

Please Note: There will be a gathering at 6:00 p.m. to honor Council Members Cardinal and Koppen for their service. Cake and coffee will be served.

AGENDA
MAPLEWOOD CITY COUNCIL
7:00 P.M. Monday, December 21, 2015
City Hall, Council Chambers
Meeting No. 24-15

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

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. Sign in with the City Clerk before addressing the council. 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 December 14, 2015 City Council Meeting Minutes

F. APPOINTMENTS AND PRESENTATIONS

1. Update on SPRWS by Board Representative Will Rossbach
2. Approval of Resolution for Commission Reappointment

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. Approval of a Conditional Use Permit Review, St. Paul Hmong Alliance Church, 1770 McMenemy Street
3. Approval of a Conditional Use Permit Review, Bruentrup Heritage Farm, 2170 County Road D East
4. Approval of a Conditional Use Permit Review, U-Haul, 2250 White Bear Avenue
5. Approval of a Conditional Use Permit Review, Plaza 3000 Shopping Center, 3000 White Bear Avenue
6. Approval to Purchase Microsoft Licenses
7. Approval to Purchase Additional Council Chambers Audio/Visual Equipment
8. Consider Amendment to City Manager Contract

H. PUBLIC HEARINGS

1. Consider Amendments to the Tree Ordinance and Environmental Chapters – Second Reading
 - a. Approval of Ordinance Regulating Trees in the City of Maplewood
 - b. Approval of Tree Standards
 - c. Approval of Ordinance Reconfiguring the City’s Environmental Chapters

I. UNFINISHED BUSINESS

1. Update on Community Racial Equity Initiative

J. NEW BUSINESS

1. Consider a Conditional Use Permit Amendment and Design Review, Maplewood Auto Mall, 2529 White Bear Avenue
2. Consider Approval of City Attorney Contract

K. AWARD OF BIDS

None

L. VISITOR PRESENTATIONS – *All presentations have a limit of 3 minutes.*

M. ADMINISTRATIVE PRESENTATIONS

1. Council Calendar Update

N. COUNCIL PRESENTATIONS

O. 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 651.249.2000 to make arrangements. Assisted Listening Devices are also available. Please check with the City Clerk for availability.

RULES OF CIVILITY FOR THE CITY COUNCIL, BOARDS, COMMISSIONS AND OUR COMMUNITY

Following are 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:

Speak only for yourself, not for other council members or citizens - unless specifically tasked by your colleagues to speak for the group or for citizens in the form of a petition.

Show respect during comments and/or discussions, listen actively and do not interrupt or talk amongst each other.

Be respectful of the process, keeping order and decorum. Do not be critical of council members, staff or others in public.

Be respectful of each other’s time keeping remarks brief, to the point and non-repetitive.

Minutes as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

2. Approval of November 23, 2015 City Council Meeting Minutes

Councilmember Abrams noted a correction under Approval of Agenda and Council Presentations item 6; the word Hart should be spelled Heart.

Councilmember Juenemann noted that “No action taken” should be added to the end of agenda item H3.

Councilmember Juenemann moved to approve the November 23, 2015 City Council Meeting Minutes as amended.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

None

G. CONSENT AGENDA

Councilmember Juenemann moved to approve consent agenda items G1-G13.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Juenemann moved to approve the Approval of Claims.

ACCOUNTS PAYABLE:

\$ 437,313.51	Checks #96287 thru #96324 dated 11/19/15 thru 11/24/15
\$ 286,462.39	Disbursements via debits to checking account dated 11/16/15 thru 11/20/15
\$ 112,131.21	Checks # 96325 thru # 96361 dated 11/23/15 thru 12/01/15
\$ 421,375.10	Disbursements via debits to checking account dated 11/23/15 thru 11/27/15

\$ 124,201.72 Checks #96363 thru # 96411
dated 12/02/15 thru 12/08/15

\$ 259,664.24 Disbursements via debits to checking account
dated 11/30/15 thru 12/04/15

\$ 1,641,148.17 Total Accounts Payable

PAYROLL

\$ 530,931.33 Payroll Checks and Direct Deposits dated 11/20/15

\$ 1,495.33 Payroll Deduction check # 99101925 thru # 99101927 dated 11/20/15

\$ 532,995.76 Payroll Checks and Direct Deposits dated 12/04/15

\$ 1,151.53 Payroll Deduction check # 99101947 thru # 99101948 dated 12/04/15

\$ 1,066,573.95 Total Payroll

\$ 2,707,722.12 GRAND TOTAL

Seconded by Councilmember Abrams Ayes – All

The motion passed.

2. Approval of Resolution Adopting Ambulance Rates for 2016

Councilmember Juenemann moved to approve the resolution authorizing ambulance rates for 2016. This will take the place of the resolution that was previously approved at the November 23, 2015 meeting.

Resolution 15-12-1284
ADOPTION OF THE 2016 AMBULANCE RATES

WHEREAS, the City of Maplewood has established ambulance rates, and

WHEREAS, city staff has reviewed the ambulance rates.

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

1. The updated ambulance rates with a 3% increase and an added 15% surcharge on non-resident runs shall become effective beginning January 1, 2016, with rates set as follows:

	Residents	Non-Residents
Non-transport	\$656.00	\$754.00
Basic life support	\$1,733.00	\$1,993.00
Advanced life support 1	\$2,278.00	\$2,620.00
Advanced life support 2	\$2,513.00	\$2,890.00

Charge per mile	\$22.50	\$25.88
-----------------	---------	---------

2. The updated ambulance rates are approved for all related ambulance runs received on or after January 1, 2016.
3. The rates shown will be reviewed by staff on an annual basis with recommendations for revisions brought to the city council for consideration.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

3. Approval of 2015 Budget Adjustments and Transfers

Councilmember Juenemann moved to approve the transfers and direct the Finance Director to make the budget adjustments necessary to complete the transactions.

<u>Amount</u>	<u>Increase revenue budget</u>	<u>Increase expenditure budget</u>
\$3,435	101-000-000-3031	101-102-000-4490
\$3,630	101-000-000-3516	101-402-000-4011

Seconded by Councilmember Abrams Ayes – All

The motion passed.

4. Approval of 2016 Residential Trash Hauling Rate Price Adjustments

Councilmember Juenemann moved to approve the 2016 residential trash hauling rate price adjustments. The new monthly rates will go into effect on April 1, 2016.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

5. Approval of Resolution Entering Into a Master Partnership Contract Between the Minnesota Department of Transportation and the City of Maplewood

Councilmember Juenemann moved to approve the resolution authorizing the City of Maplewood to enter into a Master Partnership Contract between the Minnesota Department of Transportation and the City of Maplewood. The Mayor and City Manager are authorized to sign said Contract signifying council approval. Minor revisions as approved by the City Attorney are authorized as needed.

Resolution 15-12-1285 MASTER PARTNERSHIP CONTRACT

Whereas, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and

Whereas, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and

Whereas: the parties wish to be able to respond quickly and efficiently to such opportunities for collaboration, and have determined that having the ability to write “work orders” against a master contract would provide the greatest speed and flexibility in responding to identified needs.

Therefore, be it resolved:

1. That the City of Maplewood enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the City Council.
2. That the proper City officers are authorized to execute such contract and any amendments thereto.
3. That the City Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the City Engineer may execute such work order contracts on behalf of the City of Maplewood without further approval by this City Council.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

6. Approval of Fuel Contracts for 2016

Councilmember Juenemann moved to approve to ratify the gas and diesel fuel contracts with Mansfield Oil Company of Gainesville, Inc and authorize the City Manager or her designee to sign said agreement signifying council approval.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

7. Approval of a Resolution Accepting Donation of Laptops to Maplewood Police Department

Councilmember Juenemann moved to approve the resolution accepting the donation of two laptops from Dell for the Maplewood Police Department.

Resolution 15-12-1286 EXPRESSING ACCEPTANCE OF AND APPRECIATION OF A DONATION TO THE MAPLEWOOD POLICE DEPARTMENT

WHEREAS, Dell has presented to the Maplewood Police Department a donation of 2 computers; and

WHEREAS, the Maplewood City Council is appreciative of the donation and commends Dell for their generous donation,

12. Approval of Agreement with the YMCA to Partner for a Promise Fellow to Serve At-Risk Maplewood Youth

Councilmember Juenemann moved to approve the agreement between the City of Maplewood and the YMCA for the purpose of initiating the AmeriCorps Promise Fellow and the Finance Director be authorized to make any necessary budget adjustments.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

13. Approval of Resolution Accepting a \$1,000 Donation from the Ramsey County Sheriff's Foundation to the Maplewood Police Department and Reserve Unit Traffic Control Assistance During the October Fright Farm Events

Councilmember Juenemann moved to approve resolution accepting a \$1,000 donation from the Ramsey County Sheriff's Foundation.

Resolution 15-12-1287

EXPRESSING ACCEPTANCE OF AND APPRECIATION OF
A DONATION TO THE MAPLEWOOD POLICE DEPARTMENT

WHEREAS, the Ramsey County Sheriff's Foundation has presented to the Maplewood Police Department a donation in the amount of \$1,000; and

WHEREAS, the Maplewood City Council is appreciative of the donation and commends the Ramsey County Sheriff's Foundation for their generous donation and civic efforts,

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

1. The donation is accepted and acknowledged with gratitude; and
2. The donation will be appropriated for the Police Department as designated; and
3. The appropriate budget adjustments be made.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

H. PUBLIC HEARING

1. **Public Hearing on 2016 Tax Levy and Budget**
 - a. **Approval of Resolution Certifying Taxes Payable in 2016**
 - b. **Approval of Resolution Adopting a Budget for 2016**

City Manager Coleman introduced the staff report. Finance Director Bauman gave the staff report and answered questions of the council.

Mayor Slawik opened the public hearing. The following people spoke:

1. Diane Longrie, Maplewood Resident
2. Bob Zick, North St. Paul Resident
3. Kevin Berglund, Maplewood Resident
4. Tim Kinley, Maplewood Resident

Mayor Slawik closed the public hearing.

Councilmember Koppen moved to approve the Resolution Certifying Taxes Payable in 2016.

Resolution 15-12-1288
CERTIFYING TAXES PAYABLE IN 2016

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

1. The following amounts of taxes be levied for 2015, payable in 2016, upon the net tax capacity in said City of Maplewood, for the following purposes:

General Fund	\$13,131,520
Ambulance Service	310,000
Community Center	500,000
Recreation Programs	200,000
Capital Improvement Projects	292,660
Police Vehicle & Equipment	300,000
General Building Replacement	50,000
Fire Truck Replacement	60,000
Redevelopment	25,000
Debt Service	4,476,760
TOTAL LEVY	\$19,345,940

2. In addition, there is a \$316,060 market value based referendum levy for 2015 payable in 2016 to finance the debt service on the 2013B Fire Safety Refunding Bonds. **This results in a total certified City levy of \$19,662,000.** There is also a proposal for an EDA levy of \$89,270. This would bring the total levy up to \$19,751,270 (4.0% increase from 2015).

The net tax capacity based levy of \$4,476,760 for Debt Service and the market value based referendum levy of \$316,060 total \$4,792,820. This is a net decrease of \$2,178,716.90 in the scheduled levy of \$6,971,536.90. The breakdown by Debt Service Fund is attached.

City of MAPLEWOOD	Debt Service Fund breakdown				
BOND ISSUES	ORIGINAL PRINCIPAL	DATE ISSUED	PAYABLE 2016 DEBT LEVY	ADDITIONS OR REDUCTIONS BY RESOLUTION	CERTIFIED DEBT LEVY
GO IMP 2004B	13,010,000	1-Aug-04	\$ 288,938.32	31,361.68	\$ 320,300.00
GO IMP 2005A	2,115,000	1-Aug-05	0.00	0.00	0.00
GO IMP 2006A	6,085,000	1-Apr-06	368,506.04	36,493.96	405,000.00
GO IMP 2007A	10,060,000	1-Jul-07	307,484.68	-75,084.68	232,400.00

GO IMP 2007B	5,090,000	15-Oct-07	326,497.71	-73,497.71	253,000.00
GO IMP 2008A	9,970,000	1-Jul-08	600,974.18	-437,974.18	163,000.00
GO IMP REFUNDING 2008B	1,070,000	1-Jul-08	57,553.13	-51,153.13	6,400.00
GO IMP REFUNDING 2009A	4,680,000	1-Apr-09	442,911.04	-63,411.04	379,500.00
GO IMP REFUNDING 2009B	2,690,000	1-Dec-09	363,855.64	-72,255.64	291,600.00
GO 2010A	11,790,000	10-May-10	0.00	0.00	0.00
GO TIF Refunding 2010B	4,050,000	8-Jul-10	379,417.50	-351,617.50	27,800.00
GO IMP 2011A	10,000,000	1-Jun-11	430,029.41	-163,129.41	266,900.00
GO 2012A	5,780,000	1-Jul-12	522,351.27	-466,951.27	55,400.00
GO 2013A refunding	6,180,000	1-Jun-13	445,625.31	-19,525.31	426,100.00
GO 2013B refunding	3,700,000	18-Dec-13	345,581.25	45,518.75	391,100.00
GO 2014A	7,745,000	1-Aug-14	517,830.76	-66,830.76	451,000.00
GO 2014B refunding	1,255,000	1-Aug-14	296,126.50	59,173.50	355,300.00
GO Imp 2015A refunding	3,790,000	1-Jan-15	562,730.00	-206,030.00	356,700.00
GO 2015B	1,215,000	8-Jul-15	114,765.00	-42,865.00	71,900.00
GO 2015C refunding	7,990,000	8-Jul-15	600,359.16	-260,939.16	339,420.00
			\$6,971,536.90	-\$2,178,716.90	\$4,792,820.00

Seconded by Councilmember Juenemann

Ayes – Mayor Slawik, Council Members
Abrams, Juenemann and Koppen
Nays – Councilmember Cardinal

The motion passed.

Councilmember Koppen moved to approve the Resolution Adopting a Budget for 2016.

Resolution 15-12-1289
ADOPTING A BUDGET FOR 2016

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA that a budget for 2016 is hereby adopted as outlined in the following summary:

	OPERATING BUDGET	CAPITAL IMPROVEMENTS BUDGET	DEBT SERVICE BUDGET	TOTAL
Revenues	\$35,575,640	\$4,040,360	\$7,469,510	\$47,085,510
Net other increases (decreases)	(1,102,660)	(178,500)	1,429,650	148,490
Expenditures	(34,413,870)	(1,560,260)	(13,419,790)	(49,393,920)
Net change in fund balance	\$59,110	\$2,301,600	(\$4,520,630)	(\$2,159,920)

BE IT FURTHER RESOLVED that the department appropriations totaling \$34,413,870 as listed in the budget booklet are hereby approved for the 2016 Operating Budget.

BE IT FURTHER RESOLVED that the following appropriations are hereby approved for the 2016 Capital Improvements Budget:

CAPITAL IMPROVEMENT PROJECTS	\$200,340
FIRE STATION FUND	9,500
FIRE TRUCK REPLACEMENT FUND	73,900
GENERAL BUILDING REPLACEMENT	1,400
LEGACY VILLAGE PARK DEVELOPMENT DISTRICT	40
LEGACY VILLAGE TAX ABATEMENT DISTRICT	3,990
PARK DEVELOPMENT	449,660
POND CLEAN OUT/DREDGING	100,000
POLICE VEHICLES & EQUIPMENT	161,980
REDEVELOPMENT	81,100
RIGHT-OF-WAY	20
STORM CLEANUP	30,000
STREET USE REVITALIZATION	30
TAX INCREMENT ECON. DEV. DISTRICT #1-12	166,000
TAX INCREMENT HOUSING DISTRICT #1-1	5,010
TAX INCREMENT HOUSING DISTRICT #1-2	6,280
TAX INCREMENT HOUSING DISTRICT #1-3	2,170
TAX INCREMENT HOUSING DISTRICT #1-4	470
TAX INCREMENT HOUSING DISTRICT #1-5	470
TAX INCREMENT HOUSING DISTRICT #1-6	490
TAX INCREMENT HOUSING DISTRICT #1-7	22,760
TAX INCREMENT HOUSING DISTRICT #1-8	61,320
TAX INCREMENT HOUSING DISTRICT #1-10	167,900
TRASH CARTS	730
WATER AVAILABILITY CHARGE - N. ST. PAUL	1,550
WATER AVAILABILITY CHARGES - ST. PAUL	13,150
TOTAL CAPITAL IMPROVEMENTS BUDGET APPROPRIATIONS	<u>\$1,560,260</u>

BE IT FURTHER RESOLVED that the Finance Director shall establish a budget for each public improvement project when the Council orders the project and that the budget amounts shall be recorded at amounts specified in the feasibility study for the project.

BE IT FURTHER RESOLVED that the following appropriations are hereby approved for the 2016 Debt Service Budget:

\$11,186,100	Principal
2,160,990	Interest
9,000	Paying Agent Fees
12,600	Fees for Service
51,100	Investment Management Fees
<u>\$13,419,790</u>	TOTAL DEBT SERVICE BUDGET APPROPRIATIONS

BE IT FURTHER RESOLVED that the above budgets for Governmental Funds are hereby adopted for financial reporting and management control.

BE IT FURTHER RESOLVED that the above budgets for all other funds are hereby adopted for management purposes only.

BE IT FURTHER RESOLVED that the transfer of appropriations among the various accounts, within a fund, shall only require the approval of the City Manager or his designee. However, City Council approval is required for transfers from contingency accounts.

BE IT FURTHER RESOLVED that all appropriations which are not encumbered or expended at the end of the fiscal year shall lapse and shall become part of the unencumbered fund balance which may be appropriated for the next fiscal year except appropriations for capital improvement projects which shall not lapse until the project is completed or canceled by the City Council.

Seconded by Councilmember Abrams

Ayes – Mayor Slawik, Council Members
Abrams, Juenemann and Koppen
Nays – Councilmember Cardinal

The motion passed.

2. Meeting of Economic Development Authority (EDA) - The City Council Serves as the EDA

Mayor Slawik recessed the City Council Meeting at 8:10 p.m. in order to convene the EDA meeting.

Mayor Slawik called the Meeting of the City Council back to order at 8:22 p.m.

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

- 1. Consider Amendments to the Tree Ordinance and Environmental Chapters – First Reading**
 - a. Approval of Ordinance Regulating Trees in the City of Maplewood**
 - b. Approval of Tree Standards**
 - c. Approval of Ordinance Reconfiguring the City’s Environmental Chapters**

Interim Environmental and Economic Development Director Carver introduced the staff report. Environmental Planner Finwall gave the staff report and answered questions of the council.

Councilmember Juenemann moved to approve the first reading of an ordinance regulating trees in the City of Maplewood.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the first reading of tree standards for the City of Maplewood.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the first reading of an ordinance reconfiguring the City's environmental chapters.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Consider Approval of Transition Agreement between City of Maplewood and the Ramsey Washington Suburban Cable Commission & Comcast

City Manager Colman introduced the staff report. City Attorney Kantrud gave the staff report and answered questions of the council.

Councilmember Abrams moved to approve the Transition Agreement between City of Maplewood and the Ramsey Washington Suburban Cable Commission & Comcast and authorize the Mayor and Manager to execute the same.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

K. AWARD OF BIDS

None

L. VISITOR PRESENTATION

1. Erica Huppert, Maplewood Resident
2. Bob Zick, North St. Paul Resident
3. Diana Longrie, North St. Paul Resident
4. Kevin Berglund, Maplewood Resident

M. ADJOURNMENT

Mayor Slawik adjourned the meeting at 9:22 p.m. during Visitor Presentations. The following items were not heard.

N. ADMINISTRATIVE PRESENTATIONS

1. **Council Calendar Update**
2. **Community Racial Equity Initiative**

O. COUNCIL PRESENTATIONS

- 1. Natural Living Expo**
- 2. Recycle Your Holidays**
- 3. Wage Negotiations of the City Manager**
- 4. Bruentrup Heritage Farm**
- 5. Human Rights Commission Meeting from December 7, 2015**
- 6. Rush Line Corridor**

DRAFT

MEMORANDUM

TO: City Council
FROM: Melinda Coleman, City Manager
DATE: December 15, 2015
SUBJECT: Update on SPRWS by Board Representative Will Rossbach

Introduction & Background

Board Representative Will Rossbach will be presenting an update on St. Paul Regional Water Services (SPRWS) to the Maplewood City Council.

Budget Impact

None.

Recommendation

No action required.

Attachments

None.

ANALYSIS OF MAJOR BUDGET CHANGES

Analysis of Major Changes in Expenditures

Operations and maintenance expenses are projected to increase \$1.0 Million in 2016 to \$42.2 Million. Wages and employee benefits will increase \$1.1 Million, services will decrease \$0.5 Million and materials and supplies will increase \$0.4 Million. Revenue funded capital improvements for 2016 total \$16.0 Million which is an increase of \$1.1 Million over 2015 levels. Revenue funded improvements include buried infrastructure replacement, water tower and pump station improvements, and small capital and equipment. Debt funded capital improvements for 2016 total \$7.6 Million, an increase of \$5.4 million over 2015 levels. Debt funded improvements include the replacement of the electrical switchgear at the McCarron's Treatment Plant and improvements to the McCarron's and Mississippi River Pumping Stations. Debt service payments in 2016 total \$5.1 million, a decrease of \$0.26 Million. The lead service replacement loan program will remain unchanged at \$0.4 Million.

Analysis of Major Changes in Financing

There is no change in the projected volume of water to be sold in 2016. Total consumption will remain at 1,790 billion cubic feet. There is no change in the consumption based water rates. Revenues based on the consumption based rate total \$44.5 Million. The rates are as follows:

	2015	2016	Increase
Winter rate	\$2.52/100 cf	\$2.52/100 cf	0.00%
Summer rate	\$2.62/100 cf	\$2.62/100 cf	0.00%

There is a \$1 per month increase proposed for the water service base fee. Total revenues are projected at \$9.2 Million for 2016 or an overall increase of \$1.7 Million over 2015. We are proposing issuing \$7.6 Million in debt; this is an increase of \$5.4 Million 2015 levels.

There is no change in the water main surcharge proposed for 2016. This charge will generate approximately \$2.8 Million. There is no change in the Right-of-Way Recovery Fee. The fee results in \$1.9 Million in revenue. There are \$5.3 Million in revenue for miscellaneous and non-operating revenues; this is an increase of \$0.1 Million over 2015 levels.

STRATEGIC PLAN

- Continue to improve the quality of water delivered to our customers
- Emphasize excellent customer service
- Improve asset management
- Operate an efficient utility
- Invest in Saint Paul Regional Water Services employees
- Ensure a safe and secure working environment

For The Permanent Record

Meeting Date: 12-21-15

Agenda Item #: F1

Project Plan Highlights

- Plan includes \$117 Million in Capital Improvements over the next 10 years. Highlights include
 - * Water treatment process improvements (2019-2021)
 - * Electrical system upgrades (2016)
 - * Low Service Reservoir replacement (2021-2022)
 - * Raw water conduit rehabilitation (2016-2017)
 - * Other miscellaneous improvements (2015-2025)
- Plan also includes \$180 Million in funding for buried infrastructure replacement over same time frame
 - Increase from \$11.1 Million to \$19 Million annual investment from 2016-2025

AT SAME
TIME

* CONTRACTANTS RECOMMENDED A MUCH MORE AGGRESSIVE PLAN
OUR PLAN IS MORE BASED IN REALITY.

Project Plan Highlights

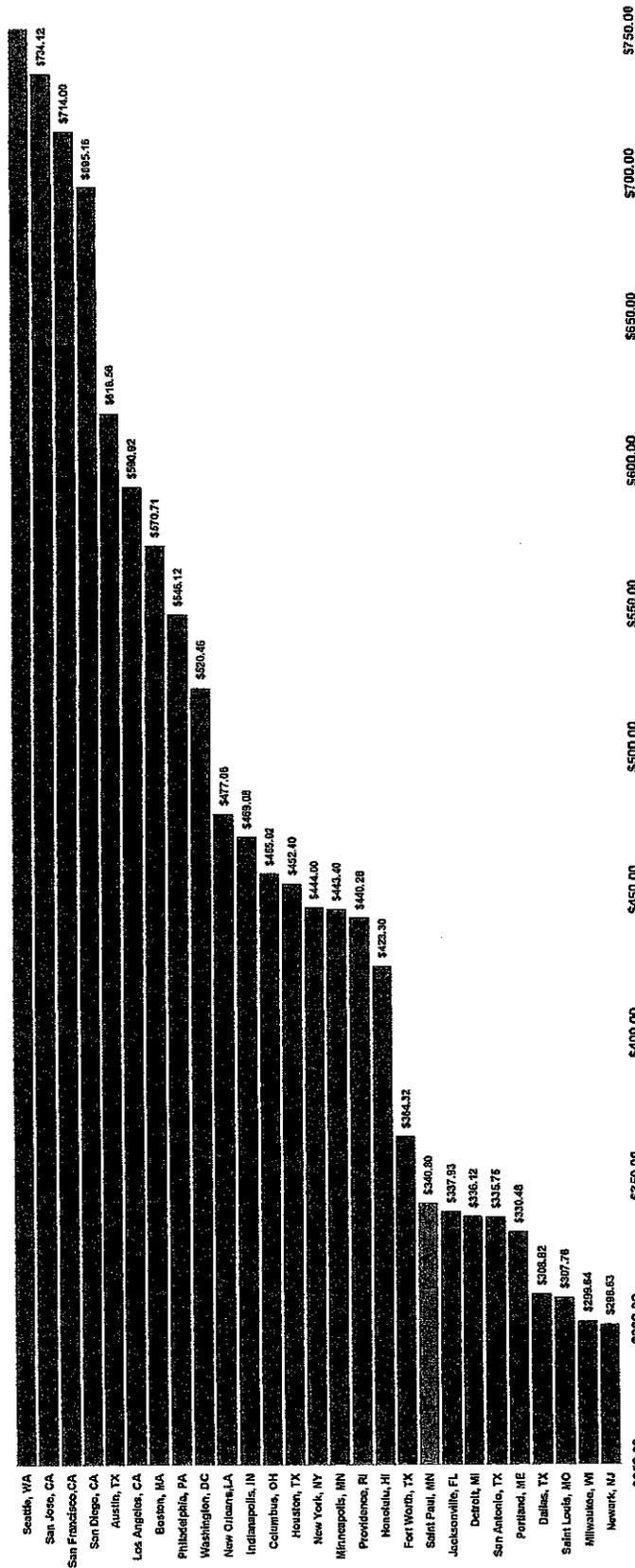
- Treatment plant, pump stations and other facility improvements will be funded with debt
- Buried infrastructure improvements will be funded with pay as you go financing
- Impact to rate payers
 - Cost for water and water related services increases from \$26 to \$40 per month in 2025
 - Increase from \$310 to \$486 annually over 10 years
 - Rate increases over the period will vary but are equivalent to annual increases of 4.6% per year

TYPICAL
SINGLE
FAMILY

Project Plan Assumptions

- Water consumption is flat over the 10 year period
- Project costs are in 2014 dollars
- Inflationary increases are included for all expenses
- Water service base fee increases from \$4 to \$6 per month ²⁰¹⁶⁻²⁰¹⁷
- Water main replacement surcharge increases from 20 to 60 cents per unit
- ROW Recovery Fee remains unchanged
- 20 year level debt service at current rates plus 75 basis points
- No expansion of service area assumed
- Mendota Heights full SPRWS member in future
- BOARD PASSED RESOLUTION AT MARCH 10 2015 MEETING TO ADD THESE PROBLETS TO OUR CAPITAL IMPROVEMENT PLAN.

Saint Paul Regional Water Services Comparative Residential Water Charges*-2014

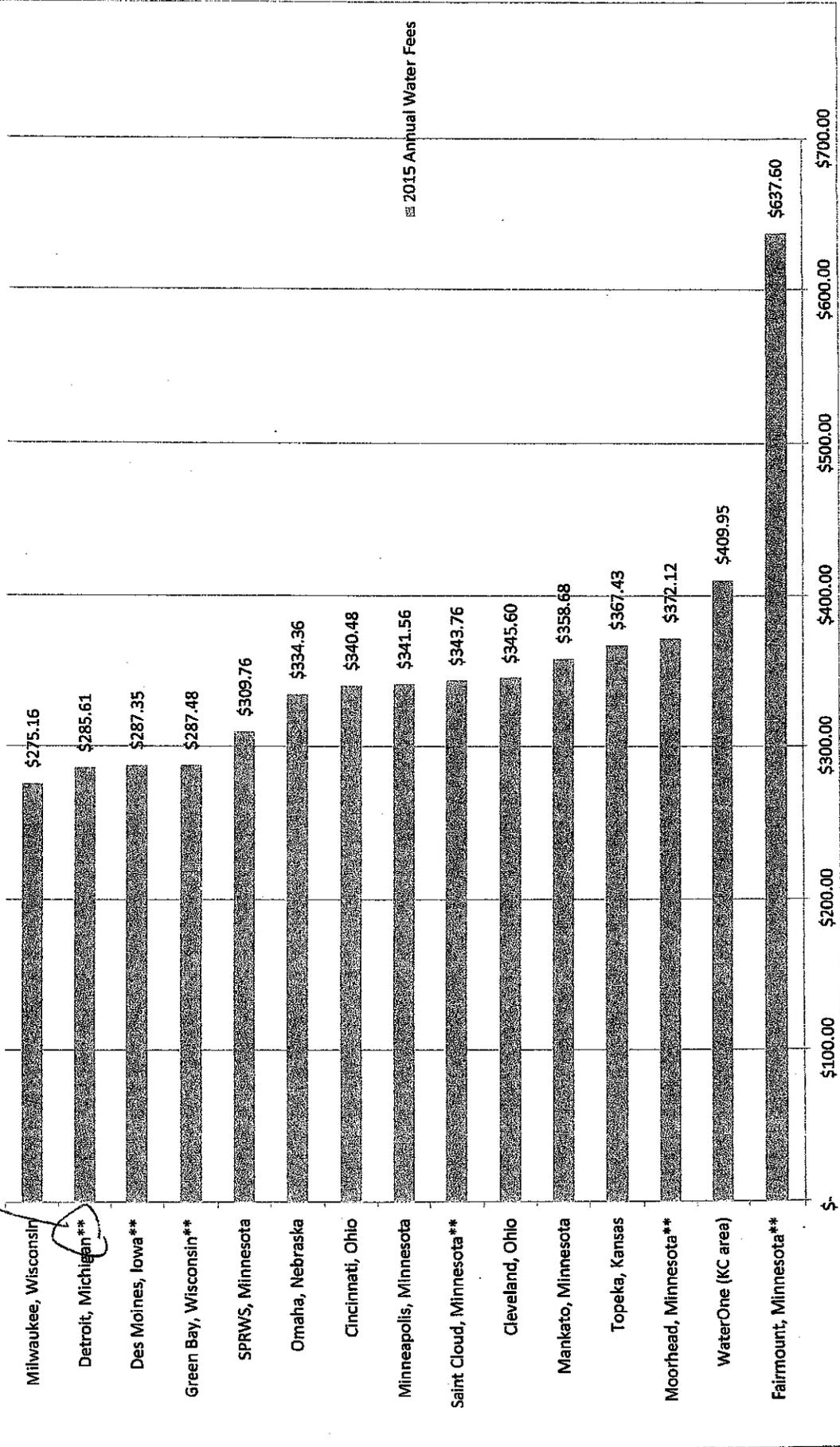


*based on annual consumption of 12,000 cf

Source: Advisory Board to Massachusetts Water Resource Authority (MMRA) Annual Water and Sewer Rate Survey

2014 DATA

2015 Water Rates - 88000 CF Annual Usage



Will Rossbach

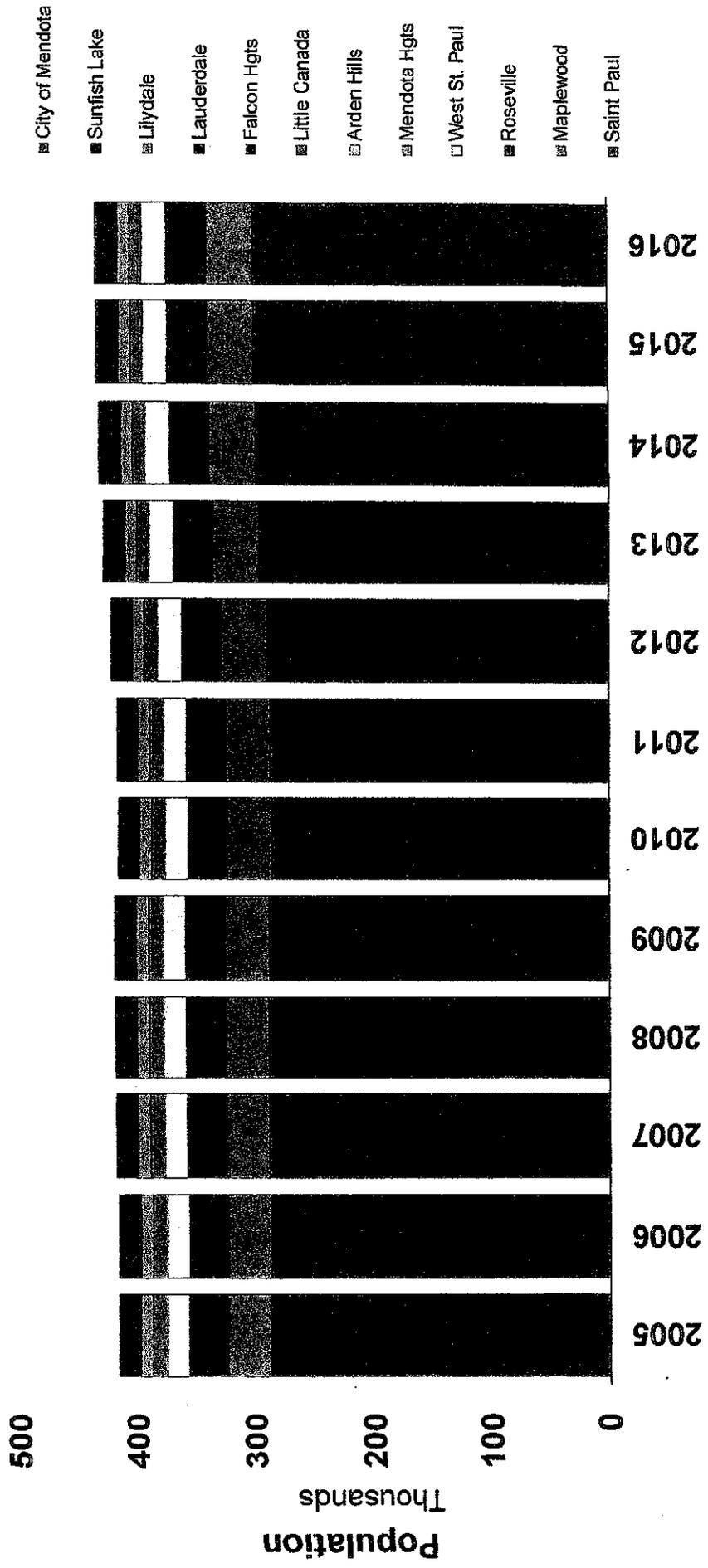
From: Schneider, Steve (CI-StPaul) <steve.schneider@ci.stpaul.mn.us>
Sent: Wednesday, August 26, 2015 8:23 AM
To: Will Rossbach
Subject: NSP Water Rates

Will:

I looked up the rates for NSP and comparing apples to apples, their rates vs SPRWS rates annually for average of 22 units per quarter is \$286 for NSP to \$310 for SPRWS in 2015. They have a ~\$9.50 monthly base fee that raises their fees more than I thought. So we are not too far apart....

Steve

Saint Paul Regional Water Services Population Served



2014, 2015 & 2016 are estimated

City	<u>Population (2013)</u>	<u>% of total</u>	<u># of water accounts (2013)</u>	<u>% of total</u>	<u>Water consumption MGD (2014)</u>
Saint Paul	290,722	78.56%	73,569	77.12%	31.08
Maplewood	39,411	10.65%	10,119	10.61%	5.15
West Saint Paul	19,832	5.36%	5,584	5.85%	2.26
Mendota Heights	11,161	3.02%	4,021	4.21%	1.97
Falcon Heights	5,447	1.47%	1,253	1.31%	1.05
Lauderdale	2,442	0.66%	607	0.64%	0.21
		<u>99.72%</u>		<u>99.74%</u>	
System total	370,068		95,400		41.9

Note: totals do not add up to 100% due to small amounts of usage in other areas e.g. Lilydale, Mendota, etc.

MEMORANDUM

TO: City Council

FROM: Melinda Coleman, City Manager
Lois Knutson, Senior Administrative Assistant

DATE: December 15, 2015

SUBJECT: Approval of Resolution for Commission Reappointment

Introduction

The City Council will review the list of commissioners whose terms are to expire on December 31, 2015. The commissioners were asked to fill out an assessment to evaluate their time on the commission and to provide input to the council.

Background

There are two commissioners whose terms are ending on December 31, 2015.

Allan Ige is seeking reappointment. If he is reappointed, his new term would expire on December 31, 2018.

Planning Commission

Alan Ige, member since 04/29/2013, term expires 12/31/2015

Attendance: (2013) 9 / 9 (2014) 11 / 12 (2015) 6/6

Dale Trippler's term is also expiring on December 31, 2015. Mr. Trippler has recently moved out of Maplewood. He has agreed to continue serving on the planning commission until his Maplewood property sells or his position is filled, whichever happens first.

Budget Impact

None.

Recommendation

Staff recommends that the Council review the attached reappointment assessment and approve the attached resolution for reappointment.

Attachments

1. Resolution for Reappointment
2. Reappointment Assessment

RESOLUTION NO. _____

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

Hereby appoints the following individual, who the Maplewood City Council has reviewed, to serve on the following commission:

Planning Commission

Allan Ige, term expires 12/31/2018



Maplewood Commission
Reappointment Assessment



(Please print or type clearly)

Name: Allan O Ige Date: 12/15/15

Commission: PLANNING

Would you like to be reappointed? Yes No (Check One)

If Yes, why? LIKE TO CONTINUE TO SERVE

How do you feel you contribute to the Commission? Feel that I contributed immensely looking from outside in and not just a resident but also as a professional

What successes do you feel the Commission has had during your term? The Commission comprehensively handled all related applications in a professional manner. Even provided reasonable options when necessary.

Do you have any suggestions to help the Commission function more efficiently?

No suggestions at this time - It is running fine.

What are some bigger issues/projects the Commission will be facing in the next 6 months?

Parking Enforcement - Reviewing Overnight parking requirements along with other CODES as related to Planning or Applications.

Any other comments for the City Council regarding your reappointment or the commission?

(i.e. new topics or projects to explore, processes to consider, etc.) The City Council should start weighting in on the pros/cons of light rail impact on the City regardless of future location. Engage/educate residents as plans continue to develop.

****If you would prefer to relay your responses verbally to the City Council, please contact the City Manager's Office at 651-249-2051 to schedule a time****

Return this form to: City Manager's Office Fax to: 651-249-2059
1830 County Road B. East Email to: lois.knutson@maplewoodmn.gov
Maplewood, MN 55109

THIS PAGE IS INTENTIONALLY LEFT BLANK

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Gayle Bauman, Finance Director
DATE: December 16, 2015
SUBJECT: Approval of Claims

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:

\$ 151,810.30	Checks # 96412 thru # 96459 dated 12/15/15
\$ 517,712.27	Disbursements via debits to checking account dated 12/07/15 thru 12/11/15
<u>\$ 669,522.57</u>	Total Accounts Payable
<u><u>\$ 669,522.57</u></u>	GRAND TOTAL

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

Attachments

Check Register
City of Maplewood

12/11/2015

<u>Check</u>	<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	
96412	12/15/2015	05028	ENERGY ALTERNATIVES SOLAR, LLC	CITY HALL SOLAR SYSTEM LEASE-DEC	397.00
	12/15/2015	05028	ENERGY ALTERNATIVES SOLAR, LLC	MCC SOLAR SYSTEM LEASE - DEC	369.00
96413	12/15/2015	01973	ERICKSON OIL PRODUCTS INC	CAR WASHES AT FREEDOM - NOV	3.73
96414	12/15/2015	00585	GOPHER STATE ONE-CALL	NET BILLABLE TICKETS - NOVEMBER	471.25
96415	12/15/2015	03759	HOTSYMINNESOTA.COM	REPAIR PRESSURE WASHER STATION #1	247.95
96416	12/15/2015	01337	RAMSEY COUNTY-PROP REC & REV	USE OF RANGE FACILITY OCT 5TH	600.00
96417	12/15/2015	01337	RAMSEY COUNTY-PROP REC & REV	MULCH	210.00
96418	12/15/2015	01409	S E H	STATION 2 & 3 REMODEL	19,350.75
	12/15/2015	01409	S E H	REDESIGN MCC'S ENTRANCE AREA	2,952.24
	12/15/2015	01409	S E H	STATION 2 & 3 REMODEL	1,921.62
96419	12/15/2015	01546	SUBURBAN SPORTSWEAR	YOUTH BASKETBALL JERSEYS	2,490.00
96420	12/15/2015	04192	TRANS-MEDIC	EMS BILLING - NOVEMBER	4,350.00
96421	12/15/2015	01750	THE WATSON CO INC	MDSE FOR RESALE	337.74
	12/15/2015	01750	THE WATSON CO INC	MDSE FOR RESALE	93.42
96422	12/15/2015	05560	WOODBURY ACUPUNCTURE CENTER	ACUPUNCTURE - NOVEMBER	378.00
96423	12/15/2015	01190	XCEL ENERGY	SUBPOENA OF ELECTRICAL USE	15.00
96424	12/15/2015	05559	APPRIZE TECHNOLOGY SOLUTIONS	ELECTRONIC ENROLLMENT ADMIN FEE	300.00
96425	12/15/2015	05561	B L I LIGHTING SPECIALISTS	INSTALL PARKING LOT LIGHT POLES & LIG	7,550.00
96426	12/15/2015	00150	PAUL BAERTSCHI	SUBSCRIPTION - MN POLICE BRIEFS	170.00
96427	12/15/2015	03130	CAMPBELL KNUTSON P.A.	CRIMINAL PROSECUTION - OCT/NOV	18,200.83
	12/15/2015	03130	CAMPBELL KNUTSON P.A.	CODE/ORDINANCE ENFORCE - OCT/NOV	1,983.11
	12/15/2015	03130	CAMPBELL KNUTSON P.A.	DATA PRACTICES/BODY CAM - OCT/NOV	31.40
96428	12/15/2015	00258	CARDINAL HOMEBUILDERS INC	ESCROW REL COTTAGEWOOD 2 DEV	3,000.00
96429	12/15/2015	05596	CITY OF CHAMPLIN	TRAINING P VANG & S BELDE	30.00
96430	12/15/2015	05507	COCA-COLA REFRESHMENTS	MDSE FOR RESALE	492.18
	12/15/2015	05507	COCA-COLA REFRESHMENTS	RETURNED MDSE FOR RESALE	-171.69
96431	12/15/2015	05283	EMERGENCY RESPONSE SOLUTIONS	CHEMGuard CLASS A PLUS	85.00
96432	12/15/2015	05372	FERRELLGAS	UTILITIES FIRE TRAINING CENTER	570.47
96433	12/15/2015	02263	HILLCREST ANIMAL HOSPITAL PA	BOARDING & DESTRUCTION FEES-NOV	1,000.00
96434	12/15/2015	05476	JESSICA HUANG	KID CITY GRANT SERVICES 2015	937.50
96435	12/15/2015	05030	KANSAS STATE BANK OF MANHATTAN	EQUIP LEASE - MCC - PMT#41	4,344.07
96436	12/15/2015	05598	KELLY & LEMMONS, P.A.	PROSECUTION SERVICES	1,075.00
96437	12/15/2015	00827	L M C I T	CLAIM DEDUCTIBLE 11420 (15/16)	691.00
96438	12/15/2015	00846	LANGUAGE LINE SERVICES	PD PHONE-BASED INTERPRETIVE SRVS	122.58
96439	12/15/2015	00942	MARSDEN BLDG MAINTENANCE CO	JANITORIAL SERVICES - DECEMBER	2,776.00
96440	12/15/2015	04310	MCFOA	MEMBERSHIP FEES	70.00
96441	12/15/2015	00986	METROPOLITAN COUNCIL	MONTHLY SAC - NOVEMBER	4,920.30
96442	12/15/2015	00001	ONE TIME VENDOR	REFUND E KOENIG YOUTH BBALL	270.00
96443	12/15/2015	00001	ONE TIME VENDOR	REFUND C DITTBERNER LICENSE	194.25
	12/15/2015	00001	ONE TIME VENDOR	REFUND C DITTBERNER LICENSE	168.00
96444	12/15/2015	00001	ONE TIME VENDOR	REFUND R L'ALLIER REPLACE DOOR	182.35
96445	12/15/2015	00001	ONE TIME VENDOR	REFUND A BERZOZA YOUTH BBALL	135.00
96446	12/15/2015	00001	ONE TIME VENDOR	KLINE VOLVO OVER CHARGE	72.00
96447	12/15/2015	05597	RAMSEY CO HISTORICAL SOCIETY	ARCHEOLOGY REPOSITORY AGREEMENT	261.25
96448	12/15/2015	04054	STEVEN REED	DJ FOR CARVER DANCE 12/11	200.00
96449	12/15/2015	01359	REGAL AUTO WASH BILLING	VEHICLE WASHES - NOVEMBER	78.47
96450	12/15/2015	05338	REPUBLIC SERVICES #923	TRASH ASSESSMENTS - 2ND HALF 2015	22,909.19
96451	12/15/2015	05338	REPUBLIC SERVICES #923	WASTE & RECYCLING SRVS - DECEMBER	1,148.09
96452	12/15/2015	05600	THE LOCKER GUY	LOCKER ROOM DOORS	3,400.00
96453	12/15/2015	01669	TWIN CITIES TRANSPORT &	FORFEITED VEHICLE TOWING	200.00
96454	12/15/2015	05599	UNITED TRAILER LEASING	EAST METRO STORAGE 9/18/15-1/7/16	340.00
	12/15/2015	05599	UNITED TRAILER LEASING	EAST METRO STORAGE 8/21/15-9/17/15	85.00
96455	12/15/2015	02464	US BANK	PAYING AGENT FEES	425.00
96456	12/15/2015	04179	VISUAL IMAGE PROMOTIONS	PROGRAM DISPLAY SIGN MCC - NOV	325.00
	12/15/2015	04179	VISUAL IMAGE PROMOTIONS	PROGRAM DISPLAY SIGN MCC - OCT	325.00

G1, Attachments

96457	12/15/2015	02159	WHITE BEAR AREA YMCA	MGMT & MARKETING SRVS MCC	19,482.00
	12/15/2015	02159	WHITE BEAR AREA YMCA	AUG 2015 REVENUE/REVENUE SHARING	8,656.50
	12/15/2015	02159	WHITE BEAR AREA YMCA	NOV 2015 REVENUE/REVENUE SHARING	4,575.00
96458	12/15/2015	05013	YALE MECHANICAL LLC	FALL HVAC MAINT - FIRE STATION #2	485.75
	12/15/2015	05013	YALE MECHANICAL LLC	HVAC REPAIRS - N FIRE STATION	472.50
	12/15/2015	05013	YALE MECHANICAL LLC	HVAC REPAIRS - FIRE STATION #4	301.75
	12/15/2015	05013	YALE MECHANICAL LLC	FALL HVAC MAINT - S FIRE STATION	252.75
96459	12/15/2015	05491	ZUERCHER TECHNOLOGIES, LLC	ZUERCHER CAD ENHANCEMENTS	4,500.00
					151,810.30

48 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>
12/7/2015	MN State Treasurer	Drivers License/Deputy Registrar	40,021.83
12/7/2015	U.S. Treasurer	Federal Payroll Tax	100,570.47
12/7/2015	P.E.R.A.	P.E.R.A.	103,652.41
12/7/2015	Empower - State Plan	Deferred Compensation	29,305.00
12/7/2015	Pitney Bowes	Postage	2,985.00
12/8/2015	MN State Treasurer	Drivers License/Deputy Registrar	24,593.46
12/8/2015	MidAmerica	HRA Flex plan	13,837.60
12/8/2015	Labor Unions	Union Dues	2,205.27
12/8/2015	MN State Treasurer	State Payroll Tax	21,120.50
12/9/2015	MN State Treasurer	Drivers License/Deputy Registrar	55,331.22
12/10/2015	MN State Treasurer	Drivers License/Deputy Registrar	100,416.27
12/10/2015	Delta Dental	Dental Premium	1,340.91
12/11/2015	MN State Treasurer	Drivers License/Deputy Registrar	21,484.63
12/11/2015	Optum Health	DCRP & Flex plan payments	545.70
12/11/2015	MN Dept of Natural Resources	DNR electronic licenses	302.00
			517,712.27

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Michael Martin, AICP, Economic Development Coordinator
DATE: December 10, 2015
SUBJECT: Approval of a Conditional Use Permit Review, St. Paul Hmong Alliance Church, 1770 McMenemy Street

Introduction

The conditional use permit (CUP) for the St. Paul Hmong Alliance Church is due for its annual review.

Background

On November 24, 1986, the city council granted a conditional use permit for a church at this location.

On May 12, 1997, the city council approved a CUP revision and the design plans for this site. These requests were for the church to expand their building by adding space for Sunday school and a solarium to the front of the church.

On July 8, 2002, the city council approved a CUP revision and design plans for this site. These requests were for the church to expand their parking lot to the south and to add a playground to their property.

On December 12, 2011, the city council approved a CUP revision and design plans for this site. These requests were for the church to add onto the building, enlarge the parking lot and to provide a driveway connection to DeSoto Street.

On December 10, 2012, December 9, 2013 and November 24, 2014 the city council approved the review and agreed to review it again in one year.

Discussion

Construction of the addition is complete. During staff's inspection this fall it was noted that some of the required landscaping has not survived. Staff notified the applicant that the landscaping needed to be replaced and they are working to have this corrected in time for next year's growing season. Also the trash enclosure on site needs to be screened.

Budget Impact

None.

Recommendation

Extend the approval of the conditional use permit for the St. Paul Hmong Alliance Church and review again in one year.

Attachments

1. Location Map
2. December 12, 2011 City Council Minutes



St. Paul Hmong
Alliance Church

Proposed
Access Point

St. Paul Hmong Alliance Church CUP Revision and Design Review

Location Map and Aerial Photo

MINUTES
MAPLEWOOD CITY COUNCIL
 7:00 p.m., Monday, December 12, 2011
 Council Chambers, City Hall
 Meeting No. 24-11

J. NEW BUSINESS

1. Conditional Use Permit Revision and Design Review, St. Paul Hmong Alliance Church, 1770 McMenemy Street (Simple Majority Vote Required)

City Planner Ekstrand present the staff report and answered questions of the council. Staff Engineer Kummer answered questions of the council. Planning Commissioner Al Bierbaum addressed the council and gave the Planning Commission report and answered questions of the council. Puneex Vedi from Vedi Associates addressed and answered questions of the council. Jason Lamers from the Community Design Review Board addressed the council and gave the report from the Community Design Review Board.

Councilmember Llanas moved to approve the Resolution for the Conditional Use Permit Revision and Design Review, St. Paul Hmong Alliance Church, 1770 McMenemy Street with Amendments made by Mayor Rossbach.

RESOLUTION 11-12-668
 Conditional Use Permit Revision Conditions and Resolution
 as made by the City Council on 12 12 11
 for the St. Paul Hmong Alliance Church Church Expansion Proposal

- A. Adopt the resolution revising the conditional use permit for the church at 1770 McMenemy Street. This permit is based on the standards for approval required by the code and subject to the following conditions:
1. All construction shall follow the site plan approved by the city date-stamped October 26, 2011, subject to any conditions required by the Community Design Review Board upon their review of plan revisions to be submitted by the applicant. Staff may approve minor changes. This approval includes the parking lot expansion, the new driveway to DeSoto Street and the proposed building additions.
 2. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
 3. The applicant shall regularly maintain the grounds and pick up all debris as well as maintain the decorative wood screening fences.
 4. The city council shall review this permit in one year.
 5. The city council may require the church to limit seating capacity in the main sanctuary if a parking shortage develops.
 6. The city council may require the church to make changes to the site, if the council deems it necessary or prudent, during future reviews of the conditional use permit.
 7. The church shall provide a six-foot-tall, solid decorative wood fence, or an equivalent buffer that complies with the city code requirements, to screen the parking lots on the south, west and east sides of the site. Staff will consider a reduction in the number of

- trees in lieu of the screening fence. The screening plans shall take into account the grade of the site and that of the adjacent properties.
8. The gate at the proposed DeSoto Street entrance must be closed at all times, except for Sundays and during holiday services. The applicant shall provide an annual schedule at the first of each year to the property owners along DeSoto Street indicating the days and times the DeSoto Street driveway will be un gated and open for church use. This schedule must indicate dates, other than Sundays, that the applicant would plan to open the gate for access.
- B. Approve the plans date-stamped October 26, 2011, along with any subsequent conditions by the community design review board upon their review of the required plan revisions by the applicant, for the parking lot expansion, new driveway and building additions at the St. Paul Hmong Alliance Church, 1770 McMenemy Street. The property owner shall meet the following conditions:
1. Repeat this review in two years if the city has not issued a permit for this expansion.
 2. Before getting a grading and building permit, the applicant shall provide the community design review board with:
 - a. A revised site and landscape plan that shows the following:
 - (1) The applicant shall submit a revised landscape plan that lists the plantings proposed in the basins. The plan should specify the number, species, and size of plantings.
 - (2) The applicant must submit a revised landscape plan showing the size of the replacement trees. This plan must comply with the requirements of the tree ordinance.
 - (3) Landscaped islands within the parking lot planted with trees.
 - (4) Building elevations which identify the proposed building materials at a sufficient scale to depict architectural details such as seems in building materials.
 - (5) Location of the underground irrigation system as required by code.
 - (6) A plan for the installation of a six-foot-tall, solid wood screening fence on the south, west and east sides of the site, or an equivalent buffer that would meet code requirements, where the parking lot abuts residential properties. Staff will consider a reduction in the number of trees in lieu of the screening fence. The screening plans shall take into account the grade of the site and that of adjacent properties.
 - (7) Verification that all setback requirements would be met, specifically, providing a 100-foot building setback from the north property line.
 - b. Provide a grading, drainage, utility and erosion control plan to the city engineer for approval. The erosion control plan shall meet ordinance requirements and all the plans shall meet the requirements of the city engineer.
 - c. A trash container enclosure plan. The trash enclosure must be compatible with the building and include a 100 percent opaque gate.
 3. Resod the lawn that is disturbed by construction activities.

4. Construct the required trash container enclosure.
5. Install a stop sign and speed bumps on the new driveway to DeSoto Street.
6. Before obtaining permits for grading and construction, the applicant shall provide staff with a check or an irrevocable letter of credit in the amount of 125 percent of completing landscaping and site improvements.
7. All work shall follow the approved plans. Staff may approve minor changes.
8. Comply with all requirements of the city's engineering report dated November 11, 2011 by Steve Kummer, staff engineer.
9. Comply with all requirements of the assistant fire chief and building official.

The Maplewood City Council approved this resolution on December 12, 2011.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator
Daniela Lorenz, Planning Specialist

DATE: December 10, 2015

SUBJECT: Approval of a Conditional Use Permit Review, Bruentrup Heritage Farm,
2170 County Road D East

Introduction

The conditional use permit (CUP) for Bruentrup Heritage Farm, 2170 County Road D East is due for its annual review.

Background

February 8, 1999, the city council approved the relocation of the Bruentrup farm buildings to the Prairie Farm Preserve.

June 14, 1999, the city council approved a CUP for a “public facility” to be located within the Prairie Farm Preserve and a parking waiver for the reduction in the required number of parking spaces for such a use.

December 13, 1999, the city council approved a 99-year lease agreement which allows the Maplewood Area Historical Society (MAHS) to lease the land and buildings for interpretive and educational purposes. The lease was never formally signed by the MAHS.

July 8, 2002, the city council approved a CUP revision to allow the construction of a parking lot on the west side of the site, within the city’s open space.

December 1, 2008, the city council held a workshop to discuss issues associated with MAHS including the lease, proposed fund-raising events, CUP amendment, parking, insurance, etc.

April 13, 2009, the city council approved a lease agreement with the MAHS. This lease allows the society the use of the Bruentrup Heritage Farm site and buildings located at 2170 County Road D.

July 27, 2009, the city council approved the amendment to the CUP allowing MAHS to hold a maximum of six private events a year with a maximum of 290 people per event.

February 22, 2010, the city council reviewed the CUP and approved it for another year. The city council also approved the use of a state licensed caterer to provide alcohol for large events at the Bruentrup Heritage Farm.

August 26, 2013, the city council approved the amendment to the CUP to allow the construction of a reinforced-turf overflow parking area.

November 10, 2014, the city council approved a revision to Bruentrup Heritage Farms CUP to allow for additional large events to be held at on the property up to 40 times a year with 15 of those events being allowed to extend until 11 pm.

Discussion

All conditions of approval are being met. Staff has received no complaints about noise or excess traffic since allowing for more events and extended hours for select events.

Budget Impact

None

Recommendation

Staff recommends reviewing the conditional use permit for Bruentrup Heritage Farm located at 2170 County Road D again only if a problem arises or a major change is proposed.

Attachments

1. Aerial and Location Map
2. City Council Minutes, November 10, 2014



MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, November 10, 2014
Council Chambers, City Hall
Meeting No. 18-14

1. Approval of a Resolution for a Conditional Use Permit Revision, Bruentrup Heritage Farm, 2170 County Road D East

City Planner Martin gave the staff report and answered questions of the council. Bob Jensen, President of the Maplewood Area Historical Society addressed the council and gave additional information. David and Susan Huebl, Maplewood Residents addressed the council and gave additional information.

Councilmember Cardinal moved to approve the conditional use permit revision resolution for the Bruentrup Farm, located at 2170 County Road D East, to allow additional large events. Approval is based on the findings required by ordinance and subject to the following conditions:

1. Repeat this review in two years if the city has not issued a building permit for this project.
2. Before the city issues a building permit, the city engineer shall complete the necessary grading, drainage, utility and erosion control plans.
3. The applicant or contractor shall complete the following before occupying the buildings:
 - a. Replace property irons that are removed because of this construction.
 - b. Install reflectorized stop signs at all exits, a handicap-parking sign for each handicap-parking space and an address on the building.
 - c. Construct a trash dumpster enclosure for any outside trash containers. The enclosures must be 100 percent opaque, match the color of the buildings and have a closeable gate that extends to the ground. If the trash container is not visible to the public it does not have to be screened.
 - d. Install site-security lighting as required by the code. The light source, including the lens covering the bulb, shall be concealed so the light source is not visible and so it does not cause any nuisance to drivers or neighbors.
4. If any required work is not done, the city may allow temporary occupancy if the city determines that the work is not essential to the public health, safety or welfare.
5. All work shall follow the approved plans. The director of community development may approve minor changes.
6. Update the January 2008 Bruentrup Heritage Farm Master Plan to include correct site size, site conditions, parking references, and purpose and intent of uses including any large non-historical fundraising events.

7. When the parking lot located east of the site cannot accommodate parking for an event (i.e., events where there are more than 192 people based on 4 people per vehicle in the 48 space parking lot located to the east of the site) the society must supply off-site parking to accommodate the events.
8. Off-site parking at Salvation Army (78 parking spaces at 2080 Woodlyn Avenue):
 - a. The society must supply the city with a signed parking agreement between the society and the owners of the Salvation Army for the use of the parking lot.
 - b. Transportation of guests in a wagon pulled by a tractor to and from the Salvation Army parking lot (Woodlyn Avenue) on a trail through the Prairie Farm Neighborhood Preserve is only allowed during daytime hours.
 - c. The society must ensure safe pedestrian crossing at the intersection of Woodlyn Avenue and Ariel Street for visitors parking in the Salvation Army parking lot. Safe pedestrian crossing can involve temporary signs or crossing guards.
9. Off-site parking at Harbor Pointe (278 parking spaces at 2079 to 2127 County Road D):
 - a. The society must supply the city with a signed parking agreement between the society and the owners of Harbor Pointe which allows the use of this parking lot.
 - b. The society must ensure safe pedestrian crossing at the intersection of County Road D and Ariel Street for visitors parking in the Harbor Pointe parking lot. Safe pedestrian crossing can involve temporary signs or crossing guards.
10. Any large scale music proposed for any event on the site (such as DJs and bands) should be limited to inside the barn.
11. Use of the farm must comply with the city's noise ordinance which requires that no disturbing noises be generated before 7 a.m. and after 7 p.m.
12. The society will work with Maplewood city staff to coordinate the management of the oak savanna located west of the entry drive within the Bruentrup Heritage Farm site with the intent of continuing to manage that portion of the site as oak savanna.
13. The barn must be posted with a maximum occupancy of 290 people.

Conditions Which Apply to the Subleasing of the Site by the Society for Large Events:

14. Subleased events with 100 or more people in attendance are allowed 40 times per year. Historical events conducted by the MAHS, events conducted by the city of Maplewood and events with less than 100 people in attendance shall not count towards the maximum number of events held each year.
15. Subleased events with 100 or more people in attendance are allowed from 10 a.m. to 10 p.m. Of the 40 total large events, 15 events shall be allowed to extend to 11:00 pm.

16. Parking for subleased events in which alcohol will be served is limited to the parking lots on the east side of the site and the Harbor Pointe parking lot located about a block west of the site on the north side of County Road D.
17. Maximum number of occupants allowed *on site* for events in which alcohol will be served is limited to 290 people. The maximum capacity of the barn shall not exceed the posted occupancy limits as determined by the city's Building Official and Fire Marshall.
18. Appropriate liquor licenses must be obtained prior to serving alcohol on the site.
19. The society must obtain the appropriate liability coverage for events which holds the city harmless.
20. A rental agreement must be approved by the city which dictates hours of use, maximum number of people, location of parking, etc.

Conditions Relative to the Proposed Reinforced-Turf Parking Plan:

21. The site and landscaping plan dated July 17, 2013, showing the proposed turf parking plan is approved.
22. Minor revisions may be approved by staff.
23. Screening must be provided, as proposed, to buffer the proposed parking lot from the neighbor to the east. This screening shall be completed before the parking lot may be used, unless the applicant provides escrow to guarantee its completion. Escrow shall be, as is typically required, in the amount of 150 percent of the cost of installing the landscaping.

Resolution 14-11-1138
CONDITIONAL USE PERMIT REVISION RESOLUTION

WHEREAS, the Maplewood Area Historical Society has applied for a conditional use permit revision to hold additional large events and to extend the hours of operation at the Bruentrup Farm.

WHEREAS, Section 44-1092(1) of the city code requires a conditional use permit for public building uses.

WHEREAS, this permit applies to the property located at 2170 County Road D East. The property identification numbers for this property is:

022922110009

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

1. On October 21, 2014, 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 reports and recommendation of city staff. The planning commission recommended that the city council approve this permit.

2. On November 10, 2014, the city council considered reports 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 (additions are underlined and deletions are crossed out):

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.

NOW, THEREFORE, BE IT RESOLVED that the city council also determines that the above-described conditional use permit meets the following criteria:

1. Repeat this review in two years if the city has not issued a building permit for this project.
2. Before the city issues a building permit, the city engineer shall complete the necessary grading, drainage, utility and erosion control plans.
3. The applicant or contractor shall complete the following before occupying the buildings:

- a. Replace property irons that are removed because of this construction.
 - b. Install reflectorized stop signs at all exits, a handicap-parking sign for each handicap-parking space and an address on the building.
 - c. Construct a trash dumpster enclosure for any outside trash containers. The enclosures must be 100 percent opaque, match the color of the buildings and have a closeable gate that extends to the ground. If the trash container is not visible to the public it does not have to be screened.
 - d. Install site-security lighting as required by the code. The light source, including the lens covering the bulb, shall be concealed so the light source is not visible and so it does not cause any nuisance to drivers or neighbors.
4. If any required work is not done, the city may allow temporary occupancy if the city determines that the work is not essential to the public health, safety or welfare.
 5. All work shall follow the approved plans. The director of community development may approve minor changes.
 6. Update the January 2008 Bruentrup Heritage Farm Master Plan to include correct site size, site conditions, parking references, and purpose and intent of uses including any large non-historical fundraising events.
 7. When the parking lot located east of the site cannot accommodate parking for an event (i.e., events where there are more than 84 people based on 4 people per vehicle in the 48 space parking lot located to the east of the site) the society must supply off-site parking to accommodate the events.
 8. Off-site parking at Salvation Army (78 parking spaces at 2080 Woodlyn Avenue):
 - a. The society must supply the city with a signed parking agreement between the society and the owners of the Salvation Army for the use of the parking lot.
 - b. Transportation of guests in a wagon pulled by a tractor to and from the Salvation Army parking lot (Woodlyn Avenue) on a trail through the Prairie Farm Neighborhood Preserve is only allowed during daytime hours.
 - c. The society must ensure safe pedestrian crossing at the intersection of Woodlyn Avenue and Ariel Street for visitors parking in the Salvation Army parking lot. Safe pedestrian crossing can involve temporary signs or crossing guards.
 9. Off-site parking at Harbor Pointe (278 parking spaces at 2079 to 2127 County Road D):
 - a. The society must supply the city with a signed parking agreement between the society and the owners of Harbor Pointe which allows the use of this

parking lot.

- b. The society must ensure safe pedestrian crossing at the intersection of County Road D and Ariel Street for visitors parking in the Harbor Pointe parking lot. Safe pedestrian crossing can involve temporary signs or crossing guards.
10. Any large scale music proposed for any event on the site (such as DJs and bands) should be limited to inside the barn.
11. Use of the farm must comply with the city's noise ordinance which requires that no disturbing noises be generated before 7 a.m. and after 7 p.m.
12. The society will work with Maplewood city staff to coordinate the management of the oak savanna located west of the entry drive within the Bruentrup Heritage Farm site with the intent of continuing to manage that portion of the site as oak savanna.
13. The barn must be posted with a maximum occupancy of 290 people.

Conditions Which Apply to the Subleasing of the Site by the Society for Large Events:

14. Subleased events with 100 or more people in attendance are allowed 40 times per year. Historical events conducted by the MAHS, events conducted by the city of Maplewood and events with less than 100 people in attendance shall not count towards the maximum number of events held each year.
15. Subleased events with 100 or more people in attendance are allowed from 10 a.m. to 10 p.m. Of the 40 total large events, 15 events shall be allowed to extend to 11:00 p.m.
16. Parking for subleased events in which alcohol will be served is limited to the parking lots on the east side of the site and the Harbor Pointe parking lot located about a block west of the site on the north side of County Road D.
17. Maximum number of occupants allowed on site for events in which alcohol will be served is limited to 290 people. The maximum capacity of the barn shall not exceed the posted occupancy limits as determined by the city's Building Official and Fire Marshall.
18. Appropriate liquor licenses must be obtained prior to serving alcohol on the site.
19. The society must obtain the appropriate liability coverage for events which holds the city harmless.
20. A rental agreement must be approved by the city which dictates hours of use, maximum number of people, location of parking, etc.

Conditions Relative to the Proposed Reinforced-Turf Parking Plan:

21. The site and landscaping plan dated July 17, 2013, showing the proposed turf

parking plan is approved.

22. Minor revisions may be approved by staff.
23. Screening must be provided, as proposed, to buffer the proposed parking lot from the neighbor to the east. This screening shall be completed before the parking lot may be used, unless the applicant provides escrow to guarantee its completion. Escrow shall be, as is typically required, in the amount of 150 percent of the cost of installing the landscaping.

The Maplewood City Council approved this resolution on November 10, 2014.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Michael Martin, AICP, Economic Development Coordinator
DATE: December 10, 2015
SUBJECT: Approval of a Conditional Use Permit Review, U Haul, 2250 White Bear Avenue

Introduction

The conditional use permit (CUP) for U Haul, located at 2250 White Bear Avenue is due for its annual review.

Background

November 24, 2014 the city council approved a CUP allowing indoor storage in a commercial zoning district and the leasing of motor vehicles and a variance to lease trucks and trailers within 350 feet of residentially-zoned property.

Discussion

The nonconforming sign has been removed from the property and all screening between the abutting properties and U Haul's property is in place. The roof of the building has been replaced and most of the interior work is close to being complete. Staff recommends reviewing this CUP again in one year to check on the progress.

Budget Impact

None.

Recommendation

Review the conditional use permit for 2250 White Bear Avenue again in one year.

Attachments

1. Overview Map
2. Site Plan
3. City Council Minutes, November 24, 2014



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

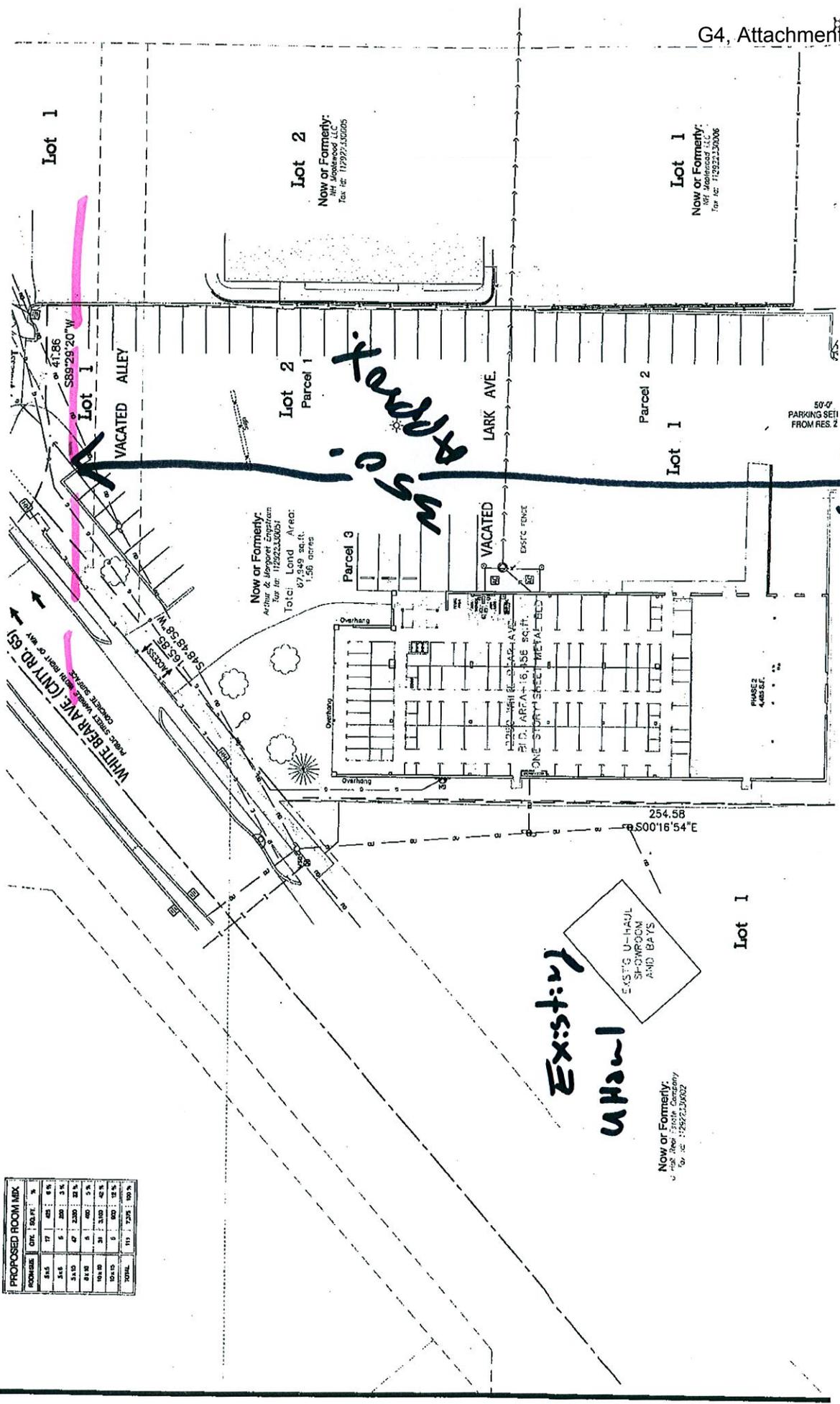
THIS MAP IS NOT TO BE USED FOR NAVIGATION

200.0 Feet

100.00

0

NAD_1983_HARN_Adj_MN_Ramsey_Feet
 © Ramsey County Enterprise GIS Division



PROPOSED ROOM MIX

ROOMTYPE	QTY	SQ. FT.	%
2.4.1	17	481	6.1%
2.4.1.1	5	130	1.6%
2.4.1.2	12	351	4.5%
2.4.1.3	47	2320	29.4%
2.4.1.4	5	490	6.2%
2.4.1.5	21	3100	39.2%
2.4.1.6	5	800	10.2%
TOTAL	112	7922	100%

The Ponds at Battle Creek
601 Century Avenue South

On-Sale Wine/Strong Beer Licenses

Bambu Asian Cuisine
1715-A Beam Avenue

Taste of India
1745 Cope Avenue East

Noodles & Company
2865 White Bear Avenue

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

- 2. Approval of the Following Resolutions for U-Haul to Expand its Business to the Former Goodwill Property, 2250 White Bear Avenue**
 - a. A Conditional Use Permit for Indoor Storage in a Commercial Zoning District**
 - b. A Conditional Use Permit to Lease Motor Vehicles**
 - c. A Variance to Lease Trucks and Trailers Within 350 Feet of Residentially Zoned Property**

Senior Planner Ekstrand gave the staff report and answered questions of the council. Planning Commissioner Bill Kempe addressed the council and gave the planning commission report. Christopher Bohlman, President of Southern U-Haul in Minnesota was present and addressed the council to give additional information and answered questions of the council.

Councilmember Koppen moved to approve

A. The conditional use permit resolution to allow indoor storage and the leasing of trucks and trailers in a BC (business commercial) zoning district, located at 2250 White Bear Avenue. Approval is based on the findings required by ordinance and subject to the following conditions:

- 1. All construction shall follow the site plan date-stamped September 15, 2014 approved by the city in addition to the required changes below. Staff may approve minor changes.
- 2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
- 3. The city council shall review this permit in one year.
- 4. The applicant shall submit plans for their site and building improvements to the community design review board for approval.
- 5. The building and site changes and improvements shall include the following requirements:

- a. A decorative six-foot-tall solid screening fence along the easterly lot line to screen the proposed site from the New Horizon day care center building and playground. The screening fence shall be also placed in the southeast corner of the site to fill in a gap in screening. Fencing in this area is subject to the requirements of the city engineer due to the drainage swale in this corner.
 - b. Clean-up, maintenance and repair of the former Goodwill building.
 - c. Resurfacing of the parking lot.
 - d. Providing a connecting driveway between the existing U-Haul property and the former Goodwill site. This connecting driveway shall be curbed with concrete curbing to meet the requirements of city code.
 - e. Restriping of the parking lot with no parking lot stripes for rental vehicles any closer than 100 feet to the south property line.
 - f. Removal of the tall freestanding sign structure. This sign is no longer considered legal-nonconforming.
6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and city engineer.
- B. Approval of a variance resolution to allow the leasing of motor vehicles within 350 feet of property zoned and planned as residential. This variance is based on the findings that:
1. The proposed setback reduction to 100 feet from the southerly lot line would be in harmony with the general purposes and intent of the ordinance since the site would be screened from view from the residential properties to the south and the east by six-foot-tall screening fences.
 2. The proposal is for a commercial venture which is consistent with the Maplewood Comprehensive Plan for this property.
 3. There are practical difficulties in complying with the ordinance. The applicant would not be able to utilize this site for truck and trailer leasing without a variance since the entire site is within 350 feet of residential property.

This approval is conditioned upon all rental vehicles being kept at least 100 feet from the abutting residential property to the south.

Resolution 14-11-1145
CONDITIONAL USE PERMIT

WHEREAS, U-Haul, has applied for a conditional use permit be allowed to lease trucks and trailers and to operate an indoor-storage facility in a BC (business commercial) district.

WHEREAS, Sections 44-512 (4 and 5) of the city ordinances requires a conditional use permit for used car sales or leasing and for indoor storage facilities in a BC (business commercial) zoning district.

WHEREAS, this permit applies to the property located at 2255 White Bear Avenue. The property identification number of this property is:

112922330059

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

1. On November 18, 2014, 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 reports and recommendation of city staff. The planning commission recommended that the city council approve this permit.
2. On November 24, 2014, the city council considered reports 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.

Approval is subject to the following conditions:

1. All construction shall follow the plans date-stamped September 15, 2014, 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 after review and good-cause is shown.
3. The city council shall review this permit in one year.
4. The applicant shall submit plans for their site and building improvements to the community design review board for approval.
5. The building and site changes and improvements shall include the following requirements:
 - a. A decorative six-foot-tall solid screening fence along the easterly lot line to screen the proposed site from the New Horizon day care center building and playground. The screening fence shall be also placed in the southeast corner of the site to fill in a gap in screening. Fencing in this area is subject to the requirements of the city engineer due to the drainage swale in this corner.
 - b. Clean-up, maintenance and repair of the former Goodwill building.
 - c. Resurfacing of the parking lot.
 - d. Providing a connecting driveway between the existing U-Haul property and the former Goodwill site. This connecting driveway shall be curbed with concrete curbing to meet the requirements of city code.
 - e. Restriping of the parking lot with no parking lot stripes for rental vehicles any closer than 100 feet to the south property line.
 - f. Removal of the tall freestanding sign structure. This sign is no longer considered legal-nonconforming.
6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and city engineer.

The Maplewood City Council approved this resolution on November 24, 2014.

Resolution 14-11-1146
VARIANCE RESOLUTION

WHEREAS, U-Haul has applied for a variance to be allowed to lease trucks and

trailers closer than 350 feet to a residential zoning district.

WHEREAS, this variance applies to the property at 2255 White Bear Avenue. The property identification numbers for this property is:

112922330059

WHEREAS, Sections 44-512 (5) of the city ordinances requires that used motor vehicle rental activities be at least 350 feet from a residential district.

WHEREAS, the applicant's proposed use would be totally within this 350 foot proximity of two nearby residential districts.

WHEREAS, the history of this variance is as follows:

1. The planning commission held a public hearing on November 18, 2014. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The planning commission gave everyone at the hearing an opportunity to speak and present written statements. The council also considered reports and recommendations from the city staff. The planning commission recommended that the city council approve this variance.
2. On November 24, 2014, the city council considered the recommendations of city staff and the planning commission and the testimony of persons present at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described variances since:

1. The proposed setback reduction to 100 feet from the southerly lot line would be in harmony with the general purposes and intent of the ordinance since the site would be screened from view from the residential properties to the south and the east by six-foot-tall screening fences.
2. The proposal is for a commercial venture which is consistent with the Maplewood Comprehensive Plan for this property.
3. There are practical difficulties in complying with the ordinance. The applicant would not be able to utilize this site for truck and trailer leasing without a variance since the entire site is within 350 feet of residential property.

This approval is conditioned upon all rental vehicles be kept at least 100 feet away from the abutting residential property to the south.

The Maplewood City Council approved this resolution on November 24, 2014.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator
Daniela Lorenz, Planning Specialist

DATE: December 10, 2015

SUBJECT: Approval of a Conditional Use Permit Review, Plaza 3000 Shopping Center, 3000 White Bear Avenue

Introduction

The conditional use permit (CUP) for Plaza 3000, located at 3000 White Bear Avenue North, is due for review. In 2014, the city council approved a CUP to reduce the parking lot setback on the south side of the building by Lydia Avenue. The affected parking lot driveway is adjacent to the new dock addition recently constructed for the Hobby Lobby.

Background

1974: The city council approved plans for the Plaza 3000 Shopping Center.

January 28, 2014: The community design review board approved the design plans for the addition of the Hobby Lobby at the Plaza 3000.

May 12, 2014: The council approved a CUP for a reduced parking lot setback on the south side of the building by Lydia Avenue.

May 26, 2015: The council agreed to review the CUP again in 6 months to ensure the trash containers on site are properly screened and that landscaping survived.

Discussion

Staff has been communicating with Tom Schuette who is the property manager for the Azure Properties, which owns Plaza 3000. Mr. Schuette submitted the following comments on November 30 regarding the trash containers that need to be screened.

- a) *Party City. We built a new enclosure, but to date Party City has not removed their dumpsters. We have asked them again to get rid of their dumpsters and begin to use the dumpsters in the new enclosure.*
- b) *Old Country Buffet. Their dumpster will be expanded in the spring. We will show you a plan soon for the expanded enclosure.*

- c) *Petco. We are negotiating with Petco for a new smaller space. We are also negotiating with a new tenant for the remainder of the space. The leases should be finalized in the next couple months. These leases will require building changes which will need City approval. The trash enclosures will be addressed with the proposed new construction.*

Staff will be sending information regarding the city's requirements for trash enclosures to Party City – though ultimate responsibility still is with the property owner. Staff can confirm that a new tenant will be locating to the center which will require building alterations and city approvals – much like the Hobby Lobby did in 2014. The new tenant has yet to submit their application to the city but staff has seen preliminary plans.

Budget Impact

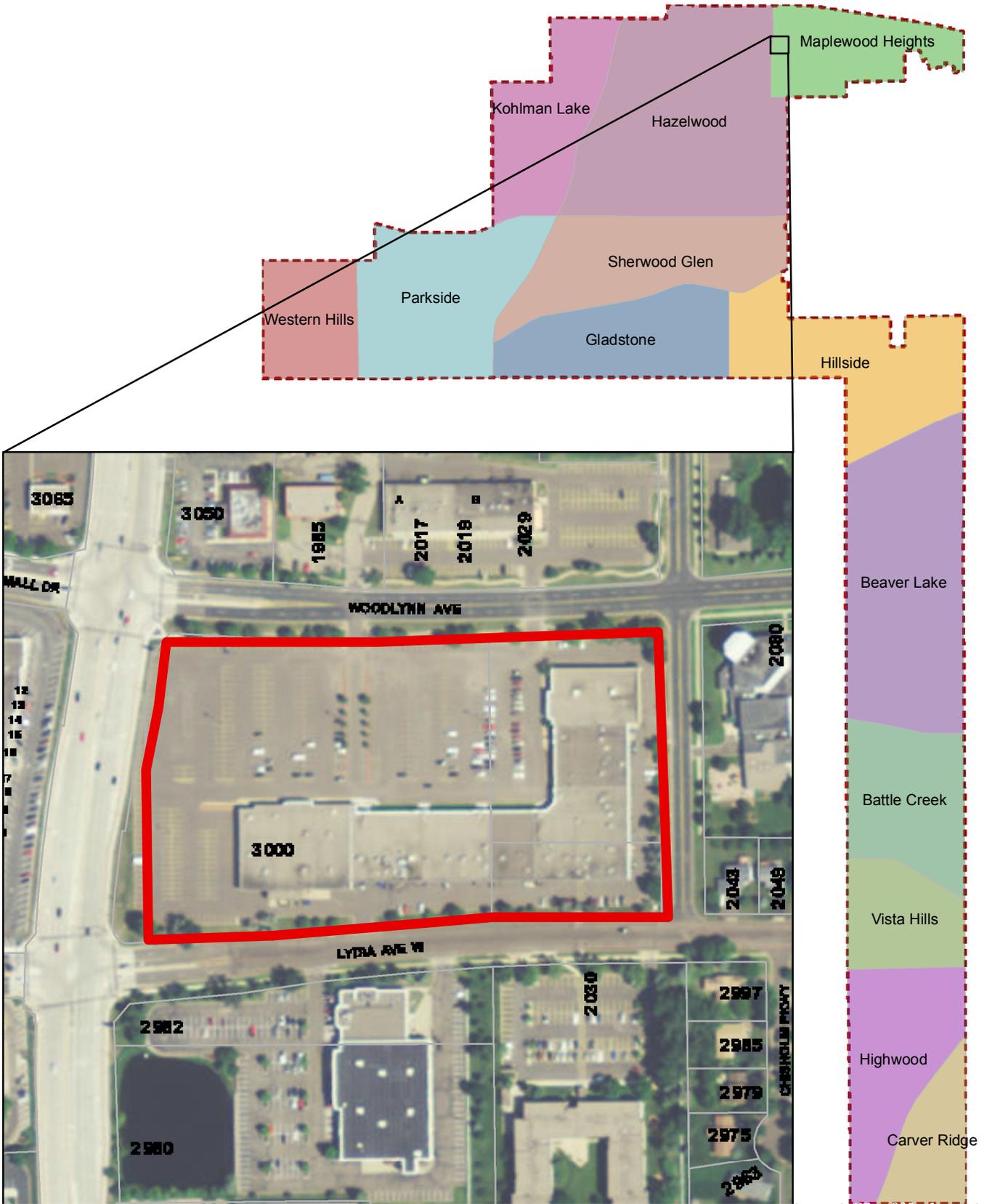
None.

Recommendation

Review the conditional use permit for Plaza 3000 again in one year to ensure all trash containers on site are properly screened as per city code.

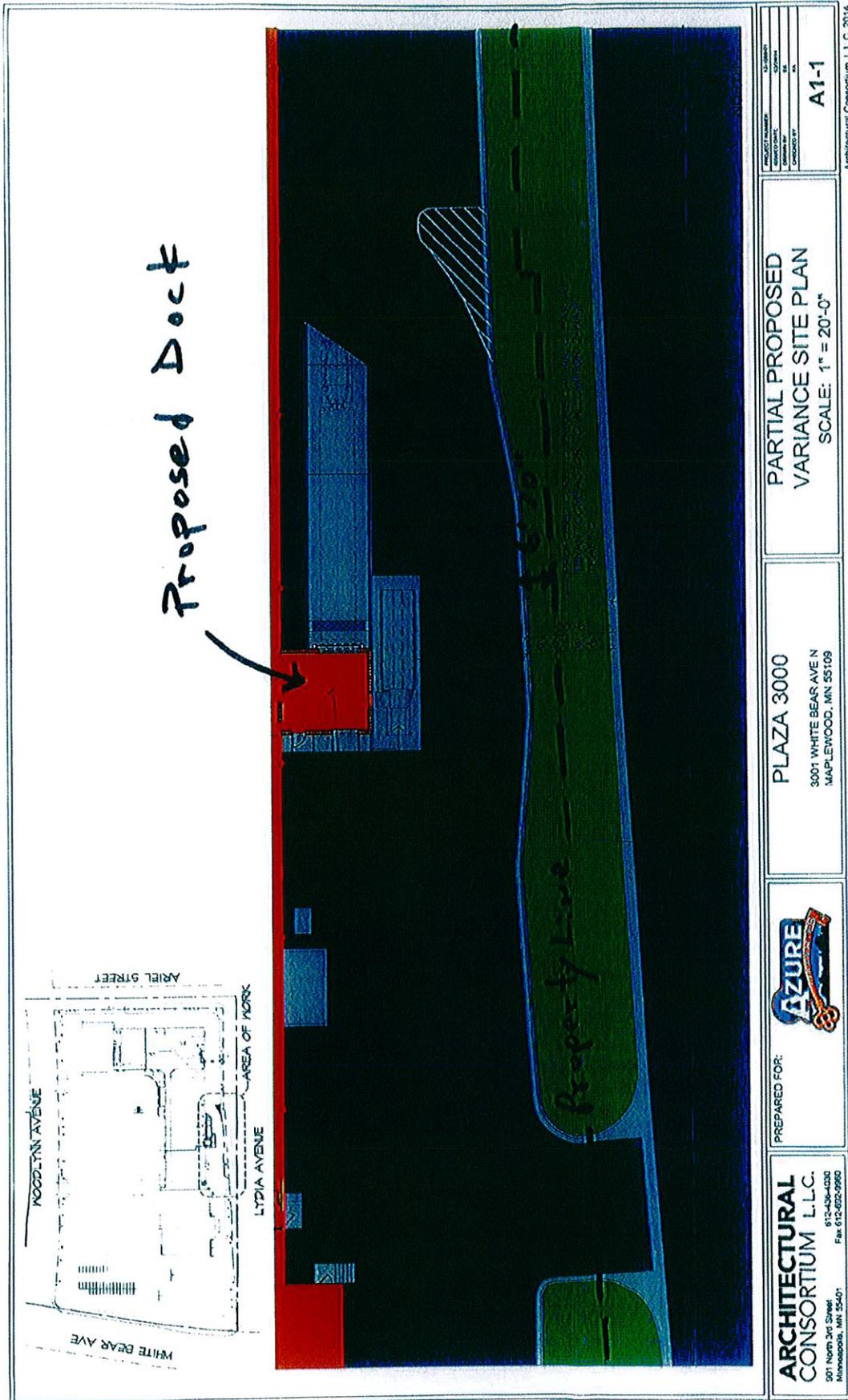
Attachments

1. Overview Map
2. Site Plan
3. City Council Minutes, May 12, 2014



3000 White Bear Avenue - Plaza 3000

CUP Review - Overview Map



Seconded by Councilmember Koppen

Ayes – All

The motion passed.

8. Approval of a Conditional Use Permit Resolution to Reduce the Parking Lot Setback for the Hobby Lobby Dock Addition at the Plaza 3000 Shopping Center, 3000 White Bear Avenue

City Planner Ekstrand gave the staff report and answered questions of the council. Tom Schuette of Azure Properties addressed the council to give additional information and answer questions.

Councilmember Cardinal moved to approve the conditional use permit resolution approving the plans for the widening of the Plaza 3000 Shopping Center parking lot on the south side of the building. This approval allows a parking lot setback reduction from 11.5 feet to six feet 10 inches. Approval is based on the findings required by ordinance and subject to the following conditions:

1. All construction shall follow the site plan approved by the city date-stamped March 27, 2014. Staff may approve minor changes.
2. The proposed parking lot widening shall be substantially started within one year of council approval of this permit shall be 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 property owner shall replace the six trees that would be removed due to this parking lot widening. They shall plant shrub varieties that grow tall enough to provide some screening, but not massive enough to have a substantial root spread that would interfere with nearby buried cables in the street boulevard. The property owner shall plant six planting groupings of three shrubs each (18 shrubs total) to replace the six trees to be removed. The planting plan shall be subject to staff approval.

Resolution 14-5-1067
Conditional Use Permit

WHEREAS, Azure Properties has applied for a conditional use permit to reduce their parking lot setback on the south side of the building from the Lydia Avenue right-of-way.

WHEREAS, Section 44-12 (e) of the city ordinances requires a conditional use permit to enlarge, reconstruct or structurally alter a non-confirming use.

WHEREAS, this permit applies to the property located at 3000 White Bear Avenue. The legal description of this property is:

That part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, lying southerly of the north line of Woodlynn Avenue, subject to Woodlynn Avenue, and lying easterly of White Bear Avenue as now located by Final Certificate recorded as Document Number 1813704, Section 2, Township 29 North, Range 22 West, City of Maplewood, Ramsey County, Minnesota.

And

The west 329.31 feet of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ Section 2, Township 29 North, Range 22 West, except the north 1321.33 feet, thereof, City of Maplewood, Ramsey County, Minnesota.

And

Part of the south 640.00 feet of the north 1321.33 feet of the west 329.31 feet of the Northwest $\frac{1}{4}$, of the Northeast $\frac{1}{4}$, Section 2, Township 29 North, Range 22 West, City of Maplewood, Ramsey County, Minnesota.

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

1. On May 6, 2014, 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 reports and recommendation of city staff. The planning commission recommended that the city council approve this permit.

2. On May 12, 2014, 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 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.

Approval is subject to the following conditions:

1. All construction shall follow the site plan approved by the city date-stamped March 27, 2014. Staff may approve minor changes.

2. The proposed parking lot widening shall be substantially started within one year of council approval of this permit shall be 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 property owner shall replace the six trees that would be removed due to this parking lot widening. They shall plant shrub varieties that grow tall enough to provide some screening, but not massive enough to have a substantial root spread that would interfere with nearby buried cables in the street boulevard. The property owner shall plant six planting groupings of three shrubs each (18 shrubs total) to replace the six trees to be removed. The shrubs shall be at least three feet tall upon planting. The planting plan shall be subject to staff approval.

The Maplewood City Council approved this resolution on May 12, 2014.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

9. Approval of a Conditional Use Permit Revision Resolution and Design Plans for Verizon Wireless Ground Equipment at Hillwood Drive and Sterling Street

City Planner Ekstrand gave the staff report. Steven Wegland of Verizon Wireless addressed the council to give additional information and answer questions.

Councilmember Cardinal moved to:

- A. Adopt the conditional use permit revision resolution approving the expansion of the cell phone and public safety communications facility at the St. Paul Regional Water Services water tower site at the corner of Hillwood Drive and Sterling Street. Approval is based on the findings required by ordinance and subject to the following conditions (additions are underlined):

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Mychal Fowlds, IT Director
DATE: December 15, 2015
SUBJECT: Approval to Purchase Microsoft Licenses

Introduction

The City of Maplewood standardizes on Microsoft products for a large majority of our back-office and productivity suite needs. This item is updating our licenses for three key areas.

Background

As stated above, the City currently standardizes on Microsoft products for our servers and also our productivity suite. This item, if approved, will provide us updated licenses in three key areas.

Microsoft Office 2016 Licenses – Currently much of the City is still taking advantage of Office 2007 which was purchased in 2007. This item accounts for replacing all of those licenses with the most current version of Office so as to take advantage of the many new tools available and to simply come current with our productivity suite.

Microsoft SQL Server – Our primary database server runs off of SQL. This item will provide us with new licenses so we are able to build and roll-out a replacement for our current database server which has reached its end of life.

Microsoft Word Licenses – Our new RMS application in our squad cars requires Microsoft Word be installed to run custom forms. We need to equip our officers with these custom forms to use our Records Management System to its full extent.

Budget Impact

The purchase of Microsoft licenses described above, in the amount of \$45,860, has been planned for and will be funded from the IT fund.

Recommendation

Staff recommends that the Council give approval to purchase Microsoft licenses off of the State contract via SHI.

Attachments

1. Requisition



Pricing Proposal
 Quotation #: 10771131
 Created On: 12/16/2015
 Valid Until: 1/15/2016

MN CITY OF MAPLEWOOD

Mychal Fowlds

1830 County Road B East
 Maplewood, MN 55109
 United States
 Phone: (651) 249-2923
 Fax:
 Email: mychal.fowlds@ci.maplewood.mn.us

Inside Account Executive

Bill Scioscia

33 Knightsbridge Road
 Piscataway, NJ, 08854
 Phone: 732-564-8554
 Fax: 732-564-8224
 Email: Bill_Scioscia@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Microsoft Office Standard 2016 - License - 1 PC - Select Plus - Win - Single Language Microsoft - Part#: 021-10559	100	\$243.00	\$24,300.00
2 Microsoft Office Professional Plus 2016 - License - 1 PC - Select Plus - Win - Single Language Microsoft - Part#: 79P-05582	40	\$332.00	\$13,280.00
		Subtotal	\$37,580.00
		Total	\$37,580.00

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.



Pricing Proposal
 Quotation #: 10770447
 Created On: 12/16/2015
 Valid Until: 1/31/2016

MN CITY OF MAPLEWOOD

Inside Account Executive

Mychal Fowlds

1830 County Road B East
 Maplewood, MN 55109
 United States
 Phone: (651) 249-2923
 Fax:
 Email: mychal.fowlds@ci.maplewood.mn.us

Bill Scioscia

33 Knightsbridge Road
 Piscataway, NJ, 08854
 Phone: 732-564-8554
 Fax: 732-564-8224
 Email: Bill_Scioscia@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Microsoft SQL Server 2014 Standard Core - License - 2 cores - Select, Select Plus - Win - Single Language Microsoft - Part#: 7NQ-00599	2	\$2,340.00	\$4,680.00
2 Microsoft SQL Server Standard Core Edition - License & software assurance - 2 cores - Select, Select Plus - Win - Single Language Microsoft - Part#: 7NQ-00300 Note: Covers 26 Months of SA	2	\$3,607.00	\$7,214.00
		Subtotal	\$11,894.00
		Total	\$11,894.00

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.



Pricing Proposal
 Quotation #: 10770499
 Created On: 12/16/2015
 Valid Until: 1/15/2016

MN CITY OF MAPLEWOOD

Mychal Fowlds

1830 County Road B East
 Maplewood, MN 55109
 United States
 Phone: (651) 249-2923
 Fax:
 Email: mychal.fowlds@ci.maplewood.mn.us

Inside Account Executive

Bill Scioscia

33 Knightsbridge Road
 Piscataway, NJ, 08854
 Phone: 732-564-8554
 Fax: 732-564-8224
 Email: Bill_Scioscia@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Microsoft Word 2016 - License - 1 PC - Select Plus - Win - Single Language Microsoft - Part#: 059-09105	30	\$120.00	\$3,600.00
		Subtotal	\$3,600.00
		Total	\$3,600.00

The Products offered under this proposal are subject to the SHI Return Policy posted at www.shi.com/returnpolicy, unless there is an existing agreement between SHI and the Customer.

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Mychal Fowlds, IT Director
DATE: December 16, 2015
SUBJECT: **Approval to Purchase Additional Council Chambers Audio/Visual Equipment**

Introduction

The City utilizes the Council Chambers for numerous commission and board meetings. Those meetings are also to be broadcast live and recorded for playback. A large amount of our current equipment is nearing its end of life and will be replaced with approval of this item.

Background

Much of our current equipment was installed in 2005/2006 in the amount of roughly \$45,000 via an equipment replacement grant by the Cable Commission. While that equipment has worked well we are beginning to see intermittent issues. In 2010 we upgraded our audio equipment and most recently, in 2015, we replaced our cameras, both of which were funded via an equipment grant. The City Council just approved an item on December 14th for the replacement of a large majority of our core systems. The items listed below are two remaining pieces that we did not have pricing for in order to take it on the 14th and so we're doing so now. What follows is a summary of improvements that are included in this request for funding.

- Switcher & Graphics – This quote includes Broadcast PIX that will be used to control content and camera's during the meetings and will also act as our character generator providing graphics during the meetings.
- Additional Camera – Lastly, this request includes an additional camera that is identical to the four purchased in early 2015. We would use this camera as a potential 5th camera in the Council Chambers to provide additional flexibility when taping the areas of the dais.

Budget Impact

The items listed above are in accordance with Equipment Reimbursement Plan approved by the Ramsey/Washington Suburban Cable Commission. The camera is quoted off of the State contract, thus a single quote. The Broadcast PIX is not available off of the State contract and therefore two quotes have been provided. The purchase of all items, not to exceed \$25,000, will be made from the IT Fund and then be submitted to the RWSCC for reimbursement.

Recommendation

It is requested that approval be given to purchase the Council Chambers hardware improvements listed above from Alpha Video.

Attachments

1. Broadcast PIX Requisition
2. Camera Quote



7690 Golden Triangle Drive, Eden Prairie, MN 55344

Phone: 952-896-9898 - Fax 952-896-9899 - Visit us at www.alphavideo.com

Quotation

Date	Quote #	Cust #
12/14/15	AAAQ33199-01	MAP004

We are an equal opportunity employer

Prepared For:	Sales Representative:
Mychal Fowlds City of Maplewood 1830 East County Road B Maplewood, MN 55109 USA Phone: (651)249-2923 Fax: Terms: NET 30 Ship via: Best Way	Mike Pouh Sales Executive 952-841-3365 mike.pouh@alphavideo.com

ID #	Item	Description	Qty	Unit Price	Ext. Price
1	Flint LS	Broadcast Pix Flint System with 6 inputs - 5 HD/SDI and 1 HD/SD and analog input + 8 channels of clips and graphics	1	\$11,195.00	\$11,195.00
		Control Panel Options			
2	500	Broadcast Pix 500 Control Panel	1	\$3,065.00	\$3,065.00
3	1000	Broadcast Pix 1000 Control Panel	1	\$5,415.00	\$5,415.00

Shipping charges are not included and will be billed at actual cost.

Sales tax is not included and will be billed at actual.

A 3% convenience will be added for credit card payments.

Sub Total	\$19,675.00
Sales Tax	\$0.00
Shipping	\$0.00

Total	\$19,675.00
--------------	--------------------

Accepted by: _____ Date: _____ PO: _____

All information contained within this quote is valid for the next 30 days. Thereafter, all prices and applicable charges are subject to change.
 MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING.



Quote

Illinois | Indiana | Iowa | Michigan | Minnesota | Ohio | Wisconsin
 Remit To: 3300 University Avenue SE, Minneapolis, MN 55414-3326
 (612) 331-5500 | (800) 933-7337 | Fax (612) 331-3424
 www.tierneybrothers.com

Quote #	Date
64175	12/9/2015

Bill To

Mychal Fowlds
 City of Maplewood
 1830 County Rd B East
 Maplewood MN 55109

Ship To

Mychal Fowlds
 City of Maplewood
 1830 County Rd B East
 Maplewood MN 55109

___ Initial if correct or revise accordingly

___ Initial if correct or revise accordingly

Expires	Sales Rep	Contract	Memo
3/8/2016	209 Heidi Harvey	Transaction Not Eligible	Audio Video Update

Qty	Item	Description	Price	Ext. Price
		HD-SDI Switching System with WePresent NC Non Contract		
		Non-Contract Services - This sale is consistent with the "Contract Release Construction Language Modification" associated with the MN State Contract.		
1	WiPG1000	Wireless interactive Presentation Gateway	523.75	523.75
1	Flint LS	Flint System with 6 inputs - 5 HD/SDI and 1 HD/SD and analog input + 8 channels of clips and graphics	12,495.00	12,495.00
1	803	DEVICE CONTROL SOFTWARE Telemetry Camera Control - up to 10 Telemetry Camera Systems (requires 814 or 818)	950.00	950.00
1	Mica 1000	1000 Control Panel	5,995.00	5,995.00
1	Mica 500	500 Control Panel	3,395.00	3,395.00
1	Integration Item	814 RS 422 star output 4 - USB to RS422 box for 4 cameras	700.00	700.00

To accept this quotation, complete the proposal summary page at the end of this document. Please review the terms, conditions and client responsibilities of this proposal in full.

Subtotal	24,058.75
Shipping Cost (UPS Ground)	525.00
Tax (MN_EGEE 7.125%)	1,751.59
Total	\$26,335.34

The information contained within this proposal is supplied to you on a confidential basis and is not for disclosure to any organization without written consent of Tierney Brothers, Inc.

This document is subject to the terms and conditions found here: www.tierneybrothers.com/SOTC



7690 Golden Triangle Drive, Eden Prairie, MN 55344

Phone: 952-896-9898 - Fax 952-896-9899 - Visit us at www.alphavideo.com

Quotation

Date	Quote #	Cust #
12/14/15	AAAQ33200	MAP004

We are an equal opportunity employer

Prepared For:	Sales Representative:
Mychal Fowlds City of Maplewood 1830 East County Road B Maplewood, MN 55109 USA Phone: (651)249-2923 Fax: Terms: NET 30 Ship via: Best Way	Mike Pouh Sales Executive 952-841-3365 mike.pouh@alphavideo.com

ID #	Item	Description	Qty	Unit Price	Ext. Price
1	BRCH900	Sony HD 1/2 type 3CMOSs P/T/Z Color Video Camera	1	\$8,215.00	\$8,215.00
2	BRBKIP10	Sony BRC camera IP control interface card for BRC-H900 & BRC-Z330 cameras	1	\$1,390.00	\$1,390.00

Shipping charges are not included and will be billed at actual cost.
 Sales tax is not included and will be billed at actual.
 A 3% convenience will be added for credit card payments.

Sub Total	\$9,605.00
Sales Tax	\$0.00
Shipping	\$0.00
Total	\$9,605.00

Accepted by: _____ Date: _____ PO: _____

All information contained within this quote is valid for the next 30 days. Thereafter, all prices and applicable charges are subject to change.
 MINIMUM 15% RESTOCKING FEE WITH ORIGINAL PACKAGING.

MEMORANDUM

TO: City Council

FROM: Mike Funk, Assistant City Manager / HR Director

DATE: December 16, 2015

SUBJECT: Consider Amendment to City Manager Contract

Introduction

The purpose of this agenda item is to consider a salary adjustment for the City Manager, Ms. Melinda Coleman.

Background

Ms. Coleman was appointed City Manager on November 10th, 2014. On February 10th, 2015, the City of Maplewood and Ms. Coleman entered into an Employment Agreement. According to the City of Maplewood Personnel Policies performance reviews should be scheduled on a regular basis, at least annually.

At the November 23rd council meeting the City Council had a closed session to discuss Melinda's performance. As you know, the outcome was favorable. The employment agreement between the City and Melinda allows for an increase in compensation to occur on her anniversary date of February 6th.

Mayor Slawik and Council Member Abrams have been working with the Assistant City Manager/HR Director the past couple of weeks to review the City Manager's compensation. This has included performing extensive market analysis to evaluate comparable data from similar cities with the following criteria: City Manager form of government, population, tax capacity, and number of employees. These critical factors determine a solid basis that which can be supported by the full council.

Conclusion:

It is reasonable that the current City Council make any adjustments before the new Council takes office.

Section 4 of the Employment Agreement between Ms. Coleman and the City of Maplewood states, "The city agrees to increase Coleman's salary and/or other financial benefits in such amounts and to such extent as the City Council may determine is desirable on the basis of an annual salary review. Adjustments are to be made on her anniversary date of February 6th of each calendar year..."

After careful analysis of the information, Mayor Nora Slawik and Council Member Abrams recommend the City Manager's contract be amended to an annual salary of \$145,000; effective on February 6, 2016.

Recommendation

It is recommended that the City Council, by motion, approve the 'First Amendment to Employment Agreement' between the City of Maplewood and Ms. Melinda Coleman, City Manager.

Attachment

1. First Amendment to Employment Agreement

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

THIS FIRST AMENDMENT is made as of the ___ day of December, 2015, by and between the City of Maplewood, a Minnesota municipal corporation (“Maplewood”), and Melinda Coleman, its City Manager (Coleman), hereinafter, “the parties.”

WHEREAS, the parties have signed an Employment Agreement dated February 6, 2015 whereby Melinda Coleman was hired as the permanent City Manager and,

WHEREAS, the parties agreed to annual salary and compensation review pursuant to the Agreement and based on Manager Coleman’s performance and,

WHEREAS, the City Council has determined that, based on Manager Coleman’s performance that has, “exceeded expectations,” a salary increase was deserved and,

WHEREAS, members of the City Council have met and discussed the salary increase and have determined an appropriate increase.

NOW, THEREFORE, the parties agree to the following amendment to that certain Employment Agreement dated February 6, 2015:

That the following section which reads:

Section 4. Salary

The City agrees to pay Coleman for her services rendered hereto an annual base salary of One Hundred Thirty Five Thousand Dollars (\$135,000.00), payable in installments at the same time as other employees of the City, and an annual deferred compensation of an amount equal to Five Percent (5%) of base salary payable in the same manner for the first year and Six Percent (6%) for the second year and every year thereafter. The City also agrees to increase Coleman’s salary and/or other financial benefits in such amounts and to such extent as the City Council may determine is desirable on the basis of annual salary review. Adjustments are to be made on her anniversary date of February 6th of each calendar year to a maximum of 110% of the governor’s salary as allowed by State Statute.

be amended to read:

Section 4. Salary

The City agrees to pay Coleman for her services rendered hereto an annual base salary of One Hundred Forty Five Thousand Dollars (\$145,000.00), payable in installments at the same time as other employees of the City, and an annual deferred compensation of an amount equal to Six Percent (6%) per year. The City also agrees to increase Coleman's salary and/or other financial benefits in such amounts and to such extent as the City Council may determine is desirable on the basis of annual salary review. Adjustments are to be made on her anniversary date of February 6th of each calendar year to a maximum of 110% of the governor's salary as allowed by State Statute.

The Parties agree that all other terms and conditions contained in the Employment Agreement shall remain in full force and effect until such other and further Amendments shall be made in writing and agreed to by the Parties.

The Parties further agree that this Amendment shall be effective as of January 1, 2016 and the increase in salary shall be reflected in the month of January.

CITY OF MAPLEWOOD

Melinda J. Coleman

Mayor

Melinda J. Coleman

Assistant City Manager

THIS SPACE INTENTIONALLY LEFT BLANK

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Shann Finwall, AICP, Environmental Planner

DATE: December 15, 2015

SUBJECT: Consider Amendments to the Tree Ordinance and Environmental Chapters - Second Reading:

- a. Approval of Ordinance Regulating Trees in the City of Maplewood
- b. Approval of Tree Standards
- c. Approval of Ordinance Reconfiguring the City's Environmental Chapters

Introduction

The Maplewood tree ordinance was adopted on September 11, 2006. The ordinance establishes minimum standards for tree preservation and mitigation of environmental impacts resulting from tree removal.

Background

In 2013 the City Council adopted the Living Streets Policy. The policy guides future road improvement projects towards improved biking and walking, enhanced safety and security of streets, calm traffic, livable neighborhoods, improved stormwater quality, enhanced urban forest, reduced life cycle costs, and improved neighborhood aesthetics. Implementation strategies to achieve these goals are outlined in the policy and include a review of the City's tree ordinance and policies.

In 2013 and 2014 the Environmental and Natural Resources Commission reviewed the tree ordinance and supporting policies and proposed amendments to ensure they met the urban forestry goals outlined in the Living Streets Policy. In addition, the Commission is proposing a new section on diseased and hazardous trees and tree service licensing.

In November 2014 the Environmental and Natural Resources Commission recommended approval of the amended tree ordinance, tree standards, and reconfiguration of the environmental chapters.

On December 14, 2015, the City Council adopted the first reading of the tree ordinance, tree standards, and reconfiguration of the environmental chapters. No changes were proposed during the first reading.

Discussion

Tree Ordinance Amendments

Following are the major changes proposed to the tree ordinance by the Environmental and Natural Resources Commission:

- Findings and Purpose: Updated findings and purpose to include the value of specimen trees (defined as a healthy tree that is 28 inches in diameter or greater).

- Definitions: Amendments to the definitions to add clarity to the ordinance.
- Tree Standards: All tree preservation, removal, replacement, and shade tree pest management requirements for applicants have been removed from the ordinance and placed in a separate standards document. The tree standards will be similar to the City's engineering and solid waste management standards and will allow flexibility in managing trees. Standards cannot be contrary, replace, or supersede City ordinances.
- Tree Replacement: Revised tree replacement calculation which allows credits to the final tree replacement amount for preserving specimen trees (defined as a healthy tree that is 28 inches in diameter or greater) during development of the property.
- Diseased and Hazardous Trees: A new section of the ordinance that deals with diseased and hazardous trees.
- Licensing: Adding requirements for licensing of tree service companies to include the company employ or contract with an individual who possesses arborist certification from the International Society of Arboriculture or an individual that holds a post-secondary degree in urban forestry, arboriculture, or an equivalent area of study.

Environmental Chapters

During the tree ordinance updates the City should combine all environmental ordinances in one location. Currently these ordinances are found in various chapters of the City Code including Chapter 12 (Building and Building Regulations), Chapter 18 (Environment), and Chapter 38 (Trees). All environmental ordinances will now be placed under Chapter 18 (Environment) as follows (items stricken are moved, items underlined are added, items italicized are added for clarity):

Chapter 18 (ENVIRONMENT)

Article I. In General

Article II. Nuisances

Article II. Erosion and Sedimentation Control

Article IV. Air Pollution Control

(Article V through VIII are moved to the new Article V [Environment and Natural Resources])

~~Article V. Environmental Preservation and Protection of Trees and Woodlands~~

~~Article VI. Floodplain Ordinance~~

~~Article VII. Stormwater Management~~

~~Article VIII. Renewable Energy Systems~~

Article V. Environment and Natural Resources

(Div. 1-9 are moved from other areas of the Code including Chapters 12, 18 and 38)

Division 1. Generally

Division 2. Wetlands and Streams

Division 3. Trees

Division 4. Stormwater Management

Division 5. Renewable Energy

Division 6. Flood Plain Overlay District

Division 8. Slopes

Division 9. Mississippi Critical Area

Budget Impact

None

Recommendations

Consider amendments to the tree ordinance and environmental chapters (second reading):

1. Approval of an ordinance regulating trees in the City of Maplewood (Attachment 1)
2. Approval of tree standards (Attachment 2)
3. Approval of an ordinance reconfiguring the City's environmental chapters (Attachment 3)

Attachments

1. Ordinance Regulating Trees in the City of Maplewood
2. Tree Standards
3. Ordinance Reconfiguring the City's Environmental Chapters

Ordinance No. _____

An Ordinance Regulating Trees in the City of Maplewood

The Maplewood City Council approves changes to the Code of Ordinances pertaining to the regulations of trees. This ordinance amends and reconfigures Chapter 38 (Trees), Chapter 12 (Buildings and Building Regulations), and Chapter 18 (Environment) as follows:

Section 1: This section deletes Chapter 38 (Trees) and adds new regulations pertaining to trees to Chapter 18 (Environment), Article V (Environment and Natural Resources), Division 3 (Trees) as outlined below.

Article V. Environment and Natural Resources

Division 3. Trees

Sec. 1. Findings and Purpose.

The city desires to protect the trees and woodlands in the City of Maplewood. Trees and woodlands provide numerous environmental, economic, and scenic benefits. They help filter air pollutants, absorb stormwater runoff, provide wildlife habitat, moderate temperatures, reduce cooling costs, increase property values, provide scenic beauty, provide sound and visual buffers, and provide screening for privacy. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Maplewood and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting public health, safety, and welfare of the citizens of Maplewood. The purpose of this ordinance is to establish tree preservation and protection regulations to assure the continuance of significant and specimen trees and woodlands for present and future generations which:

1. Preserve the natural character of neighborhoods (in developed and undeveloped areas).
2. Ensure the health and wellbeing of Maplewood's urban forest.
3. Protect the health and safety of residents.
4. Protect water quality and minimize storm water runoff.
5. Help prevent erosion or flooding.
6. Assure orderly development within wooded areas to minimize tree loss and environmental degradation.
7. Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal.
8. Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.
9. Promote the planting of trees as outlined in the city's Living Streets Policy.

Sec. 2. Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this ordinance.

Applicant means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

Caliper inch is a measurement used for nursery stock and in this ordinance refers to replacement trees. It is the unit of measurement for defining the diameter of the tree trunk measured six (6) inches above the soil surface for tree trunks four (4) diameter inches or less and measured twelve (12) inches above the soil surface for tree trunks greater than four (4) diameter inches.

Certified Arborist is an arborist with up-to-date certification by the International Society of Arborists.

City Forester means a forester who is employed by the city or appropriate agent or independent contractor designated by the city manager.

Conifer Tree means a woody plant that is a member of the division Pinophyta and at maturity is at least twelve (12) feet or more in height. Conifers are cone bearing and most in our climate keep their leaves (also called needles) year-round. Tamarack (also called larch) is the one conifer in our climate that drops its needles in the fall.

Control includes measures to prevent, slow the spread, suppress, eradicate, or destroy a shade tree disease or pests.

Deciduous Tree means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

Diameter is a measurement used for trees in the landscape. It is the diameter of a tree trunk as measured at a height of four and one-half (4.5) feet above ground. To determine diameter, measure the circumference of the tree trunk at four and one-half (4.5) feet above ground and divide by 3.14.

Environmental and Economic Development Department (EEDD) Director means the EEDD Director or an employee of the city who manages city-wide environmental programs, or appropriate agent designated by the city manager.

Hardwood Deciduous Tree means all deciduous tree species except those listed as softwood deciduous trees below.

Hazard tree means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

Invasive Species are species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

Major Home Addition means an addition on a single or double dwelling lot of which the addition or accessory building is more than a sixty (60) percent increase in the footprint of the single or double dwelling structure on said lot.

Minor Home Addition means an addition on a single or double dwelling lot of which the addition or accessory building is less than a sixty (60) percent increase in the footprint of the single or double dwelling structure on said lot.

Native Prairie means a landscape or planting that consists predominantly of grasses, flowers, and sedges that are native to Minnesota prairie ecosystems.

Shade Tree means a woody perennial that at maturity is at least fifteen (15) feet in height and grown primarily for aesthetic or environmental purposes.

Shade Tree Pest means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the city council to be harmful, injurious, or destructive to shade trees or community forests.

Significant Tree means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for conifer trees, twelve (12) inches in diameter for softwood deciduous trees, and specimen tree. Buckthorn or other noxious woody plants or trees as determined by the EEDD Director are not considered a significant tree species at any diameter.

Softwood Deciduous Tree means the following tree species: box elder, cottonwood, elm, poplar/aspens, silver maple, and willow.

Specimen Tree is a tree of any species that is twenty-eight (28) inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten (10) years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.

Structure means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures.

Tree Preservation Plan is a plan that shows all trees in the area to be developed or within the property. The plan shall include all significant and specimen trees to be preserved and measures taken to preserve them. The plan will also include calculations to determine the number of replacement trees as required by the tree removal, mitigation, and replacement section of this ordinance and a proposed re-forestation landscape plan. The plan shall be developed by a forestry or horticultural professional whose qualifications are approved by the EEDD Director.

Tree Standards is a separate document authorized through this ordinance to help achieve the goals of the City's Tree Ordinance and Living Streets Policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede city ordinances.

Utility means electric, telephone, cable television, water, sanitary or storm sewer, solid waste, gas or similar service operations.

Wetland as defined in the city's wetland ordinance.

Woodlot means a treed area of at least one-quarter (1/4) acre on a vacant lot, which includes significant and/or specimen tree(s).

Sec. 3. Standards.

The EEDD Director and city forester shall have the authority to develop Tree Standards concerning the management of trees. These standards shall not be contrary to this ordinance.

Sec. 4. Woodlot Alteration.

1. Woodlot alteration permit. A woodlot alteration permit application shall be submitted to the EEDD Director for review prior to removal of any significant or specimen living trees on a woodlot that is not reviewed by another land use, grading, or building permit. The applicant shall submit a tree plan and any other information needed to determine compliance with this ordinance. Specific requirements shall be stated on an application form in the office of the EEDD Director. An application fee shall be established yearly by the city council by resolution. Failure to submit a woodlot alteration permit application and gain subsequent approval prior to removal of significant and specimen trees will result in the total tree replacement for the property as outlined in the tree removal, mitigation, and replacement section to assume that all trees removed were significant and specimen trees.
2. Woodlot alteration permit appeal process. If the woodlot alteration permit is denied by the EEDD Director, the applicant may appeal the EEDD Director's decision. The appeal shall be submitted in writing, along with the reasons for the appeal, and received by the city in writing within fifteen (15) days of the EEDD Director's written decision to deny the permit. The environmental and natural resources commission will review the appeal at its next available commission meeting. If the environmental and economic development commission denies the appeal, the applicant may appeal the environmental and economic development commission's decision. The appeal shall be submitted in writing, along with the reasons for the appeal, and received by the city within fifteen (15) days of the environmental and natural resources commission's decision. The city council will review the appeal at its next available city council meeting for final decision of the appeal.

Sec. 5. Tree Preservation Plan.

A tree preservation plan as defined in this ordinance and outlined in the Tree Standards shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest significant and specimen trees are destroyed or damaged and to minimize the negative environmental impact to the site.

1. Tree preservation plan applicability.
 - a. This ordinance shall apply to any applicant that requests a woodlot alteration, land use, grading, or building permit, including a building permits for major home additions. This includes all sites of new or redevelopment that contain significant

and specimen trees or woodlots. Platting and adding new roadway and right-of-way are subject to this ordinance.

- b. The following are exceptions and are exempt from the requirements of the tree preservation plan:
- 1) Minor home additions, general home improvements, and construction of accessory buildings (i.e. garage, shed).
 - 2) Tree removal related to public improvement projects to existing roadways, sewers, parks, and utility/infrastructure work or repair.
 - 3) Emergency removal of a tree(s) to protect public health.
 - 4) Tree removal related to public improvement projects to restore or enhance woodlands, savannas, or prairies.
 - 5) Commercial tree nursery and landscape operations.
 - 6) Removal of dead or dying trees, unless those trees were planted as part of tree replacement in which case they shall be replaced based on the approved plan.
 - 7) Removal of nonnative trees that the city deems invasive species.

2. Tree preservation and safeguarding tree measures.

- a. All developments within the city shall be designed to preserve significant and specimen trees and woodlots, where such preservation would not adversely affect the public health, safety, or welfare of Maplewood citizens. The city may prohibit removal of all or a part of a woodlot or significant and specimen trees subject to the limitations as defined in this ordinance. This decision shall be based on, but not limited to, the following criteria:

- 1) Size of trees.
- 2) Size of lot.
- 3) Species, health, and attractiveness of the trees, including:
 - a) Sensitivity to disease.
 - b) Life span.
 - c) Nuisance characteristics.
 - d) Sensitivity to site grading.
 - e) Potential for transplanting.
 - f) Need for thinning a woodlot.
 - g) Effects on the functioning of a development.
 - h) Fragmentation of wooded area and effects on wildlife corridors.
 - i) The public health, safety, and welfare.
 - j) Effect on wetlands and/or watershed.
 - k) Native prairie or oak savanna habitat.

- b. If any significant or specimen tree designated as preserved (protected) in the approved tree preservation plan is cut, damaged, or encroached upon by grading equipment or during the construction process without city authorization and if it is determined by the EEDD Director or city forester that the damaged tree(s) will not survive, the said damaged tree(s) shall be removed by the applicant at their expense and replacement tree(s) required at a rate of two (2) times the tree replacement outlined in the tree removal, mitigation, and replacement section below.

3. Tree removal, mitigation, and replacement.

- a. Tree removal calculation: If less than twenty percent (20%) of the total significant or specimen tree diameter inches on the property is removed, the applicant shall replace one (1) tree per significant and specimen tree removed. Tree replacement shall be a minimum of two (2.0) caliper inches in size.

If twenty percent (20%) or more total significant and specimen tree diameter inches are removed, applicant shall mitigate all significant and specimen diameter inches using the tree mitigation/replacement schedule in accordance with the following formulas:

- A = Total diameter inches of significant trees lost as a result of the land alteration (includes significant and specimen trees)
- B = Total diameter inches of significant trees situated on the property (includes significant and specimen trees)
- C = Tree replacement constant (1.5)
- D = Total diameter inches of specimen trees saved*
- E = Replacement trees (number of caliper inches)

$$[((A/B - 0.2) \times C) \times A] - [D/2] = E$$

* Applicant receives credit for each one (1) diameter inch of specimen tree saved at a rate of ½ (.5) diameter inches.

Example

- A = 94
- B = 234
- C = 1.5
- D = 28
- E = 14 caliper inches

$$[((94 / 234 - 0.2) \times 1.5) \times 94] - [28/2] = 14 \text{ caliper inches}$$

The trees required to be replaced pursuant to this ordinance shall be in addition to any other trees required to be planted pursuant to any other provision of city code.

- b. Tree mitigation: Once the total caliper inches for replacement trees are determined, the applicant shall mitigate loss of significant and specimen trees by planting replacement trees in appropriate areas on the property in accordance

with the tree replacement requirements as outlined in the Tree Standards and tree preservation plan. After putting as many trees as feasible on the site, if the replacement requirement is still not met, the EEDD Director can approve tree replacement steps as outlined in the Tree Standards prior to issuance of a grading or building permit.

- c. Tree replacement requirements: The applicant shall follow tree replacement requirements as outlined in the Tree Standards.
- d. Tree replacement escrow: The applicant shall post tree replacement escrow with the city, such as a tree replacement cash deposit or letter of credit, as outlined in the Tree Standards.

Sec. 6. Diseased and Hazardous Trees.

1. Findings and declaration of purpose.

The health of trees in the city is threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minnesota Statutes, sections 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

2. Declaration of a shade tree pest.

The EEDD Director or city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minnesota Statute, section 89.001.

3. Public nuisances.

Public nuisances relating to trees are outlined in the Tree Standards.

4. Inspection.

- a. The EEDD Director and city forester shall have the ability and authority to inspect all premises and places within the city for public nuisances relating to trees. Inspection shall be of living or dead trees, parts of trees, stumps, and firewood.
- b. The EEDD Director and city forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this ordinance.

5. Abatement of shade tree pest nuisances.

- a. The EEDD Director or city forester shall notify in writing the owner of record or occupant of the premises that a public nuisance exists. The notice shall specify

the measures to be taken to abate the nuisance and shall specify that the nuisance shall be abated within a reasonable amount of time, not less than ten (10) days from the date of mailing.

- b. If the owner fails to comply with the removal or control measures specified for the hazard tree, infested tree, or wood on his/her property as outlined in this ordinance and the Tree Standards, and within the time specified, the EEDD Director or city forester may order the work done either by city employees or by contractor. The cost of this work shall be billed to the owner. If the bill is not paid within thirty (30) days, the city shall assess the costs to the property.

6. High-cost abatement.

If the cost of abating a nuisance from a shade tree pest will exceed five thousand dollars (\$5,000) in a given year or in two consecutive years, based on a reasonable, good faith estimate from a certified arborist, the owner or occupant may request the matter be referred to the city council for a hearing as outlined in the Tree Standards. This does not apply to hazardous trees.

7. Emergency abatement.

Nothing in this ordinance shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Sec. 7. Enforcement.

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 shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment in accordance with section 1-15. All land use, building, and grading permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

The city reserves the right to inspect the site or property at any reasonable time for compliance with tree preservation requirements. If the city finds the site in violation, the city may issue a stop work order until conditions are corrected.

Section 2: This section revises Chapter 12 (Buildings and Building Regulations), Article VI (Contractors and Subcontractors) to update licensing requirements for tree service companies (additions are underlined).

Sec. 12-207. General types of work.

Before any person shall engage in the business of doing or performing the following types of work in the city he or she shall first obtain a license or register to do so as provided in this ordinance:

- 1.
- 14. Tree service (pruning, removal, treatment, or care).
- 15.

.

Sec. 12-218. Tree service company licenses.

1. No person for hire shall fell, cut, or trim any tree in the city, or engage in the business of so doing, without a license. This shall apply only to the felling, cutting, or trimming of trees, limbs, and branches which are two (2) inches or more in diameter at the point of cutting or severance.
2. All licensees performing work under this chapter shall comply with the American National Standards Institute (ANSI) Standard A300, parts 1 through 9. Effective within one (1) year from the date of the adoption of these amendments, any new or renewal license applications shall require that the licensee employ or contract with an individual who possesses current certification as an arborist from the International Society of Arboriculture (ISA) or an individual that holds a post-secondary degree in urban forestry, arboriculture, or an equivalent area of study as approved by the EEDD Director.

**Maplewood Tree Standards
December 21, 2015**

The City of Maplewood has developed tree standards to help achieve the goals of the City's Tree Ordinance and Living Streets Policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede City ordinances.

1. Definitions. All definitions as outlined in the Tree Ordinance apply to the Tree Standards including the following additional definitions:

Critical Root Zone (CRZ) means an imaginary linear circle surrounding the tree trunk with a radius distance of one and one half (1-1/2) foot per one (1) inch of tree diameter (e.g., a sixteen (16) inch diameter tree has a CRZ with a radius of twenty four (24) feet).

Drip Line means the farthest distance around and away from the trunk of a tree that rain or dew will fall directly to the ground from the leaves or branches of that tree.

Infestation includes actual, potential, incipient, emergent infestation, or infection by forest pests or shade tree pests.

Retaining Wall means a structure utilized to hold a slope in a position in which it would not naturally remain.

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.

Wilding Tree means a tree that was not grown in a nursery or been maintained by a nursery.

2. Tree preservation plan. A tree preservation plan is required for any project which requires a woodlot alteration, land use, grading, or building permit; excluding the exemptions and exceptions as outlined in the Tree Ordinance. A tree preservation plan shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest significant and specimen trees are destroyed or damaged and to minimize the negative environmental impact to the site. The tree preservation plans shall include the following:

- a. A tree inventory overlay on the site plans that shows size, species, general health, and location of all significant and specimen trees located within the property where significant and specimen tree removal is proposed. The tree inventory plan:

- 1) Shall be drawn at the same scale as the other site plan submittals and shall coincide with required engineering documents such as topography maps, wetland information, grading plans, road locations, and building locations;

- 2) Shall include trees growing in clump form. These trees will be considered individual trees and each stem/trunk is measured as individual trees.
 - 3) Include the location of groups of standing dead or diseased significant and specimen trees.
 - 4) Include the outer boundaries of all contiguous wooded areas, with a general description of trees not meeting the significant and specimen tree size threshold and any indication of the presence of epidemic tree diseases.
 - 5) Include significant and specimen trees (species and diameter) identified in both graphic and tabular form.
 - 6) Include locations of the proposed buildings, structures, or impervious surfaces.
 - 7) Include delineation of all limits of land disturbance, clearing, grading, and trenching.
- b. A list of total diameter inches of all healthy significant and specimen trees inventoried.
 - c. The total diameter inches of healthy significant and specimen trees removed.
 - d. Location of trees protected and the proposed measures for protection including delineation of tree protection fencing, tree protection signs, location for material storage, parking, debris storage, and wash out area for redi-mix trucks.
 - e. Protection measures for replacement trees being planted in areas with high deer population.
 - f. The name(s), telephone number(s), and address(es) of the person(s) responsible for tree preservation during the course of the development project.
 - g. Size, species, number, and location of all replacement trees and woody shrubs proposed to be planted on the property, planted on city property, or amounts to be paid into the city's tree fund in accordance with the tree removal, mitigation, and replacement section of the tree ordinance.
 - h. All tree preservation plans shall be prepared by a forestry or horticultural professional whose qualifications are approved by the EEDD Director.
 - i. The tree preservation plan shall be reviewed by the EEDD Director for compliance with this ordinance. Reasons for denial shall be noted on the tree preservation plan, or otherwise stated in writing.
3. Safeguarding preserved trees. The following measures will be taken to ensure survival of trees scheduled to be preserved:

- a. Layout of the project site utility and grading plans shall accommodate the tree preservation areas. Utilities are recommended to be placed along corridors between tree preservation areas and use of common trenches or tunnel installation if possible.
- b. Custom grading, retaining walls, or tree wells to maintain existing grade for preserved trees can be used.
- c. Prior to issuance of a grading or building permit the EEDD Director may require one or all of the following measures for safeguarding preserved trees:
 - 1) Tree protective areas shall be located at a minimum of the CRZ of trees or drip line, whichever is greater, whenever possible. Saving groups or stands of trees is encouraged over protecting individual trees scattered throughout the site.
 - 2) Suitable tree protection fencing in active areas includes use of orange polyethylene laminar safety fencing or woven polyethylene fabric (silt fencing). Fencing shall be self-supportive. Tree protection fencing shall be maintained and repaired by the applicant for the duration of construction.
 - 3) Use of passive forms of tree protection may be allowed, i.e., tree protection fencing consisting of continuous rope or flagging (heavy mil plastic four (4) inches or wider).
 - 4) Active tree protection areas with "Tree Save Area" signs posted and readable from at least ten (10) feet away.
 - 5) Minimize tree wounding by felling or removing trees away from trees remaining on site.
 - 6) Construction site activities such as parking, material storage, concrete washout, placement of holes, etc., shall be arranged so as not to encroach on tree protection areas.
 - 7) Measures such as deep mulching may be required in some situations.
 - 8) Identify and prevent oak wilt infection. Treat all known oak wilt infected areas with current accepted guidelines including root cutting and removal of infected trees. If pruning oaks is required between April 1 and July 1 fresh wounds shall be covered with nontoxic tree wound sealant or latex paint.
- d. No construction work shall begin until tree protection fencing has been installed, inspected, and approved by the EEDD Director. Once EEDD Director approves tree protection fencing or devices it shall not be altered or removed without EEDD Director approval.

4. Post construction tree care mitigation. The city may require post construction tree care mitigation for trees protected to include:
 - a. Tree root aeration, fertilization, and/or irrigation systems.
 - b. Therapeutic pruning.
 - c. Mitigate soil compaction by the following:
 - 1) Mulch drive lanes with eight (8) to ten (10) inches of woodchips.
 - 2) Soil fracturing with deep tillage or other similar methods.
 - 3) Inclusion of organic matter to existing soil.
 - 4) Core aeration.

5. Tree mitigation. Once the total caliper inches for replacement trees are determined, the applicant shall mitigate loss of significant and specimen trees by planting replacement trees in appropriate areas on the property in accordance with the tree removal, mitigation, and replacement section of the tree ordinance. After putting as many trees as feasible on the site, if the replacement requirement is still not met, the EEDD Director can approve tree replacement steps as outlined below prior to issuance of a grading or building permit:
 - a. Planting replacement trees on city property under the direction of the EEDD Director.
 - b. Mulched beds of native or drought tolerant shrubs that are not required as part of foundation, screening, or other city-required plantings will qualify towards tree replacement at a rate of .5 caliper inches per number three (#3) shrub.
 - c. Alternative forms of mitigation can be approved by the EEDD Director. Examples of alternative mitigation includes buckthorn removal and management. Buckthorn removal and management will qualify the applicant for reducing the number of replacement trees or the payment into the city's tree fund with a dollar for dollar credit.
 - d. Paying the city a sum per caliper inch in accordance with the tree replacement schedule set forth in the city fee schedule. Payment shall be deposited into an account designated specifically for tree planting on public property or providing financial assistance for properties that want to voluntarily plant trees.

6. Tree replacement requirements. The applicant shall follow tree replacement requirements as outlined below:
 - a. Three-year replacement period: The applicant shall maintain replacement trees for three (3) years after planting. If any tree requires replacement during this three (3) year period, the replacement period

shall start at the date the replacement tree was planted. Trees required to be planted pursuant to any other provision of the city ordinances are not included in this and shall be replaced according to such ordinance.

- b. Species requirements: Where ten (10) or more replacement trees are required, not more than thirty (30) percent shall be of the same type of tree without the written approval of the EEDD Director. Tree species native to the Maplewood area are preferred. The following plant species are potentially invasive and should be avoided in city plantings and on development projects.

Norway maple	<i>Acer platanoides</i>
Amur maple	<i>Acer ginnala</i>
Siberian elm	<i>Ulmus pumila</i>
Common buckthorn	<i>Rhamnus cathartica</i>
Glossy buckthorn	<i>Rhamnus frangula</i>
Black locust	<i>Robinia pseudoacacia</i>
Siberian pea shrub	<i>Caragana arborescens</i>

If elm trees are planted on city projects they should be cultivars resistant to Dutch Elm Disease. Ash trees should not be planted.

- c. Sources of trees: Replacement trees shall consist of certified nursery stock as defined by current Minnesota Statutes and shall be hardy for USDA plant hardiness zones 2, 3, or 4 (hardiness rated trees) or other trees including wilding trees, so long as such wilding trees comply with the following standards and are approved by the EEDD Director. All replacement trees shall be healthy and free from insect or disease infestation. A wilding tree measured in caliper inches shall not exceed the maximum height as shown on the table below:

Caliper Inches	Maximum Height (Feet)
2-3	18
3-4	20
4-5	24

The lowest branch of a wilding tree shall not be at a height above the surface of the ground more than one-half (1/2) the total height of the tree (e.g., a fourteen (14) foot tree shall have a branch within seven (7) feet of the surface of the surrounding ground).

- d. Tree replacement size: Replacement trees shall be no less than two (2) caliper inches deciduous or six (6) foot height conifer tree unless pre-approved by the EEDD Director. Use the following table to convert conifer trees to caliper inches:

Conifer Tree Height (Feet)	Caliper Inches
6	2.0
7	2.5
8	3.0
9	3.5
10	4.0
11	4.5
12	5.0

- e. Other required replacement trees: Trees required to be planted pursuant to any other provision of city ordinances shall comply with tree size specification of such ordinance.
7. Tree replacement escrow. The applicant shall post tree replacement escrow with the city, such as a tree replacement cash deposit or letter of credit. The tree replacement escrow will be equal to a sum per caliper inch in accordance with the tree replacement schedule set forth in the city fee schedule. The escrow will be held by the city until successful completion of final planting inspection and assurance that the trees are covered by at least a one (1) year warranty for replacement. In areas where trees are planted in an area with heavy deer population or other tree hazards not normally covered under a warranty, the city may hold the escrow for longer to ensure viability of trees. Once the escrow is reimbursed to the applicant, it is still the applicant's responsibility to maintain the replacement trees for three years after planting as outlined in the three-year replacement period section above. It shall be the applicant's responsibility to call for final escrow reimbursement inspection. Tree replacement escrow does not include other escrows required pursuant to any other provision of city ordinances or city directive.
 8. Public nuisances. The following may be declared nuisances whenever they are found within the city:
 - a. Any living or standing elm tree (*Ulmus* spp.) or part thereof infected to any degree with the Dutch elm disease fungus *Ceratocystis ulmi* (Buisman) Moreau or which harbors the elm bark beetles *Scolytus multistriatus* (Eichh.) or *Hylurgopinus rufipes* (Marsh).
 - b. Any dead elm tree or part thereof including logs, branches, stumps, firewood, or other material from which the bark has not been removed. Proper disposal of removed bark includes chipping or burning.
 - c. Any living, standing, or dead oak tree (*Quercus* spp.) or part thereof infected to any degree with the oak wilt fungus *Ceratocystis fagacearum* (Bretz) Hunt. Also, any living, standing, or dead oak tree that, due to its proximity to an oak infected with oak wilt, possesses a threat of transmission of the oak wilt fungus to other oak trees through interconnected root systems.
 - d. Any living, standing, or dead ash tree (*Fraxinus* spp.) or part thereof with infestation of emerald ash borer (*Agilus planipennis*).

- e. Other shade trees or parts thereof infested with shade tree pests that are epidemic.
 - f. Hazardous trees.
9. Abatement of shade tree pest nuisances.
- a. The abatement measures required may include removal of an infested tree or wood to control the airborne spread of epidemic shade tree pests. If the city forester or EEDD Director finds that Dutch elm disease or oak wilt threatens to cross property boundaries, the city forester or EEDD Director may require root graft disruption to prevent the spread of the disease through roots.
 - b. For hazardous tree abatement may include removal of branches or the whole tree or other control measures that are widely accepted to abate the nuisance.
 - c. If the owner served fails to abate the shade tree pest nuisance, the city will abate the shade tree pest nuisance per Section 18-37 of city code. The cost of abatement shall be in accordance with the abatement schedule set forth in the city fee schedule.
10. High cost abatement.
- a. The owner may request a high cost abatement matter referred to the city council for a hearing as outlined below:
 - 1) The owner or occupant shall notify the EEDD Director within twenty (20) days of the date on the abatement notification letter, provide an estimate from a certified arborist, and provide in writing a request for exemptions and the reasons for exemption.
 - 2) The EEDD Director will notify the owner of the date, time, and location of the hearing at least three (3) days in advance of the hearing.
 - 3) The owner shall be given the opportunity to present evidence at the hearing.
 - 4) The city council may modify the abatement notice or extend the time by which abatement shall be completed.

ORDINANCE NO. _____**An Ordinance Reconfiguring the City's Environmental Chapters**

The Maplewood City Council approves changes to the Code of Ordinances pertaining to environmental chapters. This ordinance amends and reconfigures Chapter 38 (Trees), Chapter 12 (Buildings and Building Regulations), and Chapter 18 (Environment) as follows:

Section 1. This section reflects the new Chapter 18 (Environment) outline.

Chapter 18 (ENVIRONMENT)

Article I. In General

Article II. Nuisances

Article III. Erosion and Sedimentation Control

Article IV. Air Pollution Control

(Article V through VIII are moved to the new Article V [Environment and Natural Resources])

Article V. Environment and Natural Resources

(Div. 1-8 are moved from other areas of the Code including Chapters 12, 18 and 38)

Division 1. Generally

Division 2. Wetlands and Streams

Division 3. Trees

Division 4. Stormwater Management

Division 5. Renewable Energy

Division 6. Flood Plain Overlay District

Division 7. Slopes

Division 8. Mississippi Critical Area

Section 2. This section removes Chapter 38 (Trees) in its entirety. Portions of Article 2 (Shade Tree Disease Control) have been moved to Chapter 18 (Environment) and revised as noted in Section 4 below.

Section 3. This section removes Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area) in its entirety. Portions of this Article have been moved to Chapter 18 (Environment) as noted in Section 4 below.

Section 4. This section revises Chapter 18 (Environment) to include:

1. A new outline and reordering of Articles and Divisions within Chapter 18;
2. Revisions to Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), Sections 12-247 and 12-248 (Purpose and Applicability) to include moving to Chapter 18, Article V, Division 1 (Generally).
3. Revisions to Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), Sections 12-310 through 12-336 (Wetland and Streams) to include moving to Chapter 18, Division 2 (Wetlands and Streams).
4. Revisions to Chapter 18 (Environment), Article V (Environmental Preservation and Protection of Trees and Woodlands) to include moving to Chapter 18, Article V, Division 3 (Trees) and revising the language.

5. **Revisions to Chapter 18 (Environment), article VII (Stormwater Management) to include moving to Chapter 18, Article V, Division 4 (Stormwater Management).**
6. **Revisions to Chapter 18 (Environment), Article VIII (Renewable Energy Systems) to include moving to Chapter 18, Article V, Division 5 (Renewable Energy).**
7. **Revisions to Chapter 18 (Environment), Article VI (Floodplain Ordinance) to include moving to Chapter 18, Article V, Division 6 (Flood Plain Overlay District).**
8. **Revisions to Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), portions of Section 12-249 (Definitions), all of Section 12-308 (Slopes), and all of Section 12-309 (Erosion Control and Soils) to include moving to Chapter 18, Article V, Division 7 (Slopes and Erosion Control).**
9. **Revisions to Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), portions of Section 12-249 (Definitions), all of Section 12-307 (Scope) to include moving to Chapter 13, Article V, Division 8 (Mississippi Critical Area and Slopes).**

Chapter 18

ENVIRONMENT

Article I. In General

Sec. 18-1 - 18-25. Reserved.

Article II. Nuisances

Division 1. Generally

- Sec. 18-26 Unlawful to cause, create or commit.
- Sec. 18-27 Common law and statutory nuisances adopted by reference.
- Sec. 18-28 Unlawful to permit; cellars, drains cesspools or sewers.
- Sec. 18-29 Rental agents to disclose name of owner or principal to city manager upon request.
- Sec. 18-30 Public nuisances generally.
- Sec. 18-31 Nuisances affecting health, safety, comfort or repose.
- Sec. 18-32 Nuisances affecting morals and decency.
- Sec. 18-33 Nuisances affecting peace and safety.
- Sec. 18-34 Enforcement of article generally.
- Sec. 18-35 Continuing violations.
- Sec. 18-36 Notice to abate.
- Sec. 18-37 Abatement by council.
- Sec. 18-38 Abatement on premises.
- Sec. 18-39 Violations of article.
- Sec. 18-40 Loitering.
- Sec. 18-41 - 18-65. Reserved.

Division 2. Abandoned Motor Vehicles

- Sec. 18-66 Purpose.
- Sec. 18-67 Definitions.
- Sec. 18-68 Violation.

- Sec. 18-69 Taking into custody and impoundment.
- Sec. 18-70 Certain vehicles declared nuisances; abatement; removal.
- Sec. 18-71 Immediate sale of certain vehicles.
- Sec. 18-72 Additional remedies.
- Sec. 18-73 Police reports.
- Sec. 18-74 Notice to owner and lien holders.
- Sec. 18-75 Reclamation by owner or lien holder; preservation of lien rights.
- Sec. 18-76 Sale of vehicle.
- Sec. 18-77 Designation of pound keeper.
- Sec. 18-78 Bond of pound keeper.
- Sec. 18-79 Insurance of pound keeper.
- Sec. 18-80 Towing and storage charges generally.
- Sec. 18-81 Release of vehicle and service fee before vehicle towed away.
- Sec. 18-82 Abatement of towing and storage charges.
- Sec. 18-83 Release of vehicles.
- Sec. 18-84 Release form.
- Sec. 18-85 Police records.
- Sec. 18-86 - 18-110. Reserved.

Division 3. Noise Control

- Sec. 18-111 Prohibition generally; exception.
- Sec. 18-112 Construction activities.
- Sec. 18-113 Enforcement.
- Sec. 18-114 -18-140. Reserved.

Article III. Erosion and Sedimentation Control

- Sec. 18-115 Purpose.
- Sec. 18-116 Scope.
- Sec. 18-117 Erosion and sediment control plan.
- Sec. 18-118 Review of plan.
- Sec. 18-119 Modification of plan.
- Sec. 18-120 Escrow requirement.
- Sec. 18-121 Enforcement; penalty.
- Sec. 18-122 -18-175. Reserved.

Article IV. Air Pollution Control

- Sec. 18-176 Short title.
- Sec. 18-177 State regulations adopted.
- Sec. 18-178 Approval required starting fire.
- Sec. 18-179 Penalties for violations.
- Sec. 18-180 -18-XXX. Reserved.

Article V. Environment and Natural Resources

- Division 1. Generally.

Move Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), Sections 12-247 and 12-248 (Purpose and Applicability) to this Division. Language as follows:

Purpose.

The purpose of this article is to protect significant natural features which:

1. Preserve the natural character of neighborhoods.
2. Protect the health and safety of residents.
3. Protect water quality.
4. Prevent erosion or flooding.
5. Manage the Mississippi River Corridor Critical Area in accordance with the Critical Areas Act of 1973, Minn. Stats. § 116G.01 et seq. the Minnesota Policy Act of 1973; and the governor's critical area designation order, Executive Order 130, dated November 23, 1976.

Applicability.

1. This article shall apply to any person or use that would alter a significant natural feature.
2. Public and semipublic projects, such as streets, utilities and parks, whether built by a public agency or private developer, shall be subject to this article, except that the city council may waive these requirements where there would be a greater public need for the project than to meet the requirements of this article. A public hearing shall be held before declaring such a waiver. The property owners within 350 feet of the site shall be notified at least ten days before the hearing.

Division 2. Wetlands and Streams.

Move Chapter 12, Article VII, Sections 12-310 to 12-336 (Wetlands and Streams) to Chapter 18, Division 2 (Wetlands and Streams) to this Division in its entirety.

Division 3. Trees

Revisions to Chapter 18, Article V (Tree Protection) to include moving to Chapter 18, Article V (Environmental Protection and Natural Resources), Division 3 (Trees) and revising the language as shown below. Also, revisions to Chapter 38 (Trees), Article II (Shade Tree Disease Control) to include moving to Chapter 18, Article V, Division 3 (Trees) and revising the language as shown below.

Sec. 1. Findings and Purpose.

The city desires to protect the trees and woodlands in the City of Maplewood. Trees and woodlands provide numerous environmental, economic, and scenic benefits. They help filter air pollutants, absorb stormwater runoff, provide wildlife habitat, moderate temperatures, reduce cooling costs, increase property values, provide scenic beauty, provide sound and visual buffers, and provide screening for privacy. It is therefore the city's intent to protect, preserve, and enhance the trees and woodlands of Maplewood and to encourage a resourceful and prudent approach to development in the city thereby promoting and protecting public health,

safety, and welfare of the citizens of Maplewood. The purpose of this ordinance is to establish tree preservation and protection regulations to assure the continuance of significant and specimen trees and woodlands for present and future generations which:

1. Preserve the natural character of neighborhoods (in developed and undeveloped areas).
2. Ensure the health and wellbeing of Maplewood's urban forest.
3. Protect the health and safety of residents.
4. Protect water quality and minimize storm water runoff.
5. Help prevent erosion or flooding.
6. Assure orderly development within wooded areas to minimize tree loss and environmental degradation.
7. Establish a minimum standard for tree preservation and mitigation of environmental impacts resulting from tree removal.
8. Ensure the city's urban forest has a good age distribution, from young trees through large old specimen trees.
9. Promote the planting of trees as outlined in the city's Living Streets Policy.

Sec. 2. Definitions.

The following words, terms and phrases shall have the meanings ascribed to them in this ordinance.

Applicant means developer, builder, contractor, or owner who applies for a woodlot alteration, land use, grading, or building permit.

Caliper inch is a measurement used for nursery stock and in this ordinance refers to replacement trees. It is the unit of measurement for defining the diameter of the tree trunk measured six (6) inches above the soil surface for tree trunks four (4) diameter inches or less and measured twelve (12) inches above the soil surface for tree trunks greater than four (4) diameter inches.

Certified Arborist is an arborist with up-to-date certification by the International Society of Arborists.

City Forester means a forester who is employed by the city or appropriate agent or independent contractor designated by the city manager.

Conifer Tree means a woody plant that is a member of the division Pinophyta and at maturity is at least twelve (12) feet or more in height. Conifers are cone bearing and most in our climate keep their leaves (also called needles) year-round. Tamarack (also called larch) is the one conifer in our climate that drops its needles in the fall.

Control includes measures to prevent, slow the spread, suppress, eradicate, or destroy a shade tree disease or pests.

Deciduous Tree means a woody plant, which sheds leaves annually, having a defined crown and at maturity is at least fifteen (15) feet or more in height.

Diameter is a measurement used for trees in the landscape. It is the diameter of a tree trunk as measured at a height of four and one-half (4.5) feet above ground. To determine diameter, measure the circumference of the tree trunk at four and one-half (4.5) feet above ground and divide by 3.14.

Environmental and Economic Development Department (EEDD) Director means the EEDD Director or an employee of the city who manages city-wide environmental programs, or appropriate agent designated by the city manager.

Hardwood Deciduous Tree means all deciduous tree species except those listed as softwood deciduous trees below.

Hazard tree means a tree that has structural defects that may cause the tree or tree part to fail, and the city forester determines that such failure could cause property damage or personal injury.

Invasive Species are species that are not native to Minnesota and cause economic or environmental harm or harm to human health.

Major Home Addition means an addition on a single or double dwelling lot of which the addition or accessory building is more than a sixty (60) percent increase in the footprint of the single or double dwelling structure on said lot.

Minor Home Addition means an addition on a single or double dwelling lot of which the addition or accessory building is less than a sixty (60) percent increase in the footprint of the single or double dwelling structure on said lot.

Native Prairie means a landscape or planting that consists predominantly of grasses, flowers, and sedges that are native to Minnesota prairie ecosystems.

Shade Tree means a woody perennial that at maturity is at least fifteen (15) feet in height and grown primarily for aesthetic or environmental purposes.

Shade Tree Pest means any vertebrate or invertebrate animal, plant pathogen, or plant that is determined by the city council to be harmful, injurious, or destructive to shade trees or community forests.

Significant Tree means a healthy tree measuring a minimum of six (6) inches in diameter for hardwood deciduous trees, eight (8) inches in diameter for conifer trees, twelve (12) inches in diameter for softwood deciduous trees, and specimen tree. Buckthorn or other noxious woody plants or trees as determined by the EEDD Director are not considered a significant tree species at any diameter.

Softwood Deciduous Tree means the following tree species: box elder, cottonwood, elm, poplar/aspen, silver maple, and willow.

Specimen Tree is a tree of any species that is twenty-eight (28) inches in diameter or greater, except invasive species. Specimen trees must have a life expectancy of greater than ten (10) years, have a relatively sound and solid trunk with no extensive decay or hollow, and have no major insects, pathological problem, or defects. Specimen trees are valued for their size and their legacy.

Structure means anything manufactured, constructed, or erected which is normally attached to or positioned on land, including portable structures.

Tree Preservation Plan is a plan that shows all trees in the area to be developed or within the property. The plan shall include all significant and specimen trees to be preserved and measures taken to preserve them. The plan will also include calculations to determine the number of replacement trees as required by the tree removal, mitigation, and replacement section of this ordinance and a proposed re-forestation landscape plan. The plan shall be developed by a forestry or horticultural professional whose qualifications are approved by the EEDD Director.

Tree Standards is a separate document authorized through this ordinance to help achieve the goals of the City's Tree Ordinance and Living Streets Policy. The standards highlight important aspects of the requirements for tree preservation, removal, replacement, and shade tree pest management. The standards do not replace or supersede city ordinances.

Utility means electric, telephone, cable television, water, sanitary or storm sewer, solid waste, gas or similar service operations.

Wetland as defined in the city's wetland ordinance.

Woodlot means a treed area of at least one-quarter (1/4) acre on a vacant lot, which includes significant and/or specimen tree(s).

Sec. 3. Standards.

The EEDD Director and city forester shall have the authority to develop Tree Standards concerning the management of trees. These standards shall not be contrary to this ordinance.

Sec. 4. Woodlot Alteration.

1. Woodlot alteration permit. A woodlot alteration permit application shall be submitted to the EEDD Director for review prior to removal of any significant or specimen living trees on a woodlot that is not reviewed by another land use, grading, or building permit. The applicant shall submit a tree plan and any other information needed to determine compliance with this ordinance. Specific requirements shall be stated on an application form in the office of the EEDD Director. An application fee shall be established yearly by the city council by resolution. Failure to submit a woodlot alteration permit application and gain subsequent approval prior to removal of significant and specimen trees will result in the total tree replacement for the property as outlined in the tree removal, mitigation, and replacement section to assume that all trees removed were significant and specimen trees.

2. Woodlot alteration permit appeal process. If the woodlot alteration permit is denied by the EEDD Director, the applicant may appeal the EEDD Director's decision. The appeal shall be submitted in writing, along with the reasons for the appeal, and received by the city in writing within fifteen (15) days of the EEDD Director's written decision to deny the permit. The environmental and natural resources commission will review the appeal at its next available commission meeting. If the environmental and economic development commission denies the appeal, the applicant may appeal the environmental and economic development commission's decision. The appeal shall be submitted in writing, along with the reasons for the appeal, and received by the city within fifteen (15) days of the environmental and natural resources commission's decision. The city council will review the appeal at its next available city council meeting for final decision of the appeal.

Sec. 5. Tree Preservation Plan.

A tree preservation plan as defined in this ordinance and outlined in the Tree Standards shall reflect the applicant's best effort to determine the most feasible and practical layout of buildings, parking lots, driveways, streets, storage, and other physical features, so that the fewest significant and specimen trees are destroyed or damaged and to minimize the negative environmental impact to the site.

1. Tree preservation plan applicability.
 - a. This ordinance shall apply to any applicant that requests a woodlot alteration, land use, grading, or building permit, including a building permits for major home additions. This includes all sites of new or redevelopment that contain significant and specimen trees or woodlots. Platting and adding new roadway and right-of-way are subject to this ordinance.
 - b. The following are exceptions and are exempt from the requirements of the tree preservation plan:
 - a. Minor home additions, general home improvements, and construction of accessory buildings (i.e. garage, shed).
 - b. Tree removal related to public improvement projects to existing roadways, sewers, parks, and utility/infrastructure work or repair.
 - c. Emergency removal of a tree(s) to protect public health.
 - d. Tree removal related to public improvement projects to restore or enhance woodlands, savannas, or prairies.
 - e. Commercial tree nursery and landscape operations.
 - f. Removal of dead or dying trees, unless those trees were planted as part of tree replacement in which case they shall be replaced based on the approved plan.
 - g. Removal of nonnative trees that the city deems invasive species.

2. Tree preservation and safeguarding tree measures.

a. All developments within the city shall be designed to preserve significant and specimen trees and woodlots, where such preservation would not adversely affect the public health, safety, or welfare of Maplewood citizens. The city may prohibit removal of all or a part of a woodlot or significant and specimen trees subject to the limitations as defined in this ordinance. This decision shall be based on, but not limited to, the following criteria:

- a. Size of trees.
- b. Size of lot.
- c. Species, health, and attractiveness of the trees, including:
 - 1) Sensitivity to disease.
 - 2) Life span.
 - 3) Nuisance characteristics.
 - 4) Sensitivity to site grading.
 - 5) Potential for transplanting.
 - 6) Need for thinning a woodlot.
 - 7) Effects on the functioning of a development.
 - 8) Fragmentation of wooded area and effects on wildlife corridors.
 - 9) The public health, safety, and welfare.
 - 10) Effect on wetlands and/or watershed.
 - 11) Native prairie or oak savanna habitat.

b. If any significant or specimen tree designated as preserved (protected) in the approved tree preservation plan is cut, damaged, or encroached upon by grading equipment or during the construction process without city authorization and if it is determined by the EEDD Director or city forester that the damaged tree(s) will not survive, the said damaged tree(s) shall be removed by the applicant at their expense and replacement tree(s) required at a rate of two (2) times the tree replacement outlined in the tree removal, mitigation, and replacement section below.

3. Tree removal, mitigation, and replacement.

a. Tree removal calculation: If less than twenty percent (20%) of the total significant or specimen tree diameter inches on the property is removed, the applicant shall replace one (1) tree per significant and specimen tree removed. Tree replacement shall be a minimum of two (2.0) caliper inches in size.

If twenty percent (20%) or more total significant and specimen tree diameter inches are removed, applicant shall mitigate all significant and specimen diameter inches using the tree mitigation/replacement schedule in accordance with the following formulas:

A = Total diameter inches of significant trees lost as a result of the land alteration (includes significant and specimen trees)

B = Total diameter inches of significant trees situated on the property (includes significant and specimen trees)

- C = Tree replacement constant (1.5)
- D = Total diameter inches of specimen trees saved *
- E = Replacement trees (number of caliper inches)

$$[(A/B - 0.2) \times C] \times A - [D/2] = E$$

* Applicant receives credit for each one (1) diameter inch of specimen tree saved at a rate of 1/2 (.5) diameter inches.

Example

- A = 94
- B = 234
- C = 1.5
- D = 28
- E = 14 caliper inches

$$[(94 / 234 - 0.2) \times 1.5] \times 94 - [28/2] = 14 \text{ caliper inches}$$

The trees required to be replaced pursuant to this ordinance shall be in addition to any other trees required to be planted pursuant to any other provision of city code.

- b. Tree mitigation: Once the total caliper inches for replacement trees are determined, the applicant shall mitigate loss of significant and specimen trees by planting replacement trees in appropriate areas on the property in accordance with the tree replacement requirements as outlined in the Tree Standards and tree preservation plan. After putting as many trees as feasible on the site, if the replacement requirement is still not met, the EEDD Director can approve tree replacement steps as outlined in the Tree Standards prior to issuance of a grading or building permit.
- c. Tree replacement requirements: The applicant shall follow tree replacement requirements as outlined in the Tree Standards.
- d. Tree replacement escrow: The applicant shall post tree replacement escrow with the city, such as a tree replacement cash deposit or letter of credit, as outlined in the Tree Standards.

Sec. 6. Diseased and Hazardous Trees.

1. Findings and declaration of purpose.

The health of trees in the city is threatened by epidemic shade tree pests. Hazardous trees can cause property damage or personal injury. The loss of trees, ill health of trees, or presence of hazardous trees on public and private property depreciates the value of property within the city and impairs the safety and general welfare of the public. In addition to, and in accordance with, Minnesota Statutes, sections 89.001, 89.01, and 89.51-.64, the provisions of this section are adopted as an effort to control and prevent the spread of these shade tree pests.

2. Declaration of a shade tree pest.

The EEDD Director or city forester may declare any vertebrate or invertebrate animal, plant pathogen, or plant in the community threatening to cause significant damage to a shade tree or community forest to be a shade tree pest and prescribe control measures to effectively eradicate, control, or manage the shade tree pest as defined by Minnesota Statute, section 89.001.

3. Public nuisances.

Public nuisances relating to trees are outlined in the Tree Standards.

4. Inspection.

a. The EEDD Director and city forester shall have the ability and authority to inspect all premises and places within the city for public nuisances relating to trees. Inspection shall be of living or dead trees, parts of trees, stumps, and firewood.

b. The EEDD Director and city forester may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned under this ordinance.

5. Abatement of shade tree pest nuisances.

a. The EEDD Director or city forester shall notify in writing the owner of record or occupant of the premise that a public nuisance exists. The notice shall specify the measures to be taken to abate the nuisance and shall specify that the nuisance shall be abated within a reasonable amount of time, not less than ten (10) days from the date of mailing.

b. If the owner fails to comply with the removal or control measures specified for the hazard tree, infested tree, or wood on his/her property as outlined in this ordinance and the Tree Standards, and within the time specified, the EEDD Director or city forester may order the work done either by city employees or by contractor. The cost of this work shall be billed to the owner. If the bill is not paid within thirty (30) days, the city shall assess the costs to the property.

6. High-cost abatement.

If the cost of abating a nuisance from a shade tree pest will exceed five thousand dollars (\$5,000) in a given year or in two consecutive years, based on a reasonable, good faith estimate from a certified arborist, the owner or occupant may request the matter be referred to the city council for a hearing as outlined in the Tree Standards. This does not apply to hazardous trees.

7. Emergency abatement.

Nothing in this ordinance shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.

Sec. 7. Enforcement.

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 shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment in accordance with section 1-15. All land use, building, and grading permits shall be suspended until the applicant has corrected the violation. Each day that a separate violation exists shall constitute a separate offense.

The city reserves the right to inspect the site or property at any reasonable time for compliance with tree preservation requirements. If the city finds the site in violation, the city may issue a stop work order until conditions are corrected.

Division 4. Stormwater Management.

Move Chapter 18, Article VII (Stormwater Management) to this Division in its entirety.

Division 5. Renewable Energy.

Move Chapter 18, Article VIII (Renewable Energy) to this Division in its entirety.

Division 6. Flood Plain Overlay District

Move Chapter 18 (Environment), Article VI (Floodplain Ordinance) to this Division in its entirety.

Division 7. Slopes and Erosion Control

Move Chapter 12, Article VII, Division VII, portions of Section 12-249 (Definitions), all of Section 12-308 (Slopes), and all of Section 12-309 (Erosion control and soils) to this Division. Language as follows:

Definitions.

Direct drainage means drainage into a protected water without an intervening pond or wetland.

Erosion means the general process by which soils are removed by flowing surface or subsurface water or wind.

Gross soil loss means the average annual total amount of soil material carried from one acre of land by erosion.

Pipeline means an underground line of pipe including associated pumps, valves, control devices and other structures utilized for conveying liquids, gases, sewage or other finely divided solids from one point to another.

Retaining wall means a structure utilized to hold a slope in a position in which it would not naturally remain.

Sediment means suspended matter carried by water, sewage or other liquids.

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.

Substation means any utility structure, other than lines, pipelines, poles or towers.

Terrace means a relatively level area bordered on one or more sides by a retaining wall.

Utility means electric, telephone, telegraph, cable television, water, sanitary or storm sewer, solid waste, gas or similar service operations.

Vegetation means all plant growth, especially trees, shrubs, mosses or grasses.

Water body means any lake, stream, pond, wetland or river.

Slopes

1. No development shall be permitted on existing slopes of 18 percent or greater which are in direct drainage to a protected water.
2. In areas not in direct drainage to a protected water, no development shall be allowed on existing slopes greater than 40 percent.
3. No development, whether or not in direct drainage to a protected water, shall be permitted on land having an existing slope in excess of 12 percent, unless the applicant proves the following conditions are met:
 - a. Controls and protections exist uphill from the proposed development such that there is no danger of structures or streets being struck by falling rock, mud, sediment from erosion, uprooted trees or other materials.
 - b. The proposed development presents no danger of falling rock, mud, sediment from erosion, uprooted trees or other materials to structures downhill.
 - c. The view of a developed slope within the critical area from the Mississippi River and opposite river bank is consistent with the natural appearance of the undeveloped slope, consistent with any state-registered historic areas nearby, compatible with the view from historic areas, and compatible with surrounding architectural features.
 - d. The city engineer may require the developer to provide a soils engineer to certify the stability of potentially unstable slopes.
4. The basic character of natural slopes of 25 percent or more in grade shall not be altered without approval from the city council. The council shall base its decision on the following:
 - a. The degree of alteration of the slope; and
 - b. The importance of the slope to the character of the area.
5. All new structures and roads shall be placed no closer than 40 feet from a bluffline.

Exceptions shall be as follows:

- a. Public recreation facilities, scenic overlooks, public observation platforms or public trail systems.

- b. The construction of aboveground pumping stations.
 - c. Other development, when the applicant can conclusively demonstrate that construction or final development will not negatively impact slopes with a grade of 18 percent or greater.
 - d. All other structures, other than buildings and roadway surfaces, but including retaining walls, shall meet the following design requirements:
 - 1) Retaining walls or terrace contours in excess of four feet in height shall have a fence.
 - 2) Construction materials shall be subject to community design review board approval.
6. The requirements of this section shall not apply in the following situations:
- a. Where a slope has been substantially altered by prior excavation or filling.
 - b. Where a slope is less than 200 feet in length (top to bottom) or 500 feet in width (side to side).
 - c. Where earth-sheltered homes are proposed.

Erosion control and soils.

- 1. All erosion control, stormwater runoff, utility and similar structures shall be designed to be maintained and operated without requiring the crossing or operation of heavy maintenance vehicles and equipment, such as bulldozers, trucks and backhoes, on slopes in excess of eight percent. This requirement may be waived by the city council where there is no other alternative.
- 2. Construction shall not be allowed where there are soil problems, including but not limited to soil-bearing strength, shrink/swell potential or excessive frost movement, unless effective soil correction measures or building construction methods are approved by the building official.
- 3. Development shall be accomplished only in such a manner that on-site gross soil loss levels shall not exceed five tons per acre per year during construction, but only two tons per acre per year when the site is adjacent to a water body, watercourse or storm sewer inlet, and one-half ton per acre per year after construction activities are completed.
- 4. A development shall be located to minimize the removal of vegetation and alteration of the natural topography.
- 5. Erosion protection measures shall make maximum use of natural, in-place vegetation, rather than the placing of new vegetation on the site.

Division 8. Mississippi Critical Area and Slopes.

Move Chapter 12 (Buildings and Building Regulations), Article VII (Environmental Protection and Critical Area), portions of Section 12-249 (Definitions), all of Section 12-307 (Scope) to this Division. Language as follows:

Definitions

Bluffline means a line delineating a top of a slope with direct drainage to a protected water, connecting the points at which the slope becomes less than 18 percent. More than one bluffline may be encountered proceeding landward from a protected water.

Critical area means the Mississippi River Corridor Area bounded by Carver Avenue, I-494 and the city limits.

Protected water, formerly referred to as "public waters," means any water defined in Minn. Stats. § 105.37, subd. 14.

Significant water body means a water body shown on the city drainage plan or a water body over one acre in area.

Structure means any thing manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures.

Significant natural feature means a significant water body, a large tree, a woodlot, a significant slope or a site of historical or archeological significance that has been recorded with the state.

Significant slope means a natural slope of 25 percent or more grade over an area at least 200 feet in length (top to bottom) and 500 feet in width (side to side).

Generally.

1. Under this article all plans and the conduct of all grading, landscaping, structure placement, and street routing shall be consistent with the city's comprehensive plan, and for development in the Mississippi River Corridor Critical Area, the Maplewood Critical Area Plan.
2. The proposed development shall not lessen existing public access to and along a protected water.
3. The proposed development shall be designed, constructed and maintained to avoid causing:
 - a. Erosion.
 - b. Pollution, contamination or siltation of water bodies or storm sewers.
 - c. Flooding.
 - d. Groundwater contamination.
 - e. Alteration of significant natural features.
4. Development shall not substantially diminish the scientific, historical, educational, recreational or aesthetic value of unique natural areas, plants and animals, which are registered with the state as such, and shall not substantially alter their reproductive cycles.
5. Views of protected waters from buildings or public streets shall not be impaired by the placement of advertising signs.

City of Maplewood Sign-Up Sheet

By putting your name and address on this sheet, you are requesting to address the Economic Development Authority on the following topic for up to three minutes.

Public Hearing: H1 – Consider Amendments to the Tree Ordinance and Environmental Chapters – Second Reading

a. Approval of Ordinance Regulating Trees in the City of Maplewood

b. Approval of Tree Standards

c. Approval of Ordinance Reconfiguring the City's Environmental Chapters

Date: December 21, 2015 **Time:** 7:00 PM

Name - First & Last
(please print clearly)

Address

- | | | |
|-----|-----------------------|-----------------------------------|
| 1. | <u>JOHN WYKOFF</u> | <u>2345 MARYLAND AVE, E</u> |
| 2. | <u>Bob Zick</u> | <u>Inside Insight News Hour</u> |
| 3. | <u>Mark D Bradley</u> | <u>2164 Woodlyn Ave Maplewood</u> |
| 4. | <u> </u> | <u> </u> |
| 5. | <u> </u> | <u> </u> |
| 6. | <u> </u> | <u> </u> |
| 7. | <u> </u> | <u> </u> |
| 8. | <u> </u> | <u> </u> |
| 9. | <u> </u> | <u> </u> |
| 10. | <u> </u> | <u> </u> |
| 11. | <u> </u> | <u> </u> |
| 12. | <u> </u> | <u> </u> |
| 13. | <u> </u> | <u> </u> |
| 14. | <u> </u> | <u> </u> |

MEMORANDUM

TO: City Council
FROM: Melinda Coleman, City Manager
DATE: December 15, 2015
SUBJECT: Update on Community Racial Equity Initiative

Introduction & Background

Racial disparities are notable across a wide range of city services and areas of focus – recycling, housing, business ownership, arrest/policing, recreation, etc. As a City, giving focus to these disparities and the various ways Maplewood, as a city government, in concert with other governmental and non-governmental organizations can more deeply engage to address the inequities is good for the long term health of the City. The work and conversations will not be easy for anyone but it must happen.

Maplewood was recently awarded a St. Paul Foundation grant to focus on racial equity. As part of our efforts, we plan to engage a cohort of 5 to 7 city staff members from a range of departments to participate in this yearlong effort offered through the League of Minnesota Cities

There is also an elected official track which will include the “Advancing Racial Equity” speaker series and two caucus meetings. The pre-identified interests of the elected officials will determine the agenda for these caucuses.

Budget Impact

None.

Recommendation

Staff recommends that Council approve the City’s participation and assign a council representative to the committee.

Attachments

1. Government Alliance on Race & Equity Program Description



LOCAL AND REGIONAL GOVERNMENT ALLIANCE ON RACE & EQUITY

Advancing Racial Equity: putting theory into action

A learning cohort for local and regional government in Minnesota

[The Government Alliance on Race and Equity](#) (GARE), in partnership with the League of Minnesota Cities, will launch a new cohort of governmental jurisdictions that are systemically focusing on advancing racial equity. Participating jurisdictions will be cities, towns and counties from across Minnesota that make a one-year commitment, as described below. In addition, an elected official track will support the engagement and leadership of elected officials in advancing racial equity. Click [here](#) to register your city or county. Click [here](#) to register for the elected official caucus.

Key components of the cohort will include:

- A curriculum that builds on the existing and growing field of governmental practices to advance racial equity. Technical assistance and academic research from the Government Alliance on Race and Equity, [Haas Institute for a Fair and Inclusive Society](#) and [Center for Social Inclusion](#) will be provided.
- Mentors from similarly situated jurisdictions who have experience with implementation of racial equity initiatives. Mentor connections will take into account: location, size, form of government, demographics and other characteristics. Beyond mentoring, the cohort as a whole will be structured to support peer-to-peer strategizing and problem-solving.
- An “*Advancing Racial Equity*” speaker series that will provide the opportunity to learn and strategize across jurisdictions and with the community. The series will help increase broad understanding of and commitment to the leverage potential of cross-sector, cross-jurisdiction collaboration.

Deliverables for each jurisdiction include:

- A racial equity training curriculum and a set of trained facilitators ready to implement the training,
- A Racial Equity Tool to be used in policy, practice, program and budget decisions,
- Example policies and practices that help advance racial equity, and
- A Racial Equity Action Plan (developed by the jurisdiction’s team with technical assistance from GARE)

The structure will consist of monthly sessions, with a quarterly rotation between 1) skill building and strategy development, 2) an “*Advancing Racial Equity*” speaker series, and 3) peer-to-peer networking and problem solving. This quarterly rotation process will allow three months for implementation of action steps before new topics are introduced.

Each participating site will identify a team of people to participate in the entire series (recommended size of team is two to six people). Teams should include key governmental leadership and staff firmly committed to advancing racial equity and transforming government, as well as elected officials who will participate in the speaker series. Community based organizations that work with government are also welcomed team members.

An elected official track will include the “*Advancing Racial Equity*” speaker series and two caucus meetings. The pre-identified interests of the elected officials will determine the agenda for these caucuses. Elected officials whose jurisdictions are not participating in the cohort are welcome to register independently.

A general overview of the series is as follows:

January	Core racial equity concepts and train-the-trainer (two days)
February	○ “ <i>Advancing Racial Equity</i> ” speaker series (two hours)
March	○ Report on homework, networking, problem solving and strategizing (two hours) ○ Caucus meeting of elected officials leading on racial equity
April	Developing and implementing structure and leadership for a racial equity initiative, working with the community (one day)
May	○ “ <i>Advancing Racial Equity</i> ” speaker series (two hours)
June	○ Report on homework, networking, problem solving and strategizing (two hours)
July	Using a Racial Equity Tool (one day)
August	○ “ <i>Advancing Racial Equity</i> ” speaker series (two hours)
September	○ Report on homework, networking, problem solving and strategizing (two hours) ○ Caucus meeting of elected officials leading on racial equity
October	Communications and strategic planning (one day)
November	○ Report on homework, networking, problem solving and strategizing (two hours)
December	○ “ <i>Advancing Racial Equity</i> ” speaker series with a special recognition and celebration of completion of first cohort (two hours)

To participate in the cohort, jurisdictions will:

- Commit to send a team of two to six people to the entire series (total commitment of 56 hours per person at cohort events, as described above, plus completion of action steps between sessions)
- Work with GARE and LMC to promote the Advancing Racial Equity speaker series to elected officials, government staff and community partners.
- Training cost – \$5,000 per jurisdiction, plus travel costs. All events will be in Minnesota, with the bulk being in the Twin Cities region. The cost for participation in the elected officials track is \$100.

GARE will

- Manage and implement the overall project, including provision of training, sharing of curriculum, tools and resources, arrangement of speaker series, communications and outreach, etc.
- Provide the following for all jurisdictions participating in the cohort:
 - Best, promising and next practices. Practices will include racial equity tools, racial equity training curriculum, model policies, and surveys.
 - Cross-cohort learning opportunities, including peer-to-peer exchanges, as well as technical assistance from academic and advocacy experts.
 - Technical assistance on cross-jurisdictional priority areas, such as education, living wage jobs, criminal justice, health, equitable development, public infrastructure, etc.

The League of Minnesota Cities will:

- Assist with recruitment for the series
- Disseminate information to LMC membership and publicity for special events
- Work with GARE to obtain foundation funding

Background

The Government Alliance on Race and Equity is a national network of government working to achieve racial equity and advance opportunities for all. The Alliance uses a three-prong approach:

- 1) Support a cohort of jurisdictions that are at the forefront of work to achieve racial equity.
- 2) Build pathways for new jurisdictions to begin doing racial equity work
- 3) Expand and strengthen local and regional collaborations that are broadly inclusive and focused on achieving racial equity

Across the country, we have seen governmental jurisdictions that are:

- Making a commitment to achieving racial equity,
- Focusing on the power and influence of their own institutions, and
- Working in partnership across sectors and with the community to maximize impact in the community.

Government's proactive work on racial equity has the potential to leverage significant change, setting the stage for the achievement of racial equity in our communities.

The Alliance launched a national cohort of jurisdiction at the forefront of racial equity work in 2014, including four jurisdictions in the Twin Cities area – Minneapolis, Saint Paul, the Minneapolis Park Board and the Metropolitan Council. Supporting a targeted cohort of jurisdictions and providing best practices, tools and resources is helping to build and sustain current efforts and build a national movement for racial equity.

In addition to the four jurisdictions that are a part of the current cohort, additional interest has been expressed by other cities and counties as a result of increasing awareness of the importance of government working on racial equity. The Convening on Racial Equity in August

of 2014 and the Minneapolis City Managers Association 2015 Mid-Winter Workshop on Racial Equity coalesced additional interest from cities and counties across the state.

THIS PAGE IS INTENTIONALLY LEFT BLANK

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator

DATE: December 11, 2015

SUBJECT: Consider a Conditional Use Permit Amendment and Design Review, Maplewood Auto Mall, 2529 White Bear Avenue

Introduction

Cooper Motors, located in the Maplewood Auto Mall, at 2529 White Bear Avenue, is requesting approval of a conditional use permit amendment and design review. They are expanding their 5,181-square-foot building by 1,930 square feet and adding an additional 9 parking spaces to the property.

Background

March 22, 1988: The community design review board (CDRB) approved the plans for the Maplewood Auto Center. This facility was developed as an automotive center for auto parts, sales, and vehicle repairs.

November 22, 1999: The city council approved a CUP for Credit Equity Sales to open a motor vehicle sales business for this location. In the year 2000, this permit was taken over by Midwest Auto.

August 27, 2001: The city council approved a CUP for Alamo Car Rental to lease motor vehicles.

April 22, 2003: The CDRB approved a comprehensive sign plan amendment and design review change.

August 12, 2013: The city council approved a conditional use permit amendment and design review to convert the former gas station building on site to a used auto sales business. The council also combined the three active conditional use permits into a single permit.

October 14, 2014: The city approved a lot split creating 2525 White Bear Avenue and 2529 White Bear Avenue. The previously approved conditional use permit still applies to both properties and there is a shared parking agreement.

Discussion

Building Design

The addition will utilize the same materials as the existing building to provide a cohesive look. The north elevation exterior will have EIFS paneling and 3 metal overhead doors.

The entire exterior will be painted with a tan color to match the current building and the adjacent buildings.

Site Plan

The building addition would be built to the northwest of the existing building. The proposed nine parking spaces would maintain the existing setback established by the existing parking lot to the west. To the north of the proposed parking spaces an underground pipe is in place carrying Kohlman Creek eastward underneath White Bear Avenue. Because of the small size of the proposed project the watershed does not have any requirements. The city's wetland ordinance would be applicable, however Sec 12-310(c)(2)(b) deems existing buildings and structures as nonconforming and may continue. The city's zoning ordinance states in Sec 44-12(h) a property owner may expand a nonconforming structure or parking lot if the structure or parking lot maintains the existing minimum setback.

Parking

City ordinance requires motor vehicle repair shops to have two spaces for each service stall, one space for each employee, and one space for each business vehicle stored on site. The applicant is not adding staff or vehicles with this proposal so the required additional parking is six spaces. This property also shares parking with the adjacent auto center.

Landscaping

Most landscaping will be undisturbed by this project. The four trees that will need to be moved to accommodate the parking spaces will be relocated east of the parking lot expansion. The applicant's plans indicate 8 new shrubs would be planted. The applicant has stated the intention is to plant eight shrubs. The area around the nine new parking spaces will be re-sodded once construction is complete.

Lighting

The lighting on site will not change as a result of the addition.

Department Comments

Building Department

Nick Carver, building official – The addition will require the plans be drawn by a Minnesota registered design professional. Building permit may require a soils engineer. Site approach and features must meet all current accessibility requirements of Minnesota State Building Code 1341. The newly constructed addition must meet the current energy code requirements.

Fire Department

Butch Gervais, fire marshal – Applicant will be required to extend the fire protection system into the new addition, and must have permits and plans approved prior to starting the project.

Engineering Department

See Jon Jarosch's staff report attached to this report.

Environmental Review

See Shann Finwall's staff report attached to this report.

Commission ActionsPlanning Commission

On November 17, 2015, the planning commission held a public hearing and recommended approval of the conditional use permit amendment.

Community Design Review Board

On November 24, 2015 the community design review board reviewed the design plans for this project and recommended approval.

Budget Impact

None.

Recommendation

- A. Adopt the resolution attached to this report approving a conditional use permit amendment for auto repair, auto detailing, auto rental, used auto sales, auto washing and expansion of a nonconforming parking lot at 2529 White Bear Avenue. Approval is based on the findings required by the code and subject to the following conditions (additions are underlined and deletions are crossed out):
1. All building expansion improvements for the Maplewood Auto Mall (Cooper Motors) ~~used auto sales business~~ shall follow the plans, date-stamped October 26, 2015 approved by the city. The applicant shall meet the requirements of the city engineer report, dated November 9, 2015 and the environmental planner report, dated November 10, 2015. The director of ~~community development~~ the environmental and economic development department may approve minor changes.
 2. The property owner shall comply with the signage requirements of the city code and the auto center's sign criteria.
 3. Fire protection systems (fire extinguishers and a sprinkler system) shall meet all requirements of the code. These systems shall be approved and installed before the applicant begins his business.
 4. All vehicles on-site shall be operational.

5. Ensure that there is no illegal parking on the site including no parking on the grass and no stacking of vehicles (i.e., two vehicles to one stall).
6. Ensure that the entire site is cleared of trash including all illegally dumped material located within the drainage ditch behind the auto mall.
7. Ensure that trash dumpsters are placed inside enclosures at all times.
8. Ensure that the site is in compliance with the city's temporary sign ordinance including obtaining a sign permit for all temporary signs over 12 square feet and only allowing one temporary sign per business located within the center.
9. Ensure that all landscaped areas are maintained including removing all weeds from the landscaped area around the base of the center's pylon sign.
10. There shall be no parting-out of vehicles outside the building and left in the parking lot.
11. Auto salvage businesses are prohibited from operating at this site.
12. The parking lot shall be kept clear of junk and dirt.
13. All service work that is needed on vehicles shall be completed inside a proper service garage. All garage doors shall be closed anytime vehicle repair work is in progress.
14. There shall be an after-hours contact person on record with the city's emergency dispatcher.
15. If the building occupancy changes, the property owner shall comply with all applicable code requirements relative to the new building use. A building permit may then be required.
16. Verify that the parking on-site does not obstruct fire department access for their trucks.
17. All tenants at the Maplewood Auto Center must adhere to the parking plan, dated ~~July 8, 2013~~ November 17, 2015, as submitted by the property owner to city staff. A parking plan needs to be filed with city staff at all times indicating the property is meeting the minimum parking requirements and how the spaces are allocated to each tenant. A new parking plan shall be filed any time a suite changes use or the building is physically altered in any way. A new plan shall be filed with the city reflecting the expansion of the existing parking lot.
18. Parking in the center of the canopy, adjacent to the 2529 building, shall be for inventory only. A no customer parking sign shall be posted.
19. The city council shall review this permit in one year.

20. The property owner shall provide city staff a plan for trash removal or design plans for a new enclosed structure for the 2529 building, subject to the city's design review process.
 21. The property owner or manager is responsible for compliance of all conditions listed in this permit. If any tenant is found out of compliance the city will notify the property owner or manager in order to rectify the situation.
 22. The expanded nonconforming parking lot shall maintain its existing setback.
- B. Approve the design plans date-stamped October 26, 2015 for the building addition and expansion of the nonconforming parking lot for the site located at 2529 White Bear Avenue. Approval is subject to the following conditions:
1. Approval of design plans is good for two years. If the applicant has not begun construction within two years, this design review shall be repeated. Staff may approve minor changes.
 2. The applicant's proposed addition to the parking lot shall not be any closer to the north property line than the setback established by the existing parking lot.
 3. The building materials and colors used for the building addition shall match the materials and colors for the existing building.
 4. The additional parking spaces shall be striped per ordinance requirements.
 5. Prior to issuance of a grading or building permit, the applicant must submit a cash escrow or an irrevocable letter of credit for all required exterior improvements. The amount shall be 125 percent of the cost of the work.
 6. Satisfy the requirements set forth in the staff report authored by staff engineer Jon Jarosch, dated November 9, 2015.
 7. Satisfy the requirements set forth in the staff report authored by environmental planner Shann Finwall, dated November 10, 2015.

Citizen Comments

Staff surveyed the owners of the 23 properties within 500 feet of the proposed revision for their comments. Staff received two letters with comments.

Comments

As long as they do not encroach on the creek. Please, please have it mandatory that the garage doors are closed when working on vehicles. Don't need the noise of airguns and hoist lifts. I already have the carwash noise going on next door. Thank you for the consideration. (Carol Guzzo, 1876 County Road C East)

Looks fine to me. (David Hesley, 2607 White Bear Avenue)

Reference Information

Site Description

Site size: 1.14 acres

Existing land use: Automobile repair and used auto sales

Surrounding Land Uses

North: Condominium office unit and open space

South: Automotive uses

West: Automotive uses

East: White Bear Avenue and Goodwill

Planning

Land Use Plan designation: C (commercial)

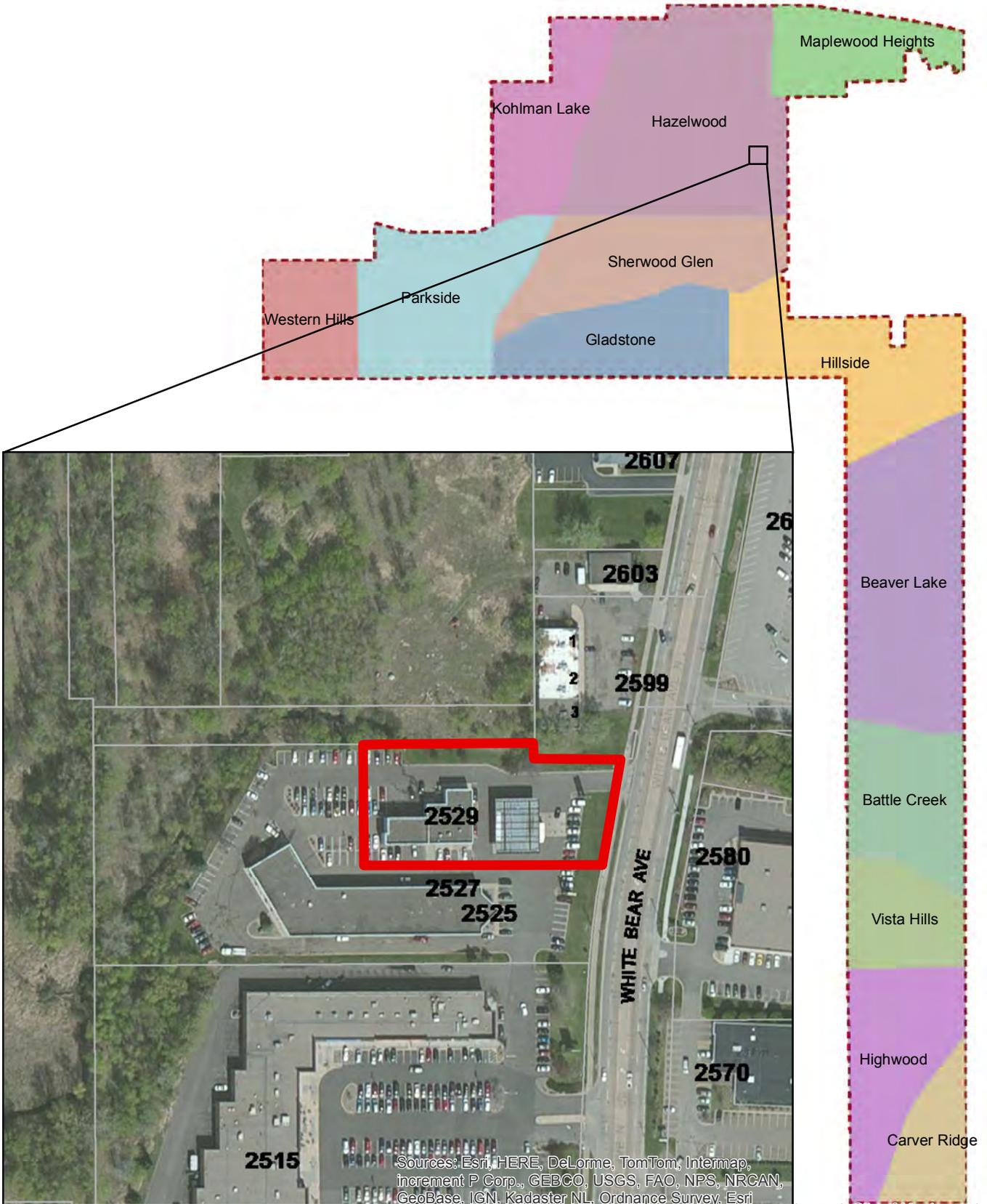
Zoning: BC (business commercial)

Application Date

The application for this request was considered complete on October 26, 2015. State law requires that the city decide on these applications within 60 days. The deadline for city council action on this proposal is December 25, 2015.

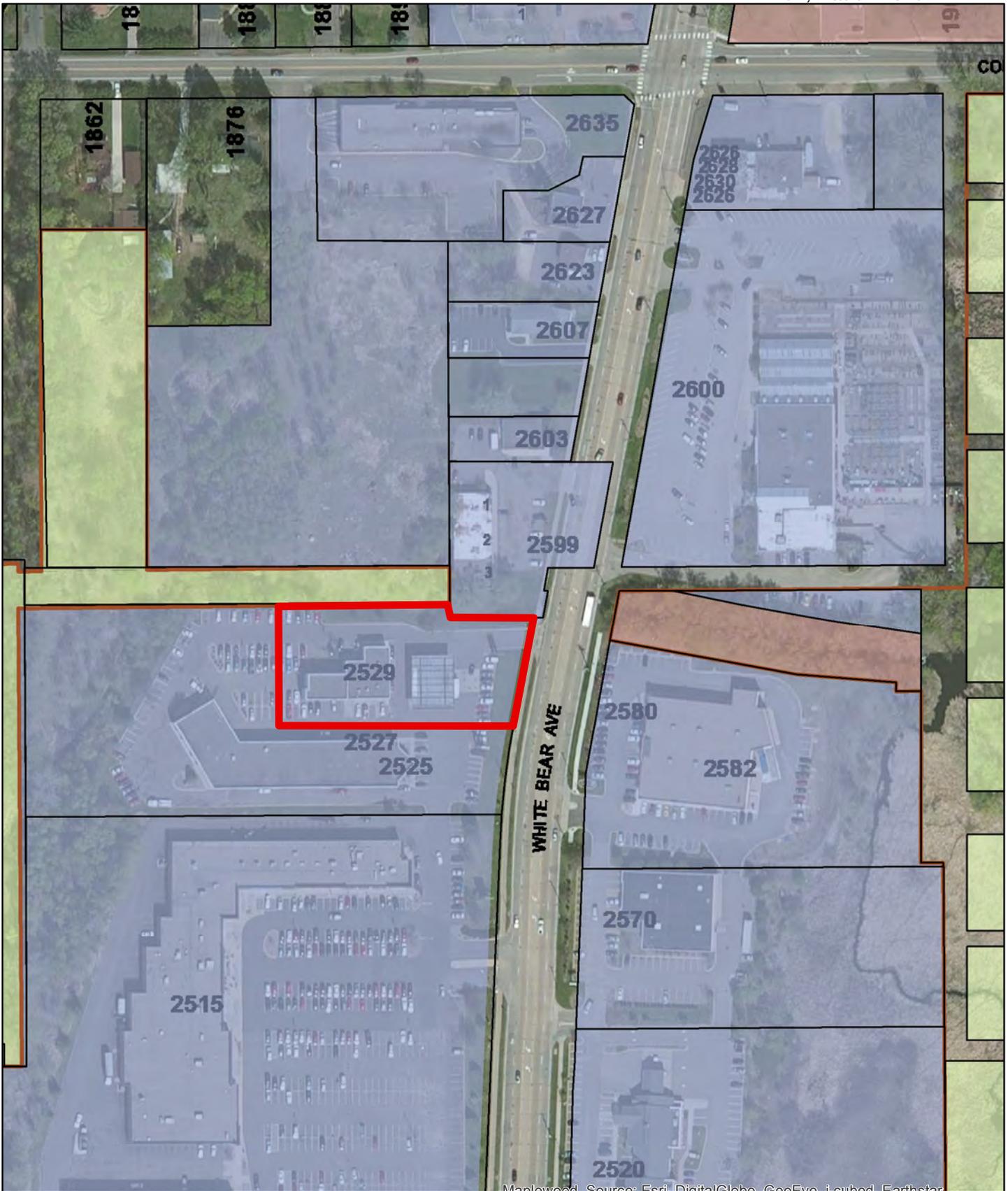
Attachments

1. Location Map
2. Land Use Map
3. Zoning Map
4. Applicant's Letter, October 26, 2015
5. Proposed Site Plan
6. Proposed Building Elevation
7. Existing Parking Plans
8. Engineering Report, Jon Jarosch, November 9, 2015
9. Environmental Report, Shann Finwall, November 10, 2015
10. Planning Commission Draft Minutes, November 17, 2015
11. Community Design Review Board Draft Minutes, November 24, 2015
12. Conditional Use Permit Resolution
13. Plans date-stamped October 26, 2015 (separate attachment)



2529 White Bear Avenue - Maplewood Auto Mall

CUP Amendment and Design Review - Overview Map

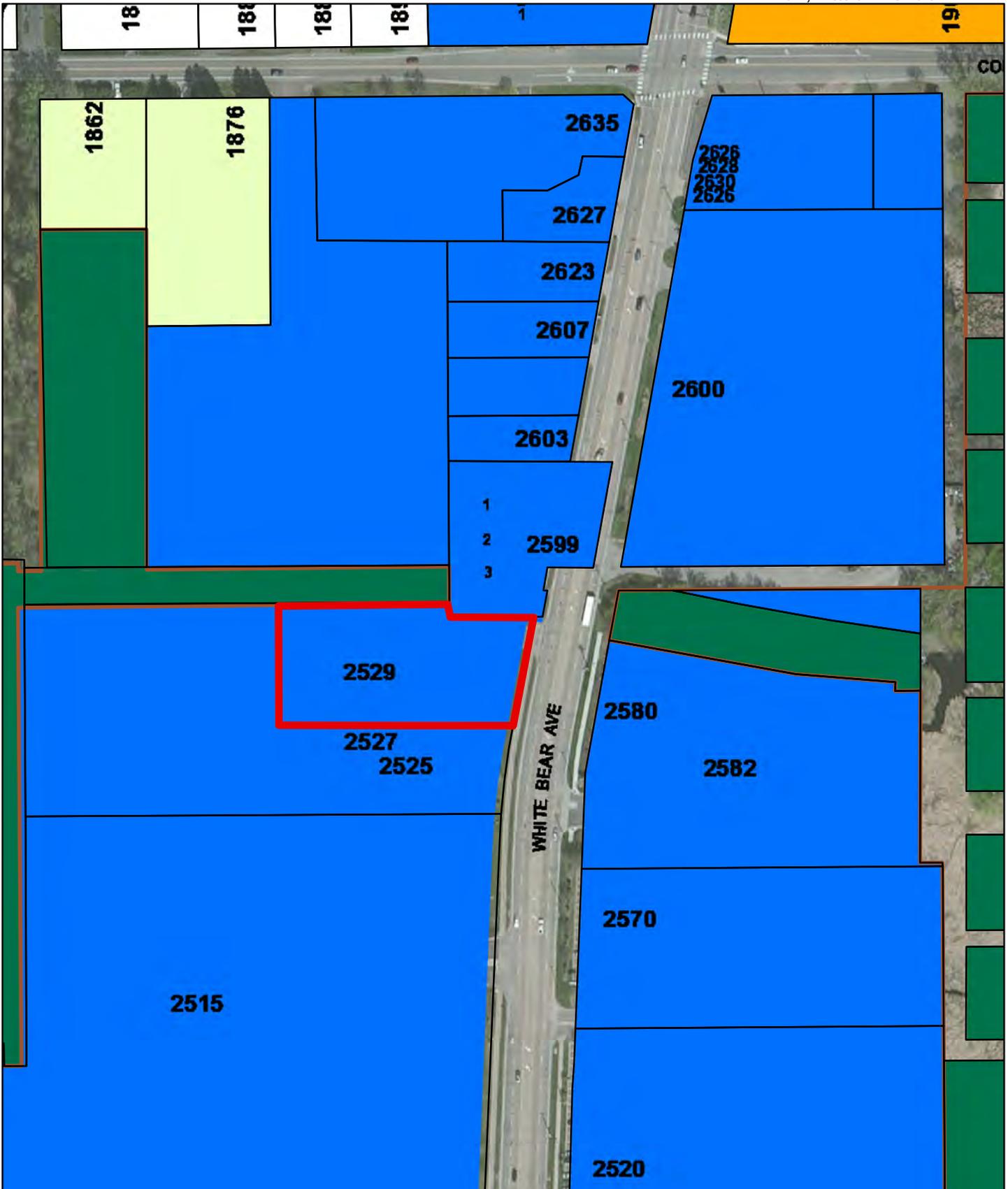


2529 White Bear Ave - Maplewood Auto Mall

Conditional Use Permit Revision - Land Use Map

Legend

- Commercial
- Government
- Open Space
- Low Density Residential



2529 White Bear Ave - Maplewood Auto Mall

Conditional Use Permit Revision - Zoning Map

Legend

- Single Dwelling (r1) Open Space/Park
- Business Commercial (bc) Farm (f)
- Planned Unit Development (pud)



10/26/2015

Project Narrative

Maplewood Auto Mall - Addition
Maplewood, MN

Project Team

Owner:

Maplewood Auto Mall -
2529 White Bear Avenue
Maplewood, MN 55109

Contact - Shawn Cooper

Architect:

Sperides Reiners Architects, Inc.
4200 W. Old Shakopee Road #220
Bloomington, MN 55437

Contact – Nick Sperides, AIA

Surveyor:

Sunde Land Surveying, LLC
9001 E. Bloomington Frwy.
Suite 118
Bloomington, MN 55420

Contact – Sue Tarasar

General Contractor:

Kraus-Anderson Construction Company
8625 Rendova Street P.O. Box 158
Circle Pines, MN 55014

Contact – Jake Boerboon – project manager

4200 West Old Shakopee Rd
Suite 220
Bloomington, MN
55437

952.996.9662 p
952.996.9663 f

www.srarchitectsinc.com

Maplewood Auto Mall - Addition
10/26/2015

PROJECT SITE DATA

A. Parcel basics

- a. The existing site is currently developed as the Maplewood Auto Mall.
- b. The site area is 4.142 acres.
- c. The existing building is a 5,181 sf structure that includes auto sales and a service area of 3 bays and a car wash bay.
- d. The building also includes a free standing canopy on the east side of the building.
- e. The site includes 19 parking stalls within the current lease area and a total of 101 parking stalls outside the lease area. (see survey)

B. Project Land Use

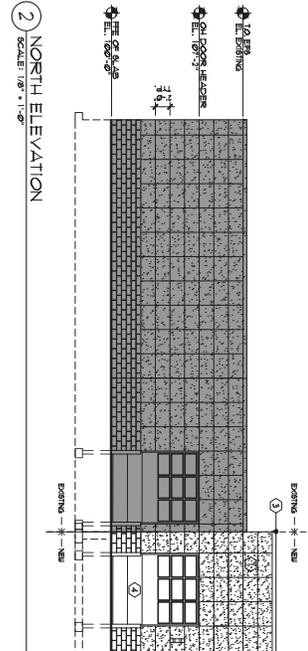
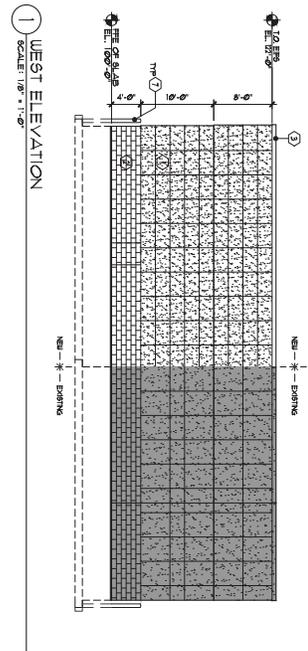
- a. The project site is currently zoned BC – Business Commercial and is approved under a conditional use permit.

C. Proposed Development Plan

- a. This application proposes to amend the conditional use permit to allow for a 1,930 s.f. addition of 3 service bays and small office area on the northwest corner of the existing building, and includes construction of 9 additional parking spaces for customer parking.
- b. The building addition shall be constructed to match the construction type and exterior appearance of the existing materials.
- c. The additional parking will require the relocation of 4 small trees as shown on the site plan and will not disrupt the current site lighting.
- d. The additional parking will not alter the existing grading and drainage of the site.
- e. There is no utility work associated with this project

D. Other Information

- a. It is not anticipated that this addition will generate any additional traffic.



- ELEVATION GENERAL NOTES:-**
1. DO NOT SCALE DRAWINGS
 2. FOUNDATIONS SHALL NOT BE EXPOSED.
 3. PROVIDE BRICK TIES AS REQUIRED.
 4. PROVIDE EXPANSION JOINTS (E.J.) & CORNICE.
 5. ALL EXPANSION JOINTS SHALL BE PAINTED TO MATCH SURFACE.
 6. ALL CONCRETE BLOCK TO BE MINISVALI® COLUMNS.

- ELEVATION KEYED NOTES:-**
1. EIFS WALL PANEL. COLOR TO MATCH EXISTING.
 2. ROCK VIZE HYDRANT BLOCK. COLOR TO MATCH EXISTING.
 3. FURNISHED SHEET METAL FLASHING & COPING AT TOP OF PARAPET. COLOR TO MATCH EXISTING COPING.
 4. 1/2\"/>

MAPLEWOOD AUTO MALL ADDITION
 2529 WHITE BEAR AVE, MAPLEWOOD, MN 55109

ISSUE
 10/26/2015
 ISSUE FOR CITY SUBMITTAL

DESIGNED BY:
 NICHOLAS S. SPERIDES
 DATE: 10/26/2015 REG. NO. 18661

4900 WEST OLD SHAKOPEE ROAD
 SUITE 220
 BLOOMINGTON, MINNESOTA 55437
 PH: 952.996.9662
 FX: 952.996.9663
 WWW.SRAARCHITECTSINC.COM

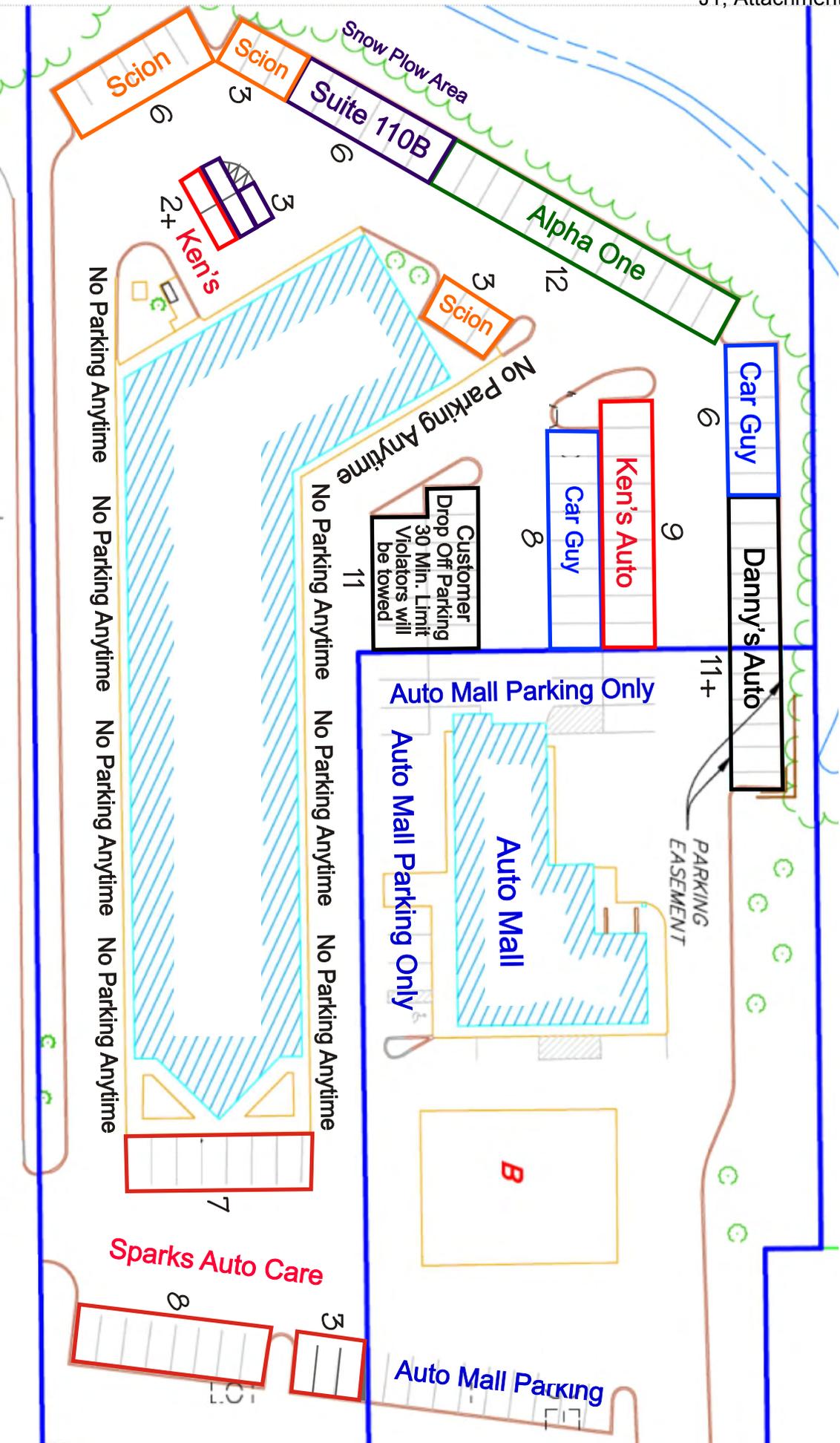


- ELEVATIONS
- DETAILS

A3

PROJECT NO: 15-007
 DRAWN BY: TL
 CHECKED BY: NS

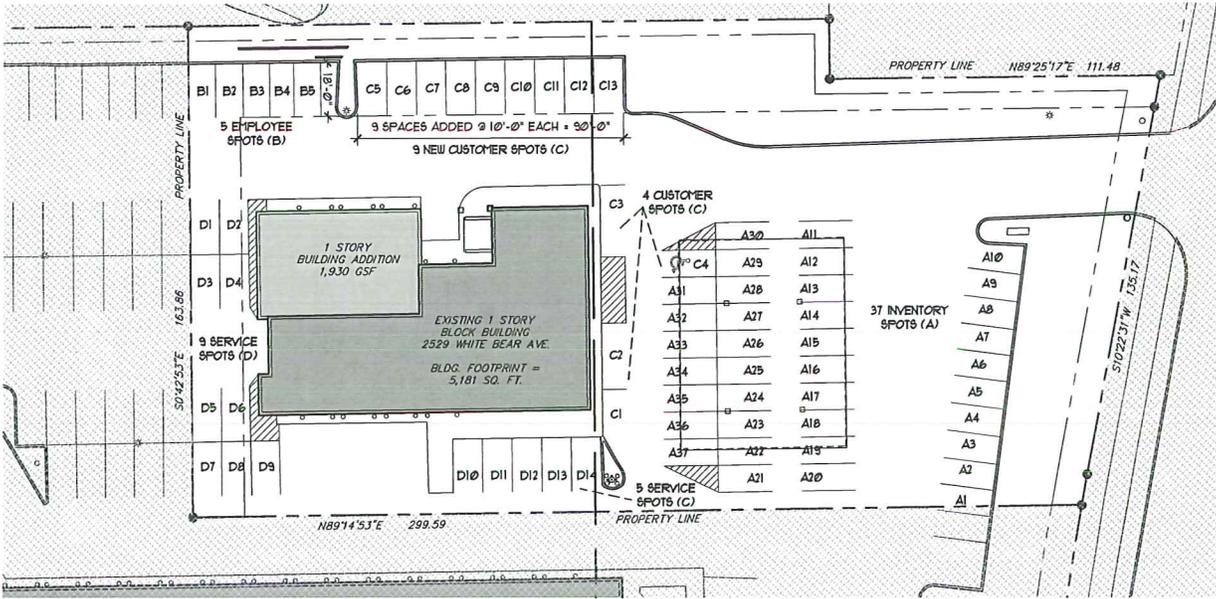
Maplewood Place Parking - Effective 2/2/15 - Exhibit P



Please help me, help you all work together for everyone's good. If you see people parking where they shouldn't, ask them nicely and if that doesn't work take a picture, text it to me with who's vehicle it is & I promise I will take it from there - Thanks! - Marty Turner 612-695-0167

NOTE: Parking spaces & locations may change from time to time

17 Nov 15
2529 Parking Plan



1 PARKING PLAN
SCALE: 3/8" = 1'-0"



PARKING SPACES COUNT:

OFF-STREET SITE PARKING:

EXISTING PARKING:		60 TOTAL SPACES		FUTURE PARKING:		69 TOTAL SPACES	
A. INVENTORY STALLS	37 SPACES	A. INVENTORY STALLS	37 SPACES	B. EMPLOYEE STALLS	5 SPACES	B. EMPLOYEE STALLS	5 SPACES
B. EMPLOYEE STALLS	5 SPACES	C. CUSTOMER STALLS	9 SPACES	C. CUSTOMER STALLS	13 SPACES	D. SERVICE STALLS	14 SPACES
C. CUSTOMER STALLS	9 SPACES	D. SERVICE STALLS	9 SPACES				

SRa
SERIES BUSINESS ARCHITECTS, INC.
400 WEST OLD SHAWNEE ROAD
SUITE 100
BLOOMINGTON, MINNESOTA 55431
PH: 612.666.9000
FX: 612.666.9003
WWW.SRARCHITECTS.COM
© COPYRIGHT 2015 SERIES BUSINESS ARCHITECTS, INC.

ISSUE:
11.13.2015 PARKING PLAN

MAPLEWOOD AUTO MALL
PARKING PLAN
9525 WHITE BEAR AVE,
MAPLEWOOD, MN 55109

- PARKING PLAN
- PARKING COUNT

PROJECT NO: 15-067
DRAWN BY: M.Z.
CHECKED BY: N.S.

PP1

Engineering Plan Review

PROJECT: Cooper Motors Building Addition
2529 White Bear Avenue

PROJECT NO: 15-26

COMMENTS BY: Jon Jarosch – Civil Engineer II

DATE: 11-9-2015

PLAN SET: Site Plan Dated 10-26-2015

The applicant is proposing to construct an addition to the existing building at 2529 White Bear Avenue. In order to accommodate customer parking for this additional space, the applicant is also proposing to create 9 new parking spaces along the northern property line. As the disturbance on this project appears to be under ½ - acre, and there is less than 5,000 square-feet of new impervious surface proposed, the project will not be subject to the City's water quality improvement standards.

The following are engineering review comments on the proposal and act as conditions prior to the release of permits:

- 1) A grading and erosion control permit is necessary prior to the start of construction activities. The applicant shall meet all requirements established as part of the permit. This permit will require an erosion control and grading plan.
- 2) A parking lot permit shall be obtained for the parking lot modifications. The applicant shall meet all requirements established as part of the permit.
- 3) Paved areas shall be kept free of construction related sediment and debris and shall be swept regularly.
- 4) Storm sewer catch basins that could receive runoff from the construction area shall be protected throughout construction.
- 5) Mitigation for the proposed parking lot addition could be achieved via the use of pervious pavement, the installation of rain gardens, or the replacement of existing pavement with green-space; to name a few options.
- 6) The owner shall be responsible for all SAC, PAC, and WAC fees associated with the proposed improvements.
- 7) The applicant shall detail proposed elevations surrounding the building and new parking areas. All new site improvements shall be ADA compliant.

- 8) The Owner shall satisfy the requirements of all other permitting and reviewing agencies.
- END COMMENTS -

Environmental Review

Project: Cooper Motors

Date of Plans: October 26, 2015

Date of Review: November 10, 2015

Location: 2529 White Bear Avenue

Reviewer: Shann Finwall, Environmental Planner
(651) 249-2304; shann.finwall@ci.maplewood.mn.us

Background

The applicant is proposing to construct a 1,930 square foot addition to the existing building at 2529 White Bear Avenue and add nine parking stalls to the north side of the parking lot. There is a Manage B wetland located to the north of the property, within the Ramsey County open space site.

- A. **Wetland Ordinance:** The wetland ordinance requires a 75 foot buffer from a Manage B wetland. The existing parking lot is constructed to within 15 feet of the wetland and is considered a pre-existing nonconforming parking lot. The applicant is proposing to expand the parking lot with the existing setbacks. City code allows an applicant to expand a nonconforming parking lot if the parking lot meets the following conditions:
1. The zoning regulations permit the use.
 2. The expansion would meet the minimum setbacks required by this chapter or the setbacks of the existing structure, whichever is less. To deviate from these requirements, the City may approve a conditional use permit, subject to the standards in this Code.
 3. The minimum setback from the ordinary high-water level in a shoreland district would be at least the average setback of adjacent residential structures or 50 feet, whichever is greater.
 4. All portions of the structure would be on the applicant's property.
 5. Runoff from the overhang of the addition would not adversely affect an adjacent property.

Wetland Recommendations: Expansion of the parking lot meets the conditions outlined in City code for the expansion of a nonconforming parking lot. Therefore no wetland buffer variance is required. However, the City should ensure that runoff from the parking lot does not adversely affect the adjacent property and Manage B wetland. Prior to issuance of a permit the applicant shall:

1. Submit revised plans which show the mitigation of the parking lot. Proposed mitigation strategies include:

- a. Use of pervious pavement
 - b. Installation of rain gardens
 - c. Replacement of existing pavement with green-space
2. The applicant shall submit a cash escrow or letter of credit to cover 150% of the parking lot mitigation strategy.
- B. **Trees Ordinance:** There are four 4-inch crab apples trees which will be removed and relocated on the site with the parking lot expansion. The applicant is also proposing to plant 8 techny arborvitae shrubs on the north side of the expanded parking lot.

The City's tree ordinance requires replacement of significant trees. Significant trees are defined as deciduous trees that are 6-inch diameter or larger, conifers that are 8-inch diameter or larger, and softwoods that are 12-inch diameter or larger. The relocation of crab apple trees does not require tree replacement according to the City's tree ordinance. But the City should review the landscaping on the site as part of the design review.

Tree Recommendations:

Prior to issuance of a permit the applicant shall:

1. Submit a cash escrow or letter of credit to cover 150% of the tree relocation and landscaping.

DRAFT
MINUTES OF THE MAPLEWOOD PLANNING COMMISSION
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, NOVEMBER 17, 2015

5. PUBLIC HEARING

a. 7:00 p.m. or later: Consideration of a Conditional Use Permit Amendment, Maplewood Auto Mall, 2529 White Bear Avenue

- i. Economic Development Coordinator, Michael Martin gave the report and answered questions of the commission for the conditional use permit amendment for Maplewood Auto Mall, 2529 White Bear Avenue.
- ii. The applicant, Shawn Cooper, Maplewood Auto Mall, 2529 White Bear Avenue answered a question of the commission.

Chairperson Arbuckle opened the public hearing.

1. Carol Guzzo, 1876 County Road C East, Maplewood addressed the commission. Ms. Guzzo wanted to make sure the maintenance doors are kept shut, she asked what the hours of operation would be and she was concerned that the parking stalls would not encroach on the creek.

Chairperson Arbuckle closed the public hearing.

Commissioner Tripler moved to approve the resolution approving a conditional use permit amendment for auto repair, auto detailing, auto rental, used auto sales, auto washing and expansion of a nonconforming parking lot at 2529 White Bear Avenue. Approval is based on the findings required by the code and subject to the following conditions (additions are underlined and deletions are crossed out):

1. All building expansion improvements for the Maplewood Auto Mall (Cooper Motors) ~~used auto sales business~~ shall follow the plans date-stamped October 26, 2015 and approved by the city. The applicant shall meet the requirements of the city engineer report, dated November 9, 2015 and the environmental planner report, dated November 10, 2015. The applicant shall revise its landscape plan to show the location of 12 shrubs, per staff approval. The director of ~~community development~~ the environmental and economic development department may approve minor changes.
2. The property owner shall comply with the sign requirements of the city code and the auto center's sign criteria.
3. Fire protection systems (fire extinguishers and a sprinkler system) shall meet all requirements of the code. These systems shall be approved and installed before the applicant begins his business.
4. All vehicles on-site shall be operational.
5. Ensure that there is no illegal parking on the site including no parking on the grass and no stacking of vehicles (i.e., two vehicles to one stall).

6. Ensure that the entire site is cleared of trash including all illegally dumped material located within the drainage ditch behind the auto mall.
7. Ensure that trash dumpsters are placed inside enclosures at all times.
8. Ensure that the site is in compliance with the city's temporary sign ordinance including obtaining a sign permit for all temporary signs over 12 square feet and only allowing one temporary sign per business located within the center.
9. Ensure that all landscaped areas are maintained including removing all weeds from the landscaped area around the base of the center's pylon sign.
10. There shall be no parting-out vehicles outside the building and left in the parking lot.
11. Auto salvage businesses are prohibited from operating at this site.
12. The parking lot shall be kept clear of junk and dirt.
13. All service work that is needed on vehicles shall be completed inside a proper service garage. All garage doors shall be closed anytime vehicle repair work is in progress.
14. There shall be an after-hours contact person on record with the city's emergency dispatcher.
15. If the building occupancy changes, the property owner shall comply with all applicable code requirements relative to the new building use. A building permit may then be required.
16. Verify that the parking on-site does not obstruct fire department access for their trucks.
17. All tenants at the Maplewood Auto Center must adhere to the parking plan, dated ~~July 8, 2013~~ February 2, 2015, as submitted by the property owner to city staff. A parking plan needs to be filed with city staff at all times indicated the property is meeting the minimum parking requirements and how the spaces are allocated to each tenant. A new parking plan shall be filed any time a suite changes used or the building is physically altered in any way. A new plan shall be filed with the city reflecting the expansion of the existing parking lot.
18. Parking in the center of the canopy, adjacent to the 2529 building, shall be for inventory only. A "no customer parking" sign shall be posted.
19. The city council shall review this permit in one year.
20. The property owner shall provide city staff a plan for trash removal or design plan for a new enclosed structure for the 2529 building, subject to the city's design review process.

21. The property owner or manager is responsible for compliance of all conditions listed in this permit. If any tenant is found out of compliance the city will notify the property owner or manager in order to rectify the situation.
22. The expanded nonconforming parking lot shall maintain its existing setback.

Seconded by Commissioner Kempe.

Ayes - All

The motion passed.

DRAFT
MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, NOVEMBER 24, 2015

1. DESIGN REVIEW

- a. Consider Approval of Design Review, Maplewood Auto Mall, 2529 White Bear Avenue**
- i. Economic Development Coordinator, Mike Martin gave the report and answered questions of the board.
 - ii. AIA, Architect, Nick Sperides, Sperides Reiners Architects, Inc., 4200 West Old Shakopee Rd, #220 Bloomington, addressed and answered questions of the board

Boardmember Shankar moved to approve the design plans date-stamped October 26, 2015 for the building addition and expansion of nonconforming parking lot for the site located at 2529 White Bear Avenue. Approval is subject to the following conditions:

- 1. Approval of design plans is good for two years. If the applicant has not begun construction within two years, this design review shall be repeated. Staff may approve minor changes.
- 2. The applicant's proposed addition to the parking lot shall not be any closer to the north property line than the setback established by the existing parking lot.
- 3. The building materials and colors used for the building addition shall match the materials and colors for the existing building.
- 4. The additional parking spaces shall be striped per ordinance requirements.
- 5. Prior to issuance of a grading or building permit, the applicant must submit a cash escrow or an irrevocable letter of credit for all required exterior improvements. The amount shall be 125 percent of the cost of the work.
- 6. Satisfy the requirements set forth in the staff report authored by staff engineer Jon Jarosch, dated November 9, 2015.
- 7. Satisfy the requirements set forth in the staff report authored by environmental planner Shann Finwall, dated November 10, 2015.

Seconded by Boardmember Lamers.

Ayes – All

The motion passed.

CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, this permit for the Maplewood Auto Mall allows auto repair, auto detailing, auto rental, used auto sales, auto washing and the expansion of a nonconforming parking lot.

WHEREAS, this permit applies to property located at 2529 White Bear Avenue. The legal description is:

Lot I, Block 1, Maple Ridge Mall, according to the recorded plat thereof, Ramsey County, Minnesota, together with that part of Lot 2, said Block I, lying north of the westerly extension of the south line of said Lot 1.

Which lies easterly and northerly of a line described as beginning at the northwest corner of said Lot 1; thence on an assumed bearing of South 89 degrees 25 minutes 17 seconds West, along the north line of said Lot 2, a distance of 136.21 feet to the point of beginning of the line to be described; thence South 0 degrees 42 minutes 53 seconds East 163.86 feet; thence North 89 degrees 14 minutes 53 seconds East 299.59 feet to the easterly line of said Lot I and said line there terminating. (PIN 11-29-22-22-0043)

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

1. On November 17, 2015, the planning commission held a public hearing and recommended that the city council approve this permit. 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 also considered reports and recommendations of the city staff.
2. On _____, 2015, the city council reviewed this proposal. The council also considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approves the above-described conditional use permit based on the building and site plans. The city approved this 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 building expansion improvements for the Maplewood Auto Mall (Cooper Motors) ~~used auto sales business~~ shall follow the plans, date-stamped October 26, 2015 approved by the city. The applicant shall meet the requirements of the city engineer report, dated November 9, 2015 and the environmental planner report, dated November 10, 2015. ~~The director of community development~~ the environmental and economic development department may approve minor changes.
2. The property owner shall comply with the signage requirements of the city code and the auto center's sign criteria.
3. Fire protection systems (fire extinguishers and a sprinkler system) shall meet all requirements of the code. These systems shall be approved and installed before the applicant begins his business.
4. All vehicles on-site shall be operational.
5. Ensure that there is no illegal parking on the site including no parking on the grass and no stacking of vehicles (i.e., two vehicles to one stall).
6. Ensure that the entire site is cleared of trash including all illegally dumped material located within the drainage ditch behind the auto mall.
7. Ensure that trash dumpsters are placed inside enclosures at all times.
8. Ensure that the site is in compliance with the city's temporary sign ordinance including obtaining a sign permit for all temporary signs over 12 square feet and only allowing one temporary sign per business located within the center.
9. Ensure that all landscaped areas are maintained including removing all weeds from the landscaped area around the base of the center's pylon sign.
10. There shall be no parting-out of vehicles outside the building and left in the parking lot.
11. Auto salvage businesses are prohibited from operating at this site.
12. The parking lot shall be kept clear of junk and dirt.

13. All service work that is needed on vehicles shall be completed inside a proper service garage. All garage doors shall be closed anytime vehicle repair work is in progress.
14. There shall be an after-hours contact person on record with the city's emergency dispatcher.
15. If the building occupancy changes, the property owner shall comply with all applicable code requirements relative to the new building use. A building permit may then be required.
16. Verify that the parking on-site does not obstruct fire department access for their trucks.
17. All tenants at the Maplewood Auto Center must adhere to the parking plan, dated ~~July 8, 2013~~ November 17, 2015, as submitted by the property owner to city staff. A parking plan needs to be filed with city staff at all times indicating the property is meeting the minimum parking requirements and how the spaces are allocated to each tenant. A new parking plan shall be filed any time a suite changes use or the building is physically altered in any way. A new plan shall be filed with the city reflecting the expansion of the existing parking lot.
18. Parking in the center of the canopy, adjacent to the 2529 building, shall be for inventory only. A no customer parking sign shall be posted.
19. The city council shall review this permit in one year.
20. The property owner shall provide city staff a plan for trash removal or design plans for a new enclosed structure for the 2529 building, subject to the city's design review process.
21. The property owner or manager is responsible for compliance of all conditions listed in this permit. If any tenant is found out of compliance the city will notify the property owner or manager in order to rectify the situation.
22. The expanded nonconforming parking lot shall maintain its existing setback.

The Maplewood City Council _____ this resolution on _____, 2015.

MEMORANDUM

TO: City Council
FROM: City Manager, Melinda Coleman
DATE: December 16, 2015
SUBJECT: Consider Approval of City Attorney Contract

Introduction/Background

In early November of 2014, the City issued a request for proposals for contract City Attorney services. The result was a range of proposals from firms who proposed the provision of City Attorney legal services. The Council subcommittee comprised of Councilmembers Abrams and Koppen met with staff to review the proposals. After reviewing the proposals the decision was made to separate the firms for City Attorney – Prosecution Services and City Attorney – Civil Services. The review session also resulted in the determination to interview three firms for Civil Services and five firms for Prosecution Services.

From that process, Campbell Knutson was selected to provide Prosecution Services. As you are aware, the workload and expenses resulted in that contract ending in November of this year. Kelly & Lemmons has been hired as of December 1, 2015 to provide Prosecution Services.

Mr. Alan Kantrud was selected in January of 2015 to continue as the City's Civil Attorney, a position he has held since 2006. Mr. Kantrud's current contract will expire on December 31, 2015.

Proposed Contract: In reviewing the updated contract from Mr. Kantrud there have been minor adjustments:

- Mr. Kantrud has submitted an all-inclusive proposal. Any, and all, necessary legal services are provided at the fixed monthly retainer rate. In addition, the new contract keeps the retainer at the same rate of \$8,000.00 per month. The proposed contract has been changed to be coterminous with the Kelly & Lemmons contract in terms of duration and also the notification requirements. The request is for a 3 year contract (no increase requested) and a 90-day termination notice. In addition, Mr. Kantrud has included language that states he will give quarterly reports to the City Manager and City Council. A draft of the new contract and a copy of the existing contract are attached for consideration and review.

Recommendation

It is recommended that the City Council authorize the City Manager to contract with H. Alan Kantrud to serve as the Maplewood City Attorney – Civil Services.

Mr. Kantrud is a valued member of our Senior Management Team and has provided excellent services this past year. He has been an instrumental member of our team with the Century Link Franchise Agreements and the withdrawal from the RWSCC.

Attachments

1. Draft contract with H. Alan Kantrud
2. Current contract with H. Alan Kantrud

City of Maplewood Contract for Attorney Services

This AGREEMENT entered into this 1st day of January, 2016 (the "Effective Date") by and between the City of Maplewood, Minnesota (hereinafter referred to as "City") and H Alan Kantrud P. A. (hereinafter referred to as "Kantrud" or "Attorney" or "Firm").

WHEREAS, in 2006 and 2014 the City put forth Requests for Proposals ("RFP") to contract out its legal services and in response to those RFP's retained Attorney as its City Attorney on or about July 10, 2006; and

WHEREAS, the City has found Attorney's performance as City Attorney to be competent and professional and has continued to retain his services; and

WHEREAS, the City's original term of one year as set forth in the RFP expired, or is about to as the contract was through December 31st; and

WHEREAS, on December 21, 2015, the City Council approved a the continuation of Attorney Services with Kantrud through 2018, and

WHEREAS, the City believes it is in the best interests of the City to maintain consistency in its legal representation; and

WHEREAS, the City now desires to enter into a contract for the continued services of Attorney as City Attorney to assure his continued performance of that position through December 31, 2018; and

WHEREAS, Attorney is agreeable to entering into a contract with the City pursuant to the understated proposed terms and conditions.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

The City hereby agrees to retain Attorney as the City Attorney and to perform the functions and duties of City Attorney and such other legally permissible and proper functions and duties as the City Manager, Assistant City Manager and City Council from time to time shall assign.

Said duties shall be consistent with and guided by the course-of-conduct established through the previous period of representation and the parties agree that the established duties thereof are mutually satisfactory.

Attorney shall remain part of the management team and attend the Tuesday morning staff meetings as well as other meetings of the departments and Commissions as staff or the attorney determine.

Attorney shall give progress reports from time to time on current assignments and progress on the City's open litigation items and shall provide quarterly reports to the City Manager and present the same to the City Council.

Section 2. Term

It is agreed the term of services shall be January 1, 2016 through December 31, 2018.

Section 3. Salary

The City agrees to pay Firm for services rendered pursuant hereto at a monthly retainer of \$8,000.00 for the term of the contract. The City shall provide a private office for Attorney to enhance the efficiency of the interaction and reduce costs to the City for travel and communication time.

General Provisions

- A. The text herein shall constitute the entire Agreement between the parties hereto.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Attorney.
- C. If any provision or portion thereof contained in this Agreement shall be held unconstitutional, invalid or unenforceable, it shall be deemed severable and the remainder of this Agreement shall not be affected and shall remain in full force and effect.
- D. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City to terminate the services of Attorney at any time, because of malfeasance, nonfeasance or gross misconduct.
- E. Either Party may terminate this Agreement with ninety (90) day notice to the other Party.

IN WITNESS WHEREOF, the parties here to have signed and executed this Agreement, both in duplicate, effective on the day and year first above written.

Nora B. Slawik, Mayor

Melinda R. Coleman, Manager

H. Alan Kantrud, Principal
H. A. Kantrud, P.A.

City of Maplewood Contract for Attorney Services

This AGREEMENT entered into this 1st day of February, 2015 (the "Effective Date") by and between the City of Maplewood, Minnesota (hereinafter referred to as "City*") and H Alan Kantrud P. A. (hereinafter referred to as "Kantrud" or "Attorney" or "Firm").

WHEREAS, in 2006 the City originally put forth a Request for Proposals ("RFP") to contract out its legal services and in response to that RFP retained Attorney as its City Attorney and City Prosecutor on or about July 10, 2006; and

WHEREAS, the City's original term of two years as set forth in the RFP expired, as have the extensions of the contract through 2014; and

WHEREAS, on January 12, 2015, the City Council approved a the continuation of Attorney Services with Kantrud through 2015, and

WHEREAS, the City now desires to enter into a contract for the continued services of Attorney as City Attorney to assure his continued performance of that position through December 31, 2015; and

WHEREAS, Attorney is agreeable to entering into a contract with the City pursuant to the understated proposed terms and conditions

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

The City hereby agrees to retain Attorney as the City Attorney and to perform the functions and duties of City Attorney and such other legally permissible and proper functions and duties as the City Manager, Assistant City Manager and City Council from time to time shall assign. Said duties shall be consistent with and guided by the course-of-conduct established through the previous period of representation and the parties agree that the established duties thereof are mutually satisfactory. Attorney shall remain part of the management team and attend the Tuesday morning staff meetings.

Section 2. Term

It is agreed the term of services shall be February 1, 2015 through December 31, 2015.

Section 3. Salary

The City agrees to pay Firm for services rendered pursuant hereto at a monthly retainer of \$8,000.00 for the term of the contract.

General Provisions

- A. The text herein shall constitute the entire Agreement between the parties hereto.
- B. *Annual Presentation.* While the Attorney will regularly attend City Council meetings, annually, or more often at the request of the City, the Attorney will provide a formal presentation to the Council with an overview of Attorneys legal activities and, where appropriate, outcomes of said activity.
- C. *Monthly Reports.* The Attorney will provide the City monthly written reports summarizing

legal activities, including an associated accounting of hours.

D. *Governing Law.* This Agreement shall be governed by the laws of the State of Minnesota.

E. *Assignment.* The Attorney may not assign or refer any of the legal services to be performed hereunder without the written consent of the Maplewood City Council.

F. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Attorney.

G. If any provision or portion thereof contained in this Agreement shall be held unconstitutional, invalid or unenforceable, it shall be deemed severable and the remainder of this Agreement shall not be affected and shall remain in full force and effect.

H. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City to terminate the services of Attorney at any time, because of malfeasance, nonfeasance or gross misconduct.

I. Either Party may terminate this Agreement with 30 days notice to the other Party.

J. This agreement may be renewed or extended for one year following review of performance and report to council.

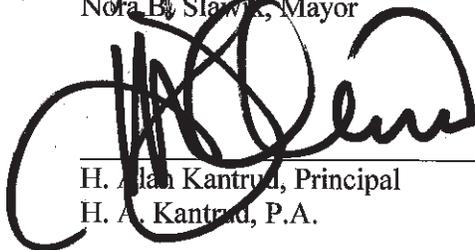
IN WITNESS WHEREOF, the parties here to have signed and executed this Agreement, both in duplicate, effective on the day and year first above written.



Nora B. Slawik, Mayor



Melinda R. Coleman, Manager



H. Alan Kantrud, Principal
H. A. Kantrud, P.A.

MEMORANDUM

TO: City Council
FROM: Melinda Coleman, City Manager
DATE: December 15, 2015
SUBJECT: Council Calendar Update

Introduction/Background

This item is informational and intended to provide the Council an indication on the current planning for upcoming agenda items and the Work Session schedule. These are not official announcements of the meetings, but a snapshot look at the upcoming meetings for the City Council to plan their calendars. No action is required.

Upcoming Agenda Items & Work Session Schedule

1. December 28th
 - a. No City Council Meeting
2. January 11th
 - a. Swearing in Ceremony for New City Council Members at 6 pm
3. January 14th
 - a. State of Maplewood Luncheon – Maplewood Community Center 11 am – 1 pm

Budget Impact

None.

Recommendation

No action required.

Attachments

None.

Press Release

For The Permanent Record

Meeting Date: 12-21-15

FOR IMMEDIATE RELEASE

Agenda Item #: 1776**Maplewood's Bruentrup Heritage Farm Receives 2015 Best of Maplewood Award****Maplewood Award Program Honors the Achievement**

MAPLEWOOD November 26, 2015 -- Maplewood's Bruentrup Heritage Farm has been selected for the 2015 Best of Maplewood Award in the Historical Place category by the Maplewood Award Program.

Each year, the Maplewood Award Program identifies companies that we believe have achieved exceptional marketing success in their local community and business category. These are local companies that enhance the positive image of small business through service to their customers and our community. These exceptional companies help make the Maplewood area a great place to live, work and play.

Various sources of information were gathered and analyzed to choose the winners in each category. The 2015 Maplewood Award Program focuses on quality, not quantity. Winners are determined based on the information gathered both internally by the Maplewood Award Program and data provided by third parties.

About Maplewood Award Program

The Maplewood Award Program is an annual awards program honoring the achievements and accomplishments of local businesses throughout the Maplewood area. Recognition is given to those companies that have shown the ability to use their best practices and implemented programs to generate competitive advantages and long-term value.

The Maplewood Award Program was established to recognize the best of local businesses in our community. Our organization works exclusively with local business owners, trade groups, professional associations and other business advertising and marketing groups. Our mission is to recognize the small business community's contributions to the U.S. economy.

SOURCE: Maplewood Award Program

CONTACT:

Maplewood Award Program

Email: PublicRelations@local-best.comURL: <http://www.local-best.com>

###

City of Maplewood

City Council Meeting Sign-Up Sheet

For Agenda Items and Visitor Presentations

By putting your name and address on this sheet, you are indicating which agenda item you would like to discuss with the City Council

Date: December 21, 2015

Name - First & Last
(please print clearly)

Address

Agenda Item

1.	<u>JOHN WYKOFF</u>	<u>2345 MARYLAND</u>	<u>DIRTY RESTAURANTS</u>
2.	<u>Bob Zick</u>	<u>inside insight News Hour</u>	<u>M & I & J</u>
3.	<u>Mark D Bradley Sr</u>	<u>2164 Woodlyon Ave</u>	<u>V-P</u>
4.	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>
7.	<u> </u>	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>	<u> </u>
9.	<u> </u>	<u> </u>	<u> </u>
10.	<u> </u>	<u> </u>	<u> </u>
11.	<u> </u>	<u> </u>	<u> </u>
12.	<u> </u>	<u> </u>	<u> </u>
13.	<u> </u>	<u> </u>	<u> </u>
14.	<u> </u>	<u> </u>	<u> </u>
15.	<u> </u>	<u> </u>	<u> </u>