

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, August 12, 2013
Council Chambers, City Hall
Meeting No. 14-13

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:01 p.m. by Mayor Rossbach.

Mayor Rossbach read a letter from a resident about her grandson, Airman First Class Joseph William Carlin serving in the military.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. APPROVAL OF AGENDA

Councilmember Juenemann moved to approve the agenda as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of July 22, 2013 City Council Workshop Minutes

Councilmember Juenemann moved to approve the July 22, 2013 City Council Workshop Minutes as submitted.

Seconded by Councilmember Cardinal Ayes – All

The motion passed.

2. Approval of July 22, 2013 City Council Meeting Minutes

Add to item F2; Senator Kent was unable to attend the meeting.

Councilmember Cave moved to approve the July 22, 2013 City Council Meeting Minutes as amended.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Introduction of Police Chief and Assistant City Manager

Mayor Rossbach introduced and welcomed Police Chief Paul Schnell to the City of Maplewood.

Mayor Rossbach introduced and welcomed Melinda Coleman back to the City of Maplewood as the Community Development Director.

2. Swearing In Ceremony of Police Chief Paul Schnell (No Report)

City Manager Ahl presented the badge to Julie Schnell so she could do the honors of pinning the badge on Police Chief Schnell. City Clerk Guilfoile re-administered the oath of office to Police Chief Schnell.

3. Swearing In of Police Officers Brian Micheletti and Zachary Strand (No Report)

Police Chief Schnell introduced and welcomed Police Officer Brian Micheletti and Police Officer Zachary Strand to the City of Maplewood. City Clerk Guilfoile administered the oath of office.

G. CONSENT AGENDA

Councilmember Juenemann requested agenda item G10 be highlighted.

Councilmember Cave moved to approve agenda items G1-G15.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Cave moved to approve the Approval of Claims.

ACCOUNTS PAYABLE:

\$ 1,547,571.59 Checks # 90326 thru # 90374
dated 07/18/13 thru 07/23/13

\$ 281,141.30 Disbursements via debits to checking account
dated 07/15/13 thru 07/19/13

\$ 386,270.86 Checks # 90375 thru # 90402
dated 07/30/13

\$ 432,893.08 Disbursements via debits to checking account
dated 07/22/13 thru 07/26/13

\$ 1,923,931.63 Checks # 90403 thru # 90454
dated 07/26/13 thru 08/06/13

\$ 2,929,771.84 Disbursements via debits to checking account
dated 07/29/13 thru 08/02/13

\$ 7,501,580.30 Total Accounts Payable

PAYROLL

\$ 522,224.55 Payroll Checks and Direct Deposits dated 07/19/13

\$ 763.00 Payroll Deduction check # 9989447 thru # 9989448
dated 07/19/13

\$ 524,427.17 Payroll Checks and Direct Deposits dated 08/02/13

\$ 1,719.20 Payroll Deduction check # 9989474 thru # 9989476 dated 08/02/13

\$ 1,049,133.92 Total Payroll

\$ 8,550,714.22 GRAND TOTAL

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of a Resolution for a Lawful Gambling Premise Permit for Merrick, Inc at Freddy's Tiki Hut, 1820 Rice Street

Councilmember Cave moved to approve the Resolution for a Lawful Gambling Premise Permit for Merrick, Inc. at Freddy's Tiki Hut, 1820 Rice Street.

RESOLUTION 13-7-949

BE IT HEREBY RESOLVED, by the City Council of Maplewood, Minnesota, that the premise permit for lawful gambling is approved for Merrick Inc to operate at Freddy's Tiki Hut, located at 1820 Rice Street, Maplewood, MN.

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

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

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

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

3. Approval of a Resolution for a Temporary Lawful Gambling Permit for the Church of St. Jerome and Waiver of Permit Fees

Councilmember Cave moved to approve the Resolution for a Temporary Lawful Gambling Permit for the Church of St. Jerome and Waive the Permit Fees.

RESOLUTION 13-7-950

BE IT HEREBY RESOLVED, by the City Council of Maplewood, Minnesota, that the temporary premise permit for lawful gambling is approved for the Church of St Jerome, 380 E Roselawn Avenue in Maplewood.

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

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

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

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

4. Approval of a Resolution Approving the Terms of Interfund Loan in Connection with Proposed Tax Increment Financing District No. 1-13

Councilmember Cave moved to approve the Resolution to Allow Automatic Interfund Loans for a Proposed Tax Increment Financing District 1-13 with Development District No. 1 and provide the terms and conditions for repayment.

RESOLUTION 13-7-951
RESOLUTION APPROVING THE TERMS OF UP TO A
\$2,000,000 INTERFUND LOAN IN CONNECTION WITH
A PROPOSED TAX INCREMENT FINANCING DISTRICT NO. 1-13

BE IT RESOLVED by the City Council (the "Council") of the City of Maplewood, Minnesota (the "City"), as follows:

Background.

The City proposes to establish a Tax Increment Financing District No. 1-13 (the "TIF District") within Development District No. 1, and proposes to adopt a tax increment financing plan for the TIF District (the "TIF Plan").

The City has determined to pay for certain costs identified in the TIF Plan consisting of land/building acquisition, public utilities, site improvements/preparation, other eligible improvements, and administrative costs (the "Qualified Costs") incurred in connection with the establishment of the TIF District and development/redevelopment of land within the TIF District, which costs will be financed on a temporary basis from City funds available for such purposes.

Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the City's general fund or any other fund from which such advances may be legally made, in order to finance the Qualified Costs.

The City intends to reimburse itself for the payment of the Qualified Costs, plus interest thereon, from tax increments derived from the TIF District in accordance with the terms of this resolution (which terms are referred to collectively as the "Interfund Loan").

Terms of Interfund Loan.

The City hereby authorizes the advance of up to \$2,000,000 from the City's General Fund or so much thereof as may be paid as Qualified Costs. The City shall reimburse itself for such advances together with interest at the rate stated below. Interest accrues on the principal amount from the date of each advance. The maximum rate of interest permitted to be charged is limited to the greater of the rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 as of the date the loan or advance is authorized, unless the written agreement states that the maximum interest rate will fluctuate as the interest rates specified under Minnesota Statutes, Section 270C.40 or Section 549.09 are from time to time adjusted. The interest rate shall be 4% and will not fluctuate.

Principal and interest on the Interfund Loan shall be paid semi-annually on each February 1 and August 1 (each a "Payment Date") commencing with the Payment Date on which the City has Available Tax Increment (defined below), or on any other dates determined by the City Manager, through the last receipt of tax increment from the TIF District.

Payments on the Interfund Loan are payable solely from "Available Tax Increments" which shall mean, on each Payment Date, all of the tax increment available after other obligations have been paid, generated in the preceding six (6) months with respect to the property within the TIF District and remitted to the City by Ramsey County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1794, as amended. Payments on the Interfund Loan are subordinate to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

The principal sum and all accrued interest payable under the Interfund Loan are pre-payable in whole or in part at any time by the City without premium or penalty. No partial prepayment shall affect the amount or timing of any other regular payment otherwise required to be made under this Interfund Loan.

The Interfund Loan is evidence of an internal borrowing by the City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited obligation payable solely from Available Tax Increment pledged to the payment hereof under this resolution. The Interfund Loan and the interest hereon shall not be deemed to constitute a general obligation of the State of Minnesota or any political subdivision thereof, including, without limitation, the City. Neither the State of Minnesota, nor any political subdivision thereof shall be obligated to pay the principal of or interest on the Interfund Loan or other costs incident hereto except out of Available Tax Increment, and neither the full faith and credit nor the taxing power of the State of Minnesota or any political subdivision thereof is pledged to the payment of the principal of or interest on the Interfund Loan or other costs incident hereto. The City shall have no obligation to pay any principal amount of the Interfund Loan or accrued interest thereon, which may remain unpaid after the final Payment Date.

The City may amend the terms of the Interfund Loan at any time by resolution of the City Council, including a determination to forgive the outstanding principal amount and accrued interest to the extent permissible under law.

Effective Date. This resolution is effective upon the date of its approval.

Adopted this 12th day of August, 2013.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

5. Maplewood Mall Park and Ride Expansion, City Project 10-03, Approval of the Interagency Agreement for the Maplewood Mall Transit Center, Park and Ride Expansion

Councilmember Cave moved to approve the Interagency Agreement between the City of Maplewood and the Metropolitan Council for the Maplewood Mall Transit Center, Park and Ride Expansion, located at the northeast corner of the intersection of Beam Avenue and Southlawn Drive; and authorize the Mayor and City Manager to execute the agreement signifying City Council approval. Minor revisions as approved the City Attorney are authorized as needed for interagency agreements.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

6. Approval of a Resolution for Final Payment and Acceptance of Project, Maplewood Mall Sidewalk Improvements, City Project 11-09

Councilmember Cave moved to approve the Resolution for the Maplewood Mall Sidewalk Improvements, City Project 11-09, approving final payment and acceptance of project.

RESOLUTION 13-7-952
APPROVING FINAL PAYMENT AND ACCEPTANCE OF PROJECT
PROJECT 11-09

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 11-09, Maplewood Mall Sidewalk Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, the City Engineer for the City of Maplewood has determined that the Maplewood Mall Sidewalk Improvements, City Project 11-09 is complete and recommends acceptance of the project.

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

- 1 City Project 11-09 is complete and maintenance of these improvements is accepted by the city; and the final construction cost is \$202,368.65. Final payment to Urban Companies, LLC and the release of any retainage or escrow is hereby authorized.

Adopted by the Maplewood City Council on this 12th day of August 2013.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

7. Approval of a Resolution Directing Modification of Existing Construction Contract, Change Order No. 3, TH 36/English Street Interchange Improvements, City Project 09-08

Councilmember Cave moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 3, for the Highway 36/English Street Interchange Improvements, City Project 09-08.

RESOLUTION 13-7-953
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
PROJECT 09-08, CHANGE ORDER NO. 3

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 09-08, Highway 36/English Street Interchange Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 09-08, Change Order No. 3.

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

1. The mayor and city engineer are hereby authorized and directed to modify the existing contract by executing said Change Order No. 3 which is an increase of \$45,552.15.

The revised contract amount is \$16,718,503.40.

Adopted by the Maplewood City Council on this 12th day of August 2013.

Seconded by Councilmember Cave

Ayes – All

The motion passed.

8. Consider Approval of Contract Between the City of Maplewood and ISD 622 for Aquatic Programming Services

Councilmember Cave moved to approve the contract between the City of Maplewood and ISD 622 for aquatic programming services and authorizes the City Manager to execute contract.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

9. Conditional Use Permit Review—Beaver Lake Town Houses, Maryland Avenue and Lakewood Drive

Councilmember Cave moved to approve to review the conditional use permit for the planned unit development for the Beaver Lake Town Houses at Maryland Avenue and Lakewood Drive again in one year or sooner if the owner proposes a major change to the site or to the project plans.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

10. Approval of a Resolution Accepting Donation to the Maplewood Police Reserves

Councilmember Cave moved to approve the resolution accepting the donation of \$400 from the Ramsey County Agricultural Society/Ramsey County Fair to be allocated to the Maplewood Police Reserves for materials and/or training.

RESOLUTION 13-7-954
ACCEPTANCE OF DONATION

WHEREAS the City of Maplewood and the Maplewood Police Reserves have received a donation of \$400 for the purpose of materials and/or training,

NOW, THEREFORE, BE IT RESOLVED that the Maplewood City Council authorizes the City of Maplewood Police Reserves to accept this donation.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

11. Approval for Police Department to Purchase Two License Plate Readers

Councilmember Cave moved to approve the purchase of two license plate readers and authorize the Finance Director to make the necessary budget adjustments.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

12. Approval of a Resolution Directing Modification of Existing Construction Contract, Change Orders with Derau Construction, Police Department Expansion Project – Phase 1

Councilmember Cave moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 3, for the Police Department Expansion Project – Phase 1.

RESOLUTION 13-7-955
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
POLICE DEPARTMENT EXPANSION PROJECT - PHASE 1, CHANGE ORDER NO. 3

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Police Department Expansion Project – Phase 1, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Police Department Expansion Project – Phase 1, Change Order No. 3.

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

1. The Mayor is hereby authorized and directed to modify the existing contract by executing said Change Order No. 3 which is a decrease of \$797.00.

The revised contract amount is \$251,765.00.

Adopted by the Maplewood City Council on this 12th day of August 2013.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

13. Approval of a Resolution Directing Modification of Existing Construction Contract, Change Orders with Weber, Inc., Police Department Expansion Project – Phase 1A

Councilmember Cave moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 1, for the Police Department Expansion Project – Phase 1A.

RESOLUTION 13-7-956
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
POLICE DEPARTMENT EXPANSION PROJECT - PHASE 1A, CHANGE ORDER NO. 1

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Police Department Expansion Project – Phase 1A, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Police Department Expansion Project – Phase 1A, Change Order No. 1.

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

1. The Mayor is hereby authorized and directed to modify the existing contract by executing said Change Order No. 1 which is an increase of \$1,936.51.

The revised contract amount is \$166,936.51.

Adopted by the Maplewood City Council on this 12th day of August 2013.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

14. Approval of a Resolution Directing Modification of Existing Construction Contract, Chance Orders with Weber, Inc., Police Department Expansion Project – Phase 2

Councilmember Cave moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 1, for the Police Department Expansion Project – Phase 2.

RESOLUTION 13-7-957
DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT
POLICE DEPARTMENT EXPANSION PROJECT - PHASE 2, CHANGE ORDER NO. 1

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Police Department Expansion Project – Phase 2, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Police Department Expansion Project – Phase 2, Change Order No. 1.

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

1. The Mayor is hereby authorized and directed to modify the existing contract by executing said Change Order No. 1 which is an increase of \$3,653.72.

The revised contract amount is \$362,653.72.

Adopted by the Maplewood City Council on this 12th day of August 2013.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

15. Clarification of Wording for Leave Provisions in City Manager Contract

Councilmember Cave moved to approve the clarification of leave provisions for the City Manager contract to provide for an accrual rate of 34 days per year.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

H. PUBLIC HEARING

1. **Consider Approving Refinancing Plan for Properties Owned by Dakota Communities, Inc**
 - a. **Resolution Giving Host Approval to the Issuance of Revenue Bonds by the Dakota County Community Development Agency**

City Manager Ahl gave the staff report. Ghazi Akailvi, Chief Financial Officer with Dakota Communities, Inc. addressed the council and gave additional information.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

Councilmember Juenemann moved to approve the Resolution Approving the Issuance of Revenue Bonds by the Dakota County Community Development Agency giving host approval of the Bonds and does not obligate us to any finances.

RESOLUTION 13-7-958

Resolution Approving the Issuance of Revenue Bonds by the
Dakota County Community Development Agency

WHEREAS, the Dakota County Community Development Agency (the "CDA") has received a request that it issue approximately \$3,500,000 of qualified 501(c)(3) revenue bonds (the "Bonds") and to loan the proceeds of the Bonds to Dakota Communities, Inc., a Minnesota 501(c)(3) corporation (the "Borrower") to refinance 31 scattered site properties owned by the Borrower and located in the State of Minnesota, including two properties located in the City of Maplewood, Minnesota (the "City") (the "Project"). The properties to be refinanced are comprised primarily of 4-6 bedroom homes owned and operated by the Borrower as residences to provide support and services for people with intellectual, developmental, and physical disabilities;

WHEREAS, pursuant to Minnesota Statutes, Section 469.152 to 469.1655 (the "Act") the CDA is authorized to issue the Bonds to finance the properties located in the City (the "Maplewood Property") pursuant to an intergovernmental agreement with the City;

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended ("Section 147(f)"), each governmental unit in which facilities to be financed by the Bonds are located must approve the issuance of the Bonds following a public hearing; and

WHEREAS, a public hearing regarding the issuance of the Bonds to refinance the Maplewood Property was held by the City Council on the date hereof following duly published notice, at which hearing all persons that desired to speak were heard.

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

1. The City hereby approves the issuance of the Bonds by the CDA for purposes of the Act and Section 147(f). Notwithstanding such approval, the adoption of this resolution shall not be deemed to establish a legal obligation on the part of the City or the CDA to issue or to cause the issuance of the Bonds. The Bonds, if issued by the CDA, will not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City. The Bonds will be payable solely from said revenues and property of the Borrower specifically pledged to the payment thereof, and will not constitute a debt or pecuniary liability of the City or the CDA within the meaning of any constitutional or statutory limitation.
2. This resolution shall constitute an intergovernmental agreement between the City and the CDA for purposes of Minnesota Statutes 469.155, Subd. 9 without the requirement of any further action by the City or the CDA.
3. The appropriate officers of the City are hereby authorized and directed to execute documents and certificates which are reasonably required by the CDA or its bond counsel to complete the transaction described herein. The execution of any instrument by the appropriate officer or officers of the City shall be conclusive evidence of the approval of such documents in accordance with the terms of this resolution. The City hereby authorizes the CDA to issue the Bonds to finance the Project and to take all actions necessary or desirable in connection therewith, and no further approval or authorization of the City shall be required.

Adopted this 12th day of August, 2013

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

I. UNFINISHED BUSINESS

1. **Approval of a Resolution for a Conditional Use Permit and Design Review, Maplewood Auto Mall, a Used Auto Sales Business at 2529 White Bear Avenue**

City Planner Martin gave the staff report and answered questions of the council. John Lombardozi, property owner of Maplewood Auto Mall addressed and answered questions of the council. James Kuria and Quentin Minkin from Alpha One Motors were present and addressed the council to give additional information regarding parking concerns.

Mayor Rossbach moved to approve the resolution approving a conditional use permit for auto repair, auto detailing, auto rental, used auto sales and auto washing at 2525 and 2529 White Bear Avenue. Approval is based on the findings required by the code and subject to the conditions stated in the resolution.

RESOLUTION 13-7-959 CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, this permit for the Maplewood Auto Center, which was built in 1987, allows auto repair, auto detailing, auto rental, used auto sales and auto washing.

WHEREAS, this permit applies to property located at 2525 and 2529 White Bear Avenue. The legal description is:

SUBJECT TO EASEMENTS: N 280 FEET OF LOT 2 & ALL OF LOT 1 BLOCK 1, MAPLE RIDGE MALL (PIN 11-29-22-22-0040)

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

1. On July 16, 2013, 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 August 12, 2013, 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 façade improvements for the Maplewood Auto Mall (Cooper Motors) used auto sales business shall follow the plans approved by the city. The director of community development 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.

includes a parking waiver for 74 fewer parking spaces than code requires since a) city hall has adequate parking available for its needs, b) there are no new employees proposed that would impact parking needs and, c) many employees have already relocated to 1902 County Road B which opens up several parking spaces at city hall. Approval is subject to the applicant complying with the following conditions:

1. The applicant shall meet all building code and fire code requirements and comply with all requirements as outlined in the engineering report dated July 15, 2013 by Jon Jarosch.
2. The applicant shall plant four trees preferably within the city hall campus if suitable locations can be found. As an alternative, they shall be planted in Maplewood parks, subject to the approval of the director of parks and recreation.
3. Applicant shall work with community development staff to incorporate elements of the adopted City Hall Campus Master Plan into the Police Department additions.
4. A landscaping plan shall be submitted for staff approval detailing landscaping around all mechanical equipment.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Discussion on the Small Kennel License, First Reading of Revision to Small Kennel Ordinance and Waiver of Second Reading

Citizen Services Director/City Clerk Guilfoile gave the staff report and answered questions of the council. City Attorney Kantrud answered additional questions of the council.

The following people spoke:

1. Marilyn Taylor, 1774 McKnight Road North
2. Joseph Browman, 1758 McKnight Road North
3. Gayle Corman, 1782 McKnight Road North
4. Terry Ingleston, 1772 McKnight Road North

Councilmember Cardinal moved to approve the first reading of revisions to the Small Kennel License Ordinance and Waive the Second Reading.

ORDINANCE 930

Sec. 10-218. Application; investigation; grant or denial of license.

~~(b) Consent. The applicant for any license required under this division shall provide with the application the written consent of 75 percent of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the license is being requested or, in the alternative, proof that the applicant's property lines are 150 feet or more from any structure. However, where a street separates the premises for which the license is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within 150 feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager or other person in charge of the building.~~

(b) Consent: Upon receipt of the completed Small Kennel license application, the City Clerk's office will obtain a list of affected properties from GIS identifying properties within 150 feet of the applying property. Certified letters shall be sent to the affected property addresses requesting approval or objection to the Kennel license. Upon written consent of 75 percent of the owners or occupants of privately or publicly owned real estate within 150 feet of the outer boundaries of the premises for which the license is being requested the license shall be forwarded to the Police Department for inspection and final approval. Where a property within 150 feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager or other person in charge of the building is required if the building is renter-occupied, if the building is owner-occupied letters of consent or objection will be sent to each individual home owner for consent or objection.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

K. AWARD OF BIDS

None

L. VISITOR PRESENTATION

1. Bob Zick, North St. Paul Resident
2. John Wykoff, Maplewood Resident

M. ADMINISTRATIVE PRESENTATIONS

1. National Night Out Report

Police Chief Schnell gave the update on the 73 National Night Out sites that were held in the city.

2. Council Calendar Update

City Manager Ahl gave an update to the City Council calendar.

N. COUNCIL PRESENTATIONS

1. Councilmember Cardinal informed the residents about a letter he received regarding the bridge that is being pounded down on Highway 36 between Highway 61 and Edgerton Street. The pounding at the construction site will be occurring 24 hours a day for the next month or so. Michael Thompson added that under State guidelines they can work 24 hours a day. However, MN DOT staff have committed that if there are issues they will try to make adjustments; but if the night work doesn't happen, the project will take longer.

O. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 8:58 p.m.