

The Listening Forum begins at 6:30 p.m. before the second and fourth regularly scheduled City Council meetings and replaces Visitor Presentations on the City Council Agenda.

AGENDA
MAPLEWOOD CITY COUNCIL
7:00 P.M. Monday, June 25, 2012
City Hall, Council Chambers
Meeting No. 11-12

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

1. *Acknowledgement of Maplewood Residents Serving the Country.*

C. ROLL CALL

Mayor's Address on Protocol:

"Welcome to the meeting of the Maplewood City Council. It is our desire to keep all discussions civil as we work through difficult issues tonight. If you are here for a Public Hearing or to address the City Council, please familiarize yourself with the Policies and Procedures and Rules of Civility, which are located near the entrance. Before addressing the council, sign in with the City Clerk. At the podium please state your name and address clearly for the record. All comments/questions shall be posed to the Mayor and Council. The Mayor will then direct staff, as appropriate, to answer questions or respond to comments."

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES

1. Approval of June 4, 2012 City Council Workshop Minutes
2. Approval of June 11, 2012 City Council Workshop Minutes
3. Approval of June 11, 2012 City Council Meeting Minutes

F. APPOINTMENTS AND PRESENTATIONS

1. Fire Department Swearing in Ceremony for Tony Bigelbach, Paul Eaton, Mike Hagen, Rochelle Hawthorne, Chad Jansen, Ladd Miller, Nathan Rank, Paul Rank and Tim Wessels
2. Presentation of Fire Department Life Safety Awards
3. Acceptance of the Minnesota Resuscitation Consortium Grant

G. CONSENT AGENDA – *Items on the Consent Agenda are considered routine and non-controversial and are approved by one motion of the council. If a councilmember requests additional information or wants to make a comment regarding an item, the vote should be held until the questions or comments are made then the single vote should be taken. If a councilmember objects to an item it should be removed and acted upon as a separate item.*

1. Approval Of Claims
2. Conditional Use Permit Review for Auto Sales by Fleet Associates, Inc at 2495 Maplewood Drive
3. Ordinance Amendment Regarding Variances for Metal Storage Buildings, Section 12-5 (d)—Second Reading
4. Ordinance Amendment Regarding Variances for Commercial Use Antennas and Towers, Section 44-1334—Second Reading
5. Approval of Potentially Dangerous Dogs and Dangerous Dogs License Fees
6. Resolution Approving Cooperative Agreement with DNR for Gateway Trail Connection, Gladstone Area Redevelopment Improvements – Phase 1, Project 04-21
7. Resolution Requesting Ramsey County to Restrict Parking on Edgerton Street (C.S.A.H. 58) Between Larpenteur Avenue and Highway 36

8. Hills and Dales Area Street Improvements, Project 09-15
 - a. Resolution Directing Modification of Existing Construction Contract, Change Order No. 5
 - b. Resolution Approving Final Payment and Acceptance of Project
9. Approval of Purchase for Construction Services for Edgerton Pond Force Main, July 16th Storm Clean-up and Investigation, City Project 11-19
10. Approval of Resolution to Adopt State Performance Measures
11. Approval of Resolution for Grant Request on East Metro Public Safety Facility
12. 2012 Pay Rates for Temporary/Seasonal, Casual Part-time Employees

H. PUBLIC HEARINGS

1. East Metro Public Safety Training Facility, City Project 09-09
 - a. Public Hearing 7:00 pm
 - b. Resolution Ordering Improvement after Public Hearing (4 Votes)
 - c. Resolution Approving Plans and Specifications and Advertising for Bids
 - d. Resolution Ordering Preparation of Assessment Roll

I. UNFINISHED BUSINESS

1. East Metro Public Safety Training Center, Located at Century Avenue South of Holloway Avenue. Approvals Requested for:
 - a. Comprehensive Plan Amendment to G (Government)
 - b. Conditional Use Permit for a Planned Unit Development
 - c. Design Review
 - d. Wetland Map Amendment
2. Solid Waste Management Summary Publication Ordinance
3. Resolution Establishing Solid Waste Collection License Fees

J. NEW BUSINESS

K. AWARD OF BIDS

L. ADMINISTRATIVE PRESENTATIONS

1. Cancellation of July 2nd Council-Manager Work Session
2. Update on Shooting Range – No Report

M. COUNCIL PRESENTATIONS

N. ADJOURNMENT

Sign language interpreters for hearing impaired persons are available for public hearings upon request. The request for this must be made at least 96 hours in advance. Please call the City Clerk's Office at 651.249.2001 to make arrangements. Assisted Listening Devices are also available. Please check with the City Clerk for availability.

RULES OF CIVILITY FOR OUR COMMUNITY

Following are some rules of civility the City of Maplewood expects of everyone appearing at Council Meetings – elected officials, staff and citizens. It is hoped that by following these simple rules, everyone's opinions can be heard and understood in a reasonable manner. We appreciate the fact that when appearing at Council meetings, it is understood that everyone will follow these principles: Show respect for each other, actively listen to one another, keep emotions in check and use respectful language

MINUTES
MAPLEWOOD CITY COUNCIL
MANAGER WORKSHOP
 5:15 P.M. Monday, June 4, 2012
 Council Chambers, City Hall

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 5:20 p.m. by Mayor Rossbach.

B. ROLL CALL

Will Rossbach, Mayor	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present
James Llanas, Councilmember	Present-Arrived at 5:25 p.m.

C. APPROVAL OF AGENDA

Councilmember Koppen moved to approve the agenda as submitted.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

Mayor Rossbach read a Thank You Note written to the Council from a young lady named Laleia regarding a scholarship that Laleia received from the MCC. Mayor Rossbach asked Director of Parks and Recreation DuWayne Konewko to explain the scholarship program. DuWayne Konewko reported on the program.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS**1. Commission Interviews**

- a. **Human Rights Commission**
- b. **Planning Commission**
- c. **Parks and Recreation Commission**

The Council interviewed three candidates for positions on the Planning Commission and Human Rights Commission. A fourth person was scheduled to be interviewed, but withdrew prior to the meeting.

2. Maplewood Community Center Discussions

- a. **Facility Plan & Energy Improvement Project**
- b. **Current Trends/Market Analysis/Budget Outlook**
- c. **Strategy/Action Plan**

Director of Parks and Recreation DuWayne Konewko introduced the discussion on the Community Center status. Jake Quinn of Trane Company, presented a proposal on the energy improvements proposed at MCC. Mr. Konewko described the status and future plans for the MCC operations.

3. Economic Development Initiatives

- a. **Consolidation of BEDC and HRA Commissions**
- b. **Consolidation of Planning Commission with Community Design Review Board**

Assistant City Manager Chuck Ahl presented the agenda report. The Council discussed the report and gave direction on a number of initiatives, including direction to prepare a transition plan to consolidate the Business and Economic Development Commission with the Housing and Redevelopment Authority and also consolidate the Community Design Review Board with the Planning Commission.

F. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 8:13 p.m.

DRAFT

MINUTES
MAPLEWOOD CITY COUNCIL
 7:00 p.m., Monday, June 11, 2012
 Council Chambers, City Hall
 Meeting No. 10-12

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:03 p.m. by Mayor Rossbach.

B. PLEDGE OF ALLEGIANCE**C. ROLL CALL**

Will Rossbach, Mayor	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present
James Llanas, Councilmember	Present

D. APPROVAL OF AGENDA

M1. Fish Creek
 M2. Good Samaritan
 M3. Parking
 M4. Comcast
 M5. Thursday Ground Breaking
 M6. Moody Rating

Councilmember Llanas moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES**1. Approval of May 7, 2012 City Council Workshop Minutes**

Councilmember Juenemann moved to approve the May 7, 2012 City Council Workshop Minutes as submitted.

Seconded by Councilmember Llanas Ayes – All

The motion passed.

2. Approval of May 14, 2012 City Council Workshop Minutes

Councilmember Juenemann moved to approve the May 14, 2012 City Council Workshop Minutes as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

3. Approval of May 14, 2012 City Council Meeting Minutes

Change minutes item D M2 to Tree City USA.

Councilmember Llanas moved to approve the May 14, 2012 City Council Meeting Minutes as amended.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Commission Appointments

Councilmember Juenemann moved to approve the Resolution to Appoint Candidates to the Commission as indicated.

RESOLUTION 12-5-741

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

Hereby appoints the following individuals, who have interviewed with the Maplewood City Council, to serve on the following commissions:

Human Rights Commission

- Julie Xiong, term expires May 1, 2015
- Nate Danielson, term expires May 1, 2014

Planning Commission

Stephen Wensman, term expires December 31, 2012

Seconded by Councilmember Cardinal Ayes – All

The motion passed.

G. CONSENT AGENDA

Councilmember Llanas requested that agenda item G2 be highlighted. Councilmember Cardinal requested that agenda item G14 be pulled for further discussion. Councilmember Juenemann requested agenda items G11 and G18 be highlighted.

Mayor Rossbach moved to approve agenda items G1-G13 and G15-G18.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

1. Approval of Claims

Mayor Rossbach moved to approve the Approval of Claims.

ACCOUNTS PAYABLE:

\$ 124,532.61	Checks # 87052 thru # 87094 dated 5/9/12 thru 5/15/12
\$ 256,795.08	Disbursements via debits to checking account dated 5/7/12 thru 5/11/12
\$ 169,993.26	Checks # 87095 thru # 87130 dated 5/22/12
\$ 340,969.06	Disbursements via debits to checking account dated 5/14/12 thru 5/18/12
\$ 268,080.78	Checks # 87131 thru # 87171 dated 5/23/12 thru 5/29/12
\$ 205,932.71	Disbursements via debits to checking account dated 5/21/12 thru 5/25/12
\$ 84,183.42	Checks # 87173 thru # 87202 dated 5/29/12 thru 6/5/12
\$ 385,087.98	Disbursements via debits to checking account dated 5/29/12 thru 6/1/12
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\$ 1,835,574.90	Total Accounts Payable

PAYROLL

\$ 493,126.60	Payroll Checks and Direct Deposits dated 5/11/12
\$ 2,265.89	Payroll Deduction check # 9986835 thru # 9986839 dated 5/11/12
\$ 502,673.82	Payroll Checks and Direct Deposits dated 5/25/12
\$ 2,200.89	Payroll Deduction check # 9986862 thru # 9986865 dated 5/25/12
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\$ 1,000,267.20	Total Payroll

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Approval of Agreement for Use of Harvest Park for the 2012 Susan G. Komen Twin Cities 3-Day Event

City Clerk Guilfoile presented that staff report.

Mayor Rossbach moved to approve the Susan G. Komen Race for the Cure Event Agreement.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

3. Approval of Temporary Gambling Permit for White Bear Avenue Business Association

Mayor Rossbach moved to approve the Resolution for a Temporary Gambling Permit for White Bear Avenue Business Association to be used at the Ramsey County Fair.

RESOLUTION 12-5-742

BE IT HEREBY RESOLVED, by the City Council of Maplewood, Minnesota, that the temporary permit for lawful gambling is approved for White Bear Avenue Business Association to be used at the Ramsey County Fair, 2020 White Bear Avenue, Maplewood, MN from July 11 through July 15, 2012.

FURTHERMORE, that the Maplewood City Council waives any objection to the timeliness of application for said permit as governed by Minnesota Statute §349.213.

FURTHERMORE, that the Maplewood City Council requests that the Gambling Control Division of the Minnesota Department of Gaming approve said permit application as being in compliance with Minnesota Statute §349.213.

NOW, THEREFORE, be it further resolved that this Resolution by the City Council of Maplewood, Minnesota, be forwarded to the Gambling Control Division for their approval.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

4. Approval of Storm Water Facilities Maintenance Agreement Between J&R Maplewood LLC and the City of Maplewood, LaMettry's Collision Building, City Project 11-21

Mayor Rossbach moved to approve the Storm Water Facilities Maintenance Agreement Between J&R Maplewood LLC and the City of Maplewood, LaMettry's Collision Building, City Project 11-21.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

5. Approval of Storm Water Facilities Maintenance Agreement Between Maplewood 2007 LLC and the City of Maplewood, Maplewood Town Center, City Project 12-02

Mayor Rossbach moved to approve the Storm Water Facilities Maintenance Agreement Between Maplewood 2007 LLC and the City of Maplewood, Maplewood Town Center, City Project 12-02.

Seconded by Councilmember Koppen Ayes – All

ORDINANCE 921

An Ordinance Amending Section 30 (Solid Waste Management)

The Maplewood city council approves the following changes to the Maplewood Code of Ordinances:

This ordinance deletes the Solid Waste Management Ordinance (Chapter 30) which deals with the management of solid waste in the City of Maplewood in its entirety (except Section 30-7 as noted hereafter) and replaces it with a new ordinance. This ordinance moves Section 30-7 of the existing Solid Waste Management Ordinance dealing with portable on-demand storage units to Chapter 18 (Environment) of the City Code.

Section 1. This section moves portions of the Solid Waste Management Ordinance dealing with portable on-demand storage units from Chapter 30, Section 7(h) to Chapter 18 (Environment), Article II (Nuisances), Section 18-33 (Nuisances Affecting Peace and Safety) at subsection (25).

(25) No property owner or person shall store on a residential property a portable on-demand storage unit (POD) more than 60 days in any 12-month period starting with the day/date the POD is first moved on site. All PODs must be stored on an impervious surface on the property. The city may grant a time extension of an additional 60 days provided the property owner gets a tracking permit for the POD from the city. In no case shall a POD be stored on a property more than 120 days in any 12-month period. This provision applies to all residential properties including townhouses, condominiums, and multi-family complexes. PODs stored on residential properties in conjunction with a building permit or home improvement project are exempt from this provision, except for the requirement to keep the POD on an impervious surface. In such a case, the property owner shall make every effort to adhere to the 120-day-maximum time limit.

Section 2. This section creates a new Solid Waste Management Ordinance (Chapter 30).

Chapter 30

SOLID WASTE MANAGEMENT*

Article I - In General (Residential, Multiple-Family, Commercial)

- Sec. 30-1 Purpose.
- Sec. 30-2 Definitions.
- Sec. 30-3 Source separation required.
- Sec. 30-4 City recycling program generally.
- Sec. 30-5 Collection and disposal generally.
- Sec. 30-6 Collection requirements generally.
- Sec. 30-7 Hours of collection.
- Sec. 30-8 Unauthorized collections.
- Sec. 30-9 Disposal required.
- Sec. 30-10 Unlawful disposal; location of containers for collection; disposal of flammable or explosive materials.
- Sec. 30-11 Manner of transporting materials.
- Sec. 30-12 Obstruction, delay or interference with contractor.
- Sec. 30-13 Penalty for violation of ordinance.
- Secs. 30-14 – 30-20 Reserved.

Article II - Recycling Requirements (Residential, Multiple-Family, Commercial)

- Sec. 30-21 Collection and processing of residential recyclables.
- Sec. 30-22 Collection and processing of multiple-family recyclables.
- Sec. 30-23 Collection and composting or disposal of yard waste.
- Sec. 30-24 Collection of source-separated organic materials. (Reserved)
- Secs. 30-25 – 30-40 Reserved.

Article III - Solid Waste Requirements (Residential)

- Sec. 30-41 Collection and disposal of residential garbage by city-contracted hauler.
- Sec. 30-42 Requirements to dispose of residential appliances, bulky waste and large items.
- Sec. 30-43 Collection and disposal of garbage for multiple-family properties without curbside collection.
- Sec. 30-44 Requirements to dispose of multiple-family bulky waste and other large items.
- Sec. 30-45 Delinquent accounts.
- Secs. 30-46 – 30-50 Reserved.

Article IV - Solid Waste Requirements (Multiple Family and Commercial)

- Sec. 30-51 Collection and disposal of commercial garbage.
- Sec. 30-52 Manufactured Homes, Townhomes May Opt In
- Secs. 30-53 – 30-59 Reserved.

Article V - Collection Licenses (Residential, Multiple-Family, and Commercial)

- Sec. 30-60 Collection licenses required.
- Sec. 30-61 Application; fee; duration.
- Sec. 30-62 Insurance.
- Sec. 30-63 Vehicle requirements.
- Sec. 30-64 Pickup schedules.
- Sec. 30-65 Duty of licensees to report accumulations of garbage.
- Sec. 30-66 Prohibited mailings.
- Sec. 30-67 Suspension or revocation.
- Sec. 30-68 Volume-based rates.
- Secs. 30-69 – 30-75 Reserved.

Article VI - Disposal Sites (Generally)

- Sec. 30-76 Unlawful deposit of garbage and other substances.
- Secs. 30-77 – 30-105 Reserved.

***Statutory Authority:** Authority for city council to provide for or regulate the disposal of garbage and other solid waste, Minn. Stats. § 412.221, subd. 22.

SOLID WASTE MANAGEMENT § 30

Article I - In General (Residential, Multiple-Family, Commercial)

Sec. 30-1 - Purpose.

The city's goal is to improve solid waste management and to serve the following purposes:

- (a) Achieve a reduction in waste generated.
- (b) Encourage the separation and recovery of materials and energy from waste.
- (c) Ensure the protection of public health and safety and promote city cleanliness and livability.
- (d) Promote best management practices in solid waste management to protect air quality, water quality, and natural resources.
- (e) Be consistent with the requirements of the State statutes, State rules and Ramsey County ordinances, and with State and Ramsey County solid waste plans.

- (f) Provide high quality solid waste and recycling services in the most cost-effective manner possible.
- (g) Coordinate solid waste management among political subdivisions.

The city has authority to enact ordinances for these purposes under Minnesota Statutes, section 412.221, subdivision 22, which requires the city council to provide for or regulate the disposal of garbage and other solid waste. (The city has enacted standards for the implementation of these ordinances as specific requirements for the storage, collection and transportation of solid waste.)

Sec. 30-2 - Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this ordinance, except where the context clearly indicates a different meaning:

Additional/overflow garbage means garbage in excess of the capacity of the city-provided garbage cart with the lid in the fully closed position.

Appliances include washers, dryers, refrigerators, freezers, air conditioners, dehumidifiers, humidifiers, stoves, ranges, hot water heaters, water softeners and other, similar large household items that require electricity and/or special processing under Minnesota laws, but do not include "electronic waste."

Bulky waste means all large, bulky household materials which are too large for one person to pick up and/or do not fit within the city-provided garbage cart, and include (but are not limited to) carpeting and padding, mattresses, chairs, couches, tables, appliances and car parts including wheels, rims and tires.

City-contracted garbage hauler is the company that the city contracts with in accordance with Minnesota Statutes, section 115A.94 to provide residential garbage collection and disposal services in the city. The city-contracted garbage hauler is the sole garbage hauler for single family residential properties in the city, and for other properties that the city has allowed to opt-in to the city-contracted garbage hauler service.

City-contracted recyclables hauler means the hauler(s) contracted by the city to provide collection of designated recyclables in the city for single and multiple family residential properties in the city.

City-provided garbage carts are the wheeled containers for residential garbage in the city that are owned by the city and provided to garbage customers for their use; the containers are of various sizes and ownership is retained by the city.

Collection means the aggregation and transportation of solid waste from the place at which it is generated and includes all activities up to the time when it is delivered to a designated disposal facility.

Collection service is the process of collection and transportation of garbage, yard waste, recyclables, bulky waste and/or source-separated organic materials by a licensed hauler.

Commercial property means properties in the city that are classified generally as commercial or business in the City zoning code which generates garbage and recyclables and are typically serviced by a dumpster form of garbage container.

Composting has the meaning set forth in Minnesota Statutes, section 115A.03, and means the controlled microbial degradation of organic waste to yield a humus-like product.

Contractor's garbage bill is the Contractor's bill for services, from either the city-contracted garbage hauler or a commercial hauler, which is directly submitted to customers.

Construction debris means building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings, roads or other facilities.

Day-certain collection is a city-approved plan for weekly collection services by an established day-certain schedule which requires garbage, yard waste, recyclables, and source-separated compostable materials collections on the same day of the week, and which is based on a five (5) day work week (Monday through Friday).

Designated recyclables shall mean those materials designated as recyclables in the city recycling program in the City of Maplewood Solid Waste Management Standards

Dumpster has the commonly used meaning in the solid waste industry of a commercial garbage container made of metal or durable plastic with a lid that can be serviced by a front-end loading automated or rear-loading semi-automated garbage truck.

Electronic waste (electronic items) has the meaning set forth in Minnesota Statutes, section 115A.1310, subdivision 7 as "covered electronic device" and includes items such as television and computer monitors, computers, computer peripheral devices, fax machines, DVD players, video cassette recorders, other video display devices, cell phones and other small appliances with an electric cord.

Every other week collection garbage service means garbage collection on the same day of the week as day-certain service but on specified every other week dates. Residents must apply to the city to receive approval for this every other week service.

Food waste means residential food waste and includes meal preparation and left over food scraps from households intentionally separated at the source by residents for the purpose of backyard composting or separate collection for centralized recovery.

Garbage has the meaning set forth in Minnesota Statutes, section 115A.03, subdivision 21, mixed municipal solid waste, and means solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural waste, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.

Household garbage means garbage from residential properties.

Household hazardous waste has the meaning set forth in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b), and/or Minnesota Pollution Control Agency regulations and means waste generated from household activities that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household and includes items such as paint, fluorescent light bulbs, mercury thermometers, cleaning fluids, herbicides, pesticides, fertilizers and other waste as defined in Minnesota statutes or regulations in that paragraph.

Load sensitive streets are those streets identified by the Public Works Director of the City of Maplewood as being at risk of accelerated deterioration due to excessive or high axle weight loads.

Manufactured home means a dwelling unit that is consistent with Section 44-6 of the Maplewood Zoning Code.

Mixed municipal solid waste has the meaning set forth in Minnesota Statutes, section 115A.03, subdivision 21, and includes garbage, refuse and other solid waste from residential, commercial, industrial, and community activities that the generator of the garbage aggregates for collection, but does not include auto hulks, street sweepings, ash, construction debris, tree and agricultural waste and other materials collected, processed and disposed of as separate waste streams.

Multiple-family dwelling or unit for purposes of this ordinance means a building or a portion thereof containing five (5) or more residential dwelling units.

Resident means the person(s) living in a residential dwelling unit.

Residential dwelling unit is a separate dwelling place with a kitchen in buildings with up to four (4) units per structure.

Residential property means a property containing between one (1) and up to four (4) units per structure.

Self-haul is the city-approved method for a resident to contain and transport garbage from their own household to a licensed/permitted mixed municipal solid waste facility. Self-haul requires the specific approval of the city.

Single-family dwelling unit means a building, including a manufactured home, containing up to four (4) residential units whose occupants and owner are required to participate in the city-contracted garbage service unless exempted by the city.

Solid waste has the meaning set forth in Minnesota Statutes, section 116.06, subdivision 22(1)(9), but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, and household hazardous waste.

Source-separated compostable materials has the meaning set forth in Minnesota Statutes, section 115A.03, subdivision 32(a) and means materials that: (1) are separated at the source by waste generators for the purpose of preparing them for use as compost; (2) are collected separately from mixed municipal solid waste; and (3) are comprised of food waste, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable.

Townhouse means a residence for one family that is attached either horizontally or vertically to at least two other residences as defined in Section 44-6 of the Maplewood Zoning Code, each with a private outside entrance.

Vectors of disease are animals including, but not limited, to insects, mice, rats, squirrels, crows, flies and other vermin that are capable of carrying, transmitting and/or infecting humans with disease.

Walk-up service means special garbage or recycling service that is provided from the side of the house or garage, for which the contractor walks the cart or recycling container to and from the side of the house or garage and the collection vehicle, and which is applied for on a case by case basis.

Yard waste means garden waste, leaves, lawn cuttings, weeds, prunings, shrub and small tree branches as defined by the City of Maplewood Solid Waste Standards, generated at residential or commercial properties.

Sec. 30-3 – Source Separation Required

All residents and commercial property shall separate all designated recyclables, and other items designated by City of Maplewood Solid Waste Management Standards, from garbage. These source separated items shall be collected for separate recycling, processing or treatment.

Sec. 30-4 - City Recycling Program Generally

The city has established and developed, or encouraged, recycling programs throughout the city, including residential, multiple-family and commercial programs. The city's goal is to promote solid waste reduction and recycling through education and incentives.

Sec. 30-5 - Collection and Disposal Generally

- (a) All garbage, recyclables, yard waste, source-separated compostable materials and other waste material accumulated in the city shall be collected and conveyed under the supervision of the city manager. The city manager or their designee shall have the authority to develop Solid Waste Management Standards concerning days of collection, type and location of waste containers and other matters as they deem necessary to provide for the safe, orderly and cost-efficient preparation, storage, collection and disposal of all waste materials covered in this ordinance. These standards shall not be contrary to this ordinance.
- (b) Except on days of collection when garbage may be put on the curb for collection in residential areas, every person as a householder, occupant or owner of any dwelling, boardinghouse, apartment building or any other structure utilized for dwelling purposes and any restaurant, firm, corporation or establishment that accumulates garbage in the city shall provide and use one or more fly tight, watertight, rodent proof garbage containers that is removed from the public right of way until lawful collection and disposal is made.
- (c) Fees for hauling garbage, yard waste, and bulky waste under this ordinance shall be paid directly to the garbage hauler by the owner, agent, occupant or tenant of the premises at which the garbage is collected, and such fees shall be paid in full.
- (d) The city has the authority to charge residents for recycling programs and services and such fees shall be paid in full.

Sec. 30-6 - Collection Requirements Generally

It shall be the duty of every garbage hauler, contractor, subcontractor, and person, including their agents and employees, who has contracted or undertaken to remove any garbage, or any other waste material or who is engaged in the removal, loading or unloading of any such substance in the city to do such with dispatch, in a clean manner and with as little danger and prejudice to life and health as possible.

Sec. 30-7 - Hours of Collection

The collection of garbage for residential and multiple-family dwellings shall be in accordance with the times outlined in the city's contract for garbage collection, Monday through Saturday. Collection of residential and multiple-family dwelling units' recyclables shall be in accordance with the times outlined in the city's contract for recyclables collection, Monday through Saturday. The collection of garbage and recyclables for commercial properties shall occur between the hours of 6 a.m. to 6 p.m. Collection outside these hours shall be grounds for suspension or revocation of a hauler's license to operate in the city.

Sec. 30-8 - Unauthorized Collections

Any person who permits garbage to be picked up from their premises in the city by an unauthorized or unlicensed collector under this ordinance shall be guilty of a violation of this ordinance.

Sec. 30-9 - Disposal Required

- (a) Every person shall legally dispose of garbage that accumulates upon their property in the city at least once a week or more often as directed by the city manager unless given special permission as per Sections 30-41 (d) and (e). Every firm, corporation, occupant or owner of any dwelling, boardinghouse, apartment building, manufactured home, or any other structure in the city, including churches and halls, shall have garbage collected by haulers licensed by the city and shall comply with this ordinance and with the dates of collection and requirements therefore as established by the city manager.
- (b) All garbage shall be disposed of in compliance with state law and county policies regarding required processing of waste.

Sec. 30-10 - Unlawful Disposal; Location of Containers for Collection; Disposal of Flammable or Explosive Materials

- (a) No person, business or commercial property in the city shall place any garbage or any other waste material in a street, alley or other public place or upon any private property, whether owned by such person or not, except as provided by this ordinance.
- (b) No person shall throw or place any garbage in any stream, wetland or other body of water in the city.
- (c) No person in the city shall store, sweep or deposit any garbage, or any other waste in such a manner that it may be carried by elements off their property.
- (d) No person shall bury or burn any garbage, or any other waste in the city.
- (e) Highly flammable or explosive materials shall not be placed in city-provided garbage carts for regular collection, but shall be disposed of in accordance with state law and Minnesota Pollution Control Agency regulations.

Sec. 30-11 - Manner of Transporting Materials

All persons engaged in the business of hauling recyclables or garbage and/or yard waste in the city shall transport the materials in enclosed vehicles, carts, dumpsters, bins, or other secure containers so as to prevent any loss of these materials and to prevent litter. Care shall be taken to ensure no blowing or escape of garbage, litter, yard waste or liquids from truck operations occurs during the collection and transportation of garbage, designated recyclables, bulky waste, yard wastes or source-separated compostable materials

Sec. 30-12 - Obstruction, Delay or Interference with Contractor

- (a) No person shall obstruct, delay or interfere with any contractor or person engaged in the city in removing any offal, garbage, dirt, dead animals, sewage or other like substances or with the proper performance of their contract.
- (b) Scavenging of any waste or material is prohibited.

Sec. 30-13 - Penalty for Violation of Ordinance.

Any person violating any of the sections of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished in accordance with Section 1-15. The city may also handle violations of this ordinance through the administrative offenses procedures in Section 1-17.

Secs. 30-14 – Exceptions for Storm Clean-Up or Other Emergency Circumstances

The City Manager shall have the authority to grant temporary exceptions to the requirements in this ordinance and in the standards for purposes of efficient solid waste management during storm clean-up events or other emergency circumstances. Any such exceptions shall be immediately executed in writing and shall have specific sunset dates specified.

Sections 30-15 – 30-20 Reserved

Article II – Recycling Requirements (Residential, Multiple-Family, Commercial)

Sec. 30-21 - Collection and Processing of Residential Recyclables

- (a) Designated recyclables from residential dwellings that are placed on the curb or alley for collection must be in curbside recycling bins, carts, boxes or paper bags as prescribed by the City of Maplewood Solid Waste Management Standards such that blowing of recyclables does not occur, and recyclables remain as dry and clean as practicable.
- (b) When designated recyclables are placed at the curb or alley line they are the sole property of the city, and shall be removed only by the city-contracted recyclables collector.
- (c) Only the city-contracted recyclables collector or their city-approved sub-contractor may collect and process recyclables set out for recyclables collection at the curb or alley line.

Sec. 30-22 - Collection of Recyclables from Multiple-Family Dwellings

The city requires all the owners and managers of multiple-family dwellings to provide recycling services to all their residents.

- (a) Collection Service Required. The owner of a multiple-family dwelling shall make available to the occupants of all dwelling units on the premise services for the collection of designated recyclables.
- (b) Recycling Information Required. The owner of a multiple-family dwelling shall provide recycling information to the occupants of each dwelling unit on the property consistent with the City of Maplewood Solid Waste Management Standards.
- (c) Responsibility for Providing and Maintaining Recycling Containers.
 - (1) If the owner of a multiple-family dwelling uses the city's recycling contractor, then the contractor shall provide and maintain adequate recycling containers for the needs of the property and its occupants; or
 - (2) If the owner uses an independent recycling contractor, the owner shall assure adequate recycling containers are provided and maintained by the independent contractor.
- (d) Transportation and Disposal. Upon collection by the city-contracted recyclables hauler or the owner's independent hauler, that person shall deliver the designated recyclables to a recyclable material processing center, an end market for sale or reuse, or to an intermediate collection center for later delivery to a processing center or end market. It is unlawful for any person to transport for disposal or to dispose of designated recyclables in a mixed municipal solid waste disposal facility.
- (e) Annual Report. Each owner or manager of a multiple-family dwelling that does not employ the city's recycling contractor shall file an annual report with the city by January 31 of each year on a form detailed in the City of Maplewood Solid Waste Management Standards.
- (f) Administrative Penalties. Violation of this ordinance shall be charged as an administrative fine as follows: a fine of \$200.00 for the first offense; a fine of \$300.00 for the second offense at the same location within a 12 month period; a fine of \$500.00 for the third offense or additional offenses within a 24 month period at the same location. The owner shall be notified

in writing of the violation and if the owner fails to take action within 15 days of receiving the notice of violation, the owner shall be cited for violation in accordance with the fine schedule.

Sec. 30-23 - Collection and Composting or Disposal of Yard Waste

- (a) Yard waste to be collected by the city's contract garbage hauler shall be placed on the curb or alley line for collection in carts or state approved compostable or paper bags subject to special arrangements with the city-contracted garbage hauler.
- (b) Home lawn, garden waste, and kitchen food scraps may be composted in small quantities on a residential lot as long as the compost pile does not create a nuisance for neighbors due to objectionable odor, vectors of disease, attraction of unwanted wildlife, or unsightliness. Compost piles must be placed at least five (5) feet from rear- and side-yard property lines and shall not be placed in a front yard. Residents must follow composting operation guidelines referenced by City of Maplewood Solid Waste Management Standards.
- (c) Yard waste not collected by the city-contracted garbage hauler, or not composted by the resident or shrubs, tree limbs, stumps and roots must be transported to a properly permitted and licensed yard waste transfer, composting, or processing facility. The City of Maplewood Solid Waste Management Standards may allow for exceptions if a tree service provides for on-site chipping to produce a suitable mulch product.

Sec 30-24 - Collection of Source-Separated Compostable Materials

Sections 30-25 – 30-40 Reserved

Article III - Solid Waste Requirements (Residential)

Sec. 30-41 - Collection and Disposal of Residential Garbage by City-Contracted Hauler

- (a) Occupants of residential properties shall store all garbage in city-provided garbage carts between collections. On the designated day of collection in their area they may place the city-provided garbage cart on the curb or alley line for collection by the city-contracted garbage hauler.
- (b) Instead of the requirement to place the city-provided garbage cart at the curb or alley line, residents with physical challenges may apply to the city for walk-up service as provided by the City of Maplewood Solid Waste Management Standards.
- (c) Every person occupying a residential property shall utilize city-provided garbage carts for the disposal of garbage. The carts are the property of the city, and shall be used solely for disposal of garbage. Only city-provided garbage carts, or approved plastic garbage bags for overflow garbage, in addition to the cart shall be used for the disposal of garbage.
- (d) Persons who wish to self-haul their own garbage may apply to the city to do so. Permission may be granted to self-haul if proof is submitted of an environmentally responsible means of disposal that complies with state laws and regulations and county policies and in conformance with the City of Maplewood Solid Waste Management Standards. Residents that are approved by the city for self-haul must remove their garbage at least once per week. Self-haul can only be accomplished with the specific approval of the city using an application form provided in the City of Maplewood Solid Waste Management Standards.
- (e) Persons may apply to the city for less than weekly service on a form provided by City of Maplewood Solid Waste Management Standards. Permission may be granted for less than once per week garbage removal provided that sufficient removal is accomplished to prevent nuisance or unhealthful accumulations of garbage. Such permission will be withdrawn and weekly garbage removal required, if nuisance or unhealthful conditions exist.
- (f) Except on specified collection days as provided in Section 30-41(g) below, all city- provided garbage carts shall be located behind the front line of the dwelling, in the garage or screened from view from the street, and at least ten (10) feet from any abutting dwelling or sufficiently

distant so as not to be a nuisance to those properties, unless other provisions are allowed by the city due to special site conditions.

- (g) City-provided garbage carts and any additional bagged overflow garbage may be placed on the alley line or curb line for collection no earlier than 5:00 p.m. on the day before collection. City-provided garbage carts must be removed from the curb line no later than 6:00 a.m. on the day after collection.

Sec. 30-42 - Requirements to Dispose of Residential Appliances and Bulky Waste

- (a) Residents shall dispose of appliances or any other bulky waste such as furniture, mattresses or large household or garage waste as specified by the City of Maplewood Solid Waste Management Standards.
- (b) Upon resident request, the city-contracted garbage hauler must collect and properly dispose of appliances or other bulky waste in accordance with Sec. 30-62(e).

Sec. 30-43 - Collection and Disposal of Garbage for Multiple-Family Properties without Curbside Collection

- (a) The owner, operator or manager of any multiple-family property with more than four (4) units that do not have curbside collection shall have dumpster or equivalent service from a commercial hauler licensed to do business in the city. The dumpsters shall be of a minimum capacity of one cubic yard, covered, and of a city-approved sanitary type with the proper attachments for lifting onto garbage trucks.
- (b) Garbage shall be removed at least once weekly, and more often if garbage carts or dumpsters become full. Garbage shall be transported and disposed of in accordance with state laws and rules and county policies regarding licensed disposal and processing.

Sec. 30-44 – Requirements to Dispose of Multiple-Family Bulky Waste

The owner, operator or manager of any building containing more than four (4) dwelling units shall provide on-site disposal of large or bulky waste for all occupants. Disposal of these items shall be in compliance with all state laws and regulations and county policies.

Sec. 30-45 - Delinquent Accounts

- (a) The city contracted garbage hauler is responsible for collection of all fees associated with the collection and processing of garbage from residential properties. The city-contracted hauler shall make good-faith efforts to collect all amounts due, including use of a collection agency. All such efforts shall be documented.
- (b) The St. Paul Regional Water Authority and adjacent cities, as applicable, are responsible for the collection of all fees associated with the City of Maplewood recycling program. The St. Paul Regional Water Authority or the appropriate cities shall make good-faith efforts to collect all amounts due, including use of a collection agency.
- (c) Delinquent accounts shall be defined as those residents who have not paid and are over three (3) months past due.
- (d) If the amount continues to be delinquent past the three (3) months from the account being declared “past due” by the above entity, the City of Maplewood shall declare the amount delinquent. The entity shall submit a written request to the City of Maplewood with adequate documentation of the efforts made to collect the past due amounts. If the city determines that a good faith effort was made and that adequate documentation was submitted, the city shall place the amount on the property taxes associated with the property for which the amount is due. The city shall follow all practices required by the state and city ordinance to assess the delinquent amount to the property.

Sections 30-46 – 30-50

Reserved

Article IV - Solid Waste Requirements (Multiple Family and Commercial)

Sec. 30-51 – Collection and Disposal of Commercial Garbage

- (a) The owner, operator or manager of any firm or corporation shall have a dumpster or equivalent service from a commercial hauler licensed to do business in the city. The dumpsters shall be of a minimum capacity of one cubic yard, covered, and of a city-approved sanitary type with the proper attachments for lifting onto garbage trucks.
- (b) Garbage shall be removed at least once weekly, and more often if garbage carts or dumpsters become full. Garbage shall be transported and disposed of in accordance with state laws and rules and county policies regarding licensed disposal and processing.

Sec. 30-52 – Manufactured Homes, Townhouses May Opt-In

The owners of manufactured homes or manufactured home parks and of townhouses and townhouse associations may opt-in to the city-contracted garbage hauling service, at their application and with the city's approval.

Sections 30–53 – 30-59 Reserved

Article V - Collection Licenses (Residential, Multiple-Family, and Commercial)

Sec. 30-60 - Collection Licenses Required

It shall be unlawful for any person to collect any garbage, designated recyclables, or other solid waste in the city from any residential, multiple-family, or commercial property without having first secured a license from the city to do so.

Sec. 30-61 - Application; Fee; Duration

- (a) Any person desiring a license to collect garbage, yard waste, recyclables, or other solid waste in the city shall apply for a license to the city clerk by first submitting an application with the name and address of the applicant.
- (b) The application described in subsection (a) of this section shall be submitted to the city manager. Upon finding that the applicant is responsible, has proper equipment for such collection and that no nuisance is liable to be created by the granting of the license, the city manager shall endorse and approve the application.
- (c) Before any license may be issued, the applicant shall pay to the city clerk a license fee imposed, set, established and fixed by the city council, by resolution, from time to time, which fee shall accompany the application.
- (d) No license issued under this article shall be for a longer period than one year, and all licenses shall expire on December 31 of each year.

Sec. 30-62 – Licensee Operating Requirements

The applicant shall:

- (a) Use tandem axles or flotation tires to reduce the per-axle weight of all trucks used for collection of solid waste.
- (b) Provide maps of service routes configured so that customers on load-sensitive streets will be among the first served on such routes to minimize damage to load-sensitive streets and alleys.
- (c) Provide collection carts or dumpsters to customers upon their request.

- (d) Provide collection of yard waste to customers upon their request.
- (e) Provide special or extraordinary collection services, such as bulky waste removal, within two (2) business days of a customer's request.
- (f) Provide special service collection arrangements for customers to accommodate their physical health concerns.
- (g) Properly contain all garbage or recyclables such that no blowing or escape from trucks of solid or liquid waste or recyclables occurs.
- (h) Provide information to all customers that may be required of the city by county, metropolitan, state, or federal governments.

Sec. 30-63 - Insurance

The applicant for the license required under this article shall provide a certificate of public liability insurance in the amounts specified in this section for collecting garbage. Such insurance policy shall be subject to the approval of the city manager. The applicant must also provide a comprehensive general policy of liability insurance with minimum coverages as stated. At a minimum, the insurance shall conform to the following requirements:

- (a) General liability in the following amounts:
 - (1) Bodily injury, per occurrence, or combined single limit, \$1,500,000.00.
 - (2) Property damage, \$500,000.00.
- (b) Auto liability in the following amounts:
 - (1) Property damage or combined single limit, \$500,000.00.
 - (2) Bodily injury in the following amounts:
 - a) Per person, \$1,000,000.00.
 - b) Per occurrence, \$5,000,000.00.
- (c) Workers Compensation Insurance as specified by the Minnesota Department of Occupational Health and Safety and federal law.

Sec. 30-64 - Vehicle Requirements

Each garbage collector licensed under this article shall provide a covered or enclosed truck, tank or trailer so constructed that the contents will not leak or spill from it, in which all garbage collected shall be conveyed to an approved disposal facility. The truck or conveyance used shall be kept clean and as free from offensive odors as possible and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect garbage. Any litter or truck fluid leaks shall be immediately cleaned up. Significant release of any truck fluid leaks shall be immediately noticed to the appropriate authorities. Each truck used under a city license shall remain in compliance with all federal and Minnesota Department of Transportation rules and regulations.

Sec. 30-65 - Pickup Schedules (Residential)

Each residential licensee under this article shall consent to and follow a schedule of pickups, setting the day and area of pickups, as established by City of Maplewood Solid Waste Management Standards, to limit area pickups for residential collections to the same day per week each week.

Sec. 30-66 - Duty of Licensees to Report Accumulations of Garbage

Each licensee under this article shall report any accumulations of garbage that violates this ordinance or other city ordinances to the city as per City of Maplewood Solid Waste Management Standards.

Sec. 30-67 – Prohibited Mailings (Residential and Multiple Family)

No notices shall be sent from licensees or other persons to dwelling units within the City of Maplewood or dwelling unit owners that are subject to or participating in the city-contracted garbage service. These prohibited mailings shall include those for advertising rates or services not available under the city's contract for garbage collection services or any other services covered under the city contract for garbage service. No notices shall be sent to any residential dwelling in the City of Maplewood by licensees without prior written approval by the City of Maplewood.

Sec. 30-68 - Suspension or Revocation

- (a) Failure by a licensee under this article to comply with this ordinance shall be grounds for revocation of the license by the city council after a hearing for the purpose.
- (b) If the city finds a violation of this ordinance by a licensee under this article and the city orders correction of the violation which the licensee fails to make, the city may suspend the licensee's right to operate under the terms of the license and order his appearance at the next regular meeting of the city council for a hearing on whether the suspension should continue in effect.
- (c) Continued willful or egregious violations of this ordinance by any licensed or unlicensed hauler of solid waste shall result in fines and/or liquidated damages as deemed reasonable by the city council.

Sec. 30-69 - Volume-Based Rates (Residential)

- (a) The city's contract hauler for residential garbage shall provide to its residential customers a system of volume-based rates. A volume-based rate includes a solid waste collection charge and a disposal charge based on the volume of the solid waste generated by the customer.
- (b) The city shall determine the increments upon which the volume-based rate will depend and the difference between the rates for each increment.

Sections 30-70 – 30-75. Reserved

Article VI – Disposal Sites (Generally)

Sec. 30-76 - Unlawful Deposit of Garbage and Other Substances

- (a) No manure or pet feces, garbage, or other waste which may be detrimental to health, shall be deposited at any place within the city limits, except in accordance with Section 30-23 and Section 30-24, relating to composting and source separated compostable materials.
- (b) No unauthorized landfill (or dump) for garbage materials and other solid waste shall be operated within the city by any person

Sections 30-77 – 30-105 Reserved

**ORDINANCE AMENDMENT EXECUTION:
SIGNATURES OF CITY OFFICERS**

The city council approved the first reading of this ordinance on May 14, 2012.

The city council approved the second reading of this ordinance on June 11, 2012

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

WHEREAS, ten (10) property owners filed objections to their assessments according to the requirements of Minnesota Statutes, Chapter 429, summarized as follows:

1. Parcel 25-29-22-43-0002 – Union Cemetery Association; 0 Minnehaha Avenue East
It is currently proposed that the property be assessed for 359.78 feet of frontage. The owner is objecting to the assessment on the basis that the Union Cemetery Association is a 501 (c)(13) exempt organization and therefore cannot be assessed pursuant to Minn. Stat. 306.14.
2. Parcel 25-29-22-31-0023 – Deena J. Drewes; 882 Bartelmy Lane
It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment will create a financial hardship.
3. Parcel 25-29-22-34-0018 – Dale Dombrock; 784 Mary Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a senior citizen deferral.
4. Parcel 25-29-22-31-0031 – Gethsemane Lutheran Church; 2410 Stillwater Road
It is currently proposed that the property be assessed for 234.37 feet of frontage. The owner is objecting to the assessment on the basis that the assessment is inconsistent with the lease agreement between the City and Gethsemane. The owner is also objecting on the basis that the assessment amount is greater than the benefit to the property.
5. Parcel 25-29-22-31-0034 – Gethsemane Lutheran Church; 0 Bartelmy Lane
It is currently proposed that the property be assessed for 703.63 feet of frontage. The owner is objecting to the assessment on the basis that the assessment is inconsistent with the lease agreement between the City and Gethsemane. The owner is also objecting on the basis that the assessment amount is greater than the benefit to the property.
6. Parcel 25-29-22-34-0092 – Kathleen P. Baldwin; 765 Meyer Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a senior citizen deferral.
7. Parcel 25-29-22-31-0022 – Shelagh Stoerzinger; 868 Bartelmy Lane
It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment amount is greater than the benefit to the property. The owner requests a revision of assessment.
8. Parcel 25-29-22-34-0099 – Riaz Islam; 740 Meyer Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a revision of assessment. The owner is also requesting a copy of the special benefit appraisal report.
9. Parcel 25-29-22-34-0097 – William Mensen; 2391 Minnehaha Avenue E.
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a revision of assessment.
10. Parcel 25-29-22-34-0070 – Billy K. Johnson; 819 Meyer Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment will create a financial hardship. The owner requests a financial hardship or disability deferral.

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

- A. That the City Engineer and City Clerk are hereby instructed to make the following adjustments to the assessment roll for the Bartelmy-Meyer Area Street Improvements, City Project 11-14:
 1. Parcel 25-29-22-43-0002 – Union Cemetery Association; 0 Minnehaha Avenue East
It is currently proposed that the property be assessed for 359.78 feet of frontage. The owner is objecting to the assessment on the basis that the Union Cemetery Association is a 501 (c)(13) exempt organization and therefore cannot be assessed pursuant to Minn. Stat.

- 306.14. Staff recommendation is to grant a cancellation of assessment upon approval of necessary paperwork.
2. Parcel 25-29-22-31-0023 – Deena J. Drewes; 882 Bartelmy Lane
It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment will create a financial hardship. Staff recommendation is to grant a financial hardship deferral (8 year) upon approval of necessary paperwork. After the 8 year deferral time period the assessment would become due in total with interest. This property is being assessed per the City's assessment policy and the assessment does not exceed the benefit to the property as determined through the special benefit appraisal.
 3. Parcel 25-29-22-34-0018 – Dale Dombrock; 784 Mary Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a senior citizen deferral. Staff recommendation is to grant a senior citizen deferral (8 year) upon approval of necessary paperwork. After the 8 year deferral time period the assessment would become due in total with interest.
 4. Parcel 25-29-22-31-0031 – Gethsemane Lutheran Church; 2410 Stillwater Road
It is currently proposed that the property be assessed for 234.37 feet of frontage. The owner is objecting to the assessment on the basis that the assessment amount is greater than the benefit to the property. Staff recommendation is to deny the request for revision of assessment as this property is being assessed per the City's assessment policy and the assessment does not exceed the benefit to the property as determined through the special benefit appraisal.
 5. Parcel 25-29-22-31-0034 – Gethsemane Lutheran Church; 0 Bartelmy Lane
It is currently proposed that the property be assessed for 703.63 feet of frontage. The owner is objecting to the assessment on the basis that the assessment is inconsistent with the lease agreement between the City and Gethsemane. The owner is also objecting on the basis that the assessment amount is greater than the benefit to the property. Staff feels that the assessment is not in conflict with the lease agreement and is recommending granting an undeveloped property deferral (8 years) upon approval of necessary paperwork. If the property remains undeveloped during the entire 8 year deferral time period the assessment will be cancelled. If at any point during the 8 year deferral period the property is developed the assessment would become active.
 6. Parcel 25-29-22-34-0092 – Kathleen P. Baldwin; 765 Meyer Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a senior citizen deferral. Staff recommendation is to grant a senior citizen deferral (8 year) upon approval of necessary paperwork. After the 8 year deferral time period the assessment would become due in total with interest.
 7. Parcel 25-29-22-31-0022 – Shelagh Stoerzinger; 868 Bartelmy Lane
It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment amount is greater than the benefit to the property. The owner requests a revision of assessment. Staff recommendation is to deny the request for revision of assessment as this property is being assessed per the City's assessment policy and the assessment does not exceed the benefit to the property as determined through the special benefit appraisal.
 8. Parcel 25-29-22-34-0099 – Riaz Islam; 740 Meyer Street
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a revision of assessment. The owner is also requesting a copy of the special benefit appraisal report. Staff recommendation is to deny the request for revision of assessment as this property is being assessed per the City's assessment policy and the assessment does not exceed the benefit to the property as determined through the special benefit appraisal. Mr. Islam needs to request this information through the City Attorney.
 9. Parcel 25-29-22-34-0097 – William Mensen; 2391 Minnehaha Avenue E.
It is currently proposed that the property be assessed for 1 residential unit. The owner is requesting a revision of assessment. Staff recommendation is to deny the request for revision

of assessment as this property is being assessed per the City's assessment policy and the assessment does not exceed the benefit to the property as determined through the special benefit appraisal.

10. Parcel 25-29-22-34-0070 – Billy K. Johnson; 819 Meyer Street

It is currently proposed that the property be assessed for 1 residential unit. The owner is objecting to the assessment on the basis that the assessment will create a financial hardship. The owner requests a financial hardship or disability deferral. Staff recommendation is to grant a financial hardship/disability deferral (8 year) upon approval of necessary paperwork. After the 8 year deferral time period the assessment would become due in total with interest.

- B. The assessment roll for the Bartelmy-Meyer Area Street Improvements, City Project 11-14, as amended, is hereby accepted, a copy of which is attached hereto and made a part hereof. Said assessment roll 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.
- C. Such assessments shall be payable in equal annual installments extending over a period of 8 years for commercial properties and 15 years for residential properties, the first installments to be payable on or before the first Monday in January 2013 and shall bear interest at the rate of 4.30 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 the date of this resolution until December 31, 2012. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
- D. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, but no later than November 15, 2012, pay the whole of the assessment on such property, with interest accrued to the date of the payment, to the city clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and they may, at any time after November 15, 2012, pay to the county auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
- E. The city engineer and city clerk shall forthwith after November 15, 2012, but no later than November 16, 2012, transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over the same manner as other municipal taxes.

Adopted by the council on this 11th day of June 2012.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Bid Award on Bonds – GO Improvement - 2012A and GO State Aid Street Refunding - 2012B

Finance Manager Bauman presented the staff report and answered questions of the council. Kathy Aho, Client Representative from Springsted was present and addressed the council to give the report on the City's Rating and Bid Award on Bonds.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

Councilmember Juenemann moved to approve the Resolution on Bid Awards the Bonds Go Improvement - 2012 A and GO State Aid Street Refunding – 2012B.

EXTRACT OF MINUTES OF A MEETING
OF THE CITY COUNCIL OF THE
CITY OF MAPLEWOOD, MINNESOTA
HELD: June 11, 2012

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Maplewood, Ramsey County, Minnesota, was duly called and held at the City Hall on June 11, 2012, at 7:00 P.M., for the purpose, in part, of considering proposals and awarding the competitive negotiated sale of \$5,780,000 General Obligation Bonds, Series 2012A.

The following members were present:

and the following were absent:

In accordance with the resolution adopted by the City Council on May 14, 2012, the City Clerk presented proposals on \$5,780,000 General Obligation Bonds, Series 2012A, which were received and tabulated at the offices of Springsted Incorporated on this same day:

<u>Bidder</u>	<u>Interest Rate</u>	<u>Trust Interest Cost</u>
SEE ATTACHED		

The Council then proceeded to consider and discuss the proposals, after which member Juenemann introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING PROPOSAL ON THE COMPETITIVE NEGOTIATED SALE OF
\$5,780,000 GENERAL OBLIGATION BONDS, SERIES 2012A, PLEDGING FOR THE
SECURITY THEREOF SPECIAL ASSESSMENTS AND LEVYING A TAX FOR THE PAYMENT
THEREOF AND PROVIDING FOR THEIR ISSUANCE

A. WHEREAS, the City Council of the City of Maplewood, Minnesota (the "City") has heretofore determined and declared that it is necessary and expedient to issue \$5,780,000 General Obligation Bonds, Series 2012A (the "Bonds" or individually a "Bond"), pursuant to Minnesota Statutes, Chapter 475 and:

1. Chapter 429, to finance the construction of various street improvement projects within the City (the "Improvements"), in the amount of \$5,330,000 (the "Improvement Portion of the Bonds"). The Improvements and all their components have been ordered prior to the date hereof, after a hearing thereon for which notice was given describing the Improvements or all their components by general nature, estimated cost, and area to be assessed; and
2. Section 412.301 to finance the purchase of various items of capital equipment (the "Equipment"), in the amount of \$450,000 (the "Equipment Portion of the Bonds"). Each item of Equipment to be financed by the Equipment Portion of the Bonds has an expected useful life at least as long as the term of the Equipment Portion of the Bonds. The principal amount of the Equipment Portion of the Bonds does not exceed one-quarter of one percent (0.25%) of the market value of the taxable property in the City (\$3,168,106,800 times 0.25% is \$7,920,267); and

B. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

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

1. Acceptance of Proposal. The proposal of Sterne, Agee & Leach, Inc, Birmingham, AL (the "Purchaser"), to purchase the Bonds, in accordance with the Terms of Proposal established for the Bonds, at the rates of interest hereinafter set forth, and to pay therefor the sum of \$5,902,268.85, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable proposal received, is hereby accepted and the Bonds are hereby awarded to the Purchaser. The City Clerk is directed to retain the deposit of the Purchaser and to forthwith return to the unsuccessful bidders any good faith checks or drafts.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities; Term Bond Option. The Bonds shall be dated July 1, 2012, as the date of original issue and shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2014	\$570,000	2022	\$145,000
2015	575,000	2024	300,000
2016	585,000	2026	315,000
2017	585,000	2028	330,000
2018	595,000		
2019	605,000		
2020	615,000		
2021	560,000		

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Allocation. The Improvement Portion of the Bonds, being the aggregate principal amount of \$5,330,000, maturing in each of the years and amounts hereinafter set forth, is issued to finance the Improvements. The Equipment Portion of the Bonds, being the aggregate principal amount of \$450,000, maturing in each of the years and amounts hereinafter set forth, is issued to finance the Equipment.

<u>Year</u>	<u>Improvement Portion (Amount)</u>	<u>Equipment Portion (Amount)</u>	<u>Total Amount</u>
2014	\$510,000	\$60,000	\$570,000
2015	510,000	65,000	575,000
2016	520,000	65,000	585,000
2017	520,000	65,000	585,000
2018	530,000	65,000	595,000
2019	540,000	65,000	605,000
2020	550,000	65,000	615,000
2021	560,000		560,000
2022	145,000		145,000

2023	150,000	150,000
2024	150,000	150,000
2025	155,000	155,000
2026	160,000	160,000
2027	165,000	165,000
2028	165,000	165,000

If Bonds are prepaid, the prepayments shall be allocated to the portions of debt service (and hence allocated to the payment of Bonds treated as relating to a particular portion of debt service) as provided in this paragraph. If the source of prepayment moneys is the general fund of the City, or other generally available source, the prepayment may be allocated to any of the portions of debt service in such amounts as the City shall determine. If the source of a prepayment is special assessments pledged to the Improvements, the prepayment shall be allocated to the Improvement Portion of debt service.

(c) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and

premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

(viii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than fifteen calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations.

(x) In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in paragraph 5, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

(d) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (d) shall limit or restrict the provisions of paragraph 10.

(e) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose. The Improvement Portion of the Bonds shall provide funds to finance the Improvements. The Equipment Portion of the Bonds shall provide funds to finance acquisition of the Equipment. The Improvements and Equipment are herein referred to together as the Project. The total cost of the Project, which shall include all costs enumerated in Minnesota Statutes, Section 475.65, is estimated to be at least equal to the amount of the Bonds. The City covenants that it shall do all things and perform all acts required of it to assure that work on the Project proceeds with due diligence to completion and that any and all permits and studies required under law for the Project are obtained.

4. Interest. The Bonds shall bear interest payable semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2013, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2014	2.00%	2022	2.125%
2015	2.00	2023	2.125
2016	2.00	2024	2.125
2017	2.00	2025	2.375
2018	2.00	2026	2.375
2019	2.00	2027	2.50
2020	2.00	2028	2.50
2021	2.00		

5. Redemption. All Bonds maturing on February 1, 2023 and thereafter, shall be subject to redemption and prepayment at the option of the City on February 1, 2022, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the

paying agent and to each affected registered holder of the Bonds at least thirty days prior to the date fixed for redemption.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. U.S. Bank National Association, in St. Paul, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY
CITY OF MAPLEWOOD

R-_____ \$_____

GENERAL OBLIGATION BOND, SERIES 2012A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1,	July 1, 2012	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Maplewood, Ramsey County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, unless called for earlier redemption, in the manner hereinafter set forth, the

principal amount specified above, on the maturity date specified above, and to pay interest thereon semiannually on February 1 and August 1 of each year (each, an "Interest Payment Date"), commencing February 1, 2013, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of U.S. Bank National Association, in St. Paul, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer, acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Optional Redemption. All Bonds of this issue (the "Bonds") maturing on February 1, 2023, and thereafter, are subject to redemption and prepayment at the option of the Issuer on February 1, 2022, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds at least thirty days prior to the date fixed for redemption.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or the Holder's attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall

authenticate and deliver to the Holder of the Bond, without service charge, a new Bond or Bonds having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by the Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$5,780,000, all of like date of original issue and tenor, except as to number, maturity, interest rate, denomination and redemption privilege, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on June 11, 2012 (the "Resolution"), for the purpose of providing money to finance various projects within the jurisdiction of the Issuer. This Bond is payable out of the General Obligation Bonds, Series 2012A Fund of the Issuer. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided (except as otherwise provided herein with respect to the Record Date) and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed,

precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law; and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Maplewood, Ramsey County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its City Clerk, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

8. Execution; Temporary Bonds. The Bonds shall be printed (or, at the request of the Purchaser, typewritten) and shall be executed on behalf of the City by the signatures of its Mayor and City Clerk and be sealed with the seal of the City; provided, however, that the seal of the City may be a printed (or, at the request of the Purchaser, photocopied) facsimile; and provided further that both of such signatures may be printed (or, at the request of the Purchaser, photocopied) facsimiles and the corporate seal may be omitted on the Bonds as permitted by law. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of that officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. The City may elect to deliver, in lieu of printed definitive bonds, one or more typewritten temporary bonds in substantially the form set forth above, with such changes as may be necessary to reflect more than one maturity in a single temporary bond. Such temporary bonds may be executed with photocopied facsimile signatures of the Mayor and City Clerk. Such temporary bonds shall, upon the printing of the definitive bonds and the execution thereof, be exchanged therefor and canceled.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on the Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue, which date is July 1, 2012. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or the Holder's attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The City Clerk is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Finance Director to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby established a special fund to be designated "General Obligation Bonds, Series 2012A Fund" (the "Fund") to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The Fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. In such records there shall be established accounts or accounts shall continue to be maintained as the case may be, of the Fund for the purposes and in the amounts as follows:

(a) Construction Account. To the Construction Account there shall be credited the proceeds of the sale of the Bonds, less any accrued interest and less capitalized interest. From the Construction Account there shall be paid all costs and expenses of the Project, including the cost of any construction contracts heretofore let and all other costs incurred and to be incurred of the kind authorized in Minnesota Statutes, Section 475.65. Moneys in the Construction Account shall be used for no other purpose except as otherwise provided by law; provided that the proceeds of the Bonds may also be used to the extent necessary to pay interest on the Bonds due prior to the anticipated date of commencement of the collection of taxes or special assessments herein levied or covenanted to be levied; and provided further that if upon completion of the Project there shall remain any unexpended balance (other than any special assessments) in the Construction Account, the balance shall be transferred to the Debt Service Account or the fund of any other improvement instituted pursuant to Minnesota Statutes Chapter 429, and provided further that any special assessments credited to the Construction Account shall only be applied toward payment of the costs of the Improvements upon adoption of a resolution by the City Council determining that the application of the special assessments for such purpose will not cause the City to no longer be in compliance with Minnesota Statutes, Section 475.1, Subdivision 1.

(b) Debt Service Account. There shall be maintained two separate subaccounts in the Debt Service Account to be designated the "Improvements Debt Service Subaccount", and the "Equipment Debt Service Subaccount". There are hereby irrevocably appropriated and pledged to, and there shall be credited to the separate subaccounts of the Debt Service Account:

(i) Improvements Debt Service Subaccount. To the Improvements Debt Service Subaccount there shall be credited: (A) all collections of special assessments herein covenanted to be levied with respect to the Improvements and either initially credited to the Construction Account and not already spent as permitted above and required to pay any principal and interest due on the Bonds or collected subsequent to the completion of the Improvements and payment of the costs thereof; (B) a pro rata share of all accrued interest received upon delivery of the Bonds; (C) capitalized interest in the amount of \$0.00; (D) any collections of all taxes herein or hereafter be levied for the payment of the Improvements Portion of the Bonds and interest thereon; (E) a pro rata share of all funds remaining in the Construction Account after completion of the Project and payment of the costs thereof; (F) all investment earnings on funds held in the Improvements Debt Service Subaccount; and (G) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Improvements Debt Service Subaccount. The Improvements Debt Service Subaccount shall be used solely to pay the principal and interest and any premium for redemption of the Improvement Portion of the Bonds and any other general obligation bonds of the City hereafter issued by the City and made payable from said subaccount as provided by law

(ii) Equipment Debt Service Subaccount. To the Equipment Debt Service Subaccount there shall be credited: (A) all taxes herein and hereafter levied for the payment of the Equipment Portion of the Bonds; (B) a pro rata share of all accrued interest received upon delivery of the Bonds; (C) a pro rata share of all funds remaining in the Construction Account after completion of the Project and payment of the costs thereof; (D) all investment earnings on funds held in the

Equipment Debt Service Subaccount; and (E) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Equipment Debt Service Subaccount. The Equipment Debt Service Subaccount shall be used solely to pay the principal and interest and any premiums for redemption of the Equipment Portion of the Bonds.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (1) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued and (2) in addition to the above in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Construction Account or Debt Service Account (or any other City account which will be used to pay principal or interest to become due on the bonds payable therefrom) in excess of amounts which under then applicable federal arbitrage regulations may be invested without regard to yield shall not be invested at a yield in excess of the applicable yield restrictions imposed by said arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. Money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended (the "Code").

16. Covenants Relating to the Improvement Portion of the Bonds.

(a) Special Assessments. It is hereby determined that no less than twenty percent of the cost to the City of each Improvement financed by the Improvement Portion of the Bonds within the meaning of Minnesota Statutes, Section 475.58, Subdivision 1(3), shall be paid by special assessments to be levied against every assessable lot, piece and parcel of land benefited by any of the Improvements. The City hereby covenants and agrees that it will let all construction contracts not heretofore let within one year after ordering each Improvement by the Improvement Portion of the Bonds unless the resolution ordering the Improvement specifies a different time limit for the letting of construction contracts. The City hereby further covenants and agrees that it will do and perform as soon as they may be done all acts and things necessary for the final and valid levy of the special assessments, and in the event that any special assessment be at any time held invalid with respect to any lot, piece or parcel of land due to any error, defect, or irregularity in any action or proceedings taken or to be taken by the City, either in the making of the special assessments or in the performance of any condition precedent thereto, the City will forthwith do all further acts and take all further proceedings as may be required by law to make the special assessments valid and binding liens upon the properties. The special assessments have heretofore been authorized. Subject to such adjustments as are required by the conditions in existence at the time the special assessments are levied, it is hereby determined that the special assessments shall be payable in equal, consecutive, annual installments, with general taxes for the years shown below and with interest on the declining balance of all special assessments at a rate of _____% per annum, as set forth opposite the years specified below:

<u>Improvement Designation</u>	<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
Bartelmy-Meyer Area Sts	2011-2026	2012-2027	\$2,180,000
Mill & Overlays 2012	2011-2019	2012-2020	2,080,000
Gladstone	2011-2019	2012-2020	1,070,000

At the time the special assessments are in fact levied the City Council shall, based on the then current estimated collections of the special assessments, make any adjustments in any ad valorem taxes required to be levied in order to assure that the City continues to be in compliance with Minnesota Statutes, Section 475.61, Subdivision 1.

(b) Tax Levy; Coverage Test. To provide moneys for payment of the principal and interest on the Improvement Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Levy Years</u>	<u>Collection Years</u>	<u>Amount</u>
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See attached schedule

The tax levies are such that if collected in full they, together with estimated collections of special assessments and other revenues herein pledged for the payment of the Improvement Portion of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levies shall be irrevocable so long as any of the Improvement Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the tax levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

(c) Covenants Relating to the Equipment Portion of the Bonds. To provide moneys for payment of the principal and interest on the Equipment Portion of the Bonds there is hereby levied upon all of the taxable property in the City a direct annual ad valorem tax which shall be spread upon the tax rolls and collected with and as part of other general property taxes in the City for the years and in the amounts as follows:

<u>Years of Tax Levy</u>	<u>Years of Tax Collection</u>	<u>Amount</u>
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See attached levy schedule
(Equipment Portion)

The tax levies are such that if collected in full they, together with other revenues herein pledged for the payment of the Equipment Portion of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Equipment Portion of the Bonds. The tax levies shall be irrevocable so long as any of the Equipment Portion of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce the levies in the manner and to the extent permitted by Minnesota Statutes, Section 475.61, Subdivision 3.

17. General Obligation Pledge. For the prompt and full payment of the principal and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency shall be promptly paid out of any other funds of the City which are available for such purpose, and such other funds may be reimbursed with or without interest from the Debt Service Account when a sufficient balance is available therein.

18. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds

called for redemption on any date when they are prepayable according to their terms, by depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full, provided that notice of redemption thereof has been duly given. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

19. Compliance With Reimbursement Bond Regulations. The provisions of this paragraph are intended to establish and provide for the City's compliance with United States Treasury Regulations Section 1.150-2 (the "Reimbursement Regulations") applicable to the "reimbursement proceeds" of the Bonds, being those portions thereof which will be used by the City to reimburse itself for any expenditure which the City paid or will have paid prior to the Closing Date (a "Reimbursement Expenditure").

The City hereby certifies and/or covenants as follows:

(a) Not later than 60 days after the date of payment of a Reimbursement Expenditure, the City (or person designated to do so on behalf of the City) has made or will have made a written declaration of the City's official intent (a "Declaration") which effectively (i) states the City's reasonable expectation to reimburse itself for the payment of the Reimbursement Expenditure out of the proceeds of a subsequent borrowing; (ii) gives a general and functional description of the property, project or program to which the Declaration relates and for which the Reimbursement Expenditure is paid, or identifies a specific fund or account of the City and the general functional purpose thereof from which the Reimbursement Expenditure was to be paid (collectively the "Project"); and (iii) states the maximum principal amount of debt expected to be issued by the City for the purpose of financing the Project; provided, however, that no such Declaration shall necessarily have been made with respect to: (i) "preliminary expenditures" for the Project, defined in the Reimbursement Regulations to include engineering or architectural, surveying and soil testing expenses and similar prefatory costs, which in the aggregate do not exceed 20% of the "issue price" of the Bonds, and (ii) a *de minimis* amount of Reimbursement Expenditures not in excess of the lesser of \$100,000 or 5% of the proceeds of the Bonds.

(b) Each Reimbursement Expenditure is a capital expenditure or a cost of issuance of the Bonds or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Reimbursement Regulations.

(c) The "reimbursement allocation" described in the Reimbursement Regulations for each Reimbursement Expenditure shall and will be made forthwith following (but not prior to) the issuance of the Bonds and in all events within the period ending on the date which is the later of three years after payment of the Reimbursement Expenditure or one year after the date on which the Project to which the Reimbursement Expenditure relates is first placed in service.

(d) Each such reimbursement allocation will be made in a writing that evidences the City's use of Bond proceeds to reimburse the Reimbursement Expenditure and, if made within 30 days after the Bonds are issued, shall be treated as made on the day the Bonds are issued.

Provided, however, that the City may take action contrary to any of the foregoing covenants in this paragraph upon receipt of an opinion of its Bond Counsel for the Bonds stating in effect that such action will not impair the tax-exempt status of the Bonds.

20. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

(a) Provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB") by filing at www.emma.msrb.org in accordance with the Rule, certain annual financial information and operating data in accordance with the Undertaking. The City reserves the right to modify from time to time the terms of the Undertaking as provided therein.

(b) Provide or cause to be provided to the MSRB notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of the event, in accordance with the Undertaking.

(c) Provide or cause to be provided to the MSRB notice of a failure by the City to provide the annual financial information with respect to the City described in the Undertaking, in not more than ten (10) business days following such amendment. The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and Clerk of the City, or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

21. Certificate of Registration. A certified copy of this resolution is hereby directed to be filed in the office of the County Auditor of Ramsey County, together with such other information as the County Auditor shall require, and to obtain the County Auditor's Certificate that the Bonds have been entered in the Bond Register and the tax levies required by law have been made.

22. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

23. Negative Covenant as to Use of Bond Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

24. Tax-Exempt Status of the Bonds; Rebate; Elections. The City shall comply with requirements necessary under the Code to establish and maintain the exclusion from gross income under Section 103 of the Code of the interest on the Bonds, including without limitation (i)

requirements relating to temporary periods for investments, (ii) limitations on amounts invested at a yield greater than the yield on the Bonds, and (iii) the rebate of excess investment earnings to the United States. The City expects to satisfy the 18-month expenditure exemption for gross proceeds of the Bonds as provided in Section 1.148-7(d)(1) of the Regulations. The Mayor, the Clerk or either one of them, are hereby authorized and directed to make such elections as to arbitrage and rebate matters relating to the Bonds as they deem necessary, appropriate or desirable in connection with the Bonds, and all such elections shall be, and shall be deemed and treated as, elections of the City.

25. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (a) the Bonds are issued after August 7, 1986;
- (b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (c) the City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (d) the reasonably anticipated amount of tax exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2012 will not exceed \$10,000,000;
- (e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2012 have been designated for purposes of Section 265(b)(3) of the Code; and
- (f) the aggregate face amount of the Bonds does not exceed \$10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

26. Governmental Bonds Post-Issuance Compliance Policies and Procedures. The City hereby approves the Governmental Bonds Post-Issuance Compliance Policies and Procedures in substantially the form presented to the City Council.

27. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

28. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member Llanas and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Mayor Roszbach, Councilmember Cardinal, Juenemann, Koppen and Llanas;

and the following voted against the same: None.

Whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to authorizing the issuance and awarding the sale of \$5,780,000 General Obligation Bonds, Series 2012A.

WITNESS my hand on June 11, 2012.

Clerk

EXHIBIT A

PROPOSALS

EXTRACT OF MINUTES OF A MEETING
OF THE CITY COUNCIL
CITY OF MAPLEWOOD, MINNESOTA

HELD: June 11, 2012

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Maplewood, Ramsey County, Minnesota, was duly called and held at the City Hall on June 11, 2012, at 7:00 P.M., for the purpose, in part, of considering proposals and awarding the competitive negotiated sale of \$2,505,000 General Obligation State-Aid Road Refunding Bonds, Series 2012B.

The following members were present:

and the following were absent:

In accordance with the resolution adopted by the City Council on May 14, 2012, the City Clerk presented proposals on \$2,505,000 General Obligation State-Aid Road Refunding Bonds, Series 2012B, which were received and tabulated at the offices of Springsted Incorporated on this same day:

Bidder

Interest Rate

Trust Interest Cost

SEE ATTACHED

The Council then proceeded to consider and discuss the proposals, after which member Juenemann introduced the following resolution and moved its adoption:

RESOLUTION ACCEPTING PROPOSAL ON THE COMPETITIVE NEGOTIATED SALE OF
\$2,505,000 GENERAL OBLIGATION STATE-AID ROAD REFUNDING BONDS, SERIES 2012B
AND PROVIDING FOR THEIR ISSUANCE

A. WHEREAS, the City Council of the City of Maplewood, Minnesota (the "City"), hereby determines and declares that it is necessary and expedient to provide moneys for a crossover refunding of the City's \$5,355,000 original principal amount of General Obligation State-Aid Street Bonds, Series 2004E, dated August 1, 2004 (the "Prior Bonds"), which mature on and after April 1, 2016; and

B. WHEREAS, \$2,385,000 aggregate principal amount of the Prior Bonds which matures on and after April 1, 2016, is callable on April 1, 2015 (the "Refunded Bonds"), at a price of par plus accrued interest, as provided in the Resolution adopted on August 5, 2004, authorizing the issuance of the Prior Bonds (the "Prior Resolution"); and

C. WHEREAS, the refunding of the Refunded Bonds is consistent with covenants made with the holders thereof, and is necessary and desirable for the reduction of debt service cost to the City; and

D. WHEREAS, the City Council hereby determines and declares that it is necessary and expedient to issue \$2,505,000 General Obligation State-Aid Road Refunding Bonds, Series 2012B (the "Bonds" or individually, a "Bond"), pursuant to Minnesota Statutes, Chapter 475, to provide moneys for a crossover refunding of the Refunded Bonds; and

E. WHEREAS, it is in the best interests of the City that the Bonds be issued in book-entry form as hereinafter provided; and

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

1. Acceptance of Proposal. The proposal of Stifel, Nicolaus & Co., Inc., in Memphis, TN (the "Purchaser"), to purchase the Bonds in accordance with the Terms of Proposal, and at the rates of interest hereinafter set forth, and to pay therefor the sum of \$2,547,616.70, plus interest accrued to settlement, is hereby found, determined and declared to be the most favorable proposal received and is hereby accepted, and the Bonds are hereby awarded to said proposal maker. The City Clerk is directed to retain the deposit of said proposal maker and to forthwith return to the unsuccessful proposal makers their good faith checks and drafts.

2. Bond Terms.

(a) Original Issue Date; Denominations; Maturities. The Bonds shall dated July 1, 2012, as the date of original issue, shall be issued forthwith on or after such date in fully registered form, shall be numbered from R-1 upward in the denomination of \$5,000 each or in any integral multiple thereof of a single maturity (the "Authorized Denominations") and shall mature on April 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2016	\$300,000	2021	\$275,000
2017	300,000	2022	260,000
2018	300,000	2023	255,000
2019	280,000	2024	255,000
2020	280,000		

As may be requested by the Purchaser, one or more term Bonds may be issued having mandatory sinking fund redemption and final maturity amounts conforming to the foregoing principal repayment schedule, and corresponding additions may be made to the provisions of the applicable Bond(s).

(b) Book Entry Only System. The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York or any of its successors or its successors to its functions hereunder (the "Depository") will act as securities depository for the Bonds, and to this end:

(i) The Bonds shall be initially issued and, so long as they remain in book entry form only (the "Book Entry Only Period"), shall at all times be in the form of a separate single fully registered Bond for each maturity of the Bonds; and for purposes of complying with this requirement under paragraphs 5 and 10 Authorized Denominations for any Bond shall be deemed to be limited during the Book Entry Only Period to the outstanding principal amount of that Bond.

(ii) Upon initial issuance, ownership of the Bonds shall be registered in a bond register maintained by the Bond Registrar (as hereinafter defined) in the name of CEDE & CO., as the nominee (it or any nominee of the existing or a successor Depository, the "Nominee").

(iii) With respect to the Bonds neither the City nor the Bond Registrar shall have any responsibility or obligation to any broker, dealer, bank, or any other financial institution for which the Depository holds Bonds as securities depository (the "Participant") or the person for which a Participant holds an interest in the Bonds shown on the books and records of the Participant (the "Beneficial Owner"). Without limiting the immediately preceding sentence, neither the City, nor the Bond Registrar, shall have any such responsibility or obligation with respect to (A) the accuracy of the records of the Depository, the Nominee or any Participant with respect to any ownership interest in the Bonds, or (B) the delivery to any Participant, any Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or (C) the payment to any Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the principal of or premium, if any, or interest on the Bonds, or (D) the consent given or other action taken by the Depository as the Registered Holder of any Bonds (the "Holder"). For purposes of securing the vote or consent of any Holder under this Resolution, the City may, however, rely upon an omnibus proxy under which the Depository assigns its consenting or voting rights to certain Participants to whose accounts the Bonds are credited on the record date identified in a listing attached to the omnibus proxy.

(iv) The City and the Bond Registrar may treat as and deem the Depository to be the absolute owner of the Bonds for the purpose of payment of the principal of and premium, if any, and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to the Bonds, for the purpose of obtaining any consent or other action to be taken by Holders for the purpose of registering transfers with respect to such Bonds, and for all purpose whatsoever. The Bond Registrar, as paying agent hereunder, shall pay all principal of and premium, if any, and interest on the Bonds only to the Holder or the Holders of the Bonds as shown on the bond register, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid.

(v) Upon delivery by the Depository to the Bond Registrar of written notice to the effect that the Depository has determined to substitute a new Nominee in place of the existing Nominee, and subject to the transfer provisions in paragraph 10, references to the Nominee hereunder shall refer to such new Nominee.

(vi) So long as any Bond is registered in the name of a Nominee, all payments with respect to the principal of and premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, by the Bond Registrar or City, as the

case may be, to the Depository as provided in the Letter of Representations to the Depository required by the Depository as a condition to its acting as book-entry Depository for the Bonds (said Letter of Representations, together with any replacement thereof or amendment or substitute thereto, including any standard procedures or policies referenced therein or applicable thereto respecting the procedures and other matters relating to the Depository's role as book-entry Depository for the Bonds, collectively hereinafter referred to as the "Letter of Representations").

(vii) All transfers of beneficial ownership interests in each Bond issued in book-entry form shall be limited in principal amount to Authorized Denominations and shall be effected by procedures by the Depository with the Participants for recording and transferring the ownership of beneficial interests in such Bonds.

(vii) In connection with any notice or other communication to be provided to the Holders pursuant to this Resolution by the City or Bond Registrar with respect to any consent or other action to be taken by Holders, the Depository shall consider the date of receipt of notice requesting such consent or other action as the record date for such consent or other action; provided, that the City or the Bond Registrar may establish a special record date for such consent or other action. The City or the Bond Registrar shall, to the extent possible, give the Depository notice of such special record date not less than 15 calendar days in advance of such special record date to the extent possible.

(ix) Any successor Bond Registrar in its written acceptance of its duties under this Resolution and any paying agency/bond registrar agreement, shall agree to take any actions necessary from time to time to comply with the requirements of the Letter of Representations. In the case of a partial prepayment of a Bond, the Holder may, in lieu of surrendering the Bonds for a Bond of a lesser denomination as provided in paragraph 5 hereof, make a notation of the reduction in principal amount on the panel provided on the Bond stating the amount so redeemed.

(c) Termination of Book-Entry Only System. Discontinuance of a particular Depository's services and termination of the book-entry only system may be effected as follows:

(i) The Depository may determine to discontinue providing its services with respect to the Bonds at any time by giving written notice to the City and discharging its responsibilities with respect thereto under applicable law. The City may terminate the services of the Depository with respect to the Bond if it determines that the Depository is no longer able to carry out its functions as securities depository or the continuation of the system of book-entry transfers through the Depository is not in the best interests of the City or the Beneficial Owners.

(ii) Upon termination of the services of the Depository as provided in the preceding paragraph, and if no substitute securities depository is willing to undertake the functions of the Depository hereunder can be found which, in the opinion of the City, is willing and able to assume such functions upon reasonable or customary terms, or if the City determines that it is in the best interests of the City or the Beneficial Owners of the Bond that the Beneficial Owners be able to obtain certificates for the Bonds, the Bonds shall no longer be registered as being registered in the bond register in the name of the Nominee, but may be registered in whatever name or names the Holder of the Bonds shall designate at that time, in accordance with paragraph 10. To the extent that the Beneficial Owners are designated as the transferee by the Holders, in accordance with paragraph 10, the Bonds will be delivered to the Beneficial Owners.

(iii) Nothing in this subparagraph (c) shall limit or restrict the provisions of paragraph 10.

(d) Letter of Representations. The provisions in the Letter of Representations are incorporated herein by reference and made a part of the resolution, and if and to the extent any such provisions are inconsistent with the other provisions of this resolution, the provisions in the Letter of Representations shall control.

3. Purpose; Refunding Findings. The Bonds shall provide funds for a crossover refunding of the Refunded Bonds (the "Refunding"). It is hereby found, determined and declared that the Refunding is pursuant to Minnesota Statutes, Section 475.67, Subdivision 13, and as of the crossover date of the Bonds, shall result in a reduction of the present value of the dollar amount of the debt service to the City from a total dollar amount of \$4,136,943.75 for the Prior Bonds to a total dollar amount of \$3,956,762.50 for the Bonds, computed in accordance with the provisions of Minnesota Statutes, Section 475.67, Subdivision 12, and accordingly the dollar amount of such present value of the debt service for the Bonds is lower by at least three percent than the dollar amount of such present value of the debt service for the Prior Bonds as required in Minnesota Statutes, Section 475.67, Subdivision 12. The average annual amount of principal and interest due in all subsequent calendar years on the Bonds and on all other bonds payable from the City's account in the Municipal State-Aid Street Fund (\$_____) does not exceed 90% of the amount of the last annual allotment preceding the issuance of the Bonds received by the City from the Construction Account of the Municipal State-Aid Street Fund (\$_____).

4. Interest. The Bonds shall bear interest payable semiannually on April 1 and October 1 of each year (each, an "Interest Payment Date"), commencing April 1, 2013, calculated on the basis of a 360-day year of twelve 30-day months, at the respective rates per annum set forth opposite the maturity years as follows:

<u>Maturity Year</u>	<u>Interest Rate</u>	<u>Maturity Year</u>	<u>Interest Rate</u>
2016	2.00%	2021	2.00%
2017	2.00	2022	2.00
2018	2.00	2023	2.25
2019	2.00	2024	2.25
2020	2.00		

5. Redemption. All Bonds maturing on April 1, 2023, and thereafter, shall be subject to redemption and prepayment at the option of the City on April 1, 2022, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the City; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected registered holder of the Bonds.

To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar prior to giving notice of redemption shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers so assigned to such Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of each such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the

City or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the City and Bond Registrar duly executed by the holder thereof or his, her or its attorney duly authorized in writing) and the City shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

6. Bond Registrar. U.S. Bank National Association, in Saint Paul, Minnesota, is appointed to act as bond registrar and transfer agent with respect to the Bonds (the "Bond Registrar"), and shall do so unless and until a successor Bond Registrar is duly appointed, all pursuant to any contract the City and Bond Registrar shall execute which is consistent herewith. The Bond Registrar shall also serve as paying agent unless and until a successor paying agent is duly appointed. Principal and interest on the Bonds shall be paid to the registered holders (or record holders) of the Bonds in the manner set forth in the form of Bond and paragraph 12.

7. Form of Bond. The Bonds, together with the Bond Registrar's Certificate of Authentication, the form of Assignment and the registration information thereon, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
RAMSEY COUNTY
CITY OF MAPLEWOOD

R-_____ \$_____

GENERAL OBLIGATION STATE-AID ROAD REFUNDING BOND, SERIES 2012B

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	April 1,	July 1, 2012	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Maplewood, Ramsey County, Minnesota (the "Issuer"), certifies that it is indebted and for value received promises to pay to the registered owner specified above, or registered assigns, in the manner hereinafter set forth, the principal amount specified above, on the maturity date specified above, unless called for earlier redemption, and to pay interest thereon semiannually on April 1 and October 1 of each year (each, an "Interest Payment Date"), commencing April 1, 2013, at the rate per annum specified above (calculated on the basis of a 360-day year of twelve 30-day months) until the principal sum is paid or has been provided for. This Bond will bear interest from the most recent Interest Payment Date to which interest has been paid or, if no interest has been paid, from the date of original issue hereof. The principal of and premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of U.S. Bank National Association, in Saint Paul, Minnesota (the "Bond Registrar"), acting as paying agent, or any successor paying agent duly appointed by the Issuer. Interest on this Bond will be paid on each Interest Payment Date by check or draft mailed to the person in whose name this Bond is registered (the "Holder" or "Bondholder") on the registration books of the Issuer maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any interest not so timely paid shall cease to be payable to the person who is the Holder hereof as of the Regular Record Date, and shall be

payable to the person who is the Holder hereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given to Bondholders not less than ten days prior to the Special Record Date. The principal of and premium, if any, and interest on this Bond are payable in lawful money of the United States of America. So long as this Bond is registered in the name of the Depository or its Nominee as provided in the Resolution hereinafter described, and as those terms are defined therein, payment of principal of, premium, if any, and interest on this Bond and notice with respect thereto shall be made as provided in the Letter of Representations, as defined in the Resolution, and surrender of this Bond shall not be required for payment of the redemption price upon a partial redemption of this Bond. Until termination of the book-entry only system pursuant to the Resolution, Bonds may only be registered in the name of the Depository or its Nominee.

Redemption. All Bonds of this issue (the "Bonds") maturing on April 1, 2023 and thereafter are subject to redemption and prepayment at the option of the Issuer on April 1, 2022, and on any date thereafter at a price of par plus accrued interest. Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the maturities and the principal amounts within each maturity to be redeemed shall be determined by the Issuer; and if only part of the Bonds having a common maturity date are called for prepayment, the specific Bonds to be prepaid shall be chosen by lot by the Bond Registrar. Bonds or portions thereof called for redemption shall be due and payable on the redemption date, and interest thereon shall cease to accrue from and after the redemption date. Mailed notice of redemption shall be given to the paying agent and to each affected Holder of the Bonds.

Selection of Bonds for Redemption; Partial Redemption. To effect a partial redemption of Bonds having a common maturity date, the Bond Registrar shall assign to each Bond having a common maturity date a distinctive number for each \$5,000 of the principal amount of such Bond. The Bond Registrar shall then select by lot, using such method of selection as it shall deem proper in its discretion, from the numbers assigned to the Bonds, as many numbers as, at \$5,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided, however, that only so much of the principal amount of such Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. If a Bond is to be redeemed only in part, it shall be surrendered to the Bond Registrar (with, if the Issuer or Bond Registrar so requires, a written instrument of transfer in form satisfactory to the Issuer and Bond Registrar duly executed by the Holder thereof or his, her or its attorney duly authorized in writing) and the Issuer shall execute (if necessary) and the Bond Registrar shall authenticate and deliver to the Holder of such Bond, without service charge, a new Bond or Bonds of the same series having the same stated maturity and interest rate and of any Authorized Denomination or Denominations, as requested by such Holder, in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered.

Issuance; Purpose; General Obligation. This Bond is one of an issue in the total principal amount of \$2,505,000, all of like date of original issue and tenor, except as to number, maturity, interest rate and denomination, issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota and pursuant to a resolution adopted by the City Council on June 11, 2012 (the "Resolution"), for the purpose of providing funds sufficient for a crossover refunding on April 1, 2015, of the Issuer's General Obligation State-Aid Street Bonds, Series 2004E, dated August 1, 2004, which mature on and after April 1, 2016. This Bond is payable out of the Escrow Account and the Debt Service Account. This Bond constitutes a general obligation of the Issuer, and to provide moneys for the prompt and full payment of its principal, premium, if any, and interest when the same become due, the full faith and credit and taxing powers of the Issuer have been and are hereby irrevocably pledged.

Denominations; Exchange; Resolution. The Bonds are issuable solely in fully registered form in Authorized Denominations (as defined in the Resolution) and are exchangeable for fully registered Bonds of other Authorized Denominations in equal aggregate principal amounts at the principal office of the Bond Registrar, but only in the manner and subject to the limitations provided in the Resolution. Reference is hereby made to the Resolution for a description of the rights and duties of the Bond Registrar. Copies of the Resolution are on file in the principal office of the Bond Registrar.

Transfer. This Bond is transferable by the Holder in person or by the Holder's attorney duly authorized in writing at the principal office of the Bond Registrar upon presentation and surrender hereof to the Bond Registrar, all subject to the terms and conditions provided in the Resolution and to reasonable regulations of the Issuer contained in any agreement with the Bond Registrar. Thereupon the Issuer shall execute and the Bond Registrar shall authenticate and deliver, in exchange for this Bond, one or more new fully registered Bonds in the name of the transferee (but not registered in blank or to "bearer" or similar designation), of an Authorized Denomination or Denominations, in aggregate principal amount equal to the principal amount of this Bond, of the same maturity and bearing interest at the same rate.

Fees upon Transfer or Loss. The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of this Bond and any legal or unusual costs regarding transfers and lost Bonds.

Treatment of Registered Owners. The Issuer and Bond Registrar may treat the person in whose name this Bond is registered as the owner hereof for the purpose of receiving payment as herein provided and for all other purposes, whether or not this Bond shall be overdue, and neither the Issuer nor the Bond Registrar shall be affected by notice to the contrary.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security unless the Certificate of Authentication hereon shall have been executed by the Bond Registrar.

Qualified Tax-Exempt Obligation. This Bond has been designated by the Issuer as a "qualified tax-exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to happen and to be performed, precedent to and in the issuance of this Bond, have been done, have happened and have been performed, in regular and due form, time and manner as required by law, and that this Bond, together with all other debts of the Issuer outstanding on the date of original issue hereof and the date of its issuance and delivery to the original purchaser, does not exceed any constitutional or statutory limitation of indebtedness.

IN WITNESS WHEREOF, the City of Maplewood, Ramsey County, Minnesota, by its City Council has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and its Clerk, the corporate seal of the Issuer having been intentionally omitted as permitted by law.

Date of Registration:

Registrable by: U.S. BANK NATIONAL
ASSOCIATION

Payable at: U.S. BANK NATIONAL
ASSOCIATION

BOND REGISTRAR'S
CERTIFICATE OF

CITY OF MAPLEWOOD,

AUTHENTICATION

RAMSEY COUNTY, MINNESOTA

This Bond is one of the Bonds described in the Resolution mentioned within.

/s/ Facsimile
Mayor

U.S. Bank National Association
Saint Paul, Minnesota
Bond Registrar

/s/ Facsimile
Clerk

By _____
Authorized Signature

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

- TEN COM - as tenants in common
- TEN ENT - as tenants by the entireties
- JT TEN - as joint tenants with right of survivorship and not as tenants in common
- UTMA - _____ as custodian for _____
(Cust) (Minor)
under the _____ Uniform Transfers to Minors Act
(State)

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the Bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Notice: _____
The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges or any other "Eligible Guarantor Institution" as defined in 17 CFR 240.17 Ad-15(a)(2).

The Bond Registrar will not effect transfer of this Bond unless the information concerning the transferee requested below is provided.

Name and Address: _____

PREPAYMENT SCHEDULE

This Bond has been prepaid in part on the date(s) and in the amount(s) as follows:

<u>DATE</u>	<u>AMOUNT</u>	<u>AUTHORIZED SIGNATURE OF HOLDER</u>

8. Execution; Temporary Bonds. The Bonds shall be in typewritten form, shall be executed on behalf of the City by the signatures of its Mayor and Clerk and be sealed with the seal of the City; provided, as permitted by law, both signatures may be photocopied facsimiles and the corporate seal has been omitted. In the event of disability or resignation or other absence of either officer, the Bonds may be signed by the manual or facsimile signature of the officer who may act on behalf of the absent or disabled officer. In case either officer whose signature or facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of the Bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery.

9. Authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this resolution unless a Certificate of Authentication on such Bond, substantially in the form hereinabove set forth, shall have been duly executed by an authorized representative of the Bond Registrar. Certificates of Authentication on different Bonds need not be signed by the same person. The Bond Registrar shall authenticate the signatures of officers of the City on each Bond by execution of the Certificate of Authentication on the Bond and by inserting as the date of registration in the space provided the date on which the Bond is authenticated, except that for purposes of delivering the original Bonds to the Purchaser, the Bond Registrar shall insert as a date of registration the date of original issue of July 1, 2012. The Certificate of Authentication so executed on each Bond shall be conclusive evidence that it has been authenticated and delivered under this resolution.

10. Registration; Transfer; Exchange. The City will cause to be kept at the principal office of the Bond Registrar a bond register in which, subject to such reasonable regulations as the Bond Registrar may prescribe, the Bond Registrar shall provide for the registration of Bonds and the registration of transfers of Bonds entitled to be registered or transferred as herein provided.

Upon surrender for transfer of any Bond at the principal office of the Bond Registrar, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration (as provided in paragraph 9) of, and deliver, in the name of the designated transferee or transferees, one or more new Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount, having the same stated maturity and interest rate, as requested

by the transferor; provided, however, that no Bond may be registered in blank or in the name of "bearer" or similar designation.

At the option of the Holder, Bonds may be exchanged for Bonds of any Authorized Denomination or Denominations of a like aggregate principal amount and stated maturity, upon surrender of the Bonds to be exchanged at the principal office of the Bond Registrar. Whenever any Bonds are so surrendered for exchange, the City shall execute (if necessary), and the Bond Registrar shall authenticate, insert the date of registration of, and deliver the Bonds which the Holder making the exchange is entitled to receive.

All Bonds surrendered upon any exchange or transfer provided for in this resolution shall be promptly canceled by the Bond Registrar and thereafter disposed of as directed by the City.

All Bonds delivered in exchange for or upon transfer of Bonds shall be valid general obligations of the City evidencing the same debt, and entitled to the same benefits under this resolution, as the Bonds surrendered for such exchange or transfer.

Every Bond presented or surrendered for transfer or exchange shall be duly endorsed or be accompanied by a written instrument of transfer, in form satisfactory to the Bond Registrar, duly executed by the Holder thereof or his, her or its attorney duly authorized in writing.

The Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection with the transfer or exchange of any Bond and any legal or unusual costs regarding transfers and lost Bonds.

Transfers shall also be subject to reasonable regulations of the City contained in any agreement with the Bond Registrar, including regulations which permit the Bond Registrar to close its transfer books between record dates and payment dates. The Clerk is hereby authorized to negotiate and execute the terms of said agreement.

11. Rights Upon Transfer or Exchange. Each Bond delivered upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

12. Interest Payment; Record Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered (the "Holder") on the registration books of the City maintained by the Bond Registrar and at the address appearing thereon at the close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date (the "Regular Record Date"). Any such interest not so timely paid shall cease to be payable to the person who is the Holder thereof as of the Regular Record Date, and shall be payable to the person who is the Holder thereof at the close of business on a date (the "Special Record Date") fixed by the Bond Registrar whenever money becomes available for payment of the defaulted interest. Notice of the Special Record Date shall be given by the Bond Registrar to the Holders not less than ten days prior to the Special Record Date.

13. Treatment of Registered Owner. The City and Bond Registrar may treat the person in whose name any Bond is registered as the owner of such Bond for the purpose of receiving payment of principal of and premium, if any, and interest (subject to the payment provisions in paragraph 12) on, such Bond and for all other purposes whatsoever whether or not such Bond shall be overdue, and neither the City nor the Bond Registrar shall be affected by notice to the contrary.

14. Delivery; Application of Proceeds. The Bonds when so prepared and executed shall be delivered by the Administrator-Clerk-Treasurer to the Purchaser upon receipt of the purchase price, and the Purchaser shall not be obliged to see to the proper application thereof.

15. Fund and Accounts. There is hereby created a special fund designated the General Obligation State-Aid Road Refunding Bonds, Series 2012B Fund (the "Fund"), to be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. The fund shall be maintained in the manner herein specified until all of the Bonds and the interest thereon have been fully paid. There shall be maintained in the Fund the following separate accounts:

(a) Escrow Account. The Escrow Account shall be maintained as an escrow account with U.S. Bank National Association (the "Escrow Agent"), in Saint Paul, Minnesota, which is a suitable financial institution within or without the State. \$2,504,978.68 proceeds of the sale of the Bonds shall be received by the Escrow Agent and applied to fund the Escrow Account or to pay costs of issuing the Bonds. Proceeds of the Bonds not used to pay costs of issuance are hereby irrevocably pledged and appropriated to the Escrow Account, together with all investment earnings thereon. The Escrow Account shall be invested in securities maturing or callable at the option of the holder on such dates and bearing interest at such rates as shall be required to provide sufficient funds, together with any cash or other funds retained in the Escrow Account, (i) to pay when due the interest to accrue on the Bonds to and including April 1, 2015; and (ii) to pay when called for redemption on April 1, 2015, the principal amount of the Refunded Bonds. The Escrow Account shall be irrevocably appropriated to the payment of (i) all interest on the Bonds to and including April 1, 2015, and (ii) the principal of the Refunded Bonds due by reason of their call for redemption on April 1, 2015. The moneys in the Escrow Account shall be used solely for the purposes herein set forth and for no other purpose, except that any surplus in the Escrow Account may be remitted to the City, all in accordance with an agreement (the "Escrow Agreement") by and between the City and Escrow Agent, a form of which agreement is on file in the office of the Clerk. Any moneys remitted to the City upon termination of the Escrow Agreement shall be deposited in the Debt Service Account.

(b) Debt Service Account. To the Debt Service Account there is hereby pledged and irrevocably appropriated and there shall be credited: (i) after the crossover date, all uncollected moneys allotted to the City from its account in the Municipal State-Aid Street Fund pledged to the payment of the Prior Bonds; (ii) any collections of all taxes heretofore or hereafter levied for the payment of the Prior Bonds and interest thereon which are not needed to pay the Prior Bonds as a result of the Refunding; (iii) any balance remitted to the City upon the termination of the Escrow Agreement; (iv) all investment earnings on funds in the Debt Service Account; and (v) any and all other moneys which are properly available and are appropriated by the governing body of the City to the Debt Service Account. The amount of any surplus remaining in the Debt Service Account when the Bonds and interest thereon are paid shall be used consistent with Minnesota Statutes, Section 475.61, Subdivision 4. The moneys in the Debt Service Account shall be used solely to pay the principal of and interest on the Bonds or any other bonds hereafter issued and made payable from the Fund.

No portion of the proceeds of the Bonds shall be used directly or indirectly to acquire higher yielding investments or to replace funds which were used directly or indirectly to acquire higher yielding investments, except (a) for a reasonable temporary period until such proceeds are needed for the purpose for which the Bonds were issued, and (b) in addition to the above, in an amount not greater than the lesser of five percent of the proceeds of the Bonds or \$100,000. To this effect, any proceeds of the Bonds and any sums from time to time held in the Fund (or any other City account which will be used to pay principal and interest to become due on the Bonds) in excess of amounts which under the applicable federal arbitrage regulations may be invested without regard as to yield shall not be invested in excess of the applicable yield restrictions

imposed by the arbitrage regulations on such investments after taking into account any applicable "temporary periods" or "minor portion" made available under the federal arbitrage regulations. In addition, the proceeds of the Bonds and money in the Fund shall not be invested in obligations or deposits issued by, guaranteed by or insured by the United States or any agency or instrumentality thereof if and to the extent that such investment would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the federal Internal Revenue Code of 1986, as amended (the "Code").

16. Certification to Commissioner; Expenditure Consistent with Minnesota Statutes, Chapter 162. Upon the sale of the Bonds, the officers of the City shall promptly certify to the Commissioner of Transportation of the State of Minnesota the amount of money required annually for the payment of principal and interest on the Bonds, all in accordance with Minnesota Statutes, Section 162.18. Proceeds of the Bonds shall be spent only in accordance with the provisions of law, including Chapter 162, and the rules and regulations of the Commissioner of Transportation relating to the establishment, location, relocation, construction, reconstruction and/or improvement of municipal state-aid streets within the City.

17. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds as the same respectively become due, the full faith, credit and taxing powers of the City shall be and are hereby irrevocably pledged. If the balance in the Escrow Account or Debt Service Account is ever insufficient to pay all principal and interest then due on the Bonds payable therefrom, the deficiency shall be promptly paid out of any other accounts of the City which are available for such purpose, and such other funds may be reimbursed without interest from the Escrow Account or Debt Service Account when a sufficient balance is available therein.

18. Debt Service Coverage. It is hereby determined and reasonably anticipated that the estimated collections of the revenues pledged to the Debt Service Account pursuant to paragraph 15 of this Resolution will produce at least five percent in excess of the amount needed to meet, when due, the principal of and interest on the Bonds.

19. Securities; Escrow Agent. Securities purchased from moneys in the Escrow Account shall be limited to securities set forth in Minnesota Statutes, Section 475.67, Subdivision 8, and any amendments or supplements thereto. Securities purchased from the Escrow Account shall be purchased simultaneously with the delivery of the Bonds. The City Council has investigated the facts and hereby finds and determines that the Escrow Agent is a suitable financial institution to act as escrow agent.

20. Escrow Agreement. On or prior to the delivery of the Bonds the Mayor and Finance Director shall, and are hereby authorized and directed to, execute on behalf of the City an Escrow Agreement. The Escrow Agreement is hereby approved and adopted and made a part of this resolution, and the City covenants that it will promptly enforce all provisions thereof in the event of default thereunder by the Escrow Agent.

21. Purchase of SLGS or Open Market Securities. The Purchaser, as agent for the City, is hereby authorized and directed to purchase on behalf of the Council and in its name the appropriate United States Treasury Securities, State and Local Government Series and/or open market securities as provided in paragraph 18, from the proceeds of the Bonds and, to the extent necessary, other available funds, all in accordance with the provisions of this resolution and the Escrow Agreement and to execute all such documents (including the appropriate subscription form) required to effect such purchase in accordance with the applicable U.S. Treasury Regulations.

22. Redemption of Prior Bonds. The Prior Bonds shall be redeemed and prepaid in accordance with the terms and conditions set forth in the Notice of Call for Redemption, in the form attached to the Escrow Agreement, which terms and conditions are hereby approved and incorporated herein by reference. The Notice of Call for Redemption shall be given pursuant to the Escrow Agreement.

23. Prior Bonds; Security. Until retirement of the Prior Bonds, all provisions theretofore made for the security thereof shall be observed by the City and all of its officers and agents.

24. Supplemental Resolution. The Prior Resolution is hereby supplemented to the extent necessary to give effect to the provisions of this resolution.

25. Defeasance. When all Bonds have been discharged as provided in this paragraph, all pledges, covenants and other rights granted by this resolution to the registered holders of the Bonds shall, to the extent permitted by law, cease. The City may discharge its obligations with respect to any Bonds which are due on any date by irrevocably depositing with the Bond Registrar on or before that date a sum sufficient for the payment thereof in full; or if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Bond Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a suitable banking institution qualified by law as an escrow agent for this purpose, cash or securities described in Minnesota Statutes, Section 475.67, Subdivision 8, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without regard to sale and/or reinvestment, to pay all amounts to become due thereon to maturity or, if notice of redemption as herein required has been duly provided for, to such earlier redemption date.

26. Certificate of Registration. The Clerk is hereby directed to file a certified copy of this resolution with the County Treasurer-Auditor of Ramsey County, Minnesota, together with such other information as the County Treasurer-Auditor shall require, and to obtain the County Treasurer-Auditor's Certificate that the Bonds have been entered in the County Treasurer-Auditor's Bond Register.

27. Records and Certificates. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser, and to the attorneys approving the legality of the issuance of the Bonds, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as are required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records under their custody and control or as otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the facts recited therein.

28. Negative Covenant as to Use of Proceeds and Project. The City hereby covenants not to use the proceeds of the Bonds or to use the Project financed by the Prior Bonds, or to cause or permit them to be used, or to enter into any deferred payment arrangements for the cost of the Project, in such a manner as to cause the Bonds to be "private activity bonds" within the meaning of Sections 103 and 141 through 150 of the Code.

29. Tax-Exempt Status of the Bonds; Rebate. The City is subject to the rebate requirement imposed by Section 148(f) of the Code by reason of issuing (together with all subordinate entities thereof, and all entities treated as one issuer with the City) more than

\$5,000,000 of tax-exempt governmental obligations during this calendar year as provided in Section 148(f)(4)(D) of the Code and Section 1.148-8 of the Regulations.

30. Designation of Qualified Tax-Exempt Obligations. In order to qualify the Bonds as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code, the City hereby makes the following factual statements and representations:

- (a) the Bonds are issued after August 7, 1986;
- (b) the Bonds are not "private activity bonds" as defined in Section 141 of the Code;
- (c) the City hereby designates the Bonds as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code;
- (d) the reasonably anticipated amount of tax exempt obligations (other than private activity bonds, treating qualified 501(c)(3) bonds as not being private activity bonds) which will be issued by the City (and all entities treated as one issuer with the City, and all subordinate entities whose obligations are treated as issued by the City) during this calendar year 2012 will not exceed \$10,000,000; and
- (e) not more than \$10,000,000 of obligations issued by the City during this calendar year 2012 have been designated for purposes of Section 265(b)(3) of the Code.
- (f) the aggregate face amount of the Bonds does not exceed \$10,000,000.

The City shall use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designation made by this paragraph.

31. Continuing Disclosure. The City is the sole obligated person with respect to the Bonds. The City hereby agrees, in accordance with the provisions of Rule 15c2-12 (the "Rule"), promulgated by the Securities and Exchange Commission (the "Commission") pursuant to the Securities Exchange Act of 1934, as amended, and a Continuing Disclosure Undertaking (the "Undertaking") hereinafter described to:

- (a) Provide or cause to be provided to the Municipal Securities Rulemaking Board (the "MSRB") by filing at www.emma.msrb.org in accordance with the Rule, certain annual financial information and operating data in accordance with the Undertaking. The City reserves the right to modify from time to time the terms of the Undertaking as provided therein.
- (b) Provide or cause to be provided to the MSRB notice of the occurrence of certain events with respect to the Bonds in not more than ten (10) business days after the occurrence of the event, in accordance with the Undertaking.
- (c) Provide or cause to be provided to the MSRB notice of a failure by the City to provide the annual financial information with respect to the City described in the Undertaking, in not more than ten (10) business days following such amendment.
- (d) The City agrees that its covenants pursuant to the Rule set forth in this paragraph and in the Undertaking is intended to be for the benefit of the Holders of the Bonds and shall be enforceable on behalf of such Holders; provided that the right to enforce the provisions of these covenants shall be limited to a right to obtain specific enforcement of the City's obligations under the covenants.

The Mayor and Clerk of the City, or any other officer of the City authorized to act in their place (the "Officers") are hereby authorized and directed to execute on behalf of the City the Undertaking in substantially the form presented to the City Council subject to such modifications thereof or additions thereto as are (i) consistent with the requirements under the Rule, (ii) required by the Purchaser of the Bonds, and (iii) acceptable to the Officers.

32. Severability. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

33. Headings. Headings in this resolution are included for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof.

The motion for the adoption of the foregoing resolution was duly seconded by member Llanas and, after a full discussion thereof and upon a vote being taken thereon, the following voted in favor thereof: Mayor Rossbach, Council Members Cardinal, Juenemann, Koppen, and Llanas.

and the following voted against the same: None.

whereupon the resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF MAPLEWOOD

I, the undersigned, being the duly qualified and acting Clerk of the City of Maplewood, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council, duly called and held on the date therein indicated, insofar as such minutes relate to providing for the issuance and sale of \$2,505,000 General Obligation State-Aid Road Refunding Bonds, Series 2012B.

WITNESS my hand on June 11, 2012.

Clerk

Seconded by Councilmember Llanas

Ayes – All

The motion passed.

J. NEW BUSINESS

1. Approval of Resolution Opposing the Proposed Marriage Amendment

Councilmember Llanas presented the report. The following people spoke:

1. Arianne Maxwell, Maplewood Resident
2. Tim Kinley, Maplewood Resident
3. Jon Brandt, Human Rights Commission Chair

Councilmember Cardinal moved that the vote should be unanimous.

Motion died for lack of a second.

Mayor Rossbach read the resolution.

Councilmember Llanas moved to approve the Resolution Opposing the Proposed Marriage Amendment.

Resolution in Opposition to Proposed
"Recognition of Marriage" Constitutional Amendment

WHEREAS, in 2011 the Minnesota State Legislature voted to include the following question on the election ballot in November 2012: "Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?" and

WHEREAS, the proposed amendment would add a new Section 13 to the Minnesota Constitution stating: "Only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota"; and

WHEREAS, constitutions historically have been designed and interpreted to protect minorities from the arbitrary imposition of unjust barriers by the majority; and

WHEREAS, the proposed amendment would be contrary to the purpose of our State Constitution to protect the rights, privileges and freedom of conscience of all citizens by withholding from some individuals and families important legal rights and obligations; and

WHEREAS, Maplewood' s commitment to equality for all residents and citizens is shown, in part, by its adaption and implementation of the Maplewood Domestic Partnership Registration Ordinance in 2010; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Maplewood, hereby opposes the proposed constitutional amendment entitled "Recognition of Marriage Solely Between One Man and One Woman," and urges Minnesota citizens to vote "No" on Tuesday, November 6, 2012.

Seconded by Mayor Rossbach

Ayes – Mayor Rossbach, Council Members Juenemann and Llanas

Nays – Council Members Cardinal and Koppen

The motion passed.

2. Approval of Architect Contract for New Fire Station Site Evaluation

Assistant City Manager Ahl presented the staff report and answered questions of the council.

Councilmember Koppen moved to approve the architect contract for new fire station site evaluation.

Seconded by Councilmember Juenemann

Ayes – Mayor Rossbach, Council Member Juenemann, Koppen and Llanas

Nays – Councilmember Cardinal

The motion passed.

\$149.99 and they do offer scholarships. A brochure will be left with the City Manager and City Clerk regarding this offer.

5. Thursday Ground Breaking

Councilmember Cardinal informed residents that the ground breaking for the new fire training facility will be on Thursday, June 14, 2012. He asked that City Attorney Kantrud discuss the following with the Fire Chief prior to the groundbreaking so everyone has a consistent answer.

- How we're proceeding with groundbreaking when MNDot Owns that Land
- If there's a joint power agreement in place
- How assessment will be handle

6. Moody Rating

The item was covered during the regular council meeting.

N. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 9:47 p.m.

DRAFT

AGENDA REPORT

TO: Jim Antonen, City Manager
FROM: Steve Lukin, Fire Chief
SUBJECT: Acceptance of the Minnesota Resuscitation Consortium Grant
DATE: June 19, 2012

INTRODUCTION

Maplewood EMS is dedicated to improving survival rates for patients that suffer from sudden cardiac arrest. Each year over 295,000 Americans suffer from a sudden cardiac arrest and statistically 7.9% survive from that event. Additionally, research has shown that only 31% of those patients receive some form of bystander CPR.

Maplewood EMS has begun efforts to increase bystander CPR efforts by increasing awareness of sudden cardiac arrest and by teaching hands only CPR™. CPR classes have been offered to city employees, churches and businesses free of charge and at the beginning of 2012, Maplewood EMS began participating with the Minnesota Resuscitation Consortium by submitting cardiac arrest data to CARES which is a registry of data collection that will aim to improve cardiac arrest survival outcomes and therapies.

By accepting this grant from the Minnesota Resuscitation Consortium, the city of Maplewood and Maplewood EMS will continue to aim to improve cardiac arrest survivability through lay public education, data collection, training and by ensuring the all residents and visitors of the city of Maplewood continue to receive industry leading emergency medical care.

Grant funds will be used to purchase equipment bags and training equipment that will allow a more systematic approach to managing cardiac arrests. Funds will also be utilized to enhance current bystander CPR training with a goal of training thousands of bystanders in hands only CPR over the next five years.

RECOMMENDATION

I recommend that the city council accept the Grant from the Minnesota Resuscitation Consortium in the amount of \$8,500 and to have the finance department make the necessary budget changes to the EMS fund.

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AGENDA REPORT

TO: City Council
FROM: Finance Manager
RE: APPROVAL OF CLAIMS
DATE: June 25, 2012

Attached is a listing of paid bills for informational purposes. The City Manager has reviewed the bills and authorized payment in accordance with City Council approved policies.

ACCOUNTS PAYABLE:

\$ 554,745.36	Checks # 87203 thru # 87262 dated 6/6/12 thru 6/12/12
\$ 245,135.94	Disbursements via debits to checking account dated 6/4/12 thru 6/8/12
\$ 577,944.01	Checks # 87263 thru # 87320 dated 6/12/12 thru 6/19/12
\$ 444,683.56	Disbursements via debits to checking account dated 6/11/12 thru 6/15/12
<u>\$ 1,822,508.87</u>	Total Accounts Payable

PAYROLL

\$ 518,140.58	Payroll Checks and Direct Deposits dated 6/8/12
\$ 2,200.89	Payroll Deduction check # 9986887 thru # 9986890 dated 6/8/12
<u>\$ 520,341.47</u>	Total Payroll
<u><u>\$ 2,342,850.34</u></u>	GRAND TOTAL

Attached is a detailed listing of these claims. Please call me at 651-249-2902 if you have any questions on the attached listing. This will allow me to check the supporting documentation on file if necessary.

sb
attachments

**Check Register
City of Maplewood**

06/08/2012

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	
87203	06/06/2012	02464	US BANK	FUNDS FOR ATMS	10,000.00
87204	06/12/2012	04508	BETWEEN THE LINES	GOODRICH UMPIRES THRU 06-04	6,162.00
	06/12/2012	04508	BETWEEN THE LINES	MCKNIGHT UMPIRES APRIL & MAY	4,264.00
87205	06/12/2012	02396	SHANN FINWALL	REIMB FOR MILEAGE 3/12 - 5/29	74.37
87206	06/12/2012	00585	GOPHER STATE ONE-CALL	NET BILLABE TICKETS - MAY	846.80
87207	06/12/2012	03809	CASIE JACKSON	RED CROSS BABYSITTING INSTRUCTION	112.00
87208	06/12/2012	02728	KIMLEY-HORN & ASSOCIATES INC	PROJ 09-08 PROF SRVS THRU 04/30	173,239.41
	06/12/2012	02728	KIMLEY-HORN & ASSOCIATES INC	PROJ 04-21 PROF SRVS THRU 04/30	47,499.83
	06/12/2012	02728	KIMLEY-HORN & ASSOCIATES INC	PROJ 08-13 PROF SRVS THRU 04/30	2,127.95
	06/12/2012	02728	KIMLEY-HORN & ASSOCIATES INC	PROJ 02-07 PROF SRVS THRU 04/30	1,576.75
87209	06/12/2012	00393	DEPT OF LABOR & INDUSTRY	MONTHLY SURTAX - MAY 14262123035	3,495.31
87210	06/12/2012	01160	NEWMAN TRAFFIC SIGNS	PROJ 11-15 TRAFFIC SIGNS RECONSTR	8,077.48
87211	06/12/2012	01337	RAMSEY COUNTY-PROP REC & REV	PLANTS IN YARD OF NC	131.46
87212	06/12/2012	01574	T.A. SCHIFSKY & SONS, INC	BITUMINOUS MATERIALS NOT TO EXCEED	1,903.06
87213	06/12/2012	04845	TENNIS SANITATION LLC	RECYCLING FEE - MAY	27,499.50
87214	06/12/2012	01190	XCEL ENERGY	ELECTRIC UTILITY	13,993.73
	06/12/2012	01190	XCEL ENERGY	ELECTRIC UTILITY	99.89
87215	06/12/2012	01798	YOCUM OIL CO.	CONTRACT GASOLINE - MAY	17,352.44
	06/12/2012	01798	YOCUM OIL CO.	CONTRACT DIESEL - MAY	9,468.90
87216	06/12/2012	04848	AVESIS	MONTHLY PREMIUM - JUNE	230.48
87217	06/12/2012	03738	CHARLES E. BETHEL	ATTORNEY SRVS/RENT - JULY	6,775.00
87218	06/12/2012	04260	BLUE CROSS BLUE SHIELD OF MN	REFUND FOR TRANS MEDIC	416.65
87219	06/12/2012	02361	JOHN BOHL	SECURITY OFFICER FOR MCC JUNE 2	175.00
87220	06/12/2012	01865	DON BOWMAN	ASSIGNMENTS 2ND HALF SPRING V-BALL	144.00
87221	06/12/2012	00211	BRAUN INTERTEC CORP.	PROJ 04-21 PROF SRVS THRU 05/25	4,295.25
	06/12/2012	00211	BRAUN INTERTEC CORP.	PROJ 11-15 PROF SRVS THRU 5/18	357.25
87222	06/12/2012	02929	CNAGLAC	LTC MONTHLY PREMIUM - JUNE	440.60
87223	06/12/2012	01871	KENNETH COOPER	REFS 2ND HALF SPRING VOLLEYBALL	50.00
87224	06/12/2012	03619	DRAIN KING INC	PROJ 11-14 SEWER TELEVISION	225.00
87225	06/12/2012	04371	ELECTRO WATCHMAN INC.	INSTALLED DOORS PD	8,666.50
87226	06/12/2012	00462	EMBEDDED SYSTEMS, INC.	REPAIR TORNADO SIREN #12	126.72
87227	06/12/2012	00531	FRA-DOR INC.	BLACK DIRT FOR SPILLWAY - ARCADE	128.26
87228	06/12/2012	00644	HEALTHPARTNERS	MONTHLY PREMIUM - JUNE	11,931.06
87229	06/12/2012	03538	PATRICK JAMES HUBBARD	REFS 2ND HALF SPRING VOLLEYBALL	400.00
87230	06/12/2012	05012	ISANTI CO FAMILY SUPPORT TEAM	TRAINING 06/08	20.00
87231	06/12/2012	00809	TOMMY KONG	REIMB FOR MEALS 5/29 - 5/31	34.40
87232	06/12/2012	00932	MAPLEWOOD BAKERY	EMPLOYEE RECOGNITION CAKE	34.20
87233	06/12/2012	03818	MEDICA	MONTHLY PREMIUM - JUNE	159,765.61
87234	06/12/2012	04193	MIDAMERICA AUCTIONS	FORFEITED VEHICLE STORAGE - APRIL	2,250.00
	06/12/2012	04193	MIDAMERICA AUCTIONS	FORFEITED VEHICLE STORAGE - MAY	2,250.00
87235	06/12/2012	01035	MN CHAPTER IAAI	REGISTRATION FEE	75.00
87236	06/12/2012	01085	MN LIFE INSURANCE	MONTHLY PREMIUM - JUNE	2,884.55
87237	06/12/2012	01126	NCPERS MINNESOTA	MONTHLY PREMIUM - JUNE	480.00
87238	06/12/2012	02175	AMY NIVEN	REIMB FOR MILEAGE 5/1 - 5/31	44.40
87239	06/12/2012	00001	ONE TIME VENDOR	REFUND M BJORNSTAD PROJ 05-16	1,812.22
87240	06/12/2012	00001	ONE TIME VENDOR	REFUND W NELSON CHANGE PROGRAM	96.72
87241	06/12/2012	00001	ONE TIME VENDOR	REFUND K PECHACEK CHANGE PROG	87.50
87242	06/12/2012	00001	ONE TIME VENDOR	REFUND C DOERING HP BENEFIT	40.00
87243	06/12/2012	00001	ONE TIME VENDOR	REFUND G WILLITS BCBS BENEFIT	40.00
87244	06/12/2012	00001	ONE TIME VENDOR	REFUND FLEISCHER UCARE BENEFIT	30.00
87245	06/12/2012	00001	ONE TIME VENDOR	REFUND MCLAUGHLIN UCARE BENEFIT	15.00
87246	06/12/2012	00001	ONE TIME VENDOR	REFUND M MUNSON GARAGE SALE	15.00
87247	06/12/2012	04581	ORION SYSTEMS/NETWORKS	SUBSCRIPTION FOR LETS - JUNE	150.00
87248	06/12/2012	01863	ROGER PACKER	REFS 2ND HALF SPRING VOLLEYBALL	150.00
87249	06/12/2012	04276	PARTNERS IN EDUCATION INC	ART CLASS INSTRUCTION 1/26 - 3/1	432.00
	06/12/2012	04276	PARTNERS IN EDUCATION INC	ART CLASS INSTRUCTION 1/28 - 3/3	336.00
87250	06/12/2012	04953	BARTON JAMES PECK	REFS 2ND HALF SPRING VOLLEYBALL	100.00
87251	06/12/2012	04779	PPL INDUSTRIES, INC.	SPRING CLEAN UP RECYCLING	765.00
87252	06/12/2012	04054	STEVEN REED	DJ FOR SCHOOL DANCE - CARVER	200.00

87253	06/12/2012	03446	RICK JOHNSON DEER & BEAVER INC	DEER REMOVAL - MAY	115.00
87254	06/12/2012	04264	RWMWD	WATERFEST EVENT	750.00
87255	06/12/2012	02663	CARL SAARION	REFS 2ND HALF SPRING VOLLEYBALL	50.00
87256	06/12/2012	01836	CITY OF ST PAUL	PROJF 10-14 WATER MAIN WORK	4,000.00
87257	06/12/2012	00198	ST. PAUL REGIONAL WATER SRVS	2050 KENNARD - IRRIGATION	81.18
87258	06/12/2012	01915	NANCY STEFFEN	REFS 2ND HALF SPRING VOLLEYBALL	150.00
87259	06/12/2012	01550	SUMMIT INSPECTIONS	ELECTRICAL INSPECTION - MAY	2,366.00
87260	06/12/2012	04104	TRANE U.S. INC.	SRVS WORK ON AC CONDENSER MCC	5,725.90
87261	06/12/2012	00529	UNION SECURITY INSURANCE CO	LTD PLAN 4043120-2 - JUNE	4,376.82
	06/12/2012	00529	UNION SECURITY INSURANCE CO	STD PLAN 4043120-1 - JUNE	2,311.21
87262	06/12/2012	02464	US BANK	PAYING AGENT FEES	425.00

554,745.36

60 Checks in this report.

CITY OF MAPLEWOOD
Disbursements via Debits to Checking account

Settlement			
<u>Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
6/4/2012	MN State Treasurer	Drivers License/Deputy Registrar	32,472.43
6/4/2012	MN Dept of Natural Resources	DNR electronic licenses	3,449.00
6/4/2012	Pitney Bowes	Postage	2,985.00
6/4/2012	Optum Health	DCRP & Flex plan payments	5,485.55
6/5/2012	MN State Treasurer	Drivers License/Deputy Registrar	39,326.78
6/6/2012	MN State Treasurer	Drivers License/Deputy Registrar	32,801.78
6/7/2012	MN State Treasurer	Drivers License/Deputy Registrar	47,585.95
6/8/2012	MN State Treasurer	Drivers License/Deputy Registrar	11,428.82
6/8/2012	MN Dept of Natural Resources	DNR electronic licenses	2,139.00
6/8/2012	US Bank VISA One Card*	Purchasing card items	35,631.48
6/8/2012	ICMA (Vantagepointe)	Deferred Compensation	4,295.15
6/8/2012	ING - State Plan	Deferred Compensation	27,535.00
TOTAL			<u>245,135.94</u>

*Detailed listing of VISA purchases is attached.

Transaction Date	Posting Date	Merchant Name	Transaction Amount	Name
05/23/2012	05/24/2012	SPRI PRODUCTS, INC	\$132.82	MANDY ANZALDI
05/18/2012	05/21/2012	UNIFORMS UNLIMITED INC.	\$20.30	LONN BAKKE
05/29/2012	05/31/2012	PITNEY BOWES INVOICE	\$887.00	GAYLE BAUMAN
05/18/2012	05/21/2012	WWW.NEWEGG.COM	\$31.98	CHAD BERGO
05/23/2012	05/25/2012	ACORN NATURALISTS-INTE	\$49.13	OAKLEY BIESANZ
05/25/2012	05/28/2012	ACORN NATURALISTS-INTE	\$18.90	OAKLEY BIESANZ
05/31/2012	06/01/2012	KOHL'S #0052	\$76.97	JOHN BOHL
05/18/2012	05/21/2012	TARGET 00011858	\$10.71	NEIL BRENEMAN
05/18/2012	05/21/2012	SUPERAMERICA 4089	\$3.58	NEIL BRENEMAN
05/18/2012	05/21/2012	SUPERAMERICA 4089	\$4.69	NEIL BRENEMAN
05/31/2012	06/01/2012	TRUCK UTILITIES INC	\$80.86	TROY BRINK
05/24/2012	05/25/2012	FIRST SHRED	\$30.00	SARAH BURLINGAME
05/21/2012	05/23/2012	BROWNELLS INC	\$204.49	DAN BUSACK
05/26/2012	05/28/2012	NORTHWOOD POWER EQUIPM	\$2.68	JOHN CAPISTRANT
05/29/2012	05/31/2012	THE HOME DEPOT 2801	\$15.57	JOHN CAPISTRANT
05/24/2012	05/25/2012	BATTERIES PLUS #31	\$27.85	SCOTT CHRISTENSON
05/31/2012	06/01/2012	HENRIKSEN ACE HARDWARE	\$18.68	SCOTT CHRISTENSON
05/31/2012	06/01/2012	VIKING ELECTRIC - CREDIT	\$134.60	SCOTT CHRISTENSON
05/31/2012	06/01/2012	WW GRAINGER	\$50.86	SCOTT CHRISTENSON
05/31/2012	06/01/2012	WW GRAINGER	\$104.82	SCOTT CHRISTENSON
05/29/2012	05/30/2012	MINNESOTACO	\$236.79	KERRY CROTTY
05/19/2012	05/21/2012	PATIO TOWN	\$1.47	CHARLES DEAVER
05/22/2012	05/23/2012	MENARDS 3022	\$11.36	CHARLES DEAVER
05/18/2012	05/21/2012	TARGET 00011858	\$4.27	RICHARD DOBLAR
05/18/2012	05/21/2012	MINNESOTACO	\$77.49	RICHARD DOBLAR
05/18/2012	05/21/2012	UNIFORMS UNLIMITED INC.	\$34.52	RICHARD DOBLAR
05/18/2012	05/21/2012	WW GRAINGER	\$21.57	TOM DOUGLASS
05/22/2012	05/23/2012	TWIN CITY HARDWARE HADLEY	\$22.84	TOM DOUGLASS
05/22/2012	05/23/2012	WW GRAINGER	\$7.17	TOM DOUGLASS
05/24/2012	05/25/2012	WW GRAINGER	\$11.39	TOM DOUGLASS
05/24/2012	05/28/2012	THE HOME DEPOT 2801	\$52.07	TOM DOUGLASS
05/26/2012	05/28/2012	NUCO2 01 OF 01	\$734.66	TOM DOUGLASS
05/30/2012	06/01/2012	THE HOME DEPOT 2801	\$32.47	TOM DOUGLASS
05/31/2012	06/01/2012	HENRIKSEN ACE HARDWARE	\$8.55	TOM DOUGLASS
05/31/2012	06/01/2012	WW GRAINGER	\$40.17	TOM DOUGLASS
05/17/2012	05/21/2012	TACTIC TAILOR INC	\$108.78	MICHAEL DUGAS
05/18/2012	05/21/2012	TAG	\$276.89	MICHAEL DUGAS
05/23/2012	05/25/2012	SKD TACTICAL	\$59.29	MICHAEL DUGAS
05/24/2012	05/28/2012	TAG	\$109.84	MICHAEL DUGAS
05/21/2012	05/22/2012	JOHN DEERE LANDSCAPES530	\$18.68	DAVE EDSON
05/22/2012	05/23/2012	JOHN DEERE LANDSCAPES530	\$210.33	DAVE EDSON
05/22/2012	05/23/2012	JOHN DEERE LANDSCAPES530	\$59.88	DAVE EDSON
05/23/2012	05/24/2012	JOHN DEERE LANDSCAPES530	\$229.10	DAVE EDSON
05/24/2012	05/25/2012	HENRIKSEN ACE HARDWARE	\$14.44	DAVE EDSON
05/25/2012	05/28/2012	NORTHERN TOOL EQUIP-MN	\$64.25	DAVE EDSON
05/26/2012	05/28/2012	OREILLY AUTO 00020743	\$17.10	PAUL E EVERSON
05/28/2012	05/29/2012	CUB FOODS, INC.	\$11.48	PAUL E EVERSON
05/30/2012	05/31/2012	EMERGENCY AUTOMOTIVE	\$50.40	PAUL E EVERSON
05/18/2012	05/22/2012	WW GRAINGER	\$607.18	LARRY FARR
05/22/2012	05/23/2012	BEST BUY MHT 00000158	\$44.97	LARRY FARR
05/22/2012	05/24/2012	OFFICE MAX	\$61.04	LARRY FARR
05/22/2012	05/24/2012	THE HOME DEPOT 2801	\$210.63	LARRY FARR
05/24/2012	05/28/2012	OFFICE MAX	\$113.48	LARRY FARR
05/25/2012	05/28/2012	BROCK WHITE ST PAUL 180	\$420.69	LARRY FARR
05/29/2012	05/30/2012	AQUA LOGICS INC	\$93.12	LARRY FARR
05/30/2012	05/31/2012	MENARDS 3282	\$153.65	LARRY FARR

05/21/2012	05/23/2012	THE HOME DEPOT 2801	\$24.40	SHANN FINWALL
05/21/2012	05/22/2012	THE UPS STORE 2171	\$187.93	MYCHAL FOWLDS
05/22/2012	05/22/2012	COMCAST CABLE COMM	\$54.00	MYCHAL FOWLDS
05/24/2012	05/25/2012	BEST BUY MHT 00000158	\$117.79	MYCHAL FOWLDS
05/25/2012	05/28/2012	APL*APPLE ITUNES STORE	\$11.76	MYCHAL FOWLDS
05/24/2012	05/25/2012	LA POLICE GEAR INC	\$59.99	DEREK FRITZE
05/23/2012	05/24/2012	MENARDS 3129	\$50.15	VIRGINIA GAYNOR
05/24/2012	05/28/2012	THE HOME DEPOT 2801	\$136.52	VIRGINIA GAYNOR
05/30/2012	05/31/2012	GULF OIL 92045490	\$17.76	VIRGINIA GAYNOR
05/25/2012	05/28/2012	MENARDS 3059	(\$1.95)	CLARENCE GERVAIS
05/25/2012	05/28/2012	MENARDS 3059	\$29.87	CLARENCE GERVAIS
05/22/2012	05/23/2012	RADIO CAB COMPANY	\$9.00	KAREN GUILFOILE
05/25/2012	05/28/2012	DOUBLETREE BY HILTON F&B	\$24.00	KAREN GUILFOILE
05/25/2012	05/28/2012	DOUBLETREE BY HILTON PORT	\$1,219.84	KAREN GUILFOILE
05/29/2012	05/31/2012	RADIO CAB COMPANY	\$8.70	KAREN GUILFOILE
05/29/2012	05/31/2012	MIRACLES OF MITCH FOUNDAT	\$50.00	KAREN GUILFOILE
05/17/2012	05/21/2012	CONTINENTAL SAFETY EQUIPM	\$143.28	MARK HAAG
05/23/2012	05/24/2012	FASTENAL COMPANY01	\$68.88	MARK HAAG
05/30/2012	06/01/2012	CONTINENTAL SAFETY EQUIPM	\$162.73	MARK HAAG
05/30/2012	06/01/2012	LTG POWER EQUIPMENT	\$267.18	MARK HAAG
05/31/2012	06/01/2012	HENRIKSEN ACE HARDWARE	\$14.98	MILES HAMRE
05/25/2012	05/28/2012	MENARDS 3022	\$34.76	TAMARA HAYS
05/25/2012	05/28/2012	SHOPKO 00201798	\$35.96	STEVEN HIEBERT
05/17/2012	05/21/2012	GRUBERS POWER EQUIPMENT	\$35.26	GARY HINNENKAMP
05/24/2012	05/25/2012	HENRIKSEN ACE HARDWARE	\$14.23	GARY HINNENKAMP
05/24/2012	05/25/2012	ROCKLER WOOD*	\$52.46	GARY HINNENKAMP
05/24/2012	05/25/2012	ROCKLER WOOD*	\$12.84	GARY HINNENKAMP
05/30/2012	06/01/2012	LTG POWER EQUIPMENT	\$5.77	GARY HINNENKAMP
05/29/2012	05/31/2012	THE HOME DEPOT 2801	\$35.33	RON HORWATH
05/23/2012	05/24/2012	TARGET 00006940	\$43.88	ANN HUTCHINSON
05/23/2012	05/24/2012	TOSHIBA BUSINESS SOLUTION	\$842.59	ANN HUTCHINSON
05/23/2012	05/25/2012	DALCO ENTERPRISES, INC	\$960.84	DAVID JAHN
05/25/2012	05/28/2012	RAINBOW FOODS 00088617	\$12.18	TOM KALKA
05/21/2012	05/21/2012	COMCAST CABLE COMM	\$149.79	DUWAYNE KONEWKO
05/24/2012	05/25/2012	BEST BUY MHT 00000109	\$53.55	JASON KREGER
05/24/2012	05/28/2012	OFFICE MAX	\$10.70	JASON KREGER
05/25/2012	05/25/2012	HP DIRECT-PUBLICSECTOR	\$1,971.10	JASON KREGER
05/25/2012	05/28/2012	CDW GOVERNMENT	\$296.31	JASON KREGER
05/17/2012	05/21/2012	MILLS FLEET FARM #2,700	\$200.08	NICHOLAS KREKELER
05/21/2012	05/23/2012	MILLS FLEET FARM #2,700	\$26.34	NICHOLAS KREKELER
05/22/2012	05/23/2012	MENARDS 3059	\$7.99	NICHOLAS KREKELER
05/29/2012	05/30/2012	CC MILITARY SURPLU	\$54.95	NICHOLAS KREKELER
05/29/2012	05/31/2012	OFFICE MAX	\$74.00	NICHOLAS KREKELER
05/23/2012	05/25/2012	STRAUSS SKATE AND BICY	\$49.96	BRETT KROLL
05/18/2012	05/21/2012	STREICHER'S MO	\$906.51	DAVID KVAM
05/18/2012	05/21/2012	LAW ENFORCEMENT TARGETS	\$113.46	DAVID KVAM
05/22/2012	05/24/2012	PARABEN CORPORATION	\$234.00	DAVID KVAM
05/31/2012	06/01/2012	UNIFORMS UNLIMITED INC.	\$59.76	DAVID KVAM
05/24/2012	05/25/2012	UNIFORMS UNLIMITED INC.	\$696.38	SCOTT LANGNER
05/20/2012	05/21/2012	KOHL'S #0408	\$151.71	TODD LANGNER
05/23/2012	05/24/2012	BEST BUY MHT 00000109	\$305.28	STEVE LUKIN
05/30/2012	05/31/2012	RAINBOW FOODS 00088617	\$44.85	STEVE LUKIN
05/21/2012	05/23/2012	BOTACH TACTICAL	\$25.98	JASON MARINO
05/26/2012	05/28/2012	HUBERT'S	\$25.00	JASON MARINO
05/11/2012	05/21/2012	BOUND TREE MEDICAL LLC	\$439.20	MICHAEL MONDOR
05/17/2012	05/21/2012	VIDACARE CORPORATION	\$998.44	MICHAEL MONDOR
05/22/2012	05/23/2012	BECKER FIRE & SAFETY SERV	\$43.22	MICHAEL MONDOR

05/22/2012	05/24/2012	BOUND TREE MEDICAL LLC	\$241.09	MICHAEL MONDOR
05/22/2012	05/24/2012	BOUND TREE MEDICAL LLC	\$298.50	MICHAEL MONDOR
05/23/2012	05/24/2012	UNIFORMS UNLIMITED INC.	\$149.50	MICHAEL MONDOR
05/29/2012	05/31/2012	BOUND TREE MEDICAL LLC	\$23.07	MICHAEL MONDOR
05/24/2012	05/25/2012	MENARDS 3022	\$44.80	JOHN NAUGHTON
05/17/2012	05/21/2012	MICHAELS #2744	\$85.68	AMY NIVEN
05/21/2012	05/23/2012	OFFICE DEPOT #1090	\$144.03	AMY NIVEN
05/23/2012	05/25/2012	OFFICE DEPOT #1090	(\$2.75)	AMY NIVEN
05/24/2012	05/28/2012	OFFICE DEPOT #1090	\$45.00	AMY NIVEN
05/18/2012	05/21/2012	BROADWAY RENTAL	\$846.07	CHRISTINE PENN
05/22/2012	05/24/2012	BROADWAY RENTAL	\$165.19	CHRISTINE PENN
05/23/2012	05/25/2012	DOLRTREE 3150 00031500	\$77.93	CHRISTINE PENN
05/25/2012	05/28/2012	BROADWAY RENTAL	(\$165.19)	CHRISTINE PENN
05/27/2012	05/29/2012	SHELL OIL 57444610000	\$24.63	ROBERT PETERSON
05/18/2012	05/21/2012	EAGLE MOUNTAIN CO.	\$42.80	PHILIP F POWELL
05/22/2012	05/23/2012	SKS BOTTLE&PACKAGING INC	\$128.33	PHILIP F POWELL
05/29/2012	05/31/2012	HP HOME STORE	\$131.73	PHILIP F POWELL
05/29/2012	06/01/2012	SIRCHIE FINGER PRINT LABO	\$353.73	PHILIP F POWELL
05/17/2012	05/21/2012	DAVIS EQUIPMENT	\$114.98	STEVEN PRIEM
05/18/2012	05/21/2012	AUTO PLUS NO ST PAUL	\$10.60	STEVEN PRIEM
05/21/2012	05/22/2012	AUTO PLUS NO ST PAUL	\$202.96	STEVEN PRIEM
05/21/2012	05/22/2012	PIONEER RIM & WHEEL	\$84.43	STEVEN PRIEM
05/21/2012	05/22/2012	POLAR CHEVROLET MAZDA SER	\$193.57	STEVEN PRIEM
05/21/2012	05/23/2012	TOUSLEY FORD I27228006	\$264.37	STEVEN PRIEM
05/22/2012	05/23/2012	FACTORY MTR PTS #1	\$97.86	STEVEN PRIEM
05/22/2012	05/23/2012	FACTORY MOTOR PARTS #19	\$366.69	STEVEN PRIEM
05/22/2012	05/24/2012	TOUSLEY FORD I27228006	\$64.90	STEVEN PRIEM
05/22/2012	05/24/2012	TRI-STATE BOBCAT INC.	\$134.81	STEVEN PRIEM
05/23/2012	05/25/2012	AUTO PLUS NO ST PAUL	\$11.19	STEVEN PRIEM
05/24/2012	05/25/2012	AUTO PLUS NO ST PAUL	\$70.37	STEVEN PRIEM
05/24/2012	05/25/2012	AUTO PLUS NO ST PAUL	\$15.24	STEVEN PRIEM
05/24/2012	05/25/2012	AUTO PLUS NO ST PAUL	\$220.77	STEVEN PRIEM
05/24/2012	05/25/2012	HENRIKSEN ACE HARDWARE	\$18.58	STEVEN PRIEM
05/24/2012	05/25/2012	BAUER BUILT TIRE 18	\$563.37	STEVEN PRIEM
05/25/2012	05/28/2012	TOUSLEY FORD I27228006	\$589.15	STEVEN PRIEM
05/29/2012	05/30/2012	ZARNOTH BRUSH WORKS INC	\$551.26	STEVEN PRIEM
05/29/2012	05/30/2012	BAUER BUILT TIRE 18	\$401.40	STEVEN PRIEM
05/30/2012	05/31/2012	FACTORY MTR PTS #1	\$21.17	STEVEN PRIEM
05/30/2012	06/01/2012	TOUSLEY FORD I27228006	\$41.94	STEVEN PRIEM
05/30/2012	06/01/2012	BARNETT CHRYJEEPKIA	\$103.70	STEVEN PRIEM
05/30/2012	06/01/2012	BARNETT CHRYJEEPKIA	\$136.26	STEVEN PRIEM
05/31/2012	06/01/2012	AUTO PLUS NO ST PAUL	\$39.49	STEVEN PRIEM
05/31/2012	06/01/2012	GOODYEAR AUTO SRV CT 6920	\$102.02	STEVEN PRIEM
05/22/2012	05/23/2012	HILLYARD INC MINNEAPOLIS	\$1,092.50	MICHAEL REILLY
05/22/2012	05/24/2012	DALCO ENTERPRISES, INC	\$364.81	MICHAEL REILLY
05/25/2012	05/28/2012	HILLYARD INC MINNEAPOLIS	\$981.60	MICHAEL REILLY
05/19/2012	05/21/2012	TARGET 00006197	(\$531.43)	AUDRA ROBBINS
05/19/2012	05/21/2012	TARGET 00006197	\$531.43	AUDRA ROBBINS
05/23/2012	05/25/2012	OFFICE MAX	\$20.12	AUDRA ROBBINS
05/24/2012	05/28/2012	MINNESOTA PREMIER PUBLICA	\$200.00	AUDRA ROBBINS
05/30/2012	05/31/2012	LILLIE SUBURBAN NEWSPAPE	\$75.00	AUDRA ROBBINS
05/30/2012	05/31/2012	THE STAR TRIBUNE ONLINE	\$71.00	AUDRA ROBBINS
05/30/2012	06/01/2012	PIONEER PRESS ADVERTISING	\$70.14	AUDRA ROBBINS
05/31/2012	06/01/2012	HENRIKSEN ACE HARDWARE	\$21.41	ROBERT RUNNING
05/18/2012	05/21/2012	LILLIE SUBURBAN NEWSPAPE	\$495.00	DEB SCHMIDT
05/30/2012	05/31/2012	LILLIE SUBURBAN NEWSPAPE	\$294.00	DEB SCHMIDT
05/22/2012	05/24/2012	ON SITE SANITATION INC	\$16.83	SCOTT SCHULTZ

05/24/2012	05/25/2012	POLLUTION CONTROL AGENCY	\$300.00	SCOTT SCHULTZ
05/29/2012	05/31/2012	USA MOBILITY WIRELE	\$16.11	SCOTT SCHULTZ
05/29/2012	05/31/2012	ON SITE SANITATION INC	\$995.03	SCOTT SCHULTZ
05/18/2012	05/21/2012	TARGET 00000687	\$46.03	CAITLIN SHERRILL
05/23/2012	05/24/2012	TARGET 00011858	\$7.27	CAITLIN SHERRILL
05/21/2012	05/22/2012	PAYPAL *FORWARD DISC	\$49.95	MICHAEL SHORTREED
05/22/2012	05/23/2012	WWW.CLEVERBRIDGE.NET	\$262.86	MICHAEL SHORTREED
05/29/2012	05/30/2012	NAT ASSN TOWN WATCH	\$1,232.50	MICHAEL SHORTREED
05/21/2012	05/22/2012	SPECIALIZED ARMAMENT WARE	\$400.00	JOANNE SVENDSEN
05/21/2012	05/22/2012	JOHN DEERE LANDSCAPES530	\$54.63	RONALD SVENDSEN
05/23/2012	05/25/2012	THE HOME DEPOT 2801	\$213.18	RONALD SVENDSEN
05/22/2012	05/23/2012	CAMPBELL GRAPHICS INC	\$2,950.66	JAMES TAYLOR
05/17/2012	05/21/2012	CVS PHARMACY #1751 Q03	\$14.55	PAUL THIENES
05/29/2012	05/31/2012	FRONTIER AI 4227064543487	\$120.60	DAVID THOMALLA
05/24/2012	05/28/2012	EXPRESS # 0691	\$132.22	JOSEPH TRAN
05/31/2012	06/01/2012	AMAZON MKTPLACE PMTS	\$47.85	KAREN WACHAL
05/22/2012	05/24/2012	STREICHER'S MPLS	\$152.97	JAY WENZEL
05/31/2012	06/01/2012	RELIABLE	\$57.47	SUSAN ZWIEG

\$35,631.48

**Check Register
City of Maplewood**

06/14/2012

Check	Date	Vendor	Description	Amount	
87263	06/12/2012	05014	ICABOD PRODUCTIONS LLC	SOUND SYS/STAGE LIGHTING JULY 4TH	800.00
87264	06/12/2012	00001	ONE TIME VENDOR	R BRADBURY T/S MISSED 6/8 PAYROLL	430.24
87265	06/14/2012	00857	LEAGUE OF MINNESOTA CITIES	REGISTRATION FEE	350.00
87266	06/19/2012	04842	MARY JOSEPHINE ANDERSON	ZUMBA INSTRUCTION NSP - MAY	270.00
87267	06/19/2012	00240	C.S.C. CREDIT SERVICES	APPLICANT BACKGROUND CHECKS	50.00
87268	06/19/2012	00399	DIAMOND VOGEL PAINTS	PAINT FOR MESSAGE PAINTING	966.36
87269	06/19/2012	04374	EMS TECHNOLOGY SOLUTIONS, LLC	AMBUTRAK LICENSE FEE	399.00
87270	06/19/2012	01973	ERICKSON OIL PRODUCTS INC	CAR WASHES - MAY	72.00
87271	06/19/2012	00585	GOPHER STATE ONE-CALL	NET BILLABLE TICKETS - MARCH	437.90
	06/19/2012	00585	GOPHER STATE ONE-CALL	NET BILLABLE TICKETS - MARCH	-304.50
87272	06/19/2012	04917	LUNDA CONSTRUCTION CO.	PROJ 04-21 GLADSTONE I PARTPMT#7	144,800.56
87273	06/19/2012	01819	PAETEC	LOCAL PHONE SERVICE 04/15 - 05/14	773.09
87274	06/19/2012	04265	MARIA PIRELA	ZUMBA INSTRUCTION - MAY	232.50
87275	06/19/2012	01337	RAMSEY COUNTY-PROP REC & REV	911 DISPATCH SERVICES - MAY	27,409.41
	06/19/2012	01337	RAMSEY COUNTY-PROP REC & REV	FLEET SUPPORT FEE - MAY	455.52
	06/19/2012	01337	RAMSEY COUNTY-PROP REC & REV	FLEET SUPPORT FEE - MAY	414.96
87276	06/19/2012	01409	S.E.H.	PROJ 09-08 CONSULTANT SERVICES	180,651.48
	06/19/2012	01409	S.E.H.	PROJ 09-09 CONSULTANT SERVICES	40,434.77
	06/19/2012	01409	S.E.H.	PROJ 04-21 CONSULTANT SERVICES	12,487.53
	06/19/2012	01409	S.E.H.	PROJ 11-19 CONSULTANT SERVICES	6,796.85
	06/19/2012	01409	S.E.H.	PROJ 11-22 CONSULTANT SERVICES	1,628.10
	06/19/2012	01409	S.E.H.	CONSULTANT SERVICES	670.35
87277	06/19/2012	02274	SPRINT	SPRINT SRVS 04/15 -05/14	7,580.82
87278	06/19/2012	01546	SUBURBAN SPORTSWEAR	DAY CAMP & STAFF SHIRTS	1,483.75
	06/19/2012	01546	SUBURBAN SPORTSWEAR	MCC LIFE GAURD SHIRT & SHORTS	519.00
	06/19/2012	01546	SUBURBAN SPORTSWEAR	MDSE FOR RESALE	300.00
87279	06/19/2012	01574	T.A. SCHIFSKY & SONS, INC	PROJ 11-14 BARTELMY/MEYER PMT#1	42,090.70
	06/19/2012	01574	T.A. SCHIFSKY & SONS, INC	BITUMINOUS MATERIALS NOT TO EXCEED	1,188.04
87280	06/19/2012	04252	TOWMASTER TRUCK EQUIP. INC.	DUMP BODY AND EQUIPMENT~	28,948.16
87281	06/19/2012	01190	XCEL ENERGY	ELECTRIC UTILITY	871.30
87282	06/19/2012	00058	CRAIG AICHELE	TOOL ALLOWANCE - 2012	425.00
87283	06/19/2012	00111	ANIMAL CONTROL SERVICES	PATROL & BOARDING FEE 5/21 - 6/10	2,255.02
87284	06/19/2012	02324	APPLIED ECOLOGICAL SERVICES	SITE PREP/HERBICIDE-BEAVER CREEK	992.01
87285	06/19/2012	02366	ARMSTRONG CRANE & RIGGING CORP	REMOVE & INSTALL CONDENSER UNIT	3,965.00
87286	06/19/2012	00211	BRAUN INTERTEC CORP.	PROJ 09-08 PROF SRVS THRU 05/18	10,495.00
87287	06/19/2012	04051	BRENT BUCKLEY	REIMB FOR FAMILY MEMBERSHIP	103.70
87288	06/19/2012	04549	JAN ALICE CAMPBELL	ZUMBA INSTRUCTION - MAY	114.00
87289	06/19/2012	04311	JOSEPH DEMULLING	REIMB FOR MEALS 6/4 - 6/6	17.17
87290	06/19/2012	00003	ESCROW REFUND	ESCROW REL KETTLER 367 SOPHIA	1,500.00
87291	06/19/2012	00003	ESCROW REFUND	ESCROW REL VINTAGE 2525 MAYER	750.00
87292	06/19/2012	04967	MARCUS FORSYTHE	REIMB FOR GUN SAFE	150.00
87293	06/19/2012	04989	AARON GRAHAM GLADE	GUITAR INSTRUCTION	252.00
87294	06/19/2012	04846	HEALTHEAST	MEDICAL SUPPLIES	358.46
87295	06/19/2012	02945	HEALTHEAST MEDICAL	2011 MEDICAL DIRECTION	10,000.00
87296	06/19/2012	05015	JHL CONSTRUCTION, INC.	ESCROW RELEASE 975 LAKEWOOD DR S	3,718.18
87297	06/19/2012	04914	KAMCO	DEAD ELM REMOVAL 1336 KOHLMAN	825.00
87298	06/19/2012	00891	M A M A	MEETING 4/12	20.00
87299	06/19/2012	04790	MAYER ARTS, INC.	DANCE INSTRUCTION	676.00
87300	06/19/2012	00986	METROPOLITAN COUNCIL	MONTHLY SAC - MAY	16,389.45
87301	06/19/2012	01069	MN WI PLAYGROUND	BBALL BACKBOARD-ROBINHOOD PARK	810.97
87302	06/19/2012	04988	ANN MONGEAU	ACUPUNCTURIST - MAY	135.00
87303	06/19/2012	04849	RICHARD NIELSEN	TEXAS HOLD'EM INSTRUCTOR - MAY	108.00
87304	06/19/2012	00001	ONE TIME VENDOR	REFUND G JURADO TRANS MEDIC	1,225.40
87305	06/19/2012	00001	ONE TIME VENDOR	REIMB T DEVANEY SPRINKLER SYS REPAIR	415.00
87306	06/19/2012	00001	ONE TIME VENDOR	REFUND A ANGUS HP BENEFIT	260.00
87307	06/19/2012	00001	ONE TIME VENDOR	REFUND S JUNGBAUER MEDICA	180.00
87308	06/19/2012	00001	ONE TIME VENDOR	REIMB J GREGERSON MAILBOX	159.32
87309	06/19/2012	00001	ONE TIME VENDOR	REIMB AMBORN TOP SOIL & SEED	40.56
87310	06/19/2012	04112	PROFESSIONAL WIRELESS COMM	RADIOS FOR FLEET VEHICLES	2,065.72
87311	06/19/2012	00396	DEPT OF PUBLIC SAFETY	TRANSFER TITLES OF FORFEITED VEH	64.50

87312	06/19/2012	01397	RYAN PLUMBING & HEATING CO.	KENNARD ST/BRADLEY ST IRRIGATION	780.00
87313	06/19/2012	04074	ELAINE SCHRADE	T'AI CHI INSTRUCTION - SUMMER	131.40
87314	06/19/2012	04883	SPRING LAKE PARK FIRE DEPT INC	COMMAND TRAINING CENTER	2,084.00
87315	06/19/2012	01836	CITY OF ST PAUL	ASPHALT MIX - MAY	72.08
87316	06/19/2012	04965	SANDRA JEAN STAUNER	CERAMICS INSTRUCTOR - MAY	275.00
87317	06/19/2012	04104	TRANE U.S. INC.	RENTAL AGREEMENT - CONDENSER	9,176.16
87318	06/19/2012	01669	TWIN CITIES TRANSPORT &	TOWING FORFEITED VEHICLES - MAY	1,422.52
87319	06/19/2012	04357	UNIVERSAL HOSPITAL SRVS, INC.	BIOMEDICAL SRVS ON DEFIBRILLATORS	603.00
	06/19/2012	04357	UNIVERSAL HOSPITAL SRVS, INC.	BIOMEDICAL SRVS ON DEFIBRILLATORS	72.00
87320	06/19/2012	05013	YALE MECHANICAL	SRVS AGREEMENT WORK ON EQUIP	939.25
	06/19/2012	05013	YALE MECHANICAL	SRVS AGREEMNT WORK ON EQUIP	710.25

577,944.01

58 Checks in this report.

CITY OF MAPLEWOOD
Disbursements via Debits to Checking account

Settlement			
<u>Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
6/11/2012	MN State Treasurer	Drivers License/Deputy Registrar	32,361.84
6/11/2012	U.S. Treasurer	Federal Payroll Tax	95,660.57
6/11/2012	P.E.R.A.	P.E.R.A.	90,983.77
6/12/2012	MN State Treasurer	Drivers License/Deputy Registrar	30,640.92
6/12/2012	MN Dept of Revenue	Sales Tax	47,863.82
6/12/2012	MidAmerica - ING	HRA Flex plan	15,948.50
6/12/2012	Labor Unions	Union Dues	1,886.00
6/13/2012	MN State Treasurer	Drivers License/Deputy Registrar	23,033.20
6/13/2012	MN State Treasurer	State Payroll Tax	20,757.86
6/14/2012	MN State Treasurer	Drivers License/Deputy Registrar	24,681.26
6/15/2012	MN State Treasurer	Drivers License/Deputy Registrar	56,299.07
6/15/2012	MN Dept of Natural Resources	DNR electronic licenses	1,513.01
6/15/2012	VANCO	Billing fee	222.00
6/15/2012	Optum Health	DCRP & Flex plan payments	2,831.74
TOTAL			<u><u>444,683.56</u></u>

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS REPORT
FOR THE CURRENT PAY PERIOD

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>EMPLOYEE NAME</u>	<u>AMOUNT</u>
	06/08/12	CARDINAL, ROBERT	435.16
	06/08/12	JUENEMANN, KATHLEEN	435.16
	06/08/12	KOPPEN, MARVIN	435.16
	06/08/12	LLANAS, JAMES	435.16
	06/08/12	ROSSBACH, WILLIAM	494.44
	06/08/12	STRAUTMANIS, MARIS	100.00
	06/08/12	VALLE, EDWARD	50.00
	06/08/12	AHL, R. CHARLES	5,408.64
	06/08/12	ANTONEN, JAMES	5,852.58
	06/08/12	BURLINGAME, SARAH	2,074.90
	06/08/12	KANTRUD, HUGH	184.62
	06/08/12	CHRISTENSON, SCOTT	1,981.35
	06/08/12	FARR, LARRY	3,061.16
	06/08/12	JAHN, DAVID	2,266.96
	06/08/12	RAMEAUX, THERESE	3,061.16
	06/08/12	BAUMAN, GAYLE	4,386.17
	06/08/12	ANDERSON, CAROLE	1,193.59
	06/08/12	DEBILZAN, JUDY	1,309.01
	06/08/12	JACKSON, MARY	2,126.08
	06/08/12	KELSEY, CONNIE	2,594.80
	06/08/12	RUEB, JOSEPH	2,642.60
	06/08/12	SINDT, ANDREA	2,113.80
	06/08/12	GUILFOILE, KAREN	4,407.64
	06/08/12	SCHMIDT, DEBORAH	2,884.82
	06/08/12	SPANGLER, EDNA	1,039.18
	06/08/12	THOMALLA, ASHLEY	768.00
	06/08/12	CORTESI, LUANNE	1,109.01
	06/08/12	LARSON, MICHELLE	1,827.75
	06/08/12	MECHELKE, SHERRIE	1,093.97
	06/08/12	MOY, PAMELA	1,520.44
	06/08/12	OSTER, ANDREA	1,907.49
	06/08/12	RICHTER, CHARLENE	798.81
	06/08/12	SCHOENECKER, LEIGH	1,569.35
	06/08/12	WEAVER, KRISTINE	2,356.55
	06/08/12	CORCORAN, THERESA	2,117.18
	06/08/12	KVAM, DAVID	4,209.55
	06/08/12	PALANK, MARY	1,913.17
	06/08/12	POWELL, PHILIP	2,932.46
	06/08/12	SVENDSEN, JOANNE	2,101.79
	06/08/12	THOMALLA, DAVID	4,961.38
	06/08/12	THOMFORDE, FAITH	1,497.35
	06/08/12	ABEL, CLINT	2,931.31
	06/08/12	ALDRIDGE, MARK	3,156.49

06/08/12	BAKKE, LONN	3,222.57
06/08/12	BARTZ, PAUL	4,140.71
06/08/12	BELDE, STANLEY	2,990.84
06/08/12	BENJAMIN, MARKESE	3,096.91
06/08/12	BIERDEMAN, BRIAN	4,135.52
06/08/12	BOHL, JOHN	3,195.20
06/08/12	BUSACK, DANIEL	3,850.97
06/08/12	CARNES, JOHN	1,918.52
06/08/12	COFFEY, KEVIN	3,090.61
06/08/12	CROTTY, KERRY	3,611.20
06/08/12	DEMULLING, JOSEPH	3,040.75
06/08/12	DOBLAR, RICHARD	4,052.02
06/08/12	DUGAS, MICHAEL	5,246.54
06/08/12	ERICKSON, VIRGINIA	2,405.43
06/08/12	FLOR, TIMOTHY	3,725.17
06/08/12	FORSYTHE, MARCUS	2,396.79
06/08/12	FRASER, JOHN	3,520.67
06/08/12	FRITZE, DEREK	4,548.89
06/08/12	GABRIEL, ANTHONY	3,356.94
06/08/12	HAWKINSON JR, TIMOTHY	3,006.08
06/08/12	HER, PHENG	2,783.83
06/08/12	HIEBERT, STEVEN	4,329.99
06/08/12	JOHNSON, KEVIN	4,183.43
06/08/12	KALKA, THOMAS	940.28
06/08/12	KONG, TOMMY	3,031.28
06/08/12	KREKELER, NICHOLAS	876.00
06/08/12	KROLL, BRETT	2,984.41
06/08/12	LANGNER, SCOTT	3,092.20
06/08/12	LANGNER, TODD	2,980.04
06/08/12	LU, JOHNNIE	3,944.81
06/08/12	LYNCH, KATHERINE	2,303.17
06/08/12	MARINO, JASON	3,488.86
06/08/12	MARTIN, JERROLD	3,923.96
06/08/12	MCCARTY, GLEN	3,826.90
06/08/12	METRY, ALESIA	3,038.70
06/08/12	NYE, MICHAEL	3,451.48
06/08/12	OLSON, JULIE	3,117.76
06/08/12	PARKER, JAMES	2,213.02
06/08/12	REZNY, BRADLEY	2,881.03
06/08/12	RHUDE, MATTHEW	2,884.73
06/08/12	SHORTREED, MICHAEL	4,091.18
06/08/12	STEINER, JOSEPH	2,819.55
06/08/12	SYPNIEWSKI, WILLIAM	2,949.56
06/08/12	SZCZEPANSKI, THOMAS	2,990.84
06/08/12	TAUZELL, BRIAN	3,038.64
06/08/12	THEISEN, PAUL	3,150.93
06/08/12	THIENES, PAUL	3,515.15
06/08/12	TRAN, JOSEPH	3,038.70
06/08/12	WENZEL, JAY	3,126.80
06/08/12	XIONG, KAO	2,878.21
06/08/12	ANDERSON, BRIAN	228.00
06/08/12	ARKSEY, CHARLES	162.00

06/08/12	BAHL, DAVID	528.00
06/08/12	BASSETT, BRENT	18.00
06/08/12	BAUMAN, ANDREW	2,998.94
06/08/12	BIGELBACH, ANTHONY	288.00
06/08/12	BOURQUIN, RON	336.00
06/08/12	CAPISTRANT, JACOB	540.00
06/08/12	CAPISTRANT, JOHN	644.00
06/08/12	CRAWFORD, RAYMOND	277.00
06/08/12	CRUMMY, CHARLES	144.00
06/08/12	DAWSON, RICHARD	2,953.29
06/08/12	EATON, PAUL	576.00
06/08/12	EVERSON, PAUL	3,796.61
06/08/12	FASULO, WALTER	504.00
06/08/12	FOSSUM, ANDREW	3,270.14
06/08/12	HAGEN, MICHAEL	528.00
06/08/12	HALE, JOSEPH	460.00
06/08/12	HALWEG, JODI	3,232.41
06/08/12	HAWTHORNE, ROCHELLE	2,482.43
06/08/12	HENDRICKSON, NICHOLAS	2,666.24
06/08/12	HUTCHINSON, JAMES	350.00
06/08/12	IMM, TRACY	180.00
06/08/12	JANSEN, CHAD	288.00
06/08/12	JONES, JONATHAN	228.00
06/08/12	KANE, ROBERT	357.00
06/08/12	KARRAS, JAMIE	276.00
06/08/12	KERSKA, JOSEPH	444.00
06/08/12	KONDER, RONALD	96.00
06/08/12	KUBAT, ERIC	2,771.53
06/08/12	LINDER, TIMOTHY	2,973.51
06/08/12	LOCHEN, MICHAEL	364.00
06/08/12	MILLER, LADD	156.00
06/08/12	MILLER, NICHOLAS	264.00
06/08/12	MONDOR, MICHAEL	3,119.66
06/08/12	MONSON, PETER	344.00
06/08/12	MORGAN, JEFFERY	273.00
06/08/12	NIELSEN, KENNETH	384.00
06/08/12	NOVAK, JEROME	2,953.29
06/08/12	NOWICKI, PAUL	144.00
06/08/12	OLSON, JAMES	3,232.41
06/08/12	OPHEIM, JOHN	143.50
06/08/12	PACHECO, ALPHONSE	540.00
06/08/12	PETERSON, MARK	518.00
06/08/12	PETERSON, ROBERT	3,141.34
06/08/12	POWERS, KENNETH	399.00
06/08/12	RAINEY, JAMES	696.00
06/08/12	RANK, NATHAN	444.00
06/08/12	RAVENWALD, CORINNE	144.00
06/08/12	REYNOSO, ANGEL	144.00
06/08/12	RICE, CHRISTOPHER	754.00
06/08/12	RODRIGUEZ, ROBERTO	432.00
06/08/12	SCHULTZ, JEROME	144.00
06/08/12	SEDLACEK, JEFFREY	2,953.29

06/08/12	STREFF, MICHAEL	2,973.51
06/08/12	SVENDSEN, RONALD	3,266.37
06/08/12	GERVAIS-JR, CLARENCE	3,985.69
06/08/12	LUKIN, STEVEN	4,498.52
06/08/12	ZWIEG, SUSAN	1,706.92
06/08/12	KNUTSON, LOIS	2,054.95
06/08/12	NIVEN, AMY	1,425.42
06/08/12	BRINK, TROY	2,356.55
06/08/12	BUCKLEY, BRENT	3,499.77
06/08/12	DEBILZAN, THOMAS	2,156.16
06/08/12	EDGE, DOUGLAS	2,361.28
06/08/12	JONES, DONALD	2,382.43
06/08/12	MEISSNER, BRENT	2,056.42
06/08/12	NAGEL, BRYAN	3,560.40
06/08/12	OSWALD, ERICK	2,466.64
06/08/12	RUIZ, RICARDO	1,623.78
06/08/12	RUNNING, ROBERT	2,356.55
06/08/12	TEVLIN, TODD	2,166.15
06/08/12	BURLINGAME, NATHAN	2,087.23
06/08/12	DUCHARME, JOHN	2,740.37
06/08/12	ENGSTROM, ANDREW	2,555.75
06/08/12	JACOBSON, SCOTT	2,509.60
06/08/12	JAROSCH, JONATHAN	2,995.37
06/08/12	KUMMER, STEVEN	3,216.55
06/08/12	LINDBLOM, RANDAL	3,244.69
06/08/12	LOVE, STEVEN	3,446.88
06/08/12	THOMPSON, MICHAEL	4,258.96
06/08/12	ZIEMAN, SCOTT	994.00
06/08/12	JANASZAK, MEGHAN	1,497.35
06/08/12	KONEWKO, DUWAYNE	4,613.24
06/08/12	BUTTWEILER, TYLER	756.00
06/08/12	EDSON, DAVID	2,191.39
06/08/12	GUNDERSON, ANDREW	972.00
06/08/12	GUNDERSON, THOMAS	756.00
06/08/12	HAMRE, MILES	1,513.60
06/08/12	HAYS, TAMARA	1,539.75
06/08/12	HINNENKAMP, GARY	2,268.46
06/08/12	NAUGHTON, JOHN	2,146.15
06/08/12	NORDQUIST, RICHARD	2,148.46
06/08/12	BIESANZ, OAKLEY	1,662.47
06/08/12	DEAVER, CHARLES	814.13
06/08/12	GERNES, CAROLE	996.23
06/08/12	HAYMAN, JANET	1,535.78
06/08/12	HUTCHINSON, ANN	2,649.16
06/08/12	SOUTTER, CHRISTINE	232.33
06/08/12	WACHAL, KAREN	973.92
06/08/12	GAYNOR, VIRGINIA	3,244.09
06/08/12	ERICSON, MICHAEL	230.00
06/08/12	KROLL, LISA	1,900.55
06/08/12	SWANSON, CHRIS	480.00
06/08/12	THOMPSON, DEBRA	829.76
06/08/12	YOUNG, TAMELA	2,015.75

06/08/12	EKSTRAND, THOMAS	3,829.34
06/08/12	FINWALL, SHANN	3,233.35
06/08/12	MARTIN, MICHAEL	2,709.35
06/08/12	BRASH, JASON	2,393.35
06/08/12	CARVER, NICHOLAS	3,244.09
06/08/12	FISHER, DAVID	3,807.86
06/08/12	SWAN, DAVID	2,766.15
06/08/12	WELLENS, MOLLY	1,692.87
06/08/12	BERGER, STEPHANIE	192.38
06/08/12	BETHEL III, CHARLES	36.13
06/08/12	BJORK, BRANDON	49.50
06/08/12	BRENEMAN, NEIL	2,159.70
06/08/12	DWELLY, KATHLEEN	18.75
06/08/12	GERMAIN, BRADY	44.00
06/08/12	KHOURY, SARAH	420.00
06/08/12	ROBBINS, AUDRA	3,019.96
06/08/12	ROBBINS, CAMDEN	39.38
06/08/12	SCHALLER, SCOTT	134.38
06/08/12	TAYLOR, JAMES	2,738.98
06/08/12	ADAMS, DAVID	1,953.41
06/08/12	GERMAIN, DAVID	2,155.41
06/08/12	HAAG, MARK	2,356.55
06/08/12	ORE, JORDAN	1,539.75
06/08/12	SCHULTZ, SCOTT	3,090.82
06/08/12	ANZALDI, MANDY	1,467.38
06/08/12	CRAWFORD - JR, RAYMOND	326.61
06/08/12	EVANS, CHRISTINE	1,369.02
06/08/12	GLASS, JEAN	2,125.10
06/08/12	HER, PETER	460.55
06/08/12	HOFMEISTER, MARY	1,101.99
06/08/12	HOFMEISTER, TIMOTHY	451.60
06/08/12	KULHANEK-DIONNE, ANN	465.00
06/08/12	PELOQUIN, PENNYE	605.25
06/08/12	PENN, CHRISTINE	2,332.74
06/08/12	SHERRILL, CAITLIN	679.72
06/08/12	VUE, LOR PAO	408.00
06/08/12	ZIELINSKI, JUDY	38.50
06/08/12	ANDERSON, JOSHUA	184.85
06/08/12	ANDERSON, MAXWELL	408.50
06/08/12	BAUDE, SARAH	73.00
06/08/12	BIGGS, ANNETTE	34.63
06/08/12	BRUSOE, AMY	234.53
06/08/12	BRUSOE, CRISTINA	76.05
06/08/12	BUCKLEY, BRITTANY	258.30
06/08/12	BUTLER, ANGELA	85.00
06/08/12	COSTA, JOSEPH	503.00
06/08/12	CRANDALL, KRISTA	96.99
06/08/12	DEMPSEY, BETH	328.25
06/08/12	DIONNE, DANIELLE	47.00
06/08/12	DUNN, RYAN	1,030.58
06/08/12	ERICKSON-CLARK, CAROL	49.00
06/08/12	FLACKEY, MAUREEN	55.31

06/08/12	FONTAINE, KIM	570.38
06/08/12	FOX, KELLY	150.00
06/08/12	FRAMPTON, SAMANTHA	189.00
06/08/12	GADOW, ANNA	141.04
06/08/12	GADOW, VERONIKA	35.33
06/08/12	GIEL, NICOLE	133.00
06/08/12	GIPPLE, TRISHA	26.78
06/08/12	GRAY, MEGAN	88.02
06/08/12	GRUENHAGEN, LINDA	381.00
06/08/12	HAGSTROM, EMILY	65.33
06/08/12	HANSEN, HANNAH	214.35
06/08/12	HEINRICH, SHEILA	546.00
06/08/12	HOLMBERG, LADONNA	400.00
06/08/12	HORWATH, RONALD	2,614.55
06/08/12	JANSON, ANGELA	34.00
06/08/12	JOHNSON, BARBARA	151.55
06/08/12	JOHNSON, KAITLYN	31.40
06/08/12	JOYER, ANTHONY	90.65
06/08/12	JOYER, JENNA	27.35
06/08/12	KOHLER, ROCHELLE	36.00
06/08/12	KOLLER, NINA	66.88
06/08/12	KRONHOLM, KATHRYN	668.67
06/08/12	LAMEYER, BRENT	19.38
06/08/12	LAMEYER, ZACHARY	86.02
06/08/12	LAMSON, ELIANA	90.00
06/08/12	MCCANN, NATALIE	274.00
06/08/12	MCCORMACK, MELISSA	62.48
06/08/12	NADEAU, KELLY	218.80
06/08/12	NADEAU, TAYLOR	61.40
06/08/12	NORTHOUSE, KATHERINE	90.76
06/08/12	POVLITZKI, MARINA	38.00
06/08/12	PROESCH, ANDY	535.06
06/08/12	RANEY, COURTNEY	410.00
06/08/12	RESENDIZ, LORI	636.84
06/08/12	RICHTER, DANIEL	94.50
06/08/12	RONNING, ISAIAH	69.30
06/08/12	RUIZ, MARIA	46.00
06/08/12	SCHMIDT, EMILY	27.63
06/08/12	SCHREIER, ROSEMARIE	207.50
06/08/12	SCHREINER, MARK	36.50
06/08/12	SCHREINER, MICHELLE	37.63
06/08/12	SJERVEN, BRENDA	18.00
06/08/12	SKAAR, SAMANTHA	62.50
06/08/12	SKUNES, KELLY	202.85
06/08/12	SMITH, ANN	162.40
06/08/12	SMITH, CASEY	53.91
06/08/12	SMITLEY, SHARON	284.90
06/08/12	TAYLOR, JASON	43.50
06/08/12	TREPANIER, TODD	242.00
06/08/12	TRUE, ANDREW	58.31
06/08/12	TUPY, HEIDE	45.80
06/08/12	TUPY, MARCUS	95.00

	06/08/12	WARNER, CAROLYN	237.60
	06/08/12	WOLFGRAM, MARY	81.90
	06/08/12	DANIEL, BREANNA	267.75
	06/08/12	KENN, MADELINE	56.00
	06/08/12	PENN, CAYLA	255.00
	06/08/12	BORCHERT, JONATHAN	137.75
	06/08/12	DOUGLASS, TOM	1,916.90
	06/08/12	MALONEY, SHAUNA	180.00
	06/08/12	PRINS, KELLY	1,690.15
	06/08/12	REILLY, MICHAEL	2,190.80
	06/08/12	SCHULZE, KEVIN	372.00
	06/08/12	THOMPSON, BENJAMIN	462.75
	06/08/12	VANG, GEORGE	174.00
	06/08/12	COUNTRYMAN, BRENDA	956.25
	06/08/12	AICHELE, CRAIG	2,217.83
	06/08/12	PRIEM, STEVEN	2,415.66
	06/08/12	WOHRLE, MATTHEW	2,640.82
	06/08/12	BERGO, CHAD	2,995.66
	06/08/12	FOWLDS, MYCHAL	3,991.22
	06/08/12	FRANZEN, NICHOLAS	2,623.62
	06/08/12	KREGER, JASON	2,087.22
9986878	06/08/12	DHARAMPAUL, BRIANNA	150.00
9986879	06/08/12	BENNETT, ERIN	45.50
9986880	06/08/12	VANG, TIM	228.00
9986881	06/08/12	ERICSON, RACHEL	23.40
9986882	06/08/12	WALES, ABIGAIL	47.88
9986883	06/08/12	WEINHAGEN, SHELBY	199.48
9986884	06/08/12	RANGEL, SAMANTHA	48.00
9986885	06/08/12	MORGAN, LINDSEY	116.00
9986886	06/08/12	STEFFEN, MICHAEL	65.25
			518,140.58

MEMORANDUM

TO: James Antonen, City Manager
FROM: Michael Martin, AICP, Planner
Charles Ahl, Assistant City Manager
SUBJECT: **Conditional Use Permit Review**
PROJECT: **Auto Sales by Fleet Associates, Inc.**
LOCATION: 2495 Maplewood Drive
DATE: June 18, 2012

INTRODUCTION

The conditional use permit (CUP) for Fleet Associates, Inc. is due for its review. The CUP allows automobiles to be sold from a business condo located at the Maple Leaf Ridge Business Center, 2495 Maplewood Drive.

BACKGROUND

November 28, 2005: The city council approved a CUP and design plans for the Maple Leaf Ridge Business Center. The CUP allowed a reduced setback from the residential lot property line to the west. The code requires that buildings in M1 (light manufacturing) districts be 350 feet or more from abutting residential property, unless a CUP is granted. The westerly building is 250 feet from the abutting residential lot line.

June 13, 2011: The city council approved a CUP amendment allowing auto sales at the Maple Leaf Ridge Business Center.

DISCUSSION

Since council approved this CUP last year, staff is not aware of any issues or concerns with this business at the Maple Leaf Ridge Business Center. Staff has not received any calls or complaints from the neighborhood. Because no actual construction, exterior remodeling or additional landscaping was required by last year's CUP amendment approval, staff is recommending an indefinite approval unless a problem arises or a major change is proposed.

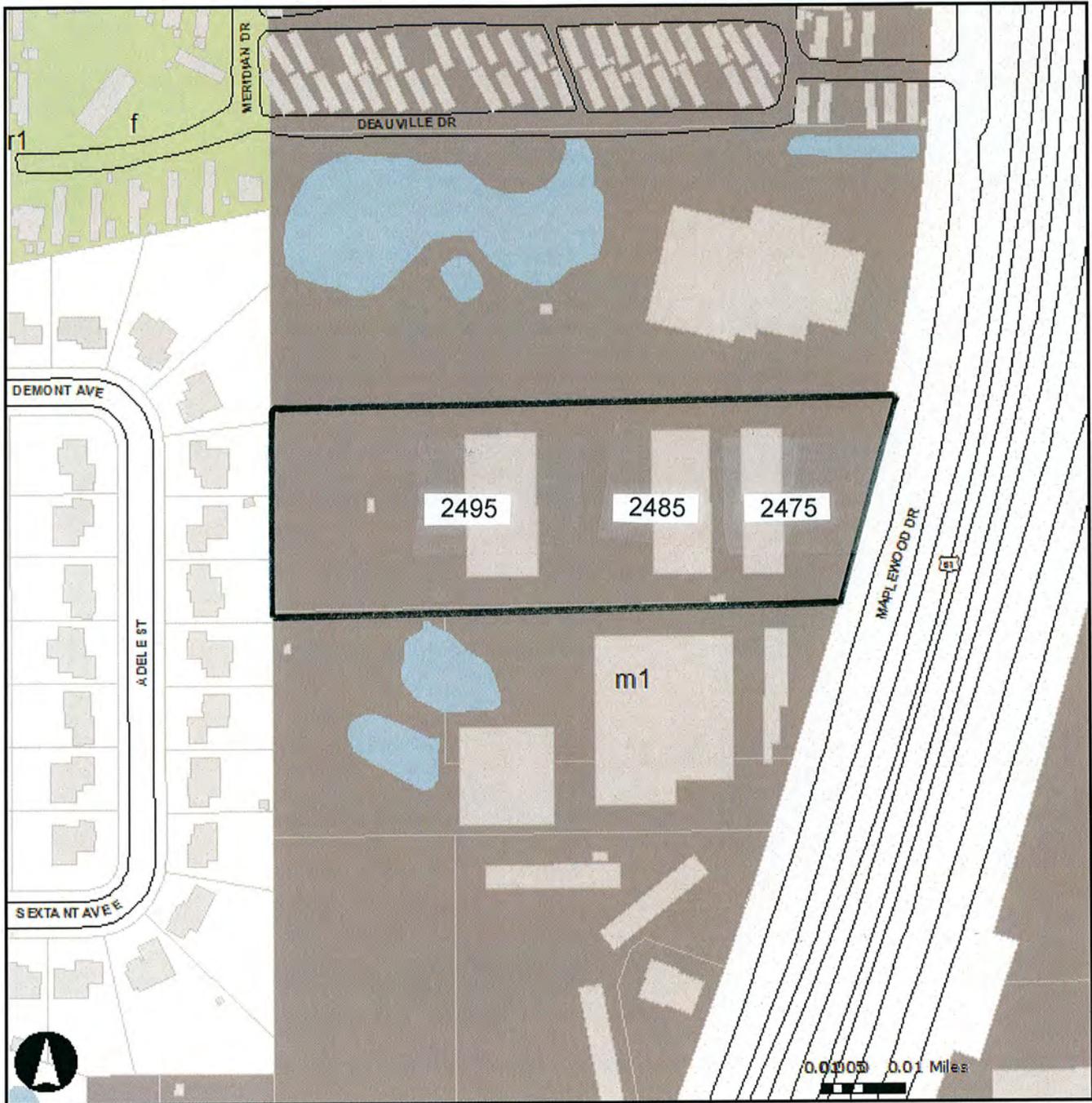
RECOMMENDATION

Review the conditional use permit for Fleet Associates Inc. at 2495 Maplewood Drive again only if a problem arises or a major change is proposed.

P:\sec 9\Fleet Associates Auto Sales CUP Review_062512

1. Zoning Map
2. Land Use Plan Map
3. Site Plan
4. June 13, 2011, City Council Minutes

Maple Leaf Ridge Business Center



Copyright

MaplewoodBaseMap

Chad Bergo

Parcels: This data set is available to everyone. Fees and policy are published in the Ramsey County Fee Schedule. Charges are variable and are subject to change. See the Ramsey County Fee Schedule for specific information on fees and policy.

ZONING MAP

Kohlman Lake - Future Land Use Map

CITY OF MAPLEWOOD
2030
COMPREHENSIVE PLAN

-  Rural/ Low Density Residential (0.5 - 1.5 Units per Acre)
-  Low Density Residential (2.6 - 6.0 Units per Acre)
-  Medium Density Residential (6.1 - 10.0 Units per Acre)
-  High Density Residential (10.1 - 25.0 Units per Acre)
-  Mixed Use (6.0 - 31.0 Units per Acre)

-  Commercial
-  Industrial
-  Government
-  Institutional
-  Park
-  Open Space
-  Water

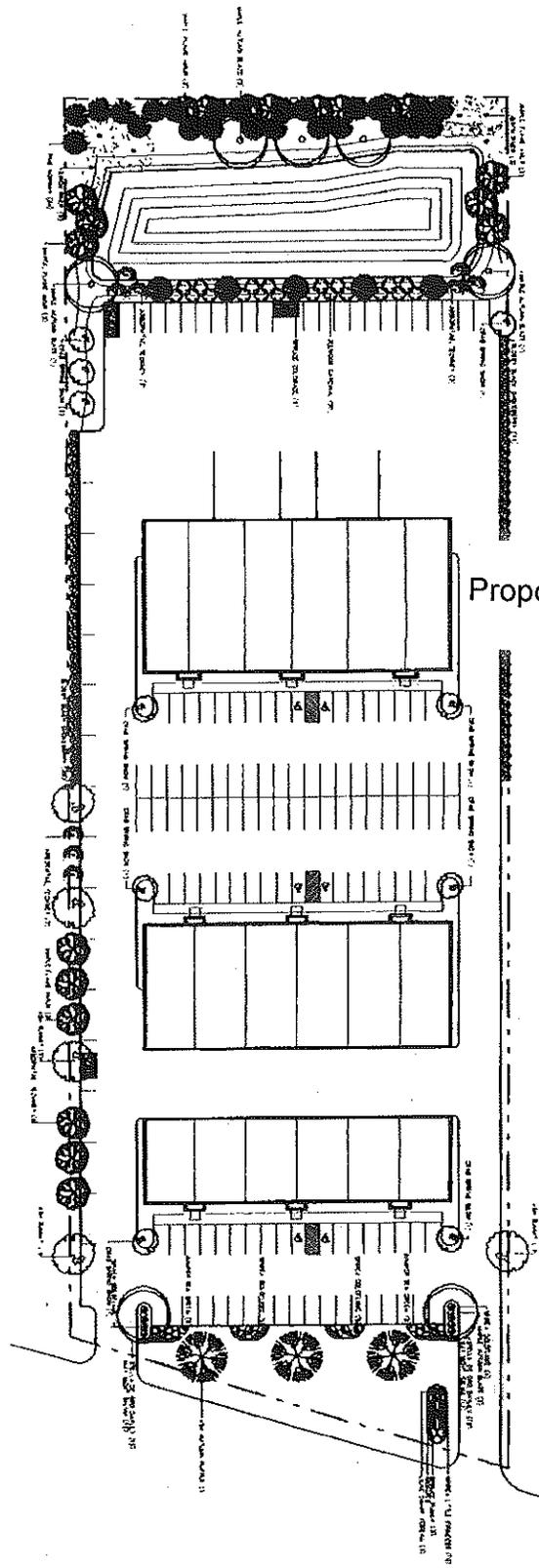
Neighborhoods
January 25, 2010



MAPLE LEAF RIDGE
BUSINESS CENTER

2495
Proposed Fleet Associates
Location

RECEIVED
MAY 13 2006



PROJECT	MAPLE LEAF BUSINESS CENTER	DESIGNED	REN OHL	DATE	7/20/03
TITLE	TREE PLANTING	DRAWN BY	J. RICHARDSON	REVISION DATE	6/12/06
THIS PLAN IS THE PROPERTY OF UNCO LANDSCAPE AND DESIGN. NO PART OF THIS PLAN MAY BE REPRODUCED IN ANY FORM OR MANNER WITHOUT WRITTEN PERMISSION.					
		SCALE		1" = 30'-0"	
		SHEET		L-2	

SITE PLAN

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, June 13, 2011
Council Chambers, City Hall
Meeting No. 11-11

J. NEW BUSINESS

1. **Approval of Conditional Use Permit for Auto Sales by Fleet Associates, Inc. at 2495 Maplewood Drive**
 - a. Senior Planner, Tom Ekstrand gave the report and answered questions of the council.
 - b. Planning Commissioner, Tushar Desai gave the planning commission report.

The council requested an amendment to the CUP resolution which is stricken in the resolution.

Councilmember Nephew moved to approve the resolution approving a conditional use permit to operate a used car sales business from 2495 Maplewood Drive at the Maple Leaf Ridge Business Center. Approval is based on the findings required by ordinance and subject to the following conditions: **(deletions are stricken)**.

CONDITIONAL USE PERMIT
RESOLUTION 11-6-585

WHEREAS, Chris and Diane Johnson, of Fleet Associates, Inc. applied for a conditional use permit to operate a used car sales business.

WHEREAS, Section 44-512(5) of the city ordinances requires a conditional use permit to store, lease or sell used motor vehicles. Further, code requires that these activities not occur closer than 350 feet to residential property.

WHEREAS, this permit applies to the property located at 2495 Maplewood Drive. The legal description is:

- W. H. HOWARD'S GARDEN LOTS EX STH 61-1 N 85 FT OF LOT 3.
- W. H. HOWARD'S GARDEN LOTS EX STH 61-1 AND EX N 85 FT LOT 3.

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

1. On May 17, 2011, the planning commission held a public hearing. The city staff published a notice in the paper and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission also considered the report and recommendation of city staff. The planning commission recommended that the city council approve this permit.
2. On June 13, 2011, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approves the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and this Code.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.

Approval is subject to the following conditions:

~~1. All construction shall follow the site plan approved by the city. Staff may approve minor changes.~~

2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicant shall not park any vehicles from their for-sale inventory any closer than 350 feet of the westerly property line as required by ordinance.
5. The applicant shall not park more than five vehicles from their for-sale inventory outside on the site.
6. The applicant shall not use any attention-getting displays on vehicles that are parked outside such as flags, banners, signs (painted or otherwise), etc.

The Maplewood City Council approved this resolution on June 13, 2011.

Seconded by Councilmember Koppen. Ayes – All

The motion passed.

MEMORANDUM

TO: James Antonen, City Manager
FROM: Tom Ekstrand, Senior Planner
Chuck Ahl, Assistant City Manager
SUBJECT: Ordinance Amendment Regarding Variances for Metal Storage Buildings, Section 12-5 (d) (Second Reading)
VOTE REQUIRED: Simple Majority Vote Required for Approval
DATE: June 15, 2012

INTRODUCTION

On June 11, 2012, the city council gave first reading to a proposed ordinance amending the findings to approve variances for metal-exterior storage buildings. This was to comply with the variance language changes made by the State of Minnesota.

Request

Amendment of the Metal Storage Building Ordinance as it relates to the granting of variances.

BACKGROUND

Previous Variance Criteria from State Statute

The City Council was required to make the following findings to approve a variance:

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

“Undue hardship”, as used in 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. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Revised Variance Criteria from State Statute

The new provisions of state law require that variances shall only be permitted when they are found to be:

- (1) In harmony with the general purposes and intent of the official control;
- (2) Consistent with the comprehensive plan;

- (3) When there are practical difficulties in complying with the official control. “Practical difficulties” means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. The plight of the landowner is due to circumstances unique to the property not created by the landowner and the variance, if granted, will not alter the essential character of the locality.

DISCUSSION

The variance criteria in the Metal Building Ordinance, lists the old statutory findings for approving a variance. The city council should revise this with the new variance findings.

COMMISSION ACTION

May 1, 2012: The planning commission recommended approval of this code amendment.

BUDGET IMPACT

None.

RECOMMENDATION

Adopt the resolution amending Section 12-5 (d) as it relates to granting variances to the Metal Storage Building Ordinance.

p:\ ORD\Variance\ Variances Metal Storage Building Ordinance Amendment CC Second Reading 6 12 te
Attachments:

1. Ordinance Amendment to Section 12-5

ORDINANCE NO. ____

**AN ORDINANCE AMENDMENT CONCERNING
VARIANCES TO THE METAL STORAGE BUILDING ORDINANCE**

The Maplewood City Council approves the following revision to the Maplewood Code of Ordinances. (Additions are underlined and deletions are crossed out.)

Section 1. Section 12-5 (d) of the Maplewood Code of Ordinances is hereby amended as follows:

Sec. 12-5. Metal Storage Buildings.

~~(d) The city council may hear requests for variances from the literal provisions of this section when the strict enforcement of this section 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 section. The term "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 the conditions allowed by the official controls, and the plight of the landowner is due to circumstances unique to his property, not created by the landowner, and variance from this section, if granted, will not alter the essential character of the locality.~~

(d) The city council may grant variances to the requirements of this section. All variances must follow the requirements provided in Minnesota State Statutes.

Section 2. This ordinance shall take effect after the approval by the city council and publishing in the official newspaper.

The Maplewood City Council approved this ordinance revision on _____.

Mayor

Attest:

City Clerk

MEMORANDUM

TO: James Antonen, City Manager
FROM: Tom Ekstrand, Senior Planner
Chuck Ahl, Assistant City Manager
SUBJECT: Ordinance Amendment Regarding Variances for Commercial Use Antennas and Towers, Section 44-1334 (Second Reading)
VOTE REQUIRED: Simple Majority Vote Required for Approval
DATE: June 15, 2012

INTRODUCTION

On June 11, 2012, the city council gave first reading to a proposed ordinance amending the findings to approve variances for commercial antennas and towers. This was to comply with the variance language changes made by the State of Minnesota.

Request

Amendment of the Commercial Use Antennas and Towers Ordinance as it relates to the granting of variances.

BACKGROUND

Previous Variance Criteria from State Statute

The City Council was required to make the following findings to approve a variance:

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

“Undue hardship”, as used in 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. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Revised Variance Criteria from State Statute

The new provisions of state law require that variances shall only be permitted when they are found to be:

- (1) In harmony with the general purposes and intent of the official control;
- (2) Consistent with the comprehensive plan;

- (3) When there are practical difficulties in complying with the official control. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. The plight of the landowner is due to circumstances unique to the property not created by the landowner and the variance, if granted, will not alter the essential character of the locality.

DISCUSSION

The variance criteria in the Commercial Use Antennas and Towers Ordinance gives the findings the city council must make to approve variances from this ordinance. The existing wording bases variance approval on the old statutory findings for variance approval. The city council should revise this wording with the new variance findings.

COMMISSION ACTIONS

May 1, 2012: The planning commission recommended approval to the proposed ordinance amendment.

BUDGET IMPACT

None.

RECOMMENDATION

Adopt the resolution amending Section 44-1334 as it relates to granting variances to the Commercial Use Antennas and Towers Ordinance.

p:\ ORD\Variance\ Variances Tower Ordinance Amendment of Section 44-1334 CC Second Reading 6 12 te
Attachment:

1. Ordinance Amendment to Section 44-1334

ORDINANCE NO. ____

**AN ORDINANCE AMENDMENT CONCERNING
VARIANCES TO THE COMMERCIAL USE ANTENNAS
AND TOWERS ORDINANCE**

The Maplewood City Council approves the following revision to the Maplewood Code of Ordinances. (Additions are underlined and deletions are crossed out.)

Section 1. Section 44-1334 of the Maplewood Code of Ordinances is hereby amended as follows:

Sec. 44-1334. Variances.

~~(a)~~ The city council may grant variances to the requirements of this article. All variances must follow the requirements provided in Minnesota State Statutes, Minn. Stats.ch 462. ~~For variances regarding antennas and towers, the applicant must show the city the following:~~

~~(1) There are unique circumstances or characteristics peculiar to the property and this article would inflict undue hardship on the property owner or applicant.~~

~~(2) The property cannot be developed or put to a reasonable use by strictly conforming with this code.~~

~~(3) The applicant or property owner did not create or cause the hardship.~~

~~(4) The proposed variance will not alter the essential character of the area or the zoning district.~~

~~(5) The proposed variance is the minimum variance that will afford relief from the standards of this code.~~

~~(6) The variance would be in keeping with the spirit and intent of this article.~~

(b) The applicant for a variance ~~for an antenna or tower-related matter~~ shall submit, with the variance application and any other required materials, a statement showing how the proposal would meet the findings for variance approval. ~~the findings in subsection (a) of this section.~~

Section 2. This ordinance shall take effect after the approval by the city council and publishing in the official newspaper.

The Maplewood City Council approved this ordinance revision on _____.

Mayor

Attest:

City Clerk

MEMORANDUM

TO: James Antonen, City Manager
FROM: Karen Guilfoile, City Clerk
DATE: June 20, 2012
RE: Approval of Potentially Dangerous Dogs and Dangerous Dogs License Fees

Background

In 2008 the city council unanimously approved Ordinance 888 (See Attached) that governs Dangerous and Potentially Dangerous Dogs.

The City's Animal Control Officer is the responsible authority for initially determining whether a dog is a potentially dangerous dog or a dangerous dog. The ordinance allows the dog owner the right to appeal the determination of the Animal Control Officer. If an appeal is filed, the City Manager shall assign a Hearing Officer to consider the reports and comments of the Animal Control Authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog if the dog owner requests it.

It has come to my attention that at the time that Ordinance 888 was passed, a fee for this type of license was not established.

License fees are set to cover local administrative and public safety costs, it is determined after meeting with staff that a license fee of \$100 for dangerous dogs and a fee of \$150 for potentially dangerous dogs is appropriate.

Recommendation

Approve a license fee of \$100 for dangerous dogs and a \$150 for potentially dangerous dogs.

DIVISION 5. DANGEROUS DOGS

Sec. 10-186 to 10-188. Reserved.

Sec. 10-189 Dangerous/Potentially Dangerous Dogs.

The provisions of Minnesota Statutes 347.50 through 347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Maplewood. Where a conflict exists between the provisions of the City Code and the provisions of Minnesota Statutes Sections 347.50 through 347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

(a) Initial Determination. The City's designated Animal Control Authority shall be responsible for initially determining (Initial Determination) whether a dog is a potentially dangerous dog or a dangerous dog. The Animal Control Authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The Initial Determination shall be conclusive unless the owner appeals the Initial Determination as hereinafter provided.

(b) Notice of Initial Determination. The Notice of Initial Determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The Notice of Initial Determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the Initial Determination and shall inform the owner of the owner's right to appeal the Initial Determination.

(c) Request for Hearing and Hearing. An owner may appeal the Initial Determination by filing a Request for Hearing with the City Manager within five (5) days of the owner's receipt of the Notice of Initial Determination. A hearing shall be held within seven (7) days after the City's receipt of the Request for Hearing. The City Manager shall assign a Hearing Officer, who shall not be the person who made the Initial Determination. At the hearing, the Hearing Officer shall consider the reports and comments of the Animal Control Authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the Hearing Officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (Final Determination). The findings shall be made within five (5) days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.

(d) Seizure of Dangerous Dog. The Animal Control Authority shall immediately seize any dangerous dog if, within fourteen (14) days after the service of the Notice of Final Determination declaring a dog to be a dangerous dog:

- (1) The owner has not registered the dog in compliance with the provisions of Section 10-189 (g).
- (2) The owner does not secure the proper liability insurance pursuant to Section 10-189 (g) (1) (b).

- (3) The dangerous dog is not maintained in a proper enclosure.
- (4) The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.

(e) Reclaiming a Dangerous Dog. A dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees and upon presentation of proof to the Animal Control Authority that the requirements of Section 10-189, Subd. g, have been satisfied. A dangerous dog not reclaimed under this provision within seven (7) days may be disposed of as provided in Minnesota Statutes Section 35.71, Subdivision 3, and the owner shall be liable to the Animal Control Authority for costs incurred in confining and disposing of the dangerous dog.

(f) Substantial/Great Bodily Harm. Upon a Final Determination and notwithstanding the provisions of Section 10-189, Subd. A-E, a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the Animal Control Authority.

(g) Dangerous Dog Restrictions.

(1) Registration Required. No person may keep a dangerous dog in the City of Maplewood unless the dog is registered with the Animal Control Authority as provided in this chapter. The Animal Control Authority shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

(a) Proper Enclosure. A Proper Enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.

(b) Bond/Insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(c) Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority, with the costs borne by the dog's owner.

(d) Warning Symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

(e) Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the Uniform Dangerous Dog symbol affixed to the dog's collar at all times.

(f) Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

(h) Dangerous Dog Regulations.

(1) Annual Fee. The owner of a dangerous dog shall pay an annual fee as determined by Council Ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

(2) Annual Renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by City Council Ordinance. If the dog is removed from the City of Maplewood, it must be registered as a dangerous dog in its new jurisdiction.

(3) Death/Transfer from City. The owner of any dangerous dog must notify the Animal Control Authority in writing of the death of the dog, of its transfer to a residence outside of the City of Maplewood or of its transfer within the City of Maplewood within thirty (30) days of the death or transfer.

(4) Notice to Landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a dangerous dog that will reside at the property.

(5) Sale. The owner of a dangerous dog must notify the purchaser that the Animal Control Authority has identified the dog as a dangerous dog. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.

(6) Muzzling. If the dangerous dog is outside a Proper Enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person.

The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

(7) Sterilization. The Animal Control Authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the Animal Control Authority may have the animal sterilized at the owner's expense.

(i) Potentially Dangerous Dog Restrictions.

(1) Registration Required. No person may keep a potentially dangerous dog in the City of Maplewood unless the dog is registered with the Animal Control Authority as provided in this chapter. The Animal Control Authority shall issue a Certificate of Registration to the owner of a potentially dangerous dog if the owner presents the following information:

(a) Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it may be implanted by the Animal Control Authority, with the costs borne by the dog's owner.

(b) Warning Symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The Animal Control Authority shall approve the warning symbol and its location on the property.

The Animal Control Authority may also require any of the following to register a potentially dangerous dog:

(a) Proper Enclosure. A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.

(b) Bond/Insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the Animal Control Authority in the sum of at least \$50,000, payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$50,000 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

(c) Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the Animal Control Authority at a time and place specified by the Animal Control Authority.

(j) Potentially Dangerous Dog Regulations.

(1) Annual Fee. The owner of a potentially dangerous dog shall pay an annual fee as determined by Council Ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

2) Annual Renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal

fee as determined by City Council Ordinance. If the dog is removed from the City of Maplewood, it must be registered as a potentially dangerous dog in its new jurisdiction.

(3) Death/Transfer from City. The owner of any potentially dangerous dog must notify the Animal Control Authority in writing of the death of the dog, of its transfer to a residence outside of the City of Maplewood or of its transfer within the City of Maplewood within thirty (30) days of the death or transfer.

(4) Notice to Landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal that the person owns a potentially dangerous dog that will reside at the property.

(5) Sale. The owner of a potentially dangerous dog must notify the purchaser that the Animal Control Authority has identified the dog as potentially dangerous. The seller must also notify the Animal Control Authority in writing of the sale and provide the Animal Control Authority with the new owner's name, address, and telephone number.

Secs. 10-190 - 10-215. Reserved.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, City Engineer/Dep. Director of Public Works
SUBJECT: **Resolution Approving Cooperative Agreement with DNR for Gateway Trail Connection, Gladstone Area Redevelopment Improvements – Phase 1, City Project 04-21**
DATE: June 18, 2012

INTRODUCTION

The city council will consider approving the attached resolution and agreement with the Department of Natural Resources (DNR) for the construction and long term maintenance of a trail segment that would connect Frost Avenue with the Gateway State Trail.

BACKGROUND / DISCUSSION

The project improvements identify a trail connection from the new Frost Avenue roundabout that will extend north through Flicek Park and connect into the Gateway State Trail. This portion of trail is to be completed this year as part of Bid Package 2 of Gladstone Area Redevelopment – Phase 1 Improvements.

The DNR requires that a resolution be adopted by the City Council approving the proposed cooperative agreement which identifies responsibilities of the parties.

BUDGET

No cost is associated with the approval.

RECOMMENDATION

It is recommended that the council adopt the resolution approving the Cooperative Agreement with the DNR for the trail connection to the Gateway State Trail as part of the Gladstone Area Redevelopment Improvements – Phase 1. Furthermore, the City Attorney is authorized to make minor changes as needed to the agreement.

Attachments:

1. Resolution
2. Agreement with Exhibits
3. Location Map

RESOLUTION
APPROVING AGREEMENT WITH MINNESOTA DEPARTMENT OF NATURAL RESOURCES
GATEWAY STATE TRAIL CONNECTION

WHEREAS, the Commissioner of Natural Resources has the authority, duty and responsibility under Minnesota Statutes 85.015, sub. 15, to establish, develop, maintain and operate the Willard Munger State Trail System which includes the Gateway State Trail Segment; and

WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59 to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS, the State owns land described as: Section 16, Township 29N, Range 22W, Ramsey County; and

WHEREAS, the State and City have determined that providing municipal trail connection to the Gateway State Trail from the City of Maplewood's Flicek Park is of high priority; and

WHEREAS, the City shall design, manage, construct and administer the municipal trail connection to the Gateway State Trail, as established hereinafter referred to as the "Trail Connection"; and

WHEREAS, upon completion, the Trail Connection shall be the sole responsibility of the City; and

NOW, THEREFORE, in consideration of the mutual benefit to be derived by the public bodies hereto and for the benefit of the general public, the parties agree to the terms of the Cooperative Agreement attached hereto.

**GATEWAY STATE TRAIL / CITY OF MAPLEWOOD-FLICEK PARK TRAIL CONNECTION
COOPERATIVE AGREEMENT
BETWEEN
THE STATE OF MINNESOTA AND THE CITY OF MAPLEWOOD**

This Agreement, between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, hereinafter referred to as the "State" and the City of Maplewood, hereinafter referred to as the "City".

WITNESSETH:

WHEREAS, the Commissioner of Natural Resources has the authority, duty and responsibility under Minnesota Statutes 85.015, sub. 15, to establish, develop, maintain and operate the Willard Munger State Trail System which includes the Gateway State Trail Segment; and

WHEREAS, the State and the City are authorized under Minnesota Statutes Section 471.59 to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS, the State owns land described as: Section 16, Township 29N, Range 22W, Ramsey County, as shown on the map attached hereto as **Exhibit A**; and

WHEREAS, the State and City have determined that providing municipal trail connection to the Gateway State Trail from the City of Maplewood's Flicek Park is of high priority; as shown on the Plan attached hereto as **Exhibit B**; and

WHEREAS, the City shall design, manage, construct and administer the municipal trail connection to the Gateway State Trail, as established hereinafter referred to as the "Trail Connection"; and

WHEREAS, upon completion, the Trail Connection shall be the sole responsibility of the City; and

WHEREAS, a resolution or copy of the City council/board meeting minutes authorizing the respective entities to enter into this agreement is/are attached hereto as **Exhibit C**; and

NOW, THEREFORE, in consideration of the mutual benefit to be derived by the public bodies hereto and for the benefit of the general public, the parties agree as follows:

I. STATE DUTIES AND RESPONSIBILITIES

- a. The State shall permit the City to construct Trail Connection to the Gateway State Trail, within the boundaries of within the boundaries of the State Trail r/w as shown in **Exhibit B**.
- b. The State shall be allowed to review and approve the preliminary and final plans for the Trail Connection as proposed by the City. The proposed trail connections shall meet the requirements of the ADA for recreational trails.
- c. The State shall be permitted to review and approve any alterations to the Trail Connection to the State Trail Corridor proposed by the City.
- d. The State shall permit the City to review any alterations to the Trail Connection proposed by the State during the term of this Agreement. Proposed alterations to the Trail Connection shall meet the requirements of the ADA for recreational trails.
- e. The State shall provide all trail related informational signs for the Trail Connection as determined by Department of Natural Resources policy.

Gateway State Trail
Maplewood Municipal Flicek Park Trail Connection
City of Maplewood
MnDNR Parks & Trails 9June12

1 of 4

- f. The State reserves the right to inspect the Trail Connection at any time to ensure the City is in compliance with the terms of the Agreement.

II. CITY'S DUTIES AND RESPONSIBILITIES

- a. The City shall design and construct the segment of the Trail Connection as referenced in **Exhibit B**. The proposed trail connections shall meet the requirements of the ADA for recreational trails.
- b. The City shall permit the State to review and approve the preliminary and final plans for the Trail Connection as proposed by the City.
- c. The City shall obtain all federal, state and local permits necessary for the construction of the Trail Connection. The City shall provide the State certified copies of all permits required for the construction and administration of the Trail Connection.
- d. The City shall operate and maintain the Trail Connection consistent with all local, state, and federal laws, regulations and rules that may apply to the management, operation and maintenance of the Trail.
- e. The City will provide and install the appropriate signage for the Trail Connection as approved by the State.
- f. Upon completion of the Trail Connection, the City shall have primary responsibility for the administration, operations and annual maintenance of all Trail Connection and associated improvements.
- g. The City shall permit the State to review and approve any alterations to the Trail Connection proposed by the City during the term of this Agreement. Proposed alterations to the Trail Connection shall meet the requirements of the ADA for recreational trails.
- g. The City shall be permitted to review any alterations to the Trail Connection proposed by the State during the term of this Agreement.
- h. Upon termination of the Agreement the City shall restore the State Trail Corridor to a condition consistent with its preconstruction condition and as approved by the State.

III. FUNDING

The State shall provide funding for its responsibilities under Article I (a)(b)(c)(d)(e)(f) above through the standard internal purchasing process including, but not limited to, a separate requisition in which funds will be encumbered. The total obligation of the State is limited to the amount of funds legislatively appropriated and administratively allocated to this project.

IV. LIABILITY

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by the law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law. The City's liability shall be governed by and limited to the amount set forth in Minnesota Statutes, Sections 466.01-466.15, and other applicable law.

V. TERM

- a. *Effective Date:* July 1, 2012, or the **State obtains all required signatures** under Minnesota Statutes Section 16C.05, Subdivision 2, **whichever is later**.
- b. *Expiration Date:* **July 1, 2037**, for a period of twenty five (25) years except as otherwise provided herein or agreed to in writing by both parties. This agreement shall renew at the end of the term for an additional five

(5) year period unless a party gives three (3) months written notice to the other party to terminate the agreement. This agreement shall continue to automatically renew as the end of each five (5) year period unless the required notice is given.

VI. AUDIT

Under Minnesota Statutes Section 16C.05, sub. 5, the books, records, documents and accounting procedures and practices of the City relevant to the agreement shall be subject to examination by the Commissioner of Natural Resources, the Legislative Auditor and the State Auditor for a minimum of six years from the end of this agreement.

VII. ANTITRUST

The City hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations that arose under the antitrust laws of the United States and the antitrust laws of the State of Minnesota.

VIII. CANCELLATION

This Agreement may be cancelled by the State at any time with cause or as necessary as provided in Article III, upon thirty (30) days written notice to the City. This agreement may be cancelled by the City at any time with or without cause with (30) days written notice to the State. This Agreement may also be cancelled by the State if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the completion of the activities covered under this agreement. The State will notify the City by written or fax notice. The City will also notify the State by written or fax notice. The State will not be obligated to pay for services provided after the notice is given and the effective date of cancellation. The State will not be assessed any penalty if the agreement is cancelled because of a decision of the Minnesota Legislature, or other funding source, not to appropriate the necessary funds. The State shall provide the City notice of lack of funding within a reasonable time of the State's receiving that notice.

IX. GOVERNMENT DATA PRACTICES

The City and the State must comply with the Minnesota Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this agreement. The civil remedies of Minn. Stat. 13.08 apply to the release of the data referred to in this clause by either the City or the State.

X. PUBLICITY AND ENDORSEMENT

Any publicity regarding the subject matter of this agreement must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the City individually or jointly with others, or any subcontractors, with respect to the program and services provided from this agreement.

XI. COMPLETE AGREEMENT

This Agreement, and amendments, constitutes the entire agreement between the parties. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

XII. OTHER TERMS AND CONDITIONS

NOTICES: Any notice, demand or communication under this Agreement by either party to the other shall be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid to:

The State
Minnesota Department of Natural Resources
Parks and Trails Division Area (3B) Supervisor
1200 Warner Road

The City
City of Maplewood
Public and Recreation Director
1830 County Road B East

St. Paul, MN 55106

Maplewood, MN 55109

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

DEPARTMENT OF NATURAL RESOURCES

CITY OF MAPLEWOOD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

DEPARTMENT OF ADMINISTRATION
Delegated to Materials Management Division

CITY OF MAPLEWOOD

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

(Effective Date)

STATE ENCUMBERANCE VERIFICATION

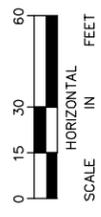
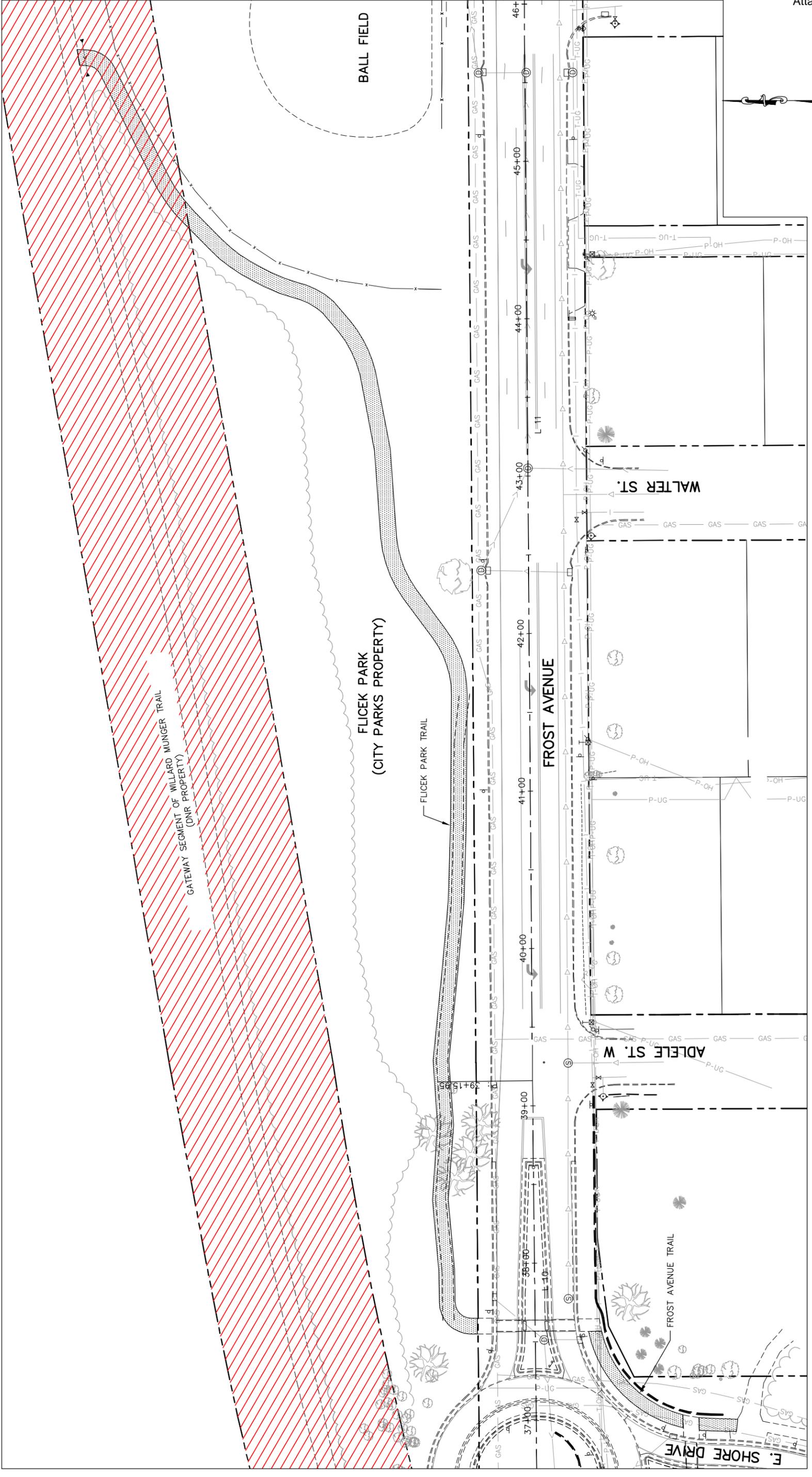
Individual certifies that funds have been encumbered as req.
by Minn. Stat. 16A.15 and 16C.05.

Signed: _____

Date: _____

Contract: _____

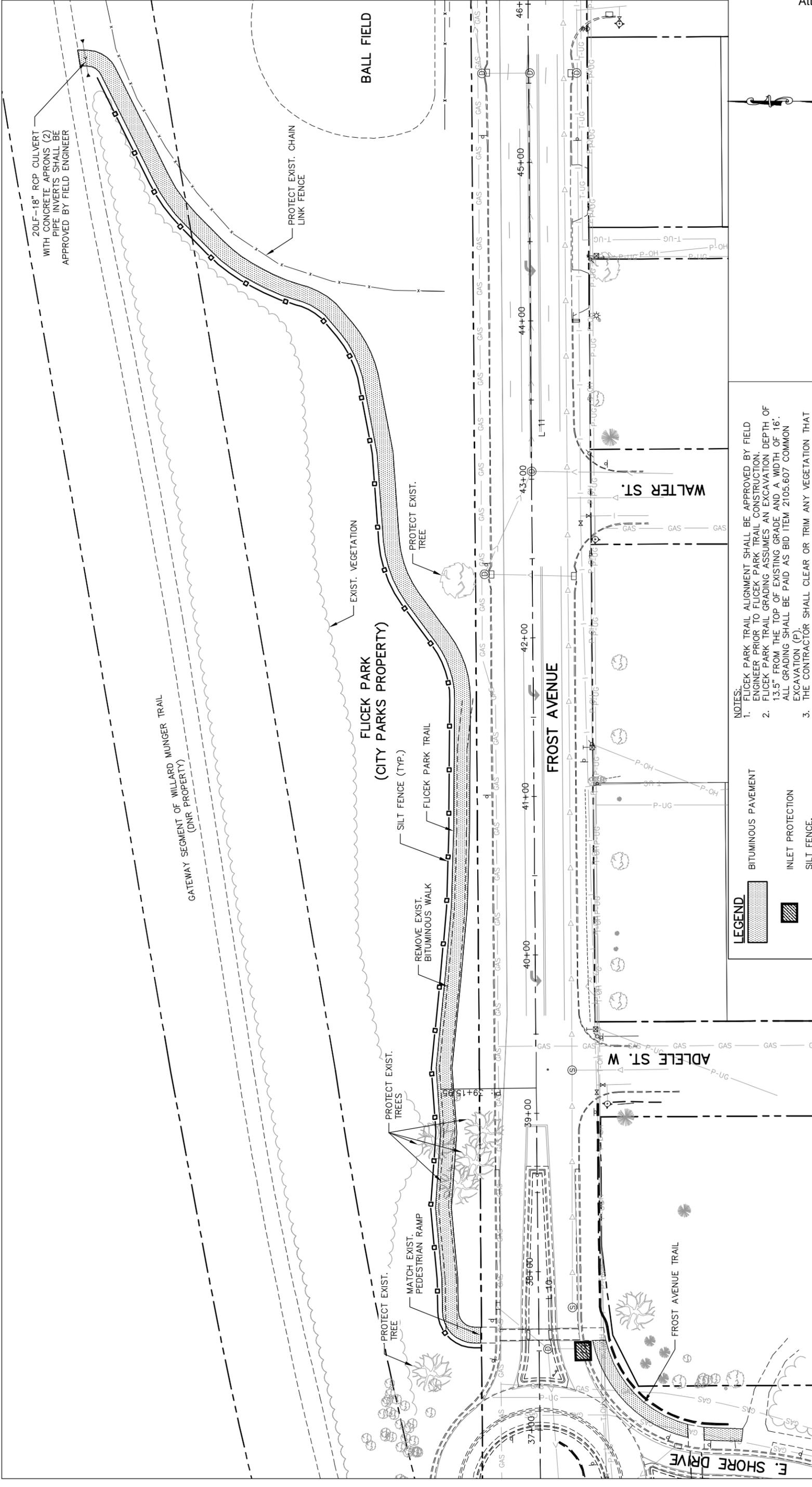
GLADSTONE AREA REDEVELOPMENT
CITY PROJECT 04-21
GATEWAY STATE TRAIL/
CITY OF MAPLEWOOD-FLICEK PARK TRAIL CONNECTION
EXHIBIT A



LEGEND



GLADSTONE AREA REDEVELOPMENT
CITY PROJECT 04-21
GATEWAY STATE TRAIL/
CITY OF MAPLEWOOD-FLICEK PARK TRAIL CONNECTION
EXHIBIT B

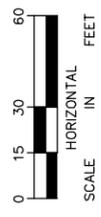


LEGEND

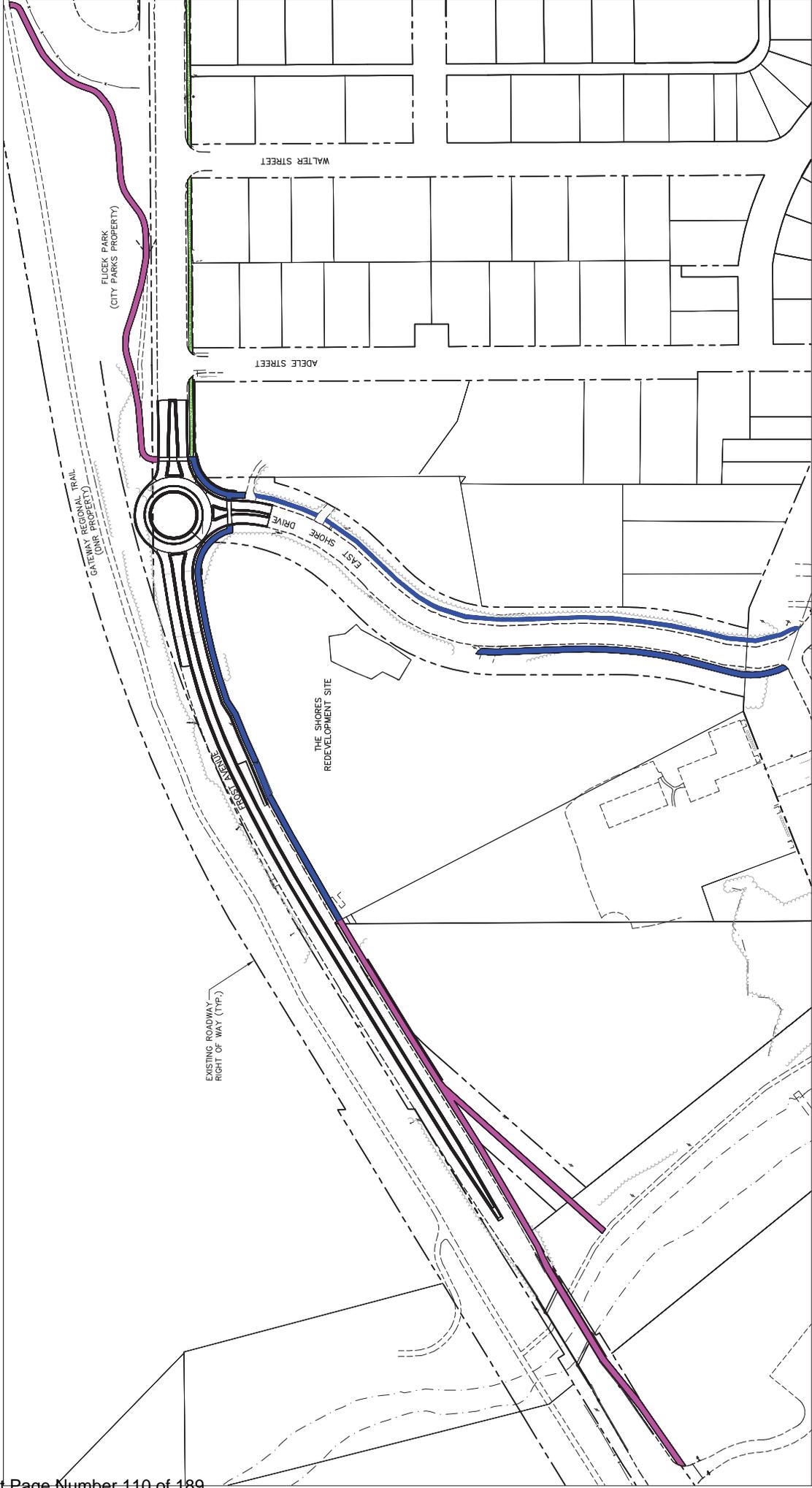
- BITUMINOUS PAVEMENT
- INLET PROTECTION
- SILT FENCE, TYPE MACHINE SLICED

NOTES:

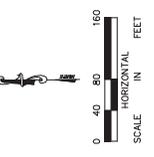
1. FLICEK PARK TRAIL ALIGNMENT SHALL BE APPROVED BY FIELD ENGINEER PRIOR TO FLICEK PARK TRAIL CONSTRUCTION.
2. FLICEK PARK TRAIL GRADING ASSUMES AN EXCAVATION DEPTH OF 13.5" FROM THE TOP OF EXISTING GRADE AND A WIDTH OF 16'. ALL GRADING SHALL BE PAID AS BID ITEM 2105.607 COMMON EXCAVATION (P).
3. THE CONTRACTOR SHALL CLEAR OR TRIM ANY VEGETATION THAT IMPEDES TRAIL PAVEMENT SECTION AND 2' CLEAR ZONE FROM PAVEMENT EDGE.
4. FLICEK PARK TRAIL GRADES MUST STRICTLY ADHERE TO ADAAG. FLICEK PARK TRAIL GRADES MUST MAINTAIN POSITIVE DRAINAGE.
5. THE CONTRACTOR SHALL PLACE AND HAND-RAKE 6" OF SELECT TOPSOIL TO AN ASSUMED 3' WIDTH FROM THE EDGE OF PAVEMENT OF THE FLICEK PARK TRAIL. THE ASSUMED DISTURBED AREA SHALL BE RESTORED WITH TURF SEED TYPE 1 - MnDOT NO. 25-131.



Kimley-Horn and Associates, Inc.
2550 UNIVERSITY AVE. WEST, SUITE 2300
ST. PAUL, MINNESOTA 55114
TEL. NO. (651) 845-4187
FAX. NO. (651) 845-5116



GLADSTONE AREA REDEVELOPMENT
 PHASE 1
 CITY PROJECT 04-21
 TRAIL AND SIDEWALK IMPROVEMENTS
 EXHIBIT 04



- LEGEND:
- PROPOSED BITUMINOUS TRAIL
 - POTENTIAL ADDITIONAL BITUMINOUS TRAIL
 - PROPOSED CONCRETE SIDEWALK

City of Maplewood, Minnesota
 Department of Public Works
 Engineering Division

Kimley-Horn
 and Associates, Inc.
 200 HANCOCK AVE., SUITE 400
 ST. PAUL, MINNESOTA 55111
 TEL. (612) 844-4444
 FAX (612) 844-4194

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, City Engineer/ Dep. Public Works Director
 Steven Love, Assistant City Engineer
SUBJECT: **Resolution Requesting Ramsey County to Restrict Parking on Edgerton Street (C.S.A.H. 58) between Larpenteur Avenue and Highway 36**
DATE: June 13, 2012

INTRODUCTION

The City Council will consider requesting Ramsey County to restrict parking on Edgerton Street (C.S.A.H. 58) between Price Street and Highway 36. Public Works staff was contacted by Ramsey County Department of Public Works and asked to review the current parking condition along Edgerton Street between Larpenteur Avenue and Highway 36 for consideration of establishing a “No-Parking” zone along this section of Edgerton Street. Council review of the request is recommended.

BACKGROUND

Ramsey County Department of Public Works plans to resurface Edgerton Street between Larpenteur Avenue and Highway 36. This project is estimated to start around July/August of 2012. The section of Edgerton Street associated with the proposed project is a County State Aid Highway (C.S.A.H.) and is therefore required to be built to C.S.A.H. standards.

According to C.S.A.H. standards, most of Edgerton Street does not have the adequate width to accommodate on street parking. Field observations show the following:

- There is very little on street parking currently being used
- South of Price Avenue there is currently adequate width for on street parking
- North of Price Avenue there is currently insufficient width for on street parking
 - Except for existing parking bays by the Gateway Trail

Approval of Ramsey County’s state aid construction plans are contingent upon establishing parking restrictions along Edgerton Street. Edgerton Street is under the jurisdiction of, and maintained by Ramsey County. Ramsey County is requesting written concurrence from the City of Maplewood to restrict parking on Edgerton Street, C.S.A.H. 58, as follows:

- No Parking Anytime between Larpenteur Avenue and Highway 36 except:
 - On the east side between Larpenteur Avenue and Price Avenue
 - On the east side between 300 feet and 380 feet north of Kingston Avenue
 - On the west side between 230 feet and 300 feet north of Kingston Avenue

It should be noted that the exceptions north of Kingston Avenue allow for the continued use of the parking bays by the Gateway Trail. On the west side between Larpenteur Avenue and Price Avenue is proposed to be restricted to provide adequate room for a new right turn lane. The installation of the “No-Parking” signs will be paid for through Ramsey County’s proposed project and maintained as part of their ongoing maintenance of Edgerton Street.

PUBLIC OUTREACH

Ramsey County reached out to the property owners along Edgerton Street between Larpenteur Avenue and Highway 36 to solicit public input regarding the proposed “No-Parking” zone. A letter was sent out to the approximately 70 property owners along Edgerton informing them of the proposed project, the “No-Parking” zone proposal, and to invite them to an open house meeting to be held on June 5, 2012 (see attached letter). Additionally Ramsey County contacted the local businesses, the adjacent school, and received one email regarding the project and the proposed “No-Parking” zone.

The neighborhood meeting was held by Ramsey County along with City of Maplewood staff. Five property owners attended the meeting. Two property owners attending the meeting requested that parking remain in place. In those locations there is adequate width and it is proposed to keep the on street parking in place. All other comments were either in favor or neutral to the parking restrictions and a summary of the comments are attached to this report.

CONCLUSIONS

City staff has reviewed the existing conditions along Edgerton Street between Larpenteur Avenue and Highway 36, attended the neighborhood meeting, and reviewed the additional comments received by Ramsey County. The county’s project is a road maintenance project and not a full reconstruction of the road. The proposed plan is to hold to the existing road width and stripe the road to meet C.S.A.H. standards.

Currently Edgerton Street, north of Price Avenue, with the exception of the parking bays by the Gateway Trail, does not have the necessary width to meet the required standards for on street parking. On the east side of Edgerton Street, south of Price Avenue, there currently is the necessary width to meet the required standards and it is recommend that on street parking remain in this area. On the west side of Edgerton Street south of Price Avenue there is also the necessary width to meet the required standards for on street parking. However, the south bound lane is proposed to be striped for a new right turn lane and parking will need to be restricted.

City staff recommends approval of the restricted parking along Edgerton Street between Larpenteur Avenue and Highway 36 as outlined in this report and on the attached resolution.

RECOMMENDATION

It is recommended that the City Council approve the attached Resolution requesting Ramsey County to restrict parking on Edgerton Street (C.S.A.H. 58) between Larpenteur Avenue and Highway 36.

Attachments:

1. Resolution Requesting Ramsey County to Restrict Parking on Edgerton Street (C.S.A.H. 58) Between Larpenteur Avenue and Highway 36
2. Ramsey County Letter Requesting Written Concurrence
3. Summary of Comments from Neighborhood Meeting and Contacts
4. Ramsey County’s Informational Letter to Property Owners
5. Ramsey County’s Sample Resolution

RESOLUTION
REQUESTING RAMSEY COUNTY TO RESTRICT PARKING ON EDGERTON STREET (C.S.A.H. 58)
BETWEEN LARPENTEUR AVENUE AND HIGHWAY 36

Resolution Requesting Ramsey County to Restrict Parking on Edgerton Street (C.S.A.H. 58) between Price Street and Highway 36.

WHEREAS, Edgerton Street is a Ramsey County State Aid Route, and

WHEREAS, the County of Ramsey is expending County State Aid Funds on the resurfacing of Edgerton Street, and

WHEREAS, this improvement does not provide adequate width for parking on the street; and approval of the proposed construction as a County State Aid Street must therefore be conditioned upon certain parking restrictions.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Maplewood hereby requests Ramsey County to ban parking at all times on Edgerton Street between Larpenteur Avenue and TH 36, except for the portion on the east side between Larpenteur Avenue and Price Avenue, and except for the portion on the east side 300 feet to 380 feet north of Kingston Avenue, and except for the portion on the west side 230 feet to 300 feet north of Kingston Avenue.

Adopted by the council on this 25th day of June 2012.



Department of Public Works

James Tolaas, P.E., Director and County Engineer

1425 Paul Kirkwold Drive
Arden Hills, MN 55112-3933 • (651) 266-7100 • Fax (651) 266-7110
E-mail: Public.Works@co.ramsey.mn.us

June 13, 2012

Michael Thompson
City Engineer
City of Maplewood
1902 County Road B2
Maplewood, MN 55109

Dear Mr. Thompson,

Edgerton Street between Larpenteur Avenue and Highway 36 is planned to be resurfaced this summer. According to county state aid highway standards, most of Edgerton Street does not have adequate width to accommodate on street parking. In addition, there is very little observed parking on Edgerton Street. Approval of the state aid construction plan is contingent upon establishing parking restrictions.

Ramsey County is requesting written concurrence from the city of Maplewood to restrict parking on Edgerton Street, County State Aid Highway 58, as follows:

No Parking anytime between Larpenteur Avenue and TH 36

Exceptions:

- on the east side between Larpenteur Avenue and Price Avenue
- on the east side between 300 feet and 380 feet north of Kingston Avenue
- on the west side between 230 feet and 300 feet north of Kingston Avenue.

A public meeting was held on June 5th, 2012 with the residents abutting this section of Edgerton Street. Approximately 70 properties were invited to the public meeting, 5 property owners attended. Two of the property owners requested that parking remain in place and in those locations there is adequate width to allow parking. All the other comments received were either in favor of or neutral to parking restrictions. Attached is a summary of comments received during and public meeting as well as contracts made by County staff to the larger property owners along the project.

There are currently parking areas at the Gateway Trail, which crosses Edgerton Street between Kingston Avenue East and Ripley Avenue East. These will remain in place after the project is completed and correlate to the exceptions listed above.

There are existing parking restrictions next to Edgerton Elementary School, from 50 feet south to 50 feet north of the school, established in May, 1997.



Michael Thompson
June 13, 2012
Page 2

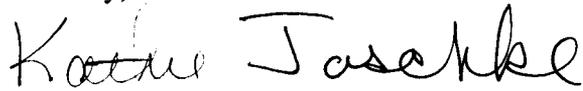
As part of the resurfacing project, the County will pay for the installation and maintenance of the “no parking” signs.

Attached are:

- summary of the neighborhood meeting and contacts
- flyer and information sheet sent to the adjacent property owners
- sample resolution

Please call me at 651-266-7192 or email me at kathy.jaschke@ci.stpaul.mn.us if you need further information.

Sincerely,

A handwritten signature in black ink that reads "Kathy Jaschke". The signature is written in a cursive style with a large, sweeping initial "K".

Kathy Jaschke, P.E.
Maintenance and Operations Engineer
Ramsey County Public Works

enc.

Edgerton Street Resurfacing Project
S.A.P. 062-658-012
Public Information Meeting
Tuesday June 5, 2012 4:00 p.m. to 6:00 p.m.

Summary of comments received at the meeting:

Jerry Rivard 1688 Edgerton Street

Mr. Rivard requested that parking be allowed in front of his house, Edgerton Street is wide enough in this area to accommodate parking.
He also requested that a bike lane be striped from Larpenteur Avenue up to Price Street to match the striping south of Larpenteur Avenue. Striping layouts will be reviewed to determine if this is feasible.
He also asked that the snow be plowed to the curb, currently the plows are not plowing the full width of the street.

Dave Roden 1762 Edgerton Street

Mr. Roden requested that parking remain in place at the Gateway Trail, many people use it, there are areas available for parking adjacent to the trail this will remain in place.
He inquired about the status of the alley and that the alley be graded and plowed, this is a local issue that will be reviewed by the city.
He asked that street lights be installed at the Gateway Trail, lighting is a local issue that will be reviewed by the city.
There is bituminous material buried behind the curb, he can't get a mail box post in deep enough to support his mail box, this will be reviewed during construction.

Tammie Rhodes 2150 Edgerton Street

Drainage is a large concern, water ponds on the shoulder in front of the house and is not getting to the surface drain on the corner of Edgerton and County Road B. The area will be reviewed to determine the feasibility of regarding the shoulder to facilitate drainage.
There is much debris, broken glass gets carried in the shoulder to the low point. She does not need on-street parking.

Myron Bjornstad 2074 Edgerton Street

Mr. Bjornstad has a sprinkler system in the right of way – County PW will meet with him onsite to determine if the sprinkler system needs to be moved.
There is an odd storm drain on north edge of his property, reconstructing the structure is beyond the scope of the project.
He does not need on-street parking

Rich Erwin 2085 Edgerton

Mr. Erwin has a sprinkler system in the right of way (as reported by his neighbor at 2074) – County PW will need to meet with him onsite to determine if the sprinkler system needs to be moved.

Edgerton Street Resurfacing Project
S.A.P. 062-658-012
Public Information Meeting
Tuesday June 5, 2012 4:00 p.m. to 6:00 p.m.

Page 2

Trinity Baptist Church

Joe Stodok

The church ask that the construction avoid church/school event on August 29th, work is scheduled to be completed prior to the 29th..

The curb and sidewalk in front of the church is in deteriorated condition, the curb and sidewalk will be inspected, although this type of work is usually beyond the scope of a resurfacing project.

No concerns in regards to no parking.

Other neighborhood contacts made:

Edgerton Elementary School

Becky Berkas, principal 772-2565

No concerns about restricting parking.

The school is asking that we not be under construction of august 29th for Back to School/Meet your Teacher night in conjunction with Trinity Baptist church– August 29th – The paving project should be completed by the 29th.

Edgerton Manor Apartments

Teddie Pelletier 774-3586

No concerns about parking restrictions.

Trinity Baptist Church

No concerns about parking restrictions.

Forest Lawn Memorial Park

Patrick Hogan 776-6420

The cemetery would prefer that Edgerton be no parking so that parked cars do not interfere with funeral processions.

They also requested that the drainage be maintained through the main entrance, which will be incorporated into the project..

One email received:

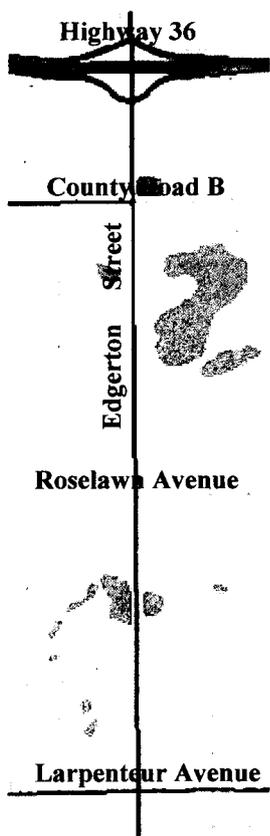
1897 Edgerton Street

In favor of the resurfacing and in favor of restricting parking



Ramsey
County

Edgerton Street Neighborhood Open House



- Ramsey County is planning on resurfacing Edgerton Street between Larpenteur Avenue and Highway 36. The work is proposed to begin in July of 2012. Attached are questions you may have about the construction.
- **IMPORTANT:** Currently, most of Edgerton Street has inadequate width to safely accommodate on-street parking. In addition, the amount of observed on-street parking is low. Ramsey County, in cooperation with the City of Maplewood is considering establishing a no parking zone on Edgerton Street. Public input is needed to determine the need for on-street parking and before changes to parking are implemented. If you are unable to attend the public meeting and would like to comment, please contact us.
- The project will be paid for with County funds. There will be no assessments to adjacent property owners for this project.
- An open house meeting will be held on **Tuesday June 5th, 2012 from 4 - 6 pm** at the Maplewood Community Center, 2100 White Bear Avenue. The open house meeting will provide a general overview of the project and allow for a question and answer session.

Thank you for your patience and cooperation during this project.



PLEASE DRIVE SAFELY

Ramsey County Public Works
1425 Paul Kirkwold Drive
Arden Hills, MN 55112

Edgerton Street Information Line

Project Engineer
Kathy Jaschke 651-266-7192
kathy.jaschke@co.ramsey.mn.us

Public Works Facility 651-266-7100



Department of Public Works

James Tolaas, P.E., Director and County Engineer

1425 Paul Kirkwold Drive

Arden Hills, MN 55112-3933 • (651) 266-7100 • Fax (651) 266-7110

E-mail: Public.Works@co.ramsey.mn.us

Edgerton Street Resurfacing Project Frequently Asked Questions

What's going to happen?

Edgerton Street will be resurfaced as follows:

Between Larpenteur Avenue and County Road B – Edgerton Street will be resurfaced using a bituminous reclamation technique. First, the in place pavement will be pulverized and graded to provide a uniform base material. Next, three inches of new bituminous pavement will be placed on top of the pulverized material. There may be some minor width and height changes that occur as a result of the reconstruction.

Between County Road B and TH 36 – Edgerton Street is proposed to be milled and overlaid. The top two inches of pavement will be ground off and removed. Two inches of new bituminous pavement will be placed.

The project will also include minor drainage improvements.

When will construction begin?

Drainage and utility improvements will begin on or after July 9th, 2012. Pavement work will begin on or after August 6th, 2012.

How long will construction last?

Construction is expected to last approximately 6 weeks.

Will I be assessed?

No, there are no costs or assessments to the adjacent property owners for this project.

What are the 4-foot long stakes for in front of my house?

The “offset stakes” are put in as a reference point so that the center of the road can be reestablished after the road has been ground up.

How will traffic be handled?

The road will remain open to local traffic. Traffic control signs will direct traffic through the work areas. The exit ramps at Highway 36 and Edgerton will be closed during major construction activities during working hours.

Will I have access to my driveway at all times?

There will be access to all homes, businesses, and institutions during all phases of construction. Your driveway will be temporarily blocked when the reclaim machine, the milling machine, and the paver pass in front of your driveway. Traffic is able to travel immediately on the reclaimed or milled surface. Traffic is able to travel on a paved surface after it has been rolled, compacted, and cooled, generally within an hour of placement.

What happens to mailboxes during construction?

Mailboxes will remain in place and there will be minimal interruption to service during construction. If mailboxes need to be moved as part of the project, you will be notified of any changes in delivery service.

Can I park on the street?

Parking will not be allowed during the workday.

Will the trees or shrubs be removed?

The County regards trees and landscaping as important to any neighborhood environment and as a general rule, trees and shrubs are not removed as part of a resurfacing project. There are some instances where trees may need to be trimmed to allow construction equipment to pass underneath.

What if I have special access needs?

If you have special access needs, please let us know so we can work with you to accommodate you during construction.

Do emergency vehicles, garbage service, school buses, and mail service have access during the project?

Access will be maintained and the County will coordinate with the above services to minimize disruptions and maintain safety.

What if I have a family gathering, garage sale, or other event?

Please contact us so we can work with you to coordinate the timing of your event.

Will my front yard or driveway be disturbed?

Yes. Your front or side yard directly adjacent to the shoulder will be disturbed by the construction and will be reseeded. Work will also be done to the end of your driveway to match it to the new road surface.

Will the sprinkler system in my front yard be affected?

Please contact us at one of the numbers below if there is a sprinkler system in County right of way. Some sprinkler systems will need to be relocated by the property owners.

Will curb be constructed in front of my house?

Bituminous curb will be replaced in areas where it currently exists.

Who can I call if the construction creates a problem for me?

Construction personnel can be contacted on the job or by calling the following people:

Mark Rauchbauer, Project Supervisor	651-266-7193
Charlie Markham, District Foreman	651-266-7196
Ramsey County Public Works	651-266-7100

Thank you in advance for your cooperation and patience during the construction period.

SAMPLE RESOLUTION

Parking Restrictions on Edgerton Street

Resolution Requesting Ramsey County to Restrict Parking on Edgerton Street (C.S.A.H. 58) between Larpenteur Avenue and Highway 36.

WHEREAS, Edgerton Street is a Ramsey County State Aid Route, and

WHEREAS, the County of Ramsey is expending County State Aid Funds on the resurfacing of Edgerton Street, and

WHEREAS, this improvement does not provide adequate width for parking on the street; and approval of the proposed construction as a County State Aid Street must therefore be conditioned upon certain parking restrictions.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Maplewood hereby requests Ramsey County to ban parking at all times on Edgerton Street between Larpenteur Avenue and TH 36, except for the portion on the east side between Larpenteur Avenue and Price Avenue, and except for the portion on the east side 300 feet to 380 feet north of Kingston Avenue, and except for the portion on the west side 230 feet to 300 feet north of Kingston Avenue.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Steven Love, Assistant City Engineer
 Steve Kummer, Civil Engineer II
SUBJECT: **Hills and Dales Area Street Improvements, Project 09-15**
a) Resolution Directing Modification of Existing Construction Contract, Change Order No. 5
b) Resolution Approving Final Payment and Acceptance of Project
DATE: June 18, 2011

INTRODUCTION

The city council will consider approving the attached resolutions directing the modification of the existing construction contract and approving final payment and acceptance of project for the Hills and Dales Area Street Improvements, City Project 09-15. The change order reflects an increase in the construction contract due to additional work and increased quantities due to bituminous and concrete driveway repairs and sod replacements.

BACKGROUND

On May 10, 2010, the council awarded T.A. Schifsky and Sons, Inc. a construction contract for utility and roadway improvements in the amount of \$5,371,115.06 along with Bid Alternate #1 for Duluth Street alternate design, Bid Alternate #2 sanitary sewer main lining (outside of project area), and Bid Alternate #4 County Road B infiltration area.

Change Order #1:	\$(29,923.02)	Approved 6/14/2010
Change Order #2:	\$48,637.45	Approved 10/18/2010
Change Order #3:	\$34,405.97	Approved 8/22/2011
Change Order #4:	\$17,802.36	Approved 1/02/2012

Total Change Orders to Date: \$70,922.76

DISCUSSION

A summary of the necessary additional work orders for Change Order No. 5 are as follows:

Item 1) Concrete and Asphalt Driveway Repairs -- \$45,898.00

It was necessary to repair or replace sections of 36 driveways due to surface cracking and subgrade stabilization issues. Driveway sections that were considered not constructed to contract specifications after removal were replaced under warranty. Others that were considered constructed to specification but had cracked were replaced. Additional costs are due to the labor, materials and mobilization required beyond the contract scope of work.

Item 2) Sod Replacement -- \$19,333.70

A dry August and September 2011 combined with sandy soils, lack of watering and Japanese beetle grubs created problems with sod throughout the neighborhood. A number of front yards required replacement of sod. Costs are due to the labor, materials and mobilization required beyond the contract scope of work.

Change Order No. 5 is summarized as follows:

Item 1) Concrete and Asphalt Driveway Repairs	\$45,898.00
Item 2) Sod Replacement	\$19,333.70
<hr/>	
Total Change Order #5	\$65,231.70

The additional work within Change Order No. 5 amounts to \$65,231.70, increasing the overall contract amount as follows:

Original Contract (including bid alternates)	\$5,371,115.06
Net Change Orders Nos. 1 to 4	\$ 70,922.76
<i>Propose Net Change Order No 5</i>	<i>\$ 65,231.70</i>
<hr/>	
Revised Contract Amount Proposed	\$5,507,269.52

CONTRACT CLOSURE AND ACCEPTANCE

The contractor, T.A. Schifsky and Sons, has completed the project improvements. On January 25, 2012, the council ordered the improvements. On May 10th, 2010, the council awarded a contract to T.A. Schifsky and Sons in the amount of \$5,301,774.42. Subsequently, on June 14, 2010, Bid Alternate Number 1 to the contract in the amount of \$69,340.64 was awarded after further consideration of the alternate rain garden design for Duluth Street.

The final construction cost is \$5,503,412.09.

BUDGET IMPACT

Approval of Change Order No. 5 will increase the current project construction contract amount by \$65,231.70 from \$5,442,037.82 to \$5,507,269.52.

The current approved budget for the project is \$7,836,087. The current expenses incurred to date total \$7,077,085. No budget adjustment is needed as the proposed change order and contract closeout fall within budgeted contingencies. Once all financial transactions have been completed staff will bring back the final financial plan and recommend closure of the project fund.

RECOMMENDATION

Staff recommends that the council approve the attached Resolution Directing Modification of Existing Construction Contract, Change Order No. 5, for the Hills and Dales Area Street Improvements, City Project 09-15. It is also recommend that the council approve the attached resolution for the Hills and Dales Area Street Improvements, City Project 09-15, Approving Final Payment and Acceptance of Project.

Attachments:

1. Resolution Directing Modification of Existing Construction Contract, Change Order No. 5
2. Resolution Approving Final Payment and Acceptance of Project
3. Change Order Form
4. Final Payment Application
5. Location Map

**RESOLUTION
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
PROJECT 09-15, CHANGE ORDER NO.5**

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 09-15, Hills and Dales Area Street Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 09-15, Change Order No. 5

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

1. The mayor and city clerk are hereby authorized and directed to modify the existing contract by executing said Change Order No. 5 which is \$65,231.70

The revised contract amount is \$5,507,269.52

Approved this 25th day of June 2012.

**RESOLUTION
APPROVING FINAL PAYMENT AND ACCEPTANCE OF PROJECT
PROJECT 09-15**

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered Improvement Project 09-15, the Hills and Dales Area Street Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, the City Engineer for the City of Maplewood has determined that the Hills and Dales Area Street Improvements, City Project 09-15, is complete and recommends acceptance of the project.

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

1. City Project 09-15 is complete and maintenance of these improvements is accepted by the city; and the final construction cost is \$5,503,412.09. Final payment to T.A. Schifsky and Sons, Inc., Incorporated, and the release of any retainage or escrow is hereby authorized.

Approved this 25th day of June 2012.

**CHANGE ORDER
CITY OF MAPLEWOOD
DEPARTMENT OF PUBLIC WORKS**

Project Name: Hills and Dales Area Street Improvements
 Project No: 09-15
 Contractor: T.A. Schfsky and Sons, Inc.
 Change Order No.: 5
 Date: 5/24/2012

The following revisions shall be made to the contract documents:

- Neighborhood sod replacement.
- Miscellaneous concrete and asphalt driveway work.

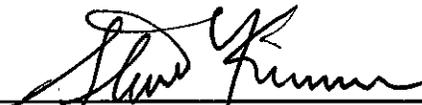
	<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Price</u>	<u>Total</u>
<i>ADDITIONS</i>					
1	REMOVE BITUMINOUS DRIVEWAY PAVEMENT/TRAIL	SY	394	\$ 7.00	\$ 2,758.00
2	STREET SWEEPER WITH PICKUP BROOM	HOUR	7	\$ 90.00	\$ 630.00
3	TYPE LV3 WEARING COURSE MIXTURE (B)	TON	116	\$ 135.00	\$ 15,660.00
4	6" CONCRETE DRIVEWAY PAVEMENT, RESIDENTIAL	SY	687	\$ 40.00	\$ 27,480.00
5	SELECT TOPSOIL BORROW, CY	SY	34	\$ 20.00	\$ 680.00
6	SODDING, TYPE LAWN	SY	4938	\$ 3.65	\$ 18,023.70

TOTAL NET CHANGE ORDER NUMBER	5	\$ 65,231.70
--------------------------------------	----------	---------------------

CONTRACT STATUS	
Original Contract	\$ 5,371,115.06
Net Change of Prior Changes	\$ 70,922.76
Change this Change Order	\$ 65,231.70
Revised Contract:	\$ 5,507,269.52

**CHANGE ORDER
CITY OF MAPLEWOOD
DEPARTMENT OF PUBLIC WORKS**

Recommended by:
City of Maplewood Public Works Dept.



Steven L. Kummer, P.E. -- Reg No. 44296

Agreed to by:
T.A. Schifsky and Sons, Inc.



Print Name: Jonathan Hager

Approved by:
City of Maplewood

Mayor Will Rossbach

Michael W. Thompson, P.E. -- City Engineer

APPLICATION FOR PAYMENT PAYMENT NO. 11

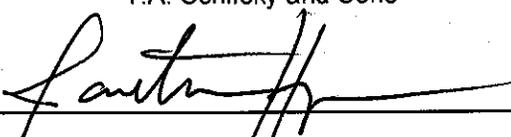
Contract: City Project 09-15
Owner: City of Maplewood, Minnesota
Contractor: T.A. Shifsky and Sons
Project: Hills and Dales Area Street Improvement

Application Date: 6/1/2012
For Period Ending: 6/1/2012

Original Contract Amount:	\$ 5,371,115.06
Contract Amendments:	\$ 136,154.46
Contract Amount to Date:	\$ 5,507,269.52
Total Amount of Work Completed to Date:	\$ 5,503,412.09
Material Stored On-Site but not in Work:	\$ -
Gross Amount Due to Date:	\$ 5,503,412.09
Less 0.00% Retainage	\$ -
Amount Due to Date:	\$ 5,503,412.09
Less Previous Payments:	\$ 5,410,989.49
Total Due This Application:	\$ 92,422.60

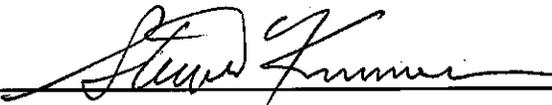
I hereby certify that all items and amounts shown are correct for the work completed to date.

Contractor: T.A. Schifsky and Sons

By:  Date: 6/14/12

The Work on this project and application for payment have been reviewed and the amount shown is recommended for payment.

Engineer: City of Maplewood - Public Works Department

By:  Date: 6/14/12

Approved for Payment

Owner: City of Maplewood

By: _____ Date: _____

Contract: City Project 09-15
 Owner: City of Maplewood, Minnesota
 Project: Hills and Dales Area Street Improvements
 Contractor: T.A. Schifsky and Sons, Inc.
 Pay Est#: 11

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2021.501	MOBILIZATION	LS	1	\$ 198,000.00	\$ 198,000.00	1.00	\$ 198,000.00
2101.506	CLEARING AND GRUBBING	EACH	67	\$ 288.40	\$ 19,322.80	91	\$ 26,244.40
2101.507	CLEARING AND GRUBBING	ACRE	0.19	\$ 7,210.00	\$ 1,369.90	0	\$ 1,369.90
2103.501	BUILDING REMOVAL	LS	1	\$ 1,751.00	\$ 1,751.00	1	\$ 1,751.00
2104.501	REMOVE RETAINING WALL (TREATED WOOD, CONCRETE BLOCK, AND CONCRETE WALL)	LF	52	\$ 15.45	\$ 803.40	66	\$ 1,011.98
2104.501	REMOVE CONCRETE CURB AND GUTTER	LF	1867	\$ 1.75	\$ 3,302.25	2209	\$ 3,865.75
2104.501	REMOVE & DISPOSE OF STORM SEWER PIPE (ANY SIZE & TYPE)	LF	1022	\$ 11.33	\$ 11,579.26	932	\$ 10,559.56
2104.505	REMOVE BITUMINOUS DRIVEWAY PAVEMENT/TRAIL	SY	6553	\$ 1.55	\$ 10,157.15	6236	\$ 9,666.27
2104.505	REMOVE BITUMINOUS ROADWAY PAVEMENT (INCLUDES ANY BIT CURB)	SY	35584	\$ 1.29	\$ 45,903.36	71180	\$ 91,822.20
2104.505	REMOVE CONCRETE DRIVEWAY PAVEMENT/APRON	SY	4110	\$ 1.55	\$ 6,370.50	3829	\$ 5,934.80
2104.505	REMOVE CONCRETE WALK/STEPS	SF	2345	\$ 1.03	\$ 2,415.35	1579	\$ 1,626.37
2104.505	SALVAGE & STACK BRICK PAVERS	SY	39	\$ 20.80	\$ 803.40	23	\$ 475.85
2104.508	BITUMINOUS ROADWAY RECLAMATION	SY	35584	\$ 0.01	\$ 355.84	0	\$ -
2104.509	REMOVE DRAINAGE STRUCTURE (CB, MH, CB-MH, OR FES)	EACH	17	\$ 360.50	\$ 6,128.50	19	\$ 6,849.50
2104.509	SALVAGE STORM SEWER CASTING	EACH	13	\$ 36.05	\$ 468.65	29	\$ 1,045.45
2104.509	SALVAGE SANITARY SEWER CASTING	EACH	74	\$ 51.50	\$ 3,811.00	75	\$ 3,882.50
2104.513	SAW BITUMINOUS PAVEMENT (INCLUDES ROADS)	LF	847	\$ 1.70	\$ 1,439.90	0	\$ -
2104.521	SALVAGE AND RE-INSTALL RETAINING WALL, (WOOD, TIMBER, BLOCK, KEYSTONE, BRICK)	LF	287	\$ 20.60	\$ 5,912.20	220	\$ 4,532.00
2104.521	SALVAGE AND RE-INSTALL WOOD FENCE, SPLIT RAIL AND/OR PLANK	LF	207	\$ 17.51	\$ 3,624.57	7	\$ 122.57
2104.521	SALVAGE AND RE-INSTALL CHAIN LINK FENCE	LF	30	\$ 15.45	\$ 463.50	251	\$ 3,877.95
2104.525	PLUG, FILL, AND ABANDON STORM SEWER PIPE	LF	232	\$ 9.27	\$ 2,150.64	118	\$ 1,092.84
2104.602	SALVAGE LANDSCAPE WALL (ALL TYPES)	SF	291	\$ 5.15	\$ 1,498.65	102	\$ 524.79
2104.602	SALVAGE BASKETBALL HOOP	EACH	1	\$ 206.00	\$ 206.00	1	\$ 206.00
2105.501	COMMON EXCAVATION, CY (EV) (P)	CY	31812	\$ 6.24	\$ 252,130.88	31812	\$ 252,130.88
2105.507	SUBGRADE EXCAVATION, CY (EV)	CY	27144	\$ 7.16	\$ 194,351.04	31194	\$ 223,346.82
2105.507	ADDITIONAL SUBGRADE EXCAVATION, CY (EV)	CY	5364	\$ 7.16	\$ 38,549.44	601	\$ 4,305.31
2105.515	UNCLASSIFIED EXCAVATION (EV) (SEE EARTHWORK SCHEDULES)	CY	1667	\$ 9.79	\$ 16,319.93	1665	\$ 16,300.35
2105.522	SELECT GRANULAR BORROW, CY (CV)	CY	27144	\$ 8.14	\$ 220,952.16	31194	\$ 253,916.64
2105.522	ADDITIONAL SELECT GRANULAR BORROW, CY (CV)	CY	5100	\$ 8.14	\$ 41,514.00	0	\$ -
2105.526	SELECT TOPSOIL BORROW, CY	CY	8573	\$ 10.82	\$ 92,758.86	5293	\$ 57,270.26
2105.601	CONSTRUCT ACCESS ROAD	LS	1	\$ 2,575.00	\$ 2,575.00	1	\$ 2,575.00
2105.603	MINOR GRADING @ 6-FOOT WIDTH	LF	200	\$ 11.33	\$ 2,266.00	200	\$ 2,266.00
2105.604	GEOTEXTILE FABRIC TYPE V (SUBCUT)	SY	32046	\$ 1.85	\$ 59,278.90	35585	\$ 65,825.61
2105.609	HAUL & DISPOSE CONTAMINATED MATERIAL AND/OR DEBRIS IMPACTED SOIL (SC-2106)	TON	8600	\$ 19.57	\$ 168,282.00	4672	\$ 91,432.51
2123.601	EQUIPMENT RENTAL (REMOVE/SALVAGE MISC. LANDSCAPE ITEMS)	LS	1	\$ 30,000.00	\$ 30,000.00	1	\$ 20,800.00
2123.610	STREET SWEEPER WITH PICKUP BROOM	HOUR	262	\$ 80.00	\$ 20,960.00	175	\$ 13,960.00
2130.501	WATER FOR DUST CONTROL	M GAL	339	\$ 15.00	\$ 5,085.00	460	\$ 6,900.00
2211.501	AGGREGATE BASE CLASS 6 FOR BITUMINOUS DRIVEWAYS, 6-INCH THICKNESS	SY	6743	\$ 3.50	\$ 23,600.50	5813	\$ 20,343.75
2211.501	AGGREGATE BASE CLASS 6 FOR CONCRETE DRIVEWAYS, 4-INCH THICKNESS	SY	5073	\$ 3.25	\$ 16,487.25	4675	\$ 15,843.04
2211.501	AGGREGATE BASE CLASS 6 FOR STREETS	TON	40894	\$ 9.50	\$ 388,493.00	46480	\$ 441,580.19
2211.501	ADDITIONAL AGGREGATE BASE CLASS 6 FOR STREETS	TON	670	\$ 9.50	\$ 6,365.00	0	\$ -
2211.604	AGG. SURFACING, CL. 5 (100% CR. LIMESTONE) FOR GRAVEL DWYS @ 6" DEPTH	SY	281	\$ 7.06	\$ 1,983.86	206	\$ 1,454.36
2232.501	MILL BITUMINOUS SURFACE, 1.5" DEPTH (FURNISH STREET)	SY	792	\$ 2.10	\$ 1,663.20	792	\$ 1,663.20
2232.603	MILL BITUMINOUS PAVEMENT, 1.5" DEPTH @ MINIMUM 18" WIDE	LF	647	\$ 6.18	\$ 3,999.46	786	\$ 4,857.48
2331.603	BITUMINOUS ROAD PAVEMENT CONTROL JOINT SAW AND SEAL	LF	15690	\$ 1.70	\$ 26,673.00	16556	\$ 28,145.20
2357.502	BITUMINOUS MATERIAL FOR TACK COAT	GAL	3216	\$ 1.91	\$ 6,142.56	3725	\$ 7,114.75
2360.501	TYPE LV3 WEARING COURSE MIXTURE (B)	TON	5739	\$ 58.00	\$ 332,862.00	6536	\$ 379,088.00
2360.502	TYPE LV3 NON-WEARING COURSE MIXTURE (B)	TON	7865	\$ 58.00	\$ 456,170.00	7727	\$ 448,146.88
2360.503	TYPE LV4 WEARING COURSE MIXTURE (L) 3" THICK DRIVEWAY	SY	6772	\$ 12.36	\$ 83,701.92	5812	\$ 71,830.14
2411.507	CONSTRUCT BAFFLE WALL PER SPECIAL DETAIL	EACH	1	\$ 6,160.00	\$ 6,160.00	0	\$ -
2411.604	DRY-STACK IRREGULAR STONE RETAINING WALLS	SF	1089	\$ 24.72	\$ 26,920.08	36	\$ 889.92
2411.818	MODULAR BLOCK RETAINING WALL	SF	225	\$ 24.72	\$ 5,562.00	65	\$ 1,606.80
2412.511	6' HOR x 4' VERT PRECAST CONCRETE BOX CULVERT (INCLUDES JOINT SEALANTS AND TIES)	LF	913	\$ 342.99	\$ 313,149.87	0	\$ -
2451.503	GRANULAR BACKFILL (WATER, SANITARY, STORM)	CY	400	\$ 15.45	\$ 6,180.00	378	\$ 5,840.10
2451.603	AGGREGATE PIPE FOUNDATION W/GEOTEXTILE FABRIC PER STANDARD PLATE NO. 440	CY	595	\$ 39.14	\$ 23,288.30	9	\$ 352.25
2451.603	AGGREGATE PIPE FOUNDATION PER SPECIAL BOX CULVERT DETAIL	CY	315	\$ 17.51	\$ 5,515.65	0	\$ -
2501.525	15-INCH RCP APRON W/TRASHRACK	EACH	1	\$ 947.60	\$ 947.60	1	\$ 947.60
2501.525	24-INCH RC PIPE APRON	EACH	1	\$ 1,318.40	\$ 1,318.40	1	\$ 1,318.40
2501.525	30-INCH RC PIPE APRON	EACH	1	\$ 1,184.50	\$ 1,184.50	1	\$ 1,184.50
2502.541	4" PERFORATED DRAIN TUBING WITH SOCK (STREET SUBCUT)	LF	5577	\$ 3.30	\$ 18,404.10	5375	\$ 17,737.50
2502.541	4" PERFORATED DRAIN TUBING WITH SOCK (RESIDENTIAL RAIN GARDEN)	LF	1078	\$ 3.30	\$ 3,557.40	801	\$ 2,643.30
2503.511	18-INCH CORRUGATED SMOOTH WALL PERFORATED HDPE PIPE	LF	800	\$ 27.40	\$ 21,920.00	490	\$ 13,426.00
2503.511	12-INCH CORRUGATED SMOOTH WALL HDPE PIPE SEWER	LF	151	\$ 15.24	\$ 2,301.24	151	\$ 2,301.24
2503.511	12-INCH RC PIPE SEWER CL V	LF	3283	\$ 20.60	\$ 67,829.80	2984	\$ 61,470.40
2503.511	15-INCH RC PIPE SEWER CL V	LF	1271	\$ 21.84	\$ 27,758.64	1324	\$ 28,916.16
2503.511	18-INCH RC PIPE SEWER CL V	LF	2187	\$ 24.00	\$ 52,488.00	2241	\$ 53,784.00
2503.511	24-INCH RC PIPE SEWER CL IV	LF	2282	\$ 34.40	\$ 78,500.80	1811	\$ 62,298.40
2503.511	27-INCH RC PIPE SEWER CL IV	LF	66	\$ 47.38	\$ 3,127.08	66	\$ 3,127.08
2503.511	30-INCH RC PIPE SEWER CL III	LF	292	\$ 46.35	\$ 13,532.20	179	\$ 8,296.65
2503.521	24-INCH ARCH RC PIPE SEWER	LF	272	\$ 54.08	\$ 14,709.76	231	\$ 12,482.46
2503.602	CONNECT TO EXISTING STORM SEWER PIPE	EACH	6	\$ 669.50	\$ 4,017.00	8	\$ 5,356.00
2503.602	CONNECT TO EXISTING STORM SEWER - CORE DRILL	EACH	8	\$ 1,586.50	\$ 12,692.00	10	\$ 15,950.00
2503.602	CONNECT TO EXISTING STORM SEWER MANHOLE	EACH	18	\$ 669.50	\$ 12,051.00	8	\$ 5,356.00
2503.603	PIPE BEDDING FOR RCP STORM SEWER, PER STD PLT 340	LF	1373	\$ 3.08	\$ 4,242.57	220	\$ 679.80

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2503.603	4" OR 6" PVC, SCH. 40 SANITARY SEWER SERVICE - REPLACE PER PLATE 410 OR 410A	LF	1975	\$ 35.23	\$ 69,579.25	2544	\$ 89,825.12
2503.603	6" DIP SANITARY SEWER SERVICE W/ POLYETHYLENE WRAP - REPLACE PER PLATE 410 OR 410A	LF	150	\$ 50.47	\$ 7,570.50	0	\$ -
2503.603	PIPE BEDDING FOR PVC SANITARY SEWER PIPE, PER STD PLT NO 440	LF	2140	\$ 2.58	\$ 5,521.20	221	\$ 570.18
2503.603	REPAIR 8-INCH VCP SANITARY SEWER MAIN PER STANDARD PLATE 409A	EACH	15	\$ 1,843.70	\$ 27,655.50	19	\$ 34,403.44
2503.603	8" SANITARY SEWER LINING	LF	2796	\$ 27.81	\$ 77,758.76	2574	\$ 71,592.94
2503.603	10" SANITARY SEWER LINING	LF	705	\$ 28.84	\$ 20,361.04	928	\$ 26,763.52
2503.610	SANITARY SEWER BYPASS PUMPING	HOURL	2	\$ 103.00	\$ 208.00	0	\$ -
2504.602	ADJUST CURB STOP HOUSING	EACH	214	\$ 48.41	\$ 10,359.74	0	\$ -
2504.602	ADJUST GATE VALVE BOX	EACH	58	\$ 236.90	\$ 13,288.40	46	\$ 10,897.40
2504.602	WATER UTILITY HOLE (EXCAVATE & BACKFILL)	EACH	5	\$ 1,184.50	\$ 5,922.50	11	\$ 13,029.50
2504.602	WATER UTILITY OFFSET/REPLACEMENT TRENCH (EXCAVATE & BACKFILL)	EACH	16	\$ 1,545.00	\$ 24,720.00	12	\$ 18,540.00
2504.603	REPAIR CURB STOP HOUSING / GATE VALVE BOX	EACH	9	\$ 309.00	\$ 2,781.00	6	\$ 1,854.00
2504.603	WATER MAIN TRENCH	LF	4259	\$ 20.80	\$ 87,735.40	4242	\$ 87,385.20
2504.603	WATER SERVICE TRENCH	LF	350	\$ 27.81	\$ 9,733.50	527	\$ 14,655.67
2504.604	2" INSULATION	SY	468	\$ 12.36	\$ 5,796.84	345	\$ 4,276.58
2508.502	CONSTRUCT 18" NYLOPLAST DRAIN & BASIN WITH H-20 GRATE	EACH	1	\$ 1,081.50	\$ 1,081.50	1	\$ 1,081.50
2508.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 27-INCH CB/MH	EACH	1	\$ 669.50	\$ 669.50	1	\$ 669.50
2508.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 2 X 3 BOX CB	EACH	54	\$ 834.30	\$ 45,052.20	50	\$ 41,715.00
2508.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 48-INCH CB/MH	EACH	57	\$ 1,183.90	\$ 66,342.30	62	\$ 72,161.80
2508.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 60-INCH CB/MH	EACH	5	\$ 2,018.60	\$ 10,094.00	6	\$ 12,112.80
2508.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 72-INCH CB/MH	EACH	2	\$ 2,770.70	\$ 5,541.40	2	\$ 5,541.40
2508.521	FURNISH & INSTALL R-1678-A FRAME & SOLID LID FOR STORM SEWER	EACH	11	\$ 669.50	\$ 7,364.50	9	\$ 6,025.50
2508.521	FURNISH & INSTALL R-4342 CASTING	EACH	1	\$ 309.00	\$ 309.00	1	\$ 309.00
2508.521	FURNISH & INSTALL R-2535 CASTING	EACH	1	\$ 726.15	\$ 726.15	3	\$ 2,178.45
2508.521	FURNISH & INSTALL R-3087-V FRAME & GRATE	EACH	108	\$ 571.85	\$ 61,738.20	120	\$ 68,598.00
2508.521	FURNISH & INSTALL R-3075-V FRAME & GRATE	EACH	3	\$ 592.25	\$ 1,776.75	2	\$ 1,184.50
2508.521	FURNISH & INSTALL R-1678-A FRAME & R-1422-0015 LID FOR SANITARY SEWER	EACH	74	\$ 662.29	\$ 49,009.46	77	\$ 50,996.33
2508.521	FURNISH & INSTALL CASTING ASSEMBLY, TYPE FORD COVER A-1	EACH	10	\$ 219.39	\$ 2,193.90	16	\$ 3,510.24
2508.602	RECONSTRUCT CATCHBASIN RING RISER	EACH	1	\$ 309.00	\$ 309.00	2	\$ 531.48
2508.602	CONSTRUCT BOX CULVERT RISER, 2x3 BOX, 1' HIGH	EACH	3	\$ 380.50	\$ 1,081.50	0	\$ -
2508.602	CONSTRUCT BOX CULVERT RISER, 48" MH w/TOP SLAB, 2' HIGH	EACH	3	\$ 813.70	\$ 2,441.10	0	\$ -
2508.602	SALVAGE & REINSTALL STORM SEWER CASTING	EACH	26	\$ 386.25	\$ 10,042.50	15	\$ 5,793.75
2508.602	REPLACE TOPSLAB	EACH	4	\$ 398.55	\$ 1,586.20	0	\$ -
2508.602	SALVAGE & REINSTALL SANITARY SEWER CASTING	EACH	1	\$ 386.25	\$ 386.25	0	\$ -
2508.602	SEAL SANITARY MANHOLE	EACH	23	\$ 530.45	\$ 12,200.35	18	\$ 9,548.10
2508.603	RECONSTRUCT STORM SEWER MANHOLE	VF	3	\$ 721.00	\$ 2,163.00	4	\$ 2,884.00
2508.603	RECONSTRUCT SANITARY SEWER MANHOLE	LF	134	\$ 180.25	\$ 24,153.50	128	\$ 23,072.00
2508.607	ROCK INFILTRATION TRENCH W/TYPE V NON-WOVEN GEOTEXTILE FABRIC	CY	462	\$ 41.20	\$ 19,034.40	871	\$ 35,868.72
2511.502	RANDOM RIPRAP, CLASS III	CY	11	\$ 111.24	\$ 1,223.64	100	\$ 11,155.15
2511.515	GEOTEXTILE FABRIC, TYPE IV FOR RIP RAP	SY	28	\$ 6.18	\$ 173.04	28	\$ 173.04
2511.618	F & I SCOUR STOP W/TURF REINFORCEMENT MAT	SF	128	\$ 21.63	\$ 2,768.64	192	\$ 4,152.96
2521.501	4" CONCRETE MAILBOX PAD	SF	10	\$ 8.18	\$ 81.80	9	\$ 55.62
2521.501	4" CONCRETE WALK	SF	2573	\$ 3.91	\$ 10,080.43	1949	\$ 7,618.64
2521.501	4" CONCRETE WALK RISER-STEPS	EACH	7	\$ 123.60	\$ 865.20	2	\$ 247.20
2531.501	CONCRETE C&G, DESIGN B612, B618, D412 RIBBON OR TRANSITION	LF	41740	\$ 8.23	\$ 343,520.20	41741	\$ 343,524.32
2531.507	6" CONCRETE DRIVEWAY PAVEMENT, RESIDENTIAL	SY	5070	\$ 31.75	\$ 160,972.50	4662	\$ 148,979.89
2531.507	PAVER DRIVEWAY, RESIDENTIAL	SY	39	\$ 30.90	\$ 1,205.10	0	\$ -
2531.532	PEDESTRIAN CURB RAMP	EACH	3	\$ 568.50	\$ 1,699.50	5	\$ 2,832.50
2535.501	BITUMINOUS CURB	LF	252	\$ 3.09	\$ 778.68	127	\$ 382.43
2540.602	F & I MAILBOX SUPPORT	EACH	13	\$ 87.55	\$ 1,138.15	78	\$ 6,828.90
2540.602	F & I MULTIPLE MAILBOX SUPPORT	EACH	14	\$ 123.60	\$ 1,730.40	38	\$ 4,696.80
2540.602	REINSTALL SALVAGED MAILBOX SUPPORT	EACH	129	\$ 41.20	\$ 5,314.80	93	\$ 3,831.60
2540.602	REINSTALL SALVAGED MULTIPLE MAILBOX SUPPORT	EACH	85	\$ 103.00	\$ 8,695.00	46	\$ 4,738.00
2540.602	REINSTALL SALVAGED NEWSPAPER BOX SUPPORT	EACH	19	\$ 15.45	\$ 293.55	20	\$ 309.00
2540.602	REINSTALL SALVAGED MULTIPLE NEWSPAPER BOX SUPPORT	EACH	40	\$ 19.57	\$ 782.80	19	\$ 371.83
2540.602	SALVAGE & REINSTALL LARGE LANDSCAPE ROCK (BOULDER)	EACH	55	\$ 30.90	\$ 1,699.50	1	\$ 30.90
2540.604	INSTALL LANDSCAPE ROCK, ALL TYPES, 3-INCH THICKNESS W/WEED BARRIER	SY	12	\$ 36.05	\$ 432.60	0	\$ -
2540.618	INSTALL SALVAGED LANDSCAPE RETAINING WALL (ALL TYPES)	SF	300	\$ 20.60	\$ 6,180.00	0	\$ -
2583.601	TRAFFIC CONTROL	LS	1	\$ 13,380.00	\$ 13,380.00	1	\$ 13,390.00
2571.502	DECIDUOUS TREE 2-INCH BALLED & BURLAPPED	EACH	67	\$ 179.22	\$ 12,007.74	67	\$ 12,007.74
2571.504	DECIDUOUS SHRUB, # 2 CONTAINER	EACH	2000	\$ 22.88	\$ 45,320.00	243	\$ 5,506.38
2571.507	PERENIAL PLUG 2-INCH CONTAINER	EACH	11250	\$ 1.86	\$ 20,925.00	5589	\$ 10,395.54
2571.601	DAY ROAD RAIN GARDEN IMPROVEMENTS	LS	1	\$ 5,150.00	\$ 5,150.00	1	\$ 5,150.00
2571.602	RESIDENTIAL RAINWATER GARDEN PREPARATION (EXCAV./ROCK SUMPS/FAB./MULCH)	EACH	73	\$ 721.00	\$ 52,633.00	138	\$ 99,678.25
2571.602	LARGE RAINWATER GARDEN PREPARATION	SY	100	\$ 23.69	\$ 2,369.00	0	\$ -
2571.604	ADD 3 INCHES SAND MATERIAL TO DAY ROAD BASIN BEDDING AREAS W/ TILL, 6-INCH DEPTH	SY	1900	\$ 2.06	\$ 3,914.00	1900	\$ 3,914.00
2573.502	SILT FENCE, TYPE HEAVY DUTY	LF	1275	\$ 1.98	\$ 2,499.00	250	\$ 490.00
2573.530	INLET PROTECTION, ALL TYPES	EACH	176	\$ 82.40	\$ 14,502.40	182	\$ 14,986.80
2573.540	FILTER LOG, TYPE COMPOST LOG	LF	1275	\$ 3.09	\$ 3,839.75	698	\$ 2,156.82
2573.601	EROSION CONTROL, CONTRACTOR'S PLAN	LS	1	\$ 20,000.00	\$ 20,000.00	1	\$ 20,000.00
2573.602	FURNISH AND MAINTAIN ROCK ENTRANCE PAD AS PER PLATE 350	EACH	16	\$ 612.85	\$ 9,805.60	7	\$ 4,289.95
2575.501	TURF ESTABLISHMENT w/SEED MIXTURE 270	SY	264	\$ 1.03	\$ 271.92	40	\$ 41.20
2575.501	TURF ESTABLISHMENT w/SEED MIXTURE 325	SY	497	\$ 1.29	\$ 641.13	700	\$ 903.00
2575.501	TURF ESTABLISHMENT w/SEED MIXTURE 328	SY	2284	\$ 1.29	\$ 2,946.36	4355	\$ 5,617.31
2575.523	EROSION CONTROL BLANKET, CATEGORY 0	SY	1685	\$ 1.29	\$ 2,173.65	1685	\$ 2,173.65
2575.523	EROSION CONTROL BLANKET, CATEGORY 1	SY	1232	\$ 1.03	\$ 1,268.96	3370	\$ 3,471.10
2575.523	EROSION CONTROL BLANKET, CATEGORY 2	SY	524	\$ 1.13	\$ 592.12	27	\$ 30.51
2575.532	COMM. FERT., ANALYSIS 20-0-10/10-0-20 FOR SODDED/SEEDED AREAS W/ MIX 270	LB	4836	\$ 0.62	\$ 2,998.32	3292	\$ 2,041.04
2575.603	WATER FOR TURF ESTABLISHMENT (ADDITIONAL)	M GAL	400	\$ 22.66	\$ 9,084.00	88	\$ 1,994.08
2575.604	MINERAL SOD	SY	70134	\$ 2.94	\$ 143,073.36	53058	\$ 108,238.32
2104.503	REMOVE CONCRETE SIDEWALK PAVEMENT (PRIVATE)	SF	50	\$ 2.06	\$ 103.00	485	\$ 996.48

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2104.505	REMOVE BITUMINOUS DRIVEWAY PAVEMENT (PRIVATE)	SY	820	\$ 3.09	\$ 2,533.80	1978	\$ 6,113.28
2104.505	REMOVE CONCRETE DRIVEWAY PAVEMENT (PRIVATE)	SY	220	\$ 2.08	\$ 453.20	2565	\$ 5,324.07
2105.507	COMMON EXCAVATION, CY (EV) FOR EXPANSION OF DRIVES AND WALKS (PRIVATE)	CY	30	\$ 10.30	\$ 309.00	238	\$ 2,452.43
2105.507	SUBGRADE EXCAVATION, CY (EV) FOR DRIVEWAYS (PRIVATE)	CY	100	\$ 10.30	\$ 1,030.00	0	\$ -
2105.526	SELECT TOPSOIL BORROW, CY (CV) FOR TURF ESTABLISHMENT (PRIVATE)	CY	50	\$ 12.36	\$ 618.00	149	\$ 1,846.09
2211.501	AGGREGATE BASE CLASS 6 FOR DRIVEWAYS (PRIVATE)	TON	550	\$ 12.88	\$ 7,084.00	1564	\$ 20,149.99
2356.604	BITUMINOUS SEALCOAT (PRIVATE)	SY	100	\$ 3.09	\$ 309.00	0	\$ -
2360.501	TYPE LV4 WEARING COURSE MIXTURE (L) 3" THICK DRIVEWAY (PRIVATE)	TON	150	\$ 71.07	\$ 10,660.50	920	\$ 65,399.32
2521.501	4" CONCRETE WALK (PRIVATE)	SF	50	\$ 5.15	\$ 257.50	236	\$ 1,214.89
2531.507	6" CONCRETE DRIVEWAY PAVEMENT, RESIDENTIAL (PRIVATE)	SY	220	\$ 31.75	\$ 6,985.00	650	\$ 20,640.68
2575.505	SODDING, TYPE LAWN (PRIVATE)	SY	100	\$ 3.09	\$ 309.00	464	\$ 1,434.89
BASE BID TOTAL					\$ 5,152,777.90		\$ 4,818,711.97

BID ALTERNATE 1 - DULUTH STREET ALTERNATE DESIGN

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2411.603	DRY-STACK IRREGULAR STONE WALL (SPEC SC-2411A)	SF	1187	\$ 24.72	\$ 29,342.64	1187	\$ 29,342.64
2571.505	DECIDUOUS SHRUB 4-INCH CONTAINER	EACH	900	\$ 5.15	\$ 4,635.00	0	\$ -
2571.505	DECIDUOUS SHRUB #2 CONTAINER	EACH	600	\$ 22.66	\$ 13,596.00	200	\$ 4,532.00
2571.507	PERENNIAL 4-INCH CONTAINER	EACH	750	\$ 5.15	\$ 3,862.50	7800	\$ 40,170.00
2571.550	70/30 WASHED SAND/COMPOST PLANTING MIX	CY	400	\$ 23.69	\$ 9,476.00	0	\$ -
2571.602	RAINWATER GARDEN PREPARATION	SY	1650	\$ 2.58	\$ 4,257.00	0	\$ -
2575.513	MULCH MATERIAL, TYPE 6 SHREDDED	CY	150	\$ 27.81	\$ 4,171.50	20	\$ 556.20
BID ALT NO. 1 TOTAL					\$ 69,340.64		\$ 74,600.84

BID ALTERNATE 2 - SANITARY SEWER MAIN LINING (OFF PROJECT AREA)

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2503.603	8" SANITARY SEWER LINING (SC-2503B)	LF	2248	\$ 24.21	\$ 54,424.08	2248	\$ 54,424.08
2503.603	10" SANITARY SEWER LINING (SC-2503B)	LF	853	\$ 27.30	\$ 23,286.90	853	\$ 23,286.90
2503.603	12" SANITARY SEWER LINING (SC-2503B)	LF	652	\$ 34.51	\$ 22,500.52	652	\$ 22,500.52
BID ALT NO. 2 TOTAL					\$ 100,211.50		\$ 100,211.50

BID ALTERNATE 4 - COUNTY ROAD B INFILTRATION AREA

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2101.507	CLEARING AND GRUBBING	ACRE	0.21	\$ 5,150.00	\$ 1,081.50	0.21	\$ 1,081.50
2104.607	REMOVE & STOCKPILE EXISTING RIP-RAP	CY	16	\$ 20.60	\$ 329.60	16	\$ 329.60
2105.601	INSTALL AND MAINTAIN ADDITIONAL HAUL ROAD	LS	1	\$ 3,605.00	\$ 3,605.00	1	\$ 3,605.00
2105.607	DISPOSE OF EXCAVATED MATERIAL	CY	686	\$ 7.16	\$ 4,911.76	686	\$ 4,911.76
2105.607	ENGINEERED SOIL - 50% MnDOT 3690 COMPOST, 50% LOAMY SAND	CY	145	\$ 25.00	\$ 3,625.00	145	\$ 3,625.00
2105.607	INSTALL SAND TRENCH	CY	150	\$ 15.00	\$ 2,250.00	150	\$ 2,250.00
2105.607	PLACE SALVAGED TOPSOIL	CY	80	\$ 10.82	\$ 865.60	80	\$ 865.60
2105.607	SITE GRADING & EXCAVATION	CY	840	\$ 11.33	\$ 9,517.20	840	\$ 9,517.20
2105.607	STRIP AND STOCKPILE TOPSOIL	CY	210	\$ 4.12	\$ 865.20	210	\$ 865.20
2411.507	F&I CAST IN PLACE WEIR AND REINFORCING - MH 111	LS	1	\$ 5,150.00	\$ 5,150.00	1	\$ 5,150.00
2503.601	JET-VAC MH AND 42" STORM SEWER	LS	1	\$ 4,635.00	\$ 4,635.00	0	\$ -
2511.502	FIELD STONE RIPRAP, CLASS III	CY	16	\$ 124.63	\$ 1,994.08	16	\$ 1,994.08
2511.515	GEOTEXTILE FABRIC, TYPE IV FOR RIP RAP	SY	30	\$ 6.18	\$ 185.40	30	\$ 185.40
2511.604	TURF REINFORCEMENT MAT AND INFILTRATION BASIN OVERFLOW	SY	66	\$ 12.36	\$ 815.76	38	\$ 444.96
2563.601	TRAFFIC CONTROL - COUNTY ROAD B	LS	1	\$ 1,545.00	\$ 1,545.00	0	\$ -
2571.507	PRAIRIE CORD GRASS PLUGS (SPARTINA PECTINATA)	EA	150	\$ 2.06	\$ 309.00	150	\$ 309.00
2571.507	SWITCHGRASS PLUGS (PANICUM VIRGATUM)	EA	150	\$ 2.06	\$ 309.00	150	\$ 309.00
2571.603	TREE PROTECTION FENCING	LF	400	\$ 2.06	\$ 824.00	0	\$ -
2573.602	42" FES OUTLET PROTECTION	EA	1	\$ 206.00	\$ 206.00	1	\$ 206.00
2575.501	MESIC PRAIRIE SEED MIX, MnDOT 328	SY	870	\$ 1.29	\$ 864.30	920	\$ 1,186.80
2575.513	SHREDDED WOOD MULCH, 3" THICKNESS	CY	35	\$ 30.80	\$ 1,081.50	90	\$ 2,781.00
2575.523	EROSION CONTROL BLANKET - MnDOT 3885 CATEGORY 1	SY	829	\$ 1.03	\$ 853.87	920	\$ 947.60
2575.601	MESIC PRAIRIE AND PLUG MAINTENANCE	LS	1	\$ 2,060.00	\$ 2,060.00	1	\$ 2,060.00
2575.605	SEED AND MULCH DISTURBED AREAS	ACRE	0.50	\$ 1,802.50	\$ 901.25	0	\$ -
BID ALT NO. 4 TOTAL					\$ 48,785.02		\$ 42,524.70

CHANGE ORDER NO. 1 -- ARCH PIPE VS. BOX CULVERT SUBSTITUTION - DULUTH STREET

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
2412.511	73-INCH X 45-INCH ARCH CL 2A (INCL OPENINGS AND LATERALS)	LF	1214	\$ 241.00	\$ 292,574.00	1222	\$ 294,502.00
2503.511	INSTALL 12-INCH RCP 7.5 DEG BEND	EA	3	\$ 410.00	\$ 1,230.00	3	\$ 1,230.00
2503.511	INSTALL 27-INCH RCP 22.5 DEG BEND	EA	1	\$ 1,210.00	\$ 1,210.00	1	\$ 1,210.00
2506.602	CONSTRUCT 2X3 CB RISER	EA	5	\$ 360.50	\$ 1,802.50	5	\$ 1,802.50
2506.602	CONSTRUCT 48-INCH MHC B RISER	EA	3	\$ 813.70	\$ 2,441.10	3	\$ 2,441.10
2412.511	6' HOR x 4' VERT PRECAST CONCRETE BOX CULVERT (INCLUDES JOINT SEALANTS AND TIES)	LF	913	\$ (342.99)	\$ (313,149.87)	0	\$ -
2503.511	24-INCH RC PIPE SEWER CL IV	LF	188	\$ (34.40)	\$ (6,467.20)	0	\$ -
2503.511	30-INCH RC PIPE SEWER CL III	LF	113	\$ (46.35)	\$ (5,237.55)	0	\$ -
2506.502	CONSTRUCT DRAINAGE STRUCTURE, DESIGN 48-INCH CB/MH	EACH	1	\$ (1,163.90)	\$ (1,163.90)	0	\$ -
2506.602	CONSTRUCT BOX CULVERT RISER, 2x3 BOX, 1' HIGH	EACH	2	\$ (360.50)	\$ (721.00)	0	\$ -
2506.602	CONSTRUCT BOX CULVERT RISER, 48" MH w/TOP SLAB, 2' HIGH	EACH	3	\$ (813.70)	\$ (2,441.10)	0	\$ -
CHANGE ORDER NO. 1 TOTAL					\$ (29,923.02)		\$ 301,185.60

CHANGE ORDER NO. 2 -- MISCELLANEOUS

Item No.	Description	Unit	Contract Quantity	Unit Price	Extended	To-date Quantity	To-date Extended
Item No.	Description	Unit	Quantity	Unit Price	Extended	Quantity	Extended
2503.603	4" OR 6" PVC SCH 40 SAN SEWER SERVICE	LF	400	\$ 35.23	\$ 14,092.00	400	\$ 14,092.00
2360.501	TYPE LV4 WEARING COURSE @ 3" THICK PRIVATE DRIVEWAYS	TON	60	\$ 71.07	\$ 4,264.20	60	\$ 4,264.20
2104.505	6" CONCRETE DRIVEWAY PAVEMENT, PRIVATE	SY	459	\$ 31.75	\$ 14,573.25	459	\$ 14,573.25
	WORK ORDER REQUEST #3	LS	1	\$ 7,370.00	\$ 7,370.00	1	\$ 7,370.00
	WORK ORDER REQUEST #5	LS	1	\$ 8,338.00	\$ 8,338.00	1	\$ 8,338.00
CHANGE ORDER NO. 2 TOTAL					\$ 48,637.45		\$ 48,637.45

CHANGE ORDER NO. 3 -- MISCELLANEOUS

Item No.	Description	Unit	Quantity	Unit Price	Extended	Quantity	Extended
	WORK ORDER REQUEST #16	LS	1	\$ 4,348.96	\$ 4,348.96	1	\$ 4,348.96
	WORK ORDER REQUEST #18	LS	1	\$ 4,940.00	\$ 4,940.00	1	\$ 4,940.00
	WORK ORDER REQUEST #19	LS	1	\$ 2,060.00	\$ 2,060.00	1	\$ 2,060.00
	WORK ORDER REQUEST #20	LS	1	\$ 23,057.01	\$ 23,057.01	1	\$ 23,057.01
CHANGE ORDER NO. 3 TOTAL					\$ 34,405.97		\$ 34,405.97

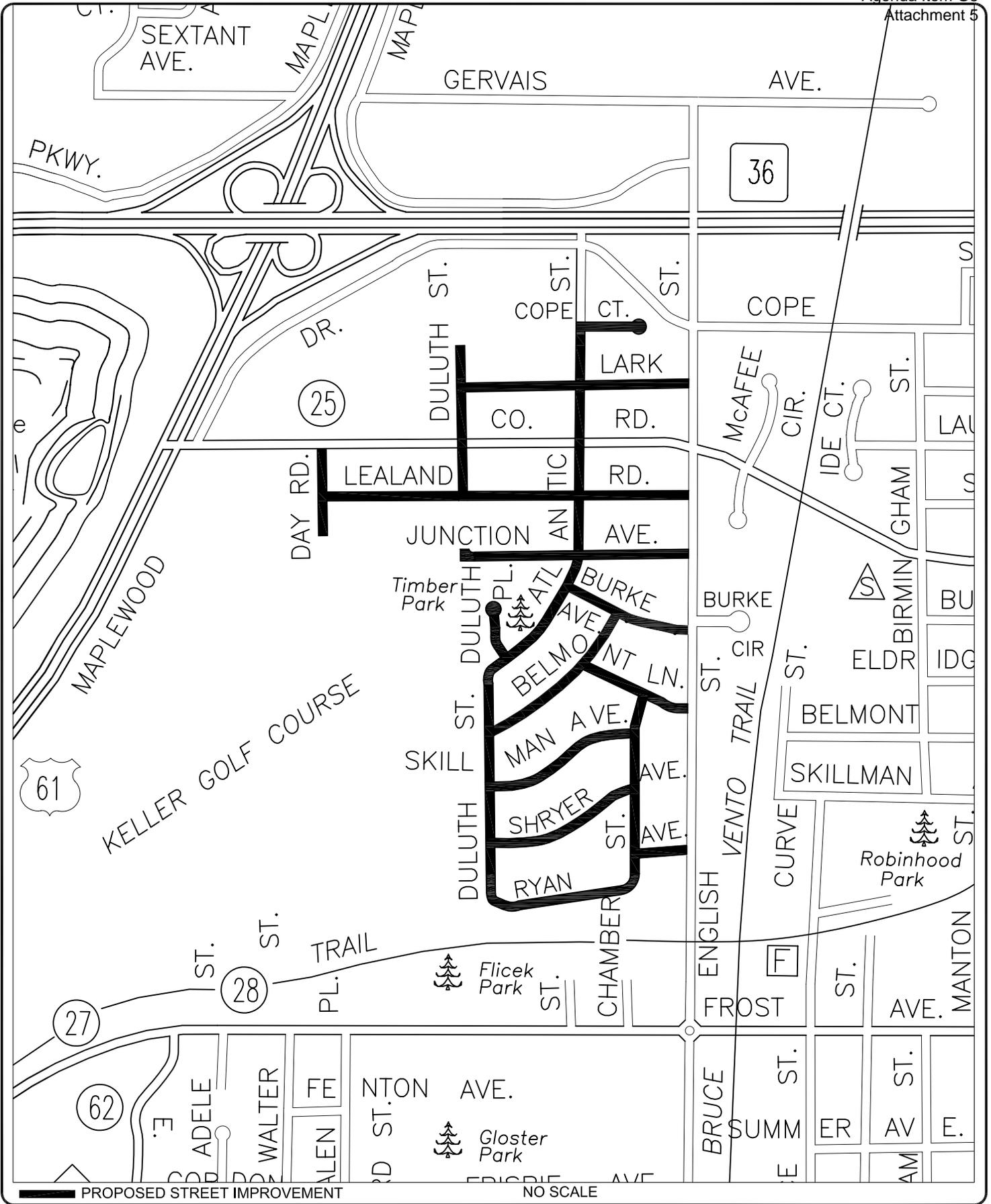
CHANGE ORDER NO. 4 -- MISCELLANEOUS

Item No.	Description	Unit	Quantity	Unit Price	Extended	Quantity	Extended
	WORK ORDER REQUEST #21	LS	1	\$ 9,199.00	\$ 9,199.00	1	\$ 9,199.00
	WORK ORDER REQUEST #24	LS	1	\$ 3,025.00	\$ 3,025.00	1	\$ 3,025.00
	WORK ORDER REQUEST #25	LS	1	\$ 5,578.36	\$ 5,578.36	1	\$ 5,578.36
CHANGE ORDER NO. 4 TOTAL					\$ 17,802.36		\$ 17,802.36

CHANGE ORDER NO. 5 -- MISCELLANEOUS

Item No.	Description	Unit	Quantity	Unit Price	Extended	Quantity	Extended
2104.505	REMOVE BITUMINOUS DRIVEWAY PAVEMENT/TRAIL	SY	394	\$ 7.00	\$ 2,758.00	394	\$ 2,758.00
2123.610	STREET SWEEPER WITH PICKUP BROOM	HOURL	7	\$ 90.00	\$ 630.00	7	\$ 630.00
2360.501	TYPE LV3 WEARING COURSE MIXTURE (B)	TON	118	\$ 135.00	\$ 15,660.00	118	\$ 15,660.00
2531.507	6" CONCRETE DRIVEWAY PAVEMENT, RESIDENTIAL	SY	687	\$ 40.00	\$ 27,480.00	687	\$ 27,480.00
2105.526	SELECT TOPSOIL BORROW, CY	CY	34	\$ 20.00	\$ 680.00	34	\$ 680.00
2575.505	SODDING, TYPE LAWN	SY	4938	\$ 3.65	\$ 18,023.70	4938	\$ 18,023.70
CHANGE ORDER NO. 5 TOTAL					\$ 65,231.70		\$ 65,231.70

BASE BID	\$ 5,152,777.90		\$ 4,818,711.97
BID ALTERNATE NO. 1	\$ 69,340.64		\$ 74,800.84
BID ALTERNATE NO. 2	\$ 100,211.50		\$ 100,211.50
BID ALTERNATE NO. 4	\$ 48,785.02		\$ 42,624.70
CHANGE ORDER NO. 1	\$ (29,923.02)		\$ 301,185.60
CHANGE ORDER NO. 2	\$ 48,637.45		\$ 48,637.45
CHANGE ORDER NO. 3	\$ 34,405.97		\$ 34,405.97
CHANGE ORDER NO. 4	\$ 17,802.36		\$ 17,802.36
CHANGE ORDER NO. 5	\$ 65,231.70		\$ 65,231.70
GRAND TOTAL	\$ 5,507,269.52		\$ 5,503,412.09

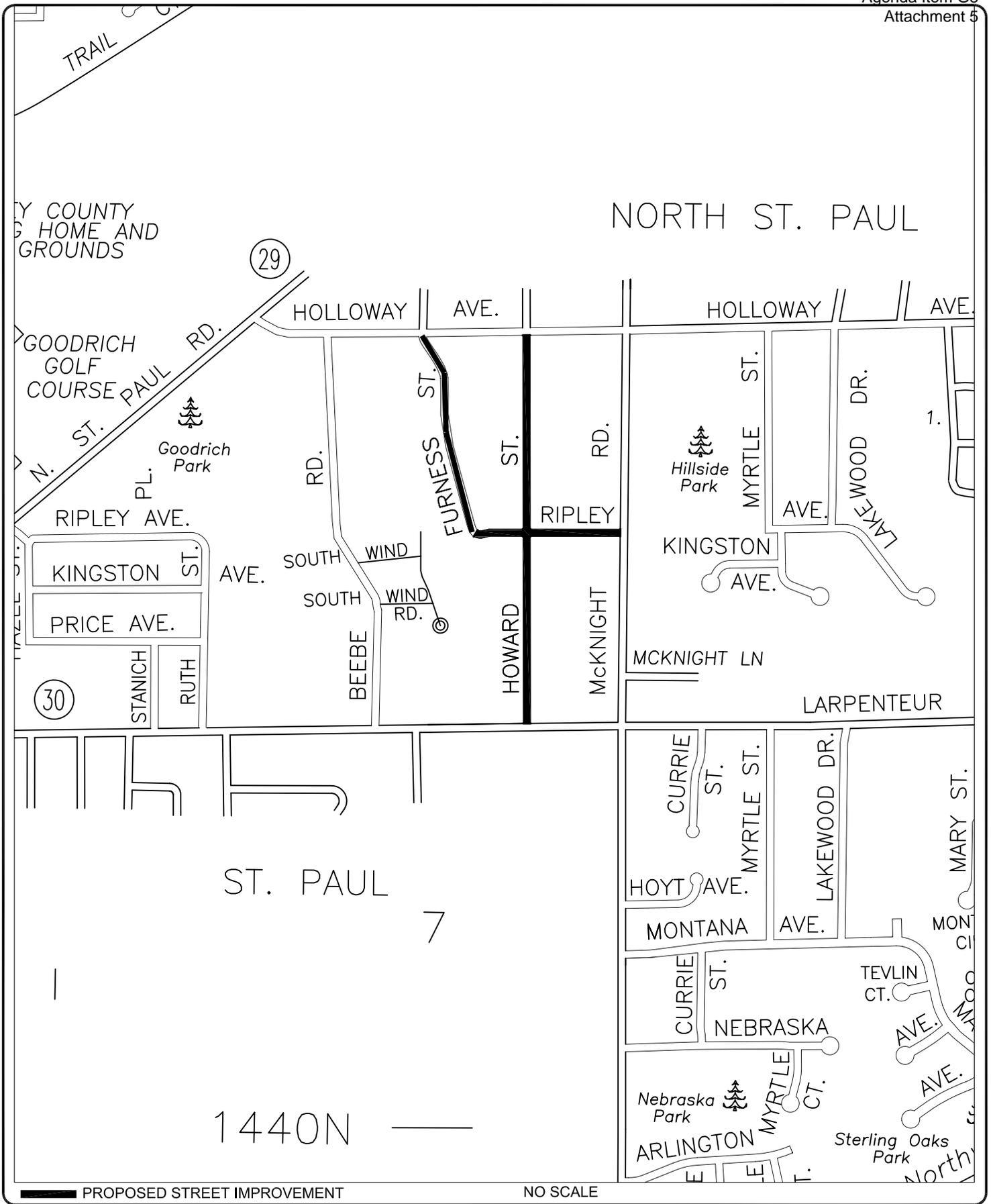


PROPOSED STREET IMPROVEMENT

NO SCALE

Capital Improvement Project for 2010
 Hills & Dales Area Street Improvements
 City Project 09-15





Capital Improvement Project for 2010
 Hills & Dales Area Street Improvements
 City Project 09-15 (AREA 2)



AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, City Engineer/ Dep. Public Works Director
Steven Love, Assistant City Engineer
SUBJECT: **Approval of Purchase for Construction Services for Edgerton Pond Force Main, July 16th Storm Clean-up and Investigation, City Project 11-19**
DATE: June 15, 2012

INTRODUCTION

The City of Maplewood, Ramsey County, and Saint Paul Regional Water Services (SPRWS) have been working together to minimize cost by coordinating construction activities on an upcoming Ramsey County street project. The City Council will consider authorizing the purchase of construction services for the installation of a force main pipe to provide an outlet for the Edgerton Pond drainage basin.

DESCRIPTION

The July 16, 2011 storm event was in excess of a 100-year event and caused flooding issues throughout the City of Maplewood. These large events are becoming more prevalent and are evident by the need to provide pumping of the Edgerton Pond drainage basin after such storm events. Last year city forces were required to pump Edgerton Pond 3-4 times throughout the year.

Each time the pond is pumped it is required to setup temporary hoses from Larpenteur Avenue to the Edgerton Pond with the pump running on average 7 days - 24 hours a day. This pumping process causes nuisance conditions for traffic that has to cross the temporary hoses, noise from the pumping operations, and potential vandalism to the pumping equipment. City of Maplewood public works staff is required to continuously man the pumping operations.

The City of Maplewood has studied this drainage area three times since 1985 as part of proposed City projects. The estimated costs for these projects have ranged from \$332,290 to \$1,595,000. All three of these projects have failed to move forward for reasons ranging from cost to public support.

Ramsey County is planning a street rehabilitation project which is expected to start construction around July/August of 2012 on Edgerton Street between Larpenteur Avenue and Highway 36. The City of Maplewood and Ramsey County have been working together to coordinate construction activities to minimize the cost of constructing the proposed force main. Costs such as restoration and pavement replacement can be reduced or eliminated by coordinating construction activities with Ramsey County.

SPRWS has notified Ramsey County to coordinate construction activities with Ramsey County for the replacement of the water main along Edgerton Street between Larpenteur Avenue and Roselawn Avenue. SPRWS's plan is to begin the water main replacement work on July 9th. This represents another opportunity for the City of Maplewood to coordinate construction activities and to potentially reduce the cost of construction. The City of Maplewood, Ramsey County, and SPRWS have met and discussed the option of installing the force main in a joint trench. This option includes SPRWS installing the proposed 8" PVC force main during their backfilling operations.

Following the utility work Ramsey County will begin their road resurfacing project. To be able to minimize the cost of providing an outlet to the Edgerton Pond drainage basin it is important that the force main pipe is installed prior to the road resurfacing project beginning.

BUDGET IMPACT

According to S.E.H.'s memorandum, 2011 Floods – Initial Assessments and Investigations, dated April 16, 2012, the estimated total cost for the Edgerton Pond outlet lift station and force main is \$100,000. This cost includes design, construction of the lift station, and construction of the force main.

City staff originally estimated the cost for constructing the 8" PVC force main to be approximately \$30,000. It is anticipated that by working with SPRWS to install the force main in a joint trench this cost will be significantly reduced. City staff and the city's consultant S.E.H. are currently working with SPRWS on the details of the joint trench design. The costs associated with the installation of the force main will be paid out of the Environmental Utility Fund (EUF).

City staff will bring a separate report to the City Council for their approval for the award of contract for the construction of the lift station.

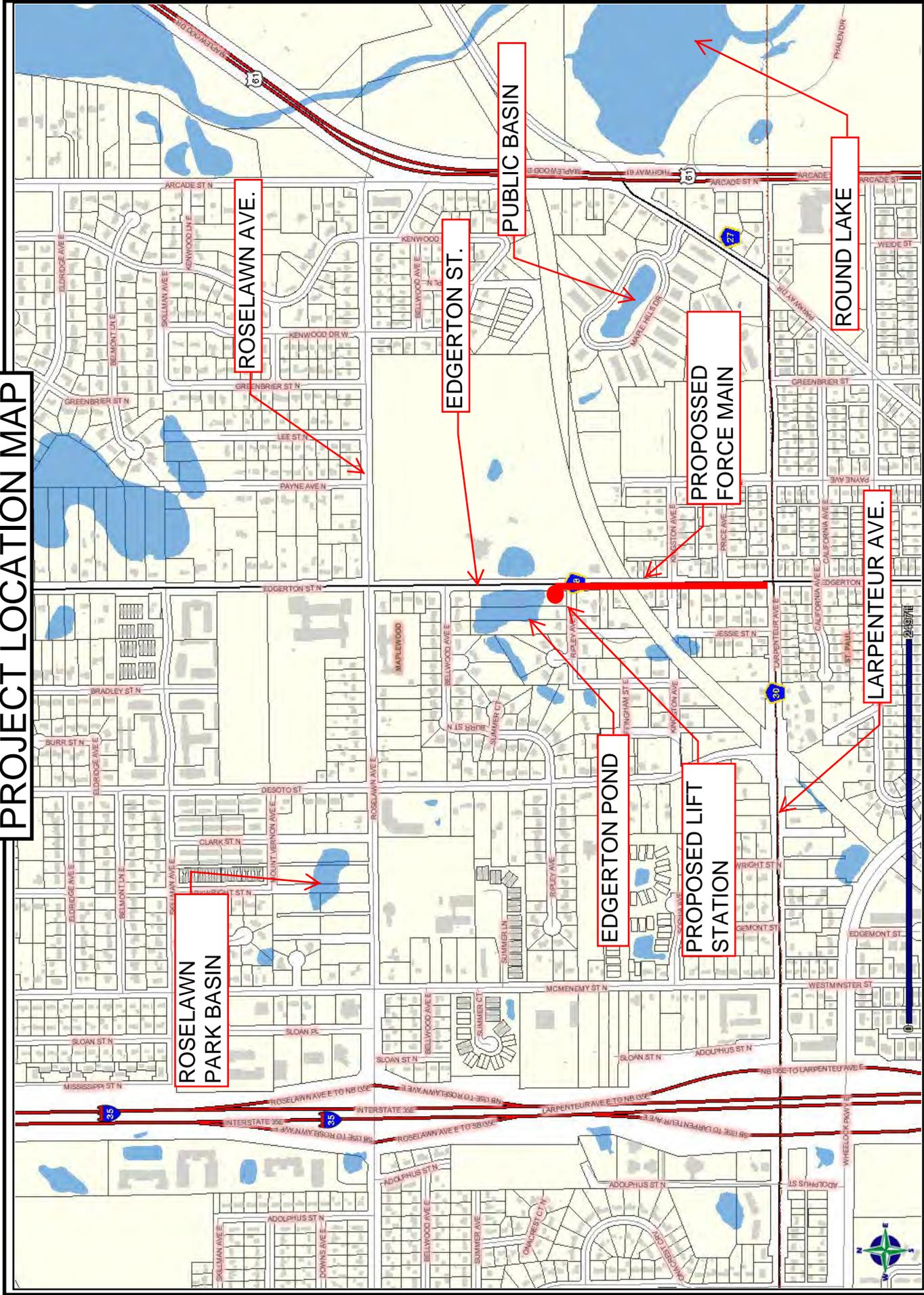
RECOMMENDATION

Based on the continued need to provide pumping for the Edgerton Pond drainage basin and the opportunity to minimize the construction costs associated with providing a permanent outlet for the Edgerton Pond by coordinating construction activities with SPRWS, staff recommends the council authorize the City Engineer and Finance Director to purchase construction services from Saint Paul Regional Water Services for the installation of a force main for the Edgerton Pond drainage basin.

Attachments

1. Project Location Map

PROJECT LOCATION MAP



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: Ramsey County (February 27, 2012), The Lawrence Group (February 27, 2012 for County parcel and property records data; February 2012 for commercial and residential data; April 2009 for color aerial

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Gayle Bauman, Finance Manager
SUBJECT: **Approval of Resolution to Adopt State Performance Measures**
DATE: June 19, 2012 for June 25, 2012 council meeting

INTRODUCTION

The Council on Local Results and Innovation was created by the 2010 Legislature to set benchmarks for city and county operations. Through several meetings, the group adopted standards which may aid residents, taxpayers, and state and local elected officials in determining the efficiency of counties and cities in providing services, and measure residents' opinions of those services. Participation is voluntary and participants are eligible for a reimbursement of \$0.14 per capita in local government aid, not to exceed \$25,000, and are also exempt from levy limits for pay 2013, if they are in effect.

DISCUSSION

Based on the 2010 census, adoption of these standards would allow Maplewood to collect \$5,322 in 2012. When this program first came out last year, the City anticipated it would have to spend thousands of dollars to perform a useful and thorough survey. The League of MN Cities summarized the reporting requirements and created a survey tool to help cities fulfill the citizen survey requirement. Staff is not anticipating producing a formal mailed survey. Instead it will create an on-line survey hosted by Survey Monkey and share the survey link with residents on the city website, in the city newsletter and through social media.

FINANCIAL IMPACT

Staff time will be needed to create the survey and process the results. The funding being provided by the State should be sufficient to cover these costs.

RECOMMENDATION

Staff recommends approval of the Resolution to Adopt State Performance Measures.

Attachment(s):

1. Model Performance Measures for Cities
2. Resolution Adopting State Performance Measures

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Model Performance Measures for Cities

The following are the recommended model measures of performance outcomes for cities, with alternatives provided in some cases. Key output measures are also suggested for consideration by local city officials.

General:

1. Rating of the overall quality of services provided by your city (*Citizen Survey: excellent, good, fair, poor*)
2. Percent change in the taxable property market value
3. Citizens' rating of the overall appearance of the city (*Citizen Survey: excellent, good, fair, poor*)

Police Services:

4. Part I and II crime rates (*Submit data as reported by the Minnesota Bureau of Criminal Apprehension. Part I crimes include murder, rape, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Part II crimes include other assaults, forgery/counterfeiting, embezzlement, stolen property, vandalism, weapons, prostitution, other sex offenses, narcotics, gambling, family/children crime, D.U.I., liquor laws, disorderly conduct, and other offenses.*)

OR

Citizens' rating of safety in their community (*Citizen Survey: very safe, somewhat safe, neither safe nor unsafe, somewhat unsafe, very unsafe*)

Output Measure:

Police response time (*Time it takes on top priority calls from dispatch to the first officer on scene.*)

Fire Services:

5. Insurance industry rating of fire services (*The Insurance Service Office (ISO) issues ratings to Fire Departments throughout the country for the effectiveness of their fire protection services and equipment to protect their community. The ISO rating is a numerical grading system and is one of the primary elements used by the insurance industry to develop premium rates for residential and commercial businesses. ISO analyzes data using a Fire Suppression Rating Schedule (FSRS) and then assigns a Public Protection Classification from 1 to 10. Class 1 generally represents superior property fire protection and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.*)

OR

Citizens' rating of the quality of fire protection services (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Fire response time (*Time it takes from dispatch to apparatus on scene for calls that are dispatched as a possible fire.*)

Emergency Medical Services (EMS) response time (if applicable) (*Time it takes from dispatch to arrival of EMS*)

Streets:

6. Average city street pavement condition rating (*Provide average rating and the rating system program/type. Example: 70 rating on the Pavement Condition Index (PCI)*)

OR

- Citizens' rating of the road condition in their city (*Citizen Survey: good condition, mostly good condition, many bad spots*)
7. Citizens' rating the quality of snowplowing on city streets (*Citizen Survey: excellent, good, fair, poor*)

Water:

8. Citizens' rating of the dependability and quality of city water supply (centrally-provided system) (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Operating cost per 1,000,000 gallons of water pumped/produced (centrally-provided system) (*Actual operating expense for water utility / (total gallons pumped/1,000,000)*)

Sanitary Sewer:

9. Citizens' rating of the dependability and quality of city sanitary sewer service (centrally provided system) (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Number of sewer blockages on city system per 100 connections (centrally provided system) (*Number of sewer blockages on city system reported by sewer utility / (population/100)*)

Parks and Recreation:

10. Citizens' rating of the quality of city recreational programs and facilities (parks, trails, park buildings) (*Citizen Survey: excellent, good, fair, poor*)

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Charles Ahl, Assistant City Manager
Steve Lukin, Fire Chief
SUBJECT: **Approval of Resolution for Grant Request on East Metro Public Safety Facility**
DATE: June 20, 2012

INTRODUCTION/ BACKGROUND

The Minnesota Department of Employment and Economic Development has announced a Grant Program for public facilities. The grant application is due on June 26, 2012 and requires a resolution from the City Council. This application will be for expansion of the facilities on the East Metro Public Safety Facility, including classrooms and burn facilities.

Attached is the resolution that is required for the application. Approval is recommended.

RECOMMENDATION

It is recommended that the City Council approve a motion adopting the resolution approving a grant request to the Minnesota Department of Employment and Economic Development as part of the Business Development Capital Projects Grant Program.

Attachment: Resolution

**City of Maplewood
RESOLUTION NO.
BUSINESS DEVELOPMENT CAPITAL PROJECTS GRANT PROGRAM**

WHEREAS the City of Maplewood will act as the legal sponsor for project contained in the Business Development Capital Projects Grant Program Application to be submitted on June 26, 2012 and that the City Manager and the Mayor are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Maplewood, and

WHEREAS the City of Maplewood has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate construction, operation, maintenance and replacement of the proposed project for its useful life, and

WHEREAS the City of Maplewood has not violated any federal, state, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice, and

WHEREAS upon approval of its application by the state, the City of Maplewood may enter into an agreement with the State of Minnesota for the above-referenced project(s), and the City of Maplewood certifies that it will comply with all applicable laws and regulations as stated in all contract agreements, and

WHEREAS all non-state funding is committed and available and meets or exceeds the requirement that the non-state match equal or exceed the state funding, and

WHEREAS the City of Maplewood certifies that it will comply with all applicable laws, regulations, and rules of General Obligation bond funds,

NOW, THEREFORE BE IT RESOLVED that the City Manager and the Mayor, or their successors in office, are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Maplewood on _____, 2012.

SIGNED:

WITNESSED:

Will Rossbach, Mayor

James W. Antonen, City Manager

Karen Guilfoile, City Clerk

AGENDA REPORT

DATE: June 18, 2012

TO: Jim Antonen, City Manager

FROM: Terrie Rameaux, Human Resource Coordinator
Chuck Ahl, Assistant City Manager

SUBJECT: 2012 Pay Rates for Temporary/Seasonal, and Casual Part-Time Employees

BACKGROUND

It is recommended that this resolution be adopted to replace the existing resolution establishing pay rates for temporary, seasonal, and casual part-time employees. The only change to the resolution is a 1% cost of living adjustment (COLA) to the casual part-time Fire Department positions retroactive to January 1, 2012. These pay rates are indicated in bold on the attached resolution.

The reason for the delay in this increase is due to the AFSCME Status Quo order that was issued December 29, 2011 pertaining to the casual part-time firefighters which prevented any changes to the terms of their employment, including wage increases. The Status Quo order has since been lifted. This COLA is also consistent with the 2012 COLA for the City's various collective bargaining groups.

RECOMMENDATION

Staff recommends the adoption of the attached resolution increasing the Fire Department positions by a 1% COLA is recommended.

Attachment:

1. Resolution for 2012 Temporary/Seasonal and Casual P/T Employees

RESOLUTION NO.

WHEREAS, according to the Minnesota Public Employees Labor Relations act, part-time employees who do not work more than 14 hour per week and temporary/seasonal employees who work in positions that do not exceed 67 days in a calendar year, or 100 days for full-time students, are not public employees and are therefore not eligible for membership in a public employee union.

NOW, THEREFORE, BE IT RESOLVED, that the following pay ranges and job classifications are hereby established for temporary/seasonal, casual part-time (14 hours or fewer/wk) employees effective January 1, 2012 upon Council approval.

Accountant	\$10.00-30.00	per hour
Accounting Technician	\$9.00-22.00	per hour
Administrative Assistant	\$9.00-23.00	per hour
Background Investigator	\$25.00-35.00	per hour
Building Inspector	\$14.00-35.00	per hour
Building Attendant	\$7.25-15.00	per hour
Customer Service Assistant	\$7.25-15.00	per hour
CSO	\$8.00-16.00	per hour
Data Entry Operator	\$8.00-12.00	per hour
Election Judge	\$7.25-12.00	per hour
Election Judge - Assistant Chair	\$9.00-15.00	per hour
Election Precinct Chair	\$9.00-16.00	per hour
Engineering Aide	\$7.00-16.00	per hour
Engineering Technician	\$10.00-16.00	per hour
Fire Maintenance/Engineer **	\$14.14	per hour
Firefighter-in-Training (new hire) **	\$10.10	per hour
Firefighter/EMT **	\$12.12	per hour
Firefighter/Paramedic **	\$13.13	per hour
Firefighter/EMT Captain **	\$14.14	per hour
Firefighter/Paramedic Captain **	\$15.15	per hour
Battalion Chief **	\$16.16	per hour
Intern	\$7.25-20.00	per hour
IT Technician	\$15.00-20.00	per hour
Laborer	\$7.25-14.00	per hour
Lifeguard	\$7.25-14.00	per hour
Manager-on-Duty Differential	\$1.00	per hour
Office Specialist	\$8.50-18.00	per hour
Receptionist	\$8.00-16.00	per hour
Recreation Instructor/Leader	\$7.25-32.00	per hour
Recreation Official	\$7.25-30.00	per hour
Recreation Worker	\$7.25-18.00	per hour
Theater Technician	\$20.00-30.00	per hour
Vehicle Technician	\$9.00-15.00	per hour
Video Coordinator*	\$11.00-19.00	per hour
Video Technician*	\$10.00-18.00	per hour
Water Safety Instructor (WSP) Differential	\$2.00	per hour
Head Lifeguard (HG) Differential	\$1.00	per hour
Water Safety Aide (WSA) Differential	\$.50	per hour

*Video positions shall be paid a guaranteed minimum flat fee of \$50 for 4 hours or less.

** Fire Department positions shall receive a \$2 per hour differential for working the following holidays: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

BE IT FURTHER RESOLVED, that the City Manager shall have the authority to set the pay rate within the above ranges.

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AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, City Engineer / Dep. Public Works Director
SUBJECT: **East Metro Public Safety Training Center, City Project 09-09**
a. **Public Hearing 7:00 pm**
b. **Resolution Ordering Improvement after Public Hearing (4 votes)**
c. **Resolution Approving Plans and Specifications and Advertising for Bids**
d. **Resolution Ordering Preparation of Assessment Roll**
DATE: June 19, 2012

INTRODUCTION

The public hearing for this project has been scheduled for 7:00 p.m., Monday, June 25, 2012. Notices of the public hearing have been mailed and published. Council authorized plan preparation at the May 14, 2012 meeting and all property owners within 500 feet of the improvement have been notified of this public hearing. The council will consider ordering the improvement following the public hearing in addition to approving final plans and specifications and authorizing advertising for bids. The bid opening for the first Bid Package for this project is proposed for 10:00 a.m. on July 20, 2012. The council will also consider ordering the preparation of the assessment roll which would only include the subject property where the public safety facility is to be located. The award of bid would be considered by the city council at the July 23, 2012 meeting.

BACKGROUND

The feasibility study was accepted by the council on May 14, 2012, with a resolution authorizing the preparation of plans and specifications, and calling for a public hearing. In addition the council approved a Cooperative Agreement with MnDOT for the acquisition of the property on which the public safety training facility is to be located. The Mayor and City Manager both signed the land transfer agreement and MnDOT is currently routing the document for final signatures.

The City has worked a number of years on developing a plan for the use of the property at the Highway 5 and Highway 120 intersection of which the majority is owned by MnDOT. MnDOT has stated their willingness to convey this site to the City. Both parties have developed and reviewed a Cooperative Agreement to facilitate this land transfer. Approximately 6.2 acres would remain in fee title with MnDOT to allow for their continued maintenance operations.

In addition various concepts for the marshlands improvements have been discussed in past years including creating natural areas, providing for trails, removal of invasive plant species, establishment of a 75-foot buffer along the north and west boundary of the property, and providing for educational components. The marshlands concepts are intended to be phased into the development of the joint use fire training facility as discussed in the feasibility study.

A joint work group comprised of the City Engineer, Maplewood Fire Chief, Oakdale Fire Chief, SEH project representative, and MnDOT staff has worked towards an acceptable layout for the site. The MnDOT representatives consist of personnel representing land management/right-of-way office, maintenance, and

environmental. This group has met officially twice to ensure maintenance needs are met and the needs of the training facility and environmental component are met.

A Phase II Site Investigation Report was recently submitted to MnDOT for their review. Sampling and testing were completed in accordance with MnDOT-approved investigation work plan. Results of the investigation indicate the presence of some low level contamination that poses a negligible health risk for the planned use.

Diesel Range Organics (DRO) were found at levels below the MPCA and MDH guideline of 200 mg/kg, but above the previous MPCA Guideline of 10 mg/kg for unrestricted use. These levels mean that the soil can be reused anywhere within the site. MPCA recently completed updating its Soil Use Guidelines document which establishes a DRO guideline of 100 mg/kg for unrestricted use. There have been no changes to the site plan or management of soils based on this change. *Cadmium and chromium were found at levels exceeding the Tier 1 (Residential) action level, but below the action levels for the planned site use.* The City will utilize the \$450,000 Ramsey County ERF grant for remediation purposes of the site.

The East Metro Public Safety Training Center will require several land use permits including a comprehensive land use designation (designate right-of-way to Government Land Use), zoning (zone right-of-way to planned unit development), conditional use permit, and design review.

There are five wetlands located in the center of the site which were developed incidentally as a result of the activities associated with the grading and fill material completed by MnDOT in the 1970s. The wetland delineation report and subsequent review by a wetland technical evaluation panel found the wetlands to be incidental, and as such the watershed district will remove them from their wetland maps and from their regulatory jurisdiction. The Corps of Engineers also determined that these five incidental wetlands are not under their jurisdiction. The City will also need to formally remove the incidental wetlands from its wetland map prior to development. The large wetland located to the north and west of the site is classified as a Manage B wetland and will be protected and enhanced as part of the project.

Please refer to the schedule for the land use review process.

The Marshlands will be one of Maplewood's key demonstration sites for sustainable landscape design and natural resources restoration. The concept includes four main components.

1. Sustainable landscaping. The site design and landscaping will use sustainable landscaping principles and include rain gardens, planted parking lot medians, drought-tolerant, low-maintenance plantings, and plantings designed to lessen building energy usage.
2. Natural area restoration. Portions of the site that are not developed will be restored to native prairie and woodland. Areas of wetland buffer will be enhanced.
3. Trail Connections. A rustic trail will connect the Marshlands site to Southwood Nature Preserve north of Holloway Avenue and to the Sterling Street Trail west of the site. Most of the trail will be on Ramsey County Open Space, with short segments through Hill-Murray land and the Marshlands.
4. Environmental Education. Maplewood Nature Center will schedule educational events at the site such as naturalist-led hikes. There is opportunity for some unique environmental programming in collaboration with firefighters.

At this point, Ramsey County Parks is not interested in building or maintaining a trail on the county open space, but they would give the city a trail easement across county land. Hill-Murray School is supportive of the trail connecting to Sterling Street Trail, across the northwest corner of their site. Other trail connection options are being explored as part of the plan.

Regarding the training facility; a steering committee has been formed made up of four area Fire Chief's, two from Ramsey County and two from Washington County; Tim Boehlke from Lake Johanna, Stu Glaser from Stillwater, Jeff Anderson from Oakdale and Steve Lukin from Maplewood. The steering committee will be directing the project until it is ready to open at which time the steering committee will turn all authority and responsibility over to the members of the JPA board. The committee continues with the development of a partnership with Century College to provide training programs and determine what role they will play regarding the ongoing operating expenses. In addition the committee continues to look at other possible partnerships and revenue streams. The committee met with Ramsey County Police Chiefs Association, the Washington County Sheriff and the Ramsey County Sheriff for their input.

Over the course of the past six months 15 area fire department training officers have been meeting to plan and determine the needs of the training facility. At this time the type of props and their designs are being done in regards to a five-story burn tower and a two-story residential home with an attached two-car garage burn building. Each of these buildings will have the capability of utilizing both a Class A burn which is done utilizing bales of hay and wooden pallets and the other is a class B burn utilizing props fueled by propane and fake smoke. The third structure to be built is a storage facility with the capability of doing training inside utilizing full-size vehicles and large training props. This building will also have a small classroom and will be able to accommodate other types of training for both police and fire year-round. The fourth structure on-site will be the training classroom building. This building will have a large 100 seat classroom, 2 to 3 breakout classrooms and a simulation lab training area. At this time the basement area of this building will be left open for future expansion.

Fire Chief, Steve Lukin, recently held an open-house style meeting with residents in the area of the proposed facility. The Chief also oversaw the recent ground breaking ceremony at the site on Thursday June 14th which was very well attended despite the inclement weather.

PROJECT SCHEDULE

The project is currently on schedule. At this June 25, 2012 council meeting all of the necessary approvals are being requested to facilitate the work associated with Bid Package 1, including the approvals being brought forward by the Community Development Department as a separate report namely: Comprehensive Plan Amendment, Conditional Use Permit for PUD, Design Review, and Wetland Map Amendment.

City Council Accepts Feasibility Report, Calls Public Hearing, Authorizes Preparation of Plans & Specs and Authorizes Acquisition of Right-of-Way/Easements	May 14, 2012
Environmental and Natural Resources Commission (Wetland Map Change, Marshlands Concepts)	May 21, 2012
Community Design Review Board (Design Review, Marshlands Concepts)	May 22, 2012
Planning Commission – Public Hearing (Land Use Designation Change, Zoning, CUP, Wetland Map Change, Marshlands Concepts)	June 5, 2012
City Council - Public Hearing Phase 1 Feasibility Study	June 25, 2012
City Council - Approval of Land Use Designation Change, Zoning, CUP, Wetland Map Change, Marshlands Concepts	June 25, 2012

Bid Package 1

City Council Approves Bid Package #1 Plans & Specs and Authorizes Ad for Bids	June 25, 2012
Bid Package #1 Construction Starts	July 30, 2012
Bid Package #1 Construction Complete	October 2012

Bid Package 2

City Council Approves Bid Package #2 Plans & Specs and Authorizes Ad for Bids.	July 9, 2012
Bid Package #2 Construction Starts	September 4, 2012
Bid Package #2 Construction Complete	November 2012

Bid Package 3

City Council Approves Bid Package #3 Plans & Specs and Authorizes Ad for Bids	Early 2013
Bid Package #3 Construction Starts	May 2013
Bid Package #3 Construction Complete	September 2013

DISCUSSION

The project has been in the planning stages for several years and has recently been presented to and discussed with the City Council, Environmental and Natural Resources Commission, Community Design Review Board and Planning Commission.

Maplewood's Fire Chief met with North St. Paul City Council on April 23, 2012, to give them an update on the project. A public Open House meeting was held on April 26, 2012, to provide an overview of the project to nearby residents in Maplewood, Oakdale and North St. Paul, and to receive input on the planned improvements prior to moving into the final design stages.

The proposed improvements can generally be broken down into the following components in the order of proposed construction over 2012-2013:

1. Bid Package 1 - Public Utility Improvements (2012)
2. Bid Package 2 - Soils and Environmental Clean-up Actions and MnDOT Site Improvements/Mass Grading (2012)
3. Bid Package 3 - Training Center Improvements, Intersection Improvements, Marshlands Site Improvements (2013)

These improvements phased above will be let as separate bid packages as part of the overall Phase 1 improvements.

ASSESSMENTS

The only property identified for a special assessment is the land on which the East Metro Public Safety Training Facility would be constructed. The total assessment proposed is \$175,000 and would help pay for utility infrastructure costs that would directly benefit the proposed site. It is anticipated that the Joint Powers Agreement would identify this as an operating cost until the special assessment is paid off.

BUDGET

The improvements are proposed to be financed through a combination of grant funds, City of Maplewood funds, funds paid by St. Paul Regional Water Services and MnDOT and special assessments to the benefitting property. For the special assessment, the City desires to have the opportunity to assess the JPA for a portion of the costs of the public utility improvements.

The City has a total estimated budget of \$4,335,000 for the Phase 1 work including a \$3,000,000 grant from the State of Minnesota to design and construct a significant portion of the proposed improvements and \$450,000 grant from the Ramsey County Environmental Response. The following is a summary of the proposed financing plan:

FUNDING		
ITEM	FUNDING SOURCE	AMOUNT
1	STATE BONDING BILL GRANT	\$3,000,000
2	RAMSEY CO ERF GRANT	\$450,000
3	CITY EUF FUND	\$250,000
4	CITY CIP FUND	\$250,000
5	EAST METRO JPA – SPECIAL ASSESSMENT	\$175,000
6	MNDOT/MSA STREET ACCOUNT	\$55,000
7	ST PAUL REGIONAL WATER SERVICES (WATER MAIN LOOP)	\$55,000
8	SANITARY SEWER FUND	\$50,000
9	ST PAUL WAC FUND	\$50,000
TOTAL PHASE 1		\$4,335,000

RECOMMENDATION

It is recommended that the city council approve the attached resolution ordering the improvement for the East Metro Public Safety Training Center Improvements, City Project 09-09. It is further recommended that the council approve the attached resolutions for City Project 09-09: Approving Plans and Advertisement for Bids and Ordering the Preparation of the Assessment Roll.

Attachments:

1. Resolution Ordering Improvement
2. Resolution Approving Plans and Advertising for Bid
3. Resolution Ordering Preparation of Assessment Roll
4. Project Location Map

RESOLUTION
ORDERING IMPROVEMENT

WHEREAS, a resolution of the city council adopted the 14th day of May 2012, fixed a date for a council hearing on the proposed street improvements for the East Metro Public Safety Training Facility Improvements, City Project 09-09.

AND WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was duly held on June 25, 2012, 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 necessary, cost-effective and feasible, as detailed in the feasibility report, that the City of Maplewood make improvements to the East Metro Public Safety Training Facility Improvements, City Project 09-09.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 25th day of June, 2012.
3. The City's consultant engineer, SEH, Inc., is the designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvement as previously directed by the city council at the May 14, 2012 council meeting.
4. The finance director was authorized to make the financial transfers necessary to implement the financing plan for the project by the city council at the May 14, 2012 council meeting. A project budget of \$4,335,000 was established. The approved financing plan is as follows:

1	STATE BONDING BILL GRANT	\$3,000,000
2	RAMSEY CO ERF GRANT	\$450,000
3	CITY EUF FUND	\$250,000
4	CITY CIP FUND	\$250,000
5	EAST METRO JPA – SPECIAL ASSESSMENT	\$175,000
6	MNDOT/MSA STREET ACCOUNT	\$55,000
7	ST PAUL REGIONAL WATER SERVICES	\$55,000
8	SANITARY SEWER FUND	\$50,000
9	ST PAUL WAC FUND	\$50,000
TOTAL PHASE 1		\$4,335,000

Approved this 25th day of June 2012

RESOLUTION
APPROVING PLANS
ADVERTISING FOR BIDS

WHEREAS, pursuant to resolution passed by the city council on May 14, 2012 plans and specifications for the East Metro Public Safety Training Center Improvements, City Project 09-09, have been prepared by (or under the direction of) the city engineer, who has presented such plans and specifications to the council for approval,

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

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the city engineer.
2. The city clerk or office of the city engineer shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least twenty-one days before the date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the council at 10:00 a.m. on the 20th day of July, 2012, at city hall and that no bids shall be considered unless sealed and filed with the clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota for five percent of the amount of such bid.
3. The city clerk and city engineer are hereby authorized and instructed to receive, open, and read aloud bids received at the time and place herein noted, and to tabulate the bids received. The council will consider the bids, and the award of a contract, at the regular city council meeting of July 23, 2012.

RESOLUTION
ORDERING PREPARATION OF ASSESSMENT ROLL

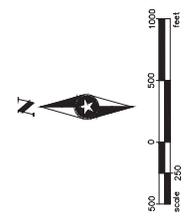
WHEREAS, the city clerk and city engineer will receive bids for the East Metro Public Safety Training Center Improvements, City Project 09-09,

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.



 PHONE / 651.499.2000 5535 VADNAS CENTER DR. ST. PAUL, MN 55110-5196 www.sehinc.com	FILE NO. 117956	LOCATION MAP EAST METRO PUBLIC SAFETY TRAINING CENTER MAPLEWOOD, MINNESOTA
	DATE: 05/01/12	



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MEMORANDUM

TO: James Antonen, City Manager
 FROM: Michael Martin, AICP, Planner
 Charles Ahl, Assistant City Manager
SUBJECT: East Metro Public Safety Training Center, Located at Century Avenue south of Holloway Avenue. Approvals Requested for:

- a. **Comprehensive Plan Amendment to G (government)**
- b. **Conditional Use Permit for a Planned Unit Development**
- c. **Design Review**
- d. **Wetland Map Amendment**

VOTES: Super-Majority Required for Council Approval of Land Use Plan Amendment
 DATE: June 14, 2012

INTRODUCTION

The City of Maplewood is proposing to build a public safety training center which will be used by several jurisdictions in the area. The project will be completed in phases. Phase 1 will include a burn building; a training and tactical building for prop storage, simulations and setup; hydrant/hose relay facilities and a fire equipment driver training areas. Future phases of the training center improvements will include a classroom training building; and a training and burn tower that can also be used for repelling and burn training. As part of this project the marshlands on the site will be used as a demonstration site for sustainable landscape design and natural resources restoration and will work to better connect the surrounding neighborhoods.

Requests

To build this project, the city is requesting approval of the following:

- Land use plan amendment
- Rezoning/conditional use permit for a planned unit development
- Design plans for the site and buildings
- Wetland map amendment

BACKGROUND

The city has worked a number of years on developing a plan for the use of the property at the Highway 5 and Highway 120 intersection of which the majority is owned by the Minnesota Department of Transportation (MnDOT). MnDOT has stated their willingness to convey this site to the City. Both parties have developed and reviewed a Cooperative Agreement to facilitate this land transfer. MnDOT will continue to operate its maintenance operations on 6.2 acres of the total site.

In addition various concepts for the marshlands improvements have been discussed in past years including creating natural areas, providing for trails, and educational components. The marshlands concepts are intended to be phased into the development of the joint use fire training facility.

A joint work group comprised of the City Engineer, Maplewood Fire Chief, Oakdale Fire Chief, SEH project representative, and MnDOT staff has worked towards an acceptable layout for the site. This group has met officially twice to ensure maintenance needs are met and the needs of the

training facility and environmental component are met.

Regarding the training facility; a steering committee has been formed made up of four area fire chief's; two from Ramsey County and two from Washington County; Tim Boehlke from Lake Johanna, Stu Glaser from Stillwater, Jeff Anderson from Oakdale and Steve Lukin from Maplewood. The steering committee will be directing the project until it is ready to open at which time the steering committee will turn all authority and responsibility over to the members of the JPA board. The committee continues with the development of a partnership with Century College to provide training programs and determine what role they will play regarding the ongoing operating expenses. In addition the committee continues to look at other possible partnerships and revenue streams. The committee met with Ramsey County police Chiefs Association, the Washington County Sheriff and the Ramsey County Sheriff for their input.

Over the course of the past six months 15 area fire department training officers have been meeting to plan and determine the needs of the training facility. At this time the type of props and their designs are being done in regards to a five-story burn tower and a two-story residential home with an attached two-car garage burn building. Each of these buildings will have the capability of utilizing both a Class A burn which is done utilizing bales of hay and wooden pallets and the other is a class B burn utilizing props fueled by propane and fake smoke. The third structure to be built is a storage facility with the capability of doing training inside utilizing full-size vehicles and large training props. This building will also have a small classroom and will be able to accommodate other types of training for both police and fire year-round. The fourth structure on-site will be the training classroom building. This building will have a large 100 seat classroom, 2 to 3 breakout classrooms and a simulation lab training area. At this time the basement area of this building will be left open for future expansion.

DISCUSSION

Land use plan amendment

The property is currently not guided by the city's comprehensive plan as it is designated as MnDOT right-of-way. MnDOT acquired the land in September 1969. Because MnDOT acquired and holds title to the land instead of it being dedicated for right-of-way purpose, MnDOT is free to transfer the property. The transfer of the land requires the city to apply a future land use designation to the parcel of land. This designation will apply to the entire 20.51 acre site. The 2030 Comprehensive plan guides all publicly held land, which is not park or open space, as government (G). It is staff's recommendation the government designation be applied to this site. The government designation is consistent with the current use of the site as a MnDOT maintenance area and the future use as a public safety training center.

Zoning

The site also does not have zoning attributed to the property. This project is being developed with a conditional use permit (CUP) for a planned unit development (PUD) and thus upon approval the zoning of the site will be PUD. Section 44-6 defines PUDs as a type of development characterized by a unified site design, with two or more principal uses or structures. The project will include several buildings and multiple uses to qualify it as a PUD.

Conditional use permit

A joint powers agreement will be approved by the Maplewood city council to define hours of operation and weather conditions for various types of training sessions. Chief Lukin has indicated to staff the hours of operation for the site would be 9 a.m. to 10 p.m. Staff is recommending the CUP for this site require that no operations occur on site outside of those stated hours. In addition planning staff has been told that burn training will consist of both propane and Class A burns. Class A burns would be conducted with hay bales or wood pallets and would produce low levels of smoke. However, to reduce the potential for off-site concerns, Class A burns will be limited to wind speed and direction conditions favorable to the surrounding neighborhoods. Most of the burn training will be on inside buildings and on props that use propane and produce little to no smoke. Simulated (theatrical) smoke will be used inside buildings to create a more realistic training environment for firefighters.

As described in the zoning discussion, this site is being developed with a CUP for a PUD. Section 44-1092 states that any public service or public building uses require a CUP. A PUD approval is being sought because of the multiple uses occurring on site and the use of metal siding for the simulation and training building. In addition to the training building, MnDOT will continue to use a portion of the land for its operations and a portion of the land will be dedicated to the rehabilitation of wetlands and upland buffers to and creation of a sustainable trail to incorporate the marshlands concepts into the overall site plan.

PUD Criteria for Flexibility in Design

Section 44-1093(b) of the PUD ordinance states that the city council may consider flexibility from strict code compliance in the internal and external design requirements of a proposed PUD and may consider deviations from those requirements. Deviations may be granted for planned unit developments provided that:

1. The proposed development and the surrounding neighborhood can be better served by relaxing the code requirements that regulate the physical development or layout of the project because of its unique nature.
2. The PUD would be consistent with the spirit, intent and purposes of this chapter.
3. The planned unit development would produce a development of equal or superior quality to that which would result from strict adherence to this chapter.
4. The deviations would not constitute a significant threat to the property values, safety, health or general welfare of the owners or occupants of nearby land or to the environment.
5. The deviations are required for the reasonable and practical physical development of the project.

Section 12-5 prohibits metal storage buildings typically known as pole barns. The simulations and training building is proposed to use architectural sheet metal to produce an attractive building and in staff's opinion would not be classified as a pole barn. In addition, because of the building's site location along with surrounding vegetation and the proposed berming along Highway 120 this building would not be within direct or unobstructed view of any surrounding residential properties.

Design Review

Site Layout

The project plans show access to the site coming off MN Highway 120 in what will be a modification of the intersection and traffic signal at MN Highway 5. The first phase of the East Metro Public Safety Training Center will consist of building the burn building. The building will be slab on grade without an actual basement, but will be designed to simulate basement fires within the structure. Each level will be set up with several different rooms to simulate residential fires. The roof will be designed with low and steep pitches with roof penetration panels and an access/observation walkway. A two-stall garage will be attached adjacent to the 'house' and a single-stall garage will be included for Class 'A' burns and storage.

The second structure built with the initial phase of implementation will be the Simulation and Training Building. The approximate 7,800 square foot building will provide a work shop, self-contained breathing apparatus room, individual storage areas for each jurisdiction using the facility and a large open area for simulations, prop construction and set up, training and storage. The building will include a 2,100 square foot area that will include space for on-site pre- and post-training briefings, two small offices, restroom facilities and mechanical/electrical support. Structures to be built in Phase 1 will be located toward the western perimeter of the site. The locations of these structures will allow adequate room for staging trucks and equipment during training operations. The training yard layout will accommodate installation of the Training Tower to be completed in a future phase, or in Phase 1 if funding is available.

The Training Center yard area will be accessed from a bituminous entry drive with concrete curb. A 10-foot high chain link fence with lockable access gates will enclose the Training Center yard area. A vegetation berm along the east property line will also be installed. Hydrants for hose relay training will be installed within the training yard and along the proposed fire equipment driving course. Lighting will be installed along the entry drive and within the training yard for security and for nighttime training sessions. Lighting within the yard area will be used primarily for set-up and clean-up of night time training sessions, with the yard lighting turned off during active training sessions to better simulate live conditions.

Several sustainable design features will be integrated into the training center to meet City of Maplewood Sustainable Building goals as well as addressing the B3 Sustainable Building Guidelines as required for State funded buildings. The site will be investigated for the opportunity to incorporate geothermal heating and cooling in the Simulation and Training Building and the future Classroom Building. Landscaping will be designed to integrate sustainable concepts into the entry drive features, screening and in the buffer areas surrounding the site. The goal is for the completed site to serve as another demonstration site for sustainable landscape design like the Maplewood Nature Center and City Hall. Features will include rain water gardens for natural infiltration and filtration areas, and energy-scaping and sustainable plantings with low maintenance, drought tolerant species and little to no lawn area.

Phase 2 will consist of the main classroom building on the northeast portion of the site, along with parking for the classroom and additional training equipment in the training structures. The classroom building will have 70 parking spaces. The original proposed site plan does not meet the 15-foot parking lot setback from the MN Highway 120 setback. Engineering staff has been working with MnDOT to determine the property right-of-way width for MN Highway 120. Engineering staff has indicated to planning staff that the site plan is being revised to meet all setback requirements. The applicant will be required to submit a revised site plan showing setbacks being met. The

revised plan should also display parking stall dimensions.

Building Elevations

The burn building and training tower will be built with precast concrete; specifically designed and manufactured for this particular use. The simulation and training building will be built using architectural metal siding. Building materials for the classroom building have not been proposed yet and it is recommended that as a condition of approval the CDRB approve the building materials and elevations.

Landscaping

The applicant did not submit a fully developed landscape plan but is coordinating with the city's naturalist for the immediate site and the surrounding marshlands. It is recommended that as a condition of approval the CDRB approve the landscape plans.

Wetlands

Wetlands on the site were originally delineated in 2005 (Attachment 3), with an updated map review in 2011 (Attachment 4). The Maplewood Wetland Map shows six wetlands located on the site (Attachment 5). Wetlands 1 and 2 are designated as Manage B wetlands with a required 75 foot buffer. Buffers of 75 to 100 feet will be maintained around these wetlands with the East Metro Public Safety Facility development.

Wetlands 3 through 6 were developed incidentally as a result of the activities associated with the grading and fill material completed by MnDOT in the 1970s. These water bodies will be impacted by the development. The wetland delineation report found the wetlands to be incidental. The Ramsey Washington Metro Watershed District and the wetland Technical Evaluation Panel agreed with this assessment. The watershed will be removing wetlands 3-6 from their wetland maps and regulatory review (Attachment 6).

The City of Maplewood's wetland classification map was adopted in 2009 as part of the new wetland ordinance. The wetland ordinance states that the city council will adopt changes to the wetland map which are based on MnRAM studies and other technical data which has been approved by watershed districts. Because the wetlands have been deemed incidental, the city should formally remove them from our wetland map.

The Environmental and Natural Resources Commission reviewed the removal of the wetlands from the city's wetland map during their May 21 meeting. Based on the opinion by the watershed district that the wetlands 3 through 6 are non-historical and as such incidental, the ENR Commission recommended approval of the removal of wetlands 3 through 6 from the city's wetland map.

Marshlands

The Marshlands will be one of Maplewood's key demonstration sites for sustainable landscape design and natural resources restoration. The concept includes four main components.

1. Sustainable landscaping. The site design and landscaping will use sustainable landscaping principles and include rain gardens, planted parking lot medians, drought-tolerant, low-maintenance plantings, and plantings designed to lessen building energy usage.

2. Natural area restoration. Portions of the site that are not developed will be restored to native prairie and woodland. Areas of wetland buffer will be enhanced.
3. Trail Connections. A rustic trail will connect the Marshlands site to Southwood Nature Preserve north of Holloway Avenue and to the Sterling Street Trail west of the site. Most of the trail will be on Ramsey County Open Space, with short segments through Hill-Murray land and the Marshlands (Attachment 5).
4. Environmental Education. Maplewood Nature Center will schedule educational events at the site such as naturalist-led hikes. There is opportunity for some unique environmental programming in collaboration with firefighters.

At this point, Ramsey County Parks is not interested in building or maintaining a trail on the county open space, but the county of open t giving the city a trail easement across county land. Hill-Murray School is supportive of the trail connecting to Sterling Street Trail, across the northwest corner of their site. Other trail connection options are being explored as part of the plan.

City Engineering Department Comments

Michael Thompson, the city's engineer, is the project lead for the city and has reviewed the plans and has no additional comments.

COMMISSION ACTION

May 21, 2012: The ENR recommended approval of the removal of incidental wetlands 3 through 6 from the city's wetland map.

May 22, 2012: The community design review board (CDRB) recommended approval of the proposed site plan and building elevations for the burn building, training tower and simulation and training buildings. The CDRB recommended the landscape plan and building elevations for the classroom training building be brought back for board approval.

June 5, 2012: The planning commission (PC) recommended approval of the proposed land use plan amendment and the CUP for a PUD.

June 18, 2012: The ENR Commission reviewed the stormwater and drainage elements of the project.

RECOMMENDATIONS

- A. Adopt the resolution approving a comprehensive land use plan amendment from unguided right-of-way to G (government) for the property located west of the MN Highway 120 and MN Highway 5 intersection. Approval is based on the following reasons:
 1. The property is presently utilized by MnDOT which would be compatible with a land use classification of G.
 2. The future use of this site is a public safety training center which will be utilized by multiple public jurisdictions.
 3. The classification to G would guide a piece of land that currently does not have any future land use classification.

This action is subject to the approval of this land use plan amendment by the Metropolitan Council.

B. Adopt the resolution approving a conditional use permit for a planned unit development for the proposed East Metro Public Safety Training Facility, which the site also includes MnDOT's continued operations and the marshlands rehabilitation project. This development will be on the west side of MN Highway 120 at its intersection with MN Highway 5. This approval includes the use of metal siding for the simulation and training building. Approval is subject to the findings required by ordinance and subject to the following conditions:

1. All construction shall follow the site plan date-stamped May 14, 2012. Staff may approve minor changes.
2. The city council shall review this permit in one year.
3. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
4. Comply with the requirements of the city's engineering department.
5. The applicant shall work with the building official and fire marshal to ensure compliance with applicable codes.
6. This approval does not include landscaping plans or building elevations for the classroom training building which shall be submitted for community design review board approval.
7. Hours of operation shall be limited to 9 a.m. to 10 p.m. and the site must be in compliance with the city's noise ordinance at all times.
8. City council must approve a joint powers agreement with partnering jurisdictions that will limit the use of the burn buildings when weather conditions may cause smoke and other irritants to affect nearby residential neighborhoods.

C. Approve the design plans date-stamped May 14, 2012, for the East Metro Public Safety Training Center. This development will be on the west side of MN Highway 120 at its intersection with MN Highway 5. The city bases this approval on the findings required by the code. The developer or contractor shall do the following:

1. Repeat this review in two years if the city has not issued a building permit for this project.
2. Complete the following before the city issues a building permit:
 - a. Comply or continue compliance with all engineering requirements.
 - b. Submit a certificate of survey for all new construction and have each building staked by a registered land surveyor.
 - c. Submit a landscape plan for the training area and a landscape plan for marshlands and

- trail area to the CDRB for approval.
- d. Get the necessary approvals and permits from the watershed district and provide the city verification that all watershed district provisions are met before the city issues a building or a grading permit for the site.
 - e. Submit a site lighting plan for city staff approval. This plan shall show the installation of all lights and how the lighting on the buildings would add to the site lighting. This plan also shall show details about the proposed light fixtures to ensure they are a design that hides the bulb and lens from view to avoid nuisances. This plan shall show the height and style of all outdoor lights and that the light illumination from outdoor lights does not exceed 0.4 foot candles at all property lines.
 - f. Have the Saint Paul Regional Water Services (SPRWS) approve the proposed utility plans.
 - g. Submit revised, detailed building plans and elevations for the classroom training building to the CDRB for approval. These elevations shall show or include (but are not limited to):
 - (1) the colors of all materials,
 - (2) all elevations of all buildings
 - (3) material to be used
 - h. Submit a revised site plan showing all parking lot setback being met.
3. Complete the following before occupying each building:
- a. Replace property irons that are removed because of this construction.
 - b. Restore and sod damaged boulevards and sod all turf areas.
 - c. Install the required concrete curb and gutter.
 - d. Install all the required exterior improvements, including all exterior lighting.
 - e. Show that Ramsey County has recorded the land as a legal parcel.
 - f. The developer or contractor shall:
 - (1) Complete all grading for the site drainage, complete all public improvements and meet all city requirements.
 - (2) Place temporary orange safety fencing and signs at the grading limits.
 - (3) Remove any debris or junk from the site.
4. If any required work is not done, the city may allow temporary occupancy if the city determines that the work is not essential to the public health, safety or welfare.
5. All work shall follow the approved plans. The director of community development may

approve minor changes.

6. This approval does not include signs. Any signage will be reviewed by city staff through the sign permit process.
- D. Adopt the resolution approving the wetland map amendment for the removal of wetlands 3 through 6 from the city's wetland map based on the opinion by the watershed district that the wetlands are non-historical and as such incidental.

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 20.51 acres
Existing land use: MnDOT Maintenance Area

SURROUNDING LAND USES

North: Ramsey County Open Space
South: Ramsey County Open Space
West: Ramsey County Open Space and MnDOT Maintenance Area
East: MN Highway 120

PLANNING

Proposed Land Use Plan designation: Government (G)
Proposed Zoning: Planned Unit Development (PUD)

Criteria for CUP/PUD Approval

Section 44-1097(a) states that the city council may approve a CUP, based on nine standards. See findings 1-9 in the resolution.

REVIEW DEADLINE

This review is generated by the city. There is no deadline for action by the city council.

p:\sec 13-29\East Metro Public Safety Training\East Metro Public Safety Training Design
Review_CC_062512

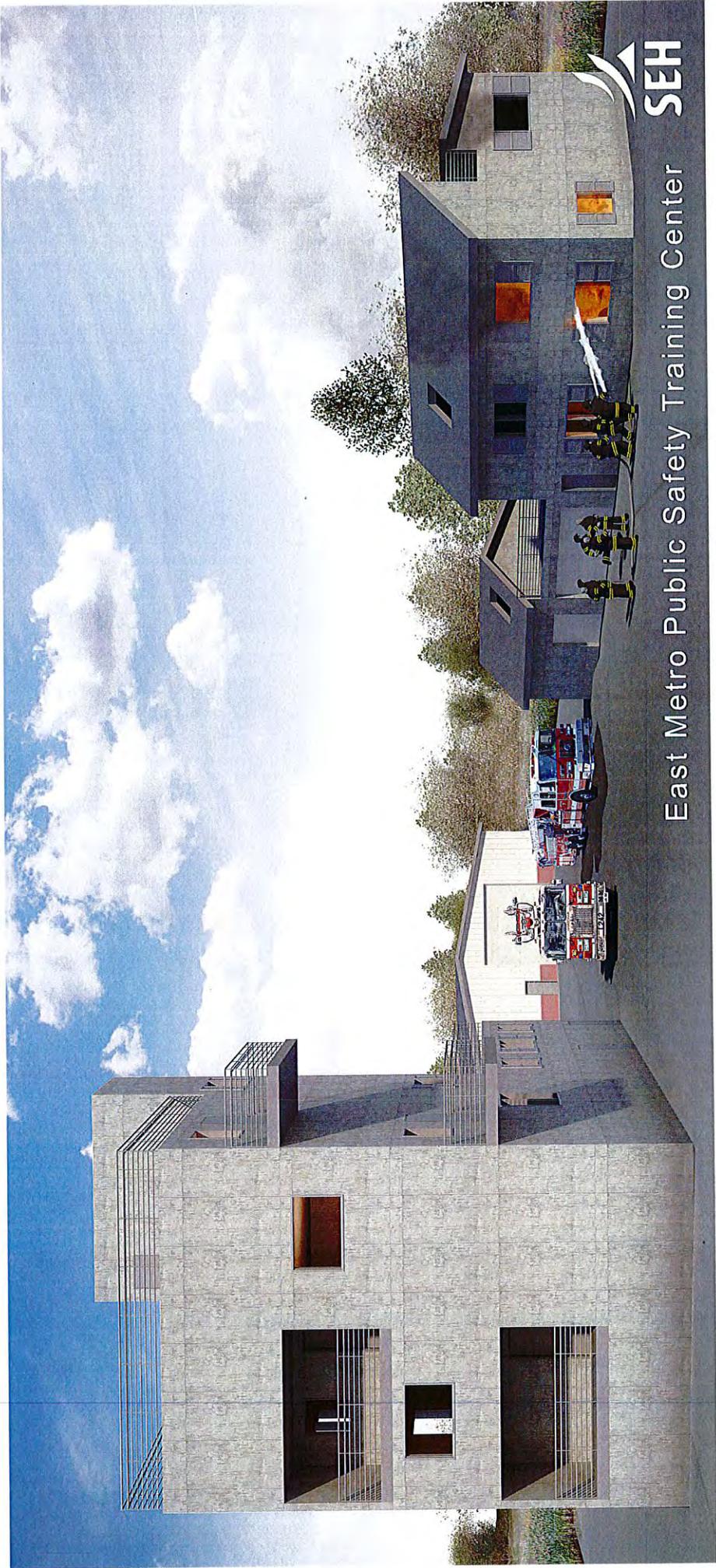
Attachments:

1. Location map and aerial photo
2. Burn buildings renderings
3. 2003 wetland map
4. 2011 wetland map
5. Site wetland map
6. Ramsey Washington Metro Watershed District's technical evaluation report
7. Land use plan amendment resolution
8. CUP/PUD resolution
9. Wetland map amendment resolution



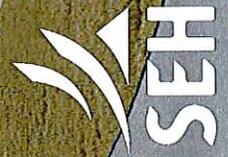
East Metro Public Safety Training Center

Location Map and Aerial Photo



East Metro Public Safety Training Center

SEH



East Metro Public Safety Training Center





Hill Murray Wetland Delineation on
2003 Aerial Photograph

A-MAPLE0602.00

Figure 5



Map Document: (L:\Resources\Cartographic\Templates\Empty\Layouts\ANSI_8x11P\8x11P_Std.mxd) 2/13/2009 - 12:45:14 PM

— 2011 Wetland Delineation



3535 VADNAIS CENTER DR.
 ST. PAUL, MN 55110
 PHONE: (651) 490-2000
 FAX: (651) 490-2150
 WATTS: 800-325-2055
 www.sehinc.com

Project: MAPLE0602.01
 Print Date: 11/29/2011
 Map by: drd
 Projection: UTM NAD 83
 Source: HIG

Extent of Wetland Jurisdiction
 Marshlands Fire Training Facility
 Maplewood, Minnesota

Figure
1

This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is a compilation of records, information, and data gathered from various sources listed on this map and is to be used for reference purposes only. SEH does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and SEH does not represent that the GIS Data can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that SEH shall not be liable for any damages which arise out of the user's access or use of data provided.



**Minnesota Wetland Conservation Act (WCA)
Notice of Decision – No Loss of Wetlands – “incidental wetlands”**

Local Government Unit: **Minnesota Department of Transportation**
Office of Environmental Services
Mailstop 620
395 John Ireland Blvd
St. Paul, MN 55155-1899

Date of Notice: November 29, 2011

Applicant: Michael Thompson
City Engineer
Maplewood Public Works
1902 County Road B East
Maplewood, MN 55109

Type of Notice: No Loss of wetland

LGU Contact: Sarma Straumanis, Mn/DOT Wetland Program Coordinator (651-366-3626).

Application Number: TH 5 Maplewood Fire Training Facility Site

Location: SE ¼ Section 13, T 29N, R 22W, West of TH 5 junction with Century Ave

Description of Project:

The City of Maplewood has proposed construction of a Fire Training Facility on the parcel. It is anticipated that MnDOT will convey the parcel to the City at some point in the near future. Currently the parcel is owned in fee title by MnDOT.

No loss

The construction activity proposed above qualifies for a **no loss** determination, under the Wetland Conservation Act, for the following reason: **8420.0105, Subpart 2, D.**

– “**This chapter does not regulate impacts to incidental wetlands. Incidental wetlands includeexcavations constructed in nonwetlands solely for the purpose of Stormwater retention or detention...**”

The WCA TEP met on November 21, 2011 and concluded that the area underneath the current interchange ponds was legally graded and filled in 1974 – and that the wetlands that formed on top of the concave filled areas are not under the scope of WCA. Present at the TEP meeting were TEP members: Lynda Peterson (BWSR), Ryan Johnson (Ramsey CD), Tina Carstens (RWMWD), Molly Shodeen (DNR) and Sarma Straumanis (MnDOT). Also present were Ron Leaf and Deric Deuschle (SEH, Inc.), Paige Ahlberg (RWMWD) and Shaan Finwell (City of Maplewood).

* THIS DETERMINATION APPLIES TO THE WCA Rule Chapter 8420.0415, as amended in August 2011.

You are hereby notified that the decision of the Local Government Unit on the above-referenced application was made on the date stated above. The LGU Contact is Sarma Straumanis (651-366-3626).

Pursuant to Minn. R. 8420.0200 and 8420.0905 any appeal of the decision must be commenced by mailing a petition for appeal and payment of filing fee to the board within thirty (30) calendar days of the date of the mailing of this Notice to the following as indicated:

Executive Director
Minnesota Board of Water and Soil
Resources
520 Lafayette Road North
St. Paul, MN 55155

THIS DECISION ONLY APPLIES TO the Minnesota Wetland Conservation Act. Additional approvals or permits from local, state, and federal agencies may be required. Check with all appropriate authorities before commencing work in or near wetlands.

Applicant proceeds at their own risk if work authorized by this decision is started before the appeal time period has expired. If this decision is reversed or revised under appeal the applicant is responsible for all wetland impacts.

The information provided for this determination is accurate and complete to the best of my knowledge.

[LOCAL GOVERNMENT UNIT]

Sarma Straumanis

Mn/DOT WCA LGU Official

Nov 29, 2011
Date

List of Addressees:

[Members of Technical Evaluation Panel]

BWSR Wetland Specialist for Ramsey County – Lynda Peterson

Ramsey County CD WCA Contact – Ryan Johnson

[Department of Natural Resources Regional Office]

DNR TEP Contact for Ramsey County – Molly Shodeen

[Local LGU]

Ramsey-Washington Metro WD – Tina Carstens

Lynda Peterson
BWSR
520 Lafayette Rd North
St. Paul, MN 55155

Ryan Johnson
1425 Paul Kirkwold Drive
Arden Hills, MN 55112

Molly Shodeen
1200 Warner Road
Box 28
St. Paul, MN 55106

Tina Carstens
RWMWD
2665 Noel Drive
Little Canada, MN 55117

Michael Thompson
Maplewood Public Works
1902 County Road B East
Maplewood, MN 55109

Deric Deuschle
SEH, Inc.
3535 Vadnais Center Dr.
St. Paul, MN 55110-5196

Bruce Irish
MnDOT Metro WRE

LAND USE PLAN AMENDMENT RESOLUTION

WHEREAS, Fire Chief Steve Lukin of City of Maplewood has requested a change to the City of Maplewood's land use plan from unclassified right-of-way to G (government) for consistency between the plan and actual use of the land.

WHEREAS, this change applies to the property located west of Highway 120 and Highway 5. The legal description is:

All that part of the following described tract:

The Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 13, Township 29 North, Range 22 West;

which lies northeasterly of a line run parallel with and distant 100 feet southwesterly of the following described line:

Beginning at a point on the east line of said Section 13, distant 1324.13 feet North of the southeast corner thereof; thence run westerly at an angle of 90 degrees with said east section line for 186.63 feet; thence deflect to right on a 10 degree 00 minute curve (delta angle 29 degrees 20 minutes) for 293.33 feet; thence on tangent to said curve for 100 feet and there terminating.

WHEREAS, the history of this change is as follows:

1. On June 5, 2012, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve the land use plan change.
2. On June 25, 2012 the city council discussed the land use plan change. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council _____ the above described change for the following reasons:

1. The property is presently utilized by MnDOT which would be compatible with a land use classification of G.
2. The future use of this site is a public safety training center which will be utilized by multiple public jurisdictions.
3. The classification to G would guide a piece of land that currently does not have any future land use classification.

This action is subject to the approval of this land use plan amendment by the Metropolitan Council.

The Maplewood City Council _____ this resolution on June 25, 2012.

CONDITIONAL USE PERMIT/PLANNED UNIT DEVELOPMENT RESOLUTION

WHEREAS, Fire Chief Steve Lukin of City of Maplewood has applied for a conditional use permit for a planned unit development to build a public safety training center.

WHEREAS, Section 44-6 of the city ordinance provides that a PUD can be a development characterized by a unified site design with two or more principal uses or structures.

WHEREAS, the site will also include MnDOT's continued operations and the marshlands rehabilitation project.

WHEREAS, Section 44-1093(b) of the city ordinance provides that the city council may consider flexibility from strict code compliance in the internal and external design requirements of the project dependent upon the following findings:

1. The proposed development and the surrounding neighborhood can be better served by relaxing the code requirements that regulate the physical development or layout of the project because of its unique nature.
2. The PUD would be consistent with the spirit, intent and purposes of this chapter.
3. The planned unit development would produce a development of equal or superior quality to that which would result from strict adherence to this chapter.
4. The deviations would not constitute a significant threat to the property values, safety, health or general welfare of the owners or occupants of nearby land or to the environment.
5. The deviations are required for the reasonable and practical physical development of the project.

WHEREAS, the applicant is requesting that the city allow a building to be constructed with architectural siding.

WHEREAS, this permit applies to the property located west of Highway 120 and Highway 5. The legal description is:

All that part of the following described tract:

The Southeast Quarter of the Southeast Quarter (SE 1/4 SE 1/4) of Section 13, Township 29 North, Range 22 West;

which lies northeasterly of a line run parallel with and distant 100 feet southwesterly of the following described line:

Beginning at a point on the east line of said Section 13, distant 1324.13 feet North of the southeast corner thereof; thence run westerly at an angle of 90

degrees with said east section line for 186.63 feet; thence deflect to right on a 10 degree 00 minute curve (delta angle 29 degrees 20 minutes) for 293.33 feet; thence on tangent to said curve for 100 feet and there terminating.

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

1. On June 5, 2012, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission recommended that the city council approve the conditional use permit request.
2. On June 25, 2012 the city council discussed conditional use permit. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council _____ the above-described conditional use permit and architectural metal siding building, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and this Code.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.
10. The proposed development and the surrounding neighborhood can be better served by relaxing the code requirements that regulate the physical development or layout of the project because of its unique nature.
11. The PUD would be consistent with the spirit, intent and purposes of this chapter.

12. The PUD would produce a development of equal or superior quality to that which would result from strict adherence to this chapter.
13. The deviations would not constitute a significant threat to the property values, safety, health or general welfare of the owners or occupants of nearby land or to the environment.
14. The deviations are required for the reasonable and practical physical development of the project.

Approval is subject to the following conditions:

1. All construction shall follow the site plan date-stamped May 14, 2012. Staff may approve minor changes.
2. The city council shall review this permit in one year.
3. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
4. Comply with the requirements of the city's engineering department.
5. The applicant shall work with the building official and fire marshal to ensure compliance with applicable codes.
6. This approval does not include landscaping plans or building elevations for the classroom training building which shall be submitted for community design review board approval.
7. Hours of operation shall be limited to 9 a.m. to 10 p.m. and the site must be in compliance with the city's noise ordinance at all times.
8. City council must approve a joint powers agreement with partnering jurisdictions that will limit the use of the burn buildings when weather conditions may cause smoke and other irritants to affect nearby residential neighborhoods.

The Maplewood City Council _____ this resolution on June 25, 2012.

Resolution No _____

Changes to the Maplewood Wetland Map

WHEREAS, on December 14, 2009, the Maplewood City Council adopted a wetland ordinance (Ordinance No. 895) dealing with wetland regulations.

WHEREAS, as part of the ordinance the City Council adopted a wetland classification map. The map is based on wetland classifications from Minnesota Routine Assessment Method (MnRAM) wetland studies and assigned by the applicable watershed districts.

WHEREAS, the ordinance states that the City Council will adopt changes to the wetland map which are based on MnRAM and other studies conducted and approved by watershed districts.

WHEREAS, in 2005 and 2011 the City of Maplewood had wetlands delineated on a 20.5-acre vacant lot located west of the intersection of Century Avenue and Highway 5 (refer to wetland delineation map attached).

WHEREAS, the wetland delineation found that Wetlands 3 through 5 were developed incidentally as a result of the activities associated with the grading and fill material completed by the Minnesota Department of Transportation (MnDOT) in the 1970s.

WHEREAS, in November 2011 the Local Governmental Unit (MnDOT) and Technical Evaluation Panel (Ramsey Washington Metro Watershed District) reviewed the delineation report and agreed with the assessment that Wetlands 3 through 5 are non-historical wetlands and thus incidental. As such, Ramsey Washington Metro Watershed District will be removing the wetlands from their wetland classification map.

WHEREAS, On May 21, 2012, the Maplewood Environmental and Natural Resources Commission reviewed the Local Governmental Unit and Technical Evaluation Panel decision that Wetlands 3 through 5 are non-historical and incidental, and recommended that the City Council remove the wetlands from the City's wetland classification map.

NOW, THEREFORE, BE IT RESOLVED that the city council approves the above-described wetland map change because Wetlands 3 through 6 have been found to be non-historical and incidental and the Ramsey Washington Metro Watershed District will be removing them from their wetland classification map.

\The Maplewood City Council _____ this resolution on June 25, 2012.

MEMORANDUM

TO: James Antonen, City Manager
FROM: Shann Finwall, AICP, Environmental Planner
SUBJECT: **Solid Waste Management Summary Ordinance
(Super Majority Vote)**
DATE: July 19, 2011 for the July 25 City Council Meeting

INTRODUCTION

The City Council adopted the solid waste management ordinance on June 11, 2012. The ordinance goes into effect upon publication. According to state law, the City Council may direct that a summary of an ordinance be published rather than the entire ordinance text. The solid waste management ordinance contains 15 pages of text which would be costly to publish. As such, staff is recommending the City Council authorize a summary ordinance for publication.

DISCUSSION

State statute requires that summary ordinances give an accurate synopsis of the essential elements of the ordinance. Staff proposes the following language for the summary ordinance:

Ordinance No. 921

Maplewood Solid Waste Management Ordinance

On June 11, 2012, the Maplewood City Council adopted an ordinance which regulates the management of solid waste within the City. A summary of the ordinance follows:

1. Solid waste is defined as set forth in Minnesota Statutes, section 116.06, subdivision 22(1)(9), but is further defined for purposes of this ordinance to include garbage, recyclables, appliances, bulky waste, yard waste, and household hazardous waste.
2. The goal of the solid waste management ordinance is to improve solid waste management and to serve the following purposes:
 - (a) Achieve a reduction in waste generated.
 - (b) Encourage the separation and recovery of materials and energy from waste.
 - (c) Ensure the protection of public health and safety and promote city cleanliness and livability.
 - (d) Promote best management practices in solid waste management to protect air quality, water quality, and natural resources.
 - (e) Be consistent with the requirements of the State statutes, State rules and Ramsey County ordinances, and with State and Ramsey County solid waste plans.
 - (f) Provide high quality solid waste and recycling services in the most cost-effective manner possible.
 - (g) Coordinate solid waste management among political subdivisions.
3. Any person collecting garbage, designated recyclables, or other solid waste in the city must secure a license from the city to do so.

4. All residents and commercial properties shall separate all designated recyclables from solid waste. These source separated items shall be collected for separate recycling, processing or treatment.
5. Every person shall legally dispose of garbage that accumulates upon their property in the city at least once a week or more often as directed by the city manager unless given special permission by the city.
6. Only the city-contracted garbage collector may collect garbage at residential properties (1 to 4 units).
7. Every person occupying a residential property (1 to 4 units) shall utilize the city-provided garbage carts for the disposal of garbage.
8. The owner, operator, or manager of any multiple-family property with more than 4 units or commercial property must supply garbage collection at least once weekly by a garbage hauler licensed to do business in the city.
9. Only the city-contracted recyclables collector may collect and process recyclables set out for recycling collection at the curb or alley line.
10. The collection of garbage for residential and multiple-family dwellings shall be in accordance with the times outlined in the city's contract for garbage collection, Monday through Saturday.
11. Collection of residential and multiple-family dwelling unit's recyclables shall be in accordance with the times outlined in the city's contract for recyclables collection, Monday through Saturday.
12. The collection of garbage and recyclables for commercial properties shall occur between the hours of 6 a.m. and 6 p.m.
13. Each residential garbage collection licensee must schedule collection pickups as established by the City of Maplewood day-certain pick up schedule.
14. The city manager or their designee shall have the authority to develop Solid Waste Management Standards concerning days of collection, type and location of waste containers and other matters as they deem necessary to provide for the safe, orderly and cost-efficient preparation, storage, collection and disposal of all waste materials covered in this ordinance.
15. Regulations regarding the collection and composting or disposal of yard waste.
16. Manufactured homes and townhomes may opt into the city-contracted garbage hauling service with city approval.

The solid waste management ordinance goes into effect after publication. An official copy of the ordinance is on file in the office of the Maplewood Community Development Department at 1830 County Road B East, Maplewood, or can be obtained on the City's website at www.ci.maplewood.mn.us/trash. Questions regarding this ordinance should be directed to Shann Finwall, Environmental Planner at (651) 249-2304 or shann.finwall@ci.maplewood.mn.us.

RECOMMENDATION

Adopt the above-mentioned solid waste management summary ordinance. Once approved by the City Council, staff will publish the summary ordinance in the City's official newspaper.

MEMORANDUM

TO: James Antonen, City Manager
FROM: Shann Finwall, AICP, Environmental Planner
SUBJECT: **Resolution Establishing Solid Waste Collection License Fees**
DATE: June 19, 2012 for the June 25 City Council Meeting

BACKGROUND

On June 11, 2012, the City Council adopted a solid waste management ordinance. The ordinance establishes regulations for the management of solid waste in the city, including licensing requirements for the collection of solid waste. The ordinance specifies that the City Council will set the fee for collection licenses from time to time as needed.

DISCUSSION

2012 Licensing Requirements

Following is a summary of the collection licensing requirements specified in the solid waste management ordinance:

- Collection of garbage, recyclables, yard waste, or other solid waste in the city from any residential, multiple-family, or commercial property requires a license from the city.
- License application requires the name and address of the applicant.
- License carries a fee which is established by the City Council.
- No license may be issued for more than one year and shall expire on December 31 of each year.
- The applicant shall:
 - Use tandem axles or flotation tires to reduce the per-axle weight of all trucks used for collection of solid waste.
 - Provide maps of service routes configured so that customers on load-sensitive streets will be among the first served on such routes to minimize damage to load-sensitive streets and alleys.
 - Provide collection carts or dumpsters to customers upon their request.
 - Provide collection of yard waste to customers upon their request.
 - Provide special or extraordinary collection services, such as bulky waste removal, within two (2) business days of a customer's request.
 - Provide special service collection arrangements for customers to accommodate their physical health concerns.
 - Properly contain all garbage or recyclables such that no blowing or escape from trucks of solid or liquid waste or recyclables occurs.
 - Provide information to all customers that may be required of the City by county, metropolitan, state, or federal governments.
 - Provide a certificate of public liability insurance (general liability, auto liability, workers compensation insurance).
 - Comply with the City's day-certain pick up schedule for residential routes.
 - Report accumulations of garbage that violates the solid waste management ordinance.

- Vehicle requirements:
 - Shall be covered and closed.
 - Kept clean and free from offensive odors as possible.
 - Remain in compliance with Minnesota Department of Transportation Rules and Regulations.
- Suspension or revocation of licenses occur when:
 - Failure to comply with the solid waste management ordinance after a hearing from the City Council.
 - The City may suspend the licensee's right to operate under the terms of the license and order their appearance at the next regular meeting of the City Council for a hearing on whether the suspension should continue in effect.
 - Continued willful or egregious violations of this ordinance by any licensed or unlicensed hauler of solid waste shall result in fines and/or liquidated damages as deemed reasonable by the City Council.

Current Licensing Fee and Process

The City's current license fee for solid waste collection is \$129 per year. During the City's Collection System Analysis study in 2011, the Trash Hauling Working Group studied the City's collection licensing process, requirements, and fees. The process includes the business licensing clerk sending out renewal notices, collecting the fee and verifying insurance. Haulers were also required to submit their rates which were published on the City's website. After this was complete the business licensing clerk would submit a permit to the applicant. On average this work took two hours per year, per license to process. It was estimated that the City was just recouping its expenses based on this process.

To ensure compliance with all licensing requirements including verifying truck axels, service route maps, offering of yard waste, offering of special collections, etc., the Trash Hauling Working Group estimated that it would take an additional one to four hours per license to review. Based on this, the licensing fee would need to be increased by \$15 to \$303 more per year.

Neighboring Cities' Licensing Fees

Following is a list of collection license fees charged by neighboring cities:

Organized Residential Trash Collection Cities

Little Canada - \$150
 North St. Paul - \$200
 Vadnais Heights – \$145 for first two vehicles plus \$65 for each additional vehicle
 White Bear Lake – \$50

Open Residential Trash Collection Cities

Newport - \$300
 Oakdale – \$810
 Roseville - \$125
 St. Paul - \$345 for first vehicle plus \$72 for each additional vehicle
 Woodbury – \$400

Each city has different licensing requirements which might warrant the fees they charge. As an example, the City of St. Paul requires each hauler to have their trucks inspected yearly. Under the organized trash collection cities the City of North St. Paul requires a license, fee, and certificate of insurance and the City of Vadnais Heights requires a license, fee, certificate of insurance, and vehicle requirements.

Proposed Licensing Process and Fee

Licensing requirements in the 2012 solid waste management ordinance are similar to the previous licensing requirements, except for the requirement to submit trash hauling rates. Therefore, the City Council should consider raising the licensing fees to ensure adequate review of all aspects of collection licensing requirements. Staff estimates an additional two hours of staff time to review all 2012 solid waste management ordinance licensing requirements. Based on this estimate and a comparison of surrounding cities' licensing fees, staff recommends increasing the collection license fee to \$250 per year, per hauler.

RECOMMENDATION

Adopt the attached resolution (Attachment 1). This resolution establishes the solid waste collection licensing fee at \$250 per year, per hauler.

Attachment

1. Solid Waste Collection Licensing Fee Resolution

RESOLUTION NO. _____
Solid Waste Collection Licensing Fees

WHEREAS, the Maplewood City Council has adopted a solid waste management ordinance (Ordinance No. 921) on June 11, 2012.

WHEREAS, one of the stated goals in the solid waste management ordinance is to ensure the protection of public health and safety and promote city cleanliness and livability.

WHEREAS, one way of achieving the above-mentioned goal is to ensure appropriate city controls over insurance, vehicle, and operation regulations for persons desiring to collect garbage, yard waste, recyclables, or other solid waste in the city.

WHEREAS, to ensure appropriate city controls as mentioned above, the solid waste management ordinance requires all persons who wish to collect garbage, yard waste, recyclables, or other solid waste in the city to first secure a license from the city to do so.

WHEREAS, the solid waste management ordinance specifies that the City Council will set the fee for solid waste management collection licenses from time to time as needed.

WHEREAS, the Maplewood City Council hereby sets the solid waste management collection license fee at \$250 per year.

NOW, THEREFORE BE IT RESOLVED, that the City of Maplewood adopts the above- mentioned collection license fee amount.

Maplewood City Council authorizes this resolution on _____, 2012.

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AGENDA REPORT

TO: James Antonen, City Manager
FROM: Charles Ahl, Assistant City Manager
SUBJECT: **Cancellation of July 2, 2012 Council Manager Workshop**
DATE: June 25, 2012

INTRODUCTION/ BACKGROUND

Independence Day (July 4th) falls on a Wednesday this year. Typically there is a Council Manager Workshop on the 1st Monday of the month. Due to how close the meeting is to the holiday, I have asked each staff member about schedules for this date and have found nothing major that cannot be scheduled either later in July or August.

Thus, staff is recommending that the City Council cancel, rather than reschedule, the July 2, 2012 Council Manager Workshop. A motion to cancel is appropriate, so that staff can provide the appropriate notice.

RECOMMENDATION

It is recommended that the City Council approve a motion to cancel the July 2, 2012 Council – Manager Work Session due to the conflict with Independence Day.