

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, January 28, 2013
City Hall, Council Chambers
Meeting No. 02-13

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 January 14, 2013 City Council Workshop Minutes
2. Approval of January 14, 2013 City Council Meeting Minutes

F. APPOINTMENTS AND PRESENTATIONS

None

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. Authorization to Make Payment for Eden Systems Yearly Support Contract
3. Approval for Police Department to Accept Squad Light Bars
4. Approval for Police Department to Accept Donation from Schmelz Countryside
5. Approve Purchase of 1 Ton Truck and Two John Deere Park Maintenance Machines
6. Approval of Resolution to Increase the Scope of the Feasibility Study, Order Preliminary Design, and Increase the Project Budget, Arkwright-Sunrise Area Street Improvements, City Project 12-09
7. Approval of Change Order No. 3, Gladstone Area Improvements – Bid Package 1, Project 04-21
8. Approval of Police Department Expansion Project Items

9. Commission Handbook Revisions for the Housing and Economic Development Commission
10. Conditional Use Permit Review for LaMettry Collision Auto Repair, 2951 Maplewood Drive
11. Conditional Use Permit Termination for Allowing Parking as a Primary Use, 2951 Maplewood Drive

H. PUBLIC HEARINGS

1. 7:00 pm – First Reading of the Wetland Ordinance Amendment

I. UNFINISHED BUSINESS

1. Approval of 2013 Rules of Procedure for City Council and Council Meetings Manual
2. Approval of a Resolution Authorizing Submission of Request for State Bonding Funds for East Metro Training Facility

J. NEW BUSINESS

1. Conditional Use Permit Revision–Woodland Hills Church Food Shelf Proposal, 1740 Van Dyke Street (Simple-Majority Vote Required for Approval)
 - a. Planning Commission Report
 - b. CUP Revision Consideration
2. Consider Resolution Adopting Living Streets Policy, City Project 11-11
3. Consideration of a Resolution Supporting the Findings of the Gateway Corridor Alternatives Analysis Study
4. Meeting of Economic Development Authority [Council serves as the EDA]

K. AWARD OF BIDS

1. TH 36 / English Street Interchange Improvements, City Project 09-08
 - a. Resolution Receiving Bids and Awarding Construction Contract
 - b. Resolution Ordering Preparation of Assessment Roll
 - c. Approval of RCRRA License Agreement

L. ADMINISTRATIVE PRESENTATIONS

None

M. COUNCIL PRESENTATIONS

None

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, January 14, 2013
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 5:18 p.m. by Mayor Rossbach.

B. ROLL CALL

| | |
|-----------------------------------|---------|
| Will Rossbach, Mayor | Present |
| Robert Cardinal, Councilmember | Present |
| Rebecca Cave, Councilmember | Present |
| Kathleen Juenemann, Councilmember | Present |
| Marvin Koppen, Councilmember | Present |

C. APPROVAL OF AGENDA

Councilmember Cardinal moved to approve the agenda as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

D. UNFINISHED BUSINESS

None.

E. NEW BUSINESS

1. **Commission Interviews**
 - a. **Heritage Preservation Commission**
 - b. **Parks & Recreation Commission**

The following individual was interviewed for appointment to the Heritage Preservation Commission; John Gaspar.

The following individual was interviewed for reappointment to the Parks & Recreation Commission; Mike Wilde.

2. Discussion on Off-Sale Liquor License Distance Requirements

City Clerk Guilfoile gave the report and will bring back a modification to the code in March 2013. City Attorney Kantrud offered additional information to the council.

3. Update on Labor Negotiations
a. Declaration of Intent to Close Meeting, State Statute 13d.03

Mayor Rossbach moved to close this portion of the meeting at 6:17 p.m.

Seconded by Councilmember Juenemann Ayes – All

The Motion passed.

Mayor Rossbach opened the meeting at 6:38 p.m. and gave a brief overview of the discussion held.

F. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 6:39 p.m.

DRAFT

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, January 14, 2013
Council Chambers, City Hall
Meeting No. 01-13

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:02 p.m. by Mayor Rossbach.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

| | |
|-----------------------------------|---------|
| Will Rossbach, Mayor | Present |
| Robert Cardinal, Councilmember | Present |
| Rebecca Cave, Councilmember | Present |
| Kathleen Juenemann, Councilmember | Present |
| Marvin Koppen, Councilmember | Present |

D. APPROVAL OF AGENDA

The following items were added to the agenda:

M1 Trash Pickup
M2 Maplewood Monthly
M3 Family Service Center

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of December 10, 2012 City Council Meeting Minutes

The following correction to the minutes was noted: Item number E2 be changed to reflect Councilmember Koppen seconded the motion.

Councilmember Juenemann moved to approve the December 10, 2012 City Council Meeting Minutes as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Appointments to Commission

- a. Heritage Preservation Commission
- b. Parks & Recreation Commission

Assistant City Manager Ahl gave the staff report

Councilmember Juenemann moved to approve the Resolution to appoint candidates to the commission as indicated.

RESOLUTOIN 13-1-835

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:

Heritage Preservation Commission

- John Gaspar, term expires April 30, 2014

Parks & Recreation Commission

- Mike Wilde, term expires April 30, 2015

Seconded by Councilmember Koppen

Ayes –

The motion passed.

2. Resolution of Appreciate for Dave Edson (33 Years of Service) – Public Works Employee

Mayor Rossbach read and presented Dave Edson with a resolution of appreciation. He further presented Mr. Edson with a clock from the City.

Councilmember Juenemann moved to adopt the Resolution of Appreciation for Dave Edson.

RESOLUTION 13-1-836
RESOLUTION OF APPRECIATION

WHEREAS, Dave Edson has been an employee of the City of Maplewood for 33 years, from December of 1979 to January of 2013 and has served faithfully in that capacity; and

WHEREAS, the City of Maplewood has appreciated Mr. Edson's loyalty, insights, and hard work within the Public Works Department; and

WHEREAS, Dave has contributed his knowledge, skills, and abilities for the betterment of the City of Maplewood over a period of 33 years; and

WHEREAS, Mr. Edson has shown dedication to his duties and has consistently contributed his skills and effort for the benefit of the City and its Citizens.

Councilmember Juenemann moved to approve the gas and diesel fuel contracts with Yocum Oil.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

7. Approval of Change in Order No. 1 for Maplewood Mall Sidewalk Improvements, Project 11-09

Councilmember Juenemann moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 1, for the Maplewood Mall Sidewalk Improvements, City Project 11-09

RESOLUTION 13-1-840
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
PROJECT 11-09, CHANGE ORDER NO. 1

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 11-09, Maplewood Mall Sidewalk Improvements, and has let a construction contract pursuant to Minnesota Statutes and,

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 11-09, Change Order No. 1.

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

1. The mayor and city engineer are hereby authorized and directed to modify the existing contract by executing said Change Order No. 1 which is an increase of \$37,525.00.

The revised contract amount is \$203,300.00.

Adopted by the Maplewood City Council on this 14th day of January 2013.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

H. PUBLIC HEARING

None

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

3. Approval of 2013 Rules of Procedure for City Council and Council Meetings Manual

City Clerk Guilfoile gave the staff report and answered questions of the council.

Councilmember Cardinal moved to return visitor presentation after approval of minutes, item F on the agenda.

Seconded by Councilmember Cave and Cave

Ayes – Council Members Cardinal

Nays – Mayor Rossbach, Council Members Juenemann and Koppen

The motion failed.

Mayor Rossbach moved to approve City Council Workshops to a start time of 5:00 p.m.; accept recommendations regarding ad hoc committees as it relates to audio recordings and retention; and a group picture of the city council be included with each “Council Corner” article. Staff will bring language clarifying the schedule for councilmembers writing in the Maplewood Monthly at the next meeting for approval.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

4. Approval of 2013 Policy and Procedures for a Public Hearing

City Clerk Guilfoile gave the staff report.

Councilmember Juenemann moved to approve the Public Hearing Policies and Procedures as they are listed and currently exist.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

5. Consideration of 2013 City Council Appointments

Councilmember Juenemann moved to approve the 2013 Council Appointments

- Acting Mayor** Kathy Juenemann
- Area Chamber of Commerce** James Antonen
Karen Guilfoile (Alternate)
- Auditor Contact** Rebecca Cave
Will Rossbach (Alternate)
- Community Design Review Board** Marv Koppen
(4th Tuesday 7:00 p.m.) Mike Martin (Staff Liaison)

Data Compliance Officers:

| | |
|------------------------------|-----------------|
| Responsible Authority | Karen Guilfoile |
| City Personnel Officer | Terrie Rameaux |
| City Law Enforcement Officer | David Thomalla |

Dispatch Policy Committee Kathleen Juenemann

Environment & Natural Resources Commission
(3rd Monday 7:00 p.m.) Kathleen Juenemann
Shann Finwall (Staff Liaison)

Fire Relief Association
Relief By-Laws require Mayor to be member of the Board Will Rossbach
Gayle Bauman(Staff Liaison)

Gateway Corridor Group Will Rossbach
Chuck Ahl (Alternate)

Green Team
(Monthly as Needed) Kathleen Juenemann
Shann Finwall (Staff Liaison)

Heritage Preservation Commission
(2nd Thursday at 7:00 p.m.) Marv Koppen
David Fischer (Staff Liaison)

Housing Economic Development Commission
(2nd Wednesday at 7:00 p.m.) Bob Cardinal
Mike Martin (Staff Liaison)

Human Rights Commission
(2nd Tuesday at 7:00 p.m.) Kathleen Juenemann
Bob Cardinal (Alternate)
Karen Guilfoile (Staff Liaison)

Joint Ice Arena Board Rebecca Cave
Marv Koppen
Will Rossbach (Alternate)

Municipal Legislative Commission
(Monthly on Wednesday) James Antonen
Will Rossbach
Kathleen Juenemann (Alternate)

Official Newspaper Maplewood Review
Pioneer Press (Alternate)

Parks & Recreation Commission
(3rd Wednesday at 7:00 p.m.) Rebecca Cave
DuWayne Konewko
Jim Taylor/Audra Robbins (Staff Representatives)

Park System Plan Task Force The Partnership Bob Cardinal
Marv Koppen
Dewey Konewko (Staff Liaison)

RESOLUTION 13-1-842
ACCEPTING ASSESSMENT ROLL AND
ORDERING ASSESSMENT HEARING FOR REASSESSMENT

WHEREAS, the clerk and the city engineer have, at the direction of the council, prepared an assessment roll of eleven residential properties within Hills and Dales Area Street Improvements, City Project 09-15, and the said assessment roll is on file in the office of the city engineer;

WHEREAS, a Public Hearing was held on January 25, 2010 and project was ordered to proceed; and

WHEREAS, all benefiting property owners were mailed notice of the assessment amount and date and time of the hearing and the original Assessment Hearing was held May 10, 2010; and

WHEREAS, the City received objections at that time from the following eleven residential property owners:

- 1) Raymond R. Decker, 2002 Duluth Street
- 2) Connie Johnson, 2132 Atlantic Street
- 3) Esther D. Olson, 2117 Atlantic Street
- 4) Arthur Moore and Megan Nelson, 1232 Shryer Avenue
- 5) Kenneth G. Dufner and Therese A. Dufner, 2017 Duluth Street
- 6) Peggy J. Hartzell, 1246 E. County Road B
- 7) Jay R. Gruett, 1237 Leland Road
- 8) Rebecca Gurrola, 2210 Duluth Street
- 9) Phoenix Residence Inc. a Minnesota non-profit Corporation, 1685 Howard Street
- 10) Phoenix Residence Inc. a Minnesota non-profit Corporation, 1866 Furness Street
- 11) Bob A. M. Serreyn and Dominic J. Chiappetta, 1695 Howard Street

WHEREAS, the appeal by subject properties was made to Ramsey County District Court and order of judgment calls for Reassessment as provided in Minn. Stat. 429.071; and

WHEREAS, the City intends reassess subject properties accordingly.

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

1. A hearing shall be held on the 11th day of February, 2013, at the city hall at 7:00 p.m. to pass upon such proposed reassessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such reassessment.
2. The city clerk is hereby directed to cause a notice of the hearing on the proposed reassessment to be published in the official newspaper, at least two weeks prior to the hearing, and to mail notices to the owners of all property affected by said reassessment.

3. The notice of hearing shall state the date, time and place of hearing, the general nature of the improvement, the area to be reassessed, that the proposed assessment roll is on file with the clerk and city engineer, and that written or oral objections will be considered.

4. The owner of any property so assessed may, at any time prior to certification of the reassessment to the county auditor, pay the whole of the reassessment on such property, with interest accrued to the date of payment, to the City of Maplewood, except that no interest shall be charged if the entire reassessment is paid within 30 days from the adoption of the reassessment. Owner may at any time thereafter, pay to the City of Maplewood the entire amount of the reassessment 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 succeeding year.

Adopted by the City Council this 14th day of January 2013.

Seconded by Councilmember Cave Ayes – All

The motion passed.

7. Authorization of Funds to Investigate Parcel of Land Under Consideration on 3M Campus for Purpose of Constructing Fire Station #1

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

Councilmember Juenemann moved to authorize the Assistant City Manager to enter into an agreement with Kimley-Horn, Inc. for evaluation services up to \$65,000 for evaluation of a new fire station on 3M property with funding from the Public Safety Expansion Fund.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

K. AWARD OF BIDS

None

L. ADMINISTRATIVE PRESENTATIONS

1. Approval of Joint Meeting with Oakdale City Council

Assistant City Manager Ahl gave the staff report.

Councilmember Juenemann moved to approve a joint meeting with the Oakdale City Council on Tuesday, February 26, 2013 at 5:00 p.m. at Oakdale City Hall.

Seconded by Mayor Rossbach Ayes – All

The motion passed.

2. Set City Council – Management Team Retreat Date

City Clerk Guilfoile gave the staff report and answered questions of the council.

Mayor Rossbach moved the City Council hold the annual Council-Management Retreat on Wednesday, March 6, 2013 starting at 2:00 p.m.

Seconded by Councilmember Cave

Ayes – All

The motion passed.

M. COUNCIL PRESENTATIONS

1. Trash Pickup

Councilmember Juenemann informed residents that the 2013 trash pickup rates will be lower than the 2012 rates. She also informed residents if they have a cart issue of any kind they are to contact Allied Waste Management directly.

2. Maplewood Monthly

Councilmember Cardinal commented on how tremendous the January 2013 issue of the Maplewood Monthly is. He further requested that information on free Maplewood Cable Stations be available in the lobby for residents.

3. Family Service Center

Councilmember Cardinal recognized the organizations that are providing family services in Maplewood.

N. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 9:02 p.m.

AGENDA REPORT

TO: City Council
FROM: Finance Manager
RE: APPROVAL OF CLAIMS
DATE: January 28, 2013

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:

| | |
|-----------------|--|
| \$ 1,025,632.97 | Checks # 88968 thru # 89032 dated 01/07/13 thru 01/15/13 |
| \$ 399,733.54 | Disbursements via debits to checking account dated 01/07/13 thru 01/11/13 |
| \$ 184,487.63 | Checks # 89033 thru # 89068 dated 01/22/13 |
| \$ 262,118.06 | Disbursements via debits to checking account dated 01/11/13 thru 01/18/13 |
| <hr/> | |
| \$ 1,871,972.20 | Total Accounts Payable |

PAYROLL

| | |
|------------------------|--|
| \$ 602,937.56 | Payroll Checks and Direct Deposits dated 01/18/13 |
| \$ 763.00 | Payroll Deduction check # 9988882 thru # 9988883 dated 01/18/13 |
| <hr/> | |
| \$ 603,700.56 | Total Payroll |
| | |
| <u>\$ 2,475,672.76</u> | <u>GRAND TOTAL</u> |

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.

as
attachments

**Check Register
City of Maplewood**

01/11/2013

| Check | Date | Vendor | Description | Amount | |
|--------------|-------------|---------------|--------------------------------|--------------------------------------|------------|
| 88968 | 01/07/2013 | 04848 | AVESIS | MONTHLY PREMIUM - JANUARY | 240.67 |
| 88969 | 01/07/2013 | 02929 | GLTC PREMIUM PAYMENTS | LTC MONTHLY PREMIUM - JANUARY | 388.66 |
| 88970 | 01/07/2013 | 00644 | HEALTHPARTNERS | MONTHLY PREMIUM - JANUARY | 12,668.59 |
| 88971 | 01/07/2013 | 01126 | NCPERS MINNESOTA | MONTHLY PREMIUM - JANUARY | 544.00 |
| 88972 | 01/09/2013 | 02464 | US BANK | FUNDS FOR ATMS | 10,000.00 |
| 88973 | 01/15/2013 | 04842 | MARY JOSEPHINE ANDERSON | ZUMBA INSTRUCTION NSP - DEC | 120.00 |
| 88974 | 01/15/2013 | 02639 | ARNT CONSTRUCTION INC | PROJ 04-21 GLADSTONE AREA PMT#4 | 98,832.34 |
| | 01/15/2013 | 02639 | ARNT CONSTRUCTION INC | PROJ 11-22 MAPLEWOOD DUMP SITE #1 | 92,218.49 |
| 88975 | 01/15/2013 | 04137 | THE EDGE MARTIAL ARTS | KARATE INSTRUCTION SEPT - DEC | 2,129.00 |
| 88976 | 01/15/2013 | 01973 | ERICKSON OIL PRODUCTS INC | CAR WASHES - DEC | 64.00 |
| 88977 | 01/15/2013 | 00555 | VIRGINIA GAYNOR | REIMB FOR PARKING & MILEAGE 1/3-5/29 | 258.08 |
| | 01/15/2013 | 00555 | VIRGINIA GAYNOR | REIMB FOR MILEAGE 5/29 - 8/20 | 178.88 |
| | 01/15/2013 | 00555 | VIRGINIA GAYNOR | REIMB FOR MILEAGE 8/24 - 12/12 | 168.39 |
| 88978 | 01/15/2013 | 00585 | GOPHER STATE ONE-CALL | NET BILLABLE TICKETS - DEC | 221.85 |
| 88979 | 01/15/2013 | 00393 | DEPT OF LABOR & INDUSTRY | MONTHLY SURTAX - DEC 15786123035 | 2,934.25 |
| 88980 | 01/15/2013 | 04265 | MARIA PIRELA | ZUMBA INSTRUCTION - DEC | 115.50 |
| 88981 | 01/15/2013 | 01337 | RAMSEY COUNTY-PROP REC & REV | 911 DISPATCH SERVICES - DEC | 27,409.41 |
| | 01/15/2013 | 01337 | RAMSEY COUNTY-PROP REC & REV | FLEET SUPPORT FEE - DEC | 455.52 |
| 88982 | 01/15/2013 | 01337 | RAMSEY COUNTY-PROP REC & REV | TRUTH IN TAXATION NOTICE 2012 | 2,767.22 |
| 88983 | 01/15/2013 | 01546 | SUBURBAN SPORTSWEAR | T-SHIRTS FOR B-BALL CLINIC | 182.50 |
| 88984 | 01/15/2013 | 01574 | T.A. SCHIFSKY & SONS, INC | PROJ 11-14 BARTELMY-MEYER PMT#9 | 259,164.66 |
| 88985 | 01/15/2013 | 04845 | TENNIS SANITATION LLC | RECYCLING FEE - DEC | 27,499.50 |
| 88986 | 01/15/2013 | 04252 | TOWMASTER TRUCK EQUIP. INC. | POLARFLEX FRONT MOUNT BLADE | 2,850.95 |
| | 01/15/2013 | 04252 | TOWMASTER TRUCK EQUIP. INC. | PRE-WET SYSTEM FOR UNIT #536 | 2,392.93 |
| | 01/15/2013 | 04252 | TOWMASTER TRUCK EQUIP. INC. | GPS SPEED CONTROL | 563.23 |
| 88987 | 01/15/2013 | 04192 | TRANS-MEDIC | EMS BILLING - DEC | 4,431.70 |
| 88988 | 01/15/2013 | 01190 | XCEL ENERGY | ELECTRIC UTILITY | 14,712.12 |
| | 01/15/2013 | 01190 | XCEL ENERGY | ELECTRIC & GAS UTILITY | 6,878.15 |
| 88989 | 01/15/2013 | 01798 | YOCUM OIL CO. | VACCUM SERVICE DIESEL FUEL TANK | 420.00 |
| 88990 | 01/11/2013 | 01632 | TONIC SOL - FA, L.C. | PERFORMANCE MCC JAN 11 & 12 | 6,400.00 |
| 88991 | 01/15/2013 | 02347 | 10,000 LAKES CHAPTER | MEMBERSHIP DUES | 150.00 |
| 88992 | 01/15/2013 | 00008 | A M E M | MEMBERSHIP DUES | 100.00 |
| 88993 | 01/15/2013 | 00135 | ASSN OF TRNG OFFICERS OF MN | MEMBERSHIP DUES | 200.00 |
| 88994 | 01/15/2013 | 04237 | ASSOC OF MN BLDG OFFICIALS | MEMBERSHIP DUES | 400.00 |
| 88995 | 01/15/2013 | 00159 | PAUL BARTZ | REIMB FOR VEH PARTS 12/22 | 10.17 |
| 88996 | 01/15/2013 | 03738 | CHARLES E. BETHEL | ATTORNEY SERVICE FEES/RENT - FEB | 6,775.00 |
| 88997 | 01/15/2013 | 04312 | BRANCH & BOUGH | CONTRACT DISEASE TREE INSPECTION | 3,958.23 |
| 88998 | 01/15/2013 | 00379 | DAVE PERKINS CONTRACTING INC | PROJ 11-19 LARK AVE PMT#1 | 83,790.00 |
| 88999 | 01/15/2013 | 04911 | DECKCI DECOR | RENTAL OF TABLE LINENS MCC | 192.38 |
| 89000 | 01/15/2013 | 04867 | FOTH INFRASTRUCTURE & ENVIR | PROF SRVS THRU 12/14 - TRASH PLAN | 150.00 |
| 89001 | 01/15/2013 | 00487 | FRATTALONE COMPANIES INC. | PROJ 09-09 TRAINING CTR PMT#2 | 85,984.50 |
| 89002 | 01/15/2013 | 04846 | HEALTHEAST | MEDICAL SUPPLIES | 376.39 |
| 89003 | 01/15/2013 | 03597 | MARY JO HOFMEISTER | REIMB FOR MILEAGE 12/4 - 1/3 | 14.83 |
| 89004 | 01/15/2013 | 05030 | KANSAS STATE BANK OF MANHATTAN | EQUIP LEASE - MCC - PMT#6 | 4,344.07 |
| 89005 | 01/15/2013 | 05174 | JEREMY KLEIN | BASKETBALL CLINIC INSTRUCTION | 523.87 |
| 89006 | 01/15/2013 | 00846 | LANGUAGE LINE SERVICES | PHONE BASED INTERPRETIVE SRVS | 22.33 |
| 89007 | 01/15/2013 | 02336 | M A TAYLOR INC | FITNESS CONSULTANT SRVS - 4TH QTR | 1,100.00 |
| 89008 | 01/15/2013 | 03818 | MEDICA | MONTHLY PREMIUM - JANUARY | 160,740.55 |
| 89009 | 01/15/2013 | 03270 | MICHAEL A. MILLER/ISN | YOUTH B-BALL OFFICIALS DEC 1-15 | 750.00 |
| 89010 | 01/15/2013 | 05173 | MINNESOTA ENVIRONMENTAL FUND | 2012 PLEDGES | 1,007.00 |
| 89011 | 01/15/2013 | 01085 | MN LIFE INSURANCE | MONTHLY PREMIUM - JANUARY | 3,051.65 |
| 89012 | 01/15/2013 | 05175 | MPFF | REGISTRATION FEE & SHIRT | 50.00 |
| 89013 | 01/15/2013 | 00001 | ONE TIME VENDOR | R PENDERGRASS CN 07023447 | 815.00 |
| 89014 | 01/15/2013 | 00001 | ONE TIME VENDOR | REIMB RP MGMT SEWER TELEVISIONING | 350.00 |
| 89015 | 01/15/2013 | 00001 | ONE TIME VENDOR | REFUND S HEATON MEMBERSHIP | 285.60 |
| 89016 | 01/15/2013 | 00001 | ONE TIME VENDOR | REFUND L OLMSTEAD MEMBERSHIP | 176.72 |

| | | | | | |
|-------|------------|-------|------------------------------|-----------------------------------|-----------|
| 89017 | 01/15/2013 | 00001 | ONE TIME VENDOR | REFUND D BOSLEY MEMBERSHIP | 85.68 |
| 89018 | 01/15/2013 | 00001 | ONE TIME VENDOR | CHILD INC. - CHARITABLE GAMBLING | 80.00 |
| 89019 | 01/15/2013 | 00001 | ONE TIME VENDOR | REFUND M DUNLEVY MEMBERSHIP | 73.36 |
| 89020 | 01/15/2013 | 00001 | ONE TIME VENDOR | S LARSON CN 08005514 | 51.17 |
| 89021 | 01/15/2013 | 00001 | ONE TIME VENDOR | REFUND E ADAMS MEMBERSHIP | 44.64 |
| 89022 | 01/15/2013 | 04581 | ORION SYSTEMS/NETWORKS | SUBSCRIPTION FOR LETS - JAN | 150.00 |
| 89023 | 01/15/2013 | 01480 | SNAP-ON INDUSTRIAL | TIRE BALANCER | 4,145.00 |
| 89024 | 01/15/2013 | 01836 | CITY OF ST PAUL | JOINT POWER AGREEMENT - OCT-DEC | 2,700.00 |
| 89025 | 01/15/2013 | 00198 | ST. PAUL REGIONAL WATER SRVS | WATER UTILITY | 748.13 |
| | 01/15/2013 | 00198 | ST. PAUL REGIONAL WATER SRVS | WATER UTILITY | 62.46 |
| 89026 | 01/15/2013 | 01550 | SUMMIT INSPECTIONS | ELECTRICAL INSPECTIONS - DEC | 3,941.80 |
| 89027 | 01/15/2013 | 04528 | SARA M. R. THOMPSON | ZUMBA INSTRUCTION - DEC | 152.70 |
| 89028 | 01/15/2013 | 03074 | TOTAL REFRIGERATION SYS INC | SEMIANNUAL PREVENTIVE MAINTENANCE | 155.71 |
| 89029 | 01/15/2013 | 04104 | TRANE U.S. INC. | REPLACE COMPRESSOR AT CITY HALL | 17,870.00 |
| 89030 | 01/15/2013 | 00529 | UNION SECURITY INSURANCE CO | LTD PLAN 4043120-2 - JAN | 3,176.80 |
| | 01/15/2013 | 00529 | UNION SECURITY INSURANCE CO | STD PLAN 4043120-1 - JAN | 2,385.71 |
| 89031 | 01/15/2013 | 03606 | URBAN COMPANIES | PROJ 11-09 MW MALL SIDEWALK PMT#3 | 57,030.93 |
| 89032 | 01/15/2013 | 04179 | VISUAL IMAGE PROMOTIONS | PROGRAM DISPLAY SIGN MCC - DEC | 250.00 |

1,025,632.97

65 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> |
| 1/7/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 35,799.65 |
| 1/7/2013 | MN Dept of Natural Resources | DNR electronic licenses | 3,363.00 |
| 1/7/2013 | U.S. Treasurer | Federal Payroll Tax | 105,557.22 |
| 1/7/2013 | P.E.R.A. | P.E.R.A. | 90,201.75 |
| 1/7/2013 | ICMA (Vantagepointe) | Retiree Health Savings | 42,376.02 |
| 1/8/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 28,140.11 |
| 1/8/2013 | MidAmerica - ING | HRA Flex plan | 16,087.73 |
| 1/8/2013 | Labor Unions | Union Dues | 2,066.35 |
| 1/9/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 27,772.16 |
| 1/10/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 23,903.86 |
| 1/11/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 21,131.94 |
| 1/11/2013 | MN Dept of Natural Resources | DNR electronic licenses | 2,748.00 |
| 1/11/2013 | Optum Health | DCRP & Flex plan payments | 585.75 |
| TOTAL | | | <u><u>399,733.54</u></u> |

**Check Register
City of Maplewood**

01/18/2013

| Check | Date | Vendor | Description | Amount | |
|-------|------------|--------|---------------------------------|---------------------------------------|-----------|
| 89033 | 01/22/2013 | 04944 | HILLCREST VENTURES LLC | SNACK BAR ORDERS - DEC | 700.03 |
| 89034 | 01/22/2013 | 02728 | KIMLEY-HORN & ASSOCIATES INC | PROJ 09-08 PROF SRVS THRU 11/30/12 | 86,196.38 |
| | 01/22/2013 | 02728 | KIMLEY-HORN & ASSOCIATES INC | PROJ 04-21 PROF SRVS THRU 11/30/12 | 8,177.88 |
| | 01/22/2013 | 02728 | KIMLEY-HORN & ASSOCIATES INC | PROJ 04-25 PROF SRVS THRU 11/30/12 | 431.96 |
| 89035 | 01/22/2013 | 04316 | CITY OF MINNEAPOLIS RECEIVABLES | AUTO PAWN SYSTEM - DEC | 441.60 |
| 89036 | 01/22/2013 | 01409 | S.E.H. | WETLAND MITIGATION MONITORING | 724.32 |
| 89037 | 01/22/2013 | 04252 | TOWMASTER TRUCK EQUIP. INC. | VARITECH ANTI-ICING UNIT - 200 | 7,598.81 |
| 89038 | 01/22/2013 | 01190 | XCEL ENERGY | ELECTRIC & GAS UTILITY | 966.26 |
| 89039 | 01/22/2013 | 01798 | YOCUM OIL CO. | CONTRACT GASOLINE - DEC | 14,984.00 |
| | 01/22/2013 | 01798 | YOCUM OIL CO. | CONTRACT DIESEL FUEL - JAN | 9,469.53 |
| | 01/22/2013 | 01798 | YOCUM OIL CO. | DIFF ON PRICE MARKET-CONTRACT | -290.48 |
| 89040 | 01/22/2013 | 01803 | ZARNOTH BRUSH WORKS, INC. | BROOMS FOR SWEEPER/PLOW BLADE | 2,358.22 |
| 89041 | 01/22/2013 | 00111 | ANIMAL CONTROL SERVICES | PATROL HOURS 1/1 - 1/13 | 1,312.50 |
| 89042 | 01/22/2013 | 00134 | ASSN OF METRO MUNICIPALITIES | ANNUAL DUES 2013 | 10,525.00 |
| 89043 | 01/22/2013 | 00252 | CAPITOL CITY REG FIRE FIGHTERS | DUES | 50.00 |
| 89044 | 01/22/2013 | 02585 | CENTRAL INTERNAL MEDICINE | OFFICER CARDIAC STRESS TEST | 170.00 |
| 89045 | 01/22/2013 | 00298 | CITY ENGINEERS ASSOC OF MN | CEAM ANNUAL MEMBERSHIP | 60.00 |
| 89046 | 01/22/2013 | 00420 | DOWNTOWNER DETAIL CENTER | VEHICLE CLEANING & DETAILING - DEC | 181.68 |
| 89047 | 01/22/2013 | 05028 | ENERGY ALTERNATIVES SOLAR, LLC | CITY HALL SOLAR SYSTEM LEASE - JAN | 397.00 |
| | 01/22/2013 | 05028 | ENERGY ALTERNATIVES SOLAR, LLC | MCC SOLAR SYSTEM LEASE - JAN | 369.00 |
| 89048 | 01/22/2013 | 00472 | MICHAEL A ERICSON | CONSULTING FEES 12/31 - 01/11/13 | 1,250.00 |
| 89049 | 01/22/2013 | 05177 | THE LEUKIMIA & LYMPHOMA SOCIETY | FUNDS FROM NSP 5K DONATED TO LLS | 1,752.28 |
| 89050 | 01/22/2013 | 00986 | METROPOLITAN COUNCIL | MONTHLY SAC - DECEMBER | 18,730.80 |
| 89051 | 01/22/2013 | 01115 | MUNICIPAL LEGISLATIVE COMM | ANNUAL DUES | 9,593.50 |
| 89052 | 01/22/2013 | 01175 | CITY OF NORTH ST PAUL | % OF PROFIT-MAINT MCKNIGHT FIELDS | 2,908.95 |
| 89053 | 01/22/2013 | 00001 | ONE TIME VENDOR | MAPLE TREE - CHARITABLE GAMBLING | 500.00 |
| 89054 | 01/22/2013 | 00001 | ONE TIME VENDOR | REFUND G JOHNSON MEMBERSHIP | 102.12 |
| 89055 | 01/22/2013 | 00001 | ONE TIME VENDOR | REFUND M ST.CLAIR GYMNASTICS | 94.00 |
| 89056 | 01/22/2013 | 00001 | ONE TIME VENDOR | J EBERHARD CN 10--013637 | 78.00 |
| 89057 | 01/22/2013 | 00001 | ONE TIME VENDOR | REFUND J PHILLIPPI HP BENEFIT | 40.00 |
| 89058 | 01/22/2013 | 03151 | PETTY CASH | REPLENISH PETTY CASH | 195.30 |
| 89059 | 01/22/2013 | 04112 | PROFESSIONAL WIRELESS COMM | TWO WAY RADIO PARTS & EQUIP | 371.79 |
| 89060 | 01/22/2013 | 00396 | MN DEPT OF PUBLIC SAFETY | TRAINING - M FORSYTHE | 250.00 |
| 89061 | 01/22/2013 | 05178 | JANICE QUICK | INTERPRETIVE SIGN RESEARCH | 500.00 |
| 89062 | 01/22/2013 | 03897 | RAMSEY CO LEAGUE OF LOCAL GOV | ANNUAL DUES 2013 | 1,000.00 |
| 89063 | 01/22/2013 | 02008 | RAMSEY COUNTY PUBLIC WORKS | SALT BRINE SOLUTION | 131.03 |
| 89064 | 01/22/2013 | 01342 | RAMSEY CTY CHF OF POLICE ASSN | MEMBERSHIP DUES 2013 | 50.00 |
| 89065 | 01/22/2013 | 01387 | DR. JAMES ROSSINI | ADMIN FEE FOR STRESS TEST - JAN | 100.00 |
| 89066 | 01/22/2013 | 01836 | CITY OF ST PAUL | RADIO SRVS & MAINT - DEC | 101.35 |
| 89067 | 01/22/2013 | 03598 | PAUL THEISEN | REIMB FOR TUITION & BOOKS 10/29-12/22 | 1,614.82 |
| 89068 | 01/22/2013 | 05176 | T-MOBILE USA | EMERGENCY CELL PHONE LOCATOR | 300.00 |
| | | | | 184,487.63 | |

36 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> |
| 1/14/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 26,733.67 |
| 1/15/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 25,431.83 |
| 1/15/2013 | VANCO | Billing fee | 154.50 |
| 1/15/2013 | MN Dept of Revenue | MN Care Tax | 6,839.00 |
| 1/16/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 34,835.57 |
| 1/17/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 26,724.68 |
| 1/18/2013 | MN State Treasurer | Drivers License/Deputy Registrar | 11,594.60 |
| 1/18/2013 | MN Dept of Natural Resources | DNR electronic licenses | 1,201.50 |
| 1/18/2013 | US Bank VISA One Card* | Purchasing card items | 74,649.80 |
| 1/18/2013 | ICMA (Vantagepointe) | Deferred Compensation | 10,101.21 |
| 1/18/2013 | ING - State Plan | Deferred Compensation | 43,851.70 |
| TOTAL | | | 262,118.06 |

*Detailed listing of VISA purchases is attached.

| Transaction Date | Posting Date | Merchant Name | Transaction Amount | Name |
|------------------|--------------|---------------------------|--------------------|--------------------|
| 12/28/2012 | 12/31/2012 | UNIFORMS UNLIMITED INC. | \$26.21 | CLINT ABEL |
| 12/28/2012 | 12/31/2012 | UNIFORMS UNLIMITED INC. | \$38.95 | CLINT ABEL |
| 12/28/2012 | 12/31/2012 | UNIFORMS UNLIMITED INC. | \$497.76 | CLINT ABEL |
| 12/27/2012 | 12/31/2012 | THE HOME DEPOT 2801 | \$23.80 | DAVE ADAMS |
| 01/07/2013 | 01/08/2013 | MENARDS 3059 | \$5.67 | DAVE ADAMS |
| 01/07/2013 | 01/09/2013 | THE HOME DEPOT 2801 | \$25.91 | DAVE ADAMS |
| 12/28/2012 | 12/31/2012 | TARGET 00011858 | \$21.41 | R CHARLES AHL |
| 01/07/2013 | 01/09/2013 | MINNESOTA GOVERNMENT F | \$15.00 | GAYLE BAUMAN |
| 01/09/2013 | 01/11/2013 | PAKOR, INC. | \$473.01 | REGAN BEGGS |
| 01/09/2013 | 01/11/2013 | OFFICE DEPOT #1090 | \$77.50 | REGAN BEGGS |
| 01/01/2013 | 01/02/2013 | WEDDINGPAGES INC | \$311.20 | CHRISTINE BERNARDY |
| 01/03/2013 | 01/07/2013 | BROADWAY RENTAL | \$777.27 | CHRISTINE BERNARDY |
| 01/04/2013 | 01/07/2013 | BROADWAY RENTAL | \$58.93 | CHRISTINE BERNARDY |
| 01/07/2013 | 01/08/2013 | KARE | \$1,666.00 | CHRISTINE BERNARDY |
| 01/09/2013 | 01/11/2013 | TIGER OAK | \$650.00 | CHRISTINE BERNARDY |
| 01/02/2013 | 01/03/2013 | UNIFORMS UNLIMITED INC. | \$143.29 | BRIAN BIERDEMAN |
| 01/03/2013 | 01/04/2013 | UNDER ARMOUR DIRECT VIRT | \$269.98 | BRIAN BIERDEMAN |
| 01/05/2013 | 01/07/2013 | BLUE RIBBON BAIT & TACKLE | \$8.55 | OAKLEY BIESANZ |
| 01/02/2013 | 01/04/2013 | TARGET 00025197 | \$41.02 | NEIL BRENEMAN |
| 01/03/2013 | 01/04/2013 | HUDSON HOUSE GRAND HOTEL | \$210.00 | NEIL BRENEMAN |
| 12/31/2012 | 01/02/2013 | AUTO PLUS NO ST PAUL 392 | \$116.33 | TROY BRINK |
| 12/31/2012 | 01/02/2013 | MILLS FLEET FARM #2,700 | \$88.72 | TROY BRINK |
| 12/31/2012 | 01/08/2013 | MILLS FLEET FARM #2,700 | (\$5.76) | TROY BRINK |
| 01/02/2013 | 01/03/2013 | THE UPS STORE 2171 | \$12.37 | TROY BRINK |
| 12/27/2012 | 12/31/2012 | RED WING SHOE STORE | \$186.99 | BRENT BUCKLEY |
| 01/09/2013 | 01/11/2013 | RED WING SHOE STORE | \$191.24 | BRENT BUCKLEY |
| 01/01/2013 | 01/02/2013 | PAYMENT SERVICES | \$43.92 | SARAH BURLINGAME |
| 01/08/2013 | 01/09/2013 | MARIPOSA PUBLISHING | \$61.06 | SARAH BURLINGAME |
| 01/09/2013 | 01/10/2013 | FIRST SHRED | \$79.50 | SARAH BURLINGAME |
| 01/10/2013 | 01/11/2013 | HRM USA 800.403.8285 | \$651.95 | SARAH BURLINGAME |
| 01/05/2013 | 01/08/2013 | BROWNELLS INC | \$64.47 | DANIEL BUSACK |
| 01/02/2013 | 01/03/2013 | EMERGENCY AUTOMOTIVE | \$70.88 | JOHN CAPISTRANT |
| 01/08/2013 | 01/09/2013 | EMERGENCY AUTOMOTIVE | \$24.50 | JOHN CAPISTRANT |
| 01/08/2013 | 01/10/2013 | NAPA STORE 3279016 | \$4.81 | JOHN CAPISTRANT |
| 12/27/2012 | 12/31/2012 | RED WING SHOE STORE | \$91.06 | NICHOLAS CARVER |
| 01/02/2013 | 01/03/2013 | VIKING ELECTRIC - CREDIT | \$593.16 | SCOTT CHRISTENSON |
| 01/03/2013 | 01/07/2013 | THE HOME DEPOT 2801 | \$12.37 | SCOTT CHRISTENSON |
| 01/07/2013 | 01/08/2013 | WW GRAINGER | \$41.29 | SCOTT CHRISTENSON |
| 01/07/2013 | 01/09/2013 | EMIL'S TAVERN AND GRIL | (\$28.83) | SCOTT CHRISTENSON |
| 01/03/2013 | 01/04/2013 | UNIFORMS UNLIMITED INC. | \$276.15 | KERRY CROTTY |
| 01/03/2013 | 01/07/2013 | NORTHERN TOOL EQUIP-MN | \$39.99 | CHARLES DEAVER |
| 01/04/2013 | 01/07/2013 | NORTHERN TOOL EQUIP-MN | (\$39.99) | CHARLES DEAVER |
| 01/05/2013 | 01/07/2013 | MENARDS 3022 | \$26.76 | CHARLES DEAVER |
| 01/05/2013 | 01/07/2013 | MILLS FLEET FARM #2,700 | \$21.41 | CHARLES DEAVER |
| 01/09/2013 | 01/10/2013 | G&K SERVICES 182 | \$87.52 | CHARLES DEAVER |
| 01/09/2013 | 01/11/2013 | WILD BIRD STORE | \$27.47 | CHARLES DEAVER |
| 12/27/2012 | 12/31/2012 | THE HOME DEPOT 2801 | \$30.39 | TOM DOUGLASS |
| 12/27/2012 | 12/31/2012 | COMMERCIAL POOL & SPA SUP | \$45.16 | TOM DOUGLASS |
| 12/31/2012 | 01/02/2013 | AQUA LOGICS INC | \$782.80 | TOM DOUGLASS |
| 12/31/2012 | 01/03/2013 | COMMERCIAL POOL & SPA SUP | \$152.12 | TOM DOUGLASS |
| 01/02/2013 | 01/03/2013 | TRI DIM FILTER CORP | \$672.62 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$241.96 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$95.54 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$275.85 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$156.92 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$205.94 | TOM DOUGLASS |
| 01/09/2013 | 01/10/2013 | NUCO2 01 OF 01 | \$161.45 | TOM DOUGLASS |

| | | | | |
|------------|------------|---------------------------|------------|-------------------|
| 01/11/2013 | 01/11/2013 | TIERNEY BROTHERS INC | \$121.22 | TOM DOUGLASS |
| 01/08/2013 | 01/10/2013 | HIGH SPEED GEAR | \$123.10 | MICHAEL DUGAS |
| 12/31/2012 | 01/02/2013 | SEARS ROEBUCK 1122 | \$83.34 | DOUG EDGE |
| 01/08/2013 | 01/09/2013 | HENRIKSEN ACE HARDWARE | \$41.14 | DAVE EDSON |
| 01/10/2013 | 01/11/2013 | HENRIKSEN ACE HARDWARE | \$19.26 | DAVE EDSON |
| 01/09/2013 | 01/10/2013 | U OF M CCE NONCREDIT | \$70.00 | ANDREW ENGSTROM |
| 01/09/2013 | 01/10/2013 | U OF M CCE NONCREDIT | \$70.00 | ANDREW ENGSTROM |
| 01/04/2013 | 01/07/2013 | WALGREENS #7388 | \$319.98 | PAUL E EVERSON |
| 12/27/2012 | 12/31/2012 | COLLINS ELECTRICAL CONSTR | \$695.17 | LARRY FARR |
| 12/28/2012 | 12/31/2012 | G&K SERVICES 182 | \$118.40 | LARRY FARR |
| 12/28/2012 | 01/02/2013 | WW GRAINGER | \$92.34 | LARRY FARR |
| 12/29/2012 | 12/31/2012 | CINTAS #470 | \$89.20 | LARRY FARR |
| 01/01/2013 | 01/03/2013 | WM EZPAY | \$479.57 | LARRY FARR |
| 01/04/2013 | 01/07/2013 | WM EZPAY | \$598.80 | LARRY FARR |
| 01/05/2013 | 01/07/2013 | WM EZPAY | \$452.30 | LARRY FARR |
| 01/05/2013 | 01/07/2013 | WM EZPAY | \$1,018.30 | LARRY FARR |
| 01/07/2013 | 01/08/2013 | MINNESOTA ELEVATOR INC | \$1,672.14 | LARRY FARR |
| 01/08/2013 | 01/09/2013 | GOODWILL | \$21.42 | LARRY FARR |
| 01/09/2013 | 01/10/2013 | BRIN NORTHWESTERN GLASS C | \$668.53 | LARRY FARR |
| 01/09/2013 | 01/10/2013 | G&K SERVICES 182 | \$631.36 | LARRY FARR |
| 01/09/2013 | 01/10/2013 | G&K SERVICES 182 | \$338.18 | LARRY FARR |
| 01/09/2013 | 01/11/2013 | OFFICE MAX | \$88.07 | LARRY FARR |
| 01/06/2013 | 01/07/2013 | KOHL'S #0052 | \$96.00 | TIMOTHY FLOR |
| 01/06/2013 | 01/07/2013 | MACY*S EAST #236 | \$144.95 | TIMOTHY FLOR |
| 01/06/2013 | 01/07/2013 | RUN N FUN | \$66.50 | TIMOTHY FLOR |
| 12/29/2012 | 12/31/2012 | HP DIRECT-PUBLICSECTOR | \$4,219.74 | MYCHAL FOWLDS |
| 12/31/2012 | 01/02/2013 | BEST BUY MHT 00003293 | \$1,725.24 | MYCHAL FOWLDS |
| 01/03/2013 | 01/04/2013 | BEST BUY 00000075 | (\$37.54) | MYCHAL FOWLDS |
| 01/03/2013 | 01/04/2013 | BEST BUY 00000075 | \$12.47 | MYCHAL FOWLDS |
| 01/06/2013 | 01/07/2013 | VZWRLSS*APOCC VISN | \$724.82 | MYCHAL FOWLDS |
| 01/09/2013 | 01/10/2013 | IDU*INSIGHT PUBLIC SEC | \$855.44 | MYCHAL FOWLDS |
| 01/10/2013 | 01/11/2013 | HP DIRECT-PUBLICSECTOR | \$2,035.38 | MYCHAL FOWLDS |
| 12/29/2012 | 12/31/2012 | HP DIRECT-PUBLICSECTOR | \$4,176.89 | NICK FRANZEN |
| 12/31/2012 | 01/02/2013 | BATTERIES PLUS #31 | \$41.77 | NICK FRANZEN |
| 01/04/2013 | 01/07/2013 | CDW GOVERNMENT | \$180.28 | NICK FRANZEN |
| 01/10/2013 | 01/11/2013 | TARGET 00011858 | \$26.77 | NICK FRANZEN |
| 01/03/2013 | 01/04/2013 | UNIFORMS UNLIMITED INC. | \$117.00 | CLARENCE GERVAIS |
| 01/04/2013 | 01/07/2013 | JOANN ETC #1902 | \$159.05 | JAN GREW HAYMAN |
| 01/07/2013 | 01/08/2013 | VZWRLSS*APOCC VISN | \$107.61 | KAREN GUILFOILE |
| 12/27/2012 | 12/31/2012 | WW GRAINGER | \$48.44 | MARK HAAG |
| 12/31/2012 | 01/02/2013 | SEARS ROEBUCK 1122 | \$269.85 | MARK HAAG |
| 01/02/2013 | 01/04/2013 | RED WING SHOE STORE | \$229.49 | TAMARA HAYS |
| 12/27/2012 | 12/31/2012 | DOLRTREE 3150 00031500 | \$16.07 | RON HORWATH |
| 01/02/2013 | 01/03/2013 | PRICE CHOPPER INC | \$1,196.06 | RON HORWATH |
| 01/08/2013 | 01/09/2013 | AGM MATS INC | \$159.49 | RON HORWATH |
| 01/04/2013 | 01/07/2013 | USPS 26833895523402076 | \$10.80 | ANN HUTCHINSON |
| 01/05/2013 | 01/07/2013 | JOANN ETC #1970 | \$80.29 | ANN HUTCHINSON |
| 01/07/2013 | 01/09/2013 | MILLS FLEET FARM #2,700 | \$85.65 | ANN HUTCHINSON |
| 01/07/2013 | 01/08/2013 | TARGET 00011858 | \$10.70 | DAVID JAHN |
| 01/07/2013 | 01/09/2013 | THE HOME DEPOT 2801 | \$21.19 | DAVID JAHN |
| 01/07/2013 | 01/10/2013 | DALCO ENTERPRISES, INC | \$842.96 | DAVID JAHN |
| 01/08/2013 | 01/09/2013 | TARGET 00011858 | \$8.14 | DAVID JAHN |
| 01/03/2013 | 01/04/2013 | UNIFORMS UNLIMITED INC. | \$16.20 | TOM KALKA |
| 01/04/2013 | 01/07/2013 | UNIFORMS UNLIMITED INC. | \$132.41 | TOM KALKA |
| 01/02/2013 | 01/03/2013 | THE UPS STORE 2171 | \$14.57 | NICHOLAS KREKELER |
| 01/02/2013 | 01/04/2013 | VALLEY TROPHY | \$8.55 | NICHOLAS KREKELER |
| 12/31/2012 | 01/02/2013 | SHOE MALL #10 | \$44.99 | BRETT KROLL |
| 12/31/2012 | 01/02/2013 | DICK'S SPORTING GOODS619 | \$42.84 | BRETT KROLL |

| | | | | |
|------------|------------|---------------------------|------------|-----------------|
| 12/31/2012 | 01/02/2013 | HAYNEEDLE INC | \$189.98 | BRETT KROLL |
| 12/31/2012 | 01/02/2013 | UNIFORMS UNLIMITED INC. | \$25.00 | BRETT KROLL |
| 01/04/2013 | 01/07/2013 | LA POLICE GEAR INC | \$128.98 | BRETT KROLL |
| 01/02/2013 | 01/02/2013 | COMCAST CABLE COMM | \$67.45 | DAVID KVAM |
| 01/03/2013 | 01/07/2013 | MINNESOTA CHIEFS OF POLIC | \$130.00 | DAVID KVAM |
| 01/07/2013 | 01/08/2013 | THOMSON WEST*TCD | \$294.16 | DAVID KVAM |
| 01/08/2013 | 01/10/2013 | STREICHER'S MO | \$1,600.00 | DAVID KVAM |
| 12/28/2012 | 12/31/2012 | EMERGENCY APPARATUS MAINT | \$3,439.38 | STEVE LUKIN |
| 12/28/2012 | 12/31/2012 | EMERGENCY APPARATUS MAINT | \$3,625.27 | STEVE LUKIN |
| 12/31/2012 | 01/02/2013 | BARNETT CHRYJEEPkia | \$215.71 | STEVE LUKIN |
| 01/03/2013 | 01/04/2013 | CENTURY COLLEGE-CE | \$100.00 | MICHAEL MONDOR |
| 01/04/2013 | 01/07/2013 | BOUND TREE MEDICAL LLC | \$2,464.00 | MICHAEL MONDOR |
| 01/07/2013 | 01/09/2013 | BOUND TREE MEDICAL LLC | \$789.66 | MICHAEL MONDOR |
| 01/08/2013 | 01/09/2013 | MOTION COMPUTING INC | \$372.99 | MICHAEL MONDOR |
| 01/08/2013 | 01/09/2013 | MOTION COMPUTING INC | \$2,309.45 | MICHAEL MONDOR |
| 01/09/2013 | 01/10/2013 | CENTURY COLLEGE-BO | \$264.00 | MICHAEL MONDOR |
| 01/07/2013 | 01/09/2013 | MN NURSERY & LANDSCAPE | \$125.00 | BRYAN NAGEL |
| 01/07/2013 | 01/09/2013 | MN NURSERY & LANDSCAPE | \$125.00 | BRYAN NAGEL |
| 01/09/2013 | 01/10/2013 | G&K SERVICES 182 | \$1,145.23 | AMY NIVEN |
| 12/31/2012 | 01/02/2013 | UNIFORMS UNLIMITED INC. | \$290.73 | MICHAEL NYE |
| 01/03/2013 | 01/04/2013 | UNIFORMS UNLIMITED INC. | \$6.73 | MICHAEL NYE |
| 12/31/2012 | 01/02/2013 | RED WING SHOE STORE | \$176.44 | ERICK OSWALD |
| 12/31/2012 | 01/02/2013 | OFFICE DEPOT #1090 | \$64.44 | MARY KAY PALANK |
| 01/03/2013 | 01/07/2013 | OFFICE DEPOT #1090 | (\$11.12) | MARY KAY PALANK |
| 01/03/2013 | 01/07/2013 | OFFICE DEPOT #1090 | \$90.72 | MARY KAY PALANK |
| 01/04/2013 | 01/07/2013 | OFFICE DEPOT #1090 | \$61.81 | MARY KAY PALANK |
| 01/07/2013 | 01/09/2013 | OFFICE DEPOT #1090 | \$64.49 | MARY KAY PALANK |
| 01/07/2013 | 01/09/2013 | OFFICE DEPOT #1090 | \$59.33 | MARY KAY PALANK |
| 12/29/2012 | 12/31/2012 | OREILLY AUTO 00032565 | \$20.33 | ROBERT PETERSON |
| 01/09/2013 | 01/11/2013 | THE HOME DEPOT 2801 | (\$70.64) | ROBERT PETERSON |
| 01/09/2013 | 01/09/2013 | AMAZON.COM | \$35.10 | PHILIP F POWELL |
| 12/27/2012 | 12/31/2012 | WHEELCO BRAKE & SUPPLY | (\$280.50) | STEVEN PRIEM |
| 12/28/2012 | 12/31/2012 | COMO LUBE & SUPPLIES | \$149.97 | STEVEN PRIEM |
| 12/31/2012 | 01/02/2013 | PRO-TECH MARKEL SERVICES | \$150.00 | STEVEN PRIEM |
| 01/02/2013 | 01/03/2013 | AUTO PLUS NO ST PAUL 392 | \$10.77 | STEVEN PRIEM |
| 01/03/2013 | 01/04/2013 | AUTO PLUS NO ST PAUL 392 | \$328.91 | STEVEN PRIEM |
| 01/03/2013 | 01/04/2013 | CRYSTEEL TRUCK EQUIP INC | \$1,371.32 | STEVEN PRIEM |
| 01/03/2013 | 01/04/2013 | CRYSTEEL TRUCK EQUIP INC | \$97.79 | STEVEN PRIEM |
| 01/04/2013 | 01/07/2013 | FACTORY MTR PTS #1 | \$164.15 | STEVEN PRIEM |
| 01/04/2013 | 01/07/2013 | FACTORY MTR PTS #1 | \$156.77 | STEVEN PRIEM |
| 01/07/2013 | 01/08/2013 | AUTO PLUS NO ST PAUL 392 | \$38.02 | STEVEN PRIEM |
| 01/07/2013 | 01/08/2013 | AUTO PLUS NO ST PAUL 392 | \$7.03 | STEVEN PRIEM |
| 01/07/2013 | 01/08/2013 | AUTO PLUS NO ST PAUL 392 | \$301.05 | STEVEN PRIEM |
| 01/08/2013 | 01/09/2013 | POMPS TIRE SERVICE, INC | \$691.21 | STEVEN PRIEM |
| 01/08/2013 | 01/09/2013 | AUTO PLUS NO ST PAUL 392 | \$13.44 | STEVEN PRIEM |
| 01/08/2013 | 01/11/2013 | H AND L MESABI COMPANY | \$1,848.19 | STEVEN PRIEM |
| 01/09/2013 | 01/10/2013 | AUTO PLUS NO ST PAUL 392 | \$29.81 | STEVEN PRIEM |
| 01/09/2013 | 01/10/2013 | AUTO PLUS NO ST PAUL 392 | \$15.18 | STEVEN PRIEM |
| 01/09/2013 | 01/10/2013 | GOODYEAR AUTO SRV CT 6920 | \$52.00 | STEVEN PRIEM |
| 01/10/2013 | 01/11/2013 | FACTORY MTR PTS #1 | \$59.32 | STEVEN PRIEM |
| 01/10/2013 | 01/11/2013 | GOODYEAR AUTO SRV CT 6920 | \$52.00 | STEVEN PRIEM |
| 12/27/2012 | 12/31/2012 | PARK SUPPLY OF AMERICA IN | \$378.98 | KELLY PRINS |
| 01/03/2013 | 01/07/2013 | THE HOME DEPOT 2801 | \$70.51 | KELLY PRINS |
| 01/04/2013 | 01/07/2013 | WW GRAINGER | \$169.07 | KELLY PRINS |
| 01/10/2013 | 01/11/2013 | WW GRAINGER | \$137.27 | KELLY PRINS |
| 01/08/2013 | 01/09/2013 | LILLIE SUBURBAN NEWSPAPE | \$180.00 | TERRIE RAMEAUX |
| 01/04/2013 | 01/09/2013 | DALCO ENTERPRISES, INC | \$108.41 | MICHAEL REILLY |
| 01/07/2013 | 01/08/2013 | HILLYARD INC MINNEAPOLIS | \$1,443.05 | MICHAEL REILLY |

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|------------|------------|---------------------------|------------|--------------------|
| 01/08/2013 | 01/10/2013 | DALCO ENTERPRISES, INC | \$556.03 | MICHAEL REILLY |
| 01/02/2013 | 01/04/2013 | SCW FITNESS EDUCATION | \$200.00 | LORI RESENDIZ |
| 12/27/2012 | 12/31/2012 | PUMP IT UP - EDEN PRAIRIE | \$53.99 | AUDRA ROBBINS |
| 12/28/2012 | 12/31/2012 | TARGET 00011858 | \$26.47 | AUDRA ROBBINS |
| 12/28/2012 | 12/31/2012 | MICHAELS #2744 | \$14.99 | AUDRA ROBBINS |
| 01/02/2013 | 01/04/2013 | NYSTROM PUBLISHING CO | \$672.00 | AUDRA ROBBINS |
| 01/05/2013 | 01/07/2013 | MILLS FLEET FARM #2,700 | \$99.99 | ROBERT RUNNING |
| 12/28/2012 | 12/31/2012 | OFFICE DEPOT #1090 | \$60.04 | DEB SCHMIDT |
| 01/03/2013 | 01/04/2013 | T-MOBILE.COM*PAYMENT | \$31.14 | DEB SCHMIDT |
| 12/28/2012 | 12/31/2012 | THE HOME DEPOT 2801 | \$242.21 | SCOTT SCHULTZ |
| 12/28/2012 | 12/31/2012 | VIKING INDUSTRIAL CENTER | \$266.43 | SCOTT SCHULTZ |
| 12/28/2012 | 12/31/2012 | FLEXIBLE PIPE TOOL COMPAN | \$1,130.95 | SCOTT SCHULTZ |
| 12/31/2012 | 01/02/2013 | WM EZPAY | \$465.93 | SCOTT SCHULTZ |
| 01/01/2013 | 01/03/2013 | USA MOBILITY WIRELE | \$16.11 | SCOTT SCHULTZ |
| 01/07/2013 | 01/09/2013 | MN NURSERY & LANDSCAPE | \$325.00 | SCOTT SCHULTZ |
| 01/07/2013 | 01/09/2013 | ON SITE SANITATION INC | \$3.74 | SCOTT SCHULTZ |
| 01/02/2013 | 01/03/2013 | NETFLIX.COM | \$7.99 | CAITLIN SHERRILL |
| 01/02/2013 | 01/04/2013 | A2Z RECOGNITION PRODUCTS | \$121.68 | CAITLIN SHERRILL |
| 01/04/2013 | 01/07/2013 | PRESS PUBLICATIONS | \$302.00 | CAITLIN SHERRILL |
| 01/08/2013 | 01/09/2013 | CUB FOODS #1599 | \$73.02 | CAITLIN SHERRILL |
| 01/08/2013 | 01/10/2013 | A-1 LAUNDRY | \$53.56 | CAITLIN SHERRILL |
| 12/27/2012 | 12/31/2012 | OPS CORE INC | \$3,809.27 | MICHAEL SHORTREED |
| 12/28/2012 | 12/31/2012 | DRI*WWW.ELEMENT5.INFO | \$1,605.80 | MICHAEL SHORTREED |
| 12/28/2012 | 12/31/2012 | KATANA FORENSICS, INC. | \$599.00 | MICHAEL SHORTREED |
| 01/02/2013 | 01/02/2013 | AMAZON MKTPLACE PMTS | \$8.56 | MICHAEL SHORTREED |
| 12/28/2012 | 12/31/2012 | OFFICE DEPOT #1090 | \$53.64 | ANDREA SINDT |
| 01/10/2013 | 01/11/2013 | SCIENCE MUSEUM OF MN | (\$318.00) | ANDREA SINDT |
| 01/10/2013 | 01/11/2013 | SCIENCE MUSEUM OF MN | \$318.00 | ANDREA SINDT |
| 12/27/2012 | 12/31/2012 | CENTURY COLLEGE-CE | (\$100.00) | JOANNE SVENDSEN |
| 12/28/2012 | 12/31/2012 | SPORTS AUTHORI00007112 | \$161.39 | THOMAS SZCZEPANSKI |
| 01/03/2013 | 01/07/2013 | KEEPRS INC 2 | \$44.99 | THOMAS SZCZEPANSKI |
| 01/07/2013 | 01/09/2013 | OFFICE MAX | \$36.41 | BRIAN TAUZELL |
| 01/08/2013 | 01/09/2013 | RED WING SHOE STORE | \$49.99 | BRIAN TAUZELL |
| 12/27/2012 | 12/31/2012 | NAPA STORE 3279016 | \$27.75 | TODD TEVLIN |
| 01/02/2013 | 01/03/2013 | SOCKSADDICT.COM | \$59.97 | PAUL THEISEN |
| 01/04/2013 | 01/07/2013 | U OF M CCE NONCREDIT | \$60.00 | MICHAEL THOMPSON |
| 01/09/2013 | 01/11/2013 | WWW.THINGSREMEMBERED.COM | \$96.35 | MICHAEL THOMPSON |
| 12/28/2012 | 12/31/2012 | OFFICE DEPOT #1090 | \$514.17 | KAREN WACHAL |
| 01/09/2013 | 01/11/2013 | OFFICE DEPOT #1090 | \$76.34 | KAREN WACHAL |
| 01/07/2013 | 01/08/2013 | PAYPAL *MINNESOTAEN | \$35.00 | TAMMY YOUNG |
| 01/07/2013 | 01/08/2013 | PAYPAL *MINNESOTAEN | \$45.00 | TAMMY YOUNG |
| 01/09/2013 | 01/11/2013 | OFFICE DEPOT #1090 | \$92.87 | TAMMY YOUNG |
| 01/09/2013 | 01/11/2013 | OFFICE DEPOT #1090 | \$5.26 | TAMMY YOUNG |
| 01/10/2013 | 01/11/2013 | USPS POSTAL ST66100207 | \$97.00 | SUSAN ZWIEG |

\$74,649.80

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> |
|----------------|-------------------|----------------------|---------------|
| | 01/18/13 | CARDINAL, ROBERT | 435.16 |
| | 01/18/13 | CAVE, REBECCA | 435.16 |
| | 01/18/13 | JUENEMANN, KATHLEEN | 435.16 |
| | 01/18/13 | KOPPEN, MARVIN | 435.16 |
| | 01/18/13 | ROSSBACH, WILLIAM | 494.44 |
| | 01/18/13 | VALLE, EDWARD | 113.75 |
| | 01/18/13 | AHL, R. CHARLES | 5,090.92 |
| | 01/18/13 | ANTONEN, JAMES | 5,352.58 |
| | 01/18/13 | BURLINGAME, SARAH | 2,074.90 |
| | 01/18/13 | KANTRUD, HUGH | 184.62 |
| | 01/18/13 | CHRISTENSON, SCOTT | 2,087.55 |
| | 01/18/13 | FARR, LARRY | 3,215.25 |
| | 01/18/13 | JAHN, DAVID | 2,063.62 |
| | 01/18/13 | RAMEAUX, THERESE | 6,033.18 |
| | 01/18/13 | BAUMAN, GAYLE | 8,240.57 |
| | 01/18/13 | ANDERSON, CAROLE | 2,184.79 |
| | 01/18/13 | DEBILZAN, JUDY | 1,327.92 |
| | 01/18/13 | JACKSON, MARY | 4,203.67 |
| | 01/18/13 | KELSEY, CONNIE | 5,113.99 |
| | 01/18/13 | RUEB, JOSEPH | 2,773.80 |
| | 01/18/13 | SINDT, ANDREA | 4,202.61 |
| | 01/18/13 | ARNOLD, AJLA | 1,627.69 |
| | 01/18/13 | BEGGS, REGAN | 1,497.35 |
| | 01/18/13 | GUILFOILE, KAREN | 8,282.84 |
| | 01/18/13 | SCHMIDT, DEBORAH | 5,685.62 |
| | 01/18/13 | SPANGLER, EDNA | 1,027.82 |
| | 01/18/13 | CORTESI, LUANNE | 1,295.53 |
| | 01/18/13 | LARSON, MICHELLE | 1,827.75 |
| | 01/18/13 | MECHELKE, SHERRIE | 1,024.43 |
| | 01/18/13 | MOY, PAMELA | 1,520.44 |
| | 01/18/13 | OSTER, ANDREA | 3,761.88 |
| | 01/18/13 | RICHTER, CHARLENE | 1,047.69 |
| | 01/18/13 | SCHOENECKER, LEIGH | 1,646.15 |
| | 01/18/13 | WEAVER, KRISTINE | 2,356.55 |
| | 01/18/13 | CORCORAN, THERESA | 1,908.55 |
| | 01/18/13 | KVAM, DAVID | 4,742.02 |
| | 01/18/13 | PALANK, MARY | 1,905.17 |
| | 01/18/13 | POWELL, PHILIP | 2,932.47 |
| | 01/18/13 | SVENDSEN, JOANNE | 3,329.63 |
| | 01/18/13 | THOMFORDE, FAITH | 1,497.35 |
| | 01/18/13 | ABEL, CLINT | 3,320.71 |
| | 01/18/13 | ALDRIDGE, MARK | 3,312.93 |
| | 01/18/13 | BAKKE, LONN | 3,547.10 |

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| 01/18/13 | BARTZ, PAUL | 3,325.70 |
| 01/18/13 | BELDE, STANLEY | 3,395.75 |
| 01/18/13 | BENJAMIN, MARKESE | 3,018.90 |
| 01/18/13 | BIERDEMAN, BRIAN | 6,915.15 |
| 01/18/13 | BOHL, JOHN | 6,256.93 |
| 01/18/13 | BUSACK, DANIEL | 3,690.88 |
| 01/18/13 | CARNES, JOHN | 1,918.52 |
| 01/18/13 | CROTTY, KERRY | 3,611.20 |
| 01/18/13 | DEMULLING, JOSEPH | 3,053.57 |
| 01/18/13 | DOBLAR, RICHARD | 4,005.46 |
| 01/18/13 | DUGAS, MICHAEL | 6,137.34 |
| 01/18/13 | ERICKSON, VIRGINIA | 3,151.33 |
| 01/18/13 | FLOR, TIMOTHY | 3,725.17 |
| 01/18/13 | FORSYTHE, MARCUS | 2,262.20 |
| 01/18/13 | FRASER, JOHN | 3,336.34 |
| 01/18/13 | FRITZE, DEREK | 5,821.68 |
| 01/18/13 | GABRIEL, ANTHONY | 6,365.11 |
| 01/18/13 | HAWKINSON JR, TIMOTHY | 2,819.55 |
| 01/18/13 | HER, PHENG | 2,819.55 |
| 01/18/13 | HIEBERT, STEVEN | 6,046.07 |
| 01/18/13 | JOHNSON, KEVIN | 4,036.91 |
| 01/18/13 | KALKA, THOMAS | 940.28 |
| 01/18/13 | KONG, TOMMY | 3,131.49 |
| 01/18/13 | KREKELER, NICHOLAS | 876.00 |
| 01/18/13 | KROLL, BRETT | 2,944.76 |
| 01/18/13 | LANGNER, SCOTT | 3,092.20 |
| 01/18/13 | LANGNER, TODD | 2,980.04 |
| 01/18/13 | LU, JOHNNIE | 3,134.86 |
| 01/18/13 | LYNCH, KATHERINE | 2,495.00 |
| 01/18/13 | MARINO, JASON | 5,139.92 |
| 01/18/13 | MARTIN, JERROLD | 3,272.79 |
| 01/18/13 | MCCARTY, GLEN | 3,092.20 |
| 01/18/13 | METRY, ALESIA | 6,031.50 |
| 01/18/13 | NYE, MICHAEL | 5,003.81 |
| 01/18/13 | OLSON, JULIE | 2,937.06 |
| 01/18/13 | PARKER, JAMES | 2,453.48 |
| 01/18/13 | REZNY, BRADLEY | 3,625.58 |
| 01/18/13 | RHUDE, MATTHEW | 2,819.55 |
| 01/18/13 | SHORTREED, MICHAEL | 6,666.74 |
| 01/18/13 | STEINER, JOSEPH | 3,686.30 |
| 01/18/13 | SYPNIEWSKI, WILLIAM | 3,122.91 |
| 01/18/13 | SZCZEPANSKI, THOMAS | 3,285.32 |
| 01/18/13 | TAUZELL, BRIAN | 2,934.31 |
| 01/18/13 | THEISEN, PAUL | 6,171.79 |
| 01/18/13 | THIENES, PAUL | 3,798.74 |
| 01/18/13 | TRAN, JOSEPH | 2,992.55 |
| 01/18/13 | WENZEL, JAY | 3,117.76 |
| 01/18/13 | XIONG, KAO | 3,196.81 |
| 01/18/13 | ANDERSON, BRIAN | 464.82 |
| 01/18/13 | BAHL, DAVID | 226.26 |
| 01/18/13 | BASSETT, BRENT | 157.44 |
| 01/18/13 | BAUMAN, ANDREW | 2,953.29 |

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|----------|------------------------|----------|
| 01/18/13 | BOURQUIN, RON | 861.40 |
| 01/18/13 | CAPISTRANT, JACOB | 218.16 |
| 01/18/13 | CAPISTRANT, JOHN | 403.95 |
| 01/18/13 | CRAWFORD - JR, RAYMOND | 290.88 |
| 01/18/13 | CRUMMY, CHARLES | 157.56 |
| 01/18/13 | DAWSON, RICHARD | 3,082.16 |
| 01/18/13 | EATON, PAUL | 145.32 |
| 01/18/13 | EVERSON, PAUL | 6,322.49 |
| 01/18/13 | FASULO, WALTER | 26.26 |
| 01/18/13 | FOSSUM, ANDREW | 3,258.58 |
| 01/18/13 | HAGEN, MICHAEL | 403.72 |
| 01/18/13 | HALE, JOSEPH | 438.36 |
| 01/18/13 | HALWEG, JODI | 3,302.19 |
| 01/18/13 | HAWTHORNE, ROCHELLE | 2,357.82 |
| 01/18/13 | HUTCHINSON, JAMES | 509.06 |
| 01/18/13 | IMM, TRACY | 148.47 |
| 01/18/13 | JANSEN, CHAD | 145.44 |
| 01/18/13 | JONES, JONATHAN | 339.36 |
| 01/18/13 | JUREK, GREGORY | 2,357.82 |
| 01/18/13 | KANE, ROBERT | 636.34 |
| 01/18/13 | KARRAS, JAMIE | 496.92 |
| 01/18/13 | KERSKA, JOSEPH | 545.28 |
| 01/18/13 | KONDER, RONALD | 363.60 |
| 01/18/13 | KUBAT, ERIC | 2,684.37 |
| 01/18/13 | LINDER, TIMOTHY | 2,871.81 |
| 01/18/13 | LOCHEN, MICHAEL | 856.48 |
| 01/18/13 | MILLER, LADD | 195.82 |
| 01/18/13 | MILLER, NICHOLAS | 502.98 |
| 01/18/13 | MONDOR, MICHAEL | 3,259.74 |
| 01/18/13 | MONSON, PETER | 224.22 |
| 01/18/13 | MORGAN, JEFFERY | 747.31 |
| 01/18/13 | NIELSEN, KENNETH | 375.72 |
| 01/18/13 | NOVAK, JEROME | 3,201.25 |
| 01/18/13 | NOWICKI, PAUL | 339.36 |
| 01/18/13 | OLSON, JAMES | 3,418.49 |
| 01/18/13 | OPHEIM, JOHN | 509.07 |
| 01/18/13 | PACHECO, ALPHONSE | 270.64 |
| 01/18/13 | PETERSON, MARK | 523.21 |
| 01/18/13 | PETERSON, ROBERT | 3,385.63 |
| 01/18/13 | POWERS, KENNETH | 702.96 |
| 01/18/13 | RAINEY, JAMES | 807.68 |
| 01/18/13 | RANK, NATHAN | 448.32 |
| 01/18/13 | RANK, PAUL | 533.28 |
| 01/18/13 | RAVENWALD, CORINNE | 272.70 |
| 01/18/13 | REYNOSO, ANGEL | 145.44 |
| 01/18/13 | RICE, CHRISTOPHER | 169.69 |
| 01/18/13 | SCHULTZ, JEROME | 48.48 |
| 01/18/13 | SEDLACEK, JEFFREY | 2,953.29 |
| 01/18/13 | STREFF, MICHAEL | 3,276.03 |
| 01/18/13 | SVENDSEN, RONALD | 3,190.80 |
| 01/18/13 | WHITE, JOEL | 303.00 |
| 01/18/13 | GERVAIS-JR, CLARENCE | 7,855.29 |

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|----------|--------------------|----------|
| 01/18/13 | LUKIN, STEVEN | 9,077.73 |
| 01/18/13 | ZWIEG, SUSAN | 3,640.32 |
| 01/18/13 | KNUTSON, LOIS | 2,054.95 |
| 01/18/13 | NIVEN, AMY | 1,425.42 |
| 01/18/13 | BRINK, TROY | 4,717.49 |
| 01/18/13 | BUCKLEY, BRENT | 4,317.35 |
| 01/18/13 | DEBILZAN, THOMAS | 2,146.15 |
| 01/18/13 | EDGE, DOUGLAS | 2,170.96 |
| 01/18/13 | JONES, DONALD | 4,292.11 |
| 01/18/13 | MEISSNER, BRENT | 2,049.03 |
| 01/18/13 | NAGEL, BRYAN | 7,070.80 |
| 01/18/13 | OSWALD, ERICK | 5,058.18 |
| 01/18/13 | RUIZ, RICARDO | 1,539.75 |
| 01/18/13 | RUNNING, ROBERT | 2,512.09 |
| 01/18/13 | TEVLIN, TODD | 3,250.11 |
| 01/18/13 | BURLINGAME, NATHAN | 2,087.20 |
| 01/18/13 | DUCHARME, JOHN | 2,740.37 |
| 01/18/13 | ENGSTROM, ANDREW | 2,631.75 |
| 01/18/13 | JAROSCH, JONATHAN | 3,036.65 |
| 01/18/13 | KREGER, JASON | 2,431.40 |
| 01/18/13 | LINDBLOM, RANDAL | 4,354.13 |
| 01/18/13 | LOVE, STEVEN | 3,529.76 |
| 01/18/13 | THOMPSON, MICHAEL | 6,324.94 |
| 01/18/13 | ZIEMAN, SCOTT | 184.60 |
| 01/18/13 | JANASZAK, MEGHAN | 1,569.35 |
| 01/18/13 | KONEWKO, DUWAYNE | 8,144.24 |
| 01/18/13 | EDSON, DAVID | 2,639.95 |
| 01/18/13 | HAMRE, MILES | 1,584.80 |
| 01/18/13 | HAYS, TAMARA | 1,539.75 |
| 01/18/13 | HINNENKAMP, GARY | 3,672.14 |
| 01/18/13 | NAUGHTON, JOHN | 2,146.15 |
| 01/18/13 | NORDQUIST, RICHARD | 2,148.46 |
| 01/18/13 | BIESANZ, OAKLEY | 1,534.89 |
| 01/18/13 | DEAVER, CHARLES | 446.86 |
| 01/18/13 | HAYMAN, JANET | 1,464.92 |
| 01/18/13 | HUTCHINSON, ANN | 2,649.16 |
| 01/18/13 | WACHAL, KAREN | 913.88 |
| 01/18/13 | GAYNOR, VIRGINIA | 3,244.09 |
| 01/18/13 | KROLL, LISA | 1,900.55 |
| 01/18/13 | SWANSON, CHRIS | 552.00 |
| 01/18/13 | THOMPSON, DEBRA | 829.76 |
| 01/18/13 | YOUNG, TAMELA | 2,015.75 |
| 01/18/13 | EKSTRAND, THOMAS | 7,259.98 |
| 01/18/13 | FINWALL, SHANN | 3,233.35 |
| 01/18/13 | MARTIN, MICHAEL | 2,762.95 |
| 01/18/13 | BRASH, JASON | 2,499.20 |
| 01/18/13 | CARVER, NICHOLAS | 3,244.09 |
| 01/18/13 | FISHER, DAVID | 7,495.86 |
| 01/18/13 | SWAN, DAVID | 2,766.15 |
| 01/18/13 | WELLENS, MOLLY | 1,827.43 |
| 01/18/13 | ACEITUNO, FELIPE | 86.25 |
| 01/18/13 | BERGER, STEPHANIE | 517.76 |

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|----------|------------------------|----------|
| 01/18/13 | BJORK, BRANDON | 126.50 |
| 01/18/13 | BRENEMAN, NEIL | 2,267.65 |
| 01/18/13 | FRANK, PETER | 425.00 |
| 01/18/13 | GORACKI, GERALD | 333.00 |
| 01/18/13 | KLEIN, AARON | 72.00 |
| 01/18/13 | KLEIN, TIM | 80.00 |
| 01/18/13 | LARSON, KATELYN | 17.50 |
| 01/18/13 | LUBKE, COLLEEN | 36.00 |
| 01/18/13 | ROBBINS, AUDRA | 5,951.96 |
| 01/18/13 | ROBBINS, CAMDEN | 153.13 |
| 01/18/13 | RYAN, ANDREW | 304.00 |
| 01/18/13 | SHERWOOD, CHRISTIAN | 357.50 |
| 01/18/13 | TAYLOR, JAMES | 2,876.58 |
| 01/18/13 | VUKICH, CANDACE | 170.50 |
| 01/18/13 | ADAMS, DAVID | 1,737.88 |
| 01/18/13 | HAAG, MARK | 2,461.55 |
| 01/18/13 | ORE, JORDAN | 1,539.75 |
| 01/18/13 | SCHULTZ, SCOTT | 3,342.97 |
| 01/18/13 | WILBER, JEFFREY | 1,539.76 |
| 01/18/13 | ANZALDI, MANDY | 517.62 |
| 01/18/13 | BERNARDY, CHRISTINE | 2,448.93 |
| 01/18/13 | CRAWFORD - JR, RAYMOND | 342.16 |
| 01/18/13 | EVANS, CHRISTINE | 1,456.61 |
| 01/18/13 | GLASS, JEAN | 2,125.10 |
| 01/18/13 | HER, PETER | 250.71 |
| 01/18/13 | HOFMEISTER, MARY | 1,093.01 |
| 01/18/13 | HOFMEISTER, TIMOTHY | 459.56 |
| 01/18/13 | KULHANEK-DIONNE, ANN | 381.00 |
| 01/18/13 | PELOQUIN, PENNYE | 567.47 |
| 01/18/13 | SHERRILL, CAITLIN | 953.32 |
| 01/18/13 | VANG, TIM | 474.50 |
| 01/18/13 | VUE, LOR PAO | 352.76 |
| 01/18/13 | AICHELE, MEGAN | 112.13 |
| 01/18/13 | ANDERSON, ALYSSA | 16.19 |
| 01/18/13 | ANDERSON, JOSHUA | 521.75 |
| 01/18/13 | BAETZOLD, SETH | 54.38 |
| 01/18/13 | BAUDE, SARAH | 73.00 |
| 01/18/13 | BRUSOE, AMY | 79.46 |
| 01/18/13 | BRUSOE, CRISTINA | 93.60 |
| 01/18/13 | BUCKLEY, BRITTANY | 182.10 |
| 01/18/13 | BUTLER, ANGELA | 102.00 |
| 01/18/13 | CLARK, PAMELA | 98.50 |
| 01/18/13 | CRANDALL, KRISTA | 255.50 |
| 01/18/13 | DEMPSEY, BETH | 151.50 |
| 01/18/13 | DRECHSEL, SARAH | 29.38 |
| 01/18/13 | DUNN, RYAN | 1,091.27 |
| 01/18/13 | EHLE, DANIEL | 51.45 |
| 01/18/13 | ERICKSON-CLARK, CAROL | 49.00 |
| 01/18/13 | FLORES, LUIS | 160.00 |
| 01/18/13 | FONTAINE, KIM | 612.32 |
| 01/18/13 | FOX, KELLY | 30.00 |
| 01/18/13 | FRAMPTON, SAMANTHA | 96.00 |

| | | |
|----------|----------------------|----------|
| 01/18/13 | GIEL, NICOLE | 76.00 |
| 01/18/13 | GRAY, MEGAN | 172.35 |
| 01/18/13 | GRUENHAGEN, LINDA | 304.80 |
| 01/18/13 | HAGSTROM, EMILY | 40.20 |
| 01/18/13 | HANSEN, HANNAH | 219.60 |
| 01/18/13 | HEINRICH, SHEILA | 231.00 |
| 01/18/13 | HOLMBERG, LADONNA | 224.00 |
| 01/18/13 | HORWATH, RONALD | 2,738.98 |
| 01/18/13 | JOHNSON, BARBARA | 330.28 |
| 01/18/13 | JOYER, ANTHONY | 51.80 |
| 01/18/13 | KOHLER, ROCHELLE | 54.00 |
| 01/18/13 | KOZDROJ, GABRIELLA | 50.00 |
| 01/18/13 | LAMEYER, BRENT | 39.88 |
| 01/18/13 | LAMSON, ELIANA | 36.00 |
| 01/18/13 | MCCANN, NATALIE | 81.00 |
| 01/18/13 | MCCOMAS, LEAH | 101.50 |
| 01/18/13 | NADEAU, TAYLOR | 56.10 |
| 01/18/13 | NITZ, CARA | 19.00 |
| 01/18/13 | NORTHOUSE, KATHERINE | 43.57 |
| 01/18/13 | PROESCH, ANDY | 547.25 |
| 01/18/13 | RANEY, COURTNEY | 634.00 |
| 01/18/13 | RESENDIZ, LORI | 2,257.76 |
| 01/18/13 | RICHTER, DANIEL | 134.30 |
| 01/18/13 | RONNING, ISAIAH | 54.65 |
| 01/18/13 | SCHMIDT, EMILY | 44.20 |
| 01/18/13 | SCHREIER, ROSEMARIE | 408.00 |
| 01/18/13 | SCHREINER, MARK | 36.50 |
| 01/18/13 | SCHREINER, MICHELLE | 139.75 |
| 01/18/13 | SMITH, CASEY | 94.87 |
| 01/18/13 | SMITLEY, SHARON | 390.50 |
| 01/18/13 | TREPANIER, TODD | 198.00 |
| 01/18/13 | TUPY, HEIDE | 137.40 |
| 01/18/13 | TUPY, MARCUS | 225.63 |
| 01/18/13 | VANG, XANG | 39.00 |
| 01/18/13 | WARNER, CAROLYN | 184.80 |
| 01/18/13 | WEINHAGEN, SHELBY | 105.25 |
| 01/18/13 | BOSLEY, CAROL | 107.79 |
| 01/18/13 | HITE, ANDREA | 252.50 |
| 01/18/13 | LANGER, CHELSEA | 125.38 |
| 01/18/13 | LANGER, KAYLYN | 102.00 |
| 01/18/13 | BORCHERT, JONATHAN | 164.94 |
| 01/18/13 | CRAWFORD, SHAWN | 420.00 |
| 01/18/13 | DOUGLASS, TOM | 1,756.55 |
| 01/18/13 | MALONEY, SHAUNA | 366.00 |
| 01/18/13 | PRINS, KELLY | 1,744.10 |
| 01/18/13 | REILLY, MICHAEL | 3,241.00 |
| 01/18/13 | THOMPSON, BENJAMIN | 258.75 |
| 01/18/13 | VANG, GEORGE | 137.75 |
| 01/18/13 | AICHELE, CRAIG | 2,200.55 |
| 01/18/13 | PRIEM, STEVEN | 2,415.66 |
| 01/18/13 | WOEHRLE, MATTHEW | 2,217.83 |
| 01/18/13 | BERGO, CHAD | 2,628.80 |

| | | | |
|---------|----------|-----------------------|------------|
| | 01/18/13 | FOWLDS, MYCHAL | 3,791.22 |
| | 01/18/13 | FRANZEN, NICHOLAS | 5,266.34 |
| | 01/18/13 | KRATTENMAKER, MATTHEW | 480.00 |
| 9988854 | 01/18/13 | ABRAHAMSON, AMANDA | 132.50 |
| 9988855 | 01/18/13 | AYD, GWEN | 30.00 |
| 9988856 | 01/18/13 | BRISENO, EMILIO | 132.00 |
| 9988857 | 01/18/13 | DOTAS, ANDREW | 48.00 |
| 9988858 | 01/18/13 | DOTAS, KENT | 62.00 |
| 9988859 | 01/18/13 | FERNANDEZ, JOSEPH | 350.00 |
| 9988860 | 01/18/13 | FISHER, CHANCE | 49.00 |
| 9988861 | 01/18/13 | GALBA, DANIEL | 270.00 |
| 9988862 | 01/18/13 | HACKETT, ANDREW | 29.00 |
| 9988863 | 01/18/13 | KUSTERMAN, KEVIN | 132.50 |
| 9988864 | 01/18/13 | LARSON, DANIEL | 49.00 |
| 9988865 | 01/18/13 | MEISSNER, MICHAEL | 176.00 |
| 9988866 | 01/18/13 | MERRITT, JACOB | 247.50 |
| 9988867 | 01/18/13 | MERRITT, MICHAEL | 214.50 |
| 9988868 | 01/18/13 | O'BRIEN, PATRICIA | 30.00 |
| 9988869 | 01/18/13 | PETERSON, HAYLIE | 342.00 |
| 9988870 | 01/18/13 | SORENSEN, ERICA | 28.00 |
| 9988871 | 01/18/13 | TARR-JR, GUS | 45.00 |
| 9988872 | 01/18/13 | WISTL, MARK | 96.00 |
| 9988873 | 01/18/13 | WISTL, MOLLY | 297.00 |
| 9988874 | 01/18/13 | ERICSON, RACHEL | 32.55 |
| 9988875 | 01/18/13 | SCHREIER, ABIGAIL | 83.50 |
| 9988876 | 01/18/13 | SCOTT, HALEY | 22.05 |
| 9988877 | 01/18/13 | WALES, ABIGAIL | 152.30 |
| 9988878 | 01/18/13 | WHITE, DANICA | 23.38 |
| 9988879 | 01/18/13 | RANGEL, SAMANTHA | 92.00 |
| 9988880 | 01/18/13 | CUSICK, JESSICA | 143.19 |
| 9988881 | 01/18/13 | STEFFEN, MICHAEL | 101.50 |
| | | | 602,937.56 |

AGENDA REPORT

TO: City Manager, Jim Antonen
FROM: IT Director, Mychal Fowlds
SUBJECT: Authorization to make payment for Eden Systems yearly support contract
DATE: January 17, 2013

Introduction

Support contracts for software are a major necessity due to the fact that there are always fixes and updates and without the support contracts we're entitled to none of these. Also, in order to speak with any of our third party vendors a support contract is required.

Background

The City of Maplewood has been using Eden Systems for quite some time. We are now using Eden Systems as the major software package for Finance, Community Development, Public Works, HR and Citizen Services divisions. All city employees who work on the budget use Eden Systems.

Budget Impact

This purchase has been planned for and will be funded from the 2013 IT Fund in the amount of \$51,287.31.

Recommendation

It is recommended that authorization be given to pay the support contract for Eden Systems so as to keep current with updates and to keep Eden Systems support available for staff.

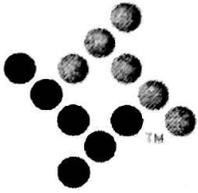
Action Required

Submit to City Council for review and approval.

Attachments:

1. Eden Systems invoice

MRF



tyler
technologies

Remittance:

Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

| | | |
|-------------------|-------------|-------------|
| Invoice No | Date | Page |
| 045-80109 | 01/03/2013 | 1 of 2 |

Questions:

Tyler Technologies - ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Fax: 1-866-673-3274
Email: ar@tylertech.com

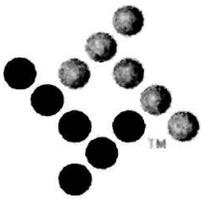
Bill To: City of Maplewood
Attn: Mychel Fowldes
1830 E. County Road B.
Maplewood, MN 55109-2702

Ship To: City of Maplewood
Attn: Mychel Fowldes
1830 E. County Road B.
Maplewood, MN 55109-2702

| | | | | | |
|---------------------|---------------|------------------|-----------------|--------------|-----------------|
| Customer No. | Ord No | PO Number | Currency | Terms | Due Date |
| 5195 | 38829 | | USD | NET30 | 02/02/2013 |

| Date | Description | Units | Rate | Extended Price |
|----------------------------------|--|--------------|---------------------|---------------------|
| Contract No.: MAPLEWOOD, CITY OF | | | | |
| | GL/AP Support | 1 | 7,083.15 | 7,083.15 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Accounts Receivable Support | 1 | 1,416.63 | 1,416.63 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Forms Citizen Services Support | 1 | 462.14 | 462.14 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Human Resources Support | 1 | 4,640.46 | 4,640.46 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Parcel Manager Support | 1 | 3,245.36 | 3,245.36 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Data Dictionaries Support | 1 | 515.94 | 515.94 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Licensing Support | 1 | 4,026.32 | 4,026.32 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Project Accounting Support | 1 | 6,865.38 | 6,865.38 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Purchasing Support | 1 | 1,416.63 | 1,416.63 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Tyler Output Processing Support | 1 | 274.34 | 274.34 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Tyler Output Processing Support | 1 | 2,217.59 | 2,217.59 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Administration Support | 1 | 4,249.88 | 4,249.88 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Parcels w/ Permits Support | 1 | 6,497.45 | 6,497.45 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Payroll Support | 1 | 9,010.22 | 9,010.22 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Agency License Support -1 User | 1 | 644.51 | 644.51 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |
| | Agency License Support -1 User | 1 | 4,713.18 | 4,713.18 |
| | Maintenance: Start: 01/Jan/2013, End: 31/Dec/2013 | | | |





tyler
technologies

Remittance:

Tyler Technologies, Inc.
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

| <i>Invoice No</i> | <i>Date</i> | <i>Page</i> |
|-------------------|-------------|-------------|
| 045-80109 | 01/03/2013 | 2 of 2 |

Questions:

Tyler Technologies - ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Fax: 1-866-673-3274
Email: ar@tylertech.com

Bill To: City of Maplewood
Attn: Mychel Fowldes
1830 E. County Road B.
Maplewood, MN 55109-2702

Ship To: City of Maplewood
Attn: Mychel Fowldes
1830 E. County Road B.
Maplewood, MN 55109-2702

| <i>Customer No.</i> | <i>Ord No</i> | <i>PO Number</i> | <i>Currency</i> | <i>Terms</i> | <i>Due Date</i> |
|---------------------|---------------|------------------|-----------------|--------------|-----------------|
| 5195 | 38829 | | USD | NET30 | 02/02/2013 |

| <i>Date</i> | <i>Description</i> | <i>Units</i> | <i>Rate</i> | <i>Extended Price</i> |
|-------------|--------------------|--------------|-------------|-----------------------|
|-------------|--------------------|--------------|-------------|-----------------------|

******* ATTENTION *******
Please note new remittance address above and update your records accordingly

| | |
|----------------------|-----------|
| Subtotal | 57,279.18 |
| Sales Tax | 873.51 |
| Invoice Total | 58,152.69 |

AGENDA REPORT

To: City Manager James Antonen
From: Acting Chief of Police David Kvam
Subject: Approval for Police Department to Accept Squad Light Bars
Date: January 17, 2013

Introduction

The Office of Traffic Safety has awarded the Police Department two squad light bars, and City Council approval is required before these light bars can be accepted.

Background

The Maplewood Police Department was randomly drawn to receive equipment for our participation and effort in the 2012 October Seat Belt Mobilization conducted by the Office of Traffic Safety. We chose two LED Whelen Liberty LC low-profile light bars. The light bars have a value of \$1,375 each, for a total of \$2,750.

These Mobilizations are conducted by law enforcement agencies across the State of Minnesota and depend on a combination of support from the City, administration, and officers on the street to be successful. The Office of Traffic Safety acknowledged that our department's contribution to their program has been exceptional, and they appreciate the hard work of our officers when they participate.

Upon acceptance of this award, the light bars will be installed on two Police Department vehicles.

Budget Impact

There is no cost to acquire these light bars, and we would only be responsible for their installation on the vehicles.

Recommendation

It is recommended that City Council approval be given to accept the award of these light bars from the Office of Traffic Safety.

Action Required

Submit to the City Council for review and approval.

DAK:js

RESOLUTION AUTHORIZING GIFT TO CITY

WHEREAS, Maplewood is AUTHORIZED to receive and accept grants, gifts and devices of real and personal property and maintain the same for the benefit of the citizens and pursuant to the donor's terms if so-prescribed, and;

WHEREAS, the Office of Traffic Safety wishes to grant the City of Maplewood the following: two Whelen Liberty LC low-profile light bars, and;

WHEREAS, the Office of Traffic Safety has instructed that the City will be required to use the aforementioned for: police purposes only, and;

WHEREAS, the City of Maplewood has agreed to use the subject of this resolution for the purposes and under the terms prescribed, and;

WHEREAS, the City agrees that it will accept the gift by a super majority of its governing body's membership pursuant to Minnesota Statute §465.03;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Minnesota Statute §465.03, that the Maplewood City Council approves, receives and accepts the gift aforementioned and under such terms and conditions as may be requested or required.

The Maplewood City Council passed this resolution by a super majority vote of its membership on _____, 20_____.

Signed:

Signed:

Witnessed:

(Signature)

(Signature)

(Signature)

Mayor
(Title)

Chief of Police
(Title)

City Clerk
(Title)

(Date)

(Date)

(Date)

AGENDA REPORT

To: City Manager James Antonen
From: Acting Chief of Police David Kvam
Subject: Approval to Accept Donation From Schmelz Countryside
Date: January 18, 2013

Introduction

The Police Department has received a donation from Schmelz Countryside, and City Council approval is required before the donation can be accepted.

Background

For the past several years, Schmelz Countryside has made a donation to the Maplewood Police Department to show its appreciation and support for the work done in the community.

This year we received a check for \$2,500, and John Schmelz has asked that the money be used toward youth and senior citizen programs.

Recommendation

It is recommended that approval be given to accept this donation and that the necessary budget adjustments be made for the Police Department to expend the funds as requested by Schmelz Countryside.

Action Required

Submit to the City Council for review and action.

DAK:js

RESOLUTION AUTHORIZING GIFT TO CITY

WHEREAS, Maplewood is AUTHORIZED to receive and accept grants, gifts and devices of real and personal property and maintain the same for the benefit of the citizens and pursuant to the donor’s terms if so-prescribed, and;

WHEREAS, Schmelz Countryside wishes to grant the City of Maplewood the following: \$2,500, and;

WHEREAS, Schmelz Countryside has instructed that the City will be required to use the aforementioned for: programs for youth and senior citizens, and;

WHEREAS, the City of Maplewood has agreed to use the subject of this resolution for the purposes and under the terms prescribed, and;

WHEREAS, the City agrees that it will accept the gift by a super majority of its governing body’s membership pursuant to Minnesota Statute §465.03;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Minnesota Statute §465.03, that the Maplewood City Council approves, receives and accepts the gift aforementioned and under such terms and conditions as may be requested or required.

The Maplewood City Council passed this resolution by a super majority vote of its membership on _____, 20_____.

Signed:

Signed:

Witnessed:

(Signature)

(Signature)

(Signature)

Mayor
(Title)

Chief of Police
(Title)

City Clerk
(Title)

(Date)

(Date)

(Date)

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, Director of Public Works/City Engineer
 Scott Schultz, Fleet Superintendent
SUBJECT: **Approve Purchase of 1 ton Truck and Two John Deere Park Maintenance Machines**
DATE: January 23, 2013

INTRODUCTION

The approved 2013 capital outlay budget includes funding for the purchase of one 1 ton truck with plow and two John Deere park maintenance machines. Council approval of these purchases is required.

BACKGROUND

The two existing 1998 Toro park maintenance machines are in need of replacement. Age and extensive engine hours result in regular repairs and they are no longer efficient to operate. The Parks Division utilizes these machines for both summer and winter operations.

Likewise, the old 1 ton truck has considerable wear and mileage exceeding 100,000. This truck is used by the Parks Division for year round maintenance. The primary use for this truck is for trash and recycling pick up throughout the park system.

DISCUSSION

The proposed acquisition of two John Deere machines to replace the two old Toro machines will greatly improve upon capabilities and efficiencies. The old 1998 Toro machines will be traded-in and credit applied towards the purchase of the new equipment.

The new 1 ton will replace the 1999 one ton. This replacement truck is used by the Parks Division for year round maintenance for such tasks as trash and recycling pickup, in addition to snow plowing and towing equipment for multiple park maintenance operations. The old 1999 one ton will be sent to state auction and proceeds put back into the fleet management fund.

BUDGET

The 2013 capital improvement plan identified \$131,500.00 under CIP numbers PW06.010 and PW09.030 for the replacement of the two Toro machines and one ton truck described above. Following are the costs of the replacements including, trade in of old units, sales tax and delivery:

| | |
|--|--------------------|
| Two John Deere Machines w/ attachments | \$62,595.28 |
| Less Trade in value | \$(7,200.00) |
| Sales tax | <u>\$ 3,808.43</u> |
| Total cost | \$59,203.71 |

| | |
|--|--------------------|
| One 1 ton 4wd truck w/ Stake body and plow | \$51,835.23 |
| Sales tax | <u>\$ 3,507.80</u> |
| Total cost | \$55,343.03 |

The total cost is \$114,546.74. This is \$16,953.26 below the estimated expenditure identified in the Fleet Management fund. The remaining balance from the original estimate for these purchases will be used towards other fleet equipment needs in 2013 as needed.

RECOMMENDATION

It is recommended that the city council give approval to enter into contracts with the following vendors for these purchases under state contract:

- Frontier Ag and Turf -Two John Deere Machines, MN state contract # 41934
- Midway Ford -Ford F350 cab and chassis, MN state contract # 55058
- Towmaster Truck Equip. -Stake body and equipment, MN state contract # 48613
- Crysteel Truck Equip. - Boss V-Plow, MN state contract # 48608

Attachments:

- 1) Frontier Ag and Turf
- 2) Midway Ford
- 3) Towmaster
- 4) Crysteel



JOHN DEERE

Quote Id: 7560175

Customer Name: CITY OF MAPLEWOOD

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

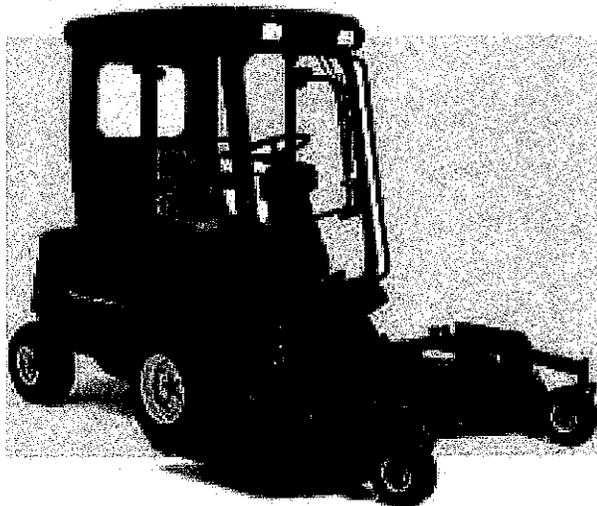
John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

FRONTIER AG & TURF
730 DEERE DRIVE
NEW RICHMOND, WI 54017
715-246-6565

Prepared For:

CITY OF MAPLEWOOD



Proposal For:

Delivering Dealer:

Marc Ince
FRONTIER AG & TURF
730 DEERE DRIVE
NEW RICHMOND, WI 54017

Quote Prepared By:

Marc Ince
marci@frontieragturf.com

Date: January 09, 2013

Offer Expires: January 31, 2013

CONFIDENTIAL



JOHN DEERE

Quote Id: 7560175

Customer Name: CITY OF MAPLEWOOD

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

FRONTIER AG & TURF
730 DEERE DRIVE
NEW RICHMOND, WI 54017
715-246-6565

January 09, 2013

1902 COUNTY ROAD B E
MAPLEWOOD, MN 55109

Dear Scott Schultz,

Thank you for considering Frontier Ag & Turf as your John Deere supplier. Also, thank you for taking the time to demo the 1445 machine and having a couple members of your team take time out the day and go look at the Cozy cab.

Attached is a State Contract quote for the items you have requested along with values of your trade in equipment.

Please feel free to contact me with any questions you may have.

Sincerely,

Marc Ince

Frontier Ag & Turf

Marc Ince

715-246-6565

FRONTIER AG & TURF

CONFIDENTIAL



JOHN DEERE

Quote Id: 7560175

Customer Name: CITY OF MAPLEWOOD

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

John Deere Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580;
DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

FRONTIER AG & TURF
730 DEERE DRIVE
NEW RICHMOND, WI 54017
715-246-6565

Quote Summary

STATE CONTRACT

Prepared For:

CITY OF MAPLEWOOD
1902 COUNTY ROAD B E
MAPLEWOOD, MN 55109
Business: 651-249-2431

Delivering Dealer:

FRONTIER AG & TURF
Marc Ince
730 DEERE DRIVE
NEW RICHMOND, WI 54017
Phone: 715-246-6565
marci@frontieragturf.com

Quote ID: 7560175

Created On: January 09, 2013

Last Modified On: January 09, 2013

Expiration Date: January 31, 2013

| Equipment Summary | Suggested List | Selling Price | Qty | Extended |
|---|----------------|----------------|-----|--------------|
| JOHN DEERE 1445 Series II Commercial Front Mower (Less Mower Deck) Contract: MN Commercial Mowing Contract_41934 Price Effective Date: November 1, 2011 | \$ 23,509.02 | \$ 18,101.94 X | 2 = | \$ 36,203.88 |
| JOHN DEERE 72 In. 7-Iron II Commercial Side Discharge Mower Deck (For 1400/1500 Series II and Non-Series II Front Mowers) Contract: MN Commercial Mowing Contract_41934 Price Effective Date: November 1, 2011 | \$ 4,559.00 | \$ 3,510.43 X | 2 = | \$ 7,020.86 |
| JOHN DEERE 60 Heavy-Duty Rotary Broom (For 1400/1500 Series II and Non-Series II Front Mowers) Contract: MN Commercial Mowing Contract_41934 Price Effective Date: November 1, 2011 | \$ 4,745.00 | \$ 3,653.65 X | 1 = | \$ 3,653.65 |
| JOHN DEERE 60 In. Heavy-Duty Two-Stage Snow Blower (For 1400/1500 Series II and Non-Series II Front Mowers) Contract: MN Commercial Mowing Contract_41934 Price Effective Date: November 1, 2011 | \$ 4,957.00 | \$ 3,816.89 X | 1 = | \$ 3,816.89 |
| COZY CAB with HEAT,FRONT WIPER,WORK LIGHTS, QUICK DISCONNECT Contract: | \$ 5,950.00 | \$ 5,950.00 X | 2 = | \$ 11,900.00 |

Salesperson : X _____

Accepted By : X _____

CONFIDENTIAL

Midway Ford Commercial
Fleet and Government Sales
 2777 N. Snelling Ave.
 Roseville MN 55113



Travis Swanson
 651-343-5212
 tswanson@rosevillemidwayford.com

Fax # 651-638-4880

C-41 Contract # 55058

2013 F350 4X4- Regular Cab-Cab and Chassis (DRW) 60" Cab to Axle

Vehicle will include the following required OEM equipment if not part of standard base package.



Automatic Transmission
Upfitter Switches
AM/FM Radio
40 Gal Fuel Tank

Cab Lights
Air Conditioning
Wide Load/Trailer Tow Type Mirrors

| Options | Code | Price | Select | Exterior Colors | | Select |
|-------------------------------------|------|---------|---------------|---|------|--------|
| 6.7L Diesel w/ 6speed Trans | | \$6,787 | x | School Bus Yellow | | x |
| Brake Controller | 52B | \$196 | x | | | |
| Limited Slip Diff | X4N | \$308 | x | | | |
| Snow Plow Prep Pkg | 473 | \$73 | x | | | |
| Running Boards | 18B | \$273 | x | | | |
| Back-up Alarm | 76C | \$105 | x | | | |
| Block Heater | 41H | N/C | x | | | |
| Spare Wheel & Tire | 512 | \$299 | x | | | |
| Trailer Wiring | 531 | N/C | x | | | |
| XL Décor Group | 17F | \$133 | x | Interior Colors | | |
| Shift on Fly 4x4 | 213 | \$158 | x | Steel only (color for XL) | | |
| OCR | 98R | \$214 | x | Extended Service Contracts | Cost | Select |
| LT245/75r17E AT Tires | TBM | \$107 | x | 5yr/100000m CC F350 Gas 4x2 | 1220 | |
| | | | | 5yr/100000m CC F350 Gas 4x4 | 1545 | |
| | | | | 5yr/100000m CC F350 Diesel 4x2 | 1630 | |
| | | | | 5yr/100000m CC F350 Diesel 4x4 | 2000 | |
| Option Total | | \$8,653 | | More time and mileage options available | | |
| Base Price | | | Totals | You must have a active FIN code to participate in this purchase contract : FIN code # _____ | | |
| 6.2 Gas | | | \$23,737.48 | Purchase Order required prior to order placement | | |
| Options Price Totals | | | \$8,653.00 | Payment due upon agreed vehicle acceptance | | |
| Extended Warranty | | | | Name of Organization _____ | | |
| Transit Impr Excise Tax | | | \$20.00 | Address _____ | | |
| Tax Exempt Lic | | | \$50.75 | City, State, Zip _____ | | |
| 6.5% Sales Tax | | | \$2,105.38 | Contact Person/ Phone # _____ | | |
| Document fee (If Midway is titling) | | | \$75.00 | Contact's e-mail address and fax # _____ | | |
| Sub total per vehicle | | | \$34,641.61 | Midway Ford Acceptance Signature _____ | | |
| Number of Vehicles | | | 1 | Date _____ | | |
| Grand Total for all units | | | \$34,641.61 | Packet Page Number 47 of 221 | | |
| Acceptance Signature | | | | | | |
| Print Name and Title | | | | | | |
| Date | | | | | | |



Towmaster, Inc.
61381 US Hwy. 12, Litchfield, MN
Phone: 800-462-4517 / 320-693-7900



FX: 320-693-7921

Parts FX: 320-593-5703

| | | | | |
|---------------------|--------------------|---------------|---------------------|---------------|
| Bill To: | Cust#: 3088 | Phone: | Ship To: | Phone: |
| MAPLEWOOD, CITY OF | | 651-249-2000 | MAPLEWOOD, CITY OF | 651-249-2000 |
| 1830 E COUNTY RD B | | FAX: | 1830 E COUNTY RD B | FAX: |
| MAPLEWOOD, MN 55109 | | 651-249-2009 | MAPLEWOOD, MN 55109 | 651-249-2009 |

Contact:

Contact:

| PO# | Reference No. | Terms | Date Created | Order Date | Appx. Ship Date |
|-----------------------|---------------|---------------------|--------------|---------------|-----------------|
| | 11887-TGG | NET 30 DAYS | 01/18/2013 | 12/26/2012 | |
| Trk VIN | | MO # | CO # | Salesman | Tom Gertgen |
| Freight Instructions: | | Build Instructions: | | Other Credit: | Other Charge: |

ATTENTION: SCOTT SCHULTZ

| Qty | Part No. | Description | Discount Rate: | 0.00% | Price Each | Net Amt |
|-----|-----------------|---|----------------|-------|------------|----------|
| 1 | 9901524 | Body Badger Flatbed AB9W 9' x 96" 4" runsills | | | 2,724.00 | 2,724.00 |
| 1 | 9901537 | Body Badger Chassis mtg kit for 10,000 lb and under GVWR Chassis - 2 sets 1/2" U-bolts and 2 FMVSS 301 shear plates w/hdwe | | | 82.00 | 82.00 |
| 1 | 9901557 | Installation of flatbed per specifications | | | 576.00 | 576.00 |
| 1 | SPECIAL REQUEST | Special Request Charges for: ALUMINUM FOLD DOWN STAKE SIDES | | | 918.00 | 918.00 |
| 2 | 9900151 | Body acc Grab Handle, plated, bolt-on installed (ea) FRONT RH & LH FRONT POSTS | | | 43.00 | 86.00 |
| 1 | 9900148 | Body acc License plate light at rear (for weld on cabshields) installed CENTER ON REAR FACE OF LIFT GATE COVER SEE PICTURES | | | 150.00 | 150.00 |
| 1 | 1918065 | MEDIUM duty Hitch Plate assembly 12" x 5/8" Formed, steel pull plate w/bracing to truck frame, Safety chain D-rings | | | 198.00 | 198.00 |
| 1 | 9900777 | Hitch Combo Pintle/Ball (2") Installed | | | 112.00 | 112.00 |
| 1 | 9902492 | Hitch (LD) 6 contact Round Std socket installed | | | 110.00 | 110.00 |
| 1 | 9901172 | Installation of med duty hitch (Weld On) | | | 192.00 | 192.00 |
| 1 | 9902642 | Lift Gate EDL-60-SBA EAGLE DIRECT LIFT GATE | | | 2,509.00 | 2,509.00 |
| 1 | SPECIAL REQUEST | Special Request Charges for: SAFETY AIR FLOW PLATFORM | | | 125.00 | 125.00 |
| 1 | 9901581 | Lift Gate INS of Service Body, Flatbed, Large Van Body, or Dump-Thru Lift Gate | | | 1,710.00 | 1,710.00 |
| 1 | 9901120 | Light warning Whelen RESPONDER R1LPPA LIGHT BAR and switch | | | 846.00 | 846.00 |
| 1 | 9901199 | Light warning 00006BS0 Rear strobe system installed INSTALLED IN LIFT GATE CYLINDER COVER | | | 1,592.00 | 1,592.00 |
| 1 | 9901171 | Fenders M1900 W/Brkts for 19.5" Installed | | | 587.00 | 587.00 |
| 1 | 9901112 | ICC BUMPER | | | 136.00 | 136.00 |



Towmaster, Inc.
61381 US Hwy. 12, Litchfield, MN
Phone: 800-462-4517 / 320-693-7900



| | | | | |
|---|------------------------|--|--------|--------|
| 1 | 9901113 | INSTALLATION OF ICC BUMPER | 192.00 | 192.00 |
| 1 | SERVICE JOB - TRUCK | Misc parts and labor for: Install 6 flush mount D-rings one in each corner of body and two down the middle of body | 390.00 | 390.00 |
| 1 | SERVICE JOB - TRUCK | Misc parts and labor for: BOLT ON HINGE TO BODY AND STAKE SIDES IN LUE OF WELDING THE HINGES | 380.00 | 380.00 |

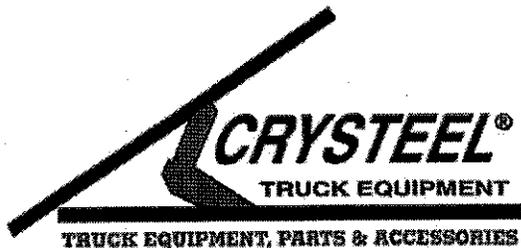
NOTE: If changes are made to an order after a P.O. has been issued, a FEE may be assessed and a revised or new P.O. MUST BE submitted to reflect changes.

Visit us online at www.towmastertruck.com

Accepted By: _____

Date: _____

| | |
|---------------------------|--------------------|
| Price: | \$13,615.00 |
| Discount: | \$0.00 |
| Other Credit (see above): | \$0.00 |
| Net Cost: | \$13,615.00 |
| Sales Tax: | \$936.03 |
| Other Charge (see | \$0.00 |
| Freight | \$0.00 |
| Total: | \$14,551.03 |



1130 73rd Avenue NE
Fridley, MN 55432
(763) 571-1902
1-800-795-1280
Fax # (763) 571-5091

Highway 60 East
Lake Crystal, MN 56055
(507) 726-6041
1-800-722-0588
Fax # (507) 726-2984

www.crysteeltruck.com

AN EQUAL OPPORTUNITY EMPLOYER

January 16, 2013

Scott Schultz
City of Maplewood
1902 County Road B East
Maplewood, MN 550109

Dear Scott:

Crysteel Truck Equipment is pleased to submit this quote for your approval.

State of Minnesota Pricing Page
Contract # 48608
Release # T-699(5)

| | |
|----------------------------------|------------------|
| Boss 9' 2" Power - V Plow | \$5,139.27 |
| Warranty: 2 years | |
| Snow Deflector Installed | \$ 232.33 |
| Locking cylinders | \$ 266.06 |
| Snow shoe for plow blade | <u>\$ 117.09</u> |
| Total | \$5,754.75 |

<http://www.bossplow.com/power-v-plows>

Sales tax + 6.875 %
\$ 6,150.39

Sincerely,

Nate Medicraft
Crysteel Truck Equipment

- All prices are subject to applicable taxes
- Quotes are good for 30 days

AGENDA REPORT

TO: Jim Antonen, City Manager
FROM: Michael Thompson, City Engineer/Public Works Director
 Steven Love, Assistant City Engineer
SUBJECT: **Approval of Resolution to Increase the Scope of the Feasibility Study, Order Preliminary Design, and Increase the Project Budget, Arkwright-Sunrise Area Street Improvements, City Project 12-09**
DATE: January 23, 2013

INTRODUCTION

The council will consider authorizing an increase to the existing project budget and to the authorized preliminary design work. The council will also consider expanding the scope of the feasibility study.

BACKGROUND

On July 23, 2012 the City Council authorized the preparation of the feasibility study and established a project budget of \$80,000. This budget amount was to cover topographic surveying, soil borings, benefit appraisal services, preparation of the feasibility study, engineering related to the feasibility study, and wetland delineations (as needed). The feasibility project area consists of approximately 2.2 miles of roads to be reconstructed along with a significant amount of anticipated utility improvements. The Arkwright-Sunrise Area streets are generally located east of McMenemy Street, north of County Road B, west of Edgerton Street, and south of Highway 36 (*see attached drawing*). These streets are listed in the approved 2013 – 2017 Maplewood Capital Improvement Plan (CIP) as a proposed project for the 2013 construction season (however it has since been delayed to 2014 construction as a result of balancing bonding needs amongst other city projects).

As part of the feasibility study process an initial review of the existing public infrastructure for the feasibility study area and the surrounding neighborhoods has been completed. Staff has identified two additional improvement areas in the surrounding neighborhoods that should be included as part of the feasibility study to insure that a regional approach to the improvement project is taken. It is recommended to evaluate the two additional areas as part of the feasibility study.

The first additional area consists of Eldridge Avenue East and Burr Street North. These roads lie just east of Desoto Street and south of County Road B East (*see attached drawing*). Eldridge Avenue and Burr Street are paved residential streets with curb and gutter. These streets have continued to deteriorate over the years with the streets having a current weighted average PCI rating of 56 (on a scale from 1 to 100). It is recommended that Eldridge Avenue and Burr Street be reviewed as part of the feasibility study for a possible pavement rehabilitation project.

The second additional area includes exploring sidewalk/trail along County Road B East from Interstate 35E to Edgerton Street and Edgerton Street from County Road B to Highway 36. These segments are County Roads and are identified in the City's 2030 Comprehensive Plan for trail and sidewalk improvements. The 2030 Comprehensive Plan identifies these sections as major east/west and north/south routes for pedestrian and bike traffic. This work is in line with a Living Streets approach for improving walkability and pedestrian movements; improving pedestrian/bike safety.

SCHEDULE

With the change in schedule from 2013 to 2014 the tentative schedule of the feasibility study has been revised and is shown below:

- Late July / Early August 2012 – staff initiated the project process and feasibility study by sending an informational letter to the neighborhood residents.
- Late July 2012 thru April 2013 – engineering department conducts topographic surveys, preliminary engineering studies, research of the project area, and drafts the feasibility study. Staff holds informational neighborhood meetings about the proposed project as the feasibility study is being conducted.
- April 2013 – Staff submits the feasibility study to Council to consider acceptance and scheduling of a public hearing.

Staff has initiated public outreach and neighborhood meetings to discuss the project and gather critical feedback from the residents on the proposed project. It is planned to bring the preliminary feasibility design to several of the city commissions to gather additional input and feedback.

Staff recommends that the council authorize preliminary design work in order to better incorporate the ideas and feedback received into the feasibility design and report. This work will include the project area along with the additional areas proposed to be added to the feasibility study. During this time additional neighborhood meetings will be held as changes to the feasibility design are made to reflect the gathered ideas and feedback.

BUDGET

The City Council established a project budget of \$80,000 for the feasibility study for the Arkwright Sunrise neighborhood. The action requested at this time is for the council to increase the project budget by \$220,000 to a total of \$300,000. The proposed project budget will allow the staff to continue to work on design and refining it based on input and feedback from residents, boards, and commissions. This interim budget is meant to carry the project up to the likely Public Hearing date when a full project budget would be considered if the project is ordered by the council.

RECOMMENDATION

Staff recommends that the council approve the attached resolution expanding the scope of the feasibility study, authorizing design work, and establishing a project budget of \$300,000 for the Arkwright-Sunrise Area Street Improvements, City Project 12-09.

Attachments:

1. Resolution Preparation of Feasibility Study
2. Location Map

RESOLUTION

INCREASING THE SCOPE OF THE FEASIBILITY STUDY, AUTHORIZING DESIGN, AND INCREASING THE PROJECT BUDGET

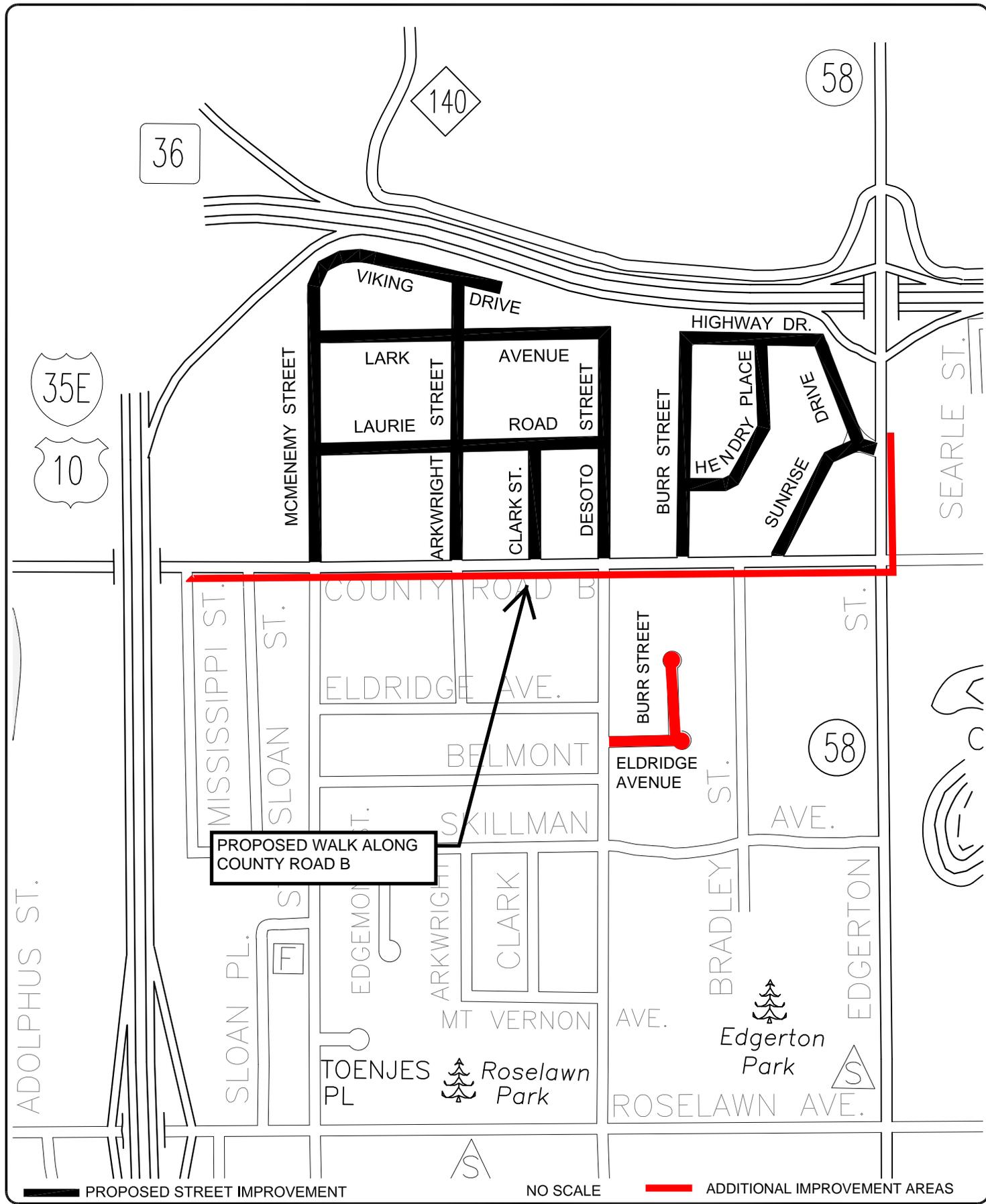
WHEREAS, it is proposed to make improvements to the Arkwright-Sunrise Area Streets, City Project 12-09 and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

WHEREAS, On July 23, 2012 the City Council authorized the preparation of the feasibility study and established a project budget of \$80,000,

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

1. The scope of the feasibility study is to include Eldridge Avenue East and Burr Street North (which lie just east of Desoto Street and south of County Road B East) for possible pavement rehabilitation. The scope of the feasibility study is to also include County Road B East from Interstate 35E to Edgerton Street and Edgerton Street from County Road B to Highway 36 for sidewalk and trail improvements (not road improvements). The City Engineer is instructed to report to the council with all convenient speed advising the council in a preliminary way as to whether the additional improvements are necessary, cost effective and feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.
2. The City Engineer is hereby directed to conduct design work for the making of said improvement.
3. FURTHERMORE, the finance manager is hereby authorized to adjust the project budget from \$80,000 to \$300,000.

Approved this 28th day of January 2013



Arkwright/Sunrise Area Streets Project Location Map City Project 12-09



AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, Public Works Director/City Engineer
SUBJECT: **Approval of Change Order No. 3, Gladstone Area Phase I Improvements – Bid Package 1, City Project 04-21**
DATE: January 22, 2013

INTRODUCTION

The City Council will consider approving the attached resolution directing the modification of the existing construction contract for the Gladstone Area Phase I Improvements, City Project 04-21. The modifications to the existing contract include additional bituminous paving, retaining wall, bridge piling and erosion control. The change order also includes additional work required due to the contract schedule extension into the 2012 construction season. These modifications result in an overall increase to the construction contract. With the approval of this Change Order the council will also consider authorizing a reduction in retainage.

BACKGROUND

The council awarded a construction contract to Lunda Construction Company for the Gladstone Area Phase I Improvements, City Project 04-21 on June 27, 2011 in the amount of \$3,529,950.25. There have been two change orders to the contract to date with a revised approved contract total of \$3,552,467.74.

DISCUSSION

Schedule A – Street Improvements

The original project schedule identified a completion date of November 30, 2011. Change Order No.1 adjusted the completion date to June 30, 2012. The contractor was required to perform temporary paving on the project so Frost Avenue could be opened to traffic during the winter of 2011/2012. Additional temporary paving was also required to protect the curb and gutter during snow plow operations. In addition, the construction engineer increased the limits of the bituminous paving on the project to correct some existing pavement deficiencies near the original project limits. This additional paving resulted in an increase in bituminous mix quantities.

The project included construction of a modular block wall on the south side of Frost Avenue. During the construction staking and shop drawing approval process, it was identified that an additional row of modular block wall would provide a more suitable grade between the trail and the modular block wall. This additional row of modular block wall resulted in an increase in retaining wall area.

Schedule G – Frost Avenue Bridge Replacements

The foundation support for the Frost Avenue Bridge consisted of numerous piles driven deep into the ground. Preliminary soil borings identified an assumed pile length for design purposes. Contract quantities were determined based on this assumed pile length; however the contract also required the contractor to perform a test pile to determine the actual pile length. The test pile resulted in an increase in pile length depth which increased the overall quantities for the pile driving operation.

Change Order No. 2 Schedule

Change Order No.2 included a line item for Rapid Stabilization Method 3, which is a temporary erosion

control measure that was used to stabilize soils during construction. As the project continued into the 2012 construction season, additional temporary erosion control measures were needed resulting in an increase in the quantities for Rapid Stabilization Method 3.

Change Order No. 3 Schedule

The items listed in the Change Order No.3 schedule are a result of a claim that the contractor submitted on the project due to the project completion date extending into the 2012 construction season. The schedule extension was primarily a result of delays due to private utility relocations. City staff and the consulting engineer met with the contractor in the fall of 2011 and communicated the need to complete the bridge construction such that Frost Avenue could be opened to traffic for the winter. The contractor explained that this work could be completed; however additional costs would be incurred. The contractor was directed to proceed with the work necessary to open Frost Avenue to traffic through the winter.

In August 2012, the contractor submitted a claim in the amount of \$423,178.04 for additional costs incurred as a result of the schedule extension. After some negotiation, the contractor offered to settle the claim for \$132,810.06 to avoid mediation and/or arbitration. City staff and the consulting engineer evaluated the risks and costs associated with mediation and/or arbitration process and determined that it was in the city's best interest to settle the claim.

A summary of the costs included in Change Order No. 3 are as follows:

| | |
|---|---------------------|
| Revise Schedule A – Street Improvements | \$62,888.25 |
| Revised Schedule G – Frost Avenue Bridge Replacements | \$28,380.00 |
| Revise Change Order No. 2 Schedule | \$7,471.20 |
| <u>Add Change Order No. 3 Schedule</u> | <u>\$132,810.06</u> |
| Net Contract Increase | \$231,549.51 |

Also, Lunda has requested reduction in retainage. The contractor is nearly complete with all work with only a couple of remaining punch list items. The consulting engineer is continuing to coordinate with the contractor to resolve all of the final quantities and the contractor will be required to submit final documentation prior to project closeout. A retainage reduction from 5% to 1% is warranted at this time.

BUDGET

Approval of Change Order No. 3 will increase the project construction contract amount by \$231,549.51 from \$3,552,467.74 to \$3,784,017.25. No adjustments to the approved budget are required as the projected costs fall within the approved financing plan. Also, reduction in retainage does not increase or decrease the total approved contact amount, thus no budget adjustments are needed for this item.

RECOMMENDATION

Staff recommends that the council approve the attached Resolution Directing Modification of the Existing Construction Contract, Change Order No. 3, for the Gladstone Area Phase I Improvements, City Project 04-21. Furthermore, it is recommended that the council authorize the City Engineer to reduce retainage on the existing construction contract for City Project 04-21 from 5% to 1%.

Attachments:

1. Resolution Directing Modification of Existing Construction Contract, Change Order No. 3
2. Change Order No. 3
3. Lunda Letter Dated December 27, 2012
4. Lunda Letter Dated December 7, 2012

**RESOLUTION
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
PROJECT 04-21, CHANGE ORDER NO. 3
AND REDUCING RETAINAGE**

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 04-21, Gladstone Area Phase I 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 04-21, Change Order No. 3.

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. 3 which is an increase of \$231,549.51.

The revised contract amount is \$3,784,017.25.

2. The retainage within the construction contract is hereby authorized to be reduced, at the discretion of the City Engineer, from 5% to 1%.

Adopted by the Maplewood City Council on this 28th day of January 2013.

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

PROJECT NAME: Gladstone Area Phase I Improvements
PROJECT NO: City Project 04-21, S.P. 6230-28/138-010-17
CONTRACTOR: Lunda Construction Company
CHANGE ORDER NO.: Three (3)
DATE: January 15, 2013

The following changes shall be made in the contract documents:

REVISE BID SCHEDULE A -- STREET IMPROVEMENTS

| Item No. | Item Description | Unit | Quantity | Unit Price | Amount |
|----------|---------------------------------|-------|----------|------------|-------------|
| 36 | Type SP 12.5 Wearing Course | TON | 300 | \$60.31 | \$18,093.00 |
| 37 | Type SP 12.5 Non-Wearing Course | TON | 400 | \$66.78 | \$26,712.00 |
| 39 | Modular Block Retaining Wall | SQ FT | 405 | \$44.65 | \$18,083.25 |

TOTAL SCHEDULE A **\$62,888.25**

REVISE BID SCHEDULE G -- FROST AVENUE BRIDGE REPLACEMENT

| Item No. | Item Description | Unit | Quantity | Unit Price | Amount |
|----------|-------------------------------------|--------|----------|------------|-------------|
| 21 | C-I-P Concrete Piling Driven 12" | LIN FT | 860 | \$1.00 | \$860.00 |
| 22 | C-I-P Concrete Piling Delivered 12" | LIN FT | 860 | \$32.00 | \$27,520.00 |

TOTAL SCHEDULE G **\$28,380.00**

REVISE BID SCHEDULE CO #2 -- CHANGE ORDER NO. 2

| Item No. | Item Description | Unit | Quantity | Unit Price | Amount |
|----------|------------------------------|------|----------|------------|------------|
| 1 | Rapid Stabilization Method 3 | Mgal | 12 | \$622.60 | \$7,471.20 |

TOTAL SCHEDULE CO #2 **\$7,471.20**

ADD BID SCHEDULE CO #3 -- CHANGE ORDER NO. 3

| Item No. | Item Description | Unit | Quantity | Unit Price | Amount |
|----------|-----------------------------------|------|----------|-------------|-------------|
| 1 | Bridge Deck Heating and Housing | LS | 1 | \$16,950.64 | \$16,950.64 |
| 2 | Additional 1" of Concrete on Deck | LS | 1 | \$2,599.06 | \$2,599.06 |
| 3 | Additional Bridge Deck and Ends | LS | 1 | \$3,109.85 | \$3,109.85 |
| 4 | 2012 Traffic Control | LS | 1 | \$2,750.00 | \$2,750.00 |

| | | | | | |
|-----------------------------|--------------------------------|----|---|-------------|---------------------|
| 5 | Winter Roadway Striping | LS | 1 | \$1,843.60 | \$1,843.60 |
| 6 | Additional Traffic Signage | LS | 1 | \$653.40 | \$653.40 |
| 7 | Bridge Deck Milling | LS | 1 | \$12,696.51 | \$12,696.51 |
| 8 | Existing Pier Cap Repair | LS | 1 | \$8,567.40 | \$8,567.40 |
| 9 | North Bridge Railing Sawcut | LS | 1 | \$3,256.00 | \$3,256.00 |
| 10 | Trash Receptacle at Rest Area | LS | 1 | \$2,484.65 | \$2,484.65 |
| 11 | Additional Project Supervision | LS | 1 | \$11,622.80 | \$11,622.80 |
| 12 | Project Acceleration Costs | LS | 1 | \$35,309.97 | \$35,309.97 |
| 13 | Extended Home Office Overhead | LS | 1 | \$30,966.18 | \$30,966.18 |
| TOTAL SCHEDULE CO #3 | | | | | \$132,810.06 |

TOTAL NET CHANGE ORDER NO. 3 **\$231,549.51**

CONTRACT STATUS:

Original Contract: **\$3,529,950.25**
 Net Change of Prior Change: **\$22,517.49**
Change this Change Order: **\$231,549.51**
 Revised Contract: **\$3,784,017.25**

Recommended By: Kimley-Horn and Associates, Inc.

By: Charles B. Law Date: 1/21/13

Agreed to By: Lunda Construction Company

By: D.L. Bell Date: 1-16-13

Approved By: City of Maplewood

By: _____ Date: _____
 Mayor

By: _____ Date: _____
 City Engineer

Irrespective of any language to the contrary
 that might be contained in this Change Order
 in signing this Change Order Lunda intends
 and does fully preserve its rights to any
 pending or future claims that may arise on
 this project

DLB LUNDA CONSTRUCTION Co.



LUNDA CONSTRUCTION COMPANY

620 GEBHARDT ROAD • P.O. BOX 669
BLACK RIVER FALLS, WI 54615

PH: (715) 284-9491 FAX: (715) 284-9146

BRIDGES • PILE DRIVING • DAMS

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December 27, 2012

Kimley-Horn and Associates
2550 University Avenue West
Suite 238N
St. Paul, MN 55114

Attn: Chadd Larson, P.E.

RE: S.A.P. 138-151-003
City of Maplewood
Gladstone Area Phase 1
Lunda Job No. 6263

Dear Mr. Larson:

In response to your letter denying responsibility for Lunda's additional delay costs, I offer the following comments:

Initial 13 day project delay in awarding the contract to Lunda.

- Article 3, Contract Time, Section 3.1.1 Phase Construction states *"The work on Frost Avenue from TH 61 to Phalen Place and on East Shore Drive from Adele Street to Frost Avenue shall begin on or around June 20, 2011. The date of substantial completion for the project is November 11, 2011"*. The contract was not approved by the Maplewood City Council until July 11, 2011 and Lunda could not proceed with our work until July 13, 2011, a **24 day delay** from what we anticipated at the time of the bid letting. Special Conditions Division 1 1095 reference Specifications states *"The Minnesota Department of Transportation (MnDOT) Standard Specifications for Construction, 2005 Edition and revisions thereto shall apply except as noted herein. Where the Minnesota Department of Transportation (MnDOT) specifications are referred to herein and where a reference to the word "State" or "Department" is mentioned, it is understood that the work "Owner" is substituted"*. As such, Minnesota Department of Transportation Standard Specification 1806 B defines an unavoidable delay as follows, *"Unavoidable delays that the Contractor could not foresee or have the power to control or prevent and that occur with no fault or negligence on the part of the Contractor"*. As provided by the Minnesota Department of Transportation Standard Specifications, contractors are compensated for delay costs caused by the owner. Furthermore, Lunda was delayed in the demolition of the existing structure as the contracting agency did not disclose that hazardous asbestos material were present in both abutments delaying the removal six (6) days.

Page 2 of 3
December 27, 2012
Mr. Larson

Your letter also stated that Lunda was required to coordinate the utility relocations and that we failed to perform this coordination. To the contrary, Lunda Construction Company offers the following summary which reflects our contacts with Xcel for the relocation of their utilities with little or no success.

- o 7/13/11- Closed Frost Ave. and contacted Xcel.
- o 7/25/11- Contacted Kimley Horn and Xcel about power line relocation.
- o 8/9/11- Contacted Xcel again, power relocation is delaying ¼ of N. abutment piling.
- o 8/15/11- Contacted Xcel, unable to finish cofferdam due to delay in power line relocation.
- o 8/18/11- Xcel finally on site to place temporary poles for relocation.
- o 8/23/11- Xcel completed relocation of power lines to finish abutment piling and sheeting work.

As you can see Lunda was diligent in trying to expedite the relocation of these power lines which should have been moved in advance of the contract being bid. Lunda worked around this in-place utility to the best of our ability, however, it ultimately delayed abutment construction by 15 calendar days. Lunda maintains it is entitled to the \$35,309.97 to accelerate the project to open the bridge to traffic in the Fall of 2011 as directed by Kimley-Horn. By failing to extend the completion date for the unavoidable delay, Kimley Horn constructively accelerated the project at Lunda's expense.

Lunda and Kimley-Horn agree to the \$16,950.64 of additional heating and housing costs a Supplemental Agreement should be issued for this additional work.

Lunda and Kimley Horn agree to the \$2,599.06 of additional costs to cast the approach panel and bridge deck 1" high to place traffic on the bridge over the winter.

Lunda's additional supervision costs in the amount of \$11,622.80 are legitimate compensable costs as a result of unavoidable delays of the owner for which the contractor is entitled to reimbursement as extra work.

Through no fault of Lunda the project was delayed into the 2012 construction season as such, our request for reimbursement of the \$2,750.00 in additional traffic control costs is legitimate additional contract work.

In summary, Lunda Construction Company is willing to consider accepting the following to resolve these issues:

| <u>Work Description</u> | <u>Total Cost</u> |
|---|---------------------|
| Bridge Deck Heating and Housing | \$16,950.64 |
| Additional 1" of Concrete on Bridge Deck | 2,599.06 |
| Additional Bridge Deck and End Diaphragms | 3,109.85 |
| 2012 Traffic Control | 2,750.00 |
| Winter Roadway Striping | 1,843.60 |
| Additional Traffic Signage | 653.40 |
| Bridge Deck Milling | 12,696.51 |
| Existing Pier Cap Repair | 8,567.40 |
| North Bridge Railing Sawcut | 3,256.00 |
| Trash Receptacle at Rest Area | 2,484.65 |
| Additional Project Supervision | 11,622.80 |
| Project Acceleration Costs | 35,309.97 |
| Extended Home Office Overhead Costs (Award Delay) | 30,966.18 |
| Total | \$132,810.06 |

Page 3 of 3
December 27, 2012
Mr. Larson

At this time, I would like to request that you accept my proposal and issue a Supplemental Agreement for these additional costs.

If for some reason you do not feel my offer is a fair attempt at resolving our issues, we may wish to proceed with mediation and/or arbitration to resolve our entire original claim of \$423,178.04.

If you have any questions, please feel free to contact me at our Twin Cities Office or by e-mail at dbehnke@lundaconstruction.com.

Very truly yours,

Lunda Construction Company



Dennis L. Behnke
Vice President, MN Operations

DLB/ema

Enclosure

CC: MSP
BRF

City of Maplewood (Gladstone Area Phase 1)

Extended Home Office Overhead

Delay in Contract Award

S.P. 138-151-003
LJN 6263

Prime Contractor: Lunda Construction Company

| | | | |
|---|------------------------------|---------------------------|----------------------|
| Original Contract Value | \$3,529,950.25 | | |
| Original Anticipated Contract Calendar Days | 145 | (6/20/2011 to 11/11/2011) | |
| Midwest Average Overhead Rate for Heavy/Highway Contractors | 5.3% | | |
| Number of Calendar Days of contract extension (Contract Approval Delay) | 24 | (6/20/2011 to 7/13/2011) | |
| Daily Overhead Computation for Gladstone Project | $\frac{\$3,529,950.25}{145}$ | $\times 5.3\%$ | = \$1,290.26 |
| Home Office Overhead Costs | \$1,290.26 | $\times 24$ | = \$30,966.18 |



LUNDA CONSTRUCTION COMPANY

620 GEBHARDT ROAD • P.O. BOX 669
BLACK RIVER FALLS, WI 54615

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December 27, 2012

Kimley-Horn and Associates
2550 University Avenue West
Suite 238N
St. Paul, MN 55114

Attn: Chadd Larson, P.E.

RE: S.A.P. 138-151-003
City of Maplewood
Gladstone Area Phase 1
Lunda Job No. 6263

Dear Mr. Larson:

In response to your letter denying responsibility for Lunda's additional delay costs, I offer the following comments:

Initial 13 day project delay in awarding the contract to Lunda.

- o Article 3, Contract Time, Section 3.1.1 Phase Construction states *"The work on Frost Avenue from TH 61 to Phalen Place and on East Shore Drive from Adele Street to Frost Avenue shall begin on or around June 20, 2011. The date of substantial completion for the project is November 11, 2011"*. The contract was not approved by the Maplewood City Council until July 11, 2011 and Lunda could not proceed with our work until July 13, 2011, a **24 day delay** from what we anticipated at the time of the bid letting. Special Conditions Division 1 1095 reference Specifications states *"The Minnesota Department of Transportation (MnDOT) Standard Specifications for Construction, 2005 Edition and revisions thereto shall apply except as noted herein. Where the Minnesota Department of Transportation (MnDOT) specifications are referred to herein and where a reference to the word "State" or "Department" is mentioned, it is understood that the work "Owner" is substituted"*. As such, Minnesota Department of Transportation Standard Specification 1806 B defines an unavoidable delay as follows, *"Unavoidable delays that the Contractor could not foresee or have the power to control or prevent and that occur with no fault or negligence on the part of the Contractor"*. As provided by the Minnesota Department of Transportation Standard Specifications, contractors are compensated for delay costs caused by the owner. Furthermore, Lunda was delayed in the demolition of the existing structure as the contracting agency did not disclose that hazardous asbestos material were present in both abutments delaying the removal six (6) days.

Page 2 of 3
December 27, 2012
Mr. Larson

Your letter also stated that Lunda was required to coordinate the utility relocations and that we failed to perform this coordination. To the contrary, Lunda Construction Company offers the following summary which reflects our contacts with Xcel for the relocation of their utilities with little or no success.

- o 7/13/11- Closed Frost Ave. and contacted Xcel.
- o 7/25/11- Contacted Kimley Horn and Xcel about power line relocation.
- o 8/9/11- Contacted Xcel again, power relocation is delaying ¼ of N. abutment piling.
- o 8/15/11- Contacted Xcel, unable to finish cofferdam due to delay in power line relocation.
- o 8/18/11- Xcel finally on site to place temporary poles for relocation.
- o 8/23/11- Xcel completed relocation of power lines to finish abutment piling and sheeting work.

As you can see Lunda was diligent in trying to expedite the relocation of these power lines which should have been moved in advance of the contract being bid. Lunda worked around this in-place utility to the best of our ability, however, it ultimately delayed abutment construction by 15 calendar days. Lunda maintains it is entitled to the \$35,309.97 to accelerate the project to open the bridge to traffic in the Fall of 2011 as directed by Kimley-Horn. By failing to extend the completion date for the unavoidable delay, Kimley Horn constructively accelerated the project at Lunda's expense.

Lunda and Kimley-Horn agree to the \$16,950.64 of additional heating and housing costs a Supplemental Agreement should be issued for this additional work.

Lunda and Kimley Horn agree to the \$2,599.06 of additional costs to cast the approach panel and bridge deck 1" high to place traffic on the bridge over the winter.

Lunda's additional supervision costs in the amount of \$11,622.80 are legitimate compensable costs as a result of unavoidable delays of the owner for which the contractor is entitled to reimbursement as extra work.

Through no fault of Lunda the project was delayed into the 2012 construction season as such, our request for reimbursement of the \$2,750.00 in additional traffic control costs is legitimate additional contract work.

In summary, Lunda Construction Company is willing to consider accepting the following to resolve these issues:

| <u>Work Description</u> | <u>Total Cost</u> |
|---|---------------------|
| Bridge Deck Heating and Housing | \$16,950.64 |
| Additional 1" of Concrete on Bridge Deck | 2,599.06 |
| Additional Bridge Deck and End Diaphragms | 3,109.85 |
| 2012 Traffic Control | 2,750.00 |
| Winter Roadway Striping | 1,843.60 |
| Additional Traffic Signage | 653.40 |
| Bridge Deck Milling | 12,696.51 |
| Existing Pier Cap Repair | 8,567.40 |
| North Bridge Railing Sawcut | 3,256.00 |
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Page 3 of 3
December 27, 2012
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If you have any questions, please feel free to contact me at our Twin Cities Office or by e-mail at dbehnke@lundaconstruction.com.

Very truly yours,

Lunda Construction Company



Dennis L. Behnke
Vice President, MN Operations

DLB/ema

Enclosure

CC: MSP
BRF

City of Maplewood (Gladstone Area Phase 1)

Extended Home Office Overhead

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AGENDA REPORT

TO: City Manager, Jim Antonen
FROM: IT Director, Mychal Fowlds
 Chief Building Engineer, Larry Farr
SUBJECT: **Approval of Police Department Expansion Project Items**
DATE: January 22, 2013

Introduction

The City Council approved funding for Phase 1 of the Police Department Expansion Project in the amount of \$500,000 on November 26, 2012. The majority of the construction project was put out for bid and was awarded to Derau Construction on December 10, 2012. Certain items were not part of the bid package. As they arise staff will present them to Council for approval.

Background

Phase 1 of the Police Department Expansion Project predominately involves moving Community Development from City Hall to what is currently the Public Works building. In doing so staff has needs for the various items shown below. These items were considered to be outside the scope of the construction bid but are certainly part of the Police Department Expansion Project.

1. Commercial Furniture Systems (CFS) – Office furniture purchases and installation for Phase 1 utilizing US Communities pricing – **\$21,700**
2. City of Maplewood – Staff is requesting the waiving of City permit fees for all phases - **TBD**
3. Mid-America Business Systems – Originally installed our Lektriever file storage units (2) and will disassemble and move to Public Works - **\$14,108**
4. Chris Mastell Trailer Rentals – Rental of temporary storage – **Est. \$5,400**
5. Dumpster rental throughout project – **Est. \$10,000**
6. Electrowatchman – City security system changes and updates – **Est. \$10,000**
7. Line 1 Partners – Low voltage cabling throughout new areas – **Est. \$5,000**

Budget Impact

The items listed above have been planned for and will be funded from the \$500,000 that Council previously allocated for the Police Department Expansion Project – Phase 1.

Recommendation

It is recommended that approval be given to proceed with the Police Department Expansion Project items listed above.

Action Required

Submit to City Council for review and approval.

Attachments

1. CFS requisition

MRF



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January 16, 2013

Larry Farr
Chief Building Engineer, City of Maplewood
larry.farr@ci.maplewood.mn.us

Mychal Fowlds
Information Technology Director, City of Maplewood
mychal.fowlds@ci.maplewood.mn.us

CFS PROPOSAL FOR CITY OF MAPLEWOOD/PUBLIC WORKS PROJECT – REVISED 01.16.13

Dear Larry & Mychal,

Thank you for the opportunity for Commercial Furniture Services, Inc. ("CFS") to provide pricing for moving, installation services and product as needed for the City of Maplewood Public Works Project. We have prepared this proposal based on previous conversations, the meeting held on October 30th and the drawing provided by SEH Architecture and Gayle Mack. We understand that this work will take place in three phases. The work being done is noted in the following description of each of the phases.

Phase One

Build two private offices for Steve and John with the modular furniture from Steve Kumer's old office, from the ("to be" Copy Work Room), and move Michael Thompson's office furniture to his new office. (Some revisions in office size may need to be made to accommodate existing furniture.)

Phase Two

Take down all the work stations in the Open Office & the Copy/Work Room and stage product so that painting and carpet replacement can take place. Once this work is complete, re-install six workstations, as per drawings, in the Open Office Area.

Remove the furniture from the Environmental Planner's office to allow painting/remodeling and then reinstall the office with the taller wall track once remodeling is complete.

Take down and move 2 work stations currently located by the front desk area and then install 3 work stations on the west side of the main entrance for Public Works Admin once construction is complete.

Phase Three

Take down approximately 12 work stations located at the City Hall Building. Then move this furniture to the Public Works Building and build the Community Development (four stations), Community Development Admin (three work stations), and stage all excess components within the Public Works building.

Take down the Sr. Planner and Econ. Planner's offices to allow painting and remodeling to be completed and then reinstall the furniture using the taller wall track and adding a peninsula top to the Econ Planner's office once work is completed.

CFS will supply logistic equipment in the form of book carts and dollies, for the duration of the project, to assist in the relocation of individual office contents.

Product Needs

As each area was placed into the CAD drawing reusing existing components that were in the existing area, some additional components were needed to complete the work areas as drawn. These items are noted on a separate proposal and priced if needed. We do understand that some of these parts and pieces may exist

CFS PROPOSAL FOR CITY OF MAPLEWOOD/PUBLIC WORKS PROJECT – REVISED 01.16.13

Page 2

January 16, 2013

In store rooms and areas not inventoried and when they are located they can be removed from the proposal.

It appears that the only place where panels will be powered will be in Phase Two and, as per Larry Farr, the City of Maplewood will be providing an electrician for all necessary moves and connections. CFS has not included an electrician in our pricing for any electrical services.

This proposal pricing is based on the following assumptions:

- All work will be done during normal business hours
- Compliance to prevailing wage
- All power, voice and data disconnects and reconnects will be done by others
- All work stations and related office content will be emptied prior to the start of furniture installation. Freestanding file cabinets can be moved as they are when moved within the building.

Estimated costs are as follows:

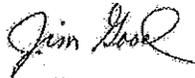
| | |
|--|--------------|
| Labor, moving, delivery and installation | \$ 18,765.00 |
| Design space planning and cad lay out | \$ 450.00 |
| Consumable supplies fasteners/anchors | \$ 500.00 |
| Vehicle expense | \$ 650.00 |
| TOTAL | \$ 20,365.00 |

Should the labor and cost estimates be less than estimated, pricing will be reduced accordingly. Drawings for the Public Works work stations and private offices have already been forwarded.

CFS can provide boxes, labels and other logistic equipment and supplies. Please see the attached parameters for pricing for these items or contact me with any questions.

Please contact me at 952.915.6364 (office) or 763.257.9552 (cell) or by email at jim.good@cfsmn.com if you have any questions.

Sincerely,



Jim Good
Sales Representative

e-copy:

Gayle Mack, Assoc. A.I.A.
Project Manager, SEH Architecture
3535 Vadnais Center Drive
St. Paul MN 55110
gmack@sehinc.com

MEMORANDUM

TO: James Antonen, City Manager
FROM: Tom Ekstrand, Senior Planner
Chuck Ahl, Assistant City Manager
SUBJECT: **Commission Handbook Revisions for the Housing and Economic
Development Commission**
DATE: January 2, 2013

INTRODUCTION

On December 10, 2012, the city council approved the ordinance to combine the housing and redevelopment authority (HRA) with the business and economic development commission (BEDC). The new, combined group will be called the housing and economic development commission or the HEDC.

Request

Staff is requesting approval of language changes in the Commission Handbook to reflect the termination of the HRA and the BEDC and their reforming as the HEDC. These changes are minor, but make the needed correction to accurately identify the new HEDC and describe it's function and purpose. I summarized the proposed revisions in Attachment 1.

Staff also revised the section which identifies the city's various departments. The handbook does not reflect the separation of the Community Development and Parks & Recreation departments. Staff's suggested wording would do so.

RECOMMENDATION

Adopt the attached language updates to the Commission Handbook to reflect the termination of the HRA and BEDC and their reforming into the HEDC. Also, revise the language that would separate the Community Development and Parks & Recreation Departments.

P:\Commission Handbook\Handbook Revisions for HEDC 1 13 te
Attachment:

1. Revisions to the Commission Handbook
2. Existing Commission Handbook pages 2, 6, 7, 8 & 9

**COMMISSION HANDBOOK REVISIONS
DUE TO THE TERMINATION OF THE HRA AND BEDC AND CREATION
OF THE HEDC**

1. Page 2. Table of Contents. Drop reference to the HRA and the BEDC and add reference to the HEDC.
2. Page 2. Table of Contents. Separate the departments of community development and parks and recreation to be individual departments.
3. Page 6. Revise the description of the HRA as the combined commission with the BEDC, now called the HEDC.
4. Page 7. Delete the description of the BEDC.
5. Page 8 & 9. Separate the reference to the community development and parks department into two departments—community development and parks and recreation.
6. Page 9. Create a description of the parks and recreation department.

The revised language changes suggested to numbers 3 and 6 would be:

Housing and Economic Development Commission (page 6)

The Maplewood Housing & Economic Development Commission (HEDC) is an advisory commission to the Maplewood Area Economic Development Authority (EDA); the EDA itself consists of the five members of the city council. The HEDC makes recommendations on economic development and redevelopment projects and issues to the EDA. The HEDC will consist of 7 members, 3 of which must be small business owners.

The HEDC also reviews housing matters and policies for the city. Housing topics the HEDC reviews for the city council include proposed housing related code changes or ordinance amendments, possible changes to the housing chapter of the Maplewood Comprehensive Plan, senior housing and subsidized housing development proposals.

Parks and Recreation Department (page 9)

The parks and recreation department is comprised of two divisions: park planning and recreational programming. The parks and recreation department also manages the Maplewood Nature Center and the Maplewood Community Center and provides staff support to the Maplewood Parks and Recreation Commission.

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Housing & Economic Devel. Commission →

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The Oath of Office is as follows:

I, [name], do solemnly swear that I will support the Constitution of the United States and of the State of Minnesota and faithfully discharge the duties of the office of [name of office] in the City of Maplewood, in the County of Ramsey and the State of Minnesota, to the best of my judgment and ability. So help me God.

Boards and Commissions and Membership Requirements

This list briefly describes each city commission. All commissions are subject to the state conflict of interest rules and must refrain from participating on matters in which the commissioner has an economic interest or other disqualifying interest, such as personal, familial relationships.⁷

Planning Commission

The Planning Commission has nine members who serve three-year terms, and is the City of Maplewood's planning agency.⁸ Members are citizens and cannot be elected officials. Its duties are to prepare and recommend a comprehensive plan for the development of the city and to review zoning and land use matters like comprehensive plan amendments, rezoning requests, zoning variances, property subdivisions, right-of-way vacations, conditional use permits, and home occupation requests.

Parks Commission

The Maplewood Parks and Recreation Commission is a nine-member, volunteer advisory board consisting of Maplewood residents committed to promoting parks and recreation issues. Commission members serve three-year terms. The commission provides recommendations to the city council on all issues of park acquisition, development, open space, trails, and leisure programs. The Parks and Recreation Commission works closely with city staff to address the mission of the department, which is to provide a community environment for all citizens to participate in and enjoy cultural and recreational activities on an equitable basis.

Environmental and Natural Resources Commission

The Environmental & Natural Resources Commission consists of seven residents who serve three-year terms. The commission's purpose is to protect, preserve, and enhance the environment of the City of Maplewood. To accomplish this purpose, the commission engages in a variety of activities, from recommending ordinances to preserve and enhance the city's environmental assets, to developing educational programs, to developing and promoting the use of "sustainable practices" for city policies and procedures.

~~*Housing and Redevelopment Authority*~~

Housing & Economic Development Commission
The Maplewood Housing and Redevelopment Authority (HRA)⁹ is a five-member advisory committee that reviews housing matters and policies for the city. Authority members serve five-year terms. Topics the HRA reviews for the city council include proposed housing related code changes or ordinance amendments, possible changes to the housing chapter of the Maplewood Comprehensive Plan, and senior or subsidized housing development proposals.

Community Design Review Board

The Maplewood Community Design Review Board (CDRB) has five members, each serving two-year terms. Two architects shall be appointed, if available to serve; two shall be from a related design or construction field; and at least two members shall be citizen laypersons. The CDRB reviews building design, site plans, and landscape for proposed multi-family, commercial, and industrial development in Maplewood. The CDRB's goal is to approve attractive developments in architectural design, the use of proper landscape materials, and a functional and attractive layout.

7 To learn more, refer to the League of Minnesota Cities' information memo, *Official Conflict of Interest*.

8 Minn. Stat. § 462.354

9 Note that Maplewood's HRA is established as an advisory body, *not* an HRA as defined by Minn. Stat. § 469.03.

Refer to the revised wording in the memo.

Historical Preservation Commission

The Historic Preservation Commission (HPC) is a seven member Commission, created to help the city of Maplewood with its overall historic preservation goals. To that end, two members should be in a preservation-related field and one Commissioner should be a member of the Ramsey County Historical Society. Commission members serve three year terms. The HPC's goals include supporting the protection of the City's heritage by preserving, protecting, conserving, and wisely using the significant historical, cultural, architectural, or archeological objects, structures, buildings, and sites in the City. The City encourages broad citizen participation in historic preservation activities and has worked on such projects as the Bruentrup Farm preservation project. The Historic Preservation Commission also works closely with the Maplewood Area Historical Society.

Police Civil Service Commission

The Police Civil Service Commission is a three-member group responsible for overseeing selection processes for sworn officers and acting as a hearing body for discipline and discharge issues for the Maplewood Police Department in accordance with Chapter 419 of the Minnesota State Statutes.

The Commissioners are normally appointed to three-year terms by the City Council and volunteer their services as interested residents. The City has a full-time Human Resources Coordinator that serves as a staff liaison for the Commission. The Commission decides which of several types of tests to use for sworn positions, the weighting of the exam components, and the minimum qualifications. They also certify names to the City Manager from eligibility lists and review and approve background investigations for police officer candidates.

The Police Civil Service Commission is not a civilian review board. They do not take complaints from the public nor do they review or conduct internal investigations. They do not direct or oversee police operations nor do they have input into the Police Department budget. They have no involvement in compensation or benefits for the officers.

Business & Economic Development Commission

~~The Maplewood Business & Economic Development Commission (BEDC) is an advisory commission to the Maplewood Area Economic Development Authority (EDA); the EDA itself consists of the five members of the City Council. The BEDC makes recommendations on economic development and redevelopment projects and issues to the EDA. The BEDC will consist of 7 members, 3 of which must be small business owners.~~

Maplewood Economic Development Authority

The Economic Development Authority, or EDA, is a statutorily-authorized body organized under § 469.090 et sec. and is charged with carrying out economic and industrial development and re-development within the City and surrounding area. The Mayor and City Council make up the EDA and the City Manager serves as its Director.

Other Committees and Task Forces

There are city committees and task forces that are created by the Council from time to time to look at a specific issue. In addition, the city participates on boards, commissions, and committees that have been established by regional agencies or organizations to discuss issues involving the county, schools, local businesses, etc. For a list of City of Maplewood committee/agency memberships, contact the City Clerk's Office.

Description of City Departments and Divisions

City Manager

The City Manager is the chief executive officer and the head of the administrative branch of the city government.

The City Manager implements policies and procedures initiated by the City Council, prepares and administers the municipal budget, advises the Council of future financial needs of the city, initiates and supervises business relationships, and directs the daily operations of city government. The City Manager is responsible for all city personnel, except the City Attorney.

Citizen Services/City Clerk

The City Clerk is an appointed position responsible for the recording, writing, and maintaining of the records of City Council proceedings. The City Clerk conducts municipal elections through coordination with Ramsey County Elections. Citizen Services is responsible for issuing and processing city business licenses and permits, and for a full motor vehicle processing division including a Federal Passport Acceptance Agency.

The Citizen Services Director is responsible for the Marketing Division which serves to foster community awareness of city events and recreation programs through marketing avenues and creates a monthly city newsletter as a means of building a strong sense of community.

Citizen Services Director is also responsible for operating and maintaining a variety of services and facilities related to recreation including the Maplewood Community Center, community gyms, and local beaches. The recreation division and the Community Center provide a variety of leisure time and activities and recreational programs year-round for all ages in the northeast metropolitan area and to Maplewood residents alike.

City Attorneys

The City Attorneys are appointed by the City Council. The City Attorneys advise the City Council and city officers (in their official capacity) in legal matters, attend all Council meetings as appropriate, and represent the city in legal actions and proceedings. The City Attorney and members of the City Attorney's office maintain an attorney-client relationship with the city, its officers, agents, and employees, so their official communications are protected as confidential pursuant to the attorney-client privilege. The City Attorney rarely attends commission meetings but may provide counsel to staff when legal issues arise on commission matters.

Human Resources

Human Resources is responsible for labor and employee relations, position profiles, recruitment and selection, classification and compensation, employee training, pay equity, personnel policies and employment law, contract negotiations and administration, employee benefits, worker's compensation, grievances and discipline, performance appraisal, safety, and oversight of payroll issues related to union agreements and personnel policies.

Information Technology

The primary goal of the IT department is to provide the most effective technology services and support possible to the City of Maplewood staff, City Council, commissions, boards and citizens. The IT department manages the City website, security systems, phone system, mobile technologies, televising of City meetings, GIS, and all City applications and workstations. All of these systems run over the City's network which the IT department also oversees.

Finance

The Finance Department supports all other departments by providing financial management, accounting and treasury services. There are three documents prepared by the Finance Department for the benefit of Maplewood citizens as well as other interested parties including the State Auditors Office and bond rating agencies: the Comprehensive Annual Financial Report, the Budget, and the Capital Improvement Plan.

Fire

Maplewood Fire is a combination paid-per-call and full-time department. There are 78 paid-per-call firefighters that respond from their homes to answer approximately 3,800 medical, fire, and rescue calls per year. There are five stations with an average of 15 firefighters per station. There are also 14 full-time firefighters. Administration of the Fire Department is located at Station Two, 1955 Clarence Street.

Community Development and Parks

The Community Development ~~and Parks~~ Department is comprised of five divisions: Planning, Building Inspections, Health, Environmental and Natural Resources, ~~and Parks~~.

and

- The Planning Division champions the values of our community by guiding development and protecting the environment through studies and zoning controls. The City of Maplewood planning division is primarily responsible for the review and management of new developments, subdivisions, and redevelopment. The division also coordinates the preparation of the city's comprehensive plan.
- The Building Inspection Division reviews plans, issues permits, and conducts inspections under the requirements and guidelines of the State Building Code.
- The Environmental Health Officer is responsible for conducting inspections of the restaurants, lodging facilities, and public pools located within the City of Maplewood.
- The Environmental and Natural Resources Division works to protect the environmental features of Maplewood. This includes natural areas, trees, surface waters, waste, and the built environment. It also includes stormwater management-related activities such as development plan review, construction site inspection, management of surface water and inspection, evaluation, and maintenance of outfalls and ponds.
- The Parks Division strives to provide a community environment for all citizens to participate in and enjoy cultural and recreational activities on an equitable basis.

The Community Development ~~and Parks~~ Department serves as primary staff to the Planning Commission, Community Design Review Board, ~~Housing Redevelopment Authority~~, Historical Preservation Commission, Environmental and Natural Resources Commission, and ~~Parks and Recreation Commission~~. *Housing & Economic Development Commission*

→ **Police**

The mission of the Maplewood Police Department is to work, in partnership with its citizens, to solve problems relating to crime and the fear of crime, with an emphasis on meeting community needs. These services are also provided to the City of Landfall on a contractual basis.

The Department provides paramedic services in partnership with the Maplewood Fire Department. It has an authorized strength of 55 sworn officers and has a total of 62 full-time dedicated employees who are available to provide professional community-oriented police services 24 hours a day.

Public Works

The Public Works Department provides coordination of the services afforded by five groups: Engineering, Street, Utility, Park Maintenance, and Vehicle/Fleet Management. These divisions are responsible for the design, operation and maintenance of most city roadways, sanitary sewer systems, and storm water systems.

History of the City of Maplewood

The recorded history of Maplewood goes back about 150 years. Before settlers arrived, the land in Maplewood was inhabited by the Dakota Indians. The landscape was a mix of scrub oak and prairie, with many marshes and lakes. In 1850, a group of families ventured out from St. Paul along an old Indian trail which is now Hazelwood Street. They were the Bells, Caseys, Conlins, and Vincents. At today's County Road C they turned to the east and began to build their log cabins. The sound of their axes alerted the nearby Dakota who quickly surrounded the homesteaders. The Dakota asked them to leave and the newcomers quickly retraced their steps. The settlers made repeated attempts to claim the land they had bought for 2 dollars an acre. But again and again they were driven back. Finally, in 1853, they found that the Ojibway had pushed the Dakota out of the area. The Ojibway just wanted to hunt on the land and they didn't mind the clearing of trees. At about this same time southern Maplewood was being settled as well. In 1852, Thomas Carver began farming to the west of Carver Lake. This area, the south leg of Maplewood, later became McLean township. Northern Maplewood was included in the township of New Canada when it was formed in 1858.

The first organized transportation in this area was a stagecoach line that was along present-day Edgerton Street. This line began in 1856, and it cost 10 dollars for the trip from St. Paul to Duluth. This stagecoach line remained in service until the first railroad was built to Duluth in 1870. This was the Lake Superior and Mississippi Railroad and followed the [Bruce] Vento Trail. By the 1880s the line was owned by the St. Paul and Duluth Railroad. This owner would play a big part in Maplewood's development. In 1886, the Wisconsin Central Railroad built a line that intersected with the St. Paul and Duluth Railroad. A townsite was planned at the junction of these two railroads that

Add Parks & Rec. Department here. See wording in the memo.

TO: James Antonen, City Manager
FROM: Michael Martin, AICP, Planner
Charles Ahl, Assistant City Manager
SUBJECT: **Conditional Use Permit Review, LaMettry Collision Auto Repair**
LOCATION: 2951 Maplewood Drive
DATE: January 22, 2013

INTRODUCTION

The conditional use permit (CUP) for LaMettry Collision Auto Repair at 2951 Maplewood Drive is due for its annual review. The CUP allows LaMettry Collision Auto Repair to operate an auto body repair shop. The city council gave approval to build a new building on this site which is just north of the applicant's old building.

BACKGROUND

August 8, 2005: The city council approved a conditional use permit for Steve McDaniels, of Maplewood Toyota, to build a temporary parking lot on the proposed site. The back half of the parking lot was constructed of a pervious parking material to comply with shoreland ordinance requirements. The front half was constructed with a temporary gravel surface. Mr. McDaniels' intention was to build a permanent building on the graveled area.

October 10, 2011: The city council approved a condition use permit for an auto body repair shop to operate on this site.

Code Requirement

Section 44-1100(a) of the zoning code states that CUPs shall be reviewed by the city council within one year of approval. At the one-year review, the council may specify an indefinite term for a subsequent review or a specific term not to exceed five years.

DISCUSSION

LaMettry has completed the construction of its new building at 2951 Maplewood Drive. The landscaping is in and all the required site work has been completed. Staff recommends reviewing this permit again in one year to ensure the required landscaping survives.

RECOMMENDATION

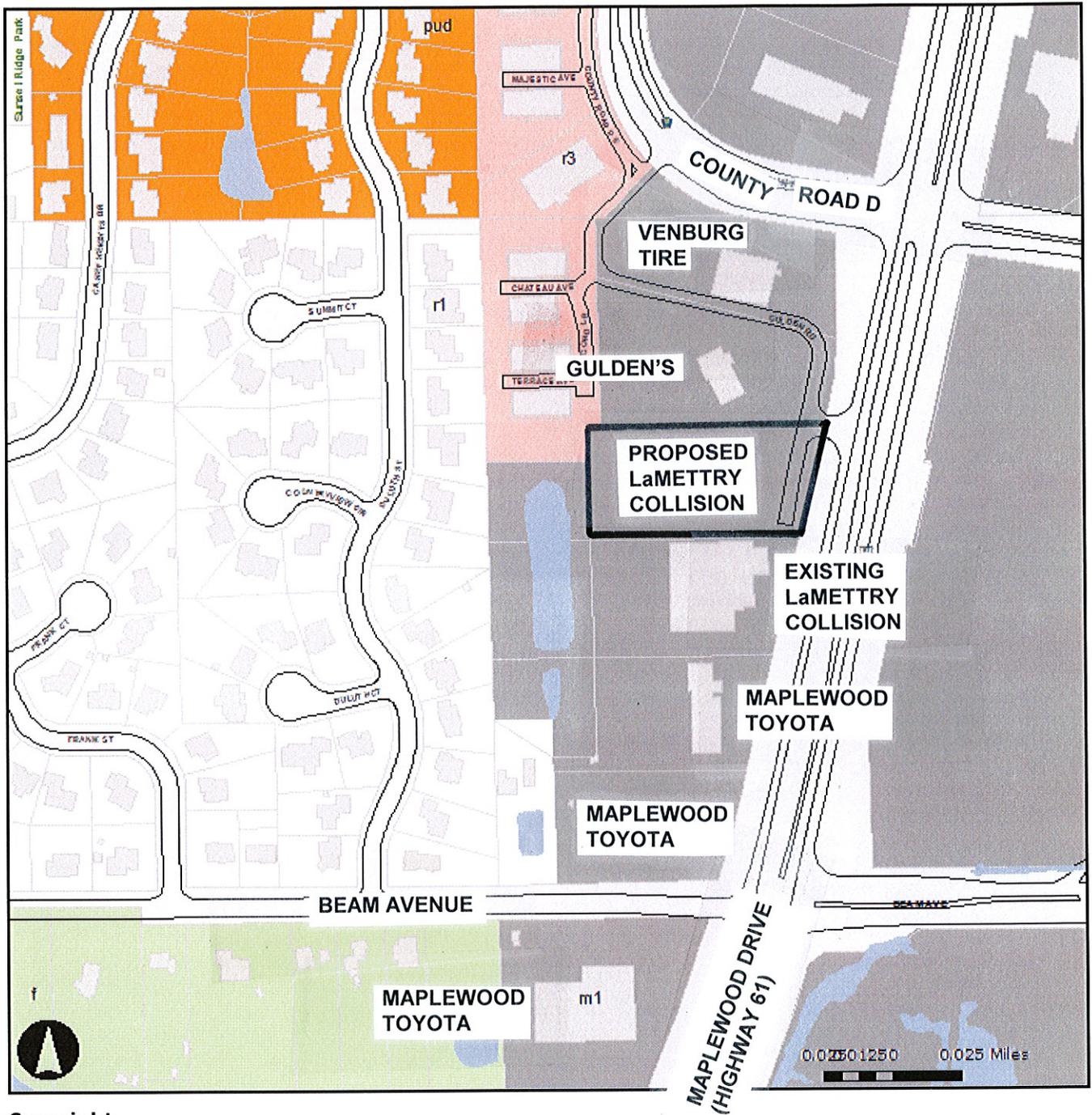
Review the conditional use permit for LaMettry Collision Auto Repair in one year.

p:\sec4\LaMettry CUP Review_012813

Attachments:

- 1. Location/Zoning Map
- 2. Land Use Plan Map
- 3. Site Plan
- 4. City Council Minutes, October 10, 2011
- 5. Community Design Review Board Minutes, September 27, 2011

LOCATION/ZONING MAP



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.

Kohlman Lake - Future Land Use Map

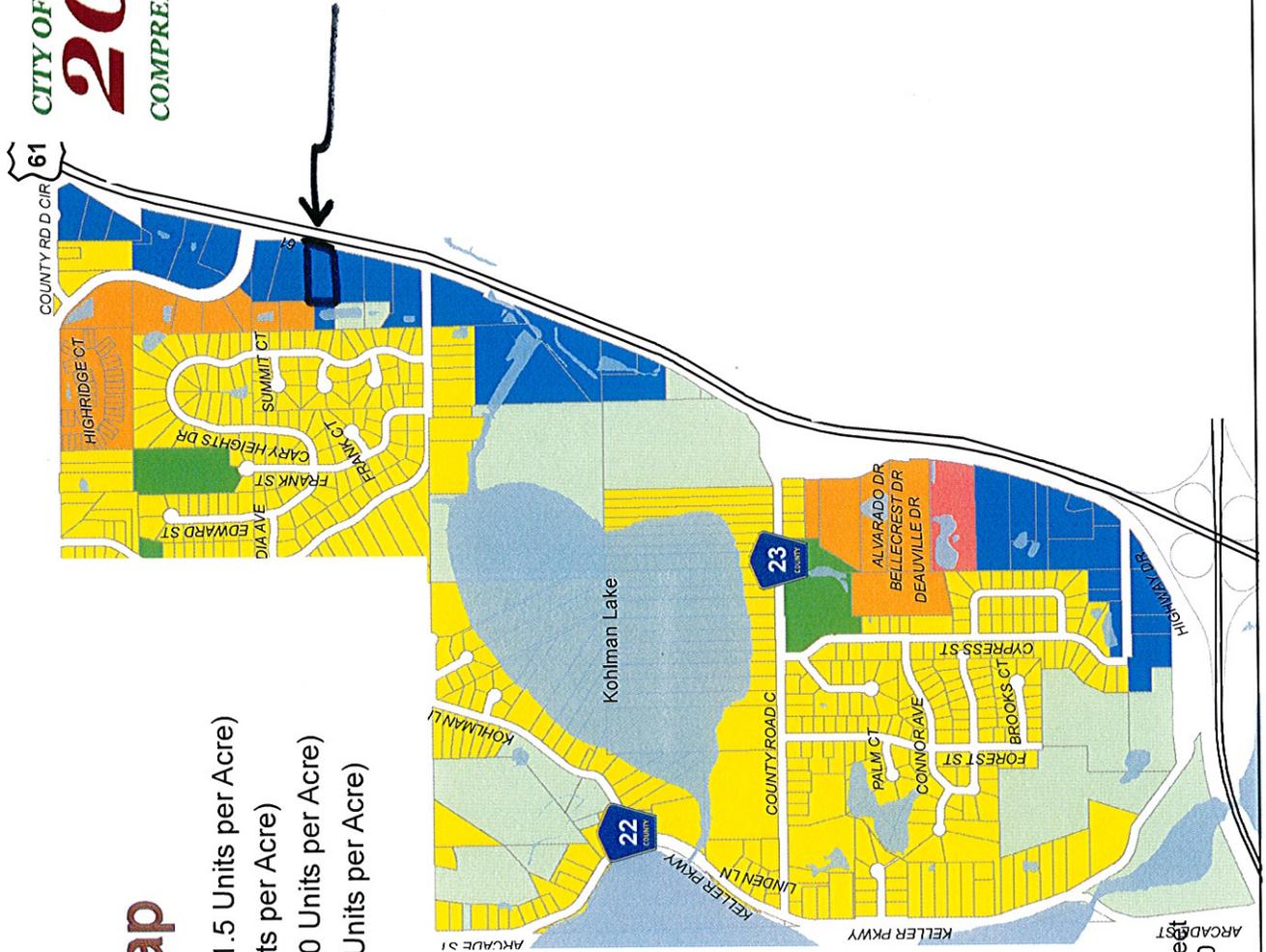
CITY OF MAPLEWOOD
2030
COMPREHENSIVE PLAN

-  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

PROPOSED
LaMETTRY
COLLISION
SITE



MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, October 10, 2011
Council Chambers, City Hall
Meeting No. 20-11

J . NEW BUSINESS

1. Conditional Use Permit for LaMettry Collision Auto Repair North of 2923 Maplewood Drive

City Planner Ekstrand presented the staff report and answered questions of the council. Co-owner of LeMettry Collision Richards LaMettry addressed the council and answered questions of the council.

Councilmember Nephew moved to approve the Conditional Use Permit for LaMettry Collision Auto Repair, North of 2923 Maplewood Drive with the Design Review Boards recommendations.

Seconded by Councilmember Koppen Ayes All

The motion passed.

**MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, SEPTEMBER 27, 2011**

1. DESIGN REVIEW

a. LaMettry Collision Auto Repair, 2923 Maplewood Drive.

- i. Senior Planner, Tom Ekstrand gave the report and answered questions of the board.
- ii. Owner of LaMettry Collision, Richard LaMettry addressed and answered questions of the board.

Boardmember Shankar moved to approve the plans date-stamped July 25, 2011, for the proposed LaMettry Collision building north of 2923 Maplewood Drive: Approval is subject to the applicant doing the following: (additions to the motion are underlined).

1. Repeating this plan review if construction has not started within two years.
2. Any new light poles that are installed shall match those on the site presently in place.
3. An in-ground landscaping irrigation system shall be installed as required by code for all landscaped areas. The proposed evergreen trees to the west may not be irrigated, but the applicant shall assure the watering of these trees for their survival.
4. The applicant shall not plow snow or dump snow into the city's holding pond west of the site.
5. The applicant shall submit cash escrow or an irrevocable letter of credit before the issuance of a grading permit to cover the cost of installing all required landscaping. This escrow shall be in the amount of 150 percent of the cost of all landscaping.
6. The metal fascia for the canopy shall be composite metal panel in lieu of vertical flat metal panels with vertical joints with no less than 3 feet on center horizontal joint in the middle is not required and it is noted the color of the panel is grayish blue rather than the intense shown in the photographs.
7. The pre-finished metal coping on the top of the tip up panels and wall pack lights shall match the color of the tip up panels.

Seconded by Boardmember Lamers.

Ayes – All

The motion passed.

MEMORANDUM

TO: James Antonen, City Manager
FROM: Michael Martin, AICP, Planner
Charles Ahl, Assistant City Manager
SUBJECT: Conditional Use Permit Termination for Allowing Parking as a Primary Use
LOCATION: 2951 Maplewood Drive
DATE: January 22, 2013

INTRODUCTION

The conditional use permit (CUP) that allowed Toyota to operate a parking lot as a primary use at 2951 Maplewood Drive is being brought to the city council for termination. Toyota no longer owns the site and LaMettry Collision Auto Repair recently built a new building and moved its operations to this site making the parking CUP unnecessary.

BACKGROUND

On August 8, 2005, the city council approved the parking lot for Maplewood Toyota south of Gulden's Roadhouse.

October 10, 2011: The city council approved a condition use permit for an auto body repair shop to be construction and operate on this site.

DISCUSSION

This site now has a building and is no longer owned by Toyota. The CUP for parking as a primary use is no longer needed for this site. Staff recommends that the city council take formal action by adopting the attached Resolution of Termination.

Code Requirement

Section 44-1101 of the zoning code states that the city council may terminate a CUP if the use is no longer in effect.

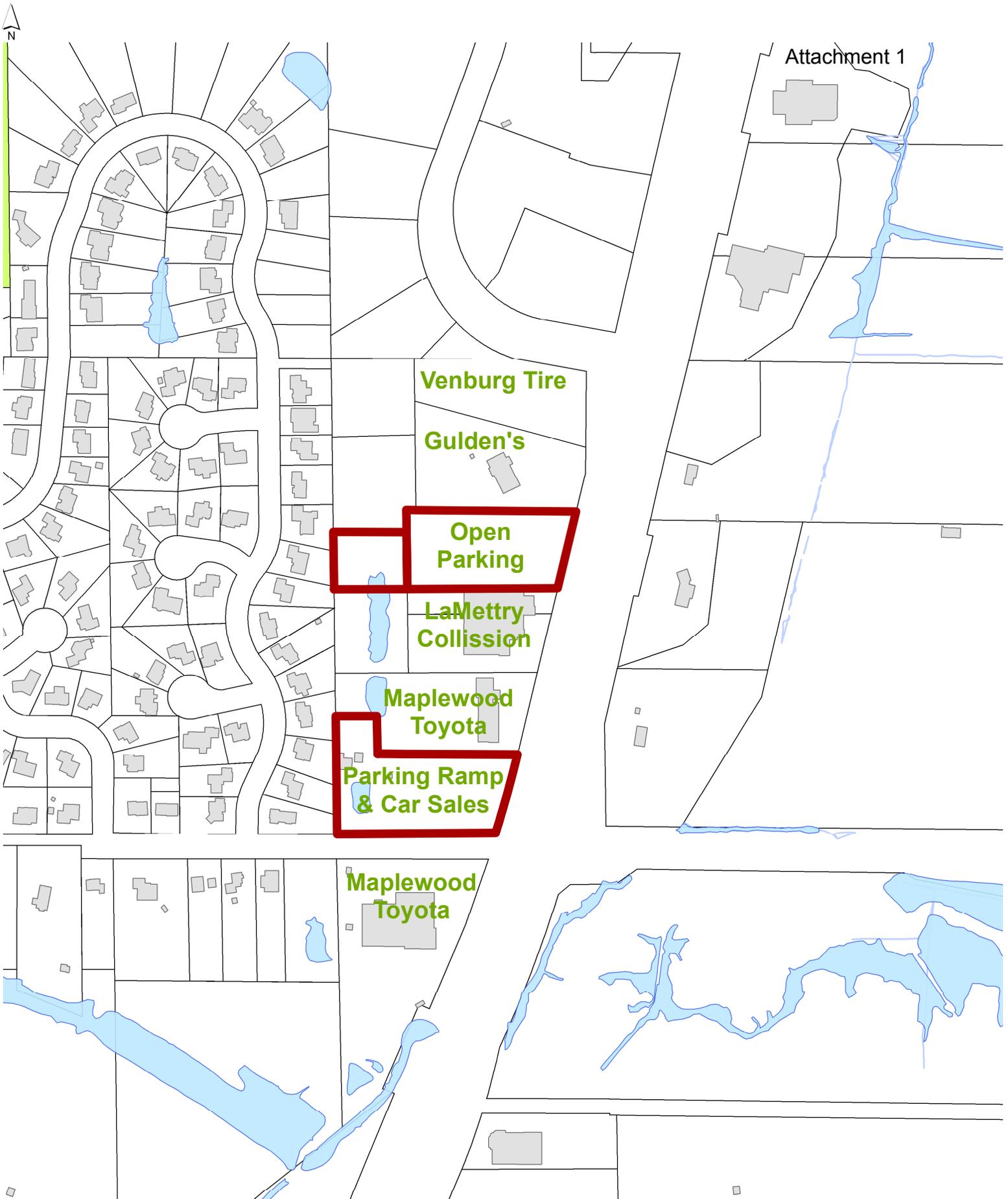
RECOMMENDATION

Adopt the resolution terminating the conditional use permit for parking as a primary use since the site now has a building and is used for auto repair.

P:\sec 4\Toyota_2951 Maplewood Drive_CUP Termination_012813

Attachments:

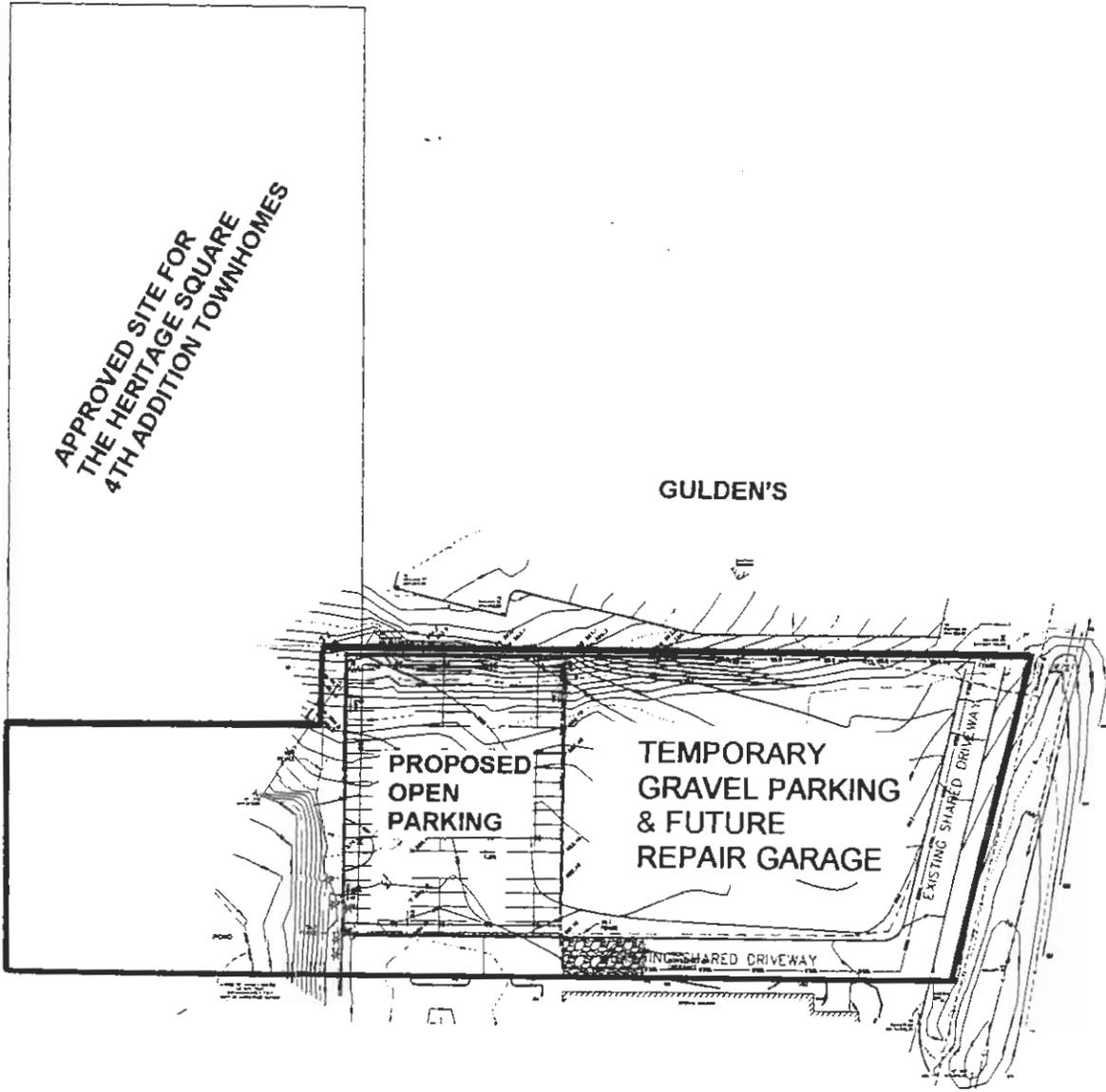
1. Location map
2. Site plan
3. August 8, 2005 city council minutes
4. Resolution for CUP Termination



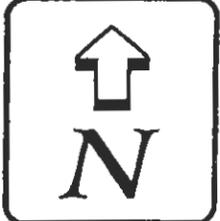
Attachment 1

Location Map

Maplewood Toyota



SITE PLAN



2. Submit a detailed lighting plan to staff for approval showing the proposed fixture design and pole heights. There shall be no lights that shine toward the west. There shall be no lights mounted on the west of the proposed ramp that shine to the west.
3. Submit a revised landscaping plan to staff for approval that states that the proposed evergreen trees would be at least six feet tall and be balled and burlapped.
4. Submit an irrevocable letter of credit or cash escrow in the amount of 150 percent of the cost of completing the landscaping and site lighting.
5. These items must be provided before the city shall issue a building permit.

Seconded by Councilmember Rossbach

Ayes-All

11. Maplewood Toyota Expansion (north site – north of LaMettry's Collision-2923 Highway 61)
 - a. Conditional Use Permit (CUP) for outdoor motor vehicle storage
 - b. Design Approval
 - a. City Manager Fursman presented the report.
 - b. Planner Ekstrand presented specifics from the report.
 - c. Boardmember Olson presented the Community Design Review Board report.
 - d. Commissioner Tripler presented the Planning Commission report.

Councilmember Rossbach moved to adopt the following resolution approving a conditional use permit to store cars on the property between LaMettry Collision and Gulden's Roadhouse. Approval is based on the findings required by ordinance and subject to the following conditions:

CONDITIONAL USE PERMIT RESOLUTION 05-08-130

WHEREAS, BWBR Architects, on behalf of Steve McDaniels of Maplewood Toyota, applied for a conditional use permit to construct a parking lot before constructing a building on the same lot.

WHEREAS, this permit applies to property located between LaMettry Collision and Gulden's Roadhouse. The legal description is:

SECTION 4, TOWNSHIP 29, RANGE 22, EX N 409.5 FT & EX W 197.4 FT OF NWLY 469.5 FT & EX S 698 FT THE FOL; THE E 723.4 FT LYING WLY OF HWY OF SE ¼ OF NE ¼ (SUBJ TO RD & EASEMENTS) IN SEC 04, TN 29, RN 22.

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

1. On June 20, 2005, the planning commission held a public hearing to review this proposal. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. 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 the city staff. The planning commission recommended that the city council approve this permit.
2. The city council held a public meeting on August 8, 2005, to review this proposal. The council considered the report and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approved 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 Code of Ordinances.
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 generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.
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 minimal adverse environmental effects.
10. Automotive sales and repair facilities are accepted uses in M1 districts subject to appropriate conditions.

Approval is subject to the following conditions:

1. All construction shall follow the site plan date-stamped May 26, 2005, and also shall follow any conditions attached herein. The director of community development may approve minor changes to the plans.
2. The proposed construction must be substantially started or the proposed use utilized within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicant shall comply with the impervious-surface requirements of the Shoreland Ordinance and the impervious-surface area requirements determined by the Maplewood Engineering Department in their report dated June 7, 2005. The applicant shall either decrease the aggregate surface parking or increase the pervious parking surface by 20 feet to meet the requirements of the shoreland ordinance.
5. The applicant shall incorporate low-impact development improvements on the parcel south of Beam Avenue by September 30, 2007, as outlined in the June 7, 2005, Engineering Plan Review by the city's engineering department. The applicant and/or his engineer should

meet on site with the city engineering staff to discuss what options would be appropriate and effective.

6. The property owner shall obtain city approvals and begin construction of a permanent building on this site by September 30, 2007, to coincide with the deadline for gravel removal. This is because this parking lot is considered to be needed for the applicant's desired future building. Parking lots by themselves as a primary use must be set back at least 350 feet from residential districts. Parking lots that are accessory to a building may be 20 feet from residential property lines.

Seconded by Councilmember Monahan-Junek

Ayes-All

Councilmember Monahan-Junek moved to approve the plans date-stamped May 26, 2005, and the revised ramp and landscaping designs date-stamped July 15, 2005, for the Maplewood Toyota parking lot between LaMettry Collision and Gulden's Roadhouse. Approval is subject to the applicant doing the following:

1. The applicant shall submit a detailed site-lighting plan that includes fixture design, pole heights and light-spread intensities at residential lot lines. This plan shall ensure that neighbors cannot see any light bulbs or lenses directly and that light intensity and light spread meet the parameters of the city's lighting ordinance. This plan should be submitted to staff for approval.
2. The landscaping plan shall be resubmitted to staff for approval providing for additional overstory trees along with the evergreens proposed for the northwest corner of the site. The site shall also have an in-ground irrigation system installed when the future building is built. The landscaping plan shall also provide sod on the east, north and south sides of the parking lot. The pond area to the west can remain natural.
3. The design of the retaining wall is approved. Areas where the retaining wall exceeds four feet in height must be designed by a structural engineer and have a protective fence on top. The design of the fence shall be submitted to staff for approval.
4. The applicant shall assure that there will be no negative effect to the Gulden's parking lot or property due to their parking lot construction and retaining wall.
5. The Class-5 gravel mix for the temporary parking lot is not allowed. A clean aggregate may be used subject to the approval of the city engineer and the Ramsey/Washington Watershed District. This gravel parking lot shall not be used longer than two construction seasons, but no later than September 30, 2007, after which time, it must be removed or replaced with a permanent surface. At that time, if the parking lot remains in use, the parking lot must be upgraded with concrete curbing as required by ordinance.
6. The applicant shall submit cash escrow or an irrevocable letter of credit before the issuance of a grading permit to cover the cost of installing all required landscaping. This escrow shall be in the amount of 150 percent of the cost of all landscaping.

Seconded by Mayor Cardinal

Ayes-All

L. VISITOR PRESENTATIONS

None

M. COUNCIL PRESENTATIONS

1. National Night Out – Councilmember Juenemann thanked everyone for their participation and involvement in National Night Out.

**CONDITIONAL USE PERMIT
TERMINATION RESOLUTION**

WHEREAS, Mr. McDaniels, of Maplewood Toyota, received approval from the Maplewood City Council on August 8, 2005, for a conditional use permit allowing parking as a primary use.

WHEREAS, Maplewood Toyota no longer owns this property which is now home to LaMettry Collision Auto Repair, therefore there is no need for this conditional use permit.

WHEREAS, this permit applies to the property at 2951 Maplewood Drive. The legal description is:

SECTION 4, TOWNSHIP 29, RANGE 22, EX N 409.5 FT & EX W 197.4 FT OF NWLY 469.5 FT & EX S 698 FT THE FOL; THE E 723.4 FT LYING WLY OF HWY OF SE ¼ OF NE ¼ (SUBJ TO RD & EASEMENTS) IN SEC 04, TN 29, RN 22.

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

1. On January 28, 2013 the city council terminated this conditional use permit since the applicant, Maplewood Toyota, no longer owns this property and there is now a building on site.

NOW, THEREFORE, BE IT RESOLVED that the city council terminates the above-described conditional use permit because parking as a primary use it no longer an acceptable use for this site.

The Maplewood City Council _____ this resolution of termination on January 28, 2013.

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MEMORANDUM

TO: Jim Antonen, City Manager
 FROM: Shann Finwall, AICP, Environmental Planner
 SUBJECT: First Reading of the Wetland Ordinance Amendment
 DATE: January 23, 2013 for the January 28 City Council Meeting

INTRODUCTION

The wetland ordinance was adopted in December 2009. Because wetlands adjacent lakes are used by residents differently than freestanding wetlands, the City Council included reduced buffer requirements for these wetlands. The ordinance included a sunset clause which has the reduced buffers expiring at the end of 2012, or when the City revises the shoreland ordinance, whichever comes first.

Since that time, the Department of Natural Resources has not moved forward with amendments to the State’s Shoreland Rules. Therefore, the City was not required to modify our shoreland ordinance based on those new rules. Because of this the Environmental and Natural Resources (ENR) Commission is recommending the removal of the reduced buffer sunset clause from the wetland ordinance in addition to other minor amendments to the ordinance.

DISCUSSION

Wetland Ordinance

The wetland ordinance states the following:

Buffers for wetlands adjacent to lakes. In light of the fact that lakes perform different functions than wetlands and streams and are used for different recreational purposes, wetlands adjacent to lakes and their designated buffers shall have alternative buffers. The following alternative buffers for wetlands adjacent to lakes will apply until Dec. 31, 2012, or until the city adopts a new shoreland ordinance that includes the regulation of these wetlands, whichever comes first.

| Buffer | Wetland Classes (for Wetlands Adjacent to Lakes) | | |
|----------------------|---|-----------------|-----------------|
| | <i>Manage A</i> | <i>Manage B</i> | <i>Manage C</i> |
| Minimum Buffer Width | 75 ft. | 50 ft. | 50 ft. |

The ordinance specifies buffers for freestanding wetlands as follows:

| Buffer | Wetland Classes (for Freestanding Wetlands) | | |
|----------------------|--|-----------------|-----------------|
| | <i>Manage A</i> | <i>Manage B</i> | <i>Manage C</i> |
| Minimum Buffer Width | 100 ft. | 75 ft. | 50 ft. |

Shoreland Ordinance

The City of Maplewood adopted its shoreland ordinance in 1996. The ordinance was drafted to meet the state shoreland rules currently in place. The ordinance creates a shoreland overlay district which regulates lands located within 1,000 feet of a DNR protected water. The shoreland district overlays existing zoning districts, so that any parcel of land lying in an overlay district also lies in one or more of the underlying zoning districts. The objectives of the ordinance are to protect, preserve, and enhance the quality of surface waters; protect the

natural environment and visual appeal of shorelands; and protect the general health, safety and welfare of City residents. The ordinance regulates development standards within the overlay such as setbacks from the ordinary high water mark to a structure, etc. There are no regulations for wetlands in the shoreland ordinance.

UMUC Capstone Project

In April 2011 Jana Haedtke, a student from the University of Maryland University College (UMUC), presented her group's Capstone paper titled Maplewood Wetland and Shoreland Regulations for Wetlands Adjacent Lakes. The paper compares wetlands adjacent lakes to freestanding wetlands to determine if they are used or valued differently by the public and study whether the functions of water quality, ecology, and wildlife habitat are different.

The students' research found that based upon ecological, wildlife, and water quality aspects, wetlands adjacent lakes should be regulated just as strictly as freestanding wetlands, as all the positive benefits of having a healthy ecological and wildlife system and good water quality are the same for both types of wetlands, even though their functions may differ. But based solely on social and economic aspects, particularly recreational uses and value, less stringent buffer requirements would be justified.

To view the UMUC Maplewood Wetland/Shoreland Capstone paper, visit the City's wetland webpage at www.ci.maplewood.mn.us/wetlands.

Minnesota Shoreland Rules

The Minnesota Department of Natural Resources (DNR) conducted a rulemaking process in 2009 to update the statewide shoreland rules. The draft rules were sent to state agencies for final review and adoption in 2010. On August 11, 2010, Governor Tim Pawlenty returned the draft shoreland rules to the DNR for further engagement and discussion. No action on the draft rules has been taken by the Legislature or the state since that time.

ENR Commission Review

In the Fall of 2012 the ENR Commission reviewed the private properties that would be affected by regulations for wetlands adjacent lakes. These included 40 residential properties located on three lakes (Beaver Lake, Lake Oehrline, and Wakefield Lake). The wetlands adjacent these lakes are classified as Manage A (Beaver Lake wetlands) and Manage B (Oehrline and Wakefield Lake wetlands). There are no private properties that are located on Manage C wetlands adjacent lakes.

The ENR Commission reviewed several scenarios for regulating wetlands adjacent lakes. One scenario included having the buffers for wetlands adjacent lakes be the same as freestanding wetlands, but allowing exemptions for encroachments of structures into a "non-naturalized" buffer without a variance. Exemptions would be reviewed and approved by staff as part of the building permit process. Mitigation for the exemptions would include the planting of a native buffer. Ultimately the ENR Commission was convinced that wetlands adjacent lakes should eventually be regulated as part of the shoreland ordinance. Until the City revises its shoreland ordinance, these regulations should remain in the wetland ordinance with the reduced buffers as originally approved.

Other Wetland Ordinance Changes

Since the adoption of the wetland ordinance in 2009, staff has found a few areas of the ordinance that require modifications as follows:

1. Correct the stormwater pond definition.
2. Allow exemptions for the public maintenance of wetlands. This would include a project to improve drainage into or out of a wetland or a project that improved public safety.
3. Remove the requirement that wetland map changes require MnRAM studies which are approved by the watershed district. Incidental wetlands require a review by the watershed district, but not a MnRAM study. Therefore, the language should be modified to include the requirement that wetland changes require watershed district approval only.
4. For public or semipublic trails within a buffer the ordinance should not specify a minimum or maximum width for boardwalks.
5. Modify variance regulations to meet new State statute.

RECOMMENDATION

Approve the first reading of the attached ordinance (Attachment 2). This ordinance revises the city's wetland and stream regulations.

Attachment: Amended Wetland Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ENVIRONMENTAL PROTECTION AND
CRITICAL AREA ARTICLE OF THE CITY CODE**

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

This amendment revises the City Code at Section 12-310 dealing with wetlands and streams. Additions are shown underlined and deletions are shown as stricken.

Section 1. Findings.

- a. Wetlands serve a variety of beneficial functions. Wetlands help maintain water quality by filtering suspended solids and pollutants. They reduce flooding and erosion, provide open space for human interaction, and are an integral part of the city's environment. Depending upon their type, size, and location within a watershed, they represent important physical, educational, ecological, aesthetic, recreational, and economic assets of the city. Properly managed wetlands are needed to support the city's efforts to reduce flooding and to protect the public health, safety, and general welfare.
- b. Wetlands and buffers provide habitat for aquatic, semi-aquatic, and terrestrial wildlife, including rare, threatened, or endangered species. They provide breeding, nesting and feeding grounds for many forms of plant and animal life. Many species of wildlife require both wetlands and their associated upland buffers for survival. Protecting wetlands and buffers is essential for preserving the diversity of plant and animal species in the city.
- c. Streams are also significant elements of the city's hydrologic system. Streams flow into wetlands and lakes, provide food and habitat for wildlife, provide open space, and are an integral part of the city's environment. Like wetlands, streams are an important physical, educational, ecological, aesthetic, recreational, and economic asset.
- d. Various existing state and federal laws restrict activities and development within wetlands and streams. The city finds that development adjacent to and surrounding wetlands may also degrade and pollute wetlands or accelerate the aging or elimination of wetlands and that development next to streams may degrade, pollute, or damage streams and, in turn, degrade other surface waters downstream. Regulating development and land use around wetlands and streams is therefore in the public interest.
- e. As defined and used herein, buffers are land areas adjacent to wetlands and streams that are deemed important for maintaining the health and valuable functions of such wetlands and streams. Restricting development of and land use in buffers recognizes that the surrounding upland impacts the quality and functions of wetlands and streams and, therefore, is in the public interest.
- f. Buffers planted with native or naturalized vegetation serve the following functions:
 - (1) Stabilize soil and prevent erosion.

- (2) Preserve and enhance the quality of surface water by reducing the input of suspended solids, nutrients, and harmful chemical substances that may adversely impact public health or aquatic habitat.
 - (3) Filter suspended solids, nutrients, pollutants, and harmful substances so that they do not enter the wetland or stream.
 - (4) Moderate water level fluctuations during storms.
 - (5) Protect beneficial plant life and provide habitat for wildlife.
 - (6) Provide shade to reduce the temperature of both stormwater runoff and the wetland, thereby helping to maintain the conditions for healthy aquatic life.
 - (7) Reduce the adverse impacts of human activities on wetlands and streams and thereby preserve them in a natural state.
- g. In addition to regulating development and land use around wetlands, this ordinance is intended to educate the public (including appraisers, owners, potential buyers, and developers) about the importance of wetlands and streams and the functions of buffers and to encourage property owners who live adjacent to and/or near wetlands and streams to be responsible stewards by managing and enhancing the quality of buffers as hereinafter described.

Section 2. Definitions.

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

Administrator means the director of the community development department or other person or persons charged with the administration and enforcement of this ordinance.

Alteration means human action that adversely affects the vegetation, hydrology, wildlife or wildlife habitat in a wetland, stream or buffer, including grading, filling, dumping, dredging, draining, paving, construction, application of gravel, discharging pollutants (including herbicides and pesticides), and compacting or disturbing soil through vehicle or equipment use. Alteration also includes the mass removal or mass planting of vegetation by means of cutting, pruning, topping, clearing, relocating, or applying herbicides or any hazardous or toxic substance designed to kill plant life. Alteration does not include the following activities in a buffer:

- a. Walking, passive recreation, fishing, or other similar low-impact activities.
- b. The maintenance of pre-existing, nonconforming lawn area.
- c. The removal of trees or vegetation that is dead, dying, diseased, *noxious*, or hazardous in a manner that does not cause the compacting or disturbing of soil through vehicle or equipment use.

- d. The removal of *noxious* weeds by non-chemical methods, or by means of chemical treatment in accordance with application methods that prevent the introduction of toxic chemicals into wetlands and streams.
- e. The removal of non-native shrubs, such as buckthorn, if:
 - 1. there is little chance of erosion; and
 - 2. site is flat or generally has slopes less than 6 percent grade; and
 - 3. cut and treat method of removal is used on shrubs more than one-half (½) inches in diameter (not pulling).
- f. *Selective* management of vegetation as follows:
 - 1. *Selective* pruning of trees or shrubs in order to enhance their health.
 - 2. *Selective* removal of tree saplings (less than 2 inches in diameter) in order to enhance wildlife value of the buffer.
 - 3. *Selective* removal of non-native trees.
 - 4. *Selective* removal of non-native weeds.
 - 5. *Selective* seeding or planting of vegetation that is native to Minnesota.
- g. Installation of temporary fencing without footings.
- h. Projects within the buffer that are the subject of a wetland buffer management worksheet approved by the administrator.

Best management practices (BMP's) mean measures taken to minimize negative effects of stormwater runoff on the environment including, but not limited to, installation of rain gardens, infiltration basins, infiltration trenches, retention basins, filters, sediment traps, swales, reduction of impervious surfaces, planting of deep-rooted native plants, landscape and pavement maintenance.

Boathouse means a structure designed and used solely for the storage of boats or boating equipment.

Buffers are land areas adjacent to wetlands and streams in which development and land use are restricted as set forth herein and in which the growth of native and naturalized plants and trees are to be preserved and encouraged in accordance with this ordinance.

Clearing means the cutting or removal of vegetation.

Enhancement means an action that increases the functions and values of a wetland, stream, or buffer.

Erosion means the movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, and gravity.

Incidental wetland means a wetland which did not naturally occur, but was incidentally created by humans.

Infiltration basin means a pond or basin that captures stormwater and allows it to soak into the ground. An infiltration basin will typically drain within forty-eight (48) hours of a storm event.

Lake means an area of open, relatively deep water that is large enough to produce a wave-swept shore. Lake shall also be defined as a “public water” as delineated and listed in the city’s shoreland ordinance (Article IX).

Large-scale project means a vegetation maintenance, control, removal, mitigation or restoration project that will affect more than fifty percent (50%) of a buffer located on a piece of property.

Lawn area means that area within a buffer with maintained landscape, including areas of mowed turf grass, gardens, play areas, work areas, patios, play structures, and nonpermanent structures. Lawn area does not include: (1) areas within a buffer consisting of native or naturalized vegetation; and (2) the land area that is outside of a buffer.

Minnesota Routine Assessment Method (MnRAM) is a scientific methodology to assess the quality of wetlands.

Mitigation means an action that reduces, rectifies, eliminates, or compensates for the alteration of a buffer or wetland.

Mitigation plan means a plan submitted by an applicant and approved by the city that shows strategies for reducing, rectifying, eliminating, or compensating for the alteration of a buffer or wetland.

Native area means an area where native vegetation exists.

Native vegetation means tree, shrub, grass, or other plant species that are indigenous to the Twin Cities metropolitan area and that could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

Naturalized area means an area where naturalized vegetation exists and does not include a lawn area.

Naturalized vegetation means tree, shrub, grass, or other plant species that exists on a site naturally without having been planted or maintained as a lawn area. It may be a native or non-native species.

Nonconforming lawn area means that area within a buffer with maintained landscape (lawn area) as of the date of adoption of this ordinance. Once a nonconforming lawn area is converted to native or naturalized buffer, it loses its legal nonconforming status and may not thereafter be treated as a nonconforming lawn area.

Noxious weed means plants listed as prohibited noxious weeds in the Minnesota Noxious Weed Law. (See also weed.)

Ordinary high water mark (OHWM) means a mark delineating the highest water level maintained for enough time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Public waters means water basins assigned a shoreline management classification by the Minnesota Department of Natural Resources commissioner under Minnesota Statutes, sections

103F.201 to 103F.221, except wetlands less than 80 acres in size that are classified as natural environment lakes.

Rain garden means an infiltration basin that is planted as a garden that allows water to infiltrate within forty-eight (48) hours of a storm event.

Restoration means restoring a wetland, stream, or buffer in whole or in part to a condition that is similar to that before development of the surrounding area.

Selective means vegetation management done in a naturalized or native buffer, where a minimal amount of vegetation is altered, with the goal of improving ecological quality of the buffer and/or its ability to filter stormwater runoff.

Semipublic means land that is maintained by a private organization or citizen for use by a larger group of people to include employees, neighbors, or the general public use.

Setback means the minimum horizontal distance between a structure and the nearest edge of the wetland, stream, or buffer.

Slope means the inclination of the natural surface of the land from the horizontal; commonly described as a ratio of the length to the height.

Stormwater pond means a pond that has been created to capture stormwater runoff. ~~It is a natural wetland.~~ Stormwater is often piped into stormwater ponds but may also enter through sheet runoff.

Stormwater pond edge means the normal high water level for a stormwater pond.

Straight-edge setback is a measurement to determine the allowable setback of an addition to an existing house, garage, deck or driveway which is located closer to or within the required buffer. Straight-edge setback additions are measured by using the existing edge of the house, garage, deck, or driveway located nearest to the edge of a buffer, wetland, or stream and extending that line in a parallel direction. No portion of the addition can encroach closer to the edge of a buffer, wetland, or stream than the existing structure.

Stream means those areas where surface waters produce a defined channel or bed. A defined channel or bed is land that clearly contains the constant passage of water under normal summer conditions.

Structure means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

Sustainable design means a development design which minimizes impacts on the landscape.

Temporary erosion control means methods of keeping soil stable during construction or grading. Temporary erosion control measures include, but are not limited to, silt fencing, erosion control blankets, bale slope barriers, or other best management erosion control methods approved by the city.

Variance means a deviation from the standards of this ordinance that is not specifically allowed.

Vegetation means any plant life growing at, below, or above the soil surface.

Water-oriented accessory structure means a small, aboveground building or other improvement that the owner needs to locate closer to public waters than the normal structure setback. Such a setback would be because of the relationship of its use to a surface water feature. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses or freestanding decks. The definition of water-oriented accessory structures or facilities shall not include stairways, fences, docks or retaining walls.

Weed means a plant which causes damage in some way to native vegetation or ecosystems. (See also noxious weed.)

Wetlands means those areas of the city inundated or saturated by groundwater or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas as defined. Where a person has removed or mostly changed the vegetation, one shall determine a wetland by the presence or evidence of hydric or organic soil and other documentation of the previous existence of wetland vegetation such as aerial photographs. This definition does not include lakes or stormwater ponds as herein defined.

Wetlands adjacent to lakes means those areas of land or vegetation that have been classified as wetlands by an applicable Watershed District in accordance with the Minnesota Routine Assessment Method (MnRAM) system but which are attached to or part of the edge of a lake as defined herein.

Wetland classes are defined as follows:

- a. Manage A wetlands are based on the “Preserve” wetland classification as defined in MnRAM. These wetlands are exceptional and the highest-functioning wetlands in Maplewood.
- b. Manage B wetlands are based on the “Manage 1” wetland classifications as defined in MnRAM. These wetlands are high-quality wetlands.
- c. Manage C wetlands are based on the “Manage 2” wetland classifications as defined in MnRAM. These wetlands provide moderate quality.
- d. Stormwater Pond – These are ponds created for stormwater treatment. A stormwater pond shall not include wetlands created to mitigate the loss of other wetlands.

Wetland functions mean the natural processes performed by wetlands. These include providing wildlife food and habitat, maintaining the availability of water, purifying water, acting as a recharge and discharge area for groundwater aquifers, moderating the flow of surface water and stormwater, and performing other functions including but not limited to those set out in U.S. Army Corps of Engineers regulations.

Wetland buffer management worksheet is a printed form available through the community development department which is required to be completed by a property owner who wishes to undertake certain activities in a wetland or stream buffer. The activities proposed by the

property owner on the worksheet must be approved by the administrator prior to any work in the buffer.

Wetland or stream edge means the line delineating the outer edge of a wetland or stream. The wetland edge shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands dated January 10, 1989, and jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service, or succeeding publication that is adopted by the Federal Government. The applicable watershed district must verify this line.

Section 3. Applicability and Effective Date.

a. Applicability.

1. This ordinance shall take effect after the city publishes it in the official newspaper.
2. Except as specified elsewhere in this ordinance, this ordinance shall apply to all real property which is located in a wetland, stream, or buffer or any person or use that would alter a wetland, stream, or buffer after adoption of this ordinance (December 14, 2009) and revisions of this ordinance (ENTER DATE OF APPROVED REVISIONS).
3. The city adopts the wetland classification map dated December 14, 2009, which is based on wetland classifications from the MnRAM studies and assigned by the applicable watershed district. Other wetland classification regulations are as follows:

~~a. The city council will adopt changes to the wetland map which are based on MnRAM studies conducted and approved by watershed districts.~~

a.b. Any wetland not currently assigned a classification based on MnRAM studies as of the date of the adoption of this ordinance (December 14, 2009) shall carry over the city's April 24, 1995, wetland classifications and shall be assigned the following management classes:

- 1) Class 1 wetlands are defined as Manage A wetlands.
- 2) Class 2 wetlands are defined as Manage A wetlands.
- 3) Class 3 wetlands are defined as Manage B wetlands.
- 4) Class 4 wetlands are defined as Manage C wetlands.
- 5) Class 5 wetlands are defined as stormwater ponds.

~~e. Wetlands adjacent to lakes will be regulated by this ordinance until December 31, 2012, or until the city adopts a new shoreland ordinance that includes the regulation of these wetlands, whichever occurs first.~~

b.d. Appeals to the wetland classifications are within the jurisdiction of the applicable watershed district and shall be filed and heard pursuant to the administrative review process of that district. In the event that an appeal is granted, the city will recognize the results of that appeal for purposes of the classification of wetlands within the city.

4. The city council will adopt changes to the wetland map which are approved by watershed districts.

5.4. When any provision of any ordinance conflicts with this ordinance, the provision that provides more protection for buffers, wetlands, or streams shall apply unless specifically provided otherwise in this ordinance. This also applies to the applicable watershed district regulations.

b. Exemptions. This section does not apply to the following property located in the city limits of Maplewood:

1. Property which is located within a buffer, but is separated from the wetland or stream by an existing road.
2. Buildings and structures not in conformity with the regulations prescribed in this ordinance as of its effective date shall be regarded as nonconforming and may continue.
3. Lawn areas not in conformity with regulations prescribed in this ordinance as of its effective date shall be regarded as nonconforming and may continue. A nonconforming lawn area will lose its legal nonconforming status if it is converted to native or naturalized buffer and may not thereafter be treated as a lawn area.

Section 4. Buffer Widths and Requirements.

a. Minimum buffers. The following are the minimum required buffer widths and structure setbacks:

| Buffer | Wetland Classes | | | |
|--|-----------------------------------|-----------------|-----------------|----------------------------|
| | <i>Manage A & Streams</i> | <i>Manage B</i> | <i>Manage C</i> | <i>Stormwater Pond</i> |
| Minimum Buffer Width | 100 ft. | 75 ft. | 50 ft. | 10 ft. |
| Structure Setback from Edge of Buffer | 0 | 0 | 0 | 10 ft. |

b. Buffer measurement. Buffers shall be measured from the wetland or stream edge.

c. Buffers containing slopes. For new development or construction on slopes greater than eighteen percent (18%) that are within a buffer, the buffer width shall be increased to ten (10) feet beyond the apex of the slope. Extension of the buffer for steep slopes shall apply to all wetland classes.

- d. Buffers for wetlands adjacent to lakes. In light of the fact that lakes perform different functions than wetlands and streams and are used for different recreational purposes, wetlands adjacent to lakes and their designated buffers shall have alternative buffers as follows. ~~The following alternative buffers for wetlands adjacent to lakes will apply until December 31, 2012, or until the city adopts a new shoreland ordinance that includes the regulation of these wetlands, whichever comes first.~~

| Buffer | Wetland Classes (for Wetlands Adjacent to Lakes) | | |
|----------------------|--|-----------------|-----------------|
| | <i>Manage A</i> | <i>Manage B</i> | <i>Manage C</i> |
| Minimum Buffer Width | 75 ft. | 50 ft. | 50 ft. |

- e. Average Buffers: Recognizing that there are instances where, because of the unique physical characteristics of a specific parcel of land, the averaging of buffer width for the entire parcel may be necessary to allow for the reasonable use of the land during a development or construction project. In such cases decreasing the minimum buffer width will be compensated for by increased buffer widths elsewhere in the same parcel to achieve the required average buffer width.

1. The average buffer standards set forth below may be applied based on an assessment of the following:
 - a) Undue hardship would arise from not allowing the average buffer, or would otherwise not be in the public interest.
 - b) Size of parcel.
 - c) Configuration of existing roads and utilities.
 - d) Percentage of parcel covered by wetland.
 - e) Configuration of wetlands on the parcel.
 - f) Averaging will not cause degradation of the wetland or stream.
 - g) Averaging will ensure the protection or enhancement of portions of the buffer which are found to be the most ecologically beneficial to the wetland or stream.
2. The following are the average buffer widths for freestanding wetlands:

| Buffer | Wetland Classes (for Freestanding Wetlands) | | |
|----------------------|---|-----------------|-----------------|
| | <i>Manage A & Streams</i> | <i>Manage B</i> | <i>Manage C</i> |
| Minimum Buffer Width | 75 ft. | 50 ft. | 50 ft. |
| Average Buffer Width | 100 ft. | 75 ft. | N/A |

3. The following are the average buffer widths for wetlands adjacent lakes:

| <u>Buffer</u> | <u>Wetland Classes (for Wetlands Adjacent to Lakes)</u> | | |
|-----------------------------|---|-----------------|-----------------|
| | <u>Manage A</u> | <u>Manage B</u> | <u>Manage C</u> |
| <u>Minimum Buffer Width</u> | <u>50 ft.</u> | <u>50 ft.</u> | <u>50 ft.</u> |
| <u>Average Buffer Width</u> | <u>75 ft.</u> | <u>N/A.</u> | <u>N/A</u> |

4.3. Average buffer measurement. Average buffer measurement shall be determined by averaging the buffer along the wetland edge situated on the subject property, not the entire wetland.

5.4. A mitigation plan is required for construction of development projects which meet the requirements described in Section 5.d. (Mitigation).

6.5. The appropriateness of using average buffers will be evaluated as part of the review of the contractor's or owner's development application. The average buffer used must be within the spirit and intent of this ordinance and must meet one or more of the requirements described in Section 7 (Best Management Practices).

7.6. The administrator must approve the average buffer.

8.7. If an average buffer is denied by the administrator, an applicant may appeal the denial by submitting a written appeal request to the administrator within fifteen (15) days of the administrator's written denial of the average buffer. The administrator shall send appeals of average buffers to the environmental and natural resources commission for review.

9.8. If an average buffer is denied by the environmental and natural resources commission, an applicant may appeal the denial by submitting a written appeal request to the administrator within fifteen (15) days of the commission's denial of the average buffer. The administrator shall send these appeals to the city council for final review.

Section 5. Development and Construction.

a. Unless an exemption applies, the following development and construction activities are not allowed in wetlands, streams, or buffers:

1. Alterations, including the filling of wetlands.
2. The construction of structures.
3. Projects which convert native or naturalized areas to lawn area.
4. The construction of stormwater drainage facilities, sedimentation ponds, infiltration basins, and rain gardens within a buffer.

5. Discharge of stormwater to a wetland not in compliance with the city's stormwater management ordinance (Section 44-1245, or subsequent ordinances).
- b. Exemptions. This section does not apply to the following activities in a buffer:
1. Walking, passive recreation, fishing or other similar low-impact activities.
 2. The maintenance of pre-existing, nonconforming lawn area.
 3. The removal of trees or vegetation that is dead, dying, diseased, *noxious*, or hazardous in a manner that does not cause the compacting or disturbing of soil through vehicle or equipment use.
 4. The removal of noxious weeds by non-chemical methods, or by means of chemical treatment in accordance with application methods that prevent the introduction of toxic chemicals into wetlands and streams.
 5. The removal of non-native shrubs, such as buckthorn, if:
 - a) there is little chance of erosion; and
 - b) site is flat or generally has slopes less than 6 percent grade; and
 - c) cut and treat method of removal is used on shrubs more than one-half (½) inches in diameter (not pulling).
 6. Selective management of vegetation as follows:
 - a) Selective pruning of trees or shrubs in order to enhance their health.
 - b) Selective removal of tree saplings (less than 2 inches in diameter) in order to enhance wildlife value of the buffer.
 - c) Selective removal of non-native trees.
 - d) Selective removal of non-native weeds.
 - e) Selective seeding or planting of vegetation that is native to Minnesota.
 7. Installation of temporary fencing without footings.
 8. Projects within the buffer that are the subject of a wetland buffer management worksheet approved by the administrator.
 9. Public maintenance of existing wetlands and buffers for purposes of drainage or public safety. The city may waive the requirements of this ordinance for the maintenance of wetlands and buffers for drainage or public safety purposes where it determines that there is a greater public need for the project than to meet the requirement of this ordinance. In waiving these requirements the city shall apply the following standards:
 - a) The public entity performing the work shall replant all disturbed areas within the buffer with native plantings.
 - b) All necessary erosion control measures must be in place before activities begin.

- c) The city may require additional mitigation actions as specified in Section 5.d. (Mitigation).

10.9. Public or semi-public streets and utilities. The city council may waive the requirements of this ordinance for the construction or maintenance of public or semipublic streets and utilities through buffers where it determines that there is a greater public need for the project than to meet the requirement of this ordinance. In waiving these requirements the city council shall apply the following standards:

- a) The city may only allow the construction of public or semipublic utilities and streets through buffers where there is no other practical alternative.
- b) Before the city council acts on the waiver the environmental and natural resources commission and the planning commission ~~and the environmental and natural resources commission~~ shall make a recommendation to the city council. The ~~city planning commission~~ shall hold a public hearing for the waiver. The city shall notify the property owners within five hundred (500) feet of the property for which the waiver is being requested at least ten (10) days before the hearing.
- c) Utility or street corridors shall not be allowed near ~~when~~ endangered or threatened species ~~are found in the buffer~~.
- d) Utility or street corridors, including any allowed maintenance roads, shall be as far from the wetland as possible.
- e) Utility or street corridor construction and maintenance shall protect the wetland and buffer and avoid large trees as much as possible.
- f) The city shall not allow the use of pesticides or other hazardous or toxic substances in buffers or wetlands; however, in some situations the use of herbicides may be used if prior approval is obtained from the administrator.
- g) The owner or contractor shall replant utility or street corridors with appropriate native vegetation, except trees, at preconstruction densities or greater after construction ends. Trees shall be replaced as required by city ordinance.
- h) Any additional corridor access for maintenance shall be provided as much as possible at specific points rather than to the road which is parallel to the wetland edge. If parallel roads are necessary they shall be no greater than fifteen (15) feet wide.
- i) The city council, upon recommendation of the administrator, may require additional mitigation actions as a condition of granting the waiver.

11.10. Public or semipublic trails. The city may waive the requirements of this ordinance for the construction or maintenance of public or semipublic trails through buffers, and boardwalks in wetlands, where it determines that there is a

greater public need for the project than to meet the requirement of this ordinance. In waiving these requirements the city shall apply the following standards:

- a) Trails shall not be allowed near ~~when~~ endangered or threatened species ~~are found to be present in the buffer.~~
- b) Buffers shall be expanded, equal to the width of the trail corridor.
- c) The owner or contractor shall replant all disturbed areas next to the trail in a timeframe approved by the city.
- d) All necessary erosion control measures must be in place before constructing a trail. The erosion control measures must also be maintained and inspected by the city to ensure that the wetland or stream is not compromised by trail construction activities.
- e) The trail must be designed and constructed with sustainable design methods.
- f) Boardwalks are allowed within the buffer ~~and shall be a maximum of six (6) feet in width for semipublic use and twelve (12) feet in width for public or semipublic use.~~
- g) The administrator may require additional mitigation actions as specified in Section 5.d. (Mitigation).

c. Construction Practices. Special construction practices shall be required on projects or developments adjacent to wetlands and adjacent to and in their buffers. Special construction practices shall be approved by the administrator before issuance of a grading or building permit. Such practices may include, but are not limited to, grading, sequencing, vehicle tracking platforms, additional silt fences, and additional sediment control. They may also include the following:

1. Wetland Buffer Sign Standards: The city may require that a property owner or developer install wetland signs before grading or starting construction. The buffer will be identified by installing wetland signs on the boundary between a buffer and adjacent land. These signs shall mark the edge of the buffer and shall state there shall be no building, mowing, cutting, filling, or dumping beyond this point. These signs shall be installed at each lot line where it crosses a wetland or stream buffer, and where needed to indicate the contour of the buffer, with a maximum spacing of one-hundred (100) feet of wetland or stream edge.
2. Erosion Control Installation: Before grading or construction, the owner or contractor shall put into place erosion control measures around the borders of buffers. Such erosion control measures must remain in place until the owner and contractor have finished all development activities that may affect the buffer.
3. Erosion Control Breaches: All erosion control measures must be maintained and inspected to ensure compliance and protection of wetlands, streams, and buffers. The owner or contractor shall be responsible for all erosion/sedimentation

breaches within the buffer and shall restore impacted areas to conditions present prior to grading or construction activities.

4. Erosion Control Removal: After completion of grading or construction, the contractor or owner may remove the erosion control measures only after inspection and approval by the city and the applicable watershed district to ensure the areas affected have been established per requirements.
 5. Platting: When platting or subdividing property, the plat or subdivision must show the wetland boundaries as approved by the applicable watershed district.
 6. It is the responsibility of the owner to alleviate any erosion during and after completion of grading or construction. The owner or contractor must remove erosion control measures after final approved inspection by the city and the applicable watershed district.
- d. Mitigation. For large-scale projects or new development or construction, the city requires mitigation when a property owner or contractor has altered or will alter a wetland or buffer. The property owner or contractor shall submit a mitigation plan to the administrator for approval. In reviewing the plan, the city may require one or more of the following actions:
1. Reducing or avoiding the impact by limiting the degree or amount of the action, such as by using appropriate technology.
 2. Rectifying the impact by repairing, rehabilitating, or restoring the buffer.
 3. Reducing or eliminating the impact over time by prevention and maintenance operations during the life of the actions.
 4. Compensating for the impact by replacing, enhancing, or providing substitute buffer land at a two-to-one ratio.
 5. Monitoring the impact and taking appropriate corrective measures.
 6. Where the city requires restoration or replacement of a buffer, the owner or contractor shall replant the buffer with native vegetation. A restoration plan must be approved by the city before planting.
 7. Any additional conditions required by the applicable watershed district and/or the soil and water conservation district shall apply.
 8. A wetland or buffer mitigation surety, such as a cash deposit or letter of credit, of one hundred and fifty percent (150%) of estimated cost for mitigation. The surety will be required based on the size of the project as deemed necessary by the administrator. Funds will be held by the city until successful completion of restoration as determined by the city after a final inspection. Wetland or buffer mitigation surety does not include other sureties required pursuant to any other provision of city ordinance or city directive.

Section 6. Activities in Wetlands, Streams, and Buffers.

- a. Unless an exemption applies, the following activities are not allowed in wetlands, streams, or buffers:
 1. Alterations, including the filling of wetlands.
 2. The construction of structures.
 3. Projects which convert native or naturalized areas to lawn area.
 4. The construction of stormwater drainage facilities, sedimentation ponds, infiltration basins, and rain gardens within a buffer.
 5. The discharging of stormwater to a wetland must comply with the city's stormwater management ordinance (Section 44-1245, or subsequent stormwater ordinances).

- b. Wetland buffer management worksheet. A wetland buffer management worksheet is required for certain activities within a wetland and stream buffer:
 1. The administrator must approve wetland buffer management worksheets.
 2. If a wetland buffer management worksheet is denied by the administrator, an applicant may appeal the denial by submitting a written appeal request to the administrator within fifteen (15) days of the administrator's written denial of the average buffer. The administrator shall send appeals of average buffers to the environmental and natural resources commission for review.
 3. If a wetland buffer management worksheet is denied by the environmental and natural resources commission, an applicant may appeal the denial by submitting a written appeal request to the administrator within fifteen (15) days of the commission's denial of the average buffer. The administrator shall send these appeals to the city council for final review.

- c. Exemptions. This section does not apply to the following activities in a buffer:
 1. Walking, passive recreation, fishing or other similar low-impact activities.
 2. The maintenance of pre-existing, nonconforming lawn area.
 3. The removal of trees or vegetation that is dead, dying, diseased, *noxious*, or hazardous in a manner that does not cause the compacting or disturbing of soil through vehicle or equipment use.
 4. The removal of noxious weeds by non-chemical methods, or by means of chemical treatment in accordance with application methods that prevent the introduction of toxic chemicals into wetlands and streams.
 5. The removal of non-native shrubs, such as buckthorn, if:
 - a) there is little chance of erosion; and

- b) site is flat or generally has slopes less than 6 percent grade; and
 - c) cut and treat method of removal is used on shrubs more than one-half (½) inches in diameter (not pulling).
6. Selective management of vegetation as follows:
- a) Selective pruning of trees or shrubs in order to enhance their health.
 - b) Selective removal of tree saplings (less than 2 inches in diameter) in order to enhance wildlife value of the buffer.
 - c) Selective removal of non-native trees.
 - d) Selective removal of non-native weeds.
 - e) Selective seeding or planting of vegetation that is native to Minnesota.
7. Installation of temporary fencing without footings.
8. Projects within the buffer that are the subject of a wetland buffer management worksheet approved by the administrator.
9. For properties that are zoned single or double-dwelling residential or are used as a single or double-dwelling residential use:
- a) The use, maintenance, and alteration of existing nonconforming lawn area for the purpose of outdoor enjoyment which may include gardening, nonpermanent structures (including such things as storage sheds under 120 square feet in area, swing sets and volleyball nets), impervious patios, or fire pits.
 - b) Work within a wetland, stream, or buffer which was approved by the Minnesota Department of Natural Resources water permitting process and access to those areas by a trail which is limited to the width of the permit.

Section 7. Best Management Practices.

The city encourages and in some cases requires that best management practices be implemented to minimize negative effects of stormwater runoff on the environment and the loss of wildlife habitat when a property owner or contractor has altered or will alter a wetland, stream, or buffer. Best management practices may include the following:

- a. Restore buffer with native plantings. For large-scale projects or new development or construction refer to Section 5.d. (Mitigation).
- b. Manage weeds in buffer. Pursuant to state law, all weeds listed on the Minnesota noxious weed list must be controlled by the property owner. Owners are encouraged to control other weeds that are not on the noxious weed list but can threaten the health of a wetland. Submittal of a wetland buffer management worksheet is required for management of weeds within the native and naturalized areas of buffers, except for selective treatment. In addition, a management plan drafted by a professional experienced in wetland and stream restoration may be needed for large-scale projects or new development including:

1. Target weeds.
 2. Appropriate management techniques, including the use of chemical treatment if approved by the administrator as part of the management plan.
 3. Management schedule.
 4. Erosion control and reseedling if management will create large areas of dead vegetation.
 5. Cash escrow or letter of credit to cover 150 percent of the required work.
- c. Reduce stormwater runoff and/or improve the quality of stormwater runoff entering a wetland or stream. This may be achieved through the following strategies or other administrator approved best management practices for dealing with stormwater. These practices are to be located outside of the wetland buffer.
1. Reduce amount of pavement on site (i.e. fewer parking stalls, narrower driveways, shared parking with other businesses).
 2. Use pervious pavement such as pavers or porous asphalt.
 3. Use turf pavers or modified turf areas for overflow parking.
 4. Install rain garden or infiltration basin.
 5. Install rock trench or rock pit.
 6. Install filter strip of grass or native vegetation.
 7. Install surface sand filter or underground filter.
 8. Install native plantings on site to reduce fertilizer use and improve infiltration.
 9. Install a green roof on buildings.
 10. Install grit chambers, sediment traps, or forebays.

Section 8. Variances.

- a. Procedures. Procedures for granting variances from this ordinance are as follows:
1. The city council may approve variances to the requirements in this ordinance.
 2. Before the city council acts on a wetland ordinance variance the environmental and natural resources commission and will make a recommendation to the planning commission, ~~who will in turn make a recommendation to the city council.~~ The city planning commission shall hold a public hearing for the variance. The city shall notify property owners within five hundred (500) feet of the property for which the variance is being requested at least ten (10) days before the hearing.

3. The city may require the applicant to mitigate any wetland, stream, or buffer alteration impacts with the approval of a variance, including but not limited to, implementing one or more of the strategies listed in Section 5.d. (Mitigation).
4. To approve a variance, the city council shall apply ~~must make~~ the following findings for variance approval as required ~~as depicted~~ in Minnesota Statutes, ~~section 44-13:~~
 - a) ~~Strict enforcement would cause undue hardship because of circumstances unique to the property under consideration. The term "undue hardship" as used in granting a variance means the owner of the property in question cannot put it 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 are not an undue hardship if reasonable use for the property exists under the terms of this ordinance.~~
 - b) ~~The variance would be in keeping with the spirit and intent of this ordinance.~~
5. The applicant for a variance shall submit, with the variance application and any other required materials, a statement showing how the proposal would meet the findings for variance approval.

b. Exemptions to Variances. Variances are not needed for the following:

1. A nonconforming single or double-dwelling residential structure which loses its nonconforming status as described in Minnesota Statutes, section 462.357, subdivision 1(e) is allowed to be rebuilt on its same footprint in its entirety (including foundations and decks) in the buffer if the new single or double-dwelling family residential structure meets the following conditions:
 - a) Best management practices are implemented to help protect the wetland as described in Section 7 (Best Management Practices). The administrator approves the location and best management practices through the building permit process.
 - b) All other applicable building ordinance requirements are met.
2. A nonconforming manufactured home which is located within a wetland buffer can be replaced with a new manufactured home without approval of a variance as long as the replacement meets with the requirements of Minnesota Statutes, section 462.357, subdivision 1(a).
3. Additions to a nonconforming single or double-dwelling family house, garage, deck, or driveway using the existing straight-edge setbacks to a wetland or stream if the following apply:

- a) Property that is zoned single or double-dwelling residential or is being used as a single or double-dwelling residence.
 - b) There is no other reasonable alternative than encroachment toward the wetland or stream with the addition.
 - c) The new addition of the house, garage, deck, or driveway is a minimum of twenty-five (25) feet from the wetland or stream edge.
 - d) The process of constructing the addition does not cause degradation of the wetland, stream, or the existing buffer.
 - e) Mitigation actions must be met as specified in Section 5.d. (Mitigation).
4. Water-oriented accessory structure or boat house which is located within a wetland buffer for a wetland adjacent a lake if the structure meets the city's Shoreland ordinance requirements.
5. Stairways, lifts and landings which are located within a wetland buffer for a wetland adjacent a lake if the stairway, lift and landing meets the city's Shoreland ordinance requirements.

Section 9. Enforcement.

The city reserves the right to inspect the site or property during regular city business hours or upon notice to the property owner or its designated representative one business day in advance if the inspection is to occur at a different time for compliance with this ordinance during development or construction or alteration pursuant to an approved wetland buffer management worksheet or plan.

The city shall be responsible for the enforcement of this ordinance. Any person who fails to comply with or violates any section of this ordinance may be charged with a misdemeanor and, upon conviction, shall be subject to punishment in accordance with misdemeanor level convictions as set by State Statute. The violator may be civilly fined and/or liable for restoration costs as well. All land use building and grading permits shall be suspended until the developer has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

The city council approved the first reading of this ordinance on January 28, 2013.

The city council approved the second reading of this ordinance on _____

Signed:

Will Rossbach, Mayor

Date

Attest:

Karen Guilfoile, City Clerk

MEMORANDUM

TO: James Antonen, City Manager

FROM: Karen Guilfoile, Director, Citizen Services

DATE: January 24, 2013

RE: Approval of 2013 Rules of Procedure for City Council and Council Meetings Manual

Introduction

The *City Council Rules of Procedure for City Council and Council Meetings* is reviewed annually by the city council for any changes and or requested updates. The manual was reviewed and changes were made at the January 14, 2013 meeting.

Council had requested additional clarification in Section 14 – *Council Administrative Policies Section D. Other Matters* located on Page 11 regarding the Maplewood Monthly Schedule.

Following is the recommended language based on conversation that was held by the council at the January 14th meeting.

The Maplewood Monthly schedule will be rotated so that the Mayor writes the first article and councilmembers rotate by seniority. In the event that a councilmember files for an office on the ballot they will be omitted from the rotation until the election is held and they are no longer on the ballot or have been elected to the office. divided so that the Mayor and each Councilmember have two “Council Corner” articles to write a year. A councilmember may have the option to assign his/her scheduled newsletter article month to any other councilmember or to the Mayor if they so chose. The January and December issues shall also include be recap articles submitted by the City Manager.

~~If a councilmember files for reelection or another office on the city ballot they will not be writing in the city newsletter after the filing period through the election cycle. In the event that this occurs, the section of the Maplewood Monthly reserved for council articles will be used to report city business or activities.~~

Recommendation

Direct staff to make the appropriate changes to the *City Council Rules of Procedure for City Council and Council Meetings* as decided by the council.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Steve Lukin, Fire Chief
SUBJECT: Approval of a Resolution Authorizing Submission of Request for State Bonding Funds for the Regional East Metro Public Safety Training Facility
DATE: January 23, 2013

BACKGROUND

Back in 2009 when we started putting cost estimates together for the construction of the Regional East Metro Public Safety Training Facility, they were prepared with the best information we had at the time and it was determined that we needed approximately \$3.5 to 4 million dollars. Once construction started, additional costs have risen in the areas of the utilities, soil correction and the need to upgrade the intersection; as well as overall inflation costs over the past 4-1/2 years.

In order to complete phase 1 of the project, which will include the simulation building, burn tower and the residential burn building, we will be requesting \$1 million from the state of Minnesota in the 2013 bonding bill. These dollars will assist us in completing phase 1 by allowing us to put the necessary props in each of the buildings to provide live fire training.

We are required by the State to match dollar for dollar for the \$1 million in bonding money we are requesting. At this time, we have approximately \$2.4 million available to be used as part of our match which will come from the value of the land and other grants we have received. This request for bonding money will have no impact and will require no financial assistance from the city of Maplewood.

The utilities and groundwork have been completed and we will be going out for bids the first part of February 2013 with construction to start as soon as the ground permits. If all goes well, our plans are to have the center open and operating in October of 2013.

RECOMMENDATION

I am requesting the city council support the resolution authorizing submission of request for State bonding funds in the amount of \$1 million dollars for the completion of construction for phase 1 of the Regional East Metro Public Safety Training Facility

**CITY OF MAPLEWOOD
RESOLUTION #1
AUTHORIZING SUBMISSION OF REQUEST FOR
STATE BONDING FUNDS FOR THE COMPLETION OF CONSTRUCTION FOR PHASE 1 OF
THE REGIONAL EAST METRO PUBLIC SAFETY TRAINING FACILITY**

WHEREAS, the Minnesota State Legislature is accepting allocations for Capital Bonding Requests for the 2013 Legislative Session; and

WHEREAS, the city of Maplewood has deemed the completion of construction of Phase I of the regional East Metro Public Safety Training Facility a high priority project; and

WHEREAS, the city of Maplewood is in need of Capital Bond funding to provide gap financing to supplement local and other funding for completion of construction of Phase I of the East Metro Public Safety Training Facility.

NOW, THEREFORE BE IT RESOLVED, that the Maplewood City Council authorizes the submission of a request to the Minnesota State Legislature for 2013 bonding funds for the completion of construction of Phase I of the East Metro Public Safety Training Facility in the amount of 50% of the construction costs or \$1,000,000.

Date Adopted: January 28, 2013
Maplewood City Council

Will Rossbach, Mayor

ATTEST:

Karen Guilfoile, City Clerk

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MEMORANDUM

TO: James Antonen, City Manager
 FROM: Tom Ekstrand, Senior Planner
 Chuck Ahl, Assistant City Manager
 SUBJECT: **Conditional Use Permit Revision–Woodland Hills Church Food Shelf Proposal** (simple-majority vote required for approval)
 LOCATION: 1740 Van Dyke Street
 DATE: January 15, 2013

INTRODUCTION

Woodland Hills Church, located at 1740 Van Dyke Street, is requesting that the city council revise their conditional use permit (CUP) so they may operate a food shelf. Refer to the applicant’s letter of explanation.

BACKGROUND

January 10, 2000: The city council approved a CUP for Woodland Hills Church, a comprehensive land use plan amendment from BC (business commercial) to C (church) and amended the liquor license requirements to exempt the 100-foot spacing requirement for churches from on-sale/off-sale liquor establishments in instances where the liquor store was in operation before the church entered the neighborhood. (Note: at the time of the 2030 Comprehensive Land Use Plan adoption on January 25, 2010, the land use classification was changed from C to MU, mixed use.)

The CUP was approved subject to the following conditions:

1. All construction shall follow the site plan approved by the city. The director of community development 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 do the following immediately with the Phase 1 improvements: overlay and restripe the parking lot on the west side of the building, patch pot holes in the parking lot on the remainder of the site, remove all litter, damaged items and debris, remove the wooden fence and restore the grass.
5. The landscape plan shall be submitted to the community design review board for approval before any landscaping is added.

6. Plans for any changes to the building exterior, other than painting or repairs, shall be submitted to the community design review board for review and approval.

February 1, 2001: The city council approved a one-year extension of Woodland Hill's CUP in order to check the progress of the church's construction.

April 8, 2002: The city council approved a one-year extension of Woodland Hill's CUP in order to check the progress of the church's construction.

June 9, 2003: The city council moved to review the CUP for Woodland Hills Church again only if there are changes proposed to the CUP, there is an expansion to the facility or if a problem arises.

January 24, 2011: The city council approved an amendment to the CUP for Woodland Hills Church to permit a temporary homeless shelter to operate twice a year. Each occasion would be for up to a one month period—two months per year total. These most recent CUP conditions are listed in the Recommendation below.

DISCUSSION

Neighbors' Comments

Staff surveyed the owners of the 95 properties within 500 feet of the Woodland Hills Church property for their opinions about this proposal. Of the 14 replies, nine were in favor, two were opposed, two had no comment and one was in favor, but with a concern.

Those opposed or with concerns stated:

- Would it only serve people that live in Maplewood and how would they prove where they live? If this food shelf would be for Maplewood residents only I would have no problem with the proposal.
- This is an inappropriate location. The church already has overtaken parking for their services, therefore, I am opposed.
- There is already too much crime and vandalism to our property and this would bring more poor people to the block and could bring more crimes.

Staff's Replies to these concerns

- Staff doesn't see any relevance based on where customers are from.
- There would be no conflict with, or addition to, Sunday-service traffic, since the proposed food shelf would be open from 3:00 p.m. to 7:00 p.m. Mondays and from 10:00 a.m. to 2:00 p.m. Wednesdays.

- Staff checked with Lieutenant Doblar of the Maplewood Police Department for his input regarding neighborhood crime incidents and the potential for crime due to the proposed food shelf. He stated that “there is no evidence that the additional traffic generated by a food shelf at Woodland Hills Church is going to increase crime and vandalism in and around the Woodland Hills area. The crimes that are experienced around this area are mostly confined to vehicle break-ins at the Plaza movie theatre and Performance Transmission and theft/burglaries at the car wash and other crimes of opportunity.”

CUP Findings for Approval

The zoning ordinance requires that the city council find that all nine “standards” for CUP approval be met to allow a CUP. In summary, these state that the use would (refer to the resolution for the complete wording):

- Comply with the city’s comprehensive plan and zoning code.
- Maintain the existing or planned character of the neighborhood.
- Not depreciate property values.
- Not cause any disturbance or nuisance.
- Not cause excessive traffic.
- Be served by adequate public facilities and police/fire protection.
- Not create excessive additional costs for public services.
- Maximize and preserve the site’s natural and scenic features.
- Not cause adverse environmental effects.

The proposed temporary shelter meets these nine criteria.

Staff Comments

Assistant Fire Chief

The applicant must make sure not to store any materials that would block a fire sprinkler system.

Police

No issues.

Building Official

Staff would like to do a walk-through in the building and perform an inspection before the food shelf shelving and product is installed.

Health Officer

No Issues.

Conclusion

Staff does not see any problem with this proposal. The proposed hours of operation are only for four hours on Mondays and four hours on Wednesdays. Deliveries are anticipated only once a week during business hours. Staff suggests formalizing those hours of operation in the CUP conditions, with the provision that staff may allow revisions to those hours. Staff would like to avoid having to require a CUP revision should the applicant wish to make minor adjustments to the days and times of the operation if the proposed food shelf.

COMMISSION ACTIONS

December 18, 2012: The planning commission recommended approval of this CUP revision with the staff recommendation.

BUDGET IMPACTS

None.

RECOMMENDATION

Adopt the resolution approving a conditional use permit revision for Woodland Hills Church, located at 1740 Van Dyke Street, to operate a food shelf. Approval is based on the findings required by ordinance and subject to the following conditions (additions are underlined>):

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 temporary homeless shelter shall be limited to a period of two months each year. The number of residents sheltered shall not exceed 20 persons at a time as proposed.
5. Woodland Hills Church shall provide constant supervision when the temporary shelter is in operation.
6. Woodland Hills Church shall comply with all requirements of the Maplewood Building Official, Fire Marshal and Health Officer prior to beginning the operation of the temporary shelter.
7. Any changes in use or the operation of the temporary shelter or expansion of the church shall require review by the city council.

8. Any plans for changes to the building exterior, other than painting or repairs, shall be submitted to the community design review board, for review and approval.
9. The applicant shall notify city staff prior to operating the temporary shelter so the city can assure compliance with the allowed two months per year operation of the homeless shelter.
10. The food shelf shall be limited to the following days and times: from 3:00 p.m. to 7:00 p.m. Mondays and from 10:00 a.m. to 2:00 p.m. on Wednesdays. Staff may approve revisions to when the food shelf is open to the public.

CITIZEN COMMENTS

Staff surveyed the owners of the 95 properties within 500 feet of the Woodland Hills Church property. Of the 14 replies, nine were in favor, two were opposed, two had no comment and one was in favor, but with a concern.

In Favor

1. I strongly support Woodland Hills efforts to provide a food shelf at their church. They are an excellent partner to the community and this is the type of service that can truly help the needy in the Maplewood area. Please allow this permit. (Gladstone Properties, 1246 Shryer Avenue)
2. I think it would be a great idea to have a food shelf at this location doing what we should be doing for those who need our help. (Jeffrey and Kathleen Wittenberg, 1665 Darlene Street)
3. Yours is a worthy endeavor and I support it. God Bless. (Joan Prill, 1677 Hazel Street)
4. I am aware there is a need for this in Maplewood and have no objection. (Marlene Lallier, 1908 Ripley Avenue)
5. I feel a food shelf at the church would be a wonderful thing as Maplewood has none. I feel this would be a blessing to those served and to the community. Thank you Woodland Hills. (Anita Heinrichs Barton, 1657 Hazel Street)
6. I live in the neighborhood behind Woodland Hills Church. I DO support the Woodland Hills Church food shelf proposal—a needed service in our area. (Cindy Romanik)
7. We received your letter today requesting feedback on the Woodland Hills Church Food Shelf Proposal. We applaud the effort to reach out to the families in need in the area. We would support the approval of a conditional use permit for this purpose. Thank you. (Rod and Lil Johnson, 1935 Larpenteur Avenue)
8. Thank you for considering our opinion in this neighborhood. It would be a great idea to operate a food shelf at Woodland Hills. They are an asset to our neighborhood. We all know and realize how important it is to help needy families with their basic need of food. Hope it is approved. (Joan Seckinger, 1657 Darlene Street)
9. Thanks for the letter informing us of the proposal for a food shelf at Woodland Hills. Our family is 100% behind this proposal as we think it would meet a great need in our neighborhood and surrounding community. To have help with basic needs like food, families can put more of their income toward education supplies for their kids and other expenses like heating and warm clothes during the cold winter season. I think it's great that Woodland Hills is standing in the gap for those with their basic needs unmet. Thanks for your consideration. (Cory and Summer Wright, 1936 Price Avenue)

In Favor, but with a concern

1. My only question would be, would it only serve people that live in Maplewood and how would they prove where they live? Reason I ask is because statement made that N. St. Paul no longer serves Maplewood residents. I also ask because location is so near to St. Paul. If this proposal is to serve only Maplewood residents I have no problem with the proposal. (Peter and Patricia Frank, 1921 Price Avenue)

Opposed

1. I am replying to your letter on the proposal. I am against this proposal on several levels. Although I do appreciate the intent of the church, I do not feel this is the appropriate location. The church already has over taken parking for their services—cars are seen up & down Van Dyke over to Perkins and south China Island. Therefore, my opinion is I'm against any kind of permit. (Mary Engebretson, 1642 Van Dyke Street)
2. Opposed to this. We've had quite a bit of crime/vandalism to our property & feel bringing more poor people to the block could bring more crimes. We also are struggling with the economy and can't handle the added expense of insurance deductibles, replacing stolen items and fixing attempted break-in damages. (Jeffrey and Joan Knutson, 9235 Knollwood Drive)

REFERENCE INFORMATION

SITE DESCRIPTION

Site size: 13.69 acres
Existing land use: Woodland Hills Church

SURROUNDING LAND USES

North: Ripley Avenue, South China Island Restaurant and Goodrich Golf Course
South: Plaza Theater, single dwellings and Larpenteur Avenue
East: Single dwellings
West: Van Dyke Street and commercial businesses

PLANNING

Land Use Plan designation: MU (mixed use)
Zoning: MU

CODE REQUIREMENTS

Section 44-1092(3) of the city ordinances requires a CUP for churches and institutions of any educational, philanthropic and charitable nature.

Findings for CUP Approval

Section 44-1097(a) requires that the city council base approval of a CUP on nine findings. Refer to the findings for approval in the resolution.

APPLICATION DATE

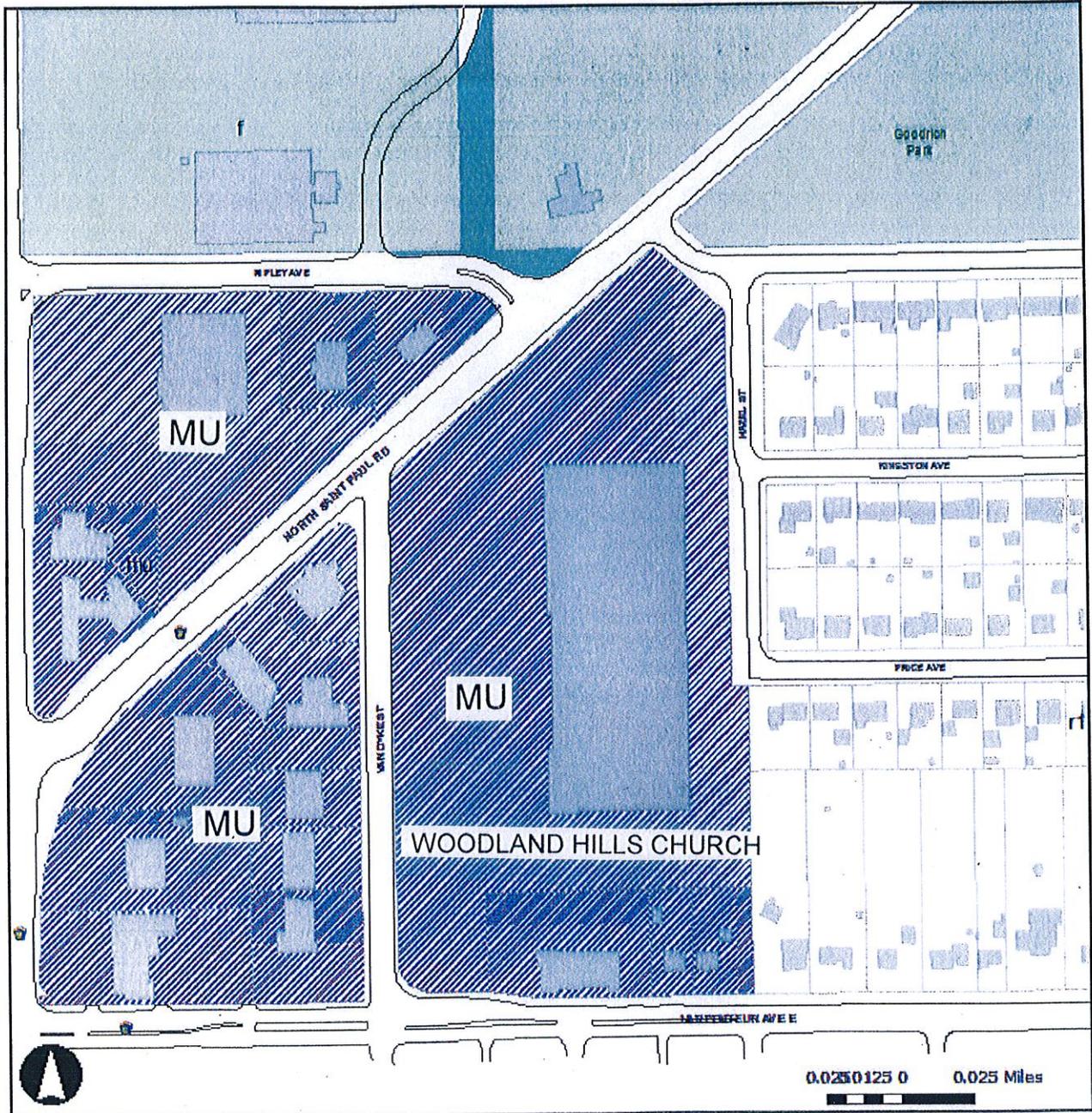
The application for this request was complete on November 15, 2012. State law requires that the city council decide on land use applications within 60 days. State law also allows the city to extend this review deadline an additional 60 days if more time is needed to complete the review. Since the city council's meeting schedule, because of the holidays, would not allow their review until January 28, 2013, which is after the initial 60-day period, staff extended the deadline for council action to March 15, 2013.

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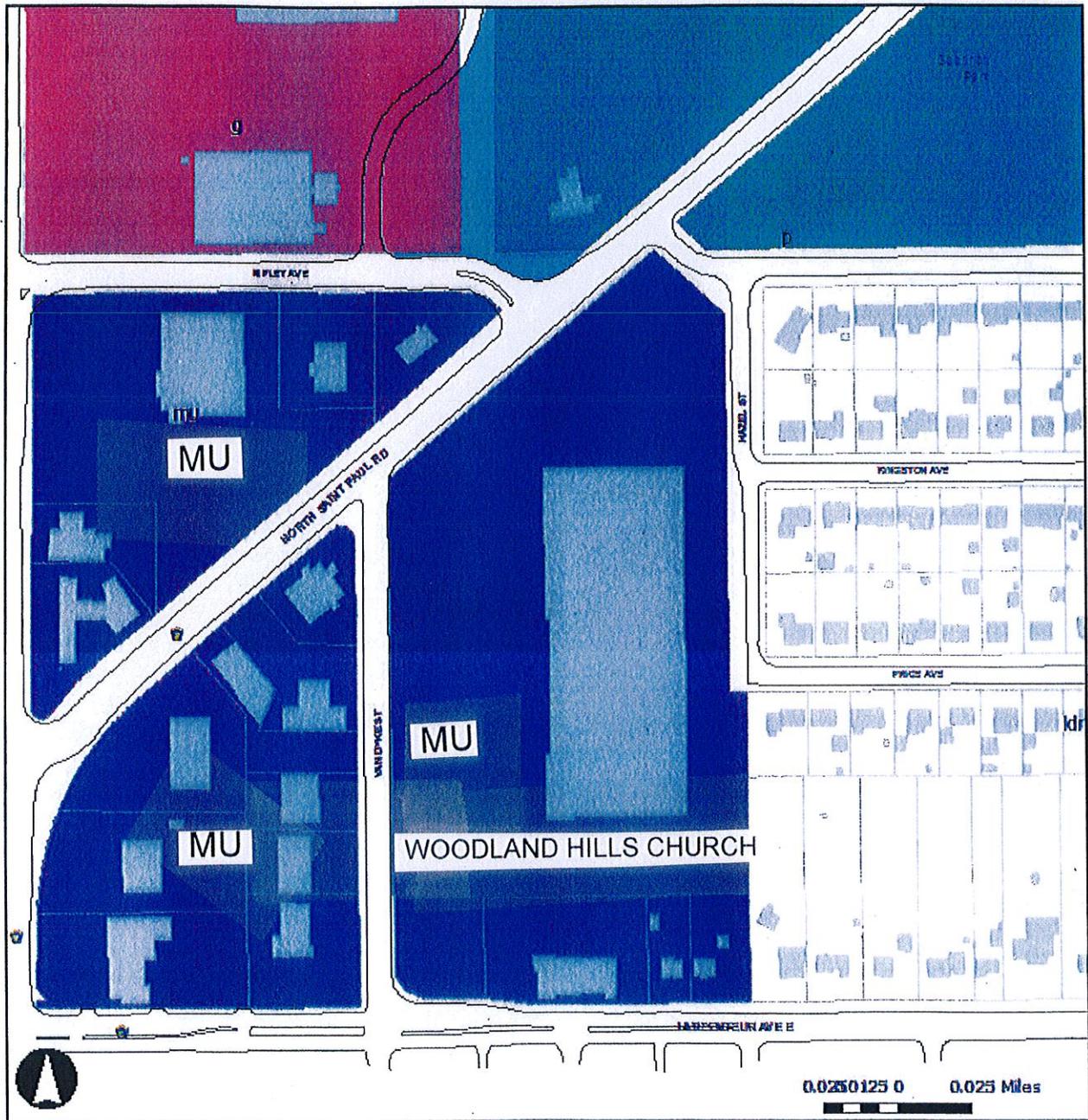
Attachments:

1. Zoning Map
2. Land Use Plan Map
3. Applicant's Written Narrative (two pages)
4. Resolution

ZONING MAP



LAND USE PLAN MAP



**CUP Application
Woodland Hills Church
Criteria for Approval
November, 2012**

Woodland Hills meets the standards for approval as set forth by the City of Maplewood:

1. The food shelf will be in conformity with the City's comprehensive use plan and Code of Ordinances, per the use outlined in the "Statement of Intended Use."
2. The addition of a food shelf to the building will not change the existing or planned character of the surrounding area. The exterior of the building will not be altered in any way.
3. The food shelf will not depreciate property values. The church is surrounded by primarily commercial buildings. Clients of the food shelf will not be parking in or entering on the east side of the building where the property abuts a residential neighborhood. Merrick Community services operates a food shelf that is actually located in a residential neighborhood, and in over a year of operation, they have not received any complaints from neighbors.
4. The addition of the food shelf will not involve any dangerous activities, nor will it cause noise, smoke, odor, water run-off or any other nuisance or hazard. Its activities will be limited to distributing bags of groceries to clients during the times specified in the "State of Intended Use."
5. The food shelf will generate minimal traffic as indicated in the "Statement of Intended Use." The traffic at the building has been and will continue to be far less than when the building was used for retail purposes in the past.
6. The building has adequate public facilities and streets, and this will not be altered by the addition of the food shelf.
7. We anticipate that the food shelf will not create any additional costs for public facilities or services in Maplewood. Clients will be in the building a short time for a specific purpose and will leave after utilizing the food shelf.
8. The site's natural and scenic features will not be altered as there will be no external changes to the property or facility.
9. We anticipate that the addition of the food shelf will have no adverse environmental effects, as all activities will take place in the interior of the building.

**CUP Application
Woodland Hills Church
Statement of Intended Use
November, 2012**

Due to an increase in the needs in our community for assistance with food, Woodland Hills Church proposes to serve our community by engaging our congregants in running a food shelf in our building, according to the following specifications:

- We will open a food shelf in the southeast corner of our building. The designated area includes three rooms, two docks and a loading area, totaling 1,649 square feet.
- The food shelf will be open from 3:00 pm to 7:00 pm on Mondays, and from 10:00 am to 2:00 pm on Wednesdays. We anticipate serving up to 40 families each time the food shelf is open.
- There will be one delivery per week from Second Harvest.

We do not anticipate any disruption for our neighbors. We will be partnering with Merrick Community Services for this endeavor. Merrick operates another food shelf in a residential neighborhood, and in over a year of operation, they have not received any complaints from neighbors. In addition, these activities will not require any building construction.

Our desire is to use our current space to help stabilize families who are struggling during this difficult economy. There has been a significant increase in the need for food assistance for suburban families over the past years. Between 2008 and 2011, suburban food shelf usage jumped 89%. In June, 2012 the North St. Paul food shelf discontinued serving Maplewood residents for reasons of capacity. The services it provided to our community have not been replaced.

**CONDITIONAL USE PERMIT REVISION
RESOLUTION**

WHEREAS, Woodland Hills Church applied for a conditional use permit revision to operate a food shelf.

WHEREAS, Section 44-1092(3) of the city ordinances requires a conditional use permit for churches and institutions of any educational, philanthropic and charitable nature.

WHEREAS, this permit applies to the property located at 1740 Van Dyke Street. The legal description is:

PID # 14 29 22 33 0001

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

1. On December 18, 2012, 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 January 28, 2013, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council _____ 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 temporary homeless shelter shall be limited to a period of two months each year. The number of residents sheltered shall not exceed 20 persons at a time as proposed.
5. Woodland Hills Church shall provide constant supervision when the temporary shelter is in operation.
6. Woodland Hills Church shall comply with all requirements of the Maplewood Building Official, Fire Marshal and Health Officer prior to beginning the operation of the temporary shelter.
7. Any changes in use or the operation of the temporary shelter or expansion of the church shall require review by the city council.
8. Any plans for changes to the building exterior, other than painting or repairs, shall be submitted to the community design review board, for review and approval.
9. The applicant shall notify city staff prior to operating the temporary shelter so the city can assure compliance with the allowed two months per year of the homeless shelter.
10. The food shelf shall be limited to the following days and times: from 3:00 p.m. to 7:00 p.m. Mondays and from 10:00 a.m. to 2:00 p.m. on Wednesdays. Staff may approve revisions to when the food shelf is open to the public.

The Maplewood City Council _____ this resolution on January 28, 2013.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, Public Works Director / City Engineer
SUBJECT: Consider Resolution Adopting Living Streets Policy, City Project 11-11
DATE: January 23, 2013

INTRODUCTION

The council should provide feedback on the Living Street Policy, take public comment, and finally consider adoption of the Living Street Policy.

BACKGROUND

A Living Streets Policy is similar to a Complete Streets Policy however it adds additional focus to sustainability such as enhancing stormwater quality and urban forest.

The staff was directed by the council in 2009/2010 to explore various city services that could be delivered in a more sustainable manner. A Living Street Sustainability Workgroup comprised of eight city staff persons (see below) met on April 28, June 29, and September 30, of 2010 to further define the importance of Living Streets as it relates to sustainable street construction and reconstruction.

- Steve Love, Assistant City Engineer
- Steve Kummer, Civil Engineer II
- Jon Jarosch, Civil Engineer I
- Troy Brink, Street Maintenance Crew Chief
- Ann Hutchinson, Naturalist
- Virginia Gaynor, Natural Resources Coordinator
- Mike Martin, City Planner
- Michael Thompson, City Engineer

The City Council supported the efforts and subsequently an official Task Force was created comprised of a team of ten individuals. The Task Force (see below) further refined goals and concepts for Living Streets.

- Kathy Juenemann, City Council
- Jason Lamers, Community Design Review Board
- Carol Mason-Sherrill, Environmental and Natural Resources Commission
- Tanya Nuss, Planning Commission
- Jennifer Lewis, Business and Economic Development Authority
- Virginia Gaynor, Natural Resources Coordinator
- Shann Finwall, Environmental Planner
- Bryan Nagel, Street and Storm Sewer Superintendent
- Butch Gervais, Fire Marshal
- Michael Thompson, City Engineer

To solicit feedback from citizens, the Living Streets idea was brought forward to the following Boards and Commissions:

- Planning Commission on March 15, 2011 and November 20, 2012.
- Community Design Review Board on March 22, 2011 and November 27, 2012.
- Environmental and Natural Resources Commission on April 18, 2011 and October 15, 2012.

Additionally outreach was made to hundreds of residents from the Bartelmy-Meyer Neighborhood and Western Hills Neighborhood. Living Streets concepts were presented and discussed at open houses and during reconstruction activities in 2011 and 2012.

A notice was posted in the local newspaper on January 23, 2013 regarding the City Council meeting on January 28, 2013 to provide an opportunity for comment from the general public. It is important to note that if new suggestions or adjustments to the Policy are warranted it can be revised and brought back for council adoption at a future date. The staff wants to treat this as a document that is updated and changed as new best practices and technology arises (essentially a working document or guide).

DISCUSSION

The general nature of the Living Street Policy is to enhance biking and walking conditions, enhance safety and security of streets, calm traffic, create livable neighborhoods, improve stormwater quality, enhance the urban forest, reduce life cycle costs, and improve neighborhood aesthetics.

The Living Streets Policy is a guide for accomplishing these goals through: setting construction guidelines for rebuilding streets, updating the city code, creating a city wide Tree Plan, and providing additional incentives for participation in the raingarden program. The Policy was incorporated with broad input. A copy of the proposed document is attached and includes detail and accompanying street section guidelines for new and reconstruction projects based on the street functional classification.

BUDGET

There are no budget implications. City staff drafted the majority of this policy and Bolton and Menk provided assistance with the document and street section depictions. Those services were paid for out of the Public Works operating budget in 2012.

RECOMMENDATION

It is recommended that the council approve the attached Resolution for Adopting the Living Streets Policy, City Project 11-11, after providing feedback and taking public comment.

Attachments:

1. Resolution
2. Living Streets Policy

**RESOLUTION
ADOPTING LIVING STREETS POLICY**

WHEREAS, the Maplewood City Council previously directed staff to identify various city services or practices that could be delivered in a more sustainable manner, and

WHEREAS, the staff created a Living Streets Sustainability Work Group comprised of eight staff members and met three times in 2010, and

WHEREAS, a Task Force was then created consisting of 10 members ranging from board and commission members, one council member, and staff members, and met three times in 2011, and

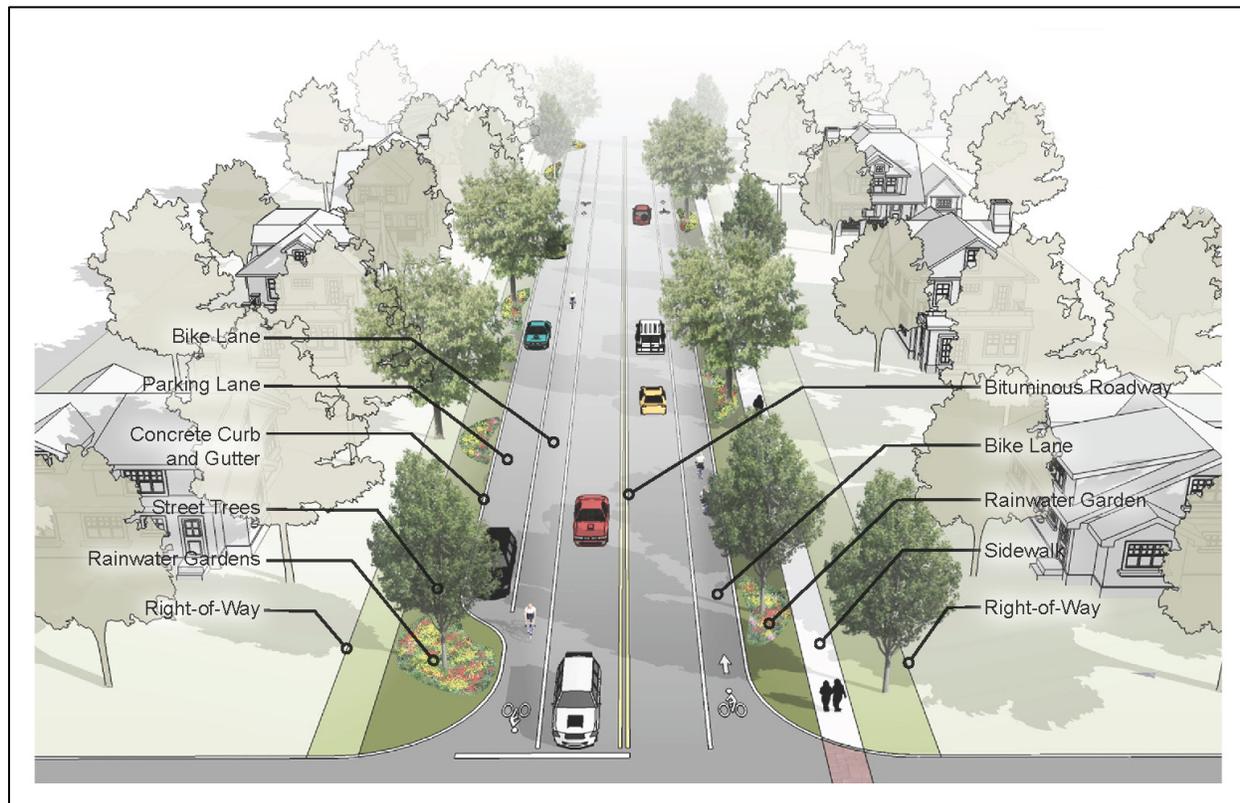
WHEREAS, the Living Street Policy was presented twice to the Planning Commission, twice to the Community Design Review Board, and twice to the Environmental and Natural Resources Commission, and

WHEREAS, the Living Streets Policy seeks to: encourage people to travel by walking or bicycling, enhance safety and security of streets, calm traffic, create livable neighborhoods, improve stormwater quality, enhance the urban forest, improve community aesthetics, reduce life cycle costs, and

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

The Living Streets Policy is hereby adopted by the City Council of Maplewood, Minnesota on this 28th day of January 2013, and

It is further resolved that staff shall update the Living Streets Policy from time to time to ensure its relevant and effectiveness in meeting the identified goals of the Policy.



City of Maplewood, MN Living Streets Policy

By: Michael Thompson, P.E.
Director of Public Works / City Engineer

Adopted by the Maplewood City Council on XX/XX/XXXX



DRAFT 1-11-13

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ACKNOWLEDGEMENTS

I would like to thank the Planning Commission, Community Design Review Board, Environmental and Natural Resources Commission, and Business and Economic Development Commission for providing input and direction to help shape this document.

I also want to specifically thank each member that participated on the City's Living Streets Task Force:

- Kathy Juenemann, City Council
- Jason Lamers, Community Design Review Board
- Carol Mason-Sherrill, Environmental and Natural Resources Commission
- Tanya Nuss, Planning Commission
- Jennifer Lewis, Business and Economic Development Authority
- Virginia Gaynor, Natural Resources Coordinator
- Shann Finwall, Environmental Planner
- Bryan Nagel, Street and Storm Sewer Superintendent
- Butch Gervais, Fire Marshal
- Michael Thompson, City Engineer

I also want to acknowledge those people that served on the City's Living Streets Sustainability Work Group:

- Steve Love, Assistant City Engineer
- Steve Kummer, Civil Engineer II
- Jon Jarosch, Civil Engineer I
- Troy Brink, Streets Crew Chief
- Ann Hutchinson, Naturalist
- Virginia Gaynor, Natural Resources Coordinator
- Mike Martin, City Planner
- Michael Thompson, City Engineer

I would like to also recognize the Ramsey-Washington Metro Watershed District (RWMWD), Barr Engineering Company, and the City of North Saint Paul, MN all of which collaborated to create the North Saint Paul (NSP) Living Streets Plan. Materials and insight from that document were used as a background in facilitating discussion and helping to form the Maplewood Living Streets Policy document, with permission from the author(s).

I further wanted to acknowledge those persons that contributed to the Los Angeles County Model Design Manual for Living Streets, which in instances was used to provide expertise and guidance for this document. The specific names and contribution can be found as an appendix to this document.



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1.0 INTRODUCTION

1.1 Policy Goals

The high level goals of Maplewood’s Living Streets Policy are to:

- 1) Encourage people to travel by walking or bicycling.
- 2) Enhance the safety and security of streets.
- 3) Create livable neighborhoods.
- 4) Maximize the infiltration of stormwater.
- 5) Improve the quality of stormwater runoff.
- 6) Enhance the urban forest.
- 7) Improve the aesthetics of streets within the community.
- 8) Reduce life cycle costs.

Maplewood’s Living Streets Policy focuses on a handful of specific items further discussed under Section 2.2 “Stakeholder Consensus” to meet these goals while understanding that each project must be considered in a context sensitive manner.

1.2 What is a Living Street?

Terminology surrounding this topic can be confusing. *Complete Streets* typically refers to street design that provides for multiple modes of transportation. *Green Streets* typically refers to street design that reduces environmental impacts by reducing impervious surface, managing stormwater, and providing shade. Living Streets for the purpose of this document is a combination of the two. Living Streets combines the concepts of complete streets and green streets, and also puts additional focus on quality of life aspects for City residents.

The State of Minnesota passed Complete Streets legislation in 2010. The Commissioner of Transportation has committed Mn/DOT to implement a complete street vision for the trunk highway system. Cities are encouraged to adopt policies to meet their unique needs; however it is not a mandate.

According to Mn/DOT, Complete Streets does not mean “all modes on all roads”; rather, the goal of Complete Streets should be to develop a balanced transportation system that integrates



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all modes via planning inclusive of each mode of transportation (i.e., transit, freight, automobile, bicycle and pedestrian) and include transportation users of all types, ages and abilities.

A few examples of Complete Streets goals and principles listed in the Mn/DOT report to the legislature include:

- 1) Improve mobility and accessibility of all individuals including those with disabilities in accordance with the legal requirements of the ADA.
- 2) Encourage mode shift to non-motorized transportation and transit.
- 3) Reduce air and water pollution and reduce noise impacts.
- 4) Increase transportation network connectivity.

The City of Maplewood finds the Complete Streets report used to guide Minnesota legislation in 2010 useful, however the City wants to go further in addressing the environment and active living instead of focusing solely on a transportation vision. Thus this Living Streets Policy document reflects Maplewood's vision.

1.3 Background

The City of Maplewood was directed by the City Council in 2009/2010 to explore various city services that could be delivered in a more sustainable manner. A Living Street Sustainability Workgroup comprised of eight city staff persons met on April 28, June 29, and September 30, of 2010 to further define the importance of Living Streets as it relates to sustainable street construction and reconstruction.

To solicit feedback from Maplewood citizens, the Living Streets idea was brought forward to the Planning Commission, Community Design Review Board, and Environmental and Natural Resources Commission. The Living Streets concepts were well received.

The City Council supported the efforts and subsequently an official Task Force was created comprised of a team of ten individuals referred to in the Acknowledgements. The Task Force further refined goals and concepts for Living Streets.

Input was taken from stakeholders to help facilitate this Living Streets Policy document. Further details about stakeholder input can be found in Section 2.1.

1.4 Benefits of Living Streets

As quoted in the NSP Living Streets Plan:

"Most of us think of America as the land of choices. Yet, in just about any community built in the last 50 years, there is pretty much one choice for transportation: the car. North St. Paul isn't any different than most American cities in this regard. Living Streets provide many transportation



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choices to the diverse range of city residents and it balances those choices to provide community, environmental and economic benefits as well.”

The NSP Living Streets Plan did an excellent job of identifying the numerous benefits resulting from Living Streets. A summary of the benefits is provided below, while an excerpt from the NSP Plan containing more detailed information on the benefits is provided in the Appendix.

Living Streets:

- Provide economic benefits: lower initial costs; lower maintenance costs; increased property values; economic revitalization.
- Build community: improve public health; increase safety; enhance neighborhood beauty; strengthen sense of community; provide positive impact upon children.
- Provide environmental benefits: improve water quality; improve air quality; reduce the urban heat island affect; reduce materials and energy used in street construction; promote the planting of trees.

1.5 Vision for Maplewood

The Living Streets Policy is really a vision of what Maplewood wants to look like in 50 years, 100 years, and well into the future. The Living Streets collaboration has helped shape a vision by providing consensus when building new streets and reconstructing existing ones.

The City of Maplewood has been visionary when it comes to rainwater gardens and stormwater treatment; however, Living Streets further balances the scale of traditional infrastructure versus a sustainable “green” approach. As seen in the figure below this policy means to give additional weight to non-traditional components.

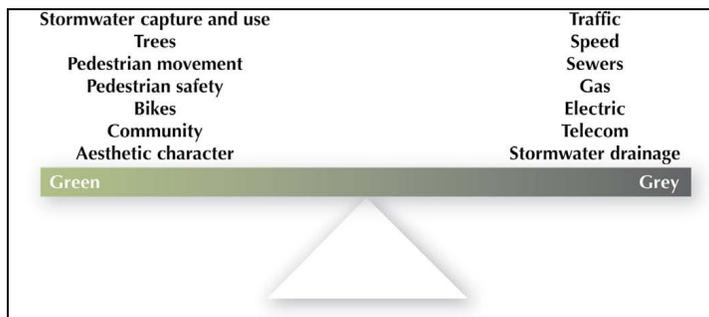


Image Courtesy NSP Living Streets Plan



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To provide a very high level summary vision of the streets in Maplewood the following figures are provided. More detailed design standards are included in Section 3 of this document.

The vision for typical local Living Streets is shown below:



A rendering of a local “pre” Living Street versus a “post” Living Street is shown below:



Images Courtesy NSP Living Streets Plan



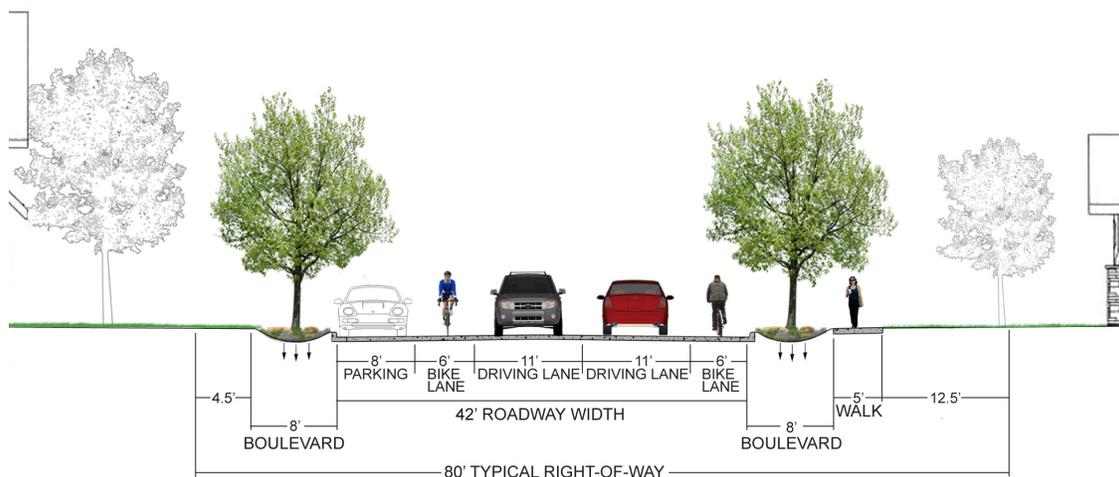
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The general vision for higher volume collector type Living Streets is shown below:



A cross section view of a collector Living Street is shown below:



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2.0 LIVING STREETS FOUNDATION

2.1 Stakeholder Process

As discussed in Section 1.3, an extensive stakeholder process was conducted in order to attain buy-in and move forward with a consensus for the Living Streets vision.

A Living Street Sustainability Workgroup comprised of eight city staff persons met on April 28, June 29, and September 30, of 2010 to further define the importance of Living Streets as it relates to sustainable street construction and reconstruction. That following were part of the Workgroup:

- Steve Love, Assistant City Engineer
- Steve Kummer, Civil Engineer II
- Jon Jarosch, Civil Engineer I
- Troy Brink, Streets Crew Chief
- Ann Hutchinson, Lead Naturalist
- Virginia Gaynor, Natural Resources Coordinator
- Mike Martin, City Planner
- Michael Thompson, City Engineer

The Workgroup discussed that Living Streets should improve stormwater quality through expansion of the rain garden program, reducing the impervious footprint of streets, and meeting or exceeding the 1" infiltration standard. Also important was the implementation of traffic calming measures through the use of techniques best suited for site conditions. Another key area discussed was improved biking and walking conditions along natural connector routes and collector streets through designation of bike lanes, sidewalks, or multi-purpose trails. Creating boulevard tree standards that provide environmental benefits (stormwater management, shade to reduce heating and cooling costs, filtering air pollutants, reduce urban heat island effect) was discussed along with the overall importance that any Living Streets Policy should attempt to minimize construction, replacement, and future maintenance costs in a manner that is equal to or less than that of a standard street section.

To solicit feedback from citizens, the Living Streets idea was brought forward to the following Boards and Commissions:

- Planning Commission on March 15, 2011 and November 20, 2012.
- Community Design Review Board on March 22, 2011 and November 27, 2012.
- Environmental and Natural Resources Commission on April 18, 2011 and October 15, 2012.

The City Engineer presented the Living Streets overview at these meetings. In addition, the Administrator of the Ramsey-Washington Metro Watershed District, Clifton Aichinger, presented



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his first hand experience in forming a Living Street Plan for the City of North Saint Paul to the Planning Commission. The Living Streets concepts were well received at each meeting.

With the support from staff and citizens, the Living Streets ideas and concepts were presented to the City Council. The City Council supported the efforts and subsequently authorized the creation of an official Task Force on May 23, 2011. The Living Streets Task Force was comprised of the following:

- Kathleen Juenemann, City Council
- Jason Lamers, Community Design Review Board
- Carol Mason-Sherrill, Environmental and Natural Resources Commission
- Tanya Nuss, Planning Commission
- Jennifer Lewis, Business and Economic Development Authority
- Virginia Gaynor, Natural Resources Coordinator
- Shann Finwall, Environmental Planner
- Bryan Nagel, Street and Storm Sewer Superintendent
- Butch Gervais, Fire Marshal
- Michael Thompson, City Engineer

The purpose of the Task Force was to further refine goals and concepts for Living Streets with the intent of proposing an official Living Streets Policy to the City Council for formal adoption. The Task Force met July 27, August 10, and September 14, 2011.

2.2 Stakeholder Consensus

The Task Force was very productive in moving forward with focus items for the Living Streets Policy. The six focus items are listed below and then discussed individually in Sections 2.2.1. through 2.2.6.

- Improve the Quality of Stormwater Runoff.
- Implement Traffic Calming Techniques.
- Enhance Walking/Biking Conditions and Pedestrian Connections.
- Enhance the Urban Forest.
- Ensure Cost-Effective and Practicable Solutions.
- Improve the Aesthetics of Streets within the Community.

2.2.1 Improve the Quality of Stormwater Runoff

The City of Maplewood has always been proactive at managing stormwater runoff. Maplewood is a leader in the design and implementation of rainwater gardens. Living Streets is the next step for further improvements.





Issues that occur from simply sending stormwater down the storm sewer include:

- Stormwater pollutes local waters. Most runoff is not treated. It goes directly into local lakes and streams carrying pollutants like soil, fertilizers, pesticides, oil, soap, litter, organic matter, and pet feces.
- Stormwater runoff in our lakes causes turbid water, sediment buildup, and can contribute to algae blooms. It can impact health of aquatic plants and animals. Poor water quality in lakes also affects aesthetics and recreation.
- Sending runoff out of the neighborhood contributes to flooding downstream.
- Rainwater needs to soak in where it falls so it can help recharge groundwater aquifers.

In order to improve water quality, the City of Maplewood must continue an aggressive rainwater garden implementation program. Encourage and support the construction of rainwater gardens as retrofits. Require all new construction and reconstruction projects to incorporate rainwater gardens. Living Streets also encourage the construction of an appropriate width street for the specific application, often resulting in a narrowing of the pavement compared to current standards. This reduces the amount of impervious surface, producing a direct decrease in the amount of stormwater runoff. Boulevard trees planted along Living Streets also provide a positive impact on stormwater quality.

The benefits of these components include the following:

- Rainwater Gardens
 - Soak up 30% more runoff than lawns.
 - Keep runoff on site.
 - Filter polluted urban runoff (oil, grease, salts, fertilizers, pesticide residue).
 - Recharge groundwater.
 - Provide habitat and food for butterflies and birds.
 - Beautify a low spot.
 - Serve as a natural filter, removing sediment, phosphorous and nitrogen from runoff.
 - Catch sediments prior to entering downstream water bodies.
- Street Narrowing
 - Less pavement means less impervious surface.
 - Reduces runoff volume.
 - Reduces solar generated heat.
 - Less pavement heat means cooler stormwater runoff temperature.



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- Boulevard Trees
 - Intercept rain water with leaves and branches.
 - Improve the ability of water to soak into the ground.
 - Increase the volume of water that can enter the ground by absorption through their root systems.
 - Improve the resiliency and water holding capacity of the adjacent soil.

2.2.2 Implement Traffic Calming Techniques

The City of Maplewood desires to reduce the volume and speed of traffic on neighborhood streets. While all public streets are designed for public use, different roadways are designed to have different functions and serve different types of traffic. The volume of traffic that should be on each street is directly related to how a street is used and its function for the overall Maplewood community.

Traffic calming is an important element of the Living Streets Policy. It is designed to limit the types of traffic that use a specific roadway while simultaneously promoting the use of other non-motorized traffic modes. This involves using different measures or treatments to calm the traffic and ensure each roadway serves its specified needs for the community. The methods for traffic calming depend largely on the type of roadway, its function, and the modes of traffic that should be on the roadway. A significant focus of calming is usually on limiting cut-through traffic, decreasing the speed of vehicles, and providing safety for pedestrians and bicycles.

Traffic calming measures the City will consider implementing include the following:

- Reducing street width.
- Medians.
- Chicanes (artificial features to create extra turns in a road).
- Raised crosswalks.
- Dynamic Speed Display Signs.
- Roundabouts.
- Barriers/Diverters.
- Bump-outs.
- Differentiated pavement surfaces (including pervious pavement).





- Pavement markings.
- Signage.
- Additional Enforcement.

Each traffic calming measure has both positive and negative effects in terms of cost, time, feasibility, emergency response, bike safety, pedestrian safety, parking, maintenance, and aesthetics. City staff will evaluate which traffic calming measure(s) will be utilized for each application based on the context of the specific project or street under consideration.

2.2.3 Enhance Walking and Biking Conditions and Pedestrian Connections

The City has a trail and sidewalk system dedicated to the use of non-vehicular transportation. Users are primarily pedestrians and bicyclists, but also include other multimodal transportation activities such as in-line skating and running. Components of the trail and sidewalk system primarily include off-street facilities, but also include on-street striped lanes and paved shoulders.

The purpose of a trail and sidewalk system is to provide safe routes for non-vehicular transportation, exercise, relaxation or commuting for users of all ages and abilities. Some of the most popular everyday activities include running, walking, bicycling and in-line skating for exercise and pleasure.

The Living Streets Policy will accomplish enhanced walking and biking conditions through providing safe and convenient pedestrian routes along streets that are:

- Adjacent to schools and on nearby streets within reasonable walking distance to the school(s).
- Adjacent to parks and open space and on nearby streets within reasonable walking distance to the park(s) and open space(s).
- In commercial and retail areas.
- Adjacent to high volume roadways.
- Near transit facilities.
- Included within the City's Comprehensive Plan.



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- Miscellaneous areas in the best interest of the City to improve its overall trail and sidewalk system.

2.2.4 Enhance the Urban Forest

The urban forest is defined as the collection of trees and vegetation growing within the City. Boulevard trees are part of the urban forest, and the urban forest can be enhanced and expanded by the preservation of existing boulevard trees as well as the strategic planting of new boulevard trees. The numerous environmental, stormwater, and community benefits of boulevard trees were stated in the NSP Living Streets Plan, and a copy of those benefits is provided in the Appendix for reference.

Maplewood has a firmly established position as a proponent of trees. It became a Minnesota “GreenStep City” in 2010 and was first designated as a “Tree City” in 2008. The City has a comprehensive tree ordinance, adopted in 2006, providing for the preservation, protection, and replacement of trees. The ordinance established a Tree Fund, designated specifically for the planting of trees on public property, which includes boulevards. The fund is financed by developers/applicants who are unable to provide complete mitigation for impacts to existing trees caused by work done under their approved permit.

In 2009 the Department of Forest Resources of the University of Minnesota performed a report on boulevard trees for the City of Maplewood. The report discussed the benefits of boulevard trees and guidance for developing a successful boulevard tree program, including elements such as site criteria, planting specifications, and design criteria. The report contains many best management practices (BMPs) that could be employed towards the goals of the Living Streets Policy. The report was presented to the Community Design Review Board and the Environmental and Natural Resources Commission in 2009 for consideration of future action, and was received positively.

Maplewood offers a significant amount of education on the subject of trees, such as information posted on its website, advertisement for area classes and curriculum, and through programs at the Nature Center. The City also provides opportunity for public involvement with trees by activities including its Tree Registry Program and Arbor Day plantings at community parks. Maplewood promotes the planting of new trees on private property through its tree planting rebate program.

The Living Streets Policy provides for the planting of new boulevard trees to enhance the urban forest. Preservation of existing boulevard trees to the maximum extent possible is also recognized, and will be accomplished under the existing tree ordinance. Components of street projects such as sidewalks and rainwater gardens will be modified as necessary to accommodate existing boulevard trees where appropriate.





In implementing the Living Streets Policy, the following issues should be addressed:

- Species selection:
 - Diversification is vital to the success of a boulevard tree population, due to the following reasons:
 - A diverse tree population is more resistant to disease that affects any individual species.
 - A diverse selection of boulevard trees allows for choosing the type most suitable to the site conditions for the specific application.
 - A diverse tree population provides variety to the City, enhancing the attractiveness and aesthetics of the urban forest.
 - Only species suitable for the local climate should be specified.
 - A list of approved species for boulevard trees should be developed. The tree rebate program contains a list of recommended species that could be adopted for this purpose or used as a basis to develop the list.
- Tree specifications:
 - Minimum required caliper should be identified. It should also be indicated whether the use of seedlings will be allowed as a cost-effective measure.
 - Tree planting details should be developed.
 - Locations for planting should be defined, such as not within a certain distance from driveways, intersections, fire hydrants, etc.
 - Recommendations should be made regarding when structured soils or special construction or planting techniques are needed due to the amount of hardscape near trees.
 - Recommended spacing for planting should be identified.
- Maintenance:
 - Boulevard trees requiring low maintenance should be chosen.
 - The responsibility for maintenance of trees in the public right-of-way currently lies with the City. This should be reviewed as the Living Streets Policy is adopted and implemented to determine whether City responsibility for boulevard trees remains the best course of action, or whether some or all of the responsibility should be shifted to the adjacent property owners.
- Other considerations:
 - Height: where utility lines or other overhead obstacles are present, species with heights to avoid interference should be selected.



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- Root system: minimize disturbance to adjacent curbs and sidewalks; minimize interference with buried obstacles such as underground utilities.
- Salt/chemical tolerance: the maintenance activities of the road should be considered when selecting species of trees for the adjacent boulevard.
- Canopy: spread of the boulevard tree should be considered for the specific application to avoid interference with driver sight lines and traffic signs.
- Parking accessibility: where parking is allowed, boulevard trees should be located appropriately to avoid interference with the opening of vehicle doors.

Specific requirements for the above listed issues need to be determined and subsequently applied in the implementation of Living Streets.

2.2.5 Ensure Cost-Effective and Practical Solutions

As stated previously in Section 2.1, it is important that the Living Streets Policy minimize construction, replacement, and future maintenance costs in a manner that is equal to or less than that of a standard street section.

The importance of being cost effective and practical is the following:

- Acceptance by the general public.
- Not increase current funding allocations.
- Not increase current assessment rates.

To assure the cost of a living street does not exceed the cost of a traditional street, a comparison will be performed and included in the feasibility report for street improvement projects. Cost savings realized by the narrowing of streets, and subsequent long term maintenance savings, will be utilized for living street amenities. On new construction, living streets guidelines will be followed.

The ways in which cost effectiveness and practicality will be accomplished is through the following:

- Selection of the appropriate street section for each specific application (context sensitive).
- Construction of sidewalks and trails where needed (sidewalks not needed on every street).



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- Rainwater gardens sited where they will be effective.
- Narrower streets.
- Proper tree and planting selections.

In addition, the City will realize savings in maintenance and repair costs for the following programs:

- Seal coating.
- Crack filling.
- Mill and overlays.
- Reclamation.

2.2.6 Improve the Aesthetics of Streets

Aesthetics have an impact on the community experience. Creating an atmosphere that is positive, pleasant, and enjoyable helps attract and retain residents in the community. Good aesthetics provide a sense of well-being, belonging, and contentment, and contribute to an overall increased quality of life.

Maplewood recognizes the importance of aesthetics. As part of the City-wide goals stated in its adopted 2030 Comprehensive Plan, Maplewood included an “Urban Design Goal” that stated in part, *“strive to improve the appearance of the City, maintain compatible land uses, and encourage a sensitive integration among activities, man-made facilities, and the natural environment.”*

The City has worked toward implementation of aesthetics through such avenues as investment in open space improvements, development of several planting plans for rainwater gardens, and development of streetscapes, as in the Gladstone area. The Transportation Chapter of the 2030 Comprehensive Plan identified that, *“Maplewood should design streetscapes and operations in ways that alleviate the negative impact of major streets on their surroundings...”* and *“...should incorporate streetscape guidelines that emphasize the enhancement of the neighborhood environment.”*



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Streets, as well as utilities, within the public right-of-way perform a necessary function in supporting the developed environment. They are an asset to the neighborhood in which they are located, and to the City as a whole. Beyond their base functionality, they also provide opportunities for complimenting and contributing to the aesthetic and to the identity of the neighborhood and of Maplewood.

Living Streets incorporate aesthetic considerations into their design and construction. Some of these elements result from the focus items discussed previously in this section:

- Landscaped rainwater gardens for storm water quality.
- Installation of boulevard trees.
- Increased green space due to more narrow street widths.
- Elimination of signal poles due to installation of roundabouts.

Examples of additional aesthetic elements that could be included in Living Streets include:

- Burying of existing overhead utility lines as part of street reconstruction.
- A specific streetscape theme for a street or neighborhood.
- Installation of public art for pure aesthetics and/or to create a desired identity.
- Other street / neighborhood / city specific elements identified by Maplewood.

The Maplewood Living Streets Policy requires aesthetics be considered and included appropriately in the development and implementation of living street projects. Consideration must be given to independent aesthetic elements as well as to the underlying aesthetic impacts of other elements of Living Streets.

2.3 Conformance with Comprehensive Plan

The approved Comprehensive Plan is the overall guiding document for the City of Maplewood. The Living Streets Policy is intended to compliment and build upon the information and goals stated in the Comprehensive Plan, and not to create any contradiction or inconsistency.

The foundation and design guidelines of the Living Streets Policy have been reviewed against the adopted 2030 Comprehensive Plan. Where issues between the documents are found, the



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decision must be made whether to revise the Living Streets Policy or amend the Comprehensive Plan to resolve the issue. Due to its role as the overall guiding document, as well as the time and effort necessary to execute an amendment, it is recommended to avoid amending the Comprehensive Plan when possible, and to revise the policy instead.

The sections of the adopted 2030 Comprehensive Plan against which the Living Streets Policy was reviewed include: Chapter 3 – Sustainability; Chapter 6 – Parks, Trails, and Open Spaces; Chapter 7 – Natural Resources; Chapter 8 – Transportation; and Chapter 10 – Surface Water. A summary of the comparison with each chapter is given below. Section 4.1 of this document identifies any recommended amendments to the adopted Comprehensive Plan.

- Chapter 3 – Sustainability
 - The Living Streets Policy promotes the goals and helps move toward fulfilling specific implementation strategies stated in the Sustainability Chapter of the Comprehensive Plan.

- Chapter 6 – Parks, Trails, and Open Space
 - The Living Streets Policy is in good accord with Chapter 6 of the Comprehensive Plan. The Chapter expresses a desire to shift focus to trail development and connections, which the Living Streets Policy will help accomplish.
 - Chapter Goals that are aligned with the Living Streets Policy include:
 - Developing and maintaining an interconnected trail system.
 - Effectively tying parks together.
 - Encouraging residents to commute and access resources using non-motorized means of transportation.
 - Chapter 6 identifies tools for working towards the goals that are consistent with elements of the Living Streets, including:
 - Use of connector trails within road right-of-way.
 - Use of on-street bike lanes.
 - This Chapter recommends a process be developed to support the Parks Commission review of all road improvement projects to identify potential trail connections and opportunities to complete the system.

- Chapter 7 – Natural Resources
 - The Living Streets Policy promotes the goals stated in the Natural Resources Chapter of the Comprehensive Plan.
 - Specific implementation strategies identified in the Chapter which are advanced by the Living Streets Policy include:
 - Creating a program to deliver low impact retrofit ecosystem services, including raingardens.
 - Developing guidelines for environmentally friendly street designs.
 - Developing pedestrian and bicycle friendly street designs.



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- Chapter 8 – Transportation
 - The Living Streets Policy is in alignment with and supports the goals and policies presented in the Transportation Chapter of the Comprehensive Plan. However, there is some specific information stated in the Chapter which will need to be updated due to the adoption of the Living Streets Policy. These items are:
 - The Chapter states Minor Arterial roadways will contain at least two drive lanes in each direction. The design templates contained in the Living Streets Program will contain more options for Minor Arterials.
 - Figure 8.2 of the Comprehensive Plan presents typical street sections for the various road types. The Chapter text states the City will design and maintain its roads according to the design standards illustrated in Figure 8.2. The templates contained in the Living Streets Policy will become the new guidelines for roadway design, and will supersede the sections currently shown in Figure 8.2

- Chapter 10 – Surface Water
 - The Living Streets Policy is consistent with the goals and strategies stated in the Surface Water Chapter of the Comprehensive Plan.

2.4 Regulatory Demands

Minnesota Department of Transportation (MnDOT)

Municipal State Aid (MSA) routes within the City will have to be designed and constructed to meet MSA standards and rules. Design elements of the Living Streets Policy that may be affected by the MSA requirements include:

- Sidewalk and trail width.
- Vehicle lane width.
- Parking lane width.
- Bike lane width.
- Clear zones.
- Median width.

Ramsey County

County State Aid Highways (CSAH) and County Roads within the City will have to be designed and constructed to meet Ramsey County standards and rules. Design elements of the Living Streets Policy that may be affected by these requirements include the same as those affected by the MnDOT requirements.



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Watershed Districts

The City of Maplewood lies within the boundaries of three different watershed districts: Rasmey-Washington Metro Watershed District, Valley Branch, and Capitol Region. Stormwater regulations will apply to projects performed within the boundary of each district, and permits from the districts will be required as necessary.

Minnesota Pollution Control Agency (MPCA)

The MPCA is the regulatory body that administers the National Pollutant Discharge Elimination System (NPDES) in Minnesota. Under the NPDES, the City of Maplewood is required to maintain a permit as a Municipal Separate Storm Sewer System (MS4). All MS4 permit holders are responsible to prepare and implement a Storm Water Pollution Prevention Program (SWPPP). Maplewood was one of 30 MS4 permit holders in the State designated as a "Selected MS4" and required to submit additional information to the MPCA. The City accomplished this through preparation of a Loading Assessment and Non-Degradation Report in 2007.

The Living Streets Policy is in alignment with the goals of the NPDES program as well as the Best Management Practices (BMPs) identified in the City's SWPPP. The Living Streets Policy is also in accordance with the conclusions reached in the Non-Degradation Report, which stated *"the City will play an active role in adopting specific policies aimed at enhancing the surface water quality"*.

The City will continue to comply with the requirements of its NPDES permit, including implementation of the BMPs listed in the SWPPP. Maplewood will also obtain individual NPDES Construction Permits as necessary for individual improvement projects within the City.

2.5 Incorporation of Maplewood's "Raingarden" Tradition

The City of Maplewood made a conscious decision to be forward-thinking in regards to stormwater and the environment, and to lead by example. A result of these decisions was the implementation of rainwater gardens (also referred to as 'raingardens'). Maplewood installed its first rainwater garden in 1996 and since that time has developed an inventory approaching 700 rainwater gardens. The City has developed a reputation as a leader and innovator in stormwater management and a rainwater garden proponent, and is well known outside the community for these aspects.

Over the past 15 years Maplewood has developed a highly successful rainwater garden program. The program provides for the planting of rainwater gardens as part of public street reconstruction projects, and it also encourages the development of private rainwater gardens by homeowners and businesses. The City offers education and guidance on the development of rainwater gardens. The City has established 10 standard rainwater garden designs, which provide varying appearance and accommodate varying site conditions.



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In 2003 the City established an Environmental Utility Fund (EUF) for the purpose of financing its Storm Water Management Program. The EUF is funded by a fee collected quarterly from all properties, including tax-exempt properties. The fee is based on impervious surface coverage for commercial/industrial property and a flat fee for residential property. Fees range from lower amounts for single family residential lots to higher amounts for commercial and industrial sites. The EUF is used to maintain the existing overall storm drainage system, as well as to upgrade and replace components as necessary. It is also used for enhancement of wetland areas and improvements to water quality in our natural resources, providing environmental benefits for the community and in turn the region.

In conjunction with the EUF, Maplewood also established a credit program to encourage property owners to utilize BMPs with regard to stormwater. Property owners who establish and maintain approved BMPs receive a credit towards their EUF fee. Rainwater gardens are recognized as an approved BMP, and for the installation and maintenance of a rainwater garden the property owner receives a credit of 30% off their EUF. The location, design, and installation of the rainwater garden must meet Maplewood requirements and must be approved by the City. The City inspects rainwater gardens annually, and as long as they remain in compliance with the requirements and are being properly maintained, the EUF credit can be received in perpetuity. The use of EUF fee credits for rainwater gardens is another means by which Maplewood advances rainwater gardens, by recognizing and rewarding property owners for being proactive and helping treat stormwater and reducing downstream impacts.

The rainwater garden program in Maplewood is voluntary. The majority of rainwater gardens in the City are within the public right-of-way (ROW) in locations where the adjacent property owner wanted the installation of the rainwater garden as part of an overall street reconstruction project. This is provided at no cost to the property owner. The City's contractor creates the depression for the garden during the road project and typically plants and mulches the garden. The property owner then maintains the garden. Other examples include property owners who choose to install a rainwater garden on their private property or within the ROW when a street reconstruction project is not being conducted. In these cases a 30% credit is also applied to their EUF fee. However, these rainwater gardens are completely created, planted, and maintained by the property owner. The City will work with the property owner to provide a curb cut to help direct stormwater into the raingarden. The remaining rainwater gardens in the City are City maintained gardens constructed on City-owned land such as park land.

The approach to rainwater gardens is part of Maplewood's overall big-picture position as promoting sustainability and protection of the environmental and natural resources. This is summed up in the vision statement contained in the Sustainability chapter of the City's 2030 Comprehensive Plan:



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“The City of Maplewood, in order to ensure stewardship of its environment, will promote sustainable development and practices for the preservation, design, and maintenance of its natural and built environments. Developments and practices should maintain or enhance economic opportunity and community well-being while protecting and restoring the natural environment that people, economies, and ecological systems depend on.”

The Living Streets Policy will not replace nor diminish the rainwater garden program in Maplewood. Rather, the Living Streets Policy compliments the rainwater garden program and incorporates it as part of an integrated approach to street design. Maplewood will continue its strong tradition and maintain its leading reputation with regard to rainwater gardens and stormwater management.

Rainwater gardens are an essential component of living streets. In the context of the Living Streets Policy, the rainwater gardens will have the role of boulevard features on both construction of new streets and on street reconstruction projects. For street reconstruction projects their design, application, installation, and maintenance will be very similar to the current program for boulevard rainwater gardens.

It is recommended the Living Streets Policy expand the rainwater garden program to allow the retrofitting of rainwater gardens. In other words, allow an individual property owner to install and maintain a rainwater garden in the public ROW along a street that has already been reconstructed or is not programmed for improvement. The retrofit program would include a limited number of rainwater gardens annually, would allow them only in appropriate locations, and would require application by the property owner and approval by the City. Additional information on the proposed retrofit program for rainwater gardens is given in Section 4.4 of this document.

2.6 Private Utility Considerations

The public road rights-of-way act also as the corridor for numerous private utilities, such as electric, gas, telecommunications, and fiber optic. The need for the private utilities to utilize the public right-of-way must be recognized, and application of the Living Streets design must be compatible with the requirements of the private utilities.

Installation of private utilities in a joint trench should be required whenever possible to reduce the area of the right-of-way impacted by the installation, as well as to allow greater area in which to place elements of Living Streets.





3.0 DESIGN GUIDELINES

3.1 General Information

The Task Force determined that design templates are needed to guide the implantation of the Living Streets approach as projects are undertaken. The templates would be developed with the focus items identified by the Task Force in mind. However, the templates are intended to be flexible, recognizing that the application for each specific project, neighborhood, and street must be context sensitive.

The Comprehensive Plan for the City identifies the following street classification hierarchy:

- **Local Streets:** Roadways designed to carry short trips at low speeds. Local streets are traversed to reach collector streets or other higher classification roads.
- **Collector Streets:** These roadways are intended to carry traffic between the arterial system and the local streets. Traffic volumes are moderate, while speeds are moderate to high. Examples include Hazelwood Street and English Street.
- **Minor Arterials:** These roadways carry high volumes of traffic at moderate to high speeds, and are the highest classification of roadway under the maintenance jurisdiction of Maplewood. These roadways can be located in more rural or urban corridors. Examples are Lower Afton Road (rural) and White Bear Avenue (urban).
- **Principal Arterials:** These types of roadways carry the highest volumes of traffic, at the highest speeds. Examples of principal arterials include Trunk Highway 36 and Interstate Highways 35E and 694. Principal arterials are not within the maintenance jurisdiction of the City, and therefore will not be included within the Living Streets Policy.

The Living Streets Policy would apply to the Local Streets, Collectors, and Minor Arterials. Design templates would be developed for each of those types.

In many cases Ramsey County has jurisdiction over Minor Arterials. The Living Streets Policy recognizes this and considers Ramsey County an important partner. The application of the policy on any roadway under their jurisdiction will require close coordination and cooperation between the City and the County.

Additionally, all Minor Arterials as well as a majority of Collectors are designated routes on the Municipal State Aid System. This does not preclude the application of the Living Streets Policy on those roads, but in order to maintain State Aid funding for those roads and use it in their reconstruction, the plans will require review and approval by the Minnesota Department of Transportation (MnDOT). State Aid design rules, such as for lane widths, clear zones, etc., will need to be followed in the application of the Living Streets Policy on those designated State Aid



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streets. In instances where the State Aid rules are not able to be complied with, an application for variance from the rule may be submitted to MnDOT. If granted, the variance would allow the street to be constructed as proposed while still utilizing State Aid funds.

Often times in neighborhoods there are local streets that, while not reaching the functional classification of Collector, serve to connect the majority of trips from other local streets to the collectors or minor arterials. These streets tend to experience volumes and usage in the upper range of the typical values for local streets. An example would be Bartelmy Lane between Minnehaha Avenue and Stillwater Road.

Although local, the Task Force felt it appropriate to recognize the increased volumes on such streets, and to provide a design template that accommodated their context as a higher-usage local street. The working term given to these streets by the Task Force was "Local Connector".

A brief discussion of each type of roadway follows, including the design templates for each. For each type, there are options for design elements such as the number of traffic lanes, whether or not there are parking and/or bike lanes, whether or not sidewalks are provided, etc. The design templates have been prepared to address the most common combination of options for each type of roadway. In addition to the templates, the following matrix has been prepared to summarize the options for each element that are available on each type of street.





| Street Design Guidelines ¹ | Driving Lanes | | | Parking Lanes ² | | | Bike Lanes | | | Sidewalk(s) ³ | | |
|---------------------------------------|---------------|---|---|----------------------------|---|---|------------|---|---|--------------------------|----------------|----------------|
| | 2 | 3 | 4 | 0 | 1 | 2 | 0 | 1 | 2 | 0 | 1 | 2 |
| Local | X | | | | X | | | X | | | X ⁵ | X |
| Local Connector | X | | | | X | | | X | | | X ⁵ | X |
| Collector | X | X | | X | X | X | | | | X | X ⁶ | X |
| Minor Arterial | X | X | X | X | X | X | | | | | | X ⁷ |

NOTES:

- 1) City code requirements shall be used where more prescriptive.
- 2) Parking shall fit context, with unnecessary parking avoided.
- 3) Paved path may be used in lieu of sidewalk where appropriate.
- 4) Requires wider street width.
- 5) Required where street abuts or is in vicinity of a school or park.
- 6) Sidewalk required on one side minimum; both sides as determined by context.
- 7) Sidewalks required on both sides of street unless not practical.



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3.2 Local Street

For the Living Streets Policy, the Local Street will be those with a Local Street functional classification.

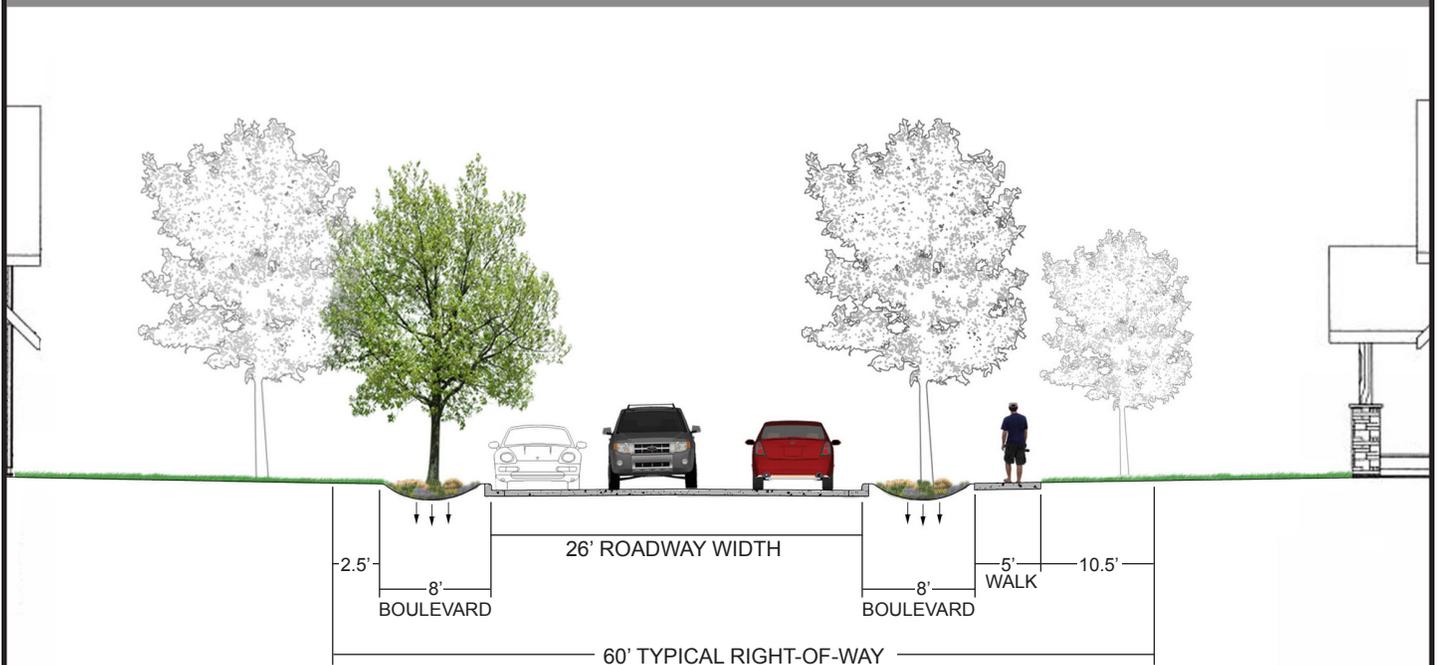
The Task Force reached consensus on the following aspects regarding Local Streets:

- Parking should be provided along one side of the street. Studies have shown that for a typical residential street, making provisions for parking along both sides is excessive, and the parking capacity is underutilized.
- Sidewalks should be considered along one side of each local street. However the need would be determined based on a context sensitive application. City Code requirements shall be followed where they are more prescriptive than the Living Streets Policy (i.e. requirements for sidewalks on both sides of the street in the Mixed-Use Zoning District).
- If a sidewalk is not provided, the street pavement width should be wider to accommodate a shared purpose of bikes/pedestrians along the street edge.
- For streets where a sidewalk is deemed applicable, options could be provided to install sidewalk along one or both sides of the street.
- Sidewalks would be required if the street abuts or is in the vicinity of a school or park, is identified with a sidewalk in the Comprehensive Plan, or is part of a larger network of pedestrian routes.

Design templates showing options 1 through 3 are provided for Local Streets.



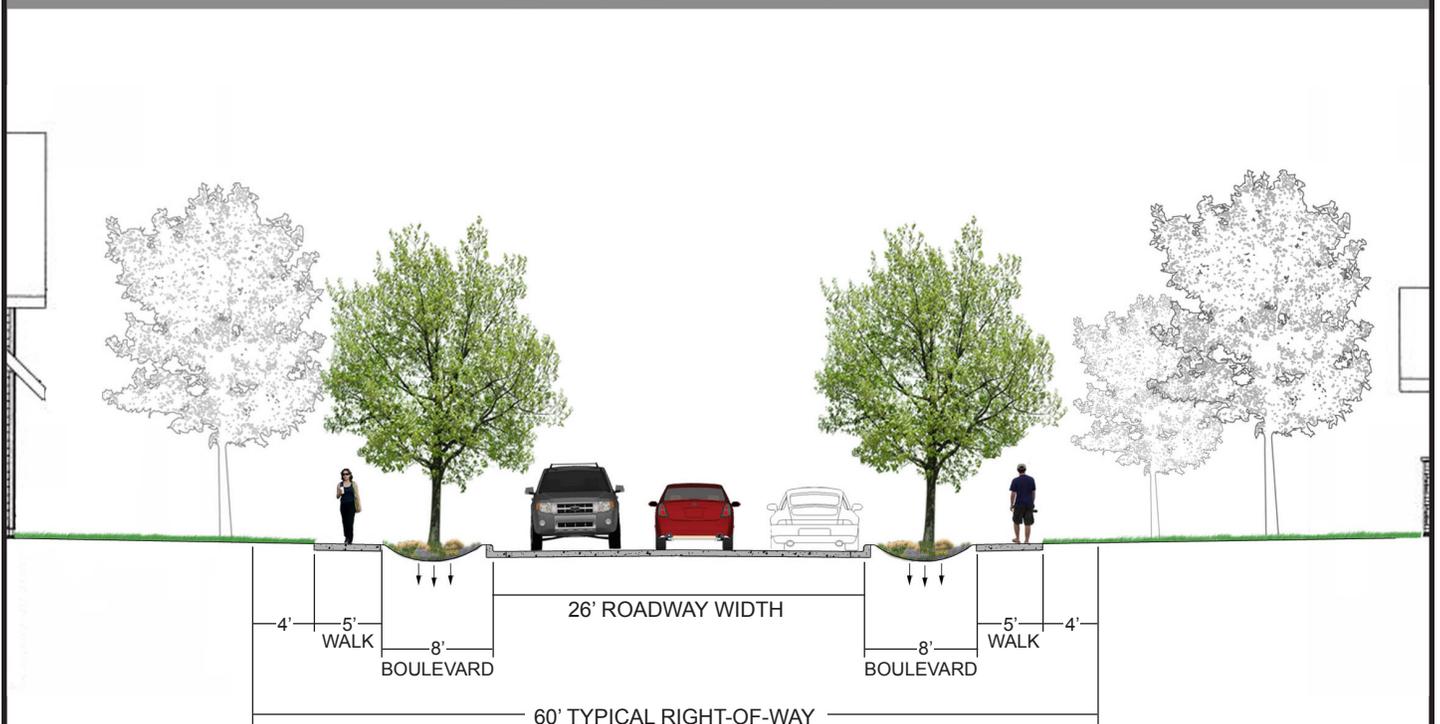
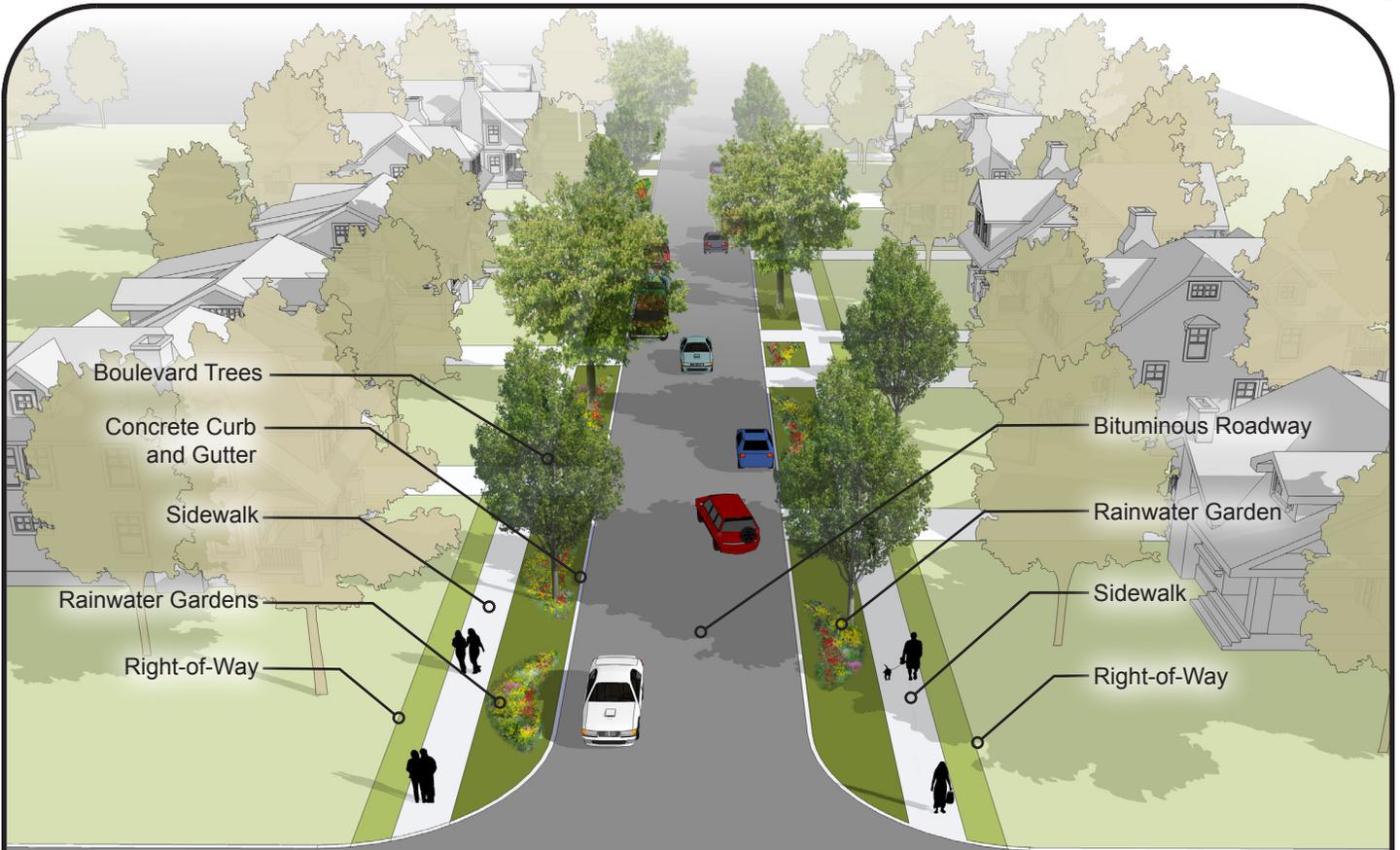
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Note: 24' roadway width may be considered in appropriate context

Local Street | Option 1

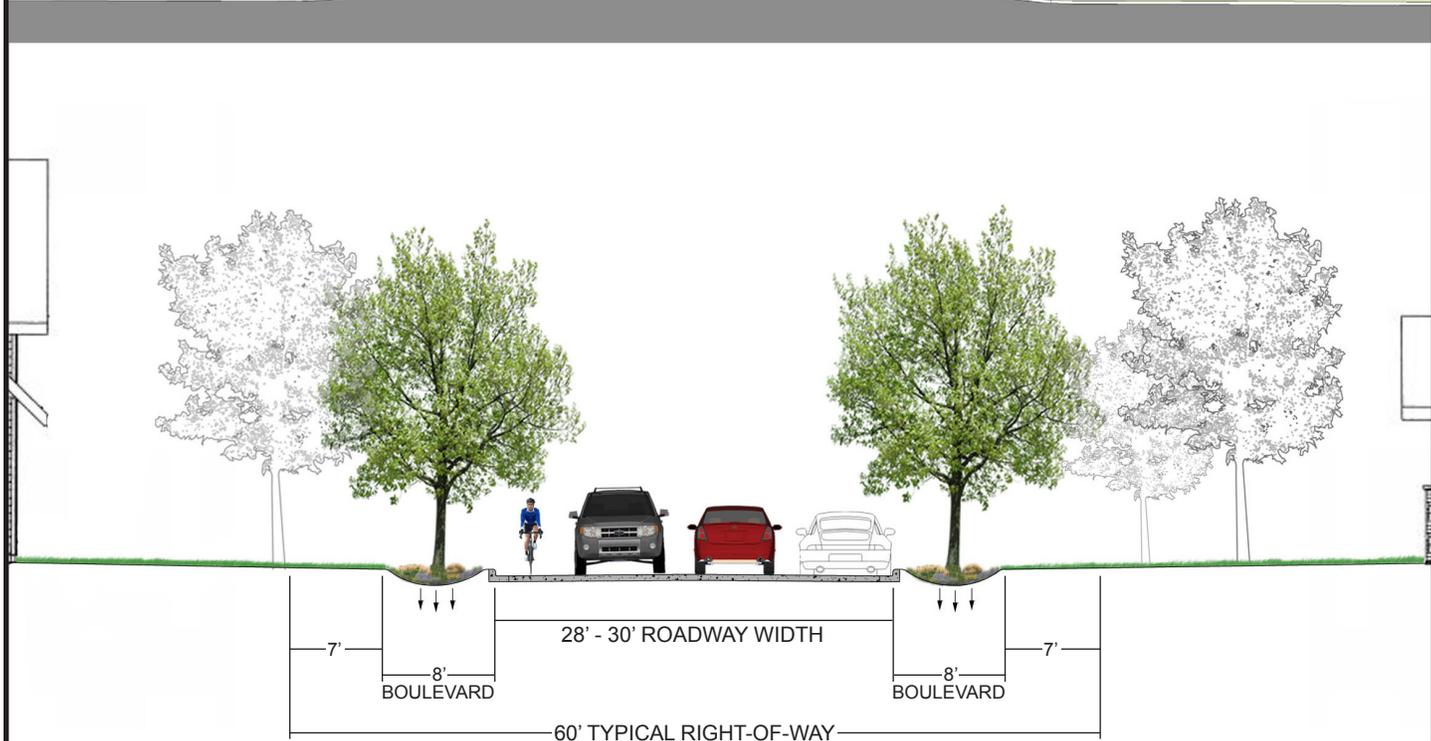
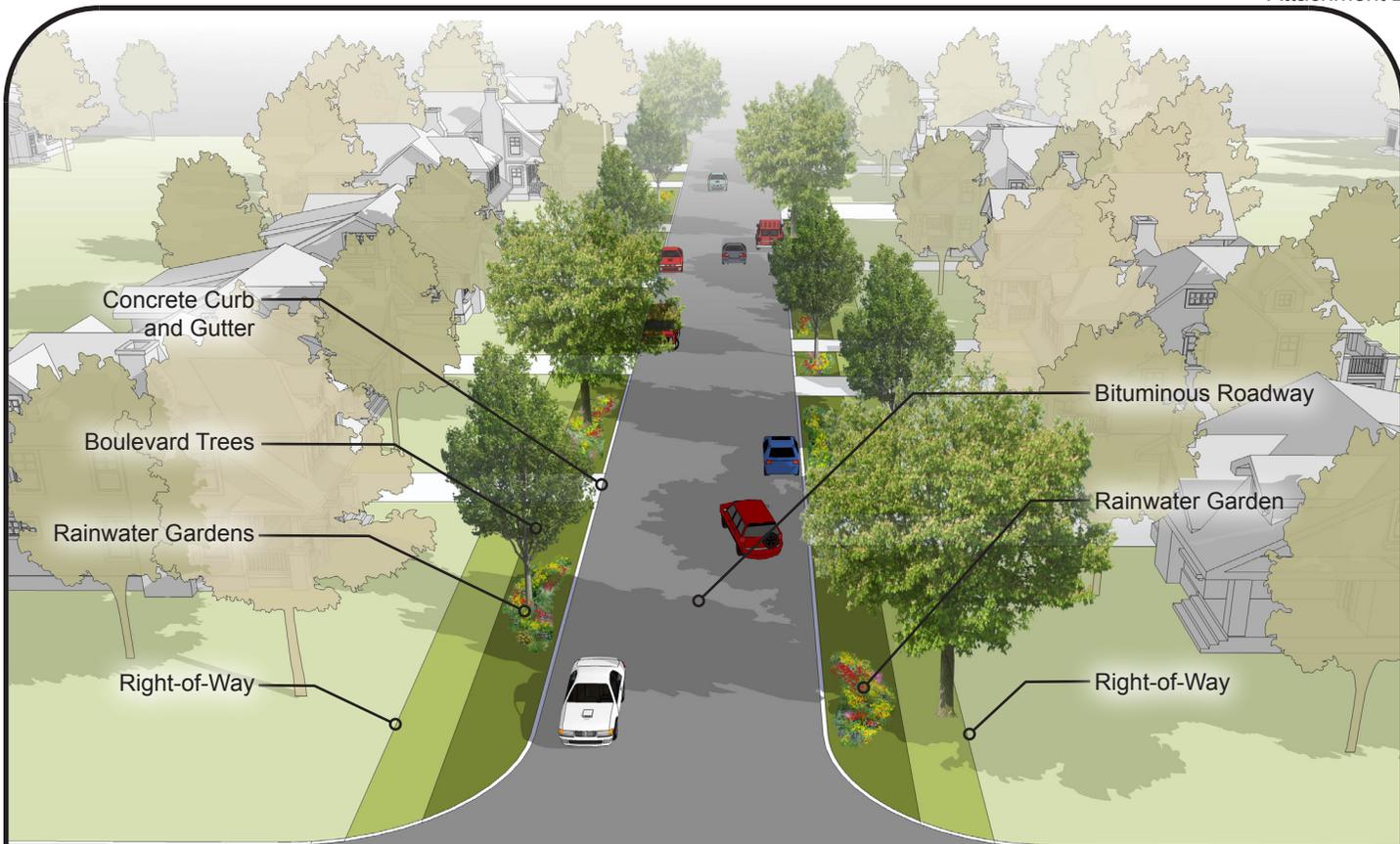




Note: 24' roadway width may be considered in appropriate context

Local Street | Option 2





Note: Sidewalk required if street abuts or is in vicinity of a school or park

Local Street | Option 3





3.3 Local Connector Street

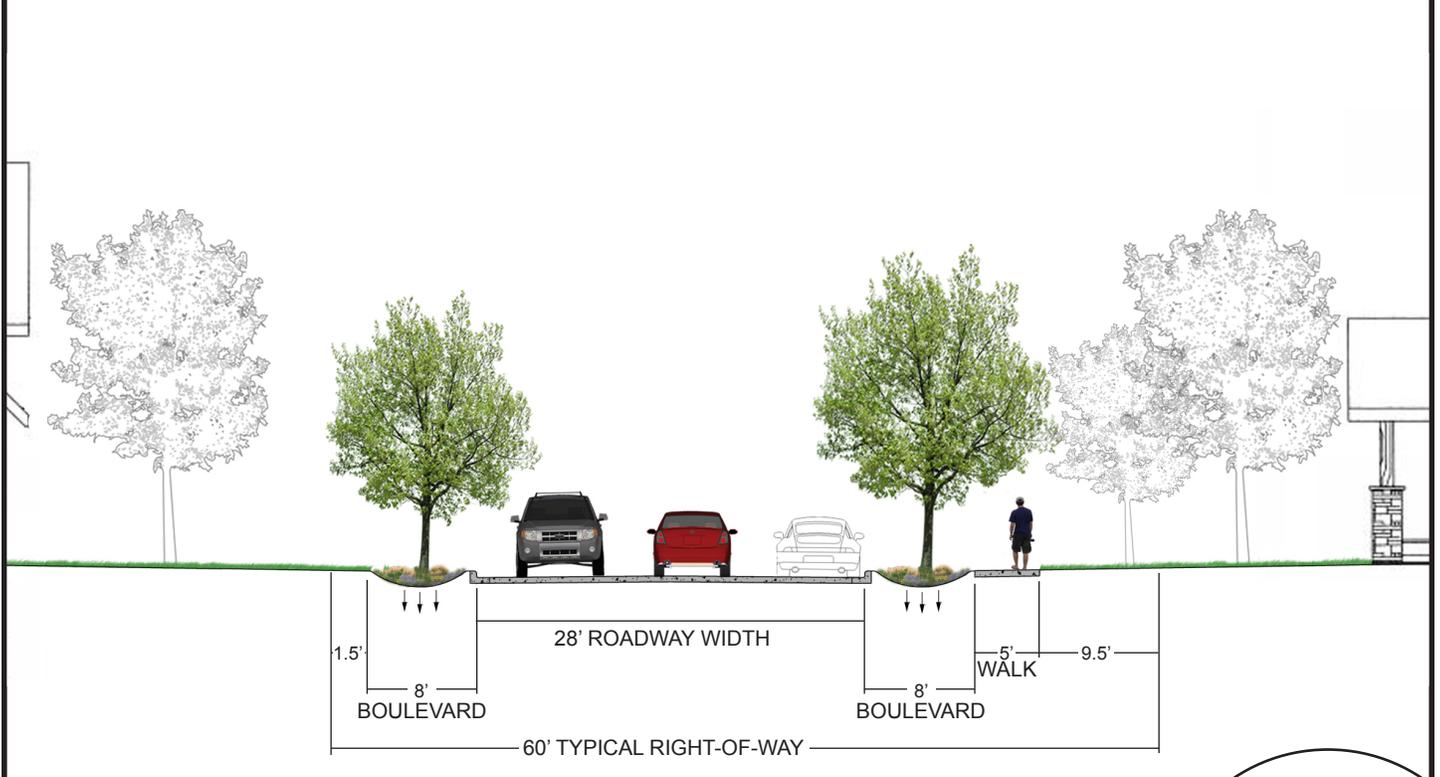
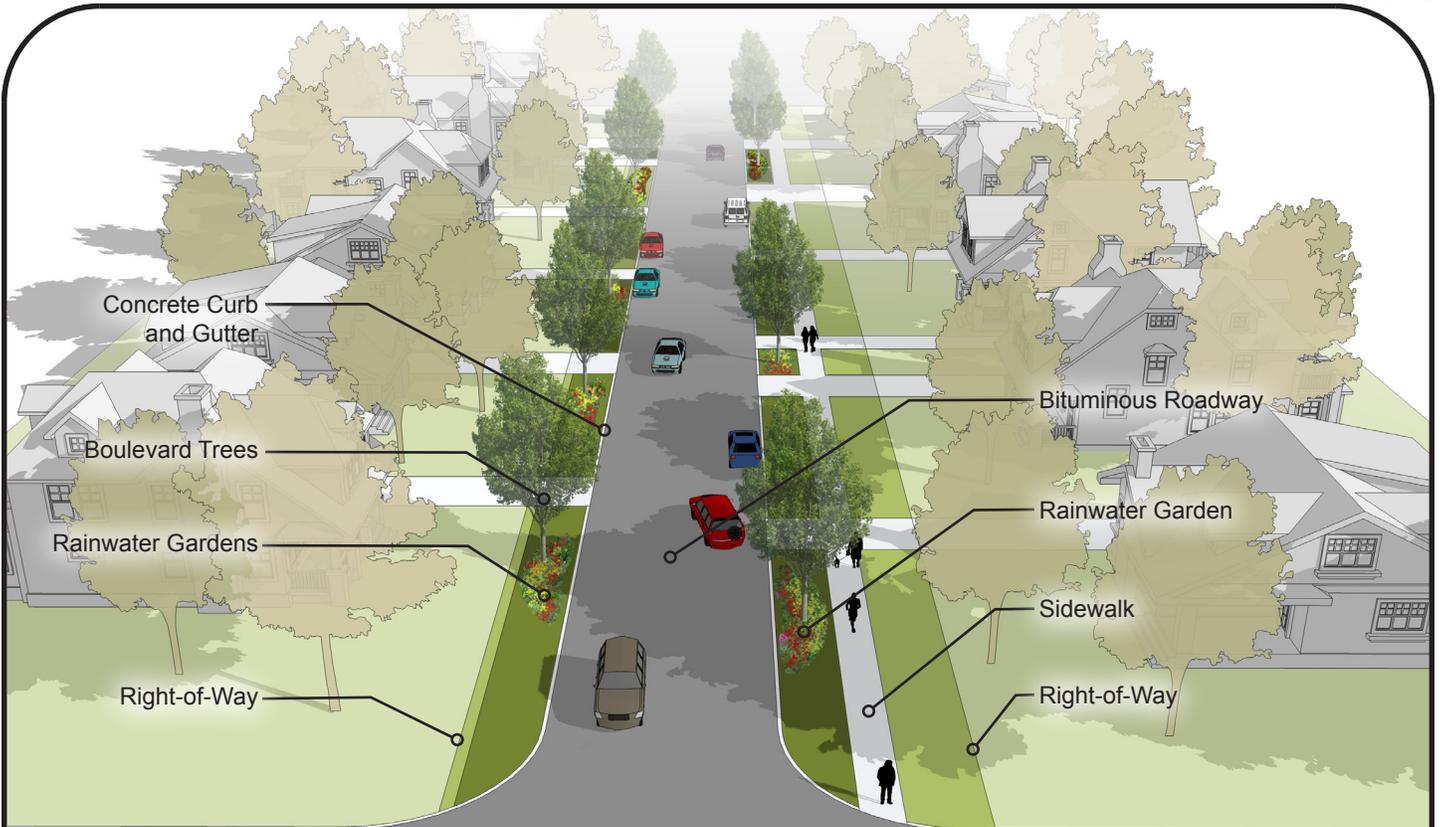
A Local Connector Street will be considered those with a Local Street functional classification, but that have a particular characteristic such as a higher than average volume of vehicular and/or pedestrian traffic, or that connect natural elements. For example, a residential street that funnels traffic between the interior of a neighborhood and the entrance/exit to the neighborhood, or to a nearby street with a Collector or Minor Arterial functional classification. Or a residential street that spans between two streets with sidewalks or trails along them, making it a natural link in the network.

The Task Force reached consensus on the following aspects regarding Local Connector Streets:

- Parking should be provided along one side of the street, for the same reasons cited as the Local Street.
- Sidewalks need to be provided along this type of street, to provide neighborhood connections and to pedestrian facilities along Collectors and Minor Arterials.
- Options could be provided to install sidewalk along one or both sides of the street.

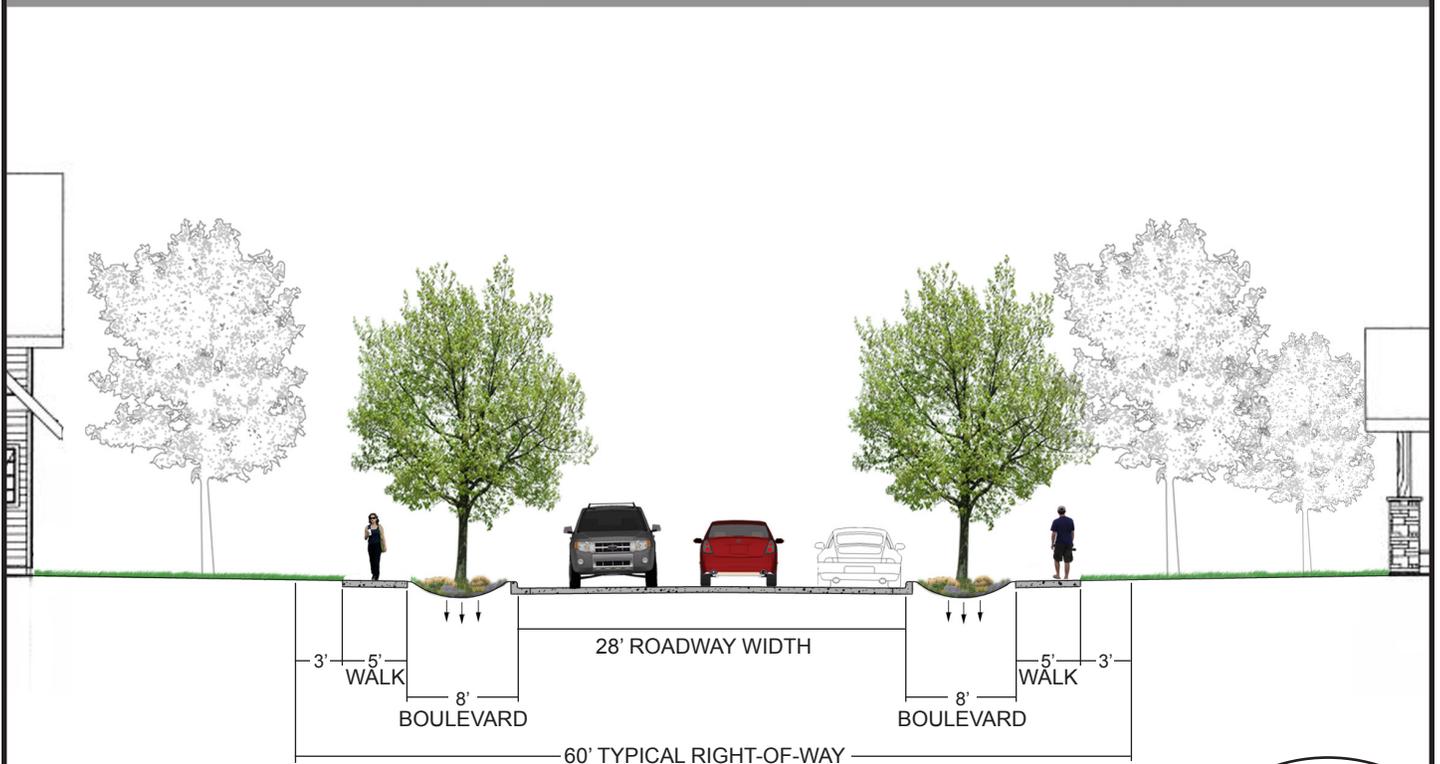
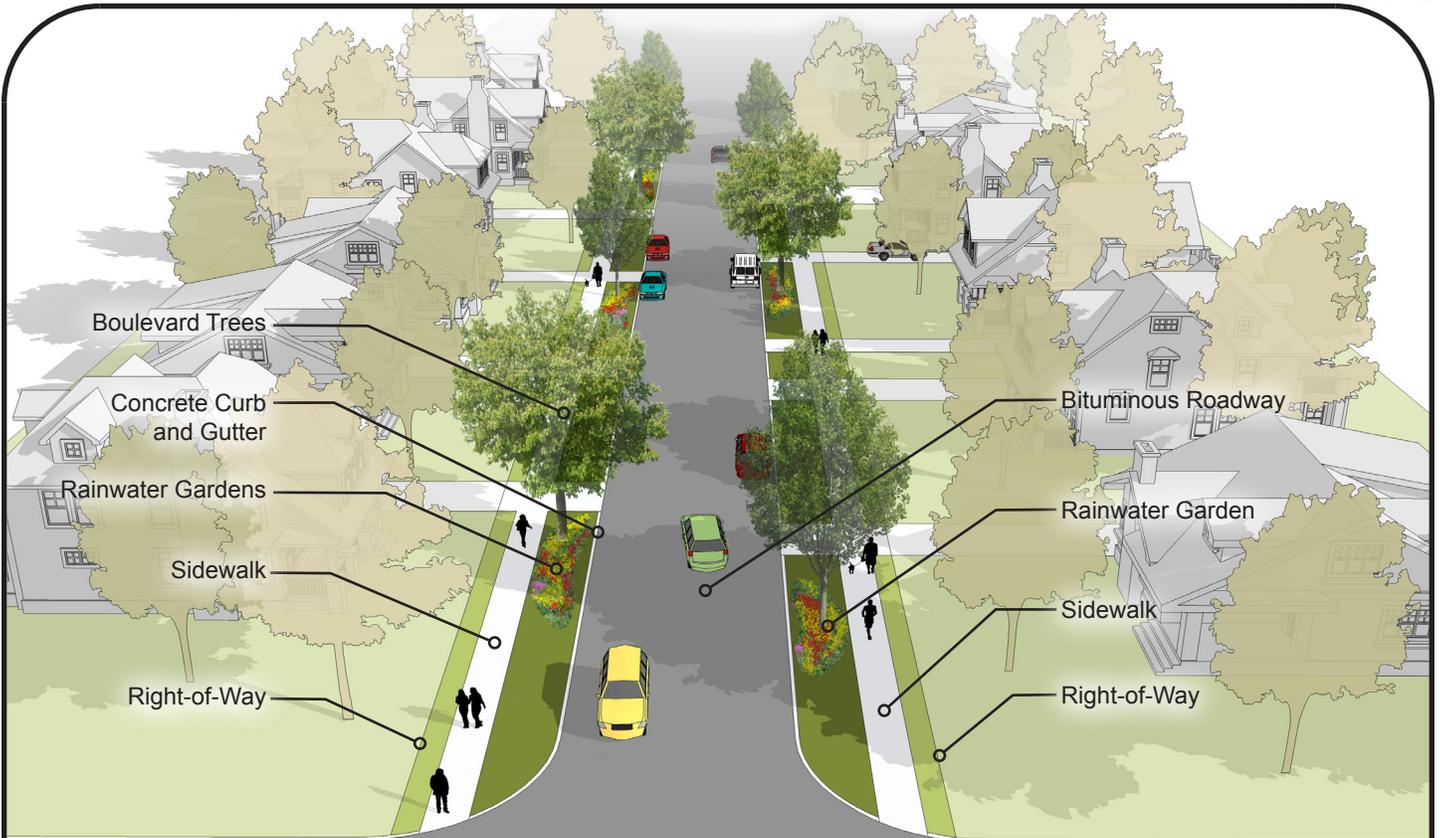
Design templates showing options 1 and 2 are provided for Local Connector Streets.



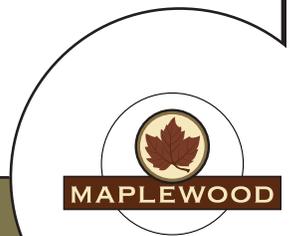


Local Connector Street | Option 1





Local Connector Street | Option 2





3.4 Collector

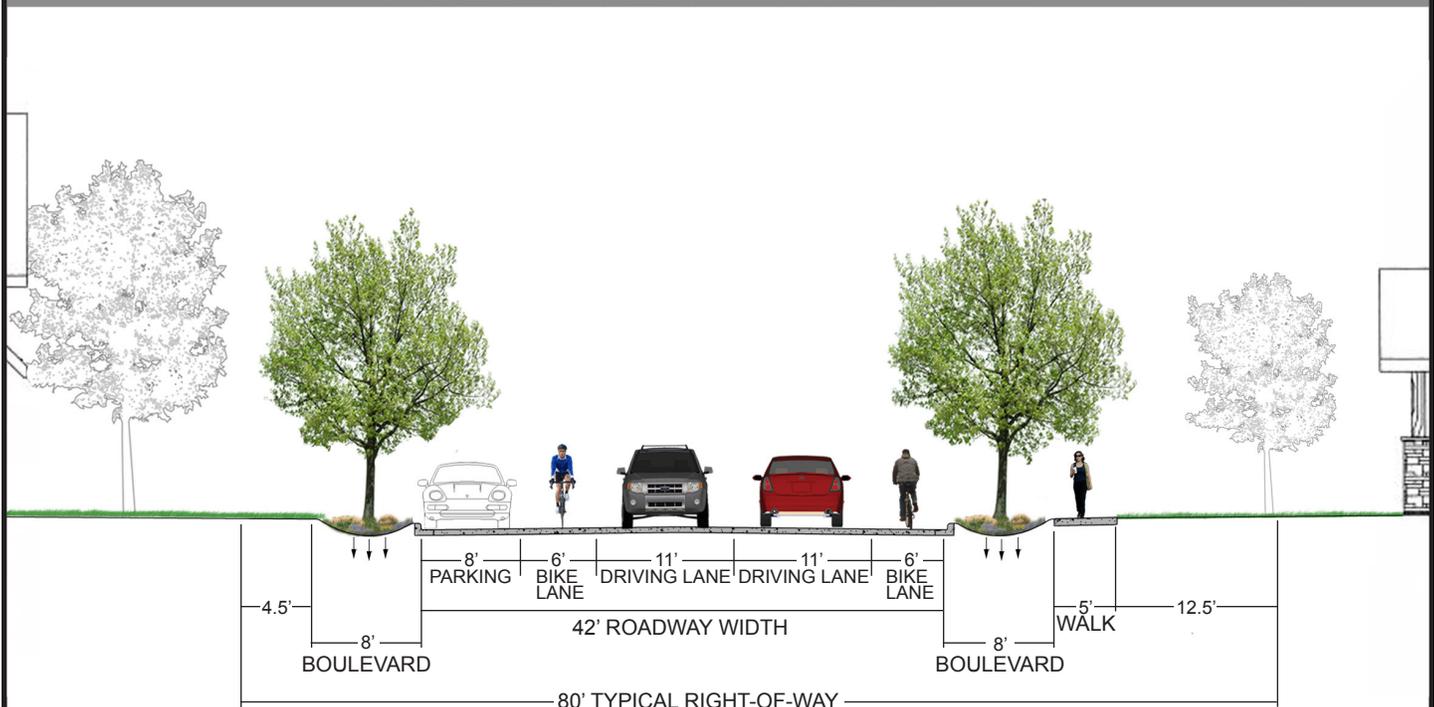
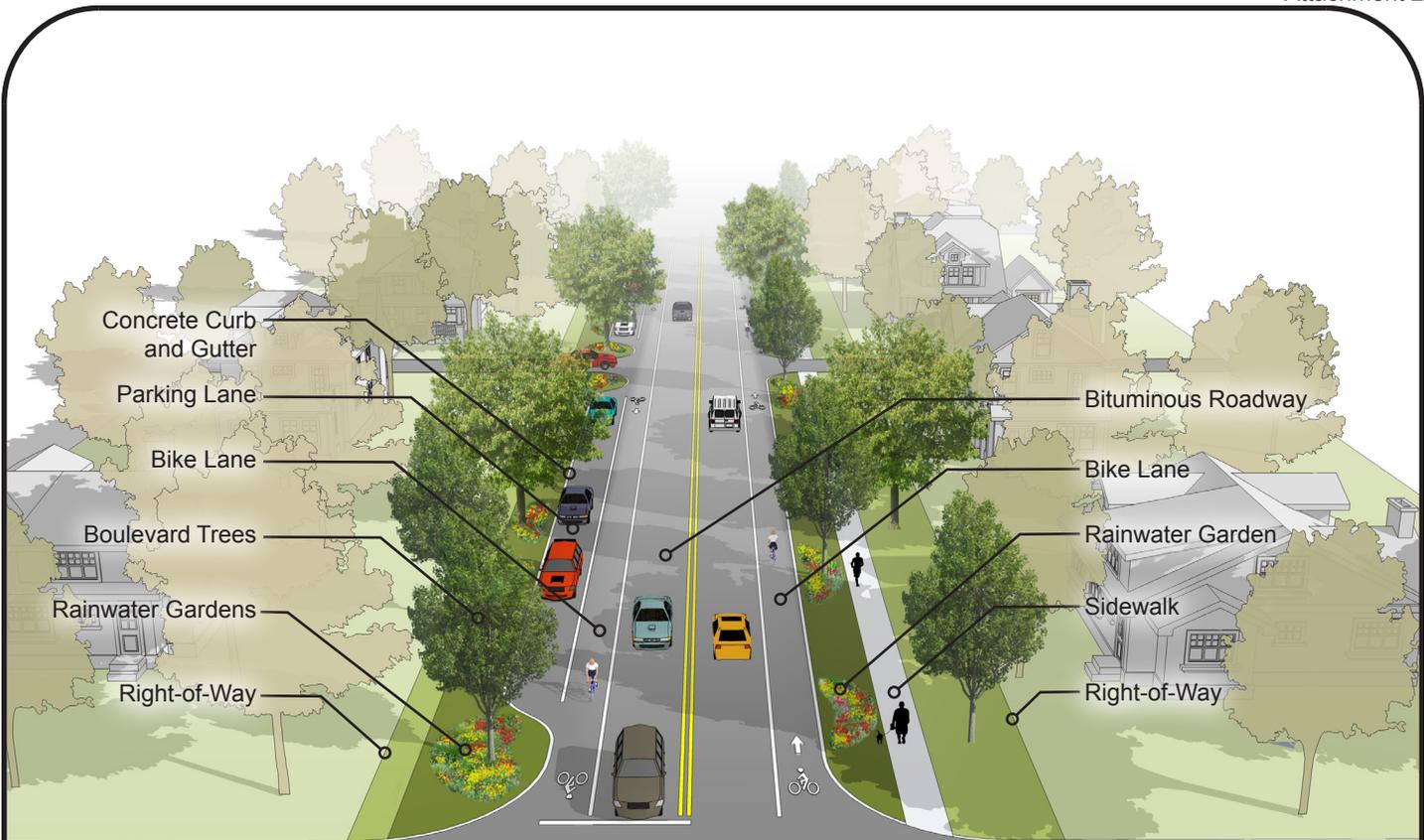
A Collector Street will be considered those with a Collector Street functional classification. Collectors convey intra-community traffic between neighborhoods, business centers, industries, parks and the like, and direct access to abutting properties. Spacing of these roads typically places them approximately one-half mile apart.

The Task Force reached consensus on the following aspects regarding Collector streets:

- Parking should be considered along one or both sides of the street, dependent upon context. However, parking provided shall reflect the need and site conditions, with the construction of unnecessary parking avoided.
- An option should be provided for a center opposing turn lane (3-lane design).
- On road bike lanes should be provided for both directions of traffic.
- Sidewalks need to be provided along this type of street, with options provided to install sidewalk along one or both sides. (Trails could be installed in lieu of sidewalks.) City Code requirements shall be followed where they are more prescriptive than the Living Streets Policy (i.e. requirements for sidewalks on both sides of the street in the Mixed-Use Zoning District).

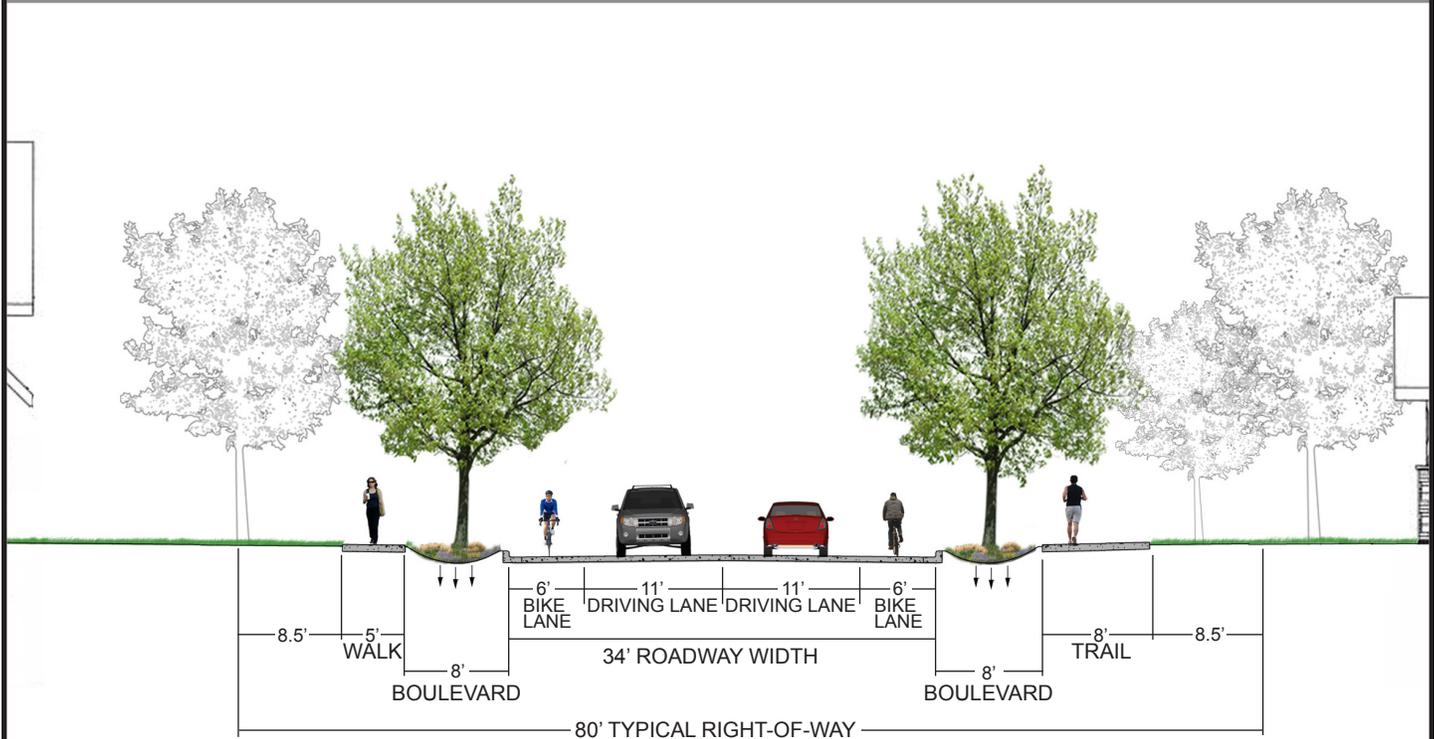
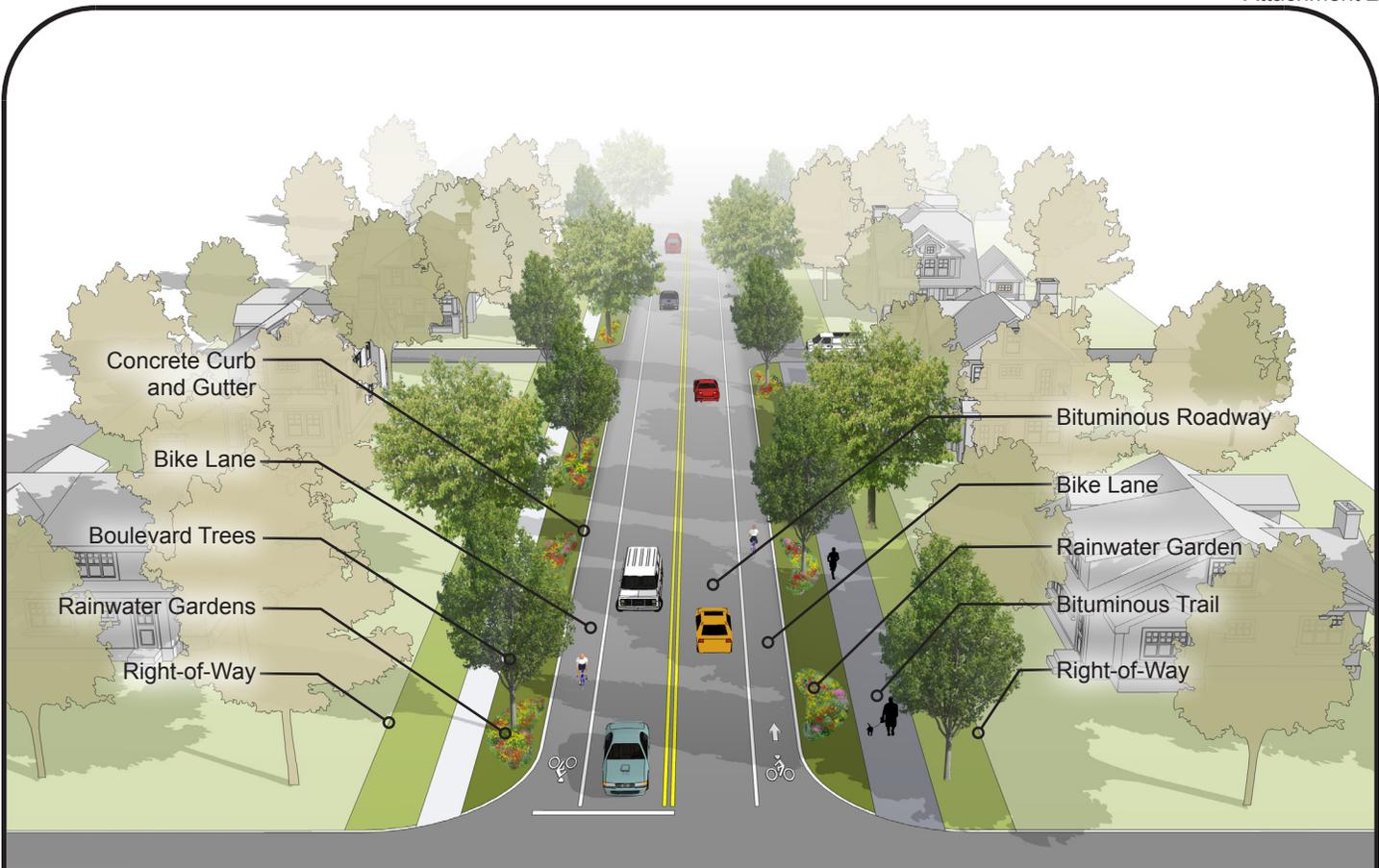
Design templates showing options 1 through 4 are provided for Collector Streets.





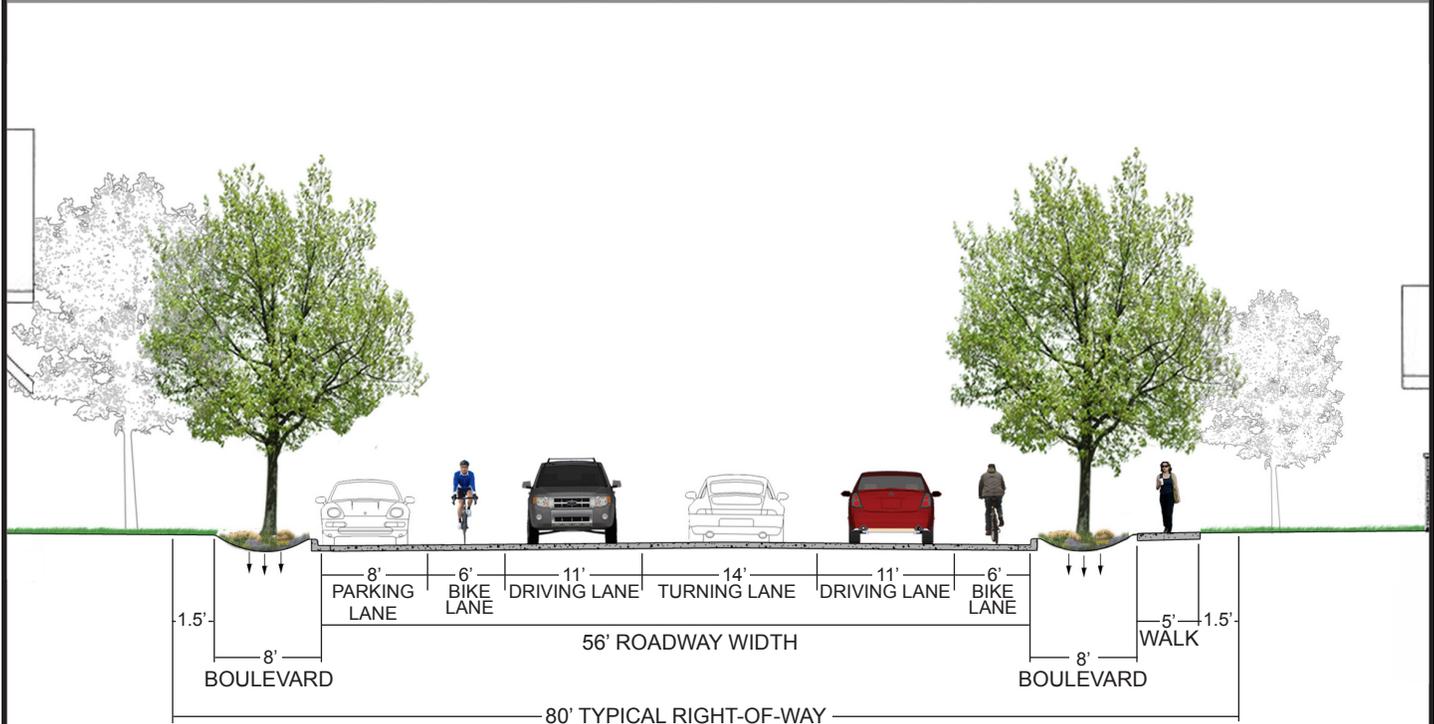
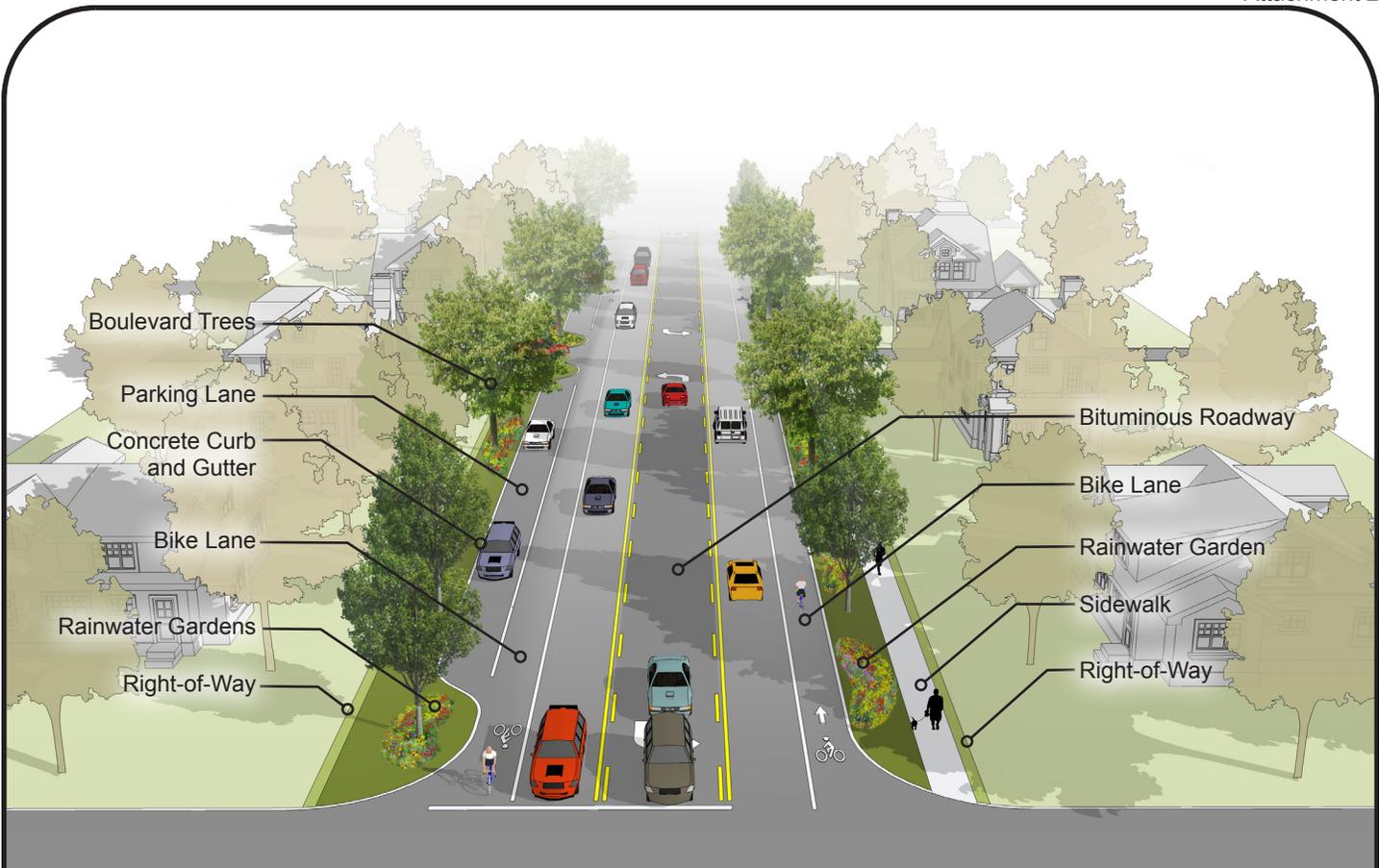
Collector | Option 1



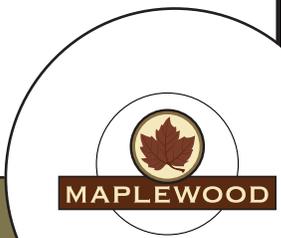


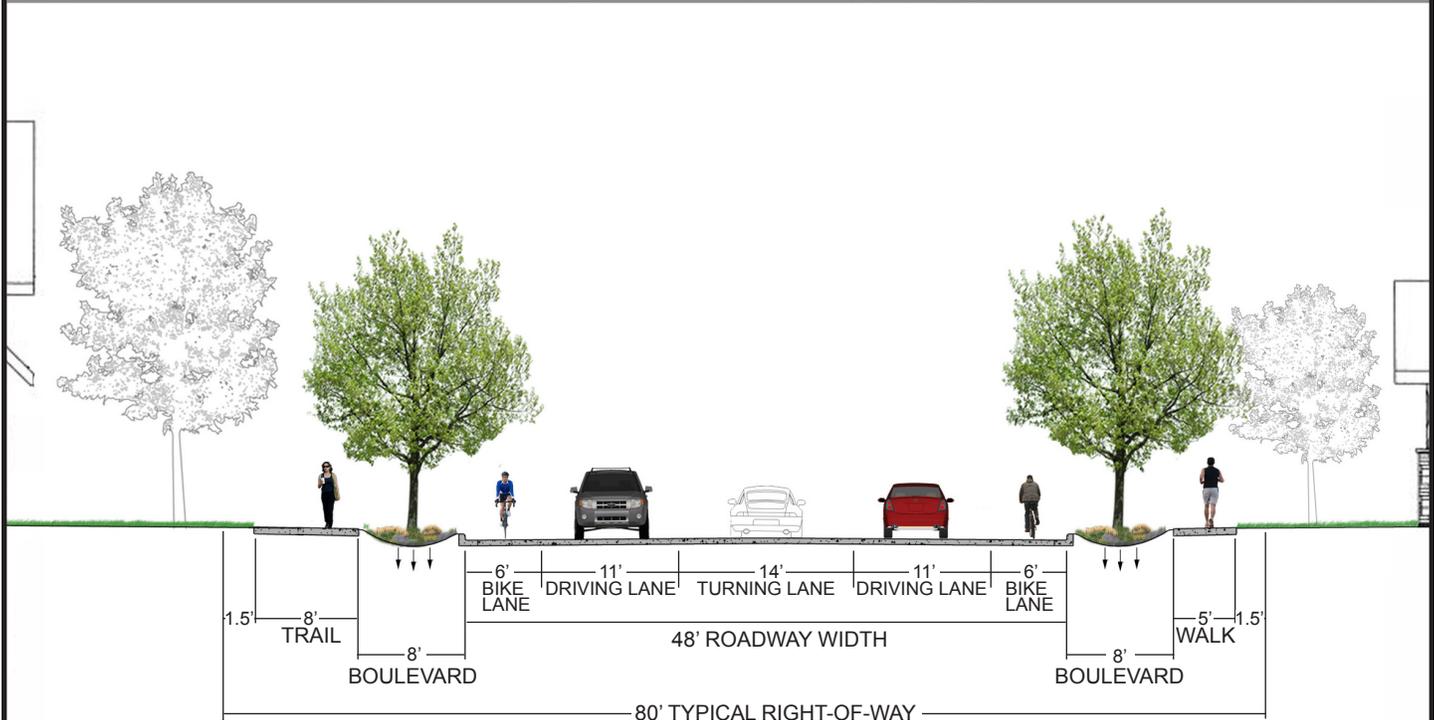
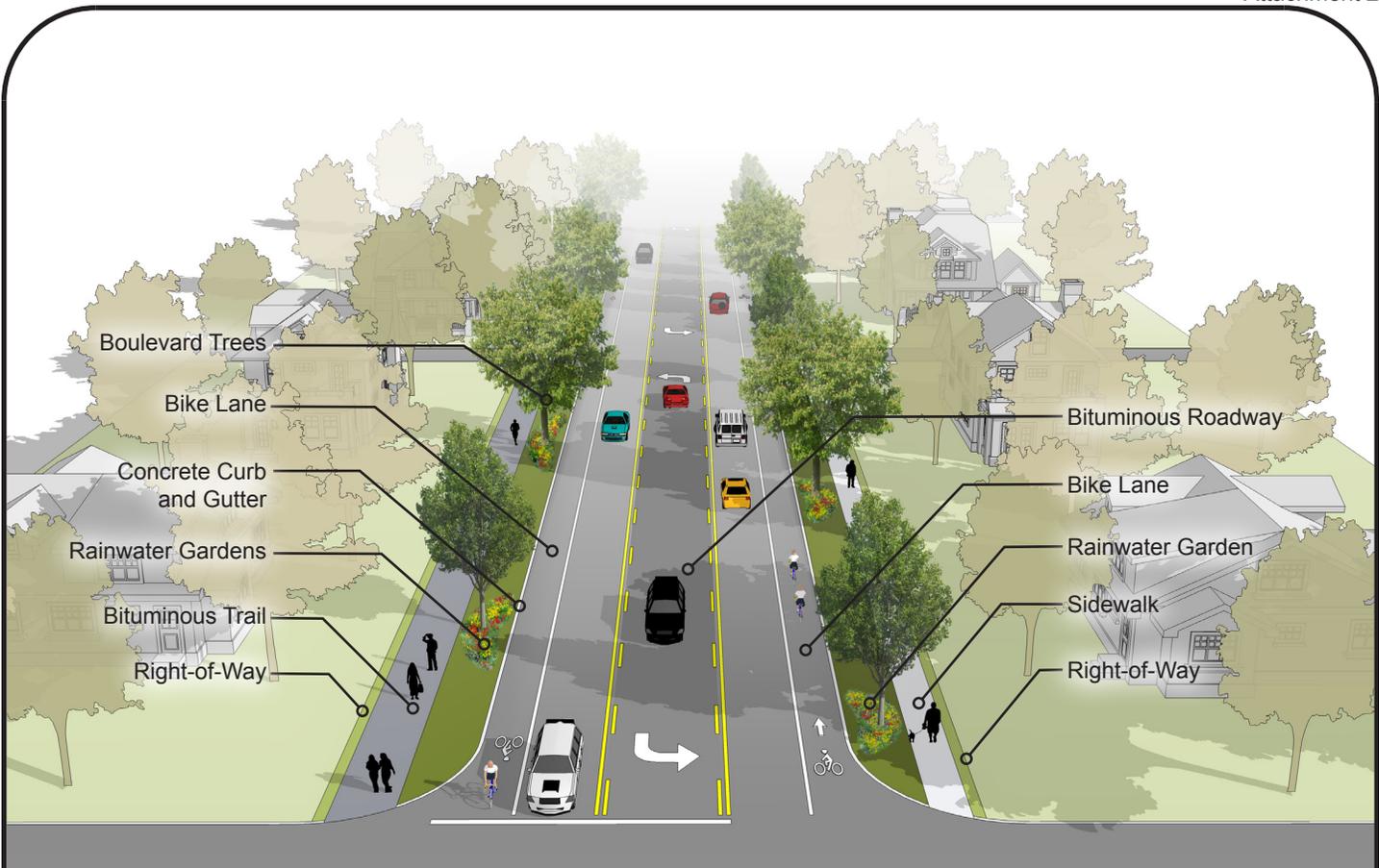
Collector | Option 2





Collector | Option 3





Collector | Option 4





3.5 Minor Arterial

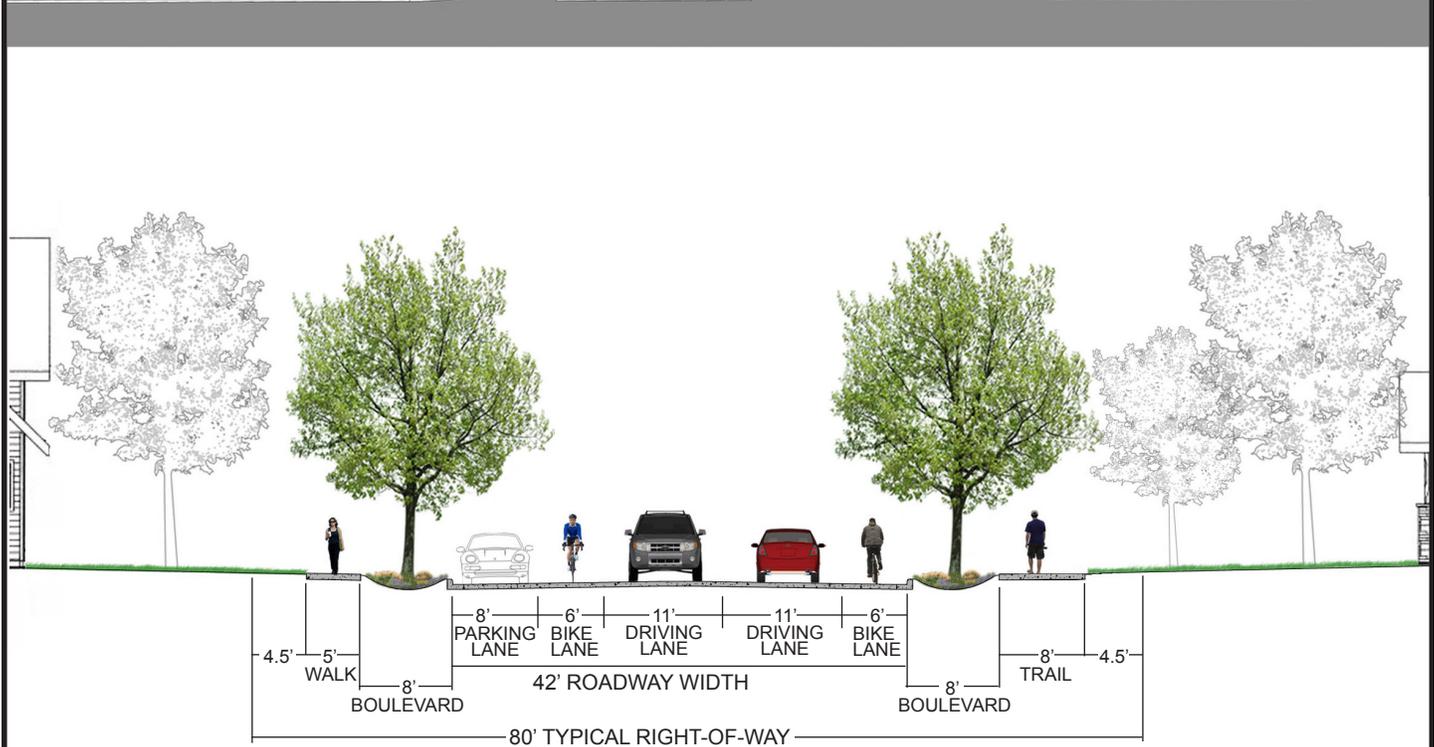
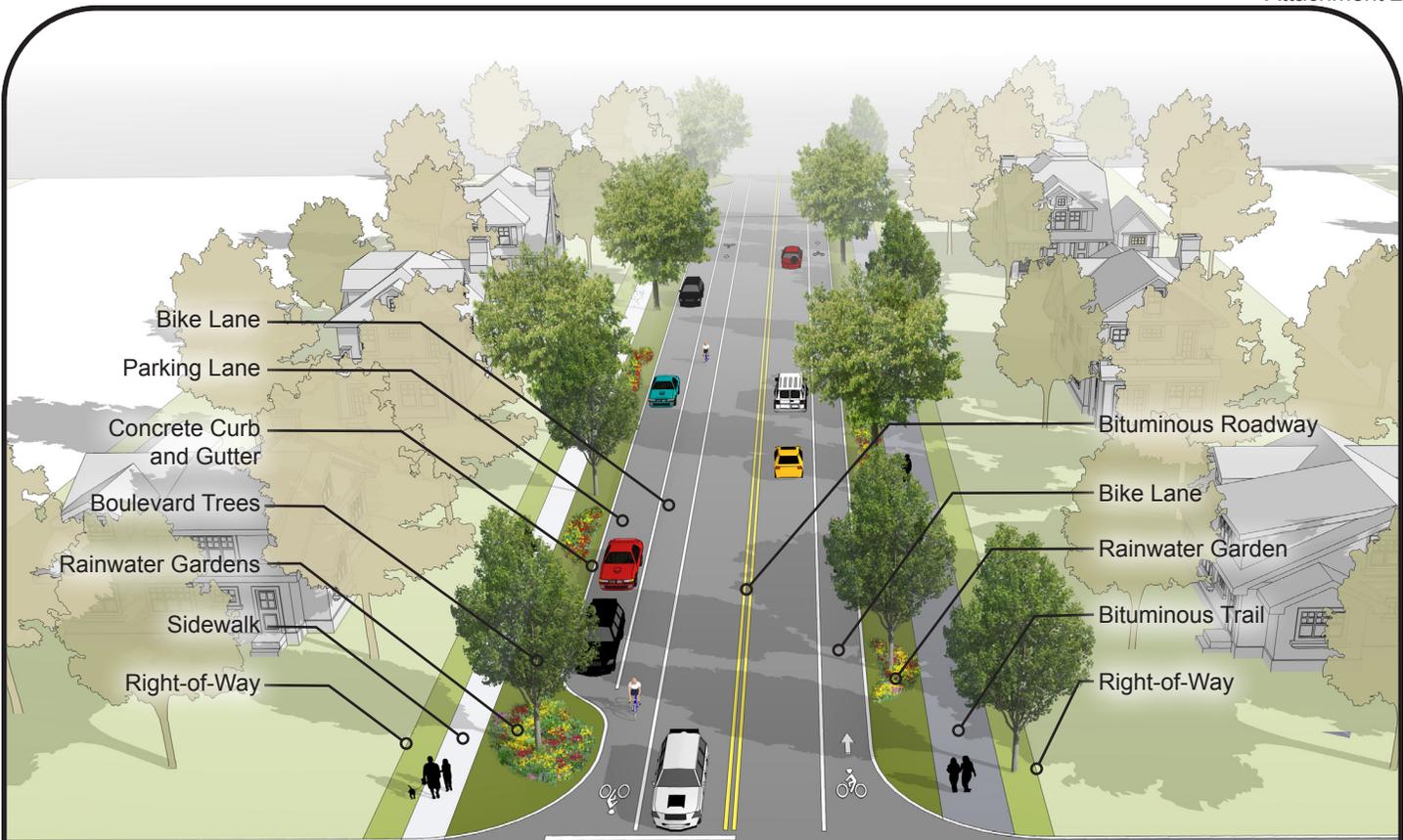
Minor Arterial streets will be those with that functional classification. These roads are the closest routes running parallel to the Principal Arterial system. Minor Arterials supplement and provide relief for traffic to the Principal Arterial system. Direct access from this type of roadway to abutting properties may or may not be allowed, as determined in the Maplewood City Code. Spacing of Minor Arterials is determined by MnDOT and Ramsey County standards, with site specific exceptions. This roadway type serves inter- and intra-community needs for trips, as well as medium to long distance suburb to suburb trips. They may also connect major trip generators, and/or funnel traffic between collectors and restricted access arterials.

The Task Force felt many options could be provided for this type of roadway, due to many different contexts in which they can exist. Following is a summary of some of the guidance points determined by the Task Force regarding Minor Arterial streets:

- Parking may or may not be allowed along these streets, depending upon the context.
- Options should be provided for two, three, and four lane designs.
- On road bike lanes should be provided for both directions of traffic.
- Sidewalks need to be provided along both sides of this type of street. A Minor Arterial with sidewalk along just one side should be considered only in a situation where it is not feasible or practical to install sidewalk along both sides.

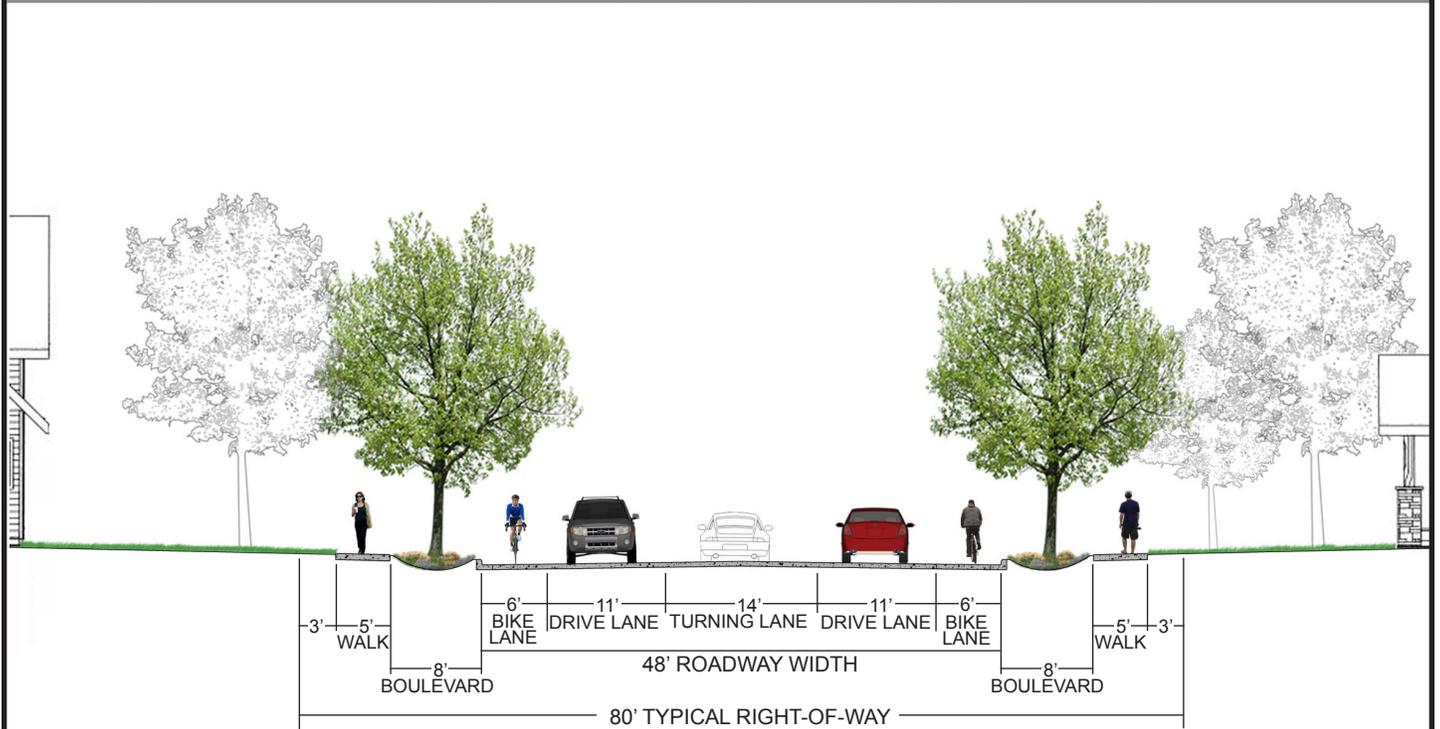
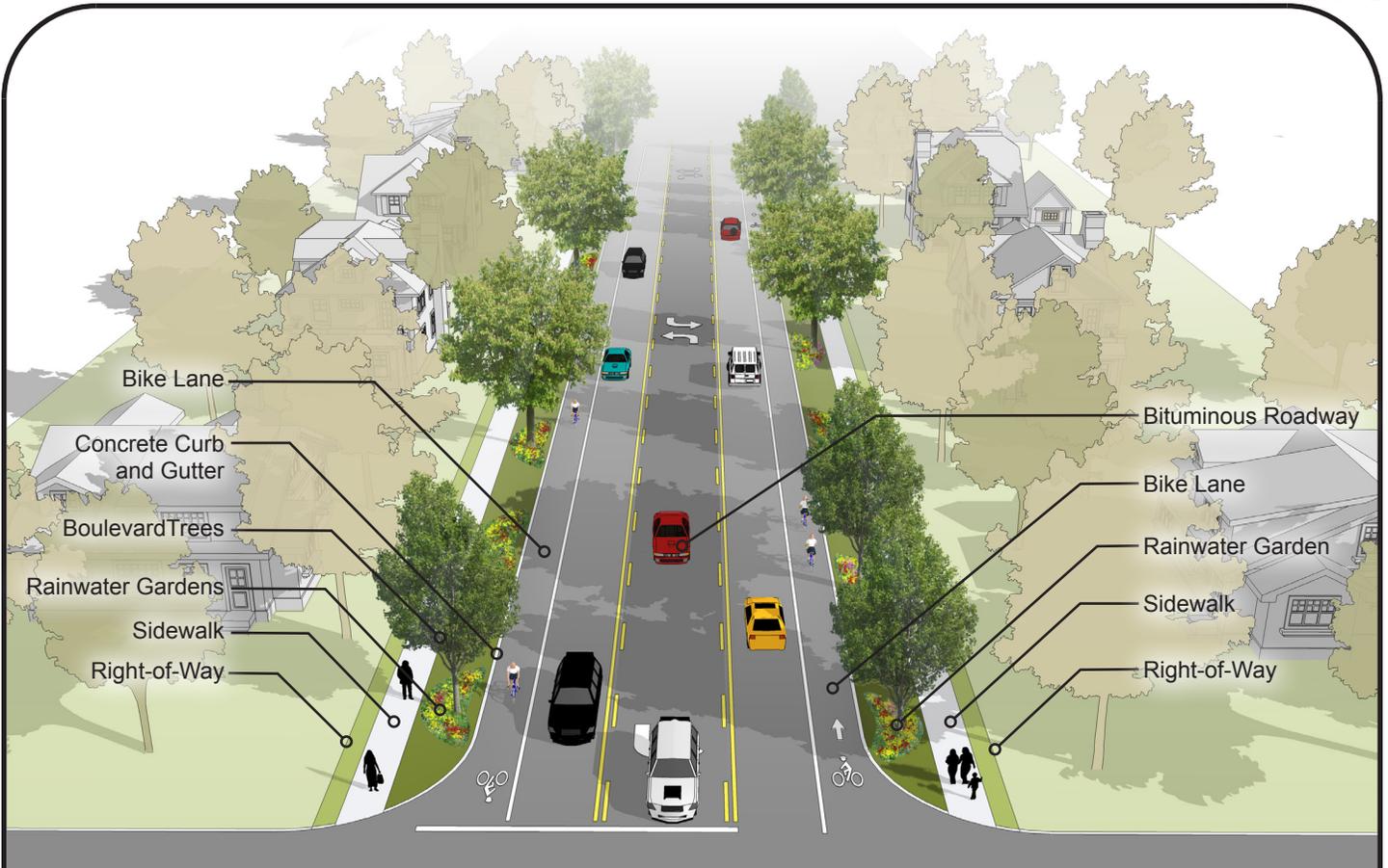
Design templates showing options 1 through 3 are provided for Minor Arterials.





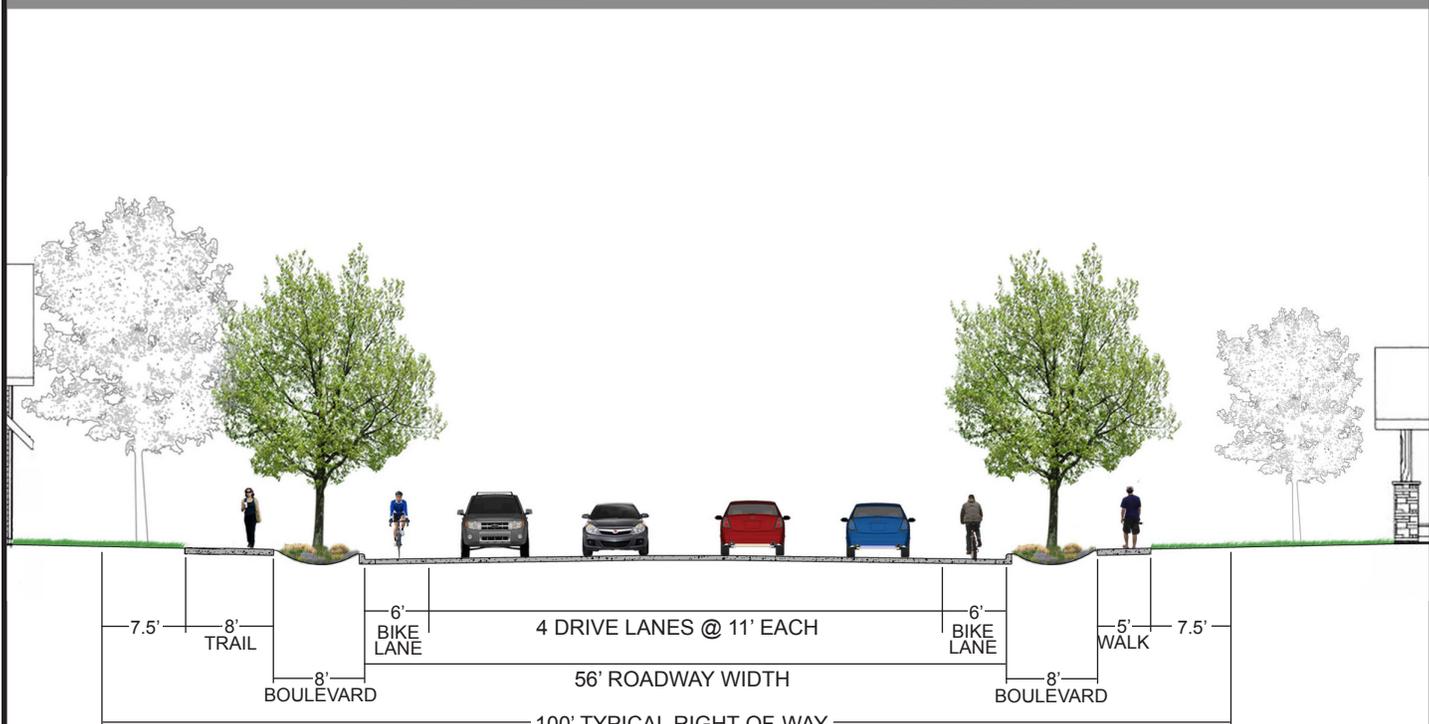
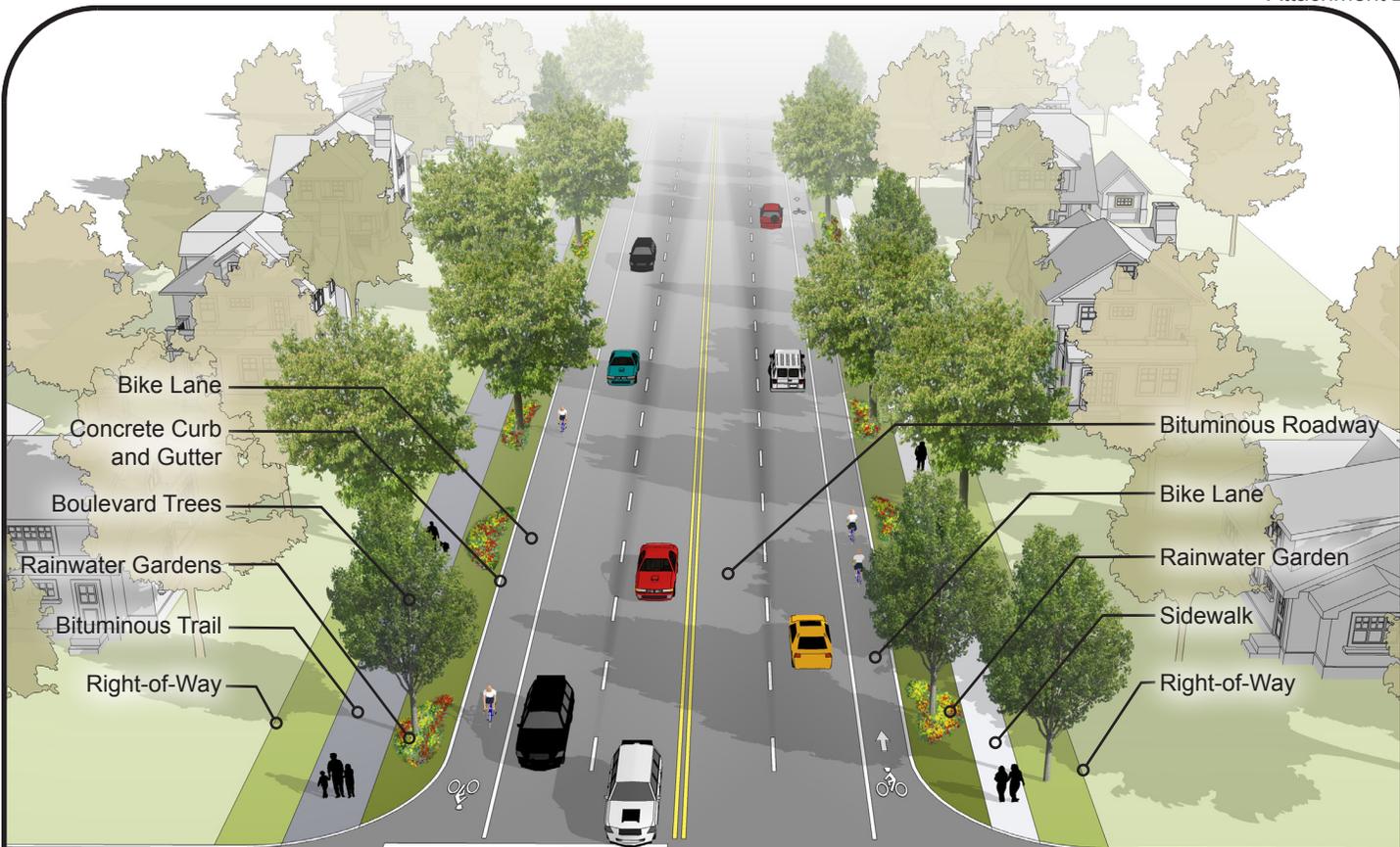
Minor Arterial | Option 1





Minor Arterial | Option 2





Minor Arterial | Option 3





3.6 Miscellaneous

Miscellaneous streets will be those that do not fit any of the types previously discussed. The most common example of a Miscellaneous street is a cul-de-sac.

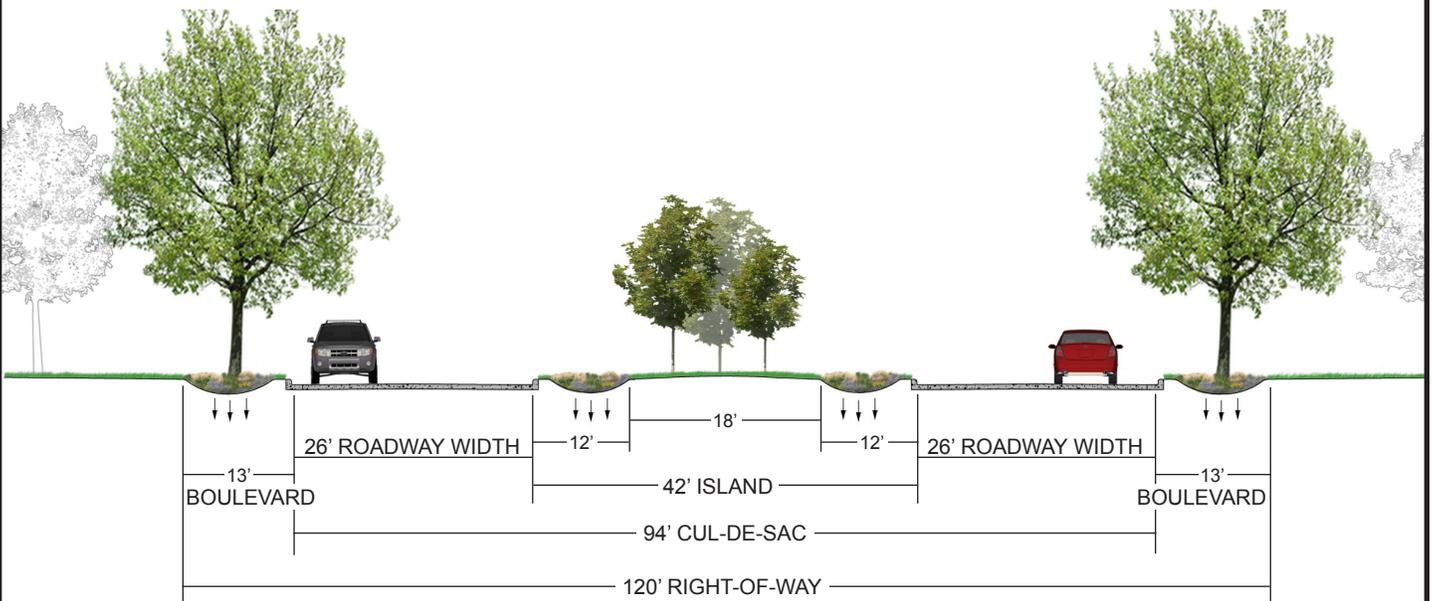
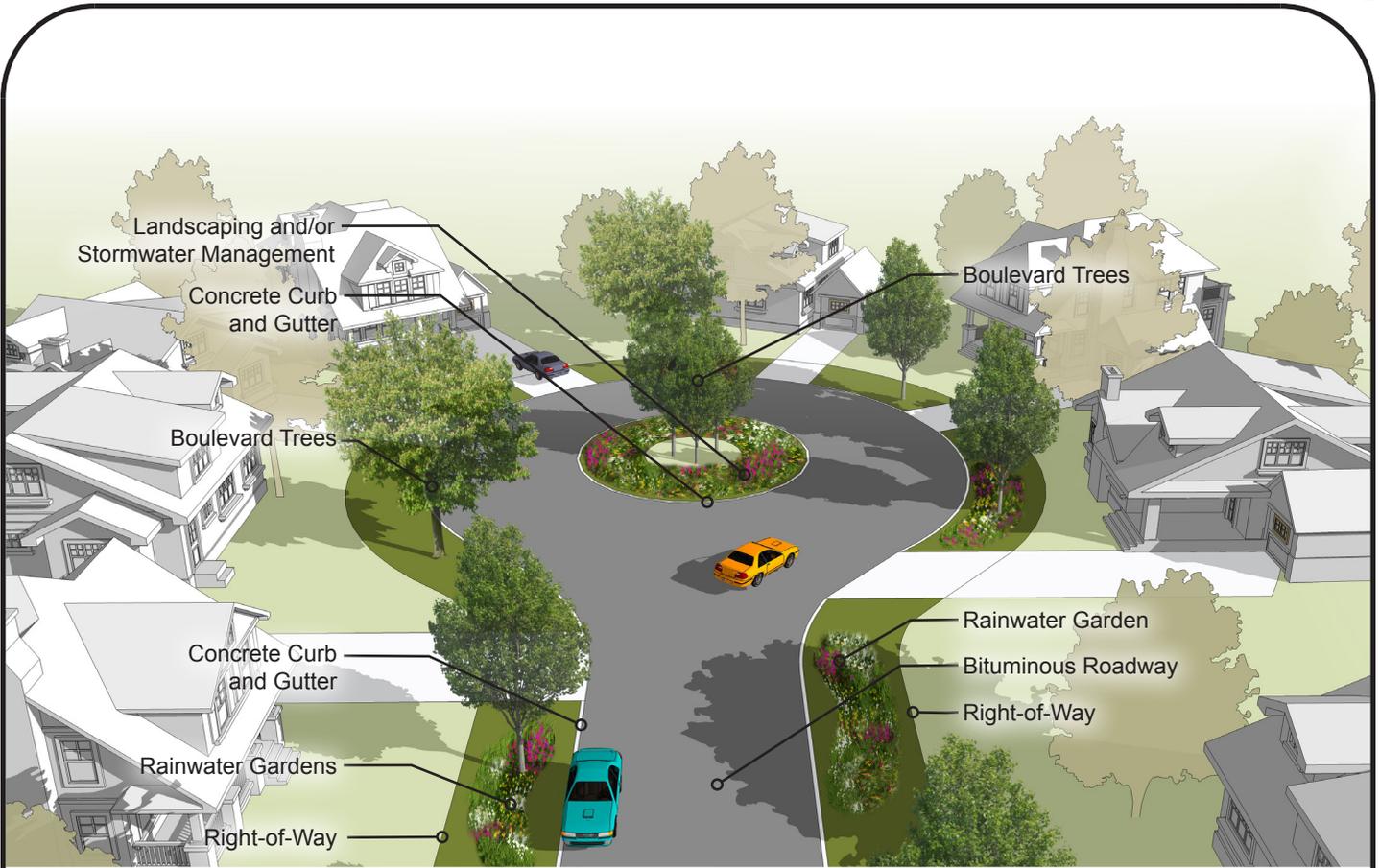
Following is a summary of the guidance for Miscellaneous streets:

- The “throat” of a cul-de-sac should be considered as a typical Local Street (see Section 3.2).
 - Narrow street widths should be allowed only when a boulevard sidewalk is provided.
- The “circle” of a cul-de-sac should be sized to meet access requirements of the current version of the Minnesota State Fire Code.
- The “circle” of a cul-de-sac should be designed with green space in its center for stormwater treatment and/or landscaping.

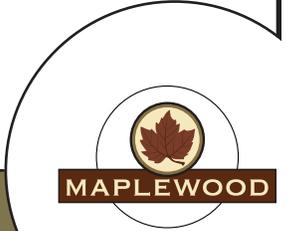
Design templates showing options 1 and 2 are provided for offset and standard cul-de-sacs.

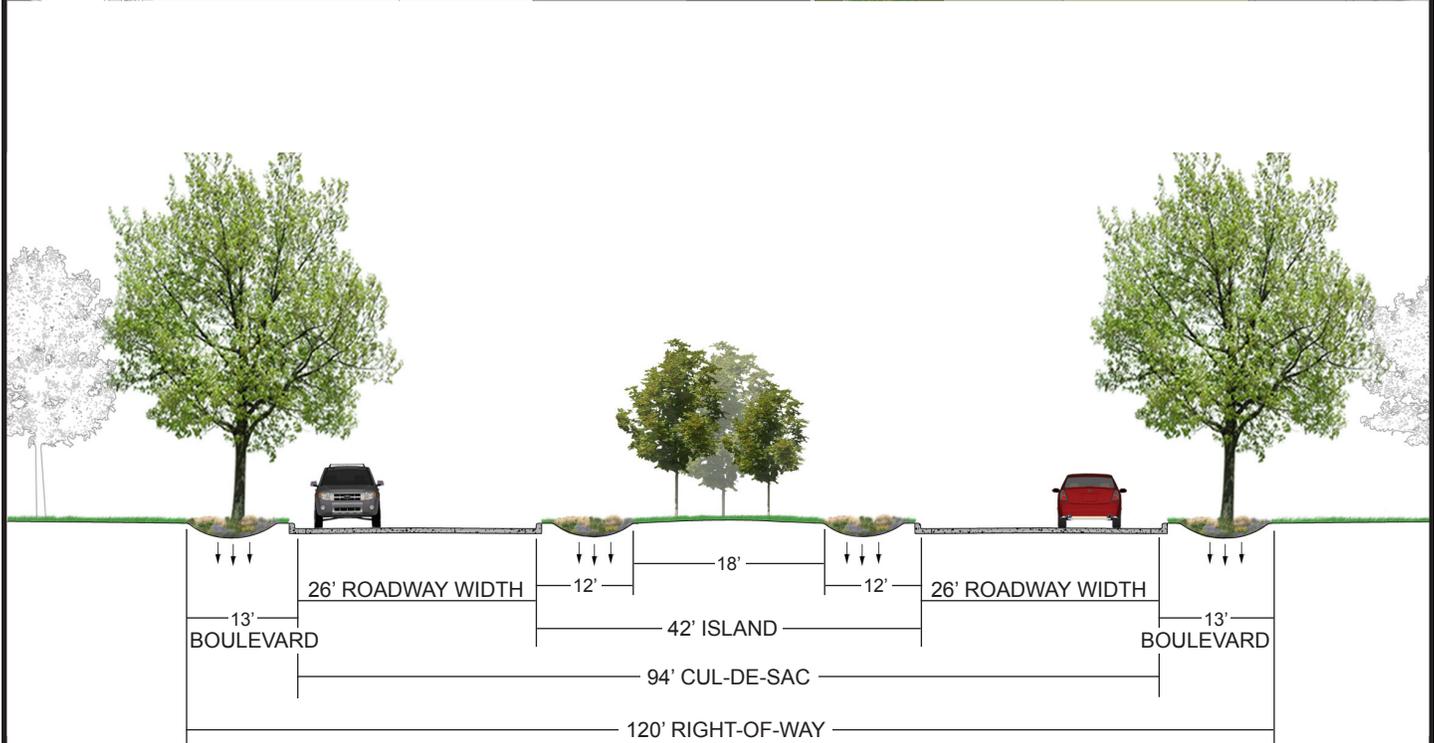
Types of Miscellaneous streets besides cul-de-sacs could include special or unique roadways, such as parkways, guided corridors, or alleys. For those situations, each would be considered on a case-by-case basis.





Cul-De-Sac | Option 1





Cul-De-Sac | Option 2



4.0 IMPLEMENTATION

4.1 Comprehensive Plan Amendments

Based on the comparison of the Living Streets Policy to the City of Maplewood adopted 2030 Comprehensive Plan as discussed in Section 2.3, following is a summary list of the recommended amendments that should be considered for the Comprehensive Plan:

- Chapter 8: Amend the definition of Minor Arterial to remove the statement that such a road contains at least two drive lanes in each direction.
- Chapter 8: Amend the Comprehensive Plan to replace Figure 8.2 with the design templates from the Living Streets Policy.

4.2 City Code Revisions

The Living Streets Policy has been reviewed against the current City Code to determine where updates to the Code will be needed as part of the adoption and implementation of Living Streets. Each section of the Code reviewed is listed below, along with recommended revisions:

- Community Design Review Board (Chapter 2, Sections 2-281 through 2-300):
 - No revisions needed.
- Utilities and Streets (Chapter 12, Article VII, Division 4):
 - No revisions needed.
- Environment (Chapter 18):
 - No revisions needed.
- Streets, Sidewalks, and Other Public Places (Chapter 32):
 - Section 32-11.(b). Recommend addition of item (16) to require joint trench installation of underground utilities when possible.
 - Section 32-92.(a)(5) states *“A permanent relaxed urban street design may be used with lots that are over one acre, when approved by the city council.”* Although Living Streets will become the new standard for street construction, the option for the relaxed design can still be offered in those areas of the City that meet the requirements. Therefore, no revision is needed.
 - Section 32-92.(a)(6) should be expanded to incorporate sidewalk placement in accordance with the Living Streets Policy as well.
 - Section 32-92.(a)(7) currently states that Minor Arterials shall not be less than 52 feet in width. This needs to be revised, as the Living Streets Policy includes options for Minor Arterials as narrow as 42 feet in width. It is recommended the statement of specific width be removed from the Code, and that 32-92.(a)(7)



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- simply say, *“Principal and minor arterial streets shall be of adequate width to accommodate projected traffic volumes.”*
- Section 32-92.(a)(8) currently states that Collector streets shall be 34 to 44 feet in width. This needs to be revised, as the Living Streets Policy includes options outside that range. It is recommended the statement of specific width be removed from the Code, and that 32-92.(a)(7) simply say, *“Collector streets shall be constructed to widths in accordance with current City standards.”*
 - Section 32-92.(a)(9) currently states that Local streets shall be 32 feet in width. This needs to be revised, as the Living Streets Policy provides for more narrow streets. It is recommended the statement of specific width be removed from the Code, and that 32-92.(a)(7) simply say, *“Local streets shall be constructed to widths in accordance with current City standards.”*
- Subdivisions (Chapter 34):
 - Section 34-8.(b)(1) currently states *“No full-width street shall be less than 60 feet wide.”* This sentence is unclear, as the width referenced applies to the right-of-way, not the actual improved street surface. The sentence should be revised to say *“No full-width street shall have right-of-way less than 60 feet wide.”*
 - Section 34-12.(a)(6) should be expanded to incorporate all boulevard elements of Living Streets, beyond just turf.
 - Section 34-16.(7) requires sidewalks on both sides of roads in the mixed-use MU district. This can be compatible with the Living Streets policy, provided it is clarified that City Code takes precedence where it is more prescriptive.
 - Traffic and Vehicles (Chapter 36):
 - Section 36-204 addresses riding a bicycle upon a roadway. Recommended that 36-204.(a)(4) be added to state: *“A specified bicycle lane is provided and marked upon the roadway.”*
 - Section 34-16.(7) requires sidewalks on both sides of roads in the mixed-use MU district. This can be compatible with the Living Streets policy, provided it is clarified that City Code takes precedence where it is more prescriptive.
 - Trees (Chapter 38):
 - Section 38-1 currently prohibits the planting of trees in the public right-of-way. This section will need to be revised to allow tree planting in the right-of-way.
 - The Task Force recommended the allowance of planting of trees in the public right-of-way be limited to that done by the City or its agents as part of a public improvement project; or that which is done in accordance with an approved City planning or guidance document (such as an approved Tree Plan).
 - Utilities (Chapter 40):
 - No revisions needed.





- Zoning (Chapter 44):
 - No revisions needed.

4.3 Engineering Specifications and Standards Revisions

The Maplewood Engineering Department maintains a set of written Engineering Standards as well as Standard Plates and Standard Specifications. The following revisions are recommended to make those documents consistent with the Living Streets Policy:

Engineering Standards:

- Section 3.7 – Tree Plan
 - No revisions necessary due to the Living Streets Policy, but this section should be reviewed again for potential updating once the City has developed an overall Tree Plan as recommended in Section 4.5 of the Living Streets Policy.
- Section 4.1 – References
 - Add the *Maplewood Living Streets Policy* as a reference.
- Section 4.7 – Pavement Section
 - The first paragraph specifies lane layouts and widths for local and collector streets. This paragraph will need to be revised or replaced, as the Living Streets policy contains the new standards for widths and configurations.
 - The first sentence of the second paragraph states the local street section is shown on Standard Plate 111. This reference will need to be updated.

Standard Plates

- The following standard plates will need to be updated:
 - Plate 110 – Typical Intersection
 - Plate 111 – Typical Residential Street Section – Urban
 - Plate 116 – Rainwater Garden.
 - To accommodate boulevard sizes proposed on Living Streets.
 - To accommodate potential for planting trees within gardens.
 - Plate 500 – Hydrant Installation
 - Typical dimension from right of way does not work with all options for Living Streets. Notes need to be added to address.
 - Plate 620 – Typical Boulevard Utilities
 - Typical dimension from right of way for utility trench does not work with all options for Living Streets. Notes need to be added to address.
 - Plates 650, 651, and 652 – Tree, Shrub, and Ground Cover Planting Details
 - These plates will continue to be acceptable for locations not in rainwater gardens. Recommend the names for these plates be expanded to clarify.



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- It may be appropriate to develop three new plates for planting of trees, shrubs, and ground cover within rainwater gardens.

Standard Specifications:

- Section MW-2571A – Rainwater Garden Preparation
 - 2571A.4.D.3 lists the dimensions for standard garden sizes. The garden sizes are also listed on Standard Plate 116. As noted previously, the garden sizes will need to be revised to accommodate the boulevards proposed on Living Streets. It is recommended the garden sizes continue to be listed on Standard Plate 116 and be removed from the Standard Specification. It is recommended Section 2571A.4.D.3 simply reference the garden sizes shown on Standard Plate 116. This will ensure the Standard Specification references the current and correct garden sizes, and will eliminate the possibility of contradiction between the Standard Specification and the Standard Plates.
- Section MW-2572 – Protection and Restoration Of Vegetation
 - 2572.3.A.8 states the requirements for tree replacements if trees are damaged during construction. No revisions to this section are necessary due to the Living Streets Policy, but this section should be reviewed again for potential updating once the City has developed an overall Tree Plan as recommended in Section 4.5 of the Living Streets Policy. It is likely that once a Tree Plan is adopted, it would be most appropriate for Standard Specification section 2572.3.A.8 to just reference the current requirements of the approved Tree Plan.

4.4 Environmental Utility Fee Policy Revisions

- Increase the EUF credit from 30% to 50% to maintain and increase the level of voluntary participation in the rainwater garden program.
- Clarify that continuance of credits is not guaranteed for perpetuity. Credits are reviewed periodically and can be terminated if the BMP is not being adequately maintained.
- Establish a program to allow for retrofitting of rainwater gardens.
 - Designate an amount annually from the EUF to be used for retrofitted rainwater gardens. Recommended initial amount is \$10,000.
 - Establish a procedure for interested property owners to apply for consideration of having a retrofitted rainwater garden constructed.





- Approve up to five applications for funding for retrofitted rainwater gardens per year, with an award of \$2,000 to be made to the property owner upon successful establishment of the rainwater garden.
 - All applications for retrofit rainwater gardens within any given year would be approved if appropriate, however only five applications would be approved to receive funding support.
- Curb cut would be provided as necessary by the City at no cost to the property owner for approved retrofit applications.

4.5 Tree Plan Development

- It is recommended Maplewood develop and implement an integrated Tree Plan.
 - The Tree Plan should identify and establish a consistent, reliable, stable source of revenue for the Tree Fund.

The need for a comprehensive tree plan for the City has been identified in several ways. The Sustainability Chapter of the adopted 2030 Comprehensive Plan states a goal of the City is to *“Adopt an urban tree program that encourages a healthy and thriving urban tree canopy”*; the Natural Resources Chapter of the Comprehensive Plan states an implementation strategy should be to *“Develop and implement an Urban Tree Management Plan”*; the Living Streets Task Force in their discussions recognized the need for a tree policy/program, including funding mechanism; and the Maplewood Public Works Department initiated a Forestry program in its budget for 2013 to begin this process. Finally, this Living Streets Policy has established enhancing the urban forest as a focal point of street projects going forward.

Maplewood has several programs that protect our urban forest: diseased tree inspection, tree trimming, tree planting, tree purchase rebate for residents, big tree registry, tree ordinance, and educational programs and materials. A comprehensive tree plan would integrate these existing items cohesively, identify the requirements for the trees in the Living Streets Policy as discussed in Section 2.2.4, and also identify and address any other gaps in the approach to the urban forest.

Establishing a stable funding source needs to be an important component of an overall tree plan. Currently, the sole revenue source for the Tree Fund is developer contributions, required only when a developer is not able to preserve trees or provide adequate replacement trees as part of a development. As a result, the revenue flow for the Tree Fund is inconsistent and unpredictable. During a period of slow development activity or if developers meet their tree requirements, the revenue into the Tree Fund is low. However, the City is experiencing increasing and more consistent expenses related to trees and the urban forest, as exhibited by the proposed forestry budget in 2013 and the commitment to the Living Streets approach.



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4.6 Street Reconstruction and New Development

Upon adoption, it should be clearly identified the Living Streets Policy is the new standard for all street projects, both new and reconstruction, within the City of Maplewood.

4.7 Outreach and Education

Outreach and education is an important aspect of establishing an adopted Living Streets Policy within the City of Maplewood. The success of Living Streets will be greatly increased if the understanding and support of the community can be attained.

Maplewood already has an effective program for communication as part of street reconstruction projects. That program should be maintained and incorporated as part of a larger overall communication plan for Living Streets.

- The standards established by this Living Streets Policy should be presented and communicated to property owners within project areas, and should be the starting point for discussion of project elements.

The outreach and education for the Living Streets Policy can be broken down into elemental components: who needs to be communicated with; where the communication should occur; how the communication can be conveyed; what should be in the message. An outline of these components is shown below:

Tools for communication:

- Create a specific image to represent the Living Streets Policy.
- Create a summary fact sheet or brochure, similar to as was done for raingardens.

Elements of Message:

- Benefits.
- Long-term thinking.
- Sustainability and environmental stewardship.

Target groups for communication:

- Parents.
- Children.
- Volunteer Organizations (i.e. Boy/Girl Scouts).



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- Seniors.
- Cyclists.
- Pedestrians.
- Businesses.
- Environmentalists.
- Gardeners.
- Properties along proposed projects.

Ways to communicate:

- Coalitions.
- Special events.
- Existing outlets (newsletter, web page, cable tv).
- Project process (specific public meetings).
- Tours of Living Streets projects.

Aspects of communication:

- Early communication.
- Engage the audience / group.
- Promote two-way communication.
- Package the message appropriately for the context.





APPENDICES

Benefits of Living Streets – excerpt from the North St. Paul Living Streets Plan



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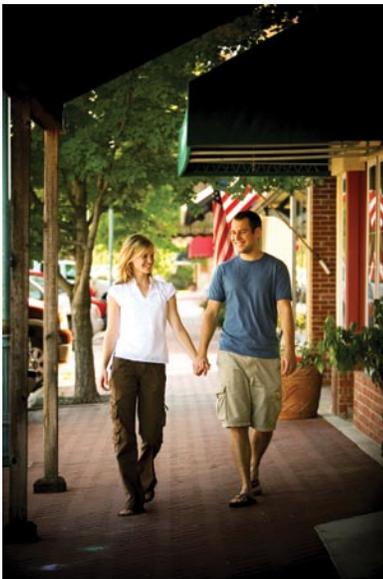
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Benefits of Living Streets

Most of us think of America as the land of choices. Yet, in just about any community built in the last 50 years, there is pretty much one choice for transportation: the car. North St. Paul isn't any different than most American cities in this regard. Living Streets provide many transportation choices to the diverse range of city residents and it balances those choices to provide community, environmental and economic benefits as well.

Walkable streets raise home values

Studies show that homes in more walkable neighborhoods have higher values than similar homes in less-walkable areas. The report, "Walking the Walk: How Walkability Raises Housing Values in U.S. Cities" by Joseph Cortright, analyzed data from 94,000 real estate transactions in 15 major markets and found that in 13 of 15 markets, higher levels of walkability were directly linked to higher home values.



Surveys indicate that shoppers spend more time and money in commercial districts with tree-lined streets.

Living Streets have economic benefits because they:

Make Fiscal Sense. Smaller streets, less pavement and fewer underground storm sewer pipes cost less to build. These are savings that residents will notice on special assessments associated with their street reconstruction project.

Lower Long Term Maintenance Costs. Smaller streets also cost less to plow and repair benefiting the city's annual budget and taxpayers.

Increase Property Values. Walkable communities with tree lined streets and slowed traffic increases neighborhood desirability and property value, an asset residents will realize at the time of sale.

Spark Economic Revitalization. By making local businesses more accessible to bicyclists and walkers, residents are more likely to shop locally and encouraging local business investment and job growth. Research shows that shoppers are attracted to businesses with tree lined streets.



Good bike and pedestrian access to downtown could help business.

Living Streets build community because they:

Help Children. Streets that provide room for safe walking and biking help children get physical activity and gain independence. More children walk to school where there are sidewalks, and children who have safe walking and bicycling routes have a more positive view of their neighborhood.

Improve Public Health. By offering easy opportunities for walking and bicycling, living streets encourage a healthy life-style for people of all ages, especially the elderly, and are an important strategy to combat obesity.

Increase Safety. Traffic-calming elements like curb extensions, bump-outs and narrowed streets improve safety by reducing traffic speeds. Streets are safer for walkers, bicyclists, children, the elderly, as well as for drivers.

Enhance Neighborhood Beauty and Strengthen a Sense of Community. By making room for the planting of trees and rainwater gardens, our neighborhoods become more beautiful and attract young families that make communities thrive.

Living Streets improve environmental quality because they:

Improve Water Quality of Lakes and Streams. Rainwater gardens along roads intercept and filter stormwater runoff. Much of it soaks into the ground to water street trees while over flow water during big storms is filtered by plants before making its way to the storm sewer pipe that takes it to Kohlman Lake and ultimately further downstream to the Mississippi River.

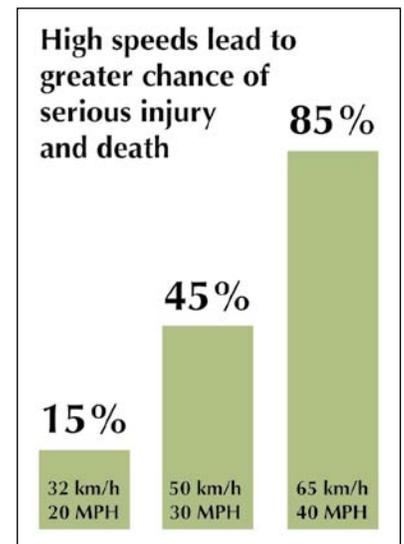
Improve Air Quality. By providing space for walking and biking, complete green streets reduce the emissions of CO₂ and other pollutants harmful to the planet and human health. Trees also filter the air, trapping dust.

Reduce the Urban Heat Island Affect. Less asphalt and more street trees reduce heat build-up in pavement and in the ambient air during hot summer days making outdoor activities more comfortable and reducing air conditioning costs in our homes and businesses.

Reduce Raw Material and Energy Used in Street Construction. Smaller streets require less asphalt, gravel beneath the street and other natural resources, and requires less energy used for their construction than larger conventional streets. This reduces the pollution and greenhouse gases emitted during the manufacturing and transporting of these materials.



Safety for children is a primary concern. Living Streets will provide safe walking and bicycling routes.



Pedestrians' chances of death if hit by a motor vehicle at different speeds.

What are the benefits of street trees?

Living Streets promote the planting of street trees. Trees provide many benefits to the environment and community. The past few decades of tree research has focused on documenting and quantifying the benefits of trees. Early on, researchers were quantifying the amount of greenhouse gases trees remove from the atmosphere (about ½ ton of carbon dioxide per tree per year) and pollutants (about 4.3 pounds of pollutants per tree per year). Since then, researchers have begun to document an ever growing list of benefits that may not be so obvious.

Environmental Benefits

In addition to the direct removal of greenhouse gases and pollutants, mentioned above, trees:

- Reduce temperatures by shading streets, sidewalks and other hardscapes, resulting in reduced use of electricity.
- Increase the amount of water that reaches the groundwater table by helping water soak into the ground.
- Intercept rain with leaves and branches, reducing the amount of water that reaches the storm system.
- Add organic matter to the soil which further improves the water-holding capacity of the soil.
- Improve the resiliency of soil to respond to rain events. One mature tree can capture over 5,000 gallons of water in a year.
- In whole, trees can reduce stormwater by about 2% for each 5% increase in the community's tree canopy.
- Reduce soil erosion with dense root systems. Less soil, contaminated or clean, reaches the stormwater system, creeks and rivers.

Community Benefits

Trees help promote pride in the community and a sense of place, as well as providing a long list of other direct and indirect benefits.

- Street trees are an important factor in reducing road maintenance costs, by shading the pavement from the sun.
- Tree-filled neighborhoods show lower levels of domestic violence.
- Street trees can calm traffic and lower traffic speed by reducing the perceived width of street.
- Trees help reduce noise levels.
- Trees are known to shorten hospital stays and reduce workplace stress.
- Trees can be used to screen unsightly views.
- Healthy trees in neighborhoods enhance property values, increasing sale prices by 1% for each large front-yard tree and 10% for a specimen tree.
- Trees are also good for business. Surveys of shoppers in commercial districts with tree-lined streets reported that they shop there more frequently, shop longer, are willing to pay for parking, and spend on average 12% more on goods.

MEMORANDUM

TO: James Antonen, City Manager
FROM: Michael Martin, AICP, Planner
Charles Ahl, Assistant City Manager
SUBJECT: **Consideration of a Resolution Supporting the Findings of the Gateway Corridor Alternatives Analysis Study**
DATE: January 22, 2013

INTRODUCTION

The city council is being asked to consider adoption of a resolution supporting the findings of the Gateway Corridor Alternatives Analysis Study.

In the fall of 2010, the Gateway Corridor Commission began leading an Alternatives Analysis Study to determine the best mode of transit. Options included light-rail transit, commuter rail and bus-rapid transit. In addition the Commission needed to determine estimated ridership, potential routes and estimated costs for construction and operation of the transit line.

The Gateway Corridor is a proposed transit line that would run mainly within the Interstate 94 corridor from Woodbury to downtown St. Paul. The line would have a potential walk up transit stop at or near the 3M Center. Originally, the corridor study considered transit opportunities from St. Paul to Eau Claire, Wisconsin.

DISCUSSION

On January 28, 2013, at the city council meeting workshop, staff from Washington County presented to council the Gateway Corridor Commission's Alternatives Analysis Study. This study was also presented to the city's planning commission on January 15, 2013.

The Alternatives Analysis Study identifies a dedicated Bus Rapid Transit (BRT) line or Light Rail Transit (LRT) line along Hudson Road from St. Paul to Woodbury as the best option to improve mass transit for this region. The Hudson Road decision was the best option after extensive analysis and public involvement campaign spanning nearly two years. More information on the decision making process and the preferred alternatives can be found at the corridor's website – www.thegatewaycorridor.com.

The Gateway Corridor Commission released the draft final report for the Alternatives Analysis Study in early November 2012. Public comments are being sought on the report and the recommendation by the Commission to advance the Hudson Road alignment into the Draft Environmental Impact Statement (DEIS). The draft final report can also be found at the website given above.

The next phase of the study, preparation of a Draft Environmental Impact Statement (DEIS), is expected to start in early 2013. The Commission advanced the BRT and LRT options along Hudson Road. Both options have the same route, station stops and similar service plans.

RECOMMENDATION

Adopt the attached resolution supporting the findings of the Gateway Corridor Alternatives Analysis Study.

Attachments:

1. Resolution Supporting the Findings of the Gateway Corridor Alternatives Analysis Study

Resolution Supporting the Findings of the Gateway Corridor Alternatives Analysis Study

WHEREAS, the Gateway Corridor Commission was established in March of 2009 to address transportation needs in the Gateway (I-94) Corridor; and

WHEREAS, the Gateway Corridor is the principal east/west route for local, regional and interregional traffic through Ramsey, Washington, and St. Croix Counties connecting St. Paul and Minneapolis to the eastern metropolitan area and Wisconsin; and

WHEREAS, the Maplewood is an active member of the Gateway Corridor Commission; and

WHEREAS, the Commission initiated an alternatives analysis study to identify the transit solution that best meets the needs of the Gateway Corridor; and

WHEREAS, these needs include the Commission's established goals to improve mobility, provide a cost-effective economically viable solution that promotes economic development, protects the natural environment, and preserves community quality of life and overall safety; and

WHEREAS, the study concluded that the alignment along Hudson Road connecting the eastern metropolitan area to the region's transit system via Union Depot best meets the needs of the Gateway Corridor; and

WHEREAS, the study recommended that both Optimized Alternative 3 Bus Rapid Transit (BRT) and Optimized Alternative 5 - Light Rail Transit (LRT) adjacent to Hudson Road advance into the next phase in the transitway development process which is the preparation of a Draft Environmental Impact Statement (DEIS); and

WHEREAS, a locally preferred alternative (LPA) will be officially adopted as part of the DEIS process were additional input will be garnered from the public and business sector; and

WHEREAS, the findings of the study are based on a rigorous technical analysis and reflective of the input received by the community throughout the planning process; and

WHEREAS, Maplewood will continue to work with the Gateway Corridor Commission to plan for future transit improvements in the Gateway Corridor and the surrounding land uses within the station areas; and

NOW, THEREFORE, BE IT RESOLVED that the Maplewood city council supports the findings of the Gateway Corridor Alternatives Analysis Study.

The Maplewood City Council _____ this resolution of support on January 28, 2013.

AGENDA
MAPLEWOOD AREA ECONOMIC DEVELOPMENT AUTHORITY
Monday, January 28, 2013

**The Maplewood City Council Serves as the
Maplewood Area Economic Development Authority**

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. Approval of December 10, 2012 Economic Development Authority Meeting Minutes

E. PUBLIC HEARING

None

F. UNFINISHED BUSINESS

1. Election of Officers

G. NEW BUSINESS

1. Approval of Resolution Authorizing Legislation Request for Tax Increment Financing District for Research and Development Lab Facility on 3M Campus

H. ADJOURNMENT

**MINUTES
MAPLEWOOD AREA ECONOMIC DEVELOPMENT AUTHORITY
December 10, 2012
Council Chambers, City Hall**

A. CALL TO ORDER

A meeting of the City Council serving as the Economic Development Authority, (EDA), was held in the City Hall Council Chambers and was called to order at 9:00 p.m. by EDA Vice-Chair Rossbach.

B. ROLL CALL

| | |
|----------------------------|---------|
| Will Rossbach, Vice Chair | Present |
| Rebecca Cave, Member | Present |
| Robert Cardinal, Member | Present |
| Kathleen Juenemann, Member | Present |
| Marvin Koppen, Member | Present |

C. APPROVAL OF AGENDA

Member Juenemann moved to approve the Agenda as submitted.

Seconded by Member Koppen Ayes – All

The motion passed

D. APPROVAL OF MINUTES

1. Approval of October 8, 2012 Economic Development Authority Meeting Minutes

Member Koppen moved to approve the October 8, 2012 Economic Development Authority Meeting Minutes as submitted.

| | |
|--------------------------------|--------------------------|
| Ayes | –Chair Rossbach, Members |
| Cardinal, Juenemann and Koppen | |
| Abstain | –Member Cave |

The motion passed.

E. PUBLIC HEARING

**1. Public Hearing on 2013 Tax Levy
a. Resolution Certifying Taxes Payable in 2013**

Finance Manager Bauman gave the staff report and answered questions of the Economic Development Authority.

Vice Chair Rossbach opened the public hearing. The following people spoke:

1. Diana Longrie
2. Mark Bradley

Vice Chair Rossbach closed the public hearing.

Vice Chair Rossbach moved to approve the Resolution Certifying Taxes Payable in 2013.

RESOLUTION 12-12-831
CERTIFYING TAXES PAYABLE IN 2013

BE IT RESOLVED BY THE MAPLEWOOD AREA ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF MAPLEWOOD, MINNESOTA that:

1. The following amounts of taxes be levied for 2012, payable in 2013, upon the net tax capacity in said City of Maplewood, for the following purposes:

| | |
|-----|----------|
| EDA | \$89,270 |
|-----|----------|

2. The 2013 Budget for the Maplewood Area Economic Development Authority is included in the City Budget document and will be adopted along with all the other funds of the City. A summary of the budget is as follows:

| | |
|----------------------------|----------|
| Revenues | \$92,400 |
| Expenditures | 65,500 |
| Net change in fund balance | 26,900 |

Seconded by Member Koppen

Ayes – Vice Chair Rossbach,
Members Juenemann and
Koppen
Nays – Members Cardinal and
Cave

The motion passed.

F. ADJOURNMENT

EDA Vice Chair Rossbach adjourned the meeting at 9:30 p.m.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Charles Ahl, Assistant City Manager
SUBJECT: Election of Officers
DATE: January 22, 2013

INTRODUCTION

NOTE: It would be appropriate for current Vice Chair Rossbach to call the meeting to order and chair the meeting through the election process.

The Economic Development Authority was created by the City Council in 2010 to prioritize and operate according to statute in the development and redevelopment of properties within the City of Maplewood.

It is appropriate that the EDA elect officers to conduct business and provide leadership to the Economic Development Authority as well as to coordinate with the Housing and Economic Development Commission [HEDC]. A history of the officers for the EDA is:

June 14, 2010:

John Nephew – Chair; James Llanas – Vice Chair

July 9, 2012:

James Llanas – Chair; Will Rossbach – Vice Chair

On January 14, 2013, the City Council appointed Bob Cardinal as the Liaison to the Housing and Economic Development Commission.

An election of officers to the EDA, as well as re-appointment of the City Manager as Executive Director, is recommended.

Recommended Action

It is recommended that the EDA members accept nominations and conduct elections for the position of Chair and Vice Chair for the Maplewood Economic Development Authority and should consider re-appointing the City Manager as EDA Executive Director.

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Charles Ahl, Assistant City Manager
SUBJECT: **Approval of Resolution Authorizing a Legislative Request for a Tax Increment Financing District for a Research and Development Lab Facility on the 3M Campus**
DATE: January 22, 2013

INTRODUCTION/BACKGROUND

The Economic Development Authority is charged with the responsibility for the Economic Development of properties within the City of Maplewood. The 3M Company is proposing to construct a 400,000-square foot Research and Development Laboratory on their campus in Maplewood. The estimated cost for the R&D Facility provided by 3M could exceed \$150 million over the next 2 years. The proposed facility is expected to house over 700 employees. It has been testified by 3M Officials that those 700 employees, plus support personnel, will remain on the Maplewood campus, rather than be re-located to others states or elsewhere in the 3M international properties. This job retention, plus the potential for continued upgrades and expansion on the Maplewood campus are the basis for considering tax increment financing support for this project.

3M has requested Tax Increment Financing for the purpose of reinvestment in their campus and retention of these research positions in Maplewood/Minnesota. In addition, with this investment, 3M is considering future upgrades to other facilities on their campus. Current legislation is not adequate to provide appropriate tax increment support for 3M to consider moving forward with the facility. In addition, approval of the tax increment plan is proposing to use a portion of the increased taxes from the new R&D Facility to support the bond payments for a new Maplewood Fire Station to be constructed on the property immediately to the north of this new R&D Laboratory.

The 3M position is that they need to upgrade their facilities to retain and attract the scientists and technical employees that will serve the company for the next 15-20 years. They have indicated that many of their current staff are nearing retirement and as they compete for the "brightest and best", they want their Maplewood campus to reflect an attractive and state of the art facility and campus. The TIF will help make that a possibility.

The legislation is required for a number of areas. First and foremost, the current law allows for only 9 years for an Economic Development TIF District. This legislation would allow, but not require, the Council to establish a district term that would go for 25 years. Also, current statute does not allow for the City to use TIF revenues for fire station construction. This new bill would allow, but again not require, the City to use a portion of the taxes for that purpose. A few other technical modifications to current TIF statutes, such as the ability to create multiple districts are being authorized and would be part of a future TIF District plan that would be approved by the EDA and City Council at a public hearing to be held later this spring.

Recommended Action

It is recommended that the EDA members adopt the attached resolution indicating support for the proposed legislation authorizing revisions to TIF Statutes for the 3M Research and Development Laboratory Facility.

Attachments:

1. Resolution
2. Proposed Legislation

RESOLUTION NO. ____

RESOLUTION SUPPORTING SPECIAL LEGISLATION
IN CONNECTION WITH ONE OR MORE
PROPOSED TAX INCREMENT FINANCING DISTRICTS

BE IT RESOLVED by the City Council (the "Council") of the City of Maplewood, Minnesota (the "City"), acting in their authority as the Economic Development Authority (the "EDA"), as follows:

(i) Findings.

(a) It is proposed that 3M construct a new research and development facility in the City and undertake certain renovation and renewal of its facilities (the "Project") located within the 3M campus in the City (the "Project Area").

(b) It is proposed that the City will construct a fire station and a city emergency operating center that will provide fire protection and emergency medical services (the "Emergency Facilities") in the Project Area.

(c) Existing tax increment financing statutes are inadequate to provide for tax increment financing for the Project and the Emergency Facilities.

(d) The City, acting through the EDA, and 3M desire to propose special legislation to be adopted by the Minnesota Legislature that will provide tax increment financing assistance to the Project and the Emergency Facilities under the current tax increment financing laws. The proposed special legislation has been presented to the City Council.

(e) 3M is important to the City and to the State of Minnesota as a major employer and one of the largest taxpayers in the State and the City.

(f) 3M's new research and development facility is part of a global strategy of investing in innovation, which also includes a commitment to increase research and development investment to six percent of sales by 2017.

(g) The 3M research and development facility will assist in maintaining the core of 3M's research and development in the City.

(h) With a large percentage of 3M's worldwide workforce likely to retire in the upcoming years, the renovation of the office space at the headquarters is a necessary step to remain competitive in today's workforce and attract highly trained individuals.

(i) The City desires to support 3M in the construction of the Project.

(ii) Support Special Legislation. The City and the EDA hereby support the proposed special legislation that will allow special rules under the tax increment financing statutes for the Project and the Emergency Facilities.

(iii) Effective Date. This resolution is effective upon the date of its approval.

Adopted this _____ day of _____, 2013.

Mayor

EDA Chair

ATTEST:

City Manager

A bill for an act
relating to the city of Maplewood; authorizing a tax increment financing district.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. CITY OF MAPLEWOOD; TAX INCREMENT FINANCING DISTRICT;
SPECIAL RULES.

(a) If the city elects upon the adoption of a tax increment financing plan for a district, the rules under this section apply to one or more redevelopment tax increment financing districts established by the city of Maplewood or the economic development authority of the city. The area within which the redevelopment tax increment districts may be created is parcel 362922240002 (the "Parcel") or any replatted parcels constituting a part of the Parcel and the adjacent right of ways and shall be referred to as the 3M Renovation and Retention Project Area or Project Area.

(b) The requirements for qualifying redevelopment tax increment districts under Minnesota Statutes, section 469.174, subdivision 10, do not apply to the Parcel which is deemed eligible for inclusion in a redevelopment tax increment district.

(c) The 90% rule under Minnesota Statutes, section 469.176, subdivision 4j does not apply to the Parcel.

(d) The expenditures outside district rule under Minnesota Statutes, section 469.1763, subdivision 2, the five-year rule under Minnesota Statutes, section 469.1763, subdivision 3 and the use of revenues for decertification in Minnesota Statutes, section 469.1763, subdivision 4 do not apply to the Parcel; however expenditures shall only be made within the Project Area.

(e) If, after one year from the date of certification of the original net tax capacity of the tax increment district no demolition, rehabilitation, or renovation of property has been

commenced on a parcel located within the tax increment district, no additional tax increment may be taken from that parcel, and the original net tax capacity of the parcel shall be excluded from the original net tax capacity of the tax increment district. If 3M subsequently commences demolition, rehabilitation, or renovation the authority shall certify to the county auditor that the activity has commenced, and the county auditor shall certify the net tax capacity thereof as most recently certified by the commissioner of revenue and add it to the original net tax capacity of the tax increment district. The authority must submit to the county auditor evidence that the required activity has taken place for each parcel in the district.

(f) The provisions of Minnesota Statutes, section 469.176, subdivision 4g(b) do not apply to a municipal fire station facility to be constructed within the Project Area which facility will be a city emergency operating center and will provide fire protection and emergency medical services for the Project Area.

(g) The provisions of Minnesota Statutes, section 469.177, subdivision 1b do not apply to the first 412,000 square feet of new building.

(h) The authority to approve a tax increment financing plan and to establish a tax increment financing district under this section expires on December 31, 2018.

EFFECTIVE DATE. This section is effective upon approval by the governing body of the city of Maplewood and upon compliance by the city with Minnesota Statutes, section 645.021, subdivision 3.

MMB: 4821-2701-6466, v. 1

AGENDA REPORT

TO: James Antonen, City Manager
FROM: Michael Thompson, City Engineer/Public Works Director
SUBJECT: **TH 36 / English Street Interchange Improvements, City Project 09-08**
 a. Resolution Receiving Bids and Awarding Construction Contract
 b. Resolution Ordering Preparation of Assessment Roll
 c. Approval of RCRRA License Agreement
DATE: January 22, 2013

INTRODUCTION

The council will consider a resolution awarding a construction contract, ordering preparation of the assessment roll, in addition to considering approval of a construction license agreement with Ramsey County Regional Rail Authority to allow for construction within the regional rail corridor.

BACKGROUND

On August 23, 2010 the council authorized staff to proceed with tasks generally described as preparation of a feasibility study, pursuing additional project funding, public involvement, design surveys, preliminary layouts and approvals, environmental assessment documentation, and other associated tasks to move this project forward in coordination with project stakeholders.

A number of public open-houses, one-on-one meetings, and citizen design committee meetings have been held over the past two years to shape this into a successful project that balances impacts yet accomplishes the goals of the project such as improved safety and mobility along TH 36, and providing acceptable local access to Maplewood's businesses and residents.

A Public Hearing for the environmental assessment portion of the project was held on February 27, 2012. A Public Hearing officially ordering the improvement as part of the Chapter 429 Statutes occurred on April 9, 2012.

On September 24, 2012 the council approved the plans and specification and authorized advertisement for bids.

Over the past year, the council has approved a number of agreements with partnering agencies including MnDOT, Ramsey County, and Ramsey-Washington Metro Watershed District.

The city now has title and possession of all required easements/right-of-way. Right of way acquisition negotiations are ongoing for unsettled parcel easements between the City Attorney and represented parties.

AWARD OF BID

Six valid bids were received and tabulated. The Engineer's Estimate for the construction contract was \$17,673,906.34. The Low Bid Contract Amount submitted by Forest Lake Contracting was \$16,577,185.42, about 6% under the Engineer's Estimate.

| CITY PROJECT 09-08 BID TABULATION | | |
|-----------------------------------|---------------------------|----------------------------------|
| Bidder Name | Total Contract Bid Amount | A + B + C Bidding Selection Only |
| Forest Lake Contracting | \$16,577,185.42 | \$17,357,185.42 |
| C.S. McCrossan Construction Inc. | \$16,849,262.25 | \$17,623,262.25 |
| Ames Construction Inc. | \$17,196,992.65 | \$18,046,992.65 |
| Restone Contruction | \$17,363,373.76 | \$18,153,373.76 |
| Shafer Contracting Co., Inc. | \$17,721,818.07 | \$18,771,818.07 |
| Max Steininger | \$18,951,200.91 | \$19,801,200.91 |

Note that the Table above shows a column for A + B + C for informational purposes only which was used solely for determining the low bidder, not the contract amount. The A represents the contract amount, and the B and C reflect a cost associated to Daily Road Users and Lane Rentals respectively. Hence, if a contractor bid less days for the Highway 36 closure which ultimately reduces user costs (reduces delay and cost to traveling public), then that contractor received credit in the bid award determination. In this case Forest Lake Contracting was the Low A + B + C Bidder and their associated contract bid amount was **\$16,577,185.42**.

The City has worked with Forest Lake Contracting successfully in the past; such as on the large Kenwood Area Neighborhood Street and Utility Improvement in 2006.

PREPARATION OF ASSESSMENT ROLL

A preliminary assessment roll was prepared as part of the feasibility study and presented to council when the project was ordered. Since the City is using special assessments for this project with a projected Assessment Hearing towards the end of the year, the council needs to adopt a resolution ordering preparation of the roll. Once prepared, staff would bring the roll back to council for acceptance of the roll and calling for an Assessment Hearing.

RAMSEY COUNTY REGIONAL RAIL (RCRRA)

A license agreement must be executed between the City and RCRRA in order for the construction to commence within the Bruce Ventro Trail corridor which is owned by RCRRA. This license agreement focuses on the construction and authorization to remove the existing rail bridge. RCRRA will be entering into a separate agreement with MnDOT regarding the ownership of the new pedestrian bridge. The City will have no part in ownership or maintenance of that pedestrian bridge facility.

The City understands that by RCRRA signing this agreement it does not obligate the City to provide for a replacement rail bridge.

BUDGET

The construction contract came in just below what was expected. No budget adjustments are expected at this time however we continue to monitor ROW Acquisition Costs which can be the most unpredictable. To help with cash flow MnDOT’s State Aid Office authorized advance funds to the City to help cash flow this project. The current approved budget is \$22,997,000.00 with a majority of

funding from Federal and State sources. The council approved the current budget back in April of 2012 when the project was ordered.

RECOMMENDATION

It is recommended that the city council approve the attached Resolutions; Receiving Bids and Awarding Construction Contract and Ordering Preparation of Assessment Roll. It is further recommended that the council approve the License Agreement with Ramsey County Regional Rail Authority.

Attachments:

1. Resolution: Award of Bid
2. Resolution: Ordering Preparation of Roll
3. RCRRRA License Agreement
4. Location Map

**RESOLUTION
RECEIVING BIDS AND AWARDING CONSTRUCTION CONTRACT**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the contract bid of Forest Lake Contracting, Inc. in the amount of \$16,577,185.42, is the lowest responsible bid for the construction of the TH 36/English Street Interchange Improvement – City Project 09-08 [State Project 6211-90 and Federal Project STP-TEAX 6212(278)], and the mayor and clerk are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the city.

Adopted by the City Council on this 28th day of January, 2013.

RESOLUTION
ORDERING PREPARATION OF ASSESSMENT ROLL

WHEREAS, the city clerk and city engineer will receive bids for the TH 36/English Street Interchange Improvement, City Project 09-08,

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.

Adopted by the City Council on this 28th day of January, 2013.

LICENSE AGREEMENT FOR ACCESS FOR CONSTRUCTION

This License Agreement ("License Agreement" or "License") is entered into between the Ramsey County Regional Railroad Authority ("RCRRA" or "Licensor"), a political subdivision of the State of Minnesota, and the City of Maplewood a political subdivision of the State of Minnesota, ("Licensee"), as of the _____ day of _____, 2013.

Recitals

WHEREAS, RCRRA is the fee owner of that certain parcel of land located in the City of Maplewood, County of Ramsey, Minnesota, as more particularly described in the attached Exhibit A, which may be a diagrammatic depiction ("Premises"); and

WHEREAS, RCRRA wishes to license the Premises to Licensee, and Licensee desires to license the Premises from the RCRRA according to the covenants and conditions stated herein;

NOW, THEREFORE, RCRRA and Licensee agree as follows:

1. Grant of License. RCRRA hereby grants to Licensee a license (the "License") to use the Premises for and only for the purposes described on attached Exhibit B, and subject to the conditions and requirements stated herein and on Exhibit B, which is incorporated herein and made a part hereof as if explicitly set forth herein.

2. No Interest in the Premises. The License is non-exclusive, and grants to Licensee no right, title, or interest in the Premises, except as set forth herein, and Licensee's rights do not run with the land.

3. Duration. Subject to RCRRA's right to terminate the License as set forth herein, Licensee's right to use the Premises shall commence on March 1, 2013 ("Commencement Date") and shall terminate upon on August 31, 2014 ("Termination Date").

4. Payment. Licensee shall pay to the RCRRA the sum of One Dollar for the grant of the License and use of the Premises. Payment shall be due prior to the Commencement Date and prior to Licensee's entry onto and use of the Premises.

5. As Is Where Is. Licensee has inspected the Premises on _____ ("Inspection Date") and finds the Premises suitable for its purposes in the condition as of the Inspection Date. RCRRA makes no promises or warranties regarding the condition or suitability of the Premises for Licensee's purposes. RCRRA is not obligated to undertake any improvements or make any repairs to the Premises. Licensee accepts the Premises AS IS, WHERE IS.

6. Alterations. Except as provided in Exhibit B, Licensee may not make any alterations or changes to the Premises without the express written consent of RCRRA and any

improvements made to the Premises by Licensee shall, upon termination of this License and in the sole option of RCRRA, become the property of RCRRA. If RCRRA determines that it does not wish Licensee's improvements to remain on the Premises, it shall so notify Licensee and upon such notification Licensor may, at its sole expense, remove such improvements.

7. Ownership and Maintenance of the Improvements. Licensor and Licensee agree and acknowledge that neither Licensor or Licensee will be the owner of the improvements being constructed in the Premises as provided in Exhibit B. Licensor and Licensee further agree and acknowledge that neither party shall have any obligation to the other to maintain the pedestrian bridge being constructed within the Premises as provided by this License.

8. Equipment/Licensee's Property. Any and all machinery or equipment used on or about the Premises by Licensee, or its contractors shall at all times remain Licensee's property and, upon termination shall be removable by Licensee, and its contractors. In the event of damage or destruction of any of Licensee's property on the Premises, or the property of any employee, agent, contractor or subcontractor of Licensee, Licensee shall be solely responsible to repair or replace such property in its discretion, and RCRRA shall have no liability or responsibility for such repair or replacement.

9. Restoration of Premises. Upon termination of this License, and subject to the provisions of Exhibit B and Section 6 of this License, Licensee shall restore the Premises to their condition immediately prior to the Commencement Date, reasonable wear and tear excepted.

10. Maintenance of Premises. At all times during the term of the License, Licensee, at its sole cost and expense, shall keep the Premises in a good, clean, and safe condition, and use the Premises in such manner as to prevent waste, damage, or injury occurring thereon.

11. RCRRA's Right to Enter and Inspect. RCRRA, its employees, and its agents shall have the right to enter the Premises at all reasonable times for the purpose of inspecting, or using the Premises in such manner as does not interfere with Licensee's use as provided in this License Agreement or to exhibit the Premises to third parties as determined by RCRRA. Nothing in this Section 11 shall be interpreted as requiring RCRRA to perform any such acts independent of the requirements of the other provisions of this License. RCRRA shall also be permitted to enter the Premises for the purpose of posting notices of non-responsibility for alterations, additions or repairs.

12. Non-assignability. Licensee shall not assign, transfer, convey, or encumber its interest in this Agreement or in the Premises, or allow any other person or entity (except Licensee's authorized representatives and contractors to complete the work as provided in Exhibit B) to occupy or use all or any part of the Premises, without first obtaining RCRRA's written consent, which may be withheld by RCRRA in its sole discretion.

13. Insurance. As a condition of this License, Licensee's entry upon the Premises for the purposes of this License, and Licensee's use and occupancy of the Premises as provided in this License Agreement, Licensee shall maintain, either through commercial insurance or a program of self insurance, insurance as follows:

13.1 Licensee shall purchase and maintain such insurance as will protect RCRRA from claims which may arise out of, or result from, Licensee's operations under this License, whether such operations are by Licensee or by any contractor, subcontractor, or agent of Licensee, or any third party using the Premises, or by anyone directly employed by them, or by anyone for whose acts or omissions any one of them may be liable.

13.2 Licensee (or its contractor) shall secure the following coverages and comply with all provisions noted. Certificates of Insurance shall be issued evidencing such coverage to RCRRA throughout the term of this License.

13.2.1 Fire and All-Risk Property Insurance.

2.2.1.1 Coverage shall be written on a replacement cost basis for any personal property and/or improvements or betterments of the Licensee at the Premises.

2.2.1.2 Licensee, for itself, and any party claiming by or through Licensee ("Licensee Parties") hereby waives and releases RCRRA, its employees, agents, officials, and officers from all claims, liability and causes of action for loss, damage to or destruction of any Licensee Party's property resulting from fire or other perils covered in standard property insurance coverage. Licensee agrees that it will look to its own property insurance for reimbursement for any loss and shall have no rights of subrogation against RCRRA.

13.2.2 Commercial General Liability Insurance

13.2.2.1 \$ 1,500,000 per occurrence
\$ 2,000,000 aggregate per project
\$ 2,000,000 products/completed operations total
limit
\$ 1,500,000 personal injury and advertising liability
\$ 5,000 per person medical payment
\$ 100,000 fire legal

13.2.2.2 This policy is to be written as acceptable to RCRRA.

13.2.2.3 RCRRA, its officials, employees and agents, shall be added to the policy as additional insured, using ISO form CG 20 11 or its equivalent.

13.2.3 Automobile Insurance.

2.2.2.1 Coverage shall be provided for hired, non-owned and owned auto.

2.2.2.2 Minimum limits: \$1,000,000 combined single limit.

13.2.4 Workers' Compensation as required by Minnesota Statutes

13.2.5 Employer's Liability limits:
\$500,000/\$500,000/\$500,000

- 13.3 All Certificates of Insurance shall provide that the insurance company gives RCRRA thirty (30) days prior written notice of cancellation, non-renewal and/or any material change in policy.
- 13.4 The above sub-paragraphs of this Section 13 establish minimum insurance requirements, and it is the sole responsibility of Licensee to purchase and maintain additional insurance that may be necessary in connection with this License.
- 13.5 Certificates of Insurance must indicate if the policy is issued pursuant to these requirements. Licensee shall not occupy or use the Premises until Licensee has obtained the required insurance and filed an acceptable Certificate of Insurance with RCRRA. Copies of insurance policies shall be submitted to the RCRRA upon request.
- 13.6 Nothing in this License shall constitute a waiver of any statutory or common law immunities, limits, or exceptions on liability.
- 13.7 Certificates shall specifically indicate if the policy is written with an admitted or non-admitted carrier. Best's Rating for the insurer shall be noted on the Certificate, and shall not be less than an A-.

14. Indemnification. Licensee shall indemnify, hold harmless, and defend RCRRA, its officials, agents, and employees against any and all liability, losses, costs, damages, expenses, claims, or actions, including reasonable attorney's fees, which RCRRA, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of Licensee, its officials, agents, employees, contractors, or subcontractors in the execution, performance, or failure to adequately perform the Licensee's obligations pursuant to this License Agreement or its use or occupation of the Premises.

15. Damage or Destruction of Premises. In the event the Premises are damaged or destroyed by fire, the elements, or other casualty such as to make them impracticable or unsuitable for Licensee's use, this License Agreement may be terminated at the option of either party upon written notice. In no case shall RCRRA be required to restore the Premises to a condition suitable for Licensee's continued used, though it may do so if it wishes.

16. Hazardous Substances. As used herein, the term "Hazardous Substances" means any hazardous or toxic substance, material or waste which is or becomes regulated by any local, state or federal governmental authority. The term Hazardous Substances includes but is not

limited to any material substance which is (i) designated as a hazardous substance pursuant to Section 311 of the Federal Water Pollution Control Act (33 U.S.C. §1317); (ii) defined as a hazardous substance pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq. (42 U.S.C. §6903); or (iii) defined as a “hazardous substance” pursuant to Section 101 of the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. §9601, et seq.). As used herein, the term, “Environmental Requirements” means all laws, ordinances, rules, regulations, order, and other requirements of any government or public authority now in force or which may hereafter be in force relating to protection of human health or the environment, including all requirements pertaining to reporting, licensing permitting, investigation and remediation of emissions, discharges, storage, disposal or releases of Hazardous Substances and all requirements pertaining to the protection of the health and safety of employees or the public. Licensee shall not permit or conduct the generation, treatment, storage or disposal on, in or about the Premises of any Hazardous Substances without prior written consent of RCRRA. Licensee shall indemnify and defend RCRRA against and hold RCRRA harmless from all claims, demands, liabilities, damages, fines, encumbrances, liens, losses, costs and expenses, including reasonable attorney’s fees and disbursements, and costs and expenses of investigations, arising from or related to the existence of Hazardous Substances in or on the Premises as a result of the acts or omissions of Licensee, its contractors or any agent, employee or permittee of Licensee.

17. Signs. Licensee shall not have the right to place, construct, or maintain any sign on the Premises without RCRRA’s prior written consent.

18. Termination.

- a. Without Cause. Either party may terminate the License without cause, for any reason in its sole and absolute discretion, upon 30 days’ written notice to the other party.
- b. For Cause. RCRRA may terminate this License Agreement for cause, for any one or more of the following reasons (each a “Default”).
 - i. Any failure by Licensee to pay monthly license fee payments or any other monetary sums required to be paid hereunder (where such failure continues for ten (10) days after written notice thereof from the RCRRA to Licensee).
 - ii. The abandonment or vacation of the Premises by Licensee for the purposes as provided in Exhibit B. In the event of such abandonment or vacation of the Premises, RCRRA may serve the notice required by this section by posting such notice for a period of ten days on the Premises.
 - iii. A failure by Licensee to observe and perform any other provision of this License Agreement to be observed or performed by Licensee, where such failure continues for ten (10) days after written notice thereof by RCRRA to Licensee, provided, however, that if the nature of such

default is such that it cannot reasonably be cured within such ten (10) day period, Licensee shall not be deemed to be in default if Licensee shall within such period commence such cure and thereafter diligently prosecute the same to completion.

- iv. The making by Licensee of any general assignment or general arrangement for the benefit of creditors; the filing by or against Licensee of a petition to have Licensee adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Licensee, the same is dismissed within ninety (90) days; the appointment of a trustee or receiver to take possession of substantially all of Licensee's assets located at the Premises or of interest in this License Agreement, where possession is not restored to Licensee within sixty (60) days; or the attachment, execution or other judicial seizure of substantially all of Licensee's assets located at the Premises or of Licensee's interest in this License Agreement, where such seizure is not discharged within forty-five (45) days.

In the event of any such Default or a breach of this License Agreement by Licensee, RCRRA may at any time thereafter without limiting RCRRA in the exercise of any right or remedy at law or in equity which RCRRA may have by reason of such default or breach, terminate this License by written notice to Licensee.

19. Miscellaneous.

- a. Notices. Unless otherwise provided herein, all notices required by the terms of and conditions of this Agreement shall be deemed given when the notice is prepared and deposited in the United States mail to the addressee as follows:

Licensee: City of Maplewood
1830 County Road B East
Maplewood, MN 55109
Attn: City Manager

RCRRA: Ramsey County Regional Railroad Authority
Union Depot, Suite 200
214 4th Street East
St. Paul, MN 55101
Attn: Director

- b. Compliance with Laws and Regulations. Licensee shall obtain all licenses and permits required by any governmental authority for its use of the Premises, and shall, and shall comply with all terms of such licenses or permits and any code, law, or regulation applicable to its use of the Premises.

- c. Remedies Cumulative. All remedies hereinbefore and hereafter conferred on RCRRRA and Licensee shall be deemed cumulative and not one exclusive of the other, or of any other remedy conferred by law of in equity. The failure of either the covenants of this License Agreement or of a party or to exercise any option contained in this License Agreement shall not be construed as a waiver or relinquishment for the future of such covenant or option.
- d. Relationship of the Parties. Nothing contained in this License shall be deemed or construed by the parties hereto or by a third-party to create the relationship of principal and agent or of a partnership or of a joint venture or of any association whatsoever between RCRRRA and Licensee, it being expressly understood and agreed that neither any provision contained in this License Agreement nor any act or acts of the parties hereto shall be deemed to create any relationship between RCRRRA and Licensee other than the relationship of Licensor and Licensee.
- e. Alteration. Any alteration, variation or modification of this License Agreement shall be valid only when reduced to writing and signed by both parties.
- f. Interpretation of Agreement; Venue. This Agreement shall be interpreted and construed according to the laws of the State of Minnesota. All litigation regarding, arising from, or related to this agreement Licensee's occupancy and use of the Premises shall be venued in the District Court, Second Judicial District, Ramsey County, Minnesota.
- g. Entire Agreement. This License Agreement shall constitute the entire agreement between the parties with respect to the subject matter of this License Agreement and shall supersede all prior or written agreements of the parties with respect to the subject matter of this License Agreement.
- h. Successors. The terms, covenants and conditions of this License Agreement shall be binding upon and inure to the benefit of the permitted successors and assigns of the parties.

RCRRA:

RAMSEY COUNTY REGIONAL
RAILROAD AUTHORITY

Date: _____

By: _____
Timothy A. Mayasich
Its: Director

LICENSEE:

CITY OF MAPLEWOOD

Date: _____

By: _____
Name: _____
Its: _____

Date: _____

By: _____
Name: _____
Its: _____

Approved as to form:

By: _____

Assistant Ramsey County Attorney

EXHIBIT A

Description of the Premises

Legal Description North of Hwy 36:

The 100 foot wide right of way of the Burlington Northern Railroad Company (formerly the Northern Pacific Railroad Co.) as the same was located and established over the Northwest Quarter of the Southwest Quarter and of the Southwest Quarter of the Northwest Quarter, both in Section 10, Township 29, Range 22 West, Ramsey County, Minnesota, prior to the abandonment of said right of way;

which lies southerly of a line run parallel with and distant 100 feet northerly of the east and west quarter line of said Section 10, and northerly of a line run parallel with and distant 112.5 feet northerly of Line 1 described below:

Line 1:

Beginning at a point on the West line of Section 10, distant 729.7 feet south of the west quarter corner thereof; thence run easterly at an angle of 89 degrees 56 minutes 00 seconds from said west section line (measured from north to east) for 1100 feet and there terminating.

Legal Description South of Hwy 36:

That part of the Southwest Quarter of Section 10, Township 29, Range 22, Ramsey County, Minnesota, lying 50 feet on each side of the following described line:

Commencing at the southwest corner of said Southwest Quarter; thence South 89 degrees 46 minutes 02 seconds East a distance of 550.34 feet to the point of beginning of the line to be described; thence North 9 degrees 30 minutes 09 seconds East a distance of 2663.50 feet to a point on the north line of said Southwest Quarter distant 988.43 feet east of the northwest corner of said Southwest Quarter and said line there terminating, according to the United States Government Survey thereof and situate in Ramsey County, Minnesota.

Lying southerly and westerly of the following described line:

Beginning at the intersection of the west line of the above described parcel of land and a line parallel with and 120 feet southerly of the hereinafter described line 1; thence easterly along said parallel line to the above described centerline; thence southerly along said centerline to a line parallel with and 170 feet southerly of the hereinafter described Line 1; thence easterly along said parallel line to the east line of the above described parcel of land and said line there terminating.

Line 1 is described as follows:

Beginning at a point on the west line of Section 10, distant 729.7 feet south of the west quarter corner thereof; thence run easterly at an angle of 89 degrees 56 minutes 00 seconds from said west section line (measured from north to east) for 1100 feet and there terminating.

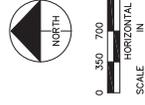
2. Preservation and Restoration. Licensee warrants, upon expiration of this License, Licensee will take all reasonable steps to restore the Premises to the condition existing immediately prior to the Commencement Date, subject to any items of work described in this Exhibit which are improvements to the Premises.



City of Maplewood, Minnesota
Department of Public Works
Engineering Division

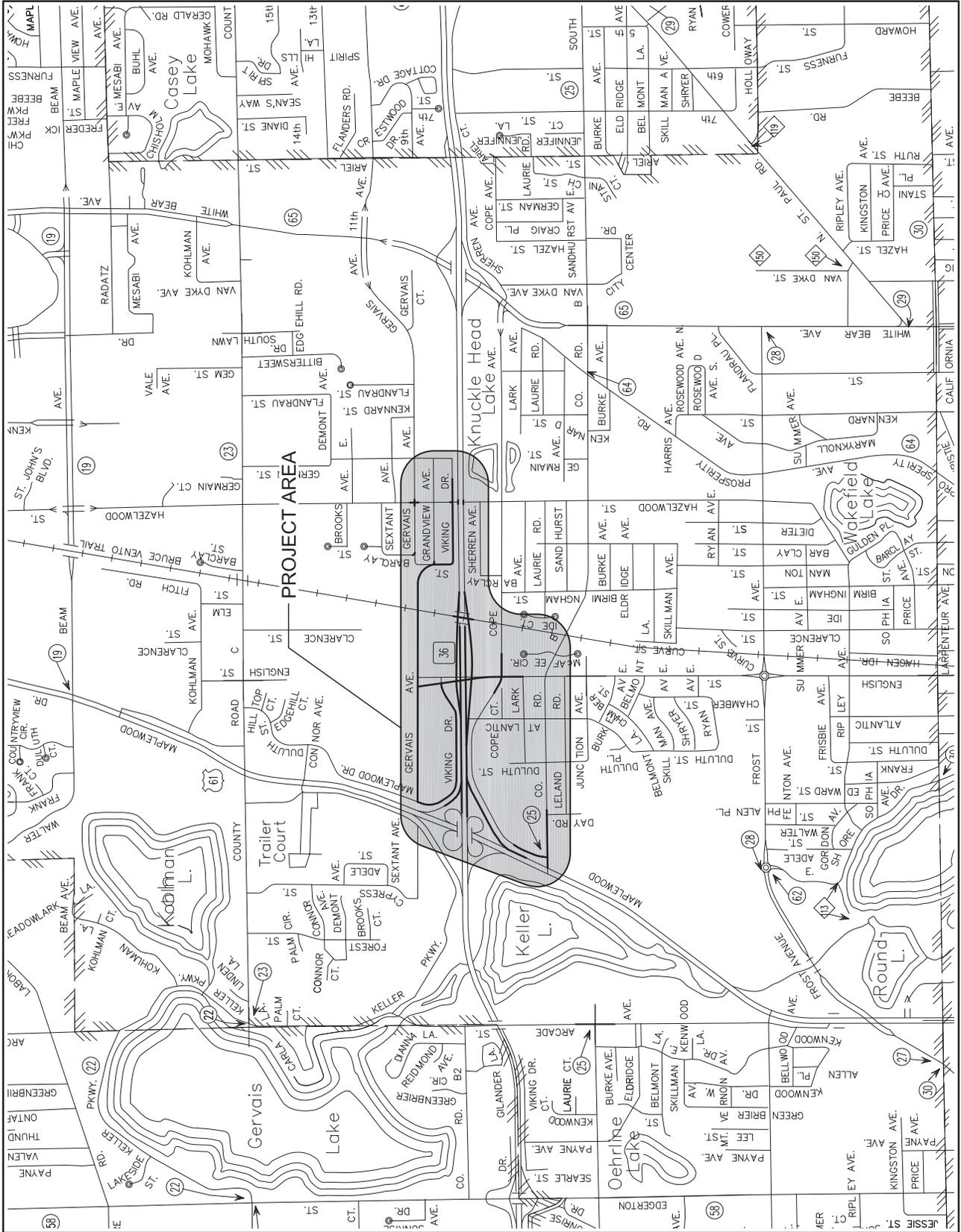


Kimley-Horn
and Associates, Inc.
2800 UNIVERSITY AVE. SUITE 200N
ST. PAUL, MINNESOTA 55114
TEL. NO. (651) 445-4100
FAX. NO. (651) 445-5116



PROJECT LOCATION MAP
HIGHWAY 36/ENGLISH STREET
INTERCHANGE IMPROVEMENTS
CITY PROJECT 09-08

EXHIBIT 1
Agenda Item K1
Attachment 4



\\TWC-CITY\CITY\MAPLEWOOD\ENGLISH_TH36\CAD\EXHIBITS\FEASIBILITY\ENGLISH_TH36-LOCMAP-01.dwg March 05, 2012 - 4:53pm

EXHIBIT B

Permitted Use

1. **Permitted Use.** In order to efficiently conduct various construction activities on RCRRA right of way, the Premises, and adjacent property in connection with the “Maplewood Highway 36 Project” and also relating to the Bruce Vento Trail, Licensee, and its employees, representatives, contractors, subcontractors and agents shall have the non-exclusive use of the Premises for certain construction activities to accomplish and to complete on the Premises, on RCRRA right-of-way and adjacent property the following:
 - a. Removal of the existing Bruce Vento Trail bridge over TH 36 as required for the construction of the proposed TH 36 and English Street interchange.
 - b. Removal of the existing recreational trail approximately 200 feet south of the existing bridge and between the existing bridge and Gervais Avenue.
 - c. Tree clearing/grubbing and earthwork for the proposed construction of a new pedestrian bridge and connecting trails.
 - d. Construction of a new pedestrian bridge for the Bruce Vento Trail approximately 40 feet east of the existing bridge location.
 - e. Construction of new 12 foot wide bituminous trail approximately 200 feet south of the new bridge and between the new bridge and Gervais Avenue. This includes the realignment of the Bruce Vento Trail north and south of the bridge to match the new bridge alignment and the realignment of the trail at Gervais Avenue to address site distance and safety concerns.
 - f. Reconstruction of Gervais Avenue to narrow the roadway at the Bruce Vento Trail crossing and replace existing pavement that is in poor condition.
 - g. Restoration of all disturbed areas of the Premises and RCRRA Right-of-way and property with seed and sod.
 - h. Miscellaneous work items necessary to facilitate the completion of the work described above, such as, but not limited to, equipment staging, material hauling, detours/traffic control, etc.
 - i. Work tasks necessary to accommodate unforeseen circumstances.

Licensee will be permitted both vehicular and pedestrian traffic on and across the Premises and shall be allowed to park, store and otherwise use its equipment and materials on the Premises.