

AGENDA
MAPLEWOOD CITY COUNCIL
7:00 P.M. Monday, October 12, 2015
City Hall, Council Chambers
Meeting No. 19-15

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. Before addressing the council, sign in with the City Clerk. At the podium please state your name and address clearly for the record. All comments/questions shall be posed to the Mayor and Council. The Mayor will then direct staff, as appropriate, to answer questions or respond to comments.”

D. APPROVAL OF AGENDA

E. APPROVAL OF MINUTES

1. Approval of September 28, 2015 City Council Workshop Minutes
2. Approval of September 28, 2015 City Council Meeting Minutes

F. APPOINTMENTS AND PRESENTATIONS

1. Approval of Proclamation for Red Ribbon Week

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 Resolution Accepting 2016 Minnesota State Art Board Learning Grant
3. Approval of a Conditional Use Permit Review – Hill Murray School, 2625 Larpenteur Avenue
4. Approval of a Conditional Use Permit Review, Xcel Substation, 1480 County Road D
5. Approval of a Conditional Use Permit Review, Maplewood Fire Station No. 1, 600 McKnight Road North
6. Approval of Purchase of Single-Axle Plow Truck
7. Approval of Purchase of Bituminous Materials
8. Approval of a Temporary Lawful Gambling – Local Permit for the Church of the Presentation of the Blessed Virgin Mary

H. PUBLIC HEARINGS

1. Bellaire Avenue Improvements (Beam to Lydia), City Project 15-16
 - a. Public Hearing 7:00 pm
 - b. Consider Approval of Resolution Ordering Improvement after Public Hearing (4 votes)

I. UNFINISHED BUSINESS

1. Consider Approval of Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street
 - a. Planned Unit Development Revision
 - b. Public Easement Vacations
 - c. Lot Division
 - d. Design Review
 - e. Development Agreement
2. Consider Approval of 2016 Charitable Gambling Awards
3. Consider Approval of Change to City Code of Ordinances – Second Reading
 - a. Ordinance Adopting the Republication of the City Code of Ordinances
 - b. Ordinance Repealing Chapter 8, Article V Pertaining to Billiard Parlors and Poolrooms Licenses
 - c. Ordinance Repealing Chapter 14, Article XIV Pertaining to Private School Licenses
 - d. Ordinance Repealing Chapter 14, Article XVI Pertaining to Tanning Facilities
 - e. Ordinance Repealing Chapter 42, Article I and Article II Pertaining to Taxi Cab Licenses
4. Consider Approval of an Ordinance Amending Chapter 20, Article IV Pertaining to Fireworks – Second Reading
5. Consider Approval of an Ordinance Amending Chapter 28 – Peddlers, Solicitors and Vendors – Second Reading

J. NEW BUSINESS

1. Consider Approval of an Off-Sale Intoxicating Liquor License for HM Liquor LLC—Maddie’s Liquor, 1690 McKnight Rd N
2. Consider Approval of Resolution Authorizing City Staff to Negotiate Cable Franchise Agreement with Century Link and Schedule Public Hearing
3. Consider Approval of Resolution Authorizing Withdrawal as Member from JPA with Ramsey Washington Suburban Cable Commission

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 OUR COMMUNITY

Following are some rules of civility the City of Maplewood expects of everyone appearing at Council Meetings – elected officials, staff and citizens. It is hoped that by following these simple rules, everyone’s opinions can be heard and understood in a reasonable manner. We appreciate the fact that when appearing at Council meetings, it is understood that everyone will follow these principles: Show respect for each other, actively listen to one another, keep emotions in check and use respectful language

MINUTES
MAPLEWOOD CITY COUNCIL
MANAGER WORKSHOP
 5:30 P.M. Monday, September 28, 2015
 Council Chambers, City Hall

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 5:31 p.m. by Mayor Slawik.

B. ROLL CALL

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

C. APPROVAL OF AGENDA

Councilmember Cardinal moved to approve the agenda as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

D. UNFINISHED BUSINESS

None

E. NEW BUSINESS

1. Follow up on Strategic Plan

Finance Director Bauman and It Director Fowlds gave the staff report.

2. City Attorney Updates (Civil and Prosecution)

City Attorney Alan Kantrud reported on his time spent on civil attorney matters. Police Chief Schnell introduced the prosecution report. City Attorney Elliot Knetsch gave the specifics of the prosecution report.

3. Update on Republication of City Code

City Clerk Haag reported on the specifics of the republication of the City Code.

F. ADJOURNMENT

Mayor Slawik adjourned the meeting at 7:00 p.m.

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, September 28, 2015
Council Chambers, City Hall
Meeting No. 18-15

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:12 p.m. by Mayor Slawik.

Mayor Slawik reported that the City of Maplewood was one of seven organizations to be awarded the Advancing Equity Grant from the St. Paul Foundation. The award amount is \$75,000. Police Chief Schnell provided additional information about the grant.

B. PLEDGE OF ALLEGIANCE

Isabel Dickey, a student from North High School led the council in the pledge of allegiance.

C. ROLL CALL

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

D. APPROVAL OF AGENDA

The following items were added to the agenda:

- N1 Trash Items
- N2 ENR Commission
- N3 VOA Homestead at Maplewood Anniversary
- I2 Motion to Reconsider Conifer Ridge Development
- N4 Red Ribbon Week
- N5 Maplewood K5
- N6 Super Bowl
- N7 Rush Line

Councilmember Cardinal moved to approve the agenda as amended.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of September 14, 2015 City Council Workshop Minutes

Councilmember Cardinal moved to approve the September 14, 2015 City Council Workshop Minutes as submitted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of September 14, 2015 City Council Meeting Minutes

Councilmember Cardinal moved to approve the September 14, 2015 City Council Meeting Minutes as submitted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Update from Ramsey County Sheriff Matt Bostrom

Ramsey County Sheriff Matt Bostrom gave a report on various programs that the Sheriff's Department is involved in and working with other Municipal Departments throughout the County.

2. Approval of Resolution for Commission & Board Reappointments

City Manager Coleman gave the staff report.

Councilmember Juenemann moved to approve the resolution for Commission & Board Reappointments.

Resolution 15-8-1254

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:

Environmental and Natural Resources Commission

Dale Trippler, term expires 9/30/2018

Housing and Economic Development Commission

Dennis Unger, term expires 9/30/2018

Seconded by Councilmember Cardinal Ayes – All

The motion passed.

3. Presentation of Lifesaving Awards to Officer William Sypniewski and Officer Pheng Her

Police Chief Schnell gave the report and presented Officers Sypniewski and Her with the Life

Audrey Duellman
 Meredith Aikens
 Jim Allen
 Sam Anderson
 Theodore Anderson
 Nancy Anderson
 Ahsan Ansari
 Ajla Arnold
 David Bedor
 Jaime Belland
 Al Bierbaum
 Diane Bjorklund
 Donita Bolden
 Michele Booher
 Jeanne Bortz
 Albert Bortz
 Richard Brandon
 Ginny Brandon
 Eugene Bunkowske
 Bernice Bunkowske
 Jeanette Carle
 Fannie Carson
 Justin Carson
 Ann Cleland
 Edward Combe
 Colleen Connolly
 Bonnie Dahl
 Phil DeZelar
 Charlene Dickerson
 Helen Jean Dickson
 Diane Droeger
 Carolyn Eickhoff
 Jeanne Ewald
 Nick Franzen
 Mary Jo Freer
 Mary Katherine Fuller
 Barbara Funk
 Gary Gardner
 Terrence Garvey
 Diane Golaski
 Ane Gravelle
 Barb Gravink
 Jamie Gudknecht
 Dianne Gustafson
 Joyce Haddad
 Michael Hafner
 Joann Hagemo

Vonna Hahn
 Sandra Hahn
 Mary Harder
 Robert Hart
 Barbara Hart
 Jean Heiningner
 Darlene Herber
 Gary Hinnenkamp
 Robert Hulet
 Jeanette Hulet
 Raymond Huth
 Patricia Huth
 Carol Jagoe
 David Jahn
 Gwendolyn Jefferson
 Robert Jensen
 Judith Johannessen
 Cheryl Johnson
 Warren Johnson
 Shirley Jones
 Myrna Kane
 Judy Kiges
 Judy Kipka
 Lois Knutson
 Dennis Kramer
 John Krebsbach
 Elaine Kruse
 Charlotte Lampe
 Tom Layer
 Claudette Leonard
 Sandy Lewis
 Marianne Liptak
 Darlene Loipersbeck
 Jules Loipersbeck
 Claudia Lonetti
 Valerie Mahowald
 Jeri Mahre
 John Manthey
 Thomas Maskrey
 John McCann
 Peggy McCarthy
 Larry McCarthy
 Judy McCauley
 Joan McDonough
 Dorothy Molstad
 Marlene Moreno
 Betty Motz

Frederick Nazarian
 Mary Newcomb
 Ann Norberg
 D. William (Bill)
 O'Brien
 Anita Olson
 Dian Parent
 Laura Paulsen
 Marilyn Peper
 Joseph Plumbo
 Roger Posch
 Steve Putz
 Roy Reichow
 Andrew Reichow
 Rita Renslow
 Vincent Rodriguez
 Warren Sands
 Kathleen Sauer
 Sharon Sawyer
 Cynthia Schluender
 William Schmidt
 Betty Schramel
 Jim Schramel
 James Seitz
 Deborah Seyfer
 Delaney Skaar
 Susan Skaar
 Bob Spangler
 Tim Stafki
 Chris Swanson
 Lori Taylor
 Carol Thomalla
 Dale Trippler
 Jo Trippler
 Micki Tschida
 Carolyn Urbanski
 Holly Urbanski
 Mary Vanek
 Joanne Wagner
 Gayle Wasmundt
 Deborah Weinberg
 Steven Weinberg
 Robert Wiesner
 Cindy Yorkovich
 Helen Zian
 Leroy Zipko

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the first reading of the ordinances and the administrative updates to the code language.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

2. Consider Approval of an Ordinance Amending Chapter 20, Article IV Pertaining to Fireworks - First Reading

City Clerk Haag gave the staff report.

Mayor Slawik opened the public hearing.

No one spoke.

Mayor Slawik closed the public hearing.

Councilmember Abrams moved to approve the first reading of an Ordinance Amending Chapter 20, Article IV Pertaining to Fireworks.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

3. Consider Approval of an Ordinance Amending Chapter 28 - Peddlers, Solicitors and Vendors - First Reading

City Clerk Haag gave the staff report.

Mayor Slawik opened the public hearing.

No one spoke.

Mayor Slawik closed the public hearing.

Councilmember Juenemann moved to approve the first reading of an Ordinance Amending Chapter 28 - Peddlers, Solicitors and Vendors.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

I. UNFINISHED BUSINESS

1. Consider Approval of Amendments to the Ordinance Pertaining to Liquor Served at the Maplewood Community Center – Second Reading

City Clerk gave the staff report.

Councilmember Juenemann moved to approve the second reading of the amended

ordinance pertaining to Intoxicating Liquor served at the Maplewood Community Center.

Ordinance 953

DIVISION 5. - MAPLEWOOD COMMUNITY CENTER

Sec. 6-316 – Sale of wine, 3.2 percent malt liquor and intoxicating liquor.

The City may authorize the holder of an on sale wine, 3.2 percent malt liquor, or intoxicating liquor license issued by the City of Maplewood or a municipality adjacent to the City of Maplewood and will allow the licensee to dispense wine not exceeding 14 percent alcohol by volume, 3.2 percent malt liquor, or intoxicating liquor at any convention, banquet, conference, meeting of social affair conducted on the premises of the Maplewood Community Center.

The sale of wine not exceeding 14 percent by volume, 3.2 percent malt liquor, and intoxicating liquor may be served in the Maplewood Community Center under the following conditions:

- (1) The licensee is engaged to dispense wine, 3.2 percent malt liquor and intoxicating liquor at an event by a person or organization permitted to use the designated room of the Maplewood Community Center.
- (2) Wine, 3.2 percent malt liquor and intoxicating liquor is dispensed only to persons attending the event in the designated room for which the room was rented and such dispensing is done only in the room which was rented.
- (3) The licensee shall serve wine, 3.2 percent malt liquor and intoxicating liquor according to this chapter and other city ordinances.
- (4) The licensee delivers to the city a certificate of insurance providing off-premises liquor liability coverage naming the city, in the amount of statutory limits, as an additional named insured.
- (5) All parties consuming wine, 3.2 percent malt liquor and intoxicating liquor in the Maplewood Community Center shall be required to conform to state liquor laws and all rules and regulations regulating the serving or consumption of wine, 3.2 percent malt liquor or intoxicating liquor as established by the city.
- (6) Wine, 3.2 percent malt liquor and intoxicating liquor may only be served until 12:00 midnight on all evenings, Sunday—Saturday.
- (7) Licensees seeking authorization to dispense wine, 3.2 percent malt liquor, or intoxicating liquor in the Maplewood Community Center shall apply to the city clerk for a per event permit on a form prescribed by the City.
- (8) Whenever it is determined that a specific event for which the licensee will be providing on-sale wine, 3.2 percent malt liquor, or intoxicating liquor requires special or unique conditions, the City Council may

impose such additional conditions. Compliance with these additional conditions shall be a requirement of the permit.

Seconded by Councilmember Cardinal Ayes – All

The motion passed.

2. Motion to Reconsider an item

Councilmember Abrams moved to suspend city council rules regarding the timing of a motion to reconsider.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

Councilmember Abrams gave the report.

Councilmember Abrams moved to reconsider and amend the comprehensive plan for the Conifer Ridge Redevelopment from Medium Density Residential to High Density Residential for the 12.5 acre parcel in Legacy Village.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

J. NEW BUSINESS

1. Review of 2016 Charitable Gambling Requests

The following individuals spoke regarding the needs of their organization:

1. Bob Jensen	1808 Burr Street	Maplewood Area Historical Society
2. Paul Jurgels	1475 Eldridge Avenue	Erickson Merkel Foundation
3. Sabrina Baumgartner	1725 Monastery Way	Tubman
4. Noah Hurley	2927 Walter Street	ISD622 Fusion Drumline
5. Amber Woitalba	2100 Orchard Lane	White Bear Lake YMCA
6. Colleen Monahan	2320 Southcrest Lane	Carver PTO
7. Carmen Snaza	1451 Price Avenue	Weaver Elementary
8. Cathy Seiford	2626 Keller Parkway	North High Robotics
9. Isabel Dickey	6140 Upper 46 th St. N.	North High Northern Lights Show Choir
10. Suzanne Madison	2086 Burr Street	LENA Youth Connect, Inc.
11. Joe Fox	1821 Myrtle Street	Ramsey County Fair

2. Consider Approval of Employee Resignation Agreement (Report Distributed at Meeting)

Assistant City Manager Funk gave the staff report.

Councilmember Abrams moved to approve the Employee Resignation Agreement for Larry Farr.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

K. AWARD OF BIDS

- 1. Consider Approval of Resolution Receiving Bids and Awarding Contract for Bid Package 5C (Classroom Building), East Metro Public Safety Training Center, City Project 09-09**

City Engineer/Public Works Director Thompson gave the staff report

Councilmember Juenemann moved to approve the resolution to award the construction contract to Terra General Contracting, LLC in the amount of \$318,700 for the East Metro Public Safety Training Center, Bid Package 5C – Classroom Building, City Project 09-09.

Resolution 15-8-1259
RECEIVING BIDS AND AWARDING CONTRACT

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Terra General Contractors, LLC in the amount of \$318,700.00, is the lowest responsible bid for construction of the Classroom Building for the East Metro Public Safety Training Center: Bid Package 5C (Classroom Building) – City Project 09-09, and the Mayor and City Manager are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the city.

The Finance Director is hereby authorized to make the financial transfers necessary to implement the financing plan as previously approved by council on August 11, 2014 in the amount of to \$6,193,901.64. A final budget with the increased assessment amount will be brought back to the Council at a future date once all the costs are known.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

L. VISITOR PRESENTATION

None

M. ADMINISTRATIVE PRESENTATIONS

- 1. Council Calendar Update**

City Manager Coleman gave the update to the council calendar.

N. COUNCIL PRESENTATIONS

- 1. Trash Items**

Councilmember Juenemann reminded residents that during the month of October the

City's trash hauler, Republic Services, offers pickup of bulky items for half price.

2. ENR Commission

Councilmember Juenemann reported on the Environmental Natural Resource Commission meeting she attended last week and a new program of Urban Farming that they Commission will be bringing to the City.

3. VOA Homestead at Maplewood Anniversary

Councilmember Abrams reported that the Homestead at Maplewood will be celebrating their 25th Anniversary on Tuesday, September 29th. She then read a proclamation that she will be presenting at the event.

4. Red Ribbon Week

Councilmember Cardinal reminded the public that Red Ribbon Week is October 26th-20th. Red Ribbon Week is a movement to educate youth about drug use and abuse.

Councilmember Cardinal requested Police Chief Schnell to report on the deer harvest and the Hmong involvement.

5. Maplewood 5K

Mayor Slawik reported that the Maplewood 5K was held on Saturday, September 26th and thanked the Parks & Recreation Department for putting it on.

6. Super Bowl

Mayor Slawik reported that the Super Bowl Committee invited all the Mayors in Minnesota to tour the new Vikings Stadium and announced a program for cities called "Fit to Play 52".

7. Rush Line

Mayor Slawik reported that the next meeting for Rush Line will be on Tuesday, September 29th at 5:00 p.m. at the Maplewood Community Center.

O. ADJOURNMENT

Mayor Slawik adjourned the meeting at 8:48 p.m.

MEMORANDUM

TO: City Council

FROM: Melinda Coleman, City Manager

DATE: October 6, 2015

SUBJECT: Approval of Proclamation for Red Ribbon Week

Introduction

The City of Maplewood will demonstrate its commitment to healthy, drug-free lifestyles by proclaiming October 23 – 31 as Red Ribbon Week.

Background

The National Family Partnership organized the first Nationwide Red Ribbon Campaign. NFP provides drug awareness by sponsoring the annual National Red Ribbon Celebration. Since its beginning in 1985, the Red Ribbon has touched the lives of millions of people around the world. In response to the murder of DEA Agent Enrique Camarena, angered parents and youth in communities across the country began wearing Red Ribbons as a symbol of their commitment to raise awareness of the killing and destruction cause by drugs in America.

In honor of Camarena's memory and his battle against illegal drugs, friends and neighbors began to wear red badges of satin. Parents, sick of the destruction of alcohol and other drugs, had begun forming coalitions. Some of these new coalitions took Camarena as their model and embraced his belief that one person can make a difference. These coalitions also adopted the symbol of Camarena's memory, the red ribbon.

In 1988, NFP sponsored the first National Red Ribbon Celebration. Today, the Red Ribbon serves as a catalyst to mobilize communities to educate youth and encourage participation in drug prevention activities. Since that time, the campaign has reached millions of U.S. children and families. The National Family Partnership (NFP) and its network of individuals and organizations continue to deliver

Budget Impact

None.

Recommendation

The City of Maplewood demonstrates its commitment to healthy, drug-free lifestyles by proclaiming October 26th through 30th as Red Ribbon Week.

Red Ribbon Proclamation

Whereas, Alcohol and other drug abuse in this nation has reached epidemic stages; and

Whereas, It is imperative that visible, unified prevention education efforts by community members be launched to eliminate the demand for drugs; and

Whereas, The National Family Partnership is sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles (no use of illegal drugs, no illegal use of legal drugs); and

The National Red Ribbon Campaign will be celebrated in every community in America during "Red Ribbon Week", October 26th through 30th; and

Whereas, Business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations and youth will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week long campaign; and

Whereas, The City of Maplewood further commits its resources to ensure the success of the Red Ribbon Campaign;

Now therefore be it resolved, that the City of Maplewood, does hereby proclaim October 26 – 30, 2015 as RED RIBBON WEEK and encourages its citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug-free community.

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MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Gayle Bauman, Finance Director
DATE: October 7, 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:

\$ 479,236.51	Checks # 95828 thru # 95870 dated 9/22/15 thru 9/29/15
\$ 261,986.32	Disbursements via debits to checking account dated 09/21/15 thru 09/25/15
\$ 602,097.79	Checks #95871 thru #95907 dated 09/30/15 thru 10/06/15
\$ 665,740.09	Disbursements via debits to checking account dated 09/28/15 thru 10/02/15
<u>\$ 2,009,060.71</u>	Total Accounts Payable

PAYROLL

\$ 524,260.48	Payroll Checks and Direct Deposits dated 09/25/15
\$ 1,495.33	Payroll Deduction check # 99101847 thru #99101849 dated 09/25/15
<u>\$ 525,755.81</u>	Total Payroll
<u><u>\$ 2,534,816.52</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

09/24/2015

Check	Date	Vendor	Description	Amount	
95828	09/22/2015	05538	FIREFLIES PLAY ENVIRONMENTS	JOY PARK PROJ	39,650.00
95829	09/29/2015	05114	BOLTON & MENK, INC.	GIS ASSSISTANCE - NEW PROJECTS	2,253.50
95830	09/29/2015	04206	H A KANTRUD	ATTORNEY SERVICES - OCTOBER	8,000.00
95831	09/29/2015	00687	HUGO'S TREE CARE INC	TREE REMOVAL - BEAVER CREEEK	1,250.00
95832	09/29/2015	00985	METROPOLITAN COUNCIL	WASTEWATER - OCTOBER	245,317.42
95833	09/29/2015	01819	PAETEC	LOCAL PHONE SERVICE 08/15 - 09/14	694.30
95834	09/29/2015	05488	SUN LIFE FINANCIAL	PREMIUM - LIFE,LTD,STD - SEPTEMBER	7,476.21
95835	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0371999	629.10
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0264717	518.22
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0371083	439.79
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0264726	330.19
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0264705	217.25
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0328559	212.30
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0380041	104.73
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0395065	91.82
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0373496	74.72
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0349366	72.00
	09/29/2015	05305	TOSHIBA FINANCIAL SERVICES (1)	CONTRACT 500-0264705	61.18
95836	09/29/2015	01803	ZARNOTH BRUSH WORKS, INC.	GUTTER BROOMS FOR SWEEPERS	2,145.00
95837	09/29/2015	01811	BERNATELLO'S PIZZA	MDSE FOR RESALE	153.00
95838	09/29/2015	01974	BLUE CROSS REFUNDS	REFUND TRANS MEDIC PATIENT	2,417.30
95839	09/29/2015	05507	COCA-COLA REFRESHMENTS	MDSE FOR RESALE	616.27
95840	09/29/2015	00420	DOWNTOWNER DETAIL CENTER	DETAIL OLD SQUAD #943 FOR AUCTION	203.48
95841	09/29/2015	00003	ESCROW REFUND	SIGNIFICANCE FINANCIAL 931 CO RD C E	1,000.00
	09/29/2015	00003	ESCROW REFUND	SIGNIFICANCE FINANCIAL 931 CO RD C E	500.00
95842	09/29/2015	00003	ESCROW REFUND	ESCROW HENDERSON 1211 CENTURY	500.00
95843	09/29/2015	05572	GOVERNMENTJOBS.COM,INC.	SOFTWARE UPGRADE HR RECRUITING	8,950.00
95844	09/29/2015	05368	HEALTHEAST VEHICLE SERVICES	AMB REPAIRS	2,057.65
	09/29/2015	05368	HEALTHEAST VEHICLE SERVICES	AMB REPAIRS	331.26
	09/29/2015	05368	HEALTHEAST VEHICLE SERVICES	AMB REPAIRS	77.20
95845	09/29/2015	02263	HILLCREST ANIMAL HOSPITAL PA	BOARDING & DESTRUCTION FEES-AUG	1,313.73
95846	09/29/2015	02506	HUNT ELECTRIC CORP	REPAIR LIGHTING AT GOODRICH PARK	626.83
95847	09/29/2015	04900	LASTING IMPRESSIONS BY AMY LLC	CEILING DRAPING FOR MCC SEPT 19	600.00
95848	09/29/2015	00532	MADDEN GALANTER HANSEN, LLP	HR ATTORNEY FEE ARB & ADMIN - AUG	7,757.73
	09/29/2015	00532	MADDEN GALANTER HANSEN, LLP	HR ATTORNEY FEE LABOR REL-AUG	2,080.00
95849	09/29/2015	00936	MAPLEWOOD AREA	BOOKS - LOST CITY OF GLADSTONE	70.00
95850	09/29/2015	04790	MAYER ARTS, INC.	DANCE INSTRUCTION - YOUTH CLASSES	600.00
95851	09/29/2015	03324	MCGREGOR DESIGN	NATURE CENTER MAIN SIGN	200.00
95852	09/29/2015	01175	CITY OF NORTH ST PAUL	MONTHLY UTILITIES - AUGUST	4,215.63
	09/29/2015	01175	CITY OF NORTH ST PAUL	FIBER OPTIC ACCESS CHG - SEPTEMBER	1,000.00
95853	09/29/2015	05356	NORTH SUBURBAN ACCESS CORP	VIDEOGRAPHER SRVS - AUGUST	961.40
95854	09/29/2015	00001	ONE TIME VENDOR	REFUND WORK COMP TRANS MEDIC	7,024.50
95855	09/29/2015	00001	ONE TIME VENDOR	REFUND J BROWN CLASS CANCELLED	158.00
95856	09/29/2015	00001	ONE TIME VENDOR	REFUND R STEINGRABER TRANS MEDIC	94.89
95857	09/29/2015	00001	ONE TIME VENDOR	REFUND C ROLLAND VOLLEYBALL	62.00
95858	09/29/2015	00001	ONE TIME VENDOR	REFUND LOBO-QUARSTAD VOLLEYBALL	62.00
95859	09/29/2015	00001	ONE TIME VENDOR	REFUND S BASSETT VOLLEYBALL	62.00
95860	09/29/2015	00001	ONE TIME VENDOR	REFUND C DORNSEIF VOLLEYBALL	62.00
95861	09/29/2015	00001	ONE TIME VENDOR	REFUND B HILL VOLLEYBALL	62.00
95862	09/29/2015	00001	ONE TIME VENDOR	REFUND V AMOUZOU LACROSSE	55.00
95863	09/29/2015	00001	ONE TIME VENDOR	REFUND SOWADA & BARNA - PERMIT	53.00
95864	09/29/2015	04276	PARTNERS IN EDUCATION INC	INSTRUCTION FEE 3/26-4/30 EVE PROG	561.00
	09/29/2015	04276	PARTNERS IN EDUCATION INC	INSTRUCTION FEE3/28-5/2 SAT PROG	204.00
95865	09/29/2015	01338	RAMSEY COUNTY-VITAL RECORDS	NOTARY REGISTRATION - S SHEA	20.00
95866	09/29/2015	04578	S & S TREE SPECIALISTS, INC	TREE INSPECTION SERVICES	1,955.00

95867	09/29/2015	02704	ST PAUL HMONG ALLIANCE CHURCH	PARTIAL ESCROW RELEASE	44,749.31
95868	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	776.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	332.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	277.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	235.50
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	128.50
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	113.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	111.50
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	108.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	58.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	39.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	39.00
	09/29/2015	01836	ST PAUL, CITY OF	PRINTING FEES FOR MARKETING	30.00
95869	09/29/2015	05573	TELCOM CONSTRUCTION INC.	FIBER OPTIC INSTALLATION	75,361.10
95870	09/29/2015	01669	TWIN CITIES TRANSPORT &	VEHICLE TOWING	250.00
	09/29/2015	01669	TWIN CITIES TRANSPORT &	VEHICLE TOWING - AMBULANCE	125.00
	09/29/2015	01669	TWIN CITIES TRANSPORT &	VEHICLE TOWING	70.00
	09/29/2015	01669	TWIN CITIES TRANSPORT &	FORFEITED VEHICLE TOWING	70.00
	09/29/2015	01669	TWIN CITIES TRANSPORT &	FORFEITED VEHICLE TOWING	70.00
	09/29/2015	01669	TWIN CITIES TRANSPORT &	JUMP START - AMBULANCE	50.00
					479,236.51

43 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>
9/21/2015	MN State Treasurer	Drivers License/Deputy Registrar	68,431.34
9/21/2015	MN Dept of Revenue	Sales Tax	4,849.00
9/21/2015	MN Dept of Revenue	Fuel Tax	291.56
9/22/2015	MN State Treasurer	Drivers License/Deputy Registrar	41,069.24
9/23/2015	MN State Treasurer	Drivers License/Deputy Registrar	22,487.96
9/23/2015	Delta Dental	Dental Premium	1,315.89
9/24/2015	MN State Treasurer	Drivers License/Deputy Registrar	39,314.64
9/25/2015	MN State Treasurer	Drivers License/Deputy Registrar	33,178.43
9/25/2015	MN Dept of Natural Resources	DNR electronic licenses	502.31
9/25/2015	US Bank VISA One Card*	Purchasing card items	48,383.13
9/25/2015	Optum Health	DCRP & Flex plan payments	2,162.82
			261,986.32

*Detailed listing of VISA purchases is attached.

Transaction Date	Posting Date	Merchant Name	Transaction Amount	Name
09/04/2015	09/07/2015	EL TEQUILA SALSA LLC	\$25.89	PAUL BARTZ
09/04/2015	09/07/2015	KWIK TRIP 69600006965	\$37.73	PAUL BARTZ
09/04/2015	09/07/2015	HEARTYPLATTER700007344	\$18.97	PAUL BARTZ
09/04/2015	09/07/2015	SPEEDWAY 04457 WES	\$36.07	PAUL BARTZ
09/03/2015	09/07/2015	OFFICE DEPOT #1090	\$48.65	REGAN BEGGS
09/04/2015	09/07/2015	OFFICE DEPOT #1079	\$15.19	REGAN BEGGS
09/10/2015	09/14/2015	OFFICE DEPOT #1090	\$112.25	REGAN BEGGS
09/15/2015	09/16/2015	FEDEXOFFICE 00006171	\$46.60	REGAN BEGGS
09/11/2015	09/14/2015	L A POLICE GEAR INC	\$36.25	STANLEY BELDE
09/04/2015	09/07/2015	WWW.ISTOCK.COM	\$220.00	CHAD BERGO
09/08/2015	09/09/2015	HOEFLER & CO.	\$299.00	CHAD BERGO
09/12/2015	09/14/2015	NITE IZE	\$48.22	CHAD BERGO
09/12/2015	09/14/2015	AUDIBLE	\$16.02	CHAD BERGO
09/08/2015	09/10/2015	LAW ENFORCEMENT TARGETS	\$114.41	BRIAN BIERDEMAN
09/11/2015	09/14/2015	RAY ALLEN MANUFACTURING,	\$130.91	BRIAN BIERDEMAN
09/14/2015	09/16/2015	MIDWAYUSA COM	\$259.99	BRIAN BIERDEMAN
09/15/2015	09/17/2015	GLOCKMEISTER	\$44.72	BRIAN BIERDEMAN
09/16/2015	09/16/2015	GALLS	\$456.84	BRIAN BIERDEMAN
09/16/2015	09/18/2015	BROWNELLS INC	\$38.40	BRIAN BIERDEMAN
09/10/2015	09/11/2015	SIXTH CHAMBER USED	\$37.66	OAKLEY BIESANZ
09/10/2015	09/11/2015	MENARDS WEST ST PAUL	\$11.72	OAKLEY BIESANZ
09/17/2015	09/18/2015	TARGET 00000687	\$61.06	OAKLEY BIESANZ
09/12/2015	09/14/2015	EB SHOREVIEW-2012 IEC	\$220.00	JASON BRASH
09/08/2015	09/14/2015	S&S WORLDWIDE-ONLINE	\$38.94	NEIL BRENEMAN
09/11/2015	09/14/2015	SWANK MOTION PICTURES IN	\$376.01	NEIL BRENEMAN
09/14/2015	09/16/2015	ACE HARDWARE & PAINT	\$8.57	NEIL BRENEMAN
09/16/2015	09/17/2015	PARTY CITY #768	\$66.21	NEIL BRENEMAN
09/04/2015	09/07/2015	DIAMOND VOGEL PAINT #807	\$59.00	TROY BRINK
09/09/2015	09/10/2015	VL OAKDALE CONTRAC	\$26.94	TROY BRINK
09/17/2015	09/18/2015	U OF M CCE NONCREDIT	\$75.00	TROY BRINK
09/17/2015	09/18/2015	U OF M CCE NONCREDIT	\$65.00	BRENT BUCKLEY
09/04/2015	09/07/2015	MENARDS OAKDALE	\$22.06	JOHN CAPISTRANT
09/09/2015	09/11/2015	SUNCTRYAIR 3372108802534	\$230.20	NICHOLAS CARVER
09/15/2015	09/16/2015	EB SHOREVIEW-2012 IEC	\$220.00	NICHOLAS CARVER
09/08/2015	09/09/2015	G&K SERVICES AR	\$236.24	SCOTT CHRISTENSON
09/14/2015	09/15/2015	MINNESOTA AIR OAKDALE	\$60.90	SCOTT CHRISTENSON
09/09/2015	09/10/2015	G&K SERVICES AR	\$27.16	CHARLES DEAVER
09/10/2015	09/11/2015	MENARDS OAKDALE	\$1.66	CHARLES DEAVER
09/11/2015	09/14/2015	MENARDS OAKDALE	\$21.07	CHARLES DEAVER
09/15/2015	09/16/2015	UNIFORMS UNLIMITED INC.	\$11.30	JOSEPH DEMULLING
09/03/2015	09/07/2015	CUSTOM REFRIGERATION	\$185.50	TOM DOUGLASS
09/03/2015	09/07/2015	THE HOME DEPOT 2801	\$20.94	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$260.09	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$176.66	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$186.84	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$218.23	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$148.81	TOM DOUGLASS
09/04/2015	09/07/2015	NUCO2 LLC	\$173.76	TOM DOUGLASS
09/08/2015	09/09/2015	G&K SERVICES AR	\$397.92	TOM DOUGLASS
09/11/2015	09/14/2015	HENRIKSEN ACE HARDWARE	\$8.84	TOM DOUGLASS
09/15/2015	09/16/2015	COMMERCIAL POOL & SPA SUP	\$326.00	TOM DOUGLASS
09/16/2015	09/17/2015	THE TRANE COMPANY	\$570.00	TOM DOUGLASS
09/16/2015	09/17/2015	STATE SUPPLY	\$718.13	TOM DOUGLASS
09/16/2015	09/18/2015	CUSTOM REFRIGERATION	\$157.00	TOM DOUGLASS
09/17/2015	09/18/2015	CONTINENTAL RESEARCH COR	(\$11.18)	TOM DOUGLASS
09/17/2015	09/18/2015	WW GRAINGER	\$205.46	TOM DOUGLASS

09/17/2015	09/18/2015	CAN*CANONBUSSOL CBS	\$401.72	JOHN DUCHARME
09/04/2015	09/07/2015	KEEPRS INC 2	\$428.56	MICHAEL DUGAS
09/11/2015	09/14/2015	INTOXIMETERS	\$99.25	MICHAEL DUGAS
09/08/2015	09/09/2015	MIKES LP GAS INC	\$84.94	DOUG EDGE
09/08/2015	09/10/2015	THE HOME DEPOT 2801	\$19.90	DOUG EDGE
09/09/2015	09/10/2015	CVS/PHARMACY #01751	\$39.29	PAUL E EVERSON
09/15/2015	09/16/2015	OREILLY AUTO 00020743	\$13.98	PAUL E EVERSON
09/08/2015	09/09/2015	FLYTEC COMPUTERS INC	\$27.47	MYCHAL FOWLDS
09/10/2015	09/11/2015	AT&T*BILL PAYMENT	\$37.10	MYCHAL FOWLDS
09/10/2015	09/11/2015	IDU*INSIGHT PUBLIC SEC	\$188.36	MYCHAL FOWLDS
09/11/2015	09/14/2015	CBT NUGGETS	\$996.00	MYCHAL FOWLDS
09/15/2015	09/16/2015	IDU*INSIGHT PUBLIC SEC	\$60.90	MYCHAL FOWLDS
09/06/2015	09/07/2015	IDU*INSIGHT PUBLIC SEC	\$1,351.64	NICK FRANZEN
09/12/2015	09/14/2015	IDU*INSIGHT PUBLIC SEC	\$264.32	NICK FRANZEN
09/16/2015	09/17/2015	IDU*INSIGHT PUBLIC SEC	\$53.69	NICK FRANZEN
09/04/2015	09/07/2015	BOSTON MARKET 0440	\$11.45	DEREK FRITZE
09/17/2015	09/18/2015	AMAZON MKTPLACE PMTS	\$53.66	ANTHONY GABRIEL
09/09/2015	09/10/2015	MENARDS MAPLEWOOD	\$199.90	VIRGINIA GAYNOR
09/04/2015	09/07/2015	THE HOME DEPOT 2801	\$20.62	CLARENCE GERVAIS
09/09/2015	09/10/2015	GRANDMAS BAKERY INC	\$17.46	CHRISTINE GIBSON
09/10/2015	09/11/2015	TARGET 00011858	\$107.08	CHRISTINE GIBSON
09/10/2015	09/11/2015	TARGET 00024067	\$103.21	CHRISTINE GIBSON
09/10/2015	09/14/2015	HOMEGOODS #391	\$165.99	CHRISTINE GIBSON
09/10/2015	09/14/2015	HOBBY-LOBBY #563	\$53.40	CHRISTINE GIBSON
09/10/2015	09/14/2015	HOBBY LOBBY #587	\$208.82	CHRISTINE GIBSON
09/11/2015	09/14/2015	TARGET 00021352	\$128.50	CHRISTINE GIBSON
09/14/2015	09/15/2015	GRANDMAS BAKERY INC	\$120.18	CHRISTINE GIBSON
09/14/2015	09/15/2015	BACHMAN'S INC. - MAPLEWO	\$17.11	CHRISTINE GIBSON
09/14/2015	09/16/2015	THE HOME DEPOT 2801	\$94.54	CHRISTINE GIBSON
09/15/2015	09/17/2015	BROADWAY RENTAL	\$225.00	CHRISTINE GIBSON
09/16/2015	09/18/2015	HOMEGOODS #391	(\$42.84)	CHRISTINE GIBSON
09/06/2015	09/07/2015	TARGET 00012443	\$12.99	TIMOTHY HAWKINSON JR.
09/14/2015	09/15/2015	UNIFORMS UNLIMITED INC.	\$15.98	TIMOTHY HAWKINSON JR.
09/15/2015	09/16/2015	MENARDS MAPLEWOOD	\$7.91	TAMARA HAYS
09/11/2015	09/14/2015	BATTERIES PLUS #31	\$6.37	STEVEN HIEBERT
09/17/2015	09/18/2015	HENRIKSEN ACE HARDWARE	\$14.98	GARY HINNENKAMP
09/17/2015	09/18/2015	MILLS FLEET FARM 2700	\$87.31	GARY HINNENKAMP
09/14/2015	09/15/2015	TARGET 00011858	\$32.13	TIMOTHY HOFMEISTER
09/14/2015	09/16/2015	OFFICEMAX/OFFICE DEPOT616	\$32.14	TIMOTHY HOFMEISTER
09/15/2015	09/17/2015	THE HOME DEPOT 2801	\$32.11	TIMOTHY HOFMEISTER
09/12/2015	09/14/2015	KNOWLAN'S MARKET #2	\$23.21	ANN HUTCHINSON
09/09/2015	09/10/2015	DALCO ENTERPRISES, INC	\$44.94	DAVID JAHN
09/10/2015	09/14/2015	THE HOME DEPOT 2801	\$12.38	DAVID JAHN
09/14/2015	09/15/2015	MENARDS MAPLEWOOD	\$17.99	DAVID JAHN
09/15/2015	09/16/2015	DALCO ENTERPRISES, INC	\$422.73	DAVID JAHN
09/03/2015	09/09/2015	EMBASSY ROW HOTEL	(\$688.22)	LOIS KNUTSON
09/12/2015	09/14/2015	SCIENCE MUSEUM OF MN	\$458.00	LOIS KNUTSON
09/12/2015	09/14/2015	CURTIS 1000 INC.	\$104.53	LOIS KNUTSON
09/14/2015	09/16/2015	FIRST SHRED	\$127.60	LOIS KNUTSON
09/14/2015	09/16/2015	BAMBU ASIAN CUISINE	\$92.32	LOIS KNUTSON
09/15/2015	09/15/2015	PANERA BREAD #601305	\$10.80	LOIS KNUTSON
09/04/2015	09/07/2015	JCPENNEY 1874	\$59.00	DAVID KVAM
09/09/2015	09/10/2015	THOMSON WEST*TCD	\$337.49	DAVID KVAM
09/12/2015	09/14/2015	JCPENNEY 2864	(\$15.39)	DAVID KVAM
09/11/2015	09/14/2015	UNIFORMS UNLIMITED INC.	\$23.99	TODD LANGNER
09/09/2015	09/11/2015	ASPEN MILLS INC.	\$445.49	STEVE LUKIN
09/10/2015	09/11/2015	AIRGASS NORTH	\$165.63	STEVE LUKIN
09/10/2015	09/11/2015	AIRGASS NORTH	\$139.71	STEVE LUKIN
09/10/2015	09/11/2015	EMERGENCY AUTOMOTIVE	\$801.85	STEVE LUKIN
09/11/2015	09/14/2015	HARBOR FREIGHT TOOLS 612	\$32.13	STEVE LUKIN

09/11/2015	09/14/2015	MENARDS MAPLEWOOD	\$3.30	STEVE LUKIN
09/13/2015	09/14/2015	COMCAST CABLE COMM	\$173.72	STEVE LUKIN
09/15/2015	09/17/2015	ASPEN MILLS INC.	\$50.50	STEVE LUKIN
09/15/2015	09/17/2015	ASPEN MILLS INC.	\$168.50	STEVE LUKIN
09/17/2015	09/18/2015	U OF M CCE NONCREDIT	\$65.00	BRENT MEISSNER
09/09/2015	09/11/2015	RED WING SHOE #727	\$25.67	MICHAEL MONDOR
09/10/2015	09/14/2015	ARROWWOOD RESORT CONF C	\$255.56	MICHAEL MONDOR
09/13/2015	09/15/2015	SUPERAMERICA 4297	\$39.20	MICHAEL MONDOR
09/14/2015	09/16/2015	BOUND TREE MEDICAL LLC	\$1,233.42	MICHAEL MONDOR
09/16/2015	09/16/2015	STRYKER SALES CRP MED	\$4,418.65	MICHAEL MONDOR
09/17/2015	09/18/2015	CENTER FOR PUBLIC SAFETY	\$650.00	MICHAEL MONDOR
09/08/2015	09/10/2015	DSW	\$79.95	MARIA MULVIHILL
09/15/2015	09/16/2015	FASTENAL COMPANY01	\$195.00	JOHN NAUGHTON
09/17/2015	09/18/2015	FASTENAL COMPANY01	\$410.01	JOHN NAUGHTON
09/17/2015	09/18/2015	HENRIKSEN ACE HARDWARE	\$16.44	RICHARD NORDQUIST
09/08/2015	09/09/2015	UNIFORMS UNLIMITED INC.	\$638.00	MICHAEL NYE
09/11/2015	09/14/2015	BATTERIES PLUS #31	\$230.79	MICHAEL NYE
09/10/2015	09/14/2015	MINNESOTA KARATE SUPPLIES	\$69.63	JAMES PARKER
09/16/2015	09/18/2015	THE HOME DEPOT 2801	\$29.47	ROBERT PETERSON
09/08/2015	09/09/2015	FACTORY MTR PTS #1	\$199.15	STEVEN PRIEM
09/08/2015	09/09/2015	AUTO PLUS LITTLE CANADA	\$32.47	STEVEN PRIEM
09/08/2015	09/10/2015	UNLIMITED SUPPLIES	\$110.03	STEVEN PRIEM
09/09/2015	09/10/2015	AUTO PLUS LITTLE CANADA	\$30.24	STEVEN PRIEM
09/09/2015	09/10/2015	AUTO PLUS LITTLE CANADA	\$5.48	STEVEN PRIEM
09/09/2015	09/10/2015	AUTO PLUS LITTLE CANADA	\$5.18	STEVEN PRIEM
09/09/2015	09/10/2015	AUTO PLUS LITTLE CANADA	\$65.66	STEVEN PRIEM
09/09/2015	09/10/2015	EMERGENCY AUTOMOTIVE	\$76.30	STEVEN PRIEM
09/10/2015	09/11/2015	AN FORD WHITE BEAR LAK	(\$104.58)	STEVEN PRIEM
09/10/2015	09/11/2015	POMP'S TIRE #021	\$232.50	STEVEN PRIEM
09/10/2015	09/11/2015	DELEGARD TOOL COMPANY	\$17.50	STEVEN PRIEM
09/10/2015	09/11/2015	ASPEN EQUIPMENT-BLOOMIN	\$216.20	STEVEN PRIEM
09/10/2015	09/11/2015	AN FORD WHITE BEAR LAK	\$91.22	STEVEN PRIEM
09/10/2015	09/11/2015	POLAR CHEVROLET MAZDA	\$633.50	STEVEN PRIEM
09/10/2015	09/11/2015	WW GRAINGER	\$15.84	STEVEN PRIEM
09/11/2015	09/14/2015	AN FORD WHITE BEAR LAK	\$76.70	STEVEN PRIEM
09/11/2015	09/14/2015	BAUER BUILT TIRE 18	\$449.62	STEVEN PRIEM
09/14/2015	09/15/2015	AN FORD WHITE BEAR LAK	\$123.58	STEVEN PRIEM
09/14/2015	09/15/2015	RESTORATION AND REPAIRS I	\$225.00	STEVEN PRIEM
09/15/2015	09/16/2015	KATH FUEL OFFICE	\$105.96	STEVEN PRIEM
09/15/2015	09/16/2015	FACTORY MTR PTS #1	\$132.35	STEVEN PRIEM
09/15/2015	09/16/2015	AUTO PLUS LITTLE CANADA	\$17.85	STEVEN PRIEM
09/16/2015	09/17/2015	AUTO PLUS LITTLE CANADA	\$84.49	STEVEN PRIEM
09/17/2015	09/18/2015	AUTO PLUS LITTLE CANADA	\$363.80	STEVEN PRIEM
09/03/2015	09/07/2015	PARK SUPPLY OF AMERICA IN	\$740.94	KELLY PRINS
09/08/2015	09/09/2015	MOBILE RADIO ENGINEERIN	\$1,888.50	KELLY PRINS
09/09/2015	09/10/2015	THE WEBSTAUANT STORE	\$78.47	KELLY PRINS
09/14/2015	09/16/2015	THE HOME DEPOT 2801	\$8.97	KELLY PRINS
09/16/2015	09/18/2015	PJPMARKETPLACE COM	\$579.42	KELLY PRINS
09/08/2015	09/09/2015	DALCO ENTERPRISES, INC	\$377.29	MICHAEL REILLY
09/08/2015	09/09/2015	HILLYARD INC MINNEAPOLIS	\$425.03	MICHAEL REILLY
09/15/2015	09/16/2015	HILLYARD INC MINNEAPOLIS	\$942.68	MICHAEL REILLY
09/09/2015	09/09/2015	LES MILLS WEST COAST	\$270.00	LORI RESENDIZ
09/09/2015	09/09/2015	AMAZON MKTPLACE PMTS	\$14.52	LORI RESENDIZ
09/12/2015	09/14/2015	POWDER BLUE PRODUCTIONS	\$24.95	LORI RESENDIZ
09/14/2015	09/15/2015	G&K SERVICES AR	\$106.58	LORI RESENDIZ
09/10/2015	09/11/2015	WILD MOUNTAIN	\$971.25	AUDRA ROBBINS
09/14/2015	09/15/2015	CTC*CONSTANTCONTACT.COM	\$60.00	AUDRA ROBBINS
09/17/2015	09/18/2015	U OF M CCE NONCREDIT	\$65.00	RICK RUIZ
09/10/2015	09/11/2015	ABLE HOSE	\$41.76	ROBERT RUNNING
09/17/2015	09/18/2015	HENRIKSEN ACE HARDWARE	\$12.98	ROBERT RUNNING

09/11/2015	09/14/2015	DISPLAYS2GOCOM	\$50.21	DEB SCHMIDT
09/11/2015	09/14/2015	DISPLAYS2GOCOM	\$49.23	DEB SCHMIDT
09/12/2015	09/14/2015	DISPLAYS2GOCOM	(\$50.21)	DEB SCHMIDT
09/09/2015	09/10/2015	SHERMAN BROTHERS, INC.	\$132.60	PAUL SCHNELL
09/09/2015	09/10/2015	IN *CITIZEN OBSERVER, LLC	\$5,500.00	PAUL SCHNELL
09/09/2015	09/11/2015	DOWNTOWNER CAR WASH	\$15.05	PAUL SCHNELL
09/09/2015	09/11/2015	IACP	\$350.00	PAUL SCHNELL
09/11/2015	09/14/2015	AMERICAN AI 0017680049120	\$176.20	PAUL SCHNELL
09/12/2015	09/14/2015	ONETRAVEL.COM AIR	\$28.00	PAUL SCHNELL
09/17/2015	09/18/2015	IN *ENCOMPASS TELEMATICS,	\$598.00	PAUL SCHNELL
09/09/2015	09/10/2015	G&K SERVICES AR	\$776.11	SCOTT SCHULTZ
09/10/2015	09/14/2015	ON SITE SANITATION INC	\$20.00	SCOTT SCHULTZ
09/14/2015	09/15/2015	REPUBLIC SERVICES TRASH	\$596.55	SCOTT SCHULTZ
09/14/2015	09/16/2015	ON SITE SANITATION INC	\$1,633.00	SCOTT SCHULTZ
09/16/2015	09/18/2015	ON SITE SANITATION INC	\$250.00	SCOTT SCHULTZ
09/17/2015	09/18/2015	MINNESOTA FALL EXPO	\$325.00	SCOTT SCHULTZ
09/09/2015	09/11/2015	OFFICE DEPOT #1090	\$105.68	FAITH SHEPPERD
09/08/2015	09/09/2015	GRAPHIC DESIGN	\$854.00	MICHAEL SHORTREED
09/16/2015	09/17/2015	UNIFORMS UNLIMITED INC.	\$1,440.00	MICHAEL SHORTREED
09/17/2015	09/18/2015	HOLMESSTAMP	\$28.90	ANDREA SINDT
09/11/2015	09/14/2015	MENARDS OAKDALE	\$55.90	CHRISTINE SOUTTER
09/12/2015	09/14/2015	EB SHOREVIEW-2012 IEC	\$220.00	DAVID SWAN
09/04/2015	09/07/2015	REPUBLIC SERVICES TRASH	\$439.70	CHRIS SWANSON
09/10/2015	09/14/2015	UNIFORMS UNLIMITED INC.	\$25.00	WILLIAM SYPNIEWSKI
09/07/2015	09/08/2015	CC MILITARY SURPLU	\$62.96	BRIAN TAUZELL
09/12/2015	09/14/2015	UNIFORMS UNLIMITED INC.	\$98.95	PAUL THIENES

\$48,383.13

Check Register
City of Maplewood

10/02/2015

Check	Date	Vendor	Description	Amount	
95871	09/30/2015	05575	FOWLER LAW FIRM	SETTLEMENT AGREEMENT FEES	10,000.00
95872	09/30/2015	03580	LARRY FARR	SETTLEMENT AGREEMENT	88,256.14
95873	10/06/2015	04508	BETWEEN THE LINES	UMPIRE FEE AUG-SEPT ADULT SBALL	5,697.50
95874	10/06/2015	02149	HEIDI CAREY	MARKETING & ADVERTISING - SEPT	4,000.00
95875	10/06/2015	01973	ERICKSON OIL PRODUCTS INC	CAR WASHES AT FREEDOM - AUG	22.40
95876	10/06/2015	02728	KIMLEY-HORN & ASSOCIATES INC	PROJ 14-01 PROF SRVS THRU 08/31	6,321.32
95877	10/06/2015	04316	CITY OF MINNEAPOLIS RECEIVABLES	AUTO PAWN SYSTEM - AUGUST	748.80
95878	10/06/2015	01202	NYSTROM PUBLISHING CO INC	PARKS & REC BROCHURE - FALL	14,149.62
	10/06/2015	01202	NYSTROM PUBLISHING CO INC	MAPLEWOOD LIVING,SEASONS-SEPT	9,420.38
95879	10/06/2015	01337	RAMSEY COUNTY-PROP REC & REV	2015 VOTING SYSTEM	3,201.75
	10/06/2015	01337	RAMSEY COUNTY-PROP REC & REV	2ND HALF POPERTY TAXES 2100 WBA	1,185.00
95880	10/06/2015	01409	S E H	PROJ 09-09 E METRO REG FIRE TRAINING	18,962.52
	10/06/2015	01409	S E H	PROJ 15-14 CONIFER RIDGE-TRAFFIC SVC	1,095.68
	10/06/2015	01409	S E H	PROJ 11-19 FLOOD RESPONSE 2011 PH1	276.51
95881	10/06/2015	01546	SUBURBAN SPORTSWEAR	YOUTH VOLLEYBALL SHIRTS	796.25
95882	10/06/2015	04845	TENNIS SANITATION LLC	RECYCLING FEE - AUGUST	38,939.25
	10/06/2015	04845	TENNIS SANITATION LLC	RECYCLING FEE - SEPTEMBER	38,939.25
95883	10/06/2015	01190	XCEL ENERGY	ELECTRIC & GAS UTILITY	19,380.62
	10/06/2015	01190	XCEL ENERGY	ELECTRIC & GAS UTILITY	8,430.33
95884	10/06/2015	01190	XCEL ENERGY	PROJ 14-02 OVERHEAD SRVS 1594 B	51.53
95885	10/06/2015	00221	BROCK WHITE COMPANY, LLC.	CRACK SEALING MATERIALS	1,552.38
	10/06/2015	00221	BROCK WHITE COMPANY, LLC.	CRACK SEALING MATERIALS	286.15
	10/06/2015	00221	BROCK WHITE COMPANY, LLC.	CRACK SEALING MATERIALS	181.26
	10/06/2015	00221	BROCK WHITE COMPANY, LLC.	DETACK FOR CRACK SEALING	157.38
95886	10/06/2015	05369	CINTAS CORPORATION #470	ULTRA CLEAN SERVICE - CITY HALL	462.53
	10/06/2015	05369	CINTAS CORPORATION #470	CLEANING SUPPLIES - CITY HALL	124.98
95887	10/06/2015	00309	COMMISSIONER OF TRANSPORTATION	PROJ 14-02 CONCRETE PLAN INSPECTION	176.03
95888	10/06/2015	00420	DOWNTOWNER DETAIL CENTER	TAX WAS NOT INCLUDED BUT DEDUCTED	15.51
	10/06/2015	00420	DOWNTOWNER DETAIL CENTER	TAX WAS NOT INCLUDED BUT DEDUCTED	14.80
95889	10/06/2015	05283	EMERGENCY RESPONSE SOLUTIONS	CHEMGUARD CLASS A PLUS	255.00
95890	10/06/2015	00531	FRA-DOR INC.	BLACK DIRT - STORM RESTORATION	84.00
95891	10/06/2015	04399	PHENG HER	SECURITY OFFICER FOR MCC 9-26	280.00
95892	10/06/2015	04900	LASTING IMPRESSIONS BY AMY LLC	CEILING DRAPING FOR MCC SEPT 26	700.00
95893	10/06/2015	00891	M A M A	LUNCHEON MEETING M COLEMAN	20.00
	10/06/2015	00891	M A M A	LUNCHEON MEETING M FUNK	20.00
95894	10/06/2015	00942	MARSDEN BLDG MAINTENANCE CO	JANITORIAL SERVICES - OCTOBER	2,776.00
95895	10/06/2015	04318	MILLER EXCAVATING, INC.	FILL DISPOSAL	24.57
95896	10/06/2015	04373	MN NATIVE LANDSCAPES	WEED CONTROL HWY 36 BERM	1,775.00
95897	10/06/2015	00001	ONE TIME VENDOR	REFUND A BUTTA BANQUET ROOM	800.00
95898	10/06/2015	02903	PARK CONSTRUCTION CO	PROJ 14-02 CO RD B TRAIL PMT#3	162,529.38
95899	10/06/2015	01383	ROSEVILLE AREA SCHOOLS	SHARED FACILITY COST OF EDGERTON	25,280.00
95900	10/06/2015	01418	SAM'S CLUB DIRECT	CONCESSIONS	332.22
	10/06/2015	01418	SAM'S CLUB DIRECT	MDSE FOR RESALE	215.00
	10/06/2015	01418	SAM'S CLUB DIRECT	DAYCAMP SUPPLIES	131.09
	10/06/2015	01418	SAM'S CLUB DIRECT	MDSE FOR RESALE	47.96
95901	10/06/2015	00198	ST PAUL REGIONAL WATER SRVS	WATER UTILITY	5,967.69
95902	10/06/2015	05574	STREET SMART RENTAL	TRAFFIC SAFETY MESSAGE BOARD	7,340.00
95903	10/06/2015	05320	SUN BADGE CO	POLICE DEPT BADGES/POCKET HOLDERS	3,047.46
95904	10/06/2015	00013	TREE REBATE	REIMB M FRAMPTON - TREE REBATE	100.00
95905	10/06/2015	00063	VERIZON WIRELESS	MONTHLY PMT 08/17 - 09/16	7,500.30
95906	10/06/2015	05349	WHP TRAININGTOWERS	PROJ 09-09 THERMAL LINE & INSTALL	108,553.00
95907	10/06/2015	05013	YALE MECHANICAL LLC	SUMMER HVAC MAINT/REPAIR - PW	967.75
	10/06/2015	05013	YALE MECHANICAL LLC	POOL MAINT - MCC - AUG	256.75
95907	10/06/2015	05013	YALE MECHANICAL LLC	SUMMER HVAC MAINT/REPAIR - PARK MAI	248.75

37 Checks in this report.

602,097.79

CITY OF MAPLEWOOD
Disbursements via Debits to Checking account

Settlement			
<u>Date</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
9/28/2015	MN State Treasurer	Drivers License/Deputy Registrar	27,413.46
9/28/2015	U.S. Treasurer	Federal Payroll Tax	98,381.29
9/28/2015	P.E.R.A.	P.E.R.A.	101,673.43
9/28/2015	Empower - State Plan	Deferred Compensation	30,733.00
9/29/2015	MN State Treasurer	Drivers License/Deputy Registrar	34,849.11
9/29/2015	MN State Treasurer	State Payroll Tax	20,178.28
9/29/2015	MidAmerica	HRA Flex plan	13,916.74
9/29/2015	Labor Unions	Union Dues	3,712.46
9/29/2015	ICMA (Vantagepointe)	Deferred Compensation	3,885.00
9/30/2015	MN State Treasurer	Drivers License/Deputy Registrar	50,272.22
9/30/2015	Delta Dental	Dental Premium	838.85
10/1/2015	MN State Treasurer	Drivers License/Deputy Registrar	79,218.60
10/1/2015	US Bank Merchant Services	Credit Card Billing fee	79.94
10/1/2015	US Bank	Debt Service payments	136,512.50
10/2/2015	MN State Treasurer	Drivers License/Deputy Registrar	63,035.56
10/2/2015	Optum Health	DCRP & Flex plan payments	741.65
10/2/2015	MN Dept of Natural Resources	DNR electronic licenses	248.00
10/2/2015	Pitney Bowes	Postage	50.00
			665,740.09

CITY OF MAPLEWOOD
EMPLOYEE GROSS EARNINGS REPORT
FOR THE CURRENT PAY PERIOD

<u>CHECK #</u>	<u>CHECK DATE</u>	<u>EMPLOYEE NAME</u>	<u>AMOUNT</u>	<u>Exp Reimb, Severance, Conversion incl in Amount</u>
	09/25/15	ABRAMS, MARYLEE	430.99	
	09/25/15	CARDINAL, ROBERT	430.99	
	09/25/15	JUENEMANN, KATHLEEN	430.99	
	09/25/15	KOPPEN, MARVIN	430.99	
	09/25/15	SLAWIK, NORA	489.68	
	09/25/15	COLEMAN, MELINDA	5,425.56	
	09/25/15	FUNK, MICHAEL	4,679.30	
	09/25/15	KNUTSON, LOIS	2,503.61	
	09/25/15	CHRISTENSON, SCOTT	2,494.09	
	09/25/15	JAHN, DAVID	1,978.22	
	09/25/15	BURLINGAME, SARAH	2,380.50	
	09/25/15	KNUTSON, ALEC	456.00	
	09/25/15	RAMEAUX, THERESE	3,283.59	
	09/25/15	BAUMAN, GAYLE	4,977.29	
	09/25/15	OSWALD, BRENDA	2,079.05	
	09/25/15	ANDERSON, CAROLE	1,279.12	
	09/25/15	DEBILZAN, JUDY	2,257.97	
	09/25/15	RUEB, JOSEPH	3,180.20	
	09/25/15	ARNOLD, AJLA	1,921.50	
	09/25/15	BEGGS, REGAN	1,803.22	
	09/25/15	HAAG, KAREN	4,660.99	
	09/25/15	LO, CHING	855.20	
	09/25/15	SCHMIDT, DEBORAH	3,248.90	
	09/25/15	SPANGLER, EDNA	1,015.50	
	09/25/15	CRAWFORD, LEIGH	1,942.77	
	09/25/15	LARSON, MICHELLE	2,020.40	
	09/25/15	MECHELKE, SHERRIE	1,212.22	
	09/25/15	MOY, PAMELA	1,616.30	
	09/25/15	OSTER, ANDREA	2,027.02	
	09/25/15	RICHTER, CHARLENE	857.74	
	09/25/15	VITT, SANDRA	1,190.98	
	09/25/15	WEAVER, KRISTINE	2,507.41	
	09/25/15	CORCORAN, THERESA	2,022.59	
	09/25/15	KVAM, DAVID	3,912.62	
	09/25/15	SCHNELL, PAUL	5,196.61	
	09/25/15	SHEA, STEPHANIE	1,593.17	
	09/25/15	SHEPPERD, FAITH	2,003.88	
	09/25/15	SHORTREED, MICHAEL	4,379.47	
	09/25/15	WYLIE, TAMMY	432.20	
	09/25/15	ABEL, CLINT	3,297.74	
	09/25/15	ALDRIDGE, MARK	3,552.58	
	09/25/15	BAKKE, LONN	3,357.32	
	09/25/15	BARTZ, PAUL	3,739.35	
	09/25/15	BELDE, STANLEY	3,491.81	
	09/25/15	BENJAMIN, MARKESE	3,739.44	69.99
	09/25/15	BIERDEMAN, BRIAN	4,571.04	
	09/25/15	BUSACK, DANIEL	4,002.89	
	09/25/15	CARNES, JOHN	3,006.18	
	09/25/15	CROTTY, KERRY	3,986.41	
	09/25/15	DEMULLING, JOSEPH	3,862.02	
	09/25/15	DUGAS, MICHAEL	4,151.91	
	09/25/15	ERICKSON, VIRGINIA	3,385.94	

09/25/15	FISHER, CASSANDRA	1,540.01
09/25/15	FORSYTHE, MARCUS	3,106.15
09/25/15	FRITZE, DEREK	3,237.49
09/25/15	GABRIEL, ANTHONY	3,499.94
09/25/15	HAWKINSON JR, TIMOTHY	3,405.76
09/25/15	HER, PHENG	3,520.79
09/25/15	HIEBERT, STEVEN	3,385.94
09/25/15	HOEMKE, MICHAEL	2,999.03
09/25/15	HOFMEISTER, TIMOTHY	496.00
09/25/15	JAMES JR, JUSTIN	551.00
09/25/15	JASKOWIAK, AMANDA	240.00
09/25/15	JOHNSON, KEVIN	4,025.94
09/25/15	KONG, TOMMY	3,937.17
09/25/15	KREKELER, NICHOLAS	1,109.72
09/25/15	KROLL, BRETT	3,365.03
09/25/15	LANGNER, SCOTT	3,129.33
09/25/15	LANGNER, TODD	3,368.09
09/25/15	LYNCH, KATHERINE	3,004.33
09/25/15	MARINO, JASON	4,052.13
09/25/15	MCCARTY, GLEN	3,462.41
09/25/15	METRY, ALESIA	3,979.81
09/25/15	MICHELETTI, BRIAN	2,862.99
09/25/15	MULVIHILL, MARIA	2,650.40
09/25/15	NYE, MICHAEL	4,221.51
09/25/15	OLDING, PARKER	2,636.45
09/25/15	OLSON, JULIE	3,244.68
09/25/15	PARKER, JAMES	3,004.33
09/25/15	PATRAW, AMY	116.00
09/25/15	PETERSON, JARED	2,189.78
09/25/15	REZNY, BRADLEY	3,614.07
09/25/15	SCHOEN, ZACHARY	2,476.22
09/25/15	SLATER, BENJAMIN	238.70
09/25/15	STEINER, JOSEPH	3,633.69
09/25/15	SYPNIEWSKI, WILLIAM	3,660.03
09/25/15	TAUZELL, BRIAN	3,225.67
09/25/15	THEISEN, PAUL	3,300.09
09/25/15	THIENES, PAUL	3,949.65
09/25/15	VANG, PAM	2,154.67
09/25/15	WENZEL, JAY	3,432.32
09/25/15	XIONG, KAO	3,167.78
09/25/15	ZAPPA, ANDREW	2,275.94
09/25/15	ANDERSON, BRIAN	347.25
09/25/15	BAHL, DAVID	466.00
09/25/15	BASSETT, BRENT	308.66
09/25/15	BAUMAN, ANDREW	3,435.81
09/25/15	BEITLER, NATHAN	321.52
09/25/15	BOURQUIN, RON	857.50
09/25/15	CAPISTRANT, JACOB	154.33
09/25/15	CAPISTRANT, JOHN	352.50
09/25/15	COREY, ROBERT	428.42
09/25/15	CRAWFORD - JR, RAYMOND	3,426.99
09/25/15	CRUMMY, CHARLES	411.52
09/25/15	DABRUZZI, THOMAS	3,154.44
09/25/15	DAWSON, RICHARD	4,555.58
09/25/15	EVERSON, PAUL	4,332.22
09/25/15	HAGEN, MICHAEL	360.08
09/25/15	HALE, JOSEPH	585.00
09/25/15	HALWEG, JODI	4,032.74
09/25/15	HAWTHORNE, ROCHELLE	3,531.05
09/25/15	HUTCHINSON, JAMES	588.50
09/25/15	IMM, TRACY	550.42
09/25/15	JANSEN, CHAD	154.33
09/25/15	KANE, ROBERT	720.00

09/25/15	KARRAS, JAMIE	514.43	
09/25/15	KERSKA, JOSEPH	1,115.52	
09/25/15	KONDER, RONALD	646.16	
09/25/15	KUBAT, ERIC	3,565.09	
09/25/15	LINDER, TIMOTHY	3,724.29	
09/25/15	LOCHEN, MICHAEL	480.22	
09/25/15	MERKATORIS, BRETT	411.53	
09/25/15	MONDOR, MICHAEL	3,958.19	
09/25/15	MONSON, PETER	154.32	
09/25/15	MORGAN, JEFFERY	83.59	
09/25/15	NEILY, STEVEN	453.25	
09/25/15	NIELSEN, KENNETH	405.00	
09/25/15	NOVAK, JEROME	4,069.94	
09/25/15	NOWICKI, PAUL	192.92	
09/25/15	OLSON, JAMES	4,525.30	
09/25/15	OPHEIM, JOHN	270.00	
09/25/15	PACHECO, ALPHONSE	257.22	
09/25/15	PARROW, JOSHUA	102.89	
09/25/15	PETERSON, MARK	487.75	
09/25/15	PETERSON, ROBERT	3,629.06	
09/25/15	POWERS, KENNETH	835.94	
09/25/15	RANGEL, DERRICK	186.48	
09/25/15	RANK, PAUL	617.32	
09/25/15	RICE, CHRISTOPHER	25.72	
09/25/15	RODDY, BRETT	308.64	
09/25/15	RODRIGUEZ, ROBERTO	308.64	
09/25/15	SEDLACEK, JEFFREY	3,531.65	29.38
09/25/15	STREFF, MICHAEL	3,833.81	
09/25/15	SVENDSEN, RONALD	4,121.06	
09/25/15	GERVAIS-JR, CLARENCE	4,239.86	
09/25/15	LUKIN, STEVEN	4,966.94	
09/25/15	ZWIEG, SUSAN	1,238.02	
09/25/15	CORTESI, LUANNE	1,899.59	
09/25/15	SINDT, ANDREA	2,654.60	
09/25/15	BRINK, TROY	2,532.67	
09/25/15	BUCKLEY, BRENT	2,523.23	
09/25/15	DEBILZAN, THOMAS	2,302.50	
09/25/15	EDGE, DOUGLAS	2,272.12	
09/25/15	JONES, DONALD	2,302.49	
09/25/15	MEISSNER, BRENT	2,300.27	
09/25/15	NAGEL, BRYAN	3,803.10	
09/25/15	OSWALD, ERICK	2,364.52	
09/25/15	RUIZ, RICARDO	1,902.67	
09/25/15	RUNNING, ROBERT	2,532.67	
09/25/15	TEVLIN, TODD	2,300.27	
09/25/15	BURLINGAME, NATHAN	2,463.21	
09/25/15	DUCHARME, JOHN	2,915.02	
09/25/15	ENGSTROM, ANDREW	2,935.90	
09/25/15	JAROSCH, JONATHAN	3,287.58	
09/25/15	LINDBLOM, RANDAL	2,915.03	
09/25/15	LOVE, STEVEN	3,929.36	
09/25/15	THOMPSON, MICHAEL	4,952.44	
09/25/15	ZIEMAN, SCOTT	136.00	
09/25/15	JANASZAK, MEGHAN	1,985.97	
09/25/15	KONEWKO, DUWAYNE	4,722.81	
09/25/15	HAMRE, MILES	1,852.00	
09/25/15	HAYS, TAMARA	1,902.67	
09/25/15	HINNENKAMP, GARY	2,509.60	
09/25/15	NAUGHTON, JOHN	2,300.27	
09/25/15	NORDQUIST, RICHARD	2,287.20	
09/25/15	ORE, JORDAN	2,005.72	
09/25/15	BIESANZ, OAKLEY	2,143.52	
09/25/15	DEAVER, CHARLES	934.72	51.41

09/25/15	GERNES, CAROLE	1,032.55
09/25/15	HAYMAN, JANET	1,443.93
09/25/15	HUTCHINSON, ANN	2,845.81
09/25/15	SOUTTER, CHRISTINE	223.14
09/25/15	WACHAL, KAREN	1,108.56
09/25/15	GAYNOR, VIRGINIA	3,478.53
09/25/15	HOIER, KARA	871.46
09/25/15	JOHNSON, ELIZABETH	1,624.39
09/25/15	KROLL, LISA	2,193.82
09/25/15	FINWALL, SHANN	3,518.07
09/25/15	LORENZ, DANIELA	420.00
09/25/15	MARTIN, MICHAEL	3,338.93
09/25/15	BRASH, JASON	2,855.88
09/25/15	CARVER, NICHOLAS	4,473.03
09/25/15	SWAN, DAVID	2,939.57
09/25/15	SWANSON, CHRIS	1,951.57
09/25/15	WEIDNER, JAMES	1,584.00
09/25/15	WELLENS, MOLLY	2,281.02
09/25/15	BRENEMAN, NEIL	2,533.34
09/25/15	DIEZ, ANTONIO	15.00
09/25/15	GORACKI, GERALD	47.50
09/25/15	GUENTHER, THOMAS	702.00
09/25/15	JACOBS, ROCHELLE	153.75
09/25/15	MOUA, CHEE	30.00
09/25/15	ROBBINS, AUDRA	3,570.21
09/25/15	TAYLOR, JAMES	3,400.88
09/25/15	VUKICH, CANDACE	365.00
09/25/15	ZILLEY, MATTHEW	45.00
09/25/15	ADAMS, DAVID	2,185.60
09/25/15	HAAG, MARK	3,092.63
09/25/15	JENSEN, JOSEPH	1,815.47
09/25/15	SCHULTZ, SCOTT	3,856.84
09/25/15	WILBER, JEFFREY	1,909.45
09/25/15	BARAHONA, FREYA	339.75
09/25/15	CRANDALL, KRISTA	42.53
09/25/15	DIONNE, ANN	427.88
09/25/15	EVANS, CHRISTINE	2,049.31
09/25/15	GIBSON, CHRISTINE	2,181.75
09/25/15	HOFMEISTER, MARY	1,190.22
09/25/15	KRECH, TRAVIS	189.00
09/25/15	KUHN, MATTHEW	306.00
09/25/15	O'CONNOR, TERRINA	525.63
09/25/15	RUZICHKA, JANICE	222.50
09/25/15	SKRYPEK, JOSHUA	330.76
09/25/15	SMITH, CORTNEY	300.00
09/25/15	ST SAUVER, CRAIG	493.50
09/25/15	WISTL, MOLLY	248.13
09/25/15	BAUDE, SARAH	42.19
09/25/15	BEAR, AMANDA	131.25
09/25/15	BUTLER, ANGELA	36.50
09/25/15	DEMPSEY, BETH	369.78
09/25/15	ERICKSON-CLARK, CAROL	37.50
09/25/15	GRUENHAGEN, LINDA	283.08
09/25/15	GUSTAFSON, BRENDA	23.00
09/25/15	HAASCH, ANGELA	85.50
09/25/15	HOLMBERG, LADONNA	97.38
09/25/15	JOHNSON, BARBARA	330.33
09/25/15	LAMSON, ELIANA	27.38
09/25/15	MCKILLOP, AMANDA	185.26
09/25/15	MUSKAT, JULIE	104.96
09/25/15	NITZ, CARA	413.66
09/25/15	OHS, CYNTHIA	151.13
09/25/15	RANEY, COURTNEY	920.02

	09/25/15	RESENDIZ, LORI	2,809.47	
	09/25/15	RICHTER, DANIEL	95.75	
	09/25/15	ROLLERSON, TERRANCE	15.19	
	09/25/15	SCHERER, KATHLENE	119.95	
	09/25/15	SCHREIER, ROSEMARIE	219.52	
	09/25/15	SMITH, ANN	140.40	
	09/25/15	SMITH, JEROME	73.63	
	09/25/15	SMITLEY, SHARON	228.81	
	09/25/15	THOMPSON, SARA	53.43	
	09/25/15	TREPANIER, TODD	209.26	
	09/25/15	TRUONG, CHAU	42.00	
	09/25/15	TUPY, MARCUS	72.00	
	09/25/15	WAGNER, JODY	252.00	
	09/25/15	WAKEM, CAITLYN	90.00	
	09/25/15	YANG, JUDY	154.00	
	09/25/15	BILJAN, MERANDA	144.00	
	09/25/15	BOSLEY, CAROL	128.25	
	09/25/15	BUTLER-MILLER, JADE	54.00	
	09/25/15	CHRISTAL, JENNIFER	20.00	
	09/25/15	ELLISON, LELIA	121.50	
	09/25/15	FRANZMEIER, EILEEN	86.75	
	09/25/15	LANGER, CHELSEA	54.63	
	09/25/15	MOSLOSKI, JESSICA	85.50	
	09/25/15	AUSTIN, CATHERINE	207.00	
	09/25/15	CRAWFORD, SHAWN	500.00	
	09/25/15	CRAYNE, WILLIAM	146.25	
	09/25/15	DOUGLASS, TOM	2,066.27	
	09/25/15	DUNKEL, TYLER	153.00	
	09/25/15	HEINTZ, JOSHUA	108.00	
	09/25/15	KRECH, ELAINE	739.20	
	09/25/15	MAIDMENT, COLIN	714.92	
	09/25/15	MALONEY, SHAUNA	76.50	
	09/25/15	PRINS, KELLY	2,003.88	
	09/25/15	REILLY, MICHAEL	2,059.39	
	09/25/15	STEFFEN, MICHAEL	81.00	
	09/25/15	COUNTRYMAN, BRENDA	1,232.50	
	09/25/15	PRIEM, STEVEN	2,585.69	
	09/25/15	WOEHRLE, MATTHEW	2,371.11	
	09/25/15	XIONG, BOON	1,665.07	
	09/25/15	BERGO, CHAD	2,907.76	
	09/25/15	FOWLDS, MYCHAL	4,096.38	
	09/25/15	FRANZEN, NICHOLAS	3,668.51	455.95
99101840	09/11/15	KVAM, DAVID	3,912.62	
99101845	09/25/15	GRANADOS, ERWIN	60.00	
99101846	09/25/15	AUBUCHON, IMAGINARA	212.75	
			524,260.48	

AGENDA REPORT

TO: Melinda Coleman, City Manager
FROM: DuWayne Konewko, Parks & Recreation Director
SUBJECT: Approval of Resolution Accepting 2016 Minnesota State Arts Board Learning Grant
DATE: October 12, 2015

Introduction

The City has received a grant from The Minnesota State Arts Board Learning Grant in the amount of \$98,874 for the *Kid City Project*. The total amount of the project is \$107,960 and the City is responsible for a 10% match. Staff will be reaching out to local businesses for additional financial support to help offset this match. Staff is requesting council to approve the attached resolution accepting the grant from The Minnesota State Arts Board Learning Grant.

Background

Kid City, is a youth-driven public art program that mobilizes kid citizens to work in partnership with artists and the City to revitalize Maplewood. *Kid City* responds to risk factors faced by our youth, many of whom are from the City's fastest growing populations (Latino, East African, Hmong, and Karen), receive free and/or reduced lunches, and are at-risk of dropping out of school.

Maplewood will partner with Z Puppets Rosenschnoz, led by Shari Aronson and Chris Griffith who are award-winning Minneapolis multidisciplinary artists specializing in innovative, interactive experiences for families and youth.

Budget

The City is required to provide a 10% match. As previously stated, staff will be working with local businesses to raise additional monies to help offset this match. If staff is unsuccessful raising additional monies, funding for the match amount would come from the PAC fund. Monies are available in this account for the match.

Recommendation

Staff is recommending that the City Council approve the attached Resolution of Acceptance of 2016 Minnesota State Arts Board Learning Grant. In addition, staff is requesting the City Council to direct the Finance Director to establish a program budget in the amount of \$107,960 for the *Kid City Project*.

Attachments

1. Resolution of Acceptance of 2016 Minnesota State Arts Board Learning Grant

RESOLUTION
ACCEPTANCE OF 2016 MINNESOTA STATE ARTS BOARD LEARNING GRANT

WHEREAS, this grant contract is between the State of Minnesota, acting through its Board of the Arts (referred to as the “Board”), and City of Maplewood (referred to as the “Grantee”);

WHEREAS, Minnesota Statutes 2014, section 129D.04, authorizes the Board to distribute grants, loans, and other forms of assistance for artistic activities; and

WHEREAS, the Minnesota State Legislature in the 2015 Special Session, chapter 2, article 4, section 2, subdivision 3, appropriated \$26,819,000 from the arts and cultural heritage fund to Minnesota State Arts Board for fiscal year 2016 arts grant programs and services; and

WHEREAS, the Minnesota State Legislature in the 2015 Regular Session, chapter 77, article 1, section 24, subdivision 1, appropriated \$7,522,000 from the State’s general fund to the Minnesota State Arts Board for fiscal year 2016 arts grant programs and services; and

WHEREAS, the United States Congress, acting through the National Endowment for the Arts, has awarded \$741,100 to the Minnesota State Arts Board for fiscal year 2016 for arts programs and priorities in Minnesota;

WHEREAS, the Board has instituted a pilot grant program, Arts Learning, to broaden opportunities for Minnesotans to participate in the arts; and

WHEREAS, the Board has selected the applicant as a Grantee in the Arts Learning grant program;

THEREFORE, the Board agrees to award the Grantee a fiscal year 2016 Arts Learning grant in support of eligible costs as described in the Grantee’s Application in the amount of \$98,874; and

THE Grantee represents that it is duly qualified and agrees to perform all services described in this grant contract to the satisfaction of the Board. Pursuant to Minnesota Statutes §16B.98 subdivision 1, the Grantee agrees to minimize administrative costs as a condition of this grants; and

THEREFORE, the Board and Grantee agree to the following terms and conditions, and further agree that Grantee’s failure to comply with any of the requirements of this contract may jeopardize its eligibility to apply for or receive future Arts Board grants.

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

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator

DATE: October 6, 2015

SUBJECT: Approval of a Conditional Use Permit Review – Hill Murray School, 2625 Larpenteur Avenue

Introduction

The conditional use permit (CUP) for Hill Murray School is due for its annual review. In 2013, Hill Murray School revised its CUP in order to build a tennis court on its campus at 2625 Larpenteur Avenue.

Background

August 24, 1992: Council approved a sign size variance for a 99-square-foot wall sign for Hill-Murray. At the time the code allowed 24 square feet.

On April 8, 1996, the city council approved a conditional use permit (CUP) for Hill-Murray to make changes and improvements to their athletic fields. This approval was subject to ten conditions.

On July 14, 1997, the city council reviewed the CUP for Hill-Murray. At this meeting, the council changed Condition 8 of the 1996 approval to read as follows: "Applicant may be required 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."

On May 11, 1998, the city council approved a wetland buffer setback variance and a conditional use permit revision for the Hill-Murray athletic facilities. These requests were to update and revise the plans that the city had approved for the school's athletic facilities in 1996 and in 1997 and were subject to several conditions.

On June 28, 1999, the city council approved the following for Hill-Murray High School:

1. Revisions to the conditional use permit (CUP). They proposed several changes to the approved plans for the school. The city code requires a CUP for schools. This approval was for the school to replace and expand the school's main entry, which they have now completed. The school also proposed an expanded parking lot on the east side of the school building.
2. The designs for an addition to the main entry of the school. This included the architectural, site and landscape plans for the project.

On November 13, 2001, the city council approved a CUP revision for the school. This revision

was for plans for an addition on the west side of the school that included a chapel and a student entrance.

On August 28, 2006, the city council approved a CUP revision and the project plans for the school. These approvals were so that Hill-Murray could:

1. Put a 31,500-square-foot addition onto the east side of the field house for additional gym and locker room space.
2. Renovate and remodel the interior of the existing athletics building.

On September 9, 2013, the city council approved a CUP revision for the school to build a tennis court.

On September 22, 2014, the city council approved the CUP review and will review again in one year.

Discussion

Hill Murray School has completed its construction of the tennis courts, accessory storage building and trail. Some of the required trees have been planted but the school is still working to plant the rest of the trees. Staff recommends council review the CUP again in one year to ensure the completion of the planting of the required trees.

Budget Impact

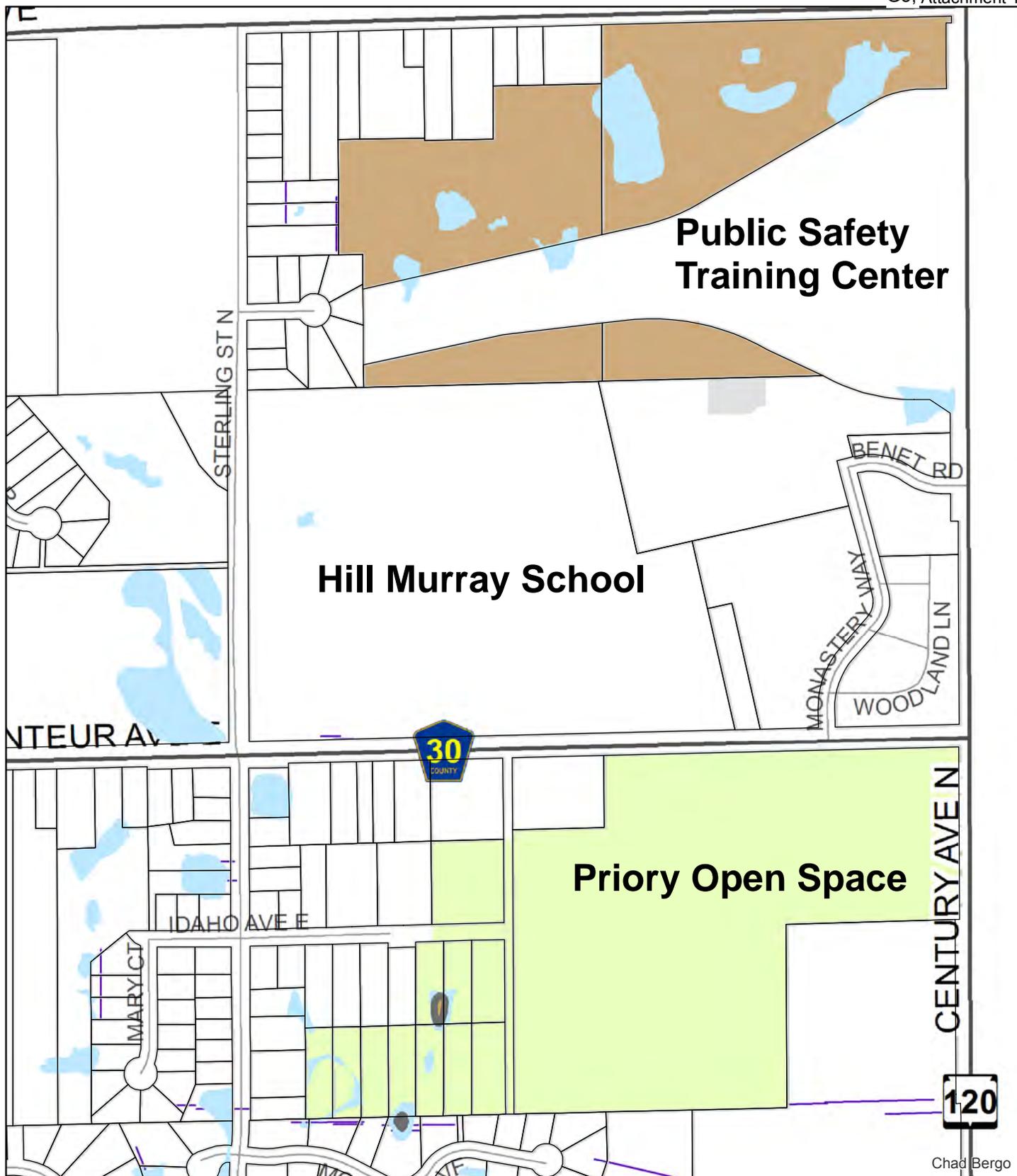
None.

Recommendations

Review the conditional use permit for Hill Murray School again in one year.

Attachments

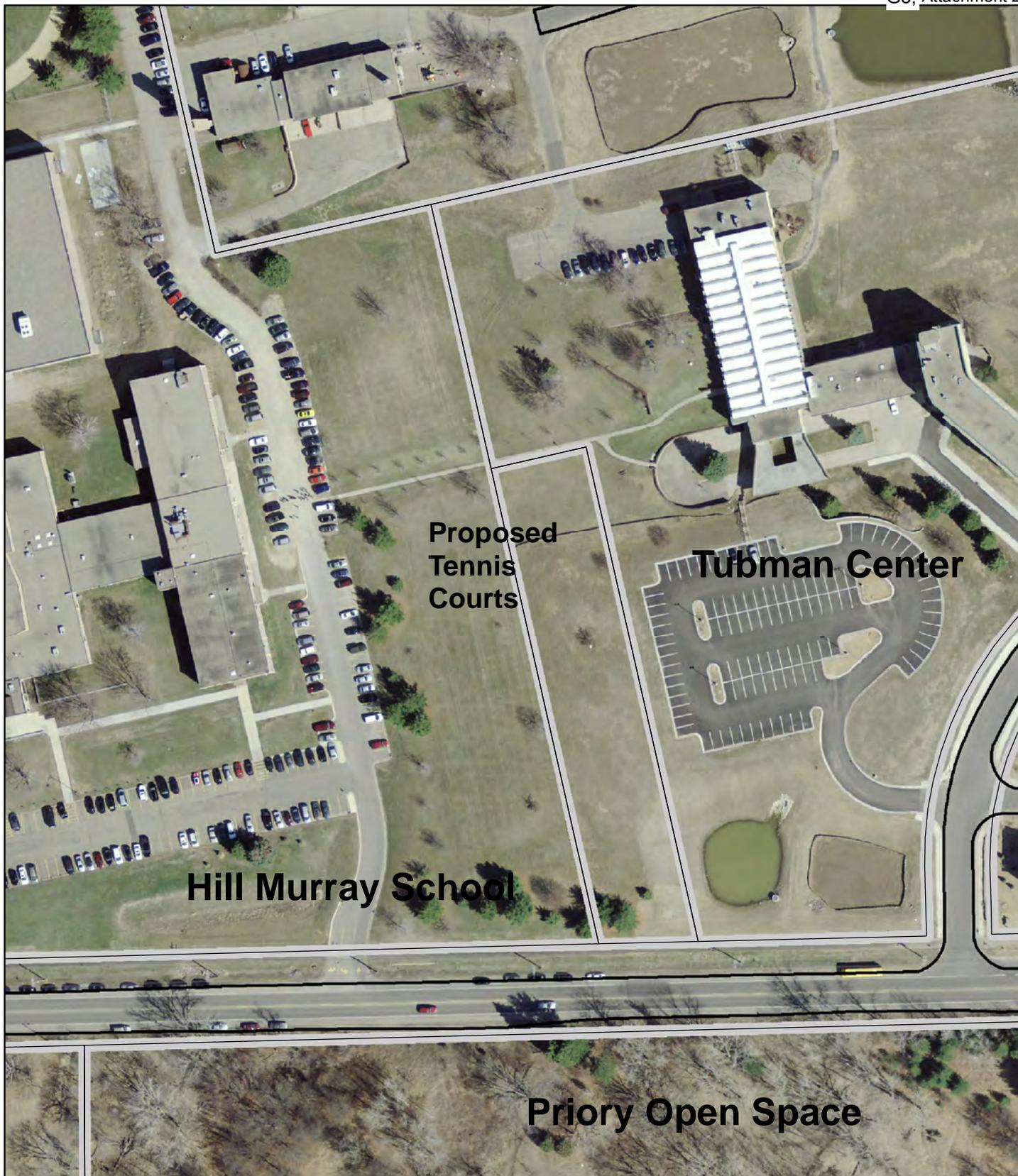
1. Area Map
2. Location Map
3. Layout Plan
4. Planting Plan
5. City council minutes, September 9, 2013



Chad Bergo

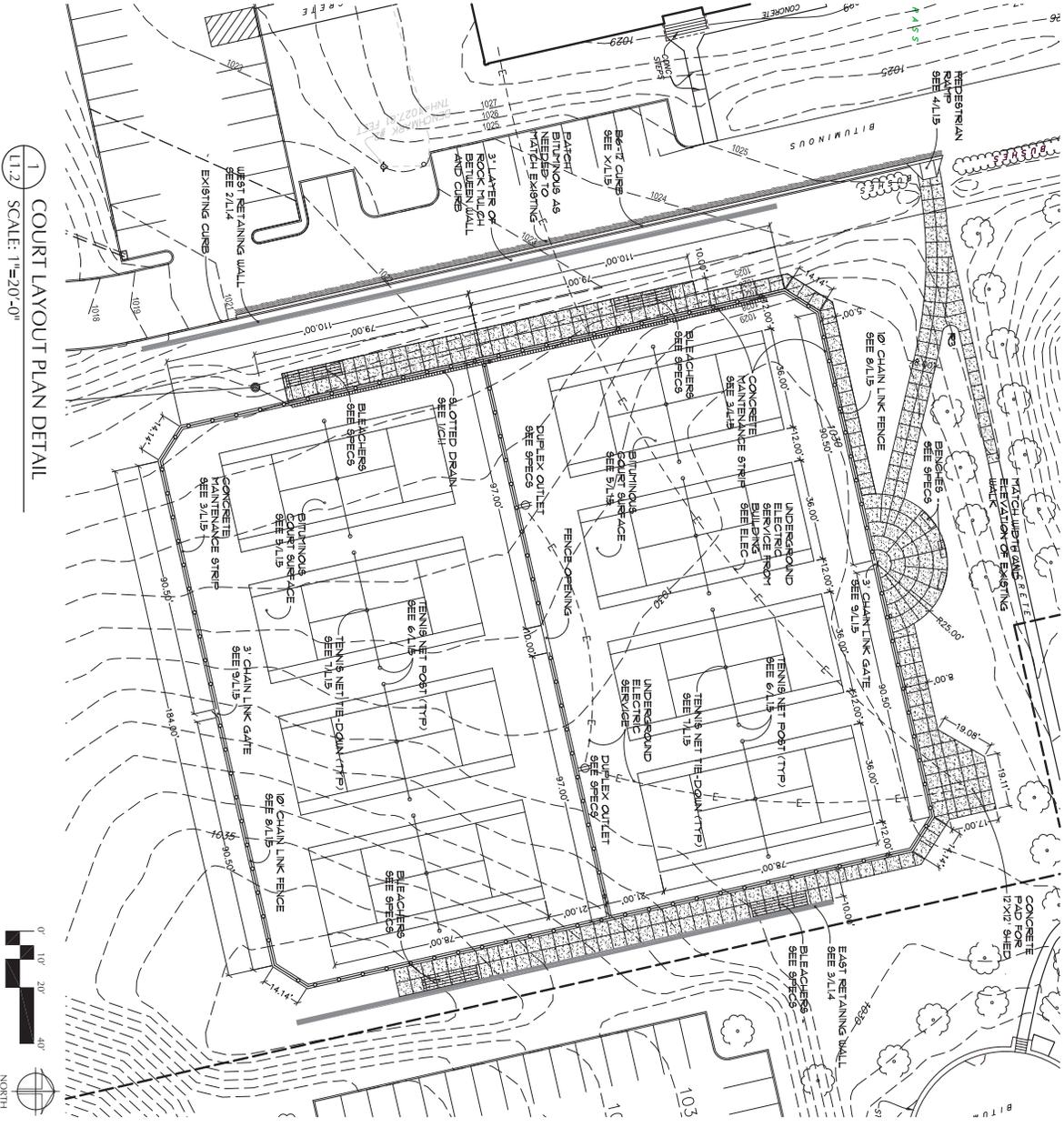
Proposed Tennis Court Complex - 2626 Larpenteur Avenue

Area Map



Proposed Tennis Court Complex - 2625 Larpenteur Avenue

Location Map



1 COURT LAYOUT PLAN DETAIL
 U1.2 SCALE: 1"=20'-0"



LEGEND

--- EXISTING CONTOUR

CONCRETE SURFACING - BROOM FINISH
 SEE 3/11.5

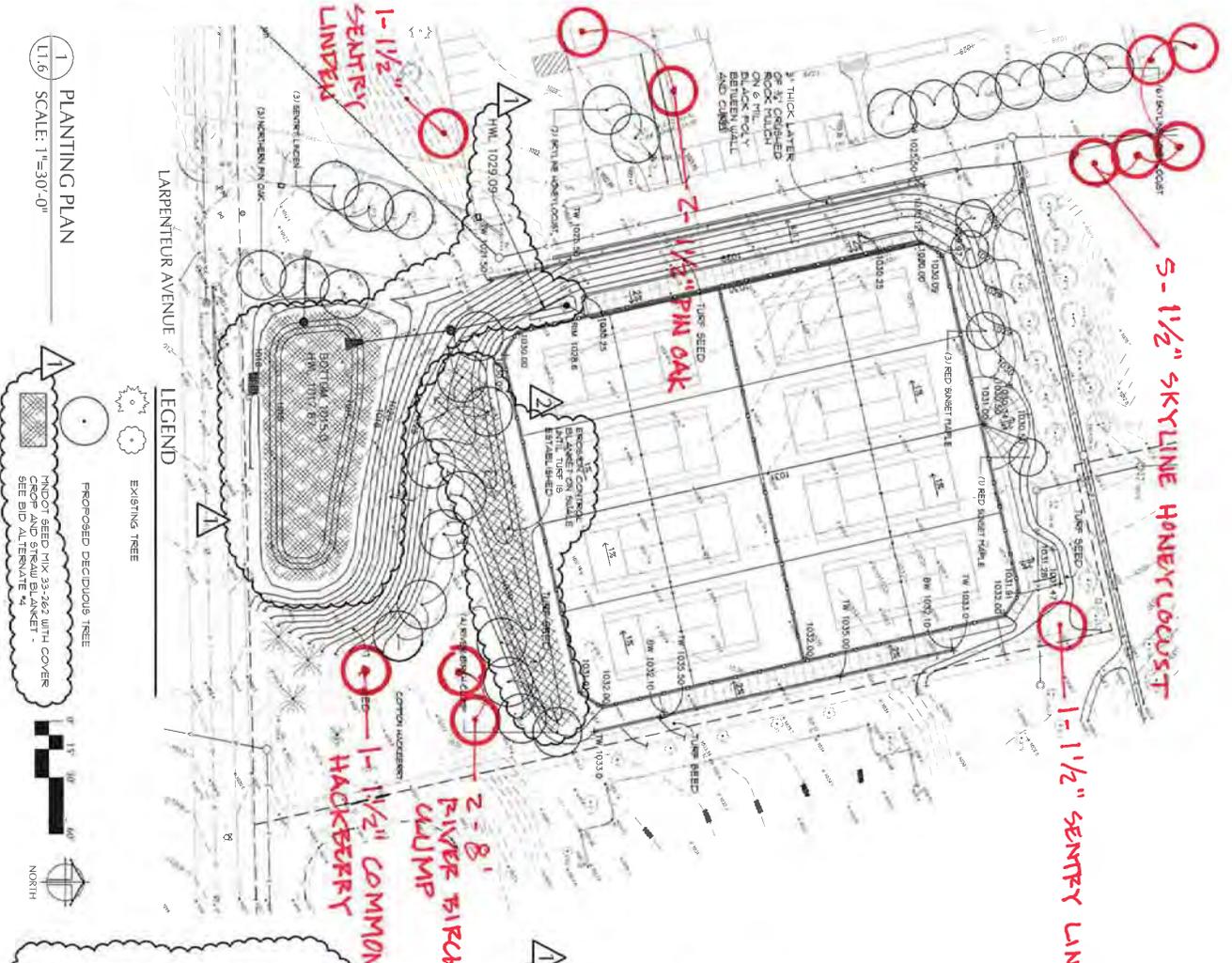
NOTES

1. ELECTRIC DATA IS AVAILABLE FROM LANDSCAPE ARCHITECT FOR SITE LAYOUT.

Project Name: Hill-Murray School Tennis Court Construction Maplewood, Minnesota	
Professional Services: LOUERS ASSOCIATES 2200 Maplewood Avenue Maplewood, MN	
CAAD Information: Project No.: 13070108 Sheet No.: L1.2 Date: 7/10/13	
Professional Seal: License No.: 17379 Title: Landscape Architect State: MN	
Project Information: Project Name: Hill-Murray School Tennis Court Construction Project No.: 13070108 Sheet No.: L1.2 Date: 7/10/13	

NOT FOR CONSTRUCTION

Plotted: 09/24/2013 2:22 PM W:\2013\13070-08 - Hill Murray Tennis Courts CD/CADD DATA/LANDSCAPE_dwg Sheet Files



PLANTING PLAN
SCALE: 1"=30'-0"

LEGEND

- EXISTING TREE
- PROPOSED DECIDUOUS TREE
- PROPOSED SEED MIX 33%26% WITH COVER SEE BID ATTACHED SCHEDULE



STORM WATER BASIN PERENNIALS - BID ALTERNATE #4 (BASE BID INCLUDES SEEDING)

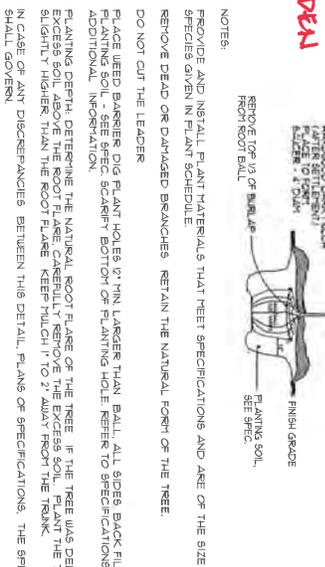
QTY	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
664	RIS BLUESTEM	<i>Aristida stricta</i>	2' Hdg	8' OC
236	FRINGED BRODIE	<i>Bromus ciliatus</i>	2' Hdg	8' OC
248	BLUESTEM	<i>Bromus inermis</i>	2' Hdg	8' OC
322	VIRGINIA WILD RICE	<i>Echino crus</i>	2' Hdg	8' OC
348	POLE BLUESTEM	<i>Elymus virginicus</i>	2' Hdg	8' OC
64	PALE GREEN BL GRASS	<i>Stipa spodiopogon</i>	2' Hdg	8' OC
52	POLE BLUESTEM	<i>Elymus virginicus</i>	2' Hdg	8' OC
24	CANADA ANEMONE	<i>Anemone canadensis</i>	2' Hdg	8' OC
38	SHARP MULLETED	<i>Aquilegia canadensis</i>	2' Hdg	8' OC
24	NEU ENGLAND ASTER	<i>Aster novae-angliae</i>	2' Hdg	8' OC
21	FLAT-TOPPED ASTER	<i>Aster multiflorus</i>	2' Hdg	8' OC
21	SPOTTED OX-FRUIT TREE	<i>Asplenium platyneuron</i>	2' Hdg	8' OC
24	ROBERT LEE BELL	<i>Asplenium platyneuron</i>	2' Hdg	8' OC
24	ROBERT LEE BELL	<i>Asplenium platyneuron</i>	2' Hdg	8' OC
24	TALL CORNFLOWER	<i>Xanthoxylum</i>	2' Hdg	8' OC
42	BLUE VERBANA	<i>Verbena hastata</i>	2' Hdg	8' OC
46	GOOSEBERRY	<i>Viburnum acerifolium</i>	2' Hdg	8' OC

PLANT LIST - BASE BID

QTY	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
4	TREES			
8	CONTROL UNDERSEED		2 1/2" CAL	
4	RIVER SMOCK CLUMP	<i>Betula nana</i>	8' BS	
8	SKYLINE HONEY LOCUST	<i>Gleditsia triacanthos</i>	2 1/2" CAL	
3	NORTHERN PIN OAK	<i>Quercus prinus</i>	2 1/2" CAL	
3	SENTINEL LINDEN	<i>Tilia americana</i>	2 1/2" CAL	

- PLANTING NOTES**
1. THE PLANT LIST ON SHEET L1.6 SHALL TAKE PRECEDENCE OVER THE PLAN IN THE EVENT OF A DISCREPANCY
 2. SEED ALL AREAS WITH THE SPECIFIED TREE SEED MIX THAT ARE DISBURSED BY CONSTRUCTION ACTIVITY AND NOT COVERED WITH PAVING, TULCH OR NATIVE SEED
 3. LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION AND PLANTING ACTIVITIES WITH GENERAL SITE CONTRACTOR
 4. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY SOIL OR WATER CONCERNS WHICH BECOME APPARENT AFTER DIGGING HOLES FOR PLANTING
 5. EXISTING UTILITIES - CONTRACTOR SHALL VERIFY ALL UTILITIES IN THE FIELD BEFORE ANY EXCAVATION FOR PLANTING
 6. NATURAL ? OR AMBIGUOUS LANDSCAPE TULCH AS PART OF BID ALTERNATE #4

- TREE PLANTING DETAIL**
1. PROVIDE AND INSTALL PLANT MATERIALS THAT MEET SPECIFICATIONS AND ARE OF THE SIZE TYPE AND SPECIES GIVEN IN PLANT SCHEDULE
 - REMOVE DEAD OR DAMAGED BRANCHES. RETAIN THE NATURAL FORM OF THE TREE
 - DO NOT CUT THE LEADER
 - PLACE USED BARRIER DIG PLANT HOLES WITH LARGER THAN BALL. ALL SIDES BACK FILL WITH PLANTING SOIL. SEE SPEC. SCARIFY BOTTOM OF PLANTING HOLE. REFER TO SPECIFICATIONS FOR ADDITIONAL INFORMATION.
 - PLANTING DEPTH: DETERMINE THE NATURAL ROOT FLARE OF THE TREE. IF THE TREE WAS DELIVERED WITH EXCESS SOIL ABOVE THE ROOT FLARE, CAREFULLY REMOVE THE EXCESS SOIL. PLANT THE TREE AT OR SLIGHTLY HIGHER THAN THE ROOT FLARE. KEEP TULCH 1" TO 2" AWAY FROM THE TRUNK.
 - IN CASE OF ANY DISCREPANCIES BETWEEN THIS DETAIL, PLANS OR SPECIFICATIONS, THE SPECIFICATION SHALL GOVERN.



REMOVE 1/2" OF BARK UP TO ROOT BALL

FINISH GRADE

PLANTING SOIL, SEE SPEC.

LOUCKS ASSOCIATES

7700 VIKINGS BL, SUITE 300
MINNETONKA, MN 55345
PHONE: 952.891.1111
WWW.LOUCKSASSOCIATES.COM

Maplewood, Minnesota
HILL-MURRAY SCHOOL TENNIS COURT CONSTRUCTION

Maplewood, MN

DATE: 09/24/2013
DRAWN BY: LW
CHECKED BY: LW
SCALE: 1"=30'-0"

PLANTING PLAN
13070/08

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

1. **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.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator

DATE: October 6, 2015

SUBJECT: Approval of a Conditional Use Permit Review, Xcel Substation, 1480 County Road D

Introduction

The conditional use permit (CUP) for the Xcel Energy Substation Facility is due for its annual review. The CUP allows Xcel Energy to operate and expand the electrical substation and related electrical system operations on the existing 28-acre site. In addition, the CUP allows Xcel Energy to operate its wood chip and brush transfer operation on the property.

Background

February 3, 1972: The city council approved a special use permit (now known as a conditional use permit) for NSP (now Xcel Energy) to construct an electric substation for the site on County Road D.

March 10, 2008: The city council approved a conditional use permit for Xcel Energy to have and expand the electrical substation and related electrical system operations and a wood chipping and transfer operation on the property at 1480 County Road D.

March 23, 2009 and March 22, 2010: The council reviewed this CUP and agreed to review it again in one year.

April 25, 2011: The council reviewed this CUP and agreed to review again in six months to check on the status of ten replacement trees that needed to be planted.

October 21, 2011, October 22, 2012, October 28, 2013 and October 27, 2014: The council reviewed this CUP and agreed to review it again in one year.

Discussion

The conditions of the CUP require that Xcel Energy prepare an annual report and submit it to the city regarding the wood chipping and chip removal activities on their site. Xcel Energy's Vegetation Management department submitted this report to city staff on September 29, 2015. The following information details the total of brush and wood that were dumped and transferred through the Kohlman transfer site in 2014. Historical data from 2008, 2009, 2010, 2011 and 2012, and 2013 are also included for reference.

- 2014 – A total of 12,150 yards of wood chips were transferred
- 2013 – A total of 15,030 yards of wood chips were transferred
- 2012 – A total of 6,390 yards of wood chips were transferred
- 2011 – A total of 9,760 yards of wood chips were transferred
- 2010 – A total of 6,000 yards of wood chips were transferred
- 2009 (Feb. 2009 to Feb 2010) – A total of 16,144 yards of wood chips were transferred
- 2008 – A total of 19,650 yards of wood chips were transferred

All other conditions of the CUP are being met.

Budget Impact

None.

Recommendation

Review the conditional use permit for Xcel Energy's electrical substation and related electrical system operations in one year.

Attachments

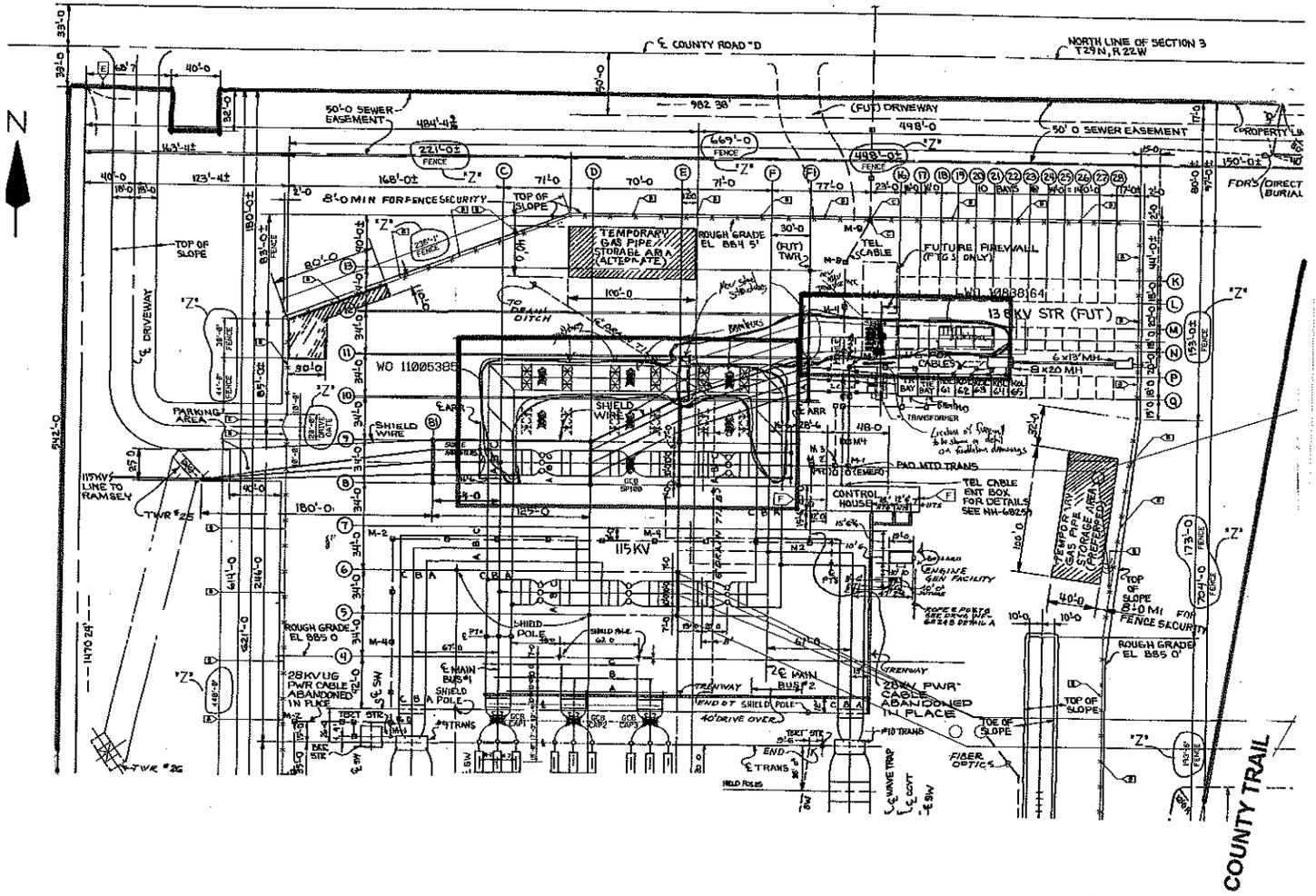
1. Location Map
2. Site Plan
3. Planting Plan
4. City council minutes, March 10, 2008



Location Map
 1480 County Road D East
 Xcel Substation

VADNAIS HEIGHTS

 Area of Expansion

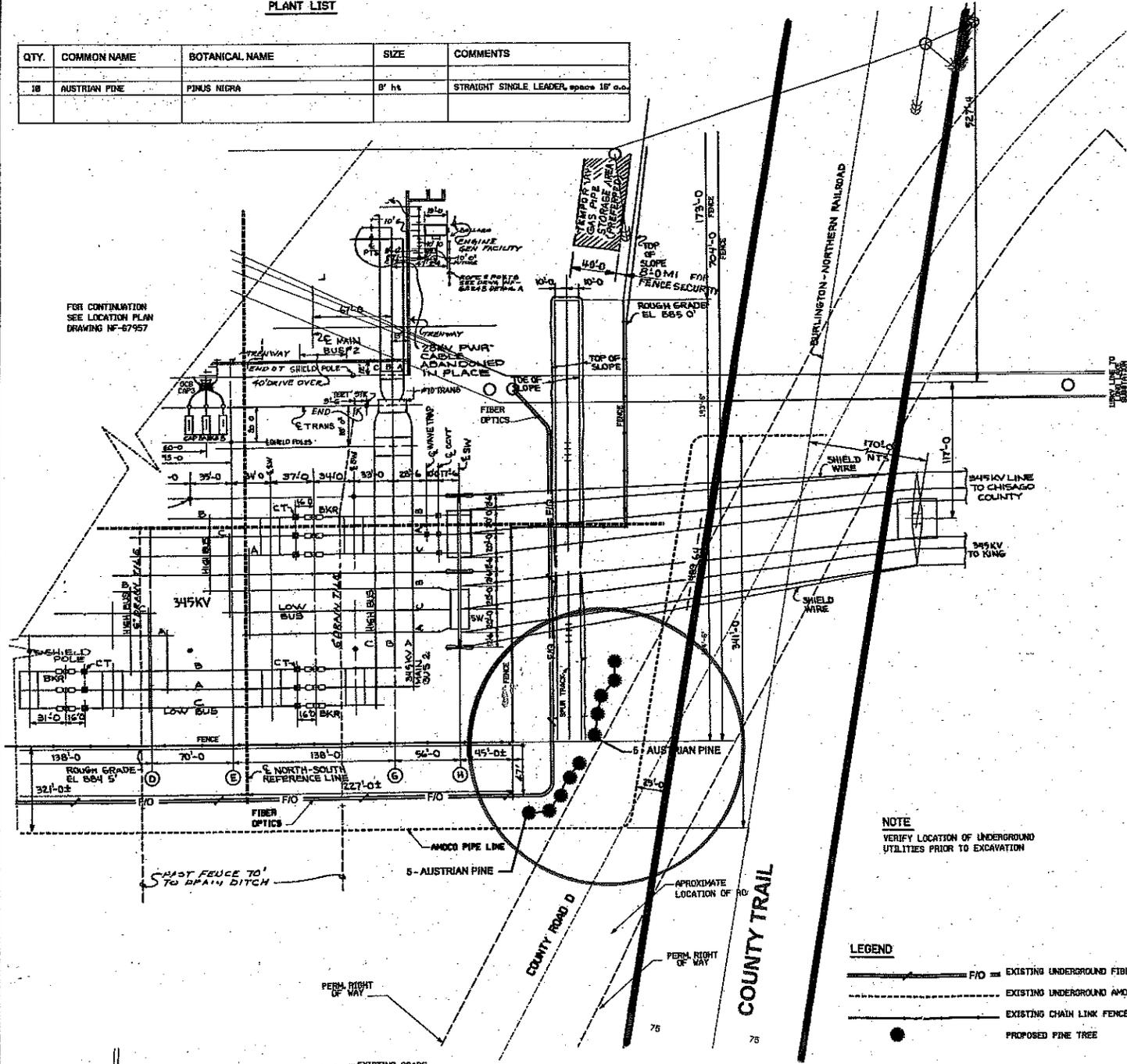


SITE PLAN



PLANT LIST

QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COMMENTS
18	AUSTRIAN PINE	PINUS NIGRA	8' ht	STRAIGHT SINGLE LEADER, space 18' o.c.

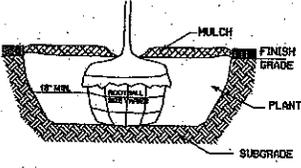


FBI CONTINUATION
SEE LOCATION PLAN
DRAWING NF-67957

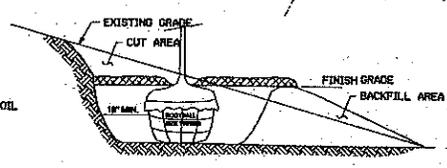
NOTE
VERIFY LOCATION OF UNDERGROUND
UTILITIES PRIOR TO EXCAVATION

LEGEND

- F/O = EXISTING UNDERGROUND FIBER
- EXISTING UNDERGROUND AMCCO
- EXISTING CHAIN LINK FENCE
- PROPOSED PINE TREE

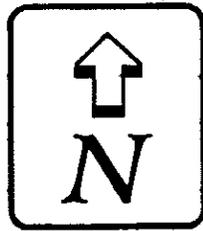


DETAIL TREE PLANTING
NOT TO SCALE



DETAIL PLANTING ON A SLOPE
NOT TO SCALE

PLANTING PLAN



MINUTES
MAPLEWOOD CITY COUNCIL
 7:00 p.m., Monday, March 10, 2008
 Council Chambers, City Hall
 Meeting No. 08-08

J. UNFINISHED BUSINESS

- 1. Conditional Use Permit – Xcel Energy Electrical Substation (1480 County Road D).**
 - a. Planner, Ken Roberts gave the report and answered questions of the council.
 - i. Dale Trippler, Planning Commission representative gave a report from the Planning Commission.
 - ii. Chris Rogers, Siting and Land Rights Agenda representing Xcel Energy, addressed the council.
 - iii. Dennis Phalen, Supervisor of Vegetation Management for Xcel Energy, addressed and answered questions of the council.
 - iv. Elizabeth Sletten, 2747 Clarence Street North, Maplewood. Ms. Sletten spoke regarding her strong disapproval of this project due to alleged health concerns.

Mayor Longrie moved to approve the resolution approving a conditional use permit for Xcel Energy to have and expand the electrical substation and related electrical system operations and a wood chipping and transfer operation on their property at 1480 County Road D. The city bases this approval on the findings required by the ordinance and is subject to the following conditions:

CONDITIONAL USE PERMIT RESOLUTION 08-03-032

WHEREAS, Mr. Chris Rogers, representing Xcel Energy, applied to Maplewood for a conditional use permit for the expansion of the existing electrical substation and for a wood chipping and transfer operation at 1480 County Road D.

WHEREAS, this permit applies to the property on the south side of old County Road D and north and west of new County Road D in Maplewood. The legal description is:

Registered Land Survey 262, Subject to Roads, Tract A (PIN 03-29-22-21-0002)

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

1. On February 2, 1972, the Maplewood City Council approved a special use permit for NSP (Northern States Power) to construct an electrical substation on the subject property.
2. On February 19, 2008, 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.
3. On March 10, 2008, the city council discussed the proposed conditional use permit. 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 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 and activities on the site shall follow the site and project plans dated January 18, 2008 as approved by the city. City staff may approve minor changes to these plans and the city council must approve major changes to the approved plans. These plans shall include the planting of at least 10 trees on the southeast corner of the site as shown on submitted planting plan. Xcel Energy shall replace any of the trees they plant if they are damaged or die.
2. Any fence over six feet tall requires a building permit issued by the city. The city building official will require the submittal of a structural plan for the proposed fence approved by a registered engineer with the building permit materials.
3. Xcel Energy must start the installation of the new transformer and associated site work within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
4. Xcel Energy shall prepare an annual report and submit it to the city about the wood chipping and chip removal activities on their site. This report shall include documentation about the dates and amount of materials the contractor removes from the site.
5. The city council shall review this permit in one year.

The Maplewood City Council approved this resolution on March 10, 2008.

Seconded by Councilmember Rossbach.
The motion passed.

Ayes – All

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Michael Martin, AICP, Economic Development Coordinator
DATE: October 6, 2015
SUBJECT: Approval of a Conditional Use Permit Review, Maplewood Fire Station No. 1, 600 McKnight Road North

Introduction

The conditional use permit (CUP) for Maplewood Fire Station No. 1 located at 600 McKnight Road North is due for review.

Background

On October 28, 2013, the council approved the following for this site:

1. A conditional use permit for a public building
2. Design review for the building, site and landscape plans
3. A parking waiver for fewer spaces than code requires
4. A waiver from wetland buffer requirements

On October 27, 2014, the city council approved the review of the conditional use permit and agreed to review the CUP again in one year to check on the projects progress.

Discussion

The construction of the fire station is complete and all required landscaping is in place. Staff recommends reviewing this project again only if a problem arises or a major change is proposed.

Budget Impact

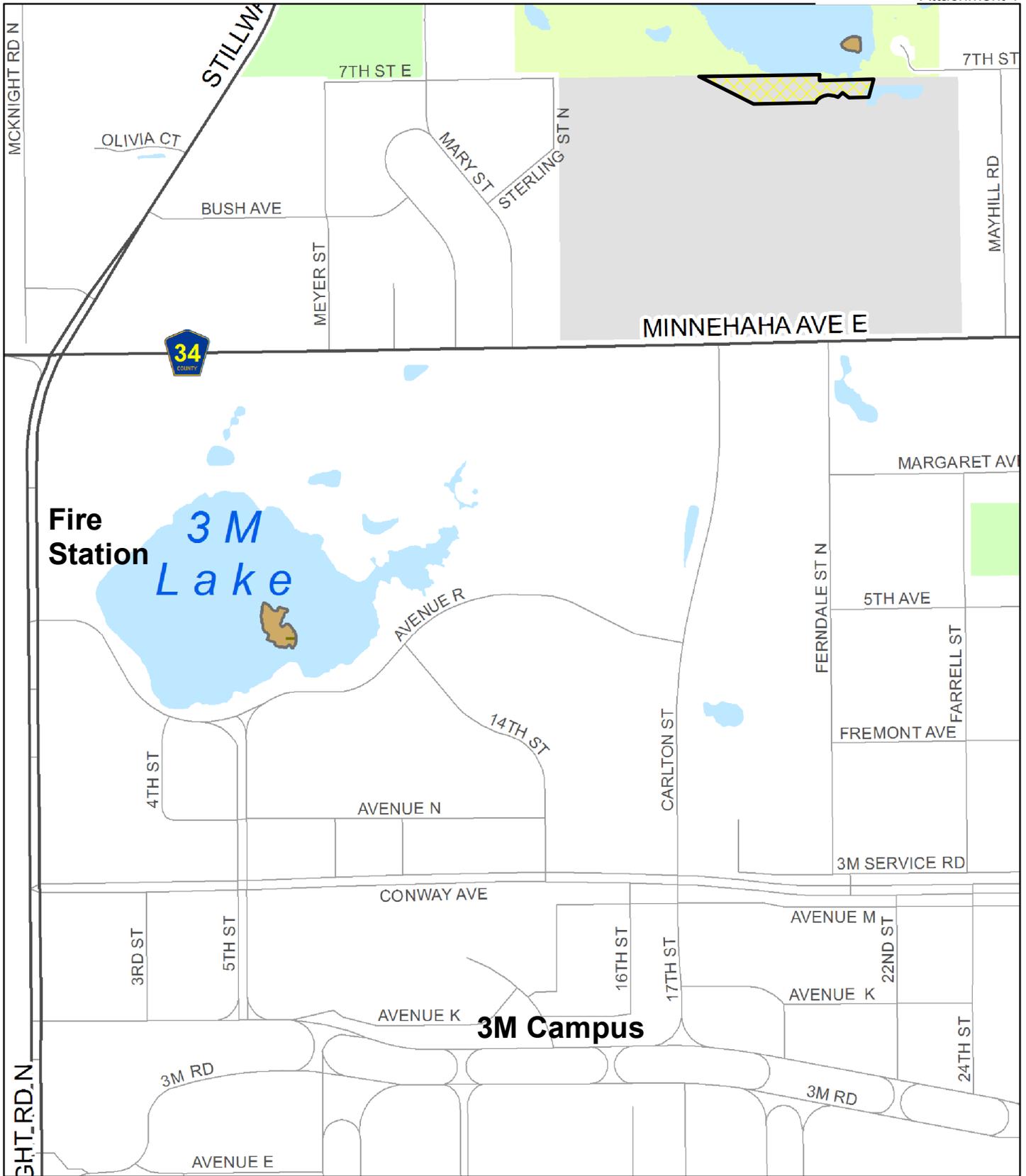
None.

Recommendation

Review the conditional use permit for the Maplewood Fire Station No. 1 located at 600 McKnight Road North again only if a problem arises or a major change is proposed.

Attachments

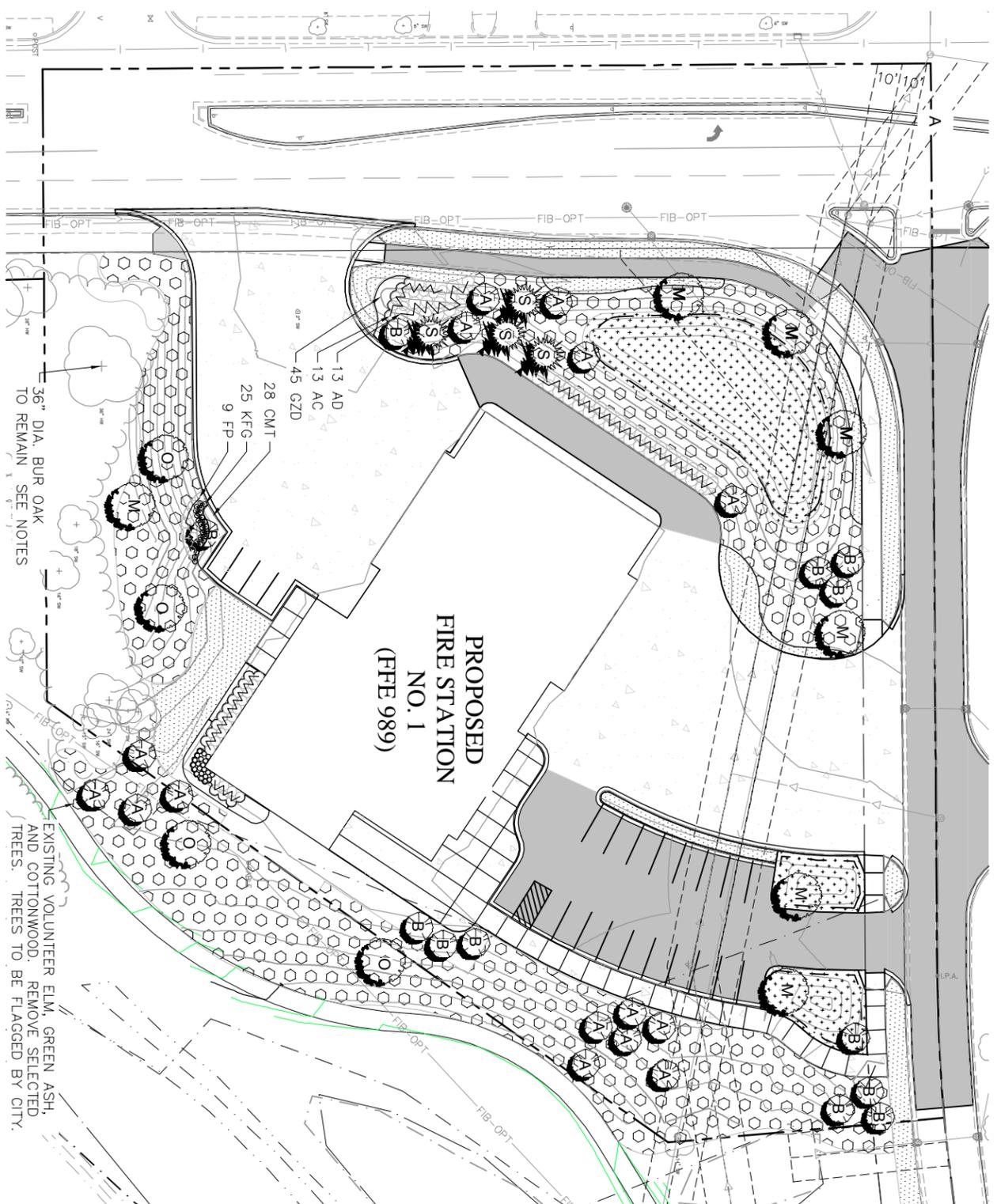
1. Location map
2. Site Plan
3. Landscape Plan
4. October 28, 2013 city council minutes



Proposed Maplewood Fire Station Location Map

No.	Date	Revisions	App.	DRAWING NAME	DESIGNED BY:	TPH	DRAWN BY:	JAG	CHECKED BY:	TPH	DATE:	9/10/2013	PROJECT NO.	160500043
 Kimley-Horn and Associates, Inc. 2550 UNIVERSITY AVE. WEST, SUITE 238R ST. PAUL, MINNESOTA 55114 TEL. NO. (651) 846-4197 FAX. NO. (651) 846-5118														
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA. TODD P. HALUNEN DATE: 9/10/2013 MN LIC. NO. 249000														
CITY OF MAPLEWOOD FIRE STATION NO. 1 IMPROVEMENTS CITY PROJECT 12-14 PRELIMINARY LANDSCAPE PLAN COMMUNITY DESIGN REVIEW BOARD APPLICATION SEPTEMBER 2013														
														SHEET NO.
														L-1

PRELIMINARY PLANTING PLAN
1"=30'-0"



PRELIMINARY PLANT SCHEDULE

SYMBOL	QTY.	COMMON NAME	BOTANICAL NAME	MINIMUM SIZE & ROOT CONDITION	SPACING	REMARKS
OVERSTORY TREES						
O	4	SWAMP WHITE OAK	QUERCUS BICOLOR	2 1/2\"/>		

SOD	2,600 SF	SOD TO BE LOCALLY GROWN AND INSTALLED PER NURSERY RECOMMENDATIONS.
SWM SEED MIX	.15 AC	MINDOT MIX MIX 33-262 STORMWATER SOUTH AND WEST APPLY AT 36LBS/AC.
NATIVE SEED MIX	.78 AC	SHOOTING STAR NATIVE SEEDS 33-262 DRY SWALE / POND (889) 983-3670

NOTE:
OPEN SPACE AREAS WITHIN THE LOTS THAT ARE NOT HATCHED SHALL RECEIVE SEEDING AND STRAW MULCH.

- NOTES:
- ALL LANDSCAPED AREAS ARE TO RECEIVE A MINIMUM OF 4" OF TOPSOIL.
 - ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS, AND FREE OF PESTS AND DISEASE.
 - ALL PLANT MATERIAL SHALL BE CONTAINER GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
 - ALL TREES SHALL HAVE A STRAIGHT TRUNK AND FULL HEAD AND MEET ALL REQUIREMENTS SPECIFIED.
 - ALL MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT BEFORE, DURING, AND AFTER INSTALLATION.
 - ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED AS SPECIFIED.
 - PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL NOTOR DAMAGE TO ALL UTILITIES DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION TO BE CONSIDERED DURING THE COURSE OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATIONS OF UTILITY LINES AND ADVISORY TO THE WORK AREA AND PROTECT ALL UTILITY LINES DURING THE CONSTRUCTION PERIOD. REPAIR ANY AND ALL DAMAGE TO UTILITIES STRUCTURES, SITE APPURTENANCES, ETC. WHICH MAY OCCUR AS A RESULT OF CONSTRUCTION.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON THESE PLANS BEFORE PRICING THE WORK.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR DELIVERY SCHEDULE AND PROTECTION BETWEEN DELIVERY AND PLANTING PER SPECIFICATIONS TO MAINTAIN HEALTHY PLANT CONDITIONS.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR FULLY MAINTAINING, INCLUDING BUT NOT LIMITED TO: WATERING, SPRAYING, FERTILIZING, ETC., ALL PLANT MATERIALS AND LAMN FOR THE PERIOD OF TIME SHOWN IN THE 02900 SPECIFICATION.
 - ANY PLANT MATERIAL, WHICH IS DISEASED, DISTRESSED, DEAD, OR REJECTED PRIOR TO SUBSTANTIAL COMPLETION SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, AND SIZE AND MEETING ALL PLANT LIST SPECIFICATIONS.
 - THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR A PERIOD DEFINED IN THE 02900 SPEC. THE CONTRACTOR SHALL PROMPTLY MAKE ALL NECESSARY REPLACEMENTS DURING THE NORMAL PLANTING SEASON.
 - STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
 - WHERE SHOWN ON THE PLANS AND DETAILS, PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH A HARDWOOD MULCH FROM A LOCAL SOURCE HARVESTED IN A SUSTAINABLE MANNER TO A MINIMUM DEPTH OF 4 INCHES.
 - ALL PLANT MATERIAL QUANTITIES SHOWN ARE APPROXIMATE. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETE COVERAGE OF ALL PLANTING BEDS AT SPACING SHOWN.
 - THIS PLAN IS TO BE IMPLEMENTED COOPERATIVELY WITH SWPPP PLAN, AS NEEDED, TO MAXIMIZE THE EFFECTIVENESS OF THE SWPPP PLAN FOR THIS SITE.
 - THE CONTRACTOR IS ENCOURAGED TO COMPLETE TEMPORARY OR PERMANENT SEEDING OR SOODING IN STAGES FOR SOIL STABILIZATION AS AREAS ARE COMPLETED AFTER GRADING.
 - EXISTING 36" OAK TO BE PROTECTED PER TREE PROTECTION SPECIFICATIONS.

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, October 28, 2013
Council Chambers, City Hall
Meeting No. 19-13

A. NEW BUSINESS

1. **Approval of a Resolution for a Comprehensive Plan Amendment, Resolution for a Conditional Use Permit, Design Review, Parking Waiver and Wetland Buffer Requirements Waiver for Maplewood Fire Station No. 1, McKnight Road**
 - a. **Planning Commission Report**
 - b. **Community Design Review Board Report**
 - c. **Environmental and Natural Resources Commission Report**
 - d. **Approval of a Resolution for a Comprehensive Plan Amendment**
 - e. **Approval of a Resolution for a Conditional Use Permit**
 - f. **Approval of Design Review**
 - g. **Approval of a Parking Waiver**
 - h. **Approval of a Waiver of Wetland Buffer Requirements for a Public Use**

Planner Martin gave the staff report and answered questions of the council. Bill Kempe from the Planning Commission and Community Design Review Board addressed the council and gave the reports from the commission.

Councilmember Koppen moved to approve the resolution adopting a comprehensive land use plan amendment from I (industrial) to G (government) for the property located north of the 3M Company's campus along McKnight Road. Approval is based on the following reasons:

1. The property is presently vacant and is to be used by the city for a fire station which would be compatible with a land use classification of G (government).
2. Government uses and buildings are allowed in all zoning districts in the city with an approved conditional use permit.

This action is subject to the approval of a comprehensive plan amendment by the Metropolitan Council.

RESOLUTION 13-10-991
COMPREHENSIVE PLAN AMENDMENT RESOLUTION

WHEREAS, Fire Chief Steve Lukin of City of Maplewood has requested a change to the City of Maplewood's land use plan from I (Industrial) to G (government) for consistency between the plan and actual use of the land.

WHEREAS, this change applies to the property located north of the 3M Campus, on McKnight Road. The legal description is:

The west 437.85 feet of Tract B, Registered Land Survey No. 524, on file and of record in the Office of the Registrar of Titles, Ramsey County, Minnesota, and;

All that part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 29 North, Range 22 West, Ramsey County, Minnesota described as follows:

Beginning at the southwest corner of Registered Land Survey No. 524, thence North 89 degrees 09 minutes 58 seconds East, bearings orientated to the Ramsey county Coordinate System NAD 83, along the south line of Tract B of said Registered Land Survey No. 524, a distance of 437.86 feet to the southeast corner of said west 437.85 feet of said Tract B; thence South 34 degrees 33 minutes 40 seconds West, a distance of 292.96 feet; thence South 89 degrees 11 minutes 41 seconds West, a distance of 270.00 feet, more or less, to its intersection with the west line of said Northwest Quarter of the Northwest Quarter of Section 36; thence North 00 degrees 23 minutes 48 seconds West, along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 238.69 feet, more or less, to the point of beginning.

This parcel contains 3.23 acres, more or less, and is subject to the roadway easement of McKnight Road North and all other easements of record. WHEREAS, the history of this change is as follows:

1. On October 1, 2013, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council adopt the land use plan change.
2. On October 28, 2013 the city council discussed the land use plan change. 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 change for the following reasons:

1. The property is presently vacant and is to be used by the city for a fire station which would be compatible with a land use classification of G (government).
2. Government uses and buildings are allowed in all zoning districts in the city with an approved conditional use permit.

This action is subject to the approval of this land use plan amendment by the Metropolitan Council.

The Maplewood City Council approved this resolution on October 28, 2013.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

Councilmember Koppen moved to approve the resolution approving a conditional use

permit for the proposed fire station. This development will be on the east side of McKnight Road, north of the 3M Company's campus. Approval is subject to the findings required by ordinance and subject to the following conditions:

1. All construction shall follow the site plan date-stamped September 11, 2013. Staff may approve minor changes.
2. The city council shall review this permit in one year.
3. 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.
4. Comply with the requirements of the city's engineering department.
5. The applicant shall work with the building official, fire marshal and environmental planner to ensure compliance with applicable codes.

RESOLUTION 13-10-992
CONDITIONAL USE PERMIT RESOLUTION

WHEREAS, Fire Chief Steve Lukin of City of Maplewood has applied for a conditional use permit to build a fire station.

WHEREAS, Section 44-1092 of the city ordinance provides that a conditional use permit must be approved for all public uses and buildings.

WHEREAS, the site will be used for a new fire station.

WHEREAS, this change applies to the property located north of the 3M Campus, on McKnight Road. The legal description is:

The west 437.85 feet of Tract B, Registered Land Survey No. 524, on file and of record in the Office of the Registrar of Titles, Ramsey County, Minnesota, and;

All that part of the Northwest Quarter of the Northwest Quarter of Section 36, Township 29 North, Range 22 West, Ramsey County, Minnesota described as follows:

Beginning at the southwest corner of Registered Land Survey No. 524, thence North 89 degrees 09 minutes 58 seconds East, bearings orientated to the Ramsey county Coordinate System NAD 83, along the south line of Tract B of said Registered Land Survey No. 524, a distance of 437.86 feet to the southeast corner of said west 437.85 feet of said Tract B; thence South 34 degrees 33 minutes 40 seconds West, a distance of 292.96 feet; thence South 89 degrees 11 minutes 41 seconds West, a distance of 270.00 feet, more or less, to its intersection with the west line of said Northwest Quarter of the Northwest Quarter of Section 36; thence North 00 degrees 23 minutes 48 seconds West, along the west line of said Northwest Quarter of the Northwest Quarter, a distance of 238.69 feet, more or less, to the point of beginning.

This parcel contains 3.23 acres, more or less, and is subject to the roadway easement of McKnight Road North and all other easements of record.

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

1. On October 1, 2013, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council approve the conditional use permit request.
2. On October 28, 2013 the city council discussed the conditional use permit. 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, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and this Code.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan date-stamped September 11, 2013. Staff may approve minor changes.

2. The city council shall review this permit in one year.
3. 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.
4. Comply with the requirements of the city's engineering department.
5. The applicant shall work with the building official, fire marshal and environmental planner to ensure compliance with applicable codes.

The Maplewood City Council approved this resolution on October 28, 2013.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

Councilmember Koppen moved to approve the plans, date-stamped September 11, 2013 for the proposed Maplewood Fire Station No. 1, based on the findings required by the code. The property owner shall do the following:

1. Repeat this review in two years if the city has not issued a building permit for this project.
2. Submit a revised photometric plan showing compliance with code at all property lines.
3. Complete the following before occupying the building:
 - a. Install all landscaping as shown on the approved plan.
 - b. Screen any roof-top mechanical equipment that would be visible from the homes along McKnight Road. All other roof-top units that are visible from non residential areas must be painted to match the building.
 - c. Provide handicap-accessible parking spaces and signs as required by the ADA (American's with Disabilities Act).
4. All work shall follow the approved plans. The director of community development may approve minor changes.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

Councilmember Koppen moved to approve a parking waiver to allow for 23 surface parking spaces. This is a parking reduction of 43 parking spaces (66 parking spaces are required per city code).

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

Councilmember Koppen moved to approve a waiver to the buffer requirements for the fire station public improvement. Approval is subject to the following conditions:

1. After grading and planting of the site the applicant must install city approved wetland signs at the edge of the approved wetland and creek buffer that specify that no building, mowing, cutting, grading, filling or dumping be allowed within the buffer. The signs must be placed every 100-feet along the edge of the buffer at a minimum. The placement of these signs must be verified with a survey to ensure proper placement.
2. City's wetland ordinance requires that native plants within the buffer be established within a three-year period.

Seconded by Mayor Rossbach

Ayes – All

The motion passed.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Thompson, Director of Public Works/City Engineer
Scott Schultz, Utility/Fleet/Parks Superintendent

DATE: October 1, 2015

SUBJECT: Approve Purchase of Single Axle Plow Truck

Introduction

The 2016 capital outlay budget includes funding for the replacement of one Single Axle plow truck. Council approval is needed to move forward with this purchase.

Background

The current 2000 year model truck is in need of replacement. This unit is one of eight single axle trucks in the fleet. This truck is an integral piece of equipment in the fleet for the street maintenance division and is utilized year round. During the summer it is used for patching and paving streets. In winter it is out on every snow/ice event, treating and plowing city streets. The old unit will be traded in.

Budget Impact

The 2016 capital improvement plan identified \$210,000.00 under project PW 11.040 for the replacement of the unit described above. Due to increasing truck and equipment pricing, staff is requesting the truck be ordered by October 31st, 2015. The city will not take delivery or be invoiced for this purchase until sometime in the middle of 2016. The following is the cost breakdown for this purchase:

Mack GU712 Single Axle Chassis	\$107,412.00
Towmaster Dump body, Plow and equipment	\$112,290.29
Less trade in of old unit	<u>(\$22,000.00)</u>
Total cost	\$197,702.29

The total cost for this purchase is \$12,297.71 less than the estimated capital improvement budget. The remaining dollars will be used for future fleet purchases.

Recommendation

It is recommended that the council approve the purchase of the single axle plow truck and to enter into contracts with the following vendors for these purchases under MN State Contracts in an amount of \$197,702.29:

Nuss Truck & Equipment 2016 Mack GU712 single chassis MN State Contract # 77950
Towmaster Truck Equipment 2016 Dump Body, Plow and Equip. MN State Contract # 80228

Attachments

1. Quote/Specs from Nuss Truck and Equipment
2. Quote/Specs from Towmaster Truck Equipment

VENDOR NAME **NUSS TRUCK & EQUIPMENT**

MAKE AND MODEL **2016 MACK GU712 AF SINGLE**

This section for use when ordering

WB	187"	Grand Total \$ 107,412.00
CA	99"	
AF	62"	
Rear Ratio	4.8	
Cab Color	YELLOW	
Wheel Color	WHITE	
Notes	CITY OF MAPLEWOOD	UPDATED 9-18-15

Spec #	Description	Qty	Price	Subtotal
1.0	Price for base unit:	1	\$ 78,222.00	\$ 78,222.00
2.0	FRAME OPTIONS			
2.1	Front frame extension	1	\$ 848.00	\$ 848.00
2.4	Frame fastener option (bolt or huck spun)	1	STD	
2.16	2,820,000 23.5 120,000 87 - 112 CA	1	\$ 473.00	\$ 473.00
3.1	Set forward front axle option	1	STD	
3.4	18,000 front axle and matching suspension - Mack FXL18	1	\$ 1,446.00	\$ 1,446.00
3.7	Heavy duty front axle shocks	1	STD	
3.8	Front brake dust shields	1	\$ 17.00	\$ 17.00
3.17	HD multileaf front spring ILO taperleaf (2 leaf spring)	1	\$ 63.00	\$ 63.00
3.21	Haldex front slack adjustors - Need same slack adjustor on rear axle	1	STD	
3.22	Meritor front brakes - Need to match same brakes with rear axle	1	\$ 126.00	\$ 126.00
4.13	Mack RA23R 23,000 lbs rear axle & suspension	1	STD	
4.17	Mack interwheel power divider	1	\$ 1,316.00	\$ 1,316.00
4.19	Helper springs	1	\$ 127.00	\$ 127.00
4.23	Haldex rear slack adjustors	1	STD	
4.31	Meritor rear brakes	1	\$ 56.00	\$ 56.00
6.1	Nylon wafers or wheel guards on all wheels (6 ea)	1	\$ 43.00	\$ 43.00
6.7	10,000 lb 22.5 9" front steel rims, 315/80R 22.5 J front tires	1	\$ 493.00	\$ 493.00
6.24	12R 22.5 H rear tires	1	\$ 1,016.00	\$ 1,016.00
6.28	Aluminum front wheel - 22.5 x 9.0	1	\$ 373.00	\$ 373.00
6.32	Aluminum rear wheels - 22.5 x 8.25	1	\$ 257.00	\$ 257.00
7.1	Wabco System Saver 1200 E heated air dryer	1	STD	
7.2	Manual cable drain valves on air tanks	1	\$ 23.00	\$ 23.00
7.5	S.S. pins on slack adjuster yoke (2 ea per yoke) For all air brake chambers	1	\$ 123.00	\$ 123.00
7.15	Bendix ABS system with traction control	1	\$ 281.00	\$ 281.00
7.17	Lanyard control on supply wet tank	1	\$ 17.00	\$ 17.00
8.5	Mack MP7-325M, 325 HP @ 1500 - 1900 RPM, 1200 LB FT Max Torque @ 1100 - 1300 RPM	1	STD	
8.14	Clear Back of Cab - DPF & SCR Frame Mounted , RH Side under Cab	1	\$ 663.00	\$ 663.00
8.18	Single (R/S) Vertical Straight Exhaust Stack Turned Out	1	STD	
8.26	Single, Bright finish heat shield & stack	1	\$ 63.00	\$ 63.00
8.56	66 Gallon LH Aluminum D-Shape with Integral DEF Tank	1	\$ 141.00	\$ 141.00

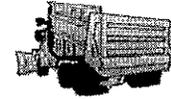
Spec #	Description	Qty	Price	Subtotal
8.84	Bright Finish Fuel Tank Straps - Single Tank	1	\$ 31.00	\$ 31.00
9.2	Delco 24 SI Alternator, 130 AMP	1	STD	
9.5	Donaldson Single Stage Air cleaner per spec 12.1	1	\$ 267.00	\$ 267.00
9.7	Coolant spin on filter/conditioner	1	\$ 46.00	\$ 46.00
9.8	Front engine powered take off adapter and radiator cut out	1	\$ 99.00	\$ 99.00
9.11	Radiator hose package (Silicone) per Spec 12.2 - with Allison transmission	1	\$ 231.00	\$ 231.00
9.13	Curved exhaust pipe end	1	STD	
9.14	Engine block heater	1	\$ 63.00	\$ 63.00
9.16	Radiator bug screen	1	STD	
9.18	Extended life anti-freeze	1	\$ 19.00	\$ 19.00
9.19	Starter motor options - Delco 39MT-MXT	1	STD	
9.29	Corrosion resistant oil pan - Recommended for snow plow trucks	1	\$ 121.00	\$ 121.00
9.33	Electric preheater	1	\$ 51.00	\$ 51.00
10.4	Synthetic (TranSynd) lubrication for Automatic Transmission	1	\$ 289.00	\$ 289.00
10.7	Allison 4500-RDS 6 spd push button, PTO	1	\$ 13,661.00	\$ 13,661.00
10.40	Transmission oil cooler	1	\$ 300.00	\$ 300.00
10.44	Allison shift to neutral when park brake engaged	1	STD	
10.46	Stainless steel transmission coolant pipes	1	\$ 175.00	\$ 175.00
11.3	Remote jump start terminals	1	\$ 107.00	\$ 107.00
11.4	OEM daytime running lights		\$ 23.00	\$ -
11.5	3000 CCA batteries in lieu of 1950CCA		\$ 64.00	\$ -
11.6	3 each 650/1950 CCA batteries in lieu of 2 each batteries	1	STD	
11.7	Switch for snowplow lights mounted on instrumental panel. Includes wiring terminated near headlights, for customer mounted auxiliary snowplow lights.	1	\$ 75.00	\$ 75.00
11.8	Vehicle speed sensor with speed signal at fuse panel for sander ground speed control system.	1	\$ 10.00	\$ 10.00
11.9	Dash mounted indicator body/hoist up body builder lamp	1	\$ 64.00	\$ 64.00
11.15	Body Link w/o cab floor pass thru hole/rubber boot	1	STD	
11.20	Eight switches - front strobe, rear strobes, wing light, wing strobe, sander light, tail gate lock, and vibrator	1	\$ 278.00	\$ 278.00
11.22	Ecco back-up alarm 575 constant sound level	1	\$ 72.00	\$ 72.00
12.7	Remote control for dual mirrors & heated - <input checked="" type="checkbox"/> X <input type="checkbox"/> Bulldog West Coast <input type="checkbox"/> Areo	1	\$ 456.00	\$ 456.00
12.10	Imron paint option	1	STD	
12.11	Imron and clear coat paint option	1	\$ 137.00	\$ 137.00
12.13	Cab Air Ride Suspension	1	STD	
12.16	Cab visor, external, painted to match cab color	1	\$ 139.00	\$ 139.00
12.17	Front fender extensions	1	\$ 101.00	\$ 101.00
12.18	Front fender mud flaps	1	STD	
12.19	Arctic winter wiper blades	1	\$ 18.00	\$ 18.00
12.20	Optional windshield washer tank	1	\$ 25.00	\$ 25.00
12.23	Front tow hooks	1	STD	
12.26	Heated windshield	1	\$ 425.00	\$ 425.00
12.27	One piece windshield	1	\$ 80.00	\$ 80.00
12.29	Bright finish hood intake	1	\$ 15.00	\$ 15.00
12.31	Bright finish bars with surround grille with front frame extension	1	\$ 231.00	\$ 231.00
12.34	Led type marker & clearance lights	1	\$ 73.00	\$ 73.00
12.42	10" round bright finish heated fender mirrors	1	\$ 225.00	\$ 225.00
13.2D	Slate Gray Color with brushed metallic instrument panel	1	\$ 1,094.00	\$ 1,094.00
13.3	Round universal gauge package	1	STD	
13.6	AM/FM premium stereo CD w/weatherband, MP3, hand free interface bluetooth	1	STD	
13.7	O.E.M factory installed, air conditioning	1	STD	

Spec #	Description	Qty	Price	Subtotal
13.8	Dash mounted air cleaner air restriction gauge	1	STD	
13.11	Transmission temp gauges	1	STD	
13.13	Transmission oil sensor (check & fill) Allison only	1	STD	
13.15	Tilt & telescope steering wheel	1	STD	
13.16	Self canceling turn signals	1	\$ 26.00	\$ 26.00
13.20	National 2000 hi-back air driver seat - single chamber air lumbar, 2 position front cushion adjustable	1	\$ 100.00	\$ 100.00
13.32	Inboard mounted driver arm rest	1	STD	
13.34	Cloth with vinyl driver & rider seat	1	STD	
13.35	Driver seat dust cover	1	STD	
13.41	Diagonal grab handle on inside of driver door	1	\$ 29.00	\$ 29.00
13.42	Co-pilot driver display (enhanced 4.5" diagonal graphic LCD display w/4-button stalk control - includes guarddog routine maintenance monitoring	1	STD	
13.46	5lb fire extinguisher between LH seat base and door with valve aimed rearward	1	\$ 64.00	\$ 64.00
13.47	Reflector kit parallel to inside of rider base seat	1	\$ 22.00	\$ 22.00
13.48	Air conditioning blend air HVAC w/pads		\$ 127.00	\$ -
13.49	Cab cleanout - includes in cab pneumatic line	1	\$ 44.00	\$ 44.00
13.56	Exhaust pyrometer & transmission oil temperature gauges	1	STD	
15.1	Trailer tow package extended to rear of frame	1	\$ 347.00	\$ 347.00
15.3	Single 7 pins Std SAE type, end of frame	1	\$ 115.00	\$ 115.00
	Enter the following Production Model Year here >>>>>>>>		2017	
20.1	Percentage Upcharge for the following Model Year Base Unit	1	\$ 1,500	\$ 1,500.00
20.2	Percentage Upcharge for the following Model Year Options		\$ 0	\$ -

Total Cost: \$ 107,412.00



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



Truck Equipment - Cutting Edges - Asphalt Repair Equipment

FX: 320-693-7921

STATE CONTRACT #80228

Parts FX: 320-593-5703

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

Contact:		Contact:			
PO#	QUOTE No.	Terms	Created Date	Latest Rev Date	Appx. Ship Date
	13384-TME	NET 30 DAYS	09/16/2015	9/17/2015	
Trk VIN	MO #	CO #	Salesman	Tim Erickson	
Freight Instructions:	Build Instructions:	Other Credit:	Other Charge:		
F.O.B. LITCHFIELD, MN	REV I				

ATTENTION: Scott Schultz 80228

Qty	Part No.	Description	Discount Rate:	0.00%	Price Each	Net Amt
1	9900118	Body 106EDGE-RS/SCIS-46-36-36 - - 46" 7 ga Stainless Front, 36" 7 ga Stainless radius sides (No Pockets), 36" 7 ga Stainless Tailgate w/Hardox-450 Face, 1/4" Hardox-450 Floor, 8" I-Beam Longsills, Air-trip ready linkage, Underside Black			12,431.00	12,431.00
1	9901701	Installation of Dump Body to hoist			1,750.00	1,750.00
1	9900145	Body acc'y TMTE Air trip kit, w/solenoid valve,			254.00	254.00
1	9901702	Installation of air operated tailgate latch kit			259.00	259.00
1	9900147	Body acc Box Vibrator - Cougar model DC3200			673.00	673.00
1	9901703	Installation of Box Vibrator			302.00	302.00
1	9900156	Cabshield, 1/2 type Stationary Free-Standing style,w/plain STAINLESS STEEL canopy, Hot-Dipped Galvanized tubing construction support stand, , (2) shovel holders, & reservoir mounts, Installed.			2,214.00	2,214.00
1	9900182	Walkrail removable both sides of 11' RC & RS body, Installed			875.00	875.00
1	9900207	Ladder Flip-A-Way Access ladder (STAINLESS STEEL) ea, Installed			453.00	453.00
1	9900211	Body acc'y Dual "split" sander manifolds in rear corner posts			310.00	310.00
1	9900214	Body acc'y Tailgate LEVER TOP PIN release (Single Axle bodies only)			387.00	387.00
1	9904246	Light Warning TMTE1SS-3 PKG: (2) STAINLESS STEEL 23H 3-light LED Micro-Edge, (2) 5M-400 Super-LED, (2) Side TIR3 LED, (2) 400 Max B-T-T LED, & (2) 400 LED BU Lights, in Stainless M Housings, (1) TIR3 LED Wing light, and (2) 4" LED work lights Installed			4,127.00	4,127.00
1	9900244	Light Mirror mt HOH plow light pkg INSTALLED			668.00	668.00
1	9900266	Fender set Minimizer MIN2260, for Single Axle, black Poly, Installed			747.00	747.00
1	9901224	Spillshield 8" bolt-on, bolt-together, 1/4" painted Carbon Steel & fitted to body via sander brkts, shipped loose			357.00	357.00
1	9900970	Tire Chains ON-SPOT for 1 Axle Installed			2,126.00	2,126.00



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



Truck Equipment - Cutting Edges - Asphalt Repair Equipment

1	9901028	Camera System, Voyager model AOM713WP-VCMS10B-CEC50, w/color LCD screen, Night vision Camera, & Cables, INSTALLED	713.00	713.00
1	9900299	Pre-Wet Towmaster/Varitech LDS-TMR-110-EGF Body Side Mt Sys for Elliptical body. (2) 55 gal tanks, mtg hdwe, plumbing, Elec Gravity Feed valve	1,682.00	1,682.00
1	9902483	Installation of TMR pre-wet system (New Towmaster Body)	818.00	818.00
1	9901834	Hoist OSP/Towmaster 720DH, Double Acting, W/Solid block rear hinge point, & OSHA approved saftey props	2,092.00	2,092.00
1	9901712	Installation of SCISSORS TYPE double acting hoist	1,748.00	1,748.00
1	9902920	Scraper FALLS IB-11A 1" MB, w/single lift cylinder, LESS CUTTING EDGES	5,356.00	5,356.00
2	9903277	VBL PolarFlex 4' Underchassis Complete System (includes bolts & nuts)	876.76	1,753.52
1	9903276	VBL PolarFlex 3' Underchassis Complete System (includes bolts & nuts)	657.57	657.57
1	9901705	Installation of underbody fixed angle scraper w/single lift cylinder	2,010.00	2,010.00
1	9900351	Scraper FORCE reverse/Auto-Lift system, ADD-A-FOLD valve, installed	466.00	466.00
1	9904232	Up Charge Electric pressure transmitter to read on LCD screen installed (electronic 6100 controlled valves only)	360.00	360.00
1	9902948	Wing Falls RHSDL10A-HYDPB Primed LESS CUTTING EDGES	8,957.00	8,957.00
2	9902818	VBL Vallite HIGHWEAR Fab Wing Blade, 5/8" x 6" x 3'	164.00	328.00
1	9902819	VBL Vallite HIGHWEAR Fab Wing Blade, 5/8" x 6" x 4'	218.00	218.00
1	9902814	VBL V45-HFR-12 RH Vallite Hard Faced Curb Runner, 12" ctrs	237.00	237.00
1	9900388	Installation Falls SDL Series Wing - w/Bulkhead Couplers	3,686.00	3,686.00
1	9901431	Wing Falls RL (REAR LIFT) up charge SDL WING	378.00	378.00
1	9900476	Wing Falls Safety Yellow - Paint Wing Moldboard	269.00	269.00
1	9900555	Plow Hitch Falls 44XB2/STD/STD/SA/SPR-RET/HITCH	2,661.00	2,661.00
1	9900589	Installation Falls Plow Hitch - 40 Series 3Line/STDBLKHD	1,552.00	1,552.00
1	9903074	Plow Falls PTE-1248/TRP-EDG/NOSHU/POLY-BLK Plow LESS CUTTING EDGES	7,873.00	7,873.00
3	9902827	VBL PolarFlex 4' Front Mount Complete System (includes bolts & nuts)	819.40	2,458.20
1	9904801	VBL V45-PF-HFR Hard Faced Wrap-Around Curb Runner, RH PolarFlex, New Style	172.00	172.00
1	9904802	VBL V45-PF-HFL Hard Faced Wrap-Around Curb Runner, LH PolarFlex, New Style	172.00	172.00
1	9900625	Plow Push Unit Falls 24/44 Series Std	777.00	777.00
1	9900637	Plow Falls High Visibility Marker Set	82.00	82.00
1	9900639	Plow Falls Rubber Belt Deflector Kit - Installed	296.00	296.00



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1	9900641	Plow Falls Parking Stand - Screw Adj Style	264.00	264.00
1	9900758	Hitch TMTE Heavy Duty plate ass'y w/light holes in plate,	317.00	317.00
1	9901716	Hitch Installation of Pup Hitch (weld in style)	687.00	687.00
1	9900762	Hitch PREMIER 2300 Air Cushion Pintle, Installed	694.00	694.00
1	9902494	Hitch 7 contact RV socket installed	153.00	153.00
1	9900773	Hitch Furnish and install gladhands on truck	182.00	182.00
1	9900791	Sander Falls 1ASD-6CDSS-6P-1D-1S-LM, Salt Special 6", Stainless Steel Unit, LH Discharge, Single Poly Spinner Ass'y, complete sander (includes extra salt shield)	4,332.00	4,332.00
1	9901718	Sander Install & dual manifold RH & LH rear	614.00	614.00
1	9900823	Sander TMTE Exterior (removable) sander/tailgate spill plates, Stainless Steel	356.00	356.00
1	9900851	Valve System, Force Add-A-Fold MCV-ISO Valve 9 Functions , INSTALLED -- Box Hoist, Plow Lift, Plow Angle, Wing Toe, Wing Heel, Wing Push-Bar, Scraper Lift, Auger, & Spinner	9,988.00	9,988.00
1	9902497	Control System Force ULTRA-4-6100 Commander control, Installed	11,850.00	11,850.00
1	9900874	Filter Force IN-TANK mounted filter installed	450.00	450.00
1	9900882	Reservoir TMTE Cabshield mt (stainless steel) w/intank filter provision, installed	2,182.00	2,182.00
1	9900888	Pump Force FASD45L LS (6 ci) installed	3,516.00	3,516.00
1	9900871	Switch TMTE BODY UP Installed (electric controls only)	273.00	273.00
1	9900884	Sensor Force Low oil indicator system, SLIM-LINE AND CABSHIELD MOUNTED w/light mounted in cab installed	207.00	207.00
1	9901013	Super Tough cover hose in lieu of TOUGH COVER hose SGL application	520.00	520.00
1	WARRANTY	TOWMASTER EXCLUSIVE WARRANTY: 5 yr Steel/Stainless Steel Body Structure; 5 yr Whelen LED Light Systems; 3 yr Palfinger Hoists; 2 yr Hyd, Snow Equip, Tele Hoists, and all other items	0.00	0.00

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

Visit us online at www.towmastertruck.com

Accepted By: _____

Date: _____

Price:	\$112,290.29
Discount:	\$0.00
Other Credit (see above):	\$0.00
Net Cost:	\$112,290.29
Sales Tax:	\$0.00
Other Charge (see	\$0.00
Freight	\$0.00
Total:	\$112,290.29

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Thompson, City Engineer/Public Works Director
Bryan Nagel, Street Superintendent

DATE: October 1, 2015

SUBJECT: Approval of Purchase of Bituminous Materials

Introduction

The council will consider approval of bituminous materials of up to \$17,000.00 which is already allocated within the Public Works general fund operating budget.

Discussion

The supplier of bituminous materials is TA Schifsky and Sons for 2015. The council previously authorized purchase of bituminous materials up to \$60,000.00 in March of 2015.

This additional \$17,000.00 will allow for additional use of our paver to fix large areas of raveled and potholed streets.

Budget Impact

There is no impact on the approved budget as this expenditure will fall within the approved 2015 Public Works operating budget: 101-502-000-4180 \$17,000.00

Recommendation

It is recommended that the City Council authorize the Street Superintendent to purchase bituminous materials in an amount up to \$17,000.00 from T.A. Schifsky and Sons.

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Karen Haag, Citizen Services Director
DATE: October 6, 2015
SUBJECT: Approval of a Temporary Lawful Gambling – Local Permit for the Church of the Presentation of the Blessed Virgin Mary

Introduction

An application for a temporary Lawful Gambling – Local permit was submitted by Stephen Blessing on behalf of the Church of the Presentation of the Blessed Virgin Mary the afternoon of Wednesday, September 23, 2015. The permit was to be used at the church's annual Mini Cad fundraiser, held at Gulden's 61 Restaurant & Bar on Monday, October 5, 2015.

City Code section 22-12 requires Council approval of Lawful Gambling – Local permits; however, due to the time of application in relation to the church's October 5th event, staff did not have an opportunity to present the approval of this item to Council. For this reason, staff administratively approved the permit application and are requesting Council to retro-actively approve the decision.

Recommendation

Staff recommends Council retro-actively approve the temporary Lawful Gambling – Local permit for the Church of the Presentation of the Blessed Virgin Mary's Mini-Cad fundraiser, held on Monday, October 5, 2015 at Gulden's 61 Restaurant & Bar, 2999 N Highway 61 in Maplewood.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Thompson, City Engineer / Public Works Director

DATE: September 29, 2015

SUBJECT: Bellaire Avenue Improvements (Beam to Lydia), City Project 15-16

- a. Public Hearing 7:00 pm
- b. Consider Approval of Resolution Ordering Improvement after Public Hearing (4 votes)

Introduction

The public hearing for this project has been scheduled for 7:00 p.m., Monday, October 12, 2015. Notices of the public hearing have been mailed and published. The feasibility study was accepted by the City Council on September 14, 2015 with a resolution authorizing the preparation of plans and specifications, and calling for a public hearing. The council will consider ordering the improvement following the public hearing. A supermajority vote is required to order to the project.

Background/Discussion

The section of Bellaire Avenue (aka Helen St) between Beam Avenue and Lydia Avenue is a border street with the City of North St. Paul (NSP). NSP is leading a large neighborhood reconstruction project in 2016 of which this section of Bellaire is included for pavement rehabilitation and spot curb repair. Maplewood, in anticipation of this joint project, planned for this work in the currently adopted 2016-2020 Capital Improvement Plan.

WSB & Associates, Inc. acts as the City Engineer for NSP and produced the feasibility study which covers both the NSP and Maplewood improvements. The feasibility study found that the project is feasible, necessary, and cost effective from an engineering standpoint and the council approved and accepted the document on September 14, 2015.

This first Public Hearing is the meeting in which the residents have the opportunity to comment on the project. In order to proceed with the project a super majority vote of the council is needed for ordering of the improvement after public testimony is received.

The total project cost is estimated at \$5,271,000.00 however Maplewood's share is estimated at \$93,250.00. Maplewood and NSP would enter into a joint powers agreement (JPA) prior to awarding of a construction contract outlining cost share and responsibilities.

Similar to past practice and policy, the city received an opinion of special benefit through an appraisal. The opinion found that the City's proposed assessment rate of \$3,450.00 per parcel is justifiable. An Assessment Hearing would be held over the winter to specifically address the proposed assessments.

Budget

On September 14, 2015 the finance director was authorized by the city council to make the financial transfers necessary to implement the financing plan for the project. A project budget of \$93,250.00 was established. The approved financing plan is as follows and shall be implemented:

Special Assessments =	\$44,850.00
Utility Funds/G.O. Bonds =	\$48,400.00

Recommendation

It is recommended that the City Council hold a Public Hearing and Consider Approval of the Resolution Ordering the Improvement for the Bellaire Avenue Improvements, City Project 15-16. (Four affirmative votes are required to approve this resolution).

Attachments

1. Resolution Ordering Improvement
2. Feasibility Report (Condensed)
3. Location Map

RESOLUTION
ORDERING IMPROVEMENT

WHEREAS, a resolution of the City Council adopted the 14th day of September 2015, fixed a date for a council hearing on the proposed street improvements for the Bellaire Avenue Improvements, City Project 15-16, which is a joint public improvement project led by the City of North St. Paul (North St. Paul Project No. S.A.D. 16-01).

AND WHEREAS, ten days mailed notice and two weeks published notice of the hearing was given, and the hearing was duly held on October 12, 2015, and the council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1. That it is necessary, cost-effective and feasible, as detailed in the feasibility report, that the City of Maplewood make improvements to the Bellaire Avenue Improvements, City Project 15-16.
2. Such improvement is hereby ordered as proposed in the council resolution adopted the 12th day of October, 2015.
3. The North Saint Paul City Engineer, or his designee, is the designated engineer for this improvement and is hereby directed to prepare final plans and specifications as previously directed by the City Council at the September 14, 2015 council meeting.
4. The finance director was authorized to make the financial transfers necessary to implement the financing plan for the project by the city council at the September 12, 2015 council meeting. A project budget of \$93,250.00 was established. The approved financing plan is as follows and shall be implemented:

Special Assessments =	\$44,850.00
Utility Funds/G.O. Bonds =	\$48,400.00

Approved this 12th day of October 2015.

FEASIBILITY REPORT

2016 STREET AND UTILITY IMPROVEMENT PROJECT

**CITY OF NORTH ST PAUL PROJECT NO. S.A.D. 16-01
CITY OF MAPLEWOOD PROJECT NO. 15-16**

**FOR THE
CITY OF NORTH ST. PAUL, MINNESOTA
CITY OF MAPLEWOOD, MINNESOTA**

August 12, 2015

Prepared By:

**WSB & Associates, Inc.
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416
763-541-4800
763-541-1700 (Fax)**



engineering • planning • environmental • construction

701 Xenia Avenue South
Suite 300
Minneapolis, MN 55416
Tel: 763-541-4800
Fax: 763-541-1700

August 12, 2015

Honorable Mayor and City Council
City of North St. Paul
2400 Margaret Street
North St. Paul, MN 55109

City of Maplewood
1830 County Rd B East
Maplewood, MN 55109

Re: Feasibility Report
2016 Street and Utility Improvement Project
City of North St. Paul Project No. S.A.D. 16-01
City of Maplewood Project No. 15-16
WSB Project No. 1887-420

Dear Honorable Mayor and City Council Members:

Transmitted herewith for your review is a feasibility report which addresses improvements associated with the 2016 Street and Utility Improvement Project. Streets included in the proposed improvements are 1st Street North, 2nd Street North, 19th Avenue East, Helen Street North, Helen Court, Longview Drive, and Navajo Road.

We are available at your convenience to discuss this report. Please do not hesitate to contact me at 763-287-7173 if you have any questions regarding this report.

Sincerely,

WSB & Associates, Inc.

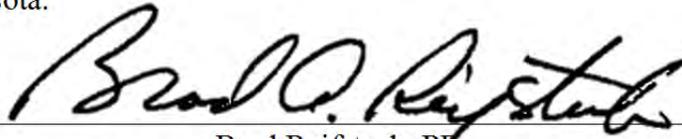
A handwritten signature in black ink, appearing to read "Morgan Dawley", is written over the typed name and title.

Morgan Dawley, PE
City Engineer

Enclosure

CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.



Brad Reifsteck, PE

Date: August 12, 2015

Lic. No. 47930

Quality Control Review Completed By:



Morgan Dawley, PE

Date: August 12, 2015

Lic. No. 44178

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- Figure 2: Typical Section – Reconstruction Improvements
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- Figure 4: Sidewalk & Trail Improvements
- Figure 5: Water Main Utility Map
- Figure 6: Sanitary Sewer Utility Map
- Figure 7: Storm Sewer Utility Map

Appendix B

- Opinion of Probable Cost

Appendix C

- Preliminary Assessment Map
- Preliminary North St. Paul Assessment Roll
- Preliminary Maplewood Assessment Roll

Appendix D

- Capital Improvement Plan (CIP) Map

Appendix E

- 2015 Coring Report

Appendix F

- 2015 Geotechnical Report – Log of Test Borings

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- 2015 Sanitary Sewer Televising Report

Appendix H

- Public Comment Summary

1. EXECUTIVE SUMMARY

The 2016 Street and Utility Improvement Project, City Project No. S.A.D. 16-01, was initiated by the City's Capital Improvement Plan (CIP). Streets proposed for improvements in 2016 include the following roadways totaling approximately 8,370 feet (1.56 miles):

- 1st Street North between 19th Avenue East and 17th Avenue East
- 2nd Street North between 19th Avenue East and 17th Avenue East
- 19th Avenue East between Chippewa Avenue and Helen Street North
- Helen Street North between 17th Avenue East and Beam Ave
- Helen Street North between Beam Avenue East and Lydia Avenue East¹
- Helen Court off of Helen Street North
- Longview Drive between Helen Street North and 19th Avenue East
- Navajo Road between Hilltop Court and Helen Street North

¹Shared improvement between the City of North St Paul and the City of Maplewood.

The 2016 Street and Utility Improvement Project consist of roadway reclamation and roadway reconstruction improvements based on the current roadway conditions and the overall CIP budget.

Reclamation improvements, including spot curb and gutter replacement, proposed for construction in 2016 include two consecutive segments along Helen Street North between 17th Avenue East and Lydia Avenue East. The first segment lies completely in the City of North St Paul from 17th Avenue East to Beam Ave. The second segment is a shared with the City of Maplewood from Beam Avenue to Lydia Avenue East.

Roadway reconstruction consisting of pavement removals, subgrade correction, concrete curb and gutter replacement, and new pavement installation is proposed along the remaining streets.

Replacing portions of the City's deteriorating utility infrastructure in conjunction with the proposed street improvements provides an opportunity to minimize the replacement costs and traffic disruptions associated with the work. Proposed utility improvements include the following:

- Rehabilitate, spot repair and replacement of damaged or deficient sanitary sewer, sanitary services, and sanitary manholes
- Replacement of existing water main including: hydrants, gate valves, and services
- Repair or replacement of structurally deficient storm sewer and storm manholes
- Replacement of all existing storm and sanitary manhole castings that do not meet current City standards

The total estimated project cost for the 2016 Street and Utility Improvements Project including the trail and sidewalk options is **\$5,271,100** which includes a 10% contingency and 24% indirect costs for legal, engineering, administrative, and financing costs. The project is proposed to be funded through special assessments to benefitting property owners and City funds.

The project is proposed to be substantially completed in 2016, including restoration items. The final wear course of bituminous pavement will be placed in 2017. The project is feasible, necessary, and cost-effective from an engineering standpoint and should be constructed as proposed herein.

2. STREET AND UTILITY IMPROVEMENT PROJECT

2.1.1 Authorization

On April 21st, 2015, the North St. Paul City Council authorized the preparation of an engineering feasibility report for the 2016 Street and Utility Improvement Project. This project has been designated as North St. Paul City Project No. S.A.D. 16-01. On August 10th, 2015 the Maplewood City Council authorized the preparation of a joint report with the City of North St. Paul for the 2016 Street and Utility Improvement Project. This project has been designated as Maplewood City Project No. 15-16.

2.1.2 Scope

This report investigates the feasibility of proposed improvements to streets and utilities identified within the City's CIP for 2016. Streets proposed within the 2016 Street and Utility Improvement Project were initially considered because of existing pavement conditions and known utility failures. The streets proposed for improvements include:

- 1st Street North between 19th Avenue East and 17th Avenue East
- 2nd Street North between 19th Avenue East and 17th Avenue East
- 19th Avenue East between Chippewa Avenue and Helen Street North
- Helen Street North between Lydia Avenue East and 17th Avenue East
- Helen Court off of Helen Street North
- Longview Drive between Helen Street North and 19th Avenue East
- Navajo Road between Hilltop Court and Helen Street North

The project area is shown in *Figure 1* of *Appendix A* of this report.

Improvements outlined within this report include bituminous pavement reclamation and reconstruction, sanitary sewer rehabilitation, water main replacement, and storm sewer improvements, including drantile in areas with poorly draining soils.

2.1.3 Data Available

Information and materials used in the preparation of this report include the following:

- City of North St. Paul Assessment/Improvement Policy
- City of Maplewood Assessment / Improvement Policy
- City of North St. Paul Living Streets Plan
- City of North St. Paul Record Plans
- City of North St. Paul Tree Inventory
- City of North St. Paul Utility Plans

- City of North St. Paul Water Main Repair Records
- Field Observations of the Area and Discussions with City Staff
- Coring Reports, WSB & Associates, dated July 2015
- Geotechnical Evaluation Report, Braun Intertec, dated August 2015
- Private Utility Maps
- Ramsey County Topography Maps
- Televising Reports for the Sanitary Sewer, Visu-Sewer, dated August 2015

2.2 EXISTING CONDITIONS

2.2.1 *Surface*

With the exception of Helen Street North, the roadways within the proposed project area consist of approximately 27-foot-wide urban street section (measured from toe of curb to toe of curb) with bituminous or concrete curb and gutter. The existing right-of-way width is 60 feet. Helen Street North is approximately 34-foot-wide urban street section (measured from toe of curb to toe of curb) with concrete curb and gutter. The existing right-of-way of Helen Street North is 66 feet.

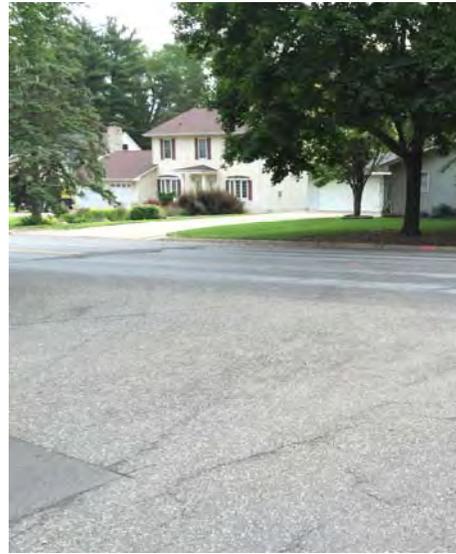
Geotechnical exploration was performed by WSB & Associates in March and July of 2015 and Braun Intertec in July of 2015, and determined the pavement thickness to range from 3.5-inches to 4-inches. The streets are showing signs of severe distress, too severe to be addressed with patching and chip sealing. The coring report and geotechnical report can be found in *Appendix E* and *Appendix F* respectively.

All streets within the City of North St. Paul were rated in 2011 and provided an Overall Condition Index (OCI) rating. Streets within the proposed improvement areas are aging and experiencing differing severities of alligator cracking, edge cracking, longitudinal cracking, and transverse cracking.

The curb and gutter is in fair condition; however, some cracking and settlements have resulted in isolated drainage issues and additional pavement distress. The photos below illustrate the varying levels of pavement distresses found throughout the project.



1st Street (Between 17th Ave and 19th Ave)



Helen Street (off of Navajo Rd)

Helen Street North between Lydia Avenue East and 17th Avenue East was originally constructed in 1960, but was reconstructed in 1996 due to deteriorating pavement conditions. Pavements are showing isolated signs of edge cracking, longitudinal cracking, and transverse cracking.

Concrete sidewalks are located along 1st Street North, 2nd Street North, Navajo Road on both sides of the street. The sidewalks located within the project area are 5-feet wide and meet the City's current standard for sidewalk widths.

All project areas contain landscaping, trees, and numerous other private improvements beyond the edge of the roadway and within City right-of-way (ROW). The Forestry Division for the City of North St. Paul has compiled a tree inventory which identifies tree species, size, and location of street and park trees within the City ROW.

2.2.2 Municipal Utilities

Majority of the existing water main as shown in **Figure 5** of **Appendix A**. in the project area consists of 6-inch-diameter cast iron pipe (CIP) that was installed at the same time the road was initially constructed. Along 19th Street East, 8-inch-diameter ductile iron pipe (DIP) was installed at the time the street was initially constructed, and 8-inch diameter DIP pipe was installed along Helen Street North between Lydia Avenue East and 17th Avenue East when the street was reconstructed in 1996. All of the water main runs under the existing roadway. Utility maintenance records have identified water main breaks throughout the project area with the exception of the newer water main along Helen Street North. Additionally, the majority of the existing hydrants and gate valves have been identified as leaking or damaged.

The existing sanitary sewer system as shown in **Figure 6** of **Appendix A**. in the proposed project area consists of 8-inch-diameter vitrified clay pipe (VCP) sewer installed at the same time the roads were originally constructed (1956 - 1960).

The existing sanitary sewer was televised and the mainline sewer was found to be in fair condition with root problems and isolated cracking and separated joints. Root problems were also encountered at a number of services. A summary report of the sanitary sewer televising report can be found in *Appendix G* of this report.

The existing storm sewer as shown in *Figure 7* of *Appendix A* in the project area consists of local collection systems at most intersections and trunk lines running along Helen Street North, Navajo Road, and 19th Avenue East. The majority of the stormwater runoff from the proposed project area is directed to the west/southwest to Casey Lake or the North St. Paul Postal Credit Union Environmental Learning Center. Ultimately this runoff then continues west and is discharged to Kohlman Lake. There is a small portion of the project (north end of Helen Street) that discharges to Silver Lake. Historically, the majority of the existing storm sewer facilities within the project area have proven adequate during smaller rainfall events.

2.2.3 Private Utilities

There are currently private utilities within the proposed project area. Known utility owners include:

- Access Communications [Telephone]
- AT&T [Telephone]
- City of North St. Paul [Electricity]
- Comcast [Television]
- CenturyLink [Telephone]
- Xcel Energy [Gas]
- Zayo Group [Fiber]

2.3 Proposed Improvements

2.3.1 Surface

The proposed surface improvements along Helen Street North between Lydia Avenue East and 17th Avenue East included with the 2016 Street and Utility Improvement Project consist of a full depth pavement reclamation and spot curb and gutter replacement. An on-site review of the pavement distresses indicate that reclamation improvements are appropriately timed to maximize the life of the road. Spot repair and replacement of broken and settled curb will be completed based on a field review of the site. *Figure 3* of *Appendix A* illustrates the proposed roadway section.

The proposed surface improvements along the remaining project area include full-depth pavement reconstruction. Streets proposed to be reconstructed include:

- 1st Street North between 19th Avenue East and 17th Avenue East

- 2nd Street North between 19th Avenue East and 17th Avenue East
- 19th Avenue East between Chippewa Avenue and Helen Street North
- Helen Court off of Helen Street North
- Longview Drive between Helen Street North and 19th Avenue East
- Navajo Road between Hilltop Court and Helen Street North

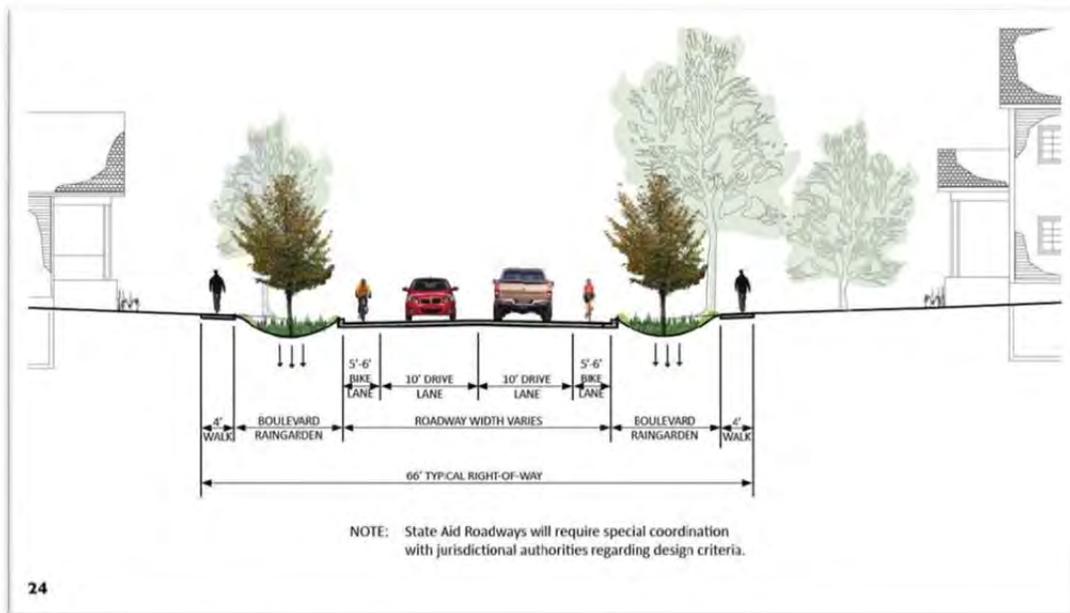
Streets within the proposed project area are proposed to be reconstructed to a 26-foot (toe to toe) street width. Roadways proposed for reconstruction improvements will be constructed to the City's 7-ton design standard and will consist of 1.5 inches of bituminous wearing course, 2 inches of bituminous base course, 6 inches of Class 5 aggregate base, and 24 inches of select granular borrow over an acceptable, compacted subgrade. **Figure 2** of **Appendix A** illustrates the proposed roadway section.

The existing bituminous and concrete curb and gutter within the project area is proposed to be completely removed and replaced with barrier style concrete curb and gutter.

The existing sidewalks along 1st Street North, 2nd Street North and Navajo are also proposed to be replaced due to the existing condition of the concrete. Additional sidewalk is proposed along the south side of 19th Avenue East and the west side of Longview Drive. All existing pedestrian curb ramps will be brought up to current ADA accessibility design standards as part of the 2016 Street and Utility Project.

In 2011, the City of North St. Paul adopted a Living Streets Plan intended to connect neighborhoods with a comfortable, safe walking and biking network for people of all ages and abilities, calm vehicle traffic, showcase natural resources and protect existing trees in the streetscape, and improve stormwater quality. Within the project area, Helen Street North has been identified as a north/south collector and a portion of 19th Avenue East has been identified by the City of North St. Paul Living Streets Plan as a future recreational parkway. Features for streets identified as recreational parkways include street trees, rainwater gardens, bike lanes on both sides of the street, sidewalk on both sides of the street, and two 10-foot driving lanes. The intent of the parkway is to “create a beautiful North St. Paul amenity that links walkers and bikers to primary destinations (businesses and parks) and adds value to the city.” It is noted that the parkway will “vary, however, depending on the neighborhood through which it passes.” As part of the parkway plan, it is proposed to add bituminous trails east of 1st Street North, north of 19th Avenue East and west of Longview Drive. **Figure 4** of **Appendix A** illustrates the alternative options for sidewalks and trail segments.

Implementation of the Living Street features will be further evaluated during the final design phase of this project.



Note: Typical Section from Living Streets Plan Page Number 24

It will be a goal of the design team to minimize tree impacts as practical to achieve quality reconstruction standards. Further analysis of tree impacts will be completed during final design.

2.3.2 Municipal Utilities

The existing VCP sewer main is in fair condition and in need of rehabilitation. Rehabilitation will include spot repairs, joint repairs and Cured In-Place Pipe CIPP liners for the main and sanitary sewer services to the ROW. Manholes inverts will be repaired and all casting replaced including chimney seals to prevent Inflow and Infiltration.

Existing 6-inch and 8-inch CIP water main in the project areas have also been identified as requiring replacement. New water main is proposed to be replaced with 8-inch PVC water main pipe and equipped with new valves and hydrants as necessary for proper operation and fire protection. Water services are also proposed to be replaced with plastic pipe back to the curb stop.

Reconstruction of the streets also provides a timely opportunity to improve drainage conditions within the project areas. Drainage improvements in the project area include removal and replacement of existing infrastructure to meet current City storm sewer standards. Manholes, manhole castings, and catch basin castings are also proposed to be repaired/replaced to meet current City standards.

The existing drainage patterns and discharge locations will be maintained so the hydrologic characteristics of the area are not altered. There is a small portion of the project (north end of Helen St.) that discharges to Silver Lake. Stormwater runoff from Navajo Road, Helen Court, portions of Longview Drive, and the majority of Helen Street discharge west through storm sewer and into Casey Lake. Stormwater runoff from 19th

Avenue, 2nd Street, 1st Street, and portions of Longview Drive discharge south into the 17th Avenue storm sewer system where it is then conveyed to the North St. Paul Postal Credit Union Environmental Learning Center. Both the Environmental Learning Center and Casey Lake outlet to the west and ultimately discharge to Kohlman Lake. Kohlman Lake is listed by the Minnesota Pollution Control Agency (MPCA) as impaired due to excess nutrients. There is an approved nutrient TMDL plan for Kohlman Lake. Water quality improvements undertaken as a part of this project can be used to partially meet these requirements.

2.3.3 Water Quality

Water quality improvements are required to meet Ramsey-Washington Metro Watershed District's (District's) rules for reconstruction of public streets. It is anticipated that District requirements will be addressed through a combination of water quality improvements both within and/or in the vicinity of the project area. These improvements will be further evaluated under the project's final design process.

2.3.3.1 Onsite

Under the District's rules, water quality improvements must be implemented within the project area. The following apply to the proposed project:

- **Rate Control**
Proposed runoff rates for the 2-year, 10-year, and 100-year critical storm event shall not existing runoff rates.
- **Volume Control**
1.1 inches of stormwater runoff volume from new and reconstructed impervious surfaces shall be retained onsite. If infiltration is determined to be infeasible, filtration (at a credit of 55%) or enhance filtration (at a credit of 80%) may be utilized. If other methods of treatment are required it will need to be approved consistent with the District's Alternative Compliance Sequencing.

Using an estimated reconstructed area of 136,100 square feet (3.12 acres) approximately 0.29 acre feet of stormwater runoff volume will need to be retained on site.

- **Water Quality**
90% total suspended solids removal from the proposed area. If volume control is met, it is assumed that the water quality standard is set. If the volume control standard is determined to be infeasible, Alternative Compliance Sequencing will need to be followed.
- **BMP Design**

Stormwater water quality Best Management Practice (BMP) opportunities will be reviewed in a tiered-approach. A desktop review of stormwater infrastructure (catch basins, pipes, outfalls and existing BMPs), parcel ownership, topography soils and apparent space availability will initiate the process. The following retrofit areas will be screened for in this initial desktop review:

1. Existing BMP modification potential
2. Below stormwater outfalls
3. Within the conveyance system (ditches or daylighting opportunities)
4. Right of ways
5. Parking lots
6. Residential streets/blocks
7. Open space/pervious areas for disconnecting pervious area
8. Underground treatment/pretreatment

Each site deemed viable for retrofitting will be reviewed for applicability of the following BMPs:

1. Extended detention
2. Wet ponds
3. Stormwater wetlands
4. Bioretention
5. Filtration
6. Infiltration
7. Swale

The second step of the design process will be development of a P8 model to estimate existing and proposed conditions. The third step in the design process will involve a field visit to key locations identified in the desktop review to verify assumptions and potential BMP type for each site as well as note limiting factors for design. This information will be used to inform the Ramsey-Washington Watershed District of all potential optimal locations to be used for targeted outreach effort. Those targeted property owners who are interested in participating in a partnership facilitating North Saint Paul's Living Streets BMP design components (i.e., those BMPs identified above) will be requested to attend a planning workshop for collection of memoranda of understanding. For these project sites, and any publicly owned parcels suitable for BMP inclusion, a proposed P8 model will be developed. Information from this model will be used to achieve stormwater compliance as well as an estimate of project costs and quantities.

Feasible BMP locations are limited due to available public land, locations of underground utilities, proximity to drainage systems, and existing topography. Cooperation of property owners may be needed to allow grading or placement of these features on a portion of their properties. The willingness of homeowners to allow these improvements and the extent that these features can meet District

requirements will be evaluated through public involvement and final design of the project.

2.3.3.2 Offsite

For the portion of the water quality requirements that cannot be achieved onsite, offsite improvements can be used to meet the District's rules. Several options for regional stormwater treatment have been identified at Casey Lake Park. One cost-effective option is a water reuse system that captures stormwater runoff and uses it to irrigate turf at the park. Other options may include filtration and/or infiltration basins at the park. Offsite improvements used to meet District permit obligations must be constructed within two years of the start of the street reconstruction project.

2.3.3.3 Impact Fee

If the City is unable to address stormwater quality requirements within two years of the street reconstruction project, the City is required to pay an impact fee to the District. The impact fee is used by the District to fund water quality improvements within the impacted subwatershed. In this case, the impacted subwatershed is Kohlman Lake, which only includes a small area within the City of North St. Paul. Therefore, it is likely that impact funds may fund improvements outside of the City.

2.3.4 Right-of-Way

It is anticipated that all street and utility work will take place within the existing roadway right-of-way or within existing drainage and utility easements. Additional right-of-way or easement acquisition is expected to be needed to construct portions of the trails and water quality features and will be further evaluated with final design of the project.

2.3.5 Permits/Approvals

Permits will be necessary from the following agencies:

- Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES) permit
- Minnesota Department of Health Extension of Water Main permit
- Ramsey-Washington Metro Watershed District (RWMWD) permit for stormwater quality improvements

2.3.6 Public Involvement

A Neighborhood Open House for the proposed improvements was conducted for the project on August 25, 2015, for property owners of North St. Paul and Maplewood. Preliminary information was presented to approximately 36 attendees regarding the

proposed improvements, costs, funding, schedule, and impacts associated with the project. Comment cards were made available to attendees at the meeting. Summaries of the correspondence received and questions and answers provided at the informational meetings are included in *Appendix H*.

3. FINANCING

3.1 Opinion of Cost

Detailed opinions of cost for the various project areas can be found in *Appendix B* of this report. The opinions of cost incorporate estimated 2016 construction costs and include a 10% contingency factor. Indirect costs are projected at 24% of the construction cost and include engineering, legal, financing, and administrative costs. Table 3.1 below provides a summary of the opinions of probable cost for the 2016 Street and Utility Improvement Project.

Table 3.1 – Project Cost Summary	
Schedule	Total
Schedule A – Surface Improvements	\$2,596,100
¹ Schedule B – Helen St Improvements (North of Beam)	\$186,500
Schedule C – Sanitary Sewer Improvements	\$997,100
Schedule D – Water Main Improvements	\$704,900
Schedule E – Storm Sewer Improvements	\$536,900
TOTAL	\$5,021,500
Trail A (17 th Ave E to 19 th Ave E)	\$98,500
Sidewalk B – 19 th Ave E (Chippewa Ave to Helen St N)	\$71,100
Trail C (19 th Ave E to Polar Park)	\$17,800
Trail D (Hilltop Ct to Longview Dr)	\$39,300
Sidewalk E – Longview Dr (19 th Ave E to Helen St N)	\$22,900
GRAND TOTAL	\$5,271,100

¹Shared improvement between the City of North St Paul and the City of Maplewood.

Figure 4 of *Appendix A* illustrates the alternative options for sidewalks and trail segments. These alternatives are also illustrated in the living streets plan.

3.2 Funding

Financing for the 2016 Street and Utility Improvement Project will come from City funds and special assessments from both the City of North St Paul and the City of Maplewood. North St. Paul and Maplewood will enter into a JPA to share costs for the project.

Special assessments are determined as set forth by each City's Assessment Policy and current fee resolutions. Per the City of North St Paul's Assessment Policy, benefitting

property owners will be assessed by the actual front footage abutting the improvements. The current fee schedule for assessments is:

- Reclamation Front Foot Assessment Rate **\$35.00** per front foot
- Reconstruction Front Foot Assessment Rate **\$64.00** per front foot

The City of Maplewood Assessment Policy, assess the benefitting property owners on a per unit basis at a rate of **\$3,450.00**.

The total funds proposed to be recovered through special assessments are estimated at **\$693,200**. The City of North St Paul is responsible for \$647,700 of this total amount, while the City of Maplewood is responsible for \$44,850.

The preliminary assessment roll can be found in *Appendix C*. A summary of the proposed project funding is shown below in Table 3.2.

Table 3.2 – Project Funding Summary	
Fund	Total
City Street CIP Funds	\$2,041,650
Waste Water Utility Fund	\$997,100
Water Utility Fund	\$704,900
Surface Water Utility Fund	\$536,900
Special Assessments*	\$647,700
TOTAL (North St. Paul)	\$4,928,250
Utility Funds/ G.O. Bonds (Maplewood)	\$48,400
Special Assessments* (Maplewood)	\$44,850
TOTAL (Maplewood)	\$93,250
PROJECT TOTAL	\$5,021,500
City Street CIP Funds TRAIL/SIDEWALK TOTAL	249,600
GRAND TOTAL	5,271,100

*Note: The preliminary assessment roll can be found in *Appendix B* of this report.

4. PROJECT SCHEDULE

The proposed schedule for this improvement is as follows:

- Order Feasibility Report..... April 21, 2015
- Neighborhood Open House August 25, 2015
- Present Feasibility Report/Set Public Hearing (NSP) September 15, 2015

Present Feasibility Report/Set Public Hearing (MW)	September 14, 2015
Public Hearing/Order Project (NSP)	October 20, 2015
Public Hearing/Order Project (MW)	October 12, 2015
Approve Plans/Order Ad for Bid.....	January 19, 2015
Open Bids	February 18, 2015
Begin Construction.....	May, 2016
Substantial Completion of Construction	November, 2016
Final Completion of Construction.....	June, 2017

* Schedule assumes any necessary private utility work is completed prior to start of construction.

5. FEASIBILITY AND RECOMMENDATION

The 2016 Street and Utility Improvement Project includes reclamation improvements with spot curb and gutter replacement along Helen Street North between Lydia Avenue East and 17th Avenue East, and roadway reconstruction, utility repair and replacement, and sidewalk and trail improvements along the following roadways:

- 1st Street North between 19th Avenue East and 17th Avenue East
- 2nd Street North between 19th Avenue East and 17th Avenue East
- 19th Avenue East between Chippewa Avenue and Helen Street North
- Helen Court off of Helen Street North
- Longview Drive between Helen Street North and 19th Avenue East
- Navajo Road between Hilltop Court and Helen Street North

The total estimated cost for the 2016 Street and Utility Improvement Project including roadway and utility improvements is **\$5,271,100**. Proposed funding for the project is provided through a combination of special assessments, and City funds.

Based on the information contained in this report, it is recommended to proceed with the improvements in the project area. This project is feasible, necessary, and cost-effective from an engineering standpoint. The project feasibility is subject to financial review by the City.

Prepared August 10, 2015

PRELIMINARY ASSESSMENT ROLL

BELLAIRE AVE IMPROVEMENTS
MAPLEWOOD PROJECT 15-16

MAP ID	Parcel ID	Taxpayer/Owner	Street Number	Street	Units	Street Assessment	Total Assessment
150	12922240101	Aaron C Martin	2899	Bellaire Ave N	1	\$3,450.00	\$3,450.00
151	12922240100	Kristine L Tavernier Moran	2901	Bellaire Ave N	1	\$3,450.00	\$3,450.00
152	12922240010	Thomas E Dahedl	2905	Bellaire Ave N	1	\$3,450.00	\$3,450.00
153	12922240009	Bradley D Lavine	2911	Bellaire Ave N	1	\$3,450.00	\$3,450.00
154	12922240008	Darlene A Kinney	2921	Bellaire Ave N	1	\$3,450.00	\$3,450.00
155	12922240103	Harold Sonnek	2937	Bellaire Ave N	1	\$3,450.00	\$3,450.00
156	12922240102	John R Wolfsberger	2939	Bellaire Ave N	1	\$3,450.00	\$3,450.00
157	12922240006	Gerald A Teich	2941	Bellaire Ave N	1	\$3,450.00	\$3,450.00
158	12922240005	Dorothy A Little	2947	Bellaire Ave N	1	\$3,450.00	\$3,450.00
159	12922240004	Donley D Rowenhorst	2967	Bellaire Ave N	1	\$3,450.00	\$3,450.00
160	12922240003	Ashley Latola	2977	Bellaire Ave N	1	\$3,450.00	\$3,450.00
161	12922240002	Joseph A Tuccitto	2993	Bellaire Ave N	1	\$3,450.00	\$3,450.00
162	12922240001	John P Majerus	2997	Bellaire Ave N	1	\$3,450.00	\$3,450.00
Total					13		
						Total	\$44,850.00

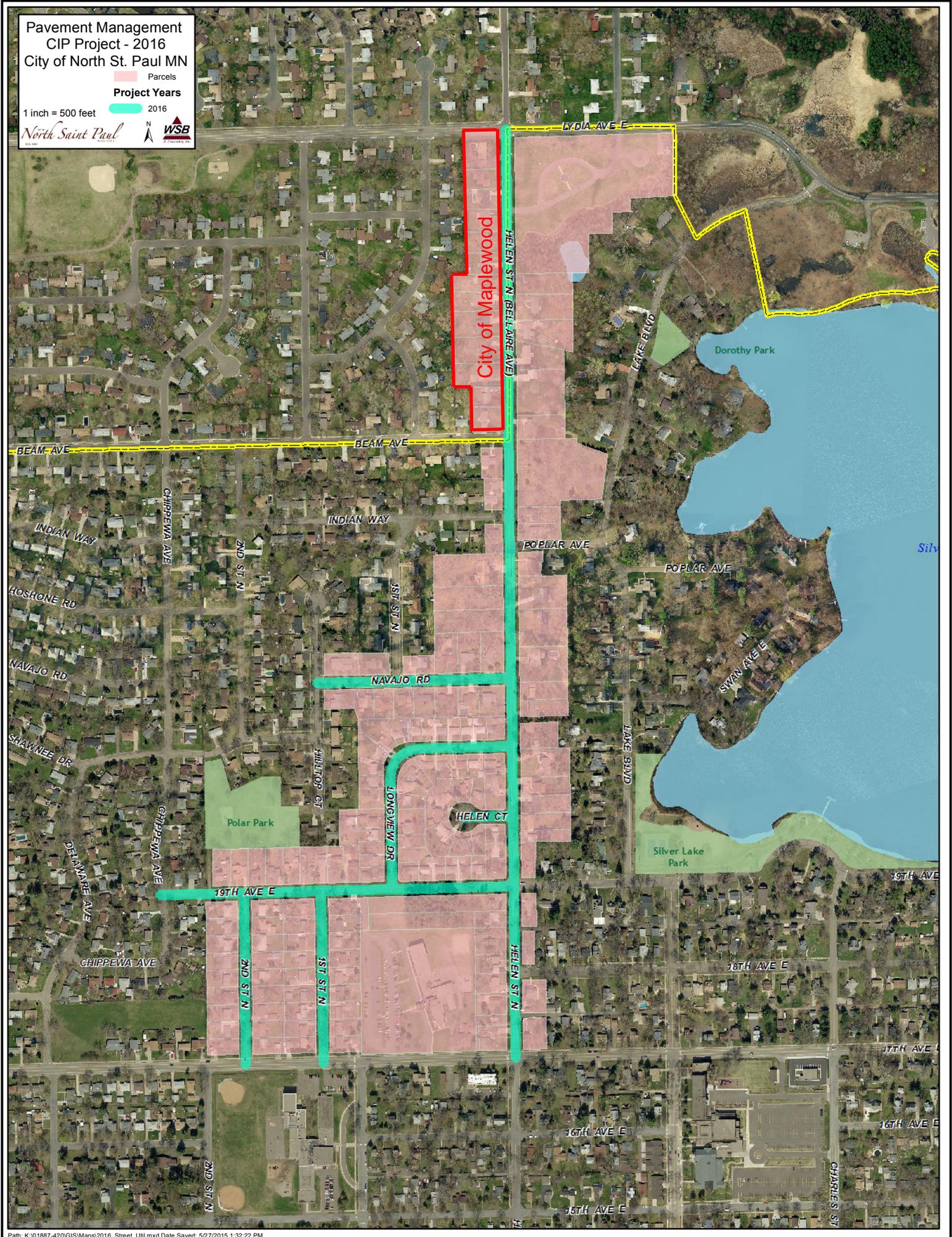
ASSESSMENT RATES:

RESIDENTIAL SPECIAL ASSESSMENT RATE = \$3,450.00 PER UNIT

REHABILITATION/PAVEMENT REPLACEMENT

Pavement Management
CIP Project - 2016
City of North St. Paul MN

Parcels
Project Years
2016
1 inch = 500 feet



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MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Michael Martin, AICP, Economic Development Coordinator

DATE: October 6, 2015

SUBJECT: Consider Approval of Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street

- A. Planned Unit Development Revision
- B. Public Easement Vacations
- C. Lot Division
- D. Design Review
- E. Development Agreement

Introduction

Project Description

Peter Stalland of Conifer Ridge Apartments, LLC is proposing to build three, three-story 50-unit apartment buildings on the north end of the Legacy Village development. According to the developer, the 150 units will be upscale, market rate residential apartment units with underground parking with each building.

Request

The applicant is requesting the city council approve a revision to the planned unit development (PUD), vacation of two storm sewer easements, a lot division, design review and a development agreement.

Background

July 14, 2003: The city council approved the Legacy Village PUD, comprehensive plan amendment, tax-abatement plan and preliminary plat for Legacy Village.

September 8, 2003: The city council approved the final plat for Legacy Village.

October 23, 2006: The city council approved a preliminary plat for townhomes on this site. The plat consisted of 91 lots. The plat was never finalized or recorded.

Legacy Village Development History

Since the council approved the Legacy Village PUD, the following projects have been approved or built:

- Heritage Square Townhomes (220 units)
- Heritage Square 2nd Addition (81 units)
- Wyngate Townhomes (50 units)
- The Seasons Seniors Apartment (150 units)
- Ashley Furniture (completed)
- Kennard Professional Building (completed)
- Maplewood Legacy Park (completed)
- Ramsey County Library (completed)
- Legacy Shoppes Retail (pending)

September 28, 2015: The city council reconsidered its vote from the September 14, 2015 meeting and approved a comprehensive plan amendment from medium density residential to high density residential. In addition to the approving the comprehensive plan amendment the city council discussed that the following items were being added to the project plans which will be before the council for approval at its meeting on October 12, 2015. Those items include:

- A natural wood chip trail, which included a permanent easement allowing public access and requiring the trail be maintained and freshened with new wood chips by the end of every June of odd-numbered years. Benches shall be placed throughout the trail.
- A historical interpretive sign shall be installed. Content and location of the sign shall be approved by the Maplewood Heritage Preservation Commission.
- The landscape plan shall be revised to incorporate native plantings throughout the site, subject to the city's naturalist. The already agreed upon plan for three year buckthorn management shall be expanded to five years.
- The developer shall submit design plans for a monument sign for this development that is consistent in design and theme with the existing project monument signs found in Legacy Village.
- The building elevations shall be revised to include brick or stone elements on the first or lowest level of each building. These elements shall be consistent with design standards found throughout Legacy Village. The gable areas of each building shall also be required to add architectural elements.

Discussion

Comprehensive Plan Amendment

The city council voted to approve a comprehensive plan amendment from medium density residential to high density residential at its September 28, 2015 meeting.

Planned Unit Development Revision

Past Proposals

As stated, the original 2003 PUD approval slated this site for 96 townhome units and an office building to be located on 1.5 acres in the northeast corner of the site. The closest this approved concept came to moving forward was in 2006 when a preliminary plat was approved by the city council. Since 2006, no official applications have been made regarding this site until now. In 2008, the original developer brought before the planning commission and city council for discussion a revised concept for this site which included:

- A four-story, 113-room hotel
- A three-story, 49 unit multi-family housing structure (rental or ownership not defined)
- An 18-unit townhome project
- A 15,500-square-foot day care facility

This concept was never forwarded for official city review. In 2013, a different developer brought before the planning commission for discussion the idea of developing workforce housing on this site. Again this concept was never submitted for official city review.

Impacts on Neighboring Property Values

Many of the neighborhood responses regarding this project were concerned about a negative impact on surrounding property values. Staff contacted Stephen Baker Ramsey County's Assessor for a response. Mr. Baker had his residential appraiser Thomas Larson review this proposed project. Mr. Larson's comments are below.

The properties adjacent to the proposed Conifer Ridge Apartments are all detached townhouses or attached townhouse style condominiums. In the area of the study, there is external obsolescence from the nearby commercial properties, highway noise and overhead power lines. The proposed construction appears to be similar in usage to existing, in that it is higher density residential, and similar in construction grade to what already exists in the area.

While it is impossible to predict with complete accuracy whether construction of upscale, market rent apartments will impact valuation of existing properties, we can note examples that have already occurred in the past.

An example that the Maplewood city planner is likely already aware of is the Beaver Lake Townhomes project located just east of Beaver Lake. This project was built prior to the (residential) pullback that started in 2007. Prior to completion of this phased project, the developer asked the city for a variance that allowed for the construction of upscale rentals on the remaining, unbuilt sites. At the time, townhomes owners objected that it would have a detrimental impact on their valuations, especially in light of the fact that the proposed apartments would block the view of Beaver Lake for some of the townhomes owners. A review of the recent sales in the Beaver Lake Townhomes project shows that values have declined approximately 15-20% from prior to construction of the apartments to the present, which is similar to the loss in value for the market in general during this time period. Townhomes and condo units near the proposed Conifer Ridge Apts., where no apartments have been yet constructed have realized a similar loss in value over that

same time period. In this case, the apartment construction near the Beaver Lake Townhomes project appears to have had very little impact on the valuation of existing property.

Ordinance Review

1. *Storage Space:* Ordinance requires a minimum indoor storage space of 120 cubic feet per unit. The applicant's plans have indicated the three underground parking garages will each have 20 storage units that will be at least 5 feet by 5 feet – each unit would be approximately 200 cubic feet in size. Staff would encourage the applicant to reconfigure the storage space areas of each building to maximize the number of units that would have access to these spaces.
2. *Visitor Parking:* Ordinance requires a minimum parking requirement of two parking spaces per unit, with half being covered spaces. The applicant's plans meet this requirement. However, while city ordinance does not have any requirements for visitor parking, previous Legacy Village PUD approvals have required one visitor parking space for every two units. The applicant has submitted a proof of parking plan showing 40 visitor parking spaces that could be constructed if needed. Staff is comfortable with the 40 proof of parking space count for this specific development.
3. *Unit Sizes:* In the applicant's letter, he states that each building would have 29 two-bedroom units, 20 one-bedroom units and one studio unit. The two- and one-bedroom units meet city ordinance for minimum unit size. The proposed studio unit would be 544 square feet where ordinance requires minimum unit sizes of 580 square feet for efficiency or one-bedroom units. It is recommended that studio units be at least 580 square feet in size.

A planned unit development allows the city council to approve flexibility from the requirements above.

A public natural wood chip trail will be built throughout the site with an easement allowing permanent access to the general public. The proposed trail plan shall be revised to provide direct linkage to the existing Lake Links trail and to the sidewalk along Hazelwood Street. The trail will also be required to be properly maintained and freshened up with new wood chips by the end of every June of odd-numbered years. Benches are also required to be placed throughout the natural trail.

The applicant shall submit plans for an interpretive sign to be reviewed and approved of by the Maplewood Heritage Preservation Commission. The plans shall include detailed information on the history of the Hajicek property, proposed text and graphics, and suggested placement of the sign along the Lake Links trail. Once the plans are approved by the Heritage Preservation Commission, the applicant shall construct the sign and install the sign in the approved location.

The applicant will be required to build a development monument sign that is consistent with the existing monument signs found in the rest of the Legacy Village development.

Planned Unit Development Revision Summary

Staff does not have any overall concerns with the proposed PUD revision to approve the site for three apartment buildings. The PUD conditions for the *townhomes and office/clubhouse* must be revised, however, if the council approves the change to apartment buildings for this site.

Public Easement Vacations

The applicant is requesting approval to vacate two existing storm sewer easements. These two easements were aligned to support the 2003 and 2006 approvals. Unless the exact 2003 or 2006 townhome concept was built on this site, vacations are likely needed regardless of what is developed on this site. The developer would dedicate new storm sewer easements to support this development. See the attached engineer's report for more information.

Lot Division

The applicant is requesting the property be divided in three to create a parcel for each building. The proposed lot division does not create any issues with the city's comprehensive plan or zoning ordinance. The two parcels containing the buildings accessed from Hazelwood Street will require cross access easements.

Design Review

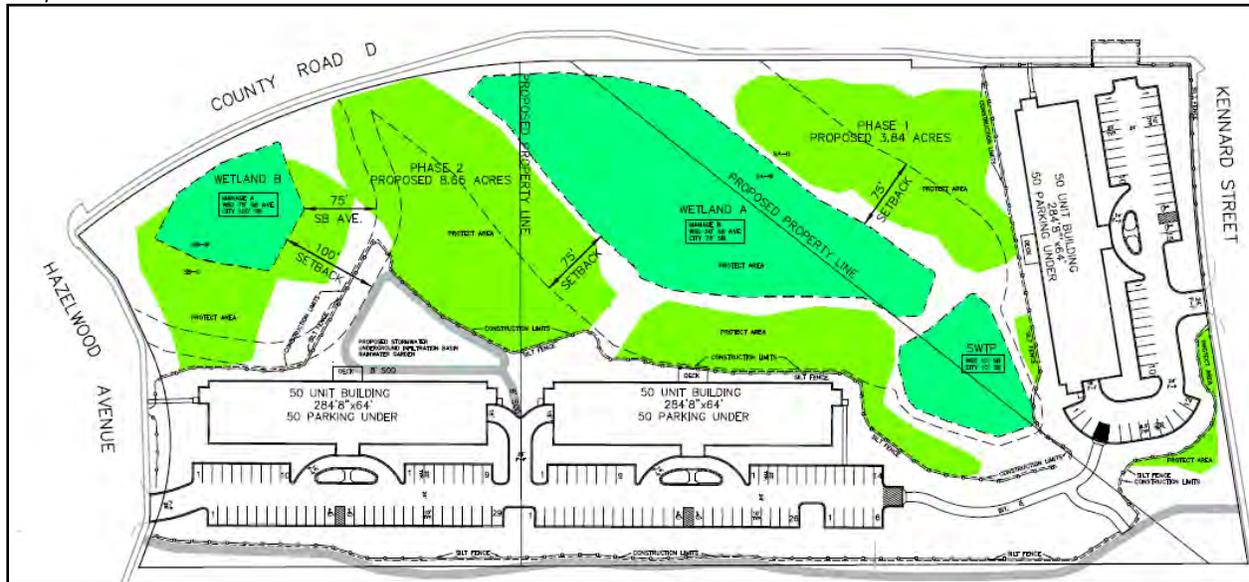
Architectural

The proposed apartment buildings would be attractively designed but staff would like to see more effort put into matching some of the design elements found elsewhere in Legacy Village. The applicant's plans propose the use of cement board lap siding for the upper two floors and board and batten cement board for the lower floor. Staff would recommend the applicant add brick or stone into the elevations to match design elements found in the nearby townhomes. In addition, some type of architectural feature should be added to the gable areas on the buildings' third level.

Building Setbacks

The proposed building setbacks meet city ordinance requirements but are not consistent with the reduced-setback concept approved for the rest of Legacy Village. However, density and massing has been a stated neighborhood concern regarding this development and pushing the development away from the front property lines will help alleviate this issue. In addition, the applicant worked with the natural features of the site, including meeting the minimum setback requirements from the wetlands on site, so this worked to dictate building placement. After the planning commission meeting the applicant revised the site plan to push the parking lots and buildings near the south lot line 10 feet north to provide additional setback. The two buildings on the south end of the site will be approximately 290 feet away from the nearest residential structure. The building on east side of the site would be set back approximately 190 feet from the nearest residential structure.

Graphic - 2



2015 – Proposed site plan, above

Sidewalks

The existing sidewalks along Hazelwood Street, Kennard Street and County Road D East are to remain in place. As would the trail along the south property line of the site.

Wetland Setbacks

In an effort to protect the natural features located on the site, the applicant has designed the site with full wetland setbacks instead of averaging the setback dimensions which is permitted by city code. There is a Manage A and a Manage B wetland located on the northern end of the property. According to the city's wetland ordinance Manage A wetlands require, at minimum, a 100 foot setback from any structure and Manage B wetlands require, at minimum, a 75 foot setback from any structure. According to the applicant's plan the site meets all required minimum setbacks. For more information regarding the wetland setbacks please refer to Shann Finwall's environmental report, dated September 8, 2015, attached to this report.

Soils

During previous reviews of this site a stated neighborhood concern was that there were poor soils on this property. Determining soil quality for construction is a function of the building department's review when permits are applied for. The provision of a detailed soils analysis should be provided to the building official prior to construction beginning on this project. If poor soils are found for construction, corrective measures must be taken or the site plan must be revised regarding building and possibly driveway placement.

Landscaping

In order to be consistent with the original 2003 Legacy Village approvals, overstory trees must be planted along the west side of Kennard Street and the east side of Hazelwood Street at an

average of 30'-40' on center. In addition, screening, either with a fence or landscaping, must be provided between the parking lots and the adjacent property lines. The ordinance requires screening to be at least 6 feet tall and 80 percent opaque and landscape screening can be done with a mixture of berming and vegetation. The applicant will be required to submit a revised landscape plan showing the use of native plants, subject to the approval of the city's naturalist.

The landscape plan calls for 148 replacement trees, 900 native screening and foundation plants, and several other non-native shrubs that don't count toward the tree replacement requirement. Overall, the applicant is replacing 895 caliper inches of trees on the site, with 694.30 caliper inches of replacement trees remaining. To mitigate the trees further, the applicant has agreed to remove all of the buckthorn from the site and pay for the management of that buckthorn over a five-year period.

Development Agreement

A development agreement is necessary to ensure the conditions for approval are met. The improvements include new buildings and parking lot with an associated system for storm water treatment. Attached to this report is the development agreement. The development agreement provides security in the form of a letter of credit for the completion of the public improvements, parking lot grading, and final stabilization. The developer agreement also includes certain obligations of the developer such as SAC, WAC, and PAC charges among other pertinent negotiated items. The nature trail requirements are also included in this document. All city council conditions of approval are added as an exhibit.

Department Comments

Engineering

Please see Jon Jarosch's engineering report, dated August 10, 2015, attached to this report.

Environmental

Please see Shann Finwall's environmental report, dated September 8, 2015 and October 5, 2015, attached to this report.

Building Official, Nick Carver

Applicant must meet all Minnesota State Building Code requirements.

Fire Department, Fire Marshall Butch Gervais

Fire protection and alarm system will be required and the alarm system would be required to be monitored. Fire Department Lockbox would be required. Fire Department access road would be needed and can be a discussion issue when it gets to the permitting of the parking lots.

Police Department, Chief Paul Schnell

No issues

Parks Department, Jim Taylor

This project falls into the apartments with 5 + units category, meaning it does not matter on a bedroom mix. Therefore the park availability charge for this development would be as follows:

150 Units X \$1,980.00 = \$297,000

Commission Review

August 18, 2015: The planning commission reviewed this project and recommended approval. The planning commission did recommend the development's three studio apartment units meet the city's minimum square foot requirements.

August 25, 2015: The community design review board reviewed this project and recommended approval. The board did recommend brick or stone elements be added to the building and the applicant should work with staff to address visitor parking.

Budget Impact

None.

Recommendations

- A. Adopt the resolution approving a revision to the Legacy Village planned unit development as it relates to the previously-approved rental townhomes and executive-office suites and clubhouse sites. Approval of this revision is based on the findings required by the ordinance and subject to the following conditions (additions are underlined and deletions are crossed out):
1. The development shall follow the plans date-stamped ~~May 11, 2006~~ September 8, 2015, except where the city requires changes. The director of ~~community development~~ environmental and economic development may approve minor changes.
 2. The proposed construction must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
 3. The city council shall review this permit in one year.
 4. The applicant shall comply with the requirements in the engineer's report dated ~~June 4, 2006~~ August 10, 2015 and the environmental report dated September 8, 2015 and October 5, 2015.
 5. ~~The applicant shall provide a copy of the homeowner's association documents to staff for approval.~~
 5. Prior to the issuance of a grading permit, the applicant must contribute \$20,000 to the city's tree preservation fund in order to comply with city ordinance.

6. The following changes are hereby made to the approved PUD conditions: ~~Rental Townhomes and Office/Clubhouse Apartments:~~
- a. ~~The project will be constructed according to the plans from Hartford Group dated 6/2/03 dated September 8, 2015 in all details, except as specifically modified by these conditions;~~
 - b. ~~A sidewalk will be provided continuously on the north or west side of Street A between Kennard Street and Hazelwood Drive, including the segment between the office/clubhouse parking lot and townhome buildings 11 and 12;~~
 - c. ~~Sidewalk connections will be added connecting the power line trail to the curb of Street A opposite townhome buildings 6 and 8;~~
 - d. ~~The sidewalks serving the fronts of townhome buildings 13, 16, 17, 18, 19, and 20 will be extended south to connect with the power line trail;~~
 - e. ~~Street B and Street C serving the townhomes will be constructed in their entirety with the townhomes, regardless of the status of the multi-family and commercial parcels to the east;~~
 - f. ~~Parking spaces will be provided at the ends of the driveways at the rear of buildings 1, 2, 3, 4; 13/14; 15/16; 17/18; 19/20; 21/22; 23/24; 25/26. Sidewalks will be provided from those parking spaces to the front sidewalks of each building;~~
 - g. ~~The infiltration trenches on the south sides of buildings 13/14, 15/16, and 19/20 will be modified to accommodate a revised alignment for the power line trail, provided that reasonable grades are provided for the trail and any sidewalks connecting to it, and approval of the city engineer concerning the size and function of the trenches;~~
 - h. ~~A 6' wide sidewalk should be provided if at all possible on the south side of County Road D for the entire length of the project from Hazelwood Drive to Southlawn Drive, through continued discussion between the city and Hartford, focusing on exact sidewalk width, location, and right-of-way needs for turn lanes and other features of the County Road D project;~~
 - i. ~~A sidewalk will be provided on the south side of County Road D and sidewalks will be provided out to that sidewalk from the north side of buildings 1, 4, 21, 22, 23, 24, and 25, as well as to the clubhouse front entry and the clubhouse parking lot;~~
 - j. ~~The grades of the power line trail and all sidewalks will meet ADA guidelines for slope;~~
 - b. ~~Overstory trees will be planted along Hazelwood Street and Kennard Street at an average of 30'-40' on center instead of the average 70' spacing shown on the plans;~~

- e. ~~Overstory trees will be planted along both sides of Street B and on the west side of Street C at an average of 30'–40' on center instead of the sometimes 100' spacing shown on the plans, such additional tree islands to be coordinated with modified parking bays that might be added to this street;~~
- d. ~~Overstory trees will be planted along both sides of Kennard Street in front of the townhomes at an average of 30'–40' on center instead of the average 50'–80' spacing shown on the plans;~~
- e. ~~The curve in the middle of Street A opposite buildings 10 and 12 will be flattened as much as possible to limit headlights aimed into the front of the units;~~
- f. ~~Front building setbacks (clubhouse and buildings 1, 4, 5, 14, 15, 21, 22, 23, 24, 25, and 26) to Hazelwood Drive, Kennard Street, and County Road D that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan, down to a minimum of 5' for the clubhouse and 15' for the townhome buildings, in order to enhance the urban character of the streets and intersections;~~
- g. ~~Side yard building setbacks for all buildings that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan;~~
- c. Visitor parking spaces for the rental townhomes apartments will be added or modified as follows:
 - i. ~~Parking spaces or proof of parking spaces will be added so there is a total of at least 48 spaces on the west side of Kennard and at least 51 spaces on the east side of Kennard, such that the front door of no unit is more than 200 feet from a group of at least 5 spaces 40 spaces to serve all three buildings.~~
 - ii. ~~Street A will be widened to 26' curb to curb and on-street parallel parking will be added along the north and west sides of the street except for within 100' of the pavement of Hazelwood Drive and Kennard Street.~~
 - iii. ~~The private drive immediately south of buildings 2 and 3 will be widened to 26' curb to curb and on-street parallel parking will be added along the north side of the drive.~~
 - iv. ~~Parking areas will be added behind buildings 1 and 4 where the driveway abuts the ponding area, consistent with the recommendation of the city engineer on providing adequate grading and functioning of the pond.~~
 - v. ~~Parking areas will be added behind buildings 15/16, 19/20, 21/22, and 25/26 to meet the parking and distance criteria cited here.~~
 - vi. ~~Street B will be widened to 26' curb to curb and parallel parking will be added along the north and west sides of the street, or additional angled parking will be added to meet the criteria for parking spaces cited here.~~
- d. The parking lot for the clubhouse/office building will be modified to add “proof of

~~parking” spaces in the green area north and east of the swimming pool, for a total of 91 spaces possible in the lot. Such spaces will only be constructed if the owner believes they are needed, or if they are needed in the future to address parking problems at the building in the opinion of the community development director, who can order the spaces to be constructed. Such spaces will maintain a sidewalk connection between the swimming pool and clubhouse building in an island in the middle of the parking bays as shown on the plans;~~

- d. The storage space areas of each building shall be reconfigured to allow as many units as possible to have at least 120 cubic feet for storage.
 - e. One studio apartment is allowed in each building with a minimum floor area of 580 square feet.
 - f. An easement over the power line trail on this parcel will be provided to the city for access and maintenance.
 - g. A natural wood chip trail shall be installed based on the plan dated September 23, 2015. This plan shall be revised to include connections to the Lake Links trail and the sidewalk along Hazelwood Street. This trail shall include benches and is required to be maintained properly and refreshed with new wood chips by the end of every June of odd-numbered years.
 - h. The applicant shall submit plans for an interpretive sign to be reviewed and approved of by the Maplewood Heritage Preservation Commission. The plans shall include detailed information on the history of the Hajicek property, proposed text and graphics, and suggested placement of the sign along the Lake Links trail. Once the plans are approved by the Heritage Preservation Commission, the applicant shall construct the sign and install the sign in the approved location.
 - i. The applicant shall submit plans for a development monument sign that is consistent in design with the existing monuments signs in Legacy Village.
 - j. The applicant shall commit to a five-year maintenance plan with the City to ensure the removal and management of buckthorn on the site.
- B. Adopt the resolution vacating two storm sewer easements on this site, since:
- 1. The easements would serve no public purpose after the applicant redevelops the property into Conifer Ridge.

This vacation is conditioned upon the following:

- 1. Provide the city with legal descriptions of the easement areas to be vacated and for the new areas to be dedicated for storm sewer purposes.
- 2. The applicant meets all and any conditions within Jon Jarosch’s August 10, 2015 report.

- C. Approve the lot division for Conifer Ridge, subject to the following conditions:
1. The applicant shall comply with the requirements in the city's engineering report dated August 10, 2015.
 2. The applicant shall sign a developer's agreement with the city engineer before the issuance of a grading permit.
 3. The applicant shall dedicate any easements and provide any written agreements that the city engineer may require as part of this lot division.
 4. The applicant shall pay the city escrow for any documents, easements and agreements that the city engineer may require.
 5. A cross access easement agreement shall be submitted to city staff covering the two parcels accessed from Hazelwood Street.
- D. Approve the plans date-stamped September 8, 2015, for the Conifer Ridge apartment development. Approval is subject to the developer complying with the following conditions:
1. Obtain city council approval of a comprehensive land use plan amendment from MDR (medium density residential) to HDR (high density residential) to build apartments on this site.
 2. Obtain city council approval of a revision to the previously-approved planned unit development for this project.
 3. Obtain city council approval of the lot division for this project.
 4. All requirements of the fire marshal and building official must be met.
 5. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
 6. All driveways and parking lots shall have continuous concrete curbing.
 7. All requirements of the city engineer, or his consultants working for the city, shall be met regarding grading, drainage, erosion control, utilities and the dedication of any easements found to be needed. All conditions of the Maplewood engineering report dated August 10, 2015 must be complied with.
 8. Repeat this review in two years if the city has not issued a building permit for this project by that time.
 9. Any identification or monument signs for the project must meet the requirements of the city sign ordinance and the PUD approval. Identification or monument signs shall be designed to be consistent with similar signs existing in Legacy Village.
 10. The setbacks are approved as proposed.
 11. The applicant shall:

- a. Install reflectorized stop signs at all driveway connections to Hazelwood Street and Kennard Street.
 - b. Install and maintain an in-ground lawn irrigation system for all landscaped areas.
 - c. Install all required trails, sidewalks and carriage walks.
 - d. Install any traffic signage within the site that may be required by staff.
 - e. Provide a revised landscaping plan for staff approval which includes the required overstory trees along Hazelwood Street and Kennard Street and detailing how screening requirements are being met for the parking lots facing residential areas. The landscape plan shall also incorporate native plantings, subject to the approval of the city's naturalist.
 - f. Provide revised building elevations for staff approval incorporating design elements at the foundation and first floor level of brick or stone into the buildings and adding architectural features to the gable areas of the buildings.
 - g. Provide a screening plan to staff for approval for any visible utility meters on the outside of the building.
 - h. Provide a detailed soils analysis to the building official and city engineer prior to applying for building permits to ensure that there is proper soil stability for construction.
 - i. The applicant will provide two additional quotes for buckthorn removal to be done by a licensed contractor with a licensed herbicide applicator. If chemicals are used it should be done by a licensed herbicide applicator through the Department of Agriculture.
12. The applicant shall ensure that site lights do not exceed a .4-foot-candle spillover at all property lines.
13. Prior to the issuance of a building permit, the applicant shall provide the city with cash escrow or an irrevocable letter of credit for the exterior landscaping and site improvements. Staff shall determine the dollar amount of the escrow.
14. All work shall follow the approved plans. The director of environmental and economic development may approve minor changes.
15. The applicant shall work with staff to maximize the amount of additional parking to be shown on the site plan.
- E. Approve the terms of the attached Development Agreement with Peter Stalland of Conifer Ridge Apartments LLC for development of LEGACY VILLAGE, LOT 1, BLOCK 1, Parcel ID 03-29-22-12-0025, and authorize the Mayor and City Manager to execute the agreement signifying City Council approval. The City Attorney is authorized to approve the final format of the agreement and also approve minor modifications to the agreement.

Citizen Comments

Staff surveyed the 407 surrounding property owners within 500 feet of the proposed site for their opinion about this proposal. Staff received 78 responses – 67 against, 7 had comments, 2 were for and 2 had no comments. All neighborhood comments are included as an attachment to this report. Below is a summary of the areas of concerns gathered from the responses.

Citizen Comment Trends

- Loss of Green Space/Natural Area-46 mentions
- Traffic Concerns- 35 mentions
- Property Value Decrease Concerns-31 mentions
- Density/Over Crowding Concerns- 22 mentions
- Emphasis on Homeowners-17 mentions
- Safety/Crime Concerns - 13 mentions
- Changes Area's Character-11 mentions
- Rental Concerns-9 mentions
- Run-off/Storm Water Concerns- 6 mentions
- Market Saturation-5 mentions
- Change in Placement of Parking Spaces-5 mentions
- Disruptions-4 mentions
- Overdevelopment- 4 mentions
- Design Concerns-3 mentions
- Environmental Impacts (includes comments about trash)-3 mentions
- Need for Community Space-1 mention
- Privacy-1
- Lighting-1

Reference Information

Site Description

Site Size: 12.5 Acres
Existing Land Use: Vacant Land

Surrounding Land Uses

North: County Road D/ Townhomes of Pineview and a Stormwater Pond
South: Heritage Square
East: Heritage Square II
West: Vacant Commercial land

Planning

Existing Land Use: High Density Residential
Existing Zoning: Planned Unit Development (PUD)

Application Date

The city deemed the applicant's applications complete on August 3, 2015. The initial 60-day review deadline for a decision was October 2, 2015. As stated in Minnesota State Statute 15.99, the city is allowed to take an additional 60 days if necessary in order to complete the review of the application. Based on the revised meeting schedule the extended deadline for the City of Maplewood to complete the review and take action on these requests is now December 1, 2015.

Attachments

1. Planned Unit Development Revision Resolution
2. Public Easements Vacation Resolution
3. Location Map
4. Land Use Map
5. Zoning Map
6. Neighborhood Density Map
7. 2003 Legacy Village Concept Plan
8. 2006 Approved Plat Plan
9. Site Plan
10. Landscape Plan
11. Building Elevations
12. Applicant's Narrative (three letters)
13. Applicant's Engineer's Cover Letter
14. Jon Jarosch, Engineering comments, dated August 10, 2015
15. Shann Finwall, Environmental comments, dated September 8, 2015 and October 5, 2015
16. Neighborhood Comments
17. Article on Rental Properties and Home Values, submitted by resident
18. Draft planning commission minutes, August 18, 2015
19. Draft Community Design Review Board minutes, August 25, 2015
20. Conifer Ridge Development Traffic Impacts
21. Natural Trail Plan
22. Proof of Parking Plan
23. Development Agreement
24. Applicant's Plan Set (separate attachment)

**CONDITIONAL USE PERMIT REVISION RESOLUTION
FOR A PLANNED UNIT DEVELOPMENT**

WHEREAS, Peter Stalland of Conifer Ridge Apartments, LLC applied for a conditional use permit to revise the Legacy Village planned unit development by eliminating the use of a 1.5-acre commercial building site and 11-acre townhomes development and propose instead an apartment complex.

WHEREAS, this permit applies to the 12.5-acre site in Legacy Village lying south of County Road D East between Hazelwood Street and Kennard Street. The legal description is:

Lot 1 Block 1, Legacy Village of Maplewood

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

1. On August 18, 2015, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council _____ the land use plan change.
2. On October 12, 2015 the city council discussed the 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 _____ 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 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 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 minimal adverse environmental effects.

Approval is subject to the following conditions (**additions are underlined and deletions are crossed out**):

1. The development shall follow the plans date-stamped ~~May 11, 2006~~ September 8, 2015, except where the city requires changes. The director of ~~community development~~ environmental and economic development may approve minor changes.
2. The proposed construction must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicant shall comply with the requirements in the engineer's report dated ~~June 4, 2006~~ August 10, 2015 and the environmental report dated September 8, 2015 and October 5, 2015.
5. ~~The applicant shall provide a copy of the homeowner's association documents to staff for approval.~~
7. Prior to the issuance of a grading permit, the applicant must contribute \$20,000 to the city's tree preservation fund in order to comply with city ordinance.
8. The following changes are hereby made to the approved PUD conditions: Rental Townhomes and Office/Clubhouse Apartments:
 - k. The project will be constructed according to the plans ~~from Hartford Group dated 6/2/03~~ dated September 8, 2015 in all details, except as specifically modified by these conditions;
 - l. ~~A sidewalk will be provided continuously on the north or west side of Street A between Kennard Street and Hazelwood Drive, including the segment between the office/clubhouse parking lot and townhome buildings 11 and 12;~~
 - m. ~~Sidewalk connections will be added connecting the power line trail to the curb of Street A opposite townhome buildings 6 and 8;~~
 - n. ~~The sidewalks serving the fronts of townhome buildings 13, 16, 17, 18, 19, and 20 will be extended south to connect with the power line trail;~~
 - o. ~~Street B and Street C serving the townhomes will be constructed in their entirety with the townhomes, regardless of the status of the multi family and commercial parcels to the east;~~

- p. ~~Parking spaces will be provided at the ends of the driveways at the rear of buildings 1, 2, 3, 4; 13/14; 15/16; 17/18; 19/20; 21/22; 23/24; 25/26. Sidewalks will be provided from those parking spaces to the front sidewalks of each building;~~
- q. ~~The infiltration trenches on the south sides of buildings 13/14, 15/16, and 19/20 will be modified to accommodate a revised alignment for the power line trail, provided that reasonable grades are provided for the trail and any sidewalks connecting to it, and approval of the city engineer concerning the size and function of the trenches;~~
- r. ~~A 6' wide sidewalk should be provided if at all possible on the south side of County Road D for the entire length of the project from Hazelwood Drive to Southlawn Drive, through continued discussion between the city and Hartford, focusing on exact sidewalk width, location, and right-of-way needs for turn lanes and other features of the County Road D project;~~
- s. ~~A sidewalk will be provided on the south side of County Road D and sidewalks will be provided out to that sidewalk from the north side of buildings 1, 4, 21, 22, 23, 24, and 25, as well as to the clubhouse front entry and the clubhouse parking lot;~~
- t. ~~The grades of the power line trail and all sidewalks will meet ADA guidelines for slope;~~
- h. ~~Overstory trees will be planted along Hazelwood Street and Kennard Street at an average of 30'-40' on center instead of the average 70' spacing shown on the plans;~~
- i. ~~Overstory trees will be planted along both sides of Street B and on the west side of Street C at an average of 30'-40' on center instead of the sometimes 100' spacing shown on the plans, such additional tree islands to be coordinated with modified parking bays that might be added to this street;~~
- j. ~~Overstory trees will be planted along both sides of Kennard Street in front of the townhomes at an average of 30'-40' on center instead of the average 50'-80' spacing shown on the plans;~~
- k. ~~The curve in the middle of Street A opposite buildings 10 and 12 will be flattened as much as possible to limit headlights aimed into the front of the units;~~
- l. ~~Front building setbacks (clubhouse and buildings 1, 4, 5, 14, 15, 21, 22, 23, 24, 25, and 26) to Hazelwood Drive, Kennard Street, and County Road D that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan, down to a minimum of 5' for the clubhouse and 15' for the townhome buildings, in order to enhance the urban character of the streets and intersections;~~
- m. ~~Side yard building setbacks for all buildings that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan;~~

- e. Visitor parking spaces for the rental townhomes apartments will be added or modified as follows:
- i. ~~Parking spaces or proof of parking spaces will be added so there is a total of at least 48 spaces on the west side of Kennard and at least 51 spaces on the east side of Kennard, such that the front door of no unit is more than 200 feet from a group of at least 5 spaces~~ 40 spaces to serve all three buildings.
 - ii. ~~Street A will be widened to 26' curb-to-curb and on-street parallel parking will be added along the north and west sides of the street except for within 100' of the pavement of Hazelwood Drive and Kennard Street.~~
 - iii. ~~The private drive immediately south of buildings 2 and 3 will be widened to 26' curb-to-curb and on-street parallel parking will be added along the north side of the drive.~~
 - iv. ~~Parking areas will be added behind buildings 1 and 4 where the driveway abuts the ponding area, consistent with the recommendation of the city engineer on providing adequate grading and functioning of the pond.~~
 - v. ~~Parking areas will be added behind buildings 15/16, 19/20, 21/22, and 25/26 to meet the parking and distance criteria cited here.~~
 - vi. ~~Street B will be widened to 26' curb-to-curb and parallel parking will be added along the north and west sides of the street, or additional angled parking will be added to meet the criteria for parking spaces cited here.~~
- f. ~~The parking lot for the clubhouse/office building will be modified to add "proof of parking" spaces in the green area north and east of the swimming pool, for a total of 91 spaces possible in the lot. Such spaces will only be constructed if the owner believes they are needed, or if they are needed in the future to address parking problems at the building in the opinion of the community development director, who can order the spaces to be constructed. Such spaces will maintain a sidewalk connection between the swimming pool and clubhouse building in an island in the middle of the parking bays as shown on the plans;~~
- k. The storage space areas of each building shall be reconfigured to allow as many units as possible to have at least 120 cubic feet for storage.
- l. One studio apartment is allowed in each building with a minimum floor area of 580 square feet.
- m. An easement over the power line trail on this parcel will be provided to the city for access and maintenance.
- n. A natural wood chip trail shall be installed based on the plan dated September 23, 2015. This plan shall be revised to include connections to the Lake Links trail and the sidewalk along Hazelwood Street. This trail shall include benches and is required to be maintained properly and refreshed with new wood chips by every

June of odd-numbered years.

- o. The applicant shall submit plans for an interpretive sign to be reviewed and approved of by the Maplewood Heritage Preservation Commission. The plans shall include detailed information on the history of the Hajicek property, proposed text and graphics, and suggested placement of the sign along the Lake Links trail. Once the plans are approved by the Heritage Preservation Commission, the applicant shall construct the sign and install the sign in the approved location.
- p. The applicant shall submit plans for a development monument sign that is consistent in design with the existing monuments signs in Legacy Village.
- q. The applicant shall commit to a five-year maintenance plan with the City to ensure the removal and management of buckthorn on the site.

The Maplewood City Council _____ this resolution on October 12, 2015.

PUBLIC EASEMENT VACATIONS RESOLUTION

WHEREAS, Peter Stalland of Conifer Ridge Apartments, LLC applied for the vacation of two existing storm sewer easements.

WHEREAS, this request applies to the 12.5-acre site in Legacy Village lying south of County Road D East between Hazelwood Street and Kennard Street. The legal description is:

Lot 1 Block 1, Legacy Village of Maplewood

WHEREAS, the history of this vacation is as follows:

1. On August 18, 2015, the planning commission held a public hearing. The city staff published a hearing notice in the Maplewood Review 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 recommended that the city council _____ the land use plan change.
2. On October 12, 2015 the city council discussed the public easement vacations. They considered reports and recommendations from the planning commission and city staff.

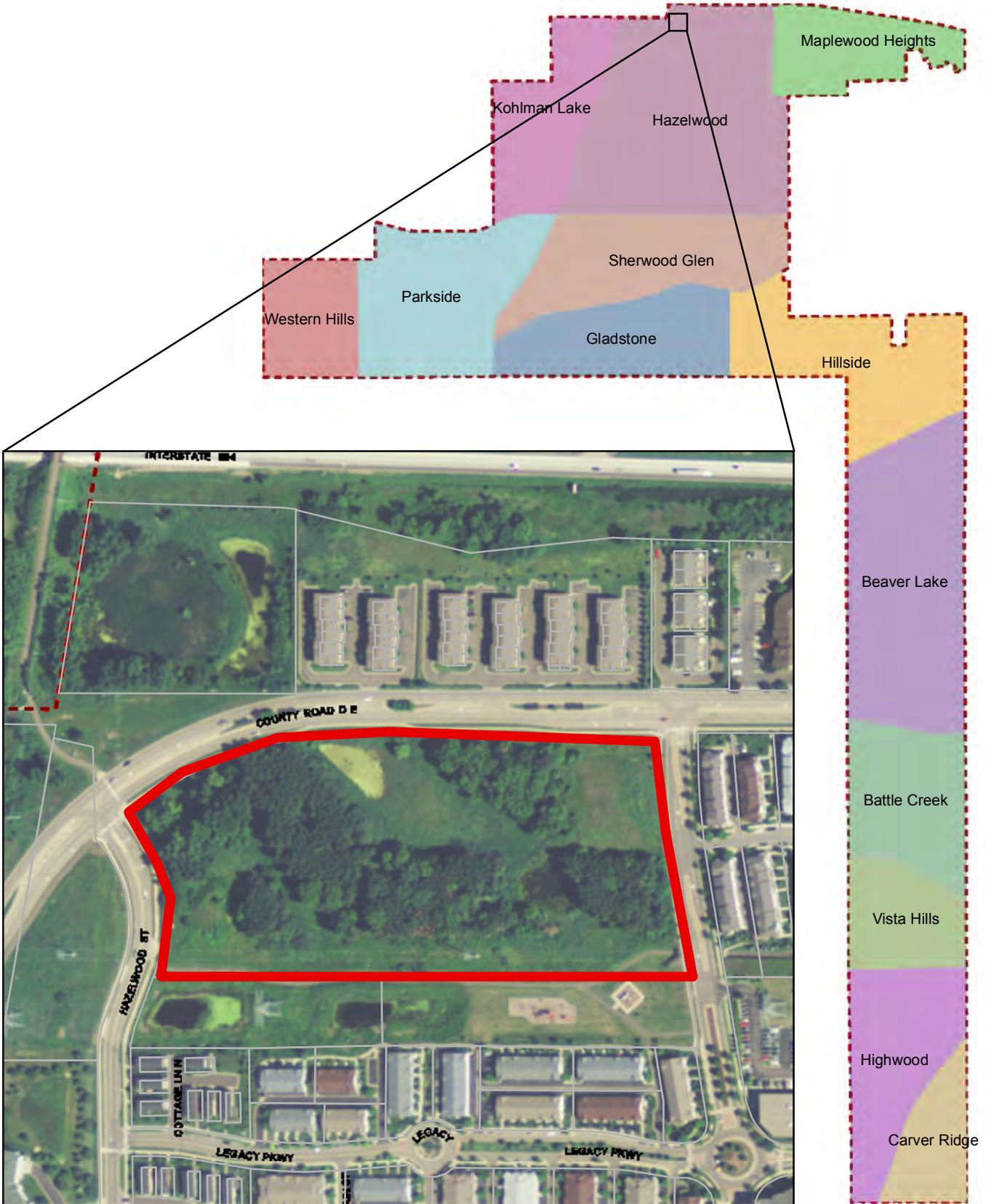
NOW, THEREFORE, BE IT RESOLVED that the city council _____ the above-described vacations for the following reasons:

1. The easements would serve no public purpose after the applicant redevelops the property into Conifer Ridge.

This vacation is subject to:

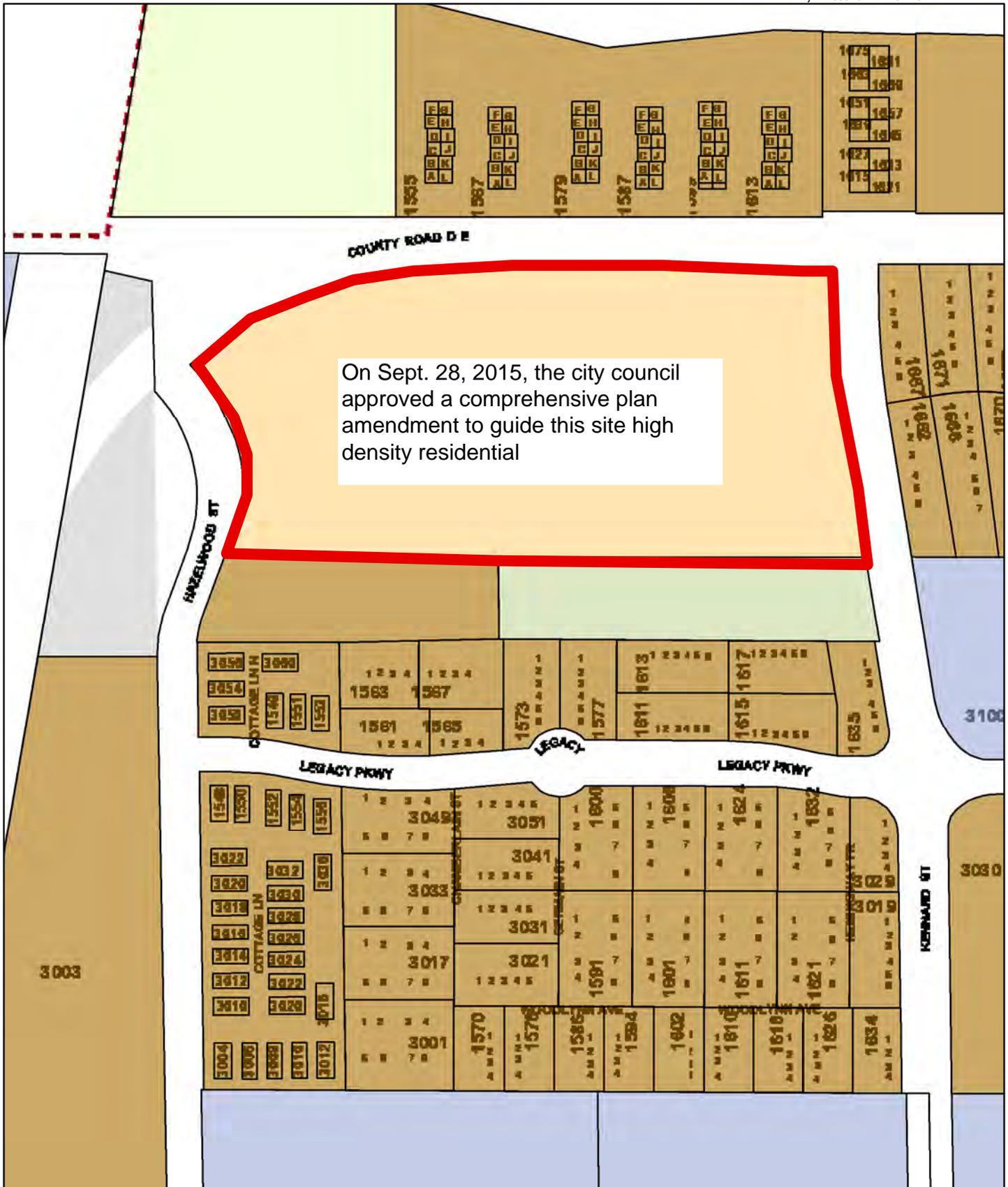
1. Provide the city with legal descriptions of the easement areas to be vacated and for the new areas to be dedicated for storm sewer purposes.
2. The applicant meets all and any conditions within Jon Jarosch's August 10, 2015 report.

The Maplewood City Council _____ this resolution on October 12, 2015.



Conifer Ridge Apartments

Project Review - Overview Map



On Sept. 28, 2015, the city council approved a comprehensive plan amendment to guide this site high density residential

Conifer Ridge Apartments

Project Review - Land Use Map

Legend

- Industrial
 - Commercial
 - Park
- Medium Density Residential
 - High Density Residential



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Mapbox, Source: Esri, DigitalGlobe, GeoEye, Earthstar

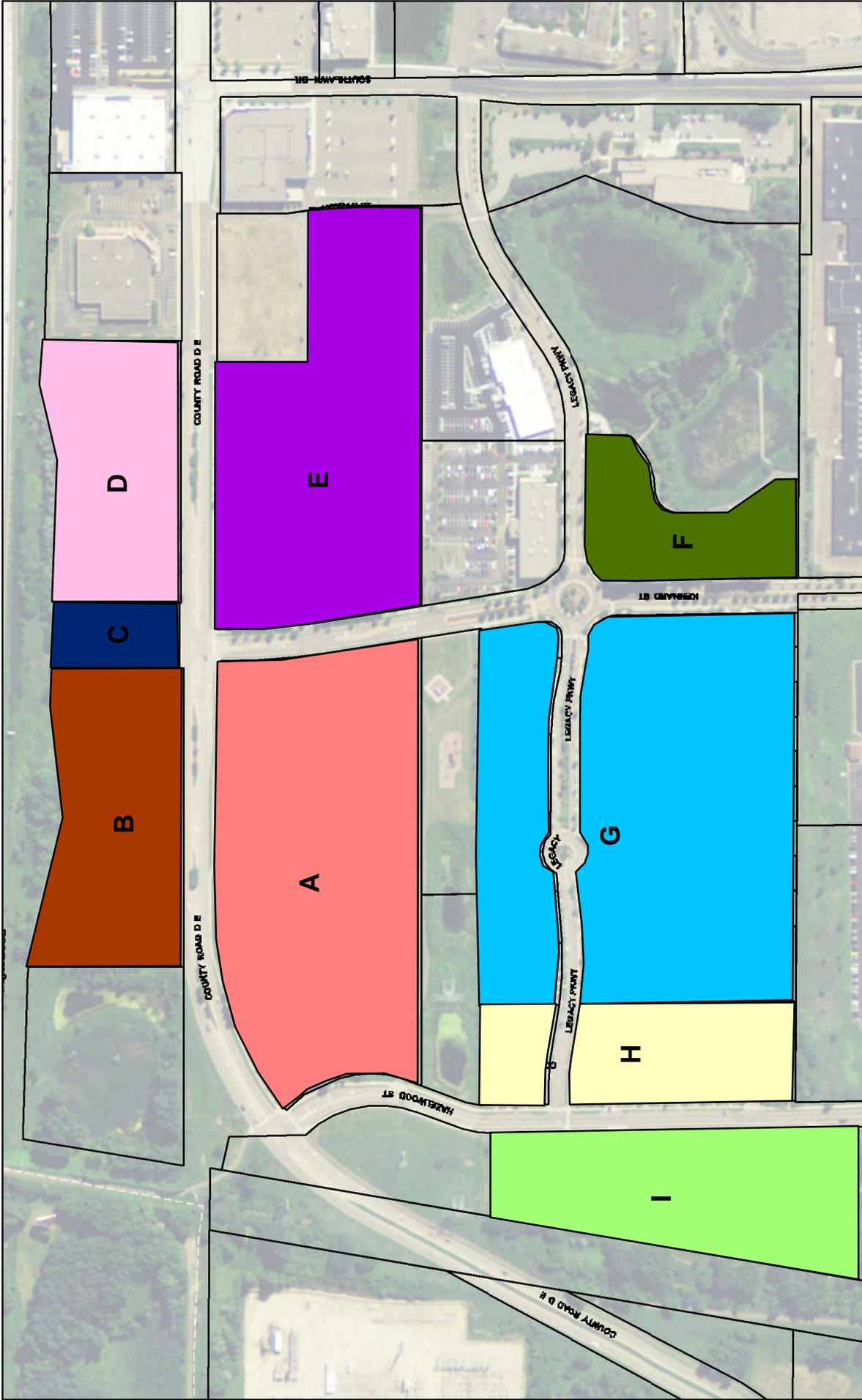
Conifer Ridge Apartments

Project Review - Zoning Map

- Planned Unit Development (pud)
- Multiple Dwelling (r3)

Legend

- Light Manufacturing (m1)
- Business Commercial (bc)



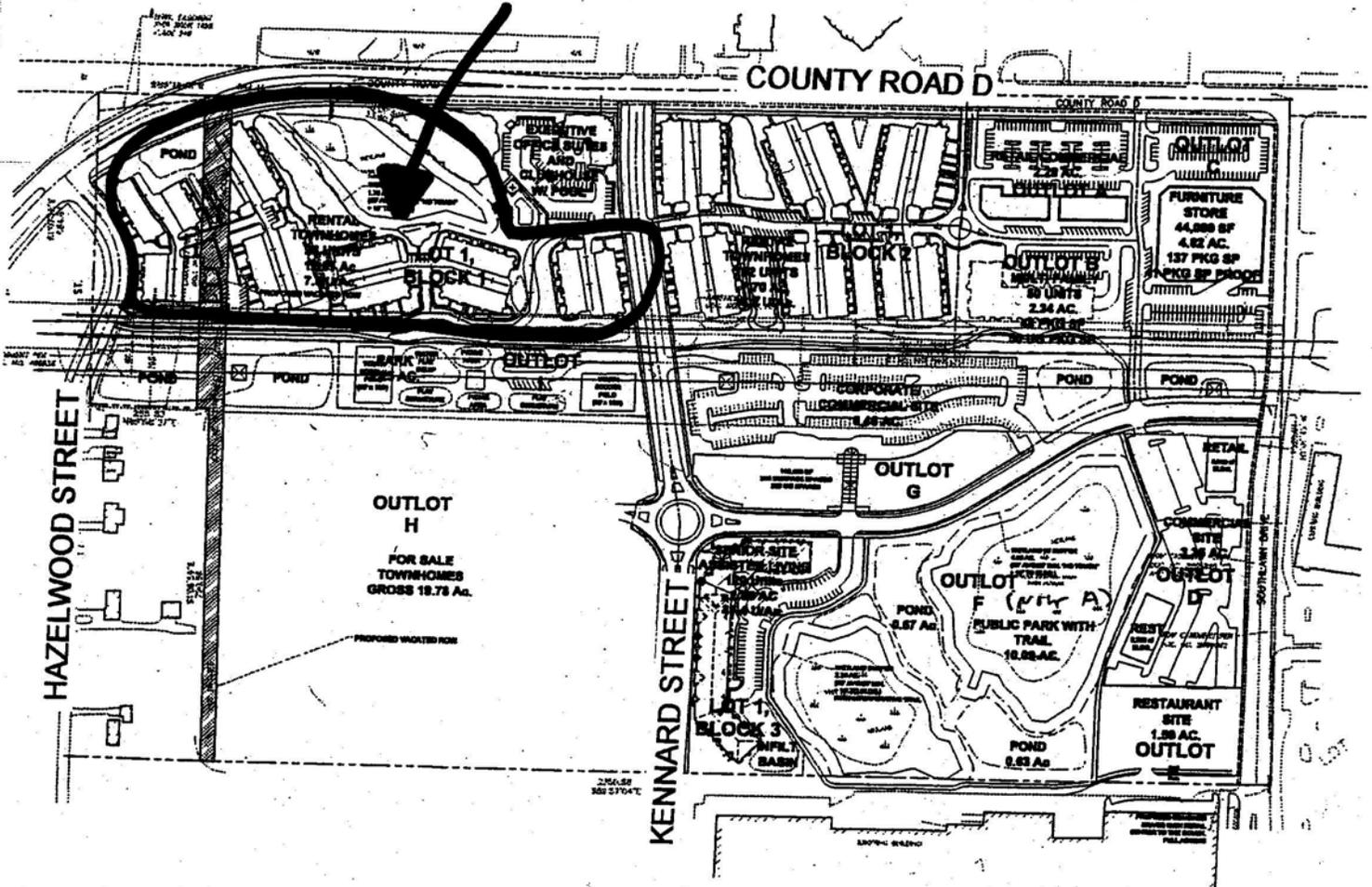
Residential Densities by Plat

- A - PROPOSED Conifer Ridge - 150 Units - 11.2 Net Acres - 13.4 UPA
- B - Pineview Estates - 72 Units - 5.7 Net Acres - 12.6 UPA
- C - Emerald Townhomes - 12 Units - 1.2 Net Acres - 10.1 UPA
- D - Maple Ridge - 100 Units - 4.9 Net Acres - 20.2 UPA
- E - Heritage Square II - 131 Units - 10.3 Net Acres - 12.7 UPA
- F - Seasons at Legacy - 150 Units - 2.9 Net Acres - 50.8 UPA
- G - Heritage Square - 220 Units - 16.2 Net Acres - 13.6 UPA
- H - Cottages at Legacy - 33 Units - 4.2 Net Acres - 7.9 UPA
- I - Cardinal Pointe - 108 Units - 6.4 Net Acres - 16.8 UPA

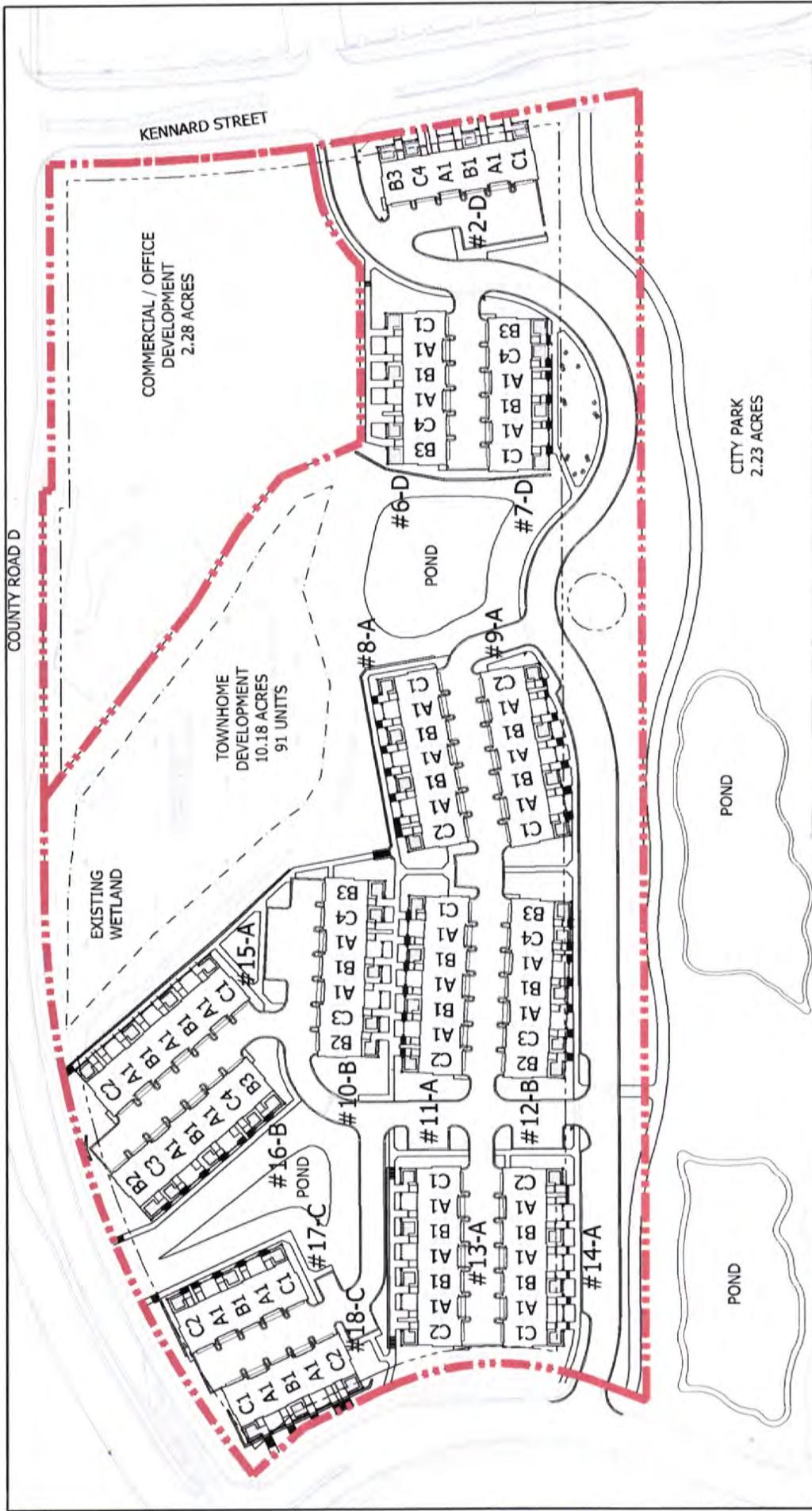
UPA = units per acre Does not factor any density bonuses (i.e. for underground parking)

LEGACY VILLAGE AT MAPLEWOOD

PROPOSED TOWN HOMES



**APPROVED PUD
DEVELOPMENT-CONCEPT PLAN
JULY 14, 2003**



Project No.: MW01-THM0
 Date: 07/14/2006
 Page No: G201

**REVISED OVERALL SITE
 WITH OFFICE / COMMERCIAL
 DEVELOPMENT**

Project Title:
**LEGACY TOWNHOMES
 LEGACY VILLAGE**

HARTFORD
 GROUP A/E, INC.

1300 Wells Fargo Plaza,
 Bloomington, MN 55431 Ph: (952) 838-2400 • Fax: (952) 838-3401

7920 Niemes Ave. South
 Bloomington, MN 55431 Ph: (952) 838-2400 • Fax: (952) 838-3401

SHEET INDEX - CIVIL PLANS

- 1 SITE PLAN
- 2 CERTIFICATE OF SURVEY
- 3 TREE PRESERVATION AND WETLAND PROTECTION
- 4 EROSION CONTROL PLAN
- 5 GRADING AND DRAINAGE PLAN
- 6 UTILITY PLAN
- 7 LANDSCAPE PLAN
- 8 LIGHTING PLAN

GRAPHIC SCALE



KEY - PROTECTION AREAS

- PROTECT WETLANDS
- PROTECT WOODS

IMPERVIOUS AREA
 LOT 1 - 0.9 ACRES
 LOT 2,3 - 2.1 ACRES
 TOTAL - 3.0 ACRES

EXISTING TREES
 LOT 1 - 1.40 ACRES
 LOT 2,3 - 3.73 ACRES
 TOTAL - 5.13 ACRES

PERCENTAGE OF TREES PROTECTED
 LOT 1 - 0.75 ACRES = 53%
 LOT 2,3 - 2.22 ACRES = 60%
 TOTAL - 2.97 ACRES = 58%

PROPOSED GROSS DENSITY
 LOT 1 - 50 UNITS/3.84 AC = 13 UNITS/AC
 LOT 2 - 50 UNITS/4.18 AC = 12 UNITS/AC
 LOT 3 - 50 UNITS/4.47 AC = 11 UNITS/AC
 TOTAL - 150 UNITS/12.5 AC = 12 UNITS/AC

PROPOSED NET DENSITY, BUILDABLE AREA
 LOT 1 - 50 UNITS/3.29 AC = 15 UNITS/AC
 LOT 2,3 - 100 UNITS/7.33 AC = 14 UNITS/AC
 TOTAL - 150 UNITS/10.63 AC = 14 UNITS/AC

PROPOSED SURFACE PARKING
 LOT 1 - 47 SPACES
 LOT 2,3 - 103 SPACES
 TOTAL - 150 SPACES

EXISTING WETLAND AREA
 LOT 1 - 0.55 ACRES = 14.32%
 LOT 2,3 - 1.32 ACRES = 15.24%
 TOTAL - 1.87 ACRES = 14.96%

DISTURBED AREA
 LOT 1 - 1.73 ACRES = 45.0%
 LOT 2,3 - 4.27 ACRES = 49.0%
 TOTAL - 6.00 ACRES = 48.0%

PROTECTED AREA
 LOT 1 - 2.11 ACRES = 55.0%
 LOT 2,3 - 4.38 ACRES = 50.6%
 TOTAL - 6.50 ACRES = 52.0%

EXISTING ZONING
 MEDIUM DENSITY RESIDENTIAL

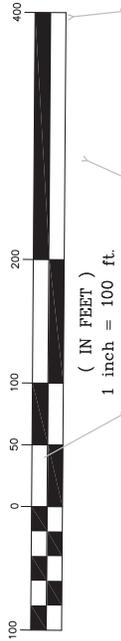
SITE DATA
 LOT 1 - 3.84 ACRES
 LOT 2 - 4.18 ACRES
 LOT 3 - 4.47 ACRES
 TOTAL - 12.5 ACRES

TREE REMOVAL-GROSS AREA
 LOT 1 - 0.65 ACRES = 16.9%
 LOT 2,3 - 1.51 ACRES = 17.2%
 TOTAL - 2.16 ACRES = 17.3%

GREEN SPACE
 LOT 1 - 2.94 ACRES = 76.5%
 LOT 2,3 - 6.55 ACRES = 75.7%
 TOTAL - 9.49 ACRES = 75.9%

<p>G-Cubed Inc. Engineering Planning</p> <p>285 Marlow Drive West, MN 55126 ph. 651.282.3474 fax 651.462.0949</p>	<p>DESIGNED _____ DRAWN _____ CHECKED _____</p>	<p>LATEST REVISION: 09-03-2015 Project File: City Development, LLC 3825 Accanto Court N. Stillwater, MN 55082</p>	<p>CITY OF MAPLEWOOD RAMSEY COUNTY, MINNESOTA 2015 CONSTRUCTION</p> <p>④ SPLIT PHASE 2 TO LOTS, MOVED PHASE TWO BUILDINGS AND PARKING LOT 10' NORTH FOR ADDED BUFFER TO EXISTING TRAIL.</p>						
<p>DATE: _____</p>		<p>FILE NO.: 15-113-Standard</p>							
<p>REVISIONS:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>09-03-2015</td> <td>Final File</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	1	09-03-2015	Final File	<p>SITE PLAN</p>	
NO.	DATE	DESCRIPTION							
1	09-03-2015	Final File							
<p>G-Cubed Inc. Engineering Planning</p>		<p>CONIFER RIDGE</p>							
<p>SHEET 1 OF 8 SHEETS</p>		<p>SHEET 1 OF 8 SHEETS</p>							

GRAPHIC SCALE



NATIVE SCREENING PLANTING SCHEDULE

KEY	QTY	COMMON/BOTANICAL NAME	SIZE	SPACING	NOTES
N 100		Cornus sericea - red twig dogwood	#3 POT	5'	plant in groups of 5 to 10
N 100		Physocarpus opulifolius - nitelark	#3 POT	5'	plant in groups of 5 to 10
N 100		Viburnum lentago - nannyberry	#3 POT	5'	plant in groups of 5 to 10

NATIVE SCREENING 1500 LIN. FT.



NATIVE FOUNDATION PLANTING SCHEDULE

KEY	QTY	COMMON/BOTANICAL NAME	SIZE	SPACING	NOTES
F 150		Symphoricarpos albus	#3 POT	3'	plant in groups of 10 to 20
F 150		Ribes odoratum	#3 POT	3'	plant in groups of 10 to 20
F 150		Saxifraga oppositifolia	#3 POT	3'	plant in groups of 10 to 20
F 150		black chokeberry	#3 POT	3'	plant in groups of 10 to 20

FOUNDATION AREA = 0.13 ACRES PER BUILDING, 200 PLANTS PER BUILDING

RAINWATER GARDEN "W" BOTTOM SHALL BE SEEDED WITH SUNNY WET SEED MIXTURE AT THE END OF CONSTRUCTION. SEE WETLAND SEED MIXTURE LISTED IN THE CITY OF MAPLEWOOD RAINWATER PLANTING GUIDE.

TREE AND BUSH PLANTING AND SCHEDULE

KEY	QTY	COMMON/BOTANICAL NAME	SIZE	SPACING	NOTES
M 7		RED MAPLE	2.5 caliper inch	45'	= 2.5 caliper inch
B 9		WITESPIRE BIRCH	1.5 caliper inch	45'	= 2.5 caliper inch
C 3		FLOWERING CRABAPPLE	2 caliper inch	as shown	= 2.0 caliper inch
S 38		COLORADO SPRUCE	6" ht	15'	= 2.5 caliper inch
L 7		GREENSPICE LINDEN	2 caliper inch	45'	= 2.0 caliper inch
A 18		Swain Juniper	3" ht	5'	= 0.5 caliper inch
H 5		CANADIAN HEMLOCK	6" ht	10'	= 2.5 caliper inch
R 80		RED CEDAR	6" ht	15'	= 2.5 caliper inch
		Juniperus virginiana	6" ht	15'	= 2.5 caliper inch

LANDSCAPE NOTES:

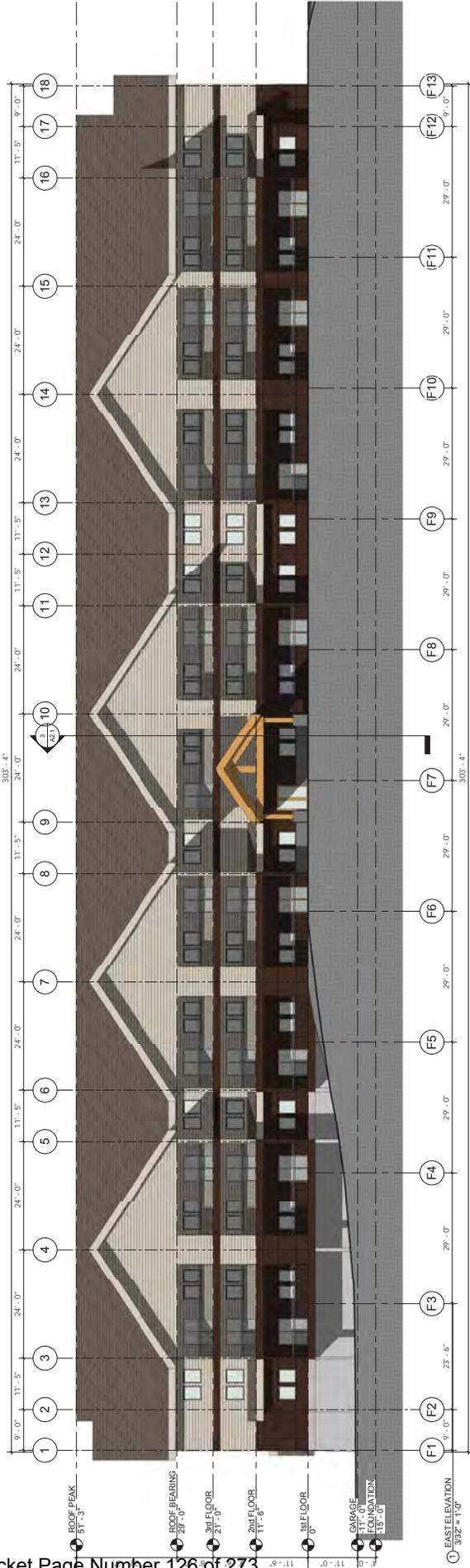
- INDIVIDUAL PLANTS SHALL HAVE WOOD CHIP MULCH.
 - PLANTING BEDS SHALL HAVE EDGING WITH 3/4" WASHED RIVER ROCK WITH GEOTEXTILE LANDSCAPE FABRIC.
- NOTE:
MAINTAIN 2' CLEAR ZONE FROM BACK OF CURB IN ALL AREAS



DESIGNED BY	DJT	DATE	09-03-2015
DRAWN		DJT	09-03-2015
CHECKED			
REVISED BY	(A)	DATE	09-03-2015
Prepared For: City Development, LLC 9833 Accacia Court N. Stillwater, MN 55082			
LATEST REVISION: 09-03-2015 CITY OF MAPLEWOOD RAMSEY COUNTY, MINNESOTA 2015 CONSTRUCTION			
CONIFER RIDGE LANDSCAPE PLAN			
SHEET 7 OF 8 SHEETS			

G-Cubed Inc.
 Engineering
 Planning

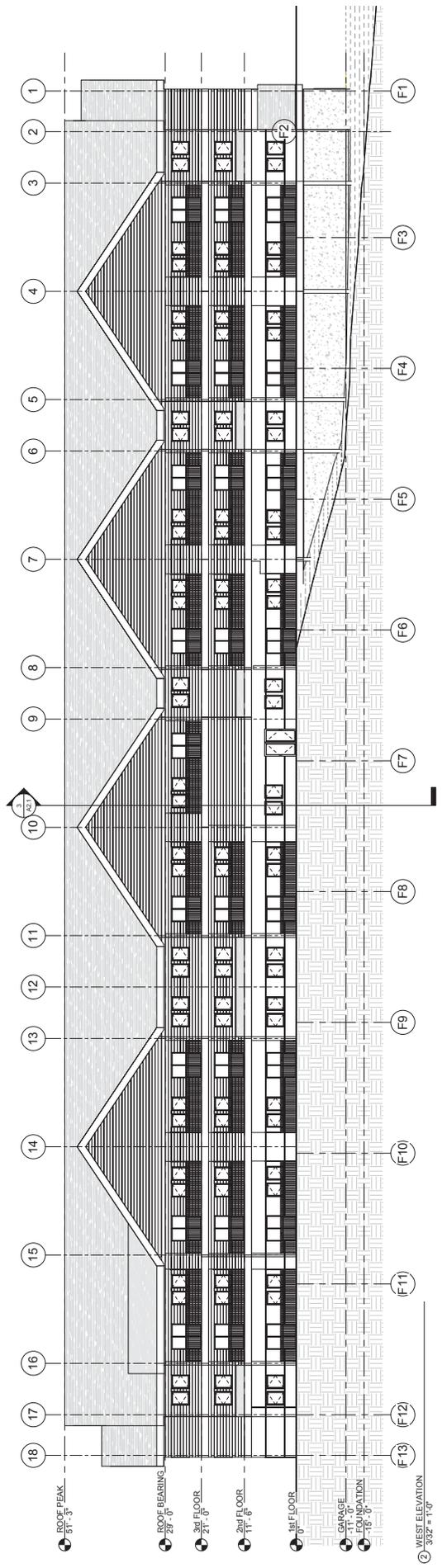
285 Marlow Drive
 Stillwater, MN 55082
 Tel: 651.283.3474 Fax: 651.452.0949



Conifer Ridge Apartments

Maplewood, MN

ROOF - GRAY HEAVY TEXTURE SHINGLE - SHAKE STYLE
 TRIM - CEMENT BOARD MULTI-LAYER PROFILE
 UPPER SIDING - CREAM LAP PROFILE CEMENT BOARD
 MAIN FLOOR SIDING - BROWN REVERSE BOARD AND BATTEN CEMENT BOARD



WEST ELEVATION
 3/22 = 1:0"

THE urban studio
 318 South Broadway, Suite 200
 Rochester, MN 55904
 P: 507.285.5043
 www.theurbanstudio.com

ATTACHMENT 11
 EXTERIOR ELEVATIONS

7/17/2015 9:33 AM

A2.0

Conifer Ridge Apartments, LLC
K. Peter Stalland, Esq.
9983 Arcola Court North
Stillwater, MN 55082
Tel#: 651-351-2963
Cell#: 651-245-7222
Fax#: 651-430-3120
Email: peterstalland@hotmail.com

July 6, 2015

Mr. Michael Martin
Planner
City of Maplewood
1830 County Road B East
Maplewood, MN 55109

Re: Conifer Ridge Application Narrative
for Community Design Review Board;
PUD; and Comprehensive Plan Amendment
Applications

Dear Mike,

This letter serves as the narrative requirement for the above-entitled applications to the City of Maplewood. These applications are in regard to a planned 150 unit upscale, market rate residential apartment project called Conifer Ridge Apartments. The site is undeveloped land located in the original Legacy PUD which consists of a variety of land uses: office, retail, and high density residential for sale and rental properties. Surrounding uses to this site also include senior housing projects and medium to high density rental townhomes and large apartment projects. Several blocks to the South from this site is the St. John's Hospital complex and to the Southeast is Maplewood Mall. All utilities and public facilities are located adjacent to the site and are sized appropriately for this project. The project would not create any hazardous activity or nuisance. The site plan provides for two main traffic accesses: one on Kennard Street for the first 50 unit building, and the other on Hazelwood Street to access two, 50 unit buildings. These two access points would generate only minimal vehicular traffic and would not create congestion or unsafe conditions.

One major feature of this site is clearly its unique beauty. Our design starts and ends with preserving and protecting its natural resource of wetlands, hills, and large tree stands. The density of units per gross and developable acreage is where the design of the project starts. The City's tree ordinance states in regard to density: "The City may reduce the maximum allowed density on that part of a development that has a significant natural feature." The clustering of dwellings in the form of apartments and other uses is recommended in order to preserve significant natural features.

To preserve the significant natural features on this site, we chose a higher density design use. To protect the greatest amount of woodlands and wetlands, we have proposed a density of 15 units per acre and preserved and protected 52 percent of the site. (See site plan attached to the applications). When the project is completed, the 12.5 acre site will have 76 percent greenspace and have clustered the development with a finished impervious area of only 3.0 acres. In regard to protecting the wetland areas, we have designed the site using the full wetland setbacks rather than using an averaging of the setback dimensions.

Earlier development proposals to the City for this site essentially stripped all of the trees from the site and graded the site flat, eliminating the wetlands in order to accommodate high density development. Our project has done the opposite by maximizing the natural and scenic features of the site into our design which will benefit the City, the neighbors, and the residents of the project. The exterior elevations of the building and materials have been designed to coordinate with the surrounding residential architecture of the townhomes and senior living facilities in the area.

In summary, the Conifer Ridge Apartment project will not depreciate property values in the neighborhood; will not change the character of the surrounding area; will be consistent with the original Legacy PUD, will create a solid tax revenue for the City and County; and will protect and preserve the natural and scenic beauty of one of the last, remaining undeveloped large sites in Maplewood.

Thank you for the opportunity to present these applications to the City of Maplewood.

Yours truly,



K. Peter Stalland

Owner/Manager, Conifer Ridge Apartments LLC

KPS encl;

Conifer Ridge Apartments, LLC
K. Peter Stalland, Esq.
9983 Arcola Court North
Stillwater, MN 55082
Tel#: 651-351-2963
Cell#: 651-245-7222
Fax#: 651-430-3120
Email: peterstalland@hotmail.com

August 3, 2015

Mr. Michael Martin
Planner
City of Maplewood
1830 County Road B East
Maplewood, MN 55109

Re: Conifer Ridge Application Narrative
for Community Design Review Board;
PUD; and Comprehensive Plan Amendment
Applications

Dear Mike,

Further to my letter of July 6, 2015 to the City regarding my applications, I would like to add some additional information. The overall focus of this project is to provide upscale, elegant rental units for future residents. As you know, this 12.5 acre site is unusual given its natural beauty. To retain the natural surroundings which will enhance the marketability of the project, we have kept the density to only 15 units per acre in the three, fifty unit buildings which resulted in protecting 52 percent of the site. There are very few, if any, rental projects in the suburban metro area that have this type of low density which results in this much open space.

The exterior of the building in materials and design will be similar to those residential townhomes adjacent to the site. A fifty unit, three story building is a relatively small building for an apartment project. This will give the project a more residential feel, almost like a large house, rather than a typical 100 to 200 unit one-building project.

Each building will have underground parking available for each unit. The common area will be a two story, open atrium with floor to ceiling glass at the rear of the building which will open up onto a view of the woods and wetland ponds to the west. The interior will have a lounge, bar area accented with stone, mirrors, and extensive dark woods with brass accents. The second floor will have a fitness room which will have windows open out into the two story atrium. As you enter the building from the front covered entrance, in the middle of the foyer there will be a stone fountain adjacent to the rental office. At

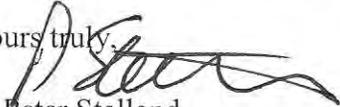
the rear of the common area on the first floor there will be doors leading out to a stone courtyard with a gazebo, outdoor stone fireplace, and seating area.

The interior apartments will have dark wood cabinets ,black appliances, washer/dryer, granite or hard surface countertops, and tile or composite tile/wood floors in the bathrooms, entry, and kitchen. Each unit will have an oversized, covered 22 foot long outdoor deck.

I anticipate the rents to be approximately \$1,600 for the two bedroom, two bath unit of 985 square feet (29 units per building); \$1,225 for the one bedroom, one bath unit of 690 square feet (20 units per building); and \$900 for the studio unit of 544 square feet (one unit per building). These rents are necessary given the high cost of the project. We believe that the typical resident will be a young professional who works on the "east side" of the metro area or empty nesters who want carefree living in a naturally beautiful setting but close to all the services and amenities that Maplewood has to offer.

If you have any questions, please don't hesitate to contact me. Thank you.

Yours truly,



K. Peter Stalland
Owner/Manager, Conifer Ridge Apartments LLC
KPS

Conifer Ridge Apartments, LLC
K. Peter Stalland, Esq.
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Stillwater, MN 55082
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Email: peterstalland@hotmail.com

August 28, 2015

Mr. Michael Martin
Planner
City of Maplewood
1830 County Road B East
Maplewood, MN 55109

Re: Conifer Ridge Application Narrative
for Community Design Review Board;
PUD; and Comprehensive Plan Amendment
Applications

Dear Mike,

In response to recommendations from the Planning Commission (additional parking spaces) and the previous PUD development agreement (0.5 spaces per unit for visitor parking), I would like to outline why these requirements are not applicable to my project.

A. City of Maplewood's parking ordinance

Section 44-17 (a) (2) requires two spaces for each dwelling unit in a multi-family dwelling. One space is required to be enclosed. I provide for 100 parking spaces per each 50 unit building with one space being underground. If this project were in a currently zoned multi-family district, the parking would comply with the City's ordinance.

B. Legacy PUD development agreement should not apply to my project

The current, existing development agreement requires the developer to provide for 0.5 spaces per unit for visitor parking. However, the existing PUD had primarily townhouses as a housing type as opposed to apartments. Townhouses have more bedrooms and normally more residents per housing unit than apartments. Further, one needs to look at the mix of unit types in an apartment project to analyze how many residents will be living in each unit to determine how many parking spaces are appropriate.

In Conifer Ridge, each 50 unit building has one studio unit; 20 one bedroom units; and 29 two bedroom units. Typical townhouse units have a minimum of two bedrooms and most have at least three or four bedrooms which translate to more persons living in a

townhome unit than in one or two bedroom apartment project. Hence, townhomes require more parking for more residents who have more cars and more visitors.

C. Apartment projects manage the number of cars per unit

Conifer Ridge management, similar to most other apartment projects, will limit two cars per residential unit in the leases which will conform to the 2:1 parking ratio. Management keeps tight control of the resident's cars by requiring license numbers, make of vehicle on file; mandating that no resident can work on their cars in the spaces, no storing of non-operational cars on site, and so forth.

D. The current site plan limits any increased parking spaces

Given the topography of the site, the existing tree preservation negotiated requirements, the buffer zones for the wetlands, and the soil conditions, the current site plan limits my ability to add any more parking spaces. In addition, the site is already expensive to develop which puts a strain on the economics of the project. Adding more parking spaces would be expensive and cost prohibitive at this point. The result would be more construction cost; loss of additional trees, additional water runoff that has to be engineered for storm water drainage, and increased operational maintenance cost to manage the project long term.

E. Examples of other area City parking ordinances as applied to Conifer Ridge

Cottage Grove Code:

The ordinance requires additional visitor spaces based on 1.5 spaces for every 10 units. Applied to Conifer Ridge:

	Units	Unit Spaces	Total
Efficiency 1 car per unit	1	1	1
1 Bedroom 1.5 cars per unit	20	1.5	30
2 Bedroom 2 cars per unit	29	2	81
Visitors 1.5 for every 10 units	50	1.5/10	8
Total for 50 unit building			89

Burnsville Code:

1.5 parking spaces for each efficiency/studio and one bedroom unit, and 2.25 parking spaces for units with 2 or more bedrooms. A minimum of one of the required parking spaces per unit shall be an enclosed garage space.

Applied to Conifer Ridge:

	Units	Unit spaces	Total
Efficiency 1.5 car per unit	1	1.5	1.5
1 Bedroom 1.5 cars per unit	20	1.5	30
2 Bedroom 2.25 cars per unit	29	2.25	65.25
Total for 50 unit building			97

Rochester, MN Code:

1 per unit for efficiency/studio and one bedroom unit; 1.5 spaces for 2 bedroom units; 2 spaces for 3 bedroom units; and 3 spaces for 4+ bedroom units

Applied to Conifer Ridge:

	Units	Unit spaces	Total
Efficiency 1 car per unit	1	1	1
1 Bedroom 1 car per unit	20	1	20
2 Bedroom 1.5 cars per unit	29	1.5	44
Total for 50 unit building			65

In summary, the above codes show that the City of Maplewood's multi-family parking ordinance that requires a 2:1 ratio goes beyond what these other codes mandate for apartment complexes with smaller bedroom units. The 2:1 ratio is a standard that has been developed all over the country for decades so it apparently works. For the reasons outlined above, I request that the staff and City Council consider our submitted site plan showing 300 parking spaces (100 for each 50 unit building) to be adequate.

If you have any questions, please don't hesitate to contact me. Thank you.

Yours truly,

K. Peter Stalland
 Owner/Manager, Conifer Ridge Apartments LLC
 KPS
 cc Dan Tilsen; Teresa McCormack

G-Cubed Inc.

Engineering Surveying & Planning

285 Westview Drive, West Saint Paul, MN 55118, ph. 651.288.1100, fax. 651.455.4948

Conifer Ridge Apartment Hydrology,

7-06-2015

The Conifer Ridge Apartments is a planned development for three 50 unit apartments on 12.5 acres. Construction of the buildings and parking lots will create 3 acres of new impervious surfacing. Treatment of the stormwater will be subject to MPCA, City of Maplewood and Ramsey-Washington Metro Watershed District standards.

Existing Site Conditions:

The property contains a mix of wooded hills and wetlands. Drainage patterns within the site are essentially split from east to west by a wooded ridge running northwesterly to southeasterly. Development will preserve much of this ridge and drainage characteristic.

On the easterly portion of the property, the site drains south to north. The lower portion of the property is a wetland. Near the middle of this area is a temporary stormwater treatment pond which was constructed as part of Phase II of the Heritage Square at Legacy Village project around 2005. The plans for this pond was for it to be improved and designated as a permanent pond at the time of the development of this project.

On the westerly portion of the property the site also drains south to north. The lowest portion is also a wetland near the intersection of County Road D and Hazelwood Avenue. South of this area on the adjacent property are two storm water treatment cells serving the development to the south.

Proposed Site Conditions:

The easterly portion of the development will contain one 50 unit building and parking area accessed from Kennard Street. Development will add 0.9 acres of new impervious surfacing. Treatment will be achieved by collecting and conveying runoff to the existing stormwater treatment pond. Final modeling will determine if additional volume is required or if the outlet structure will be required to be modified to meet criteria for wet basin designs. Treated flow will feed the existing downstream wetland.

The westerly portion of the development will contain two 50 unit buildings and parking area accessed from Hazelwood Avenue. Development will add 2.1 acres of new impervious surfacing. A new treatment basin – rainwater garden will be constructed north of the buildings. Due to inadequate separation to the water table and soil factors, a simple infiltration basin will not meet design criteria. Instead a basin with an underdrain will be constructed to provide the stormwater treatment measures as required. The treated flow will feed the existing wetland.

Summary:

By limiting the impervious area to less than 25% of the project area and making use of two stormwater treatment basins, the Conifer Ridge Apartments is designed to meet water quality treatment and requirements, and meet existing flow rates for storm events as specified by the city and the watershed district. Upon conditional approval of the project, final hydrologic design will be modeled, calculations provided, and final construction plans submitted for approval.

Mark Welch, PE
G-Cubed Inc.
507-867-1666 ext. 105

Engineering Plan Review

PROJECT: Conifer Ridge Apartments
PROJECT NO: 15-14

COMMENTS BY: Jon Jarosch, P.E. – Staff Engineer

DATE: 08-10-2015

PLAN SET: Engineering plans dated 07-06-2015

REPORTS: Storm Water Summary Letter dated 07-06-2015

The applicant is proposing three (3) 50-unit apartment buildings on the currently vacant parcel at the southeast corner of Hazelwood Street and County Road D in Legacy Village. The applicant is requesting a comprehensive plan amendment, a planned unit development amendment, a review of the design, and the approval of a lot split.

This review does not constitute a final review of the plans, as the applicant will need to submit construction documents, geotechnical information, and a stormwater report for final review. The following are engineering review comments on the design submitted to date and act as conditions prior to issuing permits.

Drainage and Stormwater Management

- 1) It appears that the applicant's concept plan can meet the requirements of the City's stormwater management standards. The final design of this project shall meet the requirements set forth in these standards. This includes the infiltration of 1.1 inches of rainfall over all impervious surfaces and designing utilizing the Atlas-14 rainfall data. The applicant shall work with the City to meet the intent of these standards.
- 2) The City consulted with Ron Leaf, P.E. at S.E.H., Inc. to review the proposed stormwater management on this site. According to Mr. Leaf, the current drainage plan appears consistent with the MMATI area drainage plan. After final plans are created, the stormwater discharge rates leaving the site shall be less than or equal to those anticipated in the MMATI area drainage plan.
- 3) The project shall be submitted to the Ramsey-Washington Metro Watershed District (RWMWD) for review. All conditions of RWMWD shall be met.
- 4) The applicant is proposing the use of infiltration or filtration to meet water quality requirements. As such, the applicant shall submit copies of geotechnical information (soil borings, infiltrations tests, etc.) to support infiltration rates shown in the hydraulic calculations.

- 5) The applicant shall provide storm sewer pipe sizing details for all onsite storm sewer.
- 6) Emergency overland overflows shall be identified on the plans and shall include adequate scour protection.

Grading and Erosion Control

- 7) All slopes shall be 3H:1V or flatter.
- 8) The proposed infiltration/filtration areas shall be protected from sedimentation throughout construction.
- 9) Inlet protection devices shall be installed on all existing and proposed onsite storm sewer until all exposed soils onsite are stabilized. Additionally, storm sewer inlets along adjacent City streets shall be protected throughout construction.
- 10) Adjacent streets shall be swept as needed to keep the pavement clear of sediment and construction debris.
- 11) All pedestrian facilities shall be ADA compliant.
- 12) A copy of the project SWPPP and NDPEs Permit shall be submitted prior to the issuance of a grading permit.
- 13) Stabilized construction entrances shall be placed at all entry/exit points to the site.
- 14) The total grading volume (cut/fill) shall be noted on the plans.
- 15) All emergency overland overflows shall contain adequate stabilization to prevent soils from eroding during large storm events.

Sanitary Sewer and Water Service

- 16) Sanitary sewer service piping shall be schedule 40 PVC or SDR 35.
- 17) The proposed water service modifications are subject to the review and conditions of Saint Paul Regional Water Services (SPRWS). The applicant shall submit plans and specifications to SPRWS for review and meet all requirements they may have prior to the issuance of a grading permit by the City.
- 18) The applicant shall provide fixture unit computations verifying that the sewer service is adequate for the proposed building.

- 19) The applicant shall be responsible for paying any SAC, WAC, or PAC charges related to the improvements proposed with this project.

Traffic Analysis

- 20) The City consulted with Thomas Sohrweide, a traffic engineer at S.E.H., Inc., to analyze the potential traffic impacts from the proposed development. Mr. Sohrweide noted... "This additional volume of traffic (from the proposed three apartment buildings) is not indicative of any change in intersection traffic operation."

Other

- 21) The buildings shall be designed and constructed to be in conformance with the Minnesota State Noise standards. As the buildings are in close proximity to I-694, it is necessary to consider noise reducing construction techniques and materials as identified in the Alternative Urban Areawide Review (AUAR) and Mitigation Plan.
- 22) The plans shall be signed by a professional engineer currently licensed in the State of Minnesota.
- 23) The applicant shall ensure the site is navigable and accessible by emergency service vehicles.
- 24) A right-of way permit shall be submitted for any work within the public right-of-way.
- 25) The developer shall enter into a Development Agreement with the City.
- 26) The Owner shall sign a maintenance agreement, prepared by the City, for all storm water treatment devices (sumps, storm sewer, infiltration systems, ponds, etc.).
- 27) The applicant is proposing to vacate two existing storm sewer easements which cover existing storm sewer within the site. As this storm sewer is proposed to be relocated as part of the project, the applicant is proposing to create new easements over the new storm sewer locations. The applicant shall provide the easements necessary to cover the final storm sewer layout.
- 28) Perpetual trail easements shall be granted to the City for the existing onsite trails at the southeast and southwest corners of the property.
- 29) The applicant shall provide a self-renewing letter of credit or cash escrow in the amount of 125% of the proposed site improvements (or as detailed in the Development Agreement) including earthwork, grading, erosion control, site vegetation establishment, aggregate base, and paving.

- 30) The applicant shall satisfy the requirements of all other permitting agencies. Please provide copies of other required permits and approvals.
- 31) The Developer is responsible to obtain any necessary permits for building and/or working within existing Power Transmission Line easements located along the southern portion of the proposed development.

- END COMMENTS -

Environmental Review

Project:	Conifer Ridge Apartments
Date of Plans:	Civil Plans - September 3, 2015 <u>Wood Chip Nature Trail – September 23, 2015</u>
Date of Review:	September 8, 2015 and <u>October 5, 2015</u>
Location:	Legacy Village (County Road D East between Hazelwood and Kennard Streets)
Reviewer:	Shann Finwall, Environmental Planner (651) 249-2304; shann.finwall@ci.maplewood.mn.us Virginia Gaynor, Natural Resources Coordinator (651) 249-2416; virginia.gaynor@ci.maplewood.mn.us

Background

1. **Project Background** - The project involves developing a 150-unit apartment complex on a 12.5 acre parcel within the Legacy Village Planned Unit Development. There are two wetlands and hundreds of significant trees on the property. The development must comply with the City's wetland and tree preservation ordinances.
2. **Wetland Background** – There are two wetlands located on the property - a Manage B wetland (identified as Wetland A on the plans) and a Manage A wetland (identified as Wetland B on the plans). The applicants have had both wetlands delineated. The Ramsey-Washington Metro Watershed District has reviewed and approved of the wetland delineations.

During the Mall Area Road Reconstruction Project and extension of County Road D in 2003, the Manage A wetland was identified as being fully mitigated, along with other wetlands impacted during that construction. The mitigated wetlands are located on the north and south side of Beam Avenue, east of Highway 61. Ultimately, only the north and west buffers of the Manage A wetland on the site were impacted by the road construction in 2003, with the wetland itself remaining intact. Regardless of its history, the applicant has agreed to comply with the City's wetland ordinance and buffer requirements for the Manage A wetland with this development.

The original Planned Unit Development wetland conditions for this property state that the applicant shall dedicate wetland protection buffers around each wetland within this development. The width of each buffer shall be according to each wetland's classification as determined by the Ramsey-Washington Metro Watershed District.

3. **Tree Background** – There are hundreds of trees located on the site. To survey the trees, the applicant used a process called forest mensuration. This involved

dividing the site into 11 plots and incorporating quantitative measurements of the forest stand, rather than identifying and marking each of the trees. The forest mensuration results show that the site has 86% red pine, 9.1% boxelder, 1.6% cottonwood, and 1% elms/cherry/spruce/aspens. The average size of the trees is 11.3 diameter inches.

The original Planned Unit Development tree conditions for this property state that the applicant shall comply with the City's tree preservation ordinance.

Discussion

1. **Wetlands:** The wetland ordinance requires a 75-foot minimum and 100-foot average buffer for Manage A wetlands and a 50-foot minimum and 75-foot average buffer for Manage B wetlands. No building, grading, or stormwater structures can be located within the buffer.

Wetland Impacts:

- a) Stormwater Infiltration Basin - Buffer Averaging: A portion of the stormwater infiltration basin will encroach to within 75 feet of the required 100-foot buffer for Wetland B (Manage A wetland). A stormwater drain tile outlet will be bored under the buffer, ensuring no additional grading within the buffer. Buffer averaging is allowed on a Manage A wetland to within 75 feet if one of more of the following criteria is met:
 - 1) Undue hardship would arise from not allowing the average buffer, or would otherwise not be in the public interest.
 - 2) Size of parcel.
 - 3) Configuration of existing roads and utilities.
 - 4) Percentage of parcel covered by wetland.
 - 5) Configuration of wetlands on the parcel.
 - 6) Averaging will not cause degradation of the wetland or stream.
 - 7) Averaging will ensure the protection or enhancement of portions of the buffer which are found to be the most ecologically beneficial to the wetland or stream.

The development proposal meets several of the above-mentioned criteria. The City requires wetland buffer mitigation when a buffer has been altered through averaging with one or more of the following actions:

- 1) Reducing or avoiding the impact by limiting the degree or amount of the action, such as by using appropriate technology.
- 2) Rectifying the impact by repairing, rehabilitating, or restoring the buffer.
- 3) Reducing or eliminating the impact over time by prevention and maintenance operations during the life of the actions.
- 4) Compensating for the impact by replacing, enhancing, or providing substitute buffer land at a two-to-one ratio.
- 5) Monitoring the impact and taking appropriate corrective measures.

- 6) Where the City requires restoration or replacement of a buffer, the owner or contractor shall replant the buffer with native vegetation. A restoration plan must be approved by the City before planting.
 - 7) Any additional conditions required by the applicable watershed district and/or the soil and water conservation district shall apply.
 - 8) A wetland or buffer mitigation surety, such as a cash deposit or letter of credit 150% of estimated cost for mitigation. The surety will be required based on the size of the project as deemed necessary by the administrator. Funds will be held by the City until successful completion of restoration as determined by the City after a final inspection. Wetland or buffer mitigation surety does not include other sureties required pursuant to any other provision of City ordinance or City directive.
- b) Revised Civil Engineering Plans with Buildings Shifted Closer to Wetland Buffer: The revised September 3, 2015, Civil Engineering Plans reflect that the two buildings proposed on the south side of the property have been shifted approximately 10 feet to the north, toward the wetland buffer. This revision was in response to concerns from neighbors about the proximity of the parking lot and buildings to the south property line. With the revision, there is 10 feet from the foundation of the building to the edge of the required wetland buffer and proposed stormwater infiltration basin. While the grading for the buildings does not encroach into the required buffer area it should be noted that the 6-foot deep decks are not shown on the Civil Engineering Plans. The decks will come within 4 feet of the wetland buffer edge, leaving little room to walk around the building.
- c) Wood Chip Nature Trail Plans: The September 23, 2015, Wood Chip Nature Trail Plan calls for a public trail to be located within the wetland buffers of both wetlands (Wetlands A and B). The wetland ordinance states the City may waive the requirements of the ordinance for the construction of public trails within a wetland buffer. In waiving the requirements, the City should apply the following standards:
- 1) Trails shall not be allowed near endangered or threatened species.
 - 2) Buffers shall be expanded, equal to the width of the trail corridor.
 - 3) The owner or contractor shall replant all disturbed areas next to the trail in a timeframe approved by the city.
 - 4) All necessary erosion control measures must be in place before constructing a trail. The erosion control measures must also be maintained and inspected by the city to ensure that the wetland or stream is not compromised by trail construction activities.
 - 5) The trail must be designed and constructed with sustainable design methods.
 - 6) Boardwalks are allowed within the buffer for public or semipublic use.
 - 7) The administrator may require additional mitigation actions as specified in Section 5.d. (Mitigation).

Wetland Recommendations:

- a) Trail:
1. The applicant shall dedicate an easement over the trail. If an easement is not feasible, the applicant shall submit an agreement stating that the trail is open to the public and will be maintained by the property owner.
 2. The applicant shall submit a revised nature trail plan showing the following:
 - a. Trail links to allow access from the Lake Links trail to the south and the Hazelwood Street sidewalk to the west.
 - b. Trail construction details which reflect the trail will be constructed with sustainable design methods as outlined in the City of Maplewood Sustainable Trails policy and procedures. Design methods to include trail tread constructed of mineral soil, class 5 gravel, or wood chips.
 - c. Details and location for two sitting benches along the trail.
 - d. Details for at two directional/informational signs to be located at the entrance to the trails that include notice that the trails are open to the public.
- b) Wetland Buffer Signs: Prior to grading, the applicant shall install City approved wetland signs at the edge of the approved wetland buffer that specify that no building, mowing, cutting, grading, filling or dumping be allowed within the buffer. The signs must be placed every 100-feet along the edge of the buffer at a minimum. The sign locations must be verified with a survey to ensure proper placement.
- c) Storm Pipe: Prior to grading, the applicant will meet with staff to identify the exit location for the proposed drain tile outlet to ensure no impacts to the wetland.
- d) Wetland Buffer Mitigation Plan: The applicant shall submit a wetland buffer mitigation plan to include a detailed planting plan with native plants for the infiltration basin and any other disturbed areas within the wetland buffers.
- e) Maintenance Plan: The applicant shall commit to a three-year maintenance plan with the City to ensure establishment of the native plantings as outlined above.
- f) Deck Details: The applicant shall submit revised Civil Engineering Plans which show the location of the decks in relation to the wetland buffer. The decks or deck footings must not encroach into the wetland buffer.
- g) Escrow: The applicant shall submit a cash escrow or letter of credit to cover 150% of the trail and wetland mitigation mentioned above.
2. **Trees:** Maplewood's tree preservation ordinance describes a significant tree as a hardwood tree with a minimum of 6 inches in diameter, an evergreen tree with a minimum of 8 inches in diameter, and a softwood tree with a minimum of 12 inches in diameter. A specimen tree is defined as a healthy tree of any species which is 28 inches in diameter or greater. The ordinance requires any significant tree removed to be replaced based on a tree mitigation calculation. The calculation takes into account the size of a tree and bases replacement on that size.

Tree Impacts: The applicant is preserving 52% of the site as protected and undisturbed land. Regardless of this preservation and due to the sheer number of trees on the site, the development will require the removal of 4,616 diameter inches of the 10,034.34 diameter inches of significant trees on the site. The City's tree replacement calculation require the applicant to replace 1,589.30 caliper inches of trees, or 794 – 2-inch trees.

Tree Replacement Program Guidelines: The City's tree replacement program guidelines require that an applicant plant as many trees as feasible on the site. If the replacement requirement is not met, the applicant can plant native or drought tolerant shrubs that qualify towards tree replacement (#3 shrub or larger is equivalent to .5 caliper inches of replacement tree). If the replacement requirements are still not met, the remaining trees are converted to a dollar amount that will go into the Maplewood Tree Fund (each caliper inch is equivalent to \$60).

Tree Replacement and Mitigation: The landscape plan calls for 148 replacement trees, 900 native plant shrubs, and several other non-native shrubs. Overall, the applicant is replacing 895 caliper inches of trees/native shrubs on the site, with 694.30 caliper inches of replacement trees remaining. This equates to \$41,658 toward the City's tree fund.

To mitigate the trees further, the applicant has agreed to remove all of the buckthorn from the site and pay for the management of that buckthorn over a three-year period. Buckthorn is an invasive plant that has degraded many local woodlands. Removal of buckthorn from the site will improve the remaining forest ecosystem. The applicant has received quotes for this work and City staff has agreed to allow the developer to reduce the tree fund payment with a dollar for dollar credit toward the buckthorn removal and management. This equates to a final tree fund payment of \$20,000.

Tree Preservation Recommendations:

- a) Screening: The applicant shall submit a revised landscape plan showing planting details for all areas required to be screened.
- b) Buckthorn Removal and Management: The applicant shall commit to a five-year maintenance plan with the City to ensure the removal and management of buckthorn on the site. The plan shall specify the following:
 1. Removal: Cut common buckthorn, glossy buckthorn, and non-native honeysuckles. Immediately treat stumps with appropriate herbicide at appropriate concentration (triclopyr or glyphosate). Remove cut material from site.
 2. Management: Each year after buckthorn removal –
 - a. Cut and stump treat resprouts.
 - b. Foliar herbicide treatment of new buckthorn seedlings. In areas with woodland wildflowers, sedges, and ferns be sure the spraying is done when after these are dormant in fall, but at least 3-4 weeks before buckthorn leaves will fall.
 - c. It is thought that buckthorn is typically viable in the soil for up to seven years. So, treatment of seedlings may be

necessary for several years. But much of the germination will occur in the first two to three years.

d. Once seedings are under control, if native plants have not recovered on their own, we strongly recommend planting native shrubs and ground covers.

- c) Escrow: The applicant shall submit a cash escrow or letter of credit to cover 150% of the tree replacement requirements.
- d) Tree Fund Payment: The applicant shall submit a Tree Fund cash payment in the amount of \$20,000. This money will be placed in the City's Tree Fund which funds the City's tree program.

Against-66

Cynthia Gass- 1635 Parkway Drive #6 (green space)

“We own our homes and are [sic] quite invested in this community. We have considerable interest in what happens to the property. The wooded area is a welcome respite and a major selling feature. We want the woods to stay as it is a lot of animals in their homes. Totally against any building in that area. Keep it as it is. If it gets built people around here will be moving which would be very sad, just because of this. Leave it alone.”

Adam Brinkman-1613 County Road D (green space, density)

“In an age of “over development” I stand by the idea that our community would benefit more from having sustained natural environments near and around our area than to “give in” to over population of our neighborhood. I am against any further development in an already clustered area.”

Allyn Keller- 3003 Hazelwood St N (traffic)

“We don’t need any more apartments in this area. Bringing in more commercial property is not good. Adds more traffic, we already have the hospital traffic. Do not want it to go through County Road D. Hazelwood is already highly traveled.”

Current Occupant- 3003 Hazelwood St N (traffic, density)

“We are against the Conifer Ridge Apartment project. It will change the character of the surrounding area. Most families have 2 cars along with visitors of people who live there, trash hauler, recycling, delivery truck, etc, will cause a real problem with traffic. We will get water runoff. Salt from the cars and road in winter, why not develop for single family homes.”

Roger Christensen 3003 Hazelwood St N unit 326 (density, green space)

“I believe the property East of Hazelwood is already high density. Property is buildings are close enough to touch each other. Please no more. Trees and water are nice.”

Zenja Sormaz- 1681 County Road D E (green space)

“I do not agree with the proposal to build a new apartment complex due to the fact that [sic] a new development would destroy green space/ecosystem.”

Cecilia Consuelo Lung Rojas-1077 Lovell Lane S (green space)

“We are worried about the small wild inhabitants (??) in this area. Where will they go? There is not enough green area left on County Road DE. We need to protect them and preserve a little bit of wilderness.”

Chongqi Zhang 7120 Meadow Grass Ave S (green space)

“I want that piece of land to stay unchanged and no apartments to be built.”

Kenneth Jacka-3003 Hazelwood St N Unit 317 (green space, traffic)

“I think we should keep what little wild life and tree beauty we have left in the area. We have enough traffic going on in the area now.”

Suzanne Fry- 3060 Cottage Lane N (density, green space)

"I feel very strongly that this parcel should REMAIN designated as Medium Density Residential. The Manage A and B wetlands and old growth forest on this site deserve a particularly "resourceful and prudent approach to development" (City Code Chapter 18), and increasing population density feels clearly inconsistent with that approach. This proposal is NOT being generous with wetland and forest preservations, but actually pushing the limits of the City's Feb 2013 revision of Ordinance 928 to protect the environment of critical areas. The site is a rare resource. The proposed development would use every bit of the buildable land of this parcel and significantly alter the character of a heavily used walking/biking trail by abutting it to parking lots. The removal of an average of 45% of the trees on this parcel would also be of significant impact, as would 200 more car/day entering and exiting off Hazelwood. Please err on the side of prudent and sensitive as you review and consider amendments that this proposal would require. This is only the first of hopefully many proposals, to use this parcel most wisely." (Typed letter)

Alex Taylor- 1687 Village Tr E Unit 4 (green space, traffic, property values)

"It's a nice wetland area so the environmental impact should be considered first and foremost. Next we need to consider the impact the apartment units would have. I can't imagine it would be good for neighboring home values and it would certainly cause more traffic congestion in an area that is becoming more of an issue already. In the end, I do not feel it would be a good move and my vote would be no. Turn it into a park!"

Denis Dupree 1674 Village Tr E Unit 3 (renters, traffic)

"I also want to express my very, very strong opposition to the project. My primary concern is that these are RENTAL properties. There are a number of garbage, crime and general nuisance issues that we deal with due to the neighboring rental condos on village trail and bittersweet (near Ashley Furniture)-- to the point that I often regret having purchased this property and I worry how I will be able to sell it in the summer when those residents are out in the street. Imagine this multiplied many fold with the new property even if at "market rates". Renters do not care about their neighborhood or community in the way that homeowners do. Apartment buildings sometimes start out looking ok, but they quickly become an eyesore...our neighborhood will become more congested with more crime and more risks for our children...imagine all the additional traffic by the playground and along key bus routes and bus stops. It may be in the village's best interest to develop this land in the future, but developing it into a RENTAL property is a disaster waiting to happen (regardless of the density)-- will require more policing and will make residents including myself want to leave our neighborhood and leave the Maplewood we currently enjoy.

BETTER TO WAIT FOR THE RIGHT PROJECT to come along when the economy continues to grow -- more townhomes or maybe the city decides to make it or rather keep it a public park-like space." (email response)

Gene Dickie-Cardinal Pointe Unit 232 (Traffic, renter, density)

"Worried about traffic and density that may come along if the unit is built. Would like to see the project scaled down or not built because of the potential for increased traffic and noise. Mentions that renters tend to be younger and they may be a nuisance. Would rather see a senior living community."

George Seller-3003 Hazelwood St N Unit 306 (density, rental, traffic)

1. "Already a dense community
2. 150+ cars added
3. Apartments cut down on the desirability of homeowners property "

Jeff and Heather Imsdahl- 3049 Chamberlain Street N #5 (Traffic, property value, over development, home owner)

"I oppose the development of the Conifer Ridge Apartments as a homeowner in the Legacy Village area. I own my home and am invested in the community these past 10 years. This slow rebound from the home market crash of the mid 2000's is still felt; our property has not regained nowhere near where it should be. To lose potential home buyers or renters does not help with a development such as this. I do believe that traffic will be impacted in the area and as a pet owner, we walk our dog daily near the wooded area and would hate to lose that to a view of a parking lot. There is already too much development in this area!

Again, it goes back to the value of our home; it is better off with the wooded area as it is now rather than another development of apartment complexes." (email response)

Jennifer (Albertson) Newton- 1683 Village Trail East #3 (property values, traffic, home owner, green space, parking)

"I have a few concerns I'd like to share:

1. In Mr. Stralland's letter dated July 6, he states that surrounding uses include "medium-to-high density rental townhomes." Allow me to clarify that the townhomes within Heritage Square I and II are NOT rentals, but owned by homeowners. While some residents have chosen to rent out their properties, that is by far the exception, not the rule.

So the surrounding neighbors are indeed quite vested in this community and, as such, hold considerable interest in what happens to the property bounded by us to the east and south. I want it to be very clear that this is a neighborhood of homeowners; it's not a rental community for which "one more" rental property will be added to the bunch.

2. I am a homeowner within the Heritage Square II neighborhood, and when we purchased the home (pre-construction phase) in 2007, a major attractor in our decision to buy here was the wooded area to our west.

With so much commercial space surrounding us, that wooded area is a welcome respite and selling feature for those of us monitoring our home values' slow rebound from the housing crash. This wooded area is one of the last I know of in Maplewood, and while it was clearly for sale, it was something many of us were hoping would never be taken away. It seems ironic that "Legacy Village" would lose its last bit of true legacy, untouched natural woods and wetland. Shouldn't we be aiming to protect that?

3. On a related note, I see that Mr. Stralland's proposed plan does include preserving as much natural space as possible; however, by effectively blocking the view on all sides for its neighbors at Heritage Square I and II, the plan steals our view and preserves it for car traffic and apartment renters. This could be detrimental to the people with the most to lose - the homeowners with property value to consider.

4. While Mr. Stralland notes that there would be "only minimal vehicular traffic" and "would not create congestion or unsafe conditions," I can't imagine how that's possible. How can 150 households not generate considerable traffic? And with all of the children walking and biking to and from the playground (on the proposed development's southern edge), how could they not be less safe on/near Kennard Street?

5. The playground is already paired with a less-than-ideal neighbor in its overhead power lines - when I push my son on the swings, we have to listen to the crackle of the lines looming above us like a bad post-industrialist commentary. The park and trail's only redeeming scenery will be blocked by a parking lot and apartment buildings, with corresponding traffic and noise. It's not good for existing residents' quality of life. It takes the wooded area away from the people who enjoy it, reduces the value of the playground and trail, and essentially reserves it as the backyard for three apartment buildings.

No one will be able to appreciate its beauty when it's effectively tucked behind parking lots and apartment buildings. That is, no current taxpaying homeowners.

6. A question: If the land MUST be sold, can't we consider single-family houses -- perhaps such as those on Hazelwood within Heritage Square I -- that would preserve the nature and maintain or elevate our property values? Aren't there enough rentals on the north side of County Road D? And what of saturation -- couldn't an additional rental property make our (presumably more expensive) townhomes less-attractive options to potential homebuyers or renters, looking to live in the area?

7. If nothing can be done about the plan, at the very least, can the parking lots not be front and center? They detract so much, and evoke a commercial resemblance vs residential feel. Could the parking be underground, as it is in the rental neighborhoods off Bittersweet and Village Trail? That builder was wise to consider the look of the neighborhood and avoided placing a large parking space directly in front of the buildings, so the homes blend in better and look like homes, not a strip mall.

I look forward to your response and further information about the public hearing. This development feels like a mistake that will put our neighborhood home values -- not to mention one remaining island of green in this area of the city -- in jeopardy." (email response)

Josie McDougald- 3049 Chamberlain St N Unit 1 (property values, renters)

"I currently own my townhome at Heritage Square I and have since they were built in 2005. In reading the letter you sent regarding the building of a 150 unit apartment complex is very upsetting to me. The market value of the townhomes are finally gaining ground and I believe building apartments will only bring them down again. The rental townhomes that were built after Heritage Square I and II have proven people do not care about where they live or the surrounding properties.

I truly hope deep consideration for the homeowners in both Heritage Square I and II is a priority to our neighborhood and Maplewood." (email response)

Kannan Venkatesan- 1573 Legacy Parkway E unit 1 (green space, property values, home owner)

"I happen to know about the proposed 3, 50 unit apartment complexes near heritage square condos. I purchased this town home mainly because the house gives us the wooded area view, I grew up in an environment similar to it back in India, and this place reminds me of home, and would like for my son to enjoy similar experience growing up. The deer that jump out of the wood during winter times are site to see, the ducks migrating back to Minnesota during summer, some do call our little pond out here their summer home. Beautiful little birds that wake us up with chirping sound would totally be missed if this proposed plan goes through. Outside of the personal/ sentimental values, financially we feel this proposal would affect our home values, already the financial downfall has caused our home values go down, as you might be very much aware we are just seeing moderate spike in the values, this proposal would be

detrimental to our neighborhood home values. I kindly request you to consider this message as my Opinion or a vote as "STRONG NO" to this proposal. I would be happy if a hearing is set to hear from heritage square condominiums home owners, talking to my neighbors many of them oppose this proposal and already have reached out to you or are in the process of reaching out to you in this regard." (email response)

Kristin Schultz- 1561 Legacy Parkway E Unit 1 (Traffic concerns)

"I think adding another 150 units is absolutely ridiculous!!! There is already too much traffic in the area. How is nature being preserved with the addition of three giant apartment complexes? This project makes me want to move out. We don't need the excess traffic and people in the area." (Email response)

Maureen A Burns-1686 Village Trl E Unit 1 (green space, property values)

"My husband and I do not want this development. We just moved to the area and love this wooded area. In addition, rental units will bring down the value of our townhomes. We do not want this!!"

Paulo Munoz- 1662 Village Tr E Unit 5 (green space, home owner)

"I completely disagree with this proposal as a home owner. I love the view from the front of my home and I take my dog for a walk twice a day and love to see the wood. Please stop this from happening."

Rachael Houle- 1599 County Road D E Unit K (safety, property values, density, home owner, area, design)

"Let me begin by saying thank you for your notice.

I am absolutely 110% against this plan amendment / proposal. I have worked very hard to buy my house. I have worked three jobs for the last four years (even while going to college at St. Thomas.) I purchased my townhouse almost a year ago - it will be one year in August. One of the reasons I chose this location was because of its 'Medium Density.' I am a 25 year old woman who lives alone. I am completely uncomfortable with the idea of having three, three-story, 50 unit buildings constructed literally right across the street from me. I am outraged by the thought of it. Not to mention, it WILL lower the value of my property, ruin the 'unique beauty' of the area, and disturb the wetlands. That rendering of what the buildings will look like is a horrible eyesore. I am sure that Peter Stalland, if he was in my situation, would also be against this ridiculous proposal. However, he is probably off living comfortably in some gated community with not a worry about being mugged or having his property damaged or stolen. All he is concerned about is creating revenue for the city and himself. If this proposal gets approved, not only will the construction ruin any type of peace and quiet, this whole area will feel overcrowded and cramped. Not to mention the crime will increase. I won't ever be able to leave my garage door open or take a run at night or leave my car parked outside. I am begging you to reconsider this proposal. This makes me extremely uncomfortable and I really hope that we can come up with an alternative plan or leave the plot as is. In addition, please keep me informed about any meetings regarding this proposal." (email response)

Richard Engel-1691 Village Trail E Unit 5 (green space, traffic)

“My wife and I were quite disappointed to find out that there were plans to develop large scale residential projects on the site of the current wetlands! It is one of the last remaining “green spaces” in the area. Development of that property will certainly increase traffic, reduce the area for wildlife and beauty, etc. I can see no benefit for anyone who currently owns/resides in the immediate area. Even the time of construction for the project will result in months (or years) of excess traffic, pollution, nuisance, etc. as well. There will likely also be a need to install traffic lights at Hazelwood and County Road DE as well as at Kennard and County Road DE once these apartments were fully occupied. 150 apartments could result in up to 300 or so more cars traveling these same narrow roads. IF (and only if) that land is already designated for development (and there is no way to rescind that) legally, and will inevitably BE developed whether the surrounding residents approve or not, then I suppose a plan like the one submitted would be better than a different plan that destroys even more of the wetlands. But it would be disappointing if the city of Maplewood was unable to keep the entire wetlands area green and free from development. There is very little undeveloped space in the area to enjoy already.” (Email response)

Theodore DeMatties-1563 Legacy Parkway East #4 (property values, green space)

“We just bought our town home at 1563 Legacy Parkway East 4 weeks ago. We have not even made our first mortgage payment yet. The main feature we liked about the townhome was the great woodlands outside our front door. The beautiful sunsets are great and the fire flies that come out at night and light up the field are something I have never seen before. Since moving here, I have seen rabbits, deer and even a few turkeys in the wetland area. I am quite concerned about the proposed apartment development and how it will ruin these great features as well as the value of our homes. While I am highly opposed against any development of this site, at the very least I would like to see the tree line remain. I am completely against any removal of the tree line and would like to see it remain so to at the very least have a buffer area. I do not want to look out my front door and see a retaining wall, parking lot and apartment complexes. I, along with my new neighbors, plan to object the re-zoning of this area and would like to see it remain one of the few remaining undeveloped wildlife areas on Maplewood.” (email response)

Thomas Carey and Elizabeth Vonderharr-Cardinal Pointe Unit 200 and 201 (Traffic, green space)

“We are strongly opposed to the development proposal for Conifer Ridge Apts. We live at Cardinal Point at 3003 Hazelwood St. The traffic on Hazelwood is bad right now particularly when the shifts change at the hospital and we have a difficult time getting onto Hazelwood St. With the apartments on the north side of Ct Road D and the entire development on the east side of Hazelwood all the way to the Library and then running into Maplewood Mall there is already enough traffic and congestion. To add 150 units many with more than one car it would be a traffic disaster. Allow the beautiful wildlife area alone and stop this wild striving for more congestion. Please cancel this proposed development.”(email response)

Caroline Abiazem- 1679 Village Trl E Unit 4 (property value, traffic)

"I am a home owner at the heritage square community. I am writing to oppose this proposal as it will devalue the homes in our community. We cherish the safety we experience in our homes, and would not want the severe congestion this development would bring." (email response)

Donna Hryniewicki-1567 Legacy Parkway East #4 (green space, traffic, area)

"My concerns are as follows:

1. When I received the proposal in the mail I literally sat down and cried. When I come home after working with at times 500 students, I look forward coming home and sitting in my favorite chair. Daily, I look at the trees and wetlands; during much of the year, I enjoy the snowy view. I purchased this home specifically for the view that I have. I could have purchased many other homes, but I chose to settle in Maplewood because of the accessibility to the Cities, trails, proximity to work, and the beautiful trees that stand just beyond my home. With the current proposal, I would still see the wetlands directly in front of my home, but beyond that, the three story buildings would replace my cherished tree view. Not only that, but the residents in the rental properties would have the beautiful trees to the north and the wetlands to the south. I have invested tens of thousands of dollars in this community; I literally love where I live. That said, I need to have either the same view or a comparable one to keep me in the area long term. I would like nothing more than to retire here in the Heritage Community. What would you do if you were me?

2. I am very concerned about increased traffic. There are a lot of people who run, walk, bike and/or rollerblade in the area. Adding 50%+ more traffic is a hazard.

3. Part of the charm of this community is the trees and wetlands. There is very little undeveloped land left in Maplewood. At some point the community loses its charm and becomes another suburb using every inch of space. What this area has is special." (email response)

Jeff Tarnowski- 1662 Village Trl E Unit 1 (home owner, traffic, property value, area)

"I am a concerned homeowner in Heritage Square association. I strongly oppose the possibility of construction of apartments across the street. K. Peter Stalland is out to make money, plain and simple. He doesn't care what the proposed construction will do to our neighborhood. He is delusional to believe the design of the apartments will benefit our neighborhood!!! It will no doubt depreciate our property values, drastically change the character of the area, and significantly add to the amount of traffic. Please preserve the last remaining undeveloped site in Maplewood." (Email response)

Keith and Jodi Rose-1670 Village Trl E unit 6 (area, traffic, property value, green space, saturation, safety, home owner)

"I am a member of the Board of Directors for Heritage Square Second Edition, and I have been informed on the proposed re-zoning of the lot at the intersection of County Road D and Kennard Street, and I have many concerns with this proposal. The proposed developer of this land (K. Peter Stalland) has misrepresented himself as to what the property would be used for. In the developer's letter, he states that the surrounding neighbors include "medium-to-high density

rental townhomes." We own our homes, are quite vested in this community, and hold considerable interest in what happens to the property bounded by us to the east and south as it relates to our own home values. This would not be 'more rental units in a sea of existing rental units' as the developer is trying to frame it. Other issues I have concerns with:

- With so much commercial space surrounding us, that wooded area is a welcome respite and major selling feature for those of us monitoring our home values' slow rebound from the housing crash.

- By effectively blocking the natural view on all sides for its neighbors at Heritage

Square I and II, the plan steals our view and preserves it for car traffic and apartment renters. This could be detrimental to the people with the most to lose — the homeowners with property value to consider.

- Another factor is market saturation — with cheaper rentals available in the same location, we may lose potential buyers when/if we choose to sell or rent out our homes.

- The developer notes that there would be "only minimal vehicular traffic" and "would not create congestion or unsafe conditions." Heritage Square 2 and Village Trail East already generate moderate to considerable street traffic for a community of our size. Tripling the population of the immediate area can only lead to increased traffic, and it is preposterous to declare it would not. With the amount of neighborhood children walking and biking to the playground along Kennard, safety is also obviously a concern.

- Any natural view along the trail/bike path would be eliminated by the 3-story buildings and their respective parking lots that, according to the building proposal, butt up almost directly against the trail. The playground is already paired with a less-than-ideal neighbor in the power lines that crackle ominously overhead — why make it worse with parking lots? In my own experience, I have seen deer, rabbits, chipmunks, etc. in their natural setting on the undeveloped land, and being able to share it with my 1-year-old son while on a walk within a block of my home is a joy that cannot be replaced.

The plan takes the wooded area away from the people who enjoy it, reduces the value of the playground and trail, and essentially reserves it as the backyard for three apartment buildings. In a place that treasures its green space and protecting nature, a move like this is a total contradiction of this concept. This development would change the dynamic of the area in a way that the current homeowners will not tolerate. I ask that you take this under consideration.”
(email response)

Kristina and Joseph Schleisman-1670 Village Trl E Unit 4 (property value, traffic, disruptions, green space, saturation)

“I am writing in response to your letter left on our door regarding the our home value at Heritage Square II due to the Conifer Ridge Apartment complex. Yes, we completely agree with all reasons stated in your letter and are VERY concerned about the negative affect this WILL have on the resale value of our home. We do want to sell soon and now potential buyers are going to be seeing at a minimum the large sign that was posted on that property at the intersection of Village Trail and Kennard. Does that have to be there???? In addition, in the near future they will be seeing major construction happening in the area which will deter buyers.

As you letters states the following are major concerns:

1. The sign at the Village Trail & Kennard intersction
2. Unsightly/major construction
3. We do not want to lose any wooded area as there is so much business already around us and again for potential buyers this is a downfall.
4. Our view of the wetlands will now be apartments - again we do not want this nor do our potential buyers
5. market saturation - we do not want more rentals in the area and especially anything cheaper than our home value!!!! There are already tons of other rentals in the area.
6. vehicle traffic - this will significantly increase traffic and we have 2 children who frequent the park and walk around this neighborhood very often. In addition, we job and bike the area often too and this just is more danger and congestion that is unneeded in an already very busy area with all the homes, apartments, mall, restaurants, Costco, etc. that are located in the area.

This is a complete mistake to put this development in and is absolutely detrimental to the homeowners in the area. There is no way this is possibly a good thing for anyone other than the builder's profit." (email response)

Current Occupant- 3003 Hazelwood St N unit 332 (traffic, green space, overdevelopment)

"I am not in favor of this development. 150 units would bring an additional 150+ cars to the area which already has much traffic and higher in the morning and evenings coming and going. I would love to keep this green space as is. There is already too much commercial and not enough empty land which we need a good balance, keep nature in the area and the green spaces buffers the traffic noise from County Road D and 694. Please consider the denial of this development."

Vivian B Anderson-3003 Hazelwood St N Unit 105 (Density, design)

"There is enough high density housing in this area. Leave it nature. The apartment buildings leave much to be desired esthetically. Very ugly"

Sarona Development LLC-1264 Driving Park Rd Stillwater (density, greenspace)

"Absolutely opposed,

1. The city should only accept applications within zoning to be fair
2. Density is too high
3. Locations of buildings block the view of owner occupied townhomes"

Dekran Baltaian-4933 Bald Eagle Ave White Bear Lake (density, renters, property value)

"The area is already congested and the low income housing in the area is bad enough. Most of all the value of my townhouse has gone down. Overall it's a bad idea."

Ben Lavine-1666 Village Trail 1 (home owner, green space, overdevelopment, market saturation, traffic, playground, home values)

“Speaking as the president of the board representing Heritage Square Second Addition we unanimously are against the re-guiding of the property mentioned in the proposal. Robert Newton a fellow board member has put together some points of our concern. Please see below. In the developer’s letter, he states that the surrounding neighbors include "medium-to-high density rental townhomes." We own our homes, are quite vested in this community, and hold considerable interest in what happens to the property bounded by us to the east and south as it relates to our own home values. This would **not** be 'more rental units in a sea of existing rental units' as the developer is trying to frame it.

- With so much commercial space surrounding us, that wooded area is a welcome respite and major selling feature for those of us monitoring our home values' slow rebound from the housing crash.
- By effectively blocking the natural view on all sides for its neighbors at Heritage Square I and II, the plan steals our view and preserves it for car traffic and apartment renters. This could be detrimental to the people with the most to lose — the homeowners with property value to consider.
- Another factor is market saturation — with cheaper rentals available in the same location, we may lose potential buyers when/if we choose to sell or rent out our homes.
- The developer notes that there would be "only minimal vehicular traffic" and "would not create congestion or unsafe conditions." Heritage Square 2 and Village Trail East already generate moderate to considerable street traffic for a community of our size. Tripling the population of the immediate area can only lead to increased traffic, and it is preposterous to declare it would not. With the amount of neighborhood children walking and biking to the playground along Kennard, safety is also obviously a concern.
- Any natural view along the trail/bike path would be eliminated by the 3-story buildings and their respective parking lots that, according to the building proposal, butt up almost directly against the trail. The playground is already paired with a less-than-ideal neighbor in the power lines that crackle ominously overhead — why make it worse with parking lots?

The plan takes the wooded area away from the people who enjoy it, reduces the value of the playground and trail, and essentially reserves it as the backyard for three apartment buildings.”
(email response)

Ben Villnow- 1565 Legacy Parkway E (home values, traffic, market saturation, area, home owner)

“I am against this proposed development for these reasons:

- I disagree with the proposal when it states that building 3 50-unit complexes "would generate only minimal vehicular traffic and would not create congestion or unsafe conditions." Is there any factual evidence that this would be the case?
- The proposal states that a major feature of the site is its "unique beauty" and that the design would preserve and protect it. But for whom? Current residents would have their beautiful natural views replaced with views of large rental complexes and traffic. The wooded area is a major selling feature and this will surely be diminished with this proposed development.

- The addition of high density rental complexes will cause market saturation, increasing the supply of cheaper rentals and thus lowering the market value of our homes if we chose to sell or rent them.
- Another point in the proposal that I take issue with is the statement that the proposed development is surrounded by "medium and high density rental townhomes." I, myself, as well as many of my neighbors, own and live in our homes. We have a vested interest in our community and its future.

For these reasons, I am concerned that the proposed development of Conifer Ridge Apartments may not be in the best interest of the community and feel you should consider this while reviewing the application." (email response)

Bob Fix-1600 Legacy Parkway East #4 (density, home values, green space, home owner)

"As a 9+ year townhome original owner in Heritage Square 1 townhome association and the president of the board of directors for the past 4+ years, I am concerned about the development of the high density apartment units in the proposal. I have known that this parcel of land has been a topic of development proposals for a number of years, so I'm not surprised that with the economy where it is at and a recent article this week in the Star Tribune citing the lack of available apartments in the suburbs, we have now reached this point. Here is an outline of the concerns of myself and the community at large with the proposal.

· First, the community takes issue with the proposal's assessment that the high density apartments are located in close quarters with high density senior living and "high density rental townhomes". Heritage Square 1 and 2 have worked very hard over the past 4 years to keep rental rates lower in the association and brand ourselves as a home "OWNERS" community. Rental units certainly increased due to the foreclosure crisis, however, renewed strength in the economy has now led to more homes being sold in our community and less rentals. Whether we want to admit this or not, rental units have historically had lower sale prices and home values, my goal on the board is to preserve and increase homeowner value. This proposal would not do that, in fact, much the opposite – more on that later.

· I applaud that the proposal recommends preserving much of the tree strand by having high density units instead of lower density units. However, from our association's point of view, it is more loss than gain – here is why:

The tree strand as it currently stands is not only very beautiful, but it serves as an excellent noise barrier to nearby Interstate 694. My wife used to live in Mendota Heights about a similar distance from Interstate 494 with no barrier and there is a marked decrease in noise having the mature trees as a barrier. While the proposal plans to keep most of that tree strand in place – I remain skeptical. Additionally, the proposed apartment buildings would be facing Legacy Village, therefore the highway noise would be replaced with residents of 100+ apartments coming and going and associated noise with that and not the peacefulness of the wetlands. To me – it is the equivalent of having a house overlooking the lake and then someone comes in and builds a house in between you and the lake. I would imagine that the townhome owners that currently enjoy the park and wetlands overview currently would have their property values and enjoyments of their homes reduced due to the proposal.

High density populations cause stress within a community. Our association is 220 units on 7 acres of land. The developer of our association decided mid stream to maximize unit construction and add more buildings at the cost of parking and green space. This is the primary complaint and reason for homeowners leaving our community. To further increase the density of people and traffic in the neighborhood would further increase homeowners leaving, increasing townhome rentals and lowering property values. The increased traffic on Hazelwood and County Road D would likely necessitate a traffic light at that interchange. It is already a dangerous intersection and I am VERY surprised that there have not been more incidents there. During the holiday season and winter weather I would expect the traffic increase to be most problematic. I don't agree with the proposals assessment of minimal additional traffic. Adding 150 more units coming and going from this space will further necessitate traffic controls in the area.

I also think that there is some flawed logic in the type of renters that this new unit would bring in. From reading the proposal, it appears that the apartments would be on the high end of market rate? Based on the information from the Gladstone redevelopment project that would be around \$900-\$1000 per month? I cannot speak intelligently to the market rates, but don't believe that the new apartments would be able to sustain long term upper end market rates primarily because of the lack of professional commerce and light manufacturing surrounding the area. Hospital workers are not going to live there and the service industry employees that work in the area generally cannot afford an upper market rate apartment. Finally – if an apartment can be had for \$900 per month rent, and you can purchase a townhome in our community for around \$1000-\$1100 per month mortgage (based on current sell prices in our community), that would drive down rental rates. All said, the result of the proposal passing and the construction beginning would mark a race against the clock personally to sell my home and move out of Maplewood and that feeling resides with many of the homeowners here. I don't believe that approving the proposal would immediate create any of these situations, but long term, high density housing is very hard to maintain and promote as a place to live unless you are a true urban environment such as downtown Minneapolis or St. Paul. These will be things that the developer does not care about as he will be paid and moving on. You may be able to kick this can down the road as well to the next City Manager to deal with. This would have been a wonderful development to have where CarMax currently stands, or perhaps across the street from Costco and next to Lexus, but to cram it in on top of an already heavily populated area would in my opinion be a mistake. I do not disagree with the idea of adding apartment units to the north Maplewood area, but in this location, the loss would be worse than the gain.” (email response)

Carol Njogu- 1573 Legacy Parkway East unit 5 (home values, green space, area)

“As the owners of a townhouse on 1573 Legacy parkway, we are concerned about the proposed the development of the Conifer Ridge apartments We do not want these apartments in our area - we have suffered enough as it is with the recession of 2008; many of us bought the townhomes when the prices were inflated. Having these apartments will only make things worse for us. But most importantly, the playground, the greenery, the view will be compromised, destroying our beautiful neighborhood. I am sure there are plenty of other areas in the twin cities where you can take the proposed development to.” (email response)

Danielle Iverson-1667 Village Trail East #1(traffic, safety, area)

"I am a resident in the townhouses off of Kennard and County Rd D. Our front door faces Kennard and my family and I would be directly across the street from the Conifer Ridge Apartments if they get built. There are numerous reasons why this should not be approved. And indeed, it is personal, so I will make this email that way. My husband and I bought our home six years ago with the plan to raise a family here. We now have two little girls and a dog. We are frequent visitors (along with many other kids) to the park near the site you are considering. To get there we obviously have to cross the street. Kennard is already fairly busy, putting in this proposed development would make it even more so. It is simply not safe. I personally work in pediatric trauma, I have seen firsthand the often deadly repercussions of dense neighborhoods built on busy streets. I understand that this proposition is dubbed as being "only minimal vehicular traffic". It does not seem like that is possible, you are significantly increasing the number of residents in a small area. The school buses also stop right on Kennard. There is already a long line of cars waiting for the bus to go each morning. This "minimal vehicular traffic" would only increase this.

One reason we bought our home is because the location is convenient but it still does feel like we have privacy because of all the trees and nature around us. If the apartments get built this will be lost.

For us, these things are important enough that if the apartments do get approved we would be planning on moving. Please take this all into consideration and say no to the proposal for the Conifer Ridge Apartments." (email response)

Ankita Patel Bhalla- 1678 Village Trail East #4(home values, safety, green space)

"I am currently a home owner in the Heritage Hills Townhouse, and I have been since it was first built. You are probably well aware that the housing market crashed 8 years ago, and our homes are not anywhere near what they were worth then. We have already suffered a loss, however over the years the market has become better and our homes are slowly but surely appreciating. Breaking even may not even be in the question, but nevertheless the value has increased. I am telling you this as I read the proposal for the new conifer ridge apartments. I am very concerned about this proposal and am definitely not in favor. I understand that I may only be one vote, but this proposal not only devalues our home, takes away the only natural beauty that we have left in this area, but increases traffic and puts the safety of our children at risk. There is currently a playground nearby that we take our child to, and it is quiet and peaceful. I rarely have to worry about cars or too many strangers walking by. I am very concerned and kindly request that you reconsider this proposal. The value of our homes will be reduced to nothing should those apartments and parking lots be built. Please consider this a plea from a homeowner, mother and resident of maplewood to preserve the natural environment and help save the homes in the area." (email response)

Kathryn Engel-1635 Legacy Parkway E #2 (green space, environmental impacts, traffic, renter, home owner, design, disruption)

"I am vehemently against these new apartment buildings. If this is really one of the last undeveloped bits in Maplewood, it is certainly worth preserving without a monstrous set of buildings. I take issue with the developer claiming that these

townhouses are rentals- the fact is they are individually owned. Some owners do rent them out, but I take pride in the fact I own this place and I'm not alone. The addition of these rental apartments would devalue our homes and would destroy the view we enjoy of the park. Their design says they incorporate the beauty of the area, but for those of us here, it destroys it and replaces it with a direct view of only ugly buildings and parking lots.

The developer also says it would have little impact on the traffic on Kennard- FALSE. I live directly on that street and it is busy as it is. People who work at St. John's hospital come and go and it is extremely busy. The addition of 50 or so cars as they suggest (yet the reality is that there are going to be multiple people and vehicles in many of these units so more than 50 for sure) would be a nuisance.

Back to the sustainability bit since that is your department- let's look at what the carbon impact and footprint would be of the building process- rather large. A 48% reduction in the green space is a terrible thing to see as there is so little pristine green space left in the city. Also, the existing greenery and trees does a wonderful job muting sound especially from Myth and the nearby freeway. If you remove the tree barrier between our homes and this new building it will be louder and more disruptive.

Also construction crews in the past in this area have been very disruptive and disrespectful of the current inhabitants and no one is looking forward to that.

It would also be upsetting to see the nature of the existing development corrupted and made more transient with shorter term rental apartments (as opposed to purchasing and creating a community feel).

Please know that this proposal is highly upsetting to a fairly large population that already lives in the area. Please scrutinize what they are proposing- it looks rather "green-washed" with "benefits" that detract from what we who live in the area have at this time." (email response)

Luke Swatell – address not confirmed (green space, area)

"Thank you for taking the time for letting me voice my concerns. I live in the townhouses directly across from the proposed development on County Road D and Hazelwood in Maplewood. There are numerous reasons why I think a development is bad idea for our residents. Even though we live in a first ring superb, the adjacent woods and wildlife offer a breath of fresh air from the visually stunning pines that block our view of the highway. My kids play at the local park that is serene, beautiful, and relaxing. Replacing that scenery with a development and parking lot would completely change the dynamics of the neighborhood. As I understand that development is a way of life, so is the necessity for a place to relax, gather our thoughts, play with our kids, and enjoy what nature we have within our community. Please join us in our fight to keep the development off our land! Thank you again for your time, it's greatly appreciated" (email response)

Marc Betinsky – address not confirmed (traffic, green space, density)

"I am a resident of Cottages at Legacy Village, immediately adjacent to the proposed development on the south side. As you know, Cottages is already surrounded by a significant number of larger density developments, including townhomes to the east and a senior living center to the west. In addition, a large hospital is to the south, along with medical offices and the mall slightly further east. As a result, a fair amount of traffic already traverses Hazelwood Street, either proceeding south from County Road D or north from Beam Avenue. The proposed development not only destroys a large green space for an otherwise already densely populated and used area, but also would permit a high-density development (through re-zoning) that would significantly add to vehicle traffic along Hazlewood.

Moreover, the intersection at Hazelwood and County Road D is served only by a 4-way stop, and an entrance to the development as proposed, slightly south of this intersection on Hazelwood, would likely cause traffic delays and a traffic hazard (including a hazard getting people in emergency situations to the hospital). And that hazard is only exacerbated by the trail to the west, posing a danger to bikers and pedestrians alike. Given the significant number of multi-family units already constructed in this area, an additional one in this area -- particularly one that requires modification of a PUD and a zoning change -- is neither needed nor desirable. I hope the City agrees and turns down the project.” (email response)

Michael Pontius- 1615 Legacy Parkway E Unit 5 (property values)

“I currently own a home at Heritage Square and I'm writing to express my opinion as it relates to the proposed use of undeveloped land adjacent to the Heritage Square condominium complex. I am completely against the use of the property to build housing of any kind. The development of this land in such a capacity would destroy the natural landscape and the value of my home. I have been here for 7 years and have ridden out the mortgage crisis to find our home value finally even with our mortgage - a new complex would destroy that equity.

Note that if this progresses I will seek legal counsel to understand my lawful rights in such a circumstance.” (email response)

Nicole Bisco 1632 Legacy Parkway E unit 1225 (property value, area, renters)

“As a resident of Heritage Square townhomes I am not happy to hear of the proposed development of Conifer Ridge Apartments. My biggest concerns are around property values, no matter what you say this will diminish the value for many reasons. First there will be more car and foot traffic in the area, second residents in a rental property like you are proposing do not take pride or care of the area they are living. Most importantly a big reason for purchasing my townhouse was because of the park. It provided a peaceful area with a walking trail. Based on the images you provided it appears that walking trail will be removed, is that correct? Removing the walking trail would be motivation enough for me to move even though I have only lived here for one year. The small trail near the library is simply not large enough to make up for removing the trail near the townhomes. I hope if this project moves forward that they consider moving it back so there is more space and park area between them. That would benefit residents of both areas.” (email response)

Pamela Shones- 1662 Village Trail East Unit 4(property value, renters, trash, traffic, green space, home owner)

“150 units potentially could mean 300 or more people living across the street from me along with their cars, noise and all the pollution. Traffic would be terrible and crossing Kennard to get to the park would be unsafe for children. This part of Maplewood is already saturated with multi-dwelling homes. We do not need more. The view from my unit, which I own, will no longer be trees and green space. It will view a parking lot and apartment building. The green space that is being preserved is on the other end of property. Owning my unit, I am invested in my home and neighborhood. I take pride in both. Renters do not always share these values. There was no mention about how many units will be subsidized. Renters can be transient and don't have a reason to care about their home, neighborhood or community as a whole. I use the trails and walk almost daily. I pick up garbage along the way because I don't like unsightly trash to look at. More rents means, more trash. Whether it's the City of Maplewood or the Heritage Square

Association, no one seems able to keep the neighborhood picked up as it is. The value of my property will go down no matter what the developers try to say. Buyers won't be willing to pay to look at an apartment complex and parking lot. Thank you for the opportunity to voice my concern about this proposed development. I truly believe it would be a detriment to this area.” (email response)

Pat Boone-1594 Woodlynn Ave #4 (green space)

“Please be aware that there are MANY residents at Heritage Square that are extremely opposed to this development. For sure myself, Eileen Nelson, Sandy Podratz, Gayle Nelson, Kari Thimjon, and Mary Nelson. This is just a FEW. There has already been way too many trees torn down in this area. It needs to stay wooded. There's got to be other places in Maplewood that they could put this. If you need signatures, addresses anything, please let us know so we can help stop this.” (email response)

Robert Newton-1683 Village Trail East #3 (green space, traffic, playground safety, area)

“After reviewing the letter I received outlining the proposal, I have a number of concerns about misrepresentations and inaccuracies put forth by the developer, not the least of which have to do with sugar-coating the negative impact such a dense development would have on the community, which consists of individual homeowners in the Heritage Square neighborhood (NOT other high-density rental properties as described). As a resident of Heritage Square and Vice President of our homeowners association (the "2nd Addition" which runs along Village Trail East), I can attest to the already considerable street traffic in the neighborhood generated by a community of our size (there are just over 80 townhouse units along Village Trail East). It is preposterous to suggest that adding 150 more dwellings across Kennard St., essentially tripling the number of residents in a small area, would not impact traffic or noise levels in any way. The fact that this area directly borders a neighborhood playground is also cause for concern due to the number of children and families going to and from the playground, crossing Kennard St. and/or Legacy Pkwy. Secondly, the proposed layout of the development seems to purposely reserve any views of the remaining natural elements specifically for residents of the apartment buildings (and drivers along County Road D - likely to keep "curb appeal" for passerby along that street). Meanwhile, parking lots butt up almost directly to the existing bike path, and three-story buildings would block the view from the playground and existing homes. We already have one less-than-ideal aspect of the playground in the crackling power lines that tower above. Anything more to decrease the appeal of that area could incite real devaluation of not only the playground area, but the surrounding neighborhood. I am happy to discuss these and other concerns more in-depth if you wish to contact me. But please know that the developer at the very least seems to be purposefully obfuscating facts to serve his own interests in furthering this development, which as proposed, is not a solution or a reasonable resolution to anything. I ask that the City rejects the Conifer Ridge Apartments as currently proposed.” (email response)

Sarah and Thomas Hackworthy- 1613 Legacy Parkway E unit 5(property value, green space, rentals, disruptive, home owner)

We are writing in response to the proposed development within the Legacy Village planned unit development. As members of the Heritage Square community and home owners, we strongly oppose this development plan.

This project proposal steals our beautiful views, saturates the market with cheaper housing options, causes great disruption in our community, decreases the noise buffer between our homes and the freeway, and reduces our property values.

Conifer Ridge Apartments proposes that their project will generate “only minimal vehicular traffic”. With the addition of 150 apartments, there is also the addition of 150 cars. With most households owning more than one car, we are looking at a likely addition of 300 vehicles going in and out of the neighborhood. That does not match “minimal vehicular traffic”. We have many children playing at the neighborhood park and crossing the streets; safety is a concern.

Conifer Ridge Apartments is proposing changing the zoning from medium density to high density. We already live in a well populated area. The purpose of the ordinance is to protect the health, safety and welfare of the community. Changing to a high density residential area is not protecting the welfare of the community.

Conifer Ridge Apartments states, “One major feature of this site is clearly its unique beauty”. They know it is a beautiful and attractive lot – yet they want to destroy most of it and reserve the little that is left for their own tenants. This is one of the few areas left where families can spend time together and enjoy what nature has to offer. Yes, it is *unique*, and our community wants to keep it that way.

Conifer Ridge Apartments states that they are going to maximize “the natural and scenic features of the site into [their] design which will benefit the City, the neighbors, and the residents of the project”. This project will in no way benefit us, the neighbors. They are looking at the best interest of their project and pocketbook rather than the best interest of the community. They are stealing our views and our property values. Everything that we lose, they gain. I currently look out my front windows and see a beautiful park and wooded area. In fact, my husband and I paid more for our lot because of the location and views. Going from a beautiful view to a parking lot and rental apartments will most definitely impact us negatively. The project removes our beautiful view and puts it in their backyard. While we are now looking at apartments and parking lots, their residents now have nature and views.

Conifer Ride Apartments states their project “... will not depreciate property values in the neighborhood; will not change the character of the surrounding area...” It is irresponsible to say that the project will not change the character of the surrounding area. It is insulting to say that the addition of these apartments will not depreciate our property values.

While we appreciate their attempt to preserve as much nature as possible, this proposed development and preservation benefits only themselves and their tenants. It does not in any way preserve the beauty and nature of the community, or the views and scenery of the homeowners who are invested in the community.

We are not rental townhomes, as their proposal letter states. We own our homes and we are invested in their values and the value of the community as a whole. As a community, we are just now starting to see our property values recover and come up to a place where early homeowners are no longer ‘under water’. It would be devastating to see these apartments come in and knock our values down even further.

When you start to destroy the beauty and environment of a neighborhood, you start to destroy the financial value of the neighborhood. While it appears that Maplewood is interested in this project simply because it is one of the few that have been proposed in the past number of years, I ask you to look beyond the immediate financial gain and look at the bigger picture of greater community loss and fewer financial gains for Maplewood decades into the future.

We want to see our neighborhood grow and prosper as much as the City of Maplewood, but this is not the project that is going to do that. We want to see a proposal that will not take away our views and put in rentals, but will build homes for ownership within the trees that does not take away from those already invested in the community.

At the very least, there is room for compromise within the current proposal. There is a way for our community to retain our views and nature like setting along the walking paths (one of the most important issues with us) and for the city to move forward with completing the Legacy Village development. The plan is simple; build on the other side of the trees. Allow all those beautiful trees to stay along the park, as well as those outside townhomes on Kennard and western end of County Rd D. No views will be affected if the developer builds along the east end of County Rd D and the far north end of Hazelwood.

I ask that you deny this development's multiple requests for change in the community and wait for the right plan that will add to our community rather than take away.

Tracy Karth-1613 Legacy Parkway unit 713(traffic, green space, area character market saturation)

"I am firmly against the proposed development for the following reasons:

- Market Saturation - with cheaper rentals available in the same location, I could potentially lose buyers if/when I choose to sell my home.
- With the number of proposed units, I can't help but think of the added traffic around the neighborhood.
- Three years ago, when searching for a town home to buy, I was looking for a place that had a nice view. To me, this meant not looking into my neighbors unit. After an exhaustive search, I found my current town home. One of the biggest selling points for me was the view of the wooded area and the natural space that accompanies it- something that is quite rare in the cities, especially among town homes. The developer's proposed plan does include preserving as much natural space as possible; however, the new buildings would block the view and preserve it for car traffic and apartment renters. I believe this would be detrimental to my property value. Not only would I lose the view, I would also lose the wooded area and all that comes with it.

To me, this development feels like a mistake that will put my home value, and one of the only remaining green spaces in the area, in jeopardy." (email response)

Brad Bergman – address not confirmed (greenspace)

"I am writing you today to express my concern with the proposed development of the Confer Ridge apartments in Legacy Village. I feel preserving the very few natural landscapes left in Maplewood is extremely more important than adding another apartment building. I am not alone in the opposition to build in legacy park. Thank you for your time." (email response)

Robin Sedivy-1587 Co Rd D East (green space, density, traffic, safety, disruption)

"I live with my wife, Tracia, at the Townhomes of Pineview Estates, across the street on County Road D East, across from the proposed development area. Her and I purchased our home about 6 years ago and since then we've settled in quite well so far. We enjoy using the Bruce Vento trail which extends out to us all the way down to CHS field in St. Paul and intersects with other great trails including the Gateway trail to Stillwater. My wife also enjoys the convenience of the Metro Transit park & ride which was recently installed nearby as she is able to use it for her daily commute to downtown Minneapolis. Furthermore, the natural undeveloped area surrounding our residence is one of its most redeeming qualities. Our initial reaction when we saw the proposal was adversity to it. After reviewing the proposal further, I was relieved to see that it would preserve the wetland area and some trees immediately adjacent to County Rd D and immediately across the street from my residence. However still, given the *location*, *scope* and *nature* of the development project, I would like to express our disapproval of the proposed project. We feel that, while some trees in our immediate vicinity will remain intact, since the larger expanse of trees to the south of the wetland area of the proposed development zone would have to be cut down, it will significantly detract from the natural vista we currently enjoy when stepping outside of our front door. Instead of lush, forested area just over the wetland pond from us, instead would be a series of large buildings. This would be a significant downgrade in this aspect of the enjoyment of our surroundings and the tranquility it provides us. Furthermore, the scope of the project is ambitious. While a relatively temporary problem, seemingly the construction of the units will create a considerable amount of noise, smoke and construction traffic to the intersection in our immediate vicinity and at the adjacent intersection of Hazelwood and County Road D, which is fairly quiet and peaceful at the moment. This portion of the experience would create disappointment for us as vested homeowners, as it would likely create negative and perhaps unexpected disruptions that have not existed since we purchased our home. Finally, the nature of the development as 150 medium-density rental apartment dwellings is going to create other problems for us. While any residential development in the proposed zone would likely have similar negative effects as the ones I have listed so far in this writing, this type of development will drastically increase the number of residents packed into our immediate surrounding area. This would likely drastically increase traffic on County Road D East and Hazelwood St, which will contribute to increased noise and the potential for auto accidents involving injury and property damage. Also, while crime is relatively low at our townhomes, with the potential for up to 150 families being added across the street on leases, undoubtedly will cause an increase in criminal incidents. Not only are auto accidents and crime inconveniences, but they would also increase the cost of living in the area, including through an increase in insurance rates for ourselves and our neighbors. In summary, while perhaps a less ambitious proposal would garner a different sentiment, my wife and I are opposing the development of the Conifer Ridge Apartments in Maplewood. The reasons for our opposition are highlighted above and include the location, scope & nature of the proposed project. Thank you very much for allowing us to have a say in this matter which would have measurable and concrete effects on the quality and ultimately the bearing of our lives." (email response)

Steve Kheckler-1671 Village Trail East #1

"We just moved into the heritage in June. We are not in favor of an apartment complex being built on Kennard. Thank you" (email response)

Keele Coleman- 1671 Village Trail E unit 5 (property values, community area)

"I am one of several owners of a town home in Heritage Square, who has been informed of your plans to build an apartment complex in my area. My concern with your plan, if in fact this is your intent, is that our property value is in recovery from the down ward spiral of 2008, and I would like to see my property value return / exceed my original purchase value. Which, I don't see happening if your plans are implemented. There is no way I would've purchase my home if I knew it was or would be surrounded by rental properties. What is needed, is a common area for Heritage Square/ our community that would provide our families a place to recreate, and also build our value by increasing our community area. I am asking you to please reconsider your plans. We do not want or need more rental properties in our area!" (email response)

Lisa Mutchler- 1567 Legacy Parkway E unit 3 (green space, overdevelopment, traffic)

"I am writing to you with concerns regarding the new proposed development of land adjacent to our units. I moved to this area, in large part, because of the view, proximity to work, the parks & trails and the location to the cities. I believe that the proposed development will greatly impact the view to the north out my front door. I feel that any development of this last piece of undeveloped land of Maplewood would be sad. We have a beautiful view right now, and I feel that many others feel the same way about this area. The city should be preserving the little bit of undeveloped land that it can within its city limits. I feel this development would be a sad use of money that would impact this area with much more traffic and congestion. Thank you for hearing my concerns regarding this matter. I look forward to any hearings regarding this proposed development." (email response)

Emily Swift- 1617 Legacy Parkway E #6(property values, green space, density, home owner)

"I own 1617 Legacy Parkway E #6. It is the first home I purchased, and one of the biggest selling points to me was the unique view of the park, trees, and pond. The wooded area creates separation from the busy roads and interstate. The proposed development would take that away and would create more traffic in an already clustered neighborhood, destroy the natural beauty and wildlife we have left in this community, and decrease the value of my home." (email response, included photo of view)

Georgette Jacque-1683 Village Trl E #4 (traffic, density, green space, safety, homeowner)

"Please stop the building of Conifer Ridge Apartments!

1st) We do own our own homes! This decreases the value of our homes on the market. We already have rental housing next to us.

2nd) Losing one of the last largest wooded areas in Maplewood. I walk 3-5 times a week on the Bruce Vento Trail (this would be there back yard!). Where mine?

3rd) We have had many battles over the years over the kids playing in driveways and streets. We all live way to close already. They scream / fight / destroy utilities / throw rocks.

4th) Traffic? I leave at 6:30am each day and the traffic is horrible. Kennard Street is used for St. John's employees off of county road D to race to work when they late (40-50mph). When they leave work they do the same thing. I been in a few close calls with cars almost hitting me running or walking.

This development does not make sense. Help save our neighborhood together!" (email response)

Holly Sagstetter- 1627 County Road D E(traffic, property values)

"I have serious reservations about this proposal and would like to explain why. The traffic on County Road D is quite heavy. There are times where it is difficult for me to exit my

development due to the heavy traffic. Turning left is nearly impossible in the winter/holidays. I only see this getting worse by adding apartments to this vicinity. If there are 150 units that would mean (most likely) 100-300 additional cars coming in and out of this area. I also seriously doubt that adding these apartments would not negatively affect our property value (as your letter suggests). Also please note that many of our neighbors are renters and may not take the time to respond to this proposal letter. They perhaps are living here on a short-term basis. Please don't let a small response (if that is what you have received) make you think that this isn't a big deal." (email response)

Justin Iverson-1667 Village Trail E unit 1(density, green space, traffic, safety, trash, property values, home owner)

"I and my family of four are residents of one of the town homes off Kennard Street. I am an owner of our town home (not a renter) and the proposed development going into Legacy Village is a concern to my family and I. I have listed my concerns

- Yes the developer is stating that these new developments are saving the wet land area and surrounding trees but for those of us in the surrounding town homes we will not be able to enjoy these beautiful looking wet lands as these three, three story apartments will block our view. The developer says many of the trees and wet lands will be spared but I don't see how that is possible for the 2 units going between Kennard and Hazelwood as there are high voltage power lines along that stretch of land plus there is a pipe line underground. That means the parking lot plus 2 unit apartments on that stretch of land will have to go farther north into the forest/wetland area. What is government code for building multifamily building that close to a pipe line and high voltage electric lines?
- Another concern is traffic. Right now County Road D is very congested and Kennard is looking no better. Kennard is only a 2 lane road (County D is 4 lanes). Putting in 150 units in that small of an area and not expanding the roads will cause a tremendous more amount of traffic. Let's say 150 units X 3 people per. unit that is 450 more people on Kennard, Hazelwood, and County D. Our town house unit sits right on Kennard St. and with my 2 young daughters it is already unsafe to cross Kennard with drivers going over 45 mph down the road like they shouldn't, this large addition of human traffic will only make these roads more unsafe.
- With the increase in population comes crime and garbage. Right now I am going outside once a week to pick up litter/trash people have thrown out of their cars while driving or out walking. Unless the city is going to include more public garbage disposal or community led trash pickup I don't see this getting better but worse with such a high density of residents. I have had to pick up old tires, parts of bikes, fast food meals, and other personal trash items that should not be thrown out into our beautiful environment/wet land area. I have lived in the area now more than 6 years and have notice more crime in the area where vandalism has increased dramatically. And an increase in child/young adult harassment from those stopping by the neighborhood or those who rent nearby. I only see these two crimes getting worse and I haven't been a victim of theft yet but I in vision that happening once these units are established.
- Another point is market value and moral of the local residential area. These 150 units would be favored by the surrounding retail industry but disliked highly by potential buys of the surrounding town homes. And obviously disliked by current town home

owners, meaning high turnover in the ownership of the townhomes and increasing the transient traffic greater than just the apartment units. This in turn means the townhome community would not be as invested at keeping up their townhouse units or yards or association equating to a worse looking exterior environment that will be surrounding these new 3 building apartment. Families or individuals that enjoy their community invest in their surrounding community more thus presenting a community that cares for itself to outside viewers.

- My last point is the Legacy Village property was zoned for medium density residential for a reason. I mentioned earlier the current community is not equipped to accommodate such a large increase in traffic. Such as roads, traffic patrol, garbage/environment, surrounding park is also too small. Also off Kennard are 3 bus stops which are already over populated, these apartments would only make school bus stops more congested and dangerous.

Simon Mittal-1675 Village Tr E unit 6 (home owner, density, crime, property values, green space, run-off, traffic)

"I please ask the Maplewood City Planning Commission to consider all of these points and others as they make their decision to rezone the current land space. I believe the current zoning in place on that land is there for a reason and rezoning it would be a mistake for the city and surrounding area." (email response)

We own and live in a town home on Village Trail Heritage Square 2 development. We are opposed to the new proposal for the development of apartments in the area bounded by Hazelwood, County D and Kennard for the following reasons

1. Although there has been information sent that there would not be a decrease in property values, no information can guarantee that. Also there were condos that were built on the east end of village trail that ended up being section 8 housing which has had an impact in values
2. Changes to the existing infrastructure would be needed and no explanation of how this would be done and how it would be paid for has been made. Existing infrastructure already causes some flooding on County D as it goes west toward Highway 61.
3. The public green space is an important part of the community and important to the quality of life for families and their children as it gives them an opportunity to enjoy the wetlands and forest, to see wildlife including geese, deer, rabbits, birds, etc that are not commonly seen in other communities.
4. As tax paying citizens we have a right to protect our living areas and spaces that directly impact our views, our quality of lives and our community. Increasing the number of people in an already dense population area has the potential to increase risk of crime.
5. Increased traffic flow near the park presents an increased safety hazard to the families and children that use that area.
6. This area is still trying to recover from the recession in 2008 ad just now we are starting to see property values climb and foreclosures decrease

7. The area on Flandrau and County D is open and has less impact on the environment as well as current property values.

Keeping green space in our neighborhoods is how a community can develop, it is how crime goes down and how we can come together, by reducing that space we would be inviting further problems. I am also concerned about the potential for increased flooding as the wetlands provide significant protection from flooding.” (email response)

Maren Mittal-1675 Village Trail E unit 6 (property values, run-off, safety)

“My concerns are:

-Devalued property by bringing in lower income housing. High end apartments would rent for \$1500-\$2000. Is that what is proposed?

-Is the sewer and drainage system set up to accommodate more housing in that area? The streets are already struggling to contain the water during a heavy rain and the proposed lot has several drainage ponds. Will our housing be at risk for future flooding?

-I am concerned with additional vandalism. We often see police cars on our street, Village Trail, and bringing in more families who are not invested in this neighborhood, rental vs. ownership, could likely increase the crime rate.

-Green space is important and our neighborhood has an appeal because of this wooded area, along with the residing animals. I'm asking that the lot off of cty D and Flandrau be considered for development. It is a field of weeds which is not maintained, therefore an eye sore to our neighborhood.” (email response)

Steven Richardson-1617 Legacy Parkway E Unit 2 (parking lots, lighting, green space)

“My main concern in the lighting for visitor parking. I would like to see the developments rotated 180° so as the lighting of the lot does not shine or glare into existing housing, I appreciate the saving aspect of the woodland, but it will be primarily for Conifer Ridge residents. Nobody else will benefit from this!”

Tammi Veale-3050 Hazelwood St N (density, safety, green space)

“I own the property at 3050 Hazelwood, which I purchased new back in December 2005. A lot has changed in the neighborhood since I bought my home. A lot of housing has been built in this area and the area in question is one of the few remaining undeveloped areas in my neighborhood. I agree that progress is good, or I wouldn't have my own house, but I believe that putting three apartment buildings in that area is excessive, especially in an area currently labeled as medium density residential. I think another townhome community would be a better solution. My other concern in that there would now be a parking lot by the walking path instead of the current lovely landscape. This would not only be unattractive, it could potentially be a safety concern. My opinion is not to allow the building of the Conifer Ridge Apartments.”

Rita Dombrovskas-1567 County Road D E Unit 1(traffic, property value, green space, privacy)

"I do not approve of this proposal due to my property value will go down. We will lose our present nature area. There will be no more privacy, also it will create so much more traffic on County Road D. I believe that city should not approve any changes to this CUP."

Ashley Berger-1670 Village Trail East Unit 3 (traffic, green space)

"I do not approve or appreciate tearing down the small amount of nature we in this neighborhood. Also, the congestion it would create in this area. Please continue to fight for this not to happen."

Mark Stevenson- 7987 63rd St S Cottage Grove (density)

"I am opposed to changing the zoning from medium to high density and would like to keep apprised of the situation."

Concern/ Comments- 7

John Olson-3003 Hazelwood St N Unit 333 (run-off)

"I live at Cardinal Pointe. My big concern is run off which may back up into our rain garden. If this gets too full it will back up into our garage basement."

Ronald and Shirley Schilla- 3003 Hazelwood St N Unit 312 (run-off, traffic)

"This will effectively double Hazelwood traffic, may need signal light a County Road D and Hazelwood. Will watershed flow to Cardinal Pointe rainwater garden causing drainage into our garage? Increased service vehicle delays, ie trash, school bus, mail, etc

How about an info meeting for Cardinal Pointe and surrounding residents?"

Richard Fursman-1666 Village Trail E #7 (reduce density, increase covered parking)

"The area allows for multi-family housing, but the density requested is significantly higher than what was adopted in the original PUD when Owner Occupied Townhomes were promised. The preliminary design of the Apartments doesn't reflect the design features of Legacy Village and will diminish the overall value of our development and will negatively change the feel of the PUD. Legacy Village requires each unit to have 2 covered and enclosed parking spaces per unit. The proposed project will introduce a high volume of exterior parking that will further change and diminish the look, feel, and character of the development we bought into in 2006. I respectfully request the developer be required to upgrade the structure, increase covered parking and cut down on the density. Otherwise, stick with the original PUD."

Chris and Diane Johnson- 2654 Keller Parkway, St Paul (storm water/runoff concerns)

"We do have some concerns regarding the Conifer Ridge Apartment Development and would like to get more details on the project. Our main concern can be taken care of by a commitment letter from the City of Maplewood ensuring us that the Conifer Ridge project would maintain the pre-construction storm water discharge volume and rate to the pond north of County Road D.

This pond drains into a wetland that, in turn, drains through our property. We don't want see

any increase in the rate or duration of storm water flow through our site. Please let us know when we can meet.” (email response)

Jennifer Strei-1613 Legacy Parkway East unit 4(increase setback, storm water concerns)

“To start on a positive note, I appreciate that the proposed development has proposed a building design that is consistent with the other homes in the neighborhood and is preserving a fair amount of natural green space. The developer's description of the apartments as "upscale" and the inclusion of underground parking is encouraging as well. Yet as a homeowner near the proposed development I have a few concerns that I hope will be addressed during the planning commission and city council review process.

- My preference would be to maintain the medium density zoning designation. There is little to no street parking available for the proposed apartments resulting in more of the land being devoted to surface lot parking. This is inconsistent with the surrounding developments that have very limited surface parking.
- I hope the proposed rain garden for the development will be reviewed to determine if it is sufficient to handle the runoff from the addition of impervious surfaces.
- Please note that while the developer characterizes the surrounding properties to include "...medium to high density rental townhomes..." the vast majority of townhomes in our neighborhood are owner-occupied.
- Finally, I'm concerned with the lack of green space/treeline proposed along the existing trail that runs around the south border of the proposed development, running parallel to County Road D and Legacy Parkway East. I am requesting a set-back between the lot line and the surface lot parking, preserving about 50 feet of wooded area between the trail and the proposed development. This would serve as a buffer between the two developments and offer an aesthetic benefit to residents of both the adjacent townhomes and the proposed apartments.” (email response)

Scott and Sarena Zabilla -1613 Legacy Parkway (parking lot, safety)

“I am a resident of 1613 Legacy Parkway and received the notice regarding the proposed housing development. I am pleased at the initial design phase maintaining a maximum of 3 levels and the 3 buildings comprising of 150 total units. My concern with the proposed layout is the placement of the buildings and parking lot. Currently the children's park is going to be adjacent to the parking lot of the apartment units. I think this serves as a hazard for the children at the park, disrupts the tranquility of the walking path and PS the apartments further from the park. Why is the parking lot not closer to County Road D?” (email response)

Emily and Tony Schafer 1666 Village Trail East #6 (density, parking, green space)

“I would prefer a medium density zoning designation rather than rezoning to high density. I would like to see more of the parking underground rather than larger surface parking lots. This would have a particularly negative impact on the townhomes along Kennard. If a parking lot is necessary along Kennard I would like to see a significant amount of landscaping to shield this view. Also, I would like to see more green space along the existing trail that runs around the south border of the proposed development. This would provide a buffer between the two developments.” (email response)

For- 2

Barb A Hart- 3003 Hazelwood St N Unit 207

“Go for it!” There is space and the existing housing area looks good- buildings and landscaping make the area attractive to new residents-easy marketing.”

Florence L Bye-3003 Hazelwood St N unit 137 (Included question/concern)

“It looks like a good plan, while preserving tree, pond and natural setting. Does Maplewood need more rentals?”

July 29, 2015

Theodore DeMatties
1563 Legacy Parkway E #4
Maplewood, MN 55109

Dear Mr. DeMatties:

I have reviewed the proposal for the Conifer Ridge Apartments submitted to the city. I know you are a recent resident to Maplewood and chose this city because of its neighborhoods, location and ease of travel for your family.

However, the close proximity of the proposed apartments to your property you will have an impact on your view, an increase noise, vehicle and pedestrian traffic. It is my opinion that the changes to the landscape and adding 150 units may adversely affect the value of your property and is a significant change in the property's intended use and your expectation of use when moving into Maplewood.

Given this, I would strongly urge the city to deny the change in zoning to accommodate this large complex from being built on your front steps. I'm sure you and your neighbors agree that this will be a vast change to the neighborhood you wanted to live in. As permanent residents and taxpayers, the city should heed your concerns and stay with the current plans for tempered growth to Maplewood.

Luis Pena, Realtor
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Do rentals decrease nearby home values?

By Michael Estrin • Bankrate.com

It's a long-held belief that rental properties hurt the values of nearby homes.

"Buyers are definitely concerned about too many renters," says Herman Chan, a real estate broker in San Francisco. "People are less inclined to make an offer on a house that is in a street filled with apartment buildings (because) they perceive (the area) to be more congested, have less parking, and consider the residents more transient."

Although those perceptions are often true -- and sometimes valid -- it's hard to quantify the impact that rental properties have on home values, according to William Rohe, the director of the Center for Urban and Regional Studies at the University of North Carolina at Chapel Hill.

"I think there is a stigma about renters, but the research just isn't there to say for certain that a given amount of rental properties in a neighborhood brings values down by a specific amount," Rohe says.

What data there are on the topic comes from a study Rohe co-authored in 1996 that looked at homeownership. For every single percentage point increase an area saw in homeownership, Rohe and his colleagues found a corresponding increase in value, over the course of a decade, of about \$1,600.

"It's possible that the converse is true, that renters bring values down," Rohe says. But he cautions that a lot of factors go into a home's value, and those findings may not have the same weight in a post-crisis market. For now, the hard evidence remains elusive.

Cause for concern

Historically, Rohe acknowledges, the stigma against renters often has been a stand-in for discrimination on racial, ethnic and class lines. Although those prejudices still can be seen in some markets, Rohe says homeowners sometimes have valid reasons to be concerned about an abundance of renters.

In general, says Rohe, renters don't participate in their neighborhoods the same way that homeowners do. Because they are more transient, renters are less

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Affects home values
Buyer perception
→ more congested
→ less parking
→ consider the residents to be more transient.
+ lessens stability



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likely to participate in neighborhood associations. At the same time, homeowners are more likely to be a political force to be reckoned with because they're expected to remain in their neighborhoods.

"Homeowners just have a greater ability to effect the kinds of changes that make a neighborhood desirable," Rohe says.

It's not necessarily true that the presence of renters, even in large numbers, is a bad thing. There is no identifiable tipping point at which renters change a neighborhood or affect values, Rohe says.

"There's a lot of research to show that rental properties are kept up as well as homes, and when they're not, it's usually the landlord, not the renter, who is to blame," Rohe says.

A dwelling's condition counts for a lot

Kurt Wannebo, CEO of San Diego Real Estate & Investments, says he's never encountered a buyer who turned up his nose at a property just because it was near rental housing.

"They tend to look more at the condition of the nearby homes and the neighborhood in general," Wannebo says. "Renters can be very responsible people, so it's more on the landlords, and whether they keep the properties they rent out maintained and looking good."

The local market is an important factor. In areas with rent control laws, renters are more likely to behave like homeowners, Rohe says, because they have an incentive to stay for the long haul. But you don't necessarily need rent control to make that happen. If the rental housing market is tight, you're also more likely to see renters acting like homeowners.

Condos could be a different story

Although the renter's stigma may be overblown in the single-family home market, it's a different story when it comes to condominiums, which are subject to a tighter set of financing rules.

"With condos, if the owner occupancy rate is too high for some types of financing, then we would need to make a price adjustment to compensate," Wannebo says.

Usually, when a condo has more than 30 percent of the units occupied by renters, lenders tend to worry that the residents in the building don't have enough skin in the game to keep up the property, Chan says.

"If I'm pricing a condo listing where the renter occupancy is approaching 30 percent or more, I must advise my sellers that the inventory of qualified buyers drops significantly, which can impact desirability, and in turn, value," Chan says. "Only all-cash buyers or people with specialized lenders who can look past the number of renters will be able to make an offer."

In both scenarios, the sale price usually falls, either because the cash buyer demands a discount or the lender who's able to work around the occupancy issue most likely charges a higher interest rate.

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11, Attachment 17

1. Celebrities scammed by Madoff
2. 5 wealthy families who lost their fortunes
3. The 9 youngest billionaires in the world
4. 8 magnates who won't leave wealth to kids
5. Celebrity house for sale: LeBron James
6. 8 kitchen remodeling ideas for under \$500
7. 5 richest golfers in the world
8. 10 dogs most often blacklisted by insurers
9. 10 celebs with insured body parts
10. 5 highest-paid college football coaches

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DRAFT
MINUTES OF THE MAPLEWOOD PLANNING COMMISSION
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, AUGUST 18, 2015

5. PUBLIC HEARING

- b. 7:00 p.m. or later: Consideration of Comprehensive Plan Amendment, Planned Unit Development Revision, Public Easement Vacations and Lot Division, Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street**
- i. Economic Development Coordinator, Michael Martin gave the presentation for the Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street.
 - ii. Public Works Director, Michael Thompson addressed and answered questions of the commission.
 - iii. The applicant, owner, manager, Conifer Ridge Apartments LLC, Peter Stalland addressed and answered questions of the commission.
 - iv. The architect, Urban Studio, Teresa McCormak, addressed and answered questions of the commission.

Acting Chairperson Tripler opened the public hearing.

1. Suzanne Fry, 3060 Cottage Lane, Maplewood, addressed the commission and she is against the proposal. Ms. Fry doesn't approve of many things including the tree removals or the number of trees they plan to replace. Ms. Fry has concerns about the screening, environmental concerns, traffic, noise, lighting standards, construction hours, landscaping, fencing, trail system. This is a large impact, she appreciates the staff reports, but she wants more studies done and wants the land treated with respect.
2. Jennifer Newton, 1683 Village Trail East, #3, Maplewood, addressed the commission against the proposal. Most people are homeowners not renters in the area. This development would block the view of the people that live there currently. Having this development built as rentals may be harder for homeowners to sell their properties. She has concerns about traffic and safety concerns. She has concerns about the power lines. People in the area are invested in the community and take pride as homeowners and this does affect home values negatively and the perception as pride in being a homeowner verses being a renter and there is a concern of additional traffic in the area.
3. Sarah Hackworthy, 1613 Legacy Parkway East, Unit 5, Maplewood addressed the commission against the proposal. Ms. Hackworthy sent a lengthy letter which she handed out to the commission. As a community they feel this is not a good fit for this area. This is a setback to the area. It steals the beautiful views, the neighborhood is against this project, as a community they are saying no to this proposal, it saturates the market with cheaper housing options, it causes vehicular and population disruption, and it decreases the noise buffer between the homes and the freeway.

With other home owners she is concerned about her property value. It is unrealistic that there will only be one car for a one bedroom. She is concerned about where more parking is going to go and that they have to look at more parking spaces in a parking lot. This is an attractive site and this project will in no way benefit the neighbors. The homeowners paid more for these views and to be in this location. If this project was in your front yard you would find that this proposal would negatively impact your neighborhood too. There will be greater demand to live in a neighborhood without rental units in the neighborhood. The neighborhood would like to keep the wetlands and the area as it is. At the very least they would like to see something that won't negatively destroy the area. She would like this plan to be denied and to wait for the right plan.

4. Rachael Houle, 1599 County Road D East, Unit K, Maplewood, addressed the commission against the proposal. One of the main reasons she purchased this home was for the view and for the area and feels this will be overcrowded and a bad idea.
5. Les Koutela, 3003 Hazelwood, Unit number unknown, Maplewood, He is against this project and feels the developer is trying to crowd too many people into a small area. It will be overcrowded with cars and there will be visitors and he is against the proposal.
6. Kannan Venkatesan, 1573 Legacy Parkway Unit 1, Maplewood. He opposes this proposal. He comes from India and he lives in a community the view is gone and his other neighbors he is concerned about the home values and the safety of the children. He is against this proposal.

Acting Chairperson Tripler closed the public hearing.

Commissioner Kempe moved to **deny** the resolution approving the comprehensive land use plan amendment from MDR (medium density residential) to HDR (high density) for the 12.5-acre parcel in Legacy Village. Approval is based on the following reasons:

1. The proposed development is compatible in density and in character with the adjacent residential developments.
2. A goal of the Maplewood 2030 Comprehensive Plan is to strive for a variety of housing types for people of all stages of the life cycle.

This action is subject to the approval of a comprehensive plan amendment by the Metropolitan Council.

Commissioner Kempe moved to **deny** the resolution approving a revision to the Legacy Village planned unit development as it relates to the previously-approved rental townhomes and executive office suites and clubhouse sites. Approval of this revision is based on the findings required by the ordinance and subject to the following conditions (additions are underlined and deletions are crossed out):

There are a long list of conditions but because the motion died for a lack of a second they are not listed here.

Acting Chairperson Trippler stated he wanted to add language to condition b. 6. e. changing the square footage of the studio apartments from 544 square feet to **580** square feet.

Acting Chairperson Trippler moved to approve the resolution approving the comprehensive land use plan amendment from MDR (medium density residential) to HDR (high density) for the 12.5-acre parcel in Legacy Village. Approval is based on the following reasons:

1. The proposed development is compatible in density and in character with the adjacent residential developments.
2. A goal of the Maplewood 2030 Comprehensive Plan is to strive for a variety of housing types for people of all stages of the life cycle.

This action is subject to the approval of a comprehensive plan amendment by the Metropolitan Council.

Acting Chairperson Trippler moved to approve the resolution approving a revision to the Legacy Village planned unit development as it relates to the previously-approved rental townhomes and executive office suites and clubhouse sites. Approval of this revision is based on the findings required by the ordinance and subject to the following conditions (additions are underlined and deletions are crossed out): **Commission Additions are in bold.**

1. The development shall follow the plans date-stamped ~~May 11, 2006~~ August 7, 2015, except where the city requires changes. The director of ~~community development environmental and economic development~~ environmental and economic development may approve minor changes.
2. The proposed construction must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.
4. The applicant shall comply with the requirements in the engineer's report dated ~~June 4, 2006~~ August 10, 2015 and the environmental report dated August 12, 2015.
5. ~~The applicant shall provide a copy of the homeowner's association documents to staff for approval.~~
5. Prior to the issuance of a grading permit, the applicant must contribute \$20,000 to the city's tree preservation fund in order to comply with city ordinance.
6. The following changes are hereby made to the approved PUD conditions: ~~Rental Townhomes and Office/Clubhouse~~ Apartments:
 - a. The project will be constructed according to the plans from ~~Hartford Group dated 6/2/03~~ dated August 7, 2015 in all details, except as specifically modified by these conditions;

- ~~b. A sidewalk will be provided continuously on the north or west side of Street A between Kennard Street and Hazelwood Drive, including the segment between the office/clubhouse parking lot and townhome buildings 11 and 12;~~
- ~~c. Sidewalk connections will be added connecting the power line trail to the curb of Street A opposite townhome buildings 6 and 8.~~
- ~~d. The sidewalks service the fronts of townhome buildings 13, 16, 17, 18, 19, and 20 will be extended south to connect with the power line trail;~~
- ~~e. Street B and Street C serving the townhomes will be constructed in their entirety with the townhomes, regardless of the status of the multi-family and commercial parcels to the east;~~
- ~~f. Parking spaces will be provided at the ends of the driveways at the rear of buildings 1, 2, 3, 4, 13/14; 15/16; 17/18; 19/20; 21/22; 23/24; 25/26. Sidewalks will be provided from those parking spaces to the front sidewalks of each building;~~
- ~~g. The infiltration trenches on the south sides of buildings 13/14, 15/16. And 19/20 will be modified to accommodate a revised alignment for the power line trail, provided that reasonable grades are provided for the trail and any sidewalks connecting to it, and approval of the city engineer concerning the size and function of the trenches;~~
- ~~h. A 6' wide sidewalk should be provided if at all possible on the south side of County Road D for the entire length of the project from Hazelwood Drive to Southlawn Drive, through continued discussion between the city and Hartford, focusing on exact sidewalk width, location, and right of way needs for turn lanes and other features of the County Road D project;~~
- ~~i. A sidewalk will be provided on the south side of County Road D and sidewalks will be provided out to that sidewalk from the north side of buildings 1, 4, 21, 22, 23, 24, and 25, as well as to the clubhouse front entry and the clubhouse parking lot;~~
- ~~j. The grades of the power line trail and all sidewalks will meet ADA guidelines for slope;~~
- b. Overstory trees will be planted along Hazelwood Street and Kennard Street at an average of 30'- 40' on center instead of the average 70' spacing shown on the plans;
- c. Overstory trees will be planted along both sides of Street B and on the west side of Street C at an average of 30'—40' on center instead of sometimes 100' spacing shown on the plans, such additional tree islands to be coordinated with modified parking bays that might be added to this street;

- d. ~~Overstory trees will be planted along both sides of Kennard Street in front of the townhomes at an average of 30'—40' on center instead of the average 50'—80' spacing shown on the plans;~~
- e. ~~The curve in the middle of Street A opposite buildings 10 and 12 will be flattened as much as possible to limit headlights aimed into the front of the units;~~
- f. ~~Front building setbacks (clubhouse and buildings 1, 4, 5, 14, 15, 21, 22, 23, 24, 25, and 26) to Hazelwood Drive, Kennard Street, and County Road D that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan, down to the minimum of 5' for the clubhouse and 15' for the townhome buildings, in order to enhance the urban character of the streets and intersections;~~
- g. ~~Side yard building setbacks for all buildings that are less than required by the Zoning Code are specifically approved within this PUD as shown on the site plan;~~
- c. Visitor parking spaces for the rental townhomes apartments will be added or modified as follows:
 - i. ~~Parking spaces will be added so there is a total of at least 48 spaces on the west side of Kennard and at least 51 spaces on the east side of Kennard, such that the front door of no unit is more than 200 feet from a group of at least 5 spaces 75 spaces to serve all three buildings.~~
 - ii. ~~Street A will be widened to 26' curb to curb and on street parallel parking will be added along the north and west sides of the street except for within 100' of the pavement of Hazelwood Drive and Kennard Street.~~
 - iii. ~~The private drive immediately south of buildings 2 and 3 will be widened to 26' curb to curb and on street parallel parking will be added along the north side of the drive.~~
 - iv. ~~Parking areas will be added behind buildings 1 and 4 where the driveway abuts the ponding area, consistent with the recommendation of the city engineer on providing adequate grading and functioning of the pond.~~
 - v. ~~Parking areas will be added behind buildings 15/16, 19/20, 21/22, and 25/26 to meet the parking and distance criteria cited here.~~
 - vi. ~~Street B will be widened to 26' curb to curb and parallel parking will be added along the north and west sides of the street or additional angled parking will be added to meet the criteria for parking spaces cited here.~~
- d. ~~The parking lot for the clubhouse/office building will be modified to add “proof of parking” spaces in the green area north and east of the swimming pool, for a total of 91 spaces possible in the lot. Such spaces will only be constructed if the owner believes they are needed, or if they are needed in the future to address parking problems at the building in the opinion of the community development director, who can order the spaces to be constructed. Such spaces will maintain~~

~~a sidewalk connection between the swimming pool and clubhouse building in an island in the middle of the parking bays as shown on the plans;~~

- d. The storage space areas of each building shall be reconfigured to allow as many units as possible to have at least 120 cubic feet for storage.
- e. One studio apartment is allowed in each building with a minimum floor area of 544 580 square feet.
- f. An easement over the power line trail on this parcel will be provided to the city for access and maintenance.

Acting Chairperson Tripler moved to adopt the resolution vacating two storm sewer easements on this site, since:

1. The easements would serve no public purpose after the applicant redevelops the property into Conifer Ridge.

This vacation is conditioned upon the following:

1. Provide the city with legal descriptions of the easement areas to be vacated and for the new areas to be dedicated for storm sewer purposes.
2. The applicant meets all and any conditions within Jon Jarosch's August 10, 2015 report.

Acting Chairperson Tripler moved to approve the lot division for Conifer Ridge, subject to the following conditions:

1. The applicant shall comply with the requirements in the city's engineering report dated August 10, 2015.
2. The applicant shall sign a developer's agreement with the city engineer before the issuance of a grading permit.
3. The applicant shall dedicate any easements and provide any written agreements that the city engineer may require as part of this lot division.
4. The applicant shall pay the city escrow for any documents, easements and agreements that the city engineer may require.

Seconded by Commissioner Ige.

Ayes – Acting Chairperson
Tripler, Commissioner's
Dahm, Desai, Donofrio & Ige

Nay – Commissioner Kempe

The motion passed.

Commissioner Kempe said he voted nay because he has concerns about the lack of parking in the development, he has concerns about the traffic and there are 66 people

who wrote in opposition to the project and those who came to speak against the meeting tonight. He believes a project with less density would be better for the neighborhood.

Chairperson Trippler said there were 407 notices sent out to the surrounding residents and around 70 people responded. Either people are ok with the proposal or they didn't care to reply or attend the meeting to voice their concerns about this proposal. Acting Chairperson Trippler said it's not that the resident's opinions are not important but 82% did not say anything about the proposal. The planning commission makes the recommendation to the city council and the council will make the final decision at the September 14, 2015 city council meeting. If you have concerns about the cost or the traffic you need to find somebody who is a recognized expert to talk about those things at the city council meeting.

This item goes to the city council on September 14, 2015. Commissioner Kempe will be the PC representative.

DRAFT
MINUTES OF THE MAPLEWOOD COMMUNITY DESIGN REVIEW BOARD
1830 COUNTY ROAD B EAST, MAPLEWOOD, MINNESOTA
TUESDAY, AUGUST 25, 2015

6. DESIGN REVIEW

a. Consideration of Design Review, Conifer Ridge Apartments, County Road D East, between Hazelwood Street North and Kennard Street

- i. Building Official, Nick Carver gave the report for Conifer Ridge Apartments, County Road D East between Hazelwood Street North and Kennard Street and answered questions of the board.
- ii. Architect, Urban Studio, Teresa McCormak, addressed and answered questions of the board.
- iii. Civil Engineer, Dan Tilsen, addressed and answered questions of the board.
- iv. Owner, Manager, Conifer Ridge Apartments LLC, Peter Stalland, addressed and answered questions of the board.

Residents who addressed the board were:

- 1. Suzanne Fry, 3060 Cottage Lane, Maplewood. Ms. Fry spoke in opposition of this proposal. She also spoke in opposition during the public hearing at the August 18, 2015, Planning Commission meeting.
- 2. Jason Sagstetter, 1627 County Road D East, Maplewood. Mr. Sagstetter spoke in opposition of the proposal. He and his wife sent comments included in the staff report.

Boardmember Shankar wanted to add an amendment adding a condition number 15. The applicant shall work staff to maximize the amount of additional parking to be shown on the site plan.

Chairperson Kempe requested an amendment under condition 11 adding another bullet point – The applicant will provide two additional quotes for buckthorn removal to be done by a licensed contractor with a licensed herbicide applicator. If chemicals are used it should be done by a licensed herbicide applicator through the Department of Agriculture.

Boardmember Lamers moved to approve the plans date-stamped August 7, 2015, for the Conifer Ridge apartment development. Approval is subject to the developer complying with the following conditions: **(changes or additions are underlined and in bold):**

- 1. Obtain city council approval of a comprehensive land use plan amendment from MDR (medium density residential) to HDR (high density residential) to build apartments on this site.
- 2. Obtain city council approval of a revision to the previously-approved planned unit development for this project.
- 3. Obtain city council approval of the lot division for this project.
- 4. All requirements of the fire marshal and building official must be met.

5. The applicant shall obtain all required permits from the Ramsey-Washington Metro Watershed District.
6. All driveways and parking lots shall have continuous concrete curbing.
7. All requirements of the city engineer, or his consultants working for the city, shall be met regarding grading, drainage, erosion control, utilities and the dedication of any easements found to be needed. All conditions of the Maplewood engineering report dated August 10, 2015 must be complied with.
8. Repeat this review in two years if the city has not issued a building permit for this project by that time.
9. Any identification signs for the project must meet the requirements of the city sign ordinance and the PUD approval.
10. The setbacks are approved as proposed.

11. The applicant shall:

- Install reflectorized stop signs at all driveway conditions to Hazelwood Street and Kennard Street.
- Install and maintain an in-ground lawn irrigation system for all landscaped areas.
- Install all required trails, sidewalks and carriage walks.
- Install all traffic signage within the site that may be required by staff.
- Provide a revised landscaping plan for staff approval which include the required overstory trees along Hazelwood Street and Kennard Street and detailing how screening requirements are being met for the parking lots facing residential areas.
- Provide revised building elevations for staff approval incorporating **brick design** elements **at the foundation and first floor level of brick or stone** into the buildings and adding architectural features to the gable areas of the buildings.
- Provide a screening plan to staff for approval for any visible utility meters on the outside of the building.
- Provide a detailed soils analysis to the building official and city engineer prior to applying for building permits to ensure that there is proper soil stability for construction.
- **The applicant will provide two additional quotes for buckthorn removal to be done by a licensed contractor with a licensed herbicide applicator. If chemicals are used it should be done by a licensed herbicide applicator through the Department of Agriculture.**

12. The applicant shall ensure that site lights do not exceed a .4-foot-candle spillover at all property lines.
13. The applicant shall provide the city with cash escrow or an irrevocable letter of credit for the exterior landscaping and site improvements prior to getting a building permit for the development. Staff shall determine the dollar amount of the escrow.
14. All work shall follow the approved plans. The director of environmental and economic development may approve minor changes.
15. **The applicant shall work with staff to maximize the amount of additional parking to be shown on the site plan.**

Seconded by Boardmember Shankar.

Ayes – All

The motion passed.

This item goes to the city council on September 14, 2015.



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MEMORANDUM

TO: Jon Jarosch, PE
City of Maplewood

FROM: Thomas A. Sohrweide, PE, PTOE

DATE: September 3, 2015

RE: Conifer Ridge Development Traffic Impacts
SEH No. MAPLE 133247 Task 3.0 14.00

At your request we have conducted an assessment of the traffic impacts from the proposed development of the Conifer Ridge Apartments. The development is located in the southeast quadrant of the County Road D/Hazelwood Street intersection. Two 50 unit apartment buildings are proposed with access onto Hazelwood Street and one 50 unit apartment building is proposed with access onto Kennard Street.

Existing Traffic

Peak hour turning movement traffic counts were conducted at the intersections of County Road D/Hazelwood Street and County Road D/Kennard Street and daily traffic counts were conducted on Hazelwood Street at County Road D and north of St. Johns Boulevard, on Kennard Street south of Woodlyn Avenue, and on County Road D east of Hazelwood Street. The counts were conducted Monday, August 24 – Wednesday, August 26, 2015. The existing daily traffic volumes are:

- Hazelwood Street at County Road D – 2,430 vehicles per day (vpd)
- Hazelwood Street north of St. Johns Boulevard – 2,590 vpd
- Kennard Street south of Woodlyn Avenue – 2,160 vpd
- County Road D east of Hazelwood Street – 8,430 vpd

Traffic Forecasts

Based on the Institute of Transportation Engineers (ITE) Trip Generation Manual and the existing street system, the two buildings are estimated to generate 666 trips per day onto Hazelwood Street, 333 into the site and 333 leaving the site. Half of these trips are estimated to be to/from the north to County Road D with the remaining half to/from Beam Avenue. The one building is estimated to generate 334 trips per day onto Kennard Street, 167 into the site and 167 leaving the site. Similarly, these trips are estimated to split 50/50 north and south.

Based on the traffic forecasts it is estimated that the daily traffic counts with the development will be:

- Hazelwood Street at County Road D – 2,430 vpd + 333 vpd = 2,763 vpd
- Hazelwood Street north of St. Johns Boulevard – 2,590 vpd + 333 vpd = 2,923 vpd
- Kennard Street south of Woodlyn Avenue – 2,160 vpd + 167 vpd = 2,327 vpd
- County Road D east of Hazelwood Street – 8,430 vpd + 250 vpd = 8,680 vpd

Traffic Operations

The operation of traffic was evaluated using Synchro/SimTraffic computer software. Analysis is conducted for the peak traffic hours with the traffic operation expressed in delay in seconds per vehicle

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and then further quantified as a level of service (LOS) A thru F. LOS A is free flow traffic with minimal delay as compared to LOS F which is forced flow with stopped traffic and associated greater delay.

From the turning movement traffic counts, it was determined that the AM Peak Hour is 7:30 – 8:30 and the PM Peak Hour is 4:45 – 5:45.

Traffic operations was evaluated for the intersections of Hazelwood Street/County Road D and Kennard Street/County Road D for both peak hours for the existing traffic and for the existing traffic plus the estimated development traffic. In addition to the traffic volumes, the analysis includes the number of traffic lanes, the speed limit, and the type of intersection control.

The PM Peak Hour will be most impacted by the development traffic due to higher traffic volumes existing on the roadway. For the PM Peak Hour, the two buildings are estimated to generate a total of 62 trips, 40 in and 22 out and the one building is estimated to generate 31 trips, 20 in and 11 out. Of these trips, it is estimated that the intersection of County Road D/Hazelwood Street will be impacted with 15 trips entering the intersection from the west, 11 trips from the south, and 14 trips from the east. However, for the traffic operations analysis, trips were assigned from both development access locations to the two intersections for both peak hours.

The results of the traffic operations analysis is shown in the attached Tables A1 and A2. As shown, the traffic operations is LOS A with minimal delay at this time with very little change as a result of adding the development traffic.

Intersection Control

The intersection of Hazelwood Street/County Road D is currently controlled by an all-way stop and the intersection of Kennard Street/County Road D is currently controlled by a stop sign on Kennard Street.

The Minnesota Manual on Uniform Traffic Control Devices, establishes warrants for the installation of traffic signal control. The warrants are based on traffic volumes and are required to be met for eight hours out of a day. The traffic volume data with and without the development traffic was compared to the traffic signal warrants. Information from ITE was used to distribute the estimated development traffic to other hours throughout the day.

The intersection of Hazelwood Street/County Road D was found to meet warrants for the installation of a traffic signal for one of the required eight hours both without and with the development, with the intersection of Kennard Street/County Road D meeting warrants for three of eight hours both with and without the development.

Traffic Safety

Vehicle crashes from 2010 – 2014 were reviewed for the two intersections. The intersection of Hazelwood Street/County Road D had 10 reported crashes over this period and the intersection of Kennard Street/County Road D had six. This number of crashes combined with the daily traffic volumes indicates that the crash rate for these intersections is below the critical rate, therefore not indicating that a safety problem currently exists.

Summary

Based on the analysis conducted, it does not appear that the proposed development will impact the area in such a manner that would require any changes to the existing conditions.

ts

Attachment

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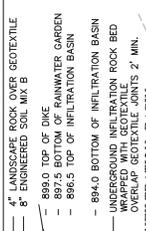
Table A1
Scenario 1: Existing Conditions
2015
Maplewood, MN

	Intersection	Approach	Demand Volumes				Delay (s/veh)						LOS By Approach		LOS By Intersection	
			L	T	R	Total	L	LOS	T	LOS	R	LOS	Delay (S/Veh)	LOS	Delay (S/Veh)	LOS
AM Peak Hour	County Road D & Hazelwood Street (All-way Stop)	NB	21	0	61	82	4.4	A	0.0	A	2.4	A	2.8	A		
		SB	0	0	0	0	0.0	A	0.0	A	0.0	A	0.0	A		
		EB	0	146	37	183	0.0	A	6.1	A	3.0	A	5.4	A		
		WB	65	124	0	189	5.0	A	6.0	A	0.0	A	5.6	A		
		NB	21	1	20	42	6.4	A	9.0	A	2.5	A	4.4	A		
		SB	3	0	0	3	6.2	A	0.0	A	0.0	A	6.2	A		
PM Peak Hour	County Road D & Kennard Street (Kennard Street Stop)	EB	1	152	101	254	2.0	A	1.5	A	1.7	A	1.6	A		
		WB	43	111	0	154	3.8	A	0.2	A	0.0	A	1.2	A		
		NB	43	0	65	108	5.1	A	0.0	A	2.7	A	3.6	A		
		SB	0	0	0	0	0.0	A	0.0	A	0.0	A	0.0	A		
		EB	0	351	26	377	0.0	A	6.8	A	3.1	A	6.6	A		
		WB	50	484	0	534	5.8	A	6.5	A	0.0	A	6.4	A		
AM Peak Hour	County Road D & Kennard Street (Kennard Street Stop)	NB	85	1	38	124	11.8	B	3.9	A	2.9	A	9.2	A		
		SB	1	0	3	4	19.4	C	0.0	A	4.4	A	9.4	A		
		EB	1	329	28	358	2.7	A	2.1	A	2.2	A	2.1	A		
		WB	22	463	6	491	3.8	A	0.6	A	0.4	A	0.8	A		

Table A2
Scenario 2: Development Conditions
2015
Maplewood, MN

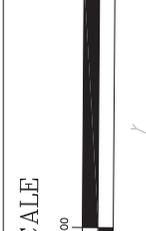
	Intersection	Approach	Demand Volumes				Delay (s/veh)						LOS By Approach		LOS By Intersection	
			L	T	R	Total	L	LOS	T	LOS	R	LOS	Delay (S/Veh)	LOS	Delay (S/Veh)	LOS
AM Peak Hour	County Road D & Hazelwood Street (All-way Stop)	NB	32	0	71	103	4.9	A	0.3	A	2.7	A	3.4	A		
		SB	0	0	0	0	0.0	A	0.0	A	0.0	A	0.0	A		
		EB	0	148	40	188	0.0	A	6.3	A	3.2	A	5.6	A		
		WB	67	130	0	197	5.2	A	6.0	A	0.0	A	5.7	A		
		NB	27	1	25	53	6.8	A	2.8	A	2.3	A	4.3	A		
		SB	3	0	0	3	5.7	A	0.0	A	0.0	A	5.7	A		
PM Peak Hour	County Road D & Kennard Street (Kennard Street Stop)	EB	1	152	103	256	2.7	A	1.5	A	1.8	A	1.6	A		
		WB	44	111	0	155	3.4	A	0.3	A	0.0	A	1.2	A		
		NB	49	0	70	119	5.2	A	0.2	A	2.9	A	3.8	A		
		SB	0	0	0	0	0.0	A	0.0	A	0.0	A	0.0	A		
		EB	0	356	36	392	0.0	A	6.9	A	3.3	A	6.6	A		
		WB	60	488	0	548	5.8	A	6.7	A	0.0	A	6.6	A		
AM Peak Hour	County Road D & Kennard Street (Kennard Street Stop)	NB	89	1	40	130	12.9	B	1.2	A	2.9	A	9.4	A		
		SB	1	0	3	4	6.7	A	0.0	A	3.8	A	4.4	A		
		EB	1	329	33	363	6.3	A	2.1	A	2.1	A	2.1	A		
		WB	27	463	6	496	3.9	A	0.6	A	0.4	A	0.8	A		

GOVERNING SPECIFICATIONS
 THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION
 "STANDARD SPECIFICATIONS FOR CONSTRUCTION", SUBJECT TO ANY AMENDMENTS
 & THE 1999 EDITION OF THE "STANDARD UTILITIES SPECIFICATIONS" AS PER THE
 CITY ENGINEER'S ASSOCIATION OF MINNESOTA SHALL GOVERN.



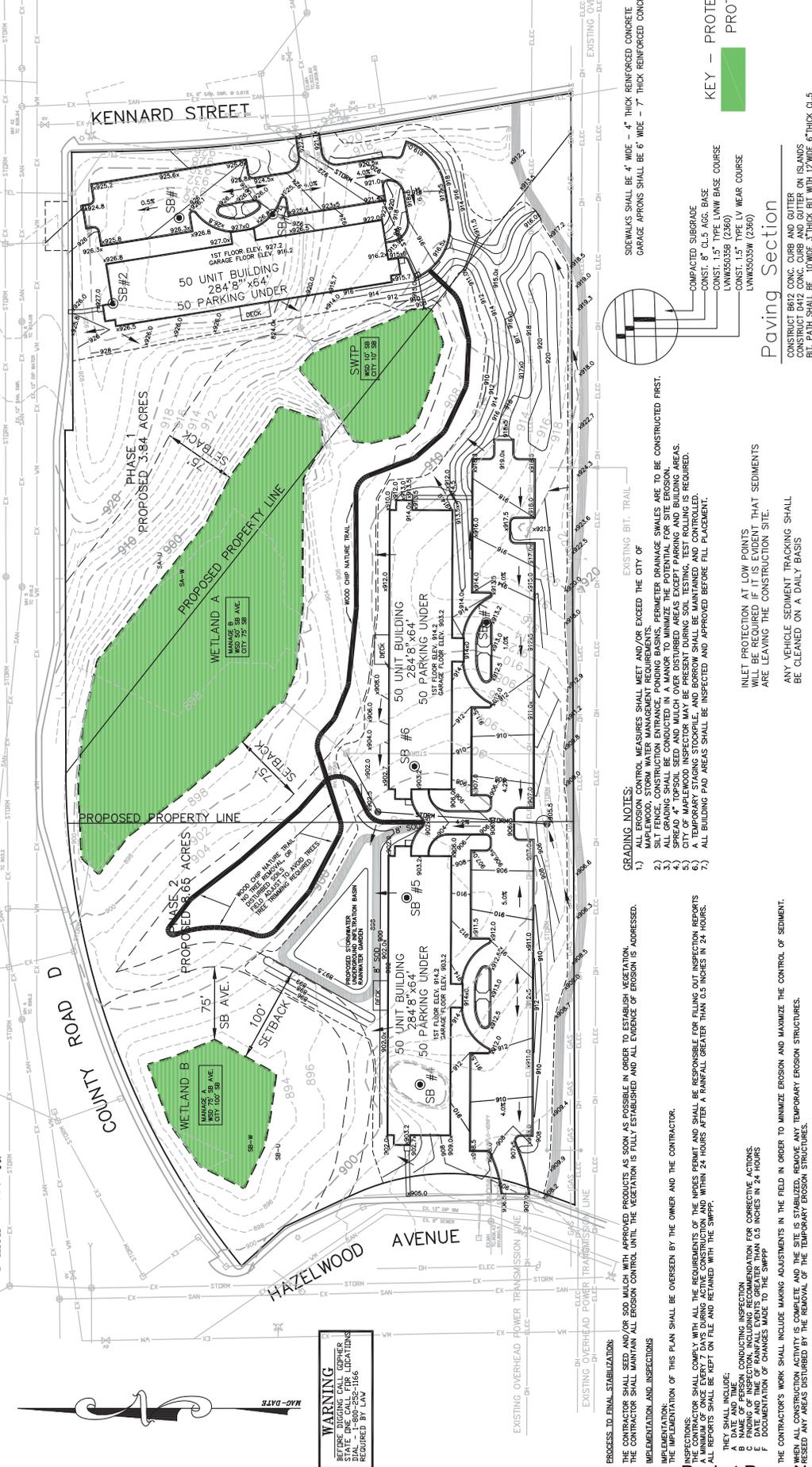
NOT TO SCALE - UNDERGROUND INFILTRATION BASIN
 4" LANDSCAPE ROCK OVER GEOTEXTILE
 8" ENGINEERED SOIL MIX B
 2" TOP OF PIPE
 894.0 BOTTOM OF INFILTRATION BASIN
 894.0 BOTTOM OF INFILTRATION ROCK BED
 OVERLAP GEOTEXTILE JOINTS 2' MIN.

WARNING
 THE CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL UNTIL THE VEGETATION IS FULLY ESTABLISHED AND ALL EVIDENCE OF EROSION IS ADDRESSED.
 THE IMPLEMENTATION OF THIS PLAN SHALL BE OVERSEEN BY THE OWNER AND THE CONTRACTOR.
 THE CONTRACTOR SHALL COMPLY WITH ALL THE REQUIREMENTS OF THE PERMITS AND SHALL BE RESPONSIBLE FOR FILLING OUT INSPECTION REPORTS
 ALL REPORTS SHALL BE KEPT ON FILE AND RETAINED WITH THE SWPPP.
 THEY SHALL INCLUDE:
 A DATE AND TIME OF INSPECTION
 B NAME OF THE INSPECTOR
 C FINDING OF INSPECTION, INCLUDING RECOMMENDATION FOR CORRECTIVE ACTIONS
 D DATE AND TIME OF REPAIRS
 E DATE AND TIME OF FINISHES MADE TO THE SWPPP
 F DISCUSSION OF ANY CHANGES MADE TO THE SWPPP



100 200 300 400
 GRAPHIC SCALE
 (IN FEET)
 1 inch = 100 ft.

MAC-DATTS



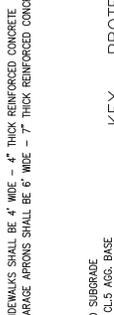
PROPOSED STORMWATER UNDERGROUND INFILTRATION BASIN
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH

PROPOSED STORMWATER UNDERGROUND INFILTRATION BASIN
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH

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PROPOSED STORMWATER UNDERGROUND INFILTRATION BASIN
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH
 140' DIAMETER, 10' DEPTH



Paving Section
 4" COMPACTED SUBGRADE
 1.5" CONC. BASE COURSE
 1.5" CONC. WEAR COURSE
 6" THICK CONC.

INLET PROTECTION AT LOW POINTS
 SHALL BE REQUIRED AT ALL POINTS THAT SEDIMENTS
 ARE LEAVING THE CONSTRUCTION SITE.
 ANY VEHICLE SEDIMENT TRACKING SHALL
 BE CLEANED ON A DAILY BASIS

GRADING NOTES:
 1) ALL EROSION CONTROL MEASURES SHALL MEET AND/OR EXCEED THE CITY OF MAPLEWOOD, STORM WATER MANAGEMENT REQUIREMENTS.
 2) SILT FENCE, CONSTRUCTION ENTRANCE, PONDING BASINS, PERIMETER DRAINAGE SWALES ARE TO BE CONSTRUCTED FIRST.
 3) ALL EXPOSED SOIL SHALL BE COVERED WITH MULCH OR TOPSOIL WITHIN 24 HOURS OF EXPOSURE.
 4) SPREAD 4" TOPSOIL SEED AND MULCH OVER DISTURBED AREAS EXCEPT PARKING AND BUILDING AREAS.
 5) CITY OF MAPLEWOOD INSPECTOR MAY BE PRESENT DURING SOIL TESTING. TEST ROLLING IS REQUIRED.
 6) A TEMPORARY STAGING STOCKPILE, AND BORROW SHALL BE MAINTAINED AND CONTROLLED.
 7) ALL BUILDING PAD AREAS SHALL BE INSPECTED AND APPROVED BEFORE FILL PLACEMENT.

SEWERMAINS SHALL BE 4" WIDE - 4" THICK REINFORCED CONCRETE
 GARBAGE APRONS SHALL BE 6" WIDE - 7" THICK REINFORCED CONCRETE.

KEY - PROTECTION AREAS
 PROTECT WETLANDS

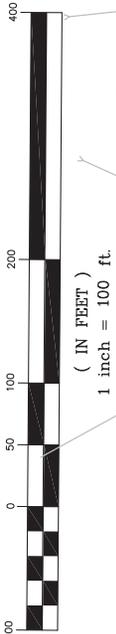
CONIFER RIDGE
 CITY OF MAPLEWOOD
 RAMSEY COUNTY, MINNESOTA
 2015 CONSTRUCTION

WOOD CHIP
 NATURE TRAIL

SHEET 8A OF 8 SHEETS

<p>LATEST REVISION: 09-23-2015 Project File: City Development, LLC 3883 Access Court N. Stillwater, MN 55082</p>	<p>DESIGNED DRAWN CHECKED</p>	<p>DATE</p>	<p>REVISED BY</p>	<p>DATE</p>
<p>FILE NO.: 15-113 Stillard</p>	<p>DATE</p>	<p>DATE</p>	<p>DATE</p>	<p>DATE</p>

GRAPHIC SCALE



KEY - PROTECTION AREAS

- PROTECT WETLANDS
- PROTECT WOODS

- UTILITY CONSTRUCTION NOTES:**
- 1.) WATERMAIN WORK SHALL CONFORM TO THE CURRENT SAINT PAUL WATER UTILITY STANDARDS FOR THE INSTALLATION OF WATERMANS.
 - 2.) SANITARY SEWER WORK SHALL COMPLY WITH THE CURRENT CITY ENGINEERS ASSOCIATION OF MINNESOTA - STANDARD SPECIFICATIONS.
 - 3.) MEGA LUG RESTRAINING BOLT SYSTEM SHALL BE USED ON WATERMAIN. (SPW STD. DETAIL D-11)
 - 4.) ALL WATERMANS SHALL BE COPPER.
 - 5.) WATERMANS SHALL BE COPPER STEPS ON SUP JOINT PIPE - COPPER CLIPS ARE NOT ACCEPTABLE.
 - 6.) WATER SERVICES OUTSIDE OF THE RIGHT OF WAY LINE SHALL BE COMPLETED UNDER THE DIRECTION OF A LICENSED PLUMBER.
 - 7.) WATER SERVICES SHALL BE INSTALLED INDEPENDENTLY OF THE WATERMAIN AFTER ACCEPTANCE.
 - 8.) HYDRANTS SHALL BE WP-1 (WATEROUS PACER, SINGLE STEAMER, ST. PAUL THREADS). GATE VALVES SHALL BE RED NUT (RIGHT HANDED).

<p>G-Cubed Inc. Engineering Surveying Planning</p> <p>285 Marlow Drive St. Paul, MN 55108 ph. 651.282.3474 Fax 651.402.4949 www.g-cubed.com</p>	<p>LATEST REVISION: 09-03-2015</p> <p>DESIGNED: _____ DRAWN: _____ CHECKED: _____</p> <p>DATE: _____ REV. NO.: _____</p>	<p>CITY OF MAPLEWOOD RAMSEY COUNTY, MINNESOTA 2015 CONSTRUCTION</p>	<p>CONIFER RIDGE Additional Parking PLAN</p> <p>SHEET 8A OF 8 SHEETS</p>
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LAND USE DEVELOPMENT AGREEMENT
CITY OF MAPLEWOOD
CONIFER RIDGE APARTMENTS

Developer Project: 15-14

THIS LAND USE DEVELOPMENT AGREEMENT (this "Agreement") is entered into as of _____ by and between **CONIFER RIDGE APARTMENTS, LLC**, a Minnesota limited liability company (the "Owner"), and the **CITY OF MAPLEWOOD**, a Minnesota municipal corporation, acting by and through its Mayor and City Manager (the "City").

RECITALS

- A. Owner owns that certain real property and the improvements located thereon legally described as LEGACY VILLAGE, LOT 1, BLOCK 1 according to the recorded plat thereof Ramsey County, Minnesota (the "Property"). Parcel ID 032922120025.
- B. Owner intends to develop three (3) 50-unit apartment buildings on Property.
- C. The parties desire to develop the infrastructure to support the Property in accordance with the terms and conditions set forth herein.

AGREEMENTS

In consideration of the Recitals and the terms and conditions set forth herein, the parties agree and covenant as follows:

ARTICLE I
PRIVATE IMPROVEMENTS

A. Private Improvements. Owner shall construct the infrastructure improvements serving the three 50-unit apartment buildings as shown on the site plan attached hereto as **Exhibit A** (the "Site Plan") which shall include but is not limited to all internal water systems, pond areas and infiltration areas, storm water management facilities, sanitary sewers, street and parking lot improvements, concrete curb and gutters, street and parking lot lighting, signage, and landscaping (the "Private Improvements"). In order to support the proposed building footprints two public storm sewer pipes located within existing public easements require realignment within Property. All costs associated with realignment and construction and any other associated costs of said pipes shall be performed by the Owner, at Owner's full cost. Dedication of necessary drainage and utility easements over new storm pipe alignments shall be made at no cost to the City.

B. Construction of Private Improvements. Owner agrees to maintain all required erosion prevention and sediment control measures required by the Private Improvements, including but not limited to silt fence, sediment ponds, floating silt curtain, inlet protection and rock construction entrances. Owner shall complete its Private Improvements in a workmanlike manner and in accordance with the plans and specifications approved by the City. The Private Improvements shall be subject to the inspection and approval of the City by an engineer or other representative of the City. In the event the City deems any material or labor supplied in connection with the construction of the Private Improvements to be defective and not in compliance with the applicable City-approved plans and specifications, the Owner shall remove the defective material and replace it with material approved by the City and/or correct any substandard labor at the affected Owner's sole cost and expense. Refer to Grading and Drainage Plan on **Exhibit B**.

EASEMENTS

- A. Drainage and Utility Easements.** The easements are set forth in **Exhibit C**. Storm pipe within easements shall have a minimum separation of 20' from structures/foundations and easement width shall be 30' over centerline of pipe.
- B. Trail Easements.** The easements are set forth in **Exhibit D**.
- 1) Proposed trail easement near southern most property line of Property shall be dedicated as shown in Exhibit D. This trail shall be owned and maintained by the City. Trail easement shall be prepared and signed by Owner and submitted to City for review and approval.
 - 2) Also, proposed trail easement which connects to southernmost trail easement and loops internal to the Property shall be dedicated as shown in Exhibit D. This trail shall be owned and maintained by Owner. There shall be no cost, maintenance, or liability of this trail to the City. The surface of said trail shall be kept in a condition by the Owner that allows reasonable use to trail users. Trail easement shall be prepared and signed by Owner and submitted to City for review and approval.

ARTICLE V FEES AND ESCROWS

A. Park Dedication Fees. Subject to adjustment as set forth below, the total estimated Park Dedication Fee for the Property Development is \$297,000.00 ("PAC Fee"). This amount is calculated at \$1,980.00 per unit. The Project Development proposes three 50-unit apartment buildings. The PAC Fee shall be \$99,000.00 per Apartment Building: (\$1,980.00 x 50 units/building = \$99,000.00) The PAC Fee shall be paid as follows:

- i. Phase I: Owner shall pay the calculated PAC Fee on or before the date of building permit issuance by the City for each respective apartment building.

Notwithstanding the above, the PAC Fee and its allocations set forth above are subject to adjustment based on the final plans and specifications. Furthermore, PAC Fees are subject to change in future years (2017 and beyond), however PAC Fees will not be subject to adjustment if each apartment building proceeds on or before January 1, 2017.

B. Sewer Availability Charges. On or before the date of building permit issuance by the City Owner shall pay the sewer availability charges due to both the City and to the Met Council (collected through the City). Owner shall submit building plans to the Met Council for review and determination of the “SAC Fee” (which is then collected by City and passed on to the Met Council, based on final determination by the Met Council and its current SAC unit rate). Owner shall also pay \$130.00 per equivalent SAC unit for the “Local SAC Fee” owed to the City however Owner shall receive a 50% credit (reduction) to the “Local SAC Fee” if the building permit is issued on or before January 1, 2017. The rate for the “SAC Fee” and “Local SAC Fee” shall be determined based on the established rates at the time the building permits are issued.

C. Water Availability Charges. On or before the date of building permit issuance for each respective building, Owner shall pay the water availability charges due to the City (individually and collectively, the “WAC Fee”). The number of WAC units issued for each building shall be determined based on the number of SAC units issued for each building. The WAC Fee rate for 2015 is \$285.00 per unit. Owner shall receive 50% credit (reduction) of the WAC Fee if the building permit is issued on or before January 1, 2017.

D. Water Service Fees. Owner shall be responsible for any fees due to the Saint Paul Regional Water Service (“SPRWS”) for the connection/extension of the existing water main stubs.

E. Building Permit Fees. Each Owner shall pay for all building permit fees and associated fees for its respective Project all of which shall be consistent with the then current fee schedule and policies (collectively, the “Building Permit Fees”).

F. City Engineering Fees. Owner shall reimburse any costs incurred by the City for engineering, legal, and administrative services associated with Projects. In no event shall such reimbursement obligation exceed \$10,000.00.

G. Public Works Fees. Owner shall pay to the City a public works permit fee consistent with the 2015 rate schedule which shall include the grading permit technician plan review and manhole, connection and storm/sewer base fees (the “Public Works Fee”). The Public Works Fee is estimated to be \$3,000.00. Additionally, Owner’s contractor shall post a cash escrow for grading and site management (Sediment control and erosion prevention) upon issuance of the grading permit. Provided the escrow was not drawn upon, the escrow shall be returned in full to Owner’s contractor upon completion of the grading permit.

H. Private Improvements Escrow.

- i. On or before the issuance of a grading or building permit a \$100,000.00 cash escrow shall be established to insure the completion of the Private Improvements and Landscaping Plan (the “Phase I Private Improvements Escrow”).

E. Owner shall have in effect at all times, all permits, approvals and licenses as may be required by any governmental authority or, to the extent reasonably prudent or customary for similarly situated business operations, any non-governmental entity in connection with the development, construction, management and operation of the Project. Owner shall comply with any and all City conditions and requirements as provided in any City Council actions or approvals, or as required by the City.

F. Owner shall provide the City with proof of insurance upon request in the amount as required by the approval specifications covering any public liability or property damage by reason of the operation of the Owner's equipment laborers and hazards caused by the construction of the Private Improvements.

G. The City shall not be liable or responsible in any manner to the Owner, the Owners' contractors, subcontractors, material suppliers, laborers or to any other person or persons whomsoever, for any claim, demand, damages, actions or causes of action of any kind or character arising out of or by reason of the execution of this Agreement or the performance and completion of the Private Improvements, which the Owner responsible for the Private Improvements giving rise to any such claim, will save the City harmless from all such claims, demands, damages, actions or causes of action or the costs disbursements and expenses of defending the same, specifically including, without intending to limit the categories of said costs, cost and expenses for City administrative time and labor, costs of consulting engineering services, and costs of legal services rendered in connection with the defending such claims as may be brought against the City.

H. In the event Owner is in default pursuant to any of the terms and conditions herein applicable, the City may deny such Owner a building permit or certificate of occupancy for its Project until such Owner cures such default. In such event the terms and conditions herein applicable to the other non-defaulting Owner shall remain in full force and effect.

I. Time is of the essence of each and every obligation or agreement contained in this Agreement.

J. If Owner delayed or prevented from timely commencing or completing the Private Improvements, as applicable, by reason of fire, earthquake, war, flood, riot, strikes, labor disputes, governmental restrictions, judicial order, public emergency, or other causes beyond the control of the party obligated to perform ("Force Majeure Event"), performance of such act shall be excused for the period of such delay and the time for the performance of any such act shall be extended for a period equivalent to such delay.

K. In case any one or more of the provisions contained in this Agreement shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and any other application thereof shall not in any way be affected or impaired thereby.

L. The terms and conditions of this Agreement shall be binding on the parties hereto, their respective successors and assigns.

M. This Agreement constitutes the entire agreement between the parties hereto and no amendment, alteration, modification or addition to this Agreement will be valid or enforceable unless expressed in writing and signed by the parties hereto.

N. Any disputes regarding the terms and conditions of this Agreement shall be resolved through non-binding Alternative Dispute Resolution. Disputes that require or lead to litigation shall be governed under the laws of the State of Minnesota and shall be pursued in the District Court of Ramsey County.

O. This Agreement may be assigned by Owner to a new Owner only upon City's
written consent.

[Signature page(s) follow.]

EXHIBIT A

Site Plan

EXHIBIT B
Grading and Drainage Plan

EXHIBIT C
Drainage and Utility Easement

ADD DESCRIPTION AND EXHIBIT HERE

EXHIBIT D
Trail Easements

ADD DESCRIPTIONS AND EXHIBITS HERE

EXHIBIT E

City Council Conditions of Approval

INSERT HERE

EXHIBIT F
Landscape (Tree) Plan

EXHIBIT G**Storm Water Maintenance Agreement****MAINTENANCE AGREEMENT**

This Maintenance Agreement (this "Agreement") is made this ____ day of _____, 2015, by and between **CONIFER RIDGE APARTMENTS, LLC** (hereinafter referred to as "Owner"), and the City of Maplewood, a municipal corporation under the laws of the State of Minnesota (hereinafter referred to as the "City").

1. Owner owns the property legally described as LEGACY VILLAGE, LOT 1, BLOCK 1 according to the recorded plat thereof Ramsey County, Minnesota (the "Property"). Parcel ID 032922120025; and

2. Owner is intending to construct certain storm water facilities on the Property as depicted in Exhibit "A" attached hereto (the "Facilities"); and

In order to meet the City's permitting requirements, said Facilities are necessary and it is reasonable for the City to require Owner and all subsequent owners of said parcel to inspect and maintain the Facilities on a regular basis to ensure that the Facilities function as intended.

3. Now, therefore, it is mutually agreed by and between the parties:

A. Owner, at its expense, shall be responsible for the inspection and maintenance of the Facilities so that the Facilities function properly.

i. Owner shall inspect the Facilities at least annually.

ii. Owner shall maintain and repair the Facilities:

a. In the case of basins and other facilities where sediment collects, to preserve the storage or capacity at or above the design volume or, where no design storage volume or capacity is incorporated into the permit, the volume or capacity recommended by the manufacturer.

b. In the case of conveyances and other structures, to preserve design hydraulic capacity.

c. In the case of facilities relying on soils and vegetation for stormwater management or treatment, to preserve healthy vegetation and design soil permeability.

d. In the case of all facilities, as necessary to preserve the integrity and intended function of the facility.

iii. On an annual basis, Owner shall submit a report to the City that includes the inspection date(s) of the Facilities, conditions of the Facilities, and any corrective

actions taken.

- B. The City shall have sole discretion to determine the need to clean the Facilities, either in conjunction with the annual inspection or more often as deemed necessary by the City. The City shall notify the Owner in writing if it reasonably determines that the Facilities require cleaning. The Owner shall clean the Facilities within sixty (60) days of receipt of notice from the City. The City shall act reasonably in exercising said discretion.

In the event Owner fails to clean said Facilities in accordance with the City's request, the City at its sole discretion may have the Facilities cleaned either through its own employees or through an outside third party, the cost of which shall be the responsibility of Owner. Owner shall indemnify the City for any and all costs incurred by the City for cleaning the Facilities, as well as for costs and fees incurred by the City to enforce this Agreement.

- C. This Agreement shall be binding on the Owner of said real estate as described in the Exhibit "A" attached hereto, and its representatives, heirs, transferors, successors and/or assigns. This Agreement shall run with the land.

[Signature page(s) follow]

IN WITNESS WHEREOF, the parties hereto execute this Maintenance Agreement.

DATE: _____

CONIFER RIDGE APARTMENTS, LLC

By: _____

K. Peter Stalland, Owner/Manager

STATE OF MINNESOTA)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____.

Notary Public

DATE: _____

CITY OF MAPLEWOOD

By: _____

Michael Thompson, City Engineer

STATE OF MINNESOTA)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____, the _____, a municipal corporation under the laws of the State of Minnesota, on behalf of said municipal corporation.

Notary Public

City of Maplewood Sign-Up Sheet

By putting your name and address on this sheet, you are requesting to address the Maplewood City Council on the following topic for up to three minutes.

Agenda Item: 11 Consider Approval of Conifer Ridge Apartments, County Road D East, between
Hazelwood Street North and Kennard Street

Date: October 12, 2015

Name - First & Last
(please print clearly)

Address

- | | <u>Name - First & Last</u>
(please print clearly) | <u>Address</u> |
|-----|---|--------------------------------------|
| 1. | <u>Bob Fix</u> | <u>1600 Legacy Parkway E #4</u> |
| 2. | <u>Jan Kotala</u> | <u>3003 Hazelwood Maplewood Minn</u> |
| 3. | <u></u> | <u></u> |
| 4. | <u></u> | <u></u> |
| 5. | <u></u> | <u></u> |
| 6. | <u></u> | <u></u> |
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| 11. | <u></u> | <u></u> |
| 12. | <u></u> | <u></u> |
| 13. | <u></u> | <u></u> |
| 14. | <u></u> | <u></u> |
| 15. | <u></u> | <u></u> |

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Lois Knutson, Senior Administrative Assistant

DATE: October 6, 2015

SUBJECT: Consider Approval of 2016 Charitable Gambling Awards

Introduction

Each year the Maplewood City Council solicits requests for charitable gambling funds. Every year the requests for funds have exceeded the available funds. That is the case this year. The city received 27 applications with \$81,752.88 in requests.

Background

The City Council reviewed the applications on September 28th. Upon reviewing the applications, the Council submitted recommendations for award amounts to staff to be tallied. Staff has tallied the recommendations and has provided suggested award amounts for the Council to consider.

Per the City's Charitable Gambling Policy "A request must receive three or more votes for funding in order to receive Charitable Gambling Tax Funds." There were four organizations that did not receive at least three votes so they have been removed from consideration. Council Members who had voted to award funds to those four organizations were given the opportunity to reallocate those funds.

Budget Impact

The amount of funds available in the 2016 budget is \$30,000.

Recommendation

Staff recommends that the City Council review and approve the suggested award amounts below.

Organization	Amount Requested	Proposed Award
Ashland Productions	\$3,000.00	\$800.00
Boy Scouts of America Pack 9471	\$2,500.00	\$1,450.00
Carver Elementary PTO	\$5,000.00	\$930.00
CHILD Inc	\$1,200.00	\$440.00
Dispute Resolution Center	\$3,000.00	\$790.00
District 622 Education Foundation	\$2,500.00	\$1,680.00
Ecumen Lakeview Commons	\$350.00	\$0.00

Organization	Amount Requested	Proposed Award
Erickson Merkel Foundation	\$1,000.00	\$0.00
Friends of Maplewood Nature	\$2,800.00	\$1,280.00
Fusion Drumline Parent Booster Organization	\$1,900.00	\$780.00
Hmong American Education Fund	\$3,500.00	\$810.00
ISD 622 Northern Lights Show Choir	\$6,000.00	\$1,260.00
LENA Youth Connect, Inc.	\$1,000.00	\$420.00
Maple Tree Monastery Childcare Center	\$1,430.00	\$0.00
Maplewood Area Historical Society	\$7,065.00	\$3,793.00
Maplewood Monarchs S.O. Team	\$3,500.00	\$810.00
Maplewood Police Reserves	\$5,000.00	\$3,530.00
Maplewood Youth Scholarship Fund	\$3,500.00	\$2,347.00
Minnesota Krampus	\$2,000.00	\$0.00
North High School Robotics Team	\$5,000.00	\$2,040.00
Ramsey County Care Center	\$1,550.00	\$400.00
Ramsey County Fair	\$3,800.00	\$2,150.00
St. Jerome Catholic School	\$1,457.88	\$280.00
Tubman Family Alliance	\$1,200.00	\$710.00
Weaver Elementary School	\$5,000.00	\$1,280.00
Webster Elementary School	\$2,500.00	\$1,050.00
White Bear Area YMCA	\$5,000.00	\$970.00
TOTALS:	\$81,752.88	\$30,000.00

Attachments

1. 2016 Completed Charitable Gambling Funds Score Sheet

2016 Charitable Gambling Funds Score Sheet

Organization	Amount Requested	NS	KJ	RC	MK	MA	Proposed Award
Ashland Productions	\$3,000.00	\$1,000.00	\$2,000.00	\$1,000.00	\$0.00	\$0.00	\$800.00
Boy Scouts of America Pack 9471	\$2,500.00	\$800.00	\$1,000.00	\$1,450.00	\$2,500.00	\$1,500.00	\$1,450.00
Carver Elementary PTO	\$5,000.00	\$1,650.00	\$1,000.00	\$2,000.00	\$0.00	\$0.00	\$930.00
CHILD Inc	\$1,200.00	\$100.00	\$500.00	\$400.00	\$0.00	\$1,200.00	\$440.00
Dispute Resolution Center	\$3,000.00	\$1,000.00	\$1,200.00	\$750.00	\$0.00	\$1,000.00	\$790.00
District 622 Education Foundation	\$2,500.00	\$800.00	\$1,500.00	\$1,100.00	\$2,500.00	\$2,500.00	\$1,680.00
Friends of Maplewood Nature	\$2,800.00	\$1,700.00	\$1,400.00	\$1,200.00	\$0.00	\$2,100.00	\$1,280.00
Fusion Drumline Parent Booster Organization	\$1,900.00	\$600.00	\$0.00	\$900.00	\$1,900.00	\$500.00	\$780.00
Hmong American Education Fund	\$3,500.00	\$1,200.00	\$1,000.00	\$350.00	\$0.00	\$1,500.00	\$810.00
ISD 622 Northern Lights Show Choir	\$6,000.00	\$2,000.00	\$1,000.00	\$2,300.00	\$0.00	\$1,000.00	\$1,260.00
LENA Youth Connect, Inc.	\$1,000.00	\$350.00	\$500.00	\$250.00	\$0.00	\$1,000.00	\$420.00
Maplewood Area Historical Society	\$7,065.00	\$2,900.00	\$3,400.00	\$4,100.00	\$7,065.00	\$1,500.00	\$3,793.00
Maplewood Monarchs S.O. Team	\$3,500.00	\$1,100.00	\$1,200.00	\$750.00	\$0.00	\$1,000.00	\$810.00
Maplewood Police Reserves	\$5,000.00	\$3,400.00	\$3,000.00	\$4,250.00	\$5,000.00	\$2,000.00	\$3,530.00
Maplewood Youth Scholarship Fund	\$3,500.00	\$3,000.00	\$2,000.00	\$1,000.00	\$2,235.00	\$3,500.00	\$2,347.00
North High School Robotics Team	\$5,000.00	\$1,500.00	\$1,000.00	\$1,200.00	\$5,000.00	\$1,500.00	\$2,040.00
Ramsey County Care Center	\$1,550.00	\$500.00	\$1,000.00	\$500.00	\$0.00	\$0.00	\$400.00
Ramsey County Fair	\$3,800.00	\$1,250.00	\$1,900.00	\$2,800.00	\$3,800.00	\$1,000.00	\$2,150.00
St. Jerome Catholic School	\$1,457.88	\$500.00	\$600.00	\$300.00	\$0.00	\$0.00	\$280.00
Tubman Family Alliance	\$1,200.00	\$1,200.00	\$800.00	\$350.00	\$0.00	\$1,200.00	\$710.00
Weaver Elementary School	\$5,000.00	\$1,200.00	\$1,500.00	\$1,200.00	\$0.00	\$2,500.00	\$1,280.00
Webster Elementary School	\$2,500.00	\$750.00	\$1,000.00	\$1,000.00	\$0.00	\$2,500.00	\$1,050.00
White Bear Area YMCA	\$5,000.00	\$1,500.00	\$1,500.00	\$850.00	\$0.00	\$1,000.00	\$970.00
Totals		\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
***Ecumen Lakeview Commons	\$350.00	\$100.00	\$0.00	\$200.00	\$0.00	\$0.00	***
***Erickson Merkel Foundation	\$1,000.00	\$300.00	\$0.00	\$250.00	\$0.00	\$0.00	***
***Maple Tree Monastery Childcare Center	\$1,430.00	\$500.00	\$0.00	\$500.00	\$0.00	\$0.00	***
***Minnesota Krampus	\$2,000.00	\$700.00	\$0.00	\$300.00	\$0.00	\$0.00	***
	\$81,752.88						

An estimated **\$30,000** is available revenue from proceeds of the 10% Charitable Gambling Tax. Any reduction in available funds will result in a proportional reduction of the

***Removed from consideration due to not receiving votes from at least three City Council members. The Council members who had voted to award funds to these organizations were then given the opportunity to reallocate those funds to the qualified recipients.

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Karen Haag, Director of Citizen Services
Ajla Arnold, Citizen Services

DATE: October 7, 2015

SUBJECT: Consider Approval of Change to City Code of Ordinances - Second Reading:

- a. Ordinance Adopting the Republication of the City Code of Ordinances
- b. Ordinance Repealing Chapter 8, Article V Pertaining to Billiard Parlors and Poolrooms Licenses
- c. Ordinance Repealing Chapter 14, Article XIV Pertaining to Private School Licenses
- d. Ordinance Repealing Chapter 14, Article XVI Pertaining to Tanning Facilities
- e. Ordinance Repealing Chapter 42, Article I and Article II Pertaining to Taxi Cab Licenses

Introduction

The City Council held a public hearing on September 28th 2015 in order to consider approval of the first reading of above listed ordinances. The council did not suggest any revisions or additions to the proposed verbiage during the first reading. As required by the council policies and procedures, the council will hold a second reading of the proposed ordinances in order to complete the process.

Background

As the city is getting ready for another supplementation of the City Code, staff has prepared an ordinance that repeals any existing provisions in the code adopted prior to the latest supplementation completed in May 2013, conclusive with Ordinance No. 927 adopted on December 10, 2012, that have been amended by subsequently adopted like provisions and incorporates any new provisions not codified therein as of yet.

As part of this process, staff has also reviewed the code for any existing provisions that may be redundant, obsolete or otherwise regulated by State law. As a result, several ordinances have been drafted to repeal the following provisions in the code:

1. Ordinance Repealing Chapter 8, Article V Pertaining to Billiard Parlors and Poolrooms Licenses

Licensing requirements for businesses operating billiard games and pool tables are covered in another chapter of the Code, Chapter 8, Article III, Coin-Operated Amusement Devices. To avoid redundancy in the Code, since a provision already exists to regulate a similar type of

activity, staff has drafted an ordinance to repeal the code provisions in their entirety relating to Chapter 8, Article V, Billiard Parlors and Poolrooms.

2. Ordinance Repealing Chapter 14, Article XIV Pertaining to Private School Licenses

Requiring a license to operate to a non-public school is not one of the typical regulatory activities of the local authority and it does not seem to meet the requirement of the “general welfare” clause that would allow such licensing, absent any specific authority. The city may, by other means, such as zoning, building, environmental and traffic ordinances regulate operations of any such business.

3. Ordinance Repealing Chapter 14, Article XVI Pertaining to Tanning Facilities

This type of activity is regulated by the State through provisions of Chapter 325H. Our city code incorporates by reference all provisions of State law in their entirety, therefore, staff is asking the council to consider repealing the ordinance since the regulatory language already exists in State Statutes.

4. Ordinance Repealing Chapter 42, Article I and Article II Pertaining to Taxi Cab Licenses

The code requires the council to consider “public convenience and necessity” in determining whether to issue a taxicab license to an applicant. The taxicab ordinance has been in our code since 1961 while the city has not had an applicant for such license since 1970. Staff is asking the council to consider repealing the ordinance on those same grounds of “public convenience and necessity” as there seems to be no justification for it at the current time and conditions.

Budget Impact

There is no anticipated budget impact from this project. The City Council approved the funds in the 2015 budget.

Recommendation

It is recommended that the City Council approve the second reading of the attached ordinances and direct staff to proceed with the next code supplementation conclusive with the ordinances adopted through October 12, 2015.

Attachments:

1. Ordinance Adopting the Republication of the City Code of Ordinances (2nd Reading)
2. Ordinance Repealing Chapter 8 – Amusements and Entertainment, Article V Pertaining to Billiard Parlors and Poolrooms Licenses (2nd Reading)
3. Ordinance Repealing Chapter 14 – Businesses and Licensing, Article XIV Pertaining to Private School Licenses (2nd Reading)
4. Ordinance Repealing Chapter 14 – Businesses and Licensing, Article XVI Pertaining to Tanning Facilities (2nd Reading)
5. Ordinance Repealing Chapter 42 – Vehicles for Hire, Article I and Article II Pertaining to Taxi Cab Licenses (2nd Reading)

ORDINANCE NO _____

AN ORDINANCE ADOPTING AND ENACTING THE REPUBLICATION OF THE CITY CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE CITY OF MAPLEWOOD:

Section 1. The Code entitled "The Maplewood City Code," published by Municipal Code Corporation, consisting of Chapters 1 through 44, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before December 10, 2012, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not more than \$1,000.00 or imprisonment for not more than 90 days or by both fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City of Maplewood may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City of Maplewood to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after December 10, 2012 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective upon the second reading and subsequent publication of the same.

The Maplewood City Council approved this ordinance on _____ 2015.

ATTEST: Karen Haag
City Clerk

ORDINANCE NO. ____

AN ORDINANCE REPEALING ALL PROVISIONS OF THE MUNICIPAL CODE CHAPTER 8-AMUSEMENTS AND ENTERTAINMENT, ARTICLE V PERTAINING TO BILLIARD PARLORS AND POOLROOMS LICENSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 8, sections 8-131 through 8-144 of the Maplewood City Code relating to Billiard Parlors and Poolrooms are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

The Maplewood City Council approved this ordinance on _____2015.

ATTEST: Karen Haag
City Clerk

ORDINANCE NO. ____

**AN ORDINANCE REPEALING ALL PROVISIONS OF THE MUNICIPAL CODE CHAPTER 14-
BUSINESSES AND LICENSING, ARTICLES XIV PERTAINING TO PRIVATE SCHOOL
LICENSES**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD
THAT:**

Section 1. Chapter 14, sections 14-1196 through 14-1230 of the Maplewood City Code relating to Private Schools are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

The Maplewood City Council approved this ordinance on _____2015.

ATTEST: Karen Haag
City Clerk

ORDINANCE NO. ____

**AN ORDINANCE REPEALING ALL PROVISIONS OF CHAPTER 14, ARTICLE XVI OF THE
CODE OF ORDINANCES PERTAINING TO TANNING FACILITIES**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD
THAT:**

Section 1. Chapter 14, sections 14-1296 through 14-1301 of the Maplewood City Code relating to Tanning Facilities are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

The Maplewood City Council approved this ordinance on _____2015.

ATTEST: Karen Haag
City Clerk

ORDINANCE NO. ____

AN ORDINANCE REPEALING ALL PROVISIONS OF THE MUNICIPAL CODE CHAPTER 42-VEHICLES FOR HIRE, ARTICLES I AND II PERTAINING TO TAXI CAB LICENSES

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MAPLEWOOD THAT:

Section 1. Chapter 42, sections 42-26 through 42-93 of the Maplewood City Code relating to Vehicles for Hire are hereby REPEALED IN THEIR ENTIRETY.

Section 2. This ordinance shall take effect after publishing in the official newspaper.

The Maplewood City Council approved this ordinance on _____2015.

ATTEST: Karen Haag
City Clerk

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Karen Haag, Director of Citizen Services
Ajla Arnold, Citizen Services

DATE: October 7, 2015

SUBJECT: Consider Approval of an Ordinance Amending Chapter 20, Article IV Pertaining to Fireworks - Second Reading

Introduction

The City Council held a public meeting on September 28, 2015 to consider first reading of the ordinance amending the provisions governing consumer and display fireworks permits and regulations found in Chapter 20, Article IV of the City Code. The city council did not suggest any additions or revisions to the ordinance presented at the first reading. Staff is submitting the proposed ordinance for 2nd reading and approval before the ordinance is published and effectuated.

Background and Discussion

As outlined in detail in the staff report during the council meeting on September 28, 2015, changes to the existing provisions are necessary in order to bring the code current with the State law and to expand on the current administrative procedures and permit requirements.

In summary, staff is proposing following amendments to the existing fireworks provisions in these several areas:

- 1. Definitions:** Several new definitions were added directly from the National Fire Protection Code 1124 (2003 edition) that stipulates the safety standards for fireworks retail facilities in addition to the State Fire Code. Legal fireworks term has been replaced with the more common consumer fireworks term.
- 2. Permit process:** A requirement was added to request applicants submit the permit application to the City Clerk at least 15 days in advance of the date of the sales. This will allow the city officials involved in the process ample time to complete the required site inspections prior to approval. Application content has been updated to require an applicant's date of birth due to the fact that, per state law, the permit cannot be issued to an applicant under the age of 18. A proof of insurance requirement was added into the code as well as the floor plan submission requirements.

3. Retail sales and storage: A provision to allow retail sales within permanent facilities only was removed since State law requires the city to issue permits to any type of facility, including a variety of temporary facilities providing they comply with the National Fire Protection Association Code 1124 (2003) if the city allows transient merchant activities within its borders. Amendments were done in the area of storage requirements, specifically, requiring at least two portable fire extinguishers, no smoking signs, covered fuses, proper aisle width and merchandise display height.

4. Fireworks display permit: A new section was created that deals specifically with this type of fireworks permit; provisions were added regarding applicant requirements and application process.

Budget Impact

There is no budget impact associated with this request.

Recommendation

It is recommended that the Council approve the second reading of amendments to the fireworks ordinance.

Attachment:

1. Draft Ordinance (2nd Reading)

ORDINANCE NO _____

AN ORDINANCE AMENDMENT TO CHAPTER 20, ARTICLE IV – FIREWORKS

BE IT ORDAINED by the Mayor and City Council of the City of Maplewood that Chapter 20, Article IV – Fireworks is hereby amended to read as follows:

ARTICLE IV. - FIREWORKS

| **Sec. 20-96. - Purpose.**

It is the purpose of this article to govern the possession, use, sale, storage, exportation and display of fireworks in the city.

| **Sec. 20-97. - Definitions.**

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

| ~~Legal Consumer~~ *Fireworks* means wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of ~~200~~ 500 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than 0.25 grains of explosive mixture. The term also includes toy pistols, toy guns, in which paper caps containing 0.25 grains or less of explosive compound are used and toy pistol caps which contain less than 0.20 grains of explosive mixture.

| Consumer Fireworks Retail Sales (CFRS) Area means the portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

| Consumer Fireworks Retail Sales Facility means a permanent or temporary building or structure, CFRS stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public.

| Consumer Fireworks Retail Sales Stand means a temporary or permanent building or structure that has a floor area not greater than 800 ft², other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public.

| ~~Display distributor means any person selling special fireworks.~~

Distributor means any person selling fireworks to wholesalers and retailers for resale.

| *Fire ~~chief~~ Marshal* means the chief fire inspector of the fire department.

| ~~Law enforcement officer and code enforcement officer mean individuals authorized to enforce the laws or ordinances of the city.~~

Fireworks Display means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation. This term includes, but is not limited to, salutes containing more than 2 grains of explosive materials, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits of explosive materials for classification as “consumer fireworks.”

Manufacturer means any person engaged in the manufacture of fireworks.

Retailer means any person purchasing fireworks for resale to consumers.

Store means a building classified as a mercantile occupancy that contains a variety of merchandise and that is not used primarily for the retail sales of consumer fireworks.

Tent means a temporary membrane structure, with or without sides, including canopies.

Sec. 20-98. - ~~Legal~~ Consumer fireworks

- (a) ~~Legal~~ Consumer fireworks for sale to the general public shall be understood to mean fireworks legal for sale and use in the state under Minn. Stats. § 624.20.
- (b) No individual, firm, partnership, corporation or association shall possess for retail sale in the city, sell or offer for sale at retail or use or possess any fireworks other than ~~legal~~ consumer fireworks. The use of consumer fireworks is not permitted on public property.

Sec. 20-99. - Permit for sale or distribution.

- (a) No person may sell, hold for sale, import, distribute or offer for sale, as speciality retailer or retailer, any fireworks in the city unless such person has first obtained the appropriate permit.
- (b) The fire ~~chief marshal, law enforcement officer and code enforcement officer~~ shall enforce this article. All permit applications shall be submitted to the office of the city clerk at least fifteen (15) days in advance of the date of the sales or retail display. The applications shall be promptly delivered to the planning department and the fire marshal for their review. ~~All retailers shall be required to purchase a retail fireworks permit for each retail location.~~
- (c) The application for a permit under this section shall contain the following information:
 - (1) The name, address, date of birth, and telephone number of the applicant;
 - (2) The address and the phone number of the location where the ~~legal~~ consumer fireworks will be sold;
 - (3) The nature of the site: Building () Vehicle () Tent () Other ()
 - ~~(3)~~(4) The type of ~~legal~~ consumer fireworks to be sold;
 - ~~(4)~~(5) The estimate of the quantity of ~~legal~~ consumer fireworks; and
 - ~~(5)~~(6) A letter from the property owner granting permission to the applicant for use of the property;
 - (7) A statement that applicant understands that the persons selling and purchasing fireworks must be at least 18 years of age;
 - (8) A proof of insurance policy of public general liability in the amount of \$300,000; property damage in the amount of \$100,000 and workers’ compensation in the amount of \$50,000;
 - (9) A floor plan designating the area of the sales display, storage for commercial purposes, along with a list documenting the name, weight, and quantity of the fireworks within the building, exits, extinguisher locations, sales counter and the material safety data sheets. The plan shall also include the following:

a. minimum distance from public ways, buildings, other consumer fireworks retail sales facilities, fuel dispensing stations and other combustibles;

b. vehicle access and parking areas;

c. location and type of portable fire extinguishers;

d. means of egress;

(10) A statement that the retail structure is in compliance with National Fire Protection Association Standards 1124 (2003 edition).

- (d) An applicant for a permit shall pay to the city a refundable annual fee, per location, as established from time to time by the city council- but not to exceed the statutory fee limits. The expiration date of such permit is as may be imposed, set, established and fixed by the city clerk, from time to time.
- (e) Following an inspection of the location where the legal-consumer fireworks are to be sold, the city council- city clerk shall issue a retailer permit if the conditions for permit approval are satisfied and the location of the property is zoned either commercial or industrial.
- (f) No retail permit shall be issued for any period of time in excess of one year, and any permit may be revoked by the city council- city clerk when it shall appear that the permittee has violated any of the sections of this article or has engaged in activities contradictory to the best interest of the citizens- residents of the city. The permit issued shall be nontransferable either to a different person or location.

Sec. 20-100. - Retail sales or storage.

- (a) The sale of legal- consumer fireworks only shall occur wholly within permanent buildings and permanent structures, as defined by the National Building Code, which shall have been deemed safe and proper by the appropriate code official. It shall be unlawful to sell fireworks within temporary facilities, motor vehicles, tents or air-supported structures within the approved permanent and temporary facilities defined in Chapter 7, National Fire Protection Association (NFPA) 1124 (2003 edition). Permanent buildings and structures include stores and consumer fireworks retail sales (CFRS) facilities. Temporary facilities include CFRS stands, tents, canopies, membrane structures. No fireworks may be sold at retail without a retail permit. The permit shall be posted be at each location where the retail sale takes place, and a list of all legal- consumer fireworks sold at the location shall be available upon request.
- (b) Buildings and permanent structures with approved sprinkler systems are limited to the sale and storage of a total of 100 pounds net weight or 400 pounds gross weight of legal fireworks. Buildings and permanent structures without approved automatic sprinkler systems are limited to the sale and storage of a total of 50 pounds net weight or 200 pounds gross weight of legal fireworks. The requirements of Chapter 7 of NFPA 1124 will not apply to CFRS facilities or stores where the total quantity of consumer fireworks on hand does not exceed 125 lb (net) of pyrotechnic composition, or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with NFPA 13, Standards for the installation of sprinkler systems, 250 lb (net) of pyrotechnic composition. Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including the packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.
- (c) At all places where fireworks are stored, sold or displayed, the words "No Smoking" shall be posted in letters at least four inches in height at each entrance or within 10 ft of every aisle directly serving the retail area in a store. Smoking and/or any discharge of any object that could cause a spark or open flame is prohibited within 400 50 feet of any fireworks stock.

- (d) No fireworks shall be stored, kept, sold or discharged within 50 feet of any gasoline pump or gasoline bulk station or any building in which gasoline or volatile liquids are sold in quantities in excess of one gallon, except in stores where cleaners, paints and oils are handled in sealed containers only.
- (e) All fireworks permittees shall keep and maintain upon the premises a minimum of two portable extinguishers a fire extinguisher bearing an Underwriters' Laboratories, Inc., rated capacity of at least five-pound ABC per 500 square feet of space used for fireworks sales or storage with a minimum rating of 2A, at least one of which shall be of the pressurized water type. Temporary consumer fireworks retail stands less than 200 ft² shall be required to have only one portable fire extinguisher.
- (f) A sales clerk who is at least ~~16-18~~ years of age shall be on duty to serve consumers at the time of purchase or delivery. Every sales clerk shall distribute with each sale a one-page information sheet from the city containing firework safety guidelines. It shall be the responsibility and expense of the permittee to obtain a copy of the information sheet from the city and make the appropriate number of copies for distribution. All fireworks sold and shipped to consumers within the city shall be sold and shipped only by an individual, firm, partnership or corporation holding the proper permit.
- (g) ~~Any fireworks devices that are readily accessible to handling by consumers or purchasers in a retail sales location shall have their exposed fuses protected in a manner to protect against accidental ignition of an item by a spark, cigarette ash or other ignition source. If the fuse is a thread-wrapped safety fuse which has been coated with a nonflammable coating, only the outside end of the safety fuse shall be covered. If the fuse is not a safety fuse, the entire fuse shall be covered. All fuses must be covered. A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fireworks are contained. Individual consumer fireworks items displayed for sale in temporary CFRS stands where the interior is not accessible to the public shall not be required to have covered fuses.~~
- (h) Aisles shall have a minimum clear width of 48 inches. The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public. In temporary CFRS stands where the interior is not accessible to the public, the minimum clear width shall be no less than 28 inches.
- (i) To provide for visual access of the retail sales area, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft in height above the floor surface. Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 ft above the floor surface within the CFRS area. Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft. In temporary CFRS stands where the interior is not accessible to the public, the maximum height of sales display shall be limited to 8 ft.

Sec. 20-101. - Exportation from city.

Nothing in this article shall prohibit wholesalers, distributors, importers, specialty retailers, or manufacturers from storing, selling, shipping or otherwise transporting fireworks by the United States Department of Transportation to any person outside the city.

Sec. 20-102. - ~~Display and discharge~~ Use and Possession.

- ~~(a) Nothing in this article shall prohibit the public display of fireworks except that any individual, association, partnership, corporation, or organization shall secure a written permit from the office of the fire chief, and the fireworks shall be purchased from a distributor or display distributor licensed by the state fire marshal and the Bureau of Alcohol, Tobacco and Firearms at the United States Department of the Treasury.~~
- ~~(b) All use, display, or discharge of legal consumer fireworks is strictly prohibited in the area on, below, above, within, or in close proximity to the following:~~
- ~~(1) Recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, rights-of-way, lakes, rivers, waterways and all other property owned or leased by the city, the county, or the state and located in whole or in part within the city limits;~~
 - ~~(2) Private property within the city limits that has conspicuously posted written signs or notices that no fireworks discharge is allowed;~~
 - ~~(3) Within 150-300 feet of any legal consumer fireworks retail sales facility or storage area;~~
 - ~~(4) Within, into or at a motor vehicle or from a motor vehicle;~~
 - ~~(5) At or near any persons or animals;~~
 - ~~(6) Any property, area or structure or material that, by its physical condition or the physical conditions in which it is set, would constitute a fire or personal safety hazard; and~~
 - ~~(7) Upon order of the fire chief marshal if dry conditions exist within the city limits.~~

Sec. 20-103. Fireworks display permit.

- ~~(a) A fireworks display may be conducted only by a fair association, amusement park or other public or private organization and only after a permit for the display has first been secured. The application for the permit shall be submitted to the city clerk at least 15 days in advance of the date of the display. The permit fee shall be set by the city council from time to time.~~
- ~~(b) The application for a fireworks display permit under this section shall contain the following information:~~
- ~~(1) The name of the organization sponsoring the fireworks display, including the name, address and phone number of a contact person representing that organization;~~
 - ~~(2) The name and certification number of the certified operator that will be supervising the display;~~
 - ~~(3) The date, time of day and exact location of the proposed display;~~
 - ~~(4) A diagram of the grounds where the display will be held. The diagram must show the point at which the fireworks are to be discharged; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained;~~
 - ~~(5) The approximate number and types of fireworks to be discharged;~~
 - ~~(6) Proof of a bond or certificate of insurance in the amount of at least \$1,000,000 dollars;~~
- ~~(c) The application shall be promptly forwarded to the planning department and fire marshal for their review.~~
- ~~(d) The permit shall be valid for the duration of the display event only and shall not be transferrable.~~
- ~~(e) All indoor fireworks displays must receive a permit from the Minnesota State Fire Marshal Division.~~

Sec. 20-~~103~~104. - Criminal penalty.

Any individual who or firm, partnership or corporation that violates any section of this article is guilty of a misdemeanor and, upon conviction, shall be punished in accordance with [section 1-15](#).

Sec. 20-~~104~~105. - Civil penalty; additional remedies.

- (a) If an individual, firm, corporation or partnership is found guilty of violating any of the sections of this article, that entity's permit shall be revoked or suspended by the ~~city council~~city clerk.
- (b) No individual, firm, corporation or partnership shall possess any fireworks for sale within the city, other than those authorized in this article. The fire ~~chief~~marshal, law enforcement officer, code enforcement officer, deputies or designees may at reasonable hours enter and inspect the permittee's premises, building or permanent structure to determine compliance with this article. If any retailer has in his possession any fireworks in violation of this article, his permit shall be revoked and all such fireworks seized, and the fireworks in violation of this article shall be kept to be used as evidence. If any person has in his possession any fireworks in violation of this article, a warrant may be issued for the seizure of fireworks, and the fireworks shall be safely kept to be used as evidence. Upon conviction of the offender, the fireworks shall be destroyed, but if the offender is discharged, the ~~legal- consumer~~ fireworks shall be returned to the person in whose possession they were found; provided, however, that nothing in this article applies to the transportation of fireworks by regulated carriers.
- (c) Nothing in this article shall apply to or prohibit any employees of the state department of natural resources or the United States Fish and Wildlife Service from possessing fireworks for control of game birds and animals; to prohibit any law enforcement officer from possessing fireworks in the performance of his duties; or to prohibit any organization from sponsoring and conducting, in connection with any public celebration, an officially supervised and controlled fireworks display.

The Maplewood City Council approved this ordinance on _____.

ATTEST: Karen Haag
City Clerk

MEMORANDUM

TO: Melinda Coleman, City Manager

FROM: Karen Haag, Director of Citizen Services
Ajla Arnold, Citizen Services

DATE: October 7, 2015

SUBJECT: Consider Approval of an Ordinance Amending Chapter 28 - Peddlers, Solicitors and Vendors - Second Reading

Introduction

On September 28, 2015 the City Council held a public hearing to conduct the first reading of the proposed ordinance amendment. The first reading was adopted without any revisions or additions to the proposed language. Procedurally, a second reading is required in order to pass the amendments.

Background and Discussion

As outlined in the report submitted to the Council at the meeting on September 28, 2015, the proposed amendments are required for several reasons: to reflect any changes in State law in our current code and to reflect the current administrative practices that have evolved since the last ordinance amendment in 2001; to allow the city to better navigate the complexities of sometimes overlapping and differing constitutional rights of the constituents involved in the process and to expand on the current procedures regarding the appeal process.

Specifically, the term “vendor” was replaced to coincide with the current verbiage in State law that defines such activity as “transient merchant”. A requirement was added to obtain a transient merchant permit from the County prior to submitting an application for the local permit. An exception has been added in the code regarding no permit requirement for farmers and gardeners who sell products of the farm or garden cultivated and occupied by themselves (§329.14).

State law contains a local authority provision to allow the city to issue peddler permits. However, the city has not been issuing peddler permits since 2001 based on the city attorney opinion attached. The only permit the city has been requiring is for the transient sales activities. All other activities will continue to be regulated for their potential nuisance aspects by requiring adherence to the reasonable restrictions regarding the place, time and manner of conducting activities. The residents themselves will control what type of activity is allowed on their private property by posting appropriate signs.

Lastly, a detailed structure regarding the application approval, denial, permit revocation and right of appeal process has been added to the existing code.

Budget Impact

There is no budget impact associated with this agenda item.

Recommendation

Staff recommends the city council approval of the second reading of the proposed ordinance.

Attachments:

1. Draft Ordinance (2nd Reading)
2. City Attorney Memo, 2002.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 28 – PEDDLERS, SOLICITORS AND VENDORS

BE IT ORDAINED by the Mayor and City Council of the City of Maplewood that Chapter 28, Peddlers, Solicitors and Vendors is hereby amended to read as follows:

Chapter 28 - PEDDLERS, SOLICITORS AND ~~VENDORS~~ TRANSIENT MERCHANTS

ARTICLE I. - IN GENERAL

Sec. 28-1. - Definitions.

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

Peddler means any person with no fixed place of business within the city, who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods carrying or transporting goods, wares or merchandise, or other personal property that the person is carrying or otherwise transporting and offers or exposes such merchandise, exclusive of newspaper delivery persons.

Person means any natural individual, group, organization, corporation, partnership, or similar association.

Regular business day means any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be considered regular business days.

Solicitor means any person who goes from house-to-house, door-to-door, business-to-business, street-to-street, or any other type of place-to-place movement, for the purpose of soliciting or taking or attempting to take orders for the purchase of any goods, wares, products, or merchandise, or other personal property, or service of which he or she may be carrying or transporting samples, or that may have been described in a catalog or by other means, and for which delivery or performance shall occur at a later time including magazines, books, periodicals or personal property of any nature, for delivery in the future.

Transient merchant means any person, individual, co-partnership, limited liability company, and corporation, both as principal and agent, who engage in, do, or transact any temporary and transient business in the city, either in one locality, or in traveling from place to place in the city, selling goods, wares, and merchandise; and who, for the purpose of carrying on such business, hire, lease, occupy, or use a building, structure, vacant lot, parking lot, motor vehicle, trailer, tent, boxcar, or any street, alley or other place within the city for the exhibition and sale of such goods, wares, and merchandise.

Vendor means any person who makes sales of goods, wares or merchandise from a stand or vehicle located upon public property or rights-of-way.

Sec. 28-2. – Exceptions to definitions.

For the purpose of the requirements of this ordinance, the terms peddler, solicitor and transient merchant shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise, or other personal property, to a retailer of the item(s) being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales or estate sales, shall be exempt from the definitions of peddlers, solicitors, and transient merchants, as shall be anyone conducting an auction as a properly licensed auctioneer, newspaper delivery or any officer of the court conducting a court ordered sale. Exemption from the definitions for the scope of this ordinance shall not excuse any person from complying with any other applicable statutory provision or local ordinance.

Sec. 28-23. - Hours.

No peddler, solicitor or ~~vendor~~ transient merchant shall engage in any ~~peddling, soliciting or vending~~ related activities within the city between the hours of 9:00 p.m. and 8:00 a.m.

Sec. 28-34. ~~---~~ Noise Prohibited activities.

~~No peddler, vendor or solicitor shall call attention to his business or to his merchandise by crying out, by blowing a horn, by ringing a bell or by any loud or unusual noise. No peddler, solicitor, transient merchant or other person engaged in other similar activities shall conduct business in any of the following manner:~~

- (a) Calling attention to his or her business or the items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- (b) Obstructing the free flow of traffic, either vehicular or pedestrian, on any street, sidewalk, alleyway, or other public right-of-way.
- (c) Conducting business in a way as to create a threat to the health, safety, and welfare of any specific individual or the general public.

Sec. 28-4. – Insurance required for vending from motor vehicle.

~~Every applicant who intends to vend products from a motor vehicle shall maintain liability insurance in the amount of at least \$100,000.00 for single injuries and \$300,000.00 for each accident, as well as at least \$10,000.00 for property damage insurance.~~

Sec. 28-5. - Placard or sign prohibiting ~~peddling peddlers, or soliciting solicitors and transient merchants.~~

- (a) Any resident of the city who wishes to exclude peddlers, ~~or solicitors~~ and transient merchants from premises occupied by him may place upon or near the usual entrance to such premises a printed placard or sign bearing the following notice: "Peddlers, ~~and Solicitors~~ and Transient Merchants Prohibited."
- (b) Such placard shall be at least 3³/₄ inches long and 3³/₄ inches wide, and the printing thereon shall not be smaller than 48-point type.

- (c) No peddler, solicitor or ~~vendor-transient merchant~~ shall enter in or upon any premises or attempt to enter in or upon any premises where such placard or sign is displayed.
- (d) No person, other than the person occupying such premises, shall remove, injure or deface such placard or sign.

~~Sec. 28-6. - Exceptions.~~

~~This chapter shall not apply to any sale under court order, nor shall a license or permit for newspaper distribution be required.~~

Secs. 28-~~76~~—28-35. - Reserved.

ARTICLE II. - PERMITS

Sec. 28-36. - Required; exception.

(a) No person shall conduct business as a transient merchant within the city limits without first having obtained the appropriate license from the county as may be required by Minnesota Statutes Chapter 329 as it may be amended from time to time, if the county issued a license for the activity.

~~(ab) It shall be unlawful for any peddler, solicitor or vendor-transient merchant to sell or attempt to sell any product upon any public property or right-of-way in any area within the city or to engage in door-to-door solicitation or sales within such areas transact any transient business in the city without first having obtained a permit for this purpose from the city clerk.~~

~~(b) Any peddler, solicitor or vendor who is subject to regulation or licensing by agencies of the state or federal government, and such regulation or licensing preempts local regulations, shall be exempt from conflicting sections of this article.~~

~~(c) Peddlers and solicitors shall be exempt from the permit requirement.~~

(d) No permit shall be required for any person to sell or attempt to sell, or to take or attempt to take orders for any product grown, produced, cultivated, or raised on a farm or garden occupied, rented, or used and cultivated by themselves.

Sec. 28-37. - Contents of application.

~~(a) Under this article, a permit shall be obtained by each company and vendor, solicitor or peddler. The application shall indicate both the name and address of the individual vendor or solicitor and the firm or corporation which he represents, if any. An application for a permit to conduct business as a transient merchant shall be made at least seven (7) regular business days before the applicant desires to begin conducting a business operation within the city. Application for a permit shall be made on a form approved by and available from the office of the city clerk. All applications shall be submitted to the city clerk and shall include the following information:~~

(a) The applicant's full legal name.

(b) Any and all other names under which the applicant has or does conduct business, or to which the applicant will officially answer to.

(c) Full address of applicant's permanent residence.

(d) Telephone number of applicant's permanent residence.

(e) Full legal name of any and all business operations owned, managed, or operated by applicant, or for which the applicant is an employee or an agent.

(f) Full address of applicant's regular place of business, if any exists.

- (g) Any and all business-related telephone numbers of the applicant, including cellular phones and facsimile (fax) machines.
- (h) The type of business for which the applicant is applying for a permit.
- (i) The dates during which the applicant intends to conduct business. If the applicant is applying for a daily permit, the number of days he or she will be conducting business within the city.
- (j) Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where the vendor intends to set up his or her business.
- (k) A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor or misdemeanor for violating any state or federal statute or any local ordinance, other than minor traffic offenses.
- (l) A statement as to whether or not the applicant has had a license or permit to conduct business as a transient merchant revoked or denied within the past five (5) years.
- (m) Proof of any required county license.
- (n) Written permission of the property owner or the property owner's agent for any location to be used.
- (o) A general description of the items to be sold.
- (p) Any and all additional information as may be deemed necessary by the city council.
- (q) The applicant's driver's license number or other acceptable form of identification.
- (r) The license plate number, registration information, vehicle identification number, the name of the insurer providing liability coverage on the vehicle, and physical description of any vehicle to be used in conjunction with the licensed business operation.
- ~~(b) If products are to be sold from a motor vehicle, the application shall contain a description of the vehicle, including serial number, license number, make and model, and shall also contain the name of the insurer providing liability coverage on the vehicle.~~

~~Sec. 28-38. – Submission of application and revisions.~~

- ~~(a) The application for a permit required by this article shall be made to the city clerk on forms supplied by the city.~~
- ~~(b) Every permit holder shall promptly submit to the city any information that would affect his permits.~~

~~Sec. 28-3938. - Issuance; fee; fee exemptions.~~

- ~~(a) Upon proper application and the payment of a fee as set by resolution, the city, within ten days of application therefor, may issue permits to vend products upon the public right of way in the areas designated in section 28-37 or to engage in door-to-door solicitation of sales within such areas as are deemed to be in the best interest of the inhabitants. Upon receipt of the application and payment of the permit fee, the city clerk will, within seven (7) regular business days issue the permit unless grounds exist for denying the permit application under Sec. 28-39, in which case the clerk must deny the request for a transient merchant permit. If the city clerk denies the permit application, the applicant must be notified in writing of the decision, the reason for denial and the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the city council. The city council shall hear the appeal within twenty (20) days of the date of the request for a hearing.~~

(b) All applications for a permit under this division shall be accompanied by the fee established by the city council as it may be amended from time to time.

(bc) Religious, charitable, patriotic or philanthropic organizations shall be exempt from the payment of the fee, provided that the organizations shall provide a copy of current tax-exempt status for the applying organization, and that shall be evidence of the exemption from the payment of such fee.

Sec. 28-4039. - Term; permit ineligibility; revocation.

(a) No permit shall be issued pursuant to this article for any period of time in excess of one year. An annual permit shall be valid for one calendar year from the date of issuance. All other permits granted to transient merchants under this division shall be valid only during the time period indicated on the permit.

(b) The following shall be grounds for denying a transient merchant permit:

(1) The failure of an applicant to obtain and demonstrate proof of having obtained any required county license.

(2) The failure of an applicant to truthfully provide any information requested by the city as part of the application process.

(3) A conviction within the past five (5) years of the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects upon the person's ability to conduct the business for which the permit is being sought in a professional, honest and legal manner. Such violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

(4) The revocation within the past five (5) years of any license or permit issued to an applicant for the purpose of conducting business as a transient merchant.

(bc) Any permit may be revoked by the city manager when it shall appear that the permittee has violated any of the sections of this chapter or has engaged in activities contradictory to the best interest of the ~~citizens~~ residents of the city.

(1) **Notice.** Prior to revoking or suspending any permit issued under this chapter, the city shall provide a permit holder with written notice of the alleged violations and inform the permittee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the permit application, or if no residential address is listed, to the business address provided on the permit application.

(2) **Administrative hearing.** Upon receiving the notice provided in part (1) of this section, the permittee shall have the right to request an administrative hearing. If no request for a hearing is received by the city clerk within ten (10) days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of a mailed notice, service shall be considered complete as of the date the notice is placed in the mail. If a hearing is requested within the stated timeframe, a hearing shall be scheduled within twenty (20) days from the date of the request for the administrative hearing. Within three (3) regular business days of the hearing, the city shall notify the permittee of its decision.

(3) **Emergency.** If, in the discretion of the city manager, imminent harm to the health or safety of the public may occur because of the actions of a transient merchant licensed under this ordinance, the city manager may immediately suspend the person's permit and provide notice of the right to hold a subsequent hearing as prescribed in part (2) of this section.

(4) **Appeal.** Any person whose permit is suspended or revoked under this section shall have the right to appeal that decision to city council.

Sec. 28-4140. - Transferability.

All permits issued under this article shall be nontransferable. ~~No refund shall be made on unused portions of the permit except by resolution of the council.~~ Each ~~peddler, solicitor or vendor~~ transient merchant shall secure a separate permit.

Sec. 28-4241. - Possession, display.

All permits issued under this article shall be carried by the permittee or conspicuously posted in his place of business, and the permit shall be exhibited to any officer or citizen upon request.

~~Sec. 28-43. -- Stationary sales locations.~~

- ~~(a) No sales of goods, wares or merchandise may be made from a stationary location, stand or vehicle on public rights-of-way without first obtaining a permit therefor.~~
- ~~(b) When an applicant intends to make a sale from a stationary location within the city, the permit application shall contain a specific description of the proposed sales location. No more than one permit shall be issued for a single stationary sales location.~~

Secs. 28-4442—28-70. - Reserved.

ARTICLE III. - SOLICITATIONS

~~Sec. 28-71. -- Solicitation of funds.~~

~~It shall be unlawful for any person, except an organization organized for civic, patriotic, charitable or religious purposes, to solicit funds in any manner on the streets of the city.~~

~~Sec. 28-72. -- Permit required.~~

~~Any civic, patriotic, charitable or religious organization may conduct a solicitation upon the streets of the city only after having made application to do so to the city clerk. Solicitation permits shall be granted by the city clerk only to civic, patriotic, charitable or religious organizations located in the city or to a recognized fund committee composed of the city citizens representing an organization of such type.~~

~~Sec. 28-73. -- Permit application.~~

~~The applicant for a permit required under this article shall file with the city clerk a sworn statement, on a form to be furnished by the city clerk, at least 30 days in advance of the requested date for the solicitation. Such application shall be executed by at least two duly appointed officers of the organization or the local fund committee conducting the campaign.~~

~~Sec. 28-74. -- Permit term; limits on issuance; hours.~~

~~Permits issued for solicitations pursuant to this article shall not be given for longer periods than 30 consecutive days in any year. Only one permit shall be issued to any one~~

~~organization at any time and shall be only for one period of solicitation. Permits granted shall designate the hours within which street solicitation may be conducted.~~

~~Sec. 28-75. -- Volunteer credentials required, display.~~

~~All solicitations made under this article shall be conducted only by volunteer workers. Workers shall carry proper credentials prominently displayed on a container for the depositing of donations, which shall prominently display the name of the organization conducting the solicitation and the purpose for which it is being conducted.~~

Kelly & Fawcett, P.A.
ATTORNEYS AT LAW

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PATRICK J. KELLY
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Of Counsel:
GALLAGHER LAW FIRM

(651) 224-3781
Facsimile (651) 223-8019

E-Mail: admin@kellyandfawcett.com

July 25, 2002

Ms. Karen Guilfoile, City Clerk
City of Maplewood
1830 East County Road B
Maplewood, Minnesota 55109

VIA FACSIMILE & U.S. MAIL

RE: Canvassing & Solicitation - Freedom Place

Dear Ms. Guilfoile:

Pursuant to your request, we have researched the issue of whether the City's Ordinance requiring Freedom Place, or any other individual or organization that participates in door-to-door canvassing and/or solicitation, to first obtain a permit from the City Clerk is constitutionally valid, based upon the recent decision of the United States Supreme Court.

On June 17, 2002, the U.S. Supreme Court in Watchtower Bible & Tract Society held that a municipality's registration and permit requirement ordinance violated the First Amendment. Watchtower Bible & Tract Soc'y v. Village of Stratton, 122 S.Ct. 2080 (2002). Through its ordinance, the Village required that "canvassers, solicitors, peddlers, hawkers, merchants and vendors" first register for a permit before going on to private property in the Village. There was no fee charged for this permit, but a significant amount of information was required in the permit application (i.e. name and address of registrant, description of solicitation and/or cause, etc.). The Village ordinance also required that permit holders display the permit upon demand of any resident or police officer. A society and congregation of Jehovah's Witnesses challenged this ordinance based on violations of its First Amendment rights of free exercise of religion, free speech and freedom of the press.

Despite the Village's interests in protecting the privacy rights of its citizens and protecting them from criminals and fraudulent solicitation, the Court held that the ordinance violated the First Amendment. In its opinion, the Court stated that it was unlikely that the absence of permit would stop criminals from knocking on doors or registering under a false name. Also, the Court stated that the privacy of the Village citizens was protected with a provision that allowed property owners to post "no solicitation" signs and that the annoyance caused by an uninvited knock at the front door is the same whether or not the visitor is armed with a permit. The Village's ordinance, held the Court, in effect, banned spontaneous speech because individuals who made a decision on a weekend

Ms. Karen Guilfoile, City Clerk

July 25, 2002

Page 2 of 3

or a holiday to engage in canvassing would not be able to begin until first obtaining a permit from the Village during the week. Secondly, the Court stated that the permit requirement imposed a burden on individuals holding religious or patriotic views because their beliefs may prevent them from applying for a permit. Finally, the ordinance's requirement of identification of a permit applicant was struck down by the Court because it results in a surrender of anonymity which may preclude individuals from canvassing for unpopular causes.

The Court's decision was silent as to commercial activities. We reviewed the relevant City of Maplewood Ordinances. Based on the Court's decision, Ordinance Section 23-16 is still permissible because it only requires permits for *commercial* activities as described in the ordinance as "peddlers, solicitors or vendors" (for example, door-to door sale of vacuum cleaners). However, the City must strictly construe this permit requirement to only commercial activities. Section 23-19 of the Ordinances which address the permit fee, refers to "religious, charitable, patriotic and philanthropic organizations" as being exempt from the fee. The City must make certain that not only should these organizations and *any other organizations that are not commercial*, be exempt from the *permit fee*, but also from the *permit itself*, based upon the above decision.

Despite the City's apparent ability to require permits and fees for commercial activities, the safest legal route is to not do it because of the ambiguity of the Court's decision. There will most likely be a challenge to the commercial activities because the Court left this issue open. In addition, the risk of mistakes in strict application and interpretation of the Ordinance is a concern. The ultimate decision on this issue is up to the City.

As for the permit application, which is addressed in Sections 23-17 and 23-18, the City can still require the individual to fill out an application, but only as it relates to *commercial* activities. We recommend that the City should not require any other activity to fill out a permit application to avoid potential legal challenges. Finally, based on the above decision, that Sections 23-32, 23-33, 23-34 of the City's Ordinances should be repealed because they require all organizations to obtain a permit before conducting solicitations.

As for the City's interests in protecting its citizens' privacy, the Supreme Court stated in its opinion that the "no solicitation" signs section of the Village's ordinance provided the protection needed for citizens. Therefore, the City of Maplewood's Ordinance Section 23-6 which addresses these signs remains permissible and the City can allow its citizens to post these notices on their property. If the City would like to take this protection further, it could provide these signs to its citizens for posting.

Please contact us if you have any questions or are in need of additional information.

Ms. Karen Guilfoile, City Clerk
July 25, 2002
Page 3 of 3

Respectfully yours,

KELLY & FAWCETT, P.A.



Song Lo Fawcett
Sarah J. Sonsalla

cc: Mr. Richard Fursman, City Manager
Ms. Melinda Coleman, Assistant City Manager

MEMORANDUM

TO: Melinda Coleman, City Manager
FROM: Karen Haag, Citizen Services Director
DATE: October 6, 2015
SUBJECT: Consider Approval of an Off-Sale Intoxicating Liquor License for HM Liquor LLC— Maddie's Liquor, 1690 McKnight Rd N

Introduction

Anwar Bhimani has submitted an application for an off-sale intoxicating liquor license for HM Liquor LLC— Maddie's Liquor, located at 1690 McKnight Rd N.

Background

A background investigation has been conducted on Mr. Bhimani and Peggy Bhimani, as the new owners of Maddie's Liquor, in addition to Roger Samarani, who is the establishment's manager. Nothing has been indentified that would prohibit these individuals from obtaining the license.

City staff will be making periodic onsite visits to ensure compliance to eliminate the sale of alcoholic beverages to underage persons, and compliance with the City's code of ordinances. In addition, the applicants have received a copy of the City Code and have familiarized themselves with the provisions contained within it.

Budget Impact

None

Recommendation

It is recommended that the City Council approve an off-sale intoxicating liquor license for HM Liquor LLC— Maddie's Liquor, 1690 McKnight Rd N

MEMORANDUM

TO: City Council

FROM: H. Alan Kantrud, General Counsel

DATE: October 5, 2015

SUBJECT: Consider Approval of Resolution Authorizing City Staff to Negotiate Cable Franchise Agreement with CenturyLink and Schedule Public Hearing

Introduction

Council authorized Staff to advertise and publish its intent to franchise for cable services in August 2015. A Notice of Intent to Franchise was published in the Lillie News for two weeks. The City received an application and application fee from CenturyLink on, or before, September 25, 2015 (the deadline for application). That was the only application received by the City.

Background

The City became aware some time ago that CenturyLink intended to, and was entering into, the cable-programming and entertainment marketplace. To that end, the company has developed a product they call "Prism." In order to offer this product to consumers in Maplewood, CenturyLink is required to have a "franchise" granted to it in order to utilize the City's ROW to gain access to the customers' homes. The City has followed State Law in its Intent to Franchise process and would like to continue with the process.

In advertising that the City would entertain applications to franchise, the City has announced that it would be receptive to granting a cable franchise to whomsoever applied. In this case CenturyLink has applied for a franchise, included as Attachment 2.

Staff has reviewed the application and attendant submittals and finds them to be complete.

Discussion

As the agenda implies, the Council is being asked to approve the process of negotiating a Cable Franchising Agreement between the City of Maplewood and CenturyLink. Staff would then bring that Agreement before Council for a public hearing on its merits.

This Agreement would only be binding on CenturyLink but is anticipated to largely-mirror that which the City has already granted to Comcast pursuant to their franchise with the City through the Cable Commission. Nothing in that Agreement will be altered for the remainder of the franchise term due to the issuance of another franchise to CenturyLink. It is important to view this franchise as merely authorizing CenturyLink to do business in the City and does not grant any other rights to the Company. It will be up to CenturyLink to market its products, attract customers and ultimately negotiate cable-contracts with them directly.

Recommendation

It is recommended that the City Council pass the attached Resolution Authorizing Staff to negotiate a Cable Franchise Agreement with CenturyLink and calling for a Public Hearing to discuss its terms. The expectation of staff is that the matter will be back before Council on the 9th of November for a Public Hearing on the Agreement and again on November 23rd for full-consideration of the final agreement.

Attachments

1. Resolution
2. CenturyLink Memo and Franchise Application

RESOLUTION APPROVING AND AUTHORIZING THE NEGOTIATION OF A
CABLE FRANCHISE AGREEMENT BETWEEN THE CITY OF MAPLEWOOD AND
CENTURYLINK

WHEREAS, the City published a Notice of Intent to Franchise and opened an Application Period for prospective Franchisees on September 3, 2015 and,

WHEREAS, the City received an Application for Franchise from CenturyLink on or about September 18, 2015 and,

WHEREAS, the City desires to negotiate and develop a mutually beneficial Franchise Agreement with the Applicant (CenturyLink) and,

WHEREAS, the City wishes to have a draft Agreement before it prior to consideration of the grant of a franchise to Applicant and public hearing so now,

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, that the City Council hereby approves and authorizes the negotiation of a Franchise Agreement between the City and CenturyLink, and directs Staff to bring that draft Agreement before the Council as soon as practicable for review and Public Hearing on the proposed-granting of a Franchise to the Applicant.

The motion for the adoption of the foregoing resolution was duly seconded by member _____, and after full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Mayor

Attest:

City Clerk



Patrick Haggerty
Director of State Regulatory
and Legislative Affairs
Phone 651-312-5630

DELIVERED VIA COURIER AND E-MAIL

September 18, 2015

Melinda Coleman
City Manager
City of Maplewood
1830 County Road B East
Maplewood, MN 55109

Re: Application of Qwest Broadband Services, Inc. d/b/a CenturyLink for Cable Communications Services Franchise in Maplewood, Minnesota

Dear Ms. Coleman:

In response to the City of Maplewood's published notice of Intent to Franchise and Request for Proposal, enclosed please find one original and two copies of Qwest Broadband Services, Inc., d/b/a CenturyLink's notarized application for a cable communications franchise in the City of Maplewood, Minnesota. An electronic copy will be sent via email. Trade Secret information has been redacted from these copies. Your counsel, Robert J.V. Vose, has been served with one copy that contains Trade Secret information as well as a Public version. Also enclosed is a check in the amount of \$20,000 for the application fee.

Please do not hesitate to contact me or any other designated representative of the Company if you have any questions. CenturyLink looks forward to working with and bringing facilities based video competition to the City of Maplewood.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patrick Haggerty", written over a horizontal line.

Patrick Haggerty

Cc: Robert J.V. Vose, Esq.

200 South 5th Street, Room 2200
Minneapolis, MN 55402
www.centurylink.com

CITY OF MAPLEWOOD

APPLICATION OF QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK

FOR A COMPETITIVE CABLE FRANCHISE

Qwest Broadband Services, Inc., d/b/a CenturyLink (“CenturyLink”) respectfully files this application for a competitive cable communications franchise with the City of Maplewood pursuant to the City of Maplewood Notice and Request for Proposals dated September 2, 2015.

Background:

Overview of CenturyLink

CenturyLink Improves Lives

At CenturyLink, our vision is to improve the lives of our customers. Through our products and services, we help strengthen businesses and connect communities to each other and the world.

CenturyLink’s Unifying Principles

We have established certain fundamental values that are the foundation for how we interact with our partners, our customers and with one another. We call these values our Unifying Principles, and they bring together our beliefs into a cohesive philosophy that guides our actions in all matters, including our greater social responsibility in the communities where we live and work. The Unifying Principles are Fairness, Honesty and Integrity, Commitment to Excellence, Positive Attitude, Respect, Faith and Perseverance.

CenturyLink in Minnesota

CenturyLink in Minnesota employs approximately 3,000 people with the majority of those jobs located in the Twin Cities metropolitan area. More than half of CenturyLink employees in the Twin Cities are represented by the Communications Workers of America Union. This includes approximately 500 network technicians, 200 of whom are being cross-trained to support Prism. Success in the market will trigger hiring more skilled technicians in the future to support Prism. CenturyLink also employs approximately 100 network engineers in the Twin Cities who work in partnership with the network operations team to plan, build and deploy service. CenturyLink’s network operations team supports the new headend facility, located in Golden Valley.

Employees in the Twin Cities also include business sales, marketing, regulatory affairs, public policy, customer service and administrative support. Employees are located across the Twin Cities in central office neighborhood locations and at three main corporate campus locations:

- CenturyLink, 200 S. 5th Street, downtown Minneapolis
- CenturyLink, 2800 Wayzata Blvd, Bryn Mawr, Minneapolis
- CenturyLink, 70 W. 4th Street, downtown St. Paul

Many CenturyLink employees have worked with the company for decades experiencing early innovations as a telephone company and the current day transformation into a technologically-sophisticated service provider to local communities and Minnesota's largest companies.

With a statewide payroll that exceeds \$195 million each year, CenturyLink is a proud contributor to jobs and the economy in the state.

CenturyLink in the Community, Sustainability and Commitment to Diversity

CenturyLink is committed to strengthening and improving the communities it serves, not only through jobs, products and services, but also through philanthropic support of local community agencies, events and initiatives. We focus our philanthropic and volunteer efforts on K-12 education and programs that support youth; technology-focused initiatives; and locally-driven efforts that strengthen communities and make them better places to live.

Through our involvement in efforts ranging from environmental stewardship to community investment, we further our commitment to improve lives by being a good citizen and neighbor in the communities where we work and live.

- Since 2007, the CenturyLink Clark M. Williams Foundation (previously Qwest Foundation) has awarded \$800,000 to innovative Minnesota teachers working to improve STEM learning and access to technology in schools statewide. The Minnesota Business Partnership assists CenturyLink by administering the program. Together, we are helping to build awareness around STEM education and preparing Minnesota's future workforce for STEM careers.

- CenturyLink awards scholarships in partnership with local organizations to advance the opportunities of their stakeholders. Scholarships recipient organizations include:
 - CenturyLink STEM scholarship via Minnesota High Tech association.
 - Pacer Center Excite Technology Camp for Girls scholarship.
 - Minneapolis Urban League general education scholarships.
 - University of St. Thomas, ThreeSixty program scholarship.
- CenturyLink helps provide a state-of-the-art fan experience at Target Field as the Official Communications Provider for the Minnesota Twins and Target Field. CenturyLink's sponsorship also includes working with the Twins and the Metro Area Library Association to support the summer reading program.
- Through our Matching Time Grant program, Minnesota employees volunteering time to a non-profit agency can earn a CenturyLink Foundation grant for that organization.
- Our employees can further their community support through our annual CenturyLink All Employee Volunteer Day, Employee Giving Campaign supporting the Greater Twin Cities United Way and our Annual Food Drive supporting Second Harvest Heartland.
- We are committed to environmental sustainability through programs that include waste recycling, green information technology, and procurement policies and practices.
- CenturyLink provides incentives for employees in certain communities to make use of public transit or green commuter programs.
- Our Ethics and Compliance Program provides employees with guidance in making ethical business decisions and provides mechanisms for employees to report concerns.
- We have a Supplier Code of Conduct that establishes expectations for our contractors and vendors regarding ethical business practices.
- CenturyLink's Privacy Policy protects our customers' information and keeps our customers informed about the information we collect and the choices they have regarding that information.
- Diversity is celebrated and promoted through our Employee Resource Groups, recruiting, global supply chain and community outreach.

CenturyLink Lifeline & Internet Basics

CenturyLink participates in Lifeline, which provides certain discounts to qualified subscribers on monthly service. The program is designed to help low income households with needed phone services. Lifeline is available to qualifying customers in every U.S. state. Qualifications vary by state.

Residents of American Indian and Alaskan Native tribal lands may qualify for up to an additional \$25 of enhanced Lifeline support monthly. They may also qualify for the Link-Up program, which helps consumers pay the initial installation costs of getting telephone service. Link-Up provides a credit of up to \$100 of the initial installation charges for tribal customers.

CenturyLink supports the Federal Communications Commission's goal of bringing high-speed Internet to economically-disadvantaged households. We work with nonprofit partners throughout our state to engage communities in the CenturyLink Internet Basics program which provides qualifying low-income Minnesotans service at a reduced rate. CenturyLink has conducted training programs and awareness building around Internet Basics through the Minneapolis Urban League. We have created partnerships with the Minneapolis Public Schools and PC's for People to distribute hundreds of computers to low-income families and provide information to families on the opportunities offered through CenturyLink Internet Basics.

CenturyLink, the applicant, is a Delaware corporation, in good standing and authorized to do business in the State of Minnesota.

The following responds directly to the requested information set forth in the Request for Proposals:

A. Plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately.

Applicant's underlying switched digital IP based technology allows for an almost unlimited channel capacity. Please see "Exhibit A – Minneapolis channel lineup and programming packages" Should this lineup change prior to service introduction in Maplewood, CenturyLink will provide the City with a copy of the channel lineup prior to launching service. It should be noted that currently CenturyLink offers more channels in HD than any other MVPD nationally. It also provides a robust library of Video on Demand content.

B. A statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission.

Franchisee will make all appropriate filings and preparations prior to the turn up of its video service including (1) filing a community registration with the FCC via FCC Form 322; (2) providing notice to local broadcasters and requesting either must-carry or retransmission consent election. In the Twin Cities area, Applicant has negotiated retransmission agreements with the following stations: KARE, KMSP, KSTC, KSTP, WCCO, WFTC, and WUCW.

The following stations will be carried via a must carry election by the station: KPXM and KTCA. And (3) registration of any antennas required to provide service.

In its existing markets, Franchisee complies with many additional federal requirements in providing its Prism™ service, including all of the FCC requirements applicable to multichannel video programming distributors (such as equal employment opportunity and set-top box requirements), the FCC requirements applicable to EAS participants that are wireline video service providers, other FCC requirements applicable to provision of Prism™ (such as receive-only earth station license requirements and annual regulatory fees for IPTV providers), and the Copyright Office requirements for cable systems filing semi-annual copyright statements of accounts and paying statutory license fees. Franchisee does not file an FCC Form 327 relating to CARS microwave facilities because Franchisee does not use such facilities in connection with the provision of Prism™. Similarly, Franchisee does not file FCC Form 320 and FCC Form 321 as they relate to the use of aeronautical frequencies that are not applicable to the IPTV technology.

C. A description of the proposed system design and planned operation, including at least the following items:

Description of the Technology and Infrastructure:

CenturyLink will deploy its cable communications service, Prism™, over facilities owned by an affiliated company, Qwest Corporation, d/b/a CenturyLink (QC). Prism is a switched digital service and is Ethernet based (it is not a QAM based, broadcast service). The fact that the service is switched digital and Ethernet based enables CenturyLink to offer unique features and functions, e.g., warp channel change, not generally available over more traditional cable systems, as more fully detailed below.

Currently, two network architectural designs are used to deliver Prism™ to subscribers: fiber to the node (FTTN) and fiber to the premises (FTTP), but the quality of the cable communications service is of the same high, technical quality regardless of the underlying network architecture. For FTTN, CenturyLink deploys fiber from a serving central office to a remote terminal in a neighborhood. The remote terminal houses the electronics (currently VDSL2) and such electronics create a broadband stream to individual addresses of up to 40Mbps (80Mbps if using pair bonding) over a copper subloop. For FTTP, there is fiber connectivity from the serving central office to a distinct address/location via an optical loop terminal (OLT) and this fiber connection will support broadband speeds of up to One Gbps. A set-top box is required for each television in a home to receive

Prism™. CenturyLink recently introduced a wireless set top box which enables the end user to move Prism™ to any location such as the patio or garage.

QC is the traditional telecommunications provider in the City of Maplewood. It has and will continue to pull all necessary permits and comply with all local rules, codes and ordinances associated with access to and presence in the public rights of way.

Please see Exhibit B (TRADE SECRET).

1. The general area for location of antenna and headend, if known;

CenturyLink has two "super head ends", one located in Columbia, Missouri and one in Littleton, Colorado and each super head end has a satellite "farm" used to download national content. These two super head ends provide redundancy, i.e., should an emergency interrupt service at one super head end, and then the other head end will be used to provide the national content. The national content is encoded and then deployed over diverse 10 Gig fiber circuits to the local head where the local content, including public, educational and government access channels, is inserted for ultimate delivery to end users. The City of Maplewood will be served out of the super head end is in Columbia, Missouri and the local head end will be located in Golden Valley, Minnesota. CenturyLink will pick up the local broadcast signals via fiber circuits and will also capture those signals by antennae located at the local head end as a back-up, precautionary measure.

2. The schedule for activating cable and two-way capacity;

While an exact launch date has yet to be determined, we are working diligently to complete all necessary work and required testing and operational readiness reviews to offer service to customers upon successful execution of a Franchise Agreement. Applicant will meet with City and appropriate member jurisdictions to share the actual launch date when it becomes finalized.

3. The type of automated services to be provided;

As noted above, we have attached a sample channel line up from another market. This illustrates the vast selection of content available to subscribers. Because our system is IP based, we offer unique applications available via the television set such as access to Picasa. In addition, search and streaming services are available which enable viewers to search for the cheapest gasoline within a specified area or to stream selected stock

market quotes. We also have an ever increasing video on demand library. Prism™ is a state of the art offering and its features and functions also include, but are not limited to: (1) whole home DVR; (2) warp speed channel change; (3) find-it fast navigation, (4) multi-view (4 shows on one screen); (5) personal media sharing; (6) interactive news and information dashboard; (7) Prism™ on the Go (select content available over mobile devices such as smart phones and tablets); and (8) advanced parental controls. By going to the following URL, you can "experience" the features and functions of Prism™ through a short demonstration: <http://www.centurylink.com/prismtv/ffindex.html>.

4. The number of channels and services to be made available for access cable broadcasting; and

Applicant will carry the same number of PEG stations as the incumbent. Further, Applicant is willing to carry any of the PEG stations in High Definition ("HD") format if the entity originating the signal provides that signal to Applicant in HD. Applicant will down convert the HD signals to standard definition ("SD") for those customers who may not subscribe to an HD package.

5. A schedule of charges for facilities and staff assistance for access cable broadcasting;

Franchisee will make all franchised cities' access channels available to its subscribers. For purposes of acquiring the signal, Franchisee will pick up the particular City's Access Channel signals at the point(s) of origination via a fiber facility and transport such content back to the local VSO for insertion in the channel lineup. At the point(s) of origination, Franchisee will need rack space and power for its equipment to receive the signal(s) handed off by the City to Franchisee. Franchisee will pay for all facilities and equipment located on its side of the demarcation point where the City will hand off its content to Franchisee and as is industry practice, the City will be responsible for all equipment on its side of the demarcation point.

One of the features available on Prism™ is "multi-view" -- we create a single channel/landing page for a category of shows, e.g., news, and make all the news channels available using picture in a picture technology. The end user can then click on the channel he or she wants to watch or watch four simultaneously. You can see a quick demonstration of this feature by clicking on the following URL: <http://www.centurylink.com/prismtv/#prism-tv-virtual-test-drive.html>.

We will use this same technology to create a "multi-view" (also referred to as "mosaic") for the member Cities' Access Channels. In other words, we will

work with the member cities to assign a channel placement/number for the Access Channel mosaic so that all of the franchised member cities' Access Channels will be available on the "landing page" and an end user merely needs to click on the specific channel/picture in a picture to be seamlessly taken to the selected Access Channel in full screen view. Because each of the Access Channels has its own dedicated channel assignment, the channels are offered in the same video and audio quality as all other channels and can be recorded if so desired by an end user. Further, access to the member cities' Access Channels will not be limited to residents of a particular City. Rather, Prism™ subscribers throughout the area will have access to the various member cities' Access Channels and City residents will have access to other Cities' or Cable Commissions' Access Channels. This opens a vast array of viewing options for citizens.

Franchisee is willing to make all the franchised member cities' access channels available in high definition if the City hands them to Franchisee in that format. If so, Franchisee will down convert all such HD Access Channels to SD so they can be viewed by any end user not capable of receiving HD signals. As this relates to the multi-view screen for the Access Channels, Applicant's middleware will automatically know if a subscriber needs to see the channel in SD or HD and will automatically route the end user to the channel with the proper format.

With respect to video on demand, Franchisee will offer the cities a specified amount of space on its VOD servers, as will be specified in the franchise. This will enable viewers to go into the VOD library and to view, on an on-demand basis, any Access Channel content that the City has handed to Franchisee for storage on its VOD servers. Such VOD content hand off has a common industry standard which will be shared with the City when the terms of the franchise are negotiated and finalized.

D. Terms and conditions under which particular service is to be provided to governmental and educational entities.

Applicant will provide at no charge expanded basic service to all government buildings, schools, and public libraries located within its service footprint so long as those locations are capable of receiving service from Applicant and no other cable provider is providing service at such locations.

E. A schedule of proposed rates in relation to the services to be provided and a proposed policy regarding unusual or difficult connection of services.

Final rates have yet to be determined, please see “Exhibit C– sample Prism™ rates” which are offered here for illustrative purposes. CenturyLink will provide Prism service to all qualified households within seven days. CenturyLink does not have "non-standard" installation, i.e., the provision of service at an additional construction cost to the subscriber. Qualification for Prism™ service is purely a technical issue — it is not possible to pay an additional amount to qualify for the service.

F. A time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served.

Applicant is still finalizing its initial footprint for the deployment of cable services within the City of Maplewood service area. Applicant’s planned deployment is highly confidential. Pursuant to an executed franchise agreement(s), Applicant will meet regularly with the City to discuss where service is available and any plans for additional deployment. Applicant is the second entrant into the wireline video market in the City of Maplewood. As a second entrant, investment in and expansion of Applicant’s Cable System should be driven by market success, and not a contractual requirement for ubiquitous coverage.

The following sets forth some critical background with respect to deployment of both telecommunications and cable infrastructure. Initially, local telephone companies were granted monopolies over local exchange service in exchange for taking on a provider of last resort obligation– a duty to provide service – to customers in its service territory. Similarly, with respect to video services, the City of Maplewood has given the incumbent video provider (and its predecessors) a monopoly over facilities based video. In exchange for making the capital investment to deploy facilities, the incumbent cable company got 100 percent of the customers who wanted cable television.

Subsequently, with respect to telephone services, the federal and local governments effectively eliminated the local telephone monopolies and fostered robust competition. It should be noted that in doing so, the telecom second entrant had absolutely no obligation to build any facilities or to serve any particular location(s) at all. As the FCC noted, imposing build-out requirements on new entrants in the telecommunications industry would constitute a barrier to entry (13 FCC Rcd 3460, 1997). Cable companies were free to enter the telecom market on terms that made business and economic sense to them. This very environment was the catalyst for robust

wireless and wireline competition and the proliferation of higher broadband speeds.

Congress became concerned about the lack of competition in the video world and in 1992 amended federal law to prohibit a local franchising authority from “unreasonably[y] refus[ing] to award an additional competitive franchise.” 47 U.S.C. § 541(a)(1) provides a direct avenue for federal court relief in the event of such an unreasonable refusal. 47 U.S.C. § 555(a) and (b). Until the advent, however, of state statutes granting statewide cable franchises without a mandatory build requirement (e.g., Florida) or progressive cities willing to grant competitive franchises, cable monopolies continued to the detriment of consumers and competition. Level playing field requirements are just one example of barriers to competitive entry erected by cities at the behest of the cable monopolies.

Courts have ruled, however, that “level playing field” provisions do not require identical terms for new entrants. See, for example, *Insight Communications v. City of Louisville*, 2003 WL 21473455 (Ky. Ct. App. 2003), where the court found:

There will never be an apple-to-apple comparison for Insight and other franchisees simply because Insight is the incumbent which in its own right and through its predecessors has been the exclusive provider of cable services in the City of Louisville for almost thirty years. No new cable franchisee can ever be in the same position as a thirty-year veteran.

See also, In Cable TV Fund 14-A, Ltd. v. City of Naperville (1997 WL 209692 (N.D. Ill); and *New England Cable Television Ass'n, Inc. v. Connecticut DPUC* 717 A.2d 1276 (1998).

In sharp contrast to the monopoly provider, a second entrant faces a significant capital outlay with absolutely no assurance of acquiring customers; rather, it must compete with the monopoly incumbent and win each and every customer over. As Professor Thomas Hazlett of George Mason University has explained, “[i]ncumbents advocate build-out requirements precisely because such rules tend to limit, rather than expand, competition.” The federal Department of Justice has also noted that “...consumers generally are best served if market forces determine when and where competitors enter. Regulatory restrictions and conditions on entry tend to shield incumbents from competition and are associated with a range of economic inefficiencies including higher production costs, reduced innovation, and distorted service choices.” (Department of Justice Ex Parte, May 10, 2006, FCC MB Dkt. 05-311).

The fact is that the incumbent cable provider has (1) an established market position; (2) all of the cable customers; and (3) an existing, in-place infrastructure. These disparate market positions make imposing a build-out requirement on a competitive entrant bad public policy. Under the guise of “level playing field” claims, incumbent cable operators seek to require new entrants to duplicate the networks the incumbents built as monopolies, knowing that such a requirement will greatly reduce, if not eliminate, the risk of competitive entry.

In 2007, the FCC issued its findings with respect to facilities based video competition and held as follows: (1) with respect to level playing field requirements, the FCC stated that such mandates “unreasonably impede competitive entry into the multichannel video marketplace by requiring local franchising authorities to grant franchises to competitors on substantially the same terms imposed on the incumbent cable operators (Para. 138); and (2) with respect to mandatory build out, the FCC held that “an LFA’s refusal to grant a competitive franchise because of an applicant’s unwillingness to agree to unreasonable build out mandates constitutes an unreasonable refusal to award a competitive franchise within the meaning of Section 621(a)(1) [47 U.S.C. § 541(a)(1)].”

Those two FCC holdings alone should put this entire matter to rest – level playing field requirements and unreasonable mandatory build requirements are barriers to competitive entry in the cable market and violate the federal Cable Act and the FCC’s order. Minnesota, however, codified its requirements in a state law and the FCC expressly declined to “preempt” state laws addressing the cable franchising process.

It is clear, however, that the FCC did not intend to protect the Minnesota statute which mandates the imposition of barriers to entry on each and every local franchising authority. As various providers were trying to enter the competitive cable market and encountering barriers such as level playing field requirements and mandatory build out provisions, many states passed statutes to facilitate competitive entry and to prevent local franchising authorities from erecting barriers to entry. Such laws were passed in 26 states including Florida, Missouri and North Carolina, where CenturyLink has taken advantage of the streamlined process to enter a market without a mandatory build obligation. These laws have facilitated competitive entry as evidenced, for example, by the presence of four facilities based competitors in the Orlando, Florida market, including CenturyLink and Comcast. As such, these state laws are aligned and not in conflict with the FCC’s and Congress’ policies for promoting competition in the video distribution market.

Minnesota's cable law, however, is quite the opposite. Minnesota's cable act dates back to the 1970s and directs each local franchising authority to impose not only a level playing field across a broad range of issues (many of which Franchisee does not oppose), but also a five year mandatory build out requirement. Both of these provisions have been deemed to be barriers to entry by the FCC. The incontrovertible fact is that the law has been extremely successful in barring cable communications competition in the City of Maplewood: The City of Maplewood has not experienced any facilities based competition because of the barriers to entry Minnesota codified in Chapter 238.

In support of this position, that the FCC's 2007 Order preempts Minn. Stat. Chapter 238, Franchisee notes the following:

- Conflict preemption: State law may be preempted without express Congressional authorization to the extent it actually conflicts with federal law where state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress" *English v. General Elec. Co.*, 496 U.S. 72,79 (1990).
- Whether state law constitutes a sufficient obstacle is a matter of judgment to be informed by examining the federal statute as a whole and identifying its purpose and intended effects. *Crosby v. Nat'l Foreign Trade Council*, 530 U.S. 363,372 (2000).
- Minn. Stat. § 238.08 mandates terms that each municipality must implement in granting a new or renewed cable franchise.
- Minn. Stat. § 238.084 sets forth the required contents of a franchise ordinance and sets forth very precise requirements in an initial franchise about the build: commence build within 240 days; must construct at least 50 plant miles per year; construction throughout the franchise area must be substantially completed within 5 years of granting the franchise; and these requirements can be waived by the franchising authority only upon occurrence of unforeseen events or acts of God.
- Section 621(a)(1) initially gave local authorities the authority to grant franchises, but this broad grant resulted in exclusive franchises/monopolies. Congress "believe[d] that exclusive franchises are contrary to federal policy . . . which is intended to promote the development of competition. H.R. Conf. Rep. No. 102-862, at 77 (1992)
- Legislative history clearly supports that Congress was focused on fostering competition when it passed the 1992 Act. *Qwest Broadband Servs. Inc. v. City of Boulder*, 151 F. Supp. 1236, 1244 (D. Colo. 2001).

- In its 2007 order, the FCC found that “an LFA’s refusal to grant a competitive franchise because of an applicant’s unwillingness to agree to unreasonable build out mandates constitutes an unreasonable refusal to award a competitive franchise within the meaning of Section 621(a)(1).” The FCC order, however, targeted local and not state laws.
- Arguably, the Minnesota build requirements set forth in Section 238.084(m) are in conflict with Section 621(a)(1) and are, therefore, preempted.
In the Boulder case, the court applied Section 621’s prohibition on unreasonable refusals to grant franchises to find conflict preemption where local rules required voter approval for any new franchises.
- The mandatory build out in the Minnesota statute could be considered a de facto “unreasonable refusal” to grant a franchise and thus conflict with the pro-competition purpose set forth in 621(a)(1).
- In upholding the FCC’s ruling, the Sixth Circuit stated that “while the [FCC] characterized build out requirements as ‘eminently sensible’ under the prior regime in which cable providers were granted community-wide monopolies, under the current, competitive regime, these requirements ‘make entry so expensive that the prospective . . . provider withdraws its application and simply declines to serve any portion of the community.’ *Alliance for Cmty Media v. FCC*, 529 F.3d 763, 771 (6th Cir. 2008).
- The FCC ruling targeted local rules and actions and the FCC refrained from preempting state regulation because it lacked “a sufficient record to evaluate whether and how such state laws may lead to unreasonable refusals to award additional competitive franchises.” FCC Cable Franchising Order (FCC 06-180, at n.2 & ¶ 126). That is not to say, however, that upon full consideration, the FCC would not find the Minnesota mandatory build requirements to constitute an unreasonable refusal under Section 621.
 - The franchising laws which were being enacted about the time of the FCC order facilitated competitive entrants into the facilities based video market.
 - In sharp contrast, the Minnesota statutes mandates individual cities and commissions to include onerous build out schedules which, standing alone, would run afoul of the FCC’s order.

It should also be noted that at least two cities in Minnesota have chosen to award competitive franchises to second entrants without satisfying all the mandates of Chapter 238. *See Mediacom Minnesota, LLC v. City of Prior Lake*,

Minn. Ct. of Appeals, A09-1379 (Unpublished decision, Filed June 22, 2010). In October 2014, the City of Owatonna awarded a competitive franchise to a second provider, and the franchise did not contain the five year build requirement set forth in Chapter 238. Rather, it contained a market success model expressly endorsed by the FCC. The competitor will provide service to 25 percent of the City of Owatonna and will have no further obligation to enable the provision of cable communications services until 48 percent of households in the footprint subscribe to its service.

Finally, nothing in the FCC's Order on Reconsideration released in January of this year alters the above analysis.

G. A statement indicating the applicant's qualifications and experience in the cable communications field, if any.

CenturyLink has been offering Prism™ since 2008, when it initially launched its service in Lacrosse, Wisconsin, and has continued to expand its Prism™ footprint since that time. Prism™ is currently available in 18 markets. CenturyLink began offering service in Minneapolis on June 1, 2015 attached Exhibit D is a list of the jurisdictions in which CenturyLink offers Prism™ pursuant to either statewide franchise statutes or locally negotiated, competitive franchises. In addition, the Company offers an analog product in smaller markets in Wisconsin and Iowa.

CenturyLink has upgraded and/or deployed new facilities, including fiber to the premises, so that it is capable of offering service to over 2.6 million homes. CenturyLink has approximately 258,000 Prism™ customers and continues to bring on new subscribers daily.

Tyler Middleton is the Vice President of Operations for Minnesota. His team includes more than 500 technicians, 200 of whom are being cross-trained to install and support Prism. There is a wide array of employees performing various functions in support of Prism™ in the Twin Cities, including approximately 100 engineers who will be working under Mr. Middleton's leadership to design and support the infrastructure that enables Prism™.

Trent Clausen is the Vice President of Construction for the Midwest Region. He has held a variety of leadership positions in the network organization over the past 16 years, including positions managing and leading capital planning, field construction, local engineering, dispatch operations, and installation and maintenance operations. His team successfully upgraded the network in Omaha to support the launch of Prism™ there in 2013 and will be responsible, working closely with Mr. Middleton's team, to construct the network to support Prism™ in Minneapolis and the Twin Cities metropolitan area.

There are three essential corporate divisions which support the provision of Prism™ to end users: Global Operations and Shared Services, Global Markets and Product Development and Technology.

The Global Operations and Shared Services organization is led by Executive Vice President Maxine Moreau. A 30-year veteran of telecommunications, Maxine Moreau brings a depth of knowledge and experience in network services, operations, IT and process improvement to her role as Executive Vice President of Global Operations and Shared Services. She is responsible for operational excellence through the end-to-end planning, engineering, construction, operation and maintenance of CenturyLink's global network, as well as regional operations and hosting data centers. Moreau oversees network enablement that currently provides commercial 100Gbps services to businesses for high-bandwidth needs as well as the deployment of 1Gbps fiber networks in certain markets, including Minneapolis for both consumer and business customers. Members of her team will staff the VSO in Golden Valley.

Maxine Moreau's team is responsible for the engineering, planning and deployment of all network infrastructure, including the infrastructure on a national and local basis for the delivery of Prism™. In addition, organizations responsible for data and video operations report up to Maxine. These centers, from an operational perspective, constantly monitor and repair, if necessary, the entire network including the facilities used in the provision of Prism™.

The Product Development and Technology organization is led by Executive Vice President and Chief Technology Officer, Aamir Hussain. Hussain is an experienced senior technology executive with more than 23 years of proven success in the implementation of global technology operations, operationalization of complex technology, infrastructures, and business solutions while driving capital cost efficiencies in the business. Hussain and his team are responsible for the design and delivery of next generation products, services and technologies critical to achieving CenturyLink's strategic growth priorities, including Prism. Hussain has a diverse background in data, security, voice, video and wireless technologies. Prior to joining CenturyLink, he held senior leadership roles at Liberty Global, Covad, TELUS and Qwest. Hussain sits on several startup and non-profit boards, is technical advisor to technology companies and holds 11 patents in Telecommunications. In addition, he has completed leadership, innovation and strategy training from Harvard, the INSEAD institute in France and the International School of Business Management in Switzerland.

Aamir's team is charged with constantly working to implement new technologies and innovations to enhance the customer experience across the entire suite of CenturyLink products, including Prism.

Glenn Garbelman serves as the Vice President of the Video Operations at CenturyLink, and is based in Monroe, Louisiana. He currently has day-to-day operational responsibility for all video services, which is currently serving 258,000 Prism™ customers with more than 150 employees on his team. Prior to joining CenturyLink, he was part of a large communications company that successfully launched and supported IPTV video in over 70 markets throughout the United States. He has more than 25 years of experience in the industry with the last 10 focused on video products and services over an IP network.

Sandeep Bhalla is the Director of Video Technical Operations. Responsible for the daily operations of CenturyLink Video Services, Sandeep oversees the Video Operations staff and ensures the integrity of operations and processes. With 19 years of technical experience and 10 years of video, Sandeep has served as a CenturyLink representative to national and international forums related to next generation video services. Prior to joining CenturyLink, Sandeep was a Manager of Head End Implementation for a large communications company. Sandeep holds a BA from the University of California Berkley.

Charles Becker is the Manager Video Operations IPTV responsible for all headends based out of Denver, Colorado. The Video Headend Team is responsible for the operation and acquisition of all video content served by the Prism platform both local and national. The team maintains and operates 17 headends located in 13 states across the country. This team supports new market builds, preventative maintenance, outage resolution and proactively supports the video monitoring teams in outage resolution. Charles is a 35 year veteran of the video industry and 9 year employee of CenturyLink.

Steve Epstein is a Senior Lead Engineer –Managing for CenturyLink. Steve was the initial member of the CenturyLink Video team and brings 35 years of broadcast experience to CenturyLink. In addition to being Chief Engineer at several television stations, Steve was the technical editor of Broadcast Engineering magazine. Steve is an SBE certified professional broadcast engineer and holds a BS in Broadcasting.

- H. An identification of the municipalities (including contact information for the municipal officials in each community) in which the applicant either owns or operates a cable communications system, directly or indirectly, or has outstanding franchises for which no system has been built.**

Please see Exhibit D for a list of jurisdictions Applicant or affiliate of Applicant holds a cable franchise agreement pursuant either to local agreement or statewide franchise authority.

- I. Plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital. This information should include:**

1. Current financial statement

Applicant's ultimate parent company is CenturyLink, Inc. CenturyLink's most recent Form 10-K (along with all other SEC filings) may be found here: <http://ir.centurylink.com/docs.aspx?iid=4057179>

2. Proposed sources and uses of funds for the construction project

Applicant's ultimate parent company is CenturyLink, Inc. which is a Fortune 500 Company (currently around Fortune 150) with annual operating revenues exceeding 18 Billion Dollars in 2013. Applicant does not require any unique or additional funding sources (i.e. special notes or bonds) in order to deploy its Prism™ service in this, or any other market.

3. Financial budgets for the next three (3) years;

See response to I (4) below

4. Documentation regarding the commitment of funds; and

As a publicly traded Company, CenturyLink releases a very limited amount of forward-looking information for the company as a whole, but it does not provide forward-looking information at the individual market level because it could lead to incorrect or inappropriate assumptions or conclusions by its current and potential investors regarding the business as a whole. Given the extremely sensitive nature of the information contained in the requested proforma, applicant cannot file this information as part of its application.

5. Any other information that applicant determines would be useful in evaluating its financial qualifications.

Please see response to I (1) above

- J. A statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intercompany relationship, including the parent, subsidiary or affiliated company.**

Applicant's ultimate parent company is CenturyLink, Inc., a Louisiana corporation headquartered in Monroe, Louisiana, and, through its subsidiaries, owns 100% of Qwest Broadband Services, Inc. d/b/a CenturyLink. A more detailed corporate structure is depicted on the attached Exhibit E. On April 21, 2010, CenturyLink, Inc. reached an agreement to purchase Qwest Communications International, Inc. ("QCII") through a tax-free, stock-for-stock transaction. Under the terms of the parties' merger agreement, CenturyLink, Inc. is the ultimate parent of QCII and the subsidiaries that were under QCII. At the time of the merger between CenturyLink and Qwest Communications International, Inc., Franchisee was a wholly-owned subsidiary of Qwest Services Corporation, Inc. as was Qwest Corporation, the entity which places facilities in the City's public rights of way pursuant to the City's ordinances and associated rules. Further, at merger, Franchisee was a member of the National Cable Television Cooperative ("NCTC") as was the CenturyLink entity which offers Prism in legacy CenturyLink markets, e.g., Florida. Because the NCTC expressly forbids more than one entity within a corporate family to belong to and directly obtain content from the NCTC and because any affiliated entity receiving content from the NCTC must be a wholly-owned subsidiary of the NCTC member, CenturyLink, Inc. moved Franchisee from being a subsidiary of Qwest Services Corporation to being a subsidiary of CenturyTel Broadband Services, LLC. As provided in the original application filed with the City, the following sets forth the officers and directors of Franchisee. This group of officers and directors do not own any shares of the franchisee.

Qwest Broadband Services, Inc. (Delaware Domestic)

Directors: R. Stewart Ewing, Jr.
Stacey W. Goff

Officers:

Chief Executive Officer and President	Glen F. Post, III
Executive Vice President and Chief Financial Officer	R. Stewart Ewing, Jr.
Executive Vice President, General Counsel	Stacey W. Goff
President IT Services and New Market Development	Girish Varma
Senior Vice President – Public Policy and Government Relations	John F. Jones
President – Wholesale Operations	William E. Cheek
Executive Vice President – Controller and Operations Support	David D. Cole
Executive Vice President – Network Services	Maxine Moreau
Vice President and Treasurer	Glynn E. Williams, Jr.
Vice President	Jonathan J. Robinson
Secretary	Kay Buchart
Assistant Secretary	Joan E. Randazzo
Assistant Secretary	Meagan E. Messina

K. A notation and explanation of omissions or other variations with respect to the requirements of the proposal.

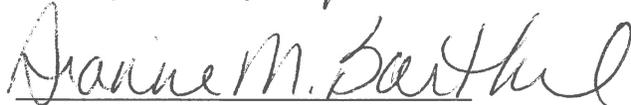
None at this time

Respectfully Submitted,



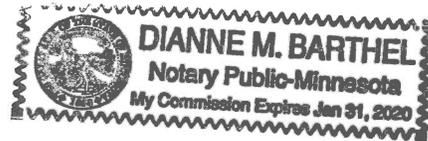
Qwest Broadband Services, Inc. d/b/a CenturyLink
By: Patrick Haggerty

Subscribed and sworn to before me
This 18th day of September, 2015



Notary Public

My Commission Expires: Jan 31, 2020





Contact CenturyLink

Sales: 877-299-0172

Support: 866-314-4148

Twin Cities Channel Lineup

Prism™ Essential

45	45 TV (KSTC)	1450	HGTV HD	265	National Geographic Channel
1045	45 TV HD (KSTCDT)	450	HGTV	11	NBC (KARE)
1166	A&E HD	1270	History HD	1011	NBC HD (KAREDT)
166	A&E	270	History	1640	NBC SN HD
5	ABC (KSTP)	1203	HLN HD	640	NBC SN
1178	ABC Family HD	203	HLN	1192	NBC Universo HD
178	ABC Family	1422	Home Shopping Network HD	192	NBC Universo
1005	ABC HD (KSTPDT)	19	Home Shopping Network	1630	NFL Network HD
1795	AMC HD	422	Home Shopping Network	630	NFL Network
795	AMC	1260	ID HD	629	NFL RedZone (Pay Per View)
46	Antenna TV (KSTCDT2)	260	ID	1629	NFL RedZone HD (Pay Per View)
310	Baby First TV	41	ION (KPXM)	1638	NHL Network HD
1155	BET HD	1041	ION HD (KPXMDT)	638	NHL Network
155	BET	43	ION Life (KPXMDT3)	1314	Nickelodeon HD
1222	Bloomberg HD	1428	Jewelry Television HD	314	Nickelodeon
222	Bloomberg	7	Jewelry Television	1367	Oxygen HD
327	Boomerang	428	Jewelry Television	367	Oxygen
10	Bounce TV (KMSPDT2)	1168	Justice Central HD	106	Pay Per View Events HD
1181	Bravo HD	168	Justice Central	1101	Pay Per View Events HD
181	Bravo	1360	Lifetime HD	101	Pay Per View Events
1650	BTN HD	360	Lifetime	9161	Premier League Extra Time 1 HD
650	BTN	364	Lifetime Real Women	9151	Premier League Extra Time 1
1651	BTN2 HD	1362	LMN HD	9162	Premier League Extra Time 2 HD
651	BTN2	362	LMN	9152	Premier League Extra Time 2
1652	BTN3 HD	5129	MC '70s	9163	Premier League Extra Time 3 HD
652	BTN3	5128	MC '80s	9153	Premier League Extra Time 3
1230	C-SPAN HD	5127	MC '90s	9164	Premier League Extra Time 4 HD
230	C-SPAN	5116	MC Adult Alternative	9154	Premier League Extra Time 4
1231	C-SPAN2 HD	5115	MC Alternative	9165	Premier League Extra Time 5 HD
231	C-SPAN2	5146	MC Blues	9155	Premier League Extra Time 5
1325	Cartoon Network HD	5134	MC Classic Country	90	Prism Applications
325	Cartoon Network	5118	MC Classic Rock	92	Prism Games
4	CBS (WCCO)	5149	MC Classical Masterpieces	301	Prism Kids
1004	CBS HD (WCCODT)	5135	MC Contemporary Christian	201	Prism News
411	CenturyLink Information	5133	MC Country Hits	601	Prism Sports
1411	CenturyLink Information	5103	MC Dance	42	Qubo (KPXMDT2)
1525	CMT HD	5148	MC Easy Listening	1420	QVC HD
525	CMT	5111	MC Gospel	18	QVC
1216	CNBC HD	5105	MC Hip-Hop and R&B	420	QVC
216	CNBC	5107	MC Hip-Hop Classics	1799	Reelz Channel HD
1202	CNN HD	5101	MC Hit List	799	Reelz Channel
202	CNN	5104	MC Indie	1145	Spike TV HD
1140	Comedy Central HD	5145	MC Jazz	145	Spike TV
140	Comedy Central	5124	MC Kidz Only!	1337	Sprout HD
8	Decades (WCCODT2)	5150	MC Light Classical	337	Sprout
1120	Discovery Channel HD	5120	MC Love Songs	1151	Syfy HD
120	Discovery Channel	5114	MC Metal	151	Syfy
1302	Disney Channel HD	5138	MC Mexicana	1560	TBN HD
302	Disney Channel	5137	MC Musica Urbana	560	TBN
9999	DVR	5122	MC Party Favorites	1112	TBS HD
1134	E! HD	5200	MC Play HD	112	TBS
134	E!	5100	MC Play	5123	Teen MC
603	ESPN Classic	5131	MC Pop Country	23	The CW (WUCW)
1602	ESPN HD	5121	MC Pop Hits	1023	The CW HD (WUCWDT)
27	ESPN	5136	MC Pop Latino	1225	The Weather Channel HD
602	ESPN	5102	MC Pop Rhythmic	225	The Weather Channel
1606	ESPN2 HD	5109	MC R&B Classics	48	This TV (KSTCDT4)
28	ESPN2	5110	MC R&B Soul	1250	TLC HD
606	ESPN2	5106	MC Rap	250	TLC
1424	EVINE Live HD	5112	MC Reggae	1108	TNT HD
424	EVINE Live	5117	MC Rock Hits	108	TNT
1562	EWTN HD	5113	MC Rock	2	tpt 2 (PBS) (KTCA)
562	EWTN	5140	MC Romances	1002	tpt 2 HD (PBS) (KTCADT)
1452	Food Network HD	5147	MC Singers & Swing	17	tpt Life (KTCID3)
452	Food Network	5144	MC Smooth Jazz	1017	tpt Life HD (KTCIDT3)
9	FOX (KMSP)	5119	MC Soft Rock	3	tpt MN (KTCADT2)
1009	FOX HD (KMSPDT)	5130	MC Solid Gold Oldies	1254	Travel Channel HD
1210	FOX News Channel HD	5141	MC Sounds of the Seasons	254	Travel Channel
210	FOX News Channel	5143	MC Soundscapes	1164	truTV HD
1620	FOX Sports 1 HD	5142	MC Stage & Screen	164	truTV
620	FOX Sports 1	5108	MC Throwback Jams	1138	TV Land HD
1745	FS North Alternate HD	5132	MC Today's Country	138	TV Land
745	FS North Alternate	5125	MC Toddler Tunes	4005	UniMas HD
1744	FS North HD	5139	MC Tropicales	3005	UniMas
744	FS North	5126	MC Y2K	4001	Univision HD
1128	FX HD	47	Me-TV (KSTCDT3)	3001	Univision
128	FX	1634	MLB Network HD	1124	USA Network HD
1130	FXX HD	634	MLB Network	124	USA Network
130	FXX	30	Movies! (WFCTDT3)	1102	Velocity HD
4003	Galavision HD	1215	MSNBC HD	1518	VH1 HD
3003	Galavision	215	MSNBC	518	VH1
1641	Golf Channel HD	1502	MTV HD	1	Video On Demand?
641	Golf Channel	502	MTV	12	Weather Nation (KAREDT2)
1175	Hallmark Channel HD	29	My Network TV (WFTC)	1180	WGN HD
175	Hallmark Channel	1029	My Network TV HD (WFTCDT)	180	WGN
6	Heroes & Icons (KSTPDT2)	1265	National Geographic Channel HD?		

Prism™ Complete

Includes Prism™ Essential Plan channels.

1259	American Heroes Channel HD	605	ESPNU	504	MTV2
259	American Heroes Channel	1380	Esquire TV HD	315	Nick 2
1252	Animal Planet HD	380	Esquire TV	1320	Nick Jr HD
252	Animal Planet	1211	FOX Business Network HD	320	Nick Jr
1144	AWE HD	211	FOX Business Network	1316	Nicktoons HD
144	AWE	647	FOX College Sports Atlantic	316	Nicktoons

J2 Attachment 2
Exhibit A - Channel Lineup

1188	BBC America HD	648	FOX College Sports Central	1185	NUVOtv HD
188	BBC America	649	FOX College Sports Pacific	185	NUVOtv
567	BYU TV	1621	FOX Sports 2 HD	1208	One America News Network HD
1643	CBS Sports HD	621	FOX Sports 2	208	One America News Network
643	CBS Sports	1535	Fuse HD	1256	Oprah Winfrey Network HD
515	Centric	535	Fuse	256	Oprah Winfrey Network
1153	Chiller HD	1792	FX Movie Channel HD	1680	Outdoor Channel HD
153	Chiller	792	FX Movie Channel	680	Outdoor Channel
161	Clo	1272	FYI HD	1531	Ovation HD
527	CMT Pure Country	272	FYI	531	Ovation
1456	Cooking Channel HD	1529	Great American Country HD	1258	SCIENCE HD
456	Cooking Channel	529	Great American Country	258	SCIENCE
1465	Destination America HD	1173	GSN HD	1642	Sportsman Channel HD
465	Destination America	173	GSN	642	Sportsman Channel
1335	Discovery Family HD	1274	H2 HD	322	Teen Nick
335	Discovery Family	274	H2	3007	Telemundo
466	Discovery Life	1793	Hallmark Movies & Mysteries HD	506	Tr3s
1306	Disney Junior HD	793	Hallmark Movies & Mysteries	1790	Turner Classic Movies HD
306	Disney Junior	1797	IFC HD	790	Turner Classic Movies
1304	Disney XD HD	797	IFC	1157	TV One HD
304	Disney XD	564	Inspiration Network	157	TV One
1454	DIY Network HD	1194	ION HD	1104	Universal HD
454	DIY Network	183	Logo	520	VH1 Classic
1604	ESPN News HD	509	MTV Hits	522	VH1 Soul
604	ESPN News	510	MTV U	1372	WE tv HD
1605	ESPNU HD	1504	MTV2 HD	372	WE tv

Prism™ Preferred

Includes Prism™ Complete Plan channels.

220	Al Jazeera America	172	MyDestination.TV	1853	Showtime HD (W)
159	ASPiRE	1264	NASA TV HD	864	Showtime Next (E)
1219	BBC World News HD	264	NASA TV	865	Showtime Next (W)
219	BBC World News	1267	Nat Geo Wild HD	1864	Showtime Next HD (E)
1540	Blue Highways TV HD	267	Nat Geo Wild	1865	Showtime Next HD (W)
540	Blue Highways TV	1678	Outside TV HD	880	Showtime On Demand
1232	C-SPAN3 HD	678	Outside TV	1880	Showtime On Demand
232	C-SPAN3	1683	PAC 12 Arizona HD	856	Showtime Showcase (E)
1169	Cars.TV HD	683	PAC 12 Arizona	857	Showtime Showcase (W)
169	Cars.TV	1684	PAC 12 Bay Area HD	1856	Showtime Showcase HD (E)
217	CNBC World	684	PAC 12 Bay Area	1857	Showtime Showcase HD (W)
205	CNNi	1685	PAC 12 Los Angeles HD	866	Showtime Women (E)
1142	Comedy.TV HD	685	PAC 12 Los Angeles	867	Showtime Women (W)
142	Comedy.TV	1686	PAC 12 Mountain HD	1866	Showtime Women HD (E)
1163	Crime & Investigation HD	686	PAC 12 Mountain	1867	Showtime Women HD (W)
163	Crime & Investigation	1687	PAC 12 Oregon HD	118	Smithsonian Channel (E)
932	ENCORE (E)	687	PAC 12 Oregon	119	Smithsonian Channel (W)
933	ENCORE (W)	1688	PAC 12 Washington HD	1118	Smithsonian Channel HD (E)
938	ENCORE Action (E)	688	PAC 12 Washington	1119	Smithsonian Channel HD (W)
939	ENCORE Action (W)	1682	PAC12 Network HD	1791	Sony Movie Channel HD
1938	Encore Action HD (E)	682	PAC12 Network	791	Sony Movie Channel
942	ENCORE Black (E)	1170	Pets.TV HD	902	Starz! (E)
943	ENCORE Black (W)	170	Pets.TV	903	Starz! (W)
1942	Encore Black HD (E)	1492	Pivot HD	908	Starz! Cinema (E)
934	ENCORE Classic (E)	492	Pivot	909	Starz! Cinema (W)
935	ENCORE Classic (W)	1787	PixL HD	1908	Starz! Cinema HD (E)
1934	ENCORE Classic HD (E)	787	PixL	910	Starz! Comedy (E)
946	ENCORE Espanol	1458	Recipe.TV HD	911	Starz! Comedy (W)
944	ENCORE Family (E)	458	Recipe.TV	1910	Starz! Comedy HD (E)
945	ENCORE Family (W)	1916	Retroplex HD	904	Starz! Edge (E)
1932	Encore HD (E)	916	Retroplex	905	Starz! Edge (W)
1933	Encore HD (W)	1538	Revolt HD	1904	Starz! Edge HD
951	ENCORE On Demand	538	REVOLT	1902	Starz! HD (E)
1951	Encore On Demand	1476	RFD TV HD	1903	Starz! HD (W)
936	ENCORE Suspense (E)	476	RFD TV	906	Starz! In Black (E)
937	ENCORE Suspense (W)	474	RLTV	907	Starz! In Black (W)
1936	ENCORE Suspense HD (E)	1607	SEC Network HD	1906	Starz! In Black HD
940	ENCORE Westerns (E)	1608	SEC Network Overflow 1 HD	912	Starz! Kids and Family (E)
941	ENCORE Westerns (W)	608	SEC Network Overflow 1	913	Starz! Kids and Family (W)
1133	ES.TV HD	1609	SEC Network Overflow 2 HD	1912	Starz! Kids and Family HD
133	ES.TV	609	SEC Network Overflow 2	931	Starz! On Demand
890	Flix (E)	607	SEC Network	1931	Starz! On Demand
892	Flix On Demand	1789	Shorts HD	575	The Word Network
1892	Flix On Demand	789	Shorts	882	TMC (E)
1206	Fusion TV HD	852	Showtime (E)	883	TMC (W)
206	Fusion TV	853	Showtime (W)	1882	TMC HD (E)
656	GolTV (English)	854	Showtime 2 (E)	1883	TMC HD (W)
1656	GolTV HD (English)	855	Showtime 2 (W)	888	TMC On Demand
672	HRTV	1854	Showtime 2 HD (E)	1888	TMC On Demand
1914	Indieplex HD	1855	Showtime 2 HD (W)	884	TMC Xtra (E)
914	Indieplex	860	Showtime Beyond (E)	885	TMC Xtra (W)
1590	Jewish Broadcasting Service HD	861	Showtime Beyond (W)	1884	TMC Xtra HD (E)
590	Jewish Broadcasting Service	1860	Showtime Beyond HD (E)	1885	TMC Xtra HD (W)
1147	MAVTV HD	1861	Showtime Beyond HD (W)	670	TVG
147	MAVTV	858	Showtime Extreme (E)	644	Universal Sports
1116	MGM HD	859	Showtime Extreme (W)	1644	Universal Sports HD
116	MGM	1858	Showtime Extreme HD (E)	1559	UP HD
276	Military History	1859	Showtime Extreme HD (W)	559	UP
1788	MOVIEPLEX HD	862	Showtime Family (E)	1679	World Fishing Network HD
788	MOVIEPLEX	863	Showtime Family (W)	679	World Fishing Network
1172	MyDestination.TV HD	1852	Showtime HD (E)		

Prism™ Premium

Includes Prism™ Preferred Plan channels.

1840	5 Star Max HD	811	HBO Comedy (W)	812	HBO Zone (E)
840	5 Star Max	1810	HBO Comedy HD (E)	813	HBO Zone (W)
836	ActionMAX (E)	1811	HBO Comedy HD (W)	1812	HBO Zone HD (E)
837	ActionMAX (W)	806	HBO Family (E)	1813	HBO Zone HD (W)
1836	ActionMAX HD (E)	807	HBO Family (W)	1804	HBO2 HD (E)
1837	ActionMAX HD (W)	1806	HBO Family HD (E)	1805	HBO2 HD (W)
832	Cinemax (E)	1807	HBO Family HD (W)	834	MoreMAX (E)
833	Cinemax (W)	1802	HBO HD (E)	835	MoreMAX (W)
1832	Cinemax HD (E)	1803	HBO HD (W)	1834	MoreMax HD (E)
1833	Cinemax HD (W)	814	HBO Latino (E)	1835	MoreMax HD (W)
1846	Cinemax HD	815	HBO Latino (W)	1842	Movie MAX HD

J2, Attachment 2
Exhibit A - Channel Lineup

850	Cinemax On Demand	1814	HBO Latino HD (E)	842	MovieMAX
1850	Cinemax On Demand	1815	HBO Latino HD (W)	1844	Outer Max HD
846	Cinemax	830	HBO On Demand	844	OuterMAX
802	HBO (E)	1830	HBO On Demand	838	ThrillerMAX (E)
803	HBO (W)	808	HBO Signature (E)	839	ThrillerMAX (W)
804	HBO 2 (E)	809	HBO Signature (W)	1838	ThrillerMax HD (E)
805	HBO 2 (W)	1808	HBO Signature HD (E)	1839	ThrillerMax HD (W)
810	HBO Comedy (E)	1809	HBO Signature HD (W)		

Premium Packages Available as Add-ons:

Preferred and Premium plans include select Add-on Channels.

Cinemax Add-on Package

1840	5 Star Max HD	1833	Cinemax HD (W)	1842	Movie MAX HD
840	5 Star Max	1846	Cinemax HD	842	MovieMAX
836	ActionMAX (E)	850	Cinemax On Demand	1844	Outer Max HD
837	ActionMAX (W)	1850	Cinemax On Demand	844	OuterMAX
1836	ActionMAX HD (E)	846	Cinemax	838	ThrillerMAX (E)
1837	ActionMAX HD (W)	834	MoreMAX (E)	839	ThrillerMAX (W)
832	Cinemax (E)	835	MoreMAX (W)	1838	ThrillerMax HD (E)
833	Cinemax (W)	1834	MoreMax HD (E)	1839	ThrillerMax HD (W)
1832	Cinemax HD (E)	1835	MoreMax HD (W)		

Paquete Latino Add-on Package

3146	Bandamax	3102	Discovery en Espanol	3018	Pasiones
3053	Boomerang en Espanol?	3103	Discovery Familia	3149	Ritmoson Latino
3022	Cable Noticias	3051	Disney en Espanol	3078	TBN Enlace
3054	Cartoon Network en Espanol	3052	Disney XD Espanol	3143	Telehit
3044	Centroamerica TV	3302	ESPN Deportes	3017	TeleN
3025	Cine Mexicano	3077	EWTN en Espanol	3024	TV Chile
3127	Cine Sony	3303	FOX Deportes	3047	TV Dominica
3126	CineLatino	3049	FOX Life	3056	Ultra Familia
3202	CNN en Espanol	3304	Go!TV	3013	WAPA America
3128	De Pelicula	3104	History en Espanol		
3129	De Pelicula Clasico	3101	Nat Geo Mundo		

International-AI-Carte Add-on Package

3882	Channel One Russia	3802	Rai Italia	3680	TV Japan
3603	China Central TV	3704	Sony Entertainment Television Asia (SET Asia)	3832	TV5 Monde
3604	CTI-Zhong Tian Channel	3706	STAR India PLUS?	3702	Zee TV
3710	Eros Now	3681	The Filipino Channel		
3682	Filipino on Demand	3703	TV Asia		

Starz/Encore Add-on Package

932	ENCORE (E)	1951	Encore On Demand	910	Starz! Comedy (E)
933	ENCORE (W)	936	ENCORE Suspense (E)	911	Starz! Comedy (W)
938	ENCORE Action (E)	937	ENCORE Suspense (W)	1910	Starz! Comedy HD (E)
939	ENCORE Action (W)	1936	ENCORE Suspense HD (E)	904	Starz! Edge (E)
1938	Encore Action HD (E)	940	ENCORE Westerns (E)	905	Starz! Edge (W)
942	ENCORE Black (E)	941	ENCORE Westerns (W)	1904	Starz! Edge HD
943	ENCORE Black (W)	1914	Indieplex HD	1902	Starz! HD (E)
1942	Encore Black HD (E)	914	Indieplex	1903	Starz! HD (W)
934	ENCORE Classic (E)	1788	MOVIEPLEX HD	906	Starz! In Black (E)
935	ENCORE Classic (W)	788	MOVIEPLEX	907	Starz! In Black (W)
1934	ENCORE Classic HD (E)	1916	Retroplex HD	1906	Starz! In Black HD
946	ENCORE Espanol	916	Retroplex	912	Starz! Kids and Family (E)
944	ENCORE Family (E)	902	Starz! (E)	913	Starz! Kids and Family (W)
945	ENCORE Family (W)	903	Starz! (W)	1912	Starz! Kids and Family HD
1932	Encore HD (E)	908	Starz! Cinema (E)	931	Starz! On Demand
1933	Encore HD (W)	909	Starz! Cinema (W)	1931	Starz! On Demand
951	ENCORE On Demand	1908	Starz! Cinema HD (E)		

Showtime Add-on Package

890	Flix (E)	1858	Showtime Extreme HD (E)	1857	Showtime Showcase HD (W)
892	Flix On Demand	1859	Showtime Extreme HD (W)	866	Showtime Women (E)
1892	Flix On Demand	862	Showtime Family (E)	867	Showtime Women (W)
852	Showtime (E)	863	Showtime Family (W)	1866	Showtime Women HD (E)
853	Showtime (W)	1852	Showtime HD (E)	1867	Showtime Women HD (W)
854	Showtime 2 (E)	1853	Showtime HD (W)	882	TMC (E)
855	Showtime 2 (W)	864	Showtime Next (E)	883	TMC (W)
1854	Showtime 2 HD (E)	865	Showtime Next (W)	1882	TMC HD (E)
1855	Showtime 2 HD (W)	1864	Showtime Next HD (E)	1883	TMC HD (W)
860	Showtime Beyond (E)	1865	Showtime Next HD (W)	888	TMC On Demand
861	Showtime Beyond (W)	880	Showtime On Demand	1888	TMC On Demand
1860	Showtime Beyond HD (E)	1880	Showtime On Demand	884	TMC Xtra (E)
1861	Showtime Beyond HD (W)	856	Showtime Showcase (E)	885	TMC Xtra (W)
858	Showtime Extreme (E)	857	Showtime Showcase (W)	1884	TMC Xtra HD (E)
859	Showtime Extreme (W)	1856	Showtime Showcase HD (E)	1885	TMC Xtra HD (W)

HBO Add-on Package

802	HBO (E)	1806	HBO Family HD (E)	808	HBO Signature (E)
803	HBO (W)	1807	HBO Family HD (W)	809	HBO Signature (W)
804	HBO 2 (E)	1802	HBO HD (E)	1808	HBO Signature HD (E)
805	HBO 2 (W)	1803	HBO HD (W)	1809	HBO Signature HD (W)
810	HBO Comedy (E)	814	HBO Latino (E)	812	HBO Zone (E)
811	HBO Comedy (W)	815	HBO Latino (W)	813	HBO Zone (W)
1810	HBO Comedy HD (E)	1814	HBO Latino HD (E)	1812	HBO Zone HD (E)
1811	HBO Comedy HD (W)	1815	HBO Latino HD (W)	1813	HBO Zone HD (W)
806	HBO Family (E)	830	HBO On Demand	1804	HBO2 HD (E)

807 HBO Family (W)

1830 HBO On Demand

1805 HBO2 HD (W)

**TRADE SECRET/PRIVILEGED INFORMATION
CLASSIFICATION RATIONALE**

State: Minnesota

Description/Title of Information: Application of Qwest Broadband Services, Inc. d/b/a CenturyLink for a Competitive Cable Franchise Agreement with the City of Maplewood

Trade Secret/Privileged Designation Rationale:

Exhibit B to the Application of Qwest Broadband Services, Inc. d/b/a CenturyLink for a Competitive Cable Franchise Agreement with the City of Maplewood contains information that is considered Trade Secret because (1) CenturyLink makes reasonable efforts to ensure its privacy and (2) the data derives actual or potential independent economic value because the information is not generally known to, and not being readily ascertainable by proper means by, other persons who can obtain value from its disclosure or use. For this reason, Exhibit B to the Application of Qwest Broadband Services, Inc. d/b/a CenturyLink for a Competitive Cable Franchise Agreement with the City of Maplewood should be protected from public disclosure.

Exhibit B

Has Been Redacted

In Its Entirety

	Prism Essential	Prism Complete	Prism Preferred	Prism Premium
Promotional Rate	\$54.99	\$69.99	\$ 84.99	\$114.99
Rack Rate	\$74.99	\$89.00	\$104.99	\$134.99

Exhibit C



Prism offered in the following markets pursuant to state or local franchises

<u>Locally Negotiated Franchises</u>	<u>Locally Negotiated Franchises</u>	<u>Statewide Franchises</u>
<p>Gulf Shores, AL Orange Beach, AL Baldwin County, AL</p> <p>Phoenix, AZ Chandler, AZ Mesa, AZ Queen Creek, AZ Glendale, AZ Peoria, AZ Scottsdale, AZ Surprise, AZ Goodyear, AZ Maricopa County, AZ Pinal County, AZ Buckeye, AZ Florence, AZ Gilbert, AZ Casa Grande, AZ Tempe, AZ Paradise Valley, AZ Apache Junction, AZ</p>	<p>Colorado Springs, CO Denver, CO Monument, CO Fountain, CO El Paso County, CO Gypsum, CO Eagle, CO Eagle County, CO Centennial, CO Littleton, CO Castle Rock, CO Parker, CO Jefferson County, CO Lone Tree, CO Douglas County, CO</p> <p>Papillion, NE Springfield, NE Gretna, NE Ralston, NE La Vista, NE Bellevue, NE Omaha, NE Douglas County, NE Sarpy County, NE</p> <p>Salt Lake County, UT</p>	<p>Las Vegas, NV North Las Vegas, NV Clark County, NV Henderson, NV</p> <p>Tallahassee, FL Fort Myers, FL Orlando, FL</p> <p>Minneapolis, MN</p> <p>Columbia, MO</p> <p>Raleigh/Durham DMA, NC</p> <p>Portland, OR</p> <p>Seattle, WA</p> <p>LaCrosse DMA, WI</p> <p>Council Bluffs, IA Pottawattamie County, IA Carter Lakes, IA</p>

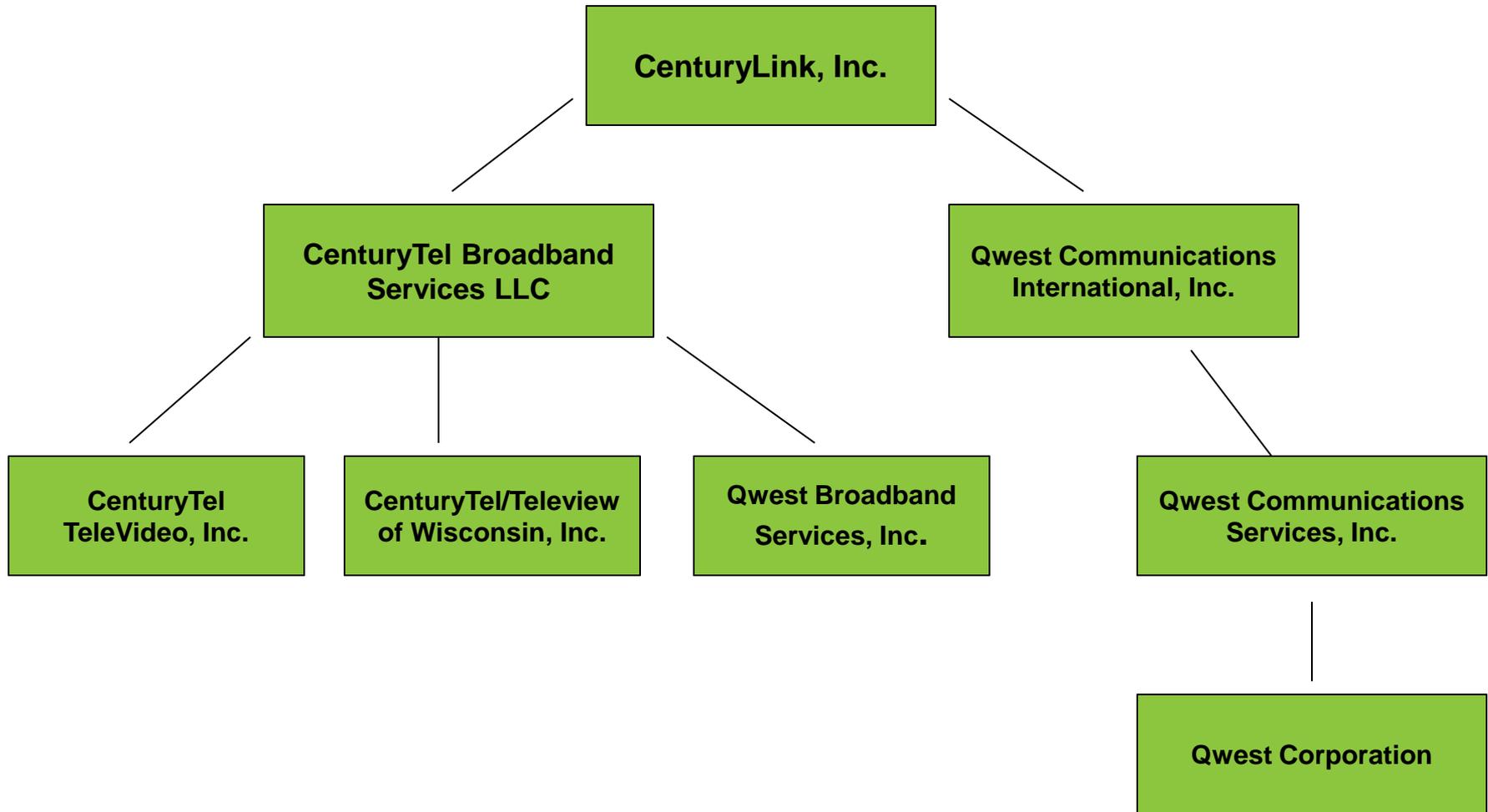


Exhibit E

MEMORANDUM

TO: City Council

FROM: H. Alan Kantrud, General Counsel

DATE: October 5, 2015

SUBJECT: Consider Approval of Resolution Authorizing Withdrawal as Member from JPA with Ramsey Washington Suburban Cable Commission

Introduction

The City of Maplewood has been a member of the Ramsey Washington Suburban Cable Commission for the better-part of 20 years. The Commission was formed to provide a uniform and consistent voice to speak for the 11 member-cities that make-up its membership. Cities as large as Maplewood sit next to Cities as small as Gem Lake and the Commission is governed by a Joint Powers Agreement (JPA) that dates back to 1995. The Commission was, however, formed prior to 1995 under an earlier JPA.

Part of any JPA is the ability of a member to withdraw from the Agreement. Based on the specific needs of Maplewood, as well as the City's intent to franchise with CenturyLink on its own, (not through the Commission) this matter is before the Council to consider the orderly withdrawal from the Commission.

Background

The City of Maplewood, as well as all the member-cities in the Cable Commission, has enjoyed a long history with the Commission with its coverage of the various civic events and matters that are important to the residents of the area.

However, since the passage of 20+ years, the landscape has changed with respect to the member-cities and their current and future needs.

The JPA that the City is a member of provides for withdrawal in Paragraph X, Section 3 Withdrawal, which reads:

Should any Member withdraw from the Commission, Grantee shall pay directly to the Member the withdrawn Member's portion of the franchise fee.

During the term of the current franchise, the Commission will continue to receive the community programming/operating grant and the equipment grant and continue to provide community programming to all Members, whether current or withdrawn. The Commission will study and report as part of its recommendation to the Members, for a proposed franchise renewal by each member, how to allocate (if at all) community programming resources to any Member who may withdrawn (sic) from the Commission subsequent to renewal.

The franchises were, in fact, subsequently renewed. The re-negotiated franchise Section 1 (Short Title and Definitions Section) provides the following definition regarding the Commission that further directs the management of a withdrawing member:

h. "Commission" means the Ramsey/Washington Counties Suburban Cable Communications Commission II, a municipal joint powers consortium comprised of the municipalities of Birchwood, Dellwood, Grant, Lake Elmo, Mahtomedi, Maplewood, North St. Paul, Oakdale, Vadnais Heights, White Bear Lake, White Bear Township and Willernie, Minnesota. In the event the City lawfully withdraws from the Commission, any reference to the Commission in this Franchise shall thereafter be deemed a reference to the City, and the rights and obligations related thereto shall, where possible, accrue pro rata to the City, pursuant to a transition agreement to be negotiated at such time by and between City, Commission and Grantee. The total burden of Grantee's obligations under this Franchise and Grantee's Franchise with the other member cities of Commission shall not be increased as a result of any such withdrawal.

So the organizing documents already contemplate a member's withdrawal and speak to how franchise fee and PEG fee payments to such city will be handled going forward. The details of this arrangement are to be addressed in a "transition agreement."

As the Discussion below explains, this is an ideal time to consider this option and is before you tonight as the "notice" of intent to withdraw must be communicated to the Commission on or before the 15th of October of the current-year in order that the City be released from the JPA/Commission as of the 1st of the following year, in this case 2016. This requirement is also contained in the JPA, Paragraph X.

DISCUSSION

Currently the roles that the RWSCC fulfills fall into two main areas, management of the franchise agreement and of the operating grant for PEG services.

Management of the Franchise Agreement

In its simplest terms, if the City chooses to no longer be a member of the RWSCC the City would then be responsible for administering any existing franchise agreements and negotiating any new and future agreements.

While these are additional roles and responsibilities that the City would need to assume the City would be doing so with additional resources to support them. If the City decided to go on their own the City would receive 100% of the Franchise Fees, for 2016, an estimated additional \$110,000.00.

There are also advantages to negotiating future franchise agreements on our own. The City will be more agile when it comes to negotiating. As a member of a larger Commission there are many differing wants and needs that need to be heard from each community and integrated into a "one-size-fits-all" Franchise Agreement. The City of Maplewood would be able to negotiate directly with the two cable providers and tailor the agreements specifically to what is best for Maplewood's residents.

Management of the Operating Grant for PEG Services

Currently the RWSCC manages the operating grant for PEG services for all member cities. The City currently takes advantage of these services with the creation of Spotlight on Maplewood, Your Police Report, Rush Line Task Force and other programming. The City also utilizes RWSCC resources to assist with technical improvements at City Hall. Lastly, Maplewood residents have access to programming on channels 14 & 15 (SCC), 18 (RWTV), 19 (On Location) and 20 (Educational) because of our membership in the RWSCC.

If the City decides to no longer be a member of the RWSCC the City Council would need to decide to what level they would want to pursue PEG programming. That level of support will depend on the resources allocated to it. If the City is no longer a member of the RWSCC, the City will be in a position to allocate PEG funding as it determines. Maplewood's current allocation is roughly \$350,000.00 to support PEG functions of the RWSCC (25% of the RWSCC 2015 PEG budget of \$1,435,541) in 2016. Future funding will depend on the transition agreement with the RWSCC and on any new or renewed franchises with the cable providers.

Assuming the management of the Franchise Agreements, the fees and the operating grants for PEG services, brings new responsibilities and opportunities for the City. Those funds could be used to further the City Council's goal of Coordinated Communication by focusing on the Government or "G" part of PEG in a manner that would improve communication with Maplewood's residents.

Recommendation

It is recommended that the City Council pass the attached Resolution Authorizing Withdrawal of membership from the Ramsey Washington Suburban Cable Commission and authorizing Staff to give notice of intent to withdraw and to negotiate the terms of that withdrawal.

Attachments

1. Resolution

RESOLUTION APPROVING AND AUTHORIZING THE WITHDRAWAL OF
MAPLEWOOD FROM THE RAMSEY WASHINGTON SUBURBAN CABLE
COMMISSION

WHEREAS, the City is a member of the Ramsey Washington Suburban Cable Commission and,

WHEREAS, the Commission is organized pursuant to a Joint Powers Agreement, the latest version of which is from 1995 and,

WHEREAS, the JPA provides for and governs the orderly withdrawal from the JPA and the Commission by a member and,

WHEREAS, the City has determined that it is in its best interests to take a more direct role in managing its Cable Franchise(s) and its cable programming and,

WHEREAS, the City has determined that it is therefore in its best interests to withdraw from the Ramsey Washington Suburban Cable Commission and now, therefore,

BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota, that the City Council hereby approves and authorizes the withdrawal of the City from the Ramsey Washington Suburban Cable Commission and directs Staff to provide notice of the decision to the Commission in whatever form required.

The motion for the adoption of the foregoing resolution was duly seconded by member _____, and after full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Mayor

Attest:

City Clerk

City of Maplewood Sign-Up Sheet

By putting your name and address on this sheet, you are requesting to address the Maplewood City Council on the following topic for up to three minutes.

Agenda Item: J3 Consider Approval of Resolution Authorizing Withdrawal as Member from JPA with
Ramsey Washington Suburban Cable Commission

Date: October 12, 2015

Name - First & Last
(please print clearly)

Address

- | <u>Name - First & Last</u>
(please print clearly) | <u>Address</u> |
|---|--|
| 1. <u>JOHN WYKOFF</u> | <u>2345 MARYLAND AVE. E.</u> |
| 2. <u>Tim Kinley</u> | <u>1987 Mesabi Ave S.</u> |
| 3. <u>Bob Zick</u> | <u>N.S.P. (& Also J2) & J3</u> |
| 4. <u>Drava Lorenz</u> | <u>1771 Burr St Maplewood</u> |
| 5. <u>Randy Hildebrandt</u> | <u>1262 Myrtle St Maplewood.</u> |
| 6. _____ | _____ |
| 7. _____ | _____ |
| 8. _____ | _____ |
| 9. _____ | _____ |
| 10. _____ | _____ |
| 11. _____ | _____ |
| 12. _____ | _____ |
| 13. _____ | _____ |
| 14. _____ | _____ |
| 15. _____ | _____ |

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: ~~October 6, 2015~~ 10/12/2015

<u>Name - First & Last</u> <small>(please print clearly)</small>	<u>Address</u>	<u>Agenda Item</u>
1. <u>JOHN WYKOFF</u>	<u>2345 MARYLAND</u>	<u>NEWSR</u>
2. <u>Tom Riskey</u>	<u>1987 Mesabi Ave E</u>	<u>VP #3</u>
3. <u>Tom Riskey</u>	<u>"</u>	
4. <u>Bob Zick</u>	<u>N.S.P</u>	<u>L</u>
5. <u>Kevin Berglund</u>	<u>171 Burr</u>	<u>yes</u>
6.		
7.		
8.		
9.		
10.		
11.		
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13.		
14.		
15.		

MEMORANDUM

TO: City Council

FROM: Melinda Coleman, City Manager

DATE: October 6, 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. October 19th - Special Meeting
 - a. Workshop – Racial Equity Grant Discussion, Finish Council Strategic Objectives
2. October 26th
 - a. Workshop –2016 Budget Presentations (Parks & Citizen Services), YMCA Partnership Update
3. November 2nd - Special Meeting
 - a. Workshop –2016 Budget Presentations (Police, Public Works & IT)
4. November 9th
 - a. Workshop – Tree Ordinance, 2016 Budget Presentations (Fire & EEDD)
5. November 23rd
 - a. Workshop – 2016 Budget Presentations (Executive/Administrative, Finance & 2016 Budget Summary)

Budget Impact

None.

Recommendation

No action required.

Attachments

None.