



City Council Agenda

Monday, August 17, 2009

6:00 p.m.

City Council Chambers

(Times are Approximate)

- 6:00 p.m. **1. Roll Call**
Voting & Seating Order for August: Ihlan; Pust; Johnson;
Roe; Klausing
- 6:02 p.m. **2. Approve Agenda**
- 6:05 p.m. **3. Public Comment**
- 6:10 p.m. **4. Council Communications, Reports, Announcements and
Housing and Redevelopment Authority Report**
- 6:15 p.m. **5. Recognitions, Donations, Communications**
- 6:25 p.m. **6. Approve Minute**
 - a. Approve Minutes of August 10, 2009 Meeting
- 6:30 p.m. **7. Approve Consent Agenda**
 - a. Approve Payments
 - b. Receive Grant Application Report
 - c. Adopt a Resolution Approving the request by Mike
Heffernan, 893 County Road C2, for a 1,008-square-foot
accessory structure as a Conditional Use (PF09-021)
- 6:40 p.m. **8. Consider Items Removed from Consent**
- 9. General Ordinances for Adoption**
- 10. Presentations**
- 11. Public Hearings**
- 12. Business Items (Action Items)**
- 6:50 p.m.
 - a. Approve a Preliminary Plat and Adopt a Resolution
approving a Planned Unit Development Amendment for
United Properties to allow the Senior Cooperative
residence at 3008-3010 Cleveland Avenue to be
developed in two phases instead of one phase (PF07-
006)

- 7:05 p.m. b. Adopt Professional Services Policy
- 7:20 p.m. c. Receive Community Meeting Report
- 13. Business Items – Presentations/Discussions**
- 7:30 p.m. a. Discuss Sidewalk Request for Dale Street North of
County Road C
- 7:50 p.m. b. Discussion on the City’s 2010 Property Tax Levy Limits
- 8:05 p.m. c. Continue Discussions on an Alternative Budgeting
Process for 2010
- 8:35 p.m. d. Discussion on Council Liaisons
- 8:45 p.m. **14. City Manager Future Agenda Review**
- 8:50 p.m. **15. Councilmember Initiated Items for Future Meetings**
- 9:00 p.m. **16. Adjourn**

Some Upcoming Public Meetings.....

Monday	Aug 24	6:00 p.m.	City Council Meeting
Tuesday	Aug 25	6:30 p.m.	Public Works, Environment & Transportation Commission August Meeting Cancelled – next meeting Sep 22
Monday	Aug 31	6:00 p.m.	Housing & Redevelopment Authority
Tuesday	Sep 1	6:30 p.m.	Parks & Recreation Commission See Sep 19 – Annual Parks Tour
Wednesday	Sep 2	6:30 p.m.	Planning Commission
Monday	Sep 7	-	Labor Day – City Offices Closed
Tuesday	Sep 8	6:30 p.m.	Human Rights Commission
Monday	Sep 14	6:00 p.m.	City Council Meeting
Tuesday	Sep 15	6:00 p.m.	Housing & Redevelopment Authority
Saturday	Sep 19	TBD	Parks & Recreation Commission Annual Parks Tour

All meetings at Roseville City Hall, 2660 Civic Center Drive, Roseville, MN unless otherwise noted.

Date: 8/17/09

Item: 6.a

Approve 8/10/09 Minutes

No Attachment

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/17/2009
Item No.: 7.a

Department Approval

City Manager Approval

Christopher K. Miller

W. J. Mahinen

Item Description: Approval of Payments

BACKGROUND

State Statute requires the City Council to approve all payment of claims. The following summary of claims has been submitted to the City for payment.

Check Series #	Amount
ACH Payments	\$1,289,402.63
55994—56073	\$433,118.76
Total	\$1,722,521.39

A detailed report of the claims is attached. City Staff has reviewed the claims and considers them to be appropriate for the goods and services received.

POLICY OBJECTIVE

Under Mn State Statute, all claims are required to be paid within 35 days of receipt.

FINANCIAL IMPACTS

All expenditures listed above have been funded by the current budget, from donated monies, or from cash reserves.

STAFF RECOMMENDATION

Staff recommends approval of all payment of claims.

REQUESTED COUNCIL ACTION

Motion to approve the payment of claims as submitted

Prepared by: Chris Miller, Finance Director

Attachments: A: n/a

Accounts Payable Checks for Approval

User: mjenson

Printed: 08/11/2009 - 10:00 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/05/2009	General Fund	Training	Aurelio's Pizza-ACH	Monthly Staff Meeting Food	236.82
0	08/05/2009	Recreation Fund	Professional Services	Jimmy John's Sandwiches- ACH	Community Org. Reception Food	217.00
0	08/05/2009	Recreation Fund	Professional Services	Nelsons Cheese & Deli-ACH	Sandwiches	18.00
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	Mills Fleet Farm-ACH	Supplies	99.15
0	08/05/2009	General Fund	Operating Supplies	Byerly's- ACH	Bakery Items	61.99
0	08/05/2009	General Fund	Training	Byerly's- ACH	No Receipt	8.21
0	08/05/2009	Recreation Fund	Operating Supplies	Michaels-ACH	Flags	51.18
0	08/05/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Discover Your Parks Supplies	7.38
0	08/05/2009	Recreation Fund	Operating Supplies	Certified Laboratories-ACH	Clear Flush Block	193.53
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	Certified Laboratories-ACH	Latex Gloves	84.55
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	Menards-ACH	Premixed Motar	20.69
0	08/05/2009	Storm Drainage	Operating Supplies	Byerly's- ACH	Bakery Items	10.98
0	08/05/2009	General Fund	Miscellaneous	Target- ACH	Batteries	32.81
0	08/05/2009	Recreation Fund	Operating Supplies	Local Link, Inc.-ACH	Hosting Service-June 2009	107.50
0	08/05/2009	Information Technology	Contract Maintenance	TGI Friday's- ACH	Lunch Meeting to Review Job Apps.	28.00
0	08/05/2009	General Fund	Operating Supplies	Flowerama-ACH	Flowers	13.93
0	08/05/2009	Recreation Fund	Operating Supplies	Uniforms Unlimited-ACH	Recital Shirts	771.00
0	08/05/2009	General Fund	Op Supplies - City Hall	Linder's Garden Ctr-ACH	Compression Tank Sprayer	72.90
0	08/05/2009	General Fund	Contract Maintenance	Menards-ACH	Fire Station Building Supplies	18.91
0	08/05/2009	Storm Drainage	Operating Supplies	Menards-ACH	Compost Bins	70.41
0	08/05/2009	Recreation Improvements	CP Amphitheater	Menards-ACH	Amphitheater Supplies	42.81
0	08/05/2009	General Fund	Contract Maintenance	Menards-ACH	Fire Station Building Supplies	28.31
0	08/05/2009	Recreation Fund	Professional Services	Michaels-ACH	Flag Brackets	21.33
0	08/05/2009	Recreation Fund	Operating Supplies	Party America-ACH	Plastic Cups	17.04
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	North Hgis Hardware Hank-ACH	Connectors, Bushings	24.52
0	08/05/2009	Recreation Fund	Operating Supplies	Office Depot- ACH	Paper for Dance Recital	25.61
0	08/05/2009	Recreation Fund	Operating Supplies	Office Depot- ACH	Office Supplies	376.82
0	08/05/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	GFI Cover, Electrical Tape	33.18
0	08/05/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Lenomade	17.12
0	08/05/2009	Police - DWI Enforcement	Professional Services	Ultimate Electronics-ACH	Cables for Squad Room Monitors	32.01
0	08/05/2009	Solid Waste Recycle	Furniture & Fixtures	World Centric-ACH	Compostable Silverwear	163.49
0	08/05/2009	Solid Waste Recycle	Use Tax Payable	World Centric-ACH	Sales/Use Tax	-9.97

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/05/2009	General Fund	Operating Supplies	Butler Vacuum-ACH	Vacuum Parts	11.73
0	08/05/2009	General Fund	Operating Supplies	Fed Ex Kinko's-ACH	Carbonless Forms	121.68
0	08/05/2009	Recreation Fund	Operating Supplies	Hermes Floral - ACH	Flowers for Dance Recital	545.23
0	08/05/2009	Recreation Fund	Operating Supplies	Joann Fabric-ACH	Velcro, Red Tonal Petals	46.16
0	08/05/2009	General Fund	Operating Supplies	Dirt Devil-ACH	Vacuum Parts	35.83
0	08/05/2009	Recreation Fund	Operating Supplies	Suburban Ace Hardware-ACH	Drop Cloth	28.81
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Tape	26.58
0	08/05/2009	Recreation Fund	Office Supplies	Office Depot- ACH	Sign Holders, Folders	73.05
0	08/05/2009	Recreation Fund	Operating Supplies	Gopher Sport- ACH	Sports Program Uniforms	84.22
0	08/05/2009	Recreation Fund	Operating Supplies	Sports Authority-ACH	Youth Softball Supplies	8.52
0	08/05/2009	Recreation Fund	Operating Supplies	Sports Authority-ACH	Kickballs	23.96
0	08/05/2009	Recreation Fund	Operating Supplies	Sports Authority-ACH	Sports Equipment	283.04
0	08/05/2009	Recreation Fund	Operating Supplies	Sports Authority-ACH	Tent Parts	59.99
0	08/05/2009	Recreation Fund	Operating Supplies	PetSmart-ACH	Animal Supplies	20.77
0	08/05/2009	Recreation Fund	Operating Supplies	Joann Fabric-ACH	Singer Inspire	138.76
0	08/05/2009	Telecommunications	Professional Services	Survey Monkey.com-ACH	Subscription	19.95
0	08/05/2009	Recreation Improvements	CP Amphitheater	Linder's Garden Ctr-ACH	Sod	13.69
0	08/05/2009	Recreation Improvements	CP Amphitheater	Menards-ACH	Amphitheater Supplies	64.10
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	Suburban Ace Hardware-ACH	Fasteners, Drill Bit	16.49
0	08/05/2009	Recreation Improvements	CP Amphitheater	Suburban Ace Hardware-ACH	Fasteners	11.73
0	08/05/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Amphitheater Redevelopment Supplies	154.14
0	08/05/2009	Recreation Fund	Operating Supplies	Target- ACH	Supplies	141.97
0	08/05/2009	Recreation Fund	Operating Supplies	Viking Industrial Center-ACH	Safety Glasses	17.81
0	08/05/2009	Storm Drainage	Operating Supplies	Viking Industrial Center-ACH	Safety Glasses	17.81
0	08/05/2009	General Fund	Operating Supplies	Roseville Bakery-ACH	Bakery Items	112.99
0	08/05/2009	Recreation Fund	Operating Supplies	Flowerama-ACH	Flowers	30.00
0	08/05/2009	Recreation Fund	Transportation	NWA Air-ACH	FEMA Conference Transportation	369.20
0	08/05/2009	Storm Drainage	Operating Supplies	Brock White -ACH	Molar Speed Red Bag	31.86
0	08/05/2009	Storm Drainage	Operating Supplies	Viking Industrial Center-ACH	Bib Pants, Jacket	169.95
0	08/05/2009	General Fund	Operating Supplies	Viking Industrial Center-ACH	Bib Pants, Jacket	70.71
0	08/05/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Watering Supplies	30.46
0	08/05/2009	Community Development	Conferences	Urban Land Institute- ACH	Regional Housing Conference	35.00
0	08/05/2009	Water Fund	Water Meters	Superamerica-ACH	2 Boss Nylon Knit	9.98
0	08/05/2009	Sanitary Sewer	Operating Supplies	Menards-ACH	Adhesive	5.72
0	08/05/2009	Information Technology	Operating Supplies	Buy.com- ACH	Coated Paper Roll for Plotter	211.83
0	08/05/2009	Information Technology	Use Tax Payable	Buy.com- ACH	Sales/Use Tax	-12.92
0	08/05/2009	Recreation Fund	Office Supplies	Office Depot- ACH	Office Supplies	47.99
0	08/05/2009	General Fund	Conferences	ICMA - ACH	ICMA Conference	527.00
0	08/05/2009	Recreation Fund	Operating Supplies	Rainbow Foods-ACH	Little Folks Snacks, Animal Supplies	19.62
0	08/05/2009	Water Fund	Water Meters	Granger-ACH	Sealant	60.63
0	08/05/2009	General Fund	Operating Supplies	Menards-ACH	Asphalt Scrapers	31.30
0	08/05/2009	General Fund	Water Meters	Suburban Ace Hardware-ACH	Thread Seal Tape	6.59
0	08/05/2009	Golf Course	Operating Supplies	Batteries Plus Roseville-ACH	Batteries	4.26
0	08/05/2009	Golf Course	Operating Supplies	Home Depot- ACH	Wood	8.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/05/2009	License Center	Office Supplies	Target- ACH	Batteries	50.96
0	08/05/2009	Recreation Fund	Operating Supplies	Target- ACH	Summer Spectacular Supplies	200.00
0	08/05/2009	Recreation Fund	Operating Supplies	Target- ACH	Puppet Wagon Supplies	100.00
0	08/05/2009	Recreation Fund	Operating Supplies	Target- ACH	Playground Supplies	100.00
0	08/05/2009	Recreation Fund	Operating Supplies	Target- ACH	Department Supplies	103.95
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	Sherwin Williams - ACH	Paint	298.47
0	08/05/2009	General Fund	Contract Maintenance	Grainger-ACH	Fire Station Building Supplies	153.49
0	08/05/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Roller Cover	19.23
0	08/05/2009	Golf Course	Merchandise For Sale	Cub Foods- ACH	Food for Resale	18.98
0	08/05/2009	Water Fund	Contract Maintenance	PayPal-ACH	Verisign Renewal	18.03
0	08/05/2009	Storm Drainage	Contract Maintenance	PayPal-ACH	Verisign Renewal	18.03
0	08/05/2009	Sanitary Sewer	Contract Maintenance	PayPal-ACH	Verisign Renewal	18.04
0	08/05/2009	Recreation Fund	Professional Services	Radisson Hotel-ACH	Hotel Room	161.34
0	08/05/2009	P & R Contract Maintenance	Other Improvements	Home Depot- ACH	Supplies	127.17
						8,021.59
Check Total:						
0	08/11/2009	Internal Service - Interest	Investment Income	RVA- ACH	June Interest	338.42
0	08/11/2009	General Fund	Motor Fuel	MN Dept of Revenue-ACH	June Fuel Tax	313.65
0	08/11/2009	General Fund	Postage	Pitney Bowes - Monthly ACH	July Postage	3,000.00
0	08/11/2009	Water Fund	Water - Roseville	City of Roseville- ACH	July Water	9,705.73
0	08/11/2009	General Fund	210300 - State Income Tax W/H	MN Dept of Revenue-ACH	State Tax Deposit For 7/14 Payroll	26,186.85
0	08/11/2009	General Fund	211404 - MN State Retirement	MN State Retirement System-ACH	Payroll Deduction for 7/14 Payroll	4,245.67
0	08/11/2009	Sanitary Sewer	Credit Card Service Fees	Applied Merchant Services-ACH	June UB Payments.com Charges	474.21
0	08/11/2009	General Fund	210400 - PERA Employees Ded.	PERA-ACH	Payroll Deduction for 7/14 Payroll	29,271.67
0	08/11/2009	General Fund	211600 - PERA Employees Share	PERA-ACH	Payroll Deduction for 7/14 Payroll	38,107.64
0	08/11/2009	General Fund	211000 - Deferred Comp.	Great West- ACH	Payroll Deduction for 7/14 Payroll	8,248.13
0	08/11/2009	General Fund	210200 - Federal Income Tax	IRS EFTPS- ACH	Federal Tax Deposit for 7/14 Payroll	65,108.68
0	08/11/2009	General Fund	210800 - FICA Employee Ded.	IRS EFTPS- ACH	Federal Tax Deposit for 7/14 Payroll	26,364.74
0	08/11/2009	General Fund	211700 - FICA Employers Share	IRS EFTPS- ACH	Federal Tax Deposit for 7/14 Payroll	26,364.74
0	08/11/2009	Recreation Fund	Credit Card Fees	US Bank-ACH	June Terminal Charges	38.00
0	08/11/2009	Sanitary Sewer	Credit Card Service Fees	US Bank-ACH	June Terminal Charges	537.98
0	08/11/2009	Golf Course	Credit Card Fees	US Bank-ACH	June Terminal Charges	542.22
0	08/11/2009	Sanitary Sewer	Credit Card Service Fees	US Bank-ACH	June Terminal Charges	45.00
0	08/11/2009	General Fund	209000 - Sales Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	92.21
0	08/11/2009	General Fund	209001 - Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	152.06
0	08/11/2009	Information Technology	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	64.15
0	08/11/2009	Telecommunications	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	616.45
0	08/11/2009	Info Tech/Contract Cities	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	5.55
0	08/11/2009	Recreation Fund	Sales Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	1,659.91
0	08/11/2009	Recreation Fund	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	182.58
0	08/11/2009	P & R Contract Maintenance	Sales Tax	MN Dept of Revenue-ACH	June Sales/Use Tax	28.86
0	08/11/2009	P & R Contract Maintenance	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	25.69
0	08/11/2009	Community Development	Sales Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	5.14

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/11/2009	License Center	Sales Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	497.62
0	08/11/2009	License Center	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	105.48
0	08/11/2009	Police Forfeiture Fund	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	60.32
0	08/11/2009	Police - DWI Enforcement	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	429.80
0	08/11/2009	Water Fund	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	72.70
0	08/11/2009	Storm Drainage	Sales Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	167.50
0	08/11/2009	Solid Waste Recycle	Sales Tax	MN Dept of Revenue-ACH	June Sales/Use Tax	45.00
0	08/11/2009	Solid Waste Recycle	Use Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	297.98
0	08/11/2009	Housing & Redevelopment	AUse Tax Payable	MN Dept of Revenue-ACH	June Sales/Use Tax	65.00
0	08/11/2009	Water Fund	State Sales Tax Payable	MN Dept of Revenue-ACH	Accelerated Payment	-4,574.00
0	08/11/2009	General Fund	210300 - State Income Tax W/H	MN Dept of Revenue-ACH	State Tax Deposit For 7/28 Payroll	19,334.82
0	08/11/2009	General Fund	211404 - MN State Retirement	MN State Retirement System-ACH	Payroll Deduction for 7/28 Payroll	4,206.35
0	08/11/2009	General Fund	210400 - PERA Employee Ded.	PERA-ACH	Payroll Deduction for 7/28 Payroll	30,460.57
0	08/11/2009	General Fund	211600 - PERA Employers Share	PERA-ACH	Payroll Deduction for 7/28 Payroll	39,270.02
0	08/11/2009	General Fund	211000 - Deferred Comp.	Great West- ACH	Payroll Deduction for 7/28 Payroll	8,218.13
0	08/11/2009	General Fund	210200 - Federal Income Tax	IRS EFTPS- ACH	Federal Tax Deposit for 7/28 Payroll	43,969.48
0	08/11/2009	General Fund	210800 - FICA Employee Ded.	IRS EFTPS- ACH	Federal Tax Deposit for 7/28 Payroll	25,638.86
0	08/11/2009	General Fund	211700 - FICA Employers Share	IRS EFTPS- ACH	Federal Tax Deposit for 7/28 Payroll	25,638.86
0	08/11/2009	General Fund	210300 - State Income Tax W/H	Wisconsin Dept of Rev-ACH	July WI State Income Tax	1,207.04
0	08/11/2009	Workers Compensation	Parks & Recreation Claims	SFM-ACH	July Work Comp Claims	2,854.89
0	08/11/2009	Workers Compensation	Police Patrol Claims	SFM-ACH	July Work Comp Claims	7,193.26
0	08/11/2009	Workers Compensation	Administrative Claims	SFM-ACH	July Work Comp Claims	1,028.54
0	08/11/2009	Workers Compensation	Street Department Claims	SFM-ACH	July Work Comp Claims	14.75
0	08/11/2009	Workers Compensation	Fire Department Claims	SFM-ACH	July Work Comp Claims	425.91
0	08/11/2009	Workers Compensation	Code Enforcement Claims	SFM-ACH	July Work Comp Claims	83.97
0	08/11/2009	General Fund	Salaries - Regular	SFM-ACH	July Work Comp Claims	1,633.74
Check Total:						450,072.52
0	08/06/2009	General Fund	Op Supplies - City Hall	Linder's Garden Ctr-ACH	Mite Control	7.71
0	08/06/2009	Recreation Fund	Operating Supplies	Subway-ACH	Dance Recital Volunteer Dinner	53.38
0	08/06/2009	General Fund	Vehicle Supplies	PTS Tool Supply-ACH	Mufler Cutter, Hammer	155.86
0	08/06/2009	Recreation Fund	Operating Supplies	Bernard Mulcahy Co-ACH	Oval Fittings	131.46
0	08/06/2009	General Fund	Operating Supplies	Target- ACH	Key Box Tags	8.52
0	08/06/2009	General Fund	Operating Supplies	UPS Store-ACH	Shipping Costs for Sale of Used Equip.	100.05
0	08/06/2009	Recreation Fund	Operating Supplies	Rainbow Foods-ACH	Discover Your Parks Supplies	37.90
0	08/06/2009	Recreation Fund	Operating Supplies	Walmart-ACH	Training and Summer Program Supplies	160.84
0	08/06/2009	General Fund	Operating Supplies	Staples-ACH	Key Box Tags	9.06
0	08/06/2009	Boulevard Landscaping	Operating Supplies	Central Turf Farms-ACH	Sod	278.21
0	08/06/2009	Boulevard Landscaping	Operating Supplies	Central Turf Farms-ACH	Sod	500.00
0	08/06/2009	General Fund	Contract Maintenance Vehicles	Kremer Spring & Align-ACH	Wheel Alignment for Engine 31	173.60
0	08/06/2009	P & R Contract Maintenance	Operating Supplies	Bachman's-ACH	Trees	91.06
0	08/06/2009	Recreation Fund	Operating Supplies	Bachman's-ACH	Trees	182.11

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/06/2009	General Fund	Op Supplies - City Hall	Suburban Ace Hardware-ACH	Bleach, Nozzle	11.28
0	08/06/2009	Recreation Fund	Operating Supplies	Walgreens-ACH	Video Equipment	10.66
0	08/06/2009	Recreation Fund	Operating Supplies	Target- ACH	Wetland Wonders Camp Snacks	61.26
0	08/06/2009	Recreation Fund	Operating Supplies	Jimmy John's Sandwiches- ACH	Staff Training Lunch	111.00
0	08/06/2009	Recreation Fund	Operating Supplies	Flowerama-ACH	Flowers	17.15
0	08/06/2009	Recreation Fund	Operating Supplies	Gopher-ACH	Summer Sports Supplies	254.21
0	08/06/2009	Recreation Fund	Operating Supplies	Gopher-ACH	Double Dutch Ropes	11.94
0	08/06/2009	General Fund	Training	Superamerica-ACH	Supplies for Staff Meeting	16.01
0	08/06/2009	General Fund	Training	Aurelio's Pizza-ACH	Food for June Staff Meeting	259.94
0	08/06/2009	Recreation Fund	Operating Supplies	Mike's Pro Shop-ACH	Supplies	296.28
0	08/06/2009	Recreation Fund	Use Tax Payable	Mike's Pro Shop-ACH	Sales/Use Tax	-18.08
0	08/06/2009	Recreation Fund	Operating Supplies	USPS-ACH	Priority Mail	16.20
0	08/06/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Cooling Tower Water Treat	73.89
0	08/06/2009	General Fund	Memberships & Subscriptions	Government Finance Office-ACH	GFOA Membership	415.00
0	08/06/2009	Recreation Fund	Operating Supplies	Nada-ACH	Archery Supplies	510.00
0	08/06/2009	Recreation Fund	Operating Supplies	Carolina Biological Supplies-A	Spring Clamp	41.68
0	08/06/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Rust Remover	13.86
0	08/06/2009	Recreation Improvements	CP Amphitheater	Home Depot- ACH	Door Supplies	79.48
0	08/06/2009	Golf Course	Operating Supplies	Home Depot- ACH	Shop Flowers, Flower Food	42.75
0	08/06/2009	Golf Course	Vehicle Supplies	O'Reilly Automotive-ACH	Plugs for Cushman	18.30
0	08/06/2009	Sanitary Sewer	Operating Supplies	Suburban Ace Hardware-ACH	Key	18.08
0	08/06/2009	General Fund	Operating Supplies	Suburban Ace Hardware-ACH	Oil, Gloves	25.60
0	08/06/2009	P & R Contract Maintenance	Op Supplies - City Hall	North Hgts Hardware Hank-ACH	Staples, Nail Gun	47.79
0	08/06/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Staff Training Supplies	99.65
0	08/06/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Preschool Program Snacks	50.89
0	08/06/2009	Recreation Fund	Operating Supplies	Rainbow Foods-ACH	Wetland Wonders Camp Snack	16.06
0	08/06/2009	Recreation Fund	Operating Supplies	Walmart-ACH	Department Supplies	100.00
0	08/06/2009	Recreation Fund	Operating Supplies	Walmart-ACH	Summer Program Supplies	100.00
0	08/06/2009	Recreation Fund	Operating Supplies	Walmart-ACH	Summer Program Supplies	81.91
0	08/06/2009	General Fund	Vehicle Supplies	Now & Later-ACH	Gas	10.03
0	08/06/2009	Golf Course	Contract Maintenance	ECR Software-ACH	Software	750.00
0	08/06/2009	Recreation Fund	Operating Supplies	Lanotte Co-ACH	Oxygen Tablets	24.76
0	08/06/2009	Recreation Fund	Use Tax Payable	Lanotte Co-ACH	Sales/Use Tax	-1.51
0	08/06/2009	P & R Contract Maintenance	Operating Supplies	Suburban Ace Hardware-ACH	No Receipt	18.13
0	08/06/2009	Water Fund	Water Meters	Suburban Ace Hardware-ACH	Hammer	23.47
0	08/06/2009	Recreation Fund	Operating Supplies	Office Max-ACH	Literature Box	19.73
0	08/06/2009	Recreation Fund	Office Supplies	Office Depot- ACH	Office Supplies	12.04
0	08/06/2009	General Fund	Operating Supplies	Walmart-ACH	Candy for Parade	75.71
0	08/06/2009	Boulevard Landscaping	Operating Supplies	UPS Store-ACH	Shipping Charge	11.08
0	08/06/2009	General Fund	Operating Supplies	Fed Ex Kinko's-ACH	Carbonless Forms	66.72
0	08/06/2009	Recreation Fund	Operating Supplies	Roseville Bakery-ACH	Volunteer Donuts	21.50
0	08/06/2009	Recreation Fund	Operating Supplies	Rainbow Foods-ACH	Volunteer Cookies	9.00
0	08/06/2009	Recreation Fund	Operating Supplies	Carolina Biological Supplies-A	Magnifier	79.53
0	08/06/2009	General Fund	Operating Supplies	Buy.com- ACH	Memory Card	34.87

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/06/2009	General Fund	209001 - Use Tax Payable	Buy.com- ACH	Sales/Use Tax	-2.12
0	08/06/2009	Recreation Fund	Operating Supplies	Target- ACH	Teen Activities Supplies	33.54
0	08/06/2009	Recreation Fund	Operating Supplies	Target- ACH	First Aid/Health Supplies	96.12
0	08/06/2009	General Fund	Operating Supplies	UPS Store-ACH	Shipping Cost for Sale of Used Equip.	81.54
0	08/06/2009	Recreation Fund	Operating Supplies	Menards-ACH	Water Cooler	144.16
0	08/06/2009	General Fund	Training	Potbelly sandwich works - ACH	Food During Training	247.87
0	08/06/2009	Information Technology	Operating Supplies	Crucial Com-ACH	Computer Memory Upgrade	59.76
0	08/06/2009	Golf Course	Operating Supplies	Fastsigns-ACH	Tee Signs	56.15
0	08/06/2009	General Fund	Vehicle Supplies	Apache Hose & Belt-ACH	Flexco	115.93
0	08/06/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Goof Off, Graffiti Remover, Scrubbers	27.74
0	08/06/2009	General Fund	Training	Best Buy- ACH	Training Video Supplies	36.28
0	08/06/2009	Water Fund	Water Meters	Staples-ACH	Label Maker Supplies	25.61
0	08/06/2009	Information Technology	Operating Supplies	Crucial Com-ACH	Memory Upgrade	40.54
0	08/06/2009	General Fund	Operating Supplies	Menards-ACH	Fire Station Repair Supplies	6.37
0	08/06/2009	Recreation Fund	Office Supplies	Office Depot- ACH	Packing Tape, Foam Board	61.86
0	08/06/2009	Recreation Fund	Operating Supplies	Target- ACH	Hip Pack	64.01
0	08/06/2009	General Fund	Operating Supplies	Target- ACH	Flashlight	46.75
0	08/06/2009	Golf Course	Operating Supplies	Cub Foods- ACH	Water Supplies for Shop	7.00
Check Total:						6,976.72
0	08/06/2009	Sanitary Sewer	Metro Waste Control Board	Metropolitan Council	Wastewater Flow	190,650.93
0	08/06/2009	Street Construction	09-02 Roselawn/Hamline/Victoria	Stork Twin City Testing Corp.	Engineering Services	741.78
0	08/06/2009	Storm Drainage	09-02 Roselawn/Hamline/Victoria	Stork Twin City Testing Corp.	Engineering Services	1,112.66
0	08/06/2009	Community Development	Transportation	Katherine Schlundt	Mileage Reimbursement	6.60
0	08/06/2009	Sanitary Sewer	Operating Supplies	Anthony Thury	Reimbursement for Crew Meal	40.62
0	08/06/2009	Special "10" Fund	Professional Service	No Suburban Community Foundati	Remit Proceeds	18,500.00
0	08/06/2009	Water Fund	Professional Services	Elecsys International Corp.	Monthly Software Support Fee	93.33
0	08/06/2009	Water Fund	Use Tax Payable	Elecsys International Corp.	Salcs/Use Tax	-5.70
0	08/06/2009	Community Development	Transportation	Jamie Radel	Parking Reimbursement	6.00
0	08/06/2009	Community Development	Office Supplies	Jamie Radel	Office Supplies	25.66
0	08/06/2009	Recreation Fund	Transportation	Allison Davitt	Mileage Reimbursement	42.13
0	08/06/2009	General Fund	Transportation	Tim Pratt	Mileage Reimbursement	348.15
0	08/06/2009	General Fund	211403 - Flex Spend Day Care	Yale Mechanical, LLC	Dependent Care Reimbursement	384.62
0	08/06/2009	General Fund	Contract Maint. H.V.A.C.	City of St. Paul	Repair Actuator	422.72
0	08/06/2009	Water Fund	St. Paul Water	North Heights Hardware Hank	Water Usage 5/29/09 - 6/30/09	544,474.76
0	08/06/2009	P & R Contract Maintenance	Operating Supplies	Sherwin Williams	Pliers, Screwdriver	21.98
0	08/06/2009	Water Fund	Operating Supplies	Aggregate Industries, Inc.	Paint	72.67
0	08/06/2009	Pathway Maintenance Fund	Operating Supplies	MacQueen Equipment	Class 5 Limestone	329.36
0	08/06/2009	Sanitary Sewer	Operating Supplies	Metro Fire	Pipe Swage	13.60
0	08/06/2009	General Fund	Contract Maintenance	Elk River Ford	SCBA Flow Test, Facepiece Flow Test	3,737.50
0	08/06/2009	Vehicle Revolving	Vehicles & Equipment	Factory Motor Parts	2009 Ford Crown Vic Police	22,413.36
0	08/06/2009	General Fund	Vehicle Supplies		Interceptor T	
					2009 Blanket PO for Vehicle Repairs	60.91

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	08/06/2009	General Fund	Vehicle Supplies	Factory Motor Parts	2009 Blanket PO for Vehicle Repairs	391.97
0	08/06/2009	General Fund	Vehicle Supplies	Factory Motor Parts	2009 Blanket PO for Vehicle Repairs	49.27
0	08/06/2009	General Fund	Vehicle Supplies	Factory Motor Parts	2009 Blanket PO for Vehicle Repairs	118.54
0	08/06/2009	General Fund	Professional Services	Jensen, Bell, Converse & Erick	Services Through June 30, 2009	11,576.20
0	08/06/2009	General Fund	Utilities - City Hall	Xcel Energy	City Hall Building	7,297.08
0	08/06/2009	General Fund	Utilities - City Garage	Xcel Energy	Garage/PW Building	9,910.04
0	08/06/2009	P & R Contract Maintenance	Utilities	Xcel Energy	P & R	4,537.69
0	08/06/2009	General Fund	Utilities	Xcel Energy	Fire Station #2	181.94
0	08/06/2009	General Fund	Utilities	Xcel Energy	Traffic Signal	1,465.10
0	08/06/2009	General Fund	Utilities	Xcel Energy	Water Tower	237.54
0	08/06/2009	Water Fund	Utilities	Xcel Energy	Traffic Signal	36.14
0	08/06/2009	General Fund	Utilities	Xcel Energy	Traffic Signal	37.82
0	08/06/2009	General Fund	Utilities	Xcel Energy	Traffic Signal	36.14
0	08/06/2009	General Fund	Vehicle Supplies	Grainger Inc	2009 Blanket PO for Vehicle Repairs	65.49
0	08/06/2009	General Fund	Op Supplies - City Hall	Grainger Inc	Pleated Filters	110.03
0	08/06/2009	General Fund	Professional Services	Greenhaven Printing	Employment Applications	374.06
0	08/06/2009	General Fund	209001 - Use Tax Payable	Greenhaven Printing	Sales/Use Tax	-24.06
0	08/06/2009	General Fund	Operating Supplies City Garage	Grainger Inc	Pleated Filters	140.83
0	08/06/2009	General Fund	Vehicle Supplies	Larson Companies Peterbilt North	2009 Blanket PO for Vehicle Repairs	9.74
0	08/06/2009	General Fund	Contract Maint. - City Garage	Green View Inc.	Cleaning-Public Works	466.26
0	08/06/2009	General Fund	209001 - Use Tax Payable	Green View Inc.	Sales/Use Tax	-29.99
0	08/06/2009	Recreation Fund	Contract Maintenance	Green View Inc.	Cleaning-Ice Arena	2,593.85
0	08/06/2009	Recreation Fund	Use Tax Payable	Green View Inc.	Sales/Use Tax	-166.85
0	08/06/2009	Sanitary Sewer	Operating Supplies	Fastenal Company Inc.	Lift Eye Bolt, Quicklinks	234.01
0	08/06/2009	Water Fund	Operating Supplies	Northern Water Works Supply	Risers, Extensions	772.68
0	08/06/2009	Water Fund	Operating Supplies	Northern Water Works Supply	Risers, Plugs	292.51
0	08/06/2009	General Fund	Vehicle Supplies	St. Joseph Equipment Inc.	2009 Blanket PO for Vehicle Repairs	111.68
0	08/06/2009	General Fund	Vehicle Supplies	St. Joseph Equipment Inc.	2009 Blanket PO for Vehicle Repairs	48.59
Check Total:						824,331.80
55994	08/04/2009	Sanitary Sewer	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001 & 111	294.80
55994	08/04/2009	Water Fund	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001 & 111	294.80
55994	08/04/2009	Storm Drainage	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001 & 111	294.80
Check Total:						884.40
55995	08/05/2009	TIF District #17-Twin Lakes	Payment to Owners	Ramsey County Court Admin.	Dorso Property Acquisition	14,000.00
Check Total:						14,000.00
55996	08/05/2009	TIF District #17-Twin Lakes	Payment to Owners	Ramsey County Court Admin.	Xtra Lease Property Acquisition	118,200.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55997	08/06/2009	General Fund	Contract Maintenance Vehicles	American Test Center Inc.	Annual Safety Inspection-Ladder 38	118,200.00
					Check Total:	118,200.00
55998	08/06/2009	Contracted Engineering Svcs Deposits		Steve & Michelle Anderson	Return of Escrow	1,140.00
					Check Total:	1,140.00
55999	08/06/2009	Recreation Fund	Professional Services	City of Arden Hills	Science Museum Field Trip	3,000.00
					Check Total:	3,000.00
56000	08/06/2009	Street Construction	09-02 Roselawn/Hamline	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction	175.00
56000	08/06/2009	Storm Drainage	09-02 Roselawn/Hamline	Asphalt Surface Tech, Corp	Watermain	175.00
56000	08/06/2009	Storm Drainage	09-02 Roselawn/Hamline	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction-Storm Sewer	137,043.10
56000	08/06/2009	Sanitary Sewer	09-02 Roselawn/Hamline	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction-San. Sewer	47,548.65
56000	08/06/2009	Street Construction	09-04 Mill & Overlay	Asphalt Surface Tech, Corp	City Mill and Overlays	5,158.50
56000	08/06/2009	Sanitary Sewer	09-02 Roselawn/Hamline	Asphalt Surface Tech, Corp	M & O Sanitary Sewer	18,415.27
					Check Total:	216,525.52
56001	08/06/2009	General Fund	Contract Maintenance Vehicles	Astleford International Trucks	Truck Repair	274.06
					Check Total:	274.06
56002	08/06/2009	Sanitary Sewer	Operating Supplies	Batteries Plus, Inc.	12 V Batteries	21.29
					Check Total:	21.29
56003	08/06/2009	General Fund	Operating Supplies	Bituminous Roadways Inc	LVWE	623.11
					Check Total:	623.11
56004	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	John Bomhof	Assessment Interest Refund	694.08

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56005	08/06/2009	General Fund	Contract Maintenance Vehicles	Boyer Trucks, Corp.	2009 Blanket PO for Vehicle Repairs	694.08
					Check Total:	722.48
56006	08/06/2009	Telecommunications	Memberships & Subscriptions	Broadcasting & Cable	Subscription	214.99
					Check Total:	214.99
56007	08/06/2009	Golf Course	Merchandise For Sale	Capitol Beverage Sales, LP	Beverages for Resale	96.75
					Check Total:	96.75
56008	08/06/2009	Info Tech/Contract Cities	Moundsvievw Computer Equipment	CDW Government, Inc.	Computer Equipment	1,750.21
56008	08/06/2009	Info Tech/Contract Cities	Vadnais Heights Capital Exp	CDW Government, Inc.	Computer Equipment	1,750.21
56008	08/06/2009	Information Technology	Computer Equipment	CDW Government, Inc.	Computer Equipment	1,750.20
					Check Total:	5,250.62
56009	08/06/2009	Boulevard Landscaping	Operating Supplies	Central Power Distributors Inc	Donut, Spool	23.50
56009	08/06/2009	Boulevard Landscaping	Operating Supplies	Central Power Distributors Inc	Ignition Module	37.93
					Check Total:	61.43
56010	08/06/2009	G.O. Housing Revenue (2009	Investment Income	Rose Chamblee	Assessment Interest Refund	467.63
					Check Total:	467.63
56011	08/06/2009	General Fund	Operating Supplies	Coffee Mill, Inc.	Coffee Supplies	278.00
					Check Total:	278.00
56012	08/06/2009	General Fund	Contract Maintenance	Comcast Cable	Cable TV	4.70
					Check Total:	4.70
56013	08/06/2009	T.I.F. District # 11	Professional Services	Dahlen, Dwyer & Foley Inc.	Attendance @ City Council Meeting	375.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56014	08/06/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters	375.00
					Check Total:	2,198.16
56015	08/06/2009	G.O. Housing Revenue (2009)	Assessments	Maureen Dalnes	Assessment Interest Refund	1,000.00
56015	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Maureen Dalnes	Assessment Interest Refund	131.92
					Check Total:	1,131.92
56016	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Carol Dalquist	Assessment Interest Refund	56.22
					Check Total:	56.22
56017	08/06/2009	Workers Compensation	Professional Services	Damarco Solutions, LLC	Hazard Communication Service Fee	750.00
					Check Total:	750.00
56018	08/06/2009	General Fund	Operating Supplies	Deery American Corporation	3723 Crackseal Material	4,538.39
56018	08/06/2009	General Fund	209001 - Use Tax Payable	Deery American Corporation	Sales/Use Tax	-291.94
					Check Total:	4,246.45
56019	08/06/2009	Police Forfeiture Fund	Deposits Held	Department of Finance	Forfeitures	4,142.49
					Check Total:	4,142.49
56020	08/06/2009	Water Fund	Accounts Payable	WILLIAM DONCITS	Refund check	21.16
					Check Total:	21.16
56021	08/06/2009	Water Fund	Accounts Payable	EAGLE REALTY	Refund check	34.80
					Check Total:	34.80
56022	08/06/2009	General Fund	Operating Supplies	EMP	Stethoscope, Nitrile Gloves	376.14
					Check Total:	376.14

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56023	08/06/2009	Water Fund	Accounts Payable	HOPE FAGERLAND	Refund check	7.80
					Check Total:	7.80
56024	08/06/2009	General Fund	Operating Supplies	Fra-Dor Blackdirt & Recycle	LD-CONC	40.00
56024	08/06/2009	Water Fund	Operating Supplies	Fra-Dor Blackdirt & Recycle	LD-CONC	40.00
					Check Total:	80.00
56025	08/06/2009	Sanitary Sewer	Operating Supplies	General Industrial Supply Co.	Silver Frame Lens	7.97
					Check Total:	7.97
56026	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Jean Heuer	Assessment Interest Refund	491.22
					Check Total:	491.22
56027	08/06/2009	Water Fund	Professional Services	Instrumental Research, Inc.	Coliform Bacteria Test	360.00
					Check Total:	360.00
56028	08/06/2009	Telephone	Telephone	Integra Telecom	Telephone Service	47.21
					Check Total:	47.21
56029	08/06/2009	General Fund	Op Supplies - City Hall	ISS Facility Services-Minneapo	Roll Towels, Vacuum Bags	224.66
					Check Total:	224.66
56030	08/06/2009	Community Development	Deposits	James Steele Construction Co.	Construction Deposit Refund	3,500.00
					Check Total:	3,500.00
56031	08/06/2009	Recreation Fund	Transportation	Amy Karel	Mileage Reimbursement	75.35
					Check Total:	75.35
56032	08/06/2009	Water Fund	Operating Supplies	Kath Auto Parts	Grease	24.50
					Check Total:	24.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56033	08/06/2009	General Fund	Professional Services	Kennedy & Graven, Chartered	2009 Housing Improvement Area	1,178.75
					Check Total:	1,178.75
56034	08/06/2009	Contracted Engineering Svcs Deposits		Ted Liberkowski	Return of Escrow	3,000.00
					Check Total:	3,000.00
56035	08/06/2009	Street Construction	Professional Services	Loucks Associates	Professional Services Thru June 27, 09	804.00
					Check Total:	804.00
56036	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Mary Ellen Mayerle	Assessment Interest Refund	472.15
					Check Total:	472.15
56038	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Michael Metzke	Assessment Interest Refund	467.63
					Check Total:	467.63
56039	08/06/2009	Water Fund	Operating Supplies	MIDC Enterprises	Couplings, Solvent	39.57
					Check Total:	39.57
56040	08/06/2009	Recreation Fund	Professional Services	Michael Miller/ISN	Umpire Adult Softball Games	4,900.00
56040	08/06/2009	Recreation Fund	Professional Services	Michael Miller/ISN	Umpire Adult Softball Games	4,975.00
					Check Total:	9,875.00
56041	08/06/2009	General Fund	Contract Maint. - City Hall	MN Dept of Labor and Industry	Elevator Operating Permit	100.00
56041	08/06/2009	General Fund	Contract Maint. - City Hall	MN Dept of Labor and Industry	Elevator Operating Permit	100.00
					Check Total:	200.00
56042	08/06/2009	Storm Drainage	Professional Services	MN Pollution Control-Fiscal Se	Voluntary Investigation Cleanup	600.00
56042	08/06/2009	Storm Drainage	Professional Services	MN Pollution Control-Fiscal Se	Voluntary Investigation Cleanup	3,675.00
56042	08/06/2009	Storm Drainage	Professional Services	MN Pollution Control-Fiscal Se	Petroleum Brownfields Program	150.00
56042	08/06/2009	Storm Drainage	Professional Services	MN Pollution Control-Fiscal Se	Petroleum Brownfields Program	1,500.00
					Check Total:	5,925.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56043	08/06/2009	Information Technology	Contract Maintenance	MX Logic	MX Logic Defense with Fail Safe (Annual)	619.50
56043	08/06/2009	Information Technology	Contract Maintenance	MX Logic	MX Logic Defense with Fail Safe (Annual)	4,948.89
					Check Total:	5,568.39
56044	08/06/2009	Water Fund	Accounts Payable	JAMES NELSON	Refund check	4.27
					Check Total:	4.27
56045	08/06/2009	General Fund	Contract Maint. - City Hall	Nitti Sanitation Inc.	Regular Service	153.00
56045	08/06/2009	General Fund	Contract Maintenance	Nitti Sanitation Inc.	Regular Service	88.40
56045	08/06/2009	General Fund	Contract Maint. - City Garage	Nitti Sanitation Inc.	Regular Service	275.40
56045	08/06/2009	General Fund	Contract Maintenance	Nitti Sanitation Inc.	Regular Service	54.40
56045	08/06/2009	Golf Course	Contract Maintenance	Nitti Sanitation Inc.	Regular Service	108.80
56045	08/06/2009	Recreation Fund	Contract Maintenance	Nitti Sanitation Inc.	Regular Service	224.40
56045	08/06/2009	P & R Contract Maintenance	Contract Maintenance	Nitti Sanitation Inc.	Regular Service	516.80
					Check Total:	1,421.20
56046	08/06/2009	Recreation Fund	Printing	North Suburban Youth Foundatio	Tour De Roses Expenses	728.00
					Check Total:	728.00
56047	08/06/2009	General Fund	Professional Services	Performance Plus, Inc.	Hapatitis B Vaccine	85.00
					Check Total:	85.00
56048	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Norman Peterson	Assessment Interest Refund	467.63
					Check Total:	467.63
56049	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	Lewis Pierce	Assessment Interest Refund	521.39
					Check Total:	521.39
56050	08/06/2009	Sanitary Sewer	Professional Services	Pipe Services Inc	Sanitary Sewer Inspection	967.50
					Check Total:	967.50
56051	08/06/2009	Telephone	St. Anthony Telephone	Qwest	Telephone Service	133.85

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56051	08/06/2009	Telephone	Telephone	Qwest	Telephone Service	56.72
56051	08/06/2009	Telephone	Telephone	Qwest	Telephone Service	347.72
56051	08/06/2009	Telephone	NSCC Telephone	Qwest	Telephone Service	202.04
					Check Total:	740.33
56052	08/06/2009	Telephone	Telephone	Qwest Communications	Telephone Service	126.85
					Check Total:	126.85
56053	08/06/2009	Police Forfeiture Fund	Deposits Held	Ramsey County Attorney	Forfeiture of Seized Property	4,716.60
					Check Total:	4,716.60
56054	08/06/2009	General Fund	Professional Services	Regions Hospital	Medical Exam	1,488.00
					Check Total:	1,488.00
56055	08/06/2009	Recreation Fund	Transportation	Lisa Remark	Mileage Reimbursement	125.40
					Check Total:	125.40
56056	08/06/2009	Recreation Fund	Transportation	Lauren Roschke	Mileage Reimbursement	11.44
					Check Total:	11.44
56057	08/06/2009	General Fund	Vehicle Supplies	Rosedale Chevrolet	2009 Blanket PO for Vehicle Repairs	14.66
					Check Total:	14.66
56058	08/06/2009	G.O. Housing Revenue (2009	Investment Income	Grace Sauber	Assessment Interest Refund	371.62
					Check Total:	371.62
56059	08/06/2009	Sanitary Sewer	Accounts Payable	GLENN SCHWARTZ	Refund check	17.07
56059	08/06/2009	Water Fund	Accounts Payable	GLENN SCHWARTZ	Refund check	1.32
					Check Total:	18.39
56060	08/06/2009	Recreation Fund	Professional Services	Chris Simdorn	Football Camp Director	3,740.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56061	08/06/2009	Community Development	Operating Supplies	Suburban Ace Hardware	Padlock	3,740.00
					Check Total:	10.68
56062	08/06/2009	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2009 Blanket PO for Vehicle Repairs	1,162.22
					Check Total:	1,162.22
56063	08/06/2009	General Fund	Professional Services	Sympro, Inc.	Annual Maintenance	2,730.00
					Check Total:	2,730.00
56064	08/06/2009	General Fund	Vehicle Supplies	Tri State Bobcat	2009 Blanket PO for Vehicle Repairs	25.82
					Check Total:	25.82
56065	08/06/2009	Community Development	Transportation	Patrick Trudgeon	Parking Reimbursement	6.00
56065	08/06/2009	Community Development	Transportation	Patrick Trudgeon	Mileage Reimbursement	40.70
56065	08/06/2009	General Fund	211402 - Flex Spending Health	Patrick Trudgeon	Flexible Benefit Reimbursement	107.98
					Check Total:	154.68
56066	08/06/2009	General Fund	Contract Maint. - City Garage	Trugreen L.P.	Weed Control	91.59
56066	08/06/2009	General Fund	Contract Maint. - City Hall	Trugreen L.P.	Weed Control	252.41
					Check Total:	344.00
56067	08/06/2009	Recreation Fund	Professional Services	Gregory Ueland	Volleyball Camp Director	3,185.00
					Check Total:	3,185.00
56068	08/06/2009	General Fund	Operating Supplies	United Rentals Northwest, Inc.	Measuring Tape	12.27
					Check Total:	12.27
56069	08/06/2009	Sanitary Sewer	Operating Supplies	Viking Industrial Center	Mesh Vest	178.47

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
56070	08/06/2009	Water Fund	Accounts Payable	STEVE WAJDA	Refund check	178.47
					Check Total:	15.36
56071	08/06/2009	Water Fund	Professional Services	Water Conservation Service, In	Water Leak Locating	15.36
					Check Total:	429.00
56072	08/06/2009	General Fund	Contract Maint. - City Garage	Zahl Petroleum Maintenance Co	Repair Diesel Leak	540.08
56072	08/06/2009	General Fund	209001 - Use Tax Payable	Zahl Petroleum Maintenance Co	Sales/Use Tax	-19.61
					Check Total:	520.47
56073	08/06/2009	G.O. Housing Revenue (2009)	Investment Income	William Ingalls	Assessment Interest Refund	486.91
					Check Total:	486.91
					Report Total:	1,722,521.39

REQUEST FOR COUNCIL ACTION

Date: August 17, 2009
Item No.: 7.b

Department Approval

City Manager Approval

W. J. Malinen

Item Description: Update on Grant Applications for which the City has applied

BACKGROUND

On May 18, 2009, the Council passed a resolution authorizing the City Manager to execute certain grant applications on behalf of the City and to report any applications to the City Council. The City has applied for several grants in the past several months.

POLICY OBJECTIVE

To notify the Council of grant applications that the City has applied for in recent months.

STAFF RECOMMENDATION

Receive the report.

REQUESTED COUNCIL ACTION

Receive the report.

Prepared by: William J. Malinen, City Manager

Attachments: A: List of grant applications and status report

REQUEST FOR COUNCIL ACTION

DATE: 8/17/2009

ITEM NO: 7.c

Department Approval



City Manager Approval



Item Description: Request by Mike Heffernan, 893 County Road C2, for approval of a 1,008-square-foot accessory structure as a **Conditional Use (PF09-021)**

1.0 REQUESTED ACTION

Mike Heffernan plans to construct a 1,008-square-foot detached building. Pursuant to §1004 (Residential Districts) of the City Code, an accessory structure of this size requires approval as a CONDITIONAL USE.

Project Review History

- Application submitted: July 3, 2009; Determined complete: July 7, 2009
- Sixty-day review deadline: September 1, 2009
- Planning Commission recommendation (6-0 to approve): August 5, 2009
- Project report prepared: August 6, 2009
- Anticipated City Council action: August 17, 2009

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff concurs with the recommendation of the Planning Commission to approve the requested CONDITIONAL USE, subject to certain conditions; see Section 8 of this report for details.

3.0 SUMMARY OF SUGGESTED ACTION

Adopt a resolution approving the requested CONDITIONAL USE, pursuant to §1014.01 (Conditional Uses) of the City Code, subject to conditions; see Section 9 of this report for details.

19 **4.0 BACKGROUND**

20 4.1 Mr. Heffernan owns the property at 893 County Road C2, which has a Comprehensive
21 Plan designation of Low-Density Residential (LR) and a zoning classification of Single-
22 Family Residence District (R-1).

23 4.2 This CONDITIONAL USE request has been prompted by the applicant’s desire to construct a
24 1,008-square-foot detached building. A previous approval for the same accessory
25 building in September 2007 expired as a result of the fact that inclement weather and the
26 birth of his twins prevented Mr. Heffernan from securing a building permit with the
27 required 6 months.

28 **5.0 STAFF COMMENTS**

29 5.1 Section 1004.01A1 (Number Allowed) of the City Code permits up to 2 accessory
30 buildings on a single-family residential property.

31 5.2 Section 1004.01A3 (Size Limit) limits the total floor area of accessory structures to the
32 lesser of the following:

33 a. 40% of the required rear yard area (i.e., 1,272 square feet on this property); or

34 b. 864 square feet

35 5.3 Section 1004.01A4 (Requirements for Increased Size), however, allows up to 1,008
36 square feet of accessory building floor area as a CONDITIONAL USE.

37 5.4 Section 1004.01A5 (Overall Area) further limits the size of accessory buildings by
38 stating that the combined floor area “*of attached garage and detached accessory*
39 *building(s) shall not exceed the exterior dimensional footprint of the principal structure,*
40 *excluding any attached garage footprint.*” The existing attached garage plus the proposed
41 1,008-square-foot accessory building add up to about 1,465 square feet, whereas the
42 residential footprint of the principal structure (not counting the attached garage) is about
43 1,725 square feet.

44 5.5 The area of the subject property is approximately 35,600 square feet; §1004.01A6
45 (Maximum Total Surface Area) of the City Code permits up to 10,680 square feet of
46 impervious coverage on a lot this size. Existing impervious surfaces cover about 3,340
47 square feet, and the proposed detached structure would increase the total impervious
48 coverage to about 4,350 square feet (12% of the total lot area).

49 5.6 All of the above Code requirements work together to allow the proposed structure, but
50 this one building will utilize the maximum extent of such allowances and preclude the
51 construction of any other accessory buildings on the property.

52 5.7 Section 1004.01A13 (Driveway Required) requires that any accessory structure large
53 enough to accommodate one or more vehicles be provided with a paved driveway that
54 has access to a public street; if a detached building is to be used for yard equipment,
55 collector cars, or other seasonally-used vehicles *instead of daily-use vehicles*, however,
56 no driveway is required.

57 **6.0 REVIEW OF CONDITIONAL USE CRITERIA**

58 6.1 Section 1014.01 (Conditional Uses) of the City Code requires the Planning Commission
59 and City Council to consider the following criteria when reviewing a CONDITIONAL USE
60 application:

- 61 a. Impact on traffic;
- 62 b. Impact on parks, streets, and other public facilities;
- 63 c. Compatibility of the site plan, internal traffic circulation, landscaping, and
64 structures with contiguous properties;
- 65 d. Impact of the use on the market value of contiguous properties;
- 66 e. Impact on the general public health, safety, and welfare; and
- 67 f. Compatibility with the City's Comprehensive Plan.

68 6.2 **Impact on traffic:** The Planning Division has determined that an increase in traffic
69 volume, due to the size of the proposed 1,080-square-foot accessory structure on the
70 property, will not be an issue given that the building will not be for storage of daily-use
71 vehicles and, consequently, will not have a driveway.

72 6.3 **Impact on parks, streets and other public facilities:** The Planning Division has
73 determined that the proposed accessory structure will not have an adverse impact on the
74 City's parks, streets, and/or other facilities.

75 6.4 **Compatibility ... with contiguous properties:** Other detached buildings in the area
76 range from 120-square-foot garden sheds to accessory structures in excess of 900 square
77 feet. The proposed accessory structure would not appreciably change the circulation on
78 the property, and the proposed building would be located far away from structures on
79 adjacent properties and would be largely screened by several mature trees.

80 6.5 **Impact of the use on the market value of contiguous properties:** Although the current
81 proposal seeks CONDITIONAL USE approval to build the largest accessory structure
82 allowed on a single-family residential property, the Planning Division has determined
83 that the proposed building is unlikely to have an adverse impact on contiguous properties
84 because it will be at least 225 feet from any other residence and will reduce clutter on the
85 property by housing several large items currently stored outside.

86 6.6 **Impact on the general public health, safety, and welfare:** The Planning Division
87 believes that the proposed accessory building will have no impact on the general public
88 health, safety, and welfare.

89 6.7 **Compatibility with the City's Comprehensive Plan:** An accessory structure is a
90 permitted use (and the proposed accessory building is a *conditionally* permitted use) in
91 the R-1 Single-Family Residence District and is compatible with the Comprehensive Plan
92 designation of Low-Density Residential.

93 **7.0 PUBLIC HEARING**

94 The duly-noticed public hearing for this application was held by the Planning
95 Commission on August 5, 2009. No members of the public were in attendance to
96 comment on the issue, and only one person phoned City staff to inquire about the

application; this person had no objections to the proposed accessory structure. At the conclusion of the public hearing, the Planning Commission voted unanimously (i.e., 6-0) to recommend approval of the proposed CONDITIONAL USE. Draft minutes of the public hearing are included with this report as Attachment E.

8.0 RECOMMENDATION

Based on the comments and findings outlined in Sections 5-7 of this report, the Planning Division supports the recommendation of the Planning Commission to approve the proposed accessory building as a CONDITIONAL USE, subject to the following conditions:

- a. The footprint of the accessory structure shall not exceed 1,008 square feet, and pursuant to §1004.01A10 (Accessory Building Height), its wall height shall not exceed 9 feet and its overall height shall be limited to 15 feet, as measured to the midpoint of the slope of the roof;
- b. No additional accessory buildings shall be allowed on the property;
- c. If the proposed building is, in the future, used in such a way that a driveway would be required pursuant to §1004.01A13 of the City Code, an approved driveway shall be installed at that time, and such driveway installation shall not cause the total impervious coverage to exceed 30% of the total lot area (about 10,680 square feet); and
- d. The CONDITIONAL USE approval shall expire six months after the City Council approval date if the applicant has not received a building permit by that time.

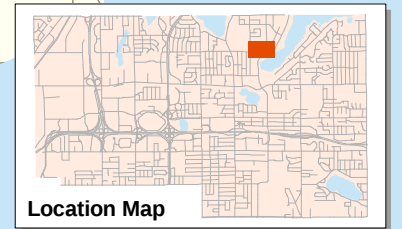
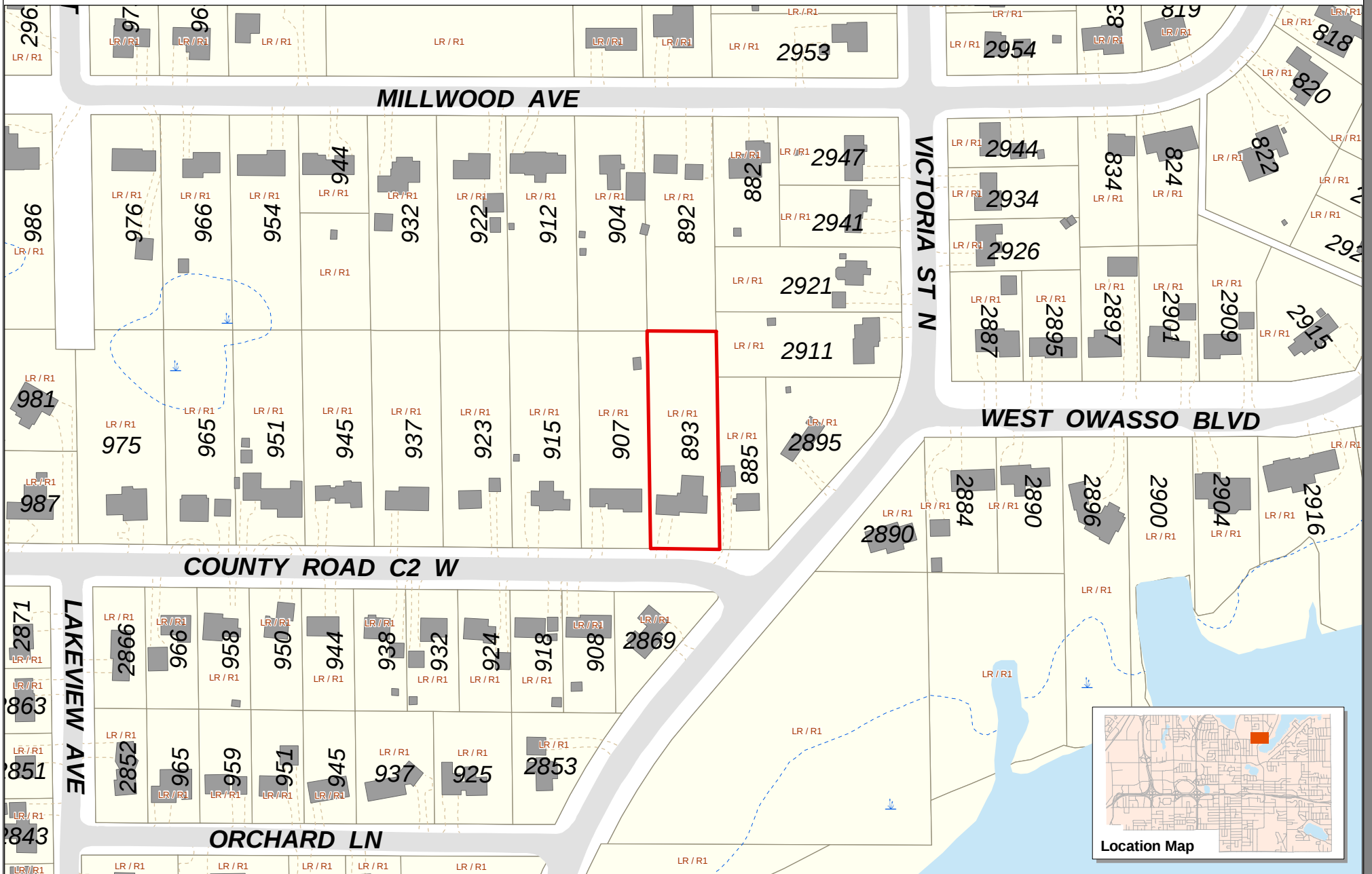
9.0 SUGGESTED ACTION

Adopt a resolution approving the proposed CONDITIONAL USE for Mike Heffernan, 893 County Road C2, to allow the construction of the proposed 1,008-square-foot accessory structure, based on the comments and findings of Sections 5-7 and the conditions of Section 8 of this report.

Prepared by: Associate Planner Bryan Lloyd (651-792-7073)

Attachments:	A: Area map	D: Proposed site plan
	B: Aerial photo	E: 8/5/2009 Planning Commission minutes
	C: Site photos	F: Draft resolution

Attachment A: Location Map for Planning File 09-021



Prepared by:
Community Development Department
Printed: July 13, 2009



Site Location

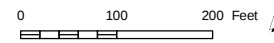
LR / R1 Comp Plan / Zoning
Designations

Data Sources

* Ramsey County GIS Base Map (7/1/2009)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-021



Prepared by:
Community Development Department
Printed: July 13, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (7/1/2009)

* Aerial Data: Pictometry (4/2008)

For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

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0 50 100 Feet



View from the east



Proposed location

View from the north



2911

28'
1,008 sq ft
36'
Proposed building

807

833

845

456 sq ft

1,725 sq ft



COUNTY ROAD C2 W



DISCLAIMER: This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.

SOURCES: City of Roseville and Ramsey County (April 5, 2007), The Lawrence Group; April 5, 2007 for City of Roseville data, April 5, 2007 for County parcel and

a. **Planning File 09-021**

Request by Mike Heffernan, 893 County Road C-2, for approval of a 1,008-square-foot accessory structure as a CONDITIONAL USE

Chair Doherty opened the Public Hearing for Planning File 09-021 at 6:34 p.m.

Associate Planner Bryan Lloyd reviewed staff's analysis of the request by Mr. Heffernan for construction of a 1,008-square-foot detached building at 893 County Road C-2; previously approved in September 2007 and having since expired before application for a building permit within the required six (6) month timeframe.

As noted in the September 5, 2007 Planning Commission meeting minutes, staff noted that the proposed use was for storage of yard and recreational equipment rather than for daily-use vehicles, requiring no driveway, and with no current impervious coverage ramifications, as detailed specifically in staff-recommended Condition C of the staff report dated August 5, 2009.

Staff anticipated no negative ramifications and recommended approval of the request for a CONDITIONAL USE for Mike Heffernan, 893 County Road C-2, to allow construction of the proposed 1,008-square-foot accessory structure; based on the comments and findings of Sections 5 and 6 and the conditions of Section 7 of the staff report dated August 5, 2009.

Discussion included clarification of insubstantial impervious surface issues; referencing previous consideration of this case in 2007.

Applicant, Mike Heffernan

Mr. Heffernan was present and concurred with staff's analysis and recommended conditions; and anticipated moving forward with the application at this time.

Chair Doherty closed the Public Hearing for Case #09-021 at 6:40 p.m. with no one appearing for or against.

MOTION

Member Wozniak moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL APPROVAL a CONDITIONAL USE for Mike Heffernan, 893 County Road C-2, to allow construction of the proposed 1,008 square foot accessory structure; based on the comments and findings of Sections 5 and 6 and the conditions of Section 7 of the staff report dated August 5, 2009.

Ayes: 6

Nays: 0

Motion carried.

Chair Doherty noted that the case was scheduled to be heard by the City Council at their August 17, 2009 meeting.

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 17th day of August 2009, at 6:00 p.m.

The following members were present: _____;
and the following Members were absent: _____.

Council Member _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____
A RESOLUTION APPROVING A 1,008-SQUARE-FOOT ACCESSORY STRUCTURE
AS A CONDITIONAL USE IN ACCORDANCE WITH §1004.01 AND §1014.01 OF THE
ROSEVILLE CITY CODE FOR MIKE AND KARIE HEFFERNAN (PF09-021)**

WHEREAS, Mike and Karie Heffernan own the property at 893 County Road C2; and

WHEREAS, the subject property is legally described as:

**Saint Paul Park, excluding the north 330 feet, the east 1/3 of Lot 38
PIN: 02-29-23-24-0057**

WHEREAS, the property owners seek to allow the construction of a 1,008-square-foot accessory structure which is a conditionally permitted use in the applicable Single-Family Residence Zoning District; and

WHEREAS, The Roseville Planning Commission held the public hearing regarding the requested CONDITIONAL USE on August 5, 2009, voting 6-0 to recommend approval of the request based on public comment and the comments and findings of the staff report prepared for said public hearing; and

WHEREAS, the Roseville City Council has determined that approval of the requested CONDITIONAL USE will not adversely affect conditions on, or value of, nearby properties and will not compromise the health, safety, and general welfare of the citizens of Roseville;

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the request for a CONDITIONAL USE in accordance with Section §1014.01 of the Roseville City Code, subject to the following conditions:

- a. The footprint of the accessory structure shall not exceed 1,008 square feet, and pursuant to §1004.01A10 (Accessory Building Height), its wall height shall not exceed 9 feet and its overall height shall be limited to 15 feet, as measured to the midpoint of the slope of the roof;
- b. No additional accessory buildings shall be allowed on the property;
- c. If the proposed building is, in the future, used in such a way that a driveway would be required pursuant to §1004.01A13 of the City Code, an approved

34 driveway shall be installed at that time, and such driveway installation shall not
35 cause the total impervious coverage to exceed 30% of the total lot area (about
36 10,680 square feet); and

- 37 **d.** The CONDITIONAL USE approval shall expire six months after the City Council
38 approval date if the applicant has not received a building permit by that time.

39 The motion for the adoption of the foregoing resolution was duly seconded by Council
40 Member _____ and upon vote being taken thereon, the following voted in favor: _____;
41 and _____ voted against;

42 WHEREUPON said resolution was declared duly passed and adopted.

Resolution – Mike Heffernan, 893 County Road C2 (PF09-021)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 17th day of August 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 17th day of August 2009.

William J. Malinen, City Manager

(SEAL)

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/17/2009

Item No.: 12.a

Department Approval



City Manager Approval



Item Description: Request by United Properties for approval of a **Preliminary Plat and Planned Unit Development Amendment** to allow the senior cooperative residence at 3008-3010 Cleveland Avenue to be developed in two phases instead of one phase as originally approved (PF07-006)

1.0 REQUESTED ACTION

1.1 In response to the slow housing market and changes in the mortgage requirements of the US Department of Housing and Urban Development (HUD), United Properties seeks approval of a PLANNED UNIT DEVELOPMENT AMENDMENT to allow the senior cooperative residential development approved in 2008 to be constructed in two phases.

1.2 The PRELIMINARY PLAT of the existing parcels represents a revision to a plat approved in September 2008 to better facilitate the two-phase approach to the development.

Project Review History

- Applications submitted: June 18, 2009
- Determined complete: July 8, 2009
- Sixty-day review deadline: August 17, 2009
- Planning Commission recommendation (5-1 to approve): August 5, 2009
- Project report prepared: August 6, 2009
- Anticipated City Council action: August 17, 2009

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff concurs with the recommendation of the Planning Commission to approve the proposed PRELIMINARY PLAT and PLANNED UNIT DEVELOPMENT AMENDMENT; see Section 8 of this report for details.

3.0 SUMMARY OF SUGGESTED ACTION

3.1 By motion, approve the proposed PRELIMINARY PLAT of the property at 3008-3010 Cleveland Avenue, subject to certain conditions; see Section 9 of this report for details.

3.2 Adopt a resolution approving the proposed PLANNED UNIT DEVELOPMENT AMENDMENT to facilitate the two-phase development of the senior cooperative residence at 3008-3010 Cleveland Avenue, subject to certain conditions; see Section 9 of this report for details.

4.0 BACKGROUND AND PROPOSAL SUMMARY

4.1 On September 15, 2008, the City Council approved a Planned Unit Development (PUD) for a 95-unit senior cooperative residential project on the current subject properties in conjunction with a plat which created three lots. Minutes from this City Council meeting are included with this report as Attachment C. The approved plat created Lot 1 Block 1 (shown in red) to accommodate the approved cooperative residence, Lot 2 Block 1 (shown in blue) for a proposed assisted living facility on adjacent parcels to the south along Cleveland Avenue, and dedicated City right-of-way – the third lot (shown in grey) – for a new public road serving the cooperative development and Langton Lake Park; the approved plat is included with this staff report among the other approved plans as Attachment D.

4.2 The applicant's narrative (included with this staff report as Attachment E) explains that the proposed PUD AMENDMENT is intended to allow the development of the senior cooperative residence in phases in light of heightened pre-sale requirements for HUD-backed mortgages. Phase I would entail the construction of a building containing approximately half of the approved 95 residential units in addition to all of the common areas, and Phase II would essentially be the addition of the remaining units if and when market demand indicates support for those units. Schematic site and elevation drawings and for the proposed Phase I are included with this staff report as Attachment F.

4.3 The narrative also explains that the proposed PRELIMINARY PLAT, which is included with this staff report as Attachment G, is necessary to allow United Properties to hold (for the potential future development of Phase II) the undeveloped portion of the cooperative residence site after the first phase has been completed and sold to the residents.

5.0 DEVELOPER OPEN HOUSE

United Properties held the required open house meeting on June 17, 2009; one person attended the meeting and expressed some concerns about adequately buffering the residences along the south side of Brenner Avenue from the new "Langton Lake Drive" and relocating the resident wildlife, as well as inquiring about the anticipated construction schedule. A written summary of the open house is included with this staff report as Attachment H.

6.0 STAFF COMMENTS

6.1 The applicant is requesting this PUD AMENDMENT to allow a phased project construction. If and when approval is given to phase the project, United Properties will be able to get the final commitments from prospective buyers; until that time, they won't know exactly how many units can be built in Phase I. For instance, United Properties might discover that they have enough commitments to support building 55 units in the first phase, or they might find that only 45 units can be built. This uncertainty doesn't pose any problems for the PUD AMENDMENT, however, because from a land use perspective, Phase I could contain any number of dwelling units so long as the building takes shape in a way that is consistent with the previously-approved PUD. The present inability to specify the number of units in Phase I means that the plans reviewed with this application are illustrative of the first phase of construction but may not precisely accurate; Planning Division staff believes that the PUD AMENDMENT may nevertheless be approved with the

68 condition that revised plans accurately representing the scope of Phase I be submitted
69 when available.

70 6.2 Once Phases I and II are both constructed, the resulting development will be identical to
71 the PUD approved on September 15, 2008. Although plans specific to Phase I may be
72 somewhat schematic (because of the uncertainty in the number of residential units to be
73 developed in this phase), the previously-approved PUD plans will serve as the Phase II
74 plans. United Properties expects that construction and completion of Phase I will help to
75 generate more interest in Phase II, but if the residential market demand never justifies the
76 construction of the second phase, the result will be a smaller, less-dense development
77 than was originally approved; under this proposal nothing else may be built on the
78 proposed Lot 2 in lieu of the second phase of the previously-approved cooperative
79 residence.

80 6.3 United Properties still plans to seek final approvals for the assisted living facility when
81 that project becomes feasible, and while they still control the necessary parcels for that
82 development they do not yet own the land; for this reason, the plat that was approved on
83 September 15, 2008 has not been filed at Ramsey County. In order to file a plat that
84 creates the right-of-way for the new public road and allows the applicant to move
85 forward with Phase I of the residential development, the proposed PRELIMINARY PLAT is
86 limited to the properties that the applicant currently owns, and identifies the future
87 assisted living portion of this property as Outlot A. If the current plat is approved, it will
88 supersede the previously-approved plat of the larger area.

89 6.4 For the sake of clarification, the nature of an “outlot” is such that it may not be developed
90 until it is re-platted. In this case, the intent is to include the proposed Outlot A on a plat
91 with the other properties to be used for the proposed assisted living facility, consistent
92 with the General Concept approval already granted for that project.

93 6.5 The proposed PRELIMINARY PLAT would not change the approved public right-of-way or
94 the approved size and layout of the new public road. The only proposed change is to
95 divide the lot for the cooperative residence into two lots: an eastern lot (i.e., Lot 1) for the
96 construction of Phase I and a western lot (i.e., Lot 2) for the future Phase II. As noted
97 above, the only purpose for this new lot line is to enable the completed Phase I property
98 to be owned by the cooperative while Lot 2 is retained by United Properties for the
99 potential development of Phase II. The only land-use ramifications of this proposal are
100 that the Phase I construction would be built up to this new lot line with no setback and
101 that the larger building after Phase II is completed would be bisected by this lot line, but
102 these are not problematic because they can be accommodated in the amended PUD
103 Agreement.

104 6.6 In order to leave room for a future Phase II build-out, Phase I needs to begin at the
105 eastern property line and grow toward the west. The more units that are included in the
106 first phase, the further west the initial building will extend. This temporary imprecision in
107 number of Phase I units leaves one outstanding PRELIMINARY PLAT issue to be addressed:
108 the exact location of the line separating Lots 1 and 2 of the plat, which cannot be
109 determined until after the approval process for the PUD AMENDMENT when United
110 Properties knows how many dwelling units can be supported in the first development
111 phase. Planning Division staff recommends approving a PRELIMINARY PLAT with a small
112 amount of flexibility that would allow the applicant to produce a FINAL PLAT for

approval locating this new lot line within 50 feet of where it is shown on the PRELIMINARY PLAT, corresponding to the western end of the Phase I building.

6.7 While the Phase II landscape plan will be the same as the 2008-approved plan, a Phase I landscape plan will need to address the area that would become the future Phase II building and parking lot. Similarly, new Phase I grading, building elevations, and floor plans will be necessary as part of the PUD AMENDMENT and the previously-approved plans can serve as the Phase II plans.

6.8 Roseville's Fire Marshal recommends requiring the construction of a second entrance from the new "Langton Lake Drive" to the western end of parking area during Phase I to improve the access for fire apparatus and other emergency response vehicles. This access may be in the location identified for the full development/Phase II or in a location specific to Phase I and must be approved by the Fire Marshal.

6.9 The Building Official has identified some concerns with the proposed phasing, but all of them can be addressed; the following Building Code concerns will be addressed through the building permit review process and need not be specifically addressed by land use approvals:

- a. Building Code requirements typically mandate certain property line setbacks, but heightened construction standards and/or covenants to restrict and define the developments on the two lots can resolve potential conflict with the Building Code created by the proposed zero-foot setbacks from the interior lot line;
- b. United Properties will need to be sure that neither Phase I nor Phase II will create dead-end corridors within the structure; and
- c. Although the applicant may receive the necessary zoning approvals through the PUD AMENDMENT process, none of the plans provided for this process will have been reviewed against Building Code requirements. For this reason, both phases of construction will require building plans that meet the concurrent Building Code standards.

6.10 Engineering Division staff recommends requiring implementation of the full, previously-approved drainage, storm water mitigation, and utility plans with Phase I of the project in order to ensure adequate protection of the nearby wetland.

7.0 PUBLIC HEARING

The duly-noticed public hearing for this application was held by the Planning Commission on August 5, 2009. Two members of the public were in attendance with comments or questions about the proposal; draft minutes of the public hearing are included with this report as Attachment I and some of the parts of the discussion are summarized in the following sections.

7.1 A representative of the owner of the industrial properties through which the parking lot for Langton Lake Park is currently accessed spoke in support of the application and indicated that the current park access is not as informal an arrangement as City staff has come to understand it to be, but that the access is actually secured by an easement.

7.2 A resident from the neighborhood to the north of the subject property asked a few questions about the project and the proposed amendment, and upon learning the answers

- 155 from the applicant, Planning Commissioners, and/or City staff he was not opposed to the
156 proposal.
- 157 7.3 Planning Commission member Wozniak expressed continuing concern over the height of
158 the proposed multi-family building compared to the nearby single-family residences and
159 asked whether the developer had considered reducing the height as a way to scale back
160 the project instead of reducing its length as proposed. Project architect, Kevin Teppen,
161 was representing the applicant at the meeting since Alex Hall of United Properties could
162 not attend, but Mr. Teppen was unable to answer the question because he had not been
163 involved in that level of discussion among the development team.
- 164 7.4 Several members of the Planning Commission inquired about what would become of the
165 proposed Lot 2 on the PRELIMINARY PLAT (corresponding to Phase II of the proposed
166 PUD AMENDMENT) if the second phase never came about. In the end, the Commissioners
167 were satisfied that the PUD wouldn't allow any development other than the proposed
168 Phase II and that the developer would be very motivated to complete the second phase in
169 order to offset all of the fixed costs (e.g., building the new public road and the common
170 areas within the building) incurred in Phase I.
- 171 7.5 While Planning Commissioners understood that the current proposal would have no
172 effect on the 2008 decisions pertaining to the new public road and its connection to the
173 parking lot at the Langton Lake ball fields, there was still some question as to what had
174 been decided about the design of the turnaround at the southern end of the new street and
175 who was to pay for it (and the connection to the parking lot). Review of the City Council
176 meeting minutes from September 15, 2008 reveals an agreement between the Council and
177 the applicant that United Properties would build and dedicate a public road and
178 turnaround generally as shown in the plans submitted with this application and that the
179 road is intended to connect with the parking lot at the ball fields. While the minutes do
180 not as clearly reflect a decision as to who would build the connection between the
181 parking lot and the turnaround (or when such a connection would be built), there was
182 some discussion of evaluating the parking needs relative to the ball fields (perhaps
183 through the upcoming parks master-planning process) and possibly expanding the
184 parking lot in conjunction with establishing the connection.
- 185 **8.0 RECOMMENDATION**
- 186 8.1 Based on the information and comments in Sections 4-7 of this report, Planning Division
187 staff recommends approval of proposed PRELIMINARY PLAT of the property at 3008-3010
188 Cleveland Avenue, subject to the following conditions:
- 189 a. The lot line separating Lot 1 Block 1 and Lot 2 Block 1 on the plat that is
190 prepared for filing shall be located within 50 feet east or west of its location on
191 the PRELIMINARY PLAT revised June 5, 2009; and
- 192 b. An approved new plat shall supersede the plat approved by the Roseville City
193 Council on September 15, 2008 and the application for FINAL PLAT approval shall
194 include a letter from United Properties acknowledging that approval of the new
195 plat nullifies the previous plat approval.
- 196 8.2 Based on the information and comments in Sections 4-6 of this report, Planning Division
197 staff recommends approval of proposed PUD AMENDMENT facilitating the two-phase

development of the senior cooperative residence at 3008-3010 Cleveland Avenue, subject to the following conditions:

- a. Revised plans shall be submitted for inclusion in the PUD Agreement and shall show the specific Phase I site plan, grading plan, landscape plan, floor plans, and building elevations which are consistent with a phased implementation of the PUD for the property approved by the Roseville City Council on September 15, 2008;
- b. The Phase I parking area shall have two entrances from the new “Langton Lake Drive” that satisfy the Fire Marshal’s requirements for emergency vehicle access; and
- c. The drainage, utility, and storm water management plans approved by the Roseville City Council on September 15, 2008 shall be implemented for the entire site during the construction of Phase I.

9.0 SUGGESTED ACTION

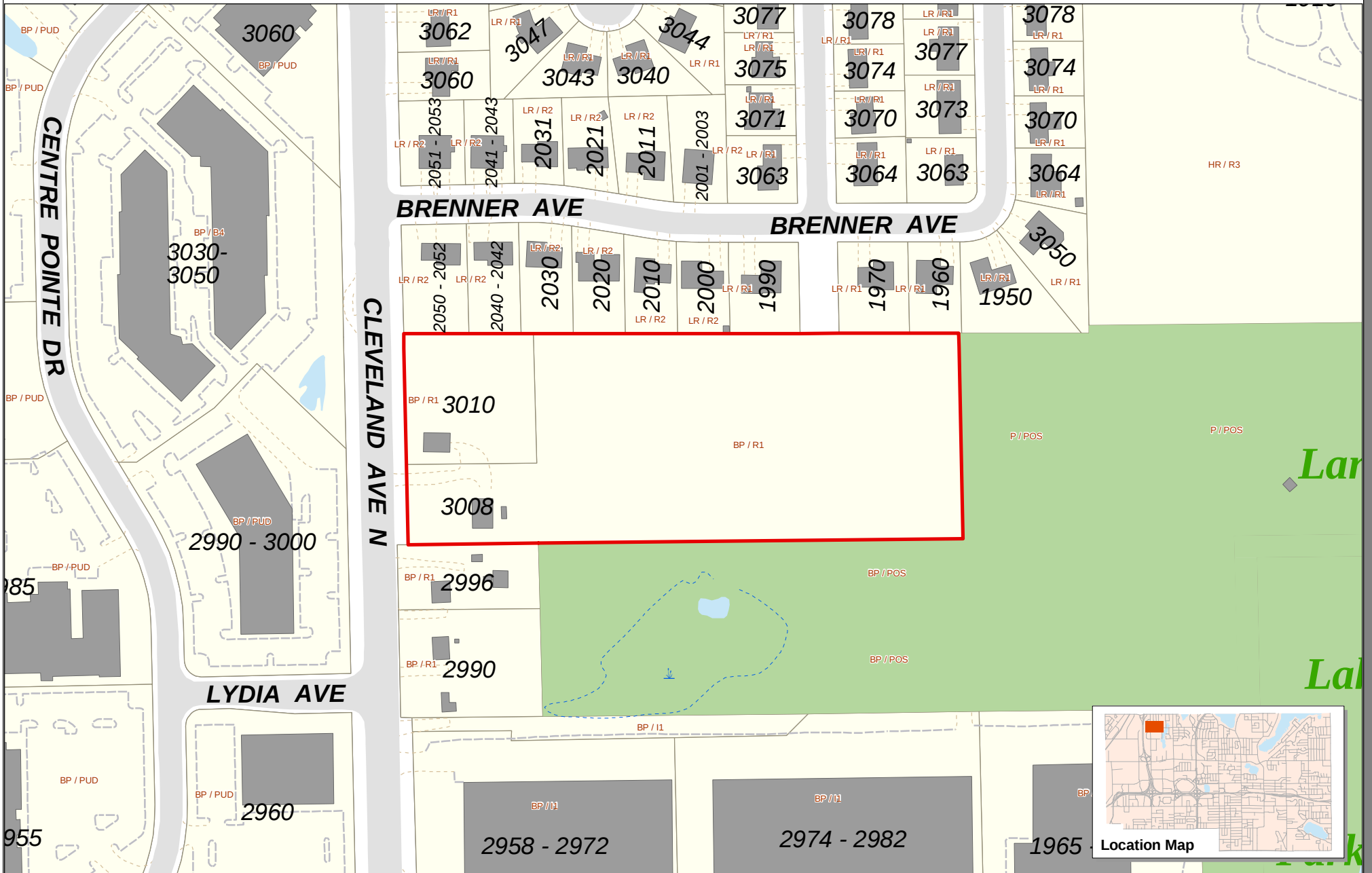
9.1 By motion, approve the proposed PRELIMINARY PLAT of 3008-3010 Cleveland Avenue for United Properties, based on the information and comments of Sections 4-7 and the conditions of Section 8 of this report.

9.2 Adopt a resolution approving the proposed PUD AMENDMENT facilitating the two-phase development of the senior cooperative residence at 3008-3010 Cleveland Avenue for United Properties, based on the information and comments of Sections 4-7 and the conditions of Section 8 of this report.

Prepared by: Associate City Planner Bryan Lloyd (651-792-7073)

Attachments:	A. Area map	F. Site plan
	B. Aerial photograph	G. Preliminary plat
	C. 9/15/2008 City Council minutes	H. Summary of developer open house
	D. 2008 approved plans	I. 8/5/2009 Planning Commission minutes
	E. Applicant narrative	J. Bold/strikethrough draft of amended PUD
		K. Draft resolution

Attachment A: Location Map for Planning File 07-006



Prepared by:
Community Development Department
Printed: July 13, 2009



Site Location

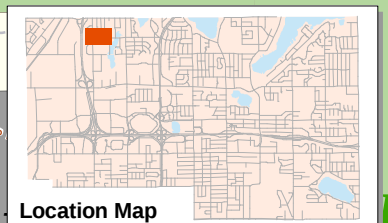
LR / R1 Comp Plan / Zoning
Designations

Data Sources

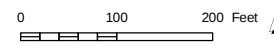
* Ramsey County GIS Base Map (7/1/2009)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7085. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

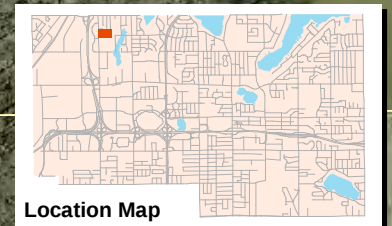
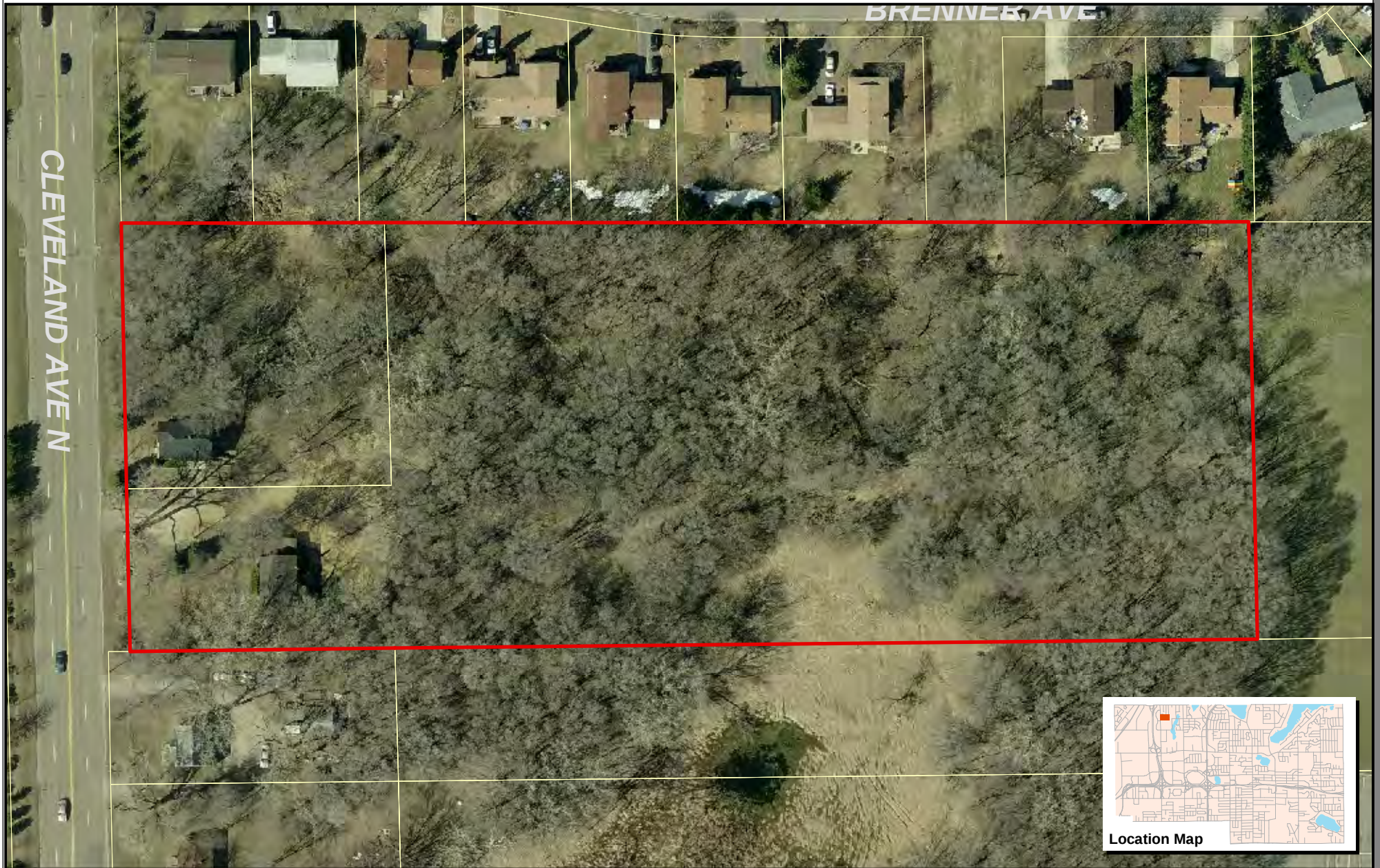


Location Map



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 07-006



Prepared by:
Community Development Department
Printed: July 13, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (7/1/2009)

* Aerial Data: Pictometry (4/2008)

For further information regarding the contents of this map contact:
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0 50 100 Feet



Consider Request by United Properties (in cooperation with the property owners) for Preliminary Plat approval for 2990, 2996, 3008 and 3010 Cleveland Avenue N (PF07-006)

Community Development Director Patrick Trudgeon provided a summary of the request of United Properties for a PRELIMINARY PLAT to redevelop the property at 2990, 2996, 3008 and 3010 Cleveland Avenue N with a 93-unit assisted living facility and a 95-unit, age-restricted cooperative housing development, as detailed in the staff report dated September 15, 2008.

Mr. Trudgeon reviewed the background of this request and tabling of action at the City Council meeting of August 25, 2008, of the senior cooperative development proposal pending a legal opinion from the City Attorney regarding expiration of the preliminary plat, originally approved in 2007. Mr. Trudgeon advised that, at their meeting of September 3, 2008, the Planning Commission held the duly-noted public hearing and unanimously recommended approval of the Preliminary Plat; with staff concurring with that recommendation.

Councilmember Ihlan sought clarification as to who had received notice of the public hearing, with Mr. Trudgeon advising that notice had been provided to property owners within 500' of both subject parcels.

Councilmember Ihlan questioned staff's rationale in seeking approval of the Preliminary Plat from the Final Plat, and why it was being separated out when the City Council had yet to receive a Concept Plan for the next phase of the project; opining that she was unclear on new zoning and preferred additional information.

Mr. Trudgeon responded that the Plat proposed to create two new lots, with one of those currently before the City Council, as part of the assisted living project; and the applicant's original plan to re-plat the parcel as part of the senior cooperative site, until the August 25, 2008 City Council meeting and becoming aware of ordinance language and the expired Preliminary Plat. Mr. Trudgeon advised that, at that point, it was staff's recommendation that it was best to combine both plats for presentation to the City Council for their approval; with the City Council having seen a Sketch Plan for the proposed assisted living facility, setting the stage for future approval. Mr. Trudgeon verified that there was no zoning change proposed for Lot 1, Block 1 at this time, but that would be heard with the next case on tonight's agenda.

Councilmember Ihlan opined that, normally, code indicated submission of an application for rezoning with Preliminary Plat approval to ensure permitted uses; and presumed that this use would not be permitted in an R-1 zone; and again questioned why these items were not moving forward without procedural gaps.

Mr. Trudgeon responded that staff was attempting to stay within the developer's 60-day review period and to accommodate the developer's desire to move forward.

Further discussion ensued regarding reading of City Code, Section 1102.01 and applicable zoning indications and procedures; and confirmation by staff that the PUD Concept Plan is currently at the Planning Commission level, and status of the separation of the Preliminary Plat and Rezoning application at this point.

Mayor Klausing sought advice from City Attorney Squires, from a legal standpoint, as to whether the City was acting consistently with code requirements for the second parcel, since it was zoned residential, and whether it was consistent with platting with the underlying zoning.

City Attorney Squires advised that the developer was creating two lots, with underlying zoning on the second parcel being residential; and opined that the developer wouldn't be creating an improper lot that doesn't meet standards. City Attorney Squires further opined, from his review of Chapter 11 of City Code, that code did not require simultaneous action; and that that approval

of the Preliminary Plat first, recognizing that the parcel still needed to be rezoned to a different use, and recognizing current zoning, would remain consistent with code requirements.

Councilmember Ihlan opined that more information was available for Block 1, Lot 1 rather than Lot 2; and that it would be helpful for her to get a sense of what the developer envisioned for the use, and whether there were any zoning issues of concern, or whether the proposed use was appropriate for a residential zone.

Mr. Trudgeon continued to review the proposal before the City Council, noting that there were currently four parcels which the applicant/developer proposes a senior cooperative and an assisted living facility; and also requiring a public road connection from Cleveland Avenue to Langton Lake Park, proposed along the northern portion of the site, with the four parcels required to be platted (with two lots proposed) and land dedicated for the road right-of-way.

Councilmember Roe requested staff to highlight Planning Commission discussions regarding the ownership of the northwest corner wetland area, and rationale for Commission and staff recommendation for that ownership.

Mr. Trudgeon advised that it was indicated that wetlands be under the City's ownership, whether through an outlot or right-of-way.

Further discussion included dedicated right-of-way for Langton Lake Drive and original inclusion in the Twin Lakes area transportation including a future roadway from Mount Ridge right-of-way to the neighborhoods to the north and south of the development parcel in relationship to practicalities with the wetland.

Councilmember Pust sought clarification on the proposed location and design of the cul-de-sac.

Councilmember Ihlan sought clarification as to why the cul-de-sac appeared to extend into park land; why there was a road to begin with; and if previously planned to lead into the park, why there had not been more planning to preserve more of the wooded area.

Mr. Trudgeon advised that those issues were more appropriate for more in-depth discussion as they related to the upcoming case, noting that there were two options available: to locate a cul-de-sac on the developer's property on a temporary basis (potentially for multiple years), without significant right-of-way available to accommodate it; or to have a turnaround on park property; and recommended additional discussion as indicated by the staff report related to that case, and based on other future developments and preferred connections.

Roe moved, Willmus seconded, approval of the PRELIMINARY PLAT for 2990, 2996, 3008 and 3010 Cleveland Avenue, allowing for the creation of two lots and land for dedication of right-of-way, based on the comments in Section 4 and 5, and the conditions of Section 6 of the project report dated September 15, 2008.

Councilmember Pust clarified that this motion would only serve to approve layout of lots, and not specific dedication of right-of-way based on proposed road location.

Councilmember Ihlan expressed her concern regarding application of the Twin Lakes AUAR regarding previous discussion of the senior cooperative and the past petition for environmental review; and the City Council's determination, based on a 4/1 vote to determine that the AUAR applied without further updating. Councilmember Ihlan opined that there was, within that AUAR, discussion of a mitigation plan that the City Council was committed to follow, in mitigating loss of woodland areas that would not be accommodated by having this right-of-way in place or with a potential turnaround in the park. Councilmember Ihlan spoke in opposition to the motion.

Mayor Klausing opined that the AUAR was implemented through development of the area, and as projects came forward, mitigation strategies were enacted at that time, not during the platting process.

Mr. Trudgeon concurred with Mayor Klausing's observations; opining that all right-of-way is impacted, and that the AUAR identified the area as low quality with undesirable trees; and further noting that there would also be replanting of trees and landscaping for mitigation purposes.

Councilmember Ihlan, referencing page 20 of the AUAR, reviewed comments regarding moderate wildlife value, specifically in the northern portion of the proposed development area and the need to preserve wildlife. Councilmember Ihlan opined that there was nothing in the AUAR regarding a road in that location, and that the area not be re-platted until there was a determination in how to make it work.

Councilmember Roe sought clarification from staff that the original Preliminary Plat had been approved in June of 2007; and that the AUAR Update had been completed in the fall of 2007, and did include the proposed right-of-way.

Mr. Trudgeon concurred with Councilmember Roe's review.

Roll Call

Ayes: Roe; Willmus; Pust; and Klausing.

Nays: Ihlan.

Motion carried.

Consider Request by United Properties (in cooperation with the property owners) for a Final Development, Rezoning, and Final Development Planned Unit Development and Agreement for 3010 Cleveland Avenue N (PF07-006)

Community Development Director Patrick Trudgeon reviewed staff's analysis of the request for approval of the FINAL PLAT (Applewood Pointe of Langton Lake) by United Properties for redevelopment of 3010 Cleveland Avenue N with a 95-unit age-restricted cooperative housing development; creating one lot for a senior cooperative and an outlot for future development, and public road right-of-way dedication for Langton Lake Drive, including all necessary public easements, subject to the conditions detailed in Section 8 of the project report dated September 15, 2008.

Mr. Trudgeon advised that one correction to staff's report was the width of the roadway: proposed to be twenty-six feet (26') in width up to the curve (crosswalk at Mount Ridge Road right-of-way); and thirty-two feet (32') thereafter.

Mr. Trudgeon also reviewed, for the record, several outstanding issues remaining for negotiation between the developer and City, as detailed in Section 9.2 of the staff report. Mr. Trudgeon addressed length of the road; connections and turnaround for public safety purposes and snowplowing; location of the turnaround on developer or City park property; and park dedication fees, with the developer indicating that they feel they've satisfied those requirements through construction of the road servicing the park.

Councilmember Roe noted that there was not a copy of the ordinance, dated in June of 2007, when the City Council took action for underlying zoning to be rezoned from B6 to R3as part of the Preliminary Plat and General Concept Review.

Mr. Trudgeon advised that standard procedure was for the property to be rezoned until the Final Plan has been presented for approval; and opined that an ordinance should be adopted as part of

tonight's action. Mr. Trudgeon also noted that as part of the City's Comprehensive Plan Update currently in process, future land use designation was for this parcel to be designation high density residential.

Councilmember Pust opined that the turnaround should be on the developer's property and that they should pay park dedication fees as outlined in the staff report.

Councilmember Ihlan sought clarification on impervious surface calculations on this proposal.

Mr. Trudgeon advised that he didn't have those calculations available tonight, but would provide them later.

Councilmember Ihlan reiterated her concerns addressed in the previous action item regarding this proposed project; and her preference for preservation of the low quality Oak woodland and wildlife habitat areas; and opined that the AUAR, page 20, committed the City to seeking parkland dedication fees and preserving those areas. Councilmember Ihlan spoke in support of requiring park land dedication fees and removing the public road.

Mayor Klausing noted his previous requests that Councilmembers raise such issues with staff before a meeting, rather than bringing them forward at the bench, in order to allow staff and the full Council to be aware of those issues and to research background materials.

Councilmember Ihlan took issue with Mayor Klausing's comments.

City Planner Thomas Paschke advised that, when the Concept Plan was presented, the original proposal called for a private road with the senior cooperative development on the south side and townhomes on the north side, which had been rejected by staff. Mr. Paschke noted that, the Planning Commission and this City Council had recommended the proposal now before them under the General Concept Plan, and representing the goals as set forth at that Council meeting. Mr. Paschke advised that staff could return to discussions and further negotiations with the developer; however, that the City Council had approved a public road for access to the park, as proposed.

Councilmember Pust noted that there had never been any agreement from the City Council on whether the turnaround would be located on private or public property.

Mr. Paschke concurred; that all plans previously submitted had platted that turnaround on park property; however, there had not been discussion at the City Council level.

Councilmember Pust opined that, when this was previously discussed, she was in agreement with all other recommendations; however, noted that this issue had remained open in her mind.

Councilmember Ihlan opined that the City could not give away part of the City's park land as part of a private development proposal, as presented.

Mr. Trudgeon advised that further discussion needed to take place, if the turnaround was not located on park land, to explicitly state the location on the private development property.

Councilmember Ihlan opined that another resolution of another site plan was needed first, contingent upon giving up some of the City's park land, if not resolved and including public input beyond the immediate neighborhood.

Councilmember Willmus requested input from the applicant on their stance on the Park and Recreation Commission's recommendation on park dedication and if the turnaround could be located on their property.

Alex Hall, United Properties, Kevin Teppin, MFRA (site work/landscaping)

Mr. Hall advised that original plans had provided for a road dead-ending and looping back into their building; prior to a series of discussions with the Parks Department on the need for a road to access this land-locked City park. Mr. Hall opined that this alignment was the last option for making a connection to the park, since once the site was developed the City was left with a backdoor entrance to a City parking lot. Mr. Hall summarized numerous meetings with staff, including Parks and Recreation Director Lonnie Brokke, and United Properties' initial position that they'd sacrificed the townhomes previously proposed on the north and their related development value, in addition to constructing, at their expense, a public road to provide access to a City park. Mr. Hall noted that their intent was to attempt to eliminate the turnaround from the corner of their property that would negatively impact aesthetics at that end of the building, in addition to eliminating a substantial number of trees along the eastern border. Mr. Hall advised that, after meeting with Mr. Brokke and the City's landscape architect, this compromise concept had been achieved, moving the turnaround onto park land with the intent to create a nice gateway or entrance to the park so in time the City parking lot could be modified to play off that turnaround.

Mr. Hall, in addressing the park dedication fee, noted the amount of land and townhome construction value they'd given up for the public road and buffer area, and opined that it was the developer's feeling that this represented adequate park dedication on their behalf. However, Mr. Hall advised that given the obvious importance to the Parks Department, and in an effort to compromise, they would not object to the park dedication fee on this senior cooperative project. Mr. Hall asked that they would like further discussion related to a fee on the assisted living, since those residents would not have use of the park, and since those units are smaller, at approximately 500 square feet studio units, asked for some reduction on that site.

Mr. Hall advised that, related to the road, the developer would prefer not to see it expanded for on-street parking; specifically from a safety issue, given two way traffic in and out from the soccer field, having already observed lots of activity around vans and vehicles, lots of kids, and eventual exiting by senior cooperative residents out that eastern end and turning the corner, not to mention the grade of the road sitting in a location outside the parking garage ten feet (10') below the soccer field and requiring a retaining wall. Mr. Hall opined that, for the few parking spaces that would be provided with on-street parking, and loss of trees and green space through expanding the road, it would be more prudent to maintain the road width at 24 – 26', and creating any additional City parking in the City parking lot and not on their private parcel.

Councilmember Roe sought information from staff on the estimate to the City to construct the turnaround on City park property at this time, for construction of a simple cul-de-sac.

Councilmember Roe asked Mr. Brokke if the parking in the existing parking lot was inadequate.

Public Works Director Duane Schwartz estimated that the cost at \$40 - \$50,000. Parks and Recreation Director Lonnie Brokke opined that the existing parking was inadequate; and Mr. Schwartz estimated that an additional 20 spaces could be achieved with on-street parking as suggested, with the current lot allowing for approximately 40 spaces.

Mr. Brokke addressed the Langton Lake Master Plan originally done in 1986, with the intent for future planning at Cleveland Avenue and Brenner Avenue to access off Cleveland through the development, partially on the park and partially on development property, up Brenner to Mount Ridge Road; and planning construction of a parking lot for the park. Mr. Brokke acknowledged that it had become apparent that many people were unaware of this Master Plan; and noted United Properties' openness to other alternatives, with several scenarios developed throughout the process.

Councilmember Willmus expressed concern in balancing the location of the cul-de-sac and inadequacy of the existing parking area; overflow in industrial parking areas to south; accessing park through that industrial area; if at some point this road will connect further to the south and a way to potentially have some sort of access there.

Councilmember Ihlan opined that this was a policy question; and that it was a wrong policy decision to build a public road and parking lot, while removing trees and wildlife habitat.

Mr. Brokke opined that, from his perspective, the City had one opportunity to make that development work with the park; and noted that it was a destination and community park, with well used fields and drivers coming from other areas of the community, not just the immediate neighborhood.

Mayor Klausing opined that the proposed roadway and turnaround were there for a public benefit to provide additional parking to serve the public purpose. Mayor Klausing noted that the applicant was not promoting it, and in their providing a roadway to the park, it creates the necessity for a turnaround to address public safety concerns. Mayor Klausing further opined that, given that background, it makes more sense from his perspective for the turnaround on public land to serve a public, rather than a private purpose.

Councilmember Roe expressed appreciation to the developer and staff for their discussion, comments and clarification. Councilmember Roe opined that, related to the turnaround, and intent to connect the road in the future, and also to have the ability to construct and approve a substandard turnaround on a temporary basis pending further development and connections at a cost estimated at \$40-\$50,000, it made sense to construct the turnaround on public property, with the developer being required to construct the roadway and pay park dedication fees, as developed through compromise with staff. Councilmember Roe suggested that part of the park dedication fees could be applied to the construction costs to the City.

Councilmember Willmus opined that if the cul-de-sac was constructed, as part of the cost of the roadway and infrastructure cost of the developer, he did not consider the road for the benefit of the park, but a future benefit to properties to the south; with the roadway benefiting the developer's ingress and egress for their site, one of which happens to be of auxiliary benefit to the park.

Councilmember Pust advised that she hadn't changed her mind; while appreciating the developer's willingness to pay the park dedication fee. Councilmember Pust opined that there were too many things being sought to make the development work, and in trying to solve a public problem with too small of a lot at the park. Councilmember Pust noted that the park Master Plans were in the process of being reviewed and potentially revised, and observed that it was a long way to the south connection, and may encourage more vehicle traffic, access or different answers may become evident. Councilmember Pust spoke in support of having those discussions; and while opining that it made sense to go forward with the development, it made sense to go forward with future park planning on a separate track. Councilmember Pust opined that the cul-de-sac may be needed, but that it should be at the developer's cost on their land; that park dedication fees should be paid as indicated; and that a separate process for Langton Lake shouldn't insist on widening the road for more parking, but that parking needs could be handled in a better way.

Discussion ensued regarding the turnaround.

Councilmember Pust spoke in support of a turnaround on the developer's property, at their cost, at a size and turn radius indicated as adequate by the City's Public Works Department.

Councilmember Willmus spoke in support of the turnaround on the developer's property; however, noted that he was open to it being located on public property; and preferred a wider rather than narrower road width for safety purposes.

Councilmember Roe spoke in support of the turnaround on public property, with no additional width to the roadway; however, noted that he was flexible to locating it on the developer's property if that was the way to achieve the turnaround.

Councilmember Ihlan opined that a public road was not needed as part of this development; that the park land dedication be paid; and that areas be preserved next to the park, without removing more trees; and that she would not support the cul-de-sac on public property or extra width of the roadway.

Mayor Klausing opined that the turnaround made more sense on public property; did not support extra roadway width; and noted that the roadway had been imposed on the developer at the City's desire to access a public park.

Councilmember Willmus sought clarification from Councilmember Roe whether he would reconsider his position if the cul-de-sac were constructed on City property at the cost of the developer.

Councilmember Roe indicated that he would do so.

Mayor Klausing opened the meeting for public comment on this matter, with no one appearing to speak.

Pust moved, Willmus seconded, approval of the FINAL PLAT (Applewood Pointe of Langton Lake) by United Properties for redevelopment of 3010 Cleveland Avenue N with a 95-unit age-restricted cooperative housing development; **creating two (2) lots for a senior cooperative, and including no outlots** for future development, and public road right-of-way dedication for Langton Lake Drive, including all necessary public easements, subject to the conditions detailed in Section 8 of the project report dated September 15, 2008; **and providing sufficient right-of-way to construct the cul-de-sac on the developer's property on Lot 1.**

Discussion ensued regarding staff report, Section 7.7 and dedicated easements; timing of the right-of-way period at one year; and Mr. Schwartz's concerns, from a Public Works' standpoint, that if there was going to be no connection to the existing parking lot, why the City would want to take on the expense of this additional roadway, and asked that the City Council consider that before dedicating public right-of-way.

As the maker of the motion, Councilmember Pust withdrew the motion; opining that the developer should construct the roadway as a private driveway.

Pust moved, Ihlan seconded, approval of the FINAL PLAT (Applewood Pointe of Langton Lake) by United Properties for redevelopment of 3010 Cleveland Avenue N with a 95-unit age-restricted cooperative housing development; **creating two (2) lots for a senior cooperative, and no dedication of public roadway, and including any easements that staff deems required for drainage and/or utility easements;** for future development, subject to the conditions detailed in Section 8 of the project report dated September 15, 2008.

Discussion included staff's concerns with implications to the developer with this motion (i.e., private road changing setbacks and location of the building); focus on the park, rather than connections to it; and the need for a turnaround.

Councilmember Roe opined that this motion is contrary to what was being promoted for this project all along; and that the reason for discussions was the City's desire to access the park.

Councilmember Roe questioned how tonight's discussion on a turnaround on public or developer-owned property had morphed into not allowing access to the park, or a public road to ensure that connection and access.

Councilmember Roe further opined that, if the intent of City is to connect to the park, it may mean a curb cut in the cul-de-sac and a two-lane road that is the City's responsibility

Councilmember Ihlan questioned when the City had made a determination that this road needed to connect the park.

Councilmember Roe noted that the City had done so in June of 2007 when the City Council, on a 3/2 vote, had originally held discussion on a public roadway and the need for access to the park.

Mayor Klausing spoke in opposition to the motion, concurring with Councilmember Roe; and supporting the connection for the public purpose of access to the park.

Roll Call

Ayes: Pust.

Nays: Roe; Willmus; and Klausing.

Abstentions: Ihlan.

Motion failed.

Klausing moved, Roe seconded, approval of the FINAL PLAT (Applewood Pointe of Langton Lake) by United Properties for redevelopment of 3010 Cleveland Avenue N with a 95-unit age-restricted cooperative housing development; ***creating two (2) lots for a senior cooperative, and including no outlots***, for future development, and public road right-of-way dedication for Langton Lake Drive, including all necessary public easements, subject to the conditions detailed in Section 8 of the project report dated September 15, 2008;

Roll Call

Ayes: Roe; Willmus; and Klausing.

Nays: Pust and Ihlan.

Motion carried.

Roe moved, Klausing seconded, enactment of Ordinance No. 1375 entitled, "An Ordinance Amending Title 10 of the Roseville City Code, Changing the Zoning Map Designation of Certain Real Property within the Twin Lakes Redevelopment Area from Single-Family Residence District (R-1) to Planned Unit Development (PUD) with an Underlying Zoning of General Residence District (R-3)."

Councilmember Roe opined that this action didn't designate building height; but that such provisions would be achieved through the PUD Agreement.

Councilmember Ihlan spoke against the motion, based on building height restrictions; petition previously received for additional environmental review based on solar access impacts; and other mitigation indicted in the AUAR.

Mayor Klausing spoke in support of the motion; concurring with Councilmember Roe that height restrictions would be set forth in the PUD Agreement; and opined that this project reduced urban sprawl, and made properties more affordable through increased density; and respectfully disagreed with the suggested impacts on solar access.

Roll Call

Ayes: Roe; Willmus; Pust; and Klausing.

Nays: Ihlan.

Motion carried.

Mr. Hall, at the request of Mayor Klausing clarified their preferences and understanding of discussions and negotiations with staff:

- The cost of the road was to be borne by the developer
- No specific conversation on the cost of the turnaround
- Location as proposed on public park land was clearly a result of the meetings between the developer and the City's landscape architect, and park representatives
- Since there is a benefit to the developer in saving trees along the eastern border and not having units look down on a turnaround, if the park sees a benefit in creating a gateway via that turnaround, Mr. Hall agreed that the developer would be willing to pay for the turnaround.

Councilmember Roe clarified that the developer was willing to pay for the turnaround, but preferred to see it on park property.

Mr. Hall concurred; noting the developer's position that they'd already given substantially to this project, through paying for a park road that they had given up other development potential for that roadway; and in agreeing to pay park dedication fees on top of that. Mr. Hall asked for some compromise on the part of the City by locating the turnaround off their land.

Discussion ensued regarding road width; emergency vehicle turnaround if parking was allowed on-street for park overflow parking; buffer between the park and development; existing parking through existing warehouse parking lot and long-term use; additional 10-15 parking spaces in parking lot without additional tree removal; length of road requiring a turnaround; review of the tree inventory for the property (i.e., Siberian Elms, Box Elders, Cottonwoods); and mitigation of tree loss through replanting with more desirable trees.

Further discussion included defining road width based on where the turnaround is located.

Councilmember Pust opined that if the access road were built off the developer's turnaround, part of a new Master Plan for Langton Park may not consider that as a good option, thus creating the need to consider the issues separately. Councilmember Pust opined that the turnaround should be contained on the developer's property, on Lot 1.

Mayor Klausing expressed his preference to keep the road narrower at twenty-six feet (26').

Councilmember Willmus indicated his openness to either on their land or park property.

Mayor Klausing expressed a preference to maintain a narrow roadway with a turnaround.

Councilmember Ihlan offered no opinion on this issue.

Councilmember Roe opined that the turnaround could be located half on each property.

Klausing moved, Willmus seconded, that the road width be maintained at twenty six feet (26') and that the turnaround be located at a point close to the connection with the parking lot; with the turnaround to be constructed at the developer's cost, on City park land.

Councilmember Pust spoke against the motion; opining that the turnaround should be on the developer's property.

Councilmember Roe indicated that his preference in locating the turnaround would be to keep it as far north in the park land as possible; while still allowing for the connection to the parking lot; and spoke in opposition to this motion unless modified.

Roe moved, Willmus seconded, amendment to the motion to modify the geometry of the turnaround to require that it commence at the property line between the developer and the park property (indicated as C-2-01 on the map).

Roll Call

Ayes: Roe; Ihlan; Willmus; Pust; and Klausing.

Nays: None.

Councilmember Ihlan spoke against the motion, stating her opposition to paving woodland for parking lots.

Mayor Klausing spoke in support of the motion; stating that the proposal provided access to this urban park for the public purpose of not excluding public use.

Roll Call [AMENDED MOTION AS MODIFIED]

Ayes: Roe; Willmus; and Klausing.

Nays: Ihlan and Pust.

Motion carried.

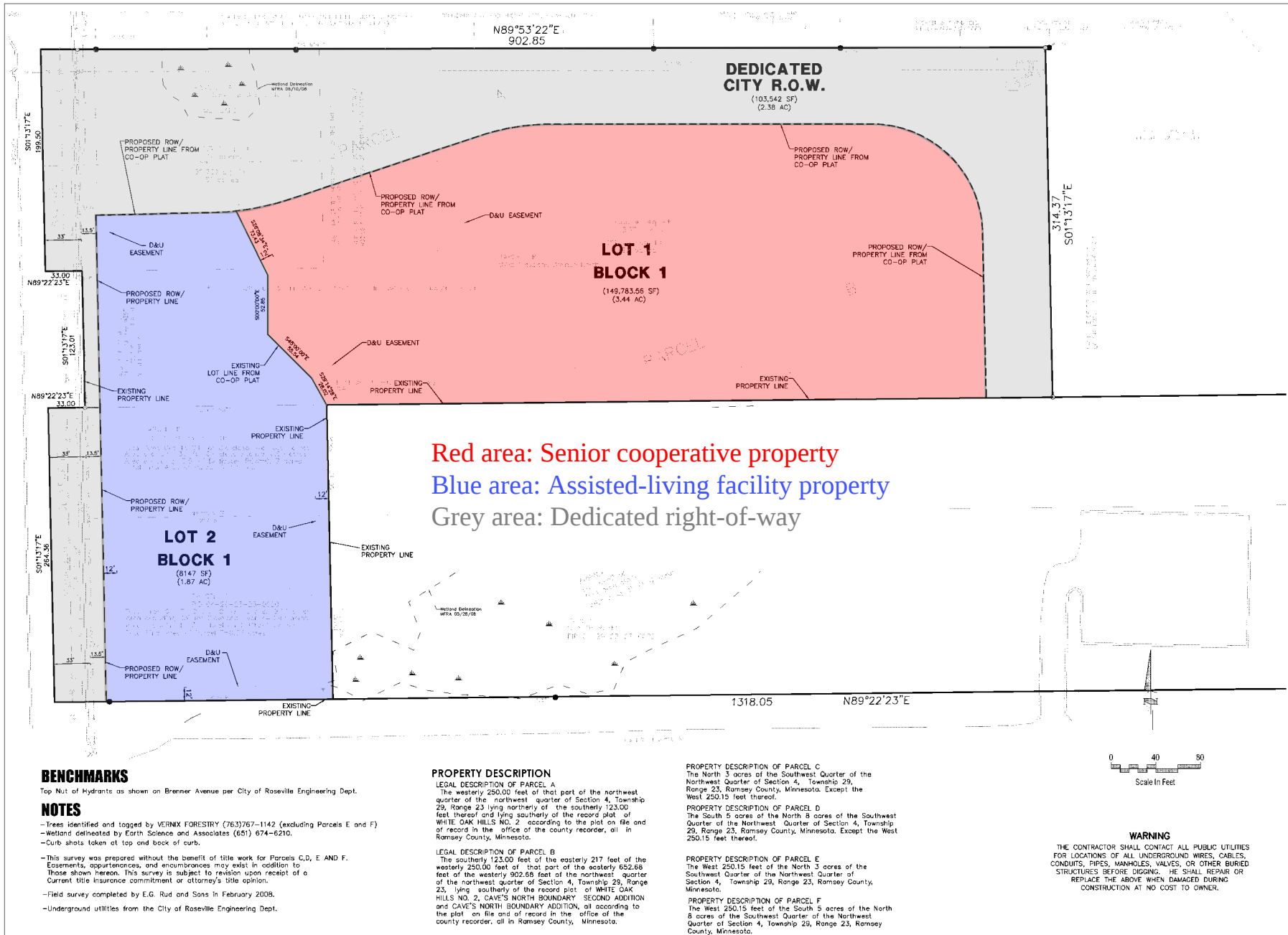
Klausing moved, Roe seconded, approval of the FINAL DEVELOPMENT PLAN and PLANNED UNIT DEVELOPMENT AGREEMENT for redevelopment by United Properties of the property at 3010 Cleveland Avenue N with a 95-unit, age-restricted cooperative housing development; ***amended as modified; in addition to removal of Item 9.7.g on page 6 of the draft PUD Agreement regarding outdoor sales and merchandising; and correcting the date of City Council action.***

Roll Call

Ayes: Roe; Willmus; and Klausing.

Nays: Ihlan and Pust.

Motion carried.



Engineering • Planning • Surveying



Client
UNITED PROPERTIES
3600 AMERICAN BLVD WEST
SUITE 200
BLOOMINGTON, MN 55431

Project
LANGTON ASSISTED LIVING

Location
ROSEVILLE, MN

Certification

Summary

Designed: KT Drawn: ZREK
Approved: Book / Page: ...
Phase: CONCEPT Initial Issue: 07-22-2008

Revision History

No.	Date	By	Submittal / Revision
1	08/10/08	ZRE	PLATUPDATES PER CITY COMMENTS
2	08/08/08	ZRE	PLATUPDATES PER CITY COMMENTS

Sheet Title

FINAL PLAT
(OFFICIAL FINAL PLAT
DONE BY RUD)

Sheet Number Revision

C-3.02 B

Project No. 17610 AL

Engineering • Planning • Surveying



Client
UNITED
PROPERTIES
 3500 AMERICAN BLVD WEST
 SUITE 200
 BLOOMINGTON, MN 55431

Project
APPLEWOOD
POINTE OF
LANGTON LAKE

Location
ROSEVILLE, MN

2650 CIVIC CENTER DR
 ROSEVILLE, MN 55113

Certification

Summary

Designed: CI
 Approved: _____
 Phase: FINAL PLAT Initial Issue: 02/25/2008

Revision History

No. Date By Submittal / Revision
 1 4/10/08 ZHE CITY COMMENTS

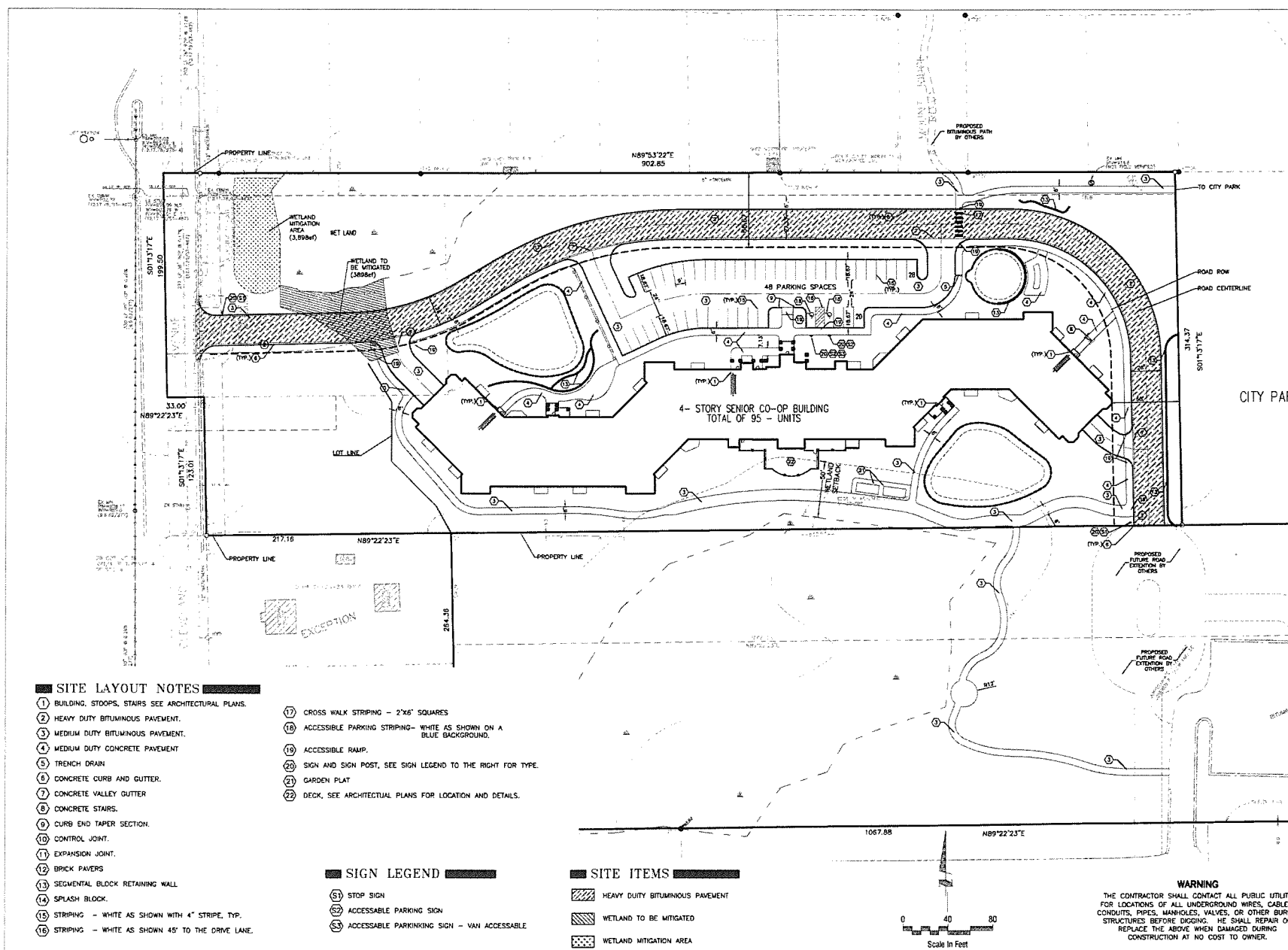
Sheet Title

SITE PLAN

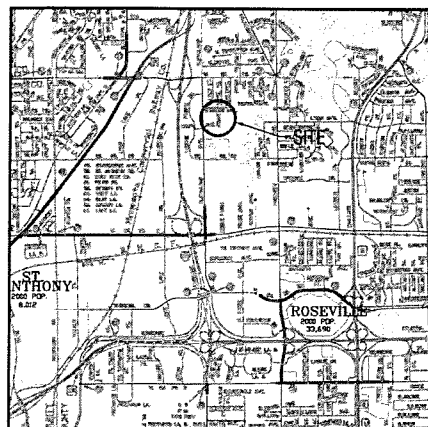
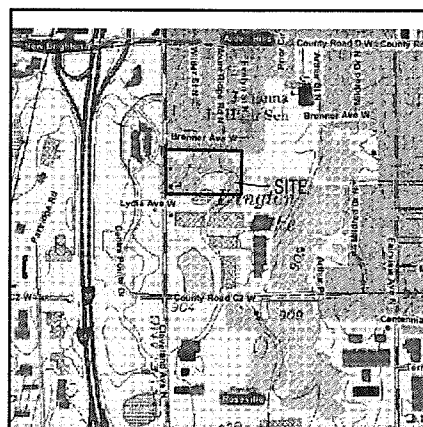
Sheet Number Revision

C-3.01

Project No. 17032



EROSION & SEDIMENTATION CONTROL NOTES & DETAILS / "SITE MAP"

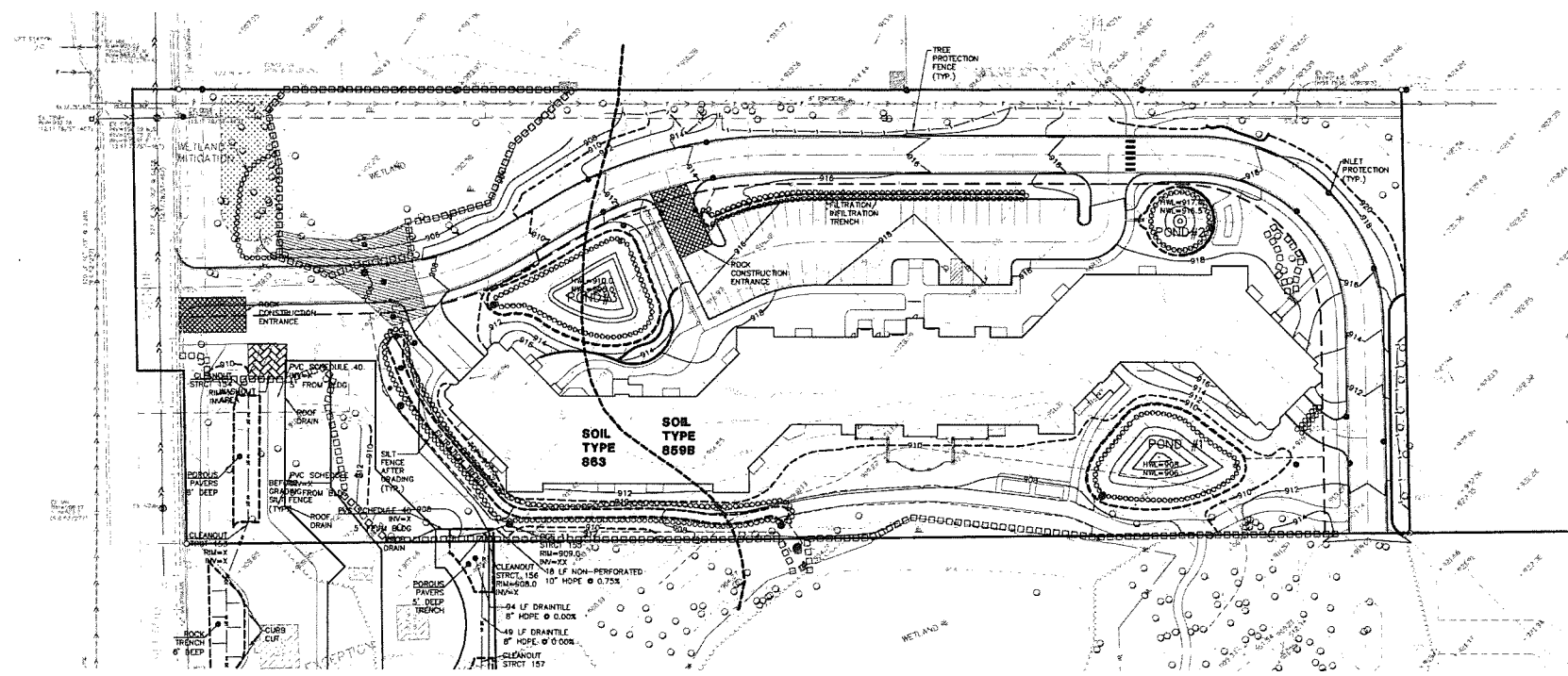
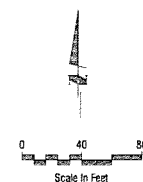
SITE LOCATION MAP
NOT TO SCALEUSGS MAP
NOT TO SCALE

ACREAGE SUMMARY	
PAVEMENT AREA	XX.XX AC±
BUILDING AREA	XX.XX AC±
SEEDBED AREA	XX.XX AC±
TOTAL DISTURBED	XX.XX AC±

SOIL TYPES:
MOSTLY EXCESSIVELY DRAINLED. IN A NEAR WETLANDS THEY ARE
SOMEWHAT POORLY DRAINLED.
N.W. CORNER (B01) IS URBAN LAND/COMPLEX. 0-2% SLOPES.
SOMEWHAT POORLY DRAINLED. REST OF SITE (B01B) IS URBAN
LAND. ZIMMERMAN COMPLEX. 1-2% SLOPES. EXCESSIVELY
DRAINLED.

LEGEND

PROPOSED	EXISTING
CURB & GUTTER	EXISTING
TREE PROTECTION FENCE	EXISTING
STORM SEWER	EXISTING
EASEMENT	EXISTING
10' D.W.	EXISTING
INLET PROTECTION	EXISTING
SELT FENCE AFTER	EXISTING
SELT FENCE BEFORE	EXISTING
WETLAND BOUNDARY	EXISTING
TEMPORARY STONE	EXISTING
CONSTRUCTION ENTRANCE	EXISTING
SPOT ELEVATION	EXISTING
CONTOUR	EXISTING
ASP. RAMP	EXISTING
OVERFLOW ELEV.	EXISTING



Engineering • Planning • Surveying

MFRA
McCombs Frank Ross
Associates, Inc.
14000 22nd Avenue North, Suite 140
Plymouth, Minnesota 55447
Phone: 763-476-0710 Fax: 763-476-0832
Website: www.mfra.com

Client
**UNITED
PROPERTIES**
3500 AMERICAN BLVD WEST
SUITE 200
BLOOMINGTON, MN 55431

Project
**APPLEWOOD
POINTE OF
LANGTON LAKE**

Location
ROSEVILLE, MN

2650 CIVIC CENTER DR
ROSEVILLE, MN 55113

Certification

Summary

Designed: KT
Approved: _____
Phase: FINAL PLAT Initial Issue: 02/25/2008

Revision History

No. Date By Submittal / Revision
1 4/16/08 ZHE CITY COMMENTS

Sheet Title
**EROSION
CONTROL &
S.W.P.P. PLAN**

Sheet Number Revision

C-5.02

Project No. 17032

Engineering • Planning • Surveying



Client
UNITED PROPERTIES
3500 AMERICAN BLVD WEST
SUITE 250
BLOOMINGTON, MN 55431

Project
APPLEWOOD POINTE OF LANGTON LAKE

Location
ROSEVILLE, MN

2680 CIVIC CENTER DR
ROSEVILLE, MN 55113

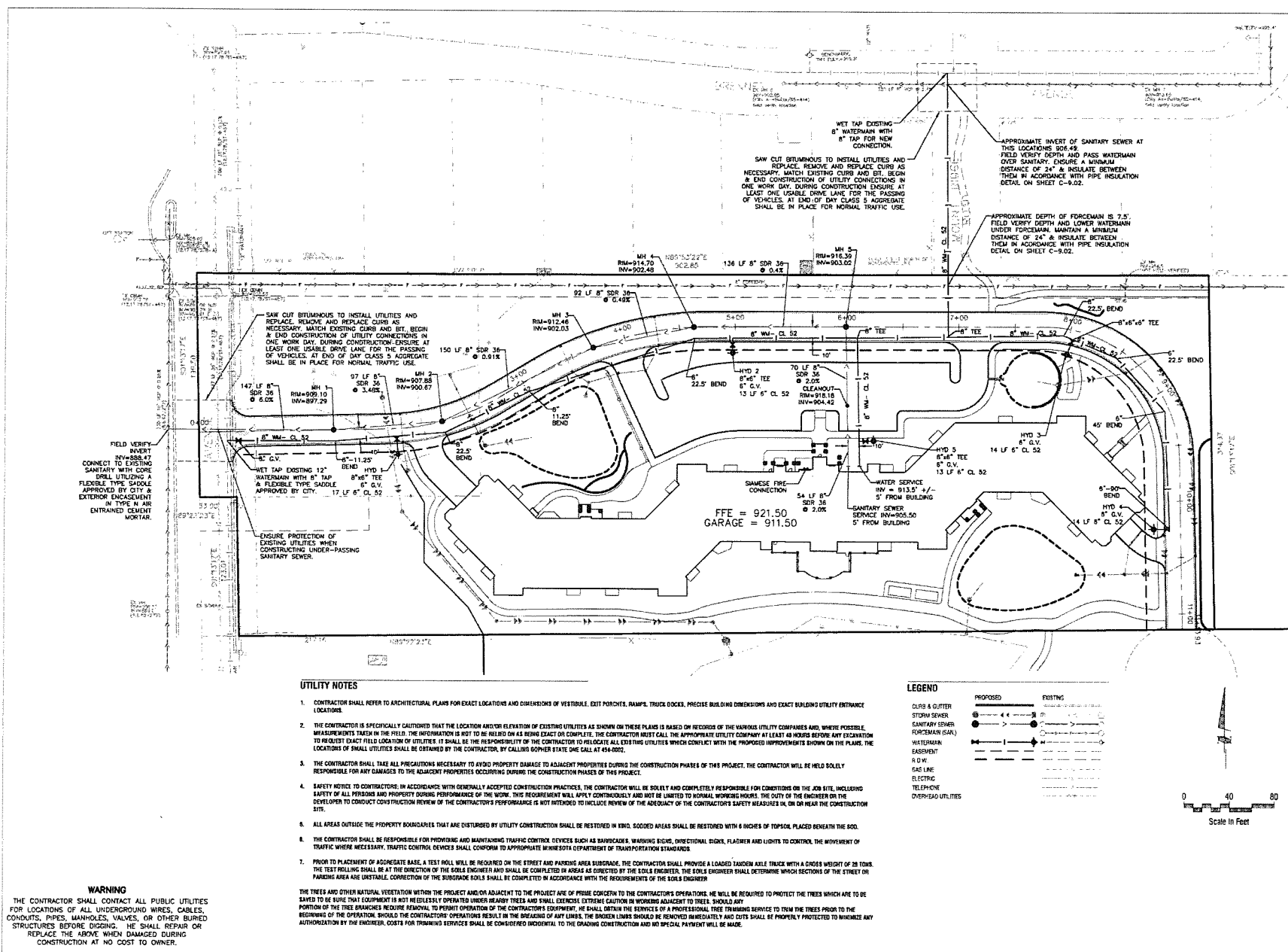
Certification

Summary
Designed by: JPL/K
Approved by: Book / Page: 1
Phase: FINAL PLAT Initial Issue: 02/26/2006
Revision History
No. Date By Submittal / Revision
1 4/10/08 JPL CITY COMMENTS

Sheet Title
SANITARY SEWER & WATERMAIN PLAN
Sheet Number Revision

C-6.01

Project No. 17032



Project APPLEWOOD POINTE OF LANGTON LAKE

2550 CIVIC CENTER DR
ROSEVILLE, MN 55113

Certification

Summary

Designed: KT Drawn: ZRE/JK
Approved: ... Book / Page: ...
Phase: FINAL PLAT Initial Issue: 02-25-2008

Revision History

No.	Date	By	Submittal / Revision
1	4/16/08	ZPE	CITY COMMENTS

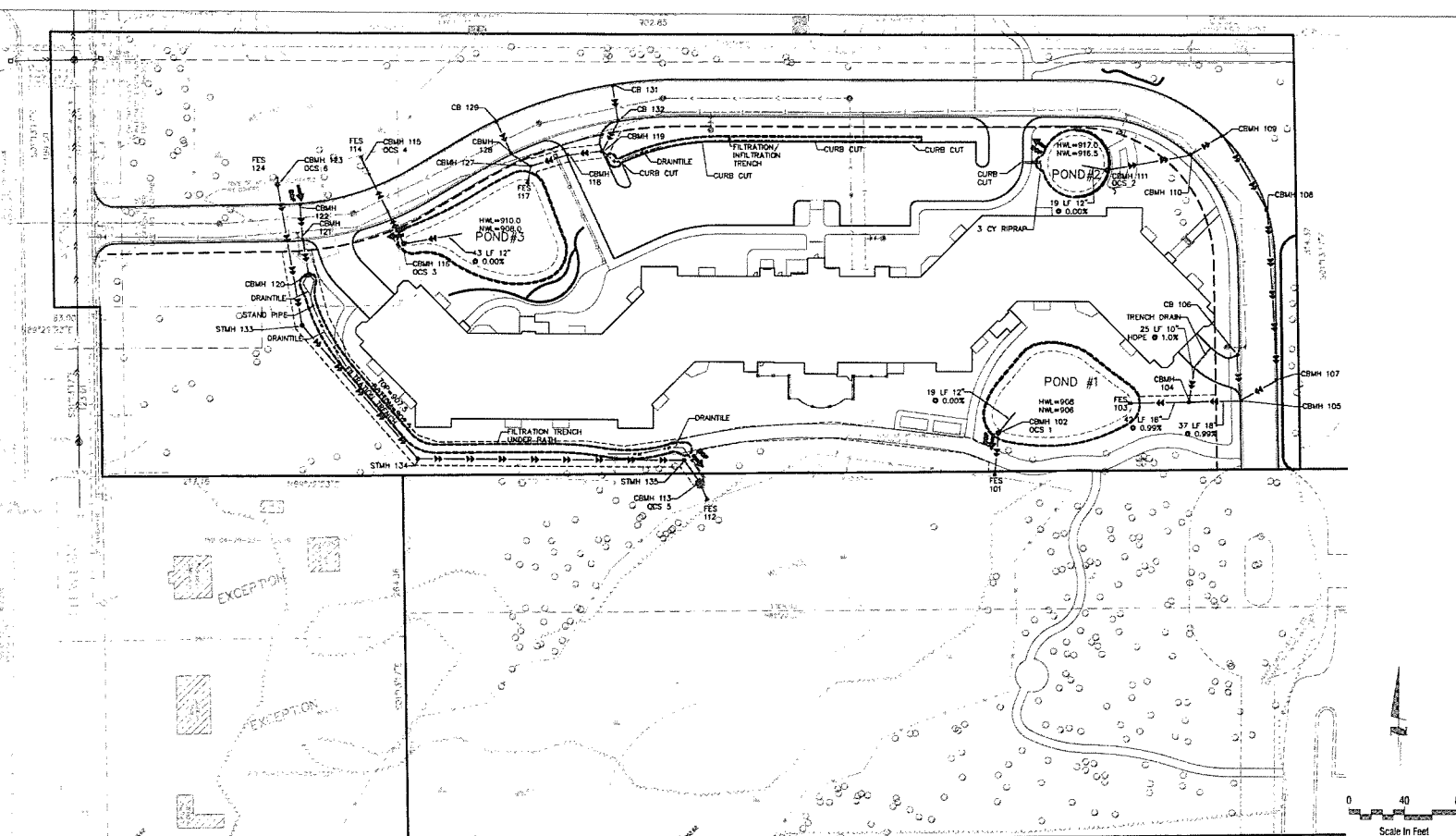
Sheet Title

STORM SEWER PLAN

Sheet Number Revision

C-7.01

Project No. 17032



UTILITY CONSTRUCTION NOTES

- [illegible]

THE TREES AND OTHER NATURAL VEGETATION WITHIN THE PROJECT AND/OR ADJACENT TO THE PROJECT ARE OF PRIME CONCERN TO THE CONTRACTOR'S OPERATIONS. HE WILL BE REQUIRED TO PROTECT THE TREES WHICH ARE TO BE SAVED TO BE SURE THAT EQUIPMENT IS NOT NECESSARILY OPERATED UNDER NEARBY TREES AND SHALL EXERCISE EXTREME CAUTION IN WORKING ADJACENT TO TREES. SHOULD ANY PORTION OF THE TREE BRANCHES REQUIRE REMOVAL TO PERMIT OPERATION OF THE CONTRACTOR'S EQUIPMENT, HE SHALL OBTAIN THE SERVICES OF A PROFESSIONAL TREE TRIMMING SERVICE TO TRIM THE TREES PRIOR TO THE BEGINNING OF THE OPERATION. SHOULD THE CONTRACTOR'S OPERATIONS RESULT IN THE BREAKING OF ANY LIMBS, THE BROKEN LIMBS SHOULD BE REMOVED IMMEDIATELY AND CUTS SHALL BE PROPERLY PROTECTED. WITHOUT ANY AUTHORIZATION BY THE ENGINEER, COSTS FOR TRIMMING SERVICES SHALL BE CONSIDERED INCIDENTAL TO THE GRADING CONSTRUCTION AND NO SPECIAL PAYMENT WILL BE MADE.

STORM SCHEDULE

STRUCTURE #	TYPE	SIZE (IN)	CASTING	RIPRAP (CY)	RTM	INVERTS
102	CLAMP	12	0.014T	0	105.0	0.0000
103	CLAMP	12	0.014T	0	105.0	0.0000
104	CLAMP	27	0.014T	0	105.0	0.0000
105	CLAMP	30	0.014T	0	105.0	0.0000
106	CLAMP	48	0.014T	0	105.0	0.0000
107	CLAMP	48	0.014T	0	105.0	0.0000
108	CLAMP	48	0.014T	0	105.0	0.0000
109	CLAMP	48	0.014T	0	105.0	0.0000
110	CLAMP	48	0.014T	0	105.0	0.0000
111	CLAMP	48	0.014T	0	105.0	0.0000
112	CLAMP	48	0.014T	0	105.0	0.0000
113	CLAMP	48	0.014T	0	105.0	0.0000
114	CLAMP	48	0.014T	0	105.0	0.0000
115	CLAMP	48	0.014T	0	105.0	0.0000
116	CLAMP	48	0.014T	0	105.0	0.0000
117	CLAMP	48	0.014T	0	105.0	0.0000
118	CLAMP	48	0.014T	0	105.0	0.0000
119	CLAMP	48	0.014T	0	105.0	0.0000
120	CLAMP	48	0.014T	0	105.0	0.0000
121	CLAMP	48	0.014T	0	105.0	0.0000
122	CLAMP	48	0.014T	0	105.0	0.0000
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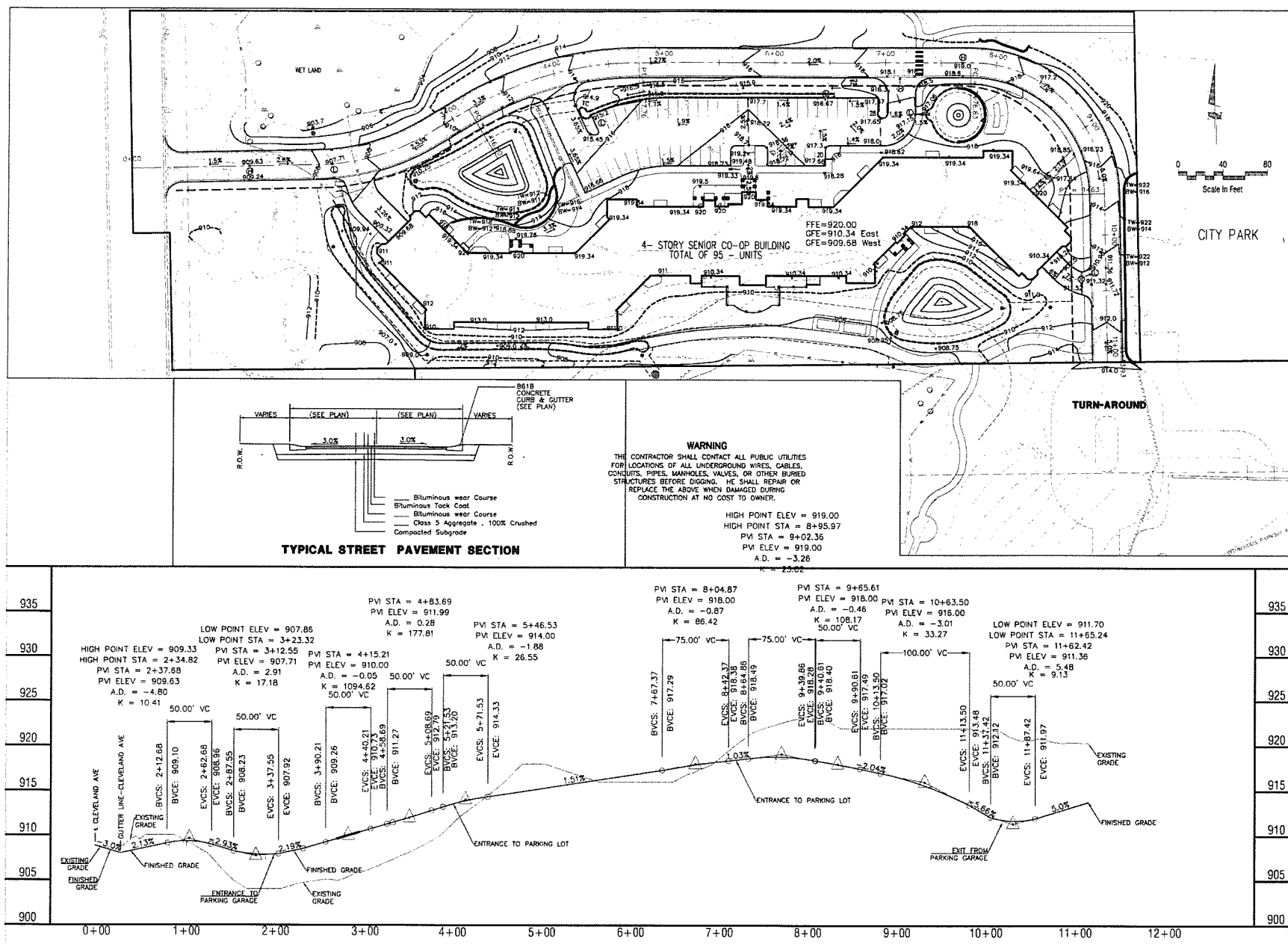
LEGEND

CURB & GUTTER
STORM SEWER
SANITARY SEWER
FORCEMAIN (S&L)
WATERMAIN
EASEMENT
R.O.W.
GAS LINE
ELECTRIC
TELEPHONE
WELL AND PUMP

The diagram illustrates the water supply infrastructure for the City of San Diego. It compares a 'PROPOSED' system with an 'EXISTING' system. The 'PROPOSED' system features a single main line from the Colorado River Aqueduct to the San Diego Water Treatment Plant, which then branches out to various districts. The 'EXISTING' system shows a more complex network with multiple lines and reservoirs, including the San Diego Reservoir and the San Marcos Reservoir. The diagram uses various symbols to represent different components, such as lines for pipelines, circles for reservoirs, and arrows for flow direction.

WARNING

THE CONTRACTOR SHALL CONTACT ALL PUBLIC UTILITIES FOR LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES, OR OTHER BURIED STRUCTURES BEFORE DIGGING. HE SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO OWNER.



Engineering • Planning • Surveying

MFRA
McCombs Frank Roos
Associates, Inc.
14800 25th Avenue North, Suite 140
Plymouth, Minnesota 55447
Phone: 763-476-6010 Fax: 763-476-3632
Website: www.mfra.com

Client
UNITED PROPERTIES
3500 AMERICAN BLVD WEST
SUITE 200
BLOOMINGTON, MN 55431

Project
APPLEWOOD POINTE OF LANGTON LAKE

Location
ROSEVILLE, MN

2500 CIVIC CENTER DR
ROSEVILLE, MN 55113

Certification

Summary

Designed: KT Drawn: JHE/AC
Approved: Book / Page: 1/1
Phase: FINAL PLAN Initial Issue: 02/26/2008

Revision History

No. Date By Submitted / Revision
1 4/30/08 JHE CITY COMMENTS

Sheet Title

STREET PLAN & PROFILE

Sheet Number Revision

C-8.01

Project No. 17032



Client
UNITED
PROPERTIES
3500 AMERICAN BLVD WEST
SUITE 200
BLOOMINGTON, MN 55431

Project APPLEWOOD POINTE OF LANGTON LAKE

Location
ROSEVILLE, MN

2550 CIVIC CENTER DR
ROSEVILLE, MN 55113

Certification

Summary

Designed: KT Drawn: ZREAK
Approved: .. Book / Page: ____
Phase: FINAL PLAT Initial Issue: 02-26-2008

Revision History

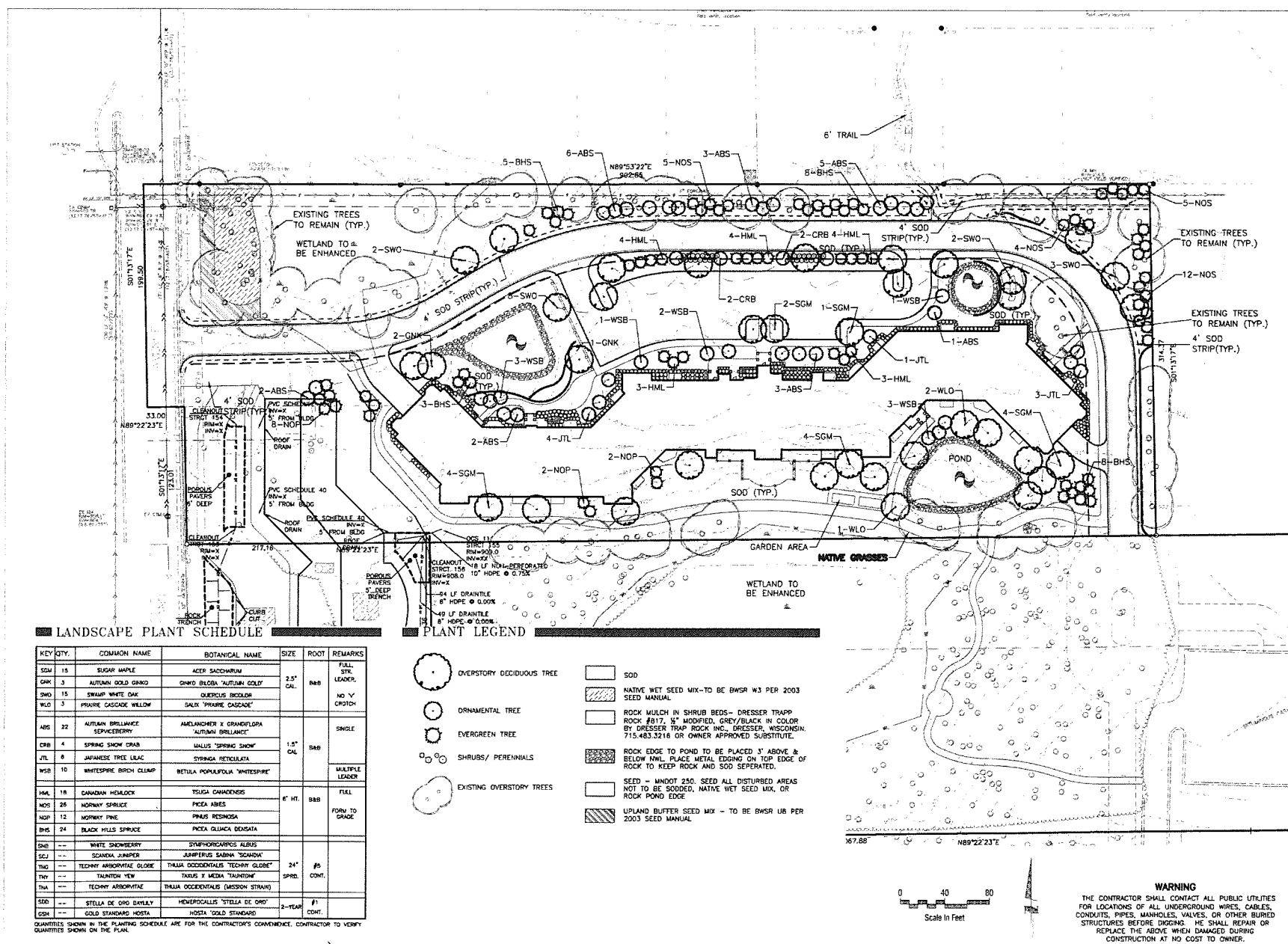
No.	Date	By	Submittal / Revision
1	4/18/08	ZRE	CITY COMMENTS

Sheet Title
**LANDSCAPE
PLAN**

Sheet Number Revision

C-10.01

Project No. 17032





1 ELEVATION
SCALE: 1/8" = 1'-0"



2 ELEVATION
SCALE: 1/8" = 1'-0"

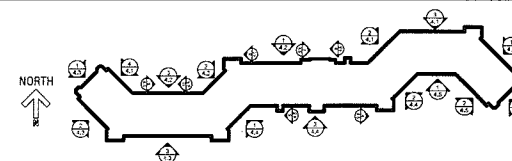
5 ELEVATION
SCALE: 1/8" = 1'-0"



3 ELEVATION
SCALE: 1/8" = 1'-0"



4 ELEVATION
SCALE: 1/8" = 1'-0"



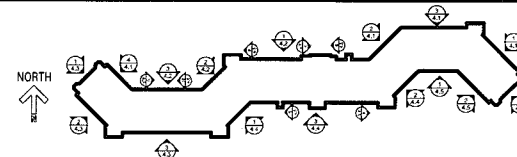
ISH

ISH ARCHITECTS, INC.
14525 Highway 7
Minnetonka, MN 55346
PH: 952-835-8027 FAX: 952-935-4878
Email: ish@ishmn.com

PROJECT: APPLEWOOD POINTE OF LANGTON LAKE
ROSEVILLE, MN
FOR UNITED PROPERTIES

DATE: 06-40

4.1



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2 ELEVATION
SCALE: 1/8" = 1'-0"



3 ELEVATION
SCALE: 1/8" = 1'-0"



JSH ARCHITECTURE, Inc.
14535 Highway 275
Minnetonka, MN 55345
ph. 952-935-4337 fax. 952-935-4879

I hereby certify that this plan, specification, or schedule of work was prepared by me or under my supervision and that I am a duly Licensed Professional Engineer in the State of MINNESOTA.
Date: Reg. No. 10388

Project: APPLEWOOD POINTE OF LANTON Lake
ROSEVILLE, MN.
FOR UNITED PROPERTIES

Drawn by: JSH
Checked by: JSH
Date: 06-40

EXTERIOR ELEVATIONS
06-40

4.2



JSSB ARCHITECTS, INC.
14855 Highway 7
Suite 375
Minnetonka, MN 55345
PH: 952-935-4337 FAX: 952-935-0478

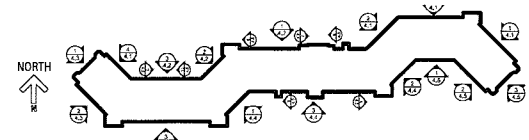
Professional Engineer
JSSB ARCHITECTS, INC.
14855 Highway 7
Suite 375
Minnetonka, MN 55345
PH: 952-935-4337 FAX: 952-935-0478

MINNESOTA
Professional Engineer
JSSB ARCHITECTS, INC.
14855 Highway 7
Suite 375
Minnetonka, MN 55345
PH: 952-935-4337 FAX: 952-935-0478

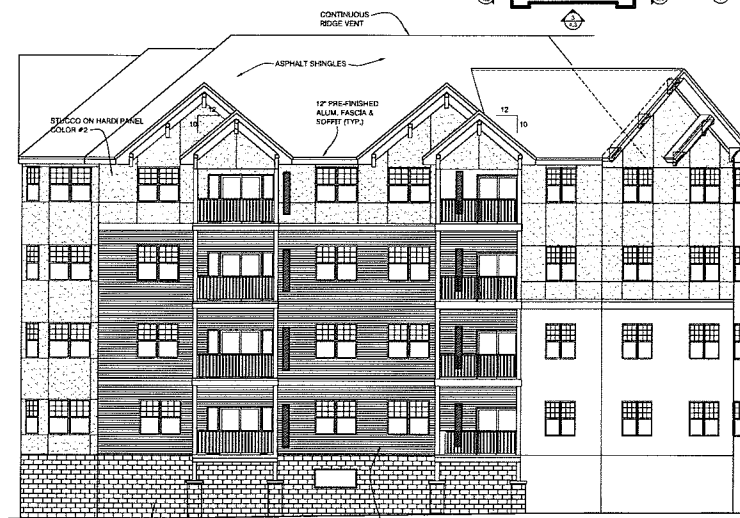
PROJECT
APPLEWOOD POINTE OF LANGTON LAKE
ROSEVILLE, MN
FOR UNITED PROPERTIES

DATE
2-28-08
BY
JSSB

EXTERIOR ELEVATIONS
06-40
4.3



1
4.3
END ELEVATION
SCALE: 1/8" = 1'-0"



2
4.3
ELEVATION
SCALE: 1/8" = 1'-0"



3
4.3
ELEVATION
SCALE: 1/8" = 1'-0"



JSSB ARCHITECTS, INC.
1000 Highway 7
Minneapolis, MN 55414
ph. 952-935-4337 fax. 952-935-1078

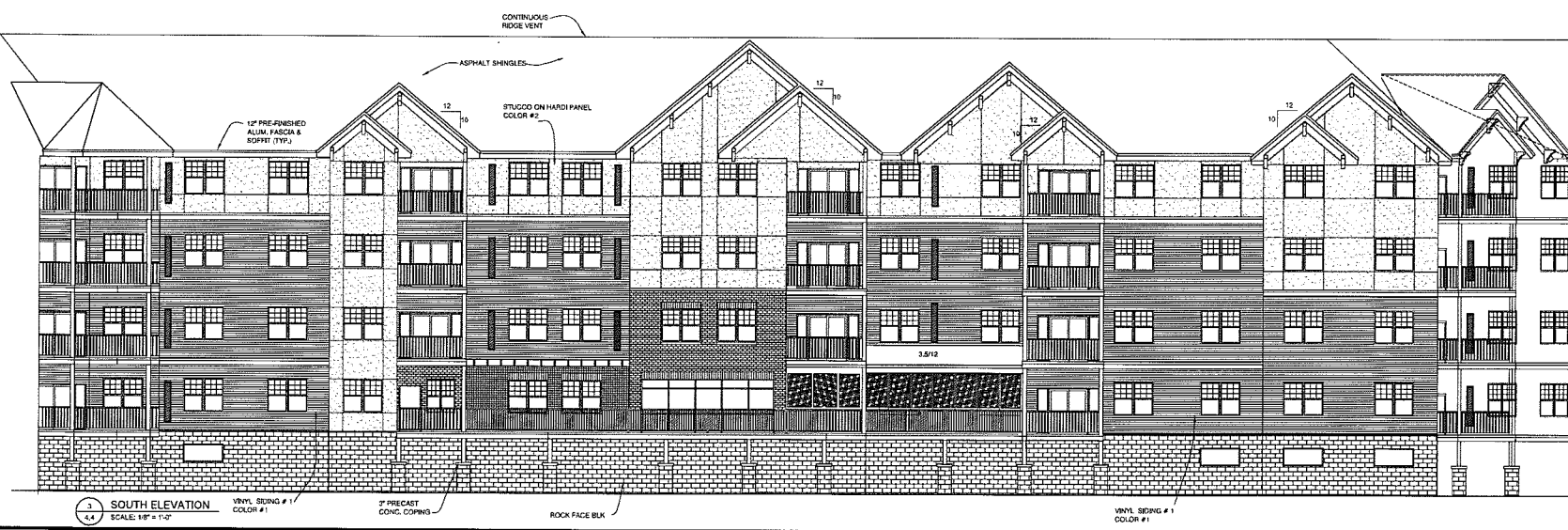
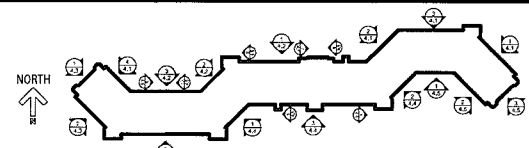
I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of MINNESOTA. Reg. No. 10398

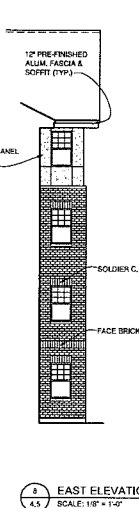
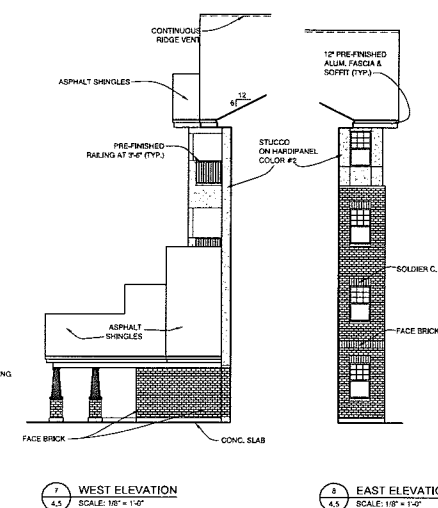
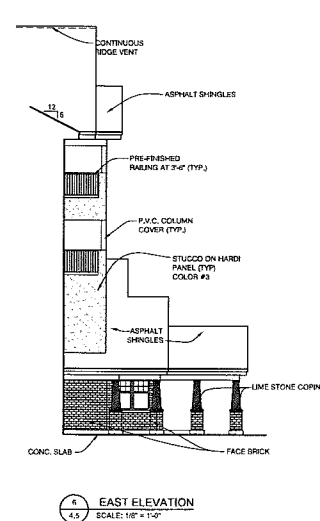
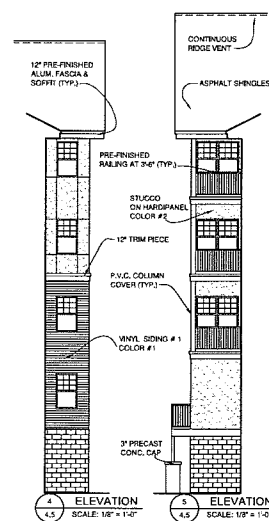
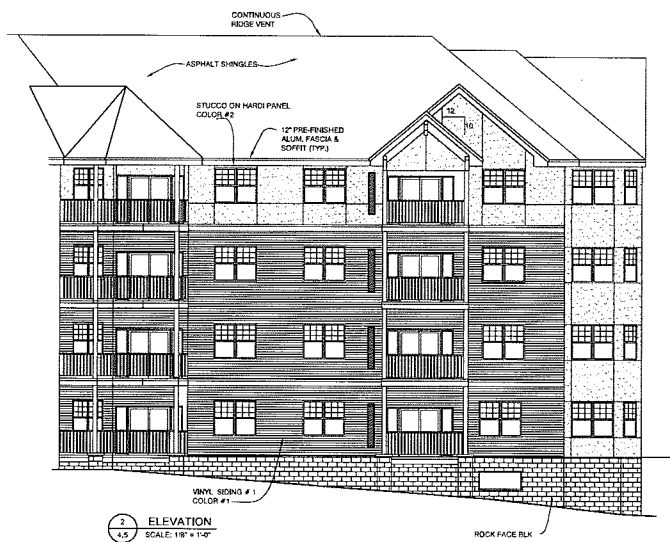
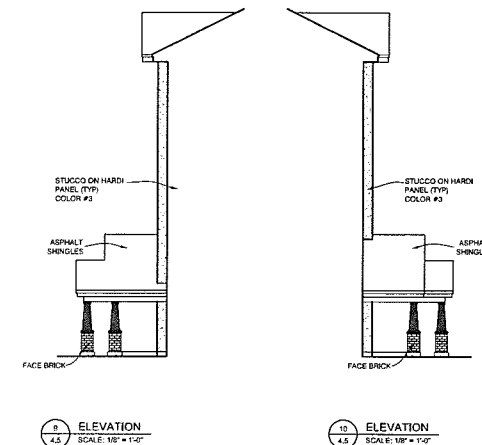
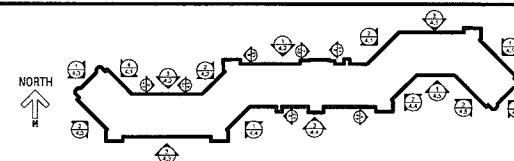
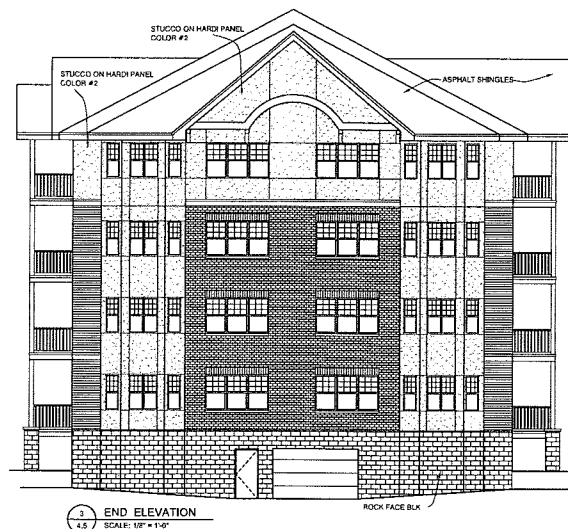
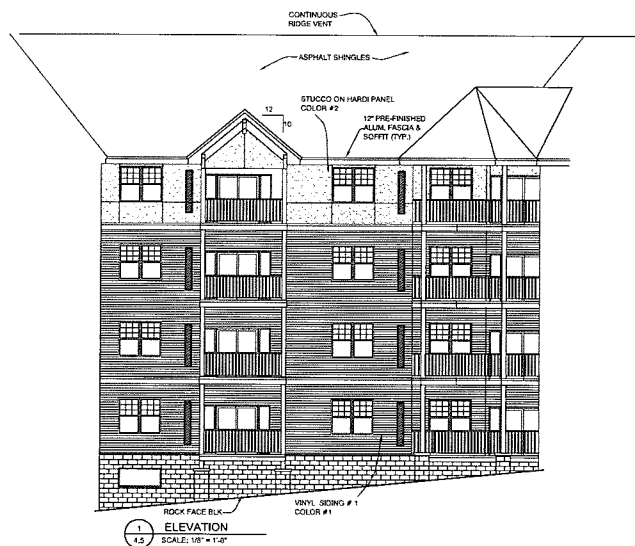
DATE: 2-25-08
BY: JHN
REV: REF

PROJECT: APPLEWOOD POINTE OF LANGTON LAKE
ROSEVILLE, MN
FOR UNITED PROPERTIES

REVISIONS:
EXTERIOR ELEVATIONS
JOB NO. 06-40

4.4





JSH ARCHITECTS, INC.
JAMES J. SHANLEY, AIA
MINNEAPOLIS, MN 55415
ph. 952-832-6337 fax. 952-832-0878

I hereby certify that this plan, specification or contract document was prepared by me or under my supervision and that I am a duly Licensed Architect in the State of MINNESOTA.
Date: _____
Reg. No. 10198

PROJECT: APPLEWOOD POINTE OF LANGTON LANE
ROSEVILLE, MN.
FOR UNIFIED PROPERTIES

DATE: 06-06
DRAWN BY: JSH
CHECKED BY: JSH
SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATIONS
06-40

4.5

April 22, 2009

Mr. Thomas Paschke
City Planner
Planning and Zoning
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

RE: Applewood Pointe of Roseville at Langton Lake

Dear Thomas:

Following up on our recent conversation regarding dividing the Cooperative into two phases, I have attached floor plans reflecting this approach. I should also have a revised colored site plan and rendering of the building(s) next week. I will forward these to you as they are completed.

We have been struggling with two major issues with respect to not only this project, but also other Applewood Pointe communities that we are pursuing. First, the economic climate and corresponding poor housing market has resulted in a reduction of solid buyers willing to market their homes and commit to Applewood Pointe. The interest remains very high, but there is a concern that homes will remain on the market for a prolonged period of time and/or bring in much lower than expected proceeds. This has resulted in a significant number of reservation holders which remain interested, but are not yet willing to commit to purchasing a home at this time.

The second major issue is financing. As you are aware, we have used 40-year Master Mortgages guaranteed by HUD. In the past, HUD required a 50% pre-sale level prior to approving and funding the project. As of late last year, they have increased this requirement to 70%. At 95 units, this changes the pre-sale target from 48 units to 67 units. This is a tall order in a strong economic and housing environment, but almost an impossible task in the current climate.

We don't see either of these conditions changing significantly this year to the point where we would be able to meet this threshold. This would mean that the project could not get started until 2010 at the earliest, and there is certainly no guarantee unless things improve that we would meet the requirements in 2010. The two other options we looked at included reducing the size of the building and the current phased approach which we are now pursuing. Given the cost of the land and other fixed expenses, reducing the size of the building cuts too deeply into the potential profit making the project very questionable from a feasibility standpoint. Phasing the project maintains the profitability and results in a target pre-sale level for each phase that we feel is obtainable.

The first phase of the building would basically be approximately 60% of the east end of the building. This would include all of the common areas needed to support a 95-unit community. This Phase would include 51 of the 95 units, with the remaining 44 units being built in Phase II. We would finish the west end of this first Phase with an attractive roof line and windows so it would appear complete until the second Phase is developed. Seventy percent of 51 units gives us a pre-sale target of 36 homes which we are relatively confident we can achieve. Currently we have 74 reservation holders, and we have historically captured approximately 50% of reservation holders when it comes time to convert to Subscription Agreements and take down payments. We also feel that having Phase I under construction or completed will be a significant help in marketing Phase II. It is certainly quite possible that Phase II will be started prior to the completion of Phase I should things improve and additional buyers commit.

The benefits to United Properties and the City are as follows:

- The phasing of this project appears to be one of the only practical ways of getting this project started in 2009.
- The City will benefit by an increased tax base on the initial 51 units compared to the current vacant land.
- The City and Parks and Rec will get the Langton Lake Park access road as a result of this first Phase.
- The City and Parks and Rec will receive a Park Dedication Fee on each of the initial 51 units.

It is hard to come up with any real “down side” to this approach. Residents in the first Phase really have the biggest issue in potentially having to live through construction of a second phase, but we have discussed ways of compensating them for this inconvenience. It seems to be a good solution for both us and the City. As we move forward, a couple things come to mind. First, I think we would need to replat the parcel that the Cooperative sits on. The new lot line would cut through the building where the two Phases meet. This would allow us to sell the first building (Phase I) to the Cooperative and obtain appropriate financing. We would retain the right via the Cooperative Documents and any agreement with the City to add the second Phase of 44 units when we have achieved acceptable pre-sale levels for that Phase. There would be no Guarantee that the second Phase would ever be built, but the only thing that we would be pre-approved to build as far as the City is concerned would be the second Phase of the project.

The replatting may require some setback language. For example, if the parcel is segregated between Phases, basically both Phases are built right up to the lot line given the fact that they are actually connected. We would probably need some sort of language allowing for this if the two Phases are constructed as proposed. Should the second Phase never be built, there could be setback language relative to the demised lot line that would maintain an acceptable distance between Phase I and a future structure should a stand-alone use be proposed.

We would like to meet with our reservation holders in the next three to four weeks, and determine whether we have the required pre-sales. If so, we are prepared to move forward as quickly as possible. Accordingly, I would like to understand whether the City views this development in the same positive light that we do, and if so, what steps we would need to take with the City to obtain municipal approvals. We have received final approval for this project, and the Phasing does not change the overall footprint, architecture, number of units, unit mix, or site improvements. At your earliest convenience, please let me know when you might be available to get together and discuss this further. As always, your assistance is appreciated.

Sincerely,

Alex Hall
Vice President
Development

AH/bls

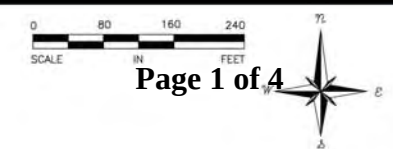


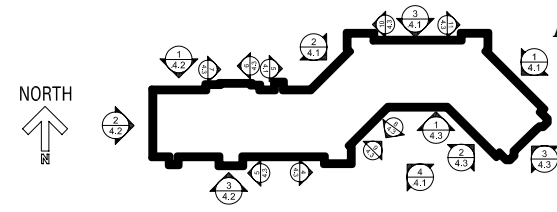
APPLEWOOD POINTE OF ROSEVILLE AT LANGTON LAKE

Attachment F



LANGTON LAKE





1
4.1
NORTHEAST ELEVATION
SCALE: 1/8" = 1'-0"



2
4.1
NORTHWEST ELEVATION
SCALE: 1/8" = 1'-0"

5
4.1
W. ELEVATION
SCALE: 1/8" = 1'-0"

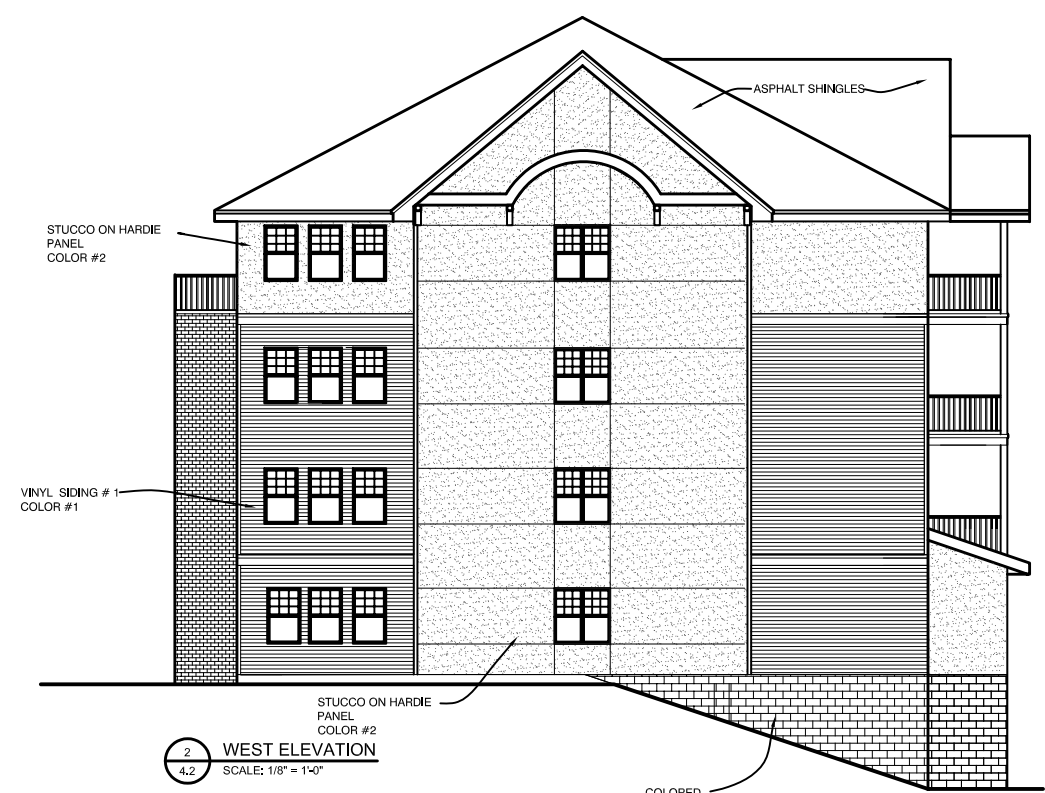
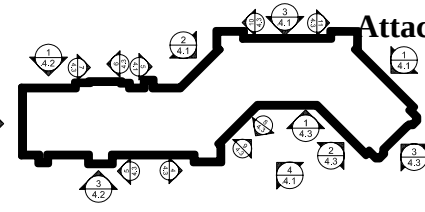


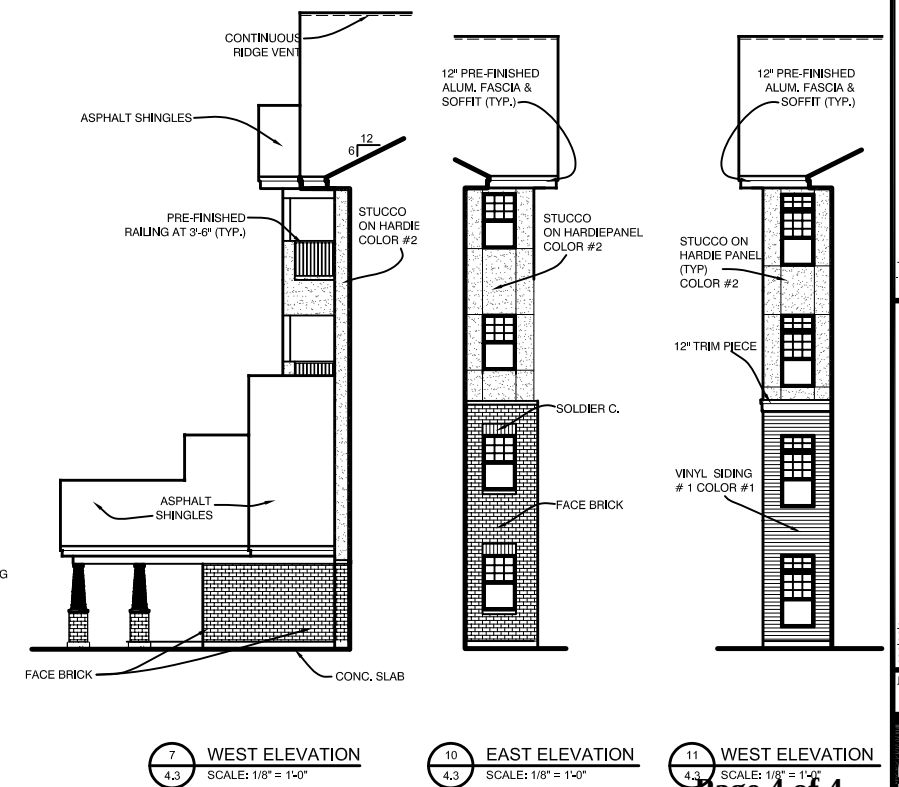
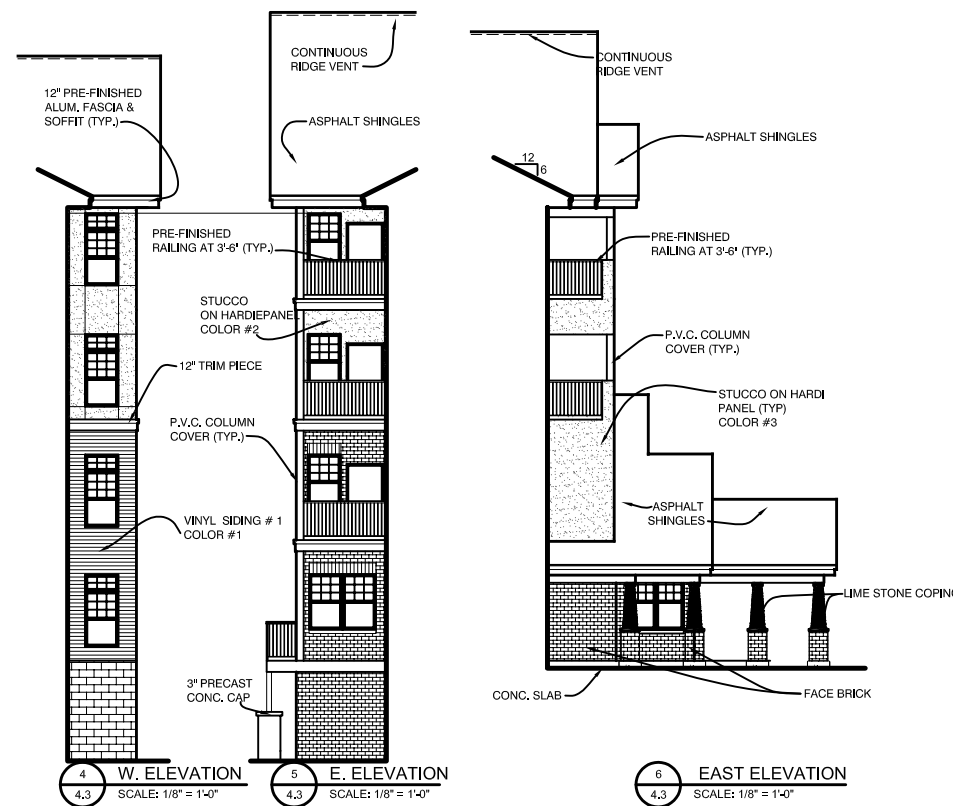
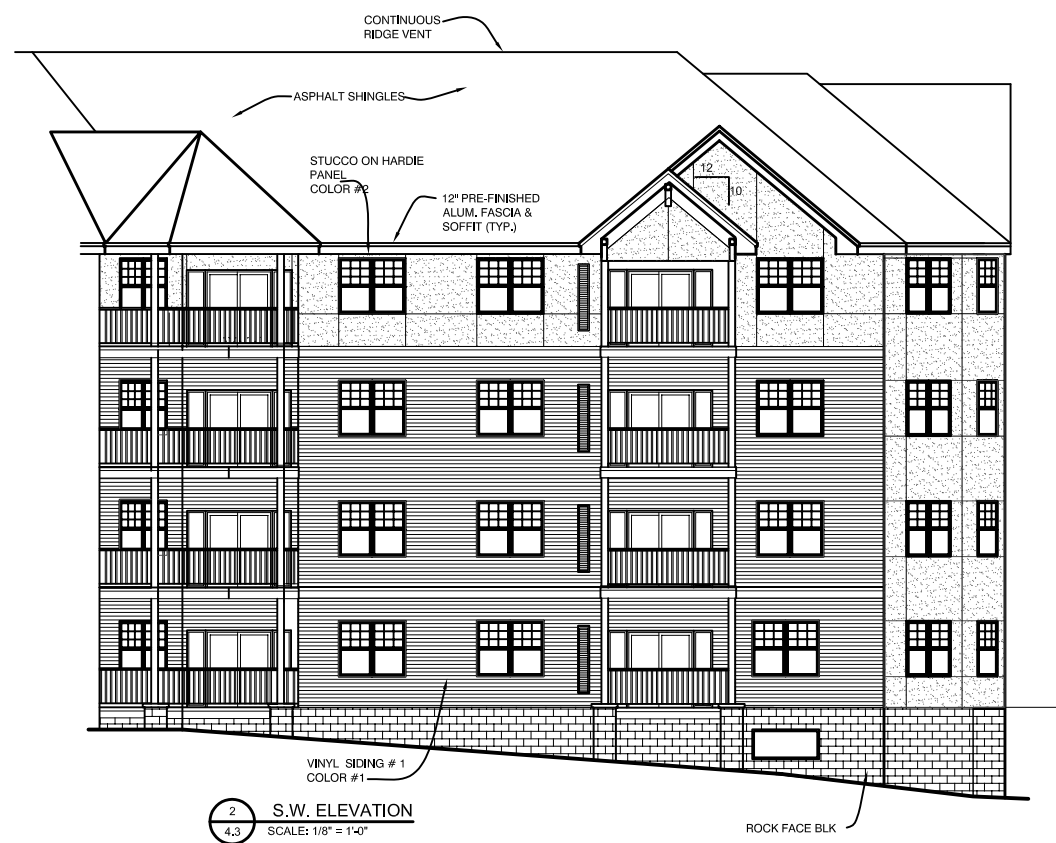
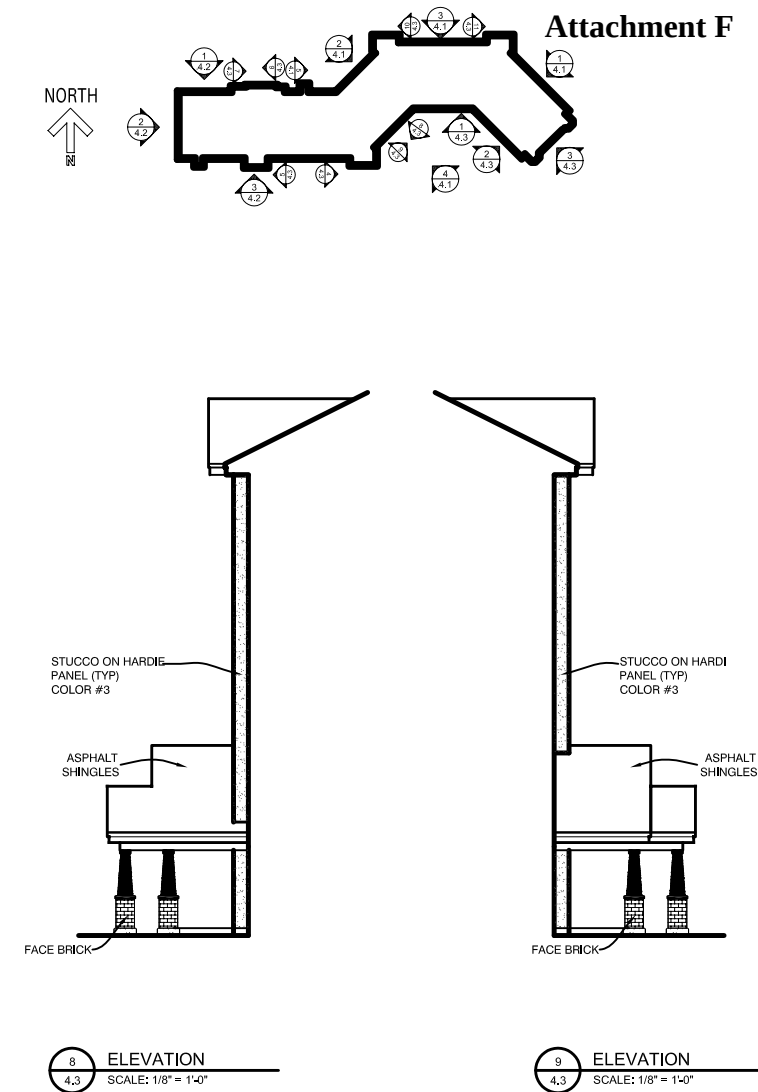
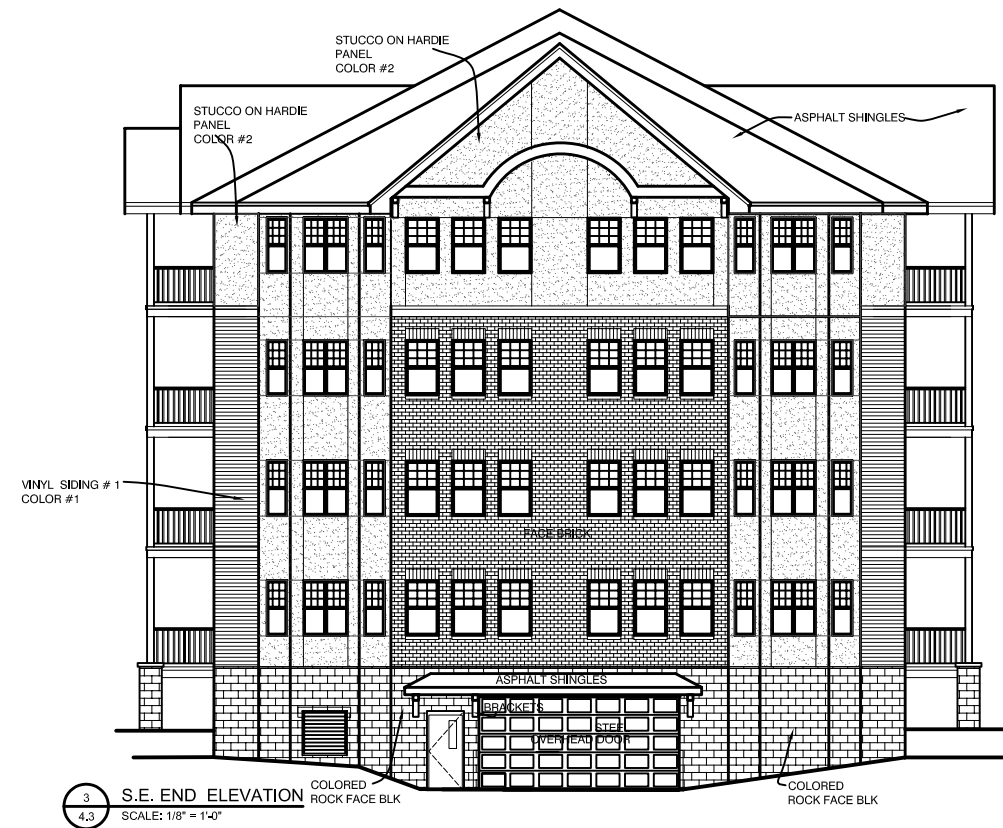
3
4.1
NORTH ELEVATION
SCALE: 1/8" = 1'-0"

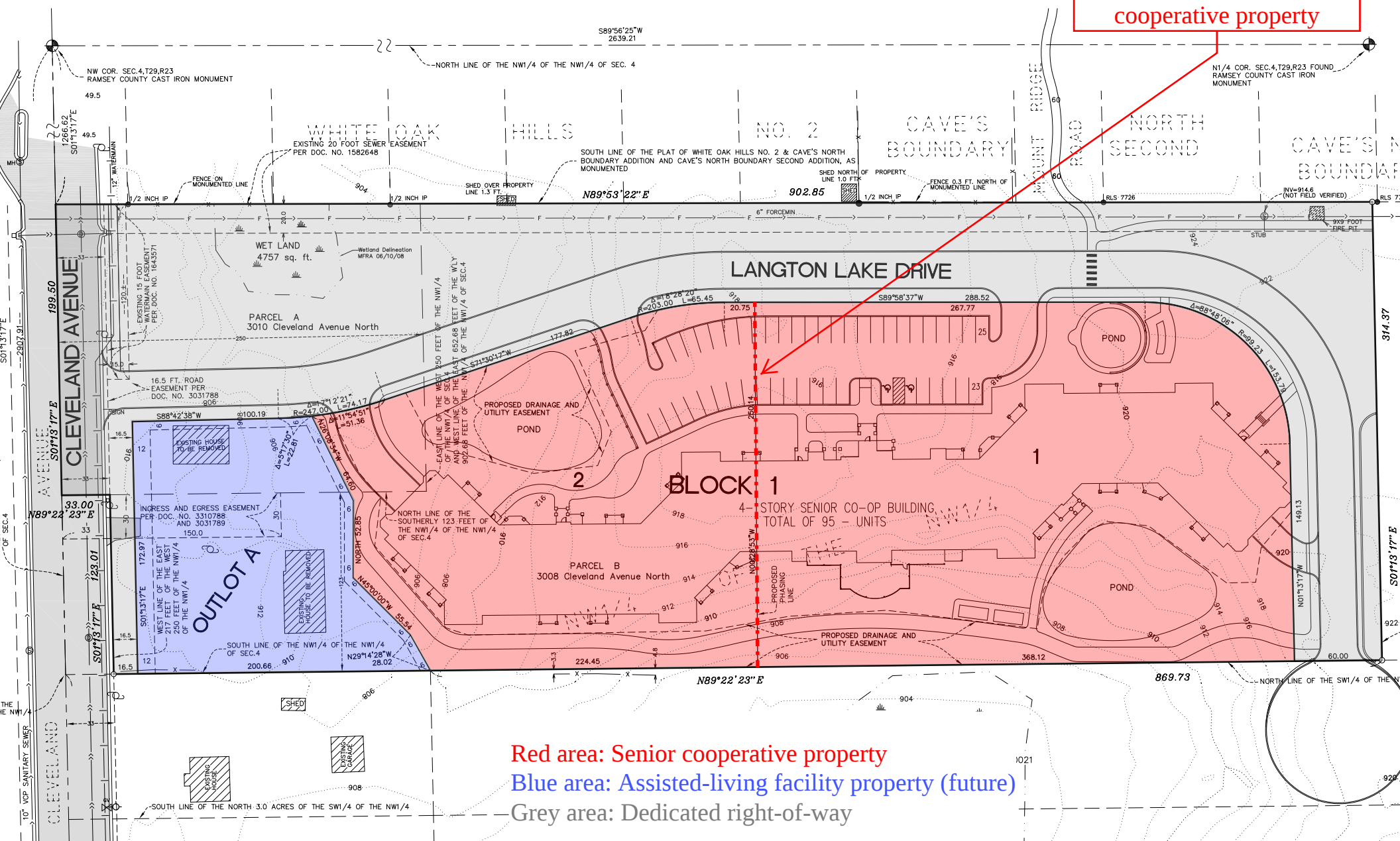


4
4.1
SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

Attachment F







Summary of Langton Lake Neighborhood Meeting
Wednesday, June 17, 2009, 6:00pm

Attendees:

Alex Hall, United Properties

Javan, JSSH

Kevin Teppen, MFRA

The only neighbor that attended the meeting was Sarah Giga located at 1970 Brenner Avenue. We met with Sarah for approximately one hour between 6:15pm and 7:00pm. Sarah's concerns were as follows:

1. She had concern about the traffic coming into the site along the City road accessing the Park's parking lot. Her concern was that we provide adequate screening between the road and her back yard. This space is approximately 30' wide, so we discussed ways of supplementing the existing trees with other plant material. We pointed out that the existing vegetation is relatively thick, and it is our intent to keep as many of the trees along the northern boundary as possible.
2. Ms. Giga asked about the possibility of relocating wildlife. She indicated that there is plenty of wildlife on the existing site, and asked if we would be making any effort to relocate some of these animals. We told her we would contact the City and see what resources might be available, but also pointed out that much of the wildlife will move south into the woods and wetland area directly south of our site, as well as into Langton Lake Park to the east.
3. Ms. Giga wanted to know about construction schedule and when we might begin the project. We indicated that construction should take about 10 months, and that we hoped we would be able to commence by November 1, 2009, but this was dependent on market demand.

AH/bls

b. **Planning File 07-006**

Request by United Properties for approval of a PRELIMINARY PLAT and PLANNED UNIT DEVELOPMENT AMENDMENT to allow the proposed senior cooperative residence at 3008-3010 Cleveland Avenue to be developed in two (2) phases instead of one (1) phase as originally approved

Chair Doherty opened the Public Hearing for Planning File 09-006 at 6:42 p.m.

Associate Planner Bryan Lloyd provided staff's analysis of the request by United Properties to allow the senior cooperative residential development approved in 2008 to be constructed in two (2) phases at 3008-3010 Cleveland Avenue, in response to current housing market conditions. Staff referenced Planning Commission meeting minutes dated June 6, 2007 when this issue was previously heard and recommended to the City Council for denial, with subsequent approval by the City Council.

Mr. Lloyd advised that the applicant was now requesting that the development be constructed in two (2) phases due to current housing market conditions, and to allow final commitments from prospective buyers, which will determine the number of units to be built as part of Phase I on the east portion.

Staff recommended APPROVAL of the request of United Properties for the proposed PRELIMINARY PLAT and PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT to facilitate the two-phase development of the senior cooperative residence at 3008-3010 Cleveland Avenue; based on the comments of Sections 4-6 and the conditions of Section 7 of the project report dated August 5, 2009.

Discussion among Commissioners and staff included location of the proposed phases on the parcels; outlots; status of purchase of the properties; approval of the plat by the City Council, not yet filed until purchase is completed; and proposed construction of Phase I on Block I with approximately one-half of the originally-proposed units to be constructed in the first phase, for a total Phase II build-out not to exceed ninety-five (95) units.

Further discussion included a timetable for future development of the western portion (Phase II); up-front costs in phasing the project with infrastructure and roadway construction, increasing the per-unit cost to the developer; amenities of the units and their location facing Langton Lake in the first phase of the project; grading and underground garage access considerations in the developer's rationale for building on the east parcel initially; estimate by the developer for approximately fifty (50) units for potential sale in the first phase; and the process to move forward with the project for PUD phasing and approval of the preliminary plat dividing the lot lines.

Additional discussion included exterior elevation samples for both phases of the project (i.e., walls and windows); comparable zoning for each phase; with the City's Building Official ensuring that when this type of construction comes up to the property line, the applicant/developer is required to record restrictions or covenants with Ramsey County for minimum separations based on building and fire codes; landscaping amenities, with submission of a landscape plan for both phases and similar to that previously presented with the PUD; and acceptability of fewer units than ninety-five (95) if the market so dictates.

Commissioner Boerigter expressed concern that, if phase II didn't proceed, how that would impact the entire parcel, and pressure to develop the proposed Lot 2.

Commissioner Gisselquist noted that the second parcel was awkward to Cleveland Avenue.

Further discussion included access to the City's park and lack of current connection, and the developer's agreement to provide a dedicated access to the park.

Applicant Representatives, Kevin Teppen and Tom Goodwin, MFRA

Mr. Teppen spoke on behalf of the developer, noting that Mr. Alex Hall with United properties was out of town and unable to attend tonight's meeting.

Discussion among Commissioners, staff, and the applicant's representatives included the additional cost to the developer in phasing the project with build-out of the common areas

and amenities during the first phase to ensure a quality building as marketed and to garner public interest; and confirmation on the width of the cul-de-sac street (twenty-six feet) with a turnaround for the park, with that design still pending, and connection to the park, all at the expense of the developer, with minor design issues still being negotiated at the staff level.

Chair Doherty opined that this created a very motivated developer to market and complete as many units as possible, when all the fixed costs and infrastructure was an up-front cost for them, providing incentive to complete Phase II of the project as well.

Mr. Teppen advised that United Properties would prefer to build the entire ninety-five units at this time; however, they are proposing the two phases recognizing recent changes to requirements for HUD loans, and anticipating that more interest would be generated by the public and potential unit owners once construction begins.

Commissioner Wozniak noted that the project had been denied at the Planning Commission level the last time it was heard, with subsequent approval by the City Council. Commissioner Wozniak noted that a the major reason for denial was based on the scale and height of the building, with several Commissioners feeling there was inadequate transition between the proposed building and neighboring single-family homes to the north, including solar access and building height impacts to those properties. Commissioner Wozniak asked the developer if, given the apparent difficulty in filling the units, whether any consideration was given to building a shorter building rather than phasing the same number of units.

Mr. Teppen advised that he was unable to answer that question for the developer.

Tom Goodwin, MRFA

Mr. Goodwin, on behalf of the developer, advised that the project's unit calculation was based on HUD requirements, which have recently changed, and that their financing requirements were driving the overall number of units.

Public Comment

John Komula, 3775 N Dunlap Street, Arden Hills, owner of Transwestern commercial property to the SE

Mr. Komula advised that he was the owner of the warehouse building(s) on the south side of the proposed project; and clarified that there was written access agreements for the City to access Langton Lake Park through the north parking lot, at the front of their building. Mr. Komula noted that he was supportive of the project, noting that Langton Park Drive would now become the primary access to the park, with "soccer mom's" no longer charging through their parking lot.

Tim Kotecki, 3078 Mount Ridge Road

Mr. Kotecki sought clarification as to the number of units sold to-date for Phase I, the projected timetable for construction, and impacts to assumptions of purchasers of units in Phase I if Phase II is not built, or if something else was built in its place; and whether the City would experience any liability for the original proposal not being accomplished, should a factory (as an extreme example) be built on the Phase II parcel instead.

Chair Doherty responded that anything built on the parcels that was different than what is approved in this PUD Amendment would need to go through the approval process again.

Mr. Paschke advised that any liability for marketing and/or foreclosure risks would be borne by the developer, not the City, and that zoning would preclude anything other than the proposed residential use.

Chair Doherty noted that the developer had seventy-four (74) verbal commitments to-date for the units; based on the developer's experience, they anticipate that fifty percent (50%) of the verbal commitments would become actual sales, providing for thirty-seven (37) units with current commitments.

Chair Doherty closed the Public Hearing at 7:34 p.m.

Commissioner Boerigter spoke in support of both staff-recommended motions for the project and phasing of it; opining that there would be no reason for the second phase to come before the Planning Commission as the City Council previously approved the entire number of units.

Chair Doherty concurred with Commissioner Boerigter's comments; opining that the developer was taking significant financial risk and would remain motivated; and expressed his personal appreciation to the developer for taking this approach to move the project forward.

Mr. Teppen thanked City staff for their time and efforts on behalf of the project.

MOTION

Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL APPROVAL of the proposed PRELIMINARY PLAT of 3008-3010 Cleveland Avenue for United Properties; based on the information and comments of Sections 4-6 and the conditions of Section 7 of the project report dated August 5, 2009.

Ayes: 5

Nays: 1 (Wozniak)

Motion carried.

MOTION

Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL APPROVAL of a PLANANED UNIT DEVELOPMENT (PUD) AMENDMENT facilitating the two-phase development of the senior cooperative residence at 3008-3010 Cleveland Avenue for United Properties; based on the comments of Sections 4-6 and the conditions of Sections 7 of the project report dated August 5, 2009.

Ayes: 5

Nays: 1 (Wozniak)

Motion carried.

Chair Doherty noted that the case was scheduled to be heard by the City Council at their August 17, 2009 meeting.

CITY of ROSEVILLE
PLANNED UNIT DEVELOPMENT AGREEMENT #1375
APPROVED SEPTEMBER 15, 2008
REVISED AUGUST 24, 2009 (PF07-006)

This PLANNED UNIT DEVELOPMENT AGREEMENT ("AGREEMENT"), dated September 15, 2008 is entered into between the City of Roseville, a Minnesota municipal corporation, of 2660 Civic Center Drive, Roseville, Minnesota 55113 (herein referred to as "CITY") and United Properties, 3500 American Boulevard West, Suite 200, Bloomington, MN 55431 (herein referred to as "DEVELOPER").

An amendment to this AGREEMENT at the request of the DEVELOPER was approved by the Roseville City Council on August 17, 2009, and is continued between the CITY and the DEVELOPER.

1. Effective Date of AGREEMENT

This AGREEMENT shall be effective upon completion of the following: 1) Passage of Applewood Pointe of Langton Lake, the required subdivision plat for the property, and submission of the same for recording with the Ramsey County Recorder; 2) Passage and publication of Ordinance #1375 rezoning the property from Single Family Residence (R-1) District to Planned Unit Development (PUD) with an underlying zoning of General Residence (R-3) District; 3) **submission of all revised plans identified as Exhibits in Section 4 of this AGREEMENT;** 4) execution of this AGREEMENT by the CITY and the DEVELOPER; and 4)5) submission of this AGREEMENT for recording with the Ramsey County Recorder.

2. Request for Planned Unit Development Approval

The DEVELOPER has requested that the CITY approve an 6.5 acre redevelopment consistent with the Roseville Comprehensive Land Use Plan and the Twin Lakes Master Plan into a Planned Unit Development (PUD) ~~that includes of~~ a 4-story, ~~95-unit age-age~~-restricted senior cooperative **of up to 95 residential units developed in two phases: Phase I comprising approximately half of the 95 units, and a possible Phase II with a maximum full build-out of the remainder of the approved 95 units.**

Upon recording of the plat, the ~~property~~-**Subject Property** is legally described as:

*Lot 1 **and Lot 2**, Block 1, ~~Outlot A and Outlot B~~, Applewood Pointe of Langton Lake*

3. Planned Unit Development Approval

The CITY hereby grants approval of the amended Planned Unit Development (identified as Exhibits A through I in Section 4.0 of this AGREEMENT), subject to the DEVELOPER'S compliance with the terms and conditions of this AGREEMENT and any and all applicable requirements of Title 10 of the Roseville City Code, unless otherwise identified herein. The CITY agrees to approve applications for building permits, if said applications **meet all of the requirements for issuance of building permits and** are consistent with the plans identified in Section 4.0 below.

For any improvements not contemplated in this AGREEMENT, the CITY may require compliance with any amendments to the Comprehensive Guide Plan, official controls, platting, or dedication requirements enacted after the date of this AGREEMENT.

4. Approval by the CITY

The CITY hereby approves the following plans and agreements (as Exhibits to the AGREEMENT) on file with the CITY. The DEVELOPER shall develop the subject property in accordance with these plans and agreements. If, however, the plans or agreements are inconsistent with the written terms of this AGREEMENT, the written terms of this AGREEMENT shall control. If the plans address items not specifically addressed in this AGREEMENT, the plans shall govern with respect to those items. The plans are:

Exhibit A. Existing Boundary, Location, Topographic, and Utility Survey (existing conditions), dated February 26, 2008.

Exhibit B. ~~Plat of~~ Applewood Pointe of Langton Lake ~~(subdivision plat of parcel), Final Plat (subdivision plat of Subject Property and adjacent land) (not recorded version)~~ dated _____, ~~2008~~**2009**.

Exhibit C.1 ~~Phase I Site Development Plans~~**site plan, including illustrating** property ~~boundary~~**boundaries**, building setbacks, structure location, curbing, islands, driveways, parking lot, and **parking lot** setbacks, dated ~~April 22, 2008~~_____.

Exhibit C.2 **Phase II site plan, illustrating the Phase I improvements, property boundaries, building setbacks, structure location, curbing, islands, driveways, parking lot, and parking lot setbacks for the fully built-out development of up to 95-units, dated _____.**

Exhibit D.1 ~~Phase I Grading and Drainage Plan~~**grading and drainage plan** illustrating existing grades and those proposed after completion of the proposed **Phase I** construction, drainage directions, and spot elevations, proposed **Phase I** structure footprints including finished floor elevation, dated ~~April 22, 2008~~_____.

Exhibit D.2 **Phase II grading and drainage plan illustrating Phase I grading and those proposed after completion of the proposed Phase II construction, drainage directions, and spot elevations, proposed Phase II structure footprints including finished floor elevation, dated _____.**

Exhibit E. Utility ~~Plan~~**plan** indicating proposed sanitary sewer, watermain, manholes, storm sewer lines, catch basins for surface water catchment, sub-surface storage system, dated April 22, 2008.

Exhibit F. Storm Water Treatment Plan, providing details on storm water management for the site development project, dated April 22, 2008.

Exhibit G.1 ~~Phase I Landscape Plan~~**landscape plan** including **existing vegetation to be preserved as well as the** materials list, sizes, and locations of all plant materials, ~~concrete~~**sidewalks and pathways**, and **other** decorative elements **to be installed during Phase I**, dated ~~April 22, 2008~~_____.

- Exhibit G.2** Phase II landscape plan including Phase I landscaping and existing vegetation to be preserved as well as the materials list, sizes, and locations of all plant materials, sidewalks and pathways, and other decorative elements to be installed during Phase II, dated ____.
- Exhibit H.1** ~~Floor Plan~~Phase I floor plan, dated ~~April 22, 2008~~ ____.
- Exhibit H.2** Phase II floor plan, including the intersection of the Phase II floor plan with the Phase I improvements, dated ____.
- Exhibit I.1** ~~Building Elevation~~Phase I building elevations indicating linear dimensions, height, and materials, dated ~~April 22, 2008~~ ____.
- Exhibit I.2** Phase II building elevations illustrating the Phase I structure in addition to the linear dimensions, height, and materials, dated ____.

5. Zoning

The Roseville Planning Commission conducted a duly noticed public hearing on June 6, 2007 pertaining to the United Properties General Concept Planned Unit Development Amendment voting 4-1 to deny the submitted request. On June 18, 2007, the Roseville City Council approved (3-2) the Preliminary Plan, Rezoning, and General Concept Planned Unit Development Amendment. On June 30, 2008 the City Council approved the Final Development Planned Unit Development, subject to the DEVELOPER'S strict compliance with the approved plans, and terms and conditions of this AGREEMENT.

The CITY confirms that the zoning of the subject parcels is as follows:

Planned Unit Development with an underlying zoning of General Residence District (R-3).

The CITY further agrees to create this zone and overlay district subject to the DEVELOPER'S strict compliance with the terms and conditions stipulated in Section 9.1 through 9.11 of this AGREEMENT, all approved plans, and other necessary approvals.

Minor departures from the approved final development plans, which are consistent with this AGREEMENT and the underlying General Residence District zone and/or the United Properties PUD may be approved by the CITY'S Development Review Committee and the Community Development Director or designee, as provided in the Roseville City Code (Section 1008).

Substantial departures from the approved final development plans will require an amendment to the Planned Unit Development in accordance with Sections 1004, 1008, 1011, 1013 and 1016 of the Roseville City Code. Where not superseded by more restrictive requirements of this PUD, the standards of the underlying zone shall apply, as stated in Chapter 1004 of the Roseville City Code. Whether an issue is "minor" or "significant" shall be determined by the CITY as defined in Section 1008.09 of the City Code.

6. Development of Property

The DEVELOPER shall commence and undertake site and structure development activities in accordance with the attached plans and maps as identified in Section 4 of this AGREEMENT and the terms and conditions identified in Sections 8 and 9 of this AGREEMENT. For purposes of this provision, development activity shall be defined as obtaining a building permit, commencing footings and foundations, and continuing with project construction on the site.

Development of the property and installation of public and/or private improvements shall be in substantial accordance with all approved plans (attached in this AGREEMENT) and/or as approved by the CITY.

7. Compliance with Laws and Regulations

The DEVELOPER represents to the CITY that any site improvements pursuant to the proposed development will comply with all CITY, County, Watershed, Metropolitan, State, and Federal laws and regulations **at the time those improvements are made.**

8. Site Development Requirements

To ensure that the proposed development meets the CITY'S requirements and standards for site development, the following provisions shall apply:

Final Grading ~~Plan~~Plans. The final **Phase I and Phase II** grading plans must be reviewed and approved by the Director of Public Works before any permits will be issued **for the respective phases.** All grading shall comply with the approved grading plans and shall be the responsibility of the DEVELOPER. The DEVELOPER'S engineer shall provide to the CITY a letter certifying that the grading project was constructed and was completed as depicted in the approved grading plans prior to the issuance of ~~a~~Certificate(s) of Occupancy.

Final Utility Servicing Plan. The final utility servicing plan **for the full build-out of the Subject Property** must be reviewed and approved by the Director of Public Works prior to any permits being issued for the **Phase I** building.

Erosion Control. Prior to **Phase I and Phase II** site grading, and before any utility construction is commenced or building permits are issued, an erosion control plan must be submitted for approval by the Director of Public Works and/or the Rice Creek Watershed, and all erosion control actions shall be implemented, inspected and approved by the CITY.

Clean Up. The DEVELOPER shall clean dirt and debris from public streets that has resulted from **Phase I and Phase II** construction work by said DEVELOPER or DEVELOPER'S contractors, its agents or assigns. The CITY will determine whether it is necessary to take additional measures to clean dirt and debris from the streets. After 24 hours verbal notice to the DEVELOPER, the CITY may complete or contract to complete the clean up at the DEVELOPER'S expense.

Utility & Drainage Easements. The DEVELOPER is responsible for creating, dedicating and/or granting specific easements pertaining to public utility services **in anticipation of the full build-out of the Subject Property**, as approved by the CITY and/or storm water ponding and treatment as approved by Rice Creek Watershed District.

9. Specific PUD Standards/Conditions of Approval

Use – Permitted: This Lot shall be restricted to a multiple family residential use not exceeding 95 units subject to the following qualifications:

A 4-story, ~~95-unit, age-age~~-restrictive, senior cooperative **residence of up to 95 dwelling units** is hereby approved by the terms of this AGREEMENT. This redevelopment shall generally be restricted to the dimensions and location/type of improvements specified in the ~~site-development~~

plan, grading plan, utility plan, landscape plan, building floor plan, and building elevations (Exhibits C through I) plans identified in Section 4 of this AGREEMENT, and supporting documents submitted by the DEVELOPER. Where not inconsistent with this AGREEMENT, the standards of the underlying R-3 (General Residence) zoning district shall apply, as stated in Chapter 1004 of the Roseville City Code.

~~Building Setbacks: The final placement of the senior cooperative shall be (as depicted on site development plan; Exhibit C) established in the following location:~~

~~Northerly Setback: 125 feet from the property line adjacent to Langton Lake Drive~~

~~Southerly Setback: 33 feet from the south property line~~

~~Easterly Setback: 10 feet from the east property line adjacent to Langton Lake Drive~~

~~Westerly Setback: 18 feet from the west property line of Outlot "B"~~

~~Off-Street Parking Lot Setbacks: The minimum setback from property line for any redesigned/configured parking area shall be consistent with Section 1005.01 of the Roseville City Code and/or as follows:~~

~~Northerly Setback: 10 feet from the north property line adjacent to Langton Lake Drive~~

Building and Parking Lot Setbacks: The site plans (Exhibits C.1 and C.2) illustrating the proposed structure, parking lot, property lines, and setbacks shall represent the PUD zoning district standards. Where these requirements are silent, the zoning requirements and the standards of the underlying zoning district shall govern.

Building Height & Building Material: The senior cooperative shall have a roof height not exceeding 60 feet and include a residential truss roof complete with dormers. Building materials shall be comprised of a mix of brick, stone, and EFIS, similar to the materials depicted on the elevation plans submitted (Exhibits I.1 and I.2).

Park Dedication: As determined by the Roseville City Council, **park dedication fees shall be paid concurrent with the issuance of building permits in the amount of \$2,000 per dwelling unit constructed.**

OVERALL DEVELOPMENT CONDITIONS

Development Review Committee (DRC): The **Phase I and Phase II** plans submitted for a building permit pertaining to this redevelopment shall be reviewed by the DRC for consistency with this AGREEMENT as well as other applicable City Code requirements, prior to the issuance of a building permit.

~~Mitigation of Impacts: The CITY and DEVELOPER agree that there are potential impacts created with the hotel redevelopment. Therefore, the following mitigation techniques shall be applied to each of the phases:~~

HVAC Units: All HVAC, mechanical, and energy support system structures shall be wall mounted variety for each room/unit and/or within a separate mechanical room. Ground placed units shall also be permissible; ~~must be located between the hotel and pool structure (courtyard area);~~ and shall be 100% screened from view. For the purpose of this AGREEMENT ground unit screening shall consist of a mixture of deciduous and coniferous landscaping.

Trash Handling: Trash handling equipment (trash and recycling dumpsters and/or compactors) shall be located within the underground parking garage.

Off-Street Parking: Off-street parking areas shall include hard surfacing (bituminous), concrete perimeter curbing, and a drainage plan.

Signage: Signage shall be consistent with City Code Section 1010 (Sign Regulations) and require a separate permit.

Lighting: Parking lot lighting shall be consistent lighting requirements of Section 1011.12 of the Roseville City Code. Lighting of pedestrian accesses and/or patio areas shall be of a pedestrian scale and can be a decorative style.

Storage: Outdoor or exterior storage of any material, equipment, is prohibited for any duration including but not limited to: junk, pallets, debris, inoperable and/or non-licensed vehicles.

Accessory structures: The installation of sheds or other accessory buildings is prohibited.

~~Outdoor sales and merchandising and equipment for the sale is exempt from this requirement (requires seasonal sales and display permit).~~

Site Construction & Security Fencing: The DEVELOPER is responsible for installing construction or security fencing and for its removal prior to occupancy. The exact location of the security fence and entrances must be approved by the Building Official and Fire Marshall, or designees, prior to the issuance of building or excavation permits.

Site Landscaping. The final landscape plan provides adequate screening and incorporates an appropriate mixture of plant materials and trees (Exhibits **G.1 and G.2**).

Landscape Letter of Credit. Prior to the issuance of a grading, excavation, foundation, and/or building permit, the DEVELOPER shall provide the CITY with a landscape letter of credit, bond, or other security covering a minimum of one full growing season/calendar year which is acceptable to the CITY in an amount up to 150% (as determined by the Community Development Director or designee) of the **estimated** cost of all landscaping, irrigation, and fencing.

10. DEVELOPER'S Default

For purposes of this AGREEMENT, the failure of the DEVELOPER to perform any covenant, obligation or AGREEMENT of the DEVELOPER hereunder, and the continuance of such failure for a period of thirty (30) days after written notice thereof from the CITY shall constitute a DEVELOPER default hereunder. Within the sixty (60) day period after notice is given, a request may be made for a hearing (by either party) to be held before the City Council to determine if a default has occurred. Upon the occurrence of DEVELOPER default and failure to cure, the CITY may withhold any certificate of occupancy for improvements proposed to be constructed.

Notwithstanding anything herein to the contrary, the DEVELOPER may convey a parcel or parcels of land within the subject property to a third party, and the conveyed parcels shall remain subject to all of the terms of this AGREEMENT specifically relating to said ~~parcels~~**Subject Property**. In that case, the parties agree as follows:

A default by the DEVELOPER, or its successors in interest, in the performance of the obligations hereunder, will not constitute a default with regard to the conveyed parcel and will

not entitle the CITY to exercise any of its rights and remedies hereunder with respect to such conveyed parcel, so long as the owner of the conveyed parcel otherwise complies with applicable provisions of this AGREEMENT.

A default with regard to a conveyed parcel will not constitute a default with regard to the parcels retained by the DEVELOPER or other conveyed parcels, so long as such retained or other conveyed parcels otherwise comply with applicable provisions of this AGREEMENT.

11. Miscellaneous

This AGREEMENT shall be binding upon the parties, their heirs, successors, tenants, or assigns, as the case may be.

Breach of any material term of this AGREEMENT by the DEVELOPER shall be grounds for denial of building permits, except as otherwise provided in Section 10-9.

If any portion, section, subsection, sentence, clause, paragraph or phrase of this AGREEMENT is for any reason held invalid as a result of a challenge brought by the DEVELOPER, its agents or assigns, the balance of this AGREEMENT shall nevertheless remain in full force and effect.

This AGREEMENT shall run with the land and shall be recorded in the Ramsey County Recorder's Office by the CITY.

This AGREEMENT shall be liberally construed to protect the public interest.

Due to the preliminary nature of many of the plans and the timing of the overall development, addenda to this AGREEMENT may be required to address concerns not specifically set forth herein.

The DEVELOPER represents to the CITY that, to the best of its knowledge, the Planned Unit Development is not of "metropolitan significance" and that a state environmental impact statement is not required. However, if the CITY or another governmental entity or agency determines that a federal or state impact statement or any other review, permit, or approval is required, the DEVELOPER shall prepare or obtain it at its own expense.

The DEVELOPER shall reimburse the CITY for the following expenses: outside consultants' time and reasonable City Attorney's fees that the CITY incurs in assisting in the preparation of any contracts, agreements or permits. The CITY shall supply an itemized cost of such expenses to the DEVELOPER for payment prior to issuance of building permits.

12. Notices

Required notices to the DEVELOPER shall be in writing and shall be either hand delivered to the DEVELOPER, its employees or agents, or mailed to the DEVELOPER by certified or registered mail at the following address:

United Properties
3500 American Boulevard West
Suite 200
Bloomington, MN 55421

273 Notices to the CITY shall be in writing and shall be either hand delivered to the Community
274 Development Director, or mailed by certified or registered mail, in care of the Community
275 Development Director at the following address:

276 Community Development Director
277 2660 Civic Center Drive
278 Roseville, MN 55113

279 **IN WITNESS WHEREOF**, the parties have hereunto set there hands the day and year first
280 above written.

281 **CITY OF ROSEVILLE**

282 By: _____
283 Craig Klausing, Mayor

284 By: _____
285 William J. Malinen, City Manager

286 STATE OF MINNESOTA)
287) ss
288 COUNTY OF RAMSEY)

289 The forgoing instrument was acknowledged before me this _____ day of _____, 2009,
290 by Craig Klausing, Mayor, and William J. Malinen, City Manager, of the City of Roseville, a
291 Minnesota Municipal Corporation, on behalf of the corporation and pursuant to the authority
292 granted by its City Council.

293 _____
294 Notary Public

295 **IN WITNESS WHEREOF**, the parties have hereunto set there hands the day and year first
296 above written.

297 **United Properties**

298 By: _____

299 Printed: _____

300 Title: _____

301 STATE OF _____)
302) ss
303 COUNTY OF _____)

304 The foregoing instrument was acknowledged before me this _____ day of _____
305 2009, by _____, the _____ of _____, a
306 _____ limited liability company, on behalf of the company.

307 _____
308 Notary Public

309 THIS INSTRUMENT DRAFTED BY:

310 City of Roseville
311 2660 Civic Center Drive
312 Roseville, Minnesota 55113

313 This document conforms to the City requirements "as to form and content".

314 By: _____
315 Jay Squires, City Attorney Date

316 Amended by: _____
317 Patrick Trudgeon, Community Development Director Date

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 17th day of August 2009, at 6:00 p.m.

The following members were present: _____;
and the following Members were absent: _____.

Council Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____
**A RESOLUTION APPROVING AN AMENDMENT TO PLANNED UNIT
DEVELOPMENT AGREEMENT #1375, APPLEWOOD POINTE AT LANGTON LAKE,
(PF07-006)**

WHEREAS, United Properties has requested an amendment to the PUD Agreement approved in 2008 for the purpose of constructing the residential structure in two phases; and

WHEREAS, upon filing of the related plat the subject property is legally described as:

Lot 1 and Lot 2, Applewood Point of Langton Lake

WHEREAS, the Roseville Planning Commission held the public hearing regarding the requested PUD AMENDMENT on August 5, 2009, voting 5-1 to recommend approval of the request based on public comment and the comments and findings of the staff report prepared for said public hearing; and

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to APPROVE the requested PUD AMENDMENT in accordance with Section §1008 of the Roseville City Code, subject to the following conditions:

- a. Revised plans shall be submitted for inclusion in the PUD Agreement and shall show the specific Phase I site plan, grading plan, landscape plan, floor plans, and building elevations which are consistent with a phased implementation of the PUD for the property approved by the Roseville City Council on September 15, 2008;
- b. The Phase I parking area shall have two entrances from the new “Langton Lake Drive” that satisfy the Fire Marshal’s requirements for emergency vehicle access; and
- c. The drainage, utility, and storm water management plans approved by the Roseville City Council on September 15, 2008 shall be implemented for the entire site during the construction of Phase I.

32 The motion for the adoption of the foregoing resolution was duly seconded by Council
33 Member _____ and upon vote being taken thereon, the following voted in favor: _____;
34 and _____ voted against;

35 WHEREUPON said resolution was declared duly passed and adopted.

Resolution – Applewood Pointe of Langton Lake, (PF07-006)

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 17th day of August 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 17th day of August 2009.

William J. Malinen, City Manager

(SEAL)

REQUEST FOR COUNCIL ACTION

Date: 8/10/09
Item No.: 12.b

Department Approval

City Manager Approval



Item Description: Adopt Revised Professional Services Policy

1 **BACKGROUND**

2 The City Council discussed revisions to the Professional Services Policy, most recently at their
3 August 10, 2009 meeting.

4 **STAFF RECOMMENDATION**

5 Adopt revised Professional Services Policy.

6 **REQUESTED COUNCIL ACTION**

7 Adopt revised Professional Services Policy.

Prepared by: William J. Malinen

Attachments: A: Revised (8/10/09) Professional Services Policy

Professional Services Policy

Background

The City of Roseville retains outside firms or individuals to provide professional services in many areas, including:

- ~~1.~~ Legal (Prosecution, Civil, Economic Development, and Bond Counsel)
- ~~2.~~ Appraisal
- ~~3.~~ Planning and Landscape Design
- ~~4.~~ Audit
- ~~5.~~ Engineering, Architectural, and Environmental

The City enters into professional services contracts for specific projects or services, for a specific period of time.

Purpose

The City of Roseville has determined that it is good public policy to utilize a method of selecting and retaining professional services in order to:

- ~~1.~~ Ensure Citywide consistency in the process of selecting and retaining professional services.
- ~~2.~~ ~~Ensure public confidence in the integrity of the professional services provided to the City.~~ Ensures public confidence in process integrity by providing maximum transparency and avoiding long-term relationships that are insulated from the economic market forces of open competition; by limiting the amount of time professional services are provided;
- ~~3.~~ Ensure that the City obtains the best overall value for its investment when retaining professional services.
- ~~4.~~ Ensure a regular, consistent fiscal review of professional services.

Policy

Contracts for professional services shall be for terms of not more than three (3) years.

~~Term-based~~ Multi-year contracts shall not be renewed at their expiration, except as a result of a competitive selection process consistent with this policy, unless this requirement is waived by a vote of the City Council.

Multi-year contracts shall include an annual performance review to ensure that the purposes of the contract are being met with reporting of results to the City Council. All contracts shall, by their terms, allow the City to terminate the contract prior to completion if the City determines that the contract does not continue to serve the City's purposes.

Selection of firms shall be through a competitive process, ~~using the "best value" procurement process~~ using a "best overall value" approach whenever applicable and appropriate.

1 All professional services contracts shall be approved by the City Council.

2
3 The City Council should be represented in the interviews and evaluation of candidate
4 | ~~forms~~ firms for Civil Attorney services, including the determination of evaluation
5 criteria.

6 |
7 Firms selected to provide professional services to the City of Roseville:

8
9 | =1. Will avoid any conflicts of interest and commit to the principles of the Professional
10 Code of Ethics for their profession and the City of Roseville Code of Ethics for
11 Public Officials.

12 | =2. Will conduct their business through designated Roseville City staff as approved by
13 the City Manager.

14 | =3. Will not represent any individual or corporation involved in litigation against the
15 City of Roseville.

16 | =4. Will comply with all applicable state and federal laws and local ordinances.
17
18

REQUEST FOR COUNCIL ACTION

Date: August 17, 2009
Item No.: 12.c

Department Approval

City Manager Approval

Item Description: Receive Community Meeting Survey Results

BACKGROUND

The City Council and staff gather information and feedback in a variety of ways to help make decisions about programs, services and long-term planning to meet community needs. Some of the most common methods include general feedback, call logs, commissions and task forces, community meetings, newsletters, website, mailings and Council meetings .

City staff decided to try a new method to solicit feedback. Using Audience Response counters, participants anonymously responded to a series of questions that required a yes/no answer or which rated services. Within a matter of minutes, staff collected anonymous feedback on 46 questions relating to city services.

FINANCIAL IMPACTS

None

STAFF RECOMMENDATION

Receive Community Meeting Survey Results.

REQUESTED COUNCIL ACTION

Receive Community Meeting Survey Results.

Prepared by: William J. Malinen, City Manager

Attachments: A: Overview Report of Community Meetings
B. Community Meeting Survey Results

Community Meetings 2009

- Conducted 2 ½ hour meetings in each quadrant of the City; 2 evening, 1 afternoon and 1 morning.
- Purposefully “went out” to the community vs. meetings at City Hall.
- Each department head attended and had a table with information. They were available to meet residents and answer any questions.

Topics of the meetings:

Imagine Roseville 2025

- Process and Report
- Common themes
- Strategies related to community involvement

Background Roseville organization (departments, employees, volunteers)

Background of and invitation to Roseville University

10 Year Capital Investment Plan

- Reasons for the plan (aging systems, planning & budgeting tool, IR 2025)
- Process for development
- Categories of Infrastructure and equipment covered and costs
- Funding options
- Effects on utility rates and taxes

Parks & Recreation Master Plan

- Background on Parks & Recreation System
- Planning efforts
- Master Plan – per IR 2025, Comp. Plan, P&R Commission, Council
 - Scope
 - Outcomes (standards, improvement plans, comm. involvement)
 - Benefits (pride, property values, reduced crime, healthy living)
 - Invitation to participate.

Budget

- 2009 Budget Allocations – Revenues, Expenditures
- Local Property Tax Comparisons
- General Condition of Finances
 - Reduced Fund Balances
 - 2010 Budget shortfall
 - Structural Imbalance
- Budget alternatives (prioritize, reduce, eliminate services)

Questions & Answers

- Allowed during and after presentations and at meeting conclusion

Community Meeting Survey Results

55 total respondents

1. Gender

- | | |
|-----------|-----|
| A. Female | 45% |
| B. Male | 55% |

2. Age

- | | |
|----------------|-----|
| A. 18-24 | 4% |
| B. 25-34 | 6% |
| C. 35-50 | 26% |
| D. 51-64 | 32% |
| E. 65 or older | 32% |

3. Number of people in household over 65**4. Number of people in household under 18****5. Number of people in household between 18 and 65****6. How long have you lived in Roseville?**

- | | |
|-----------------------|-----|
| A. Less than one year | 2% |
| B. 2 to 5 years | 6% |
| C. 6-15 years | 28% |
| D. 16-30 years | 24% |
| E. More than 30 years | 41% |

7. Have you or a family member visited any Roseville park during the past 12 months?

- | | |
|--------|-----|
| A. Yes | 94% |
| B. No | 6% |

8. Have you or a family member participated in any Roseville park and recreation program offered by Roseville in the past 12 months?

- | | |
|--------|-----|
| A. Yes | 43% |
| B. No | 57% |

9. Do you think the current level of police patrol is adequate in your neighborhood?

- | | |
|--------|-----|
| A. Yes | 87% |
| B. No | 13% |

10. Do you feel safe walking around your neighborhood?

- | | |
|--------|-----|
| A. Yes | 94% |
| B. No | 6% |

11. Do you feel safe walking around Roseville's shopping complexes?

- | | |
|--------|-----|
| A. Yes | 92% |
| B. No | 8% |

12. Have you or a member of your family used any service provided by the fire & EMS department? (Not asked on July 29 due to technical difficulties)

- | | |
|--------|-----|
| A. Yes | 36% |
| B. No | 64% |

13. Do fire response times meet your expectations? (Not asked on July 29 due to technical difficulties)

- | | |
|-------------------|-----|
| A. Yes | 56% |
| B. No | 0% |
| C. Not applicable | 44% |

14. Rate the Quality of Service for Frequency of Snowplowing

- | | |
|-------------------------------|-----|
| A = excellent | 72% |
| B = good | 23% |
| C = fair | 0% |
| D = poor | 2% |
| E = don't know/does not apply | 4% |

15. Rate the Quality of Service for Street Maintenance

- | | |
|-------------------------------|-----|
| A = excellent | 40% |
| B = good | 38% |
| C = fair | 23% |
| D = poor | 0% |
| E = don't know/does not apply | 0% |

16. Rate the Quality of Service for Maintenance of Sidewalks, Trails and Pathways

- | | |
|-------------------------------|-----|
| A = excellent | 22% |
| B = good | 50% |
| C = fair | 17% |
| D = poor | 6% |
| E = don't know/does not apply | 6% |

17. Rate the Quality of Service for Park and Playground Maintenance

- | | |
|-------------------------------|-----|
| A = excellent | 35% |
| B = good | 44% |
| C = fair | 9% |
| D = poor | 4% |
| E = don't know/does not apply | 9% |

18. Rate the Quality of Service for Police Response Time

- | | |
|-------------------------------|-----|
| A = excellent | 45% |
| B = good | 19% |
| C = fair | 2% |
| D = poor | 2% |
| E = don't know/does not apply | 32% |

19. Rate the Quality of Service for Traffic Enforcement

A = excellent	24%
B = good	43%
C = fair	17%
D = poor	6%
E = don't know/does not apply	11%

20. Rate the Quality of Service for Street Lighting

A = excellent	26%
B = good	47%
C = fair	15%
D = poor	6%
E = don't know/does not apply	6%

21. Rate the Quality of Service for Tree Preservation

A = excellent	11%
B = good	46%
C = fair	7%
D = poor	13%
E = don't know/does not apply	22%

22. Rate the Quality of Service for Leaf Collection Program

A = excellent	28%
B = good	30%
C = fair	19%
D = poor	6%
E = don't know/does not apply	19%

23. Rate the Quality of Service for Fire Response Time

A = excellent	39%
B = good	17%
C = fair	2%
D = poor	2%
E = don't know/does not apply	41%

24. Rate the Quality of Service for Emergency Medical Service

A = excellent	49%
B = good	11%
C = fair	4%
D = poor	0%
E = don't know/does not apply	36%

25. Rate the Quality of Service for Level of Police Patrol on your Streets

A = excellent	38%
B = good	38%
C = fair	12%
D = poor	8%
E = don't know/does not apply	4%

26. Rate the quality of Crime Prevention and Education

A = excellent	22%
B = good	41%
C = fair	13%
D = poor	4%
E = don't know/does not apply	20%

27. Rate the quality of Fire Prevention and Education

A = excellent	21%
B = good	34%
C = fair	11%
D = poor	2%
E = don't know/does not apply	32%

28. How do you rate the quality of Garbage Collection

A = excellent	54%
B = good	28%
C = fair	7%
D = poor	6%
E = don't know/does not apply	6%

29. Rate the quality of Recycling Services

A = excellent	60%
B = good	29%
C = fair	4%
D = poor	5%
E = don't know/does not apply	2%

30. Rate the range and quality of Recreation Programs

A = excellent	56%
B = good	26%
C = fair	4%
D = poor	2%
E = don't know/does not apply	13%

31. Rate the quality of Natural Resources Management: deer, goose, buckthorn, purple loostrife etc.

A = excellent	16%
B = good	33%
C = fair	20%
D = poor	9%
E = don't know/does not apply	22%

32. Rate the quality of Responsiveness of City Employees

A = excellent	43%
B = good	45%

C = fair	9%
D = poor	0%
E = don't know/does not apply	2%

33. How would you rate the general value of city services?

5 = excellent	47%
4 = good	47%
3 = fair	4%
2 = poor	0%
1 = don't know/does not apply	2%

34. Rate the quality of service for Police

A = excellent	53%
B = good	36%
C = fair	2%
D = poor	6%
E = don't know/does not apply	4%

35. Rate the quality of service for Parks and Recreation

A = excellent	55%
B = good	35%
C = fair	10%
D = poor	0%
E = don't know/does not apply	0%

36. Rate the quality of service for Fire

A = excellent	48%
B = good	31%
C = fair	2%
D = poor	4%
E = don't know/does not apply	15%

37. Rate the quality of service for Street Maintenance

A = excellent	42%
B = good	43%
C = fair	9%
D = poor	2%
E = don't know/does not apply	4%

38. Are you willing to pay additional taxes to maintain these services at their current level?

A. Yes	60%
B. No	10%
C. Depends	31%

39. If yes, how much per month?

A. \$3	19%
B. \$4	6%

- | | |
|----------------------------|-----|
| C. \$5 | 25% |
| D. \$10 | 35% |
| E. Not willing to pay more | 15% |

40. Is there a need for different types of parks and recreation facilities?

- | | |
|--------|-----|
| A. Yes | 60% |
| B. No | 40% |

41. Which do you value more? Parks (e.g. open space, facilities, playgrounds, etc.) or Recreation (e.g. programs, sports leagues, special events such as Rosefest, etc.) Asked at July 29 and 30 meetings only

- | | |
|------------------|-----|
| A. Parks | 45% |
| B. Recreation | 3% |
| C. Value equally | 52% |

42. Do you think recreation programs should be self-sustaining?

- | | |
|--------|-----|
| A. Yes | 57% |
| B. No | 43% |

43. Are you willing to support a bond referendum dedicated to maintaining our parks and recreation system infrastructure?

- | | |
|--------|-----|
| A. Yes | 56% |
| B. No | 44% |

44. If the City has to cut programs and services, which area should we target first?

- | | |
|-----------------------|-----|
| A. Street maintenance | 11% |
| B. Fire | 6% |
| C. Parks & Recreation | 42% |
| D. Police | 13% |
| E. Don't Cut Anything | 28% |

45. Based on your answer to the previous question, which area should we target next for a reduction in service?

- | | |
|-----------------------|-----|
| A. Street maintenance | 48% |
| B. Fire | 2% |
| C. Parks & Recreation | 12% |
| D. Police | 8% |
| E. Don't Cut Anything | 31% |

46. Did this community meeting meet your expectations?

- | | |
|--------|-----|
| A. Yes | 75% |
| B. No | 25% |

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/17/09

Item No.: 13.a

Department Approval



City Manager Approval



Item Description: Discuss Sidewalk Request for Dale Street North of County Road C

BACKGROUND

The City received a petition on October 7, 2008 signed by a number of residents adjacent to Dale St. north of County Road C and the surrounding neighborhoods encouraging the city to install a sidewalk or pathway adjacent to Dale St. from County Road C to south Owasso Blvd. Staff corresponded with the Hadlich's of 2782 Dale St. who had assisted with distributing the petition to the neighborhoods that the city did not have a funding source for new trails and sidewalks and the potential for a reconstruction of Dale St. in the roadway Capital Improvement Plan. We also communicated the city's current assessment policy does not support assessing for sidewalk and pathway's.

The Hadlich's approached the Council in July and requested additional discussion of their request and consideration of the potential to assess the construction of the sidewalk or trail. Staff has done additional research on assessment laws and revisited the current pavement condition on Dale St. for this discussion. We also are providing a summary of the city's assessment policy for this discussion.

According to the City Attorney the city can assess this type of project per Chapter 429 of State Statute despite the language in the current policy. The Council has the ability to change the policy or to vary from it for a particular project. The requirement for petition for a project is at least 35% of the property owners. If 100 percent of the affected owners sign a petition they can waive the public hearing requirement. The petition must state this waiver. We also discussed area wide assessments versus only adjacent properties. Assessments must be based on benefit to the value of the assessed property. It is difficult to prove benefit on small local projects for area wide assessment.

We have done additional field condition surveys as a part of our ongoing Pavement Management Program on Dale Street and on Victoria St. south of County Road B. Both are in our five year CIP for reconstruction. Originally we had slated Victoria for reconstruction prior to Dale St. Due to more extensive recent maintenance requirements we now recommend Dale St. to be reconstructed first. Dale St. pavements are now in marginal condition. As we are funding the reconstruction of Roselawn Ave. with 2009 and 2010 allotments of MSA funds we could reconstruct Dale St. in 2011. This would allow staff time to meet with residents to discuss road widths, pathway needs, traffic concerns, and property impacts of a project. This would be the

preferred time to consider pathway construction as it would be difficult to construct a pathway project economically without consideration of the future design of the roadway. Constructing a pathway and following in a few years with reconstruction of the road could lead to significant waste of resources by having to redo portions of the new pathway. For these reasons staff is recommending studying reconstruction of the roadway in parallel with consideration of a pathway. Staff will discuss the potential road project with you at your meeting and seek further direction on this item.

POLICY OBJECTIVE

The City has an adopted Pathway Master Plan that includes a facility on Dale St. north of County Road C. Staff seeks funding opportunities for projects that will build out this plan. In recent years pathway projects have been funded by grants and MSA dollars when constructed as a part of roadway reconstruction projects.

FINANCIAL IMPACTS

The city currently does not have dedicated funding to construct new pathways and sidewalks. This pathway is eligible to be constructed with MSA funds as a part of roadway reconstruction.

STAFF RECOMMENDATION

Due to the need to reconstruct Dale St. staff recommends the city consider construction of a sidewalk or pathway as a part of a roadway improvement project. Given the condition assessment of the existing pavement and the availability of MSA funds in 2011 we would recommend the Council authorize staff begin work later this year in preparation for a feasibility study to be completed in 2010 for a potential reconstruction project in the summer of 2011.

REQUESTED COUNCIL ACTION

Discuss the request for a sidewalk or pathway adjacent Dale St. north of County Road C and provide staff direction on a potential future project.

Prepared by: Duane Schwartz, Public Works Director

Attachments: A: Petition
B: Assessment Policy Summary
C: Map
D: Chapter 429 State Statute

October 7, 2008

Mr. Bill Malinen
Roseville City Manager
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Malinen,

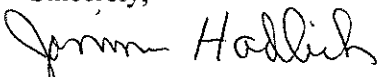
Attached is a completed Roseville Sidewalk Petition that I conducted in my neighborhood in regards to completing a sidewalk or pathway on the East side of Dale Street between County Rd C and Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the petition signatures of residents who live on this stretch of Dale Street as well as Dale Street pedestrians walking, running or biking along the street.

This stretch of road is very dangerous due to the high volume of pedestrians as well as the high traffic speeds. It is widely known that vehicles do not keep to the 30 mph speed limits along this part of Dale Street so a sidewalk is greatly needed. My husband, Tom, and I live at 2782 Dale Street North and we have two boys, ages 5 & 9. There has been an influx of new families with young children on Dale Street within the last couple years. Two of our Dale Street next door neighbors just had new babies this year. There is also another new family with three young children, all under the age of 8 who live on the corner of Dale & Iona. One can't help but notice the large number of families with children and strollers walking along this stretch. With the lack of control of vehicles' high speeds along this hill, it is imperative that a sidewalk is put in before someone gets seriously insured or killed! Neighborhood residents have noticed that there was a new sidewalk recently put in on the northern part of Dale street near Owasso Hills Drive and Owasso Hills lake but, for whatever reason, the four block stretch between County Road C & Owasso Hills Drive was not completed during this time. Roseville spends a lot of money on Central Park but more attention and money should be spent on the Roseville sidewalk situation.

I spoke to Deb Bloom, City Engineer, a few months ago about the possibility of moving the date up to put in this much needed sidewalk along Dale Street. I learned that Dale Street is supposed to be redone in five years and this stretch of sidewalk is supposed to be put in at that time. Our road and this sidewalk need to be done now, not five years from now! Ms. Bloom said that if I conducted a petition for this sidewalk and collected at least 50% of the resident's signatures who live on this stretch of Dale Street, that there is a good possibility the date could be moved up to get this sidewalk put in. She admitted that the need for a sidewalk along Dale Street has been moved up on the priority list but the Dale Street residents feel that five years is not fast enough for those of us who live on this dangerous stretch of road.

The citizens of Dale Street are trying to be patient waiting for both our road to be redone and a sidewalk to be completed, but our patience is growing thin. **This petition clearly shows the desire for a sidewalk or pathway as soon as possible. I have obtained petition signatures from approximately 80% of the residents I talked to who live on Dale Street between County Rd C and Owasso Hills Drive, as well as other nearby pedestrians who walk/run/bike along this stretch of road.** The completion of this sidewalk would connect the neighborhood to the pathway systems in Central Park and Owasso Hills creating a safer and more appealing environment for the community. A sidewalk would make it feel like an inviting community rather than a drive-by neighborhood and it would help to slow the turnover rate of homes for sale along this stretch. The Roseville fire chief and his family used to live across the street from us but moved off of Dale Street a few years ago because of the traffic speeds and sidewalk issues along this stretch of road. I learned that there have been other families that have sold their homes along this stretch of road for similar reasons as well. This doesn't have to be so, if the City of Roseville reprioritizes its to do list. You know what you have to do. The Dale Street residents are speaking. Please listen to us. I will be following up with a phone call regarding this matter shortly so I can report back to my Dale Street residents. Thank you for your cooperation. I can be reached at 651-484-6076.

Sincerely,


Janine Hadlich

**Roseville
Dale Street Sidewalk/Path Petition**

Statement/Purpose: This is a petition by nearby neighborhood residents of Dale Street to encourage/convince Roseville to put in a sidewalk or paved path on the East side of Dale Street between County Rd C & Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the nearby residents who are listed on the petition below. The completion of this sidewalk/path would thereby connect the neighborhood to the Central Park pathway system, creating a safer and more appealing environment for nearby residents.

Petition lead by Janine and Tom Hadlich at 2782 Dale Street North, Roseville, 55113, 651-484-6076

Resident's Name*	Resident's Home Address
David & Christine Beggs*	2783 Dale St N
Elaine Palmer*	2750 Dale #41
John K. Rutford*	2750 N. Dale St. #43
Donna Rutford*	2750 N. Dale #43
Ed. Gruening*	2687 N. Dale
Katherine Gruening*	2687 N. Dale
B. Peterson*	2705 Dale St
Bladea*	2713 Dale St.
Richard J. Lunn*	2721 N. DALE ST.
Colin B. Horn*	2751 Dale St N.

*A star after the resident's name designates that the resident lives directly on the east or west side of Dale Street where the sidewalk/path would go.

Roseville
Dale Street Sidewalk/Path Petition

Statement/Purpose: This is a petition by nearby neighborhood residents of Dale Street to encourage/convince Roseville to put in a sidewalk or paved path on the East side of Dale Street between County Rd C & Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the nearby residents who are listed on the petition below. The completion of this sidewalk/path would thereby connect the neighborhood to the Central Park pathway system, creating a safer and more appealing environment for nearby residents.

Petition lead by Janine and Tom Hadlich at 2782 Dale Street North, Roseville, 55113, 651-484-6076

Resident's Name*	Resident's Home Address
Dolores A. Murphy*	2767 N. Dale St. (Please do not contact her)
Katie + Justin Vaccari *	2778 Dale Street N. Roseville, MN 55113
Marilyn + Roger Toogood *	601 Terrace Court Roseville, MN, 55113
Benny + Susan Fall *	429 Terrace Drive Roseville, MN 55113
Judd + Deb White *	1128 Terrace Dr. East side only!
Brenner + Joyce C. Richman	608 Terrace Court Roseville, MN 55113
Beraine Anderson *	2750 Dale #44
Carl G. Toerjens *	2750 N. Dale #45
L. A. + G. A. *	2701 DALE ST. NORTH
Ginger Ryan *	2777 Dale St. North

*A star after the resident's name designates that the resident lives directly on the east or west side of Dale Street where the sidewalk/path would go.

City of Roseville
Dale Street Sidewalk/Path Petition

Statement/Purpose: This is a petition by nearby neighborhood residents of Dale Street to encourage/convince Roseville to put in a sidewalk or paved path on the East side of Dale Street between County Rd C & Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the nearby residents who are listed on the petition below. The completion of this sidewalk/path would thereby connect the neighborhood to the Central Park pathway system, creating a safer and more appealing environment for nearby residents.

Petition lead by Janine and Tom Hadlich at 2782 Dale Street North, Roseville, 55113, 651-484-6076

Resident's Name*	Resident's Home Address
Ruben Acosta	584 Owasso Hills Drive
Low Shell	567 Owasso Hills DR.
Arnie Shell	567 Owasso Hills Dr
Heather Horn*	2751 Dale St N
Jenny Jernhof*	2815 Dale St.
Susan Elvick	2750 Kent St
Jay Cluth	2750 Kent St.
Chris Mayn	2781 Irene Circle Roseville, MN
Don Carress	604 Terrace Ct.
Louaine Swanson	592 Terrace Court

*A star after the resident's name designates that the resident lives directly on the east or west side of Dale Street where the sidewalk/path would go.

City of Roseville
Dale Street Sidewalk/Path Petition

Statement/Purpose: This is a petition by nearby neighborhood residents of Dale Street to encourage/convince Roseville to put in a sidewalk or paved path on the East side of Dale Street between County Rd C & Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the nearby residents who are listed on the petition below. The completion of this sidewalk/path would thereby connect the neighborhood to the Central Park pathway system, creating a safer and more appealing environment for nearby residents.

Petition lead by Janine and Tom Hadlich at 2782 Dale Street North, Roseville, 55113, 651-484-6076

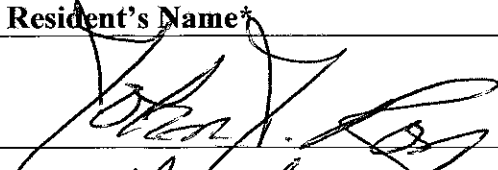
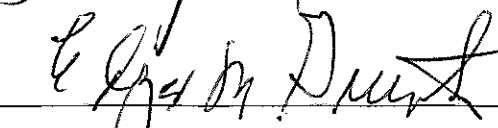
Resident's Name*	Resident's Home Address
ROBERT EHLERT	2727 VIRGINIA AVE
Donald W. Barcroft	548 Heinel Dr,
Bryan Milbent Jody Mathiowetz	2950 Farrington St.
Jeanette Schreck	2865 Matilda St. Roseville
Dick & Mary Lou Olsen	576 Jerrane Ct.
CS Mc	3032 Sandy Hawk Dr.
Jack Reif	479 Owasso Hills Drive
Susan Briggs*	2750 N Dale St #40 Roseville, MN 55113
Janine Hadlich*	2782 Dale St. N. Roseville, MN 55113
Tom Hadlich*	2782 Dale St N

*A star after the resident's name designates that the resident lives directly on the east or west side of Dale Street where the sidewalk/path would go.

City of Roseville
Dale Street Sidewalk/Path Petition

Statement/Purpose: This is a petition by nearby neighborhood residents of Dale Street to encourage/convince Roseville to put in a sidewalk or paved path on the East side of Dale Street between County Rd C & Owasso Hills Drive within the next three years. The need and desire to facilitate this request is clearly evident by the nearby residents who are listed on the petition below. The completion of this sidewalk/path would thereby connect the neighborhood to the Central Park pathway system, creating a safer and more appealing environment for nearby residents.

Petition lead by Janine and Tom Hadlich at 2782 Dale Street North, Roseville, 55113, 651-484-6076

Resident's Name*	Resident's Home Address
	2753 KENT ST.
	638 Terrate Cr.
Kary Decker	569 TERRACE CRT
Bob Klein	573 " "
Barbara Kline	573 " "
Bob Schmidt	568 " "
David G. Mandel	629 Iona Ln
	528 Terrace Ct.
Amy Skane & Kelly Klecker	557 Woodhill Drive
Jen + Vic Brodt	444 Rose Place

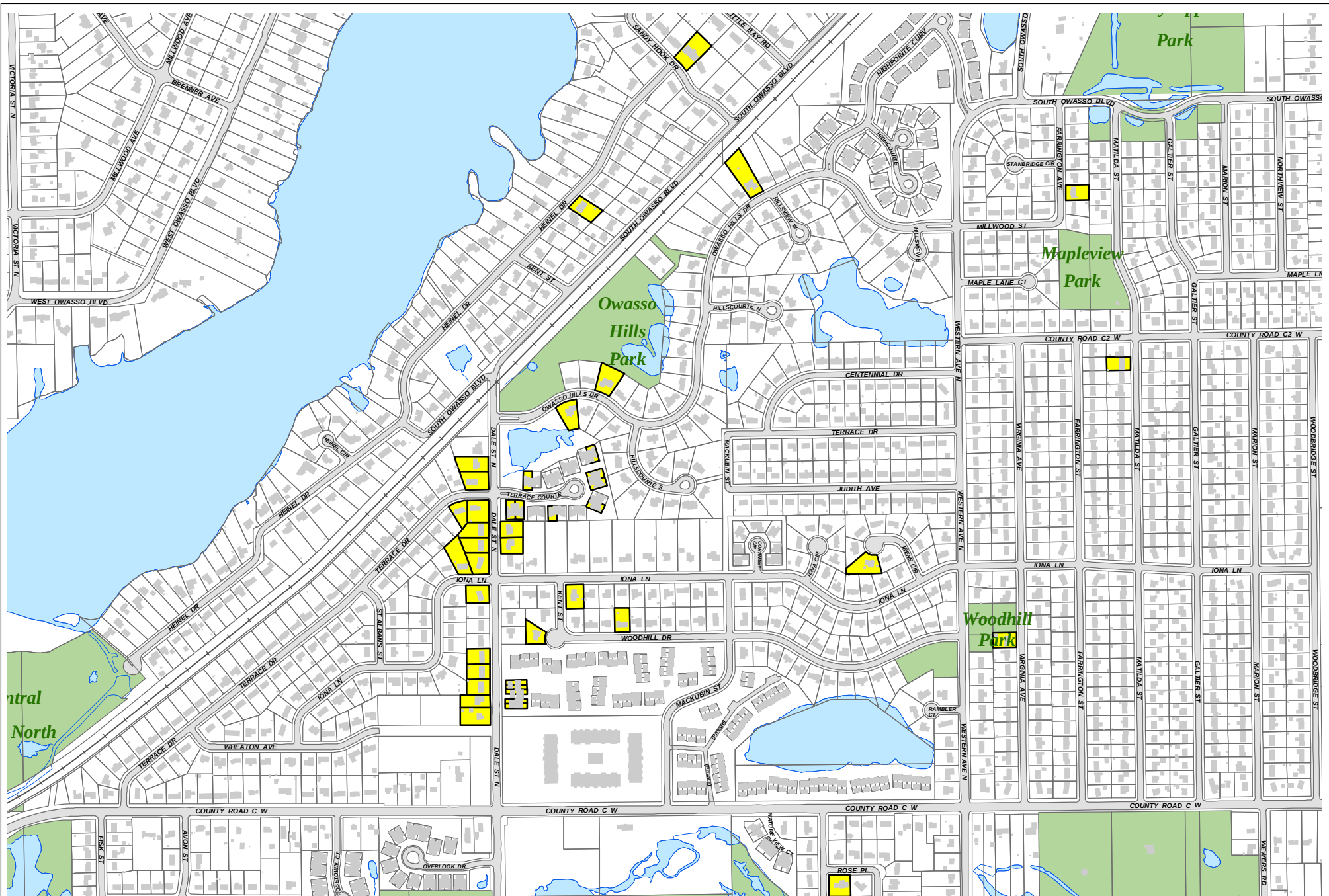
*A star after the resident's name designates that the resident lives directly on the east or west side of Dale Street where the sidewalk/path would go.

City of Roseville
SPECIAL ASSESSMENT POLICY
SUMMARY

1. The following assessment policies will be followed in the upgrading of temporary public roadways (not meeting standards set forth in City Code), under the City's jurisdiction, to permanent bituminous roadways with concrete curb and gutters.
2. The following assessment formulas shall apply to any such upgrading of public roadways under the City's jurisdiction.
 - (a) On street improvement projects, it is desirable that at least 25% of the cost for the project to be obtained from sources other than ad valorem taxes.
 - (b) All property shall be assessed a minimum of 25% of the actual cost for a 7-ton, 32-foot wide pavement with concrete curb and gutter and routine drainage.
 - (c) All property shall be assessed at a rate of a 7-ton, 32-foot wide pavement with concrete curb and gutter and routine drainage, even if the width or strength is greater.
 - (d) In addition to the costs set forth in (a) through (c) above, all property may be assessed a proportionate share on a footage basis for expenses encountered for right-of-way and easement acquisition necessary for that segment of the entire project including the roadway abutting the property.
 - (e) All corner and multiple frontage parcels in non-tax exempt R-1 and R-2 status shall be considered as having 10% of the second side as being assessable footage unless such parcels could be split or subdivided.
 - (f) All properties abutting Minnesota State Aid Roseville roadways shall be assessed at least 25% of the cost for the project.
 - (g) All odd and irregularly shaped lots, which have rear widths that vary by more than 25% in comparison with the front width, the lot will be assumed to have a depth equal to one-half the sum of the two sides and said depth will be divided into the area of the lot to determine the assessable frontage. All lots of more than four sides will be geometrically converted to a four-sided lot of equal area, then the odd-lot formula as stated above will be used to determine the assessable frontage. Where this is not practical, the assessable frontage will be determined by assuming the lot to have an assessable frontage equal to those of the typical rectangular lots near it which are comparable in overall area and nature.
3. All properties abutting existing usable temporary roadways under the jurisdiction of Ramsey County to be upgraded to permanent roadways with curb and gutter shall be specially assessed pursuant to the provisions of Paragraph 2 above. In the event that said special assessments should result in more funds being due the City from special assessments than the total cost to the City of the improvements to such road under the jurisdiction of Ramsey County, special assessments for such properties shall be reduced proportionately until the total special assessments equal the total City costs of the improvement.
4. On all new public roadways constructed where no usable temporary roadway existed, the special assessment procedure of Paragraphs 1, 2 and 3 need not be utilized. Such properties will normally be assessed at 100% of the cost.

- 1 5. There shall be no special assessments for Storm drainage improvements.
- 2
- 3 6. Sanitary sewer mains shall be assessed on a front footage basis with all types land use
- 4 and zoning being identically assessed.
- 5
- 6 (a) For each presently utilized parcel there will be subtracted from the total cost of
- 7 the improvement added costs for oversized sanitary sewer mains. Any sanitary
- 8 sewer main in excess of 8" in diameter will normally be considered oversized.
- 9 The result of said subtraction will be the cost to be assessed. This will be divided
- 10 by the total number of assessable feet to establish the assessment rate for said
- 11 presently utilized parcel
- 12 (b) New development property or property which has altered its land use within the
- 13 past three years shall be assessed at 100% of the city's expense for the
- 14 improvement.
- 15 (c) All side lots or double frontage parcels shall be determined to have 25 assessable
- 16 feet for the first 150 feet of said side or second frontage of the parcel and shall
- 17 conform to Paragraphs a) and b) above.
- 18 (d) Sewer services shall be assessed on a per service basis at 100% of the city's
- 19 expense for such services.
- 20 (e) All odd and irregularly shaped lots of four sides or less, which have rear widths
- 21 that vary by more than 25% in comparison with the front width, the lot will be
- 22 assumed to have a depth equal to one-half the sum of the two sides and said depth
- 23 will be divided into the area of the lot to determine the assessable frontage. All
- 24 lots of more than four sides will be geometrically converted to a four sided lot of
- 25 equal area, then the odd lot formula as stated above will be used to determine the
- 26 assessable frontage. Where this is not practical, the assessable frontage will be
- 27 determined by assuming the lot to have an assessable frontage equal to those of
- 28 the typical rectangular lots near it which are comparable in overall area and
- 29 nature.
- 30
- 31 7. Watermains shall be assessed on a front footage basis with all type of land use and zoning
- 32 being identically assessed.
- 33
- 34 (a) For each presently utilized parcel, there will be subtracted from the total cost of
- 35 the improvement, added costs for oversized watermains. Any watermains in
- 36 excess of 6" in diameter will normally be considered oversized. The result of said
- 37 subtraction will be the cost to be assessed. This will be divided by the total
- 38 number of assessable feet to establish the assessment rate for said presently
- 39 utilized parcel.
- 40 (b) New development property or property which has altered its land use within the
- 41 past three years shall be assessed at 100% of the city's expense for the
- 42 improvement.
- 43 (c) All side lot and double frontage parcels shall be determined to have 25 assessable
- 44 feet for the first 200 feet of said side or second frontage of the parcel and shall
- 45 conform to Paragraphs a. and b., above.

- 1 (d) Water services shall be assessed on a per service basis at 100% of the city's
2 expense for such services.
- 3 (e) All odd and irregularly-shaped lots of four sides or less, which have rear widths
4 that vary by more than 25% in comparison with the front width, the lot will be
5 assumed to have a depth equal to one-half the sum of the two sides and said depth
6 will be divided into the area of the lot to determine the assessable frontage. All
7 lots of more than four sides will be geometrically converted to a four-sided lot of
8 equal area, then the odd-lot formula as stated above, will be used to determine the
9 assessable frontage. Where this is not practical, the assessable frontage will be
10 determined by assuming the lot to have an assessable frontage equal to those of
11 the typical rectangular lots near it which are comparable in overall area and
12 nature.
- 13
- 14 8. There shall be no assessments for pathway improvements.
- 15
- 16 9. Streetlights shall be assessed on a front footage basis as described in the City street light
17 assessment policy and as follows:
- 18
- 19 (a) All properties within 150 feet (street frontage) of each light shall be considered
20 for assessment.
- 21 (b) City staff shall determine the number and locations of lights that could have been
22 installed under the "standard street light" section of the City's Street light policy.
23 The maintenance cost for these lights will be deducted from the overall project
24 cost.
- 25 (c) 100% of the additional costs for an "enhanced street light" project shall be
26 specially assessed. The additional costs for an "enhanced street light" project
27 shall include; Cost of installation of enhanced streetlights, cost of operation &
28 maintenance (pro-rated for 25 years), Administrative costs, minus "standard street
29 light" maintenance cost (if applicable)
- 30 (d) At the end of 25 years, the City will evaluate the maintenance needs for the
31 "enhanced street light" areas. A reconstruction project will be considered where
32 the new operation and maintenance costs for the next 25 years will be proposed to
33 be assessed to the benefiting properties.
- 34 (e) In new development and redevelopments, the operation and maintenance costs for
35 an "enhanced street light" installation shall be paid for by the property owners in
36 the new development in perpetuity. These costs shall either be paid for up front
37 by the developer or assessed to the property owners. The total cost shall be the
38 "enhanced street light" operation and maintenance cost minus the City's "standard
39 street light" contribution. The City's basic contribution shall be determined based
40 on the procedure outlined in section IV. B. of the City Street Light policy.
- 41



Dale Street Pathway Petition



ROSEVILLE

Prepared by:
Engineering Department
August 13, 2009

Households that Signed Petition (41 total)

West Side: 12 signed petition (18 parcels total-2 without homes)

East Side: 3 signed petition (9 parcels total, 4 individual households from Westwood Village Townhomes parcel signed)



0 100 200 300 400 Feet

mapdoc: EngineeringBase.mxd
map: EngineeringBase.pdf

CHAPTER 429

LOCAL IMPROVEMENTS, SPECIAL ASSESSMENTS

429.01	INACTIVE.	429.08	INACTIVE.
429.011	DEFINITIONS.	429.081	APPEAL TO DISTRICT COURT.
429.02	INACTIVE.	429.09	INACTIVE.
429.021	LOCAL IMPROVEMENTS, COUNCIL POWERS.	429.091	FINANCING.
429.03	INACTIVE.	429.10	INACTIVE.
429.031	PRELIMINARY PLANS, HEARINGS.	429.101	UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.
429.035	IMPROVEMENTS, PETITION.	429.11	INACTIVE.
429.036	APPEAL FROM DETERMINATION OF LEGALITY OF PETITION.	429.111	CHARTER PROVISIONS, EFFECT.
429.04	INACTIVE.	429.18	INACTIVE.
429.041	COUNCIL PROCEDURE.	429.185	INACTIVE.
429.05	INACTIVE.	429.19	INACTIVE.
429.051	APPORTIONMENT OF COST.	429.20	INACTIVE.
429.052	STREET OR ROAD IMPROVEMENTS OUTSIDE MUNICIPAL BOUNDARIES.	429.29	INACTIVE.
429.06	INACTIVE.	429.30	INACTIVE.
429.061	ASSESSMENT PROCEDURE.	429.31	INACTIVE.
429.07	INACTIVE.		
429.071	SUPPLEMENTAL ASSESSMENTS; REASSESSMENT.		

429.01 [Repealed, 1953 c 398 s 13 subd 1]

429.011 DEFINITIONS.

Subdivision 1. **Application.** For the purpose of this chapter the terms defined in this section shall have the meanings ascribed to them.

Subd. 2. **Municipality; certain cities and towns.** "Municipality" means any city of the second, third, or fourth class however organized, or any statutory city or any town as defined in section 368.01.

Subd. 2a. **Municipality; certain counties.** "Municipality" also includes a county in the case of construction, reconstruction, or improvement of a county state-aid highway or county highway as defined in section 160.02 including curbs and gutters and storm sewers; a county exercising its powers and duties under section 444.075, subdivision 1; and a county for expenses not paid for under section 403.113, subdivision 3, paragraph (b), clause (3).

Subd. 2b. **Municipality; certain towns.** "Municipality" also includes any town not having the powers granted herein pursuant to any other law in the case of construction, reconstruction or improvement of a town road including curbs and gutters and storm sewers and in the case of those improvements designated in section 429.021, subdivision 1, clauses (1), (2), (4), (5), (6), (7), (8), and (10).

Subd. 3. **Council.** "Council" means the body of the city having general legislative powers, the town board of the town, or the county board of a county.

Subd. 4. **Clerk.** "Clerk" means the chief clerical officer of the municipality.

Subd. 5. **Improvement.** "Improvement" means any type of improvement made under authority granted by section 429.021, and in the case of a county is limited to the construction, reconstruction, or improvement of a county state-aid highway or county highway including curbs and gutters and storm sewers, and to the purchase, installation, or maintenance of signs, posts, and markers for addressing related to the operation of enhanced 911 telephone service.

Subd. 6. **Newspaper.** "Newspaper" means the official newspaper of the municipality, or if there is no official newspaper, a legal newspaper of general circulation in the municipality.

Subd. 7. **Street.** "Street" means any street, alley, or other public way, or any part thereof.

Subd. 8. **Utilities commission.** "Utilities commission" means the municipal board or commission, other than the council, which exercises any authority or control over the operation of any municipally owned public utility.

Subd. 9. **Pedestrian skyway system.** "Pedestrian skyway system" means any system of providing for pedestrian traffic circulation, mechanical or otherwise, elevated above ground, within and without the public right-of-way, and through or above private property and buildings, and includes overpasses, bridges, passageways, walkways, concourses, hallways, corridors, arcades, courts, plazas, elevators, escalators, heated canopies, and accesses and all fixtures, furniture, equipment, facilities, services, and appurtenances which in the judgment of the council will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

Subd. 10. **Underground pedestrian concourse.** "Underground pedestrian concourse" means any system of providing for pedestrian traffic circulation, mechanical or otherwise, below ground, within and without the public right-of-way, and through or below private property, and includes tunnels, passageways, walkways, concourses, hallways, corridors, arcades, plazas, elevators, escalators, heated canopies, and accesses and all fixtures, furniture, equipment, facilities, and appurtenances which in the judgment of the council will enhance the movement, safety, security, convenience and enjoyment of pedestrians and benefit the city and adjoining properties.

Subd. 11. **Special lighting system.** "Special lighting system" means lights or light displays of any type located within or without the public right-of-way.

Subd. 12. **Acquire.** "Acquire" includes, but is not limited to, the obtaining by purchase, condemnation, or leasing rights or interests in the areas above or below the surface of the ground of real property or structures or improvements thereon.

Subd. 13. **Public mall, plaza, or courtyard.** "Public mall, plaza, or courtyard" means any wholly or partly opened or enclosed public area adjacent to or attached to a wall, fence, commercial structure, hotel, or any other building and designed as a place for passive recreation, public entertainment, exhibition and education, or a pedestrian walk.

Subd. 14. **Fire protection system.** "Fire protection system" means pipes, standpipes, sprinklers, control systems and other devices and equipment installed in or outside a building for the primary purpose of eliminating or reducing the spread of fire in the building or providing for safe evacuation of the building, whether the devices and equipment are publicly or privately owned.

Subd. 15. **Highway sound barriers.** "Highway sound barriers" means sound abatement walls erected along highways to reduce noise levels attributable to vehicular traffic.

Subd. 16. **On-site water contaminant improvements.** "On-site water contaminant improvements" means pipes, wells, and other devices and equipment installed in or outside a building for the primary purpose of eliminating water contamination caused by lead or other toxic or health threatening substances in the water, whether the improvements so installed are publicly or privately owned.

History: 1953 c 398 s 1; 1961 c 338 s 1; 1969 c 741 s 1-3; 1971 c 617 s 1-4; 1973 c 123 art 5 s 7; 1973 c 636 s 1; 1973 c 702 s 22; 1974 c 233 s 1; 1976 c 147 s 1; 1978 c 634 s 1,2; 1979 c 330 s 1; 1983 c 9 s 1; 1984 c 478 s 1; 1984 c 591 s 1; 1986 c 315 s 1; 1987 c 138 s 1; 1988 c 564 s 1; 1994 c 614 s 5; 2000 c 490 art 5 s 29,30

429.02 [Repealed, 1953 c 398 s 13 subd 1]

429.021 LOCAL IMPROVEMENTS, COUNCIL POWERS.

Subdivision 1. **Improvements authorized.** The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water, or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend, and maintain steam heating mains.

(4) To install, replace, extend, and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend, and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care, and removal.

(8) To abate nuisances and to drain swamps, marshes, and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend, and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and promote a pedestrian skyway system. Such improvement may be made upon a petition pursuant to section 429.031, subdivision 3.

(12) To acquire, construct, reconstruct, extend, operate, maintain, and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain, and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

(15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire protection systems in existing buildings, but only upon a petition pursuant to section 429.031, subdivision 3.

(16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway sound barriers.

(17) To improve, construct, reconstruct, extend, and maintain gas and electric distribution facilities owned by a municipal gas or electric utility.

(18) To purchase, install, and maintain signs, posts, and other markers for addressing related to the operation of enhanced 911 telephone service.

(19) To improve, construct, extend, and maintain facilities for Internet access and other communications purposes, if the council finds that:

(i) the facilities are necessary to make available Internet access or other communications services that are not and will not be available through other providers or the private market in the reasonably foreseeable future; and

(ii) the service to be provided by the facilities will not compete with service provided by private entities.

(20) To assess affected property owners for all or a portion of the costs agreed to with an electric utility, telecommunications carrier, or cable system operator to bury or alter a new or existing distribution system within the public right-of-way that exceeds the utility's design and construction standards, or those set by law, tariff, or franchise, but only upon petition under section 429.031, subdivision 3.

Subd. 2. **Combining improvements.** An improvement on two or more streets or two or more types of improvement in or on the same street or streets or different streets may be included in one proceeding and conducted as one improvement.

Subd. 3. **Relation to charter and other laws.** When any portion of the cost of an improvement is defrayed by special assessments, the procedure prescribed in this chapter shall be followed unless the council determines to proceed under charter provisions; but this chapter does not prescribe the procedure to be followed by a municipality in making improvements financed without the use of special assessments.

If the council determines to proceed under charter provisions for special assessments, such provisions shall be deemed to include a requirement that notices of proposed assessments inform property owners of the procedures they must follow under the charter in order to appeal the assessments to district court. The notices shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality.

Charter provisions shall also be deemed to require that when the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as may be authorized by the charter, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement.

History: 1953 c 398 s 2; 1965 c 877 s 1; 1971 c 617 s 5; 1973 c 201 s 1; 1974 c 233 s 2; 1974 c 314 s 1; 1976 c 195 s 1; 1978 c 518 s 1; 1979 c 330 s 2; 1981 c 334 s 5; 1984 c 548 s 4; 1984 c 582 s 3; 1984 c 591 s 2; 1984 c 633 s 2; 1987 c 138 s 2; 1997 c 219 s 5; 2000 c 490 art 5 s 31; 2000 c 493 s 5; 2005 c 67 s 1

429.03 [Repealed, 1953 c 398 s 13 subd 1]

429.031 PRELIMINARY PLANS, HEARINGS.

Subdivision 1. **Preparation of plans, notice of hearing.** (a) Before the municipality awards a contract for an improvement or orders it made by day labor, or before the municipality

may assess any portion of the cost of an improvement to be made under a cooperative agreement with the state or another political subdivision for sharing the cost of making the improvement, the council shall hold a public hearing on the proposed improvement following two publications in the newspaper of a notice stating the time and place of the hearing, the general nature of the improvement, the estimated cost, and the area proposed to be assessed. The two publications must be a week apart, and the hearing must be at least three days after the second publication. Not less than ten days before the hearing, notice of the hearing must also be mailed to the owner of each parcel within the area proposed to be assessed and must contain a statement that a reasonable estimate of the impact of the assessment will be available at the hearing, but failure to give mailed notice or any defects in the notice does not invalidate the proceedings. For the purpose of giving mailed notice, owners are those shown as owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. For properties that are tax exempt or subject to taxation on a gross earnings basis and are not listed on the records of the county auditor or the county treasurer, the owners may be ascertained by any practicable means, and mailed notice must be given them as provided in this subdivision.

(b) Before the adoption of a resolution ordering the improvement, the council shall secure from the city engineer or some other competent person of its selection a report advising it in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible and as to whether it should best be made as proposed or in connection with some other improvement. The report must also include the estimated cost of the improvement as recommended. A reasonable estimate of the total amount to be assessed, and a description of the methodology used to calculate individual assessments for affected parcels, must be available at the hearing. No error or omission in the report invalidates the proceeding unless it materially prejudices the interests of an owner.

(c) If the report is not prepared by an employee of a municipality, the compensation for preparing the report under this subdivision must be based on the following factors:

- (1) the time and labor required;
- (2) the experience and knowledge of the preparer;
- (3) the complexity and novelty of the problems involved; and
- (4) the extent of the responsibilities assumed.

(d) The compensation must not be based primarily on a percentage of the estimated cost of the improvement.

(e) The council may also take other steps prior to the hearing, including, among other things, the preparation of plans and specifications and the advertisement for bids that will in its judgment provide helpful information in determining the desirability and feasibility of the improvement.

(f) The hearing may be adjourned from time to time, and a resolution ordering the improvement may be adopted at any time within six months after the date of the hearing by vote of a majority of all members of the council when the improvement has been petitioned for by the owners of not less than 35 percent in frontage of the real property abutting on the streets named in the petition as the location of the improvement. When there has been no such petition, the resolution may be adopted only by vote of four-fifths of all members of the council; provided that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor is not deemed to be a member for the purpose of determining a four-fifths majority vote.

(g) The resolution ordering the improvement may reduce, but not increase, the extent of the improvement as stated in the notice of hearing.

Subd. 2. **Approval by park board or utilities commission.** A resolution ordering a park improvement may be adopted only by a four-fifths vote of the council and shall also be approved by the park board, if there is one; provided, that if the mayor of the municipality is a member of the council but has no vote or votes only in case of a tie, the mayor shall not be deemed to be a member for the purpose of determining such four-fifths majority vote. A resolution ordering an improvement of the water, sewer, steam heating, street lighting or other facility over which a utilities commission has jurisdiction shall also be approved by the utilities commission.

Subd. 3. **Petition by all owners.** Whenever all owners of real property abutting upon any street named as the location of any improvement shall petition the council to construct the improvement and to assess the entire cost against their property, the council may, without a public hearing, adopt a resolution determining such fact and ordering the improvement. The validity of the resolution shall not be questioned by any taxpayer or property owner or the municipality unless an action for that purpose is commenced within 30 days after adoption of the resolution as provided in section 429.036. Nothing herein prevents any property owner from questioning the amount or validity of the special assessment against the owner's property pursuant to section 429.081. In the case of a petition for the municipality to own and install a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petition must contain or be accompanied by an undertaking satisfactory to the city by the petitioner that the petitioner will grant the municipality the necessary property interest in the building to permit the city to enter upon the property and the building to construct, maintain, and operate the fire protection system, pedestrian skyway system, or on-site water contaminant improvements. In the case of a petition for the installation of a privately owned fire protection system, a privately

owned pedestrian skyway system, or privately owned on-site water contaminant improvements, the petition shall contain the plans and specifications for the improvement, the estimated cost of the improvement and a statement indicating whether the city or the owner will contract for the construction of the improvement. If the owner is contracting for the construction of the improvement, the city shall not approve the petition until it has reviewed and approved the plans, specifications, and cost estimates contained in the petition. The construction cost financed under section 429.091 shall not exceed the amount of the cost estimate contained in the petition. In the case of a petition for the installation of a fire protection system, a pedestrian skyway system, or on-site water contaminant improvements, the petitioner may request abandonment of the improvement at any time after it has been ordered pursuant to subdivision 1 and before contracts have been awarded for the construction of the improvement under section 429.041, subdivision 2. If such a request is received, the city council shall abandon the proceedings but in such case the petitioner shall reimburse the city for any and all expenses incurred by the city in connection with the improvement.

History: 1953 c 398 s 3; 1955 c 811 s 1; 1957 c 430 s 1; 1961 c 525 s 1,2; 1963 c 771 s 1; 1965 c 877 s 2; 1967 c 57 s 1,2; 1973 c 123 art 5 s 7; 1984 c 548 s 5; 1984 c 582 s 4; 1984 c 591 s 3; 1984 c 633 s 3; 1986 c 444; 1994 c 614 s 6; 1996 c 402 s 1; 2000 c 490 art 5 s 32

429.035 IMPROVEMENTS, PETITION.

When any petition for the making of any improvement in any statutory city, town, or city of the second, third, or fourth class, however organized, for the cost of which special assessments may be, in whole or in part, levied therefor, is presented to the governing body of the municipality, this body shall, by resolution, determine whether or not the petition has been signed by the required percentage of owners of property affected thereby.

History: (1918-33) 1927 c 311 s 1; 1953 c 398 s 12; 1961 c 338 s 2; 1973 c 123 art 5 s 7

429.036 APPEAL FROM DETERMINATION OF LEGALITY OF PETITION.

Any person, being aggrieved by this determination, may appeal to the district court of the county in which the property is located by serving upon the clerk of the municipality, within 30 days after the adoption and publication of the resolution, a notice of appeal briefly stating the grounds of appeal and giving a bond in the penal sum of \$250, in which the municipality shall be named as obligee, to be approved by the clerk of the municipality, conditioned that the appellant will duly prosecute the appeal, pay all costs and disbursements which may be adjudged against the appellant, and abide by the order of the court. The clerk shall furnish the appellant a certified copy of the petition, or any part thereof, on being paid by appellant of the proper charges therefor. The appeal shall be placed upon the calendar of the next general term commencing more than 30 days after the date of serving the notice and filing the bond and shall be tried as are other appeals.

in such cases. Unless reversed upon the appeal, the determination of the governing body as to the sufficiency of the petition shall be final and conclusive.

History: (1918-34) 1927 c 311 s 2; 1986 c 444

429.04 [Repealed, 1953 c 398 s 13]

429.041 COUNCIL PROCEDURE.

Subdivision 1. **Plans and specifications, advertisement for bids.** When the council determines to make any improvement, it shall let the contract for all or part of the work, or order all or part of the work done by day labor or otherwise as authorized by subdivision 2, no later than one year after the adoption of the resolution ordering such improvement, unless a different time limit is specifically stated in the resolution ordering the improvement. The council shall cause plans and specifications of the improvement to be made, or if previously made, to be modified, if necessary, and to be approved and filed with the clerk, and if the estimated cost exceeds \$50,000, shall advertise for bids for the improvement in the newspaper and such other papers and for such length of time as it may deem advisable. If the estimated cost exceeds \$100,000, publication shall be made no less than three weeks before the last day for submission of bids once in the newspaper and at least once in either a newspaper published in a city of the first class or a trade paper. To be eligible as such a trade paper, a publication shall have all the qualifications of a legal newspaper except that instead of the requirement that it shall contain general and local news, such trade paper shall contain building and construction news of interest to contractors in this state, among whom it shall have a general circulation. The advertisement shall specify the work to be done, shall state the time when the bids will be publicly opened for consideration by the council, which shall be not less than ten days after the first publication of the advertisement when the estimated cost is less than \$100,000 and not less than three weeks after such publication in other cases, and shall state that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit, cashier's check, bid bond, or certified check payable to the clerk, for such percentage of the amount of the bid as the council may specify. In providing for the advertisement for bids the council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which they are to be considered by the council. Nothing herein shall prevent the council from advertising separately for various portions of the work involved in an improvement, or from itself, supplying by such means as may be otherwise authorized by law, all or any part of the materials, supplies, or equipment to be used in the improvement or from combining two or more improvements in a single set of plans and specifications or a single contract.

Subd. 2. **Contracts; day labor.** In contracting for an improvement, the council shall require the execution of one or more written contracts and bonds, conditioned as required by law. The

council shall award the contract to the lowest responsible bidder or it may reject all bids. If any bidder to whom a contract is awarded fails to enter promptly into a written contract and to furnish the required bond, the defaulting bidder shall forfeit to the municipality the amount of the defaulter's cash deposit, cashier's check, bid bond, or certified check, and the council may thereupon award the contract to the next lowest responsible bidder. When it appears to the council that the cost of the entire work projected will be less than \$50,000, or whenever no bid is submitted after proper advertisement or the only bids submitted are higher than the engineer's estimate, the council may advertise for new bids or, without advertising for bids, directly purchase the materials for the work and do it by the employment of day labor or in any other manner the council considers proper. The council may have the work supervised by the city engineer or other qualified person but shall have the work supervised by a registered engineer if done by day labor and it appears to the council that the entire cost of all work and materials for the improvement will be more than \$25,000. In case of improper construction or unreasonable delay in the prosecution of the work by the contractor, the council may order and cause the suspension of the work at any time and relet the contract, or order a reconstruction of any portion of the work improperly done, and where the cost of completion or reconstruction necessary will be less than \$50,000, the council may do it by the employment of day labor.

Subd. 2a. **Best value alternative.** As an alternative to the procurement method described in subdivision 2, the council may issue a request for proposals and award the contract to the vendor or contractor offering the best value as described in section 16C.28, subdivision 1, paragraph (a), clause (2), and paragraph (c).

Subd. 3. **Day labor; detailed report.** When the council has performed construction work by day labor, it shall cause a detailed report to be filed with the clerk and certified by the registered engineer or other person in charge, if there is no registered engineer. The report shall show:

- (a) the complete cost of the construction;
- (b) final quantities of the various units of work done;
- (c) materials furnished for the project and the cost of each item thereof;
- (d) cost of labor, cost of equipment hired, and supervisory costs.

The report shall have attached a certificate by the registered engineer or other person in charge that the work was done according to the plans and specifications, or, if there were any deviations from them, an itemized statement of those deviations.

Subd. 4. **Alternate procedure on street improvements.** As to any improvement or improvements consisting of grading, graveling, or bituminous surfacing of streets and alleys, the council may proceed in the manner provided in this chapter, except that it may

(1) order the work done by day labor, regardless of the estimated cost of such improvement or improvements, and

(2) use municipal equipment or hire equipment and purchase materials for all such improvements to be done by day labor in any 12-month period by advertising once therefor, such advertisement to call for bids for the furnishing of equipment, if the municipality does not use its own equipment, and for materials at unit prices based on the quantities which the council estimates will be required.

(3) contract at one time on a unit price basis for part or all of the street improvements to be constructed by the municipality during the current year, including improvements which may thereafter be ordered constructed.

Subd. 5. **Cooperation with state or local government.** When an improvement is made under a cooperative agreement with the state or another political subdivision by the terms of which the state or other subdivision is to construct or contract to construct the improvement, it shall not be necessary to comply with subdivisions 1 and 2.

Subd. 6. **Percentage payment on engineer's estimate.** In case the contractor properly performs the work, the council shall, from month to month before completion of the work, pay the contractor not to exceed 95 percent of the amount already earned under the contract, upon the estimate of the engineer or other competent person selected by the council, and the contract shall so provide, and shall further agree that when the work is 95 percent or more completed upon the recommendation of the engineer such portions of the retained price shall be released as the governing body of the municipality determines are not required to be retained to protect the municipality's interest in satisfactory completion of the contract. Failure to pay any amount due and payable under the terms of the contract within 30 days of a monthly estimate or 90 days after the final estimate of the amount earned shall obligate the municipality to pay to the contractor simple interest on the past due amount at an annual rate equal to the monthly index of long term United States bond yields for the month prior to the month in which this obligation is incurred plus an additional one percent per annum. Interest shall not be imposed with respect to any amount which a municipality may legally withhold as a result of breach of contract or other contractual claim or if the delay is caused by the contractor.

Subd. 7. **Modification of contracts.** After work has been commenced on an improvement undertaken pursuant to a contract awarded on a unit price basis the council may, without advertising for bids, authorize changes in the contract so as to include additional units of work at the same unit price if the cost of the additional work does not exceed 25 percent of the original contract price. Original contract price means that figure determined by multiplying the estimated number of units required by the unit price.

History: 1953 c 398 s 4; 1957 c 430 s 2,3; 1961 c 525 s 3,4; 1973 c 123 art 5 s 7; 1976 c

156 s 1; 1977 c 278 s 1; 1978 c 518 s 2; 1980 c 464 s 8; 1985 c 174 s 3; 1986 c 444; 1993 c 38 s 1,2; 2001 c 5 s 1,2; 2004 c 278 s 6,7; 2007 c 148 art 3 s 25

429.05 [Repealed, 1953 c 398 s 13 subd 1]

429.051 APPORTIONMENT OF COST.

The cost of any improvement, or any part thereof, may be assessed upon property benefited by the improvement, based upon the benefits received, whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is paid from the county state-aid highway fund, the municipal state-aid street fund, or the trunk highway fund. The area assessed may be less than but may not exceed the area proposed to be assessed as stated in the notice of hearing on the improvement, except as provided below. The municipality may pay such portion of the cost of the improvement as the council may determine from general ad valorem tax levies or from other revenues or funds of the municipality available for the purpose. The municipality may subsequently reimburse itself for all or any of the portion of the cost of a water, storm sewer, or sanitary sewer improvement so paid by levying additional assessments upon any properties abutting on but not previously assessed for the improvement, on notice and hearing as provided for the assessments initially made. To the extent that such an improvement benefits nonabutting properties which may be served by the improvement when one or more later extensions or improvements are made but which are not initially assessed therefor, the municipality may also reimburse itself by adding all or any of the portion of the cost so paid to the assessments levied for any of such later extensions or improvements, provided that notice that such additional amount will be assessed is included in the notice of hearing on the making of such extensions or improvements. The additional assessments herein authorized may be made whether or not the properties assessed were included in the area described in the notice of hearing on the making of the original improvement.

In any city of the fourth class electing to proceed under a home rule charter as provided in this chapter, which charter provides for a board of water commissioners and authorizes such board to assess a water frontage tax to defray the cost of construction of water mains, such board may assess the tax based upon the benefits received and without regard to any charter limitation on the amount that may be assessed for each lineal foot of property abutting on the water main. The water frontage tax shall be imposed according to the procedure and, except as herein provided, subject to the limitations of the charter of the city.

History: *1953 c 398 s 5; 1955 c 842 s 1; 1957 c 40 s 1; 1959 c 490 s 1; 1961 c 286 s 1*

429.052 STREET OR ROAD IMPROVEMENTS OUTSIDE MUNICIPAL BOUNDARIES.

A municipality may construct street or road improvements outside its jurisdiction with the consent of the affected township, or if the property is located in unorganized territory, the county.

When property is brought within the corporate limits of the municipality, the municipality may subsequently reimburse itself for all or any portion of the cost of the improvement for which municipal funds have been expended, by levying an assessment upon any property abutting on, but not previously assessed for, the improvement. No assessment may be so levied unless the property to be assessed was given notice and hearing of the improvements under section 429.031 at the time the improvement was ordered, and subsequently in accordance with the notice, hearing, and appeal rights, provided for under sections 429.061 and 429.081.

History: 2005 c 152 art 1 s 12

429.06 [Repealed, 1953 c 398 s 13 subd 1]

429.061 ASSESSMENT PROCEDURE.

Subdivision 1. **Calculation, notice.** At any time after the expense incurred or to be incurred in making an improvement shall be calculated under the direction of the council, the council shall determine by resolution the amount of the total expense the municipality will pay, other than the amount, if any, which it will pay as a property owner, and the amount to be assessed. If a county proposes to assess within the boundaries of a city for a county state-aid highway or county highway, including curbs, gutters, and storm sewers, the resolution must include the portion of the cost proposed to be assessed within the city. The county shall forward the resolution to the city and it may not proceed with the assessment procedure nor may the county allocate any cost under this section for property within the city unless the city council adopts the resolution approving the assessment. Thereupon the clerk, with the assistance of the engineer or other qualified person selected by the council, shall calculate the proper amount to be specially assessed for the improvement against every assessable lot, piece or parcel of land, without regard to cash valuation, in accordance with the provisions of section 429.051. The proposed assessment roll shall be filed with the clerk and be open to public inspection. The clerk shall thereupon, under the council's direction, publish notice that the council will meet to consider the proposed assessment. Such notice shall be published in the newspaper at least once and shall be mailed to the owner of each parcel described in the assessment roll. For the purpose of giving mailed notice under this subdivision, owners shall be those shown to be such on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer; but other appropriate records may be used for this purpose. Such publication and mailing shall be no less than two weeks prior to such meeting of the council. Except as to the owners of tax exempt property or property taxes on a gross earnings basis, every property owner whose name does not appear on the records of the county auditor or the county treasurer shall be deemed to have waived such mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for such purpose. Such notice shall state the date, time, and place of such meeting, the general nature of the improvement,

the area proposed to be assessed, the total amount of the proposed assessment, that the proposed assessment roll is on the file with the clerk, and that written or oral objections thereto by any property owner will be considered. The notice must also state that no appeal may be taken as to the amount of any assessment adopted pursuant to subdivision 2, unless a written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. The notice shall also state that an owner may appeal an assessment to district court pursuant to section 429.081 by serving notice of the appeal upon the mayor or clerk of the municipality within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk. The notice shall also inform property owners of the provisions of sections 435.193 to 435.195 and the existence of any deferment procedure established pursuant thereto in the municipality. In addition, the notice mailed to the owner must state in clear language the following information:

- (1) the amount to be specially assessed against that particular lot, piece, or parcel of land;
- (2) adoption by the council of the proposed assessment may be taken at the hearing;
- (3) the right of the property owner to prepay the entire assessment and the person to whom prepayment must be made;
- (4) whether partial prepayment of the assessment has been authorized by ordinance;
- (5) the time within which prepayment may be made without the assessment of interest; and
- (6) the rate of interest to be accrued if the assessment is not prepaid within the required time period.

Subd. 2. **Adoption; interest.** At such meeting or at any adjournment thereof the council shall hear and pass upon all objections to the proposed assessment, whether presented orally or in writing. The council may amend the proposed assessment as to any parcel and by resolution adopt the same as the special assessment against the lands named in the assessment roll. Notice of any adjournment of the hearing shall be adequate if the minutes of the meeting so adjourned show the time and place when and where the hearing is to be continued.

The council may consider any objection to the amount of a proposed assessment as to a specific parcel of land at an adjourned hearing upon further notice to the affected property owner as it deems advisable. At the adjourned hearing the council or a committee of it may hear further written or oral testimony on behalf of the objecting property owner and may consider further written or oral testimony from appropriate city officials and other witnesses as to the amount of the assessment. The council or committee shall prepare a record of the proceedings at the adjourned hearing and written findings as to the amount of the assessment. The amount of the assessment as finally determined by the council shall become a part of the adopted assessment roll. No appeal may be taken as to the amount of any assessment adopted under this section unless

written objection signed by the affected property owner is filed with the municipal clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by this subdivision are waived, unless the failure to object at the assessment hearing is due to a reasonable cause.

If the adopted assessment differs from the proposed assessment as to any particular lot, piece, or parcel of land, the clerk must mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the council in interest rates or prepayment requirements from those contained in the notice of the proposed assessment.

The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. Unless otherwise provided in the resolution, all assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines, payable on the first Monday in January in each year, but the number of installments need not be uniform for all assessments included in a single assessment roll if a uniform criterion for determining the number of installments is provided by the resolution. Assessments on property located in a targeted neighborhood as defined in Laws 1987, chapter 386, article 6, section 4, may be payable in variable annual installments if the resolution provides for a variable payment. The first installment of each assessment shall be included in the first tax rolls completed after its adoption and shall be payable in the same year as the taxes contained therein; except that the payment of the first installment of any assessment levied upon unimproved property may be deferred until a designated future year, or until the platting of the property or the construction of improvements thereon, upon such terms and conditions and based upon such standards and criteria as may be provided by resolution of the council. If special assessments against the property have been deferred pursuant to this subdivision, the governmental unit shall record with the county recorder in the county in which the property is located a certificate containing the legal description of the affected property and of the amount deferred. In any event, every assessment the payment of which is so deferred, when it becomes payable, shall be divided into a number of installments such that the last installment thereof will be payable not more than 30 years after the levy of the assessment. All assessments shall bear interest at such rate as the resolution determines. To the first installment of each assessment shall be added interest on the entire assessment from a date specified in the resolution levying the assessment, not earlier than the date of the resolution, until December 31 of the year in which the first installment is payable, and to each subsequent installment shall be added interest for one year on all unpaid installments; or alternatively, any assessment may be made payable in equal annual installments including principal and interest,

each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In the latter event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, together with the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis. When payment of an assessment is deferred, as authorized in this subdivision, interest thereon for the period of deferment may be made payable annually at the same times as the principal installments of the assessment would have been payable if not deferred; or interest for this period may be added to the principal amount of the assessment when it becomes payable; or, if so provided in the resolution levying the assessment, interest thereon to December 31 of the year before the first installment is payable may be forgiven.

Subd. 3. **Transmitted to auditor, prepayment.** After the adoption of the assessment, the clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the county auditor of the county to be extended on the proper tax lists of the county; but in lieu of such certification, the council may in its discretion direct the clerk to file all assessment rolls in the clerk's office and to certify annually to the county auditor, on or before November 30 in each year, the total amount of installments of and interest on assessments on each parcel of land in the municipality which are to become due in the following year. If any installment and interest has not been so certified prior to the year when it is due, the clerk shall forthwith certify the same to the county auditor for collection in the then succeeding year; and if the municipality has issued improvement warrants to finance the improvement, it shall pay out of its general funds into the fund of the improvement interest on the then unpaid balance of the assessment for the year or years during which the collection of such installment is postponed. All assessments and interest thereon shall be collected and paid over in the same manner as other municipal taxes. The owner of any property so assessed may, at any time prior to certification of the assessment or the first installment thereof to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the municipal treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption thereof; and, except as hereinafter provided, the owner may at any time prior to November 15 of any year, prepay to the treasurer of the municipality having levied said assessments, the whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is made. If the assessment roll is retained by the municipal clerk, the installment and interest in process of collection on the current tax list shall be paid to the county treasurer and the remaining principal balance of the assessment, if paid, shall be paid to the municipal treasurer. The council may by ordinance authorize the partial prepayment of assessments, in such manner as the ordinance may provide, prior to certification of the assessment or the first installment thereof to the county auditor.

Subd. 4. **Collection, tax exempt property.** On the confirmation of any assessments the clerk shall mail to the county auditor a notice specifying the amount payable by any county, to the clerk or recorder of any other political subdivision a notice specifying the amount payable by the political subdivision and to the owner of any right-of-way, at its principal office in the state, a notice specifying the amount payable on account of any right-of-way. The amount payable on account of any right-of-way or public property shall be payable to the municipality's treasurer and shall be payable in like installments and with like interest and penalties as provided for in reference to the installments payable on account of assessable real property, except that interest accruing shall not begin to run until the notice provided in this subdivision has been properly given and 30 days thereafter have elapsed. The governing body of any such political subdivision shall provide for the payment of these amounts and shall take appropriate action to that end. If the assessment is not paid in a single installment, the municipal treasurer shall annually mail to the owner of any right-of-way and, as long as the property is publicly owned, to the owner of any public property a notice stating that an installment is due and should be paid to the municipal treasurer of the municipality which levied the special assessment. The municipality may collect the amount due on account of the right-of-way of any railroad or privately owned public utility by distress and sale of personal property in the manner provided by law in case of taxes levied upon personal property or by suit brought to enforce the collection of this indebtedness unless a different method of collecting such amounts is provided for by any contract between the owner of any right-of-way and the municipality.

Subd. 5. **Special assessments; administrative expenses.** Notwithstanding any general or special law to the contrary, a municipality shall pay to the county auditor all administrative expenses incurred by the county under subdivision 3 for each special assessment of any local improvement certified by the municipality to the county auditor.

History: 1953 c 398 s 6; 1955 c 811 s 2; 1957 c 510 s 2; 1957 c 699 s 1; 1961 c 77 s 1; 1961 c 525 s 5-7; 1963 c 771 s 2-4; 1965 c 877 s 3; 1969 c 1045 s 1; 1969 c 1095 s 1; 1974 c 314 s 2; 1976 c 195 s 2; 1976 c 324 s 18; 1980 c 509 s 164; 1980 c 560 s 5; 1980 c 607 art 11 s 1,2; 1984 c 478 s 2; 1984 c 543 s 50; 1Sp1985 c 16 art 1 s 3; 1986 c 315 s 2; 1986 c 444; 1986 c 473 s 10,11; 1987 c 344 s 3; 1987 c 386 art 6 s 2; 1991 c 342 s 8; 1993 c 375 art 5 s 33; art 17 s 17; 2005 c 4 s 106

429.07 [Repealed, 1953 c 398 s 13]

429.071 SUPPLEMENTAL ASSESSMENTS; REASSESSMENT.

Subdivision 1. **Supplemental assessments.** The council may make supplemental assessments to correct omissions, errors, or mistakes in the assessment relating to the total cost of the improvement or any other particular. A supplemental assessment shall be preceded by

personal or mailed notice to the owner of each parcel included in the supplemental assessment and a hearing as provided for the original assessment.

Subd. 2. **Reassessment.** When an assessment is, for any reason whatever, set aside by a court of competent jurisdiction as to any parcel or parcels of land, or in event the council finds that the assessment or any part thereof is excessive or determines on advice of the municipal attorney that the assessment or proposed assessment or any part thereof is or may be invalid for any reason, the council may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to such parcel or parcels.

Subd. 3. **Reapportionment upon land division.** When a tract of land against which a special assessment has been levied is thereafter divided or subdivided by plat or otherwise, the council may, on application of the owner of any part of the tract or on its own motion equitably apportion among the various lots or parcels in the tract all the installments of the assessment against the tract remaining unpaid and not then due if it determines that such apportionment will not materially impair collection of the unpaid balance of the original assessment against the tract. The council may, and if the special assessment has been pledged to the payment of improvement warrants shall, require the owner or owners, as a condition of such apportionment, to furnish a satisfactory surety bond fully protecting the municipality against any loss resulting from failure to pay any part of the reapportionment assessment when due. Notice of such apportionment and of the right to appeal shall be mailed to or personally served upon all owners of any part of the tract. Within 30 days after the mailing or service of the notice of such apportionment any such owner may appeal as provided in section 429.081.

Subd. 4. **Reassessment, tax-forfeited land.** When a parcel of tax-forfeited land is returned to private ownership and the parcel is benefited by an improvement for which special assessments were canceled because of the forfeiture, the municipality that made the improvement may, upon notice and hearing as provided for the original assessment, make a reassessment or a new assessment as to the parcel in an amount equal to the amount remaining unpaid on the original assessment.

History: 1953 c 398 s 7; 1957 c 366 s 1; 1961 c 525 s 8; 1965 c 877 s 4; 1976 c 259 s 1

429.08 [Repealed, 1953 c 398 s 13 subd 1]

429.081 APPEAL TO DISTRICT COURT.

Within 30 days after the adoption of the assessment, any person aggrieved, who is not precluded by failure to object prior to or at the assessment hearing, or whose failure to so object is due to a reasonable cause, may appeal to the district court by serving a notice upon the mayor or clerk of the municipality. The notice shall be filed with the court administrator of the district court within ten days after its service. The municipal clerk shall furnish appellant a certified copy of

objections filed in the assessment proceedings, the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. The court shall either affirm the assessment or set it aside and order a reassessment as provided in section 429.071, subdivision 2. If appellant does not prevail upon the appeal, the costs incurred shall be taxed by the court and judgment entered therefor. All objections to the assessment shall be deemed waived unless presented on such appeal. This section provides the exclusive method of appeal from a special assessment levied pursuant to this chapter.

History: 1953 c 398 s 8; 1961 c 525 s 9; 1978 c 749 s 2; 1980 c 607 art 11 s 3; 1Sp1986 c 3 art 1 s 82

429.09 [Repealed, 1953 c 398 s 13]

429.091 FINANCING.

Subdivision 1. **Authority.** At any time after one or more improvements are ordered as contemplated in section 429.031, the council may issue obligations in such amount as it deems necessary to defray in whole or in part the expense incurred and estimated to be incurred in making the improvement or improvements, including every item of cost of the kinds authorized in section 475.65. In the event of any omission, error, or mistake in any of the proceedings required precedent to the ordering of any improvement, the validity of the obligations shall not be affected thereby. The council shall cause all further actions and proceedings to be taken with due diligence that are required for the construction of each improvement financed wholly or partly from the proceeds of obligations issued hereunder, and for the final and valid levy of special assessments and the appropriation of any other funds needed to pay the obligations and interest thereon when due.

Subd. 2. **Types of obligations permitted.** The council may by resolution adopted prior to the sale of obligations pledge the full faith, credit, and taxing power of the municipality for the payment of the principal and interest. Such obligations shall be called improvement bonds and the council shall pay the principal and interest out of any fund of the municipality when the amount credited to the specified fund is insufficient for the purpose and shall each year levy a sufficient amount to take care of accumulated or anticipated deficiencies, which levy shall not be subject to any statutory or charter tax limitation. Obligations for the payment of which the full faith and credit of the municipality is not pledged shall be called assessment revenue notes or, in the case of bonds for fire protection, revenue bonds and shall contain a promise to pay solely out of the proper special fund or funds pledged to their payment. It shall be the duty of the municipal treasurer to pay maturing principal and interest on warrants or revenue bonds out of funds on hand in the proper funds and not otherwise.

Subd. 3. **Method of issuance.** All obligations shall be issued in accordance with the provisions of chapter 475, except as provided in this subdivision.

An election shall be required for bonds if less than 20 percent of the cost of the improvement to the municipality is to be assessed against benefited property.

If the full faith, credit, and taxing power of the municipality is not pledged and the bonds are issued to finance a fire protection system, a public sale shall not be required and the obligations may

(a) mature at any time or times within 30 years from date of issue; or 40 years or the useful life of the asset, whichever is less, for municipal water and wastewater treatment systems and essential community facilities financed or guaranteed by the United States Department of Agriculture;

(b) mature in the amount or amounts,

(c) be sold at a price equal to the percentage of their par value, plus accrued interest, and

(d) bear interest at the rate or rates,

as agreed by the purchaser and the municipality, notwithstanding any limitation of interest rate or cost or of the amounts of annual maturities contained in any other law.

The maturities shall be such as in the opinion of the council are warranted by the anticipated collections of assessments and ad valorem levies for the municipality's share of the cost; except that the council may in its discretion issue and sell temporary improvement bonds maturing and subject to further conditions as set forth in subdivision 5. All obligations shall state upon their face the purpose of the issue and the fund from which they are payable. The amount of any obligations issued hereunder shall not be included in determining the net indebtedness of any municipality under the provisions of any law limiting such indebtedness.

Subd. 4. **Funds.** The proceeds from the sale of each issue of obligations and from collections of special assessments levied and other moneys appropriated for each improvement to be financed wholly or partly from such proceeds shall be credited to a separate construction fund which shall be used solely to defray expenses of such improvements and payment of principal and interest due upon the obligations prior to completion and payment of all costs of the improvements so financed. Any balance of the proceeds of bonds remaining therein may be used to pay the cost, in whole or in part, of any other improvement instituted pursuant to this chapter. A separate account shall be maintained in the construction fund to record expenditures for each improvement, and when the total cost thereof has been paid all subsequent collections of special assessments levied for the improvement shall be credited and paid into the debt service fund for the obligations issued to finance the improvement, as provided in section 475.61. Any taxes levied for improvements financed by an issue of obligations shall be credited directly to the debt service fund.

Subd. 5. **Temporary improvement bonds.** In anticipation of the issuance of improvement bonds, the council may by resolution issue and sell temporary improvement bonds maturing within not more than three years from their date of issue to pay any part or all of the cost of one or more improvements. To the extent that the principal of and interest on the temporary improvement bonds cannot be paid when due from receipts of special assessments, taxes, or other funds appropriated for the purpose, they shall be paid from the proceeds of improvement bonds or additional temporary improvement bonds which the council shall offer for sale in advance of their maturity but the indebtedness funded by an issue of temporary improvement bonds shall not be extended by the issue of additional temporary improvement bonds for more than six years from the date of the first issue. The holders of any temporary improvement bonds shall have and may enforce, by mandamus or other appropriate proceedings, all rights respecting the levy and collection of sufficient special assessments and taxes to pay the cost of the improvements financed by them which are granted by law to holders of improvement bonds, except the right to require the levies to be collected prior to the maturity of the temporary improvement bonds. If any temporary improvement bonds are not paid in full at maturity, the holders may require the issuance in exchange for them, at par, of new temporary improvement bonds maturing within one year from their date of issue (but not subject to any other maturity limitation), and bearing interest at the maximum rate permitted by law.

Subd. 6. **Investment of other municipal funds.** Funds of a municipality may be invested in its temporary improvement bonds in accordance with the provisions of section 118A.04, and may be purchased upon their initial issue, but shall be purchased only from funds which the council determines will not be required for other purposes before the maturity date, and shall be resold before maturity only in case of emergency. If purchased from a debt service fund securing other bonds, the holders of those bonds may enforce the municipality's obligations on the temporary improvement bonds in the same manner as if they held the temporary improvement bonds.

Subd. 7. **General obligation temporary improvement bonds.** The council may by resolution adopted prior to the sale of any temporary improvement bonds pledge the full faith, credit, and taxing power of the municipality for the payment of the principal and interest, in addition to all provisions made for their security in subdivision 5. In this event the bonds shall be designated as general obligation temporary improvement bonds, and the council shall levy taxes for their payment in accordance with section 475.61. Proceeds of improvement bonds or temporary improvement bonds not yet sold may be treated as pledged revenues, in reduction of the tax otherwise required by section 475.61 to be levied prior to delivery of the obligations.

Subd. 7a. **Revolving fund bonds.** The council may by resolution establish a revolving fund for the payment of the costs of any improvement or any waterworks systems, sewer systems, or storm sewer systems described in section 444.075, the costs of facilities to maintain streets and

water, sewer, and storm sewer systems and for the payment of any obligations issued to pay the costs of the facilities and systems referred to in this subdivision or to refund obligations issued for those purposes. The council may create within the revolving fund a separate construction account into which the municipality may deposit the proceeds of any obligations payable from the fund, the proceeds of any special assessments collected with respect to any improvement, any net revenues of a waterworks, sewer system, or storm sewer system described in section 444.075 or any other available funds of the municipality appropriated to it. Amounts on deposit in the construction account may be used to pay the costs of any improvement or any waterworks, sewer system, or storm sewer system described in section 444.075 or any street or water, sewer, or storm sewer maintenance facilities. No funds may be expended for an improvement unless at least 20 percent of the costs of each such improvement is to be assessed against benefited property. No funds may be expended for a waterworks, sewer system, or storm sewer system, other than a sewer system described in section 115.46, or maintenance facilities unless the council estimates that the costs will be recovered from the net revenues of the system or any combined waterworks, sewer systems, or storm sewer systems operated by the municipality. The council may also create a separate debt service account within the revolving fund for the payment of principal of and interest on any obligations payable therefrom. Notwithstanding subdivision 4, the council is not required to pledge any particular assessments or other revenues to the payment of the obligations. Collections of special assessments or net revenues may be deposited in either the construction account or the debt service account as the council or an officer designated by the council may determine, having due regard for anticipated collections of special assessments and net revenues from improvements or waterworks, sewer systems, or storm sewer systems financed in whole or in part from the construction account, and taxes levied for the payment of the obligations. The council may issue obligations that are payable primarily from the debt service account for the purpose of providing funds to defray in whole or in part any expenses incurred or estimated to be incurred in making the improvement or improvements or in constructing the waterworks, sewer system, or storm sewer system, including every item of cost of the kinds authorized by section 475.65, and street and water, sewer, and storm sewer maintenance facilities or to refund obligations previously issued under this section or section 115.46 or 444.075. The obligations may be general obligations to which the full faith and credit of the municipality are pledged. If the special assessments to be levied and net revenues estimated to be available for their payment are estimated to be at least 20 percent of the principal amount of the obligations, the obligations may be issued without an election and shall not be included in determining the net indebtedness of the municipality under the provisions of any law limiting net indebtedness. The cost of a maintenance facility that may be financed under this subdivision is limited only to the portion of the facility that is fairly allocable to the maintenance of streets and water, sewer, and storm sewer systems.

Subd. 8. When Bond Allocation Act applies. Sections 474A.01 to 474A.21 apply to any

issuance of obligations under this section which are subject to limitation under a federal tax law as defined in section 474A.02, subdivision 8.

History: 1953 c 398 s 9; 1955 c 811 s 3-5; 1957 c 385 s 1; 1965 c 877 s 5; 1976 c 324 s 19-21; 1981 c 171 s 1-4; 1984 c 548 s 6; 1984 c 582 s 5,6,23; 1984 c 591 s 4,5; 1984 c 633 s 4; 1Sp1985 c 14 art 8 s 63; 1986 c 465 art 1 s 3; 1987 c 344 s 4,5; 1992 c 545 art 2 s 4; 1996 c 297 s 1; 1996 c 399 art 2 s 12; 2000 c 260 s 57; 2001 c 214 s 11

429.10 [Repealed, 1953 c 398 s 13]

429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.

Subdivision 1. **Ordinances.** (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

- (1) snow, ice, or rubbish removal from sidewalks;
- (2) weed elimination from streets or private property;
- (3) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of sections 463.15 to 463.26;
- (4) installation or repair of water service lines, street sprinkling or other dust treatment of streets;
- (5) the trimming and care of trees and the removal of unsound trees from any street;
- (6) the treatment and removal of insect infested or diseased trees on private property, the repair of sidewalks and alleys;
- (7) the operation of a street lighting system;
- (8) the operation and maintenance of a fire protection or a pedestrian skyway system;
- (9) inspections relating to a municipal housing maintenance code violation;
- (10) the recovery of any disbursements under section 504B.445, subdivision 4, clause (5), including disbursements for payment of utility bills and other services, even if provided by a third party, necessary to remedy violations as described in section 504B.445, subdivision 4, clause (2); or
- (11) [Repealed, 2004 c 275 s 5]
- (12) the recovery of delinquent vacant building registration fees under a municipal program designed to identify and register vacant buildings.

(b) The council may by ordinance adopt regulations consistent with this section to make this authority effective, including, at the option of the council, provisions for placing primary responsibility upon the property owner or occupant to do the work personally (except in the

case of street sprinkling or other dust treatment, alley repair, tree trimming, care, and removal or the operation of a street lighting system) upon notice before the work is undertaken, and for collection from the property owner or other person served of the charges when due before unpaid charges are made a special assessment.

Subd. 2. **Procedure for assessment.** Any special assessment levied under subdivision 1 shall be payable in a single installment, or by up to ten equal annual installments as the council may provide. With this exception, sections 429.061, 429.071, and 429.081 shall apply to assessments made under this section.

Subd. 3. **Issuance of obligations.** (a) After a contract for any of the work enumerated in subdivision 1 has been let, or the work commenced, the council may issue obligations to defray the expense of any such work financed in whole or in part by special charges and assessments imposed upon benefited property under this section.

(b) Section 429.091 shall apply to such obligations with the following modifications:

(1) such obligations shall be payable not more than two years from the date of issuance;

(2) the amount of such obligations issued at one time in a municipality shall not exceed the cost of such work during the ensuing six months as estimated by the council;

(3) a separate improvement fund shall be set up for each of the enumerated services referred to in subdivision 1 and financed under this section.

(c) Proceeds of special charges as well as special assessments and taxes shall be credited to such improvement fund.

History: 1953 c 398 s 10; 1955 c 811 s 6; 1963 c 771 s 5; 1965 c 323 s 2; 1973 c 337 s 1; 1974 c 340 s 1,2; 1984 c 548 s 7; 1984 c 582 s 7; 1984 c 591 s 6; 1984 c 633 s 5; 1986 c 444; 1Sp2003 c 21 art 11 s 29; 2004 c 275 s 2; 2008 c 366 art 6 s 42

429.11 [Repealed, 1953 c 398 s 13]

429.111 CHARTER PROVISIONS, EFFECT.

Any city operating under a home rule charter may proceed either under this chapter or under its charter in making an improvement unless a home rule charter or amendment adopted after April 17, 1953, provides for making such improvement under this chapter or under the charter exclusively.

History: 1953 c 398 s 11; 1955 c 811 s 7; 1976 c 44 s 39

429.12-429.18 [Repealed, 1953 c 398 s 13]

429.185 [Repealed, 1949 c 314 s 3]

429.19 [Renumbered 429.035]

429.20 [Renumbered 429.036]

429.21-429.29 [Repealed, 1953 c 398 s 13]

429.30 [Renumbered 435.36, subdivision 1]

429.31 [Renumbered 435.36, subd 2]

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 8/17/09
Item No.: 13.b

Department Approval

City Manager Approval

Christopher K. Miller

W. J. Mahinen

Item Description: Discussion on the City's 2010 Property Tax Levy Limits

BACKGROUND

MN Statutes 275.70 to 274.74 outlines the property tax levy limitations for all municipalities that serve a population over 2,500. Most recently, levy limits were enacted for a 3-year period beginning with the fiscal year 2009 and ending in 2011.

For 2009, the City of Roseville had a maximum levy limitation of \$14,094,950 when all levy exemptions are factored in. The actual Council-approved levy was \$13,138,860, or \$956,090 below the 2009 limit.

For 2010, the City's levy limit is calculated based on last year's levy limit base, a number of inflationary and tax base growth-type factors, as well as some new exemptions including the ability to levy back any unallotted state aid from both 2008 and 2009. Based on our current estimates, it appears that the City's maximum levy limit for 2010 including all exemptions will be approximately \$15,030,000.

Bear in mind that a significant portion (55%) of this available levy capacity is restricted to particular uses such as debt service and police and fire wages and benefits. In other words, the City does NOT have unilateral discretion on levying to its maximum limit. The City does however, have approximately \$800,000 in available and unrestricted levy dollars that can be used for any lawful purpose.

For information purposes, a levy increase of \$800,000 represents a 6% increase and would result in a property tax increase of \$5 per month for a typical home.

In an effort to facilitate the budget priority-setting process, the Council is asked to provide feedback on their property tax levy target amounts.

City Staff will be available at the meeting to provide some general comments and address any Council inquiries.

POLICY OBJECTIVE

By establishing property tax levy target amounts, the City will be better positioned to prioritize the 2010 Budget.

30 **FINANCIAL IMPACTS**

31 Limited financial impacts are shown above. Additional impacts can be projected for varying property tax
32 levy amounts.

33 **STAFF RECOMMENDATION**

34 In an effort to prioritize spending for the 2010 Budget, Staff recommends the Council provide general
35 feedback on their property tax levy target amounts.

36 **REQUESTED COUNCIL ACTION**

37 City Staff is seeking direction on the Council's property tax levy target amounts.
38

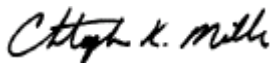
Prepared by: Chris Miller, Finance Director
Attachments: A: None

REQUEST FOR COUNCIL ACTION

Date: 8/17/09
Item No.: 13. c

Department Approval

City Manager Approval



Item Description: Continue Discussions on an Alternative Budgeting Process for 2010

BACKGROUND

Earlier this year, the City Council entertained discussions on using an alternative budgeting process for 2010. This process has oftentimes been referred to as 'Budgeting for Outcomes' but other descriptive names have been used as well.

In conjunction with this process, the City hired Springsted Financial Advisors to calculate the costs associated with individual programs and services. The analysis is nearly complete and we expect a report to be made at the August 24, 2009 City Council meeting.

In preparation for this meeting as well as the special budget-related City Council meetings scheduled for August 25th and 26th of this month, the attached presentation has been prepared. The presentation provides an overview of the Budgeting for Outcomes process, and should better prepare the Council for the budget decisions that lie ahead.

City Staff will lead the presentation and solicit Council feedback on the proposed process.

POLICY OBJECTIVE

Establishing a budget process that aligns resources with desired outcomes is consistent with governmental best practices, provides greater transparency of program costs, and ensures that budget dollars are allocated in the manner that creates the greatest value.

FINANCIAL IMPACTS

Not applicable.

STAFF RECOMMENDATION

Not applicable.

REQUESTED COUNCIL ACTION

No Council action is requested. The presentation is submitted for information and discussion purposes only.

Prepared by: Chris Miller, Finance Director
Attachments: A: Presentation on Budgeting for Outcomes

City of **Roseville**

2010 Budgeting for Outcomes

Summary of the BFO Process

- 1) Determine the acceptable level of spending/taxation
- 2) Establish and rank priorities or outcomes
- 3) Allocate funds to priority #1, then #2, etc.
- 4) Measure the results

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #1:

Determine Spending & Taxation Level

City of **Roseville**

2010 Budgeting for Outcomes

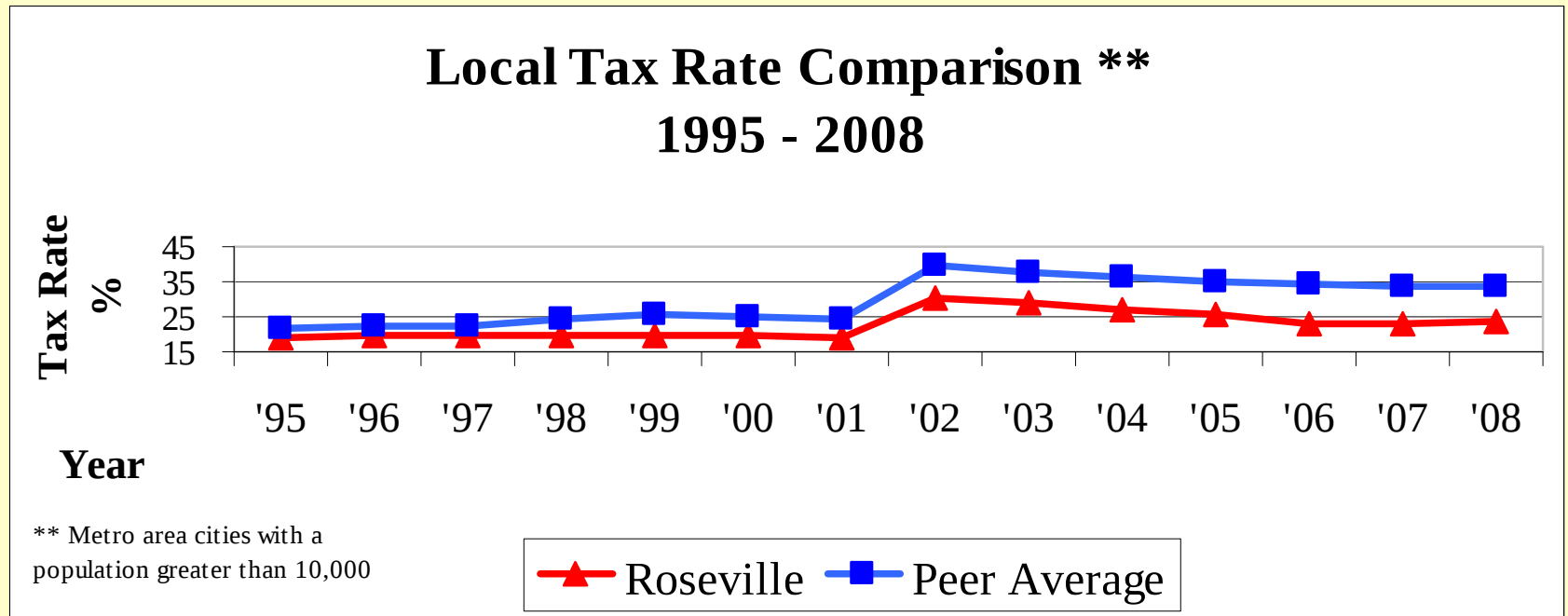
BFO Step #1 – Determine Spending/Taxation Level

- ❑ A typical household currently pays \$48/month. In exchange they get: 24 x 7 x 365 police and fire protection, well maintained streets, and a full offering of parks and recreation services and amenities.
- ❑ Question: Should we increase taxes to maintain services or do we reduce service levels?
- ❑ Question: What should that same household pay in 2010?

City of Roseville

2010 Budgeting for Outcomes

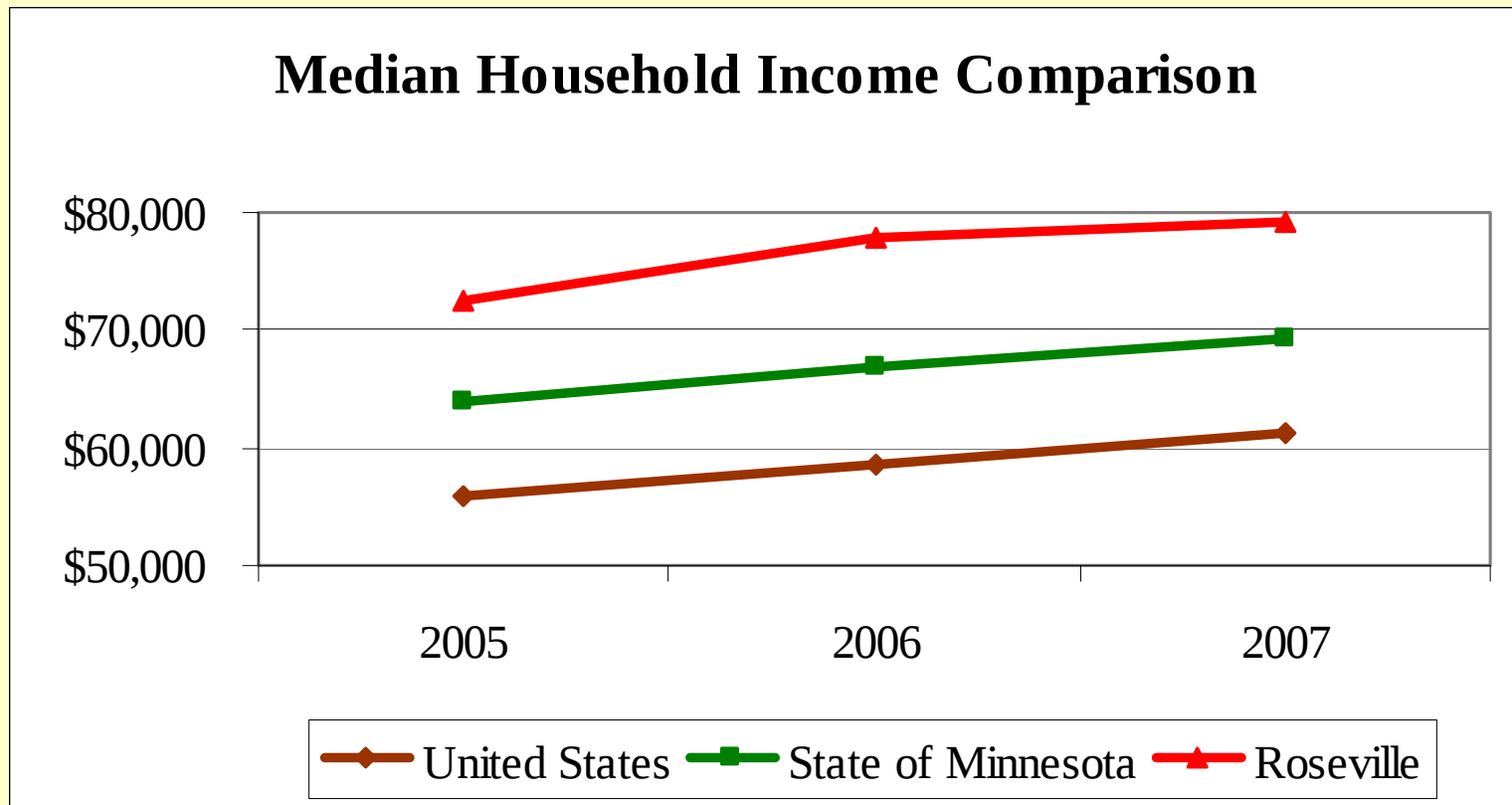
BFO Step #1 – Determine Spending/Taxation Level



City of Roseville

2010 Budgeting for Outcomes

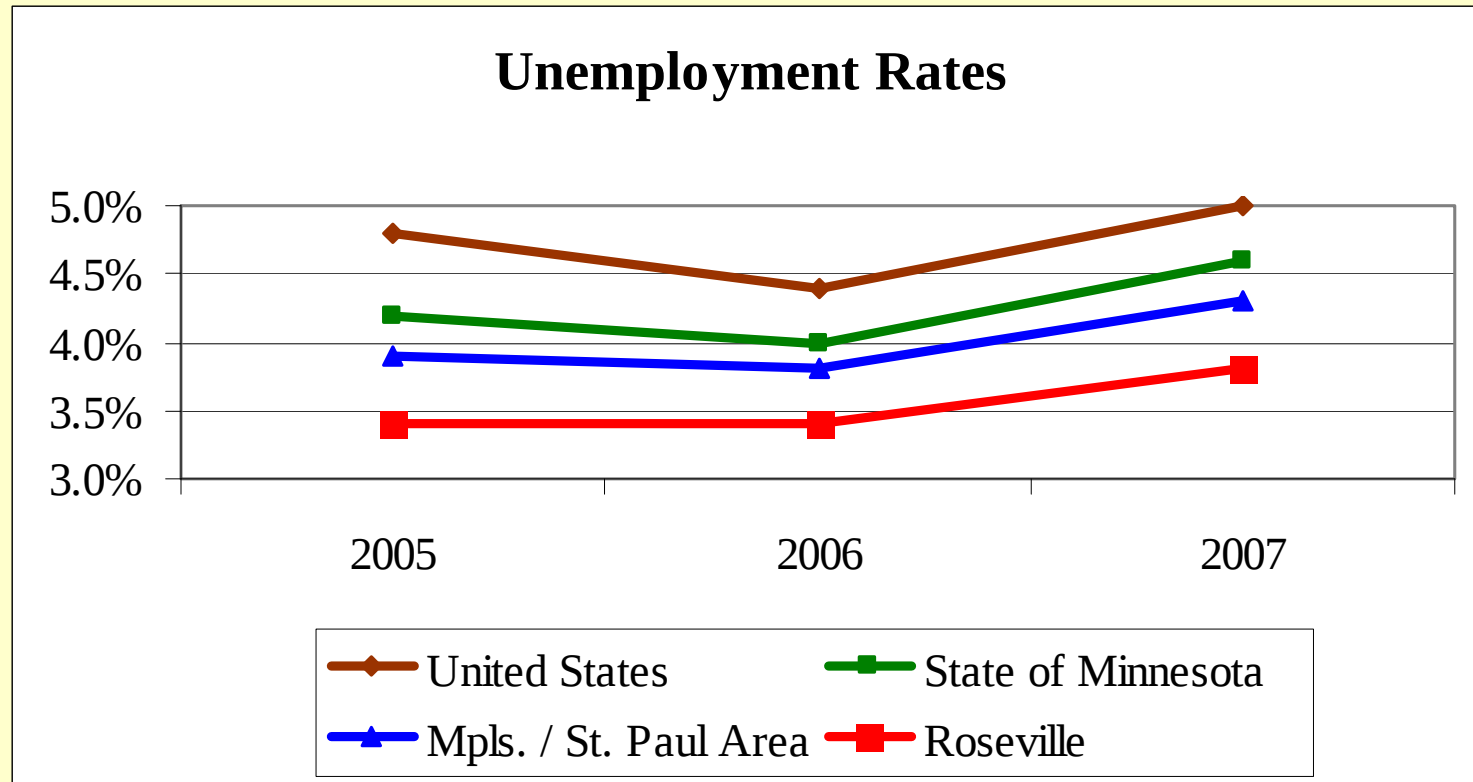
BFO Step #1 – Determine Spending/Taxation Level



City of Roseville

2010 Budgeting for Outcomes

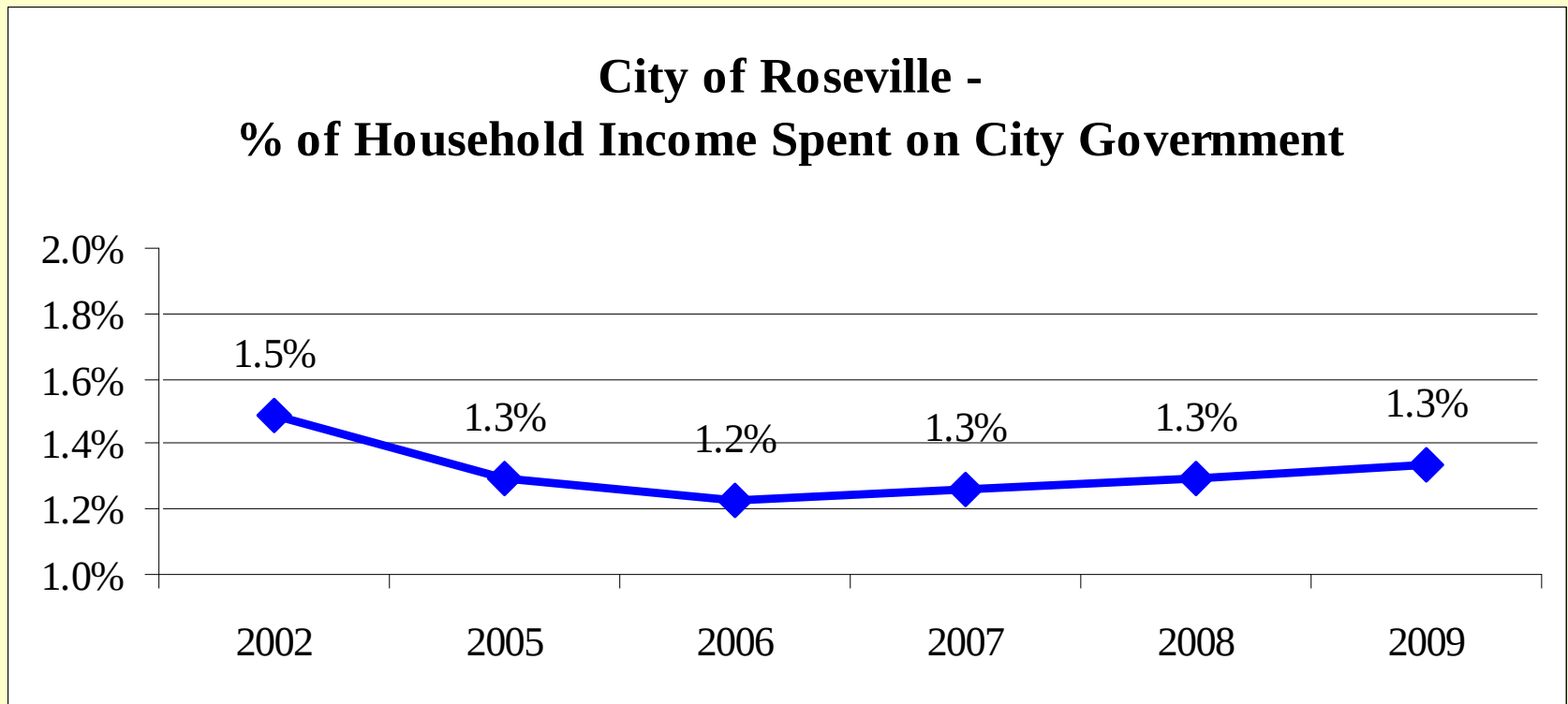
BFO Step #1 – Determine Spending/Taxation Level



City of Roseville

2010 Budgeting for Outcomes

BFO Step #1 – Determine Spending/Taxation Level



City of Roseville

2010 Budgeting for Outcomes

BFO Step #1 – Determine Spending/Taxation Level

- ☐ A typical household currently pays \$48/month. In exchange they get: 24 x 7 x 365 police and fire protection, well maintained streets, and a full offering of parks and recreation services and amenities.
- ☐ Question: Should we increase taxes to maintain services or do we reduce service levels?
- ☐ Question: What should that same household pay in 2010?

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #2:

Establish and Rank Priorities

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #2 – Establish and Rank Priorities

- ❑ The City has approximately 200 distinct programs and service functions that are funded by property taxes
- ❑ Some programs are highly valued by the whole community, some are highly valued by relatively few
- ❑ Some programs have a high cost per participant, some have a low cost
- ❑ Fundamental tenet of BFO . . . We should fund those programs that matter the most. Lesser-valued programs are set aside.

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #2 – Establish and Rank Priorities

❑ Need to establish priority-setting guidelines:

- 1) Compliance with Federal or State mandates
- 2) Compliance with City Code or contractual obligations
- 3) Discretionary programs – high priority
- 4) Discretionary programs – medium priority
- 5) Discretionary programs – low priority

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #2 – Establish and Rank Priorities

- ❑ By default, all programs should initially be assigned to Priority #5 – Discretionary Program; low priority.
- ❑ Then look for rationale to move each program up to a higher priority level.

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #3:

Allocate Funds

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #3 – Allocate Funds

- 1) Allocate funds to Priority #1 and #2.
 - 2) Allocate funds to Priority #3. If funds are still available, then:
 - 3) Allocate funds to Priority #4. If funds are still available, then:
 - 4) Allocate funds to Priority #5 until funds run out.
-
- ❑ When the funds are exhausted, you stop. The remaining programs do NOT get funded. They are set aside.

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #4:

Measure Results

City of **Roseville**

2010 Budgeting for Outcomes

BFO Step #4 – Measure Results

- ☐ Question: Did we achieve the desired outcome?
- ☐ Question: Do we need to allocate more or less funds next year for each outcome?

REQUEST FOR COUNCIL ACTION

Date: August 17, 2009
Item No.: 13.d

Department Approval

City Manager Approval



Item Description: Revisit Council Liaison Appointments

BACKGROUND

On January 5, 2009, the Council discussed City Council liaisons, but made no changes to the existing appointments. Currently Councilmembers do not have alternates to the North Suburban Cable Commission and the Ramsey County League of Local Governments.

POLICY OBJECTIVE

Ensure adequate communication and representation between Councilmembers and other governmental and non-governmental committees, associations and organizations.

FINANCIAL IMPACTS

None

STAFF RECOMMENDATION

Consider appointing alternates to the North Suburban Cable Commission and the Ramsey County League of Local Governments and discuss any other issues relating to liaisons.

REQUESTED COUNCIL ACTION

Consider appointing alternates to the North Suburban Cable Commission and the Ramsey County League of Local Governments and discuss any other issues relating to liaisons.

Prepared by: William J. Malinen, City Manager

Attachments: A: Minutes of January 5, 2009
B: Current list of Council Memberships/Liaisons

~~C~~ouncilmember Roe noted that no formal action was necessary; that the Rules of ~~P~~rocedure would stay in effect as written until changed.

~~*~~ b. **Discuss City Council Liaisons**

City Manager Malinen noted that this item was being brought forward for discussion purposes with the new City Council now in place.

Discussion included past discussions with no indication for additional and/or more formalized liaisons; lack of general consensus for designated liaisons for advisory commissions to the City Council; perceptions of whether Council liaisons were voting members or their influence on discussions at commission levels; and how the City Council related as a body to other government groups and agencies (i.e., School Board).

Further discussion included past history and criticisms from City Council liaisons to the Planning Commission; education of the public and outside agencies of specific and appropriate contacts within City government for their particular concerns and/or questions, and whether a specific contact person was indicated.

Mayor Klausing opined that he preferred advisory commissions to provide him with their honest and independent opinions and recommendations.

Councilmember Roe opined that if the City Council is paying attention to advisory meetings through their personal attendance at meetings or review of those meetings via tape-delay, they were aware of their discussions regarding specific topics. Councilmember Roe noted that it may make sense to have a designated point of contact for those advisory commissions to help facilitate communication between the City Council and advisory group; however, clarified that he was not advocating for such a contact person.

Councilmember Pust opined that Councilmembers should not be on advisory commissions; and offered that she was willing to discuss the City Council ~~liaison~~ role on the Housing and Redevelopment Authority (HRA) as well if the City Council so desired. Councilmember Pust further opined that the City's advisory commissions were doing great work; however, the City Council was not always aware of their discussions outside their annual report to the City Council, and questioned whether there was a role for a communication link between the City Council and commissions.

Councilmember Johnson opined that perhaps the Chairs of each commission should serve as liaisons to the City Council to make the City Council more accessible to their specific commission.

Mayor Klausing expressed interest in Councilmember Johnson's concept, and sought additional detail and how that ~~liaison~~ position would best function.

Councilmember Johnson advised that commissions had great access to in-house assistance through staff providing good communication flow; and noted that commission Chairs could serve as conduits between their respective groups and the City Council, similar to ambassadors.

Mayor Klausing reiterated his preference that the liaison roles for the City Council would be informal, allowing for continued independent advice from advisory commissions.

Councilmember Roe noted the original intent in having a City Council liaison to the HRA was to ensure a good connection between the two bodies.

Councilmembers concurred that additional thought needed to be given; and requested that staff provide an updated list of assignments and involvement in various groups by current Councilmembers. Mayor Klausing asked that individual Councilmembers provide feedback to staff on their specific interests to include with the updated list for Councilmembers to facilitate further discussion and consideration.

Councilmember Johnson sought clarification on the original point of reference for liaison assignments, whether at the request of or from frustrations expressed by commissions, or in the City Council's efforts to be more communicative with their advisory commissions.

Councilmember Roe advised that it was initiated from his review of other cities and their interactions with their advisory commissions and other government agencies. Councilmember Roe specifically noted that roles of the City Council liaisons in the Ramsey County League of Local Governments (RCLLG) and the Cable Commission, and potential need for designated alternates for those groups.

Mayor Klausing noted his ongoing interest in serving as an alternate to the Communication Commission.

Councilmember Pust noted that part of the discussion should be whether Councilmembers wished to continue serving in their current liaison roles, or whether they were interested in expanding or refreshing their interests.

Mayor Klausing concurred, noting that there was value in continuity, but also value in educating Councilmembers in other areas of interest to aid their decision-making.

Councilmember Ihlan noted that a designee to the Cable Commission could be a member of the public, as well as a Councilmember.

Council Memberships/Liaisons

Current Memberships:

Mayor Klausing	Fire Relief Association <i>(required by state statute)</i> <i>(1 x mo)</i> Roseville Armory Citizen's Committee for the National Guard's local units <i>(no regular meetings; they do have public events as announced at council meetings)</i>
Councilmember Ihlan (Council appointed/requested only)	Ramsey County League of Local Governments <i>(1 x mo plus meeting prep time and email discussions)</i> Nature Center Study Task Force <i>(1 x mo plus meeting prep time and email discussions)</i> Comprehensive Plan Steering Committee <i>(1 x mo plus meeting prep time and email discussions)</i>
Councilmember Kough	North Suburban Communications Commission
Councilmember Pust	Housing and Redevelopment Authority <i>(1 x mo, Value to Council: Consistency in communication and policy direction)</i> North West Youth & Family Services Board of Directors <i>(1 x mo, Value to Council: Policy input for cost-effective programming)</i> Roseville Community Foundation (VP) <i>(2 x Qtrly, one business meeting, one meeting to review grant apps)</i> North Suburban Senior Council (unofficial liaison for 2 yrs, serve as attorney) <i>(1 x mo for 2 hrs plus meeting prep time)</i> Roseville Armory Citizen's Committee for the National Guard's local units <i>(no regular meetings; they do have public events as announced at council meetings)</i>
Councilmember Roe	NSCC/NSAC Vice Chair/Vice Pres 2009 <i>(1 x mo)</i> Comprehensive Plan Steering Committee <i>(1 x mo)</i> Roseville Armory Citizens Committee <i>(as needed)</i>

Suggested Memberships:

Councilmember Roe	Roseville Armory	Library Group
	School Boards	P&R Foundations
	Neighborhood Assns	Senior Assns
	Neighboring City Councils	Roseville Community Fund
	Ramsey County Board	Roseville Historical Society

Note regarding Councilmember Roe's suggested memberships: "Organizations listed are not strictly for membership, but rather in many cases for possible liaison status. I think it makes sense to discuss how we as a city and/or as a council want to relate to many of those organizations in our community (and others that council or staff might identify, too.)"

rev 1/16/09

