

Mayor Johnson asked if we shouldn't assess the first \$9,000 and put that to bed first? Atty. Meyers recommended combining the total assessment and spreading it over five years. Adm. Achen stated that splitting up the assessment would involve fighting the battle twice. The first \$9,000 was not satisfactory to take care of the job. An open ditch is not satisfactory there.

Mayor Johnson asked if the District had approved the original project. Adm. Achen stated Dist. 9 did then, but District 5 Maintenance is in charge of upkeep now. If we don't underground the pipe, we'll have complaints that the system is not operating properly, City will be blamed because we put the project in in the first place.

Councilman Shelquist inquired as to how much the cost would have been reduced if we had gone with this plan in the first place. Eng. Bearden stated that what was spent is useful and there won't be duplication. A lot of the \$9,000 was meetings before the project even started with Paster and the Rice Creek Watershed District. The cost that is construction cost would be added on to whatever the cost is now.

Adm. Achen stated he didn't think the city should be blamed for the delay and uncertainty as to how the improvement should be made. Council spent considerable time waiting to see if the developer was going to do something himself to alleviate the problem; the owner kept emphasizing he wanted it done at minimal expense.

Atty. Meyers stated some of that \$9,000 was emergency work, so that would be sustainable based on our emergency action.

Eng. Bearden pointed out that this project has gradually progressed to a better drainage project. Consequently, the cost has gone up.

MSP (Johnson-Hodges) that we receive the feasibility report and cost estimate of Comstock & Davis and that we order final plans and specifications for the project and that we set a public hearing for the project on May 10, 1976, at 8:30 p.m. and that we advertise for bids.

Councilman Shelquist questioned the point in Bearden's feasibility report about the ditch bottom being elevated. Is there room for water to drain? Eng. Bearden answered yes, there is no open ditch, pipe all the way through

Adm. Achen questioned if the first section is left open, if the system backs up, will it drain to Paster's property or to County Rd. I? Eng. Bearden stated there is a new culvert in there. Last year, without the culvert it backed up and over I. Should any one of the culverts get blocked, it will happen again. Adm. suggested the system should be designed

so that County Rd. I is the last place to be flooded. The swale will be higher than County Rd. I. Eng. Bearden stated the ditch will store a lot of water and there is a catch basin. If the pipe gets full and can't handle the load, it will fill other places.

Mayor Johnson stated that with tremendous rain, pressure would build up in catch basins; would there be so much so as to force water down I as opposed to going down Highway 10? Eng. Bearden indicated overflow from pond to parking lot and eventually to ditch section of I, then to pipe. Adm. Achen said the problem is that the owner hasn't done his job by putting in an overflow.

MSP (Shelquist-Baumgartner) to amend the main motion to direct the engineer to ensure that drainage from County Rd. I to Highway Ditch on 10 is ensured so that the ditch does not end up higher than County Rd. I, that the inlets to the catch basins do not end up higher than County Rd. I.

Adm. Achen stated that County Rd. I should be the last area to be flooded. Eng. Bearden indicated that because everything is hooked up hydraulically, you can't isolate I because water can flow backwards through the pipe.

A vote was called for on the amendment.

5 ayes

Councilman Baumgartner questioned who would be in charge of keeping the pipe clean? It has to be clean at all times. Eng. Bearden said it may be the city. Adm. Achen said that if the open ditch remained, it would definitely be the city.

Atty. Meyers questioned whether the benefit of this improvement is to improve the drainage situation or only the maintenance situation? Eng. Bearden indicated that if it prevents the culvert from becoming blocked, then it improves the drainage; otherwise, it basically is for maintenance, appearance, safety.

A vote was called for on the main motion.

5 ayes

Adm. Achen read the PROPOSED ORDINANCE AMENDING CHAPTER 90.04 TITLED JUNKED AND ABANDONED VEHICLES.

MSP (Baumgartner-Hodges) to adopt Ordinance No. 248 amending Chapter 90.04.

Councilman Shelquist stated his objection to Section 3, Sub-division 3 of the ordinance where it allows a fitted tarpaulin to be used as screening of junked vehicles because an actual fitted tarpaulin would be a high investment and people might end up using any torn tarp.

MSP (Shelquist-Johnson) to amend the main motion to delete fitted tarpaulin cover from Section 3.

5 ayes

Councilman Hodges stated he preferred fitted tarpaulin than having the vehicles just sitting there, particularly race cars. Mayor Johnson stated that a man who intends to keep and maintain a race car would probably put it in a covered enclosure.

Councilman Pickar stated that Council is banning such vehicles from the city. What type of screening is it we are allowing? Councilman Shelquist answered perhaps a 5' or 6' fence alongside the garage. Councilman Pickar stated that we are again asking the police to define what a suitable screen is.

Councilman Pickar also suggested exempting servicemen's autos and race cars where insurance is unobtainable, as are motor homes under Section 5, Subdivision 7.

Councilman Pickar offered as an amendment a Subdivision 8 stating that servicemen's (currently on active duty) autos and race cars where insurance is unobtainable shall be exempt from screening provisions of Subdivision 3 and Subdivision 6 if such vehicles comply with all other subdivisions of this chapter.

Motion died for lack of second.

Councilman Shelquist offered as an amendment an addition to Section 5, Subdivision 7 after "if such motor homes comply with all other provisions of this chapter" add "and to Chapter 40 of the Zoning Ordinance".

Motion died for lack of second.

Councilman Shelquist stated the new zoning code restricts where they are allowed. Adm. Achen noted the new zoning code reference is to recreational vehicles, not motor homes. Recreational vehicles are pickups with campers, convertible units.

Adm. Achen pointed out that the only difference from the original ordinance is exempting motor homes. The police dept. is very concerned that Council back up whatever ordinance is adopted. Do they issue more tickets and have more complaints? Councilman Shelquist stated enforce the ordinance; I intend to back them up.

Atty. Meyers noted that at the beginning Council didn't want people storing junk on their property, now we're on licensing. We're getting too far from the main point. We're getting into zoning. The criteria is not licensing, it is junk.

Roll call vote on the main motion:

Councilman Shelquist - aye
Councilman Hodges - aye
Councilman Baumgartner - aye
Councilman Pickar - aye
Mayor Johnson - aye

AWARD STREET SWEEPING CONTRACT. Adm. Achen noted the city had received one bid from the same firm providing the service last year for \$2700; this year's bid is \$2950. This is a budgeted item.

MSP (Hodges-Baumgartner) to accept the bid of Clean Sweep, Eden Prairie, MN for street sweeping services. 5 ayes

PARKING ON SPRING LAKE ROAD.

MSP (Shelquist-Johnson) to adopt Resolution #730 requesting Ramsey County to prohibit parking on Spring Lake Rd. between County Rd. I and Hillview Rd. 5 ayes

Councilman Baumgartner stated he hoped the petitioners on the east end of the lake realized this resolution means they can't park in the street. Adm. Achen stated that is what they wanted, with the restriction on both sides.

PURCHASE OF PUNCH CARD VOTING SYSTEM - held over.

STORM WATER DRAINAGE STUDY

MSP (Johnson-Shelquist) to extend date for the completion of the storm water drainage study to June 30, 1976. 5 ayes

Adm. Achen stated Banister-Short would present their preliminary report at the May 3, 1976, agenda session at 7:00 p.m.

PROPOSED REVISION OF SUBDIVISION ORDINANCE - held over.

LICENSES FOR APPROVAL - Adm. Achen read the licenses presented for approval. (attached)

MSP (Hodges-Baumgartner) to approve the licenses as presented. 5 ayes

Councilman Hodges wondered if anyone had received any comments on the Bel Rae amusement center? No one had.

BILLS FOR APPROVAL - General Account Checks #12322-12395, Payroll Account Checks #1259-1263, Payroll Checks #2416-2453, Transfer Check #12395 transferring \$15,431.54 from General Fund, \$1,564.46 from Water, \$1,127.10 from Sewer to pay gross pay of April 30, 1976. Total disbursements: \$43,542.01.

MSP (Baumgartner-Hodges) to approve the bills as presented. 5 ayes

Atty. Meyers stated that included with legal services bill for March was the bill for the Dumas assessment, for which we do not have a decision yet.

L I C E N S E S F O R A P P R O V A L

April 26, 1976

CEMENT MASONRY - new

Bernie Zebro Cement Co.
9740 Avocet St. N.W.
Coon Rapids, MN 55433

EXCAVATING - new

Frank Vorel Excavating
13060 Raddison Rd.
Blaine, MN 55434

GENERAL - new

J. C. Robertson Construction Inc.
1844 - 134th Ave. N.E.
Anoka, MN 55303

HEATING - renewal

St. Marie's Sheet Metal Inc.
7940 Spring Lake Rd.
Minneapolis, MN 55432

PLASTER & STUCCO - new

Harlan Freund Stucco
Route 1 Box 169
Rogers, MN 55374

PLASTER & STUCCO - renewal

Zimmerman Stucco Inc.
18116 Ridgewood Rd.
Wayzata, MN 55391

SEWER & WATER - new

Corcoran Plumbing
3040 Sumter Ave. N.
Crystal, MN 55437

AMUSEMENT DEVICES

Jubilee Music - addition of 11 amusement devices to present
251 - 5th St. N.W.
New Brighton, MN 55112
license to operate at the
Bel Rae Ballroom, 5394 Edgewood.

Mounds View / City Council Meeting Minutes
Minnesota Historical Society

ENGINEER BEARDEN'S REPORT - He stated that MSA funds can only be used for sidewalk construction if: 1. It is part of the contract that brings that particular road up to State goals and design standards. 2. If you add sidewalks onto a street right-of-way where the street is already up to their minimum standards. This eliminates putting sidewalks on County Rd. I because it is not up to their minimum standards.

Eng. Bearden stated that unless the County plans to bring that road up to MSA standards, we can't put in sidewalks; and the County plans only to upgrade County roads where there are major problems.

Major Johnson suggested a resolution asking the County to upgrade the street. Adm. Achen stated that was possible; however, MSA standards are fairly high and usually the residents of the area will fight it. Mayor Johnson suggested trying to get a petition. Adm. Achen suggested a public hearing on the matter.

Councilman Shelquist asked if it would be totally paid for by the County. Adm. Achen responded it depends on where we fall on the priorities. Councilman Pickar stated the first step should be a public hearing.

Adm. Achen noted that the County begins preparing its budget in June so now is the time to consider this. Mayor Johnson instructed the Administrator to pursue this further and report back.

Eng. Bearden presented 1973-4 Change Order #5 to provide utilities and surfacing of the cul-de-sac in the White Oak Estates Third Addition, in the amount of \$18,293.59.

MSP (Baumgartner-Pickar) to approve 1973-4 Change Order #5 for an estimate of \$18,293.59.

5 ayes

ADMINISTRATOR'S REPORT

Adm. Achen presented a petition for street lights on Ardan Ave. where it intersects with new streets.

MSP (Hodges-Shelquist) to approve ordering the necessary street lights in the area of the new streets near Ardan Ave.

5 ayes

Regarding selection of a city engineer, the Mayor authorized the Administrator to follow the proposed schedule of a special meeting May 6, 7:00 p.m. to review applications and a special meeting May 19, 7:00 p.m. to interview the three finalists.

Adm. Achen stated that First State Bank of New Brighton had requested that Council pass a resolution implementing telephone transfer of funds. In the past payments of bonds have been made 45-60 days ahead of due date and the city has lost considerable interest. This resolution would allow us to make the telephone transfer the day the bond is due.

Atty. Meyers stated that legally the treasurer has to make the transfer. Therefore, the city accountant should be appointed deputy treasurer and the words "deputy treasurer" substituted for "accountant" in the resolution.

MSP (Johnson-Hodges) to appoint Thomas Tveit as the deputy treasurer for the City of Mounds View.

5 ayes

MSP (Baumgartner-Pickar) to approve Resolution #731 as amended for the telephoneransfer of funds with the First State Bank of New Brighton.

5 ayes

Adm. Achen stated staff's request to have the Planning Commission and Council review all previously approved subdivisions that have not been recorded at the County within the 90-day time period. The intent is to allow the subdivision basically as approved, but to review it to see that it is up to our current code, perhaps checking to see that lots are split equally where possible.

MSP (Baumgartner-Hodges) that the Planning Commission and Council review unrecorded subdivisions and that the reviewed subdivisions shall be filed within 90 days of the date of approval.

5 ayes

Mayor Johnson read invitation from the Girl Scouts for this Sunday's dedication of the Mrs. D. D. Wendt Memorial Fireplace.

Adm. Achen requested the name of a second Councilman to attend the Duluth Convention June 9 & 10, 1976. Councilman Baumgartner will consider.

MSP (Johnson-Hodges) that staff be authorized to issue check in the amount of \$678 before next Council meeting for Bicentennial Commission's purchase of fireworks.

5 ayes

Attorney Meyers had no report.

Councilman Hodges had no report.

Councilman Baumgartner stated there is a Park Board meeting April 29 at 6:30 p.m. Local chapter of Senior Citizens would like very much to have Council members attend the May 3rd May Day Extravaganza at the Bel Rae Ballroom.

Councilman Pickar mentioned the Human Rights Commission meeting April 27th at 7:30 p.m. He also questioned a home being built at 2290 Sherwood Rd. because of a peat bog that is supposedly there. Adm. will check on that.

Councilman Shelquist mentioned the Planning Commission meeting April 28th at 7:30 p.m.

MSP (Baumgartner-Shelquist) to adjourn at 12:37 a.m.

Respectfully submitted,


Mark Achen
Clerk-Administrator

PROCEEDINGS OF THE CITY COUNCIL
CITY OF MOUNDS VIEW
RAMSEY COUNTY, MINNESOTA

A regular meeting of the Mounds View City Council was called to order by Mayor Johnson on May 10, 1976, at 8:05 p.m., at Mounds View City Hall, 2401 Highway 10, Mounds View, MN 55112.

Present: Mayor Johnson Also present: Clerk-Admin. Achen
 Councilman Hodges Attorney Meyers
 Councilman Baumgartner Engineer Bearden
 Councilman Pickar

Councilman Shelquist was out of town for two weeks.

MSP (Pickar-Hodges) to approve the minutes of April 26, 1976, regular meeting. 4 ayes

CITIZEN COMMENTS & REQUESTS - there were none.

Proposed revision of mobile home regulations ordinance was discussed. Administrator Achen stated that if Council approves of staff recommended changes presented in memo dated May 4, 1976, subdivision regulations Chapter 42 can be adopted. These changes are based upon the Planning Commission's recommendations. They felt that the fee should be significantly higher. The question arose as to whether the state has approved an established method for tie down. Attorney Meyers replied that the Courts have been applying retroactive regulations, so he would say that a tie down provision could be made retroactive. There is nothing wrong with putting it into this ordinance but a reasonable amount of time would be necessary. Councilman Pickar asked if it was correct that the state would control it, but we would require it. The administrator stated that was correct.

Councilman Hodges suggested stipulating what is going to be required but Admin. Achen said that his staff does not feel confident enough to take on that responsibility. Councilman Pickar stated that he would prefer to wait for a while and get something specific.

MSP (Pickar-Baumgartner) to table this matter until further study is completed and more accurate specifications put in, i.e. 1) time to convert, 2) types of tie down, 3) check with the state to see if they have anything that is more specific.

4 ayes

Mayor Johnson recessed the regular meeting and called to order at 8:23 p.m. the public hearing on the Clara Ford Addition plat. Admin. Achen stated that this has been reviewed by the Planning Commission and they recommend approval of the preliminary plat as presented. The staff recommends approval also. The Planning Commission requested 5-foot easements on all three of the lots.

MSP (Hodges-Baumgartner) to approve the Clara Ford Addition as recommended by the Planning Commission referred to as Exhibit A.

4 ayes

Mayor Johnson adjourned the public hearing and called the regular Council meeting back to order.

Attorney Gerald Frisch, 2350 W. Seventh St., St. Paul, representing Mounds View Square Shopping Center, asked permission for the proceedings to be transcribed by a court reporter. Mayor Johnson replied that it is not the policy of the Council to allow tape recording devices in the Council Chambers. Such devices are deemed to be disruptive to the Council's deliberations. The Council has a recording secretary, and the minutes are available to all parties interested. Mr. Frisch stated that he proposed to have a court reporter present or he would object to being heard on it. The Mayor told him that they would not allow a court report to be present. Mr. Frisch stated that they would not appear in this regard then -- they will take it by deposition. He wanted his objection noted in the minutes.

Mayor Johnson recessed the regular meeting and called to order at 8:30 p.m. the public hearing on Public Improvement Project 1975-4A. Admin. Achen stated that this improvement began last year as a result of the floods on the property around Mounds View Square Shopping Center. To solve the immediate drainage problem in that area, an emergency improvement under authority of MN Statutes 429 was begun. The ditch was reconstructed and the culverts were lowered in the driveway accesses and under Long Lake Rd. Ramsey County did some ditch reconstruction work on County Rd. I also. The owners realigned their roof so the water flowed off the east side of the building. Some asphalt berming was put around the culvert at the Co. Rd. I access. The project was not completed because of the early snow last year.

The property owner originally stated that he would do the project, but then requested that the city do the job. Driveways still have to be resurfaced and the ditch banks stabilized to prevent erosion. This spring the city engineer evaluated what had to be done, but the construction company who was to do it went bankrupt. The Council called for this public hearing, for specifications to be prepared, and bids to be received. The city has received an informal report from Banister and Short regarding the proposed comprehensive storm water management plan. They want to drain this property northwest rather than southeast, using a storm sewer line. Their recommendation was to not encase the ditch unless the highway department absolutely requires it. At such time as the storm sewer line is installed, it may be possible to remove the holding ponds that are at the shopping center now. The staff and the city engineer recommend that the project be reduced in scope to the extent of eliminating the piping. This was discussed with the highway department, which tentatively agrees.

Engineer Bearden read the feasibility report of April 26, 1976, to the Council. He then stated that since this report was prepared, he has spoken with the Highway Department. The project has been transferred to the Oakdale maintenance office from the Golden Valley office. They have indicated that it will be acceptable with a slope on the end 3-1 and the out slope 2-1. This would bring the out slope almost to the curb of the parking lot and would be somewhat more economical as far as the construction cost and will provide more storage of water. On June 25, 1975, a letter of intent of several items of work to be accomplished was set forth and this was approved by the City, the property developer and the Rice Creek Watershed District. This was not completed. For safety and erosion purposes, it is now necessary to do more in accordance with the Highway Department's recommendations.

Mayor Johnson asked Eng. Bearden if he was suggesting that the preliminary cost estimate should now be amended. He replied, yes, a ditch section can be constructed in place of the 18" pipe that was proposed. The administrator asked if we have it officially that the Highway Department is going to approve it. Eng. Bearden replied, no, but he had talked to John Sandell, chief engineer at the Oakdale office, and he indicated on the phone that the 3-1 slope on the inside and the 2-1 slope on the outside would be acceptable.

Mr. Frisch again objected to the hearing. He stated that there has been a water problem. The record of the Federal Government shows that during 1975 we had unusually heavy rainfall, 35.15 for 1975, while the average is 26.2. He further stated that the area around here has very poor soil. He objected to the shopping center being assessed, and stated that any proceedings that are made tonight to assess is contrary to law. They will seek relief in District Court. He gave his address and stated that he would like to be advised of anything further on this particular matter.

The administrator stated that Mr. Frisch had received a copy of a letter inviting the property owner to the April 26 meeting at which the feasibility report was submitted. However, no representative of Paster Enterprises attended that meeting. Mayor Johnson stated that Mr. Frisch's client has not lived up to many things that he has agreed to. Last spring we had a real emergency and some restoration had to be made to some of the neighbors near the shopping center. We have had many false starts, and nothing gets done. Mayor Johnson pointed out that Paster Enterprises was going to construct a drainage pipe and it has not been constructed. Holding ponds were going to be pumped but the city has to call each time they need pumping.

Mr. Frisch stated that those were half truths. He does know there is an automatic pump at the present time and they are functioning. There were originally some problems because of the sand. He felt he did not want to respond to anything as there have been other reasons why they were not done. Mr. Frisch stated that even your engineer says your past plans cannot be completed. We have an extremely delicate soil problem and it has to be handled differently. Given

the opportunity he will respond to each and every allegation. He would like to know the findings so that he can respond appropriately to them.

The Mayor stated that he did think that Mr. Frisch agreed that something has to be done with the ditch banks. Mr. Frisch stated that he felt that the problems lie on both sides. On the basis of the report he thought it was contrary to law -- the south side of County Rd. I doesn't benefit them and that type of assessment should not be assessed against them. They will pick up their fair share. If they are given a plan that is workable they will be happy to do it. We have only 10 acres of land, it may contribute, but it isn't reasonable for the whole problem. It is an act of God once every 20 years. They are happy to cooperate, they want to solve the problem, too, but don't want to pick up the whole tab. The administrator stated that the assessment has not been levied. The city has expended a considerable amount of money and no funds have been received from the benefitting property owner. The citizens of Mounds View's taxes are providing interim financing for these improvements.

Engineer Bearden stated that there was a bid opening scheduled for today which was postponed and tentatively scheduled for May 24 at 11:30. We can then modify the plans to have a ditch section in lieu of the pipe section, and open bids two weeks from today. He stated that this will include specifications that are acceptable to the Highway Department. Mayor Johnson asked, to stabilize the ditch banks, how much money are we talking about? Eng. Bearden replied probably about \$15,000.

Mr. Frisch then stated that they wanted to cooperate but do not want to bear the entire burden. His clients have committed themselves to spending some money, but it is not just us that has caused the problem. If we can't work something out, we will challenge the proceedings. We are willing to participate and hope to be included in all meetings and will be ready at any time to proceed in that way. We want extensive communication between the City of Mounds View and Paster Enterprises.

Mayor Johnson asked: What will you do?

Mr. Frisch replied that he could not answer that question. He would defer that information to professionals. They will cooperate when all experts are together. We know there is a problem but it isn't exclusively my client's problem.

Mayor Johnson asked what do they suggest that we do next. Mr. Frisch replied that more people than just his clients should be required to bear the expense. It is the whole community's problem.

Mayor Johnson read the July 11, 1975, letter from Paster Enterprises requesting the city to do the ditch work. He then stated that on July 14, 1975, Ordinance 231 was passed. It was adopted as a result of this letter. His recommendation

is that the work which is not done should be completed and finish the project. Atty. Meyers stated that the thing to do under these circumstances is to complete the original project based on the request of the owner. You should do only that which is necessary to complete what you authorized in view of the fact that you have a more long range improvement for that section of the city. If you do not feel that you are in a position to act this evening you may continue this meeting. Admin. Achen stated that the city has expended \$9200 so far, and the work done by city forces is not included in this figure.

MSP (Johnson-Hodges) that we direct the engineer to go back to the work which was originally proposed last summer and that a review of the work be made, see what has been accomplished to date, and that a proposal be made as to what work needs to be done in order to complete the work necessary to finish the project as originally conceived and have a report ready for Council May 24.

Mr. Frisch then stated that he had no objection to the hearing but if you have anything in advance of the meeting we would like communication on it. He intends to cooperate. He further stated that he has seen the result of \$9000 and does not think that another \$9000 will solve the problem. They will bring their professionals and offer their recommendations.

Ed Paster spoke to the Council regarding Paster Enterprises holding up their end of the bargain, i.e. a first-class operation, hiring the best architects, worked with the Council on the landscaping, cooperated with the overall program. They have made substantial commitments to Mounds View, got the stoplights put in there, done a great many things that were difficult. They would be happy to get rid of that water, they did what they were told to do, all their expensive sod washed into the drainage ditch. However, it is a problem that is total area wide. They cannot be responsible for the overall problem. All they have done is respond to your requests. Just because the problem is not resolved does not mean they haven't cooperated.

A roll call vote was requested:

Councilman Shelquist - absent
Councilman Hodges - aye
Councilman Baumgartner - aye
Councilman Pickar - aye
Mayor Johnson - aye

Motion carried.

Mayor Johnson adjourned this public hearing until May 24 at 8:30 p.m.

Mr. Frisch and Ed Paster requested that this hearing be continued another four weeks as Mr. Paster will be out of town on May 24th. Mayor Johnson asked the Council's pleasure. Councilman Hodges stated that he would hate to see it because of the problem with the rain -- it shouldn't wait until June 14. The administrator stated that if that were the case the earliest we could begin the project would be July. Councilman Baumgartner stated that he was not in favor of any special meetings on agenda nights. Like to have it at a Council meeting with everyone present.

Mayor Johnson stated that the public hearing will be continued May 24 at 8:30 p.m. He recessed the special hearing and called to order the regular Council meeting at 9:40 p.m.

BOISVERT DUPLEX DEVELOPMENT AGREEMENT. Mr. Boisvert appeared representing Boisvert Builders. Atty. Meyers read the agreement to the Council. Mr. Boisvert stated that he had no objections to the agreement.

MSP (Johnson-Hodges) to adopt Resolution No. 732 authorizing the Mayor and the administrator to sign this development agreement on behalf of the city, contingent upon receiving a cash bond or corporate surety bond subject to approval of such by the City Attorney.

4 ayes

MINOR SUBDIVISION REQUEST OF CHARLES HUTCHENSON FOR PROPERTY generally located at southwest corner of Knollwood/Arden Avenue intersection. Admin. Achen explained that the individual representing the property owner could not attend. This subdivision is based upon acquisition of a parcel of city land in order to provide a total parcel of sufficient size.

Atty. Meyers stated that the city acquired that parcel through conveyance of forfeited lands, conveyed for highway and utility purposes. He did not know what kind of a deed they could give. It can be done but the parcel has to be reconveyed back to the state. They can convey it to the people. We don't have to have an appraisal because we will not get any of the benefits anyway. The parties interested should go to the state first and find out under what terms they would be able to get the property. It would be an assistance to the property owner to grant the subdivision.

MSP (Baumgartner-Pickar) that the City agree to convey to the state this parcel of land with the understanding that the state will then be free to convey that parcel, less the City's street right-of-way, to the parties involved. Further, that the City conditionally approve the proposed subdivision with the use of this property as recommended by the Planning Commission.

4 ayes

Mayor Johnson recessed the meeting at 10:06. The meeting was called back to order at 10:20 p.m.

MINOR SUBDIVISION OF GEORGE HERDA OF PROPERTY GENERALLY LOCATED AT 8345 & 8335 FAIRCHILD AVE. The administrator explained that the Planning Commission has reviewed this and recommended approval. The staff recommends approval according to the recommendations of the Planning Commission which included a 5-foot utility easement. Anything that has to be deeded is required of the subdivider.

MSP (Hodges-Pickar) to follow the recommendations of the Planning Commission and approve the minor subdivision of George Herda generally located at 8345 and 8335 Fairchild Ave.

4 ayes

PROPOSED REVISION OF SUBDIVISION REGULATIONS ORDINANCE. The administrator stated that this was tabled at the last meeting. The Council has now received proposed revisions of the original draft, where in a minor subdivision a subdivider is now required to have a surveyor's certificate with all of the information that is on the preliminary plat. This change in the ordinance still allows the Council the option anytime it deems appropriate to acquire a subdivision to be platted. The staff feels that this would expedite the subdivision process in those not creating more than one additional lot or covering more than two acres. They attorney has recommended that variances to the ordinance be allowed.

MSP (Baumgartner-Hodges) that we approve the subdivision regulations as presented with amendments in the memo from the administrator to the Council of May 4, 1976.

Councilman Baumgartner stated that he felt that we should add some variance stipulation.

Motion was amended to add a new subdivision to 42.15, that subdivision to read:

Subdivision 2. Variance. The Council may grant a variance of these subdivision regulations in any particular case where the subdivider can show that by reason of exceptional topography or other physical conditions the strict compliance with these regulations could cause an exceptional and undue hardship on the enjoyment of a substantial property right, provided such relief may be granted without detriment to the public welfare and without impairing the intent and purpose of this Chapter.

Subdivision 2 in the draft should be renumbered to Subdivision 3. In paragraph 1, the word "variance" should be added prior to the word "exception". Paragraph 3 should be amended to include the word "variance".

Amendment carried - 4 ayes

A vote on the main motion was requested.

4 ayes

LICENSES FOR APPROVAL - Admin. Achen read the licenses presented for approval (attached). He also mentioned that Robert W. Raes, 7715 Eastwood Drive, wanted a license to sell Mexican paintings and homemade rugs on the corner of Eastwood and County Rd. I and the corner of Highway 10 and Co. Rd. H-2. Further, Delores Saunders has registered an objection to the denial by Council to sell paintings on velvet.

MSP (Baumgartner-Hodges) to approve the licenses as printed on the attached list.

4 ayes

Mayor Johnson stated that perhaps further consideration should be given to Mr. Teslow's request to sell Mexican articles. Someone comes in and sells flowers and never bothers to come in and ask. Either we are going to deny and make sure others don't get to sell or people that bother to apply should be given the opportunity.

The administrator stated that the police have chased off sellers who do not have a license. Perhaps they should also issue tickets.

MSP (Johnson-Baumgartner) that we deny the license request of Robert W. Raes because of the traffic problems that would be created at the two locations at which he is requesting a license to sell the Mexican paintings and homemade rugs.

4 ayes

Councilman Baumgartner stated that he has objected before because we have a shopping center that does the same thing, and these peddlers probably undersell them and do not have to go through the routine of the others, but the major problem is the parking problem.

Atty. Meyers reminded the Council of their zoning requirements -- all that has to be followed regarding parking situations, lighting, location of signs, etc.

BILLS FOR APPROVAL - General Account Checks #12397-12461, Payroll Account Checks #1264-1268, Transfer Check #12461 transferring \$15,192.47 from General Fund, \$1,145.76 from Water, \$1,535.59 from Sewer to pay gross pay of May 15, 1976. Total disbursements: \$41,797.46.

MSP (Hodges-Baumgartner) to approve the bills as presented.

4 ayes

ADMINISTRATOR'S REPORT

Admin. Achen stated that he recommends Eva Melhouse be appointed a regular full-time employee, as she will satisfactorily complete her probationary period May 12 as administrator's secretary.

MSP (Johnson-Hodges) to appoint Eva Melhouse a regular full-time employee and her compensation level to be commensurate therewith.

4 ayes

L I C E N S E S F O R A P P R O V A L

May 10, 1976

GENERAL CONTRACTORS - new

David R. Baerg Construction
7030 James Ave. No.
Brooklyn Center, MN 55430

Bernatz-Shuldheiss Builders
6008 Ashcroft Ave.
Edina, MN 55424

WATERPROOFING - new

National Waterproofing Corp. of MN, Inc.
8736 East Research Center Rd.
New Hope, MN 55428

Mounds View / City Council Meeting Minutes
Minnesota Historical Society

COUNCILMAN HODGES had no report.

COUNCILMAN BAUMGARTNER stated that May 27 is the next regular meeting of Parks and Recreation, but that Doug Bryant wants to call this a special meeting to try to get more people to attend and this will be publicized. Further, Jack Shields, tree inspector, had a presentation on tree disease, with some beautiful slides, etc. Only two people came and he was disappointed. They plan to have another in the fall. This should be publicized as it will be very worthwhile.

COUNCILMAN PICKAR inquired regarding the logo for the Chambers as to what was decided. Mayor Johnson asked him if he wasn't going to go back and see if he wanted to do further work on it? Councilman Pickar asked what they were looking for -- do you want me to go back and see if he has ideas? Mayor Johnson suggested a piece of oak and Councilman Baumgartner said that it should be discussed at the agenda meeting.

MAYOR JOHNSON stated that last Thursday applications for city engineer were reviewed and it was narrowed down to five people. The administrator said that the interview is set up for May 19 at 7:00 p.m.

Mayor Johnson further stated that the city had Clean Up Day and want to thank the Council wives and the other volunteers, i.e. Snowmobile Club, church groups, boy scouts, girl scouts, brownies, camp fire girls, etc.

Atty. Meyers stated that he is meeting Wednesday morning at 10:45 with the ground water engineer with an appraisor and an architect to review the building, etc. and make some decisions as to procedure. He will also have the appraisor look at two parcels of land acquired in 73-4. They should not subdivide but sell the land as is. Further, he has been in court several times on people connecting to sewers, so he feels we should review our procedures on this. He has given a copy of the Dumas assessment to the Council. Also he wants to bring the Council's attention and the Planning Commission's attention to the City of Blaine zoning case -- everyone assumes that B-2 zoning allows only businesses that serve the neighborhood and the Supreme Court has found that this is not always binding.

ENGINEER BEARDEN had no report.

Gordon Ziebarth, Chairman of the Bicentennial Commission, said that he had a question regarding the sign -- does it have to be approved by the Council before they publish a legal ad?

Atty. Meyers said that it is the Council's function to advertise for bids. You are talking two weeks from today to get approval.

Mayor Johnson said that he could appreciate the time you are putting in on this. Would you have specs ready for next week? Mr. Ziebarth replied that he will make every attempt to do that.

Mayor Johnson then set a special Council meeting for next Monday evening at 7:00 p.m. for the purpose of reviewing the final plans and specifications for a new city sign. This was seconded by Councilman Baumgartner.

4 ayes

MSP (Johnson-Baumgartner) to adjourn at 11:15 p.m.

Respectfully submitted,



Mark Achen
Clerk-Administrator

Mounds View / City Council Meeting Minutes
Minnesota Historical Society

PROCEEDINGS OF THE CITY COUNCIL
CITY OF MOUNDS VIEW
RAMSEY COUNTY, MINNESOTA

A regular meeting of the Mounds View City Council was called to order by Mayor Johnson on May 24, 1976, at 8:04 pm., at Mounds View City Hall, 2401 Highway 10, Mounds View, MN 55112.

Present: Mayor Johnson Also present: Clerk-Admin. Achen
 Councilman Baumgartner Attorney Meyers
 Councilman Pickar Engineer Bearden
 Councilman Shelquist

Councilman Hodges was absent.

MSP (Pickar-Baumgartner) to approve the minutes of May 10, 1976, regular meeting.

3 eyes
1 abst.

Councilman Shelquist abstained as he was out of town.

CITIZEN COMMENTS & REQUESTS - there were none.

The following items can be approved and adopted by a single Council motion:

1. Resolution No. 733 entitled CLARIFYING AND EXTENDING PREVIOUS REQUEST TO RAMSEY COUNTY FOR DESIGNATION OF NO PARKING ZONES ALONG SOUTHEASTERN SHORE OF SPRING LAKE.
2. Receive Sunrise Methodist Church petition regarding the possible effect upon their real property of the storm water engineering consultant's recommendations. Direct administrator to forward petition to Banister, Short, Elliott, Hendrickson & Associates, Inc. and to notify Church of the completion date for the consultant's storm water management study and to indicate that this petition will be considered at that time.
3. Resolution No. 734 entitled AUTHORIZING SALE OF TAX FORFEITED LANDS - LAPORT MEADOWS - LOT 5, BLOCK 6.
4. Authorize Metropolitan Area Management Association to represent the City of Mounds View in current labor contract negotiations with the International Union of Operating Engineers, Local No. 49.
5. Director administrator to notify the International Union of Operating Engineers that the City of Mounds View will not pay the wages of Wallace Mortenson while he attends contract negotiating sessions on behalf of the members of the union, but that the City will allow Mr. Mortenson time off without pay to attend such negotiating sessions as long as he gives his supervisor at least 24 hours notice of such absence.
6. BILLS FOR APPROVAL - General Account Checks #12462-12534, Payroll Account Checks #2489 - 2527, Transfer Check transferring \$15,731.43 from General Fund, \$1,576.90 from Water, \$1,145.76 from Sewer to pay gross pay of May 30, 1976. Total disbursements: \$47,304.71. Also authorize issuance of check to Webster Co. Inc.