

Minutes of Maplewood City Council  
5:00 P.M. Monday, August 29, 1983  
Council Chambers Municipal Building  
Meeting No. 83-21

A. Call to Order

A special meeting of the City Council of Maplewood Minnesota was held in the Council Chambers Municipal Building and was called to order at 5:34 P.M. by Acting Mayor Deaton.

B. Roll Call

John C. Hansen, Mayor	Absent
Gary W. Bastion, Acting Mayor	Present
Norman H. Anderson, Councilmember	Present
Francis L. Jaker, Councilmember	Present
Mary Lee Meide, Councilmember	Present

C. First Avenue Proj. 82-9 -

a. Appeals Requests

a. CODE NO. 9 Lyle Baston, 1928 Maston St.  
This property owner requested a deferral of assessment because of being a senior citizen on a fixed income. The matter was referred to the city clerk. Applicant has not filed for Senior Citizen deferral.

Councilmember Anderson moved that the assessment in the amount of \$2508.36 for Case No. 57-29810 15226 remain as presented.

Seconded by Councilmember Meide. Aye - all

b. CODE NO. 17 Agnes C. Magnuson 1940 Barclay St.  
Property owner requested a deferral of assessment because of being a senior citizen on a fixed income. The matter was referred to the city clerk. Applicant has not filed for Senior Citizen deferral.

Councilmember Maize moved that the assessment in the amount of \$874.00 for Code No. 57 26810 101 31 remain as presented.

Seconded by Councilmember Anderson. Aye all.

C. CODE NO. 22

Gordon H. Russell  
This property owner states that the city has judged his 40-foot lot as unbuildable and thus received no benefit from the storm sewer assessment. This has been referred to the city attorney for opinion.

- FINDINGS OF FACT: 1) That the lot in question, Lot 21, Block 31, Gladstone Plat 2, also known as 1941 Dieter Street, is a substandard lot having a width of 40 feet;
- 2) That the City has previously denied a variance to build a home on this 40 foot lot;
- 3) That the lot was recently purchased by the objector;
- 4) That the lot is saleable as distinguished from unbuildable;
- 5) That the saleability and useability of the lot are not lessened by the local public improvement; and
- 6) On the basis of an opinion of an independent fee real estate appraiser, the benefit is equal to or greater than the assessment levied.

RECOMMENDATION: That the special assessment for storm sewer be reaffirmed.

Councilmember Bastin moved that the assessment in the amount of \$437.00 for Code No. 57 29810 210 31 remain as presented.

Seconded by Councilmember Anderson. Aye all.

C. CODE NO. 39

Donald Spay 1533 Frost Ave.  
Owner states that he is a 74 year old senior citizen and requests a dererral of assessment. The matter was referred to the city clerk.

Applicant did not file for Senior Citizen dererral.

Councilmember Maize moved that the assessment in the amount of \$1179.90 for Code No. 57 29810 190 35 remain as presented.

Seconded by Councilmember Anderson.

Aye - all.

e. CODE NO. 44

*David J. Sampson 1503 Frost Ave*  
This property owner has requested a cancellation of assessment. He states that the new street is now only 14 feet from his house foundation and has therefore reduced the value of his house by at least \$10,000. This has been referred to the city attorney for opinion.

FINDINGS OF FACT: 1) The objector seeks cancellation of the assessments on grounds that the widening of the improved area within the right of way placed the new curb 14 feet from his foundation;  
2) That an independent fee real estate appraiser determined that the increase in market value of the objectors property at 1503 Frost Avenue, increases as a result of this improvement in an amount equal to or greater than the assessment.

RECOMMENDATION: That the special assessment levied be reaffirmed.

*Councilmember Anderson moved that the assessment in the amount of \$1582.18 for Code No. 57 39700 021 00 remain as presented.*

Seconded by Councilmember Mailer. Aye - all.

f. CODE NO. 45

*Kenneth Hegston 1927 University*  
This owner requests that the full assessment be cancelled because his draining runoff all flows to the north away from Frost Avenue. A field check by a survey crew for the Maplewood Engineering Dept. confirmed this as fact.

FINDINGS OF FACT: 1) The objector seeks cancellation of his assessment on grounds that the entire parcel 45 drains to the north;

2) Field investigation and examination of contour maps in the office of the City Engineer support this contention;

RECOMMENDATION: That the special assessment for storm sewer against parcel 45 be cancelled in its entirety.

*Councilmember Jaker moved that the assessment in the amount of \$2407.43 for Code 57 54500 080 01 be cancelled.*

Seconded by Councilmember Anderson.

Aye - all.

9. CODE NO. 46

*Orville Demond, 1965 Prosperity Rd*  
This parcel owner states that the property does not drain south to Frost Avenue. A review of the drainage pattern of the parcel has determined that about 2/3 of the lot area will be handled by the Frost Avenue drain structure.

FINDINGS OF FACT: 1) That the objector seeks cancellation of his assessment on grounds that his property does not drain south into the project area;

2) On the basis of observations in the field and examination of a topographic survey within the engineer's office, it was found that 2/3rds of the parcel in question, physically drains to the Frost Avenue drain structure

RECOMMENDATION: It is the policy of this council that in the event a parcel of real property drains into an improvement for which a storm sewer assessment is levied, the entire parcel shall bear the assessment. In this instance, the assessment is reaffirmed consistent with council policy.

*Councilmember Anderson moved that the assessment in the amount of \$2015.97 for Code 57 54500 090 01 be cancelled.*

*Seconded by Councilmember Jopke. Aye all.*

10. CODE NO. 47

*Clarence G. Cystobus, 1962 Hazelwood*  
The owner of these two combined lot requests a revision because one of the lots drains into the other. At present, none of their runoff will drain to Frost Avenue. Should the owner desire to fill and build on the low lot, all drainage from both lots would be carried by the Frost Avenue drainage facility.

FINDINGS OF FACT: 1) Objector seeks a revision of his assessment whereunder the assessment to the improved lot, Lot 10, would be sustained and the assessment to Lot 11, the unimproved lot, would be cancelled;

2) Lot 11 is lower than the abutting street, the difference in elevation between the low point in the lot and the street elevations, approximately 7 feet;

3) Lot 11 is saleable and buildable.

4) That an independent fee real estate appraiser is of the opinion that the benefit exceeds the assessment recommendation. That as to Lot 11, that it is reasonable and probable that in the foreseeable future, Lot 11 will be improved and contribute storm water to the system in question.

RECOMMENDATION: That the assessment as to Lot 11, be reaffirmed.

*Councilmember Bastin moved that the assessment in the amount of \$1606.52 against Lot 11*

F. D. Nelson's Homesteads be cancelled.

Seconded by Councilmember Maida.

Ay. all.

CODE NO. 48

*James Lipsinski*  
The resident of this parcel feels that the property drains mostly to the north. A field crew investigated the parcel drainage pattern and determined that less than 1/3 of the property area drains to the north away from Frost Avenue. ~~That is not correct~~

FINDINGS OF FACT: 1) That the objector seeks cancellation of his assessment on the grounds that his property does not drain south into the project area;

2) On the basis of observations in the field and examination of a topographic survey within the engineer's office, it was found that less than 1/3rd of the parcel in question, physically drains to the Frost Avenue drain structure.

RECOMMENDATION: It is the policy of this Council that in the event a parcel of real property drains into an improvement for which a storm sewer assessment is levied, the entire parcel shall bear the assessment. In this instance, the assessment is reaffirmed consistent with council policy.

*Councilmember Anderson moved that the assessment in the amount of \$1763.30 for Code 57 54500 120 01 be cancelled.*

*Seconded by Councilmember Jukes.*

*Ay. all.*

CODE NO. 82

*James Jansky, 1654 Frost*  
The owner requested that the assessment be revised due to the fact that he is being assessed along the Frost Avenue side of his lot which is 148.04 feet in length. The parcels on each adjacent side are corner lots and are being assessed on their narrow side which is 100 feet or less and is in conformance with past and present assessment practices.

FINDINGS OF FACT: 1) That the objector seeks a revision of his assessment on grounds that as to his lot the city's corner lot policy is inequitable;

2) That having an interior lot, the objector pays an assessment for full frontage while his contiguous neighbors to the east and west pay less on a front footage basis;

3) That there is no issue as to the question of whether the parcel benefits the amount of the assessment.

RECOMMENDATION: That the assessment be reaffirmed in order to comply with the pre-existing assessment policies of the city.

That the staff be directed to re-examine the city's special assessment policies and procedures as they pertain to corner lots.

Councilmember Anderson moved that the assessment in the amount of \$1427.11 for Code 57 29500 50002 remain as presented.

Seconded by Councilmember Maiba.

Ay. aed.

k. Code No. 52 Maurice Ramstrom, 1962 Prosperity Pl

Mr. Ramstrom did not file a notice of appeal at the time of the hearing and is now requesting cancellation of his assessment indicating that the ~~street~~ does not drain to Fred Avenue.

Council referred this matter to staff for investigation.

D. Agreement

6:00 P.M.

City Clerk