Requires at least four votes for approval)

Approve the enclosed resolution (attachment one) rezoning the subject property from BC, business commercial to M-1, light manufacturing.

BACKGROUND

Site Description

Acreage: 2.9
Existing Land Use: Undeveloped

Surrounding Land Uses

North: Kinney Shoes and single dwellings zoned and planned for commercial use

East: City property containing a storm drainage pond

South: Construction related warehousing and offices

West: White Bear Avenue. Across the road a large tract of property planned and partially developed as BW, business warehouse use

Past Action

11-2-61: Council rezoned this site from R-1, residential to BC, business commercial (attachment two). The proposed use is not specified in the file or minutes.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan designation: Present - RM--residential medium density
Proposed - BW, business warehouse
2. Zoning: BC, business commercial (see attachment four)
3. Policies from the Plan:
 - a. Zoning maps should be updated as necessary to make both land use maps and zoning maps compatible.
 - b. The BW, business warehouse land use 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.

4. Compliance with land use laws:

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."

Public Works

1. Development of this property will require a sewage lift station facility. Publicly owned lift stations should be avoided, as recommended by the Sewer Plan. Large structures, typical of M-1 uses, would keep the potential for subdivision of the site to a minimum. The fewer separate property owners, the better the chances of a private agreement for construction and maintenance of the facility.
2. M-1 type development is also preferred over business commercial development because the number of potential turning movements onto and from the property should be less. These turning movements, via uncontrolled intersections, are undesirable because they disrupt traffic flow along main thoroughfares, such as White Bear Avenue.

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. BC District
5. M-1 District

Attachment 1

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 _____ at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, the City of Maplewood initiated a rezoning from BC, business commercial to M-1, light manufacturing for the following described property:

The westerly 433 feet of the north 1/2 of the northwest 1/4 of the northwest 1/4 of Section 14, Town 29, Range 22, except the north 333 feet thereof.

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

1. This rezoning was initiated by City of Maplewood, pursuant to chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on April 18, 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 zone change would be consistent with the intent of the Land Use Plan.
2. The change would not substantially injure or detract from the use of neighboring property.
3. The change would be in the best interest of the public by reducing the potential for a public lift station facility and traffic congestion.

Adopted this _____ day of _____

Seconded by _____

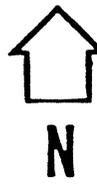
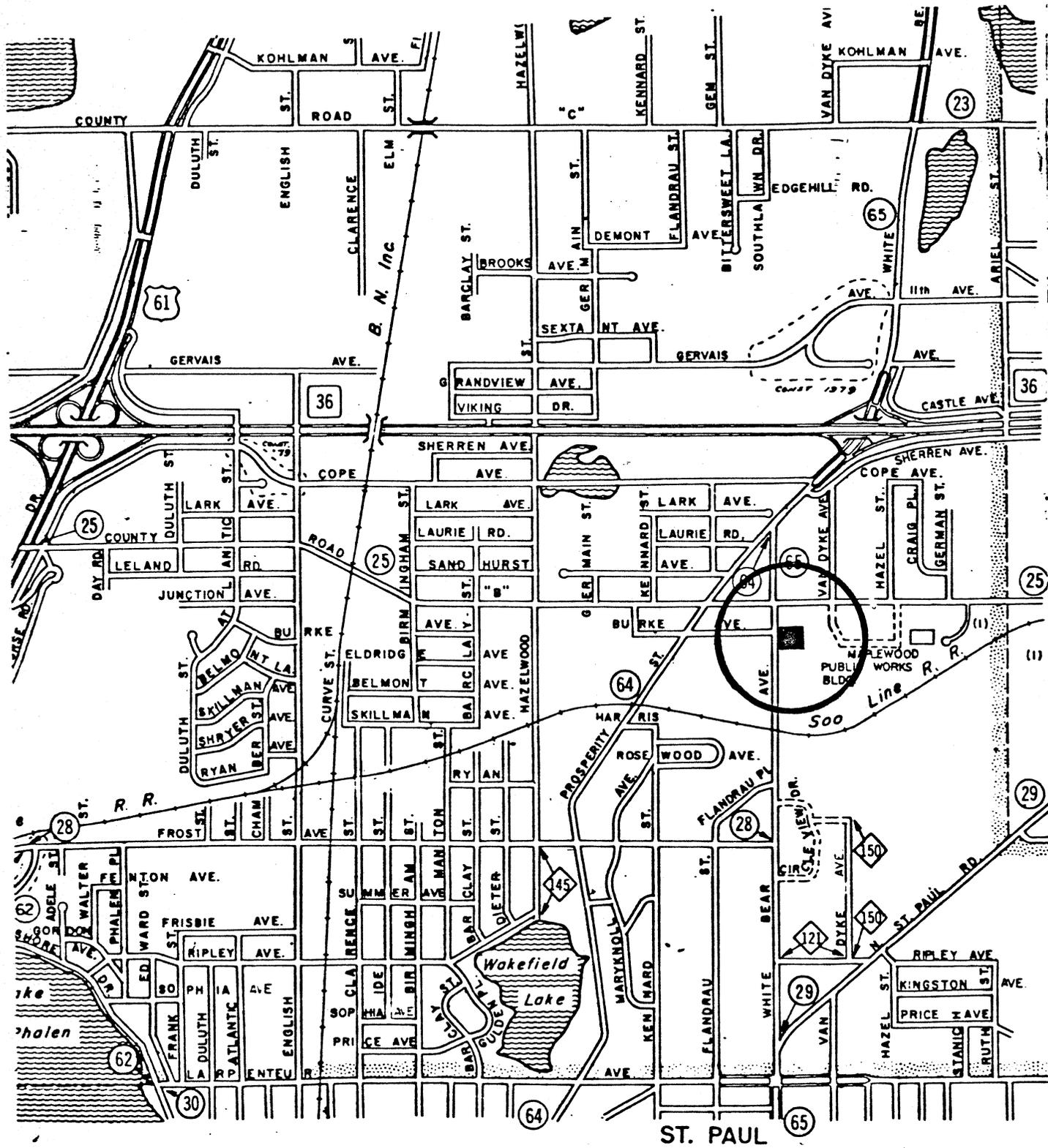
Ayes--

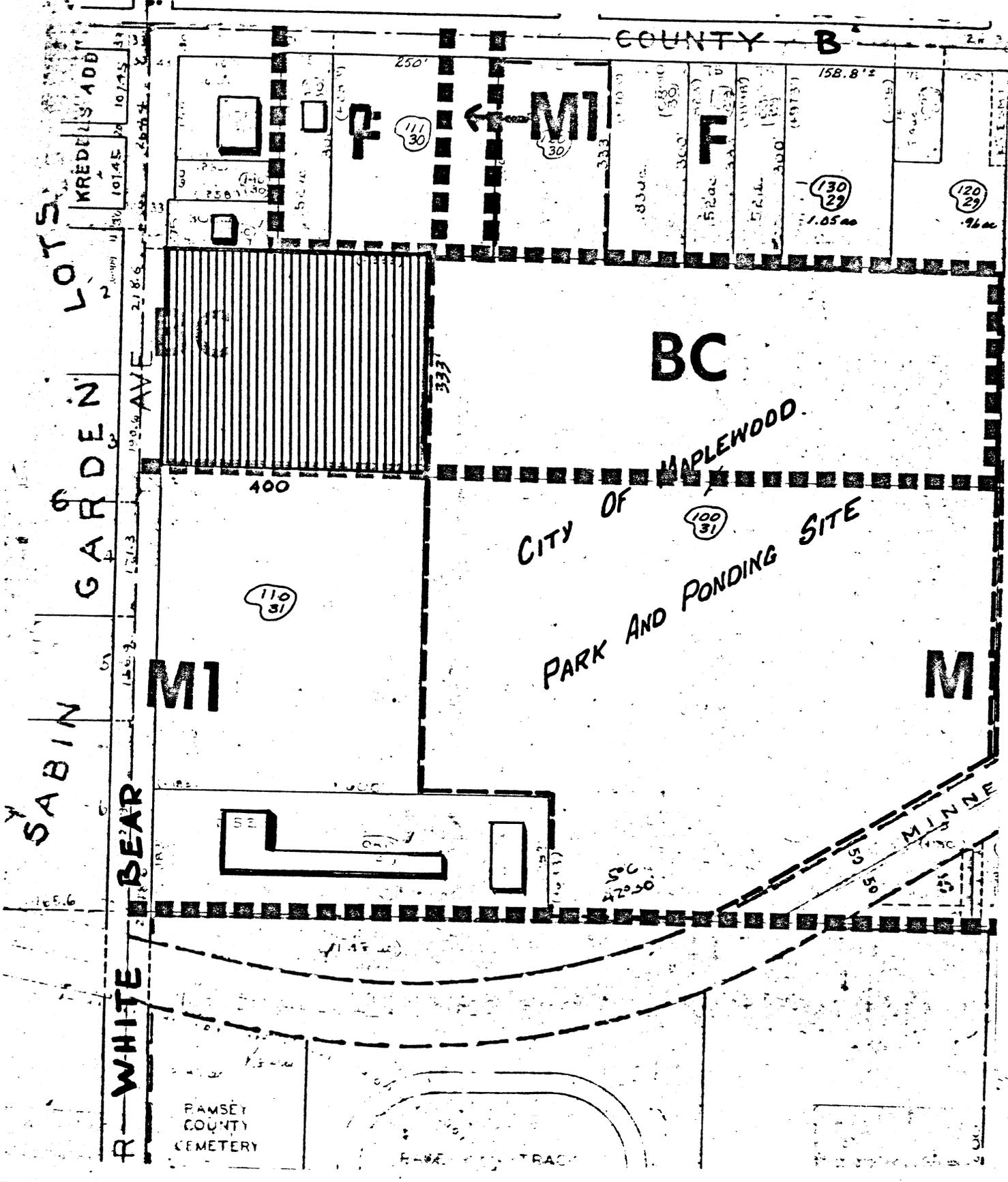
STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS.
CITY OF MAPLEWOOD)

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

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

City Clerk
City of Maplewood, Minnesota





Attachment 3

PROPERTY LINE MAP



Rezone to M-1



N

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.

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;

A. Rezoning: White Bear Avenue (South of County Road B)

Associate Planner Johnson said the proposal is to rezone the property to M-1, light manufacturing. 4-18-83

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

Commissioner Hejny moved the Planning Commission recommend to the City Council denial of the proposed zone change.

Commissioner Fischer seconded Ayes--Commissioners Axdahl, Barrett, Fischer, Hejny, Prew, Sigmundik, Sletten.

MEMORANDUM

F-3

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Conditional Use Permit--Home Occupation
LOCATION: 1564 East Grandview Avenue
APPLICANT/OWNER: David S. Suby
DATE: April 13, 1983

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

SUMMARY OF THE PROPOSAL

Request

Approval of a conditional use permit to operate a tool sharpening service as a home occupation.

Proposal

1. See attachment two.
2. The shop area would be located in the basement and consist of an area about 10 x 15 feet or about 16 percent of the basement area.
3. If a sign is posted, it would be no greater than two square feet, mounted flush against the dwelling.
4. Noise from the sharpening tools would not be detectable off-site.
5. No more than two customers are expected on the premises at any one time. Ample off-site parking is available in the existing driveway.
6. Once established, the applicant will pursue arrangements with local hardware stores to reduce the number of customers dealt with from his home.

Comments

The proposal is consistent with the requirements for a home occupation and issuance of a conditional use permit.

Recommendation

Approval of the enclosed resolution (attachment one), authorizing David Suby to operate a tool sharpening service as a home occupation at 1564 East Grandview, subject to obtaining a license each January.

BACKGROUND

Site Description

1. Size: 10,122 square feet
2. Existing Land Use: Rambler style, single dwelling, approximately 912 feet in area with a full basement

Surrounding Land Uses

North: Grandview Avenue, across the street single dwellings.

East, South and West: Single dwellings

Past Actions

10-16-80: Council authorized John Monette to operate a power-tool repair business at 2060 Barclay Street as a home occupation.

Planning

1. Land Use Designation: RL, residential lower density
2. Zoning: R-1, Residence District (single dwelling)
3. Compliance with land use laws:
 - A. Section 904.010 (old code) requires a special exception permit for home occupations which involve customers on the premises. Permit approval is subject to, but not limited to, the following requirements:
 1. Not more than one person, other than members of the family residing on the premises, shall be allowed to engage in such occupation.
 2. An area equivalent to no more than 20% of each level of the dwelling unit floor area shall be used in the conduct of a home occupation.
 3. There shall be no change in the outside appearance of the building or premises, that would indicate the conduct of a home occupation, other than one sign meeting the requirements of the city sign code.
 4. Limited retail sales of projects produced off-site may be permitted, but only when subordinate to the principal activity(ies) of the home occupation.
 5. No traffic shall be generated by a home occupation in greater volumes than would normally be expected in a residential neighborhood. The need for off-street parking shall not exceed more than three off-street parking spaces for home occupation at any given time, in addition to the parking spaces required by the resident occupants.
 6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual

or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

7. No fire, safety or health hazard shall exist.
 8. A home occupation shall not include the repair of internal combustion engines, body shops, machine shops, welding, ammunition manufacturing or other objectionable uses as determined by the City. Machine shops are defined as places where raw metal is fabricated, using machines that operate on more than 120 volts of current.
 9. Any violation of these requirements shall result in the denial or revocation of the home occupation.
 10. The City may waive any of these requirements if the home occupation is located at least 350 feet from an adjoining residential use.
 11. Approval shall be for a period not to exceed one year. Renewal shall be subject to the provisions of Section 826 of the City licensing code.
- B. Section 36-6 (Definitions) defines a conditional use permit as "a use requiring a special use or special exception permit."
- C. Section 36-442 (b) requires the following findings for granting a conditional use permit:
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.

- D. Section 826.020 (old code) requires the annual renewal and licensing, during the month of January, to continue operation of an approved home occupation.
- E. Section 36-442 (c) states that 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.

Building Official

The applicant agreed to install a hand railing on the open side of the stairway to the basement.

Citizen Comments

Of eight neighboring property owners surveyed, no objections were received.

Procedure

1. Planning Commission recommendation
2. City Council decision following a public hearing

mb

Enclosures

1. Resolution
2. Applicant's Letter
3. Location Map
4. Property Line Map

Attachment 1

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, David Suby requested a conditional use permit to operate a tool sharpening business as a home occupation at the following-described property:

Lot 5, Block 2, KROISS addition, Section 10, Township 29, Range 22

This property is also known as 1564 Grandview Avenue, Maplewood;

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

1. This conditional use permit request was initiated by David Suby, pursuant to the Maplewood Code of Ordinances.
2. This conditional use permit request was reviewed by the Maplewood Planning Commission on April 18, 1983. The Planning Commission recommended to the City Council that said request be
3. The Maplewood City Council held a public hearing on 1983, to consider this conditional use permit request. 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 conditional use permit be approved on the basis of the following findings of fact:

1. The proposal would be consistent with all of the requirements for authorization of a home occupation.
2. The use would be consistent with all applicable requirements for issuance of a conditional use permit.
3. Approval is subject to obtaining a license each January.

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 _____.

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

City Clerk
City of Maplewood, Minnesota

ATTACHMENT TWO

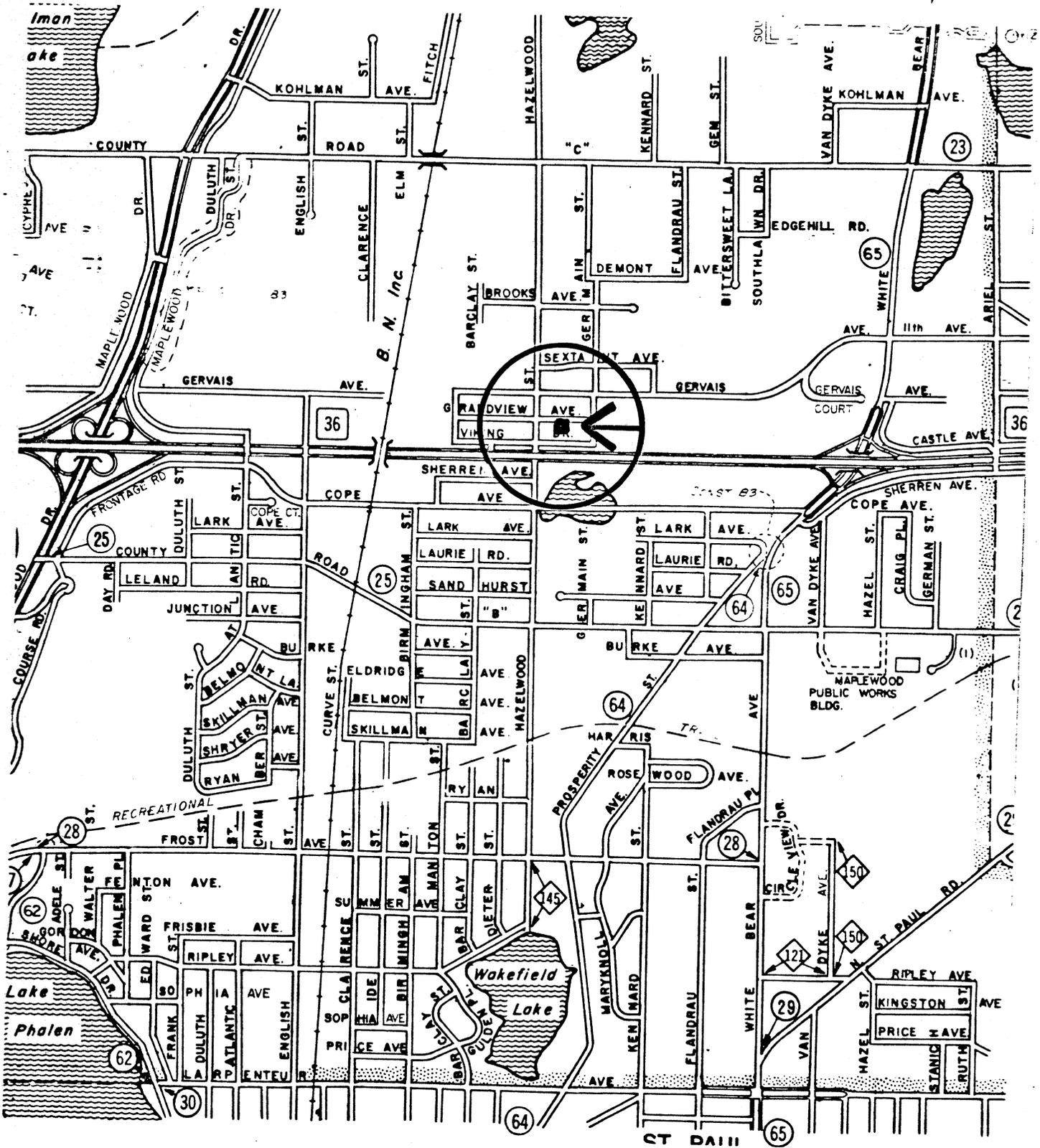
This Home Occupation Business Permit consideration is for a Tool Sharpening Service.

Sharpening services will include;

- .Lawn mower blades
- .Circular saws
- .Hand saws
- .Skates
- .Knives
- .Sissors, Shears
- .Drill bits
- .Chain saw blades

The Sharpening Service will be owner operated and part time. Business hours will be evening hours of 6 - 9:30 p.m. Monday through Friday. Saturday hours of 9:00 a.m. - 6:00 p.m. Business facilities will be housed in a shop area of the basement.

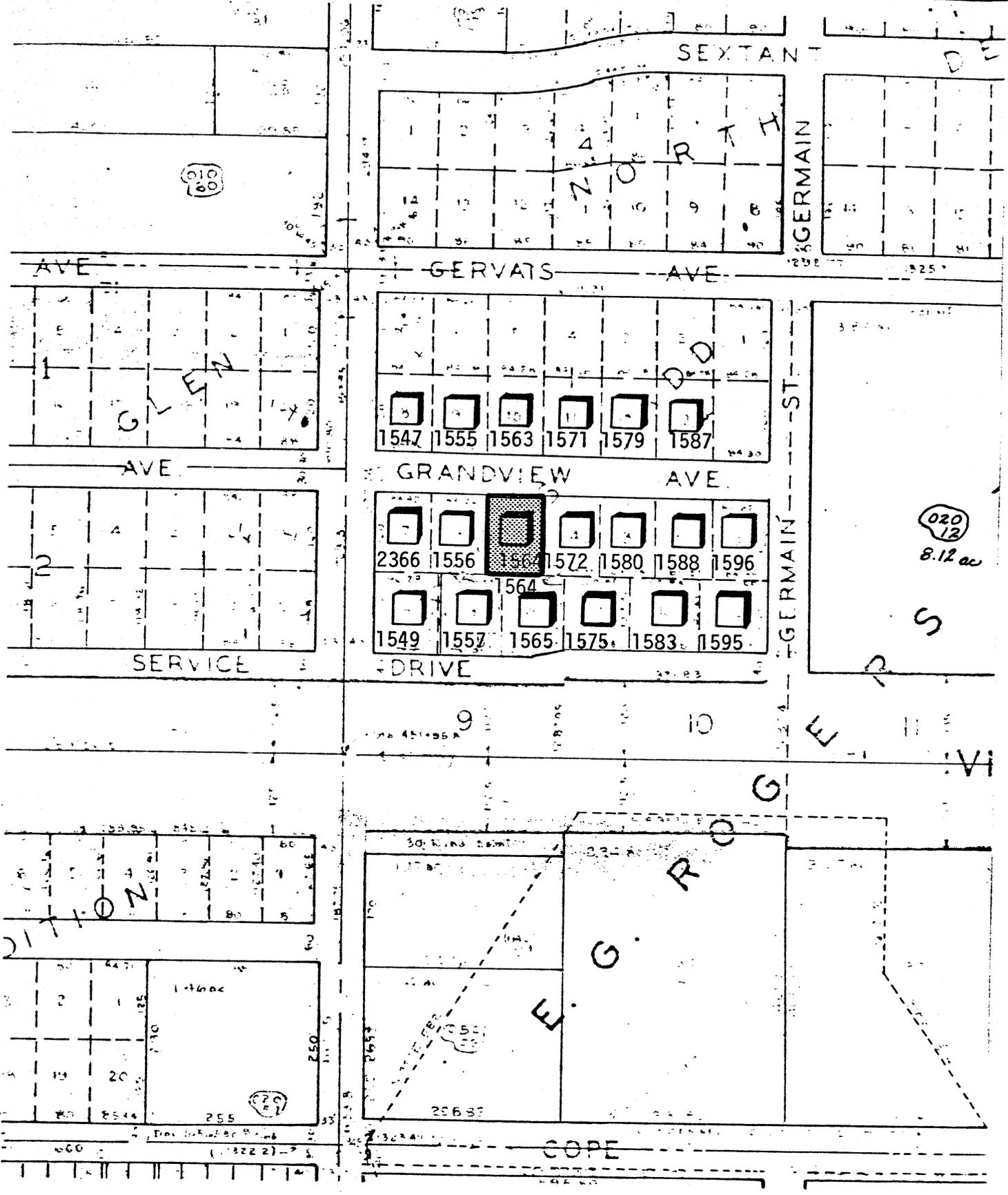
The principal sharpening equipment will be a FOLEY 1055 SHARP-ALL sharpener and a FOLEY 1080 belt grinder. This equipment is powered by 110 volt, 60 cycle AC, $\frac{1}{2}$ H.P. electric motors.



ATTACHMENT 3

LOCATION MAP





ATTACHMENT 4

PROPERTY LINE MAP



B. Conditional Use Permit: 1564 Grandview (Suby)

418-83

Associate Planner Johnson said the proposal is to operate a tool sharpening service as a home occupation. Staff is recommending approval

Mr. Suby was present at the meeting and indicated he had nothing to add to the staff report.

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

Commissioner Sletten moved the Planning Commission recommend approval of the resolution, authorizing David Suby to operate a tool sharpening service as a home occupation 1564 Grandview, subject to obtaining a license each January..

Commissioner Barrett seconded Ayes--Commissioners Axdahl, Barrett, Fischer, Hejny, Prew, Sigmundik, Sletten.

MEMORANDUM

F-4
Action by Council:

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning (BC to R-1 and F)
LOCATION: Sherren Ave., Barclay St. and the north side of Cope Ave.
APPLICANT: City Council
DATE: April 7, 1983

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

Request

Rezone the lots abutting Sherren Avenue and Barclay Street to a zone consistent with the Land Use Plan.

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 would be consistent with the Land Use Plan and would eliminate the development of potential nuisance uses that could develop under BC, business commercial zoning.

There are two problems with the BC zone in this area:

1. The existing homes are nonconforming uses under the BC zone. This means that these homes cannot be expanded without a conditional use permit from the city council.
2. The BC zone would allow the conversion of existing homes to commercial uses, which may not be compatible with the neighborhood.

An F, farm residence zone is recommended for 2291 Hazelwood Avenue to allow the continued sale of agricultural products that are produced on the premises.

Recommendation

Approval of the enclosed resolutions rezoning the lots abutting Sherren Avenue, Barclay Street and the north side of Cope Avenue to R-1, residence district (single dwelling), except for a rezoning to F, farm residence for 2291 Hazelwood Avenue.

BACKGROUND

Existing Land Use

Single dwelling homes

Surrounding Land Uses

Northerly: Highway 36
Easterly: Audio King and a photographic studio
Southerly: Cope Avenue and single dwellings
Westerly: Dayton's Bluff Sheet Metal

Past Action

5-19-55: The New Canada Town Board rezoned this site from farm to business.

Planning

1. Land Use Plan designation: RL, residential lower density
2. The RL designation is primarily for a variety of single-dwelling homes. An occasional double dwelling is allowed.
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 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: BC, business commercial
6. The BC zone allows a wide range of commercial uses. (See attachment six.)
7. The R-1 zone would limit the use of the property to single dwellings.

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 (rezoning to R-1)
2. Resolution (rezoning to F)
3. Location Map
4. Property Line Map
5. Land Use Plan
6. BC Zone

Attachment One: Resolution (Rezoning to R-1)

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 city council initiated a rezoning from BC, business commercial to R-1, residence district (single dwelling) for an area bounded by the center-lines of Highway 36, Cope Avenue, Hazelwood Avenue and Sherren Avenue, the east line of lots one and 20, block two, Moritz Addition and the east line of the east 39 acres of the north half of the southwest quarter of section 10, township 29, range 22.

This area includes the following parcels:

1. Unplatted land, subject to streets, described as the west 137 feet of the south 150 feet of the east 39 acres of the north half of the southwest quarter of section 10, township 29, range 22.
2. Unplatted land described as the west 137 feet of the north 90 feet of the south 330 feet of the east 39 acres of the north half of the southwest quarter of section 10, township 29, range 22.
3. Unplatted land described as the west 137 feet of the north 90 feet of the south 240 feet of the east 39 acres of the north half of the east 39 acres of the north half of the southwest quarter of section 10, township 29, range 22.
4. Blocks one and two, Moritz Addition

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 April 18, 1983. The 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.

Attachment Two: Resolution (Rezoning to F)

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 city council initiated a rezoning from BC, business commercial to F, farm residence for an area bounded by the centerlines of Sherren Avenue, Hazelwood Avenue and Cope Avenue, and the east line of lots one and 20, block two, Moritz Addition.

This area includes the following parcel:

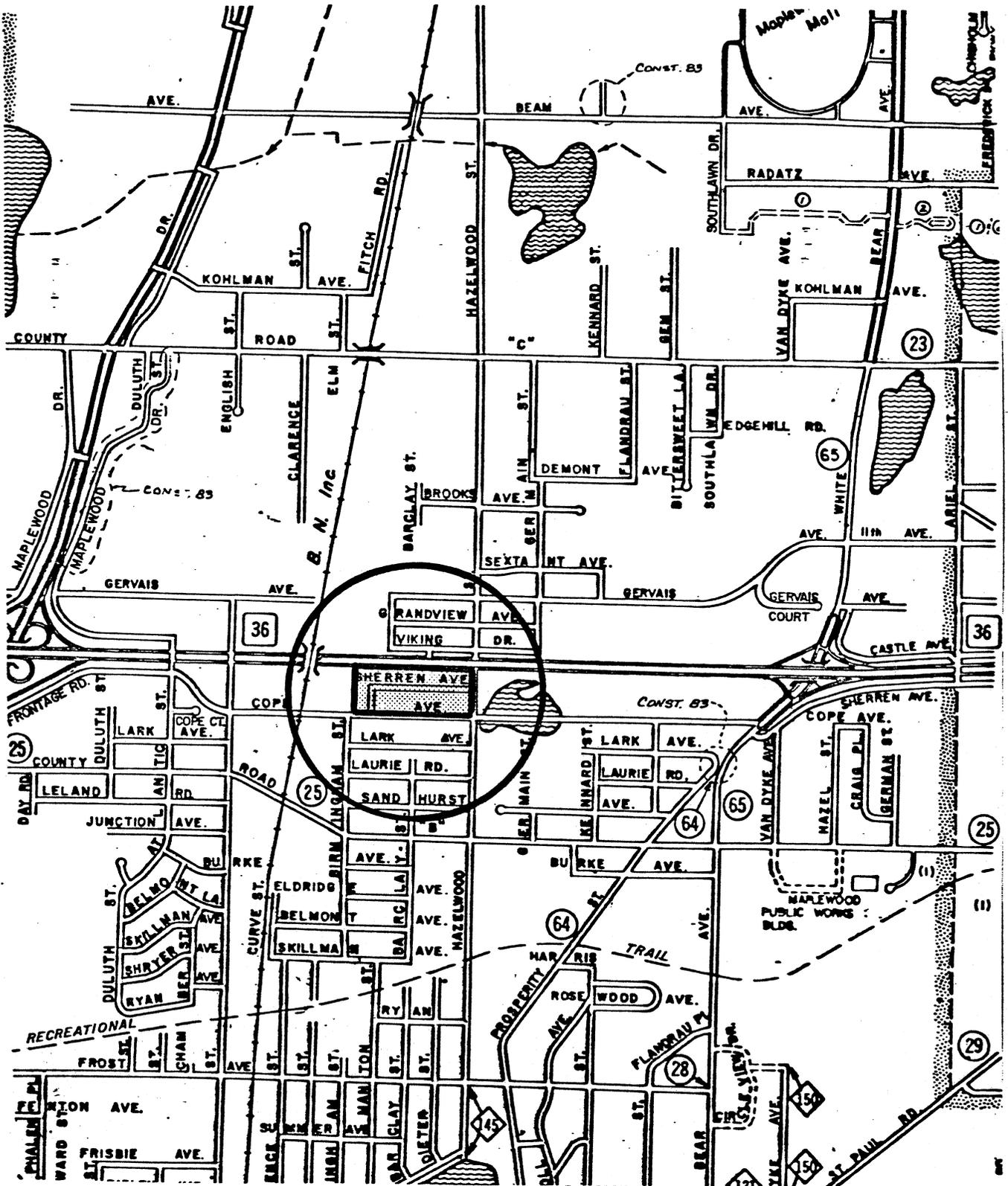
an unplatted parcel described as the south 280 feet of the east 288 feet of the northeast quarter of the southwest quarter (subject to roads) in section 10, township 29, range 22--commonly known as 2291 Hazelwood Avenue.

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

1. This rezoning was initiated by _____, pursuant to Chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on April 18, 1983. The Planning Commission recommended to the City Council that said rezoning be _____.
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.

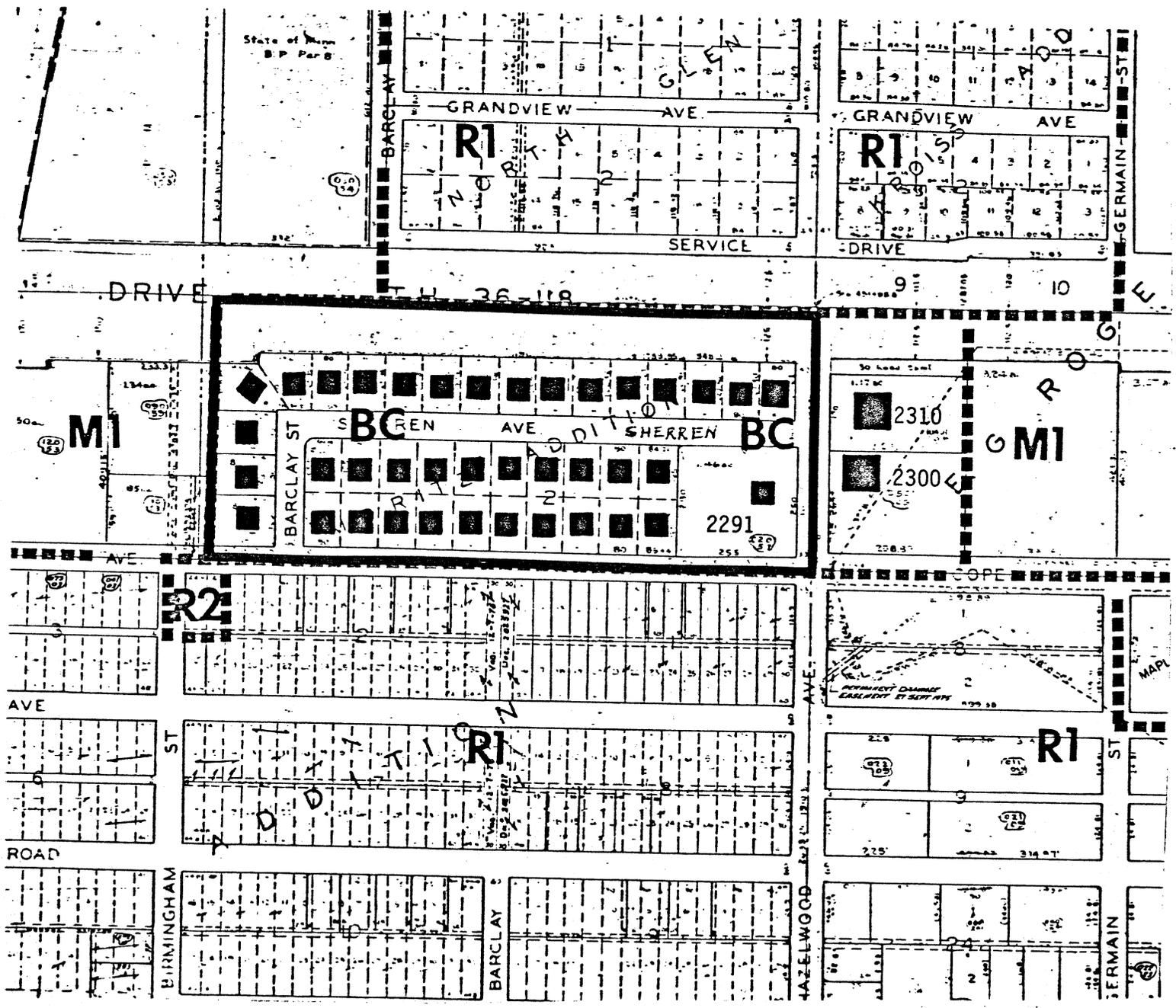


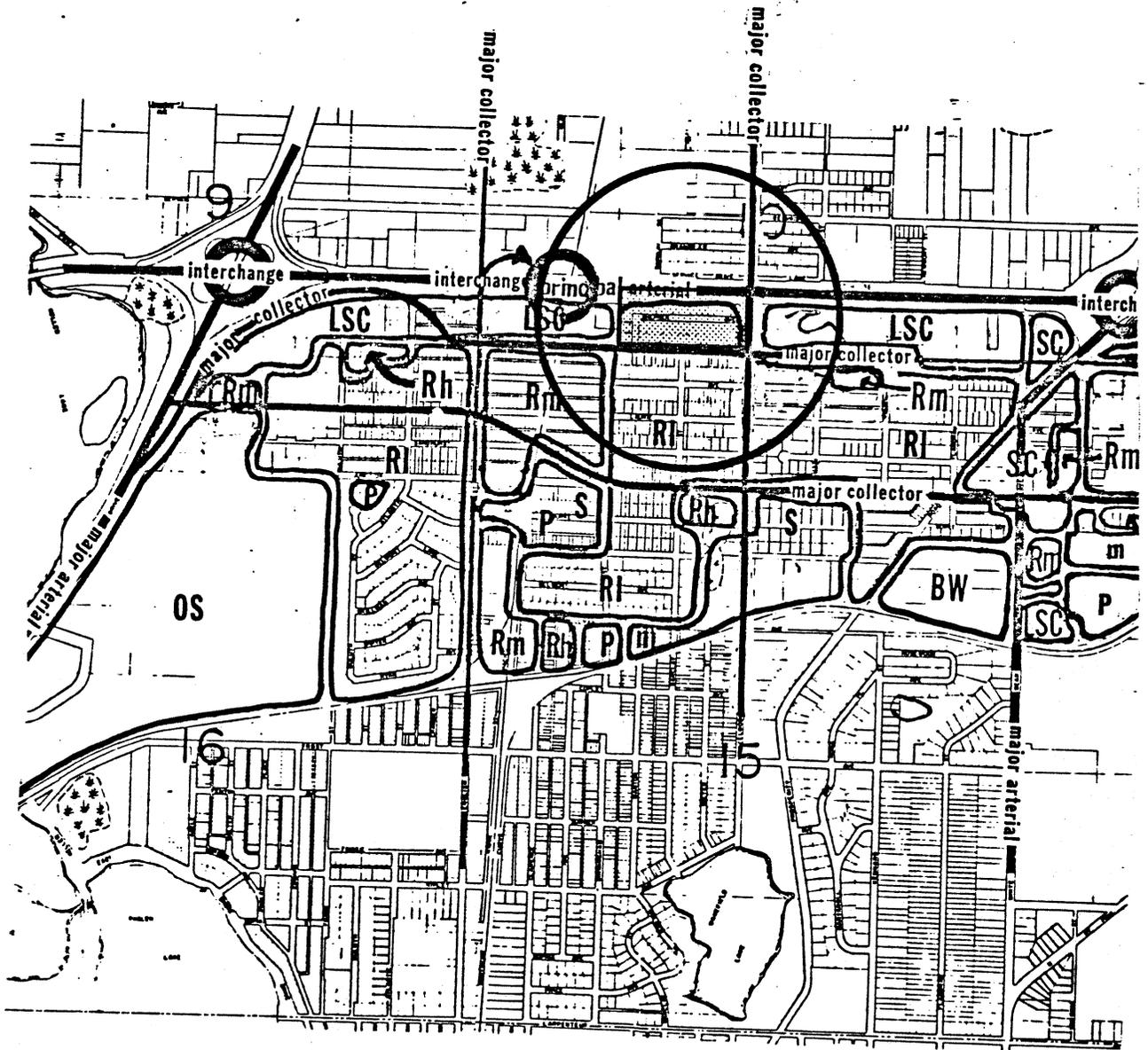
LOCATION MAP



PROPERTY LINE MAP

Attachment 4





**Sherwood Glen
NEIGHBORHOOD LAND USE PLAN**

Attachment 5



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, 10-15-67; Ord. No. 256, 11-20-69; Ord. No. 402, § 1, 8-12-76)

C. Zone Change: Sherren, Barclay and Cope

4-18-83

Associate Planner Johnson said the proposal is to rezone the property to make it consistent with the Land Use Plan.

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

Sylvester Unerdl, 1495 Sherren, asked what the difference in the zoning was.

Staff explained what was permitted in the BC zone and the R-1 zone.

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolutions rezoning the lots abutting Sherren Avenue, Barclay Street and the north side of Cope Avenue to R-1, except for a rezoning to F for 2291 Hazelwood Avenue.

Commissioner Barrett seconded Ayes--Commissioners Axdahl, Barrett, Fischer, Hejny, Prew, Sigmundik, Sletten.

MEMORANDUM

F-5

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning--BC to BC(M)
LOCATION: 2310 and 2300 Hazelwood Ave.
APPLICANT: City Council
OWNERS: 2300 Hazelwood--James Refrigeration Co.
2310 Hazelwood--MAT Properties, Inc.

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

Request

Rezone the site to a zoning consistent with the land use plan.

Reason for the request

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 city's land use plan.

Comments

A BC, business commercial zone would allow uses that may not be compatible with the residential neighborhood to the west or the LSC, limited commercial designation for 2310 and 2300 Hazelwood Avenue on the land use plan. A BC zone allows all types of commercial uses, including fast food restaurants, auto sales and repair, and outdoor commercial recreation. There was neighborhood opposition to the previous request for a used car lot at 2310 Hazelwood Avenue. A BC(M) zone would permit the existing uses, while limiting more intensive auto oriented businesses.

Recommendation

Approval of the enclosed resolution rezoning 2300 and 2310 Hazelwood Avenue from BC, business commercial to BC(M), business commercial modified.

BACKGROUND

Site Descriptions

2310: a 1.2 acre lot developed with an Audio King Store

2300: a 1.5 acre lot developed with a photographic studio

There is a city stormwater easement that cuts diagonally across the rear of the two lots.

Surrounding Land Uses

Northerly: Highway 36

Easterly: drainage pond

Southerly: Cope Avenue

Westerly: Hazelwood Avenue and single dwellings

Past Actions and Uses

2310 Hazelwood: The building was first used as a filling station. Council then issued a used car license in 1979.

2300 Hazelwood: The building was first used as a small grocery store and was later used for a repair shop for recreational vehicles.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan designation: LSC, limited service commercial
2. The limited commercial center classification refers to commercial facilities on a neighborhood scale. Heavy industrial uses, department stores, motels, auto accessory stores, etc. would be prohibited, while other land uses of medium intensity nature would be permitted subject to meeting certain performance standards.
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: BC (business commercial) (See attachment five.)
6. The BC zone allows a wide range of commercial uses.
7. The BC (M) zone is similar to the BC zone, but prohibits drive-up facilities for restaurants, outdoor commercial recreation, auto sales and public garages. (See attachment six.)

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.

mb

Enclosures

1. Resolution
2. Location Map
3. Property Line Map
4. Land Use Plan
5. BC District
6. BC (M) District

ATTACHMENT ONE: RESOLUTION

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 of 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 BC, business commercial to a zone consistent with the city's land use plan for an area bounded by the centerlines of Highway 36, Hazelwood Avenue and Cope Avenue, and the east line of lot 9, E. G. Roger's Garden Lots.

This area includes that portion of lot 9, E. G. Roger's Garden Lots south of the centerline of Highway 36, more commonly described as 2310 and 2300 Hazelwood Avenue,

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

1. This rezoning was initiated by the City of Maplewood, pursuant to Chapter 36, article VII of the Maplewood Code of Ordinances.
2. This rezoning was reviewed by the Maplewood Planning Commission on April 18, 1983. The 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 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 the 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 _____

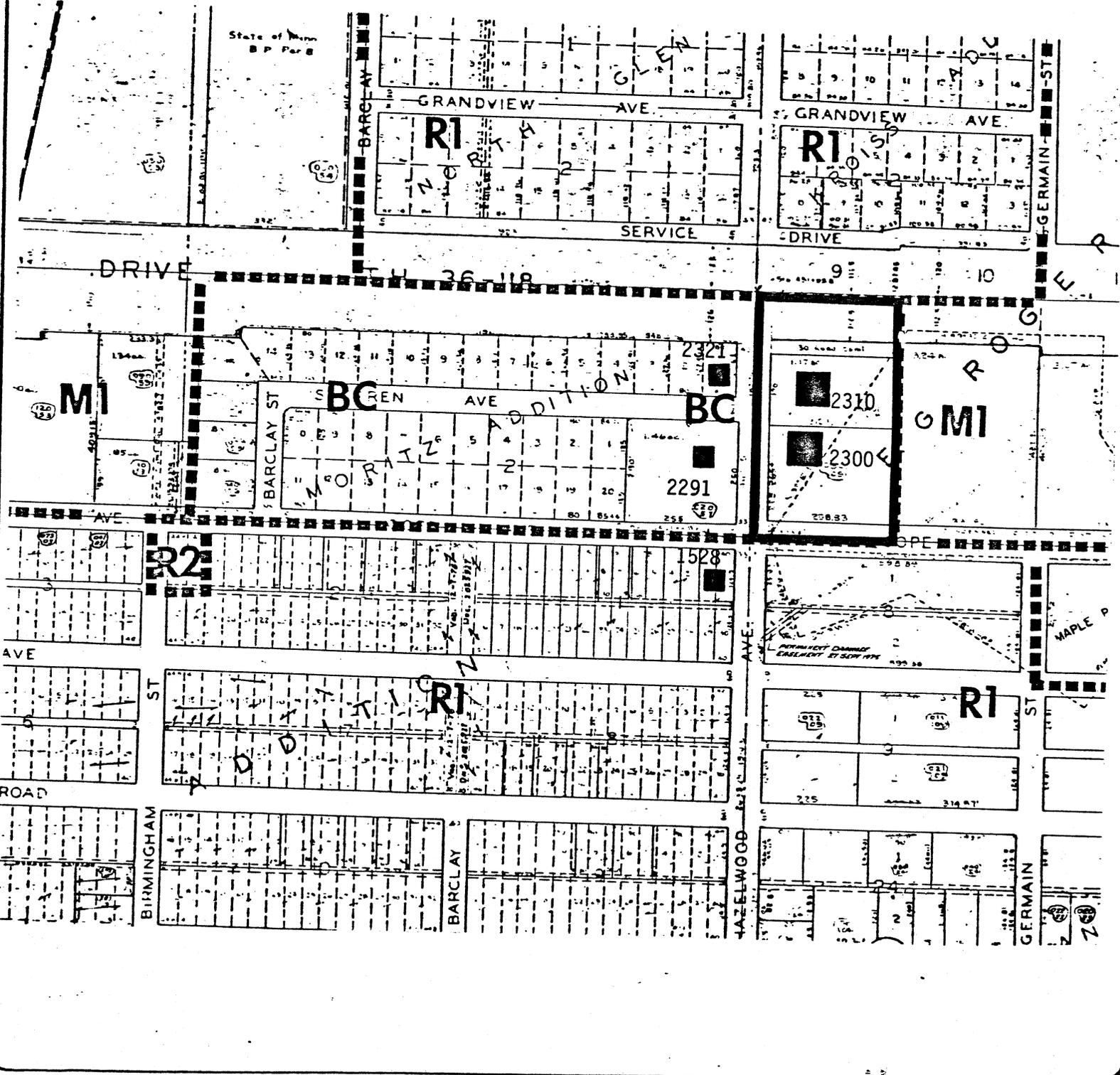
Ayes--

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

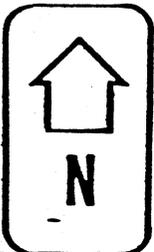
I, the undersigned, being the duly qualified and appointed Clerk of the City of Maplewood, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City of Maplewood, held on the _____ day of _____, 1983, with the original on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

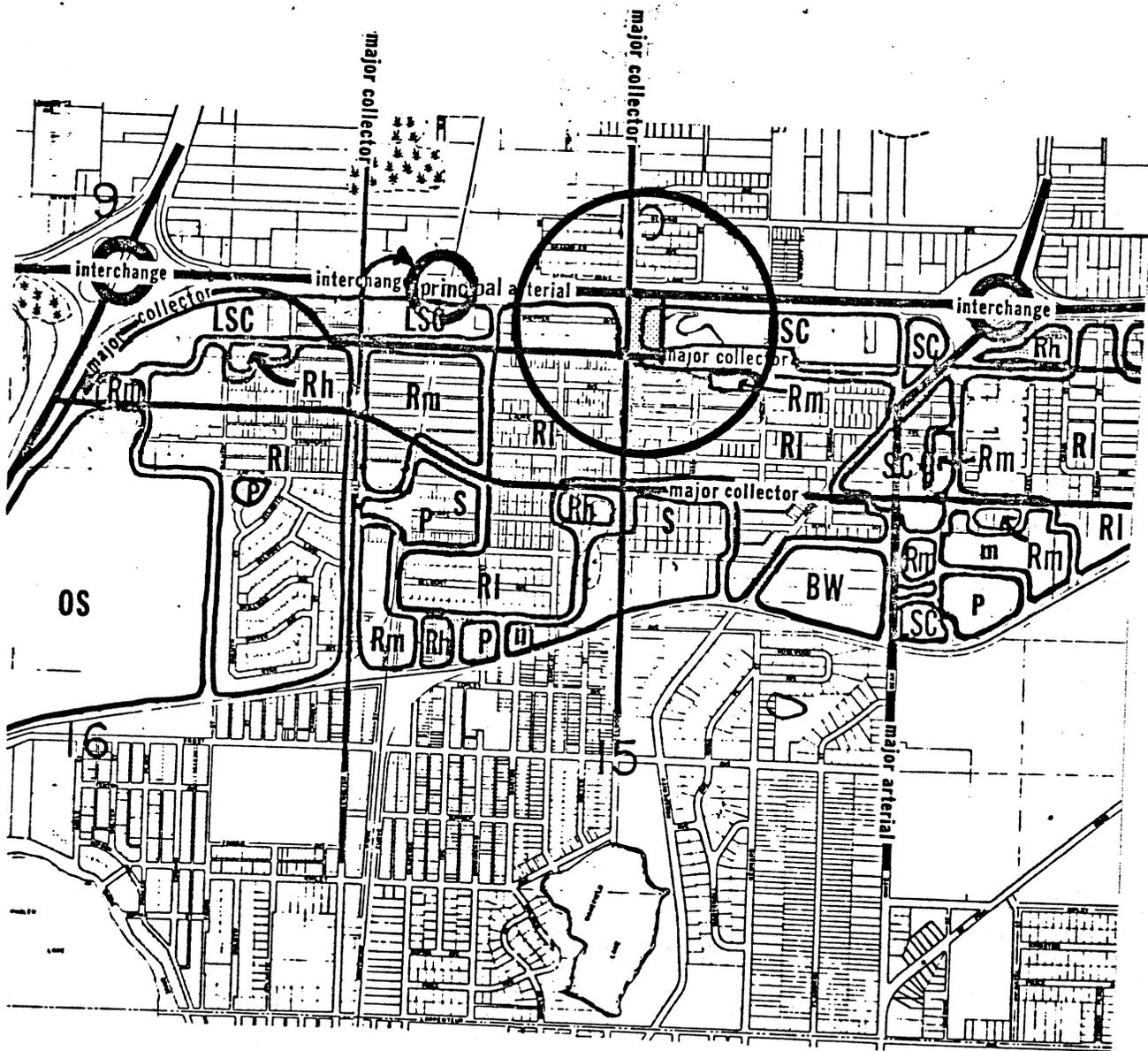
Witness my hand as such Clerk and the corporate seal of the City this
day of _____, 1983.

City Clerk
City of Maplewood, Minnesota



PROPERTY LINE MAP





Attachment 4

**Sherwood Glen
NEIGHBORHOOD LAND USE PLAN**



ATTACHMENT 5

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.

ATTACHMENT 6

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.

D. Rezoning: 2300-10 Hazelwood Avenue

4-18-83

Associate Planner Johnson said the proposal is to rezone the site to a zoning consistent with the land use plan. Staff is recommending a BC to BC (M) zone

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

Philip James, 2300 Hazelwood Avenue, said he purchased the property as an investment and he thought a change in the zone would decrease the value of the site. He wanted the zoning to remain as is.

Glen Mischke, New Brighton, owner of the property at 2310 Hazelwood said he would prefer not to see the property rezoned.

Commissioner Fischer moved the Planning Commission recommend to the City Council approval of the resolution rezoning 2300 and 2310 Hazelwood Avenue from BC to BC (M).

Commissioner Barrett seconded Sigmundik

Ayes--Commissioners Fischer, Barrett,

Hejny.

Nays--Commissioners Axdahl, Prew, Sletten,

Motion fails.

Commissioner Prew moved the Planning Commission recommend the City Council leave the zoning on this property as is, BC.

Commissioner Sletten seconded Hejny.

Ayes--Commissioners Axdahl, Prew, Sletten,

Sigmundik.

Nays--Commissioners Fischer, Barrett,

MEMORANDUM

F-6

TO: City Manager
FROM: Director of Community Development
SUBJECT: Rezoning (BC to R-1)
LOCATION: Cope Avenue, German Street and Castle Ave.
APPLICANT: City of Maplewood
OWNER: Hillcrest Development
DATE: May 13, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

Request

Rezone this site from BC, business commercial to R-1, residence district (single 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. Council specifically asked that this rezoning be put on this agenda after rezoning the lot to the south from BC to R-1 on April 25.

Rezoning this site would be consistent with the city's comprehensive plan. The applicant, however, has applied for a plan amendment from RL, residential lower density to LSC, limited service commercial for the rezoning area and the land east of North St. Paul. A hearing is scheduled with the planning commission for June 20. It would be premature to consider this rezoning until a decision is made on the plan amendment for the larger area.

Recommendation

Table this rezoning until the plan amendment is considered.

118

BACKGROUND

Site Description

The area to be rezoned is 3.6 acres and undeveloped.

Surrounding Land Uses

Northerly: Highway 36 and Castle Avenue

Easterly: undeveloped, except for the city water tower. Zoned and planned for single dwellings.

Southerly: undeveloped Cope Avenue and undeveloped land planned and zoned for single dwellings.

Westerly: undeveloped land zoned and planned for single dwellings

Past Action

1. Land Use Plan designation: RL, residential lower density
2. The RL designation is primarily for a variety of single-dwelling homes. An occasional double dwelling is allowed.
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: BC, business commercial
6. The BC zone allows a wide range of commercial uses. (See attachment four.)
7. The R-1 zone would limit the use of this site to single dwellings.

ADMINISTRATIVE

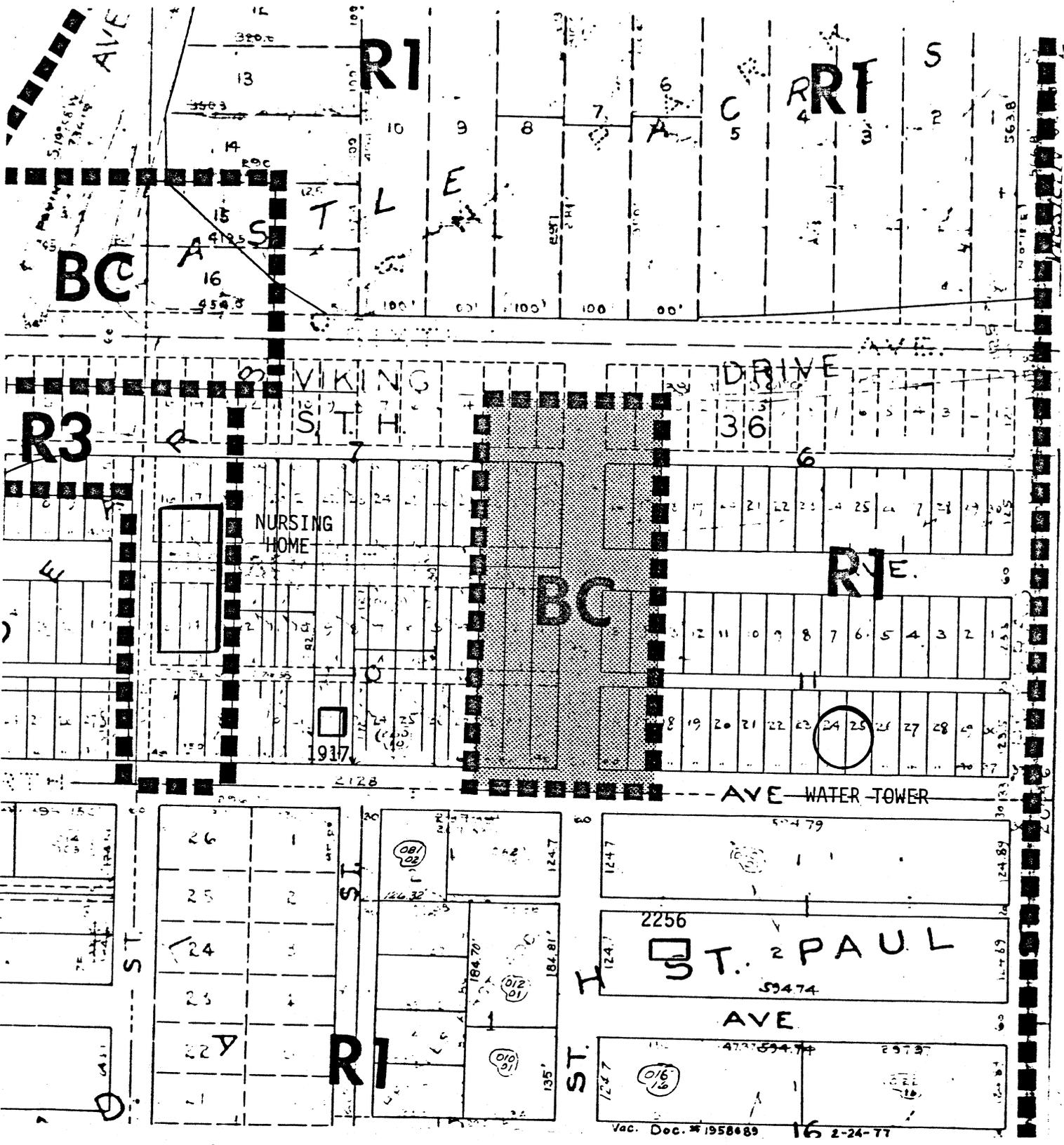
Procedure

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

mb

Enclosures:

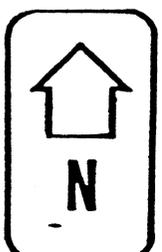
1. Location Map
2. Property Line Map
3. Land Use Plan
4. BC Zone
5. Planning Commission Minutes

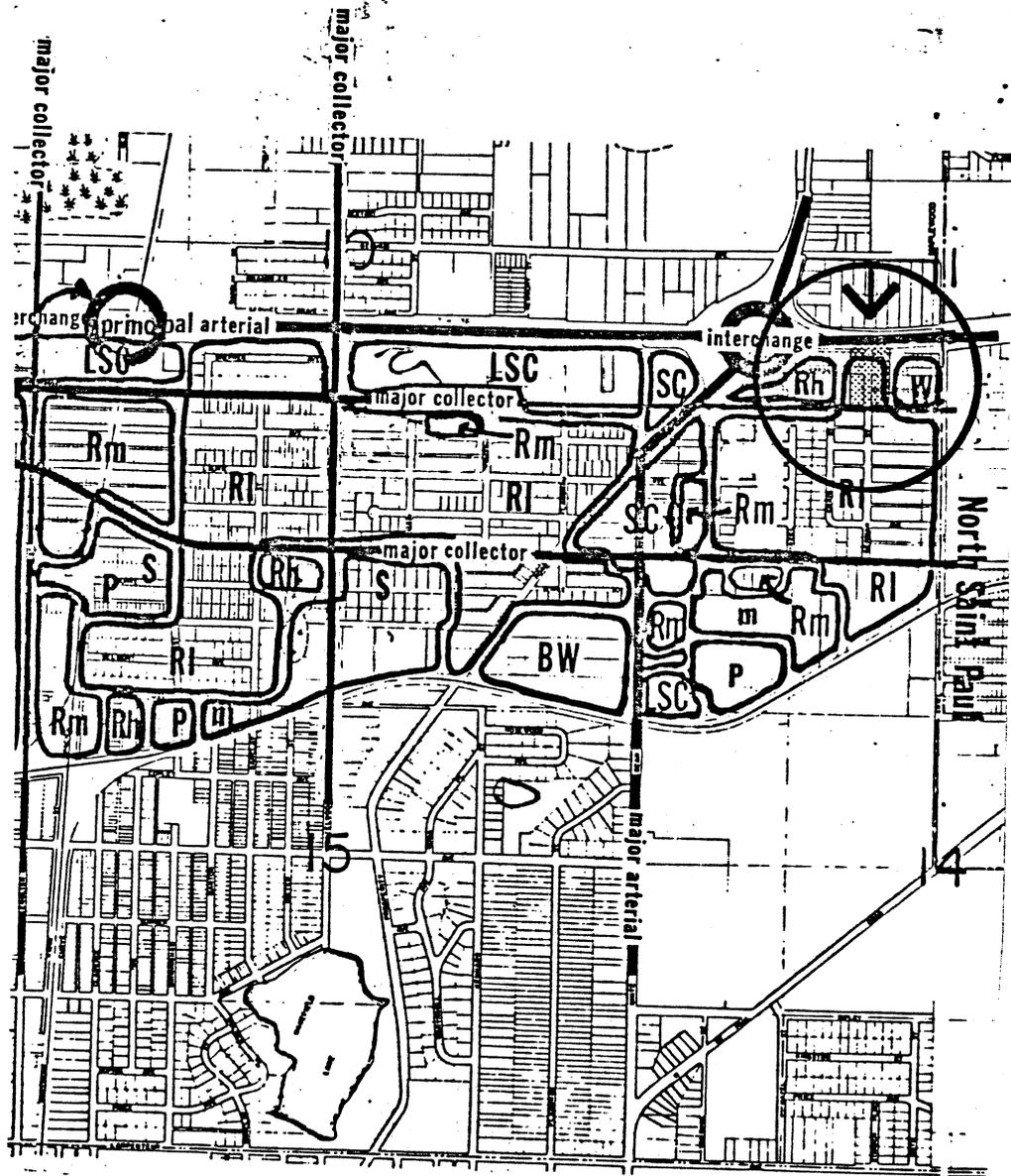


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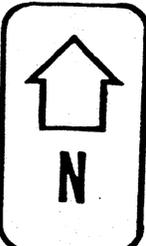
PROPERTY LINE MAP

WITH ZONING





Sherwood Glen
 NEIGHBORHOOD LAND USE PLAN



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)

- G. Rezoning--Cope Avenue, German Street, and Castle Avenue

3-21-85

Secretary Olson said the proposal is to rezone the site from BC to R-1

Chairman Prew asked if anyone was present who wished to comment.

Jeff Jarpe, representing Hillcrest Development, said they did not think the rezoning to single family was appropriate for the property because of the location of the property (overlooking Highway 36 and the water tower adjacent to it). He suggested the property adjacent to theirs should be considered for a commercial use. (water tower property) If the zone change occurs to the property, all hope for development would be lost. He indicated if he would have to ask for a change to the plan to prevent the rezoning, he would do so.

The Commission discussed other appropriate zonings for the property and land use categories. They also considered just downzoning that portion of the property which lies south of Cope Avenue.

Commissioner Whitcomb moved the Planning Commission recommend approval of a zone change resolution to rezone the property located at the south-east corner of German and Cope to R-1 as it would be in conformance with the Land Use Plan and table action on the zone change for the property located north of Cope Avenue, adjacent to German Street, for a period of 6 months to allow the owner to make an alternative proposal for the property.

Commissioner Sletten seconded

Ayes--Commissioners Prew,

Barrett, Fischer, Sigmundik, Sletten, Whitcomb

MEMORANDUM

F-7

TO: City Manager
 FROM: Associate Planner--Johnson
 SUBJECT: Preliminary Plat
 LOCATION: Larpenteur Avenue, west of Parkway Drive
 APPLICANT/OWNER: Woodmark, Inc.
 PROJECT: Bennington Woods
 DATE: April 27, 1983

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

INTRODUCTION

Request

Preliminary plat approval

Proposal

1. Subdivide the Bennington Woods condominium site into twelve parcels (attachment three), to accommodate the phased development of the site.
2. Parcels one through eight would each contain a condominium structure of four to eight units.
3. Parcels nine through twelve would be the private driveways.
4. As each building is constructed the underlying parcel would be brought into the condominium. The developer would retain control of the undeveloped parcels until construction is completed.
5. An eight-unit structure is presently under construction on proposed lot one.

Comments

The plat is being requested to accommodate the phasing of the site. If a marketing problem were to develop, the developer, rather than the association, would maintain control of the undeveloped property. Once the entire site is developed, it will be under the control of the homeowners' association.

Platting of the site raises the concern that more than one entity could become responsible for maintaining the driveways, open space and utilities. The homeowners association bylaws should be drafted to alleviate this concern.

Recommendation

Approve the Bennington Woods preliminary plat, subject to the following conditions:

1. City attorney approval of the declaration and bylaws for the condominium. These documents shall include language which:
 - a. Will guarantee that only one homeowners' association will be responsible for the maintenance of the driveways and other common areas.
 - b. Will require City Council approval of any changes to the bylaws or declaration which effect the maintenance of the common areas or driveways.

2. Lots nine through twelve shall be designated as "unbuildable parcels" in the declaration for the condominium homeowners' association document and deeds for the individual properties.
3. The final plat shall contain utility easements, as directed by the city engineer.

As a condition of construction of each condominium structure:

1. The footprint for each structure shall be located by land survey prior to the foundations being poured.
2. Corner irons shall be set for each lot as a condition of an occupancy permit.

BACKGROUND

Site Description

1. Site size: 5.76 acres
2. Existing land use: The first phase of the subject development is under construction

Surrounding Land Uses

- Northerly: Maple Hills Golf Course--the proposed site of a future housing development for older adults.
- Southerly: Larpenteur Avenue. South of Larpenteur Avenue and single and double dwellings in St. Paul.
- Easterly: Maple Hills Golf Course and a single dwelling
- Westerly: Mount Zion Cemetery

Past Action

- 9-7-82: The Community Design Review Board approved the site and building plans for this development. In December 1982, prior to issuing a building permit, administrative authorization was given to combine two of the four-unit structures into an eight-unit structure and to revise the bedroom mix from one and two bedrooms to all two-bedroom units. These changes were consistent with all code requirements.
- 9-27-82: Council approved a special exception permit (multiple dwellings in a business commercial zone) and a parking variance for the subject development.
- 1-13-83: An administration lot division was approved to add 27.9 feet to the northeast boundary of site.
- 4-11-83: Council approved a rezoning from BC, business commercial to R-3, Residence District (multiple dwelling) for this site and the adjoining Maple Hills Golf Course.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan Designation: Rh, High Density Residential
2. Permitted density: 34 people per net acre
3. Proposed density: 24.3 people per net acre
4. Zoning: R-3, Residence District (multiple dwelling)
5. The plat conforms to all zoning and subdivision requirements.

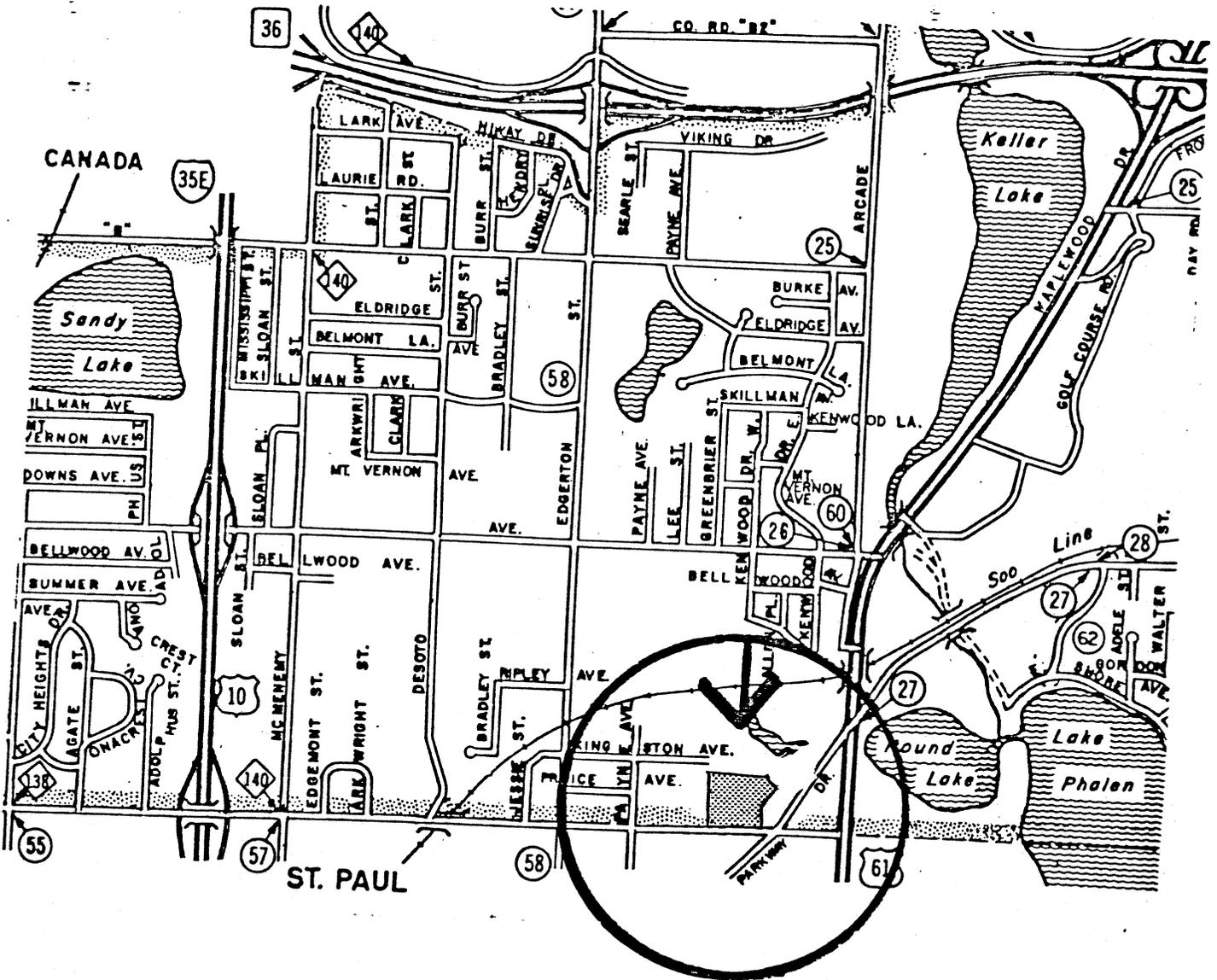
Public Works

1. Sanitary sewer and water are available.
2. Utility easements are necessary through the plat. Approval of their location is necessary prior to final plat approval.

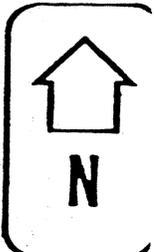
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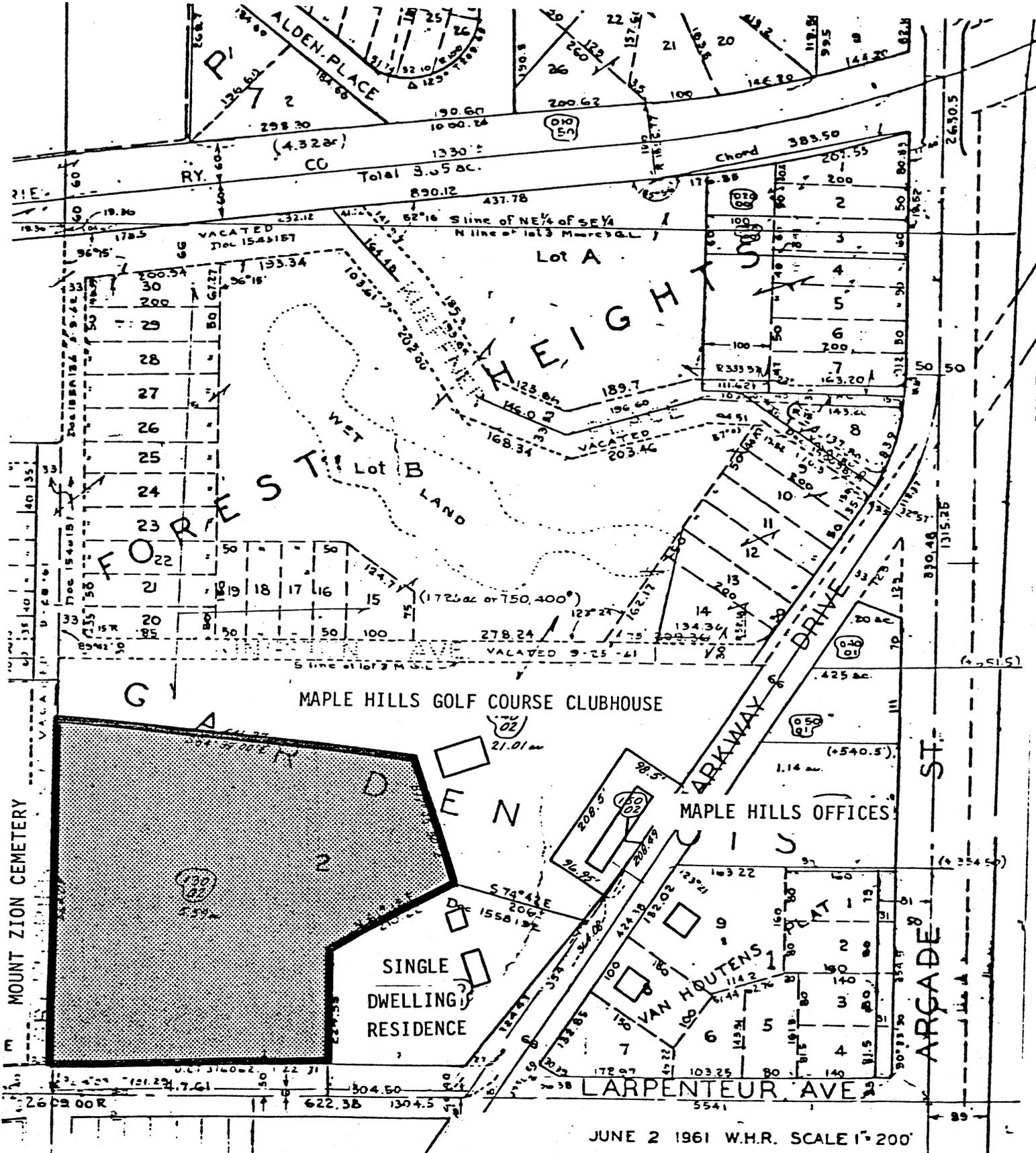
Enclosures:

1. Location Map
2. Property Line Map
3. Preliminary Plat
4. Site Plan



LOCATION MAP





PROPERTY LINE MAP

Attachment 2



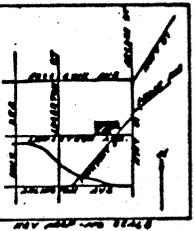
MOUNT ZION HEBREW CEMETERY PLAT A

AVENUE

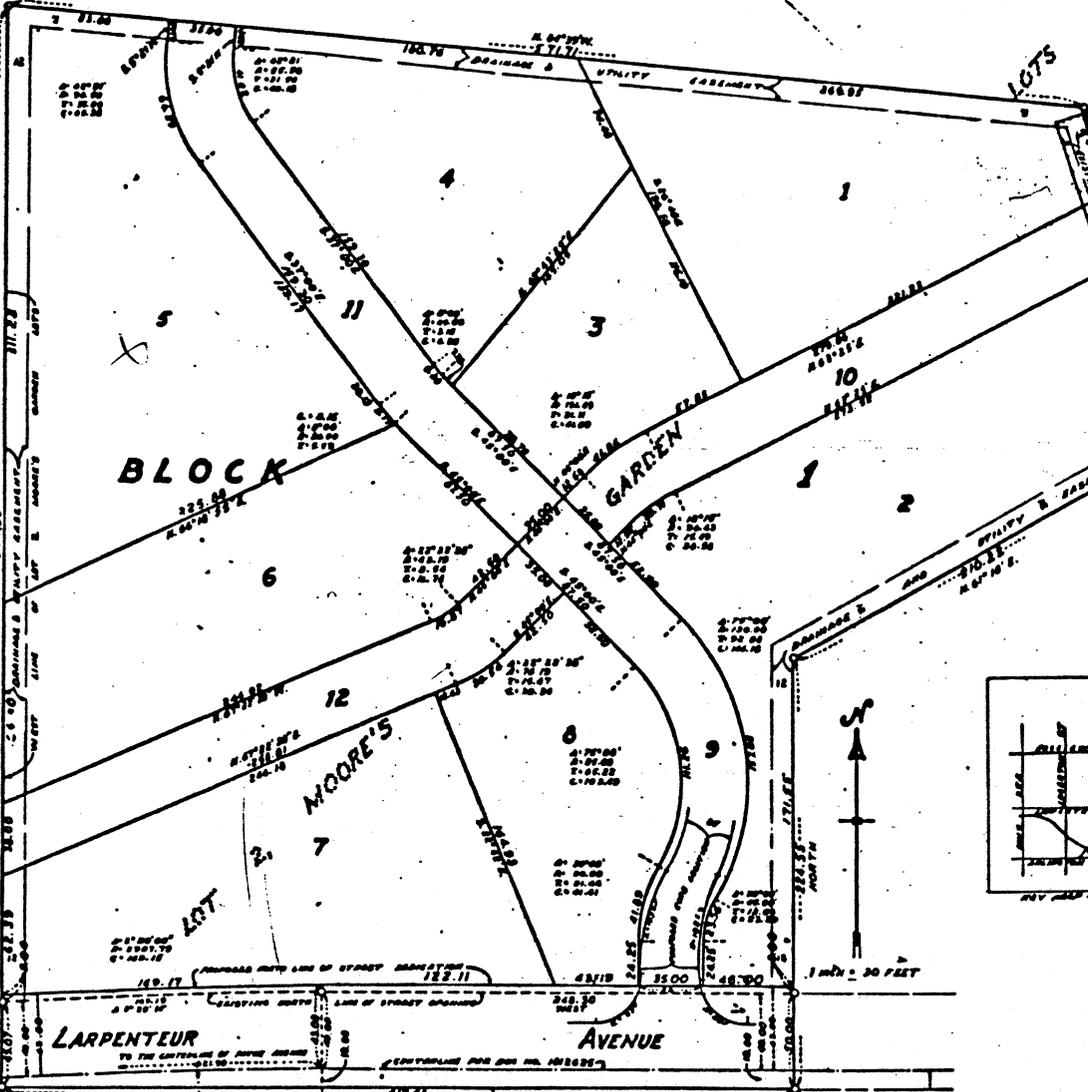
GREENBRIER

BLOCK

GARDEN



1 inch = 30 FEET

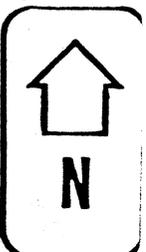
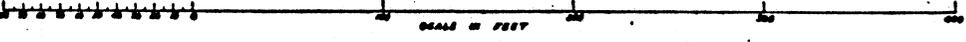


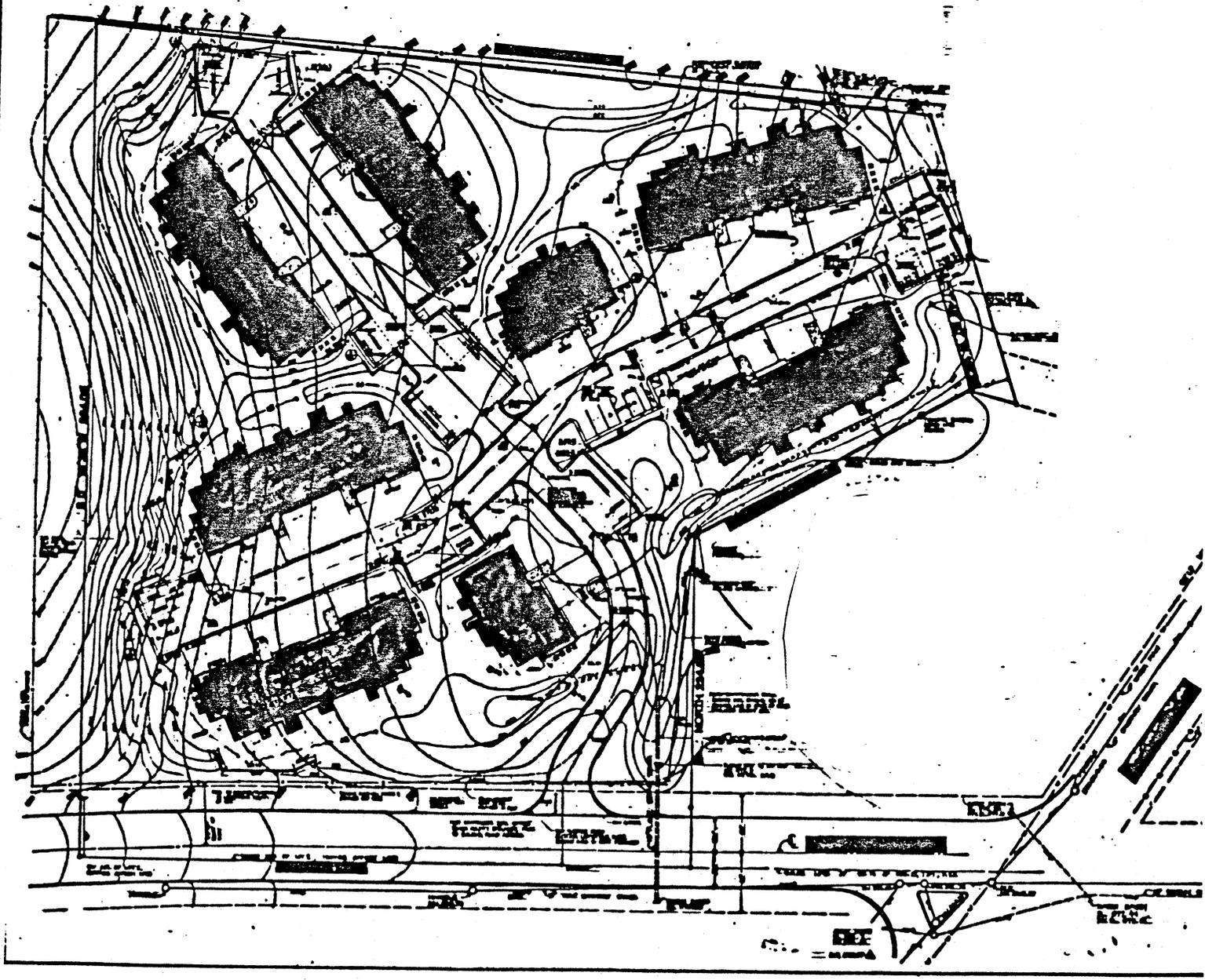
LARPENTEUR AVENUE

MOORE'S AVENUE

LARPENTEUR AVENUE

AVENUE





SITE PLAN

Approved September 7, 1982
(Minor changes approved administratively in December 1982)



F-8

MEMORANDUM

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Variances--Lot Area, Frontage and Width
LOCATION: Dieter Street, North of Frost Avenue
APPLICANT: Harlan Moe
OWNER: Gordon Hedlund (contract owner)
State of Minnesota (fee owner)
DATE: April 27, 1983

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

SUMMARY

Request

Approval of lot area, lot frontage and lot width variances to construct a single dwelling on an existing forty foot wide interior lot, 5000 square feet in area.

Comments

Council denied a similar request (Terry O'Leary) in May 1982 for a lot north of Ryan Avenue on Barclay Street. (See Past Actions.) The present lot area variance would be 400 square feet greater than that denied for the O'Leary request. Council also denied a similar request in 1973 for Marcella Tracy.

This request should also be denied for the following reasons:

Out-of-character with existing development

Construction of a home on this parcel would be out-of-character with existing neighborhood development. The smallest built-upon parcel on the block is at least 80 feet wide, twice the width of the subject lot (attachment three).

Excessive neighborhood density

The present neighborhood density is 18.3 people/net acre (p/na), exceeding the 14 p/na prescribed by the Land Use Plan. Approval of this request would set a precedent for the development of three nearby forty foot lots in addition to the applicant's lot. With the one remaining standard-sized property, a possible future density in this neighborhood could be 19.1 p/na--substantially greater than planned for.

Lack of hardship unique to the property

Any hardship sustained by the applicant or owner would be self-imposed. This tax-forfeit property was purchased from the County in February 1982 prior to receipt of necessary zoning approvals. The Ramsey County Land Commissioner's office routinely advises perspective buyers to seek such approvals. Persons who purchase tax-forfeit property for development must do so at their own risk.

Within the upcoming year, the Housing and Redevelopment Authority will be developing a plan to facilitate the transfer of ownership of substandard, tax-forfeited parcels, where possible, to adjoining property owners.

Recommendation

Approve the enclosed resolution (attachment one), denying the requested lot area, width and area variances.

Denial is on the basis that:

1. Development of this lot would be inconsistent with the intent of the zoning code, resulting in a dwelling out-of-character with existing neighborhood development.
2. Approval would be inconsistent with the previous denials of similar requests.
3. Neighborhood density would further exceed the allowable maximum.
4. Strict enforcement would not cause an undue hardship unique to the individual lot in question.
5. The present owner purchased this tax-forfeited property in 1982. The requirements from which a variance is required have been in effect since the 1960's. Any hardship incurred would be self-imposed.

BACKGROUND

Planning

Lot size: 40 x 125 feet, with 5000 square feet of area

Existing land use: Undeveloped, grown up with trees

Ownership: The parcel is in separate ownership from adjacent parcels.

Surrounding Land Uses

North: Single dwelling on a 120 foot wide parcel

East: Dieter Street. Across the street, single dwellings on 100 to 120 foot wide lots

South: Single dwelling on an 80 foot wide lot

West: Single dwellings on 80 foot wide lots

Past Actions

8-16-73: Council denied lot area and width variances for a forty-foot wide lot, owned by Marcella Tracy, located on Gurney Street, north of Larpenteur Avenue on the basis that:

1. "the variances are so extreme as to not to practically allow the construction of a home on the site in accordance with Village Code and in conformance with the housing in the neighborhood,
2. the property was acquired after the 75-foot frontage requirement for building was established and also because of the drainage problem as it relates to the alley."

5-6-82: Council denied lot area, width and frontage variances to develop a forty foot lot described as Lot 9, Block 27, Gladstone Plat 2 (Barclay Street, north of Ryan Avenue) on the basis that:

1. Development of this lot would be inconsistent with the intent of the zoning code, resulting in a dwelling out-of-character with existing neighborhood development.
2. Approval would be inconsistent with the previous denial of a similar request.
3. Neighborhood density would further exceed the allowable maximum.
4. Strict enforcement would not cause an undue hardship unique to the individual lot in question.
5. The best use of the property, in the public interest, would be combination with the parcel to the south to create a proper-sized corner lot and to sustain adequate separation between dwellings.

6. The present owners purchased this property in 1982. The requirements from which a variance is requested have been in effect since the 1960's. Any hardship incurred would be self-imposed.
7. The property is maintained by an adjacent property owner and is not an eyesore.

DEPARTMENT CONSIDERATIONS

Planning

1. Land Use Plan designation: RL, residential lower density
2. Zoning: R-1, residence district (single dwelling)
3. Permitted density: 14 persons/net acre
4. Existing density (attachment two--blocks 25-27, 30-32 and 34-36, Gladstone Plat 2): 18.3 persons/net acre
5. Proposed density (area in item four): 18.5 persons/net acre
6. Compliance with Land Use laws:
 - a. Statutory:

Section 462.357 of State Statutes states that "variances from the literal provisions of the zoning code can be granted if:

- (1) Strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration. 'Undue hardship' means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to his property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.
- (2) When it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance."

b. Ordinance:

- (1) Sections 36-69 and 30-8(f)(1) state that a single dwelling lot must be no less than 10,000 square feet in area.

Variance 1

This parcel contains 5,000 square feet requiring a lot area variance of 5000 square feet.

- (2) Sections 36-69 and 30-8(f)(1) state that a single dwelling lot must be no less than 75 feet wide at the building setback line.

Variance 2

This parcel is 40 feet wide, requiring a lot width variance of 35 feet.

- (3) Section 30-8(f)(1) states that a rectangular single dwelling lot must have at least 60 feet of frontage.

Variance 3

This parcel is 40 feet wide, requiring a lot frontage variance of 20 feet.

Public Works

Sewer and water are available.

Financial

At the time of forfeiture, there was an unpaid assessment in the amount of \$263.94. The County paid \$177.59 from the 1982 proceeds from the property. Provided the present contract holder continues to pay for the property, the County will continue to pay this assessment. If Council approves this request, a condition of approval should be the payment of the unpaid assessment plus interest.

Ramsey County Land Commissioner

This property went tax-forfeit on July 29, 1969. Maplewood authorized its sale on August 19, 1971. The applicant purchased it on February 12, 1982 for \$2900 (\$377 paid to date, the remainder due over a ten-year period). Mr. Eaves of the Land Commissioner's office indicates that their policy is to suggest that prospective buyers check with the individual cities for any zoning or building limitations before purchase.

Environmental Health

In November 1979, the City received a complaint about assorted junk on this property. A letter was sent to neighborhood property owners, particularly those with children who played on the lot, informing them that the neighborhood must take responsibility for keeping the lot clean. Since that time, no complaints have been received. The lot presently is clean and grown up in trees. The grassy areas appear to be maintained by the adjacent property owners.

jw

Enclosures:

1. Resolution
2. Location Map
3. Property Line Map
4. Applicant's Letter of Justification
5. Letter from the City Attorney

Attachment One

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 _____ at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, a lot area, width and frontage variance request has been initiated by Harlan Moe to construct a single dwelling on a 40 x 125 foot lot described as follows:

Lot 21, Block 31, Gladstone Plat 2, Section 15, Township 29, Range 22

WHEREAS, the procedural history of this variance request is as follows:

1. That a variance request has been initiated by Harlan Moe, pursuant to Chapters 30 and 36 of the Maplewood Code and Section 462.357(g) of State Statute;
2. That said variance request was referred to and reviewed by the Maplewood City Planning Commission on the _____ day of _____, 1983, at which time said Planning Commission recommended to the City Council that said variance be denied;
3. That the Maplewood City Council held a public hearing to consider the variance 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 COUNCIL OF THE CITY OF MAPLEWOOD, RAMSEY COUNTY, MINNESOTA that the above-described variance be denied on the basis of the following findings of fact:

1. Development of this lot would be inconsistent with the intent of the zoning code, resulting in a dwelling out-of-character with existing neighborhood development.
2. Approval would be inconsistent with the previous denials of similar requests.
3. Neighborhood density would further exceed the allowable maximum.
4. Strict enforcement would not cause an undue hardship unique to the individual lot in question.

5. The present owner purchased this tax-forfeited property in 1982. The requirements from which a variance is required have been in effect since the 1960's. Any hardship incurred would be self-imposed.

Adopted this day of , 1983.

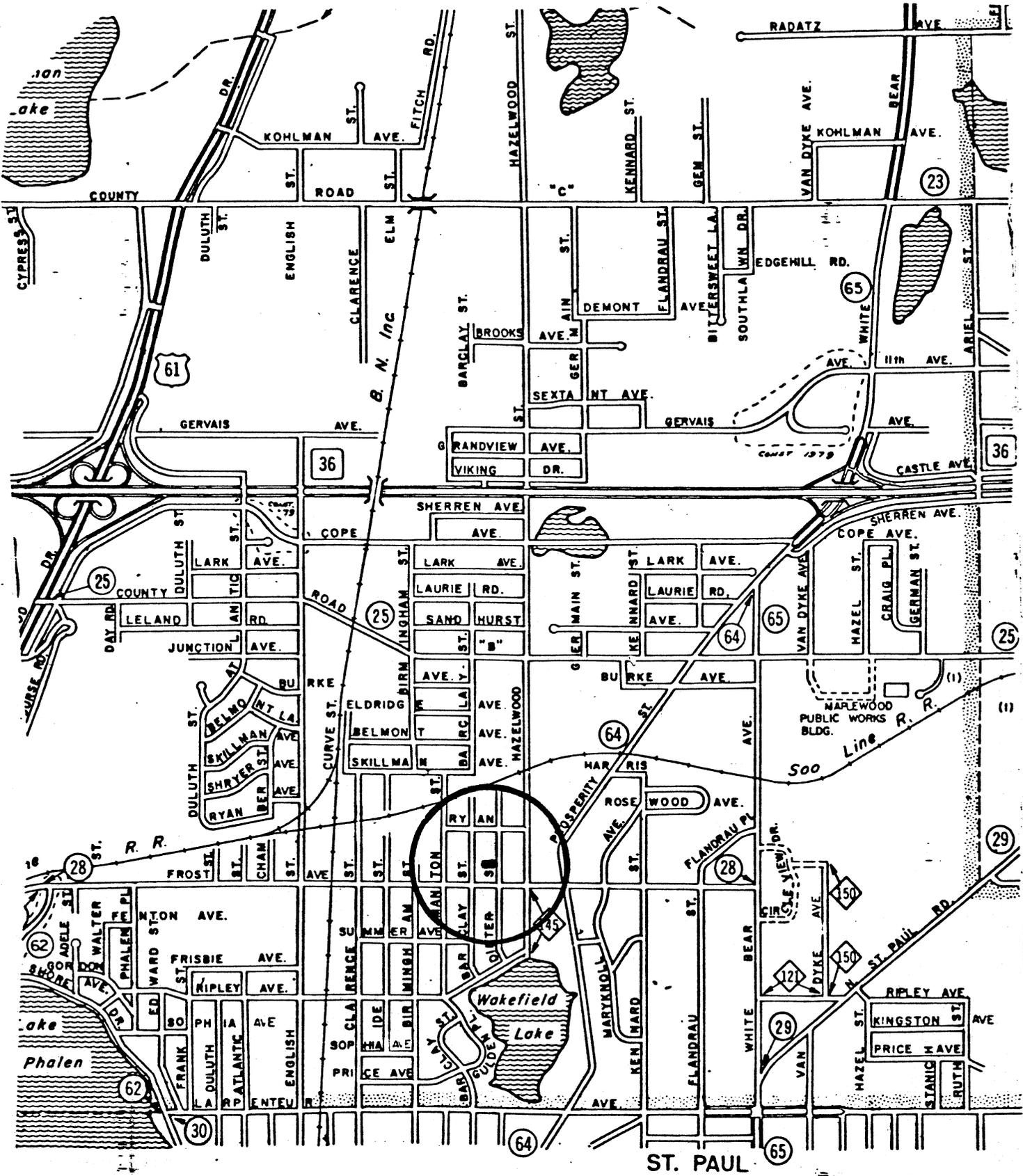
Seconded by Ayes--

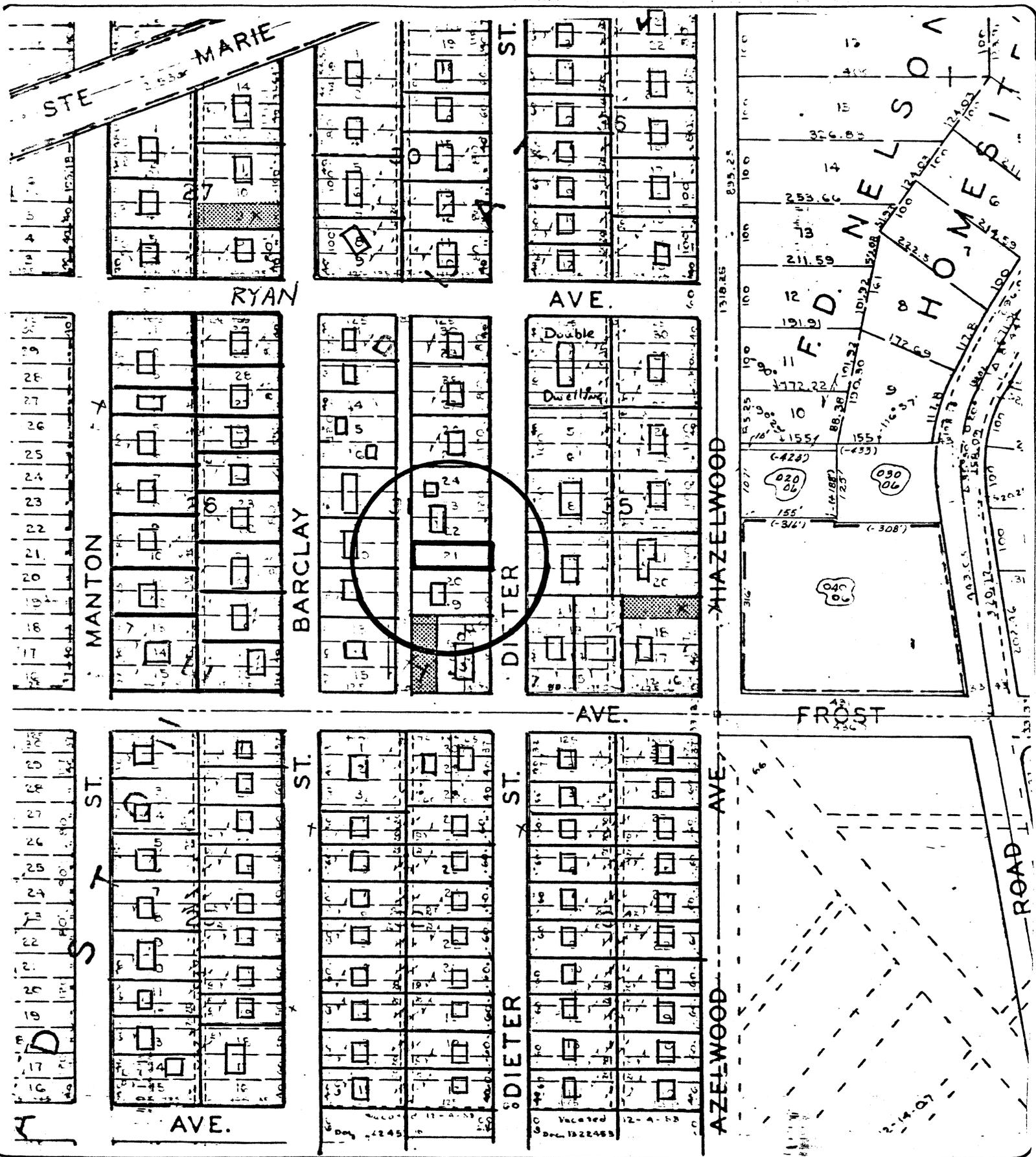
STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) SS.
)
CITY OF MAPLEWOOD)

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

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

City Clerk
City of Maplewood, Minnesota





Attachment 3

PROPERTY LINE MAP

 Other potentially developable forty foot lots



KEEPING IN MIND THE SPIRIT AND INTENT OF THE CURRENT ORDINANCE, I HAVE TALKED WITH PROPERTY OWNERS WITHIN 150 FT. OF LOT 21, BLOCK 31, GLADSTONE PLAZ.

I HAVE SHOWN PLANS OF THE HOUSE I WOULD BUILD IF GRANTED A BUILDING PERMIT. ALL OWNERS VISITED AGREE THAT THIS HOUSE ON THIS LOT WOULD BE AN IMPROVEMENT TO THE NEIGHBORHOOD, AND I FOUND NO OBJECTIONS. THE FEELING WAS THAT A VACANT LOT ENCOURAGES THE GATHERING OF RUBBISH, ETC., THAT IS A CONTANT EYESORE.

THE HOUSE I WOULD BUILD IS OF NEAT DESIGN, AND WELL CONSTRUCTED TO ENHANCE THE APPEARANCE OF THE NEIGHBORHOOD.

FROM INFORMATION I HAVE ACQUIRED, THERE ARE MORE SMALLER HOMES BEING BUILT TODAY, AND THIS WOULD HAVE AN EFFECT ON LOT SIZE REQUIREMENTS.

IN VIEW OF THE ABOVE, I REQUEST YOUR CONSIDERATION IN GRANTING ME A BUILDING PERMIT FOR THIS LOT.

DUE TO THE FACT I CANNOT AFFORD A HIGH-PRICED LOT TO BUILD MY HOUSE ON, THE OPPORTUNITY TO BUY THIS LOT APPEALED TO ME, AND WAS WORTH THE EFFORT TO TRY TO ACQUIRE A BUILDING PERMIT.

Harlow G. Moe

LAIS, BANNIGAN & CIRESI, P. A.

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

DONALD L. LAIS
JOHN F. BANNIGAN, JR.
JEROME D. CIRESI

From: City Mgr.

Referred To:

AREA CODE 612
224-3781

Mayor

Council

Clerk

Fin. Director _____

Com. Develop.

Parks & Rec. _____

Pub. Safety _____

Pub. Works _____

Attorney _____

Press _____

Other _____

Date 3-29-74

March 19, 1974

Mayor and City Council
City of Maplewood
1380 Frost Avenue
Maplewood, Minnesota 55109

ATTENTION: Michael G. Miller

RE: Marcella Tracy vs. Village of Maplewood

Honorable Mayor and Councilmembers:

On August 16, 1973, Marcella Tracy appeared before the Village Council sitting as its Board of Adjustments and Appeals to consider her Petition for a variance from the minimum lot area and lot width requirements of the Village code. Mrs. Tracy owned a 40 foot wide lot which was platted as such prior to the effective date of the City zoning code.

The City Council, sitting as the Board of Adjustments and Appeals denied the application for minimum width and area requirements.

Mrs. Tracy initiated legal action seeking a declaratory judgment in Ramsey County District Court. At the trial of the matter, the Ramsey County District Court intimated that if the matter could not be disposed of, he would most likely find that Mrs. Tracy's husband had purchased an unbuildable lot but, inasmuch as it was an unbuildable lot, that two assessments for sewer and water were therefore improperly assessed. Rather than go to trial, the judge asked that we attempt to negotiate a settlement whereby the court would find that the Council action was not unreasonable, arbitrary or capricious but that the lot was, in fact, unbuildable and therefore not benefited by the two aforementioned assessments. Rather than go through lengthy judicial proceedings to arrive at this end, the undersigned indicated that he would recommend such a disposition to the City Council.

Mayor and City Council
of Maplewood

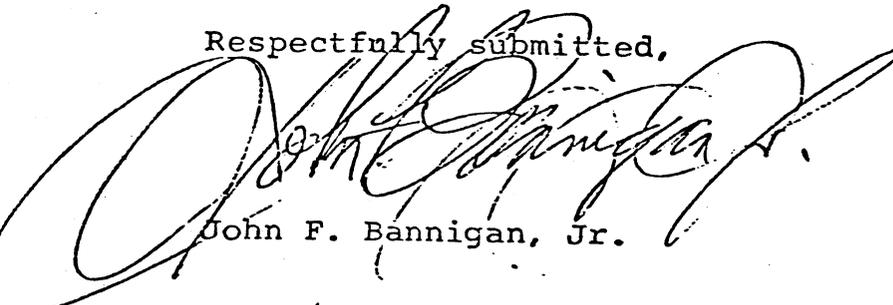
March 19, 1974

Page 2

Consider this letter as my recommendation that the City Council find that Lot 28, Block 12, St. Aubin & Dion's Rice Street Addition to the City of St. Paul, Minnesota, was improperly assessed and that the principal plus interest be remitted.

As an additional aside, an abutting owner, James Commander, will purchase the lot and incorporate it in his homestead.

Respectfully submitted,



John F. Bannigan, Jr.

JFB:jmw

E. Variances: Dieter Street (Moe)

5-2-83

Secretary Olson said the applicant is requesting approval of lot area, lot frontage and lot width variances to construct a single dwelling on a 40 foot lot. Staff is recommending denial.

Harlan Moe, said he was concerned that the City would deny this request because he did show a plan to the neighborhood and they did not think it was out of character with the neighborhood. He thought there had been sufficient changes in the present for the City to change their regulations to permit construction on the smaller lots.

The Commission asked if there was anything Maplewood could do to prevent the sale of a smaller lot through tax forfeiture.

Secretary Olson said the City would have to have a public need for the property.

The Commission indicated they did not wish to establish a precedent by approving a variance on a 5,000 square foot lot.

Commissioner Pellish moved the Planning Commission recommend the City Council approve the resolution denying the requested lot area, width and area variances on the basis:

1. Development of this lot would be inconsistent with the intent of the zoning code, resulting in a dwelling out-of-character with existing neighborhood development.
2. Approval would be inconsistent with the previous denials of similar requests.
3. Neighborhood density would further exceed the allowable maximum.
4. Strict enforcement would not cause an undue hardship unique to the individual lot in question..
5. The present owner purchased this tax-forfeited property in 1982. The requirements from which a variance is required have been in effect since the 1960's. Any hardship incurred would be self-imposed.

Commissioner Whitcomb seconded

Ayes--Commissioners Axdahl, Barrett, Ellefson, Fischer, Hejny, Pellish, Prew, Sigmundik, Whitcomb

G-1

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

MEMORANDUM

TO: City Manager
FROM: Public Works Coordinator
SUBJECT: Award of Bids
DATE: May 16, 1983



On Tuesday, May 10, at 10:00 a.m. bids were received for the purchase of three (3) half ton pick-up trucks. A copy of the tabulation of bids is attached.

The low bid of \$24,866.22 compares favorably with the \$27,000.00 budgeted for this equipment.

Award to the low bidder is recommended.

RESOLUTION FOR AWARD OF BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Merit Chevrolet in the amount of \$24,866.22 is the lowest responsible bid for the furnishing of three (3) half ton pick-up trucks, and the Mayor and Clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the City.

TABULATION OF BIDS

Pursuant to due call and notice thereof, a special meeting of the officials designated for a bid opening by the City Council of Maplewood was convened at 10:00 a. m., C.D.S.T. ,Tuesday, May 10, 1983 . The purpose of this meeting was to receive, open and publicly read aloud bids for three (3) half ton pick-up trucks.

Present were: W. Cass and J. Embertson

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

BIDDER	BID AMOUNT
Merit Chevrolet	\$24,866.22
Thane Hawkins Chevrolet	\$26,397.00

All bids were accompanied by a bond or certified check in the amount of 5% of the bid.

Pursuant to prior instruction of the Council, the City Clerk referred the bids received to the City Engineer instructing him to tabulate same and report with his recommendation at the regular City Council meeting of May 23, 1983.

Meeting adjourned at 10:10 a.m.

MEMORANDUM

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

TO: City Manager
FROM: Assistant City Engineer
SUBJECT: Frost Avenue Reconstruction
(Birmingham St. to White Bear Avenue)
Project No. 82-9
DATE: May 13, 1983

The Ramsey County Department of Public Works received and opened construction bids on May 11, 1983. The bidders and bid amounts are as follows:

Ranking	Bidder	Bid Amount
1	Forest Lake Contracting	\$847,188.86
2	PCI Construction, Inc.	850,319.10
3	Arcon Construction Co., Inc.	860,380.55
4	Palda and Sons, Inc.	867,367.38
5	Shafer Construction Co., Inc.	868,371.30
6	Total Asphalt Construction Co.	888,416.35
7	Alexander Construction Co., Inc.	939,773.47

The estimated project cost based on Forest Lake Contracting's bid is within 3.5% of the amount presented at the public hearing.

We, therefore, recommend that the City Council adopt a resolution of concurrence for award of contract.

mb

WHEREAS, the City of Maplewood has entered into an agreement with Ramsey County for the reconstruction of Frost Avenue from Birmingham Street to White Bear Avenue, Project No. 82-9, S.A.P. 62-628-03; and

WHEREAS, the County will perform the engineering and administrative management of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, that the bid of Forest Lake Contracting, Inc. in the amount of \$847,188.86 is the lowest responsible bid for the construction of Project 82-9-S.A.P. 62-628-03 and the City of Maplewood concurs with Ramsey County's award of bid.

MEMORANDUM

H-1

Action by Council:

Endorsed _____

Modified _____

Rejected _____

Date _____

TO: City Manager
FROM: Finance Director *W. O. O'Connell*
RE: Ordinance to Abolish Insurance Committee (2nd Reading)
DATE: May 13, 1983

On May 12th the Council approved the first reading of the attached ordinance. Background information regarding this matter is in the attached memorandum.

It is recommended that the Council approve the second reading of this ordinance.

DFF:1nb

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION OF
THE MAPLEWOOD CODE RELATING TO THE INSURANCE COMMITTEE

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

Section 1. This ordinance does hereby repeal Sections 2-96
through 2-101 of the Maplewood Code.

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

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

Mayor

Attest:

Clerk

Ayes -

Nays -

MEMORANDUM

TO: City Manager
FROM: Finance Director
RE: Ordinance to Abolish Insurance Committee (1st Reading)
DATE: May 2, 1983

PROPOSAL

It is proposed to have first reading of the attached ordinance to abolish the Insurance Committee to avoid potential violation of antitrust laws.

BACKGROUND

The Insurance Committee was formed several years ago to eliminate the procedures wherein one agent was regularly awarded the City's insurance coverages without competition. Annually, the Insurance Committee obtains quotations on the City's insurance coverages (except for employee group insurance) and prepares a recommendation to the City regarding placement of insurance. Present members of the Committee are Jerry Ekblad, Bill Howard, Irving Anderson, Ed Maranda, John Winter and Dick Pearson. More details regarding the Committee are in the attached excerpts from the Maplewood Code (Exhibit A).

In November, 1982, I was contacted by a representative of a professional risk management firm regarding the management of the City's insurance program. This representative suggested I check the legality of the City's Insurance Committee and mailed to me a copy of an agreement between the Attorney General and insurance agents for the City of Virginia, Minnesota. On November 4th, I mailed this agreement to the City Attorney and requested a written opinion on the legality of the City's Insurance Committee.

In January, I received a publication on the application of antitrust laws to insurance purchases. This publication dealt extensively with alternative insurance purchasing procedures (including the use of insurance committees) and cited legal opinions regarding antitrust laws in relation to insurance purchasing. This publication was referred to the City Attorney and a copy is attached (Exhibit B).

On April 27th, the City Attorney issued a legal opinion "that the City should abandon its present ordinance and method of obtaining insurance and resort to a method which will not be in violation of the antitrust laws." A copy of this opinion is attached (Exhibit C).

On April 28th, the City Attorney and I attended a meeting of the Insurance Committee. The Committee members were presented a copy of the City Attorney's legal opinion and a long discussion ensued. The following is a summary of the items discussed:

TO: City Manager
May 2, 1983
Page 2

1. A recommendation would be made to the City Council at its May 9th meeting to have first reading of an ordinance that would abolish the Insurance Committee.
2. Members of the Insurance Committee volunteered to assist the City in the preparation of specifications for proposals on insurance coverages that expire July 1, 1983.
3. The specifications will be drafted in a manner to allow the greatest possible number of quotations.
4. The specifications will be reviewed, typed and duplicated by the City no later than May 15.
5. The City will publish ads in the Maplewood Review and St. Paul Dispatch requesting insurance quotations.
6. Insurance quotations will be due by mid-June and they will be evaluated by the City with assistance from members of the Insurance Committee that did not submit quotations.
7. A recommendation will be made to the City Council at its June 27th meeting regarding placement of insurance coverages effective July 1st.
8. Items that must be considered regarding an ordinance for a new Insurance Committee are elimination of the residency requirement, requirement that insurance specifications drafted by the Committee be drawn to promote competition, Committee members that evaluate quotations cannot submit a quotation, and insurance commissions must not be split among committee members.

When the meeting adjourned, it was decided that future meetings would be on an informal basis until a new ordinance is drafted to reform the Insurance Committee.

The only viable alternative to an Insurance Committee in the future would be the use of a professional risk management firm to determine necessary insurance coverages, draft specifications and evaluate quotations. At least three metropolitan area cities have recently hired a professional risk management firm. These cities are Burnsville, Eden Prairie and Bloomington. It would cost approximately \$2,400 if we were to hire a professional risk management firm.

RECOMMENDATION

It is recommended that the attached ordinance (Exhibit D) be approved for first reading.

DFF:lnb

MEMORANDUM

H-2

TO: City Manager
FROM: Director of Community Development
SUBJECT: Planned Unit Development Revision
LOCATION: Maryland Avenue and Ferndale Street
APPLICANT/OWNER: Castle Design and Development Co., Inc.
PROJECT: Beaver Creek Condominium Homes
DATE: May 12, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

Request

The applicant is requesting a revision to the 1973 planned unit development approval to relocate the 110 units approved for the north part of the site to the south part.

Project Description

1. 340 condominium units with 340 garage spaces and 340 open spaces.
2. Each unit would be sold separately.
3. Elevation and site plan are enclosed.
4. The open space to the north would be left undeveloped.
5. Each building is 2-1/2 stories high in the front and three stories in the rear.
6. There are seventeen buildings with twenty units in each building.
7. All interior streets, drives and open space would be owned and maintained by a homeowners' association.
8. There would be seven one-bedroom and thirteen two-bedroom units in each building.
9. A swimming pool and tennis court are proposed.
10. Refer to the applicant's letter (attachment four).

Reason for the Request

1. Condition eleven of the Maple Greens PUD requires that "Prior to granting the final ten occupancy permits in the first stage, the developer shall propose the succeeding stages of development to the village council for review and determination of the availability and adequacy of delivery of necessary support services."

2. Condition one requires that "any changes in the adopted plan shall require a public hearing and approval by the village council."

Comments

Relocating the previously approved 110 units from the north part of the site to the south has several advantages to the city:

1. Marylake Road would not have to be constructed as a public improvement project.
2. The northerly building site adjacent to "Jim's Prairie" would remain open space and may be desirable to be acquired as a park.
3. It would be difficult to get sanitary sewer to the northerly portion of the site.

The disadvantage is that there will be more density and traffic on Maryland Avenue than was approved in the 1973 PUD. The overall site density is still less than allowed under the city land use plan. The land use plan would allow 716 units. This proposal is for only 340 units.

Recommendation

Approval of the enclosed resolution amending condition one of the 1973 PUD.

BACKGROUND

Site Description

Acreage of the site (north of Maryland Avenue): 69 acres

Existing land use: undeveloped

Surrounding Land Uses

Northerly: city owned land used as a nature area called "Jim's Prairie."

Easterly: quads along Ferndale Street and a proposed mobile home park to the north of the quads.

Southerly: Maryland Avenue. Quads are being constructed south of Maryland Avenue

Westerly: Beaver Lake Mobile Home Park

Past Actions

7-26-73: Council approved a planned unit development, which included the applicant's site, subject to the following:

1. The attached site plan (see attachment three) indicating land uses, densities and street patterns shall be the village approved plan of development for the entire development, and any changes in the adopted plan shall require a public hearing and approval by the Village Council.
2. The development of the special use permit area shall be staged to allow development only of that portion designated RL and lying south of Maryland Avenue west of Ferndale Street and north of Magnolia Avenue, except as provided in condition No. 3, and such development shall only be allowed by official subdivision platting in accordance with the village platting code.
3. Development of additional stages shall not be permitted until the village council is completely satisfied that all necessary support services are available or guaranteed to adequately service such additional staged areas within the special use permit property, while at the same time not overloading or jeopardizing the service delivery capability or performance to any existing surrounding developments or properties.
4. All structures proposed in the PUD special use permit shall be reviewed through the Community Design Review Board Ordinance provisions to achieve an aesthetically and visually pleasant appearance and landscaped development, and the developer shall provide, at a minimum, in RL areas, an entire street throughout its length with structural and landscaping plans so that a comprehensive design review can be performed by the village.

5. The proposed open space within the entire development and within each stage shall be clearly delineated and clarified in a legal document which outlines the development of the open space, its maintenance and citizen or resident rights to that open space, and such clarification shall be reviewed as part of the subdivision platting requirement and approved prior to any building permit or ancillary development permit such as grading.
6. The developer shall provide an escrowed amount equal to the estimated cost of the Ferndale Avenue feasibility study; said amount shall be used to pay for said study if said project is not undertaken and assessed. (In other words, if the project does not go through, and there is not a project, add the cost of the feasibility study onto the developer it will be paid out of an escrowed amount. If the project should go through, and it is to be assessed, then the escrowed amount will be returned to the developer. The developer would guarantee it from the beginning.)
7. No building or ancillary development permit shall be issued unless and until the improvement of Ferndale Avenue has been ordered by the village council and no occupancy permit shall be issued within the first stage until such street is improved to village minimum street standards.
8. Any increased surface drainage resulting from the proposed development shall not discharge run-off anywhere from the site at any greater rate or volume than was the case resulting from its undeveloped state, and should such not be possible, the development shall be responsible to secure all necessary off-site legal rights for increased drainage discharge and/or storage and further bear all required related development costs to accommodate such run-off, and prior to any building permits of any kind being issued a drainage plan shall be submitted and approved by the village engineer prior to any permit issuance.
9. All utilities installed within the confines of the special use permit shall be installed underground.
10. The first stage shall commence physical construction within 12 months from the date of village council approval.
11. Prior to granting the final ten occupancy permits in the first stage, the developer shall propose the succeeding stages of development to the village council for review and determination of the availability and adequacy of delivery of necessary support services.
12. All residential dwelling units shall be subject to the neighborhood park acquisition and development charge policy of the village in effect at the time of the issuance of building permits.
13. The developer shall provide financial assurance to the village guaranteeing his faithful performance of completing each stage approved and such assurance shall be the equivalent of five percent of each stage's completed construction valuation, and the developer shall provide evidence from a financial institution indicating that sufficient monies are assured to develop each stage approved by the village council and such financial assurances shall be performed and submitted to the village prior to application for the first building permit of each stage.

- 14 . The village reserves the right to impose additional conditions on each stage of development when such particulars are presented.
15. The applicant and owner shall agree to the above conditions in writing.

5-9-83: Council referred the current application to staff to have a resolution and findings of fact prepared.

Planning

1. Land use plan designation: RM, residential medium density and OS, open space
2. The RM classification is designated for such housing types as single dwellings on small lots, double dwellings, town houses 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 town house 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: F, farm residence

Environmental

Except for three knolls with relatively higher ground, most of this site is classified as a wet meadow wetland. The soil is usually without standing water, but is waterlogged within a few inches of the surface. Standing water is apparent in the spring.

Public Works

Water

The water distribution system in this service area is presently incomplete. The supply and pressure required for fire fighting purposes is not adequate. The city, however, has approved several other developments in this area, including Pearson's mobile home park, Sam Cave's quads and the quads and dwellings south of Maryland Avenue. The third and fourth phases should be conditioned on the city council ordering a feasibility study for the McKnight Road water main.

Domestic water supply also has some limitations in pressure for higher elevations in this area. The Beaver Creek project is at a lower elevation and should be adequate.

The water pressure problems in this area were considered in 1981, but water improvements were postponed believing that McKnight Road would be constructed in a timely manner. There is a substantial cost savings to be realized if the water improvements are constructed in conjunction with McKnight Road. However, no firm schedule is available for McKnight Road. The water system improvements must be considered immediately for this area, regardless of any additional development. A feasibility study should be prepared investigating the 16-inch water main along McKnight Road and the elevated storage required for this area.

Sanitary Sewer

Sanitary sewer is available and presently is adequate for the proposed development. It should be noted, however, that at ultimate development of the service district there will be a capacity limitation. Staff is monitoring this condition and will bring it to the council's attention when the flow nears capacity.

The sanitary sewer also has some bearing on the site layout for the proposed development. Due to the elevation of the sanitary sewer it would be difficult to serve the northern portion of the subject property. This to some extent explains the concentration of units proposed on the southern end of the parcel.

Storm Drainage

This site is part of a larger drainage area that extends from the railroad on the north to the outlet into Beaver Lake. Some of the storm drainage system is in place but the main trunk and ponding system remains to be constructed. The developer agrees to work with the city staff in developing ponding areas that benefit the entire drainage area. Before completion of the proposed development, the ponding and outlet system should be constructed, however, limited development can take place with no additions to the present drainage system.

Parks

The city's bicycle routes/trails map shows a proposed trail running north and south through the center of this site. The director of community services states that "at this time it appears to me that the trail should not be a limiting factor in the development of this planned unit development. The construction limits indicate that approximately one-third to one-half of the property will be used for condominium homes. As a park system we would be interested in investigating the possibility of acquiring stable property that could be used for a playground and also property that could be added to the preservation of Jim's Prairie."

The Park and Recreation Commission at its April 18 meeting recommended that "the northern half of the PUD, as it appears on the proposal, would be left intact regarding grading or any other land use that presently exists." The commission also wished to notify the Council "that the Park and Recreation Commission is concerned about the high concentration of people in this area of the city due to the development of another trailer court, town houses and condominiums, and none of the developers are providing active recreational facilities for their tenants."

Other Agencies

The Environmental Quality Board (EQB) previously approved an environmental assessment worksheet for the previous plan. The EQB staff is reviewing this proposal and will inform us if further approvals are required for the new plan.

Procedure

1. Planning Commission recommendation to city council.
2. City council holds a public hearing and makes a decision.

jc

enclosures

1. Resolution
2. Location Map
3. Property Line Map
4. 1973 PUD
5. Letter
6. Bicycle Routes/Trails
7. Neighborhood Park Concept
8. Site Plans (2)
9. Building Elevations (Separate Document)

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, Castle Design and Development Co., Inc. initiated proceedings before the City Council to amend the special use permit for a planned unit development (PUD) covering the following-described property:

That part of the NW 1/4 of the SE 1/4 lying southeasterly of a line from the northeast corner of said NW 1/4 of the SE 1/4 to a point on the west line of said NW 1/4 of the SE 1/4 and 450 feet south of the original C. ST. P. M. & O. RY. right-of-way; also the SW 1/4 of the SE 1/4; all in Section 24, Township 29, Range 22, Ramsey County, Minnesota, subject to Maryland Avenue,

said property being located generally north of Maryland Avenue and west of Ferndale Street.

WHEREAS, the procedural history of this PUD amendment is as follows:

1. This conditional use permit amendment was initiated by Castle Design and Development Company, Inc. pursuant to the Maplewood Code of Ordinances.
2. This conditional use permit was reviewed by the Maplewood Planning Commission on May 2, 1983. The Planning Commission recommended to the City Council that said permit be denied.
3. The Maplewood City Council held a public hearing on May 9, 1983 to consider his PUD amendment. 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 condition one of the 1973 PUD be revised as follows:

1. The site plan approved in 1973 shall be revised to resite the 110 units from along the northerly boundary of the PUD to the north side of Maryland Avenue. The plan dated April 27, 1983 shall be the specific development plan north of Maryland Avenue, subject to design review board approval. Any changes that result in an increase in density or change in building type or site plan shall require a public hearing and approval by the city council. Approval of the plan north of Maryland Avenue is subject to the following conditions:

- a. The two existing parcels shall be combined into one parcel.
- b. All common areas shall be maintained by a homeowners' association. The city attorney must approve all rules and by-laws. Any changes affecting the common areas shall require prior city council approval.
- c. The City Council must order a feasibility study for the water main on McKnight Road and the elevated storage prior to construction of phases three and four of the proposal.
- d. The City Council must order a public improvement for the ponding and storm water outlet system to Beaver Lake prior to construction of phases three and four of this proposal.
- e. Dedication of 33 feet of right-of-way for Maryland Avenue.
- f. Grading on the north part of the property shall not affect the city property called "Jim's Prairie."
- g. The developer shall make available to the City an area suitable for a neighborhood park as indicated in the Maplewood Comprehensive Plan. Location and size to be agreed upon by the developer and the Director of Community Services. If purchase is necessary, the City will follow its procedures for establishing the value of the land. Any costs of appraisals or other expenses shall be paid by the developer.

Approval is based on the following findings of fact:

1. Storm water drainage and ponding together with city water and sanitary sewer facilities providing for the public health, safety and welfare are adequately addressed by the above conditions.
2. Marylake Road is not required to be constructed as a result of the revised PUD resulting in a financial benefit to the City.
3. While there may be an increase in local traffic over the 1977 plan, the overall impact on the neighborhood will be less, since Maryland Avenue and Ferndale Street have been put through since 1977. This allows a better dispersion of traffic.
4. Maryland Avenue and Ferndale Street are designed to adequately handle this local traffic. They are designated as major and minor collectors, respectively, on the city's land use plan.
5. There are only two more units proposed than were approved in the 1973 PUD and only sixteen more than the 1977 plan. Significant areas of open space will be retained for environmental protection and aesthetics. This would be an improvement over the 1977 plan in that no grading would be required for a golf course.
6. The change proposed to the PUD through the amended special use permit enhance and promote the public's health, safety and welfare.

7. An environmental assessment worksheet is not necessary, based upon comparing the number and type of units, overall density, sizes and locations of structures, impervious surface areas, traffic, utilities, drainage, roads and surrounding development. The city council finds that the differences are not significant between the current and 1977 projects that affect the environment.
8. Unstable, peaty soils are prevalent across the midsection of the property making access and utility service difficult to the northern area.
9. The current proposal is consistent with the city's comprehensive plan. The proposed density would be less than allowed by the plan.

Seconded by

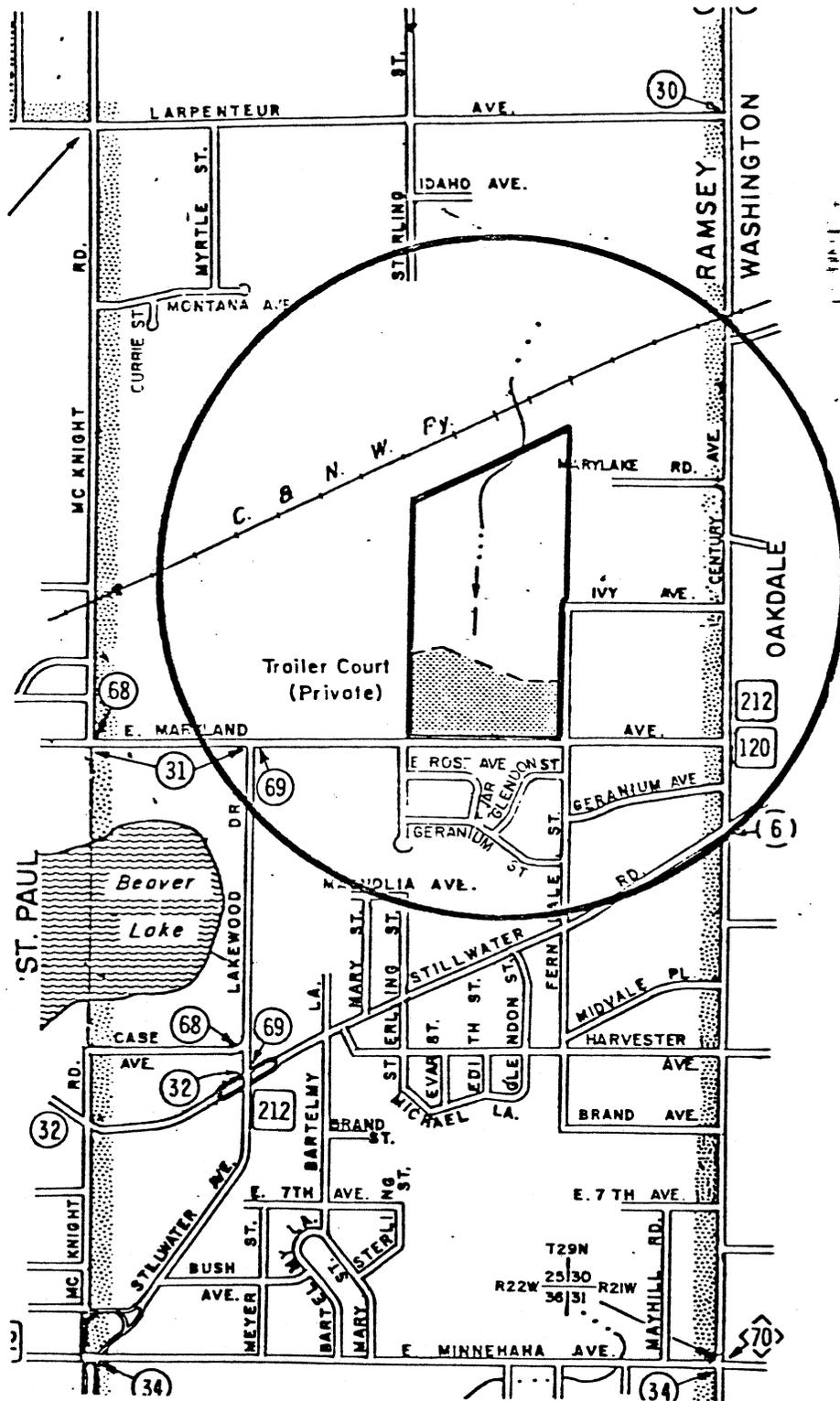
Ayes--

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 an amendment to a PUB.:

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

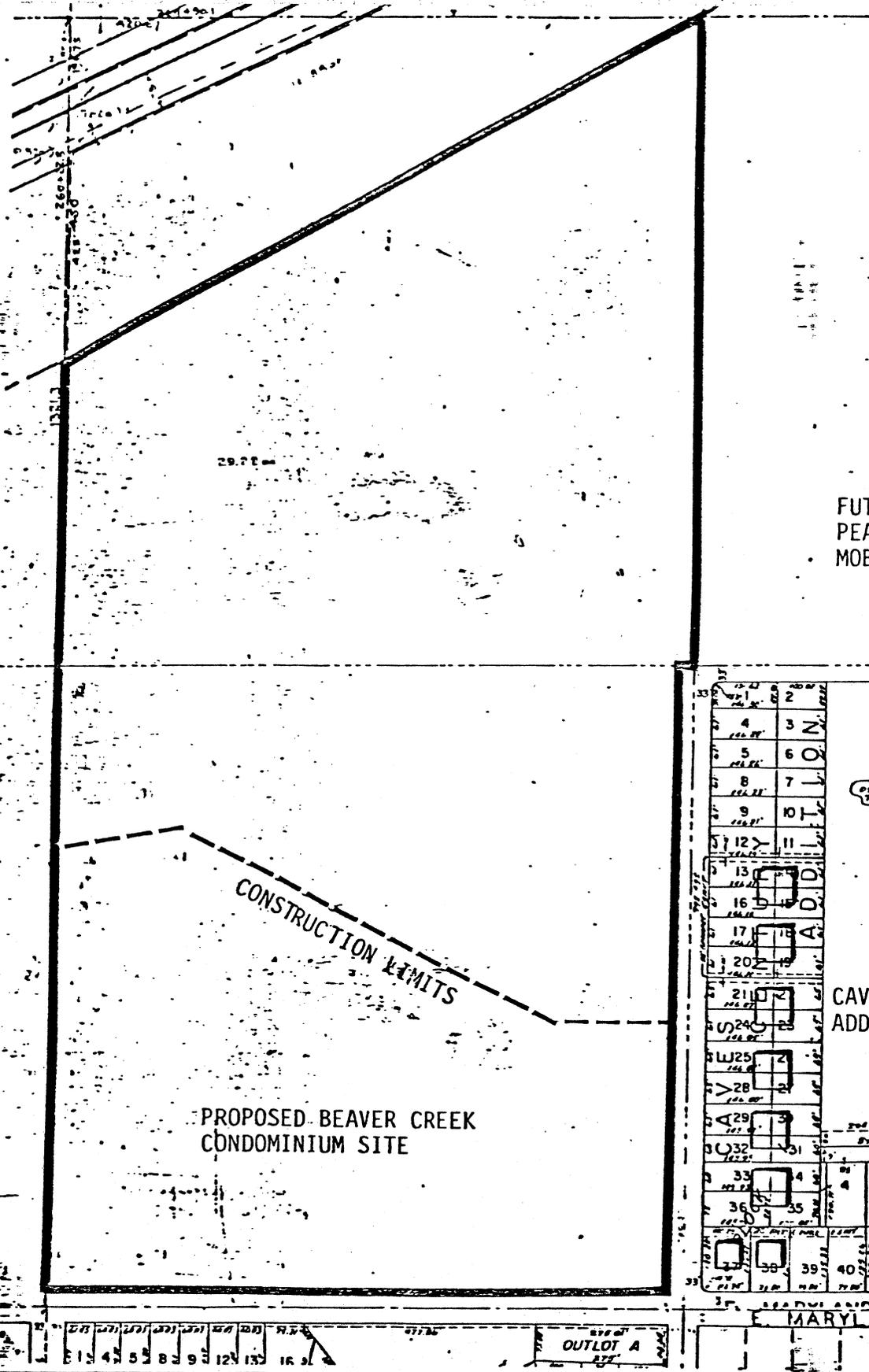
 City Clerk
 City of Maplewood, Minnesota



Attachment one

LOCATION MAP





FUTURE SITE OF
PEARSON ESTATES
MOBILE HOME PARK

AVER LAKE
TATES MOBILE
ME PARK

CONSTRUCTION LIMITS

PROPOSED BEAVER CREEK
CONDOMINIUM SITE

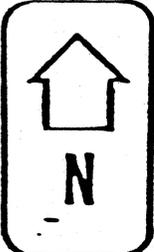
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CAVES CENTURY
ADDITION QUADS



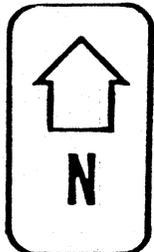
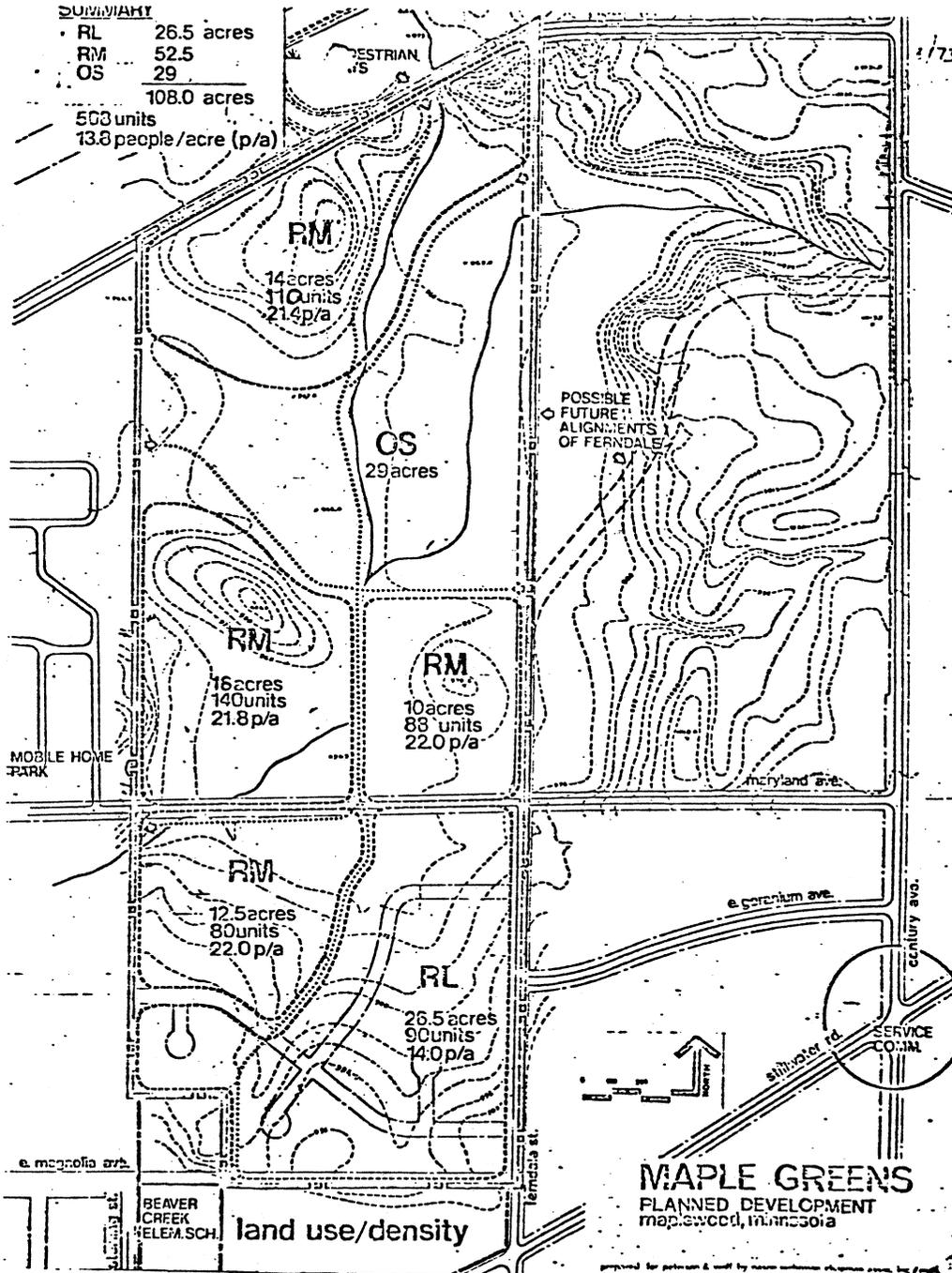
Attachment two

PROPERTY LINE MAP



SUMMARY

RL 26.5 acres
 RM 52.5
 OS 29
 108.0 acres
 503 units
 13.8 people/acre (p/a)





Design & Development Co. Inc.

2419 No. Margaret St. North St. Paul, MN 55109 Phone 770-6138

April 11, 1983

Honorable Mayor
Honorable Councilpersons
City of Maplewood
Maplewood, Minnesota

Castle Design & Development Co., Inc. has recently purchased the property located at Ferndale and Maryland which consists of 69 acres.

In 1973 the City Council of Maplewood granted a Planned Unit Development for this property. This P.U.D. consisted of 340 total units w/a configuration of part of the units to be on the South and the remainder at the North end of the property.

At that time it was anticipated that Mary Lake Road (Old Dump Road) would be continued on to service the property to the North.

At that time also, very little consideration was given to the soil condition of this particular piece of property.

Sometime later the City of Maplewood initiated the construction of the continuance of Maryland Avenue - together with sewer and water.

The assessment which resulted against this particular piece of property came to a total sum of \$325,000.00 - which was extremely high.

Since the council action of 1973 said "that in the event any changes were contemplated in the configuration of streets, unit placement, or number of units, the applicant must go back before the council for approval.

We are not contemplating asking for a change in number and as there was no street configuration at the time.

We are now asking that there be a change in the configuration of the placement of the units.

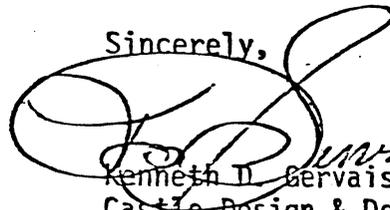


To install Mary Lake Road at this time is totally unreasonable due to the fact it would only service one property and also as the council in approving Pearson's Trailer Court plans - the property now owned by Pearson would have no use for that road.

We are submitting a plan which entails moving all the allowable units under the 1973 P.U.D. to the South portion of the property; thereby taking total advantage of the utilities intact and making the cost of those utilities more applicable to the project and dispersing their cost where they become more equitable.

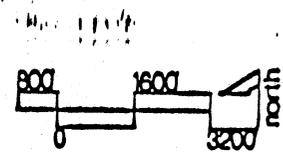
I hope our relationship in the past and Castle Design & Development Co's reputation with the city to do what they say they will - will help you to come to a favorable decision on this new development.

Sincerely,

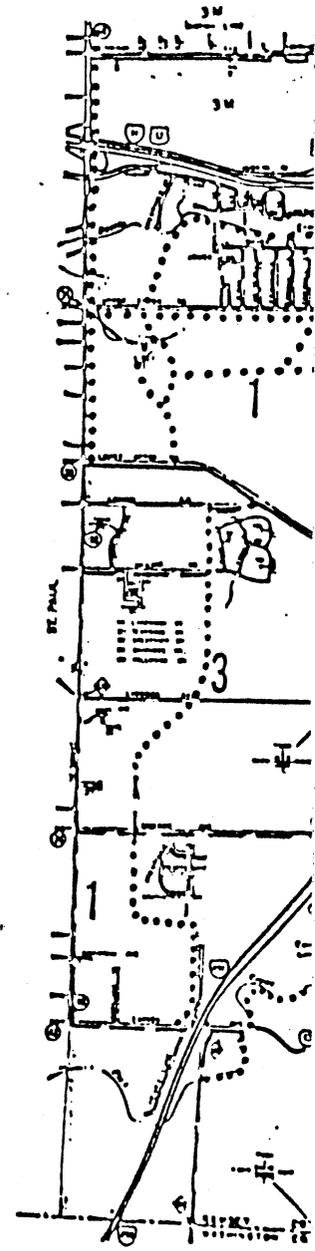
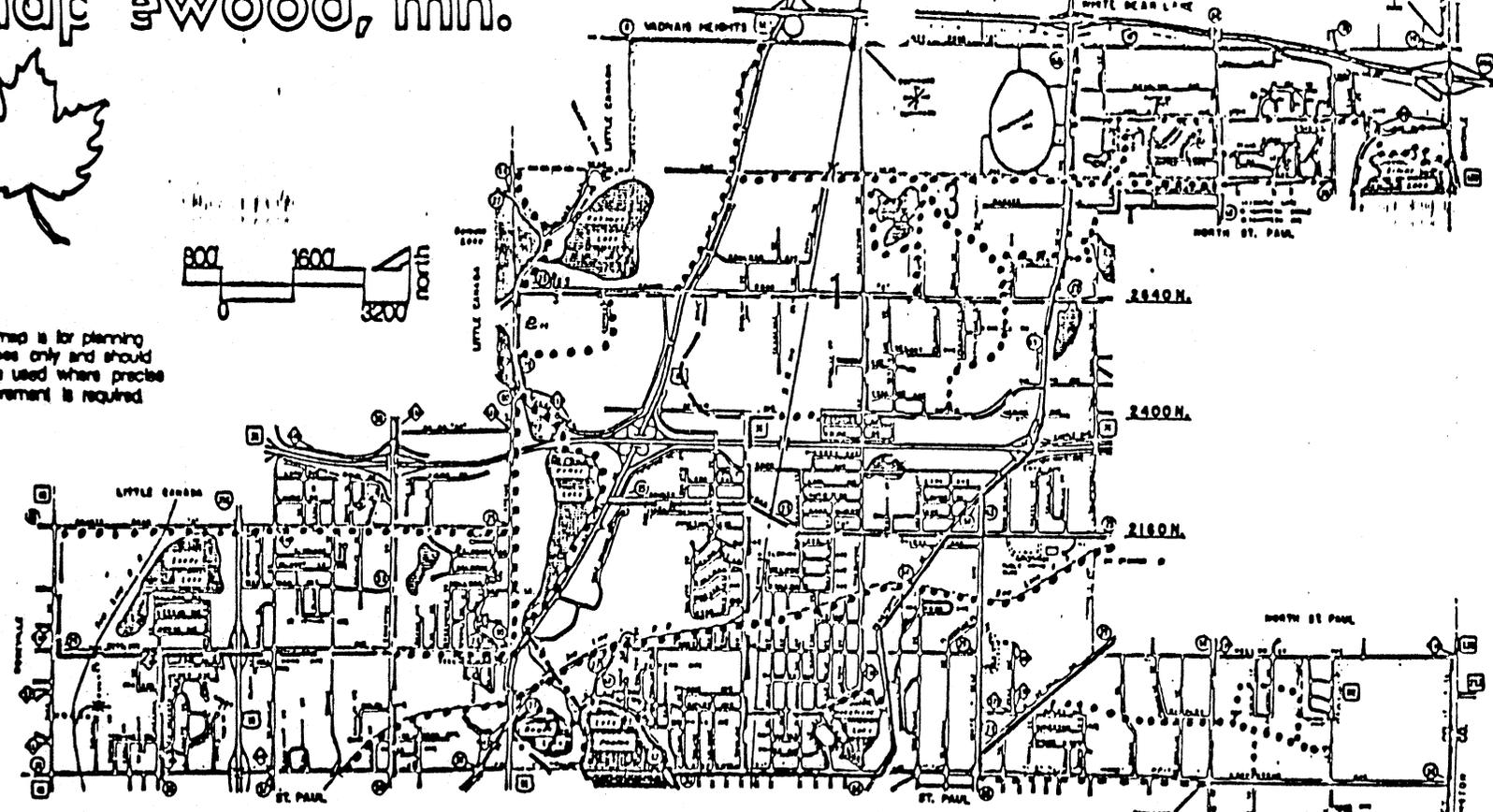


Kenneth D. Gervais/Vice Pres
Castle Design & Dev. Co., Inc.

kdg/jmg



This map is for planning purposes only and should not be used where precise measurement is required.



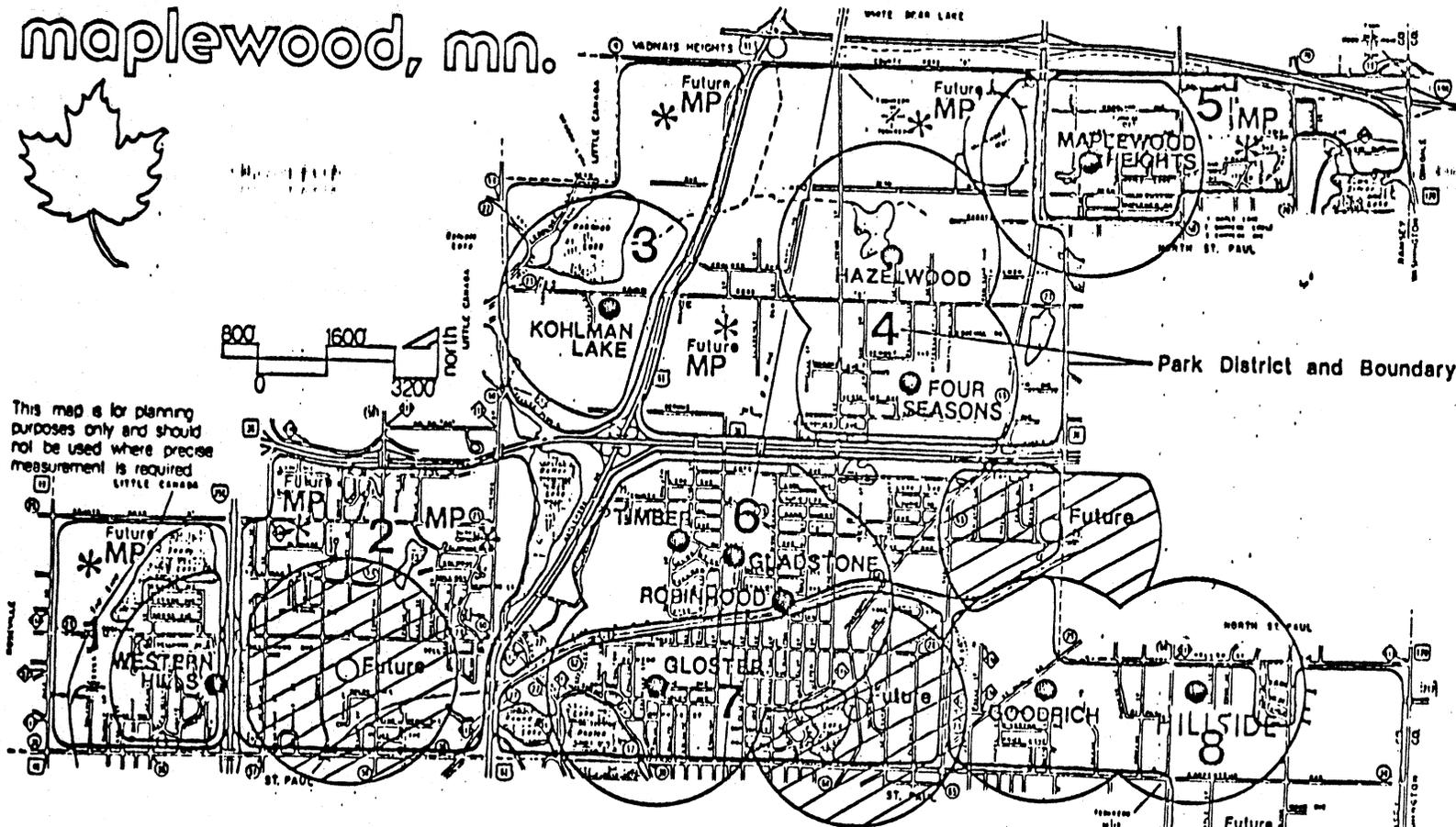
Attachment five

bicycle routes/trails

-  Existing Bicycle Route (on street)
-  Existing Bicycle Route (off street)
-  Potential Bicycle Routes (on street)
-  Potential Bicycle Routes (off street)
-  County Proposed Bicycle Routes
-  Proposed Regional Trail
-  City Proposed Off-Road Bicycle Routes

Source: Minnesota Department of Natural Resources; Maplewood Transportation Plan, Barton-Aschman; and City of Maplewood

maplewood, mn.



This map is for planning purposes only and should not be used where precise measurement is required

Attachment six

GOAL: 1 Park/3000 Residents and Parks Within 1/2 Mile of Residents



- Existing Neighborhood Park and Service Radius
- Mini-Parks
- Proposed Neighborhood Park and Service Radius

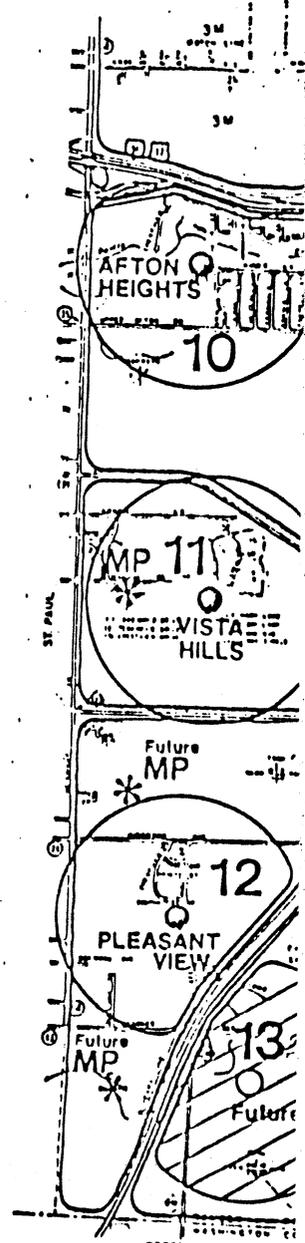
Future sites are search areas only

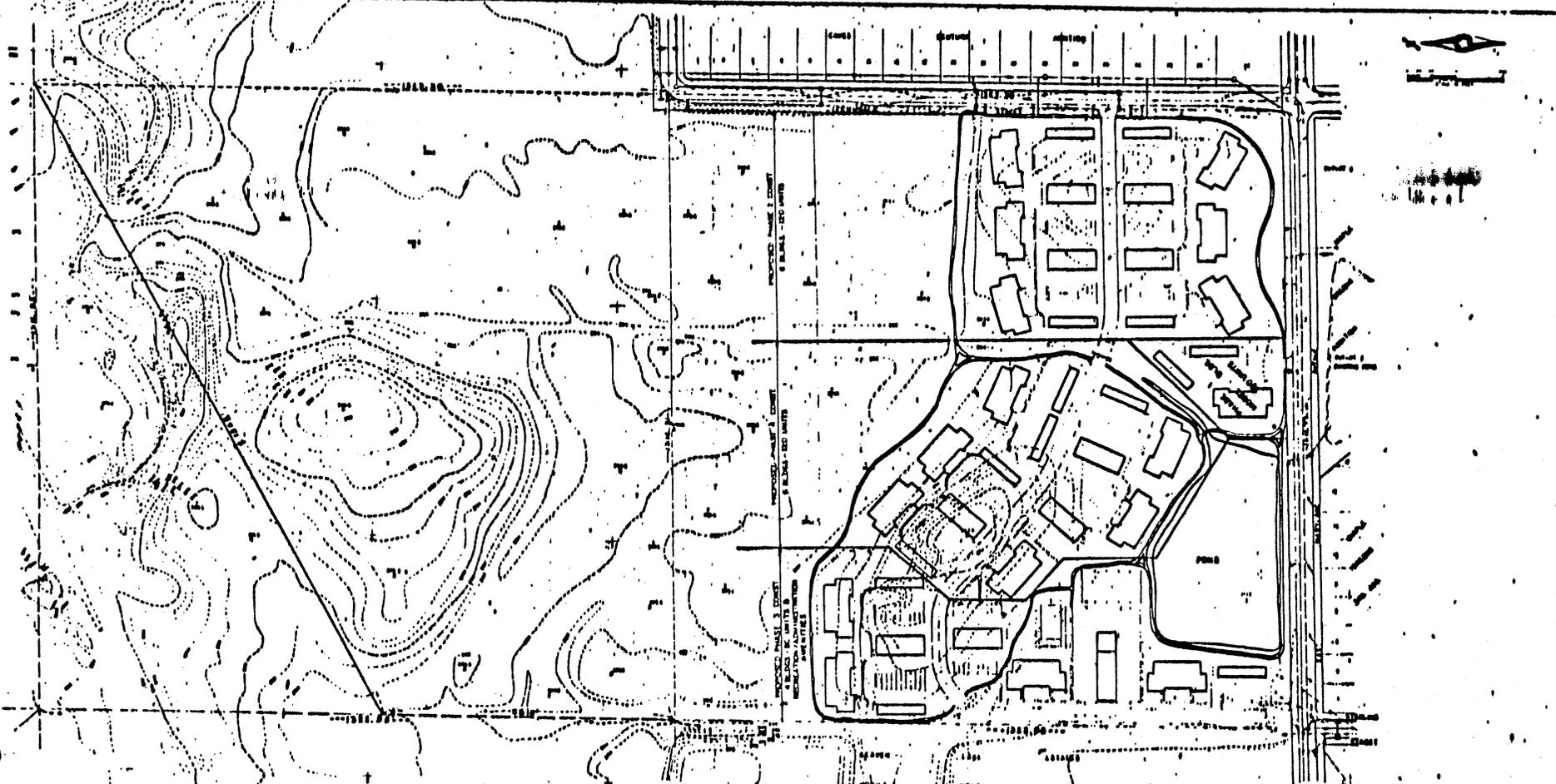
Neighborhood Park Concept

Prepared by:
Erkkila & Associates
Landscape Architecture
Planning & Design

5400 100 2611 Co. N.E.
Maplewood, MN 55151 66-8271

October 1980





TYPICAL BUILDING BEDROOM COUNT

LEVEL	UNIT A	UNIT B	UNIT C	UNIT D	UNIT E	TOTAL
1ST FLOOR	2 UNITS - 2 B.R.'S EA.	2 UNITS - 2 B.R.'S EA.	1 UNIT - 2 B.R.'S EA.	1 UNIT - 2 B.R.'S EA.	—	11
2ND FLOOR	2 UNITS - 2 B.R.'S EA.	2 UNITS - 2 B.R.'S EA.	—	1 UNIT - 2 B.R.'S EA.	2 UNITS - 1 B.R.'S EA.	11
3RD FLOOR	2 UNITS - 2 B.R.'S EA.	1 UNIT - 1 B.R.'S EA.	—	1 UNIT - 1 B.R.'S EA.	2 UNITS - 1 B.R.'S EA.	11
TOTALS	6 UNITS - 6 B.R.'S EA.	6 UNITS - 6 B.R.'S EA.	1 UNIT - 1 B.R.'S EA.	2 UNITS - 2 B.R.'S EA.	4 UNITS - 4 B.R.'S EA.	2008

LEGAL DESCRIPTION

THAT PART OF THE NW 1/4 OF THE SE 1/4 LING BELT OF ALING PROP. THE NE CORNER OF SAID NW 1/4 OF THE SE 1/4 TO A POINT ON THE W LINE OF SAID NW 1/4 OF THE SE 1/4 AND 450 FEET S OF THE ORIGINAL C. ST. P.M. S. AT RIGHT OF WAY, ALSO THE SW 1/4 OF THE SE 1/4, ALL IN SECTION 14, T. 48, R. 22, RAMSEY COUNTY, MINNESOTA, SUBJECT TO HIGHLAND AVE.

SITE DATA

GROSS AREA PER DESCRIPTION 69.4 ACRES
 LESS STREET RIGHT OF WAY 2.0 ACRES
 NET AREA 67.4 ACRES

COMPREHENSIVE PLAN - 2 RESIDENCE DISTRICT (MULTIPLE DWELLING)
 EXISTING ZONING - F-PARK RESIDENTIAL
 PROPOSED ZONING - R-2 RESIDENCE DISTRICT (MULTIPLE DWELLING)

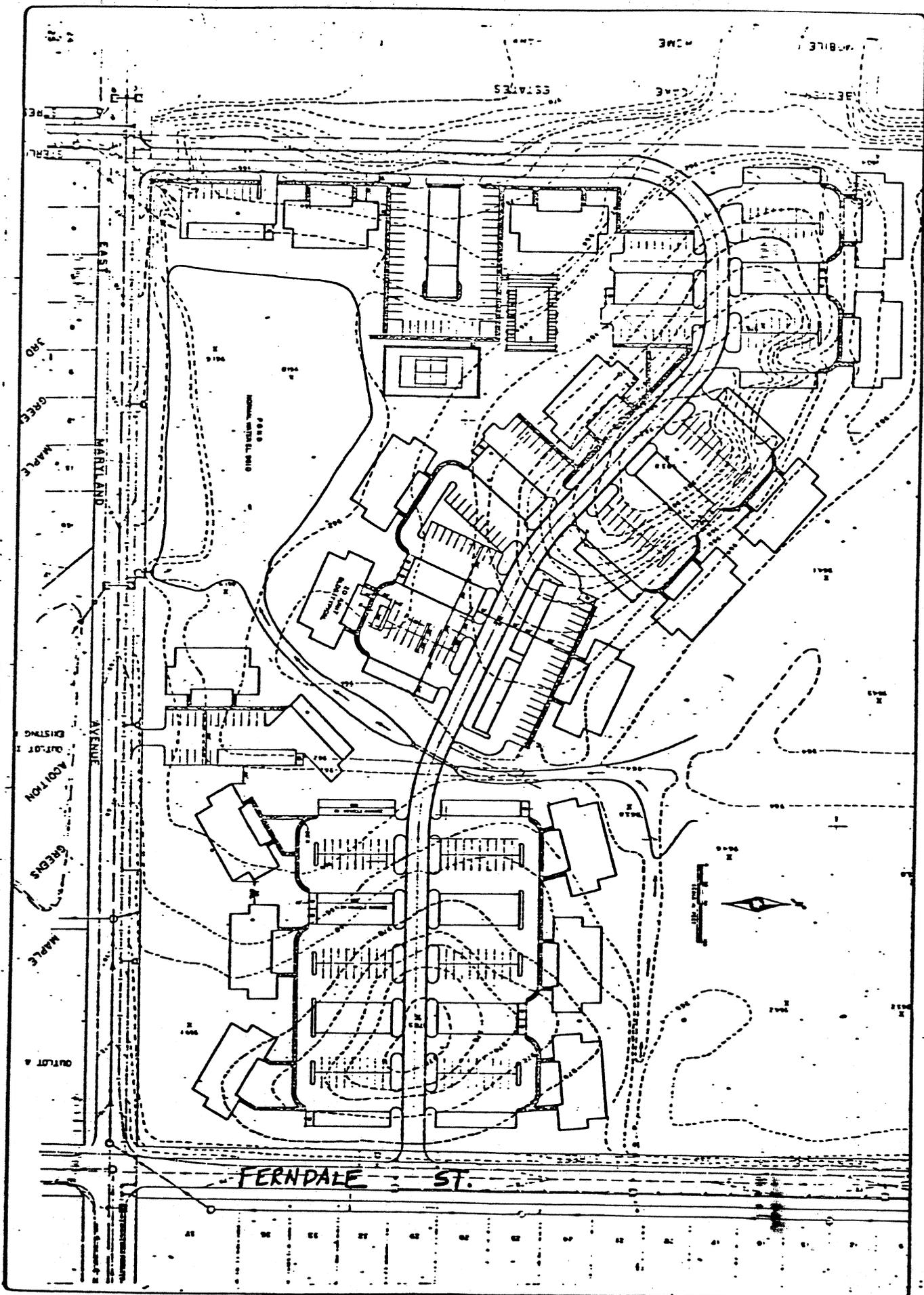
TOTAL CONDOMINIUM BUILDINGS 17
 TOTAL UNITS PER BUILDING 120
 TOTAL UNITS 2040

TOTAL GARAGE PARKING 340
 TOTAL OPEN PARKING 340
 RECREATIONAL PARKING 11
 TOTAL NET STREET PARKING 701

LEGEND

- SECTION LINE
- QUARTER LINE
- PROPERTY LINE
- EXISTING 2' CONTOUR
- EXISTING 5' CONTOUR
- EXISTING SANITARY DRAIN
- EXISTING WATER MAIN
- EXISTING STORM DRAIN

	<p>WASHINGTON FEDERAL SAVINGS & LOAN ASSOCIATION OF STILLWATER 2 CASTLE DESIGN & DEVELOPMENT CO. INC. 6015 W. HANCOCK STREET NORTH ST. PAUL, MINNESOTA 55109 TEL. (612) 770-6100</p>	<p>REVISIONS DATE BY</p>	<p>PROJECT</p>	<p>PROPOSED SUB. BEAVER CREEK CONDOMINIUM HOMES</p>	<p>SHEET TITLE</p>
--	--	--	----------------	--	--------------------



DATE	BY



REVISIONS	DATE

OWNER
 WASHINGTON FEDERAL SAVINGS & LOAN ASSOCIATION OF STILLWATER
 1000 10TH AVENUE S.W.
 SUITE 100, DENVER, COLORADO 80202
 TEL. 303 733-6000

PROJECT
 PROPOSED RMB
BEAVER CREEK
 CONDOMINIUM HOMES



D. PUD Revision: Maryland and Ferndale (Beaver Creek Condos)

Secretary Olson said the applicant is requesting a revision of the 1973 planned unit development approval to relocate the 110 units approved for the north part of the site to the south part.

The Commission questioned if there would be a problem with one of the buildings being only 6 inches higher elevation than the ponding area.

Director of Public Works said further review through the Community Design Review Board process would prevent any problem. The plans presented at this time are not final plans.

Chairman Axdahl asked if anyone wished to comment on the proposal.

Ken Gervais, Castle Design and Development Company, said the site is difficult to work with, they did extensive soil borings, about 22 acres of the 69 acre parcel can be used. He said they have a problem with storm water, it is all going onto his property from surrounding land. They have agreed to work with the City to give some of the land to the city to construct a storm sewer in. They have a large assessment against the property for public improvements. They are proposing approximately two more units than the 1973 PUD permitted. It is not feasible to spread the units on the northerly portion of the site.

Dale Hamilton said they are in the process of setting building elevations right now, they have a preliminary grading plan at this time and the soils company is reviewing it and make recommendations on the elevations.

Steve Oman, 1114 Sterling Street, he questioned if the EAW that was done when he was owner of the property would not satisfy the requirements. That EAW was done under the original plan, with 170 units to the north, a 9 hole golf course through the middle, 13 acres of park property. The proposal is now to move all of the density just north of Maryland Avenue. There is a stipulation entered into with the City which specifies the plan will not be changed. These issues should be answered before approving a change in the plan. He suggested the request be tabled.

Don Christianson, 1111 E. County Road C, said he wished to discuss the park planning in this area. In the original proposal, 1973 proposal, with golf course, ponding, park areas and trails, the trail was to connect from the site into a proposed trail on adjacent property. This proposal has made that not feasible because the trail would have to go through the wetland area. One of the complaints at the Parks meeting was that there was not much consideration made for the people moving into this area. No recreational land is being provided. No recreational land is being provided under this proposal. The Parks Commission is going to have to study the area to find out where a park can go in this area. Also consideration has to be given as to how the people will get to a recreational area. Some property will have to be acquired in the area.

Mr. Gervais said he did talk to the Parks Director and informed him there is property available on the north end, adjacent to the City property. There is approximately 5 good acres there. He informed the city they could have the property if they wished. He was informed this would be discussed later.

Mr. Christianson said the Parks Commission would have to discuss the property with the developer. It would have to be determined if the property is accessible. Marylake Road is not owned by the City. The only road to Jim's Prairie is through a swamp. Would the developer put in roads or trails into the acreage proposed to recreation land.

Mr. Christianson said the City should not only be concerned with meeting densities in the area but also provide recreational facilities. The park charges that will be collected for this development will not provide sufficient monies to purchase land and it develop it.

Mr. Oman said under the 1973 proposal there was 13 acres proposed for parks. Now no acreage is provided. This is one reason the EAW would not cover this proposal.

Mr. Gervais indicated the property proposed for dedication to the City under the 1973 proposal was under water.

Mr. Oman said some of the property proposed for dedication was by Marylake Road.

Mr. Gervais said Marylake road is not owned by the City, therefore access would not be provided to the property.

The Commission asked if the sewer capacity on Maryland will be threatened by the additional units proposed.

Mr. Haider said that to his knowledge all of the sewage was proposed to go to Maryland Avenue and not use Marylake Road. There is a problem with the old sewer, not as a result of this development, something in the future there will be a capacity problem.

The Commission also asked if the City Attorney had reviewed the proposal and if any comment was made as to the effect of the change of the proposal on the EAW.

Mr. Olson said he did call the Attorney who will be doing research on the document mentioned by Mr. Oman, however, he suggested the Planning Commission act on the proposal as a planning question. Whether the EAW covers this proposal is a legal question .

Commissioner Fischer moved the Planning Commission recommend that the City Council replace condition one of the 1973 PUD with the following wording:

1. The site plan approved in 1973 shall be revised to move the 110 units approved along the northerly boundary of the PUD to the north side of Maryland Avenue. The plan dated April 27, 1983 shall be the specific development plan north of Maryland Avenue, subject to design review board approval. Any changes that result in an increase in density or change in building type or site plan shall require a public hearing

and approval by the city council. Approval of the plan north of Maryland Avenue is subject to the following conditions:

- a. The two existing parcels shall be combined as one parcel.
- b. All common areas shall be maintained by the homeowners' association. The city attorney must approve all rules and by-laws. Any changes affecting the common areas shall require city council approval.
- c. The City Council must order a feasibility study for the water main on McKnight Road and the elevated storage prior to construction of phases three and four of the proposal.
- d. The City Council must order a public improvement for the ponding and storm water outlet system to Beaver Lake prior to construction of phases three and four of the proposal.
- e. Dedication of 33 feet of right-of-way for Maryland Avenue.
- f. Grading on the north part of the property shall not affect the city property called "Jim's Prairie."
- g. The developer shall make available to the City an area suitable for a neighborhood park as indicated in the Maplewood Comprehensive Plan. Location and size to be agreed upon by the developer and the Director of Community Services. If purchase is necessary, the City will follow its procedures for establishing the value of the land. Any costs of appraisals or other expenses shall be paid by the developer.

Commissioner Ellefson seconded

Some of the Commissioners indicated they were not sure if the EAW is sufficient to define the status of the property. They would like to see this answered prior to making a decision. There was also concern concerning providing public water for the site.

Mr. Haider indicated that one of the conditions of the approval is that a feasibility study be prepared to investigate additions to the water system. The City did recognize this problem with the water system a number of years ago. It was also thought to construct the utility improvements at the same time McKnight realignment is constructed. This would be a great cost savings. However, this construction of McKnight Road may be a few years away, therefore, the water situation should be addressed now.

The Commission also discussed the fact that Marylake Road is not going to be constructed, discussed the soil conditions of the northerly and southerly site, whether the City would want to acquire the northerly site for park purposes, the number of units proposed in the southerly portion of the site. They also questioned what would prevent the development of the northerly area at a later date since it would still be within the density limitations of the plan.

Secretary Olson said there is nothing to prohibit the development of the northerly site. It would have to be approved by the Council.

Mr. Gervais said the outlots would be owned by the association, not the developer. It would have to be the association requesting the development of the northerly site.

Voting on the motion:
Prew, Sigmundik, Whitcomb.

Ayes--Commissioners Fischer, Ellefson, Hejny
Nays--Commissioners Axdahl, Barrett, Pellish.

H-3

MEMORANDUM

Action by Council:

TO: City Manager
FROM: Director of Community Development
SUBJECT: Code Amendment--Metal Buildings
DATE: May 13, 1983

Endorsed _____
Modified _____
Rejected _____
Date _____

Council gave first reading to the enclosed ordinance on May 12. Paragraph 3 was added to allow the Council to grant variances to the ordinance.

Recommendation

Approval of the enclosed ordinance.

mb
Enclosure
Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDMENT REGULATING THE REVIEW OF METAL POLE BUILDINGS

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

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

202.240 SPECIAL AREAS

1. It shall be unlawful to erect a metal building in the City of Maplewood which is of a design commonly referred to as a "metal pole building", "pole barn" or "agri-building", unless such building would be located in a F, Farm Residence District or unless such building is a metal storage building commonly used as a back yard storage shed. Should any dispute arise over the classification of a proposed metal building, the Director of Community Development shall determine whether the proposed metal building fits into the "metal pole building" category. Appeals of the Director's decision shall be made to the City Council for a determination of building type.
2. Buildings having metal exteriors, but not being of the typical pole building design, may only be allowed in areas zoned F, Farm Residence, B C, Business Commercial, M-1, Light Manufacturing and M-2, Heavy manufacturing. Special architectural design and nonmetal decorative modifications may be required to assure compatibility with community development.
3. The City Council may hear requests for variances from the literal provisions of this ordinance in instances where its strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" is used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under the conditions allowed by the official controls. The plight of the landowner is due to circumstances unique to his property, not created by the landowner and variance from the ordinance, if granted, will not alter the essential character of the locality.

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

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

Mayor

Attest:

City Clerk

Ayes -

Nays -

B. Metal Building Ordinance

6-22-82

The Board discussed with Secretary Ekstrand the different types of metal buildings that can be constructed that would give the "pole building" appearance. They also reviewed the metal buildings that have been constructed in Maplewood. The Board discussed what types of treatments can be applied to metal buildings to make them more compatible to the surrounding development. The Board and Secretary Ekstrand commented on the zoning districts a metal building should be permitted in.

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

202.040 Special Areas

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

Board Member Deans seconded

Ayes - all.

MEMORANDUM

H-4

TO: City Manager
FROM: Tom Ekstrand, Associate Planner
SUBJECT: Metal Building Variance
LOCATION: 2483 Highway 61
APPLICANT: Zuercher Well Drilling
OWNER: Al Zuercher
PROJECT: Metal Storage Building
DATE: March 14, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY OF THE PROPOSAL

Request

Approval of a variance to construct a 30 by 40 foot metal pole building for use as a storage garage.

Proposal

1. Refer to the site plan and building elevations.
2. The proposed structure would be a typical metal-ribbed pole building with a gable roof.
3. The proposed structure would be placed behind the existing home and garages.

CONCLUSION

Issues

The goal of the new ordinance regulating metal building design, is to prohibit metal pole buildings which are not architectural pleasing from being constructed in highly visible commercial and industrial areas. In this instance, however, the proposed building would be hidden from view behind an existing house and two existing garages. The proposed building site is also at a lower grade elevation, making it even more hidden from the street. Since the proposed pole building would be hidden from view, it would meet the spirit and intent of the ordinance. Furthermore, it would not impact adjacent development because of its setback behind the existing buildings.

Recommendation

Adoption of the enclosed resolution approving a variance for the construction of a metal pole building at Zuercher Well Drilling, 2483 Highway 61, based on the findings that:

1. The variance would meet the spirit and intent of the ordinance since the proposed building would be concealed behind the existing buildings and not in view from the highway.
2. The proposed building would be compatible with the area and would not impact adjacent development.

BACKGROUND

Site Description

1. Lot Size: Three acres
2. Existing Land Use: House and garages. Zuercher Well Drilling is presently being operated on this property.

Surrounding Land Uses

Northerly: Single dwelling

Southerly: Single dwelling, the Maple Leaf Drive-in Theatre entrance drive and the Northernnaire Motel

Westerly: Undeveloped property planned Rm, Medium Density Residential and zoned F, Farm Residential. The Maple Leaf Drive-in Theatre.

Easterly: Highway 61

Past Action

5-6-82: The City of Maplewood administratively approved the site plan and building elevations for the proposed metal building.

7-12-82: Council passed an ordinance regulating the construction of metal buildings. This new ordinance took effect prior to the applicant's application for a building permit.

9-13-82: Andy Zuercher appeared before the City Council requesting permission to build the pole building as approved by Staff. Council stated he could apply for a variance.

DEPARTMENTAL CONSIDERATIONS

Planning

1. Land Use Plan Designation: Rm
2. Zoning: M-1
3. Ordinance 517 of the City Code states the following:
 - a. It shall be unlawful to erect a metal building in the City of Maplewood which is of a design commonly referred to as a "metal pole building," "pole barn" or "agri-building," unless such building would be located in a F, Farm Residence District or unless such building is a metal storage building commonly used as a back yard storage shed. Should any dispute arise over the classification of a proposed metal building, the Director of Community Development shall determine whether the proposed metal building fits into the "metal pole building" category. Appeals of the Director's decision shall be made to the City Council for a determination of building type.

- b. Buildings having metal exteriors, but not being of the typical pole building design, may only be allowed in areas zoned F, Farm Residence, BC, Business Commercial, M-1, Light Manufacturing and M-2, Heavy Manufacturing. Special architectural design and nonmetal decorative modifications may be required to assure compatibility with community development.

4. Statutory requirements:

State law requires that the following findings be made before a variance can be granted:

- a. Strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration.
- b. The variance would be in keeping with the spirit and intent of the ordinance.

"Undue hardship" as used in connection with the granting of a variance, means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls. The plight of the landowner is due to circumstances unique to his property, not created by the landowner, and the variance, if granted, will not alter the essential character of the locality.

Public Works

1. Water: Available.
2. Sewer: Available.
3. Drainage: To existing system on Highway 61. A Swale crosses the back of the property 200' - 350' west of proposed building. Drainage does not appear to be a problem.
4. Traffic: Highway 61 is a major arterial.

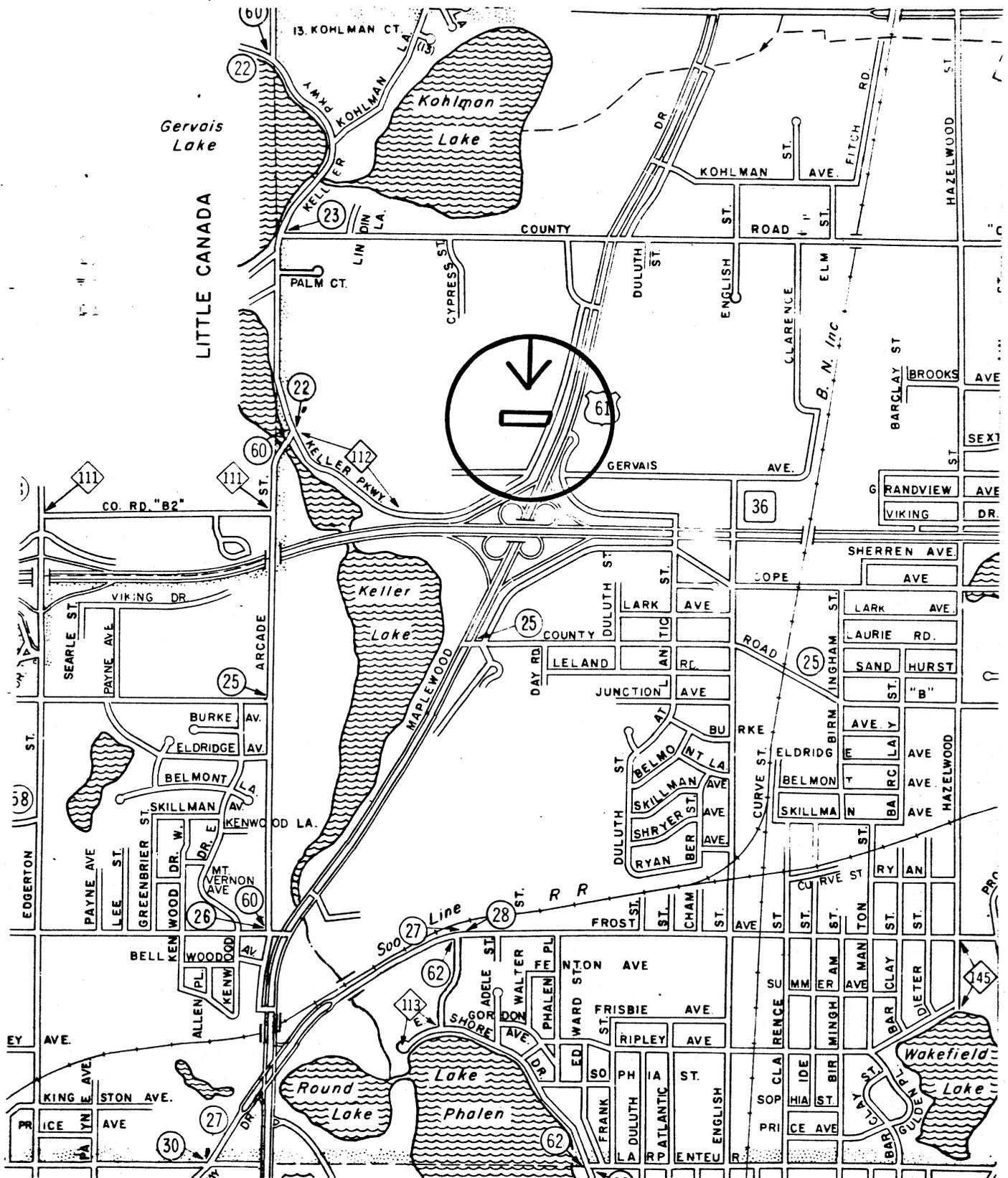
Procedures

1. Recommendation by the Community Design Review Board.
2. Public Hearing and decision by the City Council (three votes are required for approval).

mb

Enclosures:

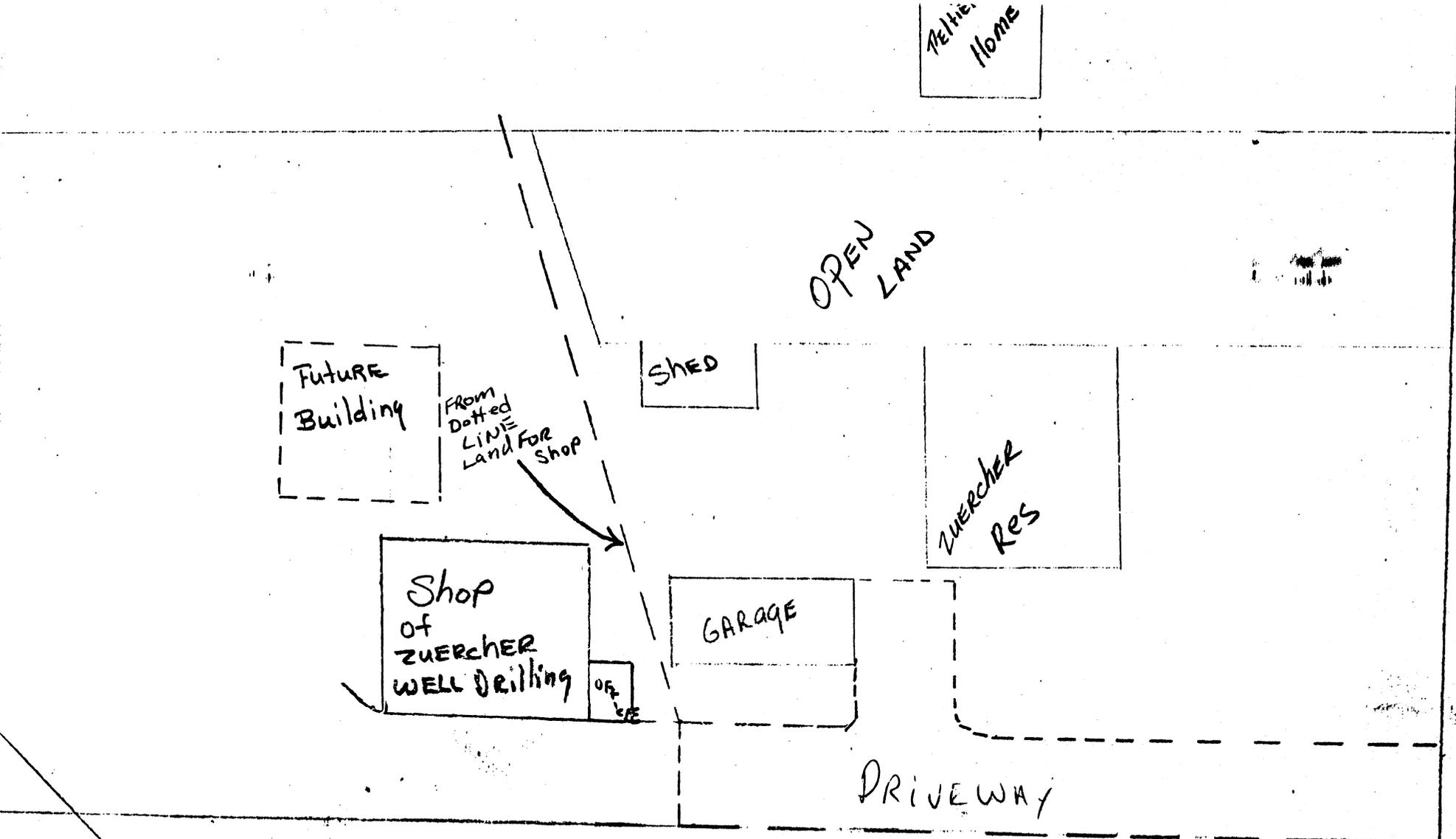
1. Location Map
2. Property Line Map
3. Site Plan
4. Building Elevations
5. Resolution



LOCATION MAP

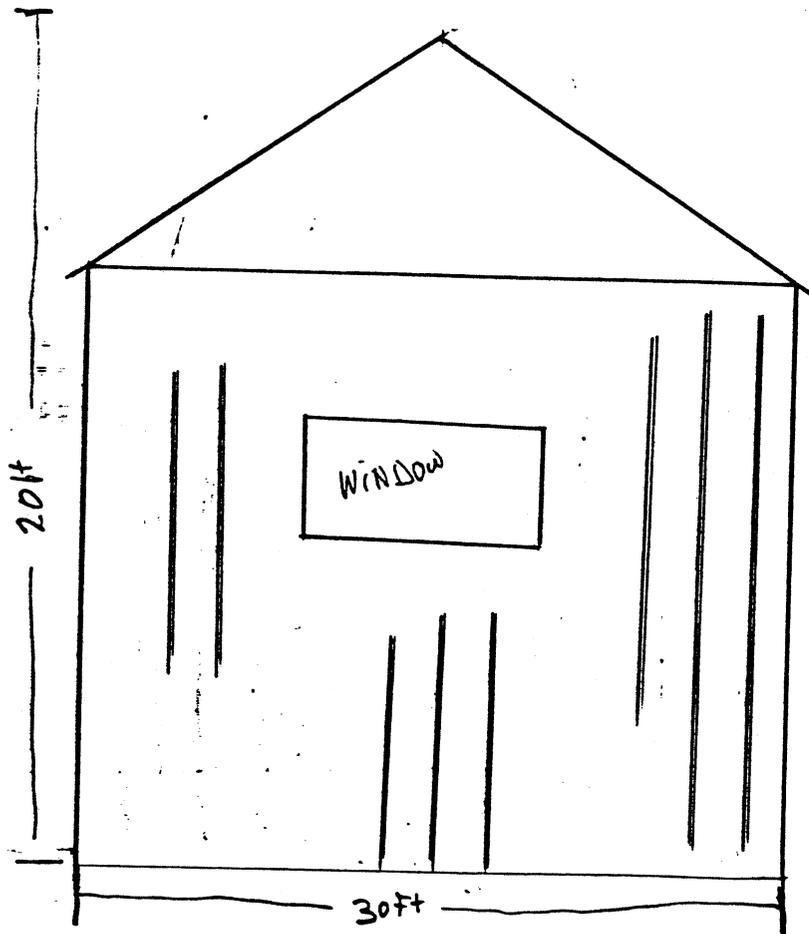


MAPLE LEAF
DRIVE IN
THEATER

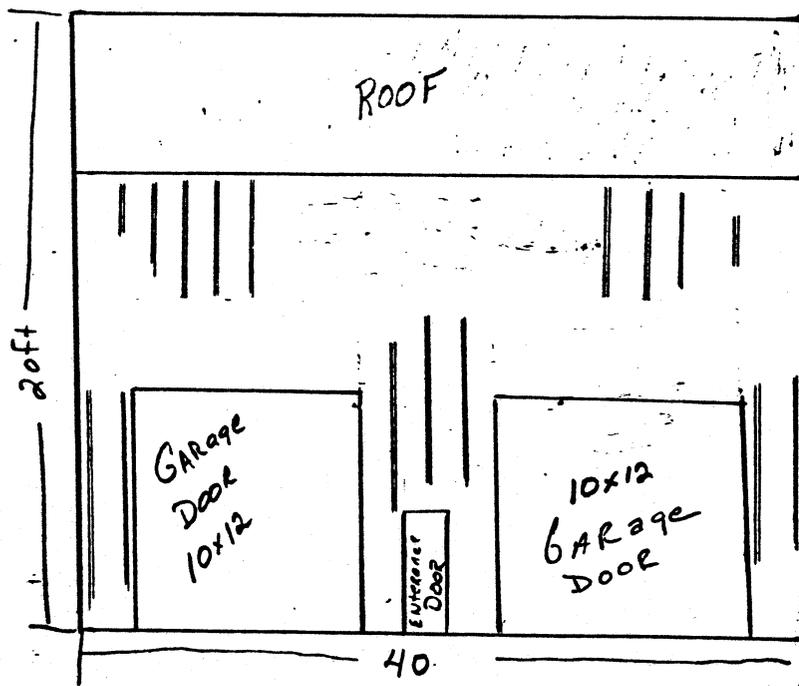


NAPOLI
GARAGE

NAPOLI
Res



East and West
Building Elevations



South Elevation.
North Elevation - no
Windows or Doors.

Color - Gold
Metal Ribbed Exterior

Building Elevations
- Metal Storage Building -



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 _____ at : _____ p.m.

The following members were present:

The following members were absent:

WHEREAS Zuercher Well Drilling initiated a variance request to erect a metal pole building in a M-1, Light Manufacturing District for the following-described property:

Lot 3, except STH 61-1 and except the north.85 feet of Lot 3, W.H. Howards Garden Lots.

This property is also known as 2483 Highway 61, Maplewood;

WHEREAS, the procedural history of this variance request is as follows:

1. This variance request was initiated by Zuercher Well Drilling, pursuant to chapter 25, article III of the Maplewood Code of Ordinances.
2. This variance request was reviewed by the Maplewood Community Design Review Board on March 22, 1983. The Board recommended to the City Council that said variance request be approved.
3. The Maplewood City Council held a public hearing on to consider this variance request. 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 the Board.

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

1. The variance would meet the spirit and intent of the ordinance since the proposed building would be concealed behind the existing buildings and not in view from the highway.
2. The proposed building would be compatible with the area and would not impact adjacent development.

Adopted this _____ day of _____

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 _____, 19____, 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 _____.

Witness my hand as such Clerk and the corporate seal of the City this
day of _____, 19____.

City Clerk
City of Maplewood, Minnesota

A. Zuercher Well Drilling--Metal Building Variance

3-22-83

Andy Zuercher, owner of the Zuercher Well Drilling, said he is not sure if the complete roof line of the building will be hid from Highway 61. He thought possibly 3 to 4 feet may be seen. He indicated the roof will be white, and the walls will be gold. The building is proposed to be used for storage.

Board Member Folley moved the Board recommend to the City Council approval of a variance for the construction of a metal pole building at Zuercher Well Drilling, 2483 Highway 61, based on the findings that:

1. The variance would meet the spirit and intent of the ordinance since the proposed building would be concealed behind the existing buildings and not in view from the highway.
2. The proposed building would be compatible with the area and would not impact adjacent development.

Board Member Hedlund seconded

Ayes--all.

H-5

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

ORDINANCE NO. _____

AN ORDINANCE AMENDMENT CONCERNING ADOPTION
OF NATIONAL FIRE CODES

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

Section 1. Section 12-51 of the Maplewood Code of
Ordinances hereby amended to read as follows:

There is hereby adopted by the City, for the purpose
of prescribing regulations governing conditions hazardous to
life and property from fire or explosion, all of those certain
codes, standards, recommended practices and manuals contained
in and set out in Volumes 1 through 16, inclusive, of the
National Fire Codes published in 1983 by the National Fire
Protection Association, and the provisions of same are hereby
incorporated herein and made a part of this article by
reference as completely and to the same extent as if set out
at length in this article. (Code 1965 §1703.010; Ord No. 265,
§1, 4-2-70; Ord, No. 327, §1, 7-20-72, Ord. No. 410, §1, 1-27-77)

Section 2. The ordinance shall take effect and be
in force from and after its passage and publication, as provided
by law.

Mayor

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

Attest:

City Clerk

Ayes -

Nays -

COPY

H-6

TO: City Manager
FROM: Finance Director *W. O. O'Neil*
RE: Budget Change - Watershed Assessments
DATE: May 12, 1983

Action by Council:
Enclosed.....
Modified.....
Rejected.....
Date.....

PROPOSAL

It is proposed that a \$34,310 budget transfer from the contingency account be approved to finance the 1983 installment on the special assessments levied by the Ramsey-Washington Metro Watershed District for the Battle Creek improvements.

BACKGROUND

In 1982, the watershed district levied \$133,189 of special assessments on 17 parcels of City-owned land. The interest rate on these assessments is 11.75%. On April 1, 1982, the City Council directed the City Attorney to appeal these assessments. Recently, property tax statements were received which indicate that the first-year installments total \$34,306.58 on these assessments. The first-half payment is due May 31. If paid late, the penalty is 7% beginning in June and increases by 1% per month.

I contacted John Bannigan to determine if this year's installments can be paid to avoid the late payment penalties. It is his opinion that our appeal of the assessments would not be jeopardized provided we include a letter with our payment indicating that the installments are being paid under protest.

RECOMMENDATION

It is recommended that a \$34,310 budget transfer from the contingency account be approved to finance the 1983 installments on the special assessments for the Battle Creek improvements.

DFF:1nb

H-7

MEMORANDUM

Action by Council:

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

TO: City Manager
FROM: Assistant City Engineer
DATE: May 13, 1983
SUBJECT: Crestview Drive--Hudson Place
Water Main Extension
Project No. 82-19

Construction bids will be received and opened on May 20, 1983. The bidding results and tabulation of bids will be distributed along with estimated project cost information to the City Council at their regular meeting on May 23, 1983.

If, after review of the cost information, the Council wishes to proceed with the project, 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 June 23, 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 July 18, 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 June 23, 1983.

jc

RESOLUTION
ORDERING PREPARATION OF ASSESSMENT ROLL

WHEREAS, The City Clerk and City Engineer have presented the final figures for the improvement Crestview Drive--Hudson Place Water Main Extension, Project No. 82-19.

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.

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 Crestview Drive--Hudson Place Water Main Extension, Project No. 82-19, 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 23rd day of June, 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.

PROPOSED PROJECT SCHEDULE
CRESTVIEW DRIVE-HUDSON PLACE
WATERMAIN EXTENSION
PROJECT NO. 82-19

- | | |
|--|-------------------------------|
| 1. City Council to accept feasibility study and set dates for Public Hearing | February 28, 1983 |
| 2. Public Hearing--City Council orders plans and specifications or abandons project | March 14, 1983 |
| 3. City Council to approve plans and specifications and authorize Advertisement for Bids | April 25, 1983 |
| 4. Advertise in Maplewood Review | April 27, 1983
May 4, 1983 |
| 5. Advertise in Construction Bulletin | April 29, 1983
May 6, 1983 |
| 6. Receive and open bids | May 20, 1983 |
| 7. City Council reviews bids and sets date for Assessment Hearing | May 23, 1983 |
| 8. Advertise in Maplewood Review | June 1 & 8, 1983 |
| 9. Assessment Hearing | June 23, 1983 |
| 10. Award of Construction Contract | July 18, 1983 |
| 11. Commencement of construction | July 25, 1983 |
| 12. Completion of construction | November 1, 1983 |

MEMORANDUM

I-1

TO: City Manager
FROM: Associate Planner--Johnson
SUBJECT: Plan Amendment (RL to BW)
LOCATION: 2075 Prosperity Road
APPLICANT: Director of Community Development
OWNER: Mo-Tech Corporation
DATE: April 28, 1983

Action by Council:

Endorsed _____
Modified _____
Rejected _____
Date _____

SUMMARY

Request

Amend the Land Use Plan from RL, lower density residential to BW, business warehousing.

Reason for Request

This proposal is in response to Council's city-wide downzoning program. The present zoning--M-1, light manufacturing--permits uses that are more intensive than anticipated by the Land Use Plan.

Comments

The Land Use Plan, rather than the zoning ordinance, should be amended to resolve the present inconsistency.

The existing use is compatible with the site and surrounding property. There is no need to phase the use out over time, which would be the intent of downzoning the property and classifying the use as nonconforming. The entire site is within 200 feet of property presently zoned or proposed (separate report) as R-1, single dwelling residence property, which requires council to approve any change in use or building structure. Since the presence of the M-1 zone does not pose a future threat of incompatibility to the neighborhood, it should be retained to recognize the existing business.

Recommendation

- I. Approve the enclosed resolution (attachment one) revising the Land Use Plan from RL, lower density residential to BW, business warehousing for 2075 Prosperity Road.
- II. Amend the acreage chart on page 19-3 of the Land Use Plan to reflect the change from RL to BW.

BACKGROUND

Site Description

Size: approximately .5 acre

Existing Land Use: Tool and die shop constructed in 1971. They manufacture metal molds for plastic parts.

Surrounding Land Uses

North: Single dwelling

East: Prosperity Road, across the street, a large tract of land partially developed for BW, business warehouse use.

South: Abandoned railroad right-of-way. Across the right-of-way single dwellings. The abandoned right-of-way is proposed for use as a trail for nonmotorized vehicles.

West: John Glenn Junior High School property.

Planning

1. Land Use Plan Designation: Present--RL, lower density residential
Proposed--BW, business warehouse
2. The proposed BW designation 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. Zoning: M-1, light manufacturing

Public Works

Water and sewer are available

ADMINISTRATIVE

Procedure

1. Planning Commission recommendation following a public hearing
2. Metropolitan Council review for impact on metropolitan systems
3. City Council decision

mb

Enclosures:

1. Resolution
2. Existing Land Use Plan
3. Property Line Map
4. M-1 Zone
5. Acreage Chart Revision

Attachment 1

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 _____ at 7:00 p.m.

The following members were present:

The following members were absent:

WHEREAS, a proceedings for the amendment of the Maplewood Comprehensive Municipal Plan entitled "Plan for Maplewood" has been initiated by City of Maplewood for a change of Planned Use from RL, lower density residential to BW, business warehousing for the following generally-described area:

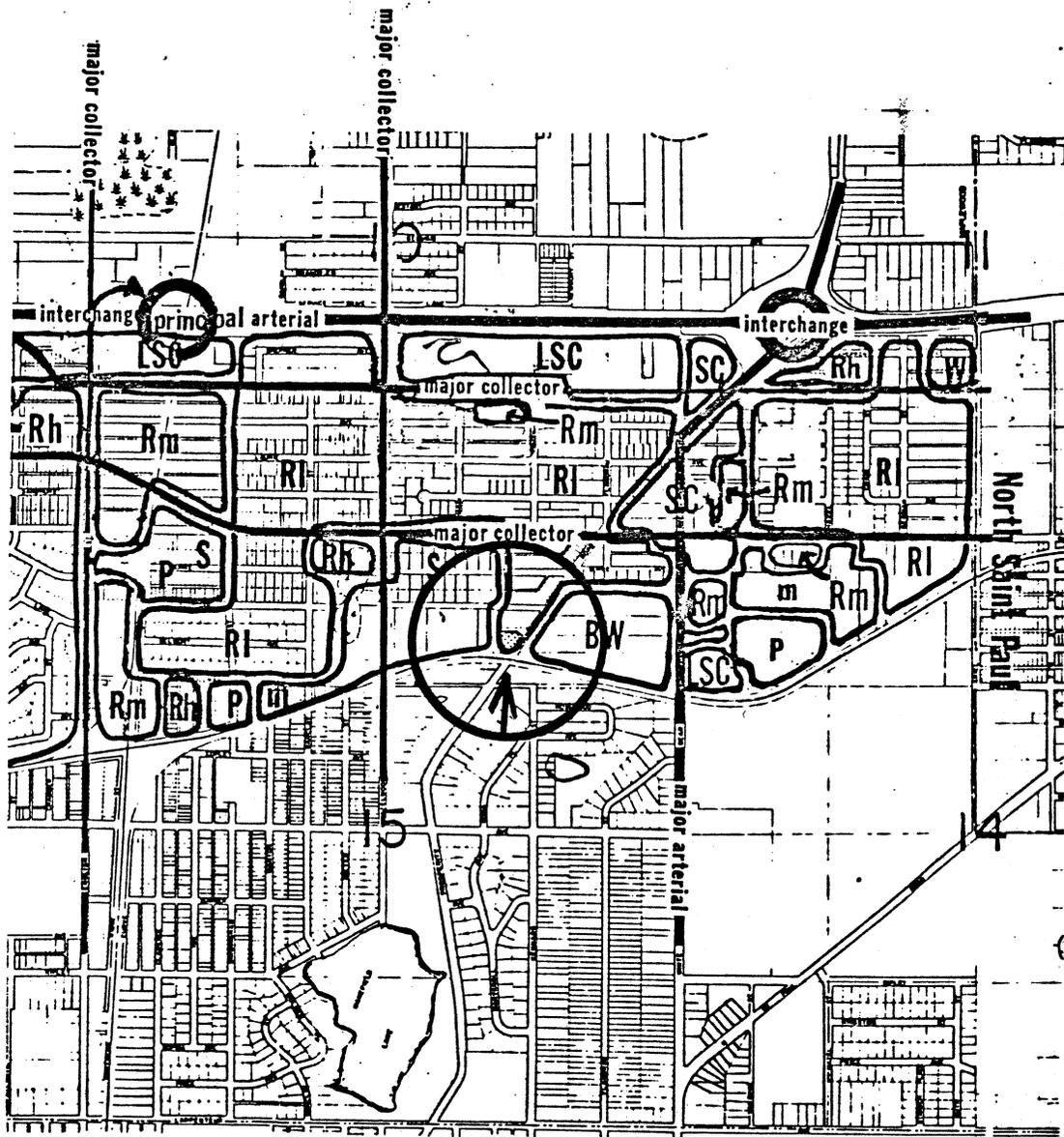
Commencing at a point 139.9 feet east of west line and 151.6 feet south of north line of lot 3, thence south 92.32 feet to beginning thence southeast at and to line 81° , 38 mn 25 Sec 138.38 feet thence ang right 12° 20 min. 84 feet to west line of road thence southwesterly on said westerly 125.58 feet to southeast corner lot 3 thence westerly on southerly said lot 142.5 feet to east line of west 139.9 feet of said lot thence north to beginning (subject to 66 feet easement), all in lot 3, Block 7, Sabin Garden Lots, Section 15, Township 29, Range 22.

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

1. The City of Maplewood has a Comprehensive Municipal Plan entitled "Plan for Maplewood" adopted pursuant to the provisions of Minnesota Statutes, Chapter 670, Laws 1965 (the Municipal Planning Act, Minnesota Statutes Annotated, Sections 462.351 to 462.364 thereof);
2. Minnesota Statutes, Section 462.355, Subdivision 2 and 3 thereof, provide for amendment of the Comprehensive Municipal Plan or of any section thereof;
2. An amendment of the Comprehensive Municipal Plan ahs been proposed by the City of Maplewood and referred to the Maplewood Planning Commission, which held a public hearing on the 2nd day of May, 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, recommended approval of the amendment.

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

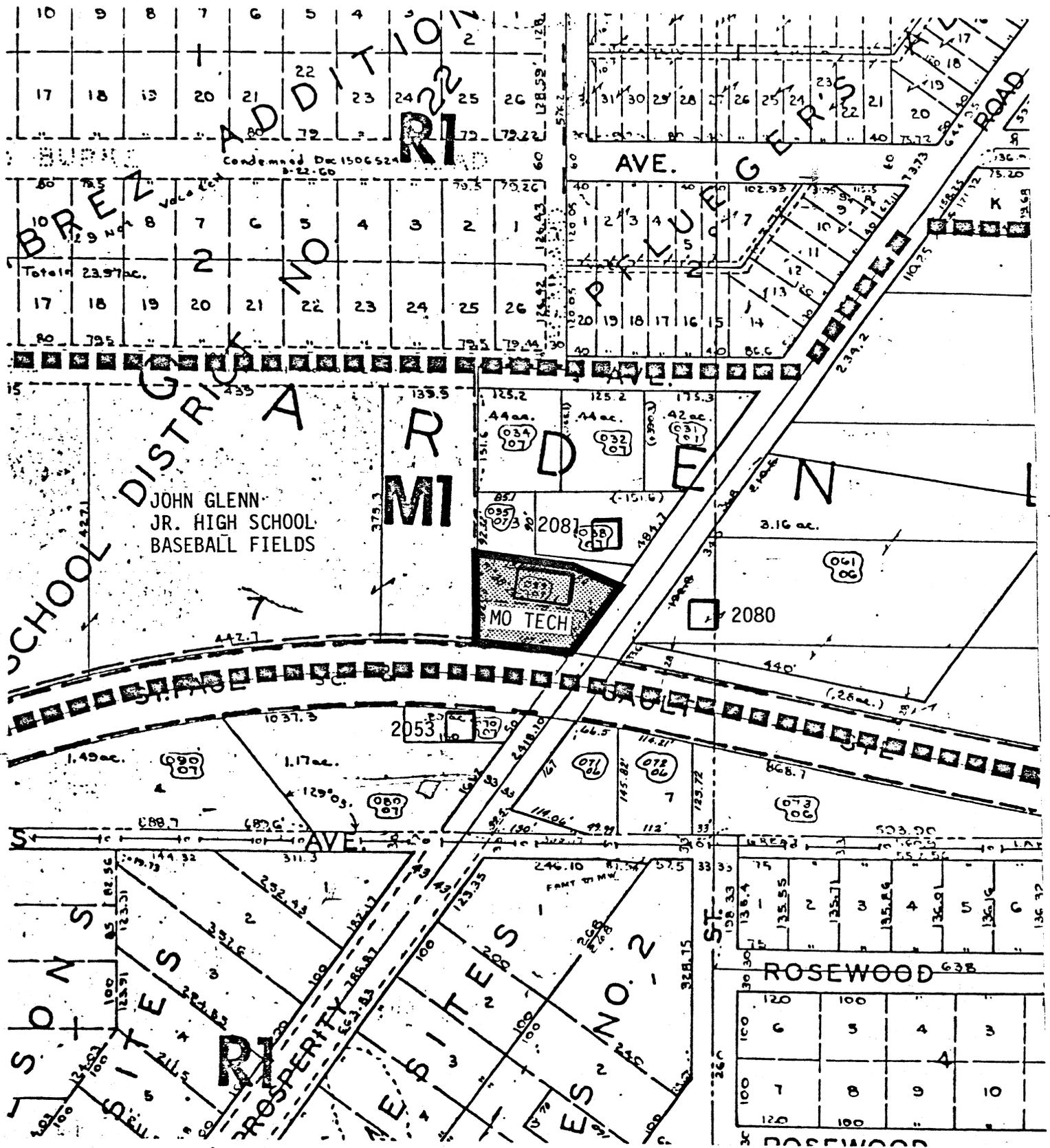


Attachment 2

**Sherwood Glen
NEIGHBORHOOD LAND USE PLAN**

Proposed for amendment to BW, business warehouse





PROPERTY LINE MAP

attachment three

WITH ZONING

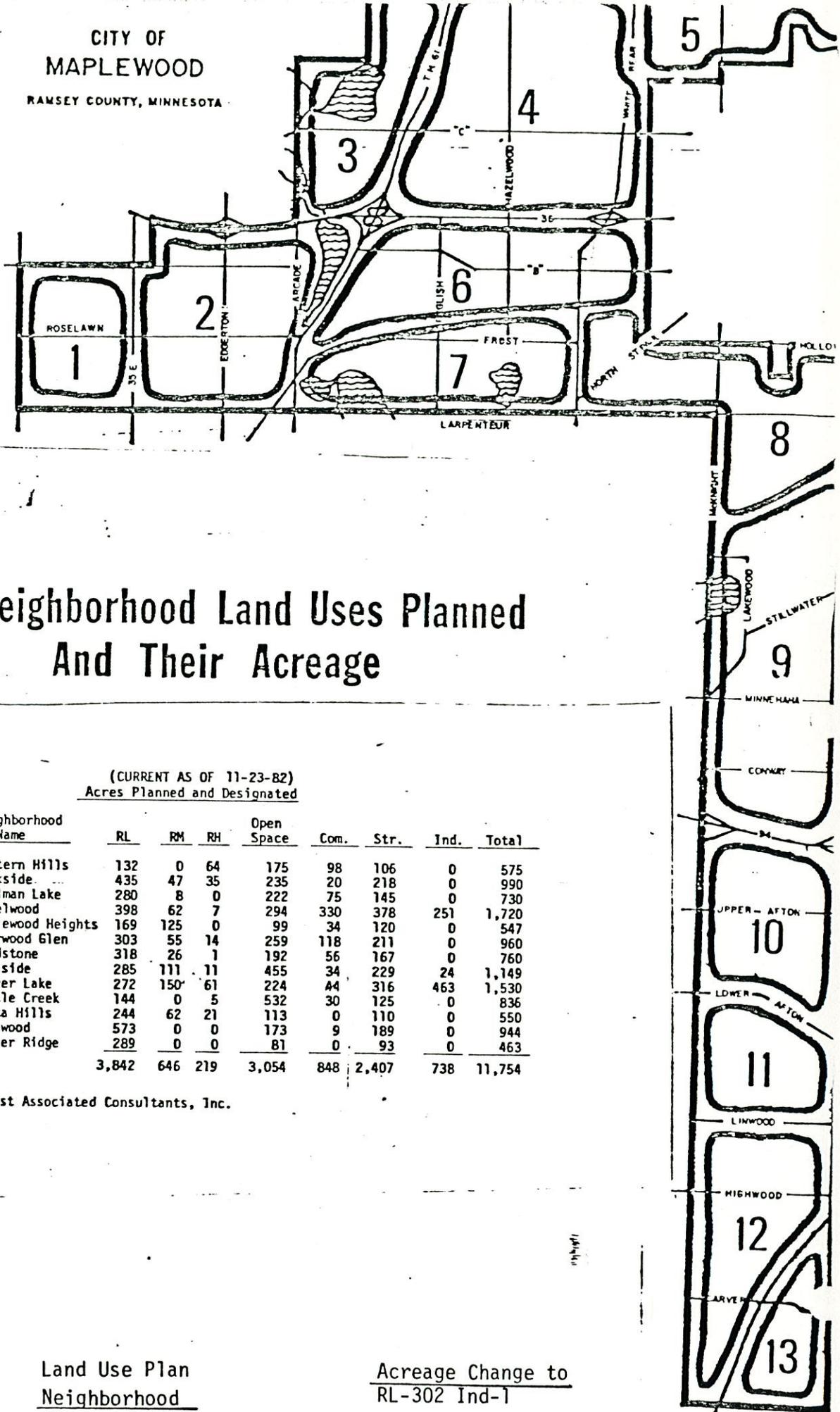


Sec. 36-186. Permitted uses.

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;

CITY OF
MAPLEWOOD
RAMSEY COUNTY, MINNESOTA



Nearighborhood Land Uses Planned And Their Acreage

(CURRENT AS OF 11-23-82)
Acres Planned and Designated

Planning Area No.	Nearighborhood Name	RL	RM	RH	Open Space	Com.	Str.	Ind.	Total
1	Western Hills	132	0	64	175	98	106	0	575
2	Parkside	435	47	35	235	20	218	0	990
3	Kohlman Lake	280	8	0	222	75	145	0	730
4	Hazelwood	398	62	7	294	330	378	251	1,720
5	Maplewood Heights	169	125	0	99	34	120	0	547
6	Sherwood Glen	303	55	14	259	118	211	0	960
7	Gladstone	318	26	1	192	56	167	0	760
8	Hillside	285	111	11	455	34	229	24	1,149
9	Beaver Lake	272	150	61	224	44	316	463	1,530
10	Battle Creek	144	0	5	532	30	125	0	836
11	Vista Hills	244	62	21	113	0	110	0	550
12	Highwood	573	0	0	173	9	189	0	944
13	Carver Ridge	289	0	0	81	0	93	0	463
TOTAL		3,842	646	219	3,054	848	2,407	738	11,754

SOURCE: Northwest Associated Consultants, Inc.

Land Use Plan
Nearighborhood
Sherwood Glen

Acreage Change to
RL-302 Ind-1

B. Plan Amendment: 2075 Prosperity Road (Mo-Tech)

Secretary Olson read the notice of public hearing. The proposal is to amend the plan from RL to BW.

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

Frank McGinley, 2044 Prosperity Road, reviewed the history of the tenants in the building. He also commented on the use of property in the area. He questioned what BW was. He said when the building was constructed the people in the neighborhood were inform it was light industry.

Frank Sanders, Albert Lea, Minnesota, former owner of the building, said the property was zoned light industrial when the building was constructed, there was a public hearing and it was approved by the City in 1972 or 1973.

Mr. McGinley questioned if the property south of Burke was designated as open space or can warehousing be constructed on that property.

Secretary Olson said the comprehensive plan designates the property for BW. On the 1973 there was a strip of open space land between the homes and the Ryan Equipment building. A public hearing was held when the plan was changed to BW and all residents were notified.

Mr. McGinley also questioned what was going to happen to the abandoned Soo Line property.

Secretary Olson said there is a bill in legislature that would authorize the DNR to acquire the right-of-way to develop a trail. Any property not use may be sold to abutting property owners.

Chairman Axdahl closed the public hearing portion of the meeting.

Commissioner Fischer moved the Planning Commission recommend that the City Council approve the resolution revising the Land Use Plan from RL, lower density residential to BW, business warehousing for 2075 Prosperity Road and amend the acreage chart on page 19-3 of the Land Use Plan to reflect the change from RL to BW

Commissioner Whitcomb seconded

Ayes--Commissioners Axdahl, Barrett, Ellefson, Fischer, Hejny, Pellish, Prew, Sigmundik, Whitcomb

MEMORANDUM

I-2

TO: City Manager
FROM: Building Official
SUBJECT: Appendix E--Sprinklers
DATE: May 13, 1983

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

Proposal

Adoption of Appendix E (attachment one), by reference to the State Building Code. Adoption of Appendix E would permit the city to require the installation of sprinkler systems in new construction, additions and with a change in the type of occupancy, where such sprinkler systems are not now required. Attachment two describes the types of occupancies affected. Attachment three gives examples of how Appendix E would have affected three buildings in Maplewood if they were built under Appendix E.

Authority

Minnesota State Statutes, 1980 Section 299 F 011 Subd. 4 prohibits municipalities from establishing requirements in excess of the Uniform Building Code. Appendix E was developed by the state to allow municipalities to establish uniform additional standards above and beyond the basic provision of the State Building Code.

Purpose

Adoption of Appendix E has advantages to the city and building owner.

1. Increased fire protection.

This amendment is highly endorsed by the fire marshal's office and our three fire departments. (See attachment four.) Sprinklers provide increased protection for life and property.

2. Reduces property losses.

Attachment five shows the property loss savings that occurred with sprinkler systems in Edina and Duluth.

A five-year study of insurance losses by Factory Mutual shows buildings without sprinklers had nine times greater losses than sprinklered buildings. In a comparison of two Edina apartment buildings, one sprinklered and the other not sprinklered, the sprinklered 13-story building suffered \$1,000 loss and no deaths. The unsprinklered four-story building, which had heat detectors and an alarm system, suffered \$70,000 loss and two dead.

Minnesota Mining (3M) states that 98% of their industrial fires were suppressed without fire department personnel in buildings with sprinkler systems installed. The balance of 2% were shelving and other hidden areas. 3M building 220 6th floor loss was 2 1/2 million. One-third of the floor was damaged by fire. Prior to this fire they chose not to install sprinklers in the total building at a cost of 3/4 million dollars. After the fire, all office buildings in their system not previously sprinklered have had the systems installed.

3. Allows more flexible construction.

Under the building code, the installation of sprinkler systems allows larger allowable areas, additional stories and substitution of one-hour fire resistive construction in some cases.

4. Cost savings to building owners

It could be possible, based on square footage and occupancy, to build a required steel or masonry building of a certain type of wood construction with sprinklers installed, realizing cost savings. Other requirements are also lessened with sprinklers: travel distance to exits and the elimination of required fire alarm systems in public buildings and apartment buildings. Manual pull stations result in unnecessary false alarms to the fire departments. The building owner benefits by a reduction in insurance costs, often with a payback within 7 to 10 years, depending upon the type of occupancy.

5. Reduces manpower needed for the fire stations

Manpower for firefighters during daytime hours is becoming increasingly difficult to obtain due to increased commitments to work. The building owner, therefore, should take the responsibility of protecting his property. Reduction in personal injury reduces manpower, since firefighters man the medic vans as well.

This is an option, not a mandatory provision, based on local fire suppression capabilities. Some municipalities will not adopt this appendix. Initial construction costs would be increased. However, the benefit to the city in maintaining a proficient level of fire protection in the face of additional construction and restricted budgets supports the adoption of Appendix E.

Recommendation

Adopt the enclosed ordinance (attachment nine) which adopts the new Appendix "E" to the State Building Code, requiring sprinkler systems.

jc
Enclosures

1. Appendix E.
2. Types of Buildings affected by Appendix E
3. Examples of applying Appendix E in Maplewood
4. Fire Marshal's memo
5. Property loss comparisons
6. Water and manpower requirements
7. Statement of need and reasonableness
8. Report of the hearing examiner
9. Code amendment

Department of Administration

Building Codes and Standards Division

Adopted Rules Governing Amendments to the State Building Code Entitled Proposed Optional Appendix E Automatic Fire Suppression Systems

Rule as Adopted

2 MCAR § 1.10020 Optional provisions for installation of on-premises fire suppression systems.

A. Purpose. This rule authorizes optional provisions for the installation of on-premises fire suppression systems in new construction. It is intended to alleviate increasing demands for additional fire suppression resources by allowing a municipality to adopt the optional provisions of this rule based on its local fire suppression capabilities.

B. Municipal option. The sprinkler system requirements in C. may be adopted without change by a municipality. If they are adopted, the requirements are applicable throughout the municipality for new buildings, additions to buildings, and buildings for which the occupancy classification is changed.

C. Requirements. Automatic sprinkler systems must be installed and maintained in operable condition in buildings in the occupancy classifications listed in 1.-12. This requirement is in addition to other minimum requirements set in the state building code. The height and area increases provided for in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code ~~may be applied~~ are applicable.

1. Group A-1 occupancies.
2. Group A-2 occupancies with an occupant load of 300 or more.
3. Group A-2.1 occupancies.
4. Group B-1 service stations with 3,000 or more gross sq. ft. of area, not including canopies.
5. Group B-1 parking garages with 5,000 or more gross sq. ft. of area.
6. Group B-2 offices and post-secondary classrooms with 8,500 or more gross sq. ft. of area or three or more stories in height.
7. Group B-2 retail, warehouse, or manufacturing areas with 2,000 or more gross sq. ft. of area or three or more stories in height.
8. Group E-1 and E-2 occupancies with 8,500 or more gross sq. ft. in area or two or more stories in height, except for minor additions that do not increase the occupant load or significantly increase the fire load.
9. Group E-3 occupancies with an occupant load of 30 or more.
10. Group H-4 occupancies with 3,000 or more gross sq. ft. of area.
11. Group R-1 apartment houses with 8,500 or more gross sq. ft. of area or with dwelling units on three or more floors, except that when they are not required by Uniform Building Code, sections 1807 or 1907, or other provisions of the state building code, automatic sprinkler systems within dwelling units in apartment occupancies are considered complete when protection is provided in all habitable rooms. Building officials, in concurrence with their fire chiefs, may accept alternate systems not fully complying which have fire protection capabilities equivalent to systems which comply with Standard 38-1 of the Uniform Building Code.
12. Group R-1 hotels and motels with 8,500 or more gross sq. ft. of area or with guest rooms on three or more floors.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Attachment two: Types of Buildings affected by
Appendix E

Group A Occupancies are dining rooms, drinking establishments, auditoriums and other places of assembly where people gather. All occupancies in this category, with an occupant load over 300 persons, are required to be sprinklered by Appendix E.

Group B Occupancies are primarily offices, retail stores, warehouses and manufacturing areas. Occupancies in this category will now require sprinklers i.e. an office building with 8,500 gross square feet of area or three or more stories must be sprinklered. Under present code a wood frame office building could be built with 8,000 square feet, two stories in height and not be sprinklered. A small retail store of 2,000 or more gross square feet or three or more stories in height would require sprinklers. A retail store of wood frame construction of 2,000 gross square feet is not required to be sprinklered under the present code.

Group E Occupancies are primarily educational facilities and facilities for day care purposes. The requirement in this category does not change appreciably.

Group H Occupancies are hazardous areas, handling of hazardous and flammable liquids, wood working establishments, areas where loose combustible fibers or dust are manufactured, and spray painting shops.

Group H-4 is a repair garage with an allowable area of 5,100 square feet in type V construction. Appendix E would require sprinklers for 3,000 square feet or more of area.

Group R-1 Occupancies are hotels and apartment houses. Under present code apartment houses of frame construction would allow 5,000 square feet and two floors. Appendix E requires sprinklers for 8,500 gross square feet or with dwelling units on three or more floors regardless of type of construction-- wood frame, masonry, etc.

Group R-1 Occupancies, hotels and motels under Appendix E would require sprinklers if the building had 8,500 or more gross square feet or with guest rooms on three or more floors.

Attachment Three: Examples of applying Appendix E in Maplewood

Holiday Inn

Holiday Inn was built in 1977, has 29,500 square feet per floor with a total of 59,000 square feet.

Code did not require fire suppression system. Appendix E would require the system at 8,500 square feet.

Commercial area of Holiday Inn has 16,674 square feet on one floor. The Code in effect when this motel was constructed allowed 10,100 square feet of area and with sprinklers permitted doubling of area to 20,200 square feet. Therefore, the commercial area of Holiday Inn is sprinklered to accommodate the number of square feet in this area.

Appendix E would require sprinklers for all occupancies with occupant load over 300.

Cricket Inn

Cricket Inn has 116 units, 4 floors, 45,569 square feet total with 11,367 square feet per floor.

The structural elements of this building are noncombustible, therefore, the present building code would allow 27,000 square feet, 4 stories high, without a sprinkler system.

The recommendation of the Fire Marshal's Office required sprinklers, thus it became a condition of the Design Review Board and Council. The motel is sprinklered.

Appendix E would require sprinkler system at 8,500 square feet or 3 floors in height.

Emerald Inn

Emerald Inn has 68 units, five floors with approximately 30,000 square feet including the penthouse.

Building Code today would allow Emerald Inn to be built as a 4-story motel without sprinklers. However, the building is fully sprinklered, due to the five stories, to comply with the Code.

Appendix E would require sprinklers at second floor because of area.

April 25, 1983

MEMORANDUM

To: Building Inspector Marge Ostrom
From: Fire Marshal A. C. Schadt
Subject: Appendix "E" Sprinkler Systems

The new Appendix "E" to the State Building Code is now completed and has been documented in the State Register, Volume 7, Number 42, dated April 18, 1983.

It would be advantageous that this Appendix "E" be included in the 1982 Building Code, which would require an Ordinance approved by Council action.

This appendix is highly endorsed by the City's fire services from the three contracting departments as well as this office, and we urge your department's support and approval in obtaining the adoption required by law.

We recommend your department proceed forward in obtaining the proper Ordinance for Code enforcement.

ACS:js

cc Director of Public Safety
- Fire Departments

COPY

COMPARISON

TWO EDINA APARTMENT FIRES

6730 VERDON AVENUE

4 stories
Approx. 10 years old
Heat Detectors Throughout

Type I Fire Resistive

Apartment

Within Dwelling Unit

Living Room/Hallway
(Room Unoccupied)

Clothes Basket
(Ignition Source Unknown)

Occupant Entering

To contents, Hall Closet

To Carpet/Interior Hall

Door to Corridor Open

To Public Corridor
Interior Finish
(Rated Less than 25)

To Adjoining Apartment
(Open Door)

2 Dead

\$70,000.00

6 Engines 24 Men

2 Ladders 5 Men

3 Ambulances 7 Men

7151 YORK AVENUE SOUTH

13 stories
10 years old

Type I Fire Resistive

Apartment - Elderly

Within Dwelling Unit

Living Room
(Room Unoccupied)

Plastic Decorative Wreath
(Candle)

Sprinkler/Alarm

To Television Set Cabinet

To Wall Hangings, Picture
Frames

SPREAD OF FIRE CHECKED
Sprinkler

CONSTRUCTION

OCCUPANCY

FIRE LOCATION

FIRE AREA

FIRE START

ALERT

FIRE GROWTH

LOSS

- Life

- Property

RESOURCES

\$1,000.00

1 Engine 8 men

COMPARISON

Two Duluth Building Fires

222 East Second Street
Senior Citizen Apartments

West Junior High
3 Stories

Type 1 Fire Resistive

-- CONSTRUCTION --

Type 1 Fire Resistiv

Senior Apartments

-- OCCUPANCY --

School

Within Dwelling Unit

-- FIRE LOCATION --

School Office

Living Room
(Occupied)

-- FIRE AREA --

Office

Papers (Pipe)

-- FIRE START --

Wooden Desk

Smoke Alarm

-- ALERT --

Custodian arriving
for work

Smokers, Pipe to
newspaper

-- FIRE GROWTH --

Desk

To Magazine rack

To Office furniture

To Overstuffed
chair

Office gutted

Spread of Fire
checked

Fire checked by
closed office door

Sprinkler

Smoke spread through
school by way of ven
system.

\$3,000.00

-- LOSS --

\$110,000

Highlights of Fire in the U.S.

A 26-page booklet that is a comprehensive study of deaths, injuries, dollar loss and incidents on national, state and local levels reveals some interesting facts about America's fire experience.

- In order of severity, the five most dangerous occupancies for fire fighters are manufacturing, basic industry, storage, stores and offices, and vacant and construction sites.

- The fire death problem is especially serious in large cities and rural communities. Medium sized cities have the lowest fire death rates. The death rates in most rural areas are the highest, higher even than large cities. Rural areas and big cities have higher dollar losses per capita from fire than do mid-size cities.

Copies of the report are available from the Federal Emergency Management Agency, 500 C Street S.W., Washington, D.C. 20472

Sprinklers Reduce Property Losses

A recent five-year study by Factory Mutual System shows that dollar losses due to fires in buildings without sprinklers are nine-times greater than losses in sprinklered buildings. Fires in buildings with sprinklers averaged a \$32,000 loss, compared to a \$201,000 loss in non-sprinklered properties.

Firebug Game Brochures Out of Print

The country's fire service has succeeded in having video game brochures for "Firebug" taken out of print. The game has been changed to an escape game using the five-story maze. The advertising copy has been modified to reflect the escape from the burning building theme.

The copy originally encouraged participants to skillfully burn the building and escape detection. Promotion of the game brought a general uproar from fire service, law enforcement and the insurance industry. The Minnesota distributor of the game agreed to remove the product from retail shelves following contact with the President of the International Association of Arson Investigators, Minnesota Chapter, Bruce Ryden.

Los Angeles Sues to Recover Fire-fighting Costs

In what Los Angeles city attorneys believe to be an unprecedented case, the city has filed suit against a plastics company to recover the costs of fighting a fire at its plant. The city contends the company was grossly negligent in the storage of highly flammable materials on its premises and had failed to correct legal violations after being ordered to do so. Contending that the hazardous storage was the cause of the fire in May, 1980, Los Angeles seeks to recover \$200,414 in expenses plus \$1-million in punitive damages. The company already has pleaded no contest and paid a \$4,000 fine for violation of the fire code.

WATER AND MANPOWER REQUIREMENTS

Theoretically, one gallon of water per minute applied in a fog pattern should have enough cooling power to extinguish 100 cubic feet of fire involving ordinary combustibles. Thus, to be able to extinguish a fire in two floors of a 1500 square foot home (8 foot ceilings) would require:

$$\begin{aligned} 1500 \times 2 &= 3000 \\ 3000 \times 8 &= 24000 \\ 24000 \div 100 &= 240 \text{ GPM required} \end{aligned}$$

Fire suppression experts recommend 3 or 4 gallons per minute per 100 cubic feet for fire extinguishment under practical conditions, which allows for such things as openings which aid fire spread, the difficulty in applying water directly on the seat of the fire, as required by the theoretical formula to be valid.

The number of fire fighters required to maneuver the hoses is related to the size of the hose streams. The following are minimum fire fighter requirements on hose streams.

$$\begin{aligned} 100 \text{ GPM} &- 2-3 \\ 250 \text{ GPM} &- 3-5 \end{aligned}$$

"A typical sprinkler head delivers an average of 15 gallons of water per minute, and the data of various national organizations indicates that about three fourths of all fires in sprinklered buildings are extinguished with one or two sprinkler heads going off."

Kimball, Warren, Fire Attack 1, Command Decisions and Company Operations, 1973, National Fire Protection Association, 60 Battery March Street, Boston, Mass., 02110, pg. 81 f.

International Fire Service Training Association, Fire Stream Practices, 1980, Fire Protection Publications, Oklahoma State University, Stillwater, Oklahoma, 74078, pg. 158.

STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed
Rules of the Department of Administration
Governing Amendments to the State Building
Code entitled Proposed Optional Appendix E
Automatic Fire Suppression Systems

STATEMENT OF NEED AND
REASONABLENESS

The above captioned rules are a proposed optional appendix chapter to the State Building Code which authorizes municipalities to require on-site fire suppression systems in certain occupancies.

The proposed rules are needed to authorize municipalities to adopt fire suppression requirements, established through information obtained from nationally-recognized experts, to a protection level higher than currently authorized. MN Stats. 1980, Section 299F.011, Subd. 4 prohibits municipalities from establishing requirements in excess of the requirements of the Uniform Building Code adopted pursuant to MN Stats. 1980, Section 16.83 to 16.867 (State Building Code). The adoption of rules establishing standards for additional on site fire suppression systems is necessary to permit municipalities to obtain standards of fire suppression capabilities not in conflict with provisions of the State Building Code when it is determined by the municipality that additional provisions are necessary and cost effective.

The agency's authority to promulgate the proposed rules is contained in MN Stats. (1980) §§ 16.85 and 16.86.

The expansion of fire suppression and prevention capabilities is necessary for public safety in buildings located in expanding municipalities. A primary concern of growing municipalities is to establish a balance of public

and private sector financing for fire suppression protection in new buildings where public sector funding limits have been reached.

These rules are a reasonable approach to fire suppression on the local level because resources for municipal fire departments are limited to current or reduced expenditure levels. The level of fire fighting and prevention provided is exclusively a local determination. The economic feasibility and reasonableness of adopting uniform regulations in excess of the State Building Code must be determined by the municipality providing the services and those bearing the expense.

The establishment of optional rules for adoption without change are based on a study of nationwide trends of the fire suppression capabilities of municipal fire departments. This provides municipalities a method to establish reasonable additional standards based on local capabilities.

During the 1981 session of the Minnesota Legislature, a bill was introduced permitting local units of government to enact ordinances requiring on-site fire suppression systems as they deemed appropriate. The legislation passed the House and was considered by the Government Operations Committee of the Senate, where testimony was offered in opposition to the bill. One issue of opposition was that the uniformity provided for in the State Building Code would be destroyed and designers, developers and builders would be subjected to a vast array of requirements. The chairman of the Senate committee recommended that all affected parties attempt to resolve their differences through the rule making process of the Administrative Procedure Act.

The Director of the Building Codes and Standards Division subsequently appointed a committee to review the issues involved and recommend how they

might be best resolved. The listing of committee members is attached to this statement. (Exhibit 1) The committee's first meeting was on July 16, 1981 and after a series of 16 meetings the final (4th) draft of the proposal was completed on May 26, 1982. During the committee deliberations input was received from many resource persons, including fire protection engineers, fire department administrative personnel, mechanical engineers, the concrete industry, sprinkler industry, insurance industry, committee members, and others. Several informational meetings were held with architects, building developers, building owners and managers, building officials and others, and draft copies were revised following input from concerned persons.

The consensus of the committee was to propose an optional appendix chapter to the State Building Code that could be adopted, without change, at the discretion of municipal governments, similar to the existing appendix chapter D relating to building security. A measure of uniformity would thus be maintained so that persons affected could quickly ascertain whether or not the appendix chapter had been adopted by any given municipality, so that structures would be designed and constructed accordingly. The committee believes this approach will be a long term solution to existing and future problems.

Although Minnesota Statutes do not mandate that municipalities provide fire protection for their citizens, many municipalities are endeavoring to maintain a proficient level of fire protection in the face of additional construction and restricted budgets due to cutbacks in resources. Municipalities firmly believe that by providing for built-in fire suppression systems in new construction, they can maintain a reasonable degree of protection without building additional fire stations, obtaining new equipment and supplies, and recruiting additional personnel. Additional resources would

also be necessary, to provide ongoing training of personnel; maintenance and operation of equipment, and buildings; as well as additional fire fighter salaries. The cost of providing additional services involves both initial capital outlay plus continuous program maintenance costs. The Fresno California Chronicle attached to this statement (Exhibit #2) supports the effectiveness of this position. In spite of considerable growth in area and population, fire department staffing, equipment and number of stations was not substantially increased.

Recently adopted OSHA regulations impose additional training requirements and safety equipment provisions which places an additional burden on the ability of municipalities to provide fire protection service within reasonable budget levels. The added training requirements may be a deterrent to obtaining volunteer fire fighters due to increased commitments on volunteer fire fighters time. Service of full time paid fire fighters is beyond the budget limitations of most municipalities in Minnesota. OSHA Subpart L. Federal Register Vol. 45, No. 179, Sept. 12, 1980 Sec. 1910.156. A listing of paid and volunteer fire departments in the state is attached to this statement (Exhibit #3).

The Minnesota Fire Chiefs Association has, for years, advocated the extensive use of automatic sprinkler systems in buildings to control or extinguish fires and reduce property damage losses. In addition they are concerned about the life safety of building occupants and fire department personnel who must enter buildings to suppress fires. Statistics show that multiple death losses are very rare in buildings equipped with automatic sprinkler systems throughout. Property losses are greatly reduced in buildings protected throughout by automatic sprinkler systems. Manpower needs are reduced dramatically when buildings are protected with automatic

sprinklers. Comparisons of fires in comparable buildings with and without sprinklers are attached to this statement (Exhibit #4). Edina - Apartment Building fires; Richfield Hub Center; Duluth, Apartment Building.

The installation of sprinkler systems is recognized by the present building code as providing additional fire safety protection, by allowing larger allowable areas, additional stories, and substitution for 1 hour fire resistive construction in some cases. Some cost savings can be realized when the code is researched and applied to a given design.

A Concern has been expressed by multi-family housing developers that increased initial costs will be a deterrent to development of much needed lower and moderate income housing. Experience has shown that there is much less clean up and re-construction after a fire in a sprinklered apartment building, thus allowing re-occupancy of units quickly after a fire. The early reoccupancy results in additional pay-back of initial investment. Tenants are benefitted by the additional safety provided by automatic sprinkler protection. In the proposed rule an exception to ZMCAR Section 1.10020.C.11, was incorporated to allow acceptance of sprinkler systems that would provide protection at minimal cost.

Water supply demands for extinguishment of fires with hose lines are much greater than when automatic sprinklers are used. Fires usually grow rapidly in their early stages, delayed alarms or long response times are serious obstacles to fire extinguishment. On-site extinguishing systems provide an alarm when the sprinkler system is actuated by heat of the fire, thus providing an early alarm as well as containment or extinguishment of the fire.

Small fires are usually fought with 1-1/2" hose lines requiring 2 men per line. Large fires require 2-1/2" hose lines needing 3 or 4 men per hose line. The majority of fires set off a maximum of 2 sprinkler heads with a discharge 15 to 20 GPM. Water and manpower requirements are attached to this statement (Exhibit #5).

Fire resistive construction is required by the code in many instances. Experience by fire and building departments, and investigations after fires has shown that fire resistive assemblies have failed during fires. Some of the factors causing failure are as follows:

1. Many sub-contractors are involved and none of them has total responsibility to assure compliance. These sub-contractors include ceiling installers, electricians, insulators (thermal and acoustical), sheet metal and ventilation installers, plumbers, communications people and others.
2. Frequently, inspectors and plan review personnel are not sufficiently experienced and trained to detect all deficiencies in complex assemblies.
3. Many building departments are understaffed, due to budget constraints.
4. Remodeling of buildings often gives rise to the use of substitute materials and as a result ceilings or walls are no longer fire resistive, and compartmentation is negated.

When fire suppression efforts are underway compartments must be opened to gain access. In many instances this will cause the fire to spread from its original source. Fire fighters advance hoses into stairways and corridors to attack fires. When this occurs, the fire resistive character of such vital life safety areas is defeated. Automatic sprinkler protection tends to offset the hazards which prevail when fire resistive assemblies have been negated.

Minnesota cities are developing a pattern of maintaining a manpower level in their fire departments which is minimally sufficient to extinguish the average size house fire. When the provisions of proposed Appendix E, based on occupancy classification and hazard, are combined with a minimally sufficient fire department an acceptable level of fire extinguishment capability is achieved.

Group A Occupancies (public assembly) accommodating 300 or more persons, normally have large open areas rather than small compartments. Compartments help contain a fire. Fire in a large compartment can readily defeat a small fire fighting force. Sprinkler protection is needed in order to contain an incipient fire. This reduces the chances of panic in a large crowd attempting to flee a growing fire and allows a smaller fire fighting force to extinguish the fire.

The square footage limitation for Group B service stations is restricted due to the nature of the occupancy. Flammable and combustible liquids greatly increase the fire loading in these occupancies. Even in a small square footage occupancy flammable or combustible liquids fire can readily overcome an average fire fighting force.

Group B-1 (parking garages), consisting of large open areas, do not allow storage other than automobiles. The spacing of the automobiles and the fact that fires in an auto are normally contained within the engine or passengers compartment provide some degree of assurance in keeping a fire isolated. Due to this fact the square footage limitations for parking garages was established at 5,000 square feet. This is more liberal than the Group B-1 service stations due to the lesser hazard.

Group B-2 (offices and post-secondary classrooms), were assigned a square footage limitation of 8500 square feet. These occupancies are divided into fairly small compartments which contain a moderate fire loading of normal combustibles. Due to this fact, the committee determined that the square footage limitation could be increased above the more restrictive requirements of the occupancy groups previously listed. The height of a building is a critical factor. Regardless of square footage, the average fire department would still require additional equipment and manpower to gain access to buildings of over two stories.

The Group B-2 (retail, warehouse and manufacturing Occupancies), were assigned a square footage limitation of 2000 square feet. These types of occupancies normally contain a high loading of normal combustibles, densely stored in an open area.

Group E-1 and E-2 Occupancies (K-12 schools) were assigned a square footage limitation of 8500 square feet. The characteristics of these occupancies are similar to Group B-2, offices and post-secondary classrooms. K-12 schools are comprised of smaller compartments which help contain a fire.

Group H-4 Occupancies (repair garages) were assigned a maximum square footage limitation of 3000 square feet. H-4 Occupancies have welding and cutting operations, as well as other open flames used in areas where flammable liquids are stored and dispensed. H-4 Occupancies have a greater probability of fire with such fires being more severe in nature due to the highly flammable and combustible contents.

The Group R-1 Occupancies (apartment houses, hotels and motels) were assigned a maximum square footage limitation of 8500 square feet. The characteristics of these occupancies are similar to Group B-2 offices and post-secondary classrooms as to compartmentation and combustible contents. R-1 Occupancies, where the occupants are sleeping, creates a life loss potential not associated with B-2 Occupancies. Hotel and motel occupancies also present the problem that sleeping occupants are not familiar with their surroundings which also increases the life loss potential. R-1 Occupancies require a high level of fire department manpower for evacuation and rescue purposes.

All testimony received at the hearing will be given due consideration and incorporated into the proposed rule if determined necessary and reasonable.

Date: 11-30-82



JAMES J. HINIKER, JR.
COMMISSIONER

BCD-83-001-FF

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE DEPARTMENT OF ADMINISTRATION
BUILDING CODES AND STANDARDS DIVISION

REPORT OF THE
HEARING EXAMINER

In the Matter of the Proposed Rules of
the Department of Administration Govern-
ing Amendments to the State Building Code
Entitled Proposed Optional Appendix E
Automatic Fire Suppression Systems.

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Administrative Hearings at 9:30 a.m. on Wednesday, January 5, 1983 in Room 408 of the Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota. Larry D. Starns, Special Assistant Attorney General, 204 Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, appeared on behalf of the Building Codes and Standards Division of the Minnesota Department of Administration (hereinafter "BCD"). Richard Brooks, Assistant Director for the BCD, James Reis, Deputy Chief of the Duluth Fire Department, and Sivert Hendrickson, Building Official for the City of Richfield, appeared and testified for the BCD in support of the proposed rules. The hearing continued until all interested groups of persons had had an opportunity to testify concerning the adoption of the proposed rules.

This Report shall be available for review to all affected individuals upon request for at least five working days before the agency takes any further action on the rule(s). Pursuant to Minn. Stat. § 14.16 (1982), the Commissioner of the Department of Administration shall, if he proposes to adopt the rule as recommended herein, submit the rule, together with the complete hearing record to the Attorney General and shall be responsible for notifying persons who have indicated that they wish to be notified of such filing. If the Commissioner makes changes in the rule other than those recommended herein, he shall submit the rule with the complete hearing record to the Chief Hearing Examiner for a review of the changes prior to submitting it to the Attorney General for review.

Based upon all the testimony, exhibits, and written comments, the Hearing Examiner makes the following:

FINDINGS OF FACT

1. On November 18, 1982, the BCD filed the following documents with the Chief Hearing Examiner:

- (a) A copy of the proposed rules.
- (b) The Order for Hearing.
- (c) The Notice of Hearing proposed to be issued.
- (d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On December 6, 1982, a Notice of Hearing and a copy of the proposed rules were published at 7 State Register 23, pp. 886-888.

3. On December 2, 1982, the BCD mailed the Notice of Hearing to all persons and associations who had registered their names with the BCD for the purpose of receiving such notice.

4. On December 8, 1982, the BCD filed the following documents with the Hearing Examiner:

- (a) The Notice of Hearing as mailed.
- (b) The Agency's certification that its mailing list was accurate and complete.
- (c) The Affidavit of Mailing the Notice to all persons on the Agency's list.
- (d) The Statement of Need and Reasonableness.
- (e) The names of BCD personnel who will represent the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.
- (f) A copy of the State Register containing the proposed rules.

The documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

5. The record remained open through January 25, 1983 for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to 20 calendar days following the hearing.

6. Statutory authority to adopt the proposed rules is contained in Minn. Stat. §§ 16.85 and 16.86 (1982).

7. During the 1981 legislative session, a bill was introduced permitting local units of government to enact ordinances requiring on-site fire suppression systems as was deemed appropriate. This legislation passed the House of Representatives and was considered by the Governmental Operations Committee of the Senate, where testimony in opposition to the bill was heard. One issue raised was that the uniformity provided in the State Building Code would be destroyed and designers, developers and builders would be subjected to a vast array of requirements if local governmental units were allowed to pass their own fire suppression ordinances. The Chairman of the Senate Committee recommended that all affected parties attempt to resolve their differences through the rule-making process of the Administrative Procedure Act.

The Director of the Building Codes and Standards Division subsequently appointed a committee to review the issues involved and recommend how they might best be resolved.¹ The Committee first met on July 16, 1981 and, after a series of 16 meetings, the final (fourth) draft of the proposal was completed on May 26, 1982. During the committee deliberations, input was received from many resource persons, including fire protection engineers, fire department administrative personnel, mechanical engineers, the concrete industry, sprinkler industry, insurance industry and committee members, among others. Several informational meetings were held with architects, building developers, building owners and managers, and building officials. Draft copies were revised following input from all of those concerned individuals.

¹ The advisory committee appointed by the Director of the BCD was made up of the following persons:

Floyd Erickson, Asst. Director
School Facilities, Dept. of
Education

William Gary
Associated General Contractors

Jan Gasterland, Building Official
North Star Chapter, ICSO

Oscar McGary
Retired Fire Chief

The consensus of the committee was to propose an optional appendix chapter to the State Building Code which could be adopted, without change, at the discretion of municipal governments, similar to the existing appendix Chapter D relating to building security. A measure of uniformity would thus be maintained so that persons affected could quickly ascertain whether or not the appendix chapter had been adopted by any given municipality, so that structures could be designed and constructed accordingly.

During this entire deliberative process, and to the present, the BCD has not published a notice of intent to seek outside information in the State Register. Minn. Stat. § 14.10 (1982) requires as follows:

14.10 SOLICITATION OF OUTSIDE INFORMATION.

When an agency seeks to obtain information or opinions in preparing to propose the adoption, amendment, suspension, or repeal of a rule from sources outside of the agency, the agency shall publish notice of its action in the state register and shall afford all interested persons an opportunity to submit data or views on the subject of concern in writing or orally. Such notice and any written material received by the agency shall become a part of the hearing record to be submitted to the attorney general under section 14.16. (Emphasis added)

Although the issue of compliance with Minn. Stat. § 14.10 was not raised during the hearing, it is the statutory responsibility of the Hearing Examiner to determine whether the Agency has "fulfilled all relevant, substantive and procedural requirements of law or rule." Minn. Stat. § 14.50 (1987).

The usual rule of law is that technical defects in compliance with procedural requirements which do not reflect bad faith undermining the purpose of the procedure and which do not prejudice the rights of those intended to be protected by them will not suffice to overturn governmental action. City of Minneapolis v. Murtele, 291 N.W.2d 386, 391 (Minn. 1980). This general rule has been applied to the rulemaking proceedings of administrative agencies where the courts have required only substantial compliance. "Tote", Inc. v. Ohio State Racing Commission, 121 N.E.2d 463, motion dismissed, 130 N.E.2d 455 (Ohio 1954); Kingery v. Chappie, 504 P.2d 831 (Alaska 1972); Anderson, Leech & Morse, Inc. v. Washington State Liquor Control Board, 575 P.2d 721 (Washington, 1978).

En. 1 (Cont.)

G. Clinton Redsten, P.E.
Director of Engineering
Oxford Properties

James Hein, CHAIRMAN
Duluth Fire Dept. Deputy Chief

Jack Horner, General Counsel
Minnesota Multi Housing Assn.

Wes Werner
State Fire Marshal

Sivert Hendrickson
Past Supervisor
Code Consultants
Building Codes & Standards Div.
Present Building Official

Richard A. Brooks
Assistant Director
Building Codes & Standards Div.,

Calvin M. Niemeyer, AIA
Hummel, Green, Abrahamson

Russell Smith
Building Official

Norman R. Osterby, Director
Building Codes & Standards Div.

Pat Coughlin
Minnesota Fire Chiefs Association
Richfield Fire Department

The Minnesota Supreme Court has yet to apply the "substantial compliance" doctrine to defects in administrative rulemaking procedures. The Court was asked to adopt that doctrine in Johnson Brothers Wholesale Liquor v. Novak, 295 N.W. 2d 238 (Minn. 1980), but refused to do so because the agency in that case had engaged in no rulemaking proceedings whatsoever. The Court did not hold that the doctrine would not be applied in an appropriate case and its applicability to rulemaking proceedings under the Minnesota Administrative Procedures Act has been suggested. See, Auerbach, Administrative Rulemaking in Minnesota, 63 Minn. L.Rev. 151, 215 (1979).

In this matter, there is no evidence of any bad faith on the part of the Agency in the solicitation of outside comments and rule drafting procedure. Rather, the record shows that the BCD made all reasonable attempts to allow all affected persons and/or groups to participate in the deliberation process. Although the technical requirements in Minn. Stat. § 14.10 were not complied with by the BCD, the purpose of that statute has been met. There is no evidence that anyone was prejudiced by the failure of the BCD to comply with the publication requirement. Consequently, the Hearing Examiner finds that the BCD has "substantially complied" with the statutory "solicitation" requirements. In the narrow circumstances of this case, no negative findings or conclusions will result.

8. Although Minnesota Statutes do not mandate that municipalities provide fire protection for their citizens, many municipalities are endeavoring to maintain a proficient level of fire protection in the face of additional construction and restricted budgets due to cutbacks in resources. By providing for built-in fire suppression systems in new construction, a reasonable degree of protection can be maintained without additional fire stations, obtaining new equipment and supplies, and recruiting additional fire-fighting personnel. The experience of Rochester, Minnesota, which has had a "sprinkler ordinance" for the past 15 years shows that although the population of the city has increased by 32,000 and the has expanded an additional four square miles, the manpower requirements for the fire department have been reduced by six fire-fighters. This is a direct result of the requirement that all new construction be equipped with automatic sprinkler systems.² In addition, automatic sprinkler systems have been shown to be both life and property saving devices in case of fire.

9. The proposed rule, 2 MCR § 1.10020, Optional Provisions for Installation of On-Premises Fire Suppression Systems, authorizes municipalities to adopt, without change, requirements for the installation of automatic sprinkler systems in new construction as set forth in the rule. The rule specifies the types of occupancies along with square foot requirements which will fall under

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² Pursuant to Minn. Stat. § 16.86, subd. 6 (1982), the BCD adopted a special amendment to the State Building Code (SBC) which permitted the City of Rochester to adopt a sprinkler ordinance. See, Special Provisions for the City of Rochester contained in the SBC immediately prior to Appendix A. Although Rochester is the only municipality which has been authorized to adopt fire code provisions different than the state code, other municipalities have also done so as part of zoning regulations. The validity of those regulations is questionable, however, in light of the requirements of Minn. Stat. § 299F.011 (1982), and the Minnesota Supreme Court's holding in City of Minnetonka v. Mark J. Jones Assoc., 236 N.W.2d 163 (1975).

the "sprinkler" mandate. Single family residences are not covered by this rule. At hearing, the BCD amended two sentences in the proposed rule to clarify ambiguities. The last sentence in paragraph C. was amended to read, "The height and area increases provided in sections 506 and 507 of the Uniform Building Code, as adopted in the state building code are applicable." In addition, the last sentence in paragraph C.11. was amended to read, "Building officials, in concurrence with their fire chiefs, may accept alternate systems which have fire protection capabilities equivalent to systems which comply with Standard 38-1 of the Uniform Building Code." The Hearing Examiner finds that these amendments merely clarify the intent of the rule and are not substantial changes to the rules as proposed.

Several building officials commented that the proposed rule would fragment fire code requirements throughout the state. Additionally, those officials argued that the square foot requirements for each of the occupancies listed are both arbitrary and excessive. Amendments were suggested to increase the square foot requirements for each occupancy grouping. The BCD contends that this optional appendix will not fragment the SBC because if it is adopted by a municipality, it must be adopted in whole, thus fragmentation cannot result. Advisory Board member Patrick J. Coughlin, Assistant Chief of the Richfield Public Safety Department, stated that quantitative formulas which relate the cubic feet of compartment size to gallons of water needed per minute and manpower requirements were used to establish the square footage requirements. These computations are briefly described in Exhibit 5 to the Statement of Need and Reasonableness.

The Minnesota State Builders Association and the Minnesota Multi-Housing Association (MSBA and MMEA, respectively) both argued that the safety features provided by the proposed rule do not justify the cost for rule implementation. The MMEA points out that Minn. Stat. § 16.83, which requires that "the construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety" dictates against this proposed rule. Both the MSBA and the MMEA have suggested that paragraph C.11. be amended by deleting the square foot requirement and making the provision applicable only to dwellings with units on four or more floors rather than three or more as proposed. Each argues that the 8,500-square-foot requirement contained in the rule is too restrictive and that a dwelling unit with three floors cannot be distinguished from a typical one-family residence.

Mr. Phil Carlson from the Carlson Automatic Fire Protection Company testified that it would cost less than \$600 to sprinkle a 1,000-square-foot apartment unit. In addition, the record shows that insurance cost benefits will accrue to the owners of "sprinkled" buildings. If a fire does occur in a sprinkled building, a reduction in the loss of property and/or possibly life will result. The derivation of the square-foot requirements has been discussed above. Similarly, the sprinkler requirement for apartment houses, which have dwelling units on three or more floors was also a product of the equipment, manpower, water demand and compartment size formulas.

Mr. Wilkin Berger, testifying on behalf of the Minnesota Society of Architects, suggested that the term "automatic sprinkler systems" should be used throughout the rule rather than initial use of the term "fire suppression

systems". The term, "fire suppression systems", was used in the proposed rule, however, to allow for the inclusion of other types of systems in the rule by way of later amendment.

As amended by the BCD above, the Hearing Examiner finds that the need for and reasonableness of proposed Rule 2 NCAR § 1.10020 has been demonstrated by an affirmative presentation of facts in the record. Because of the optional nature of this proposed appendix to the SBC, each municipality will have the opportunity to assess the cost-effectiveness of this rule in light of its own needs. If municipalities determine that this rule is too restrictive to be adopted, the BCD may be forced to reconsider some of the provisions contained therein. There were amendments suggested to the proposed rule which are reasonable alternatives, however. The Hearing Examiner points out that many written comments were received from fire chiefs, fire marshals, mayors, and fire-fighter organizations throughout the state which endorse the rule as proposed and support its reasonableness as a needed measure for fire protection and budgetary control for municipal government.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. That the Building Code Division gave proper notice of the hearing in this matter.
2. That the BCD has fulfilled the procedural requirements of Minn. Stat. § 14.14, subds. 1 and 2 (1982) and all other procedural requirements of law or rule.
3. That the BCD has documented its statutory authority to adopt the proposed rules, and has fulfilled all other substantive requirements of law or rule within the meaning of Minn. Stat. §§ 14.05, subd. 1, 14.15, subd. 3 and 14.50 (i) and (ii) (1982).
4. That the BCD has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts in the record within the meaning of Minn. Stat. §§ 14.14, subd. 2 and 14.50 (iii) (1982).
5. That the additions and amendments to the proposed rules which were suggested by the BCD after publication of the proposed rules in the State Register do not result in rules which are substantially different from the proposed rules as published in the State Register within the meaning of Minn. Stat. § 14.15, subd. 3 (1982) and 9 NCAR §§ 2.110 A. and 2.111 (1980 Ed.).
6. That any Findings which might properly be termed Conclusions and any Conclusions which might properly be termed Findings are hereby adopted as such.
7. That a finding or conclusion of need and reasonableness in regard to any particular rule subsection does not preclude and should not discourage the BCD from further modification of the rules based upon an examination of the public comments, provided that no substantial change is made from the proposed rules as originally published, and provided that the rule finally adopted is based upon facts appearing in this rule hearing record.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

It is hereby recommended that the proposed rules be adopted consistent with the Findings and Conclusions made above.

Dated this 14 day of February, 1983.


PETER C. ERICSON
Hearing Examiner

Reported: Taped.

SPRINKLER REQUIREMENTS

12/15/82

Occupancy Group		1979 UBC Rqmts per Ch.38	City of Rochester amendments	Appendix E option proposed 1983	
Assembly	1000+ w/stage	A-1		All areas	
	-1000 w/stage	A-2		All w/300+ occupants	
	300+	A-21		All areas	
	-300	A-3			
	stadiums, etc.	A-4			
Business	service stat. garages	B-1		serv stat 3000+ garages 5000+	
	retail, stor, off school +12th	B-2	retail +12000 high pile stor	off & school 8500+ or 3 st.+ retail & stor 2000+ or 3 st.+	
	hangar stor	B-3			
	non com stor	B-4			
Education	thru 12th, 50+	E-1		8500+ or 2 st.+	
	thru 12th, -50	E-2		8500+ or 2 st.+	
	day care, etc	E-3		All w/+29 occupants	
Hazardous	haz materials	H-1	+1500		
	flam liquids	H-2	+1500		
	dust generat	H-3	+3000		
	repair garages	H-4	over 1 story	+8400 Zone 1&2 +20200 Zone 3	3000+
	repair hangars	H-5			
Instituti'n	Hosp, nurs hm	I-1			
	B suprvd. live mental, jails	I-2 I-3			
Residence	apartments, hotels	R-1	+20200 or 4st Zn 1,2 +30000 Zone 3	8500+ or 3 st.+ 8500+ or 3 st.+	
	dwellings	R-3			
Misc	priv garages tanks, etc.	M-1 M-2			

Sprinklers required for all floors over 1500sqft if without exterior openings as code defined. Top and alternate floors, and terminal rooms, of rubbish and linen chutes penetrating floor.

bsmt+1500
display+1200
stair spaces
stage & lofts

bsmt +1500
stair space

flam over 240gl

All areas

+13500 Zone 1&2
+10000 V, Zone 1
+20200 Zone 3

Attachment nine

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION NINE OF THE
MAPLEWOOD CODE RELATING TO SPRINKLERS

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

Section 1. Section 9-22 of the Maplewood Code is hereby amended to read as follows (additions underlined, deletions crossed out):

Sec. 9-22. Procedures and administration.

As provided by the state building code, the following appendices of the state building code are hereby adopted by reference:

Appendix A--Fall Out Shelters
Appendix B--Variations in Snow Loads
~~1979~~ 1982 Uniform Building Code Appendix Chapter 35
Minnesota Plumbing Code Appendix B
State Building Code Appendix C--Abbreviations and Addresses of Technical
Origin
~~1979~~ 1982 Uniform Building Code Chapters 12, ~~48~~, 49, 55, 70.
Minnesota Plumbing Code--Appendix C, D
State Building Code Flood Proofing Regulations--Section 201.2 through 208.2
Appendix E--Sprinklers

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

Passed by the city council of the
City of Maplewood, Minnesota,
this _____ day of _____, 1983

Mayor

Attest:

Clerk

Ayes--
Nays--