

**MINUTES**  
**MAPLEWOOD CITY COUNCIL**  
7:00 p.m., Monday, September 9, 2013  
Council Chambers, City Hall  
Meeting No. 16-13

**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.

**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**

N1	Highway 36 Opening
N2	Ramsey/Washington County Cable Franchise Committee Meeting
N3	Clear Channel Billboard
N4	Bruentrup Farm Barn Dance

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Koppen                      Ayes – All

The motion passed.

**E. APPROVAL OF MINUTES**

**1. Approval of August 26, 2013 City Council Meeting Minutes**

Councilmember Cave moved to approve the August 26, 2013 City Council Meeting Minutes as submitted.

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

**F. APPOINTMENTS AND PRESENTATIONS**

**1. Distinguished Budget Award to Finance Staff**

Mayor Rossbach presented the Distinguished Budget Award from the Government Finance Officers Association to the Finance Department Staff. This award is the highest form of

recognition in governmental budgeting and represents a significant achievement by the City of Maplewood Finance Department.

**2. MnDOT I-35E MnPASS Update**

Public Works Director/City Engineer Thompson introduced Ginny Reed from MnDOT. Ginny Reed addressed the council and gave the report and answered questions of the council.

**3. Review of Commission & Board Reappointment Assessments**  
**a. Resolution for Reappointment**

City Manager Ahl gave the staff report.

Councilmember Cardinal moved to approve the Commission and Board Assessments and Reappointment Resolution.

RESOLUTION 13-9-967

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

Hereby appoints the following individuals, who the Maplewood City Council has reviewed, to serve on the following commissions:

**Heritage Preservation Commission:**

Richard Currie, term expires 4/30/2016

**Environmental & Natural Resources Commission**

Ginny Yingling, term expires 9/30/2016

Ann Palzer, term expires 9/30/2016

**Housing & Economic Development Commission**

Jennifer Lewis, term expires 9/30/2016

Joy Tkachuck, term expires 9/30/2016

Mark Jenkins, term expires 9/30/2016

**Police Civil Service Commission**

Debra Birkholz, term expires 12/31/2016

**Planning Commission**

Tushar Desai, term expires 12/31/2016

Bill Kempe, term expires 12/31/2016

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

**4. Appointment to Heritage Preservation Commission**  
**a. Resolution for Appointment**

City Manager Ahl gave the staff report.

Councilmember Cave moved to approve the Resolution for Appointment to the Heritage Preservation Commission.

RESOLUTION 13-9-968

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

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

**Heritage Preservation Commission**

Frank Gilbertson, term expires 4/30/2016

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

**G. CONSENT AGENDA**

Councilmember Juenemann requested agenda item G9 be highlighted.

Councilmember Juenemann moved to approve agenda items G1-G9.

Seconded by Councilmember Koppen                      Ayes – All

The motion passed.

**1. Approval of Claims**

Councilmember Juenemann moved to approve the Approval of Claims.

ACCOUNTS PAYABLE

\$ 628,439.45	Checks # 90545 thru # 90590 dated 08/16/13 thru 08/27/13
\$ 413,288.98	Disbursements via debits to checking account dated 08/19/13 thru 08/23/13
\$ 1,551,826.11	Checks # 90591 thru # 90636 dated 09/03/13
\$ 260,148.07	Disbursements via debits to checking account dated 08/26/13 thru 08/30/13
<hr/>	
\$ 2,853,702.61	Total Accounts Payable

PAYROLL

\$ 527,831.26	Payroll Checks and Direct Deposits dated 08/30/13
\$ 939.44	Payroll Deduction check # 9989512 thru # 9989519 dated 08/30/13

\$ 528,770.70 Total Payroll

\$ 3,382,473.31 GRAND TOTAL

Seconded by Councilmember Koppen Ayes – All

The motion passed.

**2. Approval of Conditional Use Permit Review – The Shores at Lake Phalen, 1870 East Shore Drive**

Councilmember Juenemann moved to extend the approval of the conditional use permit for The Shores at Lake Phalen and review again in one year.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

**3. Approval of Conditional Use Permit Review – Maplewood Toyota, 2873 Maplewood Drive**

Councilmember Juenemann moved to extend the approval of the conditional use permit for Maplewood Toyota and review again in one year.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

**4. Approval for Police Department to Purchase One License Plate Reader**

Councilmember Juenemann moved to approve the purchase of one license plate reader at a cost of \$14,340 and authorize the Finance Director to make the necessary budget adjustments.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

**5. Approval of School Resource Officer Contract With School District 622**

Councilmember Juenemann moved to approve the Contract between the City of Maplewood and North St. Paul-Maplewood-Oakdale School District 622 for School Resource Officer Services and authorize the Finance Director to make the necessary budget adjustments.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

**6. Approval of a Resolution for a Temporary Lawful Gambling Permit for the Good Samaritan Society-Maplewood**





Seconded by Councilmember Koppen

Ayes – All

The motion passed.

## H. PUBLIC HEARING

### 1. Approval of Warehousing in Business Commercial Districts by Conditional Use Permit Ordinance– First Reading

City Planner Martin gave the staff report and answered questions of the council. 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. William Piette, President of U-Haul in Northern Minnesota addressed the council and answered additional questions of the council.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

No action was taken by the council.

### 2. Approval of Green Building Ordinance – First Reading

Assistant Building Official Carver gave the staff report and answered questions of the council.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

Councilmember Juenemann moved to approve the first reading of the proposed green building program ordinance.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

### 3. Approval of Subsurface Sewage Treatment System Ordinance – First Reading

Environmental Planner Finwall gave the staff report. Brian Malm from Bolton and Menk, Inc. addressed the council to give additional information and answered questions of the council. Public Works Director/City Engineer Thompson answered additional questions of the council.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

Councilmember Juenemann moved to approve the first reading of the Subsurface Sewage Treatment System Ordinance.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

**I. UNFINISHED BUSINESS**

None

**J. NEW BUSINESS**

**1. Approval of the Maplewood Residential Recycling Contract**

Environmental Planner Finwall gave the staff report and answered questions of the council.

Councilmember Cave moved to approve the Maplewood Residential Recycling Contract. The Contract extends recycling services by Tennis Sanitation, LLC, for two more years (2014 and 2015) beginning January 1, 2014. Recyclables will continue to be collected curbside in the City's existing recycling bins, with language which will allow the City to convert to recycling carts (either contractor-supplied or City-supplied) at any time during the term of the contract.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

**2. Approval of a Resolution for a Conditional Use Permit Revision and Design Review for a Tennis Court Addition, Hill Murray School, 2625 Larpenteur Avenue**

- a. Planning Commission Report
- b. Community Design Review Board Report
- c. Approval of a Resolution for a Conditional Use Permit Revision
- d. Approval of Design Review

City Planner Martin gave the staff report. Community Design Review Board Commissioner Shankar gave the CDRB report and answered questions of the council.

Councilmember Koppen moved to:

A. Adopt the attached resolution. This resolution approves revisions for the conditional use permit for Hill Murray School and tennis facilities at 2625 Larpenteur Avenue East. The city bases this approval on the findings required by ordinance. Approval is based on the findings required by the code and subject to the following conditions (deletions are crossed out and additions are underlined):

- 1. All construction shall follow the plans date-stamped July 29, 2013 ~~as noted below:~~
  - a. ~~For the athletic fields, follow the plans date-stamped March 6, 1998.~~
  - b. ~~For the school and parking lot addition, follow the plans date-stamped May 19, 1999.~~
  - c. ~~For the chapel addition, follow the plans date-stamped October 1, 2001.~~
  - d. ~~For the field house, follow the plans dated June 28, 2006. These plans shall meet all the conditions and changes required by the city engineering department.~~

The ~~interim~~ director of community development may approve minor changes.

2. The proposed construction for the tennis court complex field house addition must be substantially started within one year of council approval or the permit revision shall end. The council may extend this deadline for one year.
  3. The city council shall review this permit annually to monitor the traffic and parking situations related to the use of the athletic fields.
  4. Any new lights shall be installed to meet the city code. This requires that they be screened or aimed so they do not cause any light-glare problems on streets or residential properties.
  5. Post and maintain signs on the edge of the wetland-protection buffer prohibiting any building, mowing, cutting, filling or dumping within the buffer. Wetland buffer signs in the mowed area shall be placed at the edge of the lawn.
  6. That portion of the proposed walking/running path that is within 50 feet of the wetland shall be built with a pervious material.
  7. Ensure that all bleachers and dugouts are at least 30 feet from the Sterling Street and Larpenteur Avenue right-of-ways.
  8. The city may require the applicant to plant 30 native species of trees for screening between the playing fields and the homes on Knoll Circle, as may be determined at a future hearing on the conditional use permit.
  9. The school shall prepare for city approval a turf management plan for the athletic fields. This plan shall include the mowing, watering and fertilizing practices that the school will follow in the care of their athletic fields and grounds. The school shall prepare and follow the plan so the practices will minimize the impact of the storm water run off on the nearby wetlands.
  10. Submit a grading and drainage plan for watershed district approval to provide sedimentation control at the storm water discharge point before it dumps into the south wetland area.
- B. Approve the project plans date-stamped July 29, 2013, (site plan, landscape plan, grading and drainage plans and elevations) for the tennis court complex addition at Hill Murray School at 2625 Larpenteur Avenue. The city bases this approval on the findings required by the code. The developer or contractor shall do the following:
1. Repeat this review in two years if the city has not issued a building permit for this project.
  2. Complete the following before the city issues a building permit:
    - a. Have the city engineer approve final construction and engineering plans. These plans shall include: grading, utility, drainage, erosion control, tree and sidewalk plans. The plans shall meet all the conditions and changes noted in Jon Jarosch's

memo dated August 1, 2013 and in Ginny Gaynor's memo dated August 6, 2013.

- b. Provide the city with a letter of credit or cash escrow for all required exterior improvements. The amount shall be 150 percent of the cost of the work.
3. Complete the following before occupying the addition:
  - a. Replace property irons that are removed because of this construction.
  - b. Restore and sod damaged turf areas.
  - c. Complete all landscaping for the addition.
  - d. Install and maintain all required trees and landscaping (including the plantings around the pond) and an in-ground sprinkler system for all landscaped areas (code requirement).
4. If any required work is not done, the city may allow temporary occupancy if:
  - a. The city determines that the work is not essential to the public health, safety or welfare.
  - b. The above-required letter of credit or cash escrow is held by the city for all required exterior improvements. The owner or contractor shall complete any unfinished landscaping by June 1 of the next year if the building is occupied in the fall or winter, or within six weeks of occupancy if the building is occupied in the spring or summer.
5. All work shall follow the approved plans. The director of community development may approve minor changes.

RESOLUTION 13-9-970  
CONDITIONAL USE PERMIT REVISION RESOLUTION

WHEREAS, Hill-Murray School requested that the city revise their existing conditional use permit for a school and athletic facilities.

WHEREAS, this permit applies to the property at 2625 Larpenteur Avenue East. The legal description is:

Part of the S ½ of the SE ¼ of S 13, T 29N, R22W, Ramsey County, MN (PIN 13-29-22-43-0002)

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

1. On August 20, 2013 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 persons at the hearing a chance to speak and present written statements. The commission also considered reports and recommendations of the city staff. The planning commission recommended that the city council approve the conditional use permit.

2. On September 9, 2013, the city council discussed the proposed conditional use permit revision. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council approve the above-described conditional use permit revision, 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 based on the findings required by the code and subject to the following conditions (deletions are crossed out and additions are underlined):

1. All construction shall follow the plans date-stamped July 29, 2013 ~~as noted below~~:
  - a. ~~For the athletic fields, follow the plans date-stamped March 6, 1998.~~
  - b. ~~For the school and parking lot addition, follow the plans date-stamped May 19, 1999.~~
  - e. ~~For the chapel addition, follow the plans date-stamped October 1, 2001.~~
  - f. ~~For the field house, follow the plans dated June 28, 2006. These plans shall meet all the conditions and changes required by the city engineering department.~~

The ~~interim~~ director of community development may approve minor changes.

2. The proposed construction for the tennis court complex ~~field house~~ addition must be

substantially started within one year of council approval or the permit revision shall end. The council may extend this deadline for one year.

3. The city council shall review this permit annually to monitor the traffic and parking situations related to the use of the athletic fields.
4. Any new lights shall be installed to meet the city code. This requires that they be screened or aimed so they do not cause any light-glare problems on streets or residential properties.
5. Post and maintain signs on the edge of the wetland-protection buffer prohibiting any building, mowing, cutting, filling or dumping within the buffer. Wetland buffer signs in the mowed area shall be placed at the edge of the lawn.
6. That portion of the proposed walking/running path that is within 50 feet of the wetland shall be built with a pervious material.
7. Ensure that all bleachers and dugouts are at least 30 feet from the Sterling Street and Larpenteur Avenue right-of-ways.
8. The city may require the applicant to plant 30 native species of trees for screening between the playing fields and the homes on Knoll Circle, as may be determined at a future hearing on the conditional use permit.
9. The school shall prepare for city approval a turf management plan for the athletic fields. This plan shall include the mowing, watering and fertilizing practices that the school will follow in the care of their athletic fields and grounds. The school shall prepare and follow the plan so the practices will minimize the impact of the storm water run off on the nearby wetlands.
10. Submit a grading and drainage plan for watershed district approval to provide sedimentation control at the storm water discharge point before it dumps into the south wetland area.

The Maplewood City Council approved this resolution on September 9, 2013.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

- 3. Approval of Design Review and a Parking Waiver for a Research Building, 3M Company, McKnight Road and Conway Avenue**
  - a. Community Design Review Board Report**
  - b. Approval of Design Review**
  - c. Approval of Parking Waiver**

City Planner Martin gave the staff report and answered questions of the council. Community Design Review Board Commissioner Shankar gave the CDRB report and answered questions of the council. Roger Spinner, Project Engineer for 3M addressed the council to give additional information and answered questions of the council.

Councilmember Cave moved to:

- A. Approve the plans date-stamped August 12, 2013, for the proposed 3M Company Research Building. Approval is based on the findings for approval required by ordinance and subject to the developer doing the following:
1. Repeat this review in two years if the applicant has not obtained a building permit by that time. After two years this review must be repeated.
  2. Comply with the requirements in the Engineering Plan Review by Michael Thompson, the Environmental Plan Review by Shann Finwall and those of the Assistant Fire Chief, Building Official and Lieutenant Doblar.
  3. Submit a revised landscape plan for staff approval for additional landscaping along Conway Avenue and McKnight Road.
  4. Before obtaining a building permit, the applicant shall provide an irrevocable letter of credit in the amount of 150 percent of the cost of completing landscaping and other site improvements. This irrevocable letter of credit shall include the following provisions:
    - The letter of credit must clearly indicate that it is an irrevocable letter of credit in the name of the City of Maplewood, payable on demand, to assure compliance with the terms of the developer's agreement.
    - The letter of credit must allow for partial withdrawals as needed to guarantee partial project payments covered under the terms of the letter of credit.
    - The letter of credit shall be for a one-year duration and must have a condition indicating automatic renewal, with notification to the city a minimum of 60 days prior to its expiration.
  5. All landscaped areas shall have a lawn-irrigation system installed, except for those areas proposed to be left natural. The applicant must, however, make sure to use hoses and sprinklers until turf, plant and tree growth is established.
  6. If outdoor trash storage is used in the future, the applicant shall provide a screening enclosure that is compatible in design with the building.
  7. Any proposed signs shall comply with the comprehensive sign plan and shall be submitted for approval by the community design review board.
  8. The applicant must submit a summary of how the site is meeting the city's volume reduction requirements in order to qualify for the 11 percent impervious surface area bonus. The bonus shall be approved by the city engineer based on the installation and maintenance of manmade facilities for reducing stormwater flow or the treatment of runoff for non-point-source water pollutants.
  9. The applicant must submit the following information in order to determine if the site meets the city's tree preservation ordinance:
    - a. Tree inventory which includes all significant trees located on the site (not just the

developed area) and the size and number of significant trees removed with the development.

- b. Planting schedule which shows the tree species, tree size, and number of each species being replaced on the site.

10. All work shall follow the approved plans. Staff may approve minor changes.

11. Submit for staff approval, the color chosen for glass wall and a site plan indicating any visitor parking, if provided.

- B. Approve a parking waiver to allow for 580 surface parking spaces. The parking spaces shall be at least 9.5 feet in width. This is a parking reduction of 1,420 parking spaces (2,000 parking spaces are required per city code).

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

**4. Preliminary Approval of Proposed Tax Levy Payable in 2014 and Setting Budget Public Hearing Date**

Finance Director Bauman presented the staff report and answered questions of the council.

Councilmember Cardinal moved to approve a resolution setting the maximum City tax levy payable for 2014 at 0.0% (\$18,439,130) and setting the date for the Public Hearing on the 2014 Levy and Budget for Monday, December 9, 2013 at 7:00 p.m. as part of the Regular City Council Meeting. This levy combined with the proposed EDA levy of \$89,270 will result in a total levy of \$18,528,400 which is a zero increase over 2013.

The motion failed for lack of a second.

Mayor Rossbach moved to approve the resolution setting the maximum City tax levy payable for 2014 at \$18,809,700 (2%) and setting the date for the Public Hearing on the 2014 Levy and Budget for Monday, December 9, 2013 at 7:00 p.m. as part of the Regular City Council Meeting. This levy combined with the proposed EDA levy of \$89,270 will result in a total levy of \$18,898,970 which is a 2% increase over 2013.

RESOLUTION 13-9-965  
RESOLUTION PROVIDING PRELIMINARY APPROVAL OF A PROPOSED TAX  
LEVY PAYABLE IN 2014  
AND  
SETTING BUDGET PUBLIC HEARING DATE

WHEREAS, State law requires that the City Council give preliminary approval of a proposed tax levy for 2013 payable in 2014 by September 15, 2013 and

WHEREAS, the City Council has reviewed preliminary information on the Proposed 2014 Budget and has determined the amount of the proposed tax levy payable in 2014 which is the maximum amount that will be levied.

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

1. The proposed tax levy for 2013 payable in 2014 in the amount of \$18,809,700 is hereby given preliminary approval and shall be certified to the Ramsey County Auditor.
2. The date for consideration of the final levy and consideration of the 2014 Budget shall be set as Monday, December 9, 2013 at 7:00 pm in the Maplewood City Council Chambers.

Seconded by Councilmember Juenemann

Ayes – Mayor Rossbach, Councilmember Juenemann, Cave, Koppen  
Nays – Councilmember Cardinal

The motion passed.

**K. AWARD OF BIDS**

None

**L. VISITOR PRESENTATION**

1. Mark Bradley, Maplewood Resident
2. Bob Zick, North St. Paul Resident

**M. ADMINISTRATIVE PRESENTATIONS**

**1. Council Calendar Update**

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

**2. Notification of the First Annual Fall Clean Up Campaign**

Assistant City Manager/Community Development Director Coleman gave the staff report.

**3. City Council Meetings**

- a. **Council Manager Workshop – Cancellation of the October 7, 2013 Meeting**
- b. **City Council Meeting – Change of Meeting Date Due to Veteran’s Day Holiday**

Citizen Services Director/City Clerk Guilfoile gave the staff report.

Councilmember Juenemann moved to cancel the October 7, 2014 City Council Manager-Workshop and reschedule the Monday, November 11, 2014 City Council Meeting to Thursday, November 14, 2014.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

**N. COUNCIL PRESENTATIONS**

**1. Highway 36 Opening**

Councilmember Juenemann extended her thanks to everyone that was involved with the planning and construction of the Highway 36 and English Street project.

**2. Ramsey/Washington County Cable Franchise Committee Meeting**

Councilmember Cardinal gave a report on the franchise committee meeting.

**3. Clear Channel Billboard**

Councilmember Cardinal requested a letter be sent to North St. Paul School explaining the city's policy and procedures for the use of the Clear Channel billboards and the dynamic display sign at the Maplewood Community Center.

**4. Bruentrup Farm Barn Dance**

Councilmember Cardinal informed residents that the Bruentrup Farm Barn Dance will be held on Saturday, September 28, 2014 from 6:00 p.m. to 10:00 p.m. There is an admission fee of \$7.00 for adults and \$5.00 for children.

**O. ADJOURNMENT**

Mayor Rossbach adjourned the meeting at 9:28 p.m.