City of ROSEVILLE Minnesota, USA

City Council Agenda

Monday, May 18, 2009
6:00 p.m.
Executive Session
6:20 p.m.
Regular Meeting
City Council Chambers
(Times are Approximate)

6:00 p.m. **1. Roll Call**

Voting & Seating Order for May:
Roe, Johnson, Ihlan, Pust, Klausing

Closed Executive Session Attorney-Client Privilege

Discussion regarding Hagen Ventures, LLC

6:20 p.m. **2. Approve Agenda**

6:25 p.m. **3. Public Comment**

6:30 p.m. **4. Council Communications, Reports, Announcements and Housing and Redevelopment Authority Report**

6:35 p.m. **5. Recognitions, Donations, Communications**

a. Proclamation of June 7 as Frank Rog Day
b. Recognition of the 2009 Rosefest Design Contest Winner
c. Recognition of Girl Scout Gold Award Recipients

6:45.m. **6. Approve Minutes**

a. Approve Minutes of May 11, 2009 Meeting

6:50 p.m. **7. Approve Consent Agenda**

a. Approve Payments
b. Approve Business Licenses
c. Establish a Public Hearing to Consider Issuing Conduit Debt Refunding Bonds for Eagle Crest Senior Housing/Presbyterian Homes
d. Adopt a Resolution Approving the Request of Old Dominion Freight Lines for the Vacation of Public Right-of-Way on the north and east sides of property at 2750 Cleveland Avenue (PF09-012)

e. Approve a Memorandum of Agreement with Capital Region Watershed District for Maintenance of Stormwater Management Facilities

f. Adopt a Resolution Authorizing Application for the Minnesota Public Facilities Authority Drinking Water Revolving Fund

7:00 p.m. **8. Consider Items Removed from Consent**

9. General Ordinances for Adoption

10. Presentations

7:10 p.m. a. Joint Meeting with the Ethics Commission

7:50 p.m. b. Presentation and Acceptance of the 2008 Financial Audit

11. Public Hearings

12. Business Items (Action Items)

8:05 p.m. a. Approve City Property Abatement for an unresolved Code Violation at 182 South McCarrons Boulevard

8:10 p.m. b. Approve the Final Planned Unit Development for the Ramsey County Library

8:20 p.m. c. Adopt a Resolution Approving the Request by Pawn America for a Conditional Use Permit to allow internal expansion of existing store at 1685-1717 Rice Street (PF09-011)

8:30 p.m. d. Adopt a Resolution Approving the Request by AT&T (with Presbyterian Homes) for a Planned Unit Development Amendment to allow the installation of cellular antennas at 2925 Lincoln Drive (PF09-008)

8:40 p.m. e. Approve the Request by Bituminous Roadways for a Conditional Use Permit to allow outdoor storage of aggregate materials and heavy equipment at 2280 Walnut Street (PF09-010)

8:55 p.m. f. Approve 2009 Budget Adjustments and Consider New Revenue Sources

9:10 p.m. g. Adopt a Resolution Authorizing the City Manager to execute certain Grant Applications on behalf of the City and Requiring the City Manager to report Grant Applications to the City Council

13. Business Items – Presentations/Discussions

9:15 p.m. a. Discuss Twin Lakes Code Enforcement

9:30 p.m. b. Discuss Recovery of Environmental Clean Up Costs at Twin Lakes

9:45 p.m. **14. City Manager Future Agenda Review**

9:50 p.m. **15. Councilmember Initiated Items for Future Meetings**

16. Adjourn

Some Upcoming Public Meetings……..

Tuesday	May 19	6:00 p.m.	Housing & Redevelopment Authority
Monday	May 25	-	Observation of Memorial Day City Offices Closed
Tuesday	May 26	6:30 p.m.	Public Works, Environment & Transportation Commission
Tuesday	Jun 2	6:30 p.m.	Parks & Recreation Commission
Wednesday	Jun 3	6:30 p.m.	Planning Commission
Monday	Jun 8	6:00 p.m.	City Council Meeting
Tuesday	Jun 9	7:00 p.m.	Human Rights Commission
Monday	Jun 15	6:00 p.m.	City Council Meeting

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

REQUEST FOR COUNCIL ACTION

Date: 5/18/09
Item No.: 5.a

Department Approval | City Manager Approval

Item Description: Proclaim June 7th, 2009 Frank Rog Day in Roseville

BACKGROUND

In 1960 the City of Roseville hired Mr. Frank Rog as their Director of Parks and Recreation where he served in that capacity until 1987. During his 27 year tenure the Roseville Parks and Recreation System grew from one park with a mobile recreation system that operated on school and private property to the award winning, nationally recognized, smoothly integrated Parks and Recreation System that we know today. Mr. Rog's strong ability to bring volunteers, community leaders and city officials together was extraordinary and significant to the City of Roseville's establishment and growth. He was the catalyst that contributed to make it all happen and he truly made a significant contribution to the City of Roseville.

On June 30th, 2008 the City Council with a recommendation from the: Roseville Central Park Foundation, Friends of Roseville Parks (FORPARKS), Friends of Harriet Alexander Nature Center (FORHANC), Friends of Roseville Parks (FORPARKS) and the Roseville Parks and Recreation Commission, named the Central Park Amphitheatre the "Frank Rog Amphitheatre" Furthermore, in recognition of this naming, the Roseville Central Park Foundation contributed $25,000 to perform facility improvements to the amphitheatre in Mr. Rog's honor. The project is nearing completion and a community event has been scheduled for June 7th, 2009 (attached is a promotional flyer).

As a part of the recognition of Frank Rog, it is recommended that the City of Roseville proclaim June 7th, 2009 "Frank Rog Day" in Roseville to recognize his significant contribution.

POLICY OBJECTIVE

This request is consistent with Imagine Roseville 2025's goal of honoring individuals who contribute to the community.

FINANCIAL IMPACTS

None

STAFF RECOMMENDATION

Staff recommends that June 7th, 2009 be proclaimed Frank Rog Day.

REQUESTED COUNCIL ACTION

Motion adopting the proclamation proclaiming June 7th, 2009 "Frank Rog Day" in Roseville

Prepared by: Lonnie Brokke, Director of Parks and Recreation
Attachments: A. Frank Rog Day Proclamation

PROCLAMATION

FRANK ROG DAY

June 7th, 2009

WHEREAS, in 1960, Frank Rog was hired as the Roseville Parks and Recreation Director where he served in that capacity until 1987; and

WHEREAS, during his 27 year tenure the Roseville Parks and Recreation System grew from one park with a mobile recreation system that operated on school and private property to an award winning, nationally recognized, smoothly integrated Parks and Recreation System that we know today; and

WHEREAS, his strong ability to bring volunteers, community leaders and city officials together was extraordinary and significant to the City of Roseville's establishment and growth; and

WHEREAS, he was the catalyst that contributed to make it all happen and truly made a significant contribution to the City of Roseville and Roseville Parks and Recreation; and

WHEREAS, Frank Rog was tenacious in his efforts, vision, enthusisasm, creatvity, willingnees to work with citizens, volunteers, groups and individuals; and

WHEREAS, his way of working with people to get them involved and to stay involved was exceptional and contagious; and

WHEREAS, he laid the foundation of the Roseville Parks and Recreation System and watches over it still to this day.

WHEREAS, On June 30th, 2008, upon recommendation by long time Parks and Recreation community groups and contributors: Roseville Central Park Foundation, Friends of Roseville Parks (FORPARKS) and the Friends of Harriet Alexander Nature Center (FORHANC) the Central Park Amphitheatre was named the Frank Rog Amphitheatre; and

WHEREAS, Franks contribution to the establishment of the Park and Recreation System has been enjoyed by past generations and will be forever enjoyed by future generations for years to come; and

WHEREAS, Much of the foundation that he laid contributes to the future and to a system that only gets better because of what Frank began; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Roseville does hereby proclaim June 7th, 2009 Frank Rog Day in the City of Roseville.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Roseville to be affixed this 18thday of May, 2009.

_____

Craig D. Klausing, Mayor

(SEAL)

Live at the Rog

A Dedication ... A Celebration
Roseville Central Park
Frank Rog Amphitheatre

Located on Lexington Avenue, south of County Road C

Sunday, June 7th
5:00 - 9:00pm

Roseville Parks & Recreation
and the Roseville Central Park Foundation
are proud to present the newly renovated and updated
Central Park Frank Rog Amphitheatre.

5:00 pm	Roseville School of Dance
5:30 pm	Roseville String Ensemble
6:00 pm	**Tribute to Frank Rog - "I Did It My Way"**
6:45 pm	Roseville Community Band
7:45pm	Roseville Big Band

5:00, 5:30 & 7:00 pm *Puppet Wagon Shows*

Celebrate the 27-year career of Frank Rog as Roseville Parks & Recreation Director, and recognize his contributions in establishing and creating an award winning, nationally recognized Park and Recreation System.

Roseville Central Park Foundation

ROSEVILLE Parks & Recreation Department

ROSEVILLE CENTRAL PARK FRANK ROG AMPHITHEATRE

This event is made possible, in part, by funds provided by the Metropolitan Regional Arts Council (MRAC) from a grant from the McKnight Foundation and an appropriation by the Minnesota Legislature.

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 5/18/09
Item No.: 5.b

Department Approval | City Manager Approval

Item Description: Recognize 2009 Rosefest Button Designer and Rose Parade Committee

BACKGROUND

The annual Roseville Rose Parade is a long-standing community tradition; this year marks the 19th time marching bands, floats, parade entertainment and local dignitaries take to the streets of Roseville to showcase the best our community has to offer. The Roseville School District provides the staging area.

The Roseville Rose Parade is produced each year by a dedicated team of volunteers. These volunteers manage parade unit applications, coordinate marching band participation, book parade entertainment, organize parade logistics and direct fundraising efforts. The Rose Parade also brings together city services in a united effort to ensure a safe and enjoyable parade for all attending.

The annual Rose Parade kicks off Roseville's community celebration, Rosefest; Rosefest 2009 highlights the many "Summer Delights" our community has available to them.

POLICY OBJECTIVE

The annual Rose Parade aligns with a number of IR 2025 goals and supports the sustaining strategies;

- Roseville is a welcoming community that appreciates differences and fosters diversity
  - Make Roseville a livable community for all
- Roseville is a desirable place to live, work and play
  - Create an attractive, vibrant and effective city with a high quality of life
  - Provide excellent, effective and efficient services
- Roseville has a strong and inclusive sense of community
  - Foster and support community gathering places
  - Promote and support city-sponsored and community-based events
- Roseville residents are invested in their community
  - Provide meaningful opportunities for community engagement
- Roseville supports the health and wellness of community members

FINANCIAL IMPACTS

The Rose Parade committee engages the local business community in financially supporting the event. The Rose Parade has an annual budget of $17,000. Parade expenses include stipends to marching bands, band competition awards, entertainment fees, promotion costs and operational expenses (barricade rental, two-way radio rental, portable restroom rental). Approximately one-third of the operating budget is generated through vendor fees and button sales.

Police and Fire provide safety and emergency service, Public Works sweep the parade route, Parks and Recreation provide on-going event support including liaison to the organizing committee, administrative assistance, and logistical support.

STAFF RECOMMENDATION

Staff recommends the City Council recognize three valuable components of the Roseville Rose Parade.

1. Roseville Area High School Student Nick Gawreluk, winner of the student button design contest. This year, the button committee worked with Roseville Area High School teacher, Brian Hoag to encourage students to submit designs portraying their interpretation of the theme "Summer Delights". Nick's design was selected for its depiction of family, its bight colors and playful design.
2. The Roseville Rose Parade organizing committee for their tireless efforts to provide the community with a fun and festive event.
    a. Committee Chairs Include;
        i. Leslie Berry – Parade Committee Chair
        ii. Gale Pederson – Parade Finance Chair
        iii. Lorraine Hansen – Marching Bands
        iv. Dianne Lang – Unit Participants
        v. Rich Armstrong and Tom Jensen – Operations
3. Roseville community support for their assistance in bringing this event to all corners of the community through promotions and cable broadcasts.
    a. Roseville Visitors Association – Julie Larson
    b. CTV – Tim Domke and John Rusterholz

REQUESTED COUNCIL ACTION

Motion to:

1. Recognize the 2009 Rosefest Button Designer, Nick Gawreluk, Roseville Area High School Student and officially begin the summer season in Roseville by kicking-off the Rosefest Button Sales.
2. Recognize and thank the 2009 Rose Parade Committee Chairs and Committee Members for their dedication and hard work in make the Roseville Rose Parade one of the premiere community parades in the Twin City area.
3. Recognize and thank the Roseville Visitors Association and CTV for their support and assistance in bringing this event to all corners of the community through promotions and cable broadcasts.

Prepared by: Jill Anfang

Attachments:
A: 2009 Button Design

Nick Gawreluk Design **3-11-09**

Date: 5/18/09
Item: 5.c

In Appreciation
Shannon Bauer

Whereas: The Girl Scouts of the USA has provided young women leadership opportunities for more than 90 years; and

Whereas: The City of Roseville is committed to recognizing and honoring volunteerism and the hard work of members of the community; and

Whereas: Shannon Bauer is a member of Girl Scouts of Minnesota and Wisconsin River Valleys; and

Whereas: Shannon's love of scrapbooking led to her organize *Scrapbooking Extravaganza*, a two day scrapbook workshop for youth at Central Park Elementary School and to create a how-to book so other troops could recreate the project and spread the interest in scrapbooking to other children; and

Whereas: Shannon met the challenging standards and completed requirements that promote community service, encompass career exploration and develop leadership skills; and

Whereas: In recognition of Shannon's hard work she has achieved the Girl Scout Gold Award, the highest award in Girl Scouting.

Now, Therefore Be It Resolved, that the City Council hereby declare May 18, 2009, to be Girl Scout Day in the City of Roseville and urges all citizens to recognize Shannon Bauer's accomplishments of earning the Girl Scout Gold Award.

In the City of Roseville, County of Ramsey, State of Minnesota, U.S.A.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Roseville to be affixed this 18th day of May 2009.

_____
Mayor Craig D. Klausing

In Appreciation
Kathryn Galvin

Whereas: The Girl Scouts of the USA has provided young women leadership opportunities for more than 90 years; and

Whereas: The City of Roseville is committed to recognizing and honoring volunteerism and the hard work of members of the community; and

Whereas: Kathryn Galvin is a member of Girl Scouts of Minnesota and Wisconsin River Valleys; and

Whereas: Kathryn's passion for the arts lead her to create a *Experiencing Culture Through Art* project to develop a workshop that taught children in the community about cultures through art. Participants learned different art forms and important concepts of cultures common within their community. Participants also donated art supplies for an inner city school with an underfunded art program; and

Whereas: Kathryn met the challenging standards and completed requirements that promote community service, encompass career exploration and develop leadership skills; and

Whereas: In recognition of Kathryn's hard work she has achieved the Girl Scout Gold Award, the highest award in Girl Scouting.

Now, Therefore Be It Resolved, that the City Council hereby declare May 18, 2009, to be Girl Scout Day in the City of Roseville and urges all citizens to recognize Kathryn Galvin's accomplishments of earning the Girl Scout Gold Award.

In the City of Roseville, County of Ramsey, State of Minnesota, U.S.A.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Roseville to be affixed this 18th day of May 2009.

_____

Mayor Craig D. Klausing

In Appreciation
Teresa Tierney

Whereas: The Girl Scouts of the USA has provided young women leadership opportunities for more than 90 years; and

Whereas: The City of Roseville is committed to recognizing and honoring volunteerism and the hard work of members of the community; and

Whereas: Teresa Tierney is a member of Girl Scouts of Minnesota and Wisconsin River Valleys; and

Whereas: Teresa, together with two other Girl Scouts, developed a project called *Pre-Literacy Activities for Young English Language Learners* which included three months of weekly one hour sessions using books, worksheets, coloring pages and letters to increase the English capabilities for children of recent immigrant families; and

Whereas: Teresa met the challenging standards and completed requirements that promote community service, encompass career exploration and develop leadership skills; and

Whereas: In recognition of Teresa's hard work she has achieved the Girl Scout Gold Award, the highest award in Girl Scouting.

Now, Therefore Be It Resolved, that the City Council hereby declare May 18, 2009, to be Girl Scout Day in the City of Roseville and urges all citizens to recognize Teresa Tierney's accomplishments of earning the Girl Scout Gold Award.

In the City of Roseville, County of Ramsey, State of Minnesota, U.S.A.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Roseville to be affixed this 18th day of May 2009.

_____

Mayor Craig D. Klausing

In Appreciation
Marissa Gohl

Whereas: The Girl Scouts of the USA has provided young women leadership opportunities for more than 90 years; and

Whereas: The City of Roseville is committed to recognizing and honoring volunteerism and the hard work of members of the community; and

Whereas: Marissa Gohl is a member of Girl Scouts of Minnesota and Wisconsin River Valleys; and

Whereas: Marissa, together with two other Girl Scouts, developed a project called *Pre-Literacy Activities for Young English Language Learners* which included three months of weekly one hour sessions using books, worksheets, coloring pages and letters to increase the English capabilities for children of recent immigrant families; and

Whereas: Marissa met the challenging standards and completed requirements that promote community service, encompass career exploration and develop leadership skills; and

Whereas: In recognition of Marissa's hard work she has achieved the Girl Scout Gold Award, the highest award in Girl Scouting.

Now, Therefore Be It Resolved, that the City Council hereby declare May 18, 2009, to be Girl Scout Day in the City of Roseville and urges all citizens to recognize Marissa Gohl's accomplishments of earning the Girl Scout Gold Award.

In the City of Roseville, County of Ramsey, State of Minnesota, U.S.A.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of Roseville to be affixed this 18th day of May 2009.

_____

Mayor Craig D. Klausing

Date: 5/18/09
Item: 6.a
Minutes of 5/11/09

No Attachment

REQUEST FOR COUNCIL ACTION

Date: 5/18/2009
Item No.: 7.a

Department Approval

City Manager Approval

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	$908,254.32
55093-55164	$88,039.50
Total	$996,293.82

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: 05/13/2009 - 8:24 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	05/06/2009	General Fund	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	106.68
0	05/06/2009	General Fund	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	139.00
0	05/06/2009	Information Technology	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	54.00
0	05/06/2009	Telecommunications	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	413.00
0	05/06/2009	Info Tech/Contract Cities	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	35.00
0	05/06/2009	Recreation Fund	Sales Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	1,963.00
0	05/06/2009	Recreation Fund	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	39.86
0	05/06/2009	License Center	Sales Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	569.58
0	05/06/2009	License Center	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	252.00
0	05/06/2009	Recreation Improvements	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	556.00
0	05/06/2009	Sanitary Sewer	Sales Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	99.00
0	05/06/2009	Sanitary Sewer	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	-55.28
0	05/06/2009	Water Fund	State Sales Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	163.00
0	05/06/2009	Water Fund	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	3.50
0	05/06/2009	Golf Course	State Sales Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	807.00
0	05/06/2009	Golf Course	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	35.00
0	05/06/2009	Solid Waste Recycle	Sales Tax	MN Dept of Revenue-ACH	March Sales/Use Tax	-185.32
0	05/06/2009	Risk Management	Use Tax	MN Dept of Revenue-ACH	March Sales/Use Tax	280.00
0	05/06/2009	Housing & Redevelopment A	Use Tax Payable	MN Dept of Revenue-ACH	March Sales/Use Tax	252.98
0	05/06/2009	Internal Service - Interest	Investment Income	RVA- ACH	March Interest	406.81
0	05/06/2009	General Fund	210300 - State Income Tax W/H	MN Dept of Revenue-ACH	State Tax Deposit For 4/7 Payroll	17,440.26
0	05/06/2009	General Fund	210400 - PERA Employee Ded.	PERA-ACH	Payroll Deduction for 4/7 Payroll	28,632.45
0	05/06/2009	General Fund	211600 - PERA Employers Share	PERA-ACH	Payroll Deduction for 4/7 Payroll	37,413.11
0	05/06/2009	General Fund	211000 - Deferered Comp.	Great West- ACH	Payroll Deduction for 4/7 Payroll	8,188.13
0	05/06/2009	General Fund	210200 - Federal Income Tax	IRS EFTPS- ACH	Federal Tax Deposit For 4/7 Payroll	39,707.67
0	05/06/2009	General Fund	210800 - FICA Employee Ded.	IRS EFTPS- ACH	Federal Tax Deposit For 4/7 Payroll	22,713.56
0	05/06/2009	General Fund	211700 - FICA Employers Share	IRS EFTPS- ACH	Federal Tax Deposit For 4/7 Payroll	22,713.56
0	05/06/2009	Water Fund	Water - Roseville	City of Roseville- ACH	April Water	14,838.94
0	05/06/2009	Recreation Fund	Credit Card Fees	US Bank-ACH	March Terminal Charges	73.55
0	05/06/2009	Sanitary Sewer	Credit Card Service Fees	US Bank-ACH	March Terminal Charges	419.20
0	05/06/2009	Golf Course	Credit Card Fees	US Bank-ACH	March Terminal Charges	87.85
0	05/06/2009	Sanitary Sewer	Credit Card Service Fees	US Bank-ACH	March Terminal Charges	329.48

Attachment A

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	05/06/2009	General Fund	Motor Fuel	MN Dept of Revenue-ACH	March Fuel Tax	146.12
0	05/06/2009	General Fund	210300 - State Income Tax W/H	Wisconsin Dept of Rev-ACH	Payroll Deduction for April State Tax	1,032.21
0	05/06/2009	General Fund	210300 - State Income Tax W/H	MN Dept of Revenue-ACH	State Tax Deposit For 4/21 Payroll	18,346.03
0	05/06/2009	General Fund	210400 - PERA Employee Ded.	PERA-ACH	Payroll Deduction for 4/21 Payroll	29,613.98
0	05/06/2009	General Fund	211600 - PERA Employers Share	PERA-ACH	Payroll Deduction for 4/21 Payroll	38,751.98
0	05/06/2009	General Fund	211000 - Deferered Comp.	Great West- ACH	Payroll Deduction for 4/21 Payroll	8,188.13
0	05/06/2009	General Fund	210200 - Federal Income Tax	IRS EFTPS- ACH	Federal Tax Deposit For 4/21 Payroll	42,076.59
0	05/06/2009	General Fund	210800 - FICA Employee Ded.	IRS EFTPS- ACH	Federal Tax Deposit For 4/21 Payroll	23,470.47
0	05/06/2009	General Fund	211700 - FICA Employers Share	IRS EFTPS- ACH	Federal Tax Deposit For 4/21 Payroll	23,470.47
0	05/06/2009	General Fund	Postage	Pitney Bowes - Monthly ACH	April Postage	3,000.00
0	05/06/2009	Workers Compensation	Parks & Recreation Claims	SFM-ACH	April Work Comp Claims	583.11
0	05/06/2009	Workers Compensation	Police Patrol Claims	SFM-ACH	April Work Comp Claims	2,321.13
0	05/06/2009	Workers Compensation	Motor Vehicle Claims	SFM-ACH	April Work Comp Claims	361.72
0	05/06/2009	Workers Compensation	Street Department Claims	SFM-ACH	April Work Comp Claims	2,885.70
					Check Total:	392,740.21
0	05/07/2009	Sanitary Sewer	Metro Waste Control Board	Metropolitan Council	Wastewater Flow	190,650.93
0	05/07/2009	Water Fund	Professional Services	Radix Corporation	Monthly UMS Software Support-June 09	93.33
0	05/07/2009	Water Fund	Use Tax Payable	Radix Corporation	Sales/Use Tax	-5.70
0	05/07/2009	Equipment Replacement Fun	Rental - Copier Machines	Ricoh Customer Finance Corp	Old Copier Charges-Golf Course	2,637.08
0	05/07/2009	General Fund	Vehicle Supplies	Zarnoth Brush Works, Inc.	2009 Blanket PO for Vehicle Repairs	2,879.23
0	05/07/2009	General Fund	Vehicle Supplies	Zarnoth Brush Works, Inc.	.	977.67
0	05/07/2009	Water Fund	Operating Supplies	Goodin Corp.	Drain Cover	87.17
0	05/07/2009	General Fund	211403 - Day Care Expense Ded.		Dependent Care Reimbursement	769.24
0	05/07/2009	License Center	Transportation	Jill Theisen	Mileage Reimbursement	279.95
0	05/07/2009	Community Development	Transportation	Thomas Paschke	Mileage Reimbursement	105.60
0	05/07/2009	Community Development	Conferences	Thomas Paschke	Conference Meals, Parking Reimbursement	161.46
0	05/07/2009	License Center	Transportation	Mary Dracy	Mileage Reimbursement	176.00
0	05/07/2009	General Fund	211000 - Deferered Comp.	ICMA Retirement Trust 457-3002	Payroll Deduction for 5/05 Payroll	5,529.18
0	05/07/2009	General Fund	Transportation	William Malinen	Mileage Reimbursement	66.10
0	05/07/2009	Water Fund	Operating Supplies	Anthony Thury	Lunch for Emergency Waterbreak Crew	41.40
0	05/07/2009	Special "10" Fund	Professional Service	No Suburban Community Foundati	Remit Proceeds	25,000.00
0	05/07/2009	General Fund	211403 - Day Care Expense Ded.		Dependent Care Reimbursement	166.15
0	05/07/2009	General Fund	210600 - Union Dues Deduction	Local Teamsters #320	Payroll Deduction for May 09 Union Dues	578.24
0	05/07/2009	General Fund	211403 - Day Care Expense Ded.		Dependent Care Reimbursement	1,500.00
0	05/07/2009	General Fund	211402 - HCMA - Medical Exp.		Flexible Benefit Reimbursement	210.93
0	05/07/2009	General Fund	211403 - Day Care Expense Ded.		Dependent Care Reimbursement	700.00
0	05/07/2009	General Fund	211402 - HCMA - Medical Exp.		Flexible Benefit Reimbursement	678.21
0	05/07/2009	General Fund	211402 - HCMA - Medical Exp.		Flexible Benefit Reimbursement	463.46

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	05/07/2009	Workers Compensation	Professional Services	SFM Risk Solutions	Work Comp	434.00
0	05/07/2009	Storm Drainage	Professional Services	City of St. Paul	Radio Service and Maintenance March 09	57.00
0	05/07/2009	Sanitary Sewer	Professional Services	City of St. Paul	Radio Service and Maintenance March 09	57.00
0	05/07/2009	Water Fund	St. Paul Water	City of St. Paul	Water Usage 2/26/09-3/31/09	274,281.28
0	05/07/2009	General Fund	Operating Supplies	Allegra Print & Imaging	No Parking Signs	187.81
0	05/07/2009	Storm Drainage	Operating Supplies	Allegra Print & Imaging	No Parking Signs	187.82
0	05/07/2009	P & R Contract Mantenance	Operating Supplies	Linder's Greenhouse	Gloves, Plants Seeds	107.51
0	05/07/2009	Golf Course	Vehicle Supplies	Cushman Motor Co Inc	Fuel Gauge	28.60
0	05/07/2009	Golf Course	Vehicle Supplies	Cushman Motor Co Inc	Cable	19.72
0	05/07/2009	P & R Contract Mantenance	Operating Supplies	North Heights Hardware Hank	Painting Supplies	19.84
0	05/07/2009	General Fund	Operating Supplies	St. Paul Stamp Works, Inc.	Animal Tags	100.48
0	05/07/2009	General Fund	Printing	Resolution Graphics, Inc	Envelopes	325.89
0	05/07/2009	P & R Contract Mantenance	Operating Supplies	Praxair Distribution -	Ind High Press	185.41
0	05/07/2009	Boulevard Landscaping	Operating Supplies	Roseville Plumbing & Heating	Tested 3 RPZ's	556.00
0	05/07/2009	Recreation Fund	Operating Supplies	Certified Laboratories, Inc.	Two Dozen Blots	316.83
0	05/07/2009	General Fund	Contract Maint. - City Garage	Commercial Steam Team Inc	Carpet Cleaning	305.44
0	05/07/2009	General Fund	Office Supplies	Unisource Worldwide-No Central	Copy Paper	558.37
0	05/07/2009	General Fund	Office Supplies	Unisource Worldwide-No Central	Copy Paper	53.94
0	05/07/2009	General Fund	Contract Maintenance	Ancom Communications, Inc.	Defective Parts Replacement	15.50
0	05/07/2009	Golf Course	Merchandise For Sale	Sysco Mn	Food, Supplies	115.73
0	05/07/2009	General Fund	Contract Maintenance	Ancom Communications, Inc.	Repair Bad Display	15.50
0	05/07/2009	Sanitary Sewer	Operating Supplies	Metal Supermarkets	Tubes	33.60
0	05/07/2009	General Fund	Contract Maintenance	Ancom Communications, Inc.	Radio Service	15.50
0	05/07/2009	General Fund	Vehicle Supplies	Napa Auto Parts	2009 Blanket PO for Vehicle Repairs	30.02
0	05/07/2009	Boulevard Landscaping	Operating Supplies	Grainger Inc	Bit Holder	10.15
0	05/07/2009	P & R Contract Mantenance	Operating Supplies	Praxair Distribution -	Credit Memo	-158.05
0	05/07/2009	General Fund	Vehicle Supplies	Larson Companies Peterbilt North	2009 Blanket PO for Vehicle Repairs	222.86
0	05/07/2009	General Fund	Vehicle Supplies	Twinco Romax	2009 Blanket PO for Vehicle Repairs	446.63
0	05/07/2009	Boulevard Landscaping	Operating Supplies	North Image Apparel, Inc.	T-Shirts	13.50
0	05/07/2009	Storm Drainage	Clothing	North Image Apparel, Inc.	T-Shirts	81.50
0	05/07/2009	General Fund	Clothing	North Image Apparel, Inc.	T-Shirts	54.00
0	05/07/2009	Contracted Engineering Svcs	Operating Supplies	North Image Apparel, Inc.	T-Shirts	27.00
0	05/07/2009	Water Fund	Operating Supplies	North Image Apparel, Inc.	T-Shirts	40.50
0	05/07/2009	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	44.21
0	05/07/2009	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	85.03
0	05/07/2009	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	1,024.74
0	05/07/2009	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	124.67
0	05/07/2009	General Fund	Office Supplies	Innovative Office Solutions	Office Supplies	90.08
0	05/07/2009	Recreation Fund	Office Supplies	Innovative Office Solutions	Office Supplies	622.61
0	05/07/2009	Community Development	Memberships & Subscriptions	Innovative Office Solutions	Office Supplies	372.17
0	05/07/2009	License Center	Office Supplies	Innovative Office Solutions	Office Supplies	54.32
0	05/07/2009	Water Fund	Operating Supplies	Northern Water Works Supply	Freeze Kit Filters	31.84

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	05/07/2009	Water Fund	Operating Supplies	Tessman Seed Co - St. Paul	Erosion Blanket	61.00
0	05/07/2009	Water Fund	Operating Supplies	Tessman Seed Co - St. Paul	Staples	46.86
0	05/07/2009	Golf Course	Operating Supplies	Turfwerks	Credit Memo	-88.90
0	05/07/2009	Golf Course	Operating Supplies	Turfwerks	Flag Sticks, Towels	466.70
0	05/07/2009	General Fund	Vehicle Supplies	St. Joseph Equipment Inc.	2009 Blanket PO for Vehicle Repairs	86.27
					Check Total:	515,514.11
55093	05/05/2009	Sanitary Sewer	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001	282.69
55093	05/05/2009	Water Fund	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001	282.69
55093	05/05/2009	Storm Drainage	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 001	282.69
					Check Total:	848.07
55094	05/07/2009	Recreation Fund	Contract Maintenance	Allweather Roof	Blue Patch Repair	125.00
					Check Total:	125.00
55095	05/07/2009	Sanitary Sewer	Accounts Payable	RUTH ANGERHOFER	Refund check	9.99
55095	05/07/2009	Water Fund	Accounts Payable	RUTH ANGERHOFER	Refund check	18.67
					Check Total:	28.66
55096	05/07/2009	General Fund	Clothing	Aspen Mills Inc.	Pants	44.95
					Check Total:	44.95
55097	05/07/2009	Water Fund	Accounts Payable	MORTON BROWN	Refund check	111.71
					Check Total:	111.71
55098	05/07/2009	Water Fund	Accounts Payable	JASON CAMAGNA	Refund check	1.65
					Check Total:	1.65
55099	05/07/2009	Water Fund	Accounts Payable	ANDREW CHANDLER	Refund check	9.21
					Check Total:	9.21
55100	05/07/2009	General Fund	Training	Cities Digital Inc	Laserfiche Training	450.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	450.00
55101	05/07/2009	General Fund	Operating Supplies	Coffee Mill, Inc.	Coffee, Supplies	416.75
					Check Total:	416.75
55102	05/07/2009	General Fund	Contract Maintenance	Comcast Cable	Cable TV	4.69
					Check Total:	4.69
55103	05/07/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters	2,263.13
55103	05/07/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters	1,456.92
55103	05/07/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters, Meter Supplies	4,137.53
55103	05/07/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters, Meter Supplies	4,396.32
55103	05/07/2009	Water Fund	Water Meters	Dakota Supply Group	Water Meters	257.42
					Check Total:	12,511.32
55104	05/07/2009	General Fund	Operating Supplies	EMP	Digital Temple Thermometer	242.28
55104	05/07/2009	General Fund	Operating Supplies	EMP	Probe Cover	66.56
					Check Total:	308.84
55105	05/07/2009	Water Fund	Water - Roseville	George Farkas	Utility Overpayment Reimbursement	144.90
					Check Total:	144.90
55106	05/07/2009	Contracted Engineering Svcs	Deposits	Fendler Patterson Construction	Escrow Reimbursement	6,000.00
					Check Total:	6,000.00
55107	05/07/2009	Water Fund	Operating Supplies	General Industrial Supply Co.	Painting Wand	29.21
					Check Total:	29.21
55108	05/07/2009	General Fund	Contract Maintenance	Nancy Germundsen	Tow and Key Remake Reimbursement	375.15
					Check Total:	375.15
55109	05/07/2009	General Fund	Memberships & Subscriptions	Govt Finance Officers Assoc	2009 Membership Dues	250.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	250.00
55110	05/07/2009	General Fund	Vehicle Supplies	H & L Mesabi	2009 Blanket PO for Vehicle Repairs	1,039.84
					Check Total:	1,039.84
55111	05/07/2009	General Fund	Operating Supplies	Hardwood Creek Lumber, Inc.	Stakes	67.65
55111	05/07/2009	General Fund	Const. Operating Supplies	Hardwood Creek Lumber, Inc.	Stakes	654.51
55111	05/07/2009	P & R Contract Mantenance	Operating Supplies	Hardwood Creek Lumber, Inc.	Stakes	127.55
					Check Total:	849.71
55112	05/07/2009	General Fund	Motor Fuel	Hartland Fuels	2009 Blanket PO for Fuel	6,905.63
					Check Total:	6,905.63
55113	05/07/2009	Water Fund	Accounts Payable	LINDA HAYES	Refund check	9.64
					Check Total:	9.64
55114	05/07/2009	Pathway Maintenance Fund	Operating Supplies	Highway Technologies, Inc.	Panels, Posts	1,563.74
					Check Total:	1,563.74
55115	05/07/2009	Singles Program	Operating Supplies	Jean Hoffman	Single Supplies Reimbursement	29.56
					Check Total:	29.56
55116	05/07/2009	General Fund	Miscellaneous	ICLEI-Local Govt's. for Sustai	2009 Membership Dues	600.00
					Check Total:	600.00
55117	05/07/2009	General Fund	211600 - PERA Employers Share	ICMA Retirement Trust 401-1099	401a William Malinen-employer Portion	309.50
					Check Total:	309.50
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	620.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55118	05/07/2009	Information Technology	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	725.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	200.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	4,325.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	333.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	200.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	600.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	400.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	265.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	125.00
55118	05/07/2009	Telecommunications	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	253.00
55118	05/07/2009	Recreation Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	1,235.00
55118	05/07/2009	Recreation Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	200.00
55118	05/07/2009	P & R Contract Mantenance	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	415.00
55118	05/07/2009	Recreation Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	491.00
55118	05/07/2009	General Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	90.00
55118	05/07/2009	Community Development	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	370.00
55118	05/07/2009	Community Development	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	200.00
55118	05/07/2009	License Center	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	990.00
55118	05/07/2009	Sanitary Sewer	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	170.00
55118	05/07/2009	Water Fund	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	370.00
55118	05/07/2009	Golf Course	Employer Insurance	ING ReliaStar	High Deductable Savings Acct-May 2009	70.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	12,647.00
55119	05/07/2009	General Fund	Operating Supplies City Garage	ISS Facility Services-Minneapo	Gloves, Roll Towels	284.20
					Check Total:	284.20
55120	05/07/2009	Recreation Fund	Operating Supplies	J&J Sport Sales, Inc	Lacrosse Jersey's	1,080.00
55120	05/07/2009	Recreation Fund	Operating Supplies	J&J Sport Sales, Inc	Puck Bag, Balls	69.04
					Check Total:	1,149.04
55121	05/07/2009	Recreation Fund	Fee Program Revenue	Cheryl Johnson	Boys Lacrosse Refund	152.00
55121	05/07/2009	Recreation Fund	Fee Program Revenue	Cheryl Johnson	Boys Lacrosse Refund	8.00
					Check Total:	160.00
55122	05/07/2009	General Fund	Vehicle Supplies	Kath Auto Parts	Hydraulic Filter	42.14
					Check Total:	42.14
55123	05/07/2009	General Fund	Professional Services	Kennedy & Graven, Chartered	2009 Housing Improvement Area	51.25
55123	05/07/2009	General Fund	Professional Services	Kennedy & Graven, Chartered	2009 Housing Improvement Area	2,003.75
					Check Total:	2,055.00
55124	05/07/2009	Golf Course	Evening League Registration	Dave Kessel	Golf League Refund	166.52
					Check Total:	166.52
55125	05/07/2009	Recreation Fund	Fee Program Revenue	Jinsun Kim	Tennis Camp Refund	54.00
					Check Total:	54.00
55126	05/07/2009	General Fund	211200 - Financial Support	Kevin W. Landberg	Case # 27-CV-09-4237	431.15
					Check Total:	431.15
55127	05/07/2009	Risk Management	Training	League of MN Cities	Safety & Loss Control Class-Arneson	20.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	20.00
55128	05/07/2009	General Fund	210600 - Union Dues Deduction	LELS	Payroll Deduction-May 2009 Union Dues	1,554.00
					Check Total:	1,554.00
55129	05/07/2009	General Fund	210600 - Union Dues Deduction	Local Union 49	Payroll Deduction for 5/05	762.50
					Check Total:	762.50
55130	05/07/2009	General Fund	Miscellaneous	MAGC	Annual Award Meeting-Pratt, Curti	70.00
					Check Total:	70.00
55131	05/07/2009	Golf Course	Evening League Registration	Jean Marble	Golf League Refund	16.00
					Check Total:	16.00
55132	05/07/2009	P & R Contract Mantenance	Operating Supplies	Metro Athletic Supply, Inc.	Bolco Homeplates	229.83
					Check Total:	229.83
55133	05/07/2009	Water Fund	Professional Services	Midwest Testing	Replace Turbine	300.00
					Check Total:	300.00
55134	05/07/2009	General Fund	Training	MN Board Peace Ofc Stds & Trng	License Fee for Sandy Klabachek	90.00
					Check Total:	90.00
55135	05/07/2009	General Fund	211200 - Financial Support	MN Child Support Payment Cntr	Payroll Deduction for 5/5 Payroll	587.50
					Check Total:	587.50
55136	05/07/2009	General Fund	MN State Retirement	MN State Retirement System	Payroll Deduction for 5/5 Payroll	4,149.01
					Check Total:	4,149.01
55137	05/07/2009	P & R Contract Mantenance	Operating Supplies	Muska Lighting Center	BRZ Sphere	223.44

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55137	05/07/2009	P & R Contract Mantenance	Operating Supplies	Muska Lighting Center	H39KC-175/DX	75.00
					Check Total:	298.44
55138	05/07/2009	Water Fund	Operating Supplies	On Site Heat	Ground Heater, Vapor Barrier	344.85
					Check Total:	344.85
55139	05/07/2009	P & R Contract Mantenance	Rental	On Site Sanitation, Inc.	Regular Service	20.24
					Check Total:	20.24
55140	05/07/2009	P & R Contract Mantenance	Operating Supplies	Overhead Door Co of the Northl	Repair Garage Door	248.48
55140	05/07/2009	P & R Contract Mantenance	Use Tax Payable	Overhead Door Co of the Northl	Sales/Use Tax	-2.48
					Check Total:	246.00
55141	05/07/2009	General Fund	Street Patching	Piperight Plumbing	Street Patching Fee Refund	200.00
					Check Total:	200.00
55142	05/07/2009	Water Fund	Accounts Payable	STEVE POWELL	Refund check	24.57
					Check Total:	24.57
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	905.23
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	297.16
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	284.17
55143	05/07/2009	P & R Contract Mantenance	Employer Insurance	Premier Bank	HSA May 5, 09	240.63
55143	05/07/2009	License Center	Employer Insurance	Premier Bank	HSA May 5, 09	226.88
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	169.59
55143	05/07/2009	Recreation Fund	Employer Insurance	Premier Bank	HSA May 5, 09	135.21
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	91.67
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	91.67
55143	05/07/2009	Community Development	Employer Insurance	Premier Bank	HSA May 5, 09	91.67
55143	05/07/2009	Water Fund	Employer Insurance	Premier Bank	HSA May 5, 09	91.67
55143	05/07/2009	Information Technology	Employer Insurance	Premier Bank	HSA May 5, 09	77.92
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	77.92
55143	05/07/2009	Community Development	Employer Insurance	Premier Bank	HSA May 5, 09	77.92
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	57.29
55143	05/07/2009	General Fund	Employer Insurance	Premier Bank	HSA May 5, 09	57.29
55143	05/07/2009	Community Development	Employer Insurance	Premier Bank	HSA May 5, 09	57.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55143	05/07/2009	General Fund	211402 - HCMA - Medical Exp.	Premier Bank	HSA May 5, 09	1,093.34
					Check Total:	4,124.52
55144	05/07/2009	General Fund	Vehicle Supplies	Qqest Software Systems	ManagerPlus Software Service	389.00
					Check Total:	389.00
55145	05/07/2009	General Fund	211200 - Financial Support	Rausch Sturm Israel & Hornik	Case # CV074555	368.03
					Check Total:	368.03
55146	05/07/2009	P & R Contract Mantenance	Professional Services	Rick Johnson's Deer & Beaver I	Deer Removal	200.00
					Check Total:	200.00
55147	05/07/2009	Singles Program	Operating Supplies	Ron Rieschl	Singles Supplies Reimbursement	20.00
					Check Total:	20.00
55148	05/07/2009	Water Fund	Accounts Payable	WILLIAM ROBINSON	Refund check	14.14
					Check Total:	14.14
55149	05/07/2009	Recreation Fund	Office Supplies	Simplex Grinnel	Purple Ribbon	21.57
					Check Total:	21.57
55150	05/07/2009	Information Technology	Computer Equipment	Singlewire Software, LLC	InformaCast Maintenance	1,463.70
					Check Total:	1,463.70
55151	05/07/2009	Water Fund	Accounts Payable	JEFF SMITH	Refund check	25.14
					Check Total:	25.14
55152	05/07/2009	Recreation Fund	Transportation	Speco Charter LLC	Adiult Trip Transportation	525.00
					Check Total:	525.00
55153	05/07/2009	Boulevard Landscaping	Operating Supplies	St. Paul Regional Water Servic	Water- Account #-60000174	55.72

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55153	05/07/2009	Boulevard Landscaping	Operating Supplies	St. Paul Regional Water Servic	Water- Account #-60000175	55.72
55153	05/07/2009	Boulevard Landscaping	Operating Supplies	St. Paul Regional Water Servic	Water- Account #-60000176	55.72
					Check Total:	167.16
55154	05/07/2009	Recreation Fund	Operating Supplies	Suburban Ace Hardware	Duct Tape	14.89
					Check Total:	14.89
55155	05/07/2009	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2009 Blanket PO for Vehicle Repairs	1,063.30
55155	05/07/2009	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2009 Blanket PO for Vehicle Repairs	456.19
					Check Total:	1,519.49
55156	05/07/2009	P & R Contract Mantenance	Operating Supplies	Toll Gas & Welding Supply	Surearc	31.98
					Check Total:	31.98
55157	05/07/2009	Water Fund	Professional Services	Valley-Rich Co., Inc.	Tractor Breaker, Lowboy	915.50
55157	05/07/2009	Water Fund	Professional Services	Valley-Rich Co., Inc.	Tractor Breaker, Lowboy	728.00
					Check Total:	1,643.50
55158	05/07/2009	Sanitary Sewer	Payments to Contractors	Veit & Company, Inc.	Blanket PO for Sanitary Sewer Lining Pro	10,884.45
55158	05/07/2009	Storm Drainage	Payments to Contractors	Veit & Company, Inc.	Blanket PO for Sanitary Sewer Lining Pro	6,415.10
					Check Total:	17,299.55
55159	05/07/2009	Water Fund	Operating Supplies	Viking Electric Supply, Inc.	Traffic Signal Service	24.37
					Check Total:	24.37
55160	05/07/2009	P & R Contract Mantenance	Operating Supplies	Viking Industrial Center	Part-Time Staff Supplies	160.68
55160	05/07/2009	Water Fund	Operating Supplies	Viking Industrial Center	Vests, Gloves	134.32
55160	05/07/2009	Sanitary Sewer	Operating Supplies	Viking Industrial Center	Vests, Gloves	134.32
					Check Total:	429.32
55161	05/07/2009	Water Fund	Accounts Payable	VISION MANAGEMENT	Refund check	34.87

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	34.87
55162	05/07/2009	Water Fund	Professional Services	Water Conservation Service, In	Locate Water Leaks	684.80
					Check Total:	684.80
55163	05/07/2009	Golf Course	Green Fees	Millie Woodbury	Golf League Refund	163.96
					Check Total:	163.96
55164	05/07/2009	Water Fund	Accounts Payable	KATIE YOHNK & EASTER	Refund check	4.79
					Check Total:	4.79
					Report Total:	996,293.82

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 05-18-09
Item No.: 7.b

Department Approval

City Manager Approval

Item Description: Approval of 2009 Business Licenses

BACKGROUND

Chapter 301 of the City Code requires all applications for business licenses to be submitted to the City Council for approval. The following application(s) is (are) submitted for consideration

Gasoline Station License
Cleanco Truck Wash
2211 West County Road C2
Roseville MN 55113

Gasoline Station License
Dave's Roseville Auto Care Inc.
2171 Hamline Avenue North
Roseville MN 55113

Cigarette/Tobacco Products License
Network Liquors
2727 Lexington Avenue North
Roseville MN 55113

Cigarette/Tobacco Products License
Walgreens Store #2936
2635 Rice Street
Roseville MN 55113

Cigarette/Tobacco Products License
Walgreens Store #2002
1611 West County Road C
Roseville MN 55113

Cigarette/Tobacco Products License
Walgreens Store #1804
1739 Lexington Avenue North
Roseville MN 55113

Massage Therapy Establishment
Steiner Naturopathy, LLC
2353 Rice Street, Suite 208
Roseville MN 55113

Massage Therapist
Greg Steiner
@ Steiner Naturopathy
2353 Rice Street, Suite 208
Roseville MN 55113

Massage Therapy Establishment
Red Clover Clinic
2233 North Hamline, Suite 301
Roseville MN 55113

Massage Therapist
Anita Teigen
@ Red Clover Clinic
2233 North Hamline, Suite 301
Roseville MN 55113

Cigarette/Tobacco Products License
Midland Hills Country Club
2001 Fulham Street
Roseville MN 55113

Cigarette/Tobacco Products License
Super America #4520
2295 Rice Street
Roseville MN 55113

Cigarette/Tobacco Products License
Super America #4502
2380 West County Road D
Roseville MN 55113

Cigarette/Tobacco Products License
Super America #4210
2172 Lexington Avenue
Roseville MN 55113

Cigarette/Tobacco Products License

Super America #4115
2785 North Hamline Avenue
Roseville MN 55113

Gasoline Station License
Super America #4520
2295 Rice Street
Roseville MN 55113

Gasoline Station License
Super America #4502
2380 West County Road D
Roseville MN 55113

Gasoline Station License
Super America #4210
2172 Lexington Avenue
Roseville MN 55113

Gasoline Station License
Super America #4115
2785 North Hamline Avenue
Roseville MN 55113

Cigarette/Tobacco Products License
Tobacco Tree
1734 Lexington Avenue North
Roseville MN 55113

POLICY OBJECTIVE
Required by City Code

FINANCIAL IMPACTS
The correct fees were paid to the City at the time the application(s) were made.

STAFF RECOMMENDATION
Staff has reviewed the application(s) and has determined that the applicant(s) meet all City requirements.

REQUESTED COUNCIL ACTION
Motion to approve the business license application(s) as submitted.

Prepared by: Chris Miller, Finance Director
Attachments: A: Applications

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name: Cleanco Truck Wash

Business Address: 2211 W. Co Rd C 2, Roseville, MN 55113

Business Phone: 651-633-0161

Email Address:

Person to Contact in Regard to Business License:

Name: James Trapp

Address:

Phone:

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Gail Enslow (for James Trapp)

Date: 5/7/09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name Dave's Roseville Auto Care Inc.

Business Address 2171 Hamline ave. N.

Business Phone 651-636-7718

Email Address DavesRoseville@Qwestoffice.net

Person to Contact in Regard to Business License:

Name David W Miller

Address

Phone

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature David W Miller

Date 5-5-09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: Network Liquors Inc.

Business Address: 2727 Lexington Ave. N, Roseville, MN. 55113

Business Phone: 651-483-4991

Email Address:

Person to Contact in Regard to Business License:

Name: William T. Cross

Address:

Phone:

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: William T. Cross

Date: 4/30/09

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name Walgreens #1804

Business Address 1739 North Lexington Avenue Roseville MN

Business Phone 651-488-5576

Email Address

Person to Contact in Regard to Business License:

Name

Address

Phone

PLEASE MAIL RENEWALS TO
WALGREENS-TAX DEPT
PO BOX 901
DEERFIELD, IL 60015

Starr Sekulich
License Specialist
847/315-4313

I hereby apply for the following license(s) for the term of one year, beginning July 1, 09, and ending June 30, 10, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature

Starr Sekulich
License Specialist
847/315-4313

Date 4-30-09

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name Walgreens # 2002

Business Address 1611 W. County Road C Roseville MN

Business Phone 651-636-9367

Email Address

Person to Contact in Regard to Business License:

Name

Address

Phone

PLEASE MAIL RENEWALS TO
WALGREENS-TAX DEPT
PO BOX 901
DEERFIELD, IL 60015

Starr Sekulich
License Specialist
847/315-4313

I hereby apply for the following license(s) for the term of one year, beginning July 1, 09, and ending June 30, 10, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature

Date 4-30-09

Starr Sekulich
License Specialist
847/315-4313

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name Walgreens # 2936

Business Address 2635 Rice Street Roseville MN

Business Phone 651-483-3976

Email Address

Person to

PLEASE MAIL RENEWALS TO
WALGREENS-TAX DEPT
PO BOX 901
DEERFIELD, IL 60015

Starr Sekulich
License Specialist
847/315-4313

Name

Address

Phone

I hereby apply for the following license(s) for the term of one year, beginning July 1, 09, and ending June 30, 10, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Starr Sekulich
License Specialist
847/315-4313

Signature

Date 4.30.09

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License _____ Renewal X

For License year ending June 30 2010

1. Legal Name GREG STEINER
2. Home Address _____
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address STEINER NATURO PATHY @ EARTH LINK. NET

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
   Yes _____ No X If yes, list each name along with dates and places where used.

   _____

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
   STEINER NATURO PATHY, LLC

9. Attach a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, massage Therapy Establishments.

10. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
    Yes _____ No X If yes explain in detail.

    _____

License fee is 75.00
Make checks payable to City of Roseville

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapy Establishment License Application

Business Name STEINER NATUROPATHY, LLC

Business Address 2353 RICE ST. SUITE 208

Business Phone 651-308-4199

Email Address STEINERNATUROPATHY@EARTHLINK.NET

Person to Contact in Regard to Business License:

Legal Name GREG STEINER

Address _____

Phone _____ Date of Birth _____

Drivers License Number _____

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 31, 2010, in the City of Roseville, County of Ramsey, and State of Minnesota.

~~License Required~~	~~Fee~~
Massage Therapy Establishment	$300.00 $150.00 Background Check (new license only)

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. ~~In~~ addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

Signature _____

Date 4/25/09

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapist License

New License _____ Renewal X

For License year ending June 30 2010

1. Legal Name Anita Teigen
2. Home Address _____
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address anita@redclovercliniic.com

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
   Yes _____ No X If yes, list each name along with dates and places where used.

_____

8. Name and address of the licensed Massage Therapy Establishment that you expect to be employed by.
   Red Clover Clinic - 2233 N Hamline Ave, Suite 301, Roseville, MN 55113

9. Attach a certified copy of a diploma or certificate of graduation from a school of massage therapy including a minimum of 600 hours in successfully completed course work as described in Roseville Ordinance 116, massage Therapy Establishments. - you have on file.

10. Have you had any previous massage therapist license that was revoked, suspended, or not renewed?
    Yes _____ No X If yes explain in detail.

_____

License fee is 75.00
Make checks payable to City of Roseville

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Massage Therapy Establishment License Application

Business Name Red Clover Clinic

Business Address 2233 N Hamline Ave Suite 301, Roseville, MN 55113

Business Phone 612-308-3597

Email Address anita@redcloverclinic.com

Person to Contact in Regard to Business License:

Legal Name Anita Teigen

Address

Phone Date of Birth

Drivers License Number

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 31, 2010, in the City of Roseville, County of Ramsey, and State of Minnesota.

~~License Required~~	~~Fee~~
Massage Therapy Establishment	$300.00 $150.00 Background Check (new license only)

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182. ~~In~~ addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

Signature Anita Teigen

Date 5/7/09

If completed license should be mailed somewhere other than the business address, please advise.

Please mail to above home address:

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: Midland Hills Country Club

Business Address: 2001 Fulham St

Business Phone: 651-631-0440

Email Address: tivory@midlandhillscc.org

Person to Contact in Regard to Business License:

Name: Tim Ivory

Address: [redacted]

Phone: [redacted]

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Tim Ivory

Date: 5-1-09

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4115

Business Address: 2785 N HAMLINE AVE ROSEVILLE, MN 55113-1755

Business Phone: 651-631-1241

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander LICENSE COORDINATOR

Date: 05/05/09

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4210

Business Address: 2172 LEXINGTON AVE ROSEVILLE, MN 55113-4317

Business Phone: 651-489-1108

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander LICENSE COORDINATOR

Date: 05/05/09

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4502

Business Address: 2380 W COUNTY ROAD D ROSEVILLE, MN 55112-7584

Business Phone: 651-633-3848

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature Thomas Alexander LICENSE COORDINATOR

Date 05/05/09

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4520

Business Address: 2295 RICE ST ROSEVILLE, MN 55113-3703

Business Phone: 651-787-0733

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander LICENSE COORDINATOR

Date: 05/05/09

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4115

Business Address: 2785 N HAMLINE AVE ROSEVILLE, MN 55113-1755

Business Phone: 651-631-1241

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander LICENSE COORDINATOR

Date: 05/05/09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4210

Business Address: 2172 LEXINGTON AVE ROSEVILLE, MN 55113-4317

Business Phone: 651-489-1108

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander, LICENSE COORDINATOR

Date: 05/05/09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4502

Business Address: 2380 W COUNTY ROAD D ROSEVILLE, MN 55112-7584

Business Phone: 651-633-3848

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD, OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature Thomas Alexander LICENSE COORDINATOR

Date 05/05/09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Gasoline Station License Application

Business Name: SPEEDWAY SUPERAMERICA LLC dba SUPERAMERICA # 4520

Business Address: 2295 RICE ST ROSEVILLE, MN 55113-3703

Business Phone: 651-787-0733

Email Address: tlalexander@ssallc.com

Person to Contact in Regard to Business License:

Name: THOMAS ALEXANDER for SPEEDWAY SUPERAMERICA LLC

Address: P.O. BOX 1580 LICENSE DEPT SPRINGFIELD,OH 45501-1580

Phone: 937-863-6473

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Gasoline Station	$130.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Thomas Alexander LICENSE COORDINATOR

Date: 05/05/09

A fire inspection is required before issuance of a license. Please call 651-792-7341 to set up an inspection.

If completed license should be mailed somewhere other than the business address, please advise.

SPEEDWAY SUPER AMERICA LLC
P.O. BOX 1580
SPRINGFIELD, OH 45501

ROSEVILLE

City of Roseville
Finance Department, License Division
2660 Civic Center Drive, Roseville, MN 55113
(651) 792-7036

Cigarette/Tobacco Products License Application

Business Name: Tobacco Tree Inc

Business Address: 1734 Lexington Ave. N, Roseville MN 55113

Business Phone: 651-489-4028

Email Address:

Person to Contact in Regard to Business License:

Name: Ibrahim AQEL

Address: [redacted]

Phone: [redacted]

I hereby apply for the following license(s) for the term of one year, beginning July 1, 2009, and ending June 30, 2010, in the City of Roseville, County of Ramsey, State of Minnesota.

License Required	Fee
Cigarette/Tobacco Products	$100.00

The undersigned applicant makes this application pursuant to all the laws of the State of Minnesota and regulation as the Council of the City of Roseville may from time to time prescribe, including Minnesota Statue #176.182.

Signature: Ibrahim

Date: 4-29-2009

If completed license should be mailed somewhere other than the business address, please advise.

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 05/18/09
Item No.: 7.c

Department Approval

City Manager Approval

Item Description: Consider Setting a Public Hearing for the Purposes of Issuing Conduit Refunding Bonds for Eagle Crest Inc. /Presbyterian Homes

BACKGROUND

State Statute provides for the issuance of tax-exempt bonds by municipalities for the benefit of housing or long-term care facilities that are deemed to be in the best interest of the City, and to provide care at an affordable cost. The bonds are considered conduit debt and do not constitute a financial obligation in any part by the City. However, the City must still meet all legal requirements prior to issuing any tax-exempt bonds or refunding bonds, including holding a public hearing.

Eagle Crest Inc. /Presbyterian Homes has requested that the City provide conduit refunding bonds for the purposes of refinancing existing debt for their facility located at 2925-45 Lincoln Drive in Roseville as well as their Arden Hills facilities. The total amount of refinancing is estimated to be $23,500,000. The City has participated in similar financing arrangements for Presbyterian Homes in 1993, 1998, and 2007.

The City's Bond Counsel of Briggs & Morgan, has reviewed the legal and financing agreements, and will provide an unqualified opinion as the legality of the bonds.

POLICY OBJECTIVE

Generally speaking, the public policy reason for City participation in these financings is to promote greater investment in the City's long-term care facilities than would otherwise occur by market factors alone. Allowing the bonds to be issued tax-exempt (where applicable) makes the bonds more attractive to investors and results in lower borrowing costs compared to traditional financing methods. This in turn, provides more available dollars for the proposed project.

FINANCIAL IMPACTS

There is no fiscal impact on the part of the City. All costs of debt issuance will be paid by the applicant.

STAFF RECOMMENDATION

Staff recommends the Council schedule a public hearing to consider the issuance of conduit refunding bonds for Eagle Crest Inc. /Presbyterian Homes.

REQUESTED COUNCIL ACTION

Motion to adopt the attached resolution scheduling a public hearing for June 15, 2009 for the purposes of considering the issuance of conduit refunding bonds for Eagle Crest Inc. /Presbyterian Homes.

Prepared by: Chris Miller, Finance Director
Attachments: A: Resolution scheduling the public hearing, as prepared by Bond Counsel.

EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY OF
ROSEVILLE, MINNESOTA

Pursuant to due call and notice thereof, a regular or special meeting of the City Council of the City of Roseville, Minnesota, was duly held in the City Hall in said City on Monday, May 18, 2009, commencing at 6:00 P.M.

The following Councilmembers were present:

and the following were absent:

Member _____ introduced the following resolution and moved its adoption:

RESOLUTION NO._____

RESOLUTION CALLING FOR A PUBLIC HEARING ON
THE ISSUANCE OF HEALTH CARE AND HOUSING
REVENUE REFUNDING BONDS AND
AUTHORIZING THE PUBLICATION OF A NOTICE OF THE HEARING
(EAGLECREST PROJECT)

WHEREAS, Minnesota Statutes, Chapter 462C (the "Housing Program Act"), confers upon cities the power to issue revenue bonds to finance multifamily housing developments; and

WHEREAS, Minnesota Statutes, Sections 469.152 through 469.1651, relating to municipal industrial development (the "Industrial Development Act"), gives municipalities the power to issue revenue obligations for the purpose of promoting the welfare of the state by providing necessary health care facilities, so that adequate health care services are available to residents of the state at reasonable cost; and

WHEREAS, the City of Roseville, Minnesota (the "City"), has received from EagleCrest Senior Housing, LLC, a Minnesota limited liability company, the sole member of which is PHS/EagleCrest, Inc. a Minnesota nonprofit corporation, (the "Borrower"), a proposal that the City undertake a program to assist in financing a Project hereinafter described, through the issuance of approximately $23,500,000 of revenue bonds or other obligations (which may be issued in one or more series) (the "Bonds") pursuant to the Housing Program Act and the Industrial Development Act; and

WHEREAS, the "Project" to be financed by the Bonds includes refunding the City's outstanding Senior Housing Refunding Revenue Bonds (EagleCrest Project), Series 2007 and refinancing taxable outstanding debt of the Borrower used to finance improvements to facilities owned or operated by the Borrower which are located in the City of Arden Hills, Minnesota (the "Host City"); and

WHEREAS, the City has been advised that a public hearing and the City Council approval of the financing of the Project is required under Section 147(f) of the Internal Revenue Code, the Housing Program Act and the Industrial Development Act:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Roseville, Minnesota, as follows:

1. A public hearing on the proposal of the Borrower will be held at the time and place set forth in the form of Notice of Public Hearing attached as Exhibit A. The general nature of the Project and an estimate of the aggregate principal amount of revenue bonds or other obligations to be issued to finance the proposal are described in the Notice of Public Hearing.

2. The Manager of the City is hereby authorized and directed to cause notice of the hearing to be given one publication in the official newspaper of the City and a newspaper of general circulation available in the City, not less than 15 days nor more than 30 days prior to the date fixed for the hearing, substantially in the form of the attached Notice of Public Hearing.

The motion for the adoption of the foregoing resolution was duly seconded by member _____, and after full discussion thereof and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA
COUNTY OF RAMSEY
CITY OF ROSEVILLE

I, the undersigned, being the duly qualified and acting Manager of the City of Roseville, Minnesota, DO HEREBY CERTIFY that I have compared the attached and foregoing extract of minutes with the original thereof on file in my office, and that the same is a full, true and complete transcript of the minutes of a meeting of the City Council of said City duly called and held on the date therein indicated, insofar as such minutes relate to calling for a public hearing on the City's revenue bonds to finance a project for EagleCrest Senior Housing, LLC.

WITNESS my hand this ____ day of May, 2009.

_____
Manager

EXHIBIT A

NOTICE OF PUBLIC HEARING ON A PROPOSAL
FOR ISSUANCE OF REVENUE OBLIGATIONS
TO FINANCE A PROJECT BY
EAGLECREST SENIOR HOUSING, LLC

Notice is hereby given that a public hearing shall be conducted by the City Council of the City of Roseville, Minnesota (the "City"), will meet in the City Council Chambers at the Roseville City Hall, in the City, at 6:00 P.M. on Monday, June 15, 2009, to consider the housing finance program of the City and the issuance of revenue bonds by the City, in one or more series, pursuant to Minnesota Statutes, Sections 469.152 to 469.1651, as amended and Minnesota Statutes, Chapter 462C (the "Acts"), in order to finance the cost of a project located in the City.

The project consists of refinancing, on behalf of EagleCrest Senior Housing, LLC, a Minnesota limited liability company, the sole member of which is PHS/EagleCrest, Inc. a Minnesota nonprofit corporation, (the "Borrower"), (i) the Issuer's outstanding Senior Housing Refunding Revenue Bonds (EagleCrest Project), Series 2007 which were issued to refinance the acquisition, construction and equipping of a multifamily rental housing facility known as EagleCrest, consisting of 127 units of independent living apartments, 91 units of assisted living and 36 units for memory care located at 2925-45 Lincoln Drive North in the City (the "Roseville Portion"); and (ii) outstanding taxable debt of the Borrower or its affiliate, Presbyterian Homes of Arden Hills, Inc. (the "Affiliate") used to finance improvements to the common areas, hallways and room conversions to the McKnight Care Center, located at 3220 Lake Johanna Boulevard in the City of Arden Hills, Minnesota (the "Arden Hills Portion" and, together with the Roseville Portion, the "Project"). The City of Arden Hills is referred to in this notice as the "Host City".

The maximum aggregate estimated principal amount of the Bonds or other obligations to be issued by the Issuer pursuant to the housing finance program is $23,500,000. The Roseville Portion of the Project is owned and operated by the Borrower and the Arden Hills Portion of the Project is owned and operated by the Affiliate.

Subsequent to approval of the housing finance program, the City may issue revenue bonds to finance the housing finance program. The Bonds, as and when issued, will not constitute a charge, lien or encumbrance upon any property of the City or the Host City, except the Project and the revenues to be derived from the Project and other financed facilities. Such Bonds will not be a charge against the general credit or taxing powers of the City or the Host City, but are payable from sums to be paid by the Borrower pursuant to a revenue agreement.

A draft copy of the proposed application to the Commissioner of the Department of Employment and Economic Development, State of Minnesota, for approval of the Project, together with all attachments and exhibits thereto, together with a copy of the housing program, will be available for public inspection during normal business hours, Monday through Friday until the date of the Public Hearing, at the City Hall in the City.

At the time and place fixed for the public hearing, the City will give all persons who appear at the hearing an opportunity to express their views with respect to the financing of the Project. In addition, interested persons may file written comments respecting the proposal with the City Manager at or prior to the public hearing.

REQUEST FOR COUNCIL ACTION

DATE: 5/18/2008
ITEM NO: 7.d

Department Approval: City Manager Approval:

Item Description: Request by Old Dominion Freight Lines for the **vacation** of public right-of-way on the north and east sides of property at 2750 Cleveland Avenue (PF09-012).

1.0 REQUESTED ACTION

1.1 Old Dominion Freight Lines is requesting the VACATION of the public road right-of-way adjacent to and inclusive of the north and east sides of their property at 2750 Cleveland Avenue. This vacation request is consistent with the Vacation and Re-Granting Agreement entered into by the City and Old Dominion as part of the Metro Transit park and ride project.

Project Review History

- Application submitted and determined complete: April 13, 2009
- Sixty-day review deadline: June 12, 2009
- Project report recommendation: April 24, 2009
- Planning Commission action (6-0): May 6, 2009
- Anticipated City Council action: May 18, 2009

2.0 SUMMARY OF STAFF RECOMMENDATION

At the duly notice public hearing, tho citizens wre present to address the Commission regarding the VACATION request. Subsequently, the Planning Commission recommended (6-0) approval of the requested VACATION; see Section 5 of this report for details.

3.0 SUMMARY OF SUGGESTED ACTION

ADOPT a RESOLUTION APPROVIONG the RIGHT-OF-WAY VACATION; see Section 6 of this report for details.

4.0 BACKGROUND

4.1 The Old Dominion property lies at 2750 Cleveland Avenue, within the Twin Lakes Redevelopment Area. The property has a Comprehensive Plan designation of Business Park (BP) and a zoning classification of General Industrial (I-2) and Planned Unit Development (PUD).

4.2 Minnesota State Statutes, Chapter 462.358, subdivision 7, provides municipalities guidance for vacating publicly owned easements. Specifically, this subdivision reads: ***Vacation.*** *The governing body of a municipality may vacate any publicly owned utility easement or boulevard reserve or any portion thereof, which are not being used for sewer, drainage, electric, telegraph, telephone, gas and steam purposes or for boulevard*

reserve purposes, in the same manner as vacation proceedings are conducted for streets, alleys and other public ways under a home rule charter or other provisions of law.

4.3 On December 15, 2008, the Roseville City Council approved the proposal by Metro Transit to construct a 460-stall park and ride facility in the northeast corner of the Old Dominion parcel. A subsequent action by the City Council approved a two-lot subdivision known as Twin Lakes Addition of the parcel, creating the lot for the park and ride facility and Outlot A that may not be developed without further platting.

4.4 Also on December 15, 2008, the City Council approved the Vacation and Re-Granting Agreement. This agreement stipulates the terms and conditions under which the Twin Lakes Addition plat shall be recorded and the process that will occur (by the applicant and City) to vacate the 10 foot wide strips of land along the north and east boundaries of the Old Dominion parcel.

4.5 The 10-foot wide strips of land were conveyed to the City in a Quit Claim Deed back on April 29, 1959 and contained within Document Number 1511814 and recorded with the Ramsey County Recorder on June 7, 1960. The City and property owners never fully agreed on the ownership of the strips of land. Thus the Vacation and Re-Granting Agreement was created to allow the Metro Transit project to proceed while allowing the City to retain its right for use of the land.

4.6 Recently, the Ramsey County Surveyor accepted the Twin Lakes Addition plat, which will allow the applicant to produce mylar document's for signature and, ultimately, recording. This subdivision depicts the 10-foot-wide strips of land as dedicated public right-of-way for Iona Lane and Mount Ridge Road. The executed Agreement requires the City to vacate the portion of the strips of land NOT contained within Lot 1, Block 1, Twin Lakes Addition or that which lies over the Outlot.

5.0 PLANNING COMMISSION/STAFF RECOMMENDATION

On May 6, 2009 that Roseville Planning Commission held the duly noticed public hearing regarding the Old Dominion request for right-of-way vacation. No citizens were in the audience to address the Commission. The applicants Attorney, Jim Walston, did address the Planning Commission providing additional clarification on the need for the process. The Commission voted (6-0) to recommend approval of the subject request based on the above analysis and staff comments (and requirements of the Vacation and Re-Granting Agreement dated February 6, 2009). The Roseville Planning Division concurs with this recommendation (minutes attached).

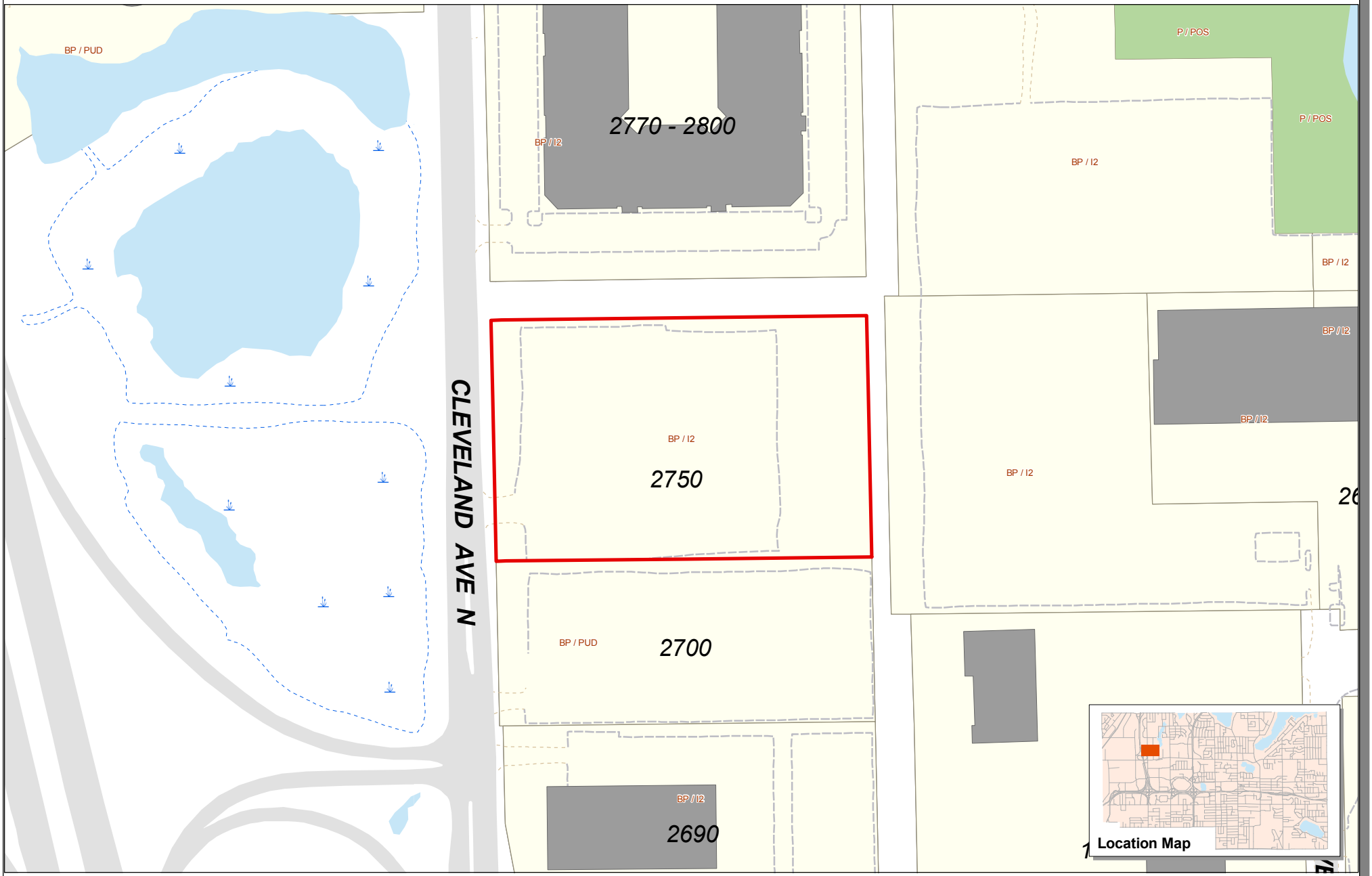
6.0 SUGGESTED ACTION

ADOPT a RESOLUTION APPROVING of the requested VACATION of public road right-of-way pursuant to the Vacation and Re-Granting Agreement and affecting Outlot A of the Twin Lakes Addition plat (Old Dominion), based on the comments and findings of Section 4 and recommendation of Section 5 of the project report dated May 18, 2009.

Prepared by: City Planner Thomas Paschke (651-792-7074)

Attachments:
- A: Area map
- B: Aerial photograph
- C: Narrative
- D: Vacation/Regranting Agreement
- E: Vacation Illustration
- F: PC Minutes
- G: Draft Resolution

Attachment A: Location Map for Planning File 09-012



ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
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.

0 100 200 Feet

N

mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-012

ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* 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

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.

0 50 100 Feet

N

6a. Written Narrative:

A Quit Claim Deed dated April 29, 1959, and recorded as Document Number 1511814 at the Ramsey County Recorder's Office on June 7, 1960 (hereinafter the "1959 Quit Claim Deed"), purports to quit claim and deed to the City certain 10 foot strips of land affecting the north and east sides of the property. The 1959 Quit Claim Deed indicates the conveyance is for public roadway and highway purposes. The City believed that the 1959 Quit Claim Deed conveyed fee simple title to the 10 foot strips of land with use restrictions, however, the Property Owner, ODFL, Inc., believed that only a permanent public easement was conveyed.

Metro Transit acquired a portion of the property for the purpose of constructing and operating a Park and Ride Facility. In connection with the Metro Transit project, the property owner must plat the property into two (2) separate lots to be known as Twin Lakes Addition – Lot 1 which is the land being sold to Metro Transit ("Metro Transit Property") and Outlot A which may be developed in the future.

The property owner and the City entered into a Vacation and Re-Granting Agreement dated February 6, 2009 and recorded March 17, 2009 as Document Number 4145952 with the Ramsey County Recorder (hereinafter the "Agreement"). A copy is attached for reference. Pursuant to that Agreement, once the Twin Lakes Addition Plat is accepted for recording with the Ramsey County Recorder, the City will promptly begin the vacation process of the 10 foots strips of land affecting the Outlot. Upon completion of the vacation process, the property owner shall grant back to the City easements over the 10 foot strips of land for public way purposes. The City shall record a Resolution vacating the 10 foot strips of land affecting the Outlot. At the time that the Outlot is platted or subdivided, the owner shall then dedicate on the plat the 10 foot strips on the north and east sides of the Outlot for public way purposes.

6b. Legal Description:

Property:

Lots 1, 2, 3, 18, 19 and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota.

PIN: 04.229.23.33.0001

10 Foot Strips to be vacated:

The northerly 10 feet and easterly 10 feet of Outlot A, Twin Lakes Addition, according to the plat thereof, Ramsey County, Minnesota.

VACATION AND RE-GRANTING AGREEMENT

This Agreement is made this 6th day of February, 2009 by and between the **City of Roseville**, a Minnesota municipal corporation (hereinafter the "City") and **Old Dominion Freight Line, Inc.**, a Virginia corporation (hereinafter the "Owner"), the fee owner of the real property located within the City and Ramsey County, Minnesota described in Exhibit A (hereinafter the "Exhibit A Property").

RECITALS

WHEREAS, a Quit Claim Deed, dated April 29, 1959 and recorded as document number 1511814 at the Ramsey County Recorder's Office on June 7, 1960 (hereinafter the "1959 Quit Claim Deed"), purports to quit claim and deed to the City certain 10 foot strips of property affecting the north and east sides of the Exhibit A Property, all as more fully shown on Exhibit B;

WHEREAS, the 1959 Quit Claim Deed indicates the conveyance is for public roadway and highway purposes;

WHEREAS, the City believes the 1959 Quit Claim Deed conveyed fee simple title to the 10 foots strips of property, with a use restriction;

WHEREAS, the Owner believes the 1959 Quit Claim Deed conveyed only a permanent public easement for roadway and highway purposes;

WHEREAS, the City has not, to date, utilized the 10 foot strips for roadway or highway purposes, but may do so in the future;

WHEREAS, Owner is in the process of selling a portion of the Exhibit A Property to Metro Transit for the purpose of constructing and operating a Park and Ride facility (hereinafter the "Metro Transit Project") and in connection with such sale, Owner must plat the Exhibit A Property into two separate lots – Lot 1 Twin Lakes Addition (hereinafter "Lot 1") which will be

the site of the Metro Transit Project and an Outlot A, Twin Lakes Addition (hereinafter the "Outlot"), which may be developed in the future;

WHEREAS, the disagreement over the nature of the interest conveyed by the 1959 Quit Claim Deed is, according to the Owner, preventing the Owner from closing on the Metro Transit transaction;

WHEREAS, in order to facilitate the platting of the Exhibit A Property into a plat to be known as Twin Lakes Addition and the commencement of construction of the Metro Transit Project on Lot 1, City and Owner wish to resolve the disagreement over the interpretation of the 1959 Quit Claim Deed on the terms described herein; and

WHEREAS, Cent Ventures 2, a Minnesota limited liability company, as a contract purchaser of the Outlot, also supports and agrees to the terms of resolution of the issue described herein.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

1. City shall execute and deliver to Owner a quit claim deed (hereinafter the "City Quit Claim Deed") conveying to Owner all of City's interest in the 10 foot strips affecting the Outlot.

2. Owner shall prepare a plat to be known as Twin Lakes Addition (hereinafter the "Plat"). As part of the Plat, the Owner will dedicate to the City the 10 foot strips on the north and east sides of Lot 1 as "public way." The Plat will also show dedication of 10 foot strips on the north and east sides of the Outlot as "public way".

3. Upon receiving the City Quit Claim Deed and receiving the necessary land use approvals from the City for the Twin Lakes Addition plat, the Owner shall proceed to, first, record the Quit Claim Deed, and, second, record the Plat, as described in paragraph two above.

4. Once the Plat described in paragraph two is accepted by Ramsey County for recording the City will promptly begin the vacation process of the 10 foot strips affecting the

Outlot. Upon completion of the vacation process, the Owner shall grant back to the City easements over the 10 foot strips on the Outlot for public way purposes. The City shall record the City Resolution vacating the 10 foot strips affecting the Outlot, and then record the easement granting back to the City an interest in the 10 foot strips affecting the Outlot.

5. At the time the Outlot is platted or subdivided, then Owner, its successors or assigns shall dedicate on the plat the 10 foot strips on the north and east sides of the Outlot to the City for public way purposes.

6. If the plat is not recorded within 120 days of the execution of this Agreement, the Owner shall promptly return the Quit Claim Deed to the City.

CITY OF ROSEVILLE,
a Minnesota municipal corporation

By Craig D. Klausing
Its Mayor Craig D. Klausing

By W J Malinen
Its City Manager William J. Malinen

OLD DOMINION FREIGHT LINE, INC.,
a Virginia corporation

By
Its Sr. V.P, General Counsel / Sec.

CENT VENTURES 2,
a Minnesota limited liability company

By Joel Swingt
Its Partner

STATE OF MINNESOTA)
) ss.
COUNTY OF Ramsey)

This instrument was acknowledged before me this 15th day of December, 2008 by Craig D. Klausing and William J. Malinen, respectively the Mayor and City Manager of **CITY OF ROSEVILLE**, a Minnesota municipal corporation, on it behalf.

SHEILA STOWELL
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2010

Notary Public

STATE OF NC)
) ss.
COUNTY OF Guilford)

This instrument was acknowledged before me this 30th day of December, 2008 by Joel B. McCarty, Jr. respectively the Sr VP, General Counsel & Sec. of **OLD DOMINION FREIGHT LINE, INC.**, a Virginia corporation, on its behalf.

Alice Gibson
Notary Public
My Commission Expires: 3/15/13

Alice Gibson
Notary Public
Guilford County, NC

STATE OF MINNESOTA)
) ss.
COUNTY OF Hennepin)

This instrument was acknowledged before me this 6th day of February, 2008 by John Livingston, ~~respectively~~ the Partner of **CENT VENTURES 2**, a Minnesota limited liability company, on its behalf.

JAMES R WALSTON
Notary Public
Minnesota
My Commission Expires Jan. 31, 2010

Notary Public

THIS INSTRUMENT WAS DRAFTED BY

LINDQUIST & VENNUM P.L.L.P.
4200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2274
Telephone: (612) 371-3211
JRW/517449/0001

RRM: #125444/sem

(ATTACHMENTS – EXHIBITS A AND B)

Exhibit A
To
Vacation and Re-Granting Agreement

Lots 1, 2, 3, 18, 19 and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota.

Exhibit B
To
Vacation and Re-Granting Agreement

All those portions of Lots 1, 2 and 3 Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota lying East of a line drawn parallel to and 10 feet Westerly of the East line of said Lots 1, 2 and 3;

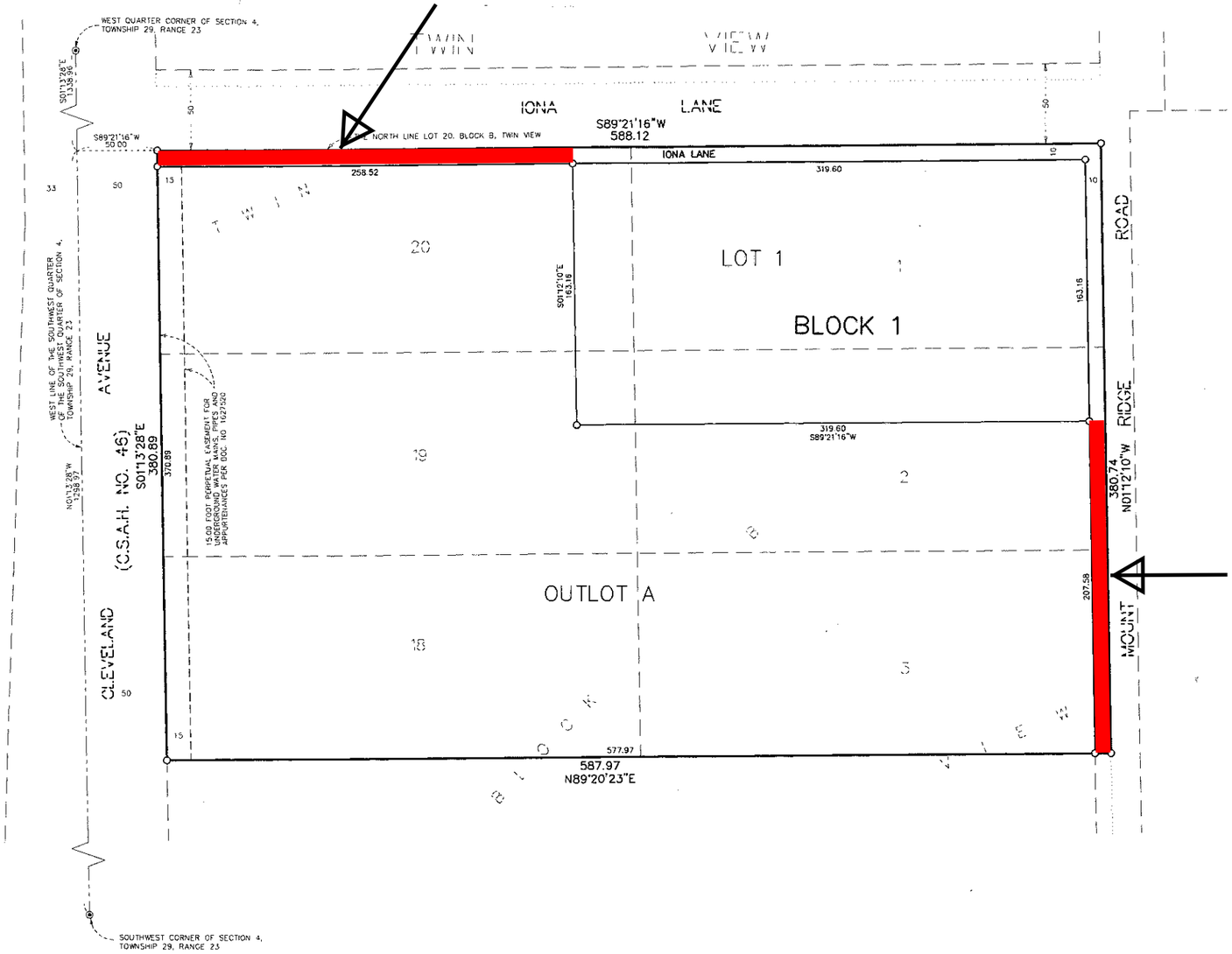
and

The Northerly 10 feet of Lots 1 and 20, Block B Twin View, according to the recorded plat thereof, Ramsey County, Minnesota.

TWIN LAKES ADDITION

Attachment E

RIGHT-OF-WAY TO BE VACATED



- DENOTES RAMSEY COUNTY CAST IRON MONUMENT
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NO. 19828

BEARINGS ARE BASED ON THE NORTH LINE OF LOT 20, BLOCK B, TWIN VIEW, WHICH IS ASSUMED TO HAVE A BEARING OF SOUTH 89° 21' 16" WEST

RIGHT-OF-WAY TO BE VACATED

1 INCH = 40 FEET

40 20 0 40

SCALE IN FEET

PIONEER *engineering*

CIVIL ENGINEERS LAND PLANNERS LAND SURVEYORS LANDSCAPE ARCHITECTS

EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MINUTES

a. PLANNING FILE 09-012

Request by Old Dominion Freight Lines for the VACATION of Public rights-of-way on the north and east sides of property at 2750 Cleveland Avenue

Vice Chair Boerigter opened the Public Hearing for Planning File 09-012.

City Planner Thomas Paschke reviewed staff's analysis of the request by Old Dominion Freight Lines, and on behalf of the City, for VACATION of the public road right-of-way adjacent to and inclusive of the north and east sides of their property at 2750 Cleveland Avenue, consistent with the vacation and re-granting agreement entered into by the City and Old Dominion as part of the Metro Transit park and ride project.

Mr. Paschke advised that on December 15, 2009, the City Council approved the Vacation and Re-Granting Agreement, stipulating the terms and conditions under which the Twin Lakes Addition plat would be recorded and the process to occur to vacate the ten foot (10') wide strips of land along the north and east boundaries of the Old Dominion parcel.

Staff recommended approval of the request for VACATION of public road right-of-way for ten feet (10') wide strips of land pursuant to the Vacation and Re-Granting Agreement, and affecting Outlot A of the Twin Lakes Addition Plat (Old Dominion), adjacent to and inclusive of the north and east sides of their property at 2750 Cleveland Avenue, as part of the Metro Transit park and ride project; based on the comments and findings of Section 4 of the project report dated May 06, 2009.

Discussion included purpose and future development goals of the easement vacation creating right-of-way for future roads, as basically an administrative due diligence process to satisfy all parties, with no changes in how the land is utilized, but negotiated by the property owner, the City Attorney and staff, with City Council approval, and clarifying the easement conveyance to the City in 1959 and recorded in 1960.

Commissioners reviewed requested action for Planning Commission recommendation to the City Council; and clarified that there were no conditions indicated by staff for this approval.

Applicant Representative, Jim Walston, Attorney for Old Dominion Freight Line
Mr. Walston concurred with the summary of Mr. Paschke; noting that the agreement resolved outstanding issues and had been negotiated by City Attorney Squires and himself, as required by the County Recorder for proper recording of the plat.

Public Comment
No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing for Case #09-012.

MOTION
Member Wozniak moved, seconded by Member Gottfried to RECOMMEND TO THE CITY COUNCIL APPROVAL of a VACATION of public road right-of-way for ten feet (10') wide strips of land pursuant to the Vacation and Re-Granting Agreement, and affecting Outlot A of the Twin Lakes Addition Plat (Old Dominion), adjacent to and inclusive of the north and east sides of their property at 2750 Cleveland Avenue, as part of the Metro Transit park and ride project; based on the comments and findings of Section 4 of the project report dated May 06, 2009.

Ayes: 6
Nays: 0
Motion carried.

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 18th day of May 2009 at 6:00 p.m.

The following members were present:
and the following were absent:

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

RESOLUTION NO. _____
A RESOLUTION APPROVING THE VACATION OF CERTAIN PUBLIC RIGHT-OF-WAY ON PROPERTY LOCATED AT 2750 CLEVELAND AVENUE (PF09-012)

WHEREAS, Old Dominion Freight Line, Inc. has requested the VACATION of CERTAIN PUBLIC RIGHT-OF-WAY that lie on their property located at 2750 Cleveland Avenue and pursuant to the Vacation and Rededication Agreement dated December 15, 2008; and

WHEREAS, the Public Works Department has determined that the existing right-of-way can be vacated pursuant to the Vacation and Rededication Agreement; and

WHEREAS, said following PUBLIC EASEMENTS are to be vacated in their entirety:

The Northerly Ten (10) feet and Easterly Ten (10) feet of Outlot A, Twin Lakes Addition, according to the recorded plat thereof, Ramsey County, Minnesota.

WHEREAS, on May 6, 2009, the Roseville Planning Commission held the duly noticed public hearing regarding the PUBLIC RIGHT-OF-WAY VACATIONS and voted (6-0) to recommend approval of based on the information contained in the project report dated May 6, 2009;

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to grant the VACATION of certain PUBLIC RIGHT-OF-WAYS on property addressed at 2750 Cleveland Avenue.

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

and the following voted against:

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) SS
)
CITY OF ROSEVILLE)

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 18th day of May 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 18th day of May 2009.

_____
William J. Malinen, City Manager

(Seal)

State of Minnesota - County of Ramsey
Signed or Attested before me on this

_____day of _____ 2009

by: William J. Malinen

_____
Notary Public

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 05/18/09
Item No.: 7.e

Department Approval

City Manager Approval

Item Description: Approve Capitol Region Watershed District Memorandum of Agreement for Maintenance of Stormwater Management Facilities

.

BACKGROUND

This year we are reconstructing Roselawn Avenue between Hamline Ave and Victoria Street. Storm water management facilities including rain gardens and biofiltration basins within the Roselawn Avenue right- of- way are being constructed as part of this project. These facilities are necessary to meet City and Watershed District storm water treatment requirements.

This project is within the Capitol Region Watershed District. The District requires the installation and maintenance of new storm water management facilities according to the district rules for city public works' projects, including street reconstruction projects. One of the permit requirements is to enter into a Memorandum of Agreement covering the maintenance of the new storm water management facilities.

POLICY OBJECTIVE

This agreement will cover all new storm water management facilities constructed in association with road reconstruction projects within Capitol Region Watershed District. Maintenance of Storm Water Facilities is required by our Minnesota Pollution Control Agency Storm Water Pollution Prevention Permit (SWPPP). It is also consistent with our Public Works Policies to adequately maintain infrastructure. Attached is the draft agreement. We are working with the CRWD attorney on finalizing the language in the agreement.

FINANCIAL IMPACTS

The Public Works Department is committed to maintaining new facilities when they are installed. This agreement does not increase our level of maintenance over what we would have done without the agreement.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the Capitol Region Watershed District Memorandum of Agreement for Maintenance of Stormwater Management Facilities.

REQUESTED COUNCIL ACTION

Motion to approve Capitol Region Watershed District Memorandum of Agreement for Maintenance of Stormwater Management Facilities.

Prepared by: **Debra Bloom, City Engineer**

Attachment A: Memorandum of Agreement for Maintenance of Stormwater Management Facilities

Attachment A

CONTRACT NO. _____

MEMORANDUM OF AGREEMENT
for
MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

AN AGREEMENT, dated this _____ of _____, 2009, by and between the **CAPITOL REGION WATERSHED DISTRICT** hereinafter called the "DISTRICT", and the **CITY OF ROSEVILLE,** Minnesota hereinafter called the "CITY".

WHEREAS, the DISTRICT requires the installation and maintenance of new stormwater management facilities for projects disturbing over one acre in its DISTRICT Rules; and

WHEREAS, the CITY Public Works Department is required to construct new stormwater management facilities according to the DISTRICT Rules for CITY Public Works' projects, including street reconstruction projects; and

WHEREAS, the CITY is required to enter into an agreement to maintain the newly constructed stormwater management facilities under Rule C Section 3.(e) of the DISTRICT Rules; and

NOW, THEREFORE, in consideration of the mutual terms and conditions hereinafter set forth, the DISTRICT and the CITY agree as follows:

SECTION 1. Definitions

a) Stormwater Management Facilities means the devices constructed as a part of Public Work's projects to meet the DISTRICT's rules.

SECTION 2. **City Obligations** The CITY shall maintain the stormwater management facilities in working condition and in accordance with the schedule of long term maintenance activities agreed to, as follows:

a) Establish an inventory of stormwater management facilities, which will be updated annually.
b) Inspect stormwater management facilities annually or according to manufacturer's specification where appropriate.
c) Maintain all stormwater management facilities as necessary to preserve the integrity and intended function of the facility, and where applicable in accordance with the recommendations of the State of Minnesota Stormwater Manual, or as amended.

SECTION 3. Entire Agreement It is understood and agreed that this Agreement constitutes the entire Agreement between the parties, and that it supersedes all oral agreements and negotiations between the parties relating to the subject matters hereof. This Agreement may be amended only by written agreement of the parties.

SECTION 4. Termination Either party may terminate this Agreement after 30 days written notice to the other party. Termination of this agreement does not relieve the CITY from the obligations it may have under laws, rules, ordinances and regulations to properly maintain stormwater management facilities.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the day and year first above written.

CITY OF ROSEVILLE, MINNESOTA	**CAPITOL REGION WATERSHED DISTRICT**
By _____	By _____
Craig Klausing, Mayor	Mark Doneux, Administrator
By _____	By _____
Duane Schwartz, Public Works Director	Robert P. Piram, President
Approved as to form:	Approved as to form:
_____	_____
City Attorney	Assistant Ramsey County Attorney Legal Counsel for Capitol Region Watershed District

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 5/18/09
Item No.: 7.f

Department Approval

City Manager Approval

Item Description: Resolution for Minnesota Public Facilities Authority Application- Drinking Water Revolving Fund

BACKGROUND

The American Recovery and Reinvestment Act (ARRA), commonly called the Federal Stimulus Plan, will be providing money for public water system infrastructure projects. The money will be distributed through the Minnesota Drinking Water Revolving Fund Program. The State of Minnesota expects to receive approximately $72 million for clean water infrastructure projects and $35 million for drinking water infrastructure projects from the recently enacted ARRA of 2009. The Minnesota Public Facilities Authority (PFA) will award ARRA funds to eligible projects by following the general eligibility requirements and funding process for the Clean Water Revolving Fund (CWRF) and Drinking Water Revolving Fund (DWRF). The funds will be administered by the PFA in coordination with the Minnesota Pollution Control Agency (MPCA) for clean water projects and the Minnesota Department of Health (MDH) for drinking water projects.

Federal law provides for both loans and grants to be made from the ARRA funds. The PFA intends to provide small base grants to all eligible projects, with additional grant funds potentially available based on affordability criteria. For most projects, the majority of project financing will be in the form of low interest loans with discounts from market rates as provided in PFA rules.

Last year, staff obtained bids for a watermain lining project to line a segment of watermain between Woodhill Avenue and County Road C-2 between Churchill Street and Oxford Street. The bids came in twice as high as expected, and staff explored other alternatives for this project. This main is located along the shared lot line of homes and has a history of recent breaks with property damage. These single family backyards have fences, sheds, mature trees, lawns, and gardens that would be torn up if we pursued a traditional open cut replacement project. Staff recommends constructing new watermain in the front boulevard to eliminate the difficult access for future maintenance. The new watermain would be installed using directional boring technologies, minimizing the impact of excavation to the street and boulevards.

POLICY OBJECTIVE

The City of Roseville has constructed a watermain distribution system to serve all properties in the city. The city maintains these facilities to ensure reliable service that minimizes the potential for disruption of service and potential for property damage.

FINANCIAL IMPACTS

The estimated engineering and construction cost for this project is $693,000. Staff proposes this project be funded through the loans available from the PFA. The PFA intends to provide small base grants to all eligible projects, with additional grant funds potentially available based on affordability criteria. For most projects, the majority of project financing will be in the form of low interest loans with discounts from market rates as provided in PFA rules.

STAFF RECOMMENDATION

Staff recommends approval of a resolution for the Minnesota Public Facilities Authority application for the Drinking Water Revolving Fund.

REQUESTED COUNCIL ACTION

Approval of a resolution for the Minnesota Public Facilities Authority application for the Drinking Water Revolving Fund.

Prepared by: **Kristine Giga, Civil Engineer**
Attachments: Resolution

EXTRACT OF MINUTES OF MEETING
OF CITY COUNCIL
CITY OF ROSEVILLE
RAMSEY COUNTY, MINNESOTA

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was duly held in the City Hall at 2660 Civic Center Drive, Roseville, Minnesota, on Monday, the 18th day of May, 2009, at 6:00 p.m.

The following members were present: and the following members were absent:

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.
RESOLUTION FOR MINNESOTA PUBLIC FACILITIES AUTHORITY APPLICATION -DRINKING WATER REVOLVING FUND

BE IT RESOLVED by the City Council of the City of Roseville, as follows:

BE IT RESOLVED that the City of Roseville is hereby applying to the Minnesota Public Facilities Authority for a loan from the Drinking Water Revolving Fund for improvements to its drinking water system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Roseville estimates the loan amount to be $693,000 or the as-bid cost of the project.

BE IT FURTHER RESOLVED that the City of Roseville has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

The motion was duly seconded by and upon vote being taken thereon, the following voted in favor thereof: and the following voted against: .

WHEREUPON said resolution was declared duly passed and adopted.

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 18th day of May, 2009, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 18th day of May, 2009.

_____
William J. Malinen, City Manager

(SEAL)

Date: 5/18/09
Item: 10.a
Joint Meeting with
Ethics Commission

No Attachment

REQUEST FOR COUNCIL ACTION

Date: 05/18/09
Item No.: 10.b

Department Approval | City Manager Approval

Item Description: 2008 Financial Statement Presentation

BACKGROUND

State Statute requires an annual presentation of the City's year-end financial report by an independent auditor. The purpose is to provide a forum for which an independent report can be made directly to elected officials with regard to the City's financial operations. A copy of the 2008 Annual Financial Report will be distributed at the meeting.

Jim Eichten, from the firm of Malloy, Montague, Karnowski, and Radosevich, and Company, P.A., will be present to provide an overview of the Annual Report, as well as the audit process and any required disclosures.

Staff will be available for any follow-up questions if necessary.

POLICY OBJECTIVE

The presentation of the annual report is required by State Statute.

FINANCIAL IMPACTS

Not applicable

STAFF RECOMMENDATION

Staff recommends the Council formally accept the 2008 Annual Financial Report

REQUESTED COUNCIL ACTION

Motion to accept the 2008 Annual Financial Report

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

REQUEST FOR COUNCIL ACTION

Date: 5/18/09
Item No.: 12.a

Department Approval | City Manager Approval

PT/DM

Item Description: **Community Development Department Request to Perform a City Abatement for an Unresolved Violation of City Code at 182 South McCarrons Boulevard**

BACKGROUND

- The subject property is a single family home at 182 South McCarrons Boulevard.
- The property owner is Caroline R. Corges.
- Current violations include:
    - A wooden shed was torn down but left as a pile of debris in the rear yard. (Violation of City Code Section 906.05.C.)
- A status update will be provided at the Council hearing.

POLICY OBJECTIVE

The City goals within the Comprehensive Plan are to protect and improve property values (Goal 3, 4, and 5; page 6 and, Section 3) and to adhere to performance standards which protect the integrity of the housing units and the neighborhood (Policy 6, page 8, Section 3).

FINANCIAL IMPACTS

City Abatement:

Abatement would encompass the following:

- Removal of the shed:
    - Approximately - $600.00
- Total: Approximately - $600.00.

In the short term, costs of the abatement will be paid out of the:

- HRA budget, which has allocated $100,000 for abatement activities (residential).

The property owner will then be billed for actual and administrative costs. If charges are not paid, staff is to recover costs as specified in Section 407.07B. Costs will be reported to Council following the abatement.

STAFF RECOMMENDATION

Staff recommends that the Council direct Community Development staff to abate the above referenced public nuisance violations at 182 S. McCarrons Boulevard.

REQUESTED COUNCIL ACTION

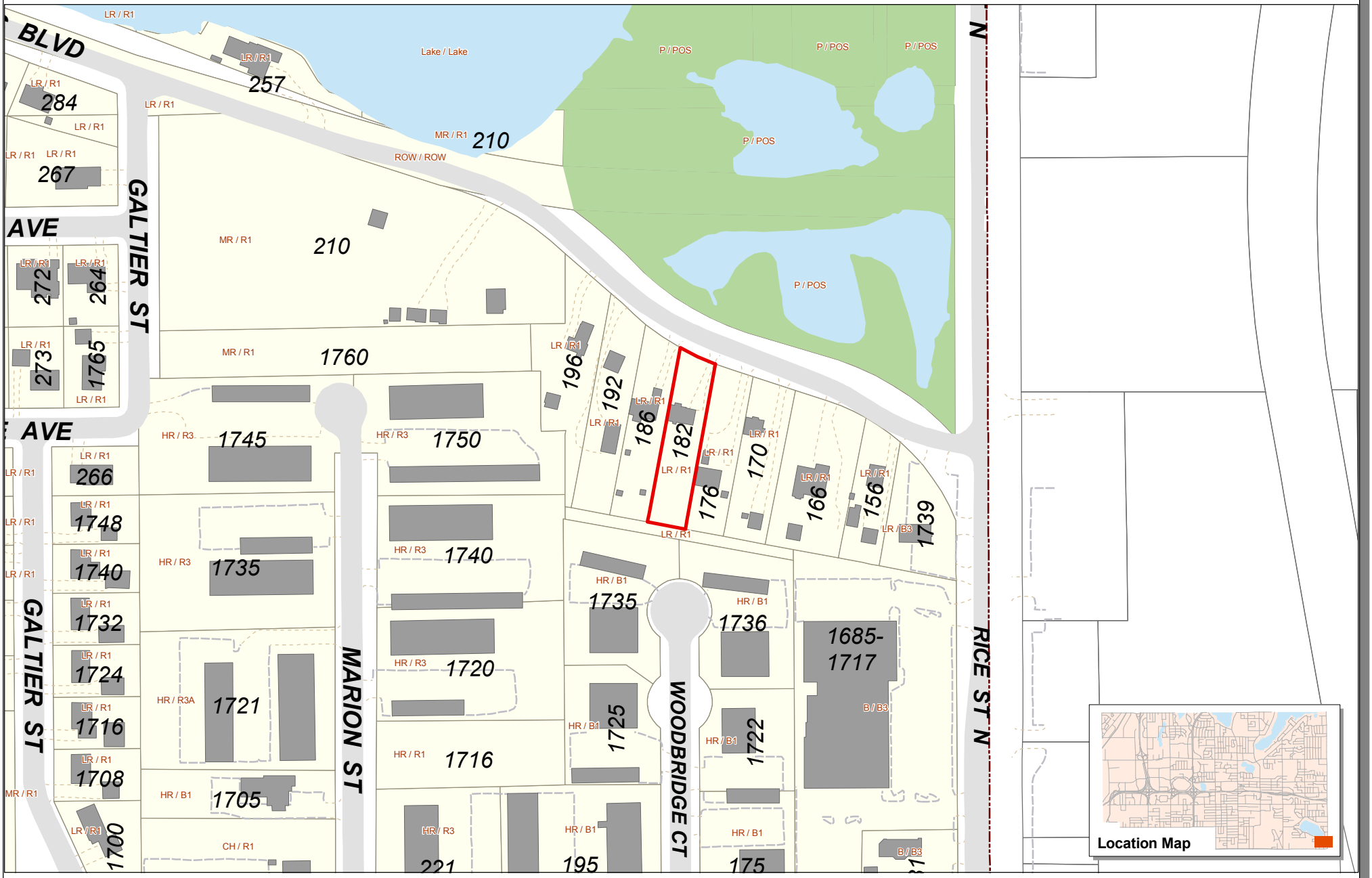
Direct Community Development staff to abate the above referenced public nuisance violations at 182 S. McCarrons Boulevard by hiring a general contractor to correct existing code violations. The property owner will then be billed for actual and administrative costs. If charges are not paid, staff is to recover costs as specified in Section 407.07B.

Prepared by: Don Munson, Permit Coordinator

Attachments: A: Map of 182 South McCarrons Boulevard

Attachment A

Abatement Request at 182 South McCarrons Blvd



Prepared by:
Community Development Department
Printed: May 6, 2009

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (3/30/2009)

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

Disclaimer

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0 100 200 Feet

N

mapdoc: planning_commission_location.mxd

REQUEST FOR COUNCIL ACTION

Date: 5/18/2009
Item No.: 12.b

Department Approval

City Manager Approval

Item Description: Request for approval of the **Final Development Plan and Planned Unit Development Agreement** for the Ramsey County Library at 2180 Hamline Avenue **(PF08-030)**

1.0 REQUESTED ACTION

Ramsey County seeks approval of the FINAL DEVELOPMENT PLAN and PLANNED UNIT DEVELOPMENT AGREEMENT to allow the expansion of their current library site and facility at 2180 Hamline Avenue. The proposal includes an approximately 30,300 sq. ft. second-story addition to the existing 43,400 sq. ft. library and increases on-site parking by 121 parking spaces through the reconfiguration of the existing parking lot and and the construction of a new parking lot to the north.

Project Review History

- General Concept/Rezoning Approved: August 25, 2008
- Application submitted: April 30, 2009
- Determined complete: May 6, 2009
- Sixty-day review deadline: July 5, 2009
- Project report recommendation: May 14, 2009
- City Council action: May 18, 2009

2.0 SUMMARY OF RECOMMENDATION

2.1 The Roseville Development Review Committee and the Roseville Planning Division have determined that the Final Development Plan for the Roseville/Ramsey County Library meets all standards and conditions of the General Concept approval.

3.0 SUMMARY OF SUGGESTED ACTION

By MOTION, APPROVE the FINAL DEVELOPMENT PLANNED UNIT DEVELOPMENT and AGREEMENT, subject to conditions; see Section 7 of this report for the detailed action**.**

4.0 BACKGROUND

4.1 On August 25, 2008, the Ramsey County Library received approval of their General Concept Planned Unit Development (Rezoning and Comprehensive Land Use Designation Amendment) to allow the site improvements and building addition/expansion, subject to the following conditions:

a. The proposed project shall meet all applicable requirements of §1006 (Business District Requirements) and §1011 (Design Standards) of the Roseville City Code.

b. Final grading, drainage, and utility plans shall be developed by a registered engineer and submitted for review and approval by the Roseville City Engineer. Said grading/drainage plan shall also be submitted to the Rice Creek Watershed for review, approval, and permitting.

c. The landscape plan submitted for FINAL PLANNED UNIT DEVELOPMENT approval shall include the heightened screening necessary to mitigate the visual effects of vehicles in the parking lot, heightened landscape adjacent residential areas, and boulevard trees consistent with the Roseville Street Tree Master Plan. The plan shall also consider creating a landscaped transit stop in the southwest corner of the property.

d. The existing height at the pyramid generally in the center of the existing building is 50 feet. Despite current elevations, the pyramid is to remain and will continue to be the tallest point of the structure.

e. Provision of bicycle parking and security on the improved site, provision of a pedestrian connection from County Road B, and enhanced interior connections.

4.2 Since the Council's approval, the Development Review (DRC) has reviewed two sets of plans pertaining to the final project. On March 6, 2009, the Planning Division provided Michael Collins, MSR Architects (project architects) with four questions regarding the DRC's review of the pre-final plan submittal. On April 16, 2009, the Planning Division received a response from the project architect. The questions and responses are below:

a. **[City]** Yesterday the DRC reviewed the information you provided concerning the modifications to the Roseville/Ramsey County Library. The DRC concluded that the changes, mainly in parking lot configuration and landscaping improvements were MINOR and did not warrant consideration by the Planning Commission. That said, the DRC did have a few comments regarding the General Concept conditions of approval that will need to be addressed prior to the County's submittal for Final Plan consideration be the City Council. One of the conditions required a pedestrian connection from the library along the eastern property, most likely adjacent the drive land/parking lot, to the existing sidewalk adjacent to County Road B. The plan submitted does indicate a very tasteful landscape and environmentally friendly improvement, however the ag lime path does not provide a connection to the sidewalk, nor is it easily maintainable in the winter. The DRC suggests that the County consider permeable pavers as a means to address green design and meet the City's desire to get neighborhood pedestrians to the library. **[Mike Collins]** *Per our conversation, the bid documents were revised*

to show a concrete sidewalk from the public walk at County Road B that runs along the east edge of the parking lot and extends to the south side of the library.

b. **[City]** Another condition sought pedestrian connections from the parking lots. While the DRC is not opposed to the elimination of the connection in the southern parking lot, we are interested in having a permeable paver path incorporated back into the western most island within the northern parking lot. ***[Mike Collins]*** *I reviewed this with our landscape architect, civil engineer, and Ramsey County. The consensus was the path requested in the north parking lot is not desirable for the following reasons:*

1. *We need the maximum amount of storm water capacity with the western island where the three basins are located. Each storm water basin is 20 feet wide and 30 feet long. Due to the grades in the parking lot and basin height restrictions, these basins cannot be any longer than 30 feet. If a 5-foot walk is added with the median, the basins must be 15 feet wide and we end up losing 25% of the basin's storm water capacity.*

2. *Site work was one of the major areas targeted in schematic design and design development to reduce the cost of the project. The earlier sidewalk and larger parking lot were items that were value engineered out to meet the budget. The option of widening the median and the entire parking lot by 5 feet to accommodate the sidewalk defeats the cost reduction efforts.*

3. *The location of the sidewalk within the median in relation to the storm water basins limits access to the walk from the west side the median only. A small percentage of the users could access the sidewalk.*

c. **[City]** The path stub from the transit stop at Hamline and County Road B to the parking lot can be removed. **[Mike Collins]** *This has been removed in the bid documents.*

d. **[City]** The DRC is also interested in whether there are future plans for the open space area on the north of the property created for parking lot redesign. **[Mike Collins]** *Ramsey County has stated they currently have no plans for the northern most portion of the library site other than what is shown on the project documents.*

4.3 The DRC has accepted the responses from Michael Collins on behalf of Ramsey County and support the project as submitted for the City Council's approval. The DRC noted it was very supportive of the facility seeking LEED certification.

5.0 PROJECT SPECIFICS

5.1 The Ramsey County Library Board proposes to renovate and expand the existing Roseville branch library. The expansion seeks to add approximately 30,300 sq. ft. to the existing 43,400 sq. ft. facility, primarily via a second story.

5.2 There will be two areas where the building footprint will expand slightly; the southwest and northeast corners of the building. These following additions as well as interior modifications provide more space and efficiencies to the building:

- more restroom facilities
- more internet work stations
- larger seating and study areas
- improved circulation workspace and loading dock
- improved and expanded mechanical and electrical systems
- an automated book handling system
- increased security
- separation of book return and coffee shop drive-thru
- expanded on-site parking and enhanced landscaping/buffering
- new self-check stations

5.3 The south parking lot will be modified/enhanced by the elimination of 26 parking spaces along the east side and replacing the area with landscaping and a pedestrian connection to the sidewalk along County Road B. This includes a separate drive-thru lane for the coffee shop, elimination of the book return/drop-off area, and installing a garden and landscaped open space area.

5.4 The improvements on the northern portion of the building/site include a new 156 stall parking lot complete with elaborate storm water management between the two main parking rows, book drop-off lane, delivery dock and trash area. The northern most portion of the library site will be left for open space.

5.5 The west side of the library is enhanced to be the new main entry, with the existing parking lot reconfigured and the existing street access eliminated and replaced further north.

5.6 Parking on the site increases from 213 to 332 spaces; all of the additional parking will be located on the north portion of the library site. Based on the Code staff has calculated the minimum parking requirement for the library at 257 on-site parking spaces

6.0 STAFF RECOMMENDATION

The Roseville Planning Division has determined that the submitted plans meet the City Council approved General Concept; therefore the Planning Division recommends approval of the FINAL DEVELOPMENT PLANNED UNIT DEVELOPMENT and PLANNED UNIT DEVELOPMENT AGREEMENT for Ramsey County, subject to the Final plans as submitted in the project packet.

7.0 SUGGESTED CITY COUNCIL ACTION

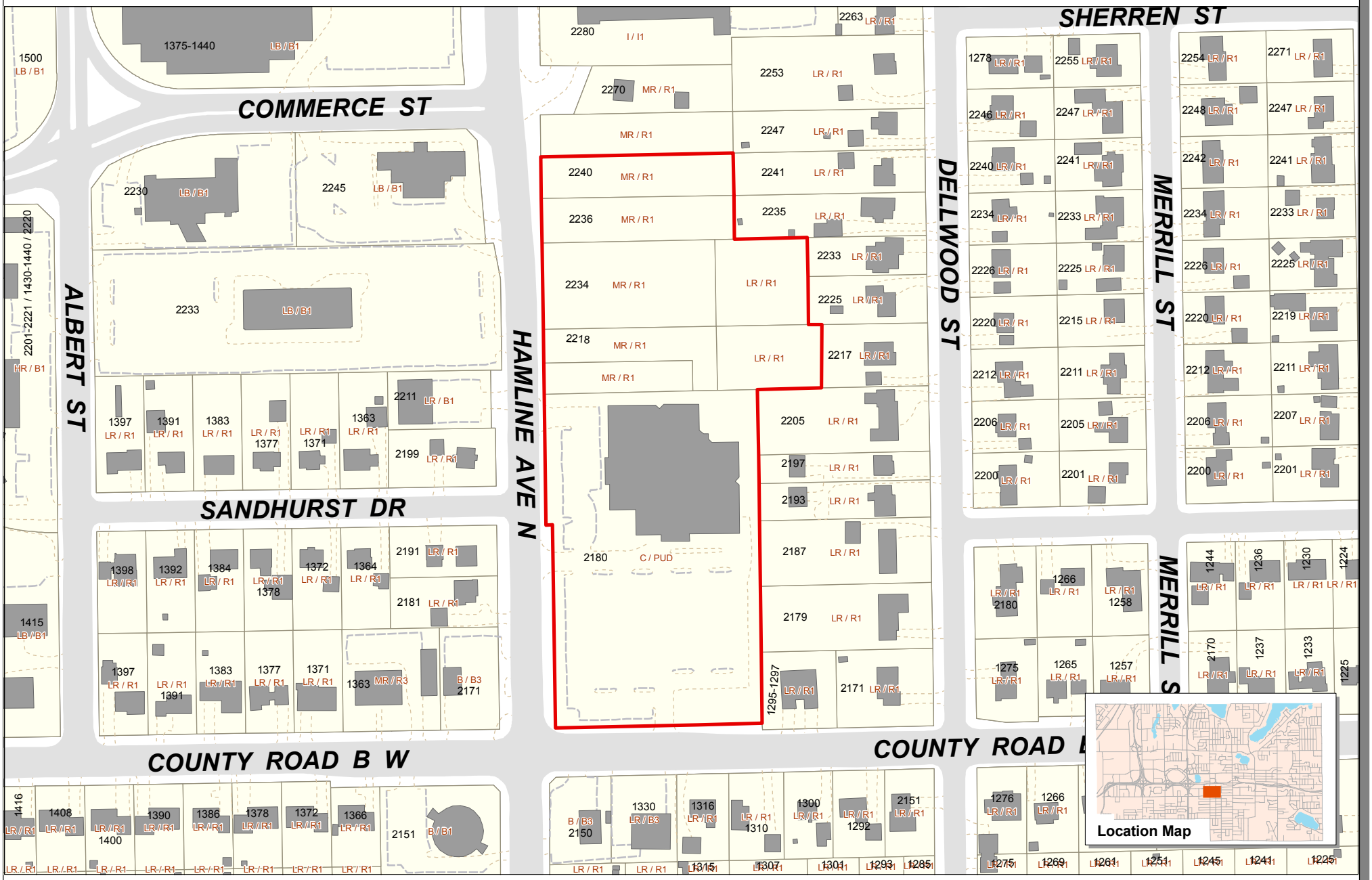
7.1 **BY MOTION, APPROVE the FINAL DEVELOPMENT PLANNED UNIT DEVELOPMENT** for the Ramsey County Library, per the attached plans dated 03/31/09 and 04/14/09.

7.2 **BY MOTION, APPROVE** the **PLANNED UNIT DEVELOPMENT AGREEMENT** stipulating all terms and conditions under which development shall occur.

Prepared by: **City Planner Thomas Paschke**

Attachments:
A: Area map
B: Aerial photo
C: Final plans
D: Draft PUD Agreement

Attachment A: Location Map for Planning File 08-030



ROSEVILLE

Prepared by:
Community Development Department
Printed: July 16, 2008

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (7/3/2008)

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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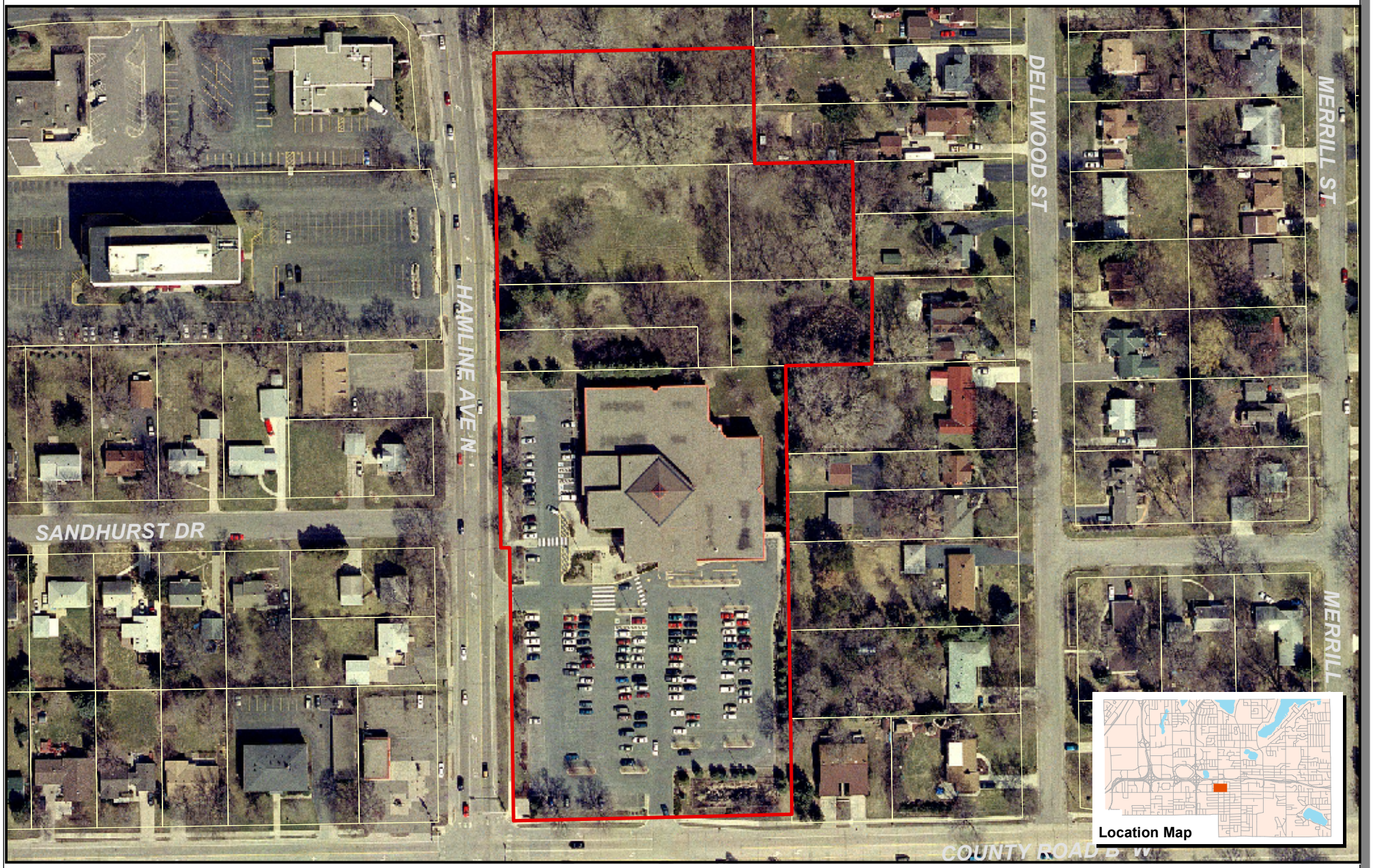
mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 08-030



ROSEVILLE

Prepared by:
Community Development Department
Printed: July 16, 2008

Site Location

Data Sources
* Ramsey County GIS Base Map (7/3/2008)
* Aerial Data: Ramsey County and Martinez Corp (4/2006)

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

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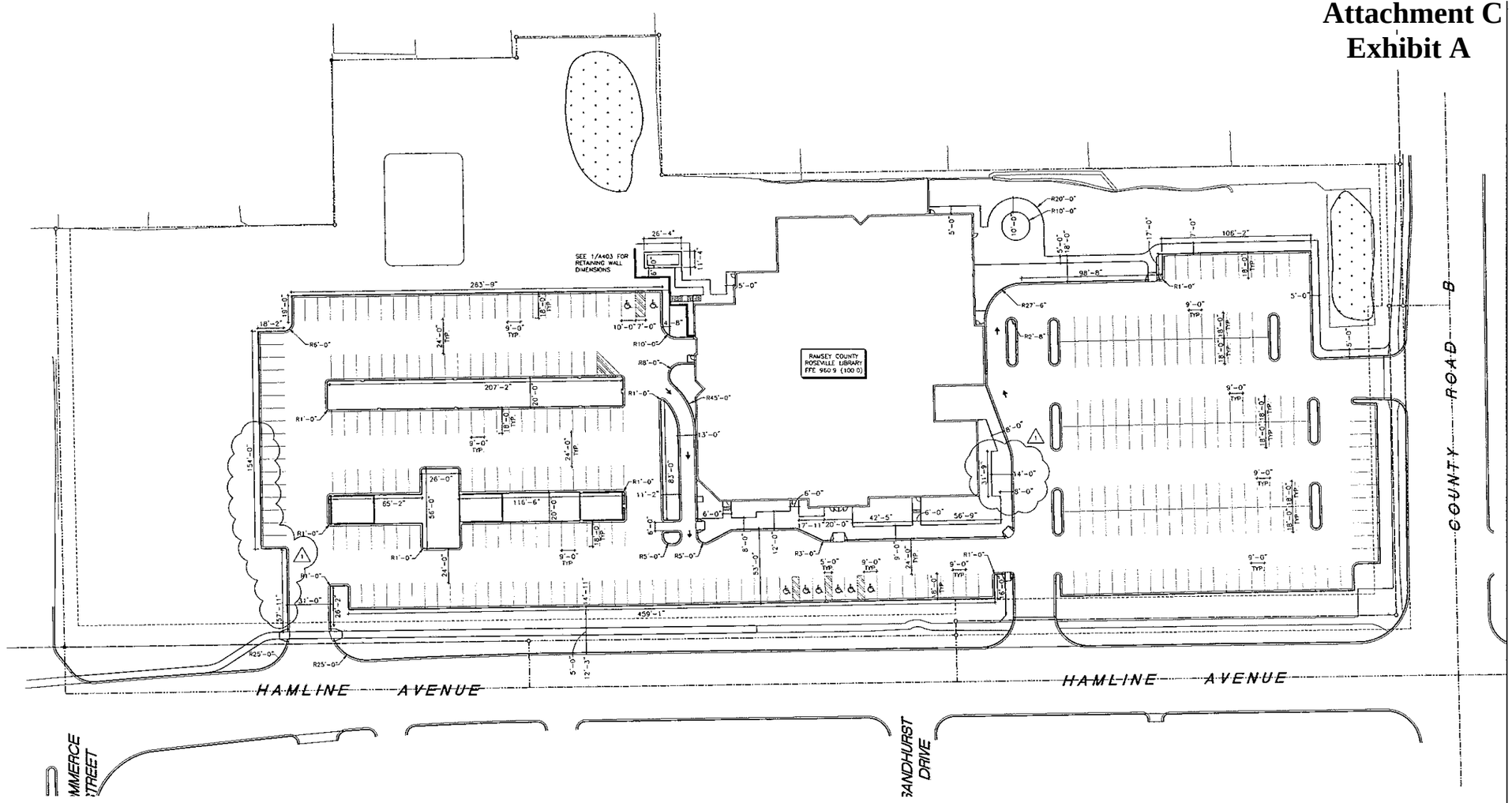
Attachment C
Exhibit A



NORTH

1 C000 DIMENSIONED SITE PLAN

0 30' 60' 90'

1"=30'

NOTES

1. ALL EXISTING INFORMATION TAKEN FROM SURVEY BY SUNDE LAND SURVEYING, LLC. DATED FEBRUARY 20, 2008
2. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS OF EXISTING UTILITIES, AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
3. ALL AREAS DISTURBED BY CONSTRUCTION WHICH ARE OUTSIDE THE LIMITS OF PAVING ARE TO BE RESTORED AND REVEGITATED.
4. ALL UTILITY DEMOLITION AND/OR ABANDONMENT TO BE PERFORMED IN ACCORDANCE WITH CITY OF ROSEVILLE AND STATE OF MINNESOTA REGULATIONS AND STANDARDS.
5. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INCLUDE, BUT IS NOT LIMITED TO: ELECTRIC, TELEPHONE, GAS, CABLE TV, COMPUTER CABLE, FIBER OPTIC CABLE, SANITARY SEWER, STORM SEWER AND WATERMAIN. CONTRACTOR TO CONTACT GOPHER ONE-CALL BEFORE EXCAVATING.
6. ALL EXISTING UTILITIES AND OTHER IMPROVEMENTS ARE TO REMAIN UNLESS NOTED OTHERWISE.
7. CONTRACTOR TO PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS, LANDSCAPING, STRUCTURES AND UTILITIES THAT ARE TO REMAIN. CONTRACTOR TO REPAIR ANY DAMAGE AT OWN EXPENSE.
8. ALL WORK TO CONFORM WITH CITY OF ROSEVILLE AND STATE OF MINNESOTA STANDARDS AND REGULATIONS.
9. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO STARTING CONSTRUCTION.

Landscape Architect
Damon Farber Associates
PHONE: 612-333-7523

Structural Engineer
Meyer, Borgman & Johnson, Inc.
PHONE: 612-338-0713

Mechanical / Electrical Engineers
Engineering Design Initiative, Ltd.
PHONE: 612-343-0696

Civil Engineer
Pierce Pini & Associates, Inc.
PHONE: 763-527-1311

Technology Consultants
Elert & Associates
PHONE: 651-430-2772

Design / Builder
McGough Construction
PHONE: 651-633-0200

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered engineer in the State of Minnesota

Rhonda S. Pierce

Rhonda S. Pierce

41333 — Reg. No.
04/14/09 — Date

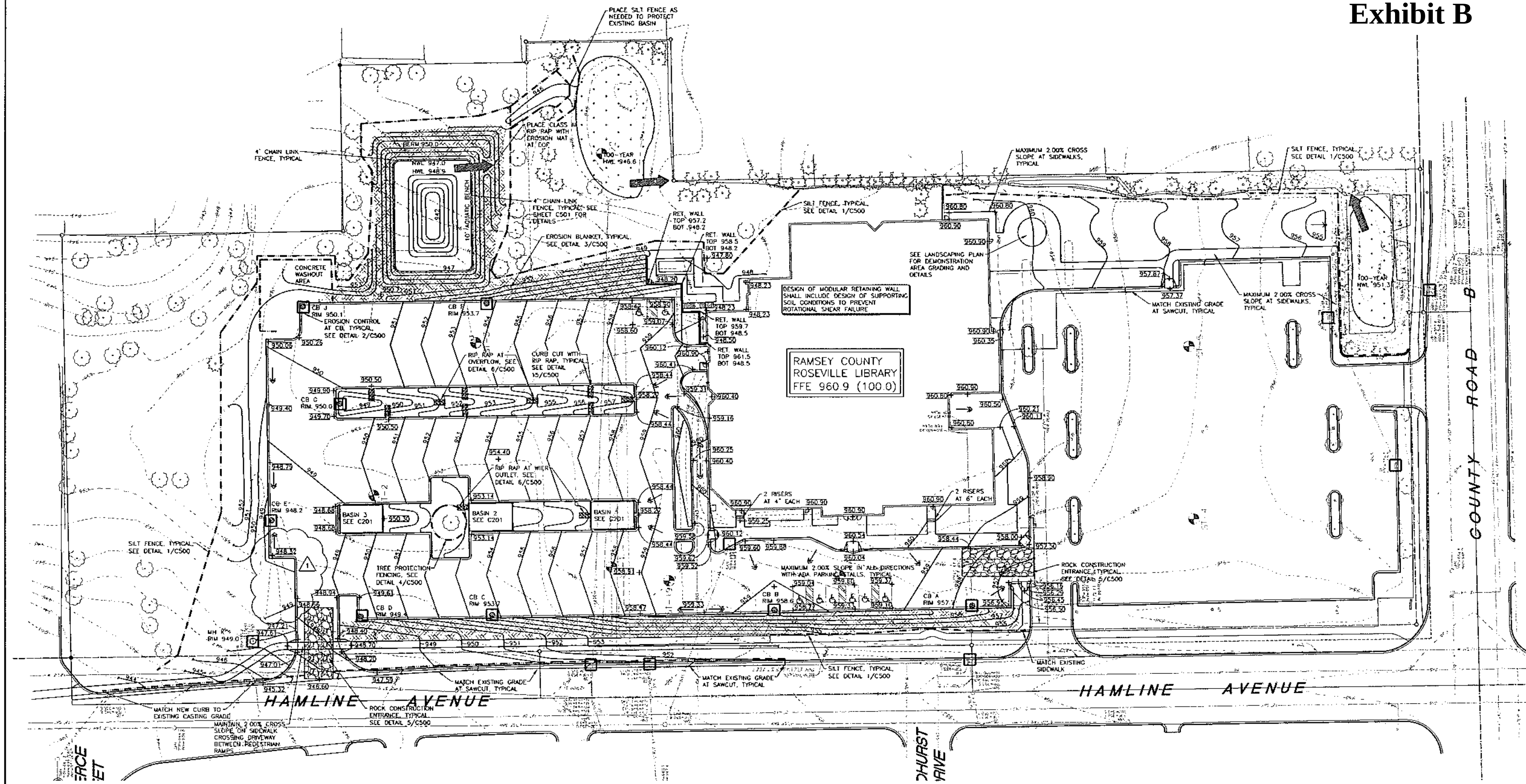
ISSUE / DATE		
4	4/14/09	ADDENDUM 4
3	3/31/09	BID SET
	3/16/09	90% CONSTRUCTION DOCUMENT
	3/04/09	EARLY STEEL PACKAGE
	2/13/09	50% CONSTRUCTION DOCUMENT
	1/22/09	DD ADDENDUM 001
	1/12/09	REVISED DD SET
	12/19/08	DD SET

PROJECT NO. 08-006
PROJECT PHASE BID SET
DRAWN BY: KTG CHECKED BY: RSP

DIMENSIONED SITE PLAN

C000

Exhibit B



GRADING, DRAINAGE AND EROSION CONTROL PLAN
1"=30'

CONSTRUCTION IMPLEMENTATION SCHEDULE

SUBMIT NPDES PERMIT APPLICATION	MINIMUM 7 DAYS PRIOR TO CONSTRUCTION
INSTALL EROSION CONTROL MEASURES	MAY 6, 2009
BEGIN TOPSOIL STRIPING AND GRADING	MAY 7, 2009
COMPLETE FINISH GRADING	JULY 15, 2009
SEEDING AND MULCHING OF DISTURBED AREAS	JULY 16, 2009
VEGETATION ESTABLISHED	SEPTEMBER 16, 2009
REMOVE EROSION CONTROL	SEPTEMBER 17, 2009
SUBMIT NOTICE OF TERMINATION (NOT)	AT END OF PROJECT SITE WORK AND TURF STABILIZATION

NOTE: APPROXIMATE DATES PROVIDED BY MCGOUGH CONSTRUCTION

LEGEND

- PROPERTY LINE
- EXISTING CONTOUR
- EXISTING STORM SEWER LINE
- EXISTING MANHOLE
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER LINE
- EXISTING WATER MAIN
- EXISTING HYDRANT
- EXISTING GATE VALVE
- EXISTING GAS LINE
- EXISTING FENCE LINE
- EXISTING GUARD POST
- EXISTING LIGHT POLE
- EXISTING POWER POLE
- EXISTING SIGN
- EXISTING TREE
- ST-1 EXISTING SOIL BORING
- FENCE
- PROPOSED SAWCUT
- PROPOSED CATCH BASIN
- 954 PROPOSED CONTOUR
- +950.40 PROPOSED SPOT ELEVATION
- DENOTES SURFACE DRAINAGE
- PROPOSED RETAINING WALL
- SILT FENCE
- EROSION CONTROL AT CB/MH
- PROPOSED CONSTRUCTION ENTRANCE
- PROPOSED EROSION MAT

EROSION CONTROL NOTES

1. INSTALL PERIMETER EROSION CONTROL AT THE LOCATIONS SHOWN ON THE PLANS PRIOR TO BEGINNING CONSTRUCTION. (HAY BALES ARE NOT AN ACCEPTABLE PERIMETER CONTROL)
2. BEFORE BEGINNING CONSTRUCTION, INSTALL A TEMPORARY ROCK CONSTRUCTION ENTRANCE AT EACH POINT WHERE VEHICLES EXIT THE CONSTRUCTION SITE. USE TWO INCH OR GREATER DIAMETER ROCK IN A LAYER AT LEAST TWELVE INCHES THICK ACROSS THE ENTIRE WIDTH OF THE ENTRANCE. EXTEND THE ROCK ENTRANCE AT LEAST 50 FEET INTO THE CONSTRUCTION ZONE. USE A GEOTEXTILE FABRIC BENEATH THE AGGREGATE IN ORDER TO PREVENT MIGRATION OF SOIL INTO THE ROCK FROM BELOW.
3. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PUBLIC AND PRIVATE PAVEMENT AREAS. REMOVAL SHALL BE ON A DAILY BASIS WHEN TRACKING OCCURS. SWEEPING MAY BE ORDERED AT ANY TIME IF CONDITIONS WARRANT. SWEEPING SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE CONSTRUCTION AND DONE IN A MANNER TO PREVENT DUST BEING BLOWN TO ADJACENT PROPERTIES.
4. INSTALL INLET PROTECTION AT ALL PUBLIC AND PRIVATE CATCH BASIN INLETS WHICH RECEIVE RUNOFF FROM THE DISTURBED AREAS. CATCHBASIN INSERTS ARE REQUIRED IN UNDISTURBED AREAS THAT RECEIVE RUNOFF FROM DISTURBED AREAS. STAKED SILT FENCE OR OTHER APPROVED BMP'S IN DISTURBED AREAS NOT SUBJECT TO PUBLIC VEHICLE TRAFFIC MAY BE ACCEPTABLE. NOTE: HAY BALES OR FILTER FABRIC WRAPPING THE GRATES ARE NOT EFFECTIVE OR ACCEPTABLE FORM OF INLET PROTECTION.
5. LOCATE SOIL OR DIRT STOCKPILES NO LESS THAN 25 FEET FROM ANY PUBLIC OR PRIVATE ROADWAY OR DRAINAGE CHANNEL. IF REMAINING FOR MORE THAN SEVEN DAYS, STABILIZE THE STOCKPILES BY MULCHING, VEGETATIVE COVER, TARPS OR OTHER ACCEPTABLE MEANS. CONTROL EROSION FROM ALL STOCKPILES BY PLACING SILT FENCE BARRIERS AROUND THE PILES. TEMPORARY STOCKPILES LOCATED ON PAVED SURFACE MUST BE NO LESS THAN TWO FEET FROM THE DRAINAGE/GUTTER LINE AND SHALL BE COVERED IF LEFT MORE THAN 24 HOURS.
6. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A DAILY BASIS AND REPLACE DETERIORATED, DAMAGED, OR ROTTED EROSION CONTROL DEVICES IMMEDIATELY.
7. TEMPORARILY OR PERMANENTLY STABILIZE ALL DENUDED AREAS WHICH HAVE BEEN FINISH-GRADED, AND ALL DENUDED AREAS IN WHICH GRADING OR SITE BUILDING CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY AGAINST EROSION DUE TO RAIN, WIND AND RUNNING WATER WITHIN 14 DAYS. USE SEEDING AND MULCHING, EROSION CONTROL MATTING, AND/OR SODDING AND STAKING IN GREEN SPACE AREAS. USE EARLY APPLICATION OF GRAVEL BASE ON AREAS TO BE PAVED.
8. REMOVE ALL TEMPORARY SYNTHETIC, STRUCTURAL, NON-BIODEGRADABLE EROSION AND SEDIMENT CONTROL DEVICES AFTER THE SITE HAS UNDERGONE FINAL STABILIZATION AND PERMANENT VEGETATION HAS BEEN ESTABLISHED. MINIMUM VEGETATION ESTABLISHMENT 70% COVER. MAINTAIN ALL TEMPORARY EROSION CONTROL DEVICES UNTIL 70% ESTABLISHED COVER IS ACHIEVED.
9. READY MIX CONCRETE AND CONCRETE BATCH PLANTS PROHIBITED WITHIN THE PUBLIC RIGHT OF WAY. UNDER NO CIRCUMSTANCES MAY WASHOUT WATER DRAIN ONTO THE PUBLIC RIGHT OF WAY OR INTO THE PUBLIC STORM SEWER.
10. CONTRACTOR TO COMPLY WITH ALL REQUIREMENTS OF MPCA AND NPDES PERMIT, SEE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR MORE DETAILS.
11. UPON COMPLETION OF THE STORM SEWER INSTALLATION, STORM SEWER INLETS SHALL BE PROTECTED FROM SEDIMENT BY SILT FENCE, OR EQUIVALENT MEASURES. PROTECTION SHALL REMAIN IN PLACE UNTIL BITUMINOUS AREAS HAVE BEEN PAVED AND LAWN AREAS HAVE BEEN ESTABLISHED.
12. CONTRACTOR SHALL SWEEP STREETS DAILY TO REDUCE OFF SITE TRACKING OF SEDIMENT AND DUST CONTROL.
13. RAMSEY COUNTY PROPERTY MANAGEMENT SHALL BE RESPONSIBLE FOR MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES.
JAY BIEDNY
660 GOVERNMENT CENTER WEST
50 WEST KELLOGG BOULEVARD
ST. PAUL, MN: 55102
(651) 266-2270

NOTES

1. ALL EXISTING INFORMATION TAKEN FROM SURVEY BY SUNDE LAND SURVEYING, LLC DATED FEBRUARY 20, 2007.
2. CONTRACTOR TO FIELD VERIFY ALL EXISTING CONDITIONS INCLUDING LOCATIONS OF EXISTING UTILITIES, AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO STARTING CONSTRUCTION.
3. ALL AREAS DISTURBED BY CONSTRUCTION WHICH ARE OUTSIDE THE LIMITS OF PAVING ARE TO BE RESTORED AND REVEGITATED.
4. ALL UTILITY DEMOLITION AND/OR ABANDONMENT TO BE PERFORMED IN ACCORDANCE WITH CITY OF ROSEVILLE AND STATE OF MINNESOTA REGULATIONS AND STANDARDS.
5. EXISTING UTILITIES ARE SHOWN IN THEIR APPROXIMATE LOCATIONS. CONTRACTOR TO FIELD VERIFY THE LOCATION OF ALL EXISTING UTILITIES WHICH MAY INCLUDE BUT IS NOT LIMITED TO: ELECTRIC, TELEPHONE, GAS, CABLE TV, COMPUTER CABLE, FIBER OPTIC CABLE, SANITARY SEWER, STORM SEWER AND WATERMAIN. CONTRACTOR TO CONTACT GOPHER ONE-CALL BEFORE EXCAVATING.
6. ALL EXISTING UTILITIES AND OTHER IMPROVEMENTS ARE TO REMAIN UNLESS NOTED OTHERWISE.
7. CONTRACTOR TO PROTECT FROM DAMAGE ALL EXISTING IMPROVEMENTS, LANDSCAPING, STRUCTURES AND UTILITIES THAT ARE TO REMAIN. CONTRACTOR TO REPAIR ANY DAMAGE AT OWN EXPENSE.
8. CONTRACTOR TO FIELD VERIFY THE EXACT LOCATION AND ELEVATION OF EXISTING STORM AND SANITARY SEWER PRIOR TO THE START OF CONSTRUCTION.
9. ALL WORK TO CONFORM WITH CITY OF ROSEVILLE AND STATE OF MINNESOTA STANDARDS AND REGULATIONS.
10. ALL EXCAVATIONS MUST COMPLY WITH THE REQUIREMENTS OF OSHA 29 CFR, PART 1926, SUBPART P "EXCAVATIONS AND TRENCHES". THIS DOCUMENT STATES THAT EXCAVATION SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR.
11. CATCHBASINS AND MANHOLES ARE SHOWN ON PLAN LARGER THAN ACTUAL SIZE. COORDINATE LOCATION OF MANHOLE COVER AND CASTING SO THAT IT IS PROPERLY LOCATED AT THE BACK OF CURBLINE FOR THE CURB INLETS OR CENTERED IN THE AREA AS SHOWN ON THE PLAN FOR THE AREA DRAINS AND MANHOLE COVERS.
12. MAXIMUM CROSS-SLOPES FOR SIDEWALKS AND ADA ACCESS ROUTES SHALL NOT EXCEED 2.00%. RAMPS SLOPES SHALL NOT EXCEED 1" PER FOOT (8.33%). MAXIMUM SLOPES FOR HANDICAP PARKING STALLS AND ACCESS AISLES SHALL NOT EXCEED 2.00% IN ANY DIRECTION.
13. CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO STARTING CONSTRUCTION.
14. WASTE MATERIALS INCLUDING PAVEMENT REMOVED DURING CONSTRUCTION, WASTE PIPING AND SUPPLIES, CONSTRUCTION DEBRIS AND EXCESS EXCAVATED MATERIAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE AND DISPOSED OF PROPERLY BY THE CONTRACTOR.
15. ALL MATERIALS FOR PROPOSED CONSTRUCTION OR REPAIR OF EXISTING FACILITIES SHALL BE NEW PRODUCTS DIRECT FROM THE FACTORY AND FREE FROM DEFECTS.
16. CONTRACTOR SHALL NOT BLOCK DRAINAGE FROM OR DIRECT EXCESS DRAINAGE ONTO ADJACENT PROPERTY.
17. ADEQUATE DRAINAGE SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION AND ANY DRAINAGE DITCH OR STRUCTURE DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO THE SATISFACTION OF THE OWNING AUTHORITY. ALL CONSTRUCTION STORM RUNOFF SHALL COMPLY WITH THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) REQUIREMENTS.
18. WHEN WORKING AROUND EXISTING UTILITIES THAT BECOME EXPOSED, THE CONTRACTOR SHALL PROVIDE SUFFICIENT SUPPORT TO PREVENT EXCESSIVE STRESS ON THE PIPING. THE CONTRACTOR IS FULLY RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO EXACTLY LOCATE AND PRESERVE THESE UNDERGROUND FACILITIES.
19. EROSION CONTROL SHALL BE PLACED ALONG THE PERIMETER OF THE SITE EXCAVATION. EROSION CONTROL SHALL BE PLACED SO IT DOES NOT DISTURB THE EXISTING PAVEMENT OR DRIVE LANES THAT ARE TO REMAIN. MANY METHODS OF EROSION CONTROL WILL WORK AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSTALL THE MEASURE MOST APPROPRIATE TO THE SITE CONDITIONS AND THAT WHICH MEETS THE CITY OF ST. PAUL STANDARDS. GRAPHICALLY SHOWN ON THE PLANS FOR CLARITY BUT SHALL BE PLACED IN THE MOST APPROPRIATE LOCATIONS IN THE FIELD AND BEHIND THE BACK OF CURB. EXISTING CURB AND GUTTER AND BITUMINOUS ROAD IS TO REMAIN AND SHALL BE PROTECTED FROM DAMAGE.
20. CARE MUST BE TAKEN DURING CONSTRUCTION AND EXCAVATION TO PROTECT ANY SURVEY MONUMENTS AND/OR PROPERTY IRONS.
21. SUBSURFACE GEOTECHNICAL INVESTIGATION BY BRAUN INTERTEC CORPORATION, A GEOTECHNICAL EVALUATION REPORT, PROJECT SP-06-06007, DATED JANUARY 19, 2007.

MS&R — Meyer, Scherer & Rockcastle, Ltd. — Architecture & Interior Design

Landscape Architect: Damon Farber Associates

Structural Engineer: Meyer, Borgman & Johnson, Inc.

Mechanical / Electrical Engineers: Engineering Design Initiative, Ltd.

Civil Engineer: Pierce Pini & Associates, Inc.

Technology Consultants: Elert & Associates

Design / Builder: McGough Construction

Ramsey County Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered engineer in the State of Minnesota

Rhonda S. Pierce

41333 — Reg No.
04/14/09 — Date

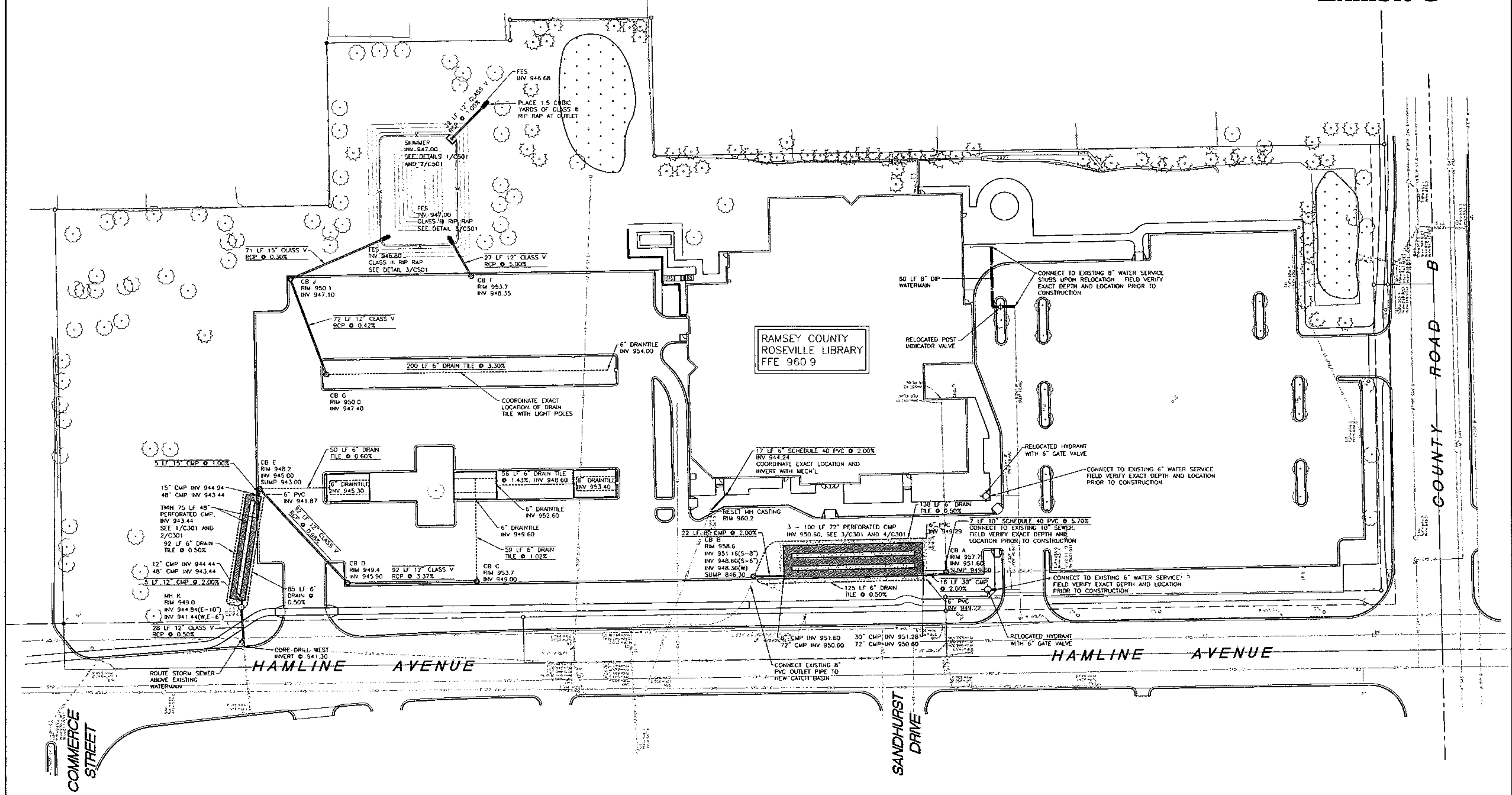
ISSUE / DATE		
4	4/14/09	ADDENDUM 4
0	3/31/09	BID SET
	3/16/09	90% CONSTRUCTION DOCUMENT
	3/04/09	EARLY STEEL PACKAGE
	2/12/09	60% CONSTRUCTION DOCUMENT
	[illegible]	DD ADDENDUM 001
	[illegible]	REVISED DD SET
	[illegible]	DD SET

PROJECT NO. 08-006
PROJECT PHASE: BID SET
DRAWN BY: KTG CHECKED BY: RSP

GRADING, DRAINAGE, AND EROSION CONTROL PLAN

C200

Exhibit C



UTILITY PLAN 1"=30'

LEGEND

- PROPERTY LINE
- EXISTING STORM SEWER LINE
- EXISTING MANHOLE
- EXISTING CATCH BASIN
- EXISTING SANITARY SEWER LINE
- EXISTING WATER MAIN
- EXISTING HYDRANT
- EXISTING GATE VALVE
- EXISTING GAS LINE
- EXISTING FENCE LINE
- EXISTING GUARD POST
- EXISTING LIGHT POLE
- EXISTING POWER POLE
- EXISTING SIGN
- EXISTING SOIL BORING
- PROPOSED STORM SEWER
- PROPOSED CATCH BASIN
- PROPOSED MANHOLE
- PROPOSED DRAIN TILE
- PROPOSED HYDRANT AND GATE VALVE
- PROPOSED WATERMAIN
- PROPOSED SANITARY SERVICE
- PROPOSED POST INDICATOR VALVE

NOTES

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MSR

Architecture & Interior Design

Damon Farber Associates

Meyer, Borgman & Johnson, Inc.

Engineering Design Initiative, Ltd.

Pierce Pini & Associates, Inc.

Elert & Associates

McGough Construction

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered engineer in the State of Minnesota

Rhonda S. Pierce

41333 — Reg. No.
03/31/09 — Date

	BID SET
	95% CONSTRUCTION DOCUMENT
	EARLY STEEL PACKAGE
	50% CONSTRUCTION DOCUMENT
	DD ADDENDUM 001
	REVISED DD SET
	DD SET

PROJECT NO. 08-006

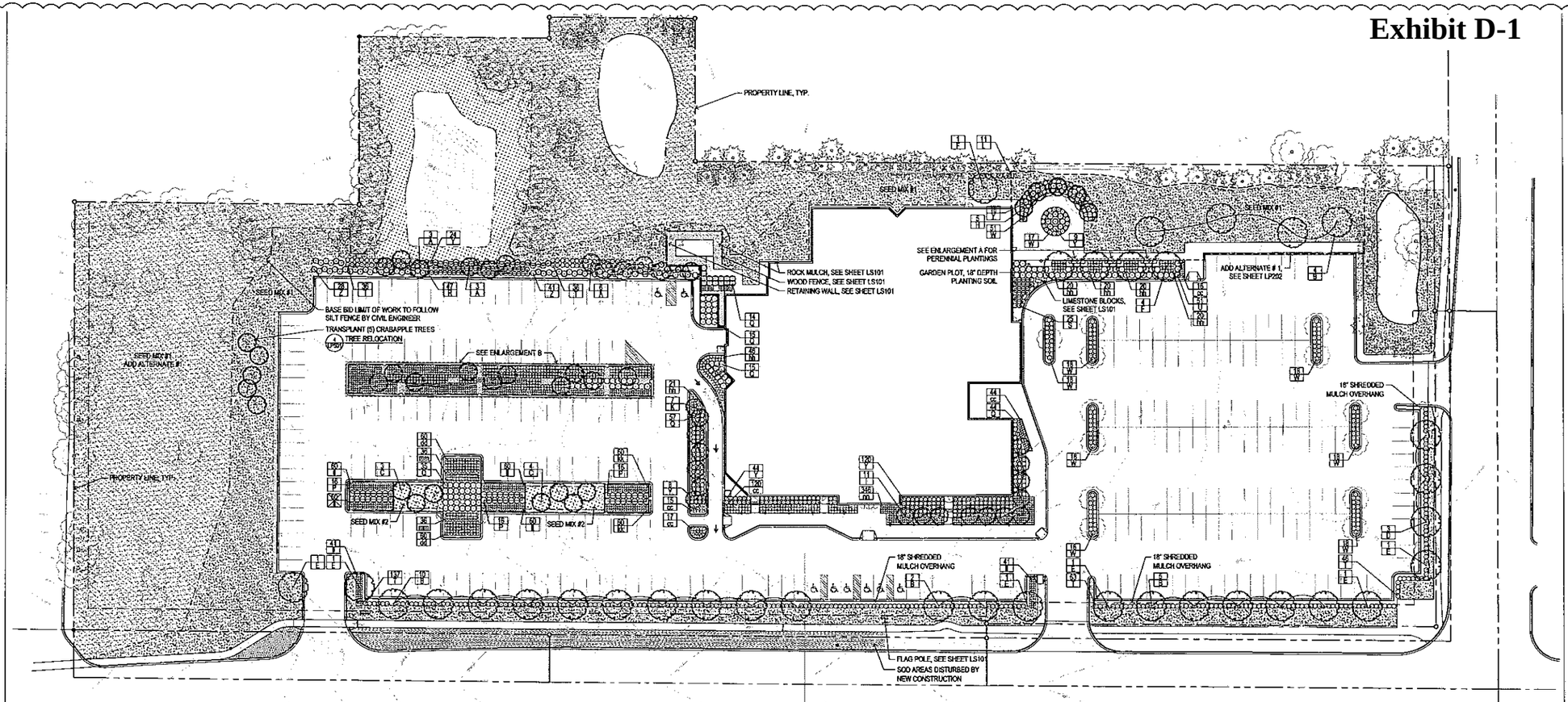
PROJECT PHASE: BID SET

DRAWN BY: KTG CHECKED BY: RSP

UTILITY PLAN

C300

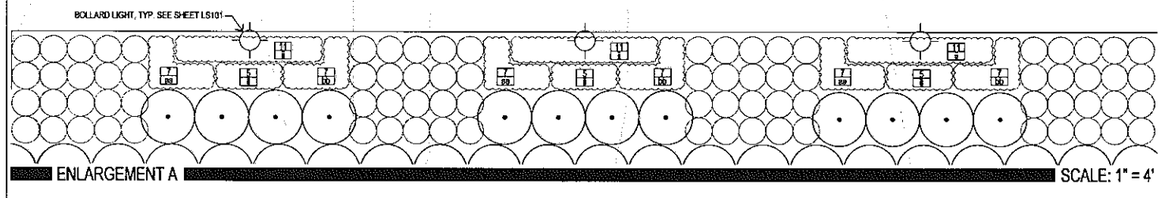
Exhibit D-1



LAYOUT PLAN

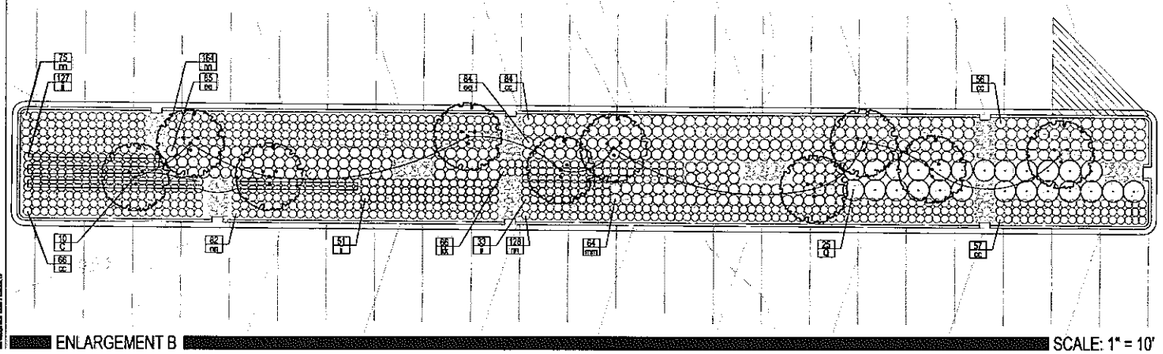
SCALE: 1" = 30'

NORTH



ENLARGEMENT A

SCALE: 1" = 4'



ENLARGEMENT B

SCALE: 1" = 10'

SYM	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT COND.	ROOT BALL/ CONT. SIZE	COMMENTS
DECIDUOUS OVERSTORY TREES							
A	97	BIRCH, RIVER	Betula nigra	6" HGT	B&B	28" MIN. DIA	CLUMP FORM
B	21	OAK, SWAMP WHITE	Quercus bicolor	2.5" CAL	B&B	28" MIN. DIA	SINGLE TRUNK
C	17	ASPEN, QUAKING	Populus tremuloides	6" HGT	B&B	28" MIN. DIA	CLUMP FORM
D	3	HACKBERRY, COMMON	Celtis occidentalis	2.5" CAL	B&B	28" MIN. DIA	SINGLE TRUNK
E	6	MAPLE, RED SUNSET	Acer rubrum 'Franksred'	2.5" CAL	B&B	28" MIN. DIA	SINGLE TRUNK
F	5	HONEYLOCUST, IMPERIAL	Gleditsia triacanthos var. inermis 'Impcole'	2.5" CAL	B&B	28" MIN. DIA	SINGLE TRUNK
DECIDUOUS UNDERSTORY TREES							
H	5	SERVICEBERRY, AUTUMN BRILLIANCE	Amelanchier x grandiflora 'Autumn Brilliance'	6" HGT	B&B	24" MIN. DIA	CLUMP FORM
I	11	HAWTHORNE, THORNLESS	Crataegus crus-galli var. inermis	1.5" CAL	B&B	24" MIN. DIA	SINGLE TRUNK
J	-	DOGWOOD, PAGODA	Cornus alternifolia	1.5" CAL	B&B	24" MIN. DIA	SINGLE TRUNK
K	7	CRABAPPLE, HARVEST GOLD	Malus 'Hargozam'	2" CAL	B&B	24" MIN. DIA	SINGLE TRUNK
EVERGREEN TREES							
M	-	SPRUCE, BLACK HILLS	Picea glauca densata	6' HGT	B&B	24" MIN. DIA	SINGLE TRUNK
N	-	PINE, AUSTRIAN	Pinus nigra	6' HGT	B&B	24" MIN. DIA	SINGLE TRUNK
DECIDUOUS SHRUBS							
P	46	DOGWOOD, HURON	Cornus racemosa 'Hurcrem'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
Q	206	DOGWOOD, ISANTI	Cornus sericea 'Isanti'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
R	47	DOGWOOD, BUDS YELLOW	Cornus sericea 'Buds Yellow'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
S	25	WILLOW, ARCTIC BLUE LEAF	Salix purpurea 'Nana'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
T	318	CHOKEBERRY, BLACK	Aronia melanocarpa elata	30" HGT	POT	#2 CONT.	PLANT 5' O.C.
U	51	VIBURNUM, MAYS	Viburnum trilobum 'Bailey'	30" HGT	POT	#2 CONT.	PLANT 5' O.C.
V	-	SUMAC, GRO-LOW FRAGRANT	Rhus aromatica 'Gro-Low'	12" HGT	POT	#5 CONT.	PLANT 5' O.C.
W	194	SPIREA, NEON FLASH	Salina japonica 'Neon Flash'	24" HGT	POT	#5 CONT.	PLANT 5' O.C.
EVERGREEN SHRUBS							
Y	212	JUNIPER, MINT JULEP	Juniperus chinensis 'Monlep'	18" SPRD	POT	#5 CONT.	PLANT 4' O.C.
Z	69	YEW, EMERALD SPREADER	Taxus cuspidata 'Monlod'	18" SPRD	POT	#5 CONT.	PLANT 4' O.C.
PERENNIALS							
as	21	BLAZINGSTAR, ROUGH	Liatris aspera		POT	#1 CONT.	PLANT 18" O.C.
bz	2	CONEFLOWER, PURPLE	Echinacea purpurea 'Rubinstern'		POT	#1 CONT.	PLANT 18" O.C.
cc	475	KARL FORERSTER REED GRASS	Calamagrostis x acutiflora 'Karl Foerster'		POT	#3 CONT.	PLANT 18" O.C.
gc	120	CATMINT, WALKERS LOW	Nepeta x faassenii 'Walker's Low'		POT	#1 CONT.	PLANT 24" O.C.
ms	139	SNEEZEWEED, MAGNIFICAS	Helenium 'Mardi Gras'		POT	#1 CONT.	PLANT 24" O.C.
ff	-	DAYLILY, STELLA SUPREME (yellow)	Hemerocallis 'Stella Supreme'		POT	#1 CONT.	PLANT 18" O.C.
gg	-	DAYLILY, ANAN SENIOR	Hemerocallis 'Joan Senior'		POT	#1 CONT.	PLANT 18" O.C.
ph	147	DROPSEED, PRAIRIE	Sporobolus heterolepis		POT	#1 CONT.	PLANT 18" O.C.
li	117	BUTTERFLY FLOWER	Asclepias tuberosa var.interior		POT	#1 CONT.	PLANT 18" O.C.
ll	122	ASTER, WOODS BLUE	Aster 'Woods Blue'		POT	#1 CONT.	PLANT 18" O.C.
lk	196	LIATRIS, KOBOLD	Liatris scaiosa 'Kobold'		POT	#1 CONT.	PLANT 18" O.C.
sl	337	SWITCHGRASS, RED	Panicum virgatum 'Shenandoah'		POT	#1 CONT.	PLANT 18" O.C.
mm	136	CONEFLOWER, GOLDSTRUM	Rudbeckia 'Goldsturm'		POT	#3 CONT.	PLANT 24" O.C.
nn	795	BLUESTEM, LITTLE	Schizachyrium scoparium		POT	#3 CONT.	PLANT 18" O.C.

PLANTING SCHEDULE

- TREE-DECIDUOUS OVERSTORY — SEE DETAIL 1, SHEET LP501
- TREE-DECIDUOUS UNDERSTORY CLUMP — SEE DETAIL 1, SHEET LP501
- SHRUB-DECIDUOUS — SEE DETAIL 2, SHEET LP501
- SHRUB-CONIFEROUS — SEE DETAIL 2, SHEET LP501
- PERENNIAL — SEE DETAIL 3, SHEET LP501
- PROPERTY BOUNDARY
- BASE BID LIMIT OF WORK
- ADD ALTERNATE #1
- STEEL EDGING
- EXISTING TREE-DECIDUOUS
- EXISTING TREE-CONIFEROUS
- TURF GRASS - SOD
- SEED MIX 1 - ADD ALTERNATE 1 - MESIC
- SEED MIX 1 - MESIC
- SEED MIX 2 - RAINGARDEN
- ROCK MULCH

LEGEND

MSR

Design/Build
McGough Construction
3737 Fernview Avenue North
St. Paul, MN 55113
PHONE: 651-633-4000

Structural Engineer
Meyer, Borgman & Johnson, Inc.
12 South 6th Street
Suite 310
Minneapolis, MN 55402
PHONE: 612-336-9713

Electrical / Mechanical Engineer
Engineering Design Initiative
1117 north 5th street
Minneapolis, MN 55411
PHONE: 612-343-5955

Civil Engineer
Pierce Pini & Associates
10000 University Avenue North West
Suite 30
Coon Rapids, MN 55448
PHONE: 763-537-1311

Landscape Architect
Damon Farber Associates
625 Hennepin Ave
Minneapolis, MN 55402
PHONE: 612-332-7522

Technology Consultant
Elert & Associates
140 3rd Street South
Stillwater, MN 55082
PHONE: 651-430-2772

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly licensed Landscape Architect under the laws of the State of Minnesota.
LANDSCAPE ARCHITECT SEAL

Signature:
Print Name: Joan MacLeod
Date: 04/14/2009 License No: 43234

ISSUANCE / DATE		
	4/14/09	ADDENDUM #4
	3/31/09	BID SET
	3/16/09	90% CONSTRUCTION DOCUMENT
	3/04/09	EARLY BYDS PACKAGE
	2/13/09	60% CONSTRUCTION DOCUMENT
	9/23/08	DD ADDENDUM #01
	9/12/08	REVISED DD SET
	8/29/08	DD SET

SHEET NO.	DESCRIPTION

PROJECT NO.: 2008024.00

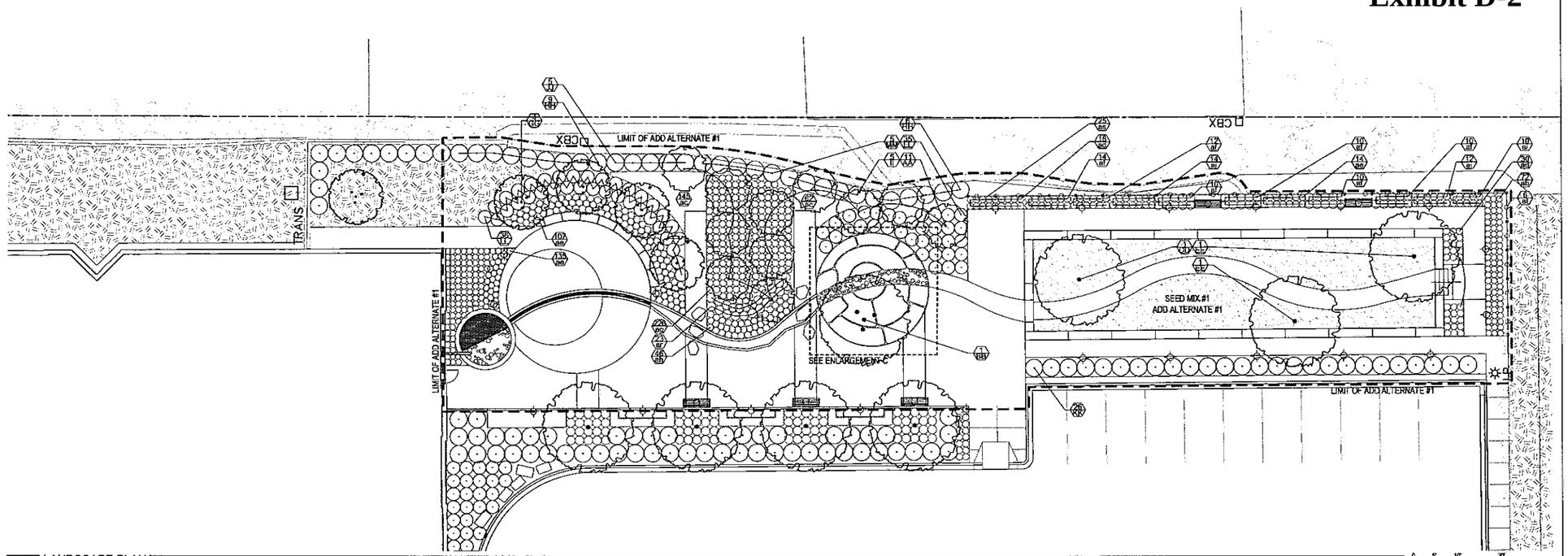
PROJECT PHASE: BID SET

DRAWN BY: MS — CHECKED BY: JM

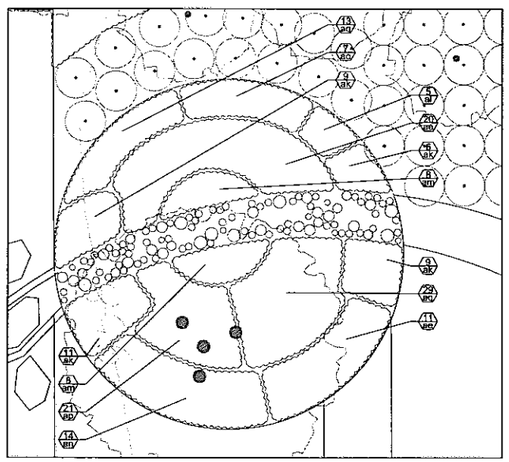
LANDSCAPE PLANTING PLAN

LP101

Exhibit D-2



LANDSCAPE PLAN



ENLARGEMENT C — SCALE: 1" = 4'

NOTE: DELETE BASE BID MATERIAL ON SHEET LP101 THAT ARE LOCATED WITHIN THE ADD ALTERNATE #1 LIMIT OF WORK ON SHEET LP202.

ALT. SYM	QTY	COMMON NAME	SCIENTIFIC NAME	SIZE	ROOT COND.	ROOT BALL / CONT. SIZE	COMMENTS
DECIDUOUS OVERSTORY TREES							
AA	11	ASPEN, QUAKING	Populus tremuloides	2.5" CAL	B&B	28" MIN. DIA.	STRAIGHT LEADER
BH	1	BIRCH, PRAIRIE, DREAM	Betula pacrifera 'Varen'	6" CLUMP	B&B	28" MIN. DIA.	STRAIGHT LEADER
CC	1	MAPLE, RED SUNSET	Acer rubrum 'Franksred'	2.5" CAL	B&B	28" MIN. DIA.	STRAIGHT LEADER
DD	1	OAK, BUR	Quercus macrocarpa	2.5" CAL	B&B	28" MIN. DIA.	STRAIGHT LEADER
EE	2	OAK, SWAMP WHITE	Quercus bicolor	2.5" CAL	B&B	28" MIN. DIA.	STRAIGHT LEADER
DECIDUOUS UNDERSTORY TREES							
FF	1	DOGWOOD, PAGODA	Cornus alternifolia	1.5" CAL	B&B	21" MIN. DIA.	SINGLE TRUNK
GG	4	SERVICEBERRY, AUTUMN BRILLIANCE	Amelanchier x grandiflora 'Autumn Brilliance'	1.5" CAL	B&B	21" MIN. DIA.	SINGLE TRUNK
DECIDUOUS SHRUBS							
HH	15	DOGWOOD, RED TWIGGED	Cornus sericea 'Baileyi'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
II	5	WINTERBERRY, JIM DANDY	Ilex verticillata 'Afterglow'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
JJ	5	WINTERBERRY, RED SPRITE	Ilex verticillata 'Red Sprite'	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
KK	26	CHOKEBERRY, BLACK	Aronia melanocarpa elata	30" HGT	POT	#2 CONT.	PLANT 4' O.C.
LL	71	HONEYSUCKLE, DWARF BUSH	Diervilla lonicera	30" HGT	POT	#2 CONT.	PLANT 3' O.C.
MM	5	PRAIRIE ROSE	Rosa arkansana	12" HGT	POT	#2 CONT.	PLANT 5' O.C.
PERENNIALS							
sb	72	BLUESTEM, LITTLE	Schizachyrium scoparium		POT	#1 CONT.	PLANT 24" O.C.
gc	207	GINGER, WILD	Asarum canadense		POT	#1 CONT.	PLANT 12" O.C.
ak	48	KARL FOERSTER REED GRASS	Calamagrostis x acutiflora 'Karl Foerster'		POT	#3 CONT.	PLANT 24" O.C.
sg	267	SWITCHGRASS, RED	Panicum virgatum 'Shenandoah'		POT	#1 CONT.	PLANT 24" O.C.
tf	66	TUFTED HAIR GRASS	Deschampsia cespitosa 'Schottland'		POT	#1 CONT.	PLANT 24" O.C.
sp	226	TURF, CHRISTMAS	Polystichum acrostichoides		POT	#3 CONT.	PLANT 24" O.C.
ah	46	COLUMBINE, ORIGAMI RED/WHITE	Aquilegia x hybrida 'Origami'		POT	#1 CONT.	PLANT 18" O.C.
rs	10	CONEFLOWER, GOLDSTRUM	Rudbeckia 'Goldstrum'		POT	#1 CONT.	PLANT 18" O.C.
ep	26	CONEFLOWER, PURPLE	Echinacea purpurea 'Robinsiana'		POT	#1 CONT.	PLANT 18" O.C.
bi	33	IRIS, BLUEFLAG	Iris virginica		POT	#3 CONT.	PLANT 18" O.C.
pf	5	POKEWEED	Vernonia fasciculata		POT	#1 CONT.	PLANT 18" O.C.
pm	15	JOE PYE WEED	Eupatorium 'Phantom'		POT	#1 CONT.	PLANT 18" O.C.
sn	14	MEADOWED, SWAMP	Asclepias incarnata		POT	#1 CONT.	PLANT 24" O.C.
mp	7	RUE, TALL MEADOW	Thalictrum pubescens		POT	#2 CONT.	PLANT 24" O.C.
sg	21	SEDGE, WOOD	Carex rosea		POT	#1 CONT.	PLANT 18" O.C.
sg	42	VERVAIN, BLUE	Verbena hastata		POT	#1 CONT.	PLANT 18" O.C.
sr	23	VERVAIN, BLUE	Verbena hastata		POT	#1 CONT.	PLANT 18" O.C.
VINES							
as	25	CLEMATIS, BLUE RAVINE	Clematis 'Blue Ravine'		POT	#1 CONT.	PLANT 5' O.C.
pt	6	TRUMPET CREEPER, INDIAN SUMMER	Campsis 'Indian Summer'		POT	#1 CONT.	PLANT 5' O.C.

PLANTING SCHEDULE

- TREE-DECIDUOUS OVERSTORY — SEE DETAIL 1, SHEET LP501
- TREE-DECIDUOUS UNDERSTORY CLUMP — SEE DETAIL 1, SHEET LP501
- SHRUB-DECIDUOUS — SEE DETAIL 2, SHEET LP501
- SHRUB-CONIFEROUS — SEE DETAIL 2, SHEET LP501
- PERENNIAL — SEE DETAIL 3, SHEET LP501
- PROPERTY BOUNDARY
- BASE BID LIMIT OF WORK
- ADD ALTERNATE #1 LIMIT OF WORK
- STEEL EDGING
- BOLLARD LIGHT - SEE ELECTRICAL ENGINEER'S PLANS
- EXISTING TREE-DECIDUOUS
- EXISTING TREE-CONIFEROUS
- TURF GRASS - SOD
- SEED MIX 1 - ADD ALTERNATE 1 - MESIC
- SEED MIX 1 - MESIC
- SEED MIX 2 - RAINGARDEN
- GROUNDCOVER

LEGEND

MSR — Meyer Scherer & Rockcastle, LTD
Minnesota & Maryland — Architecture & Interior Design

Owner/Rep:
McGough Construction
2737 Fairview Avenue North, St. Paul, MN 55113
PHONE: 651-633-5000

Structural Engineer:
Meyer, Borgman & Johnson, Inc
12 South 6th Street, Suite 810, Minneapolis, MN 55402
PHONE: 612-336-0713

Electrical / Mechanical Engineer:
Engineering Design Initiative
1112 north 5th street, Minneapolis, MN 55411
PHONE: 612-343-5895

Civil Engineer:
Pierce Pini & Associates
10800 University Avenue North West, Suite 35, Coon Rapids, MN 55448
PHONE: 763-537-1211

Landscape Architect:
Damon Farber Associates
625 Hennepin Mall, Minneapolis, MN 55403
PHONE: 612-332-7522

Technology Consultant:
Elert & Associates
640 3rd Street South, Stillwater, MN 55082
PHONE: 651-430-2773

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Landscape Architect under the Laws of the State of Minnesota.
LANDSCAPE ARCHITECT SEAL

Signature: John MacLeod
Print Name: John MacLeod
Date: 04/14/2009 License No: 43234

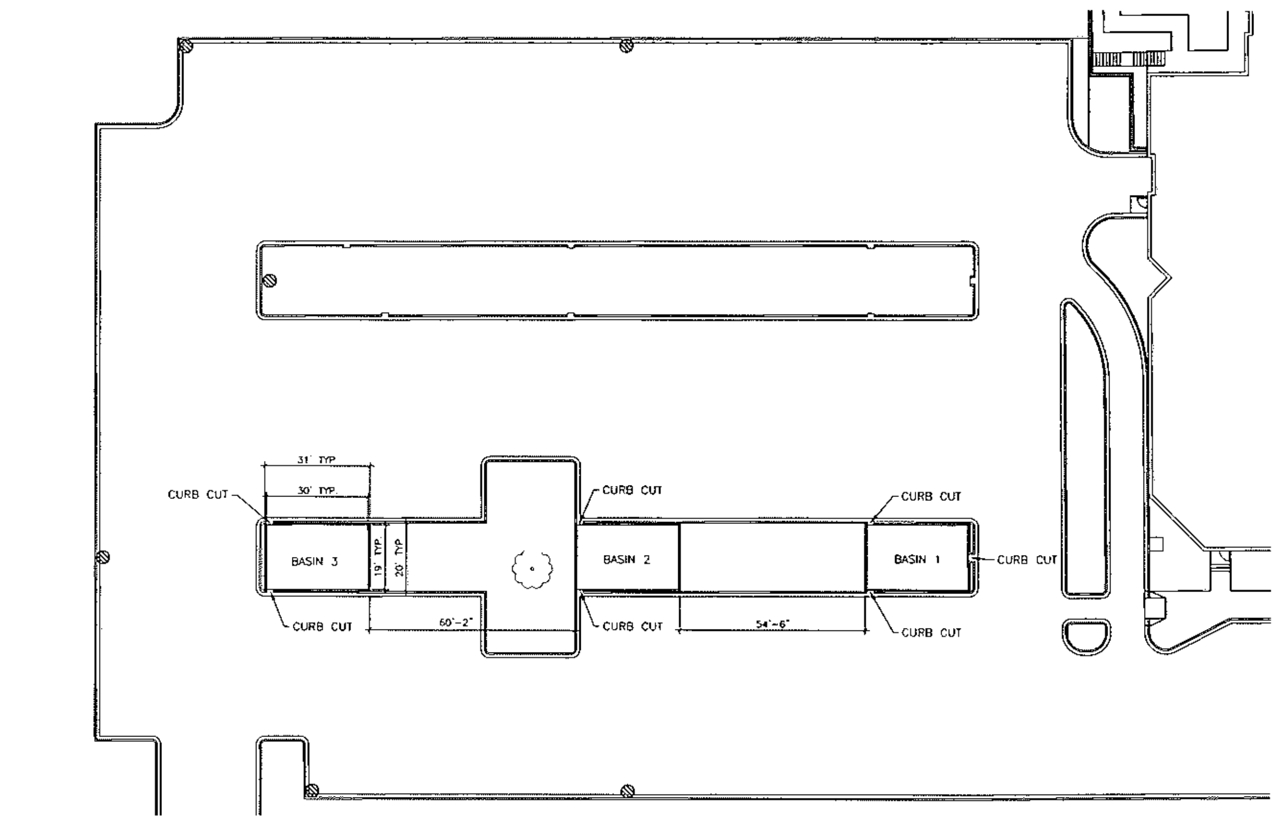
SHEET #	DATE	DESCRIPTION
	4/14/09	ADDENDUM #4
	3/31/09	DD SET
	3/16/09	90% CONSTRUCTION DOCUMENT
	3/04/09	EARLY STEEL PACKAGE
	2/13/09	50% CONSTRUCTION DOCUMENT
	8/22/08	DD ADDENDUM 001
	8/01/08	REVISED DD SET
	6/29/08	DD SET

PROJECT NO.: 2008024.00
PROJECT PHASE: BID SET
DRAWN BY: MJW
CHECKED BY: JM

- ADD ALTERNATE 1- LANDSCAPE PLANTING PLAN

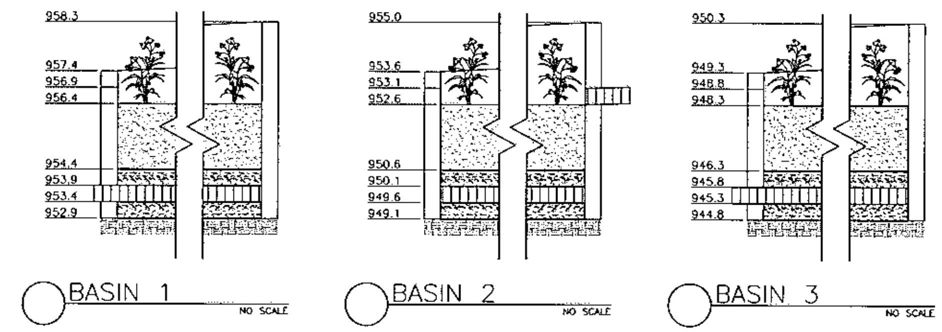
LP202

Exhibit D-3

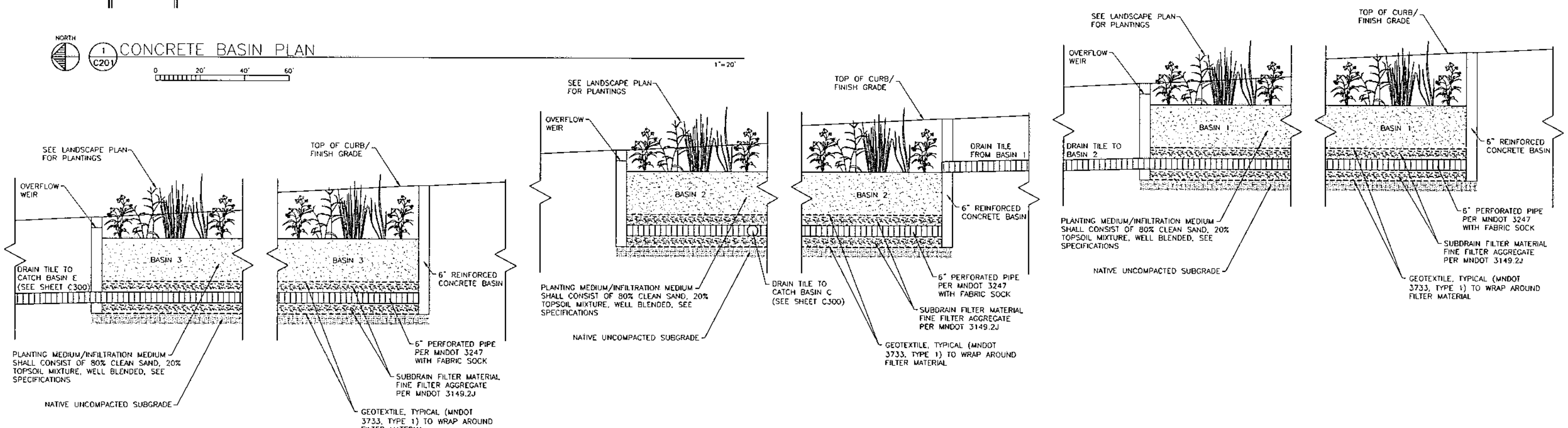


1 CONCRETE BASIN PLAN (C201) 1"=20'

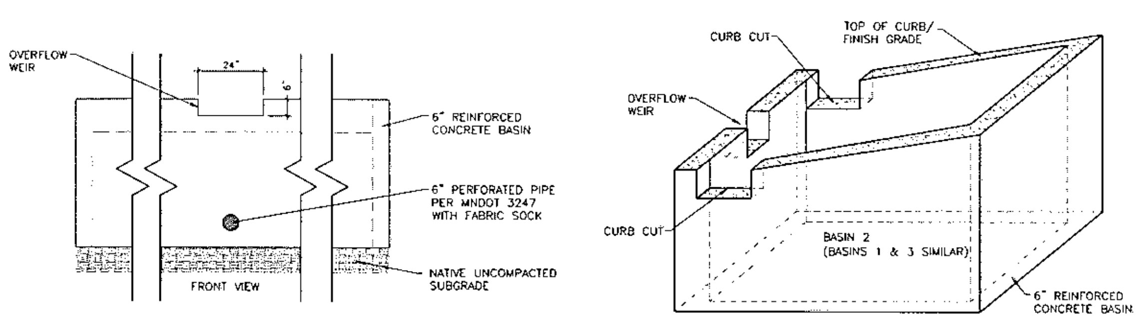
0 20' 40' 60'



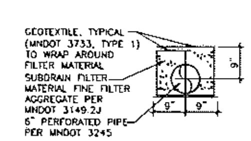
4 CONCRETE BASIN DETAIL – ELEVATIONS (C201) NO SCALE



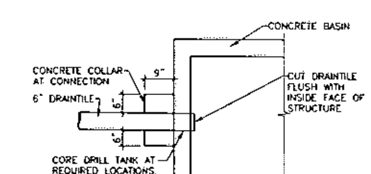
2 CONCRETE BASIN DETAIL – CROSS SECTION (C201) NO SCALE



3 CONCRETE BASIN VIEWS (C201) NO SCALE



5 DRAIN TILE DETAIL (C201) NO SCALE



6 DRAIN TILE TO BASIN CONNECTION (C201) NO SCALE

MS&R
Meyer Scherer & Rockcastle, Ltd.
Minneapolis, MN
Architecture & Interior Design

Landscape Architect
Damon Farber Associates
923 Nicollet Mall
Minneapolis, MN 55402
PHONE: 612-332-7522

Structural Engineer
Meyer, Borgman & Johnson, Inc.
12 South 6th Street
Suite 810
Minneapolis, MN 55402
PHONE: 612-338-0713

Mechanical / Electrical Engineers
Engineering Design Initiative, Ltd.
1112 North 5th Street
Minneapolis, MN 55411
PHONE: 612-343-5965

Civil Engineer
Pierce Pini & Associates, Inc.
10950 University Avenue NW
Suite 30
Coon Rapids, MN 55448
PHONE: 763-537-1311

Technology Consultants
Elert & Associates
140 3rd Street South
Stillwater, MN 55082
PHONE: 651-430-2772

Design / Builder
McGough Construction
2737 Fairview Avenue North
St. Paul, MN 55113
PHONE: 651-633-5050

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly registered engineer in the State of Minnesota.

Rhonda S. Pierce

41333 — Reg. No.
03/31/09 — Date

ISSUE / DATE		
	3/31/09	BID SET
	3/16/09	95% CONSTRUCTION DOCUMENT
	3/04/09	EARLY STEEL PACKAGE
	2/12/09	50% CONSTRUCTION DOCUMENT
	[illegible]	DD ADDENDUM 001
	[illegible]	REVISED DD SET
	[illegible]	DD SET

PROJECT NO. 08-006

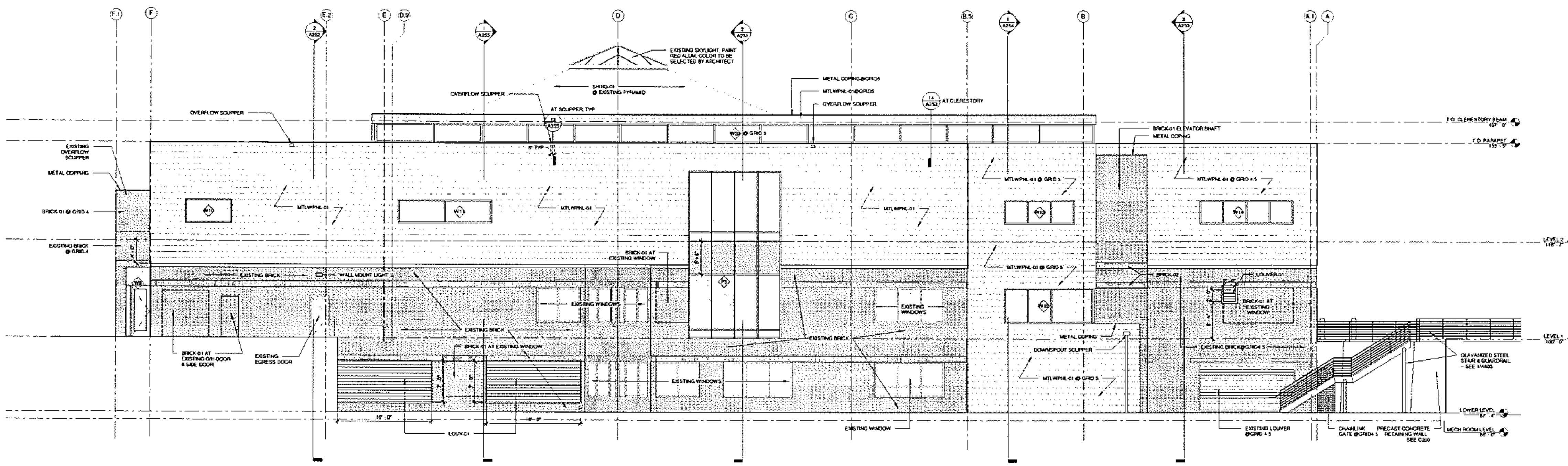
PROJECT PHASE: BID SET

DRAWN BY: KTG CHECKED BY: RSP

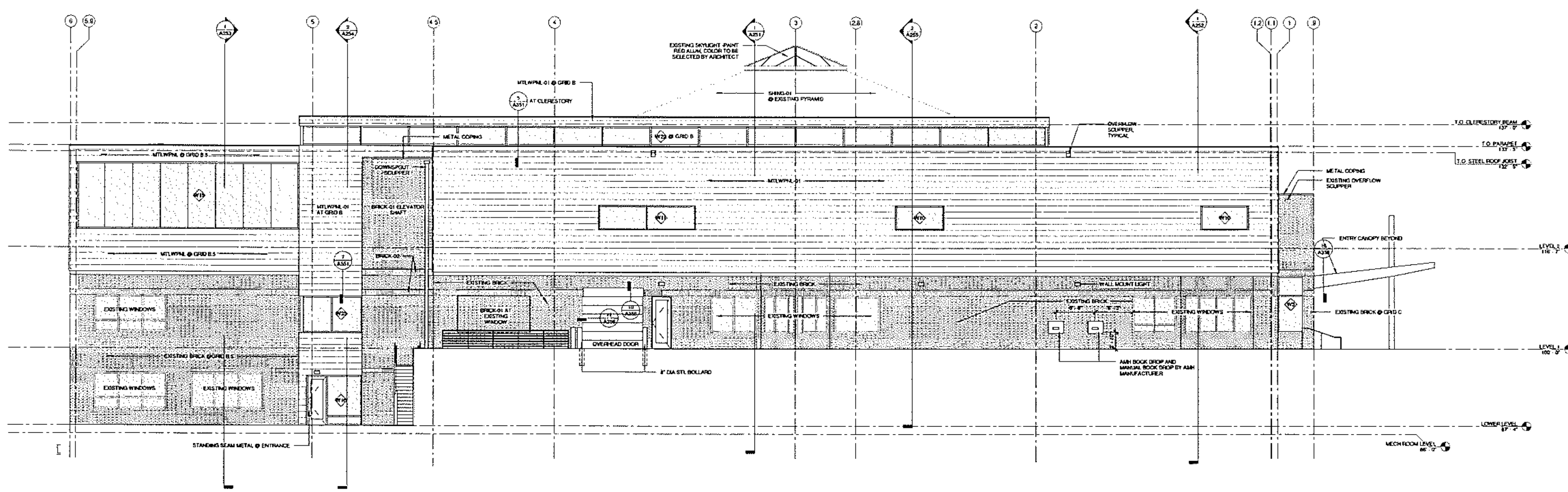
BASIN DETAILS

C201

Exhibit E-1



1 BUILDING EAST ELEVATION
A201 1/8" = 1'-0"



2 BUILDING NORTH ELEVATION
A201 1/8" = 1'-0"

MS&R
Meyer Scherer & Rockcastle, Ltd.
Architecture & Interior Design

Design/Build
McGough Construction
2737 Fairview Avenue North
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PHONE 651-633-5050

Structural Engineer
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Suite 810
Minneapolis, MN 55402
PHONE 612-338-0713

Electrical / Mechanical Engineer
Engineering Design Initiative
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Minneapolis, MN 55411
PHONE 612-343-5065

Civil Engineer
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Suite 3B
Coon Rapids MN 55448
PHONE 763-537-1311

Landscape Architect
Damon Farber Associates
923 Nicollet Mall
Minneapolis, MN 55402
PHONE 612-332-7522

Technology Consultants
Elert & Associates
140 3rd Street South
Stillwater, MN 55082
PHONE 651-430-2772

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

Signature
Print Name: Jack Poling
Date 03/31/2009 License No. 24102

ISSUE / DATE

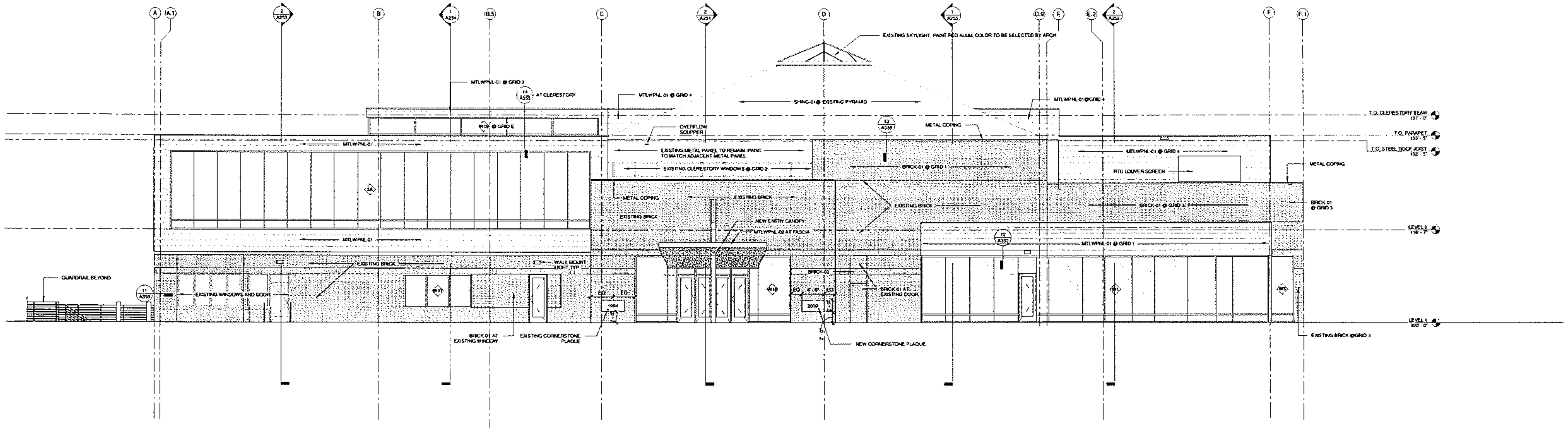
MARK	DATE	DESCRIPTION
	3/31/09	BID SET
	3/16/09	95% CONSTRUCTION DOCUMENT
	3/04/09	EARLY STEEL PACKAGE
	2/12/09	50% CONSTRUCTION DOCUMENT
	9/22/08	DD ADDENDUM 001
	9/12/08	REVISED DD SET
	8/29/08	DD SET

PROJECT NO. 2008024.00
PROJECT PHASE BID SET
DRAWN BY BL DC NC CHECKED BY: MC

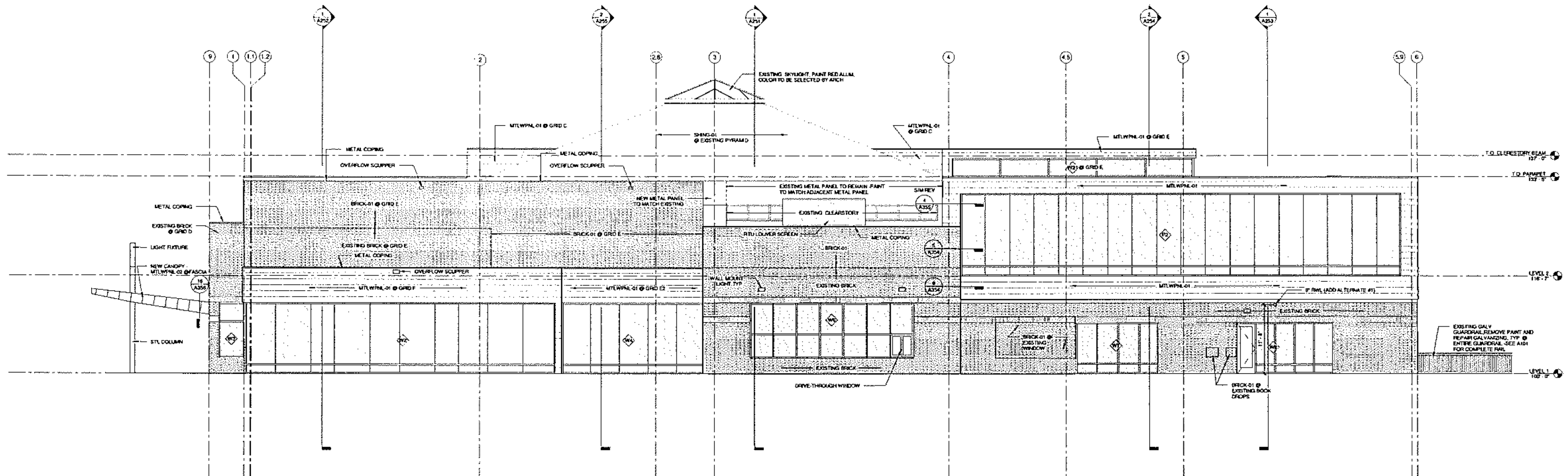
BUILDING ELEVATIONS

A201

Exhibit E-2



2 BUILDING WEST ELEVATION
A202 1/8" = 1'-0"



1 BUILDING SOUTH ELEVATION
A202 1/8" = 1'-0"

MS&R
Meyer, Scherer & Rockcastle, Ltd.

Design/Build
McGough Construction
McGough

Structural Engineer
Meyer, Borgman & Johnson, Inc.
MBJ

Electrical / Mechanical Engineer
Engineering Design Initiative
edi

Civil Engineer
Pierce Pini & Associates

Landscape Architect
Damon Farber Associates

Technology Consultants
Elert & Associates

Ramsey County
Roseville Library
2180 Hamline Avenue North
Roseville, MN 55113

Project No. 2008024.00

BID SET

Drawn by: BL DC NC
Checked by: MC

BUILDING ELEVATIONS

A202

CITY of ROSEVILLE
PLANNED UNIT DEVELOPMENT AGREEMENT 1374
MAY 18, 2009 (PF08-030)

AGREEMENT, approved by the Roseville City Council on May 18, 2009, and entered into between the City of Roseville, a Minnesota municipal corporation (herein referred to as "CITY"), and Ramsey County a Minnesota municipal corporation, 15 West Kellogg Boulevard, Saint Paul, Minnesota, 55102 (herein referred to as "DEVELOPER").

1.0 Effective Date of Agreement

This Agreement shall be effective upon completion of the following: 1) passage of Ordinance 1374 (Rezoning of property to Planned Unit Development); 2) publication of the ordinance in the CITY's official newspaper; 3) execution of this agreement by the CITY and the DEVELOPER; and 4) recording of this agreement with Ramsey County.

2.0 Request for Planned Unit Development Approval

The DEVELOPER has asked the CITY to approve a Planned Unit Development (PUD) (PF08-030) that expands the existing Ramsey County Roseville Branch Library to a total of 73,700 square feet. The property is described as:

2180 Hamline Avenue North (PIN: 10-29-23-43-0101, 10-29-23-43-0103, 10-29-23-43-0099, 10-29-23-43-0098, 10-29-23-43-0083, 10-29-23-43-0084, 10-29-23-43-0085, 10-29-23-43-0086, and 10-29-23-43-0087) City of Roseville, Ramsey County, Minnesota;

and is legally described as:

SEE ATTACHMENT "A"

3.0 Planned Unit Development Approval

The CITY hereby grants approval of the final development plan for the DEVELOPER, subject to the compliance with the terms and conditions of this agreement and the conditions of the City Council approval on May 18, 2009. The CITY agrees to approve applications for building permits provided: the plans are consistent with the exhibits approved at the concept and final stages of the PUD process; the DEVELOPER has not defaulted; and all of the standards and conditions of this agreement have been satisfied. For any improvements proposed thereafter, notwithstanding anything in this Agreement to the contrary, the CITY may require compliance with any amendments to the City's Comprehensive Plan, official controls, platting, or dedication requirements enacted after the date of this Contract.

4.0 Approval by the CITY

In approving the final development plan for the PUD for the DEVELOPER, the CITY hereby incorporates the following exhibits. The DEVELOPER shall develop the subject property as described or shown in these exhibits. If the exhibits vary from the written terms of this Agreement, the written terms shall control. In the event the exhibits address items not specifically addressed in this agreement, the exhibits shall govern with respect to those items. The exhibits as approved by the City Council on May 18, 2009, or as amended thereafter, shall include:

Exhibit A Site development plan indicating proposed structure addition, parking lot modifications, electrical/mechanical service access, sidewalks, property lines, and setbacks, dated **April 14, 2009**

Exhibit B Grading, drainage, and erosion control plan indicating the structure addition, all grade contours with spot elevations, sanitary sewer and watermain service, catch basins for surface water catchment, existing utilities, and all erosion control measures to be utilized during construction, dated **April 14, 2009**

Exhibit C Utility plan, including type, size, elevation and % grade of all existing and proposed utilities for the site, dated **March 31, 2009**

Exhibit D Complete landscape and infiltration basin plan, including materials list and planting details, indicating the size and location of all plant materials, dated **March 31 and April 14, 2009**

Exhibit E Building elevation plan indicating structure height, facade details, and building materials dated **March 31, 2009**

5.0 Rezoning

5.1 The CITY conducted hearings and meetings on August 6, 2008 (Planning Commission – public hearing on General Concept plan), August 25, 2008 (City Council – action on General Concept), and May 18, 2009 (City Council – hearing and action on Final Development Plan and PUD agreement) to consider various aspects of the PUD, including rezoning of the subject property from Single Family Residence (R-1) District to Planned Unit Development (PUD) with an underlying zoning of Limited Business (B-1) District.

5.2 The CITY agrees to rezone the subject property to Planned Unit Development (PUD) with an underlying zoning of Limited Business (B-1) District, subject to the DEVELOPER'S strict compliance with the approved plans, and the terms and conditions of this agreement. Where not superseded by more restrictive requirements of this PUD, the standards of the underlying Limited Business (B-1) zoning district shall apply, as stated in Chapter 1005 of the Roseville City Code.

6.0 Development of Property

6.1 Failure by the DEVELOPER to commence development activity in accordance with the final development plans or within one year following the final approval of this PUD will necessitate the approval of an extension of the development by the City Council prior to the expiration of the one year period. If an extension is not applied for, the Council may instruct the Planning Commission to initiate rezoning to the underlying B-1 zoning district. For purposes of this provision, development activity shall be defined as obtaining a building permit and beginning construction on the site.

6.2 Minor deviations from the approved final development plans, which are consistent with this agreement and the underlying B-1 zoning district, may be approved by the CITY's Development Review Committee, under the direction of the Community Development Director. Substantial departures from the approved final development plans will require an amendment to the PUD in accordance with Section 1015 of the Roseville Zoning Ordinance.

7.0 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, Regional, Metropolitan, State, and Federal laws and regulations, including but not limited to the Roseville Zoning Ordinance.

8.0 Site Development Requirements

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

8.1 Erosion Control: Before site grading and before any utility construction is commenced or building permits are issued, an erosion control plan must be submitted for approval, and all erosion control actions shall be implemented, inspected, and approved by the CITY **(Exhibit B)**.

8.2 Final Grading Plan: The final grading plan for the property must be reviewed and approved by the Director of Public Works prior to any permits being issued for the building addition. 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 as constructed, was completed as depicted in the approved grading plan **(Exhibit B)**.

8.3 Final Utility Plan: The final utility plan for the property must be reviewed and approved by the Director of Public Works prior to any permits being issued for the building remodeling or addition **(Exhibit C)**.

8.4 Clean Up: The DEVELOPER shall clean dirt and debris from streets that has resulted from construction work by the DEVELOPER, 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.

9.0 PUD Standards/Conditions of Approval

To insure that the proposed development meets the CITY'S standards for the approval of a PUD, as set forth in Section 1008 and 1015 of the Roseville City Code, the Development shall also comply with the following specific PUD standards:

9.1 General Development Standards: The site development plan, landscape plan, grading and utility plan, building elevations, and final land use designations shall be part of the standards for development.

9.2 Permitted Uses: The parcel/development shall be restricted to the parameters specified in the site plan, landscape plan, building elevations, and supporting documents submitted by the DEVELOPER. Where not superseded by more restrictive requirements of this PUD, the standards of the underlying Limited Business (B-1) zoning district shall apply, as stated in Chapter 1005.02 of the Roseville City Code. The parcel may be reused and/or redeveloped for any of the permitted and accessory uses in the B-1 District.

9.3 Building Setbacks: Building setbacks of 30 feet from the northern property line, 30 feet from the Hamline Avenue right-of-way, 30 feet from County Road B right-of-way, and 20 feet from the eastern property line shall be the minimum required building setbacks from the respective property lines.

9.4 Off-Street Parking Lot Setbacks: Parking lot setbacks of 10 feet from County Road B, 15 feet from Hamline Avenue, 60 feet from the eastern property line as shown in the approved site plan **(Exhibit A)** shall be the minimum required parking lot setbacks from the respective property lines.

9.5 Off-Street Parking Lot Improvements: Off-street parking areas shall be improved as shown on the approved site development plan **(Exhibit A)** and drainage plan **(Exhibit B)**, and shall include hard surfacing (bituminous), concrete perimeter curbing, and a drainage plan. The site shall provide a minimum of 253 off-street parking stalls, inclusive of handicapped stalls as necessary to be in compliance with ADA requirements.

9.6 Signage: The location, height, and area of building and freestanding signage shall be consistent with an approved Master Sign Plan.

9.7 Pedestrian Walkways: CITY policy requires the installation of pedestrian pathways (sidewalks), no less than four feet in width, connecting public rights-of-way with commercial development. The DEVELOPER shall install a pedestrian pathway (concrete sidewalk) connection to the existing sidewalk in the County Road B right-of-way in accordance with city standards.

9.8 Landscape Letter of Credit: Before the issuance of a building, grading, or excavation permit by the CITY, the DEVELOPER shall have posted with the CITY a landscape letter of credit or other security acceptable to the CITY in an amount equal to 150% of the cost of all site landscaping and site restoration, and in accordance with Section 1010.14E of the City Code. The Community Development Director, following completion of plans and after the passage of two

growing seasons, shall determine the specific amount of this letter of credit or other security.

9.9 Building Materials: For additions to existing structures, exterior building materials shall be complementary to, and generally in keeping with, the existing structure; the materials proposed in the building elevations **(Exhibit E)** comply with this requirement. Exterior building materials for future construction or redevelopment shall be reviewed and approved by the Community Development Director prior to issuance of any building permits.

9.10 Mechanical Equipment: HVAC must be fully screened from view of adjacent properties.

9.11 Trash Handling: Trash handling equipment shall be housed within the principal structure or in a roofed structure that is detached or attached to the principal structure, in accordance with Section 1010.11 of the City Code. Access to trash handling equipment shall be situated such that service vehicles are not required to back onto streets.

9.12 Lighting: Parking lot and building facade lights shall be downcast, cutoff type, concealing the light source from view and preventing glare. All lighting shall meet the lighting requirements of Section 1010.12 of the City Code.

10.0 Developer's Default

10.1 For purposes of this Development Agreement, the failure of the DEVELOPER to perform any covenant, obligation, or agreement hereunder, and the continuance of such failure for a period of 30 days after written notice thereof from the CITY (or such longer period of time as may reasonably be necessary to cure any such default, if such default is not reasonably curable within such 30 day period) shall constitute a DEVELOPER default hereunder. Within the 30 day period after notice is given, a request may made for a hearing (by either party) to be held before the Roseville City Council to determine if a default has occurred. Upon the occurrence of DEVELOPER default, the City may withhold any certificate of occupancy for improvements proposed to be constructed.

10.2 Notwithstanding anything herein to the contrary, the DEVELOPER may convey a parcel or parcels of land within the PUD to a third party, which conveyed parcels shall remain subject to all of the terms of the PUD specifically relating to said parcels. In that connection, the parties agree as follows:

A. 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 such conveyed parcel otherwise complies with applicable provisions of the PUD.

B. 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.

11.0 Miscellaneous

11.1 This Development Agreement shall be binding upon the parties, their heirs, successors or assigns, as the case may be.

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

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

11.4 This Development Agreement shall run with the Subject Property and shall be recorded in the Ramsey County Recorder's Office by the CITY.

11.5 This Agreement shall be liberally construed to protect the public interest.

12.0 Notices

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

Ms. Julie Kleinschmidt
County Manager
Ramsey County
15 West Kellogg Boulevard
Suite 270
Saint Paul, Minnesota 55102

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

Community Development Director
2660 Civic Center Drive
Roseville, MN 55113

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

CITY OF ROSEVILLE

By: _____
Craig Klausing, Mayor

By: _____
William J. Malinen, City Manager

Subscribed and sworn to before me on
this _____ day of _____ 2009.

_____
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

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

Ramsey County.

By: _____
Ms. Julie Kleinschmidt, County Manager

Subscribed and sworn to before me on
this _____ day of _____, 2009.

_____
Notary Public

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

The forgoing instrument was acknowledged before me this _____ day of _____, 2009, by Julie Kleinschmidt, County Manager, Ramsey County

REQUEST FOR COUNCIL ACTION

DATE: 5/18/2009
ITEM NO: 12.c

Department Approval

City Manager Approval

Item Description: Request by Pawn America (with Osborne Properties) for **conditional use** approval to allow the internal expansion of the existing pawn store at the McCarrons Hills Shopping Center, 1685-1717 Rice Street **(PF09-011)**

1.0 REQUESTED ACTION

Pawn America proposes to expand the existing pawn store, a CONDITIONAL USE, within the McCarrons Hills shopping center at 1685-1717 Rice Street.

Project Review History

- Application submitted: March 31, 2009; Determined complete: April 1, 2009
- Sixty-day review deadline: May 29, 2009
- Project report recommendation: May 6, 2009
- Anticipated Planning Commission action: May 6, 2009
- Anticipated City Council action: May 18, 2009

2.0 SUMMARY OF RECOMMENDATION

At the duly noticed Planning Commission meeting of May 6, 2009, no citizens were present to address the Commission. The Planning Division voted (6-0) to recommend approval of the proposed CONDITIONAL USE; see Section 8 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED CITY COUNCIL ACTION

By resolution, approve the proposed INTERIM USE, pursuant to §1005 (Business Districts) and §1013 (Interim Uses) of the City Code; see Section 9 of this report for the detailed action**.**

4.0 BACKGROUND

4.1 The McCarrons Hills shopping center property at 1685-1717 Rice Street has a Comprehensive Plan designation of Business (B) and a zoning classification of General Business District (B-3). Pawn stores are allowed as CONDITIONAL USES in B-3 districts.

4.2 Such applications were formerly referred to as conditional use *permits*, but the word "permit" is being eliminated in an effort to sharpen the distinction between building permits and land use approvals like this. Although this represents a change in terminology, the nature of conditional use approvals will remain the same because they never actually involved permits *per se*.

5.0 STAFF COMMENTS

5.1 City records indicate that the existing Pawn America store was established in 1994, when pawn shops were permitted uses in B-3 districts. Pawn stores did not become *conditional* uses until 2004, when Ordinance 1305 significantly revised the format of Chapter 1005 (Business Districts) of the City Code. Although City records do not include any indication of why this substantive change was made, it had the effect of converting the conforming Pawn America store into a legal, nonconforming use.

5.2 State Statute 462.357 subd. 1e protects a legal nonconforming use like this by mandating that it be allowed to continue operating in ways that don't create a *more* nonconforming condition; that is, the existing Pawn America can be maintained and improved, even increase the volume of its transactions within the existing store, without requiring CONDITIONAL USE approval from the City.

5.3 Planning Division staff has determined, however, that the physical expansion of the pawn store's footprint within the shopping center would amount to increasing the nonconformity, and would thereby disqualify it from the protections of MN Statute 462.357. In order to operate as the physically larger store currently proposed, Pawn America must receive the approval required for CONDITIONAL USES, and thus become a conforming use.

5.4 Section 1013 of the Roseville City Code allows the City Council to grant CONDITIONAL USE approvals for land uses that are conditionally permitted in a zoning district and, in order to protect the public health, safety, and general welfare, any additional conditions deemed necessary may be imposed that are above and beyond licensing requirements or other operating regulations. In light of the existing regulations on pawn stores established in §311 (Pawnbroker& Precious Metal Dealers) of the City Code (included with this staff report as Attachment C), Planning Division staff does not recommend much in the way of additional conditions.

6.0 REVIEW OF CONDITIONAL USE CRITERIA

6.1 Section 1013.01 (Conditional Uses) of the City Code requires the Planning Commission and City Council to consider the following criteria when reviewing a CONDITIONAL USE application:

a. Impact on traffic;

b. Impact on parks, streets, and other public facilities;

c. Compatibility of the site plan, internal traffic circulation, landscaping, and structures with contiguous properties;

d. Impact of the use on the market value of contiguous properties;

e. Impact on the general public health, safety, and welfare; and

f. Compatility with the City's Comprehensive Plan.

6.2 **Impact on traffic:** Because Pawn America proposes to expand into an adjacent tenant space in an existing shopping center, Planning Division has determined that the use would have no more impact on traffic than other permitted uses that could occupy the same space.

6.3 **Impact on parks, streets and other public facilities:** The proposal represents a retail use in an existing retail space, and so would not have additional impacts on parks, streets, and other public facilities.

6.4 **Compatibility … with contiguous properties:** No changes are proposed to the site plan, internal traffic circulation, or landscaping, and the proposed internal structural modifications would not affect the site's compatibility with contiguous properties.

6.5 **Impact of the use on the market value of contiguous properties:** People tend to have negative feelings about pawn stores and their perceived effect on residential property values, but when a property is assigned Zoning and Comprehensive Plan land use designations, careful consideration is given to protecting the value of surrounding properties. In light of this, and because a pawn store is among the uses that are allowed (conditionally or otherwise) in the B-3 District and is consistent with the "business" designation of the Comprehensive Plan, the Planning Division has determined that the expanded pawn store use will not affect the market value of contiguous properties.

6.6 **Impact on the general public health, safety, and welfare:** Police Department staff has indicated that pawn shops are no more likely to have illegal activity or police calls than a general retail business and that Roseville police enjoy a very cooperative relationship with the existing Pawn America store; the Planning Division therefore believes that the proposed expansion of the existing store will have no discernable impact on the general public health, safety, and welfare. City licensing requirements for pawn shops are also geared toward protecting the health, safety, and welfare of Roseville's residents, and if Pawn America fails to satisfy those requirements, the company risks revocation of its license. Even if Pawn America operates in compliance with its license but the use is later determined to have a negative impact on the general public health, safety, and welfare, the CONDITIONAL USE approval can be invalidated.

6.7 **Compatility with the City's Comprehensive Plan:** A pawn store is a conditionally permitted use in the B-3 General Business District and is compatible with the Comprehensive Plan land use designation of Business.

7.0 PLANNING COMMISSION ACTION

7.1 On May 6, 2009, the Roseville Planning Commission held the duly noticed public hearing regarding the Pawn America request. At the hearing no citizens were present to address the Commission, however that applicant was present to answer questions and provide additional clarification regarding the request.

7.2 The Commission was unclear (as was the Planning Staff) on the condition for surveillance of the parking lot and whether or to what extent the existing cameras would suffice. They requested staff clarify prior to Council approval.

7.3 The Commission was also concerned with the site adding a drive-thru window without amending the approval Conditional Use so that included this as a condition.

7.4 The Commission recommended (6-0) approval of the request subject to the Planning Staff clarifying the initial condition and Pawn America not allowed to have a drive-thru window without review and consideration under an amended Conditional Use in the future

8.0 STAFF RECOMMENDATION

Based on the comments and findings outlined in Sections 5 and 6 of this report, the Planning Division recommends approval of the request for a CONDITIONAL USE to allow the expanded pawn store as a conforming use pursuant to §1005.015 and §1013.01 of the Roseville City Code subject to following conditions as revised from the May 6, Planning Commission Hearing:

a. The pawnbroker/applicant shall install video surveillance equipment (stationary cameras) to monitor the shopping center parking areas adjacent to the pawn store tenant space such that the captured video can help law enforcement personnel identify vehicles used by people pawning stolen merchandise; the digital or analog video shall be retained by the pawnbroker and made available to law enforcement personnel for a minimum of one hundred twenty (120) days. Pawn America currently has three outdoor surveillance cameras that may be of appropriate quality and location. However, the Roseville Police Department will review the existing quality and location and work with Pawn America on an acceptable set-up.

b. Any drive-thru considered for the Pawn America use, shall be considered an amendment to the Conditional Use and subject to the amendment process.

9.0 SUGGESTED ACTION

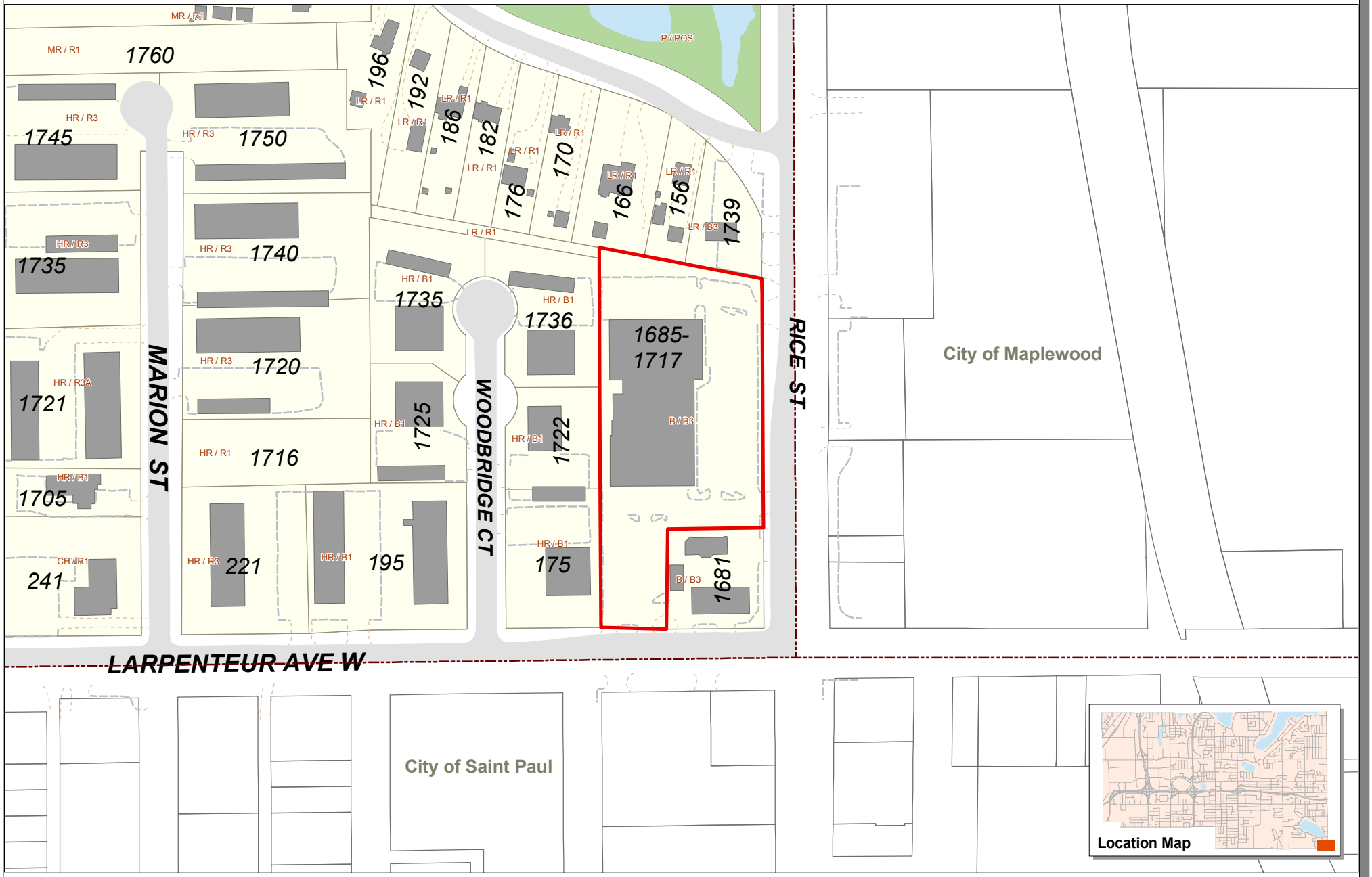
ADOPT a RESOLUTION APPROVING the requested CONDITIONAL USE rendering the existing Pawn America store at 1713 Rice Street a permitted use, based on the comments and findings of Sections 5 and 6, and the condition of Section 8 of the project report dated May 18, 2009

Prepared by: **City Planner Thomas Paschke**

Attachments:

A: Area map
B: Aerial photo
C: Excerpts of Section 311 (pawnbroker & precious metal dealers)
D: Applicant narrative
E: Proposed floor plan
F: Draft PC minutes
G: Draft Resolution

Attachment A: Location Map for Planning File 09-011



ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (3/30/2009)

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

Disclaimer

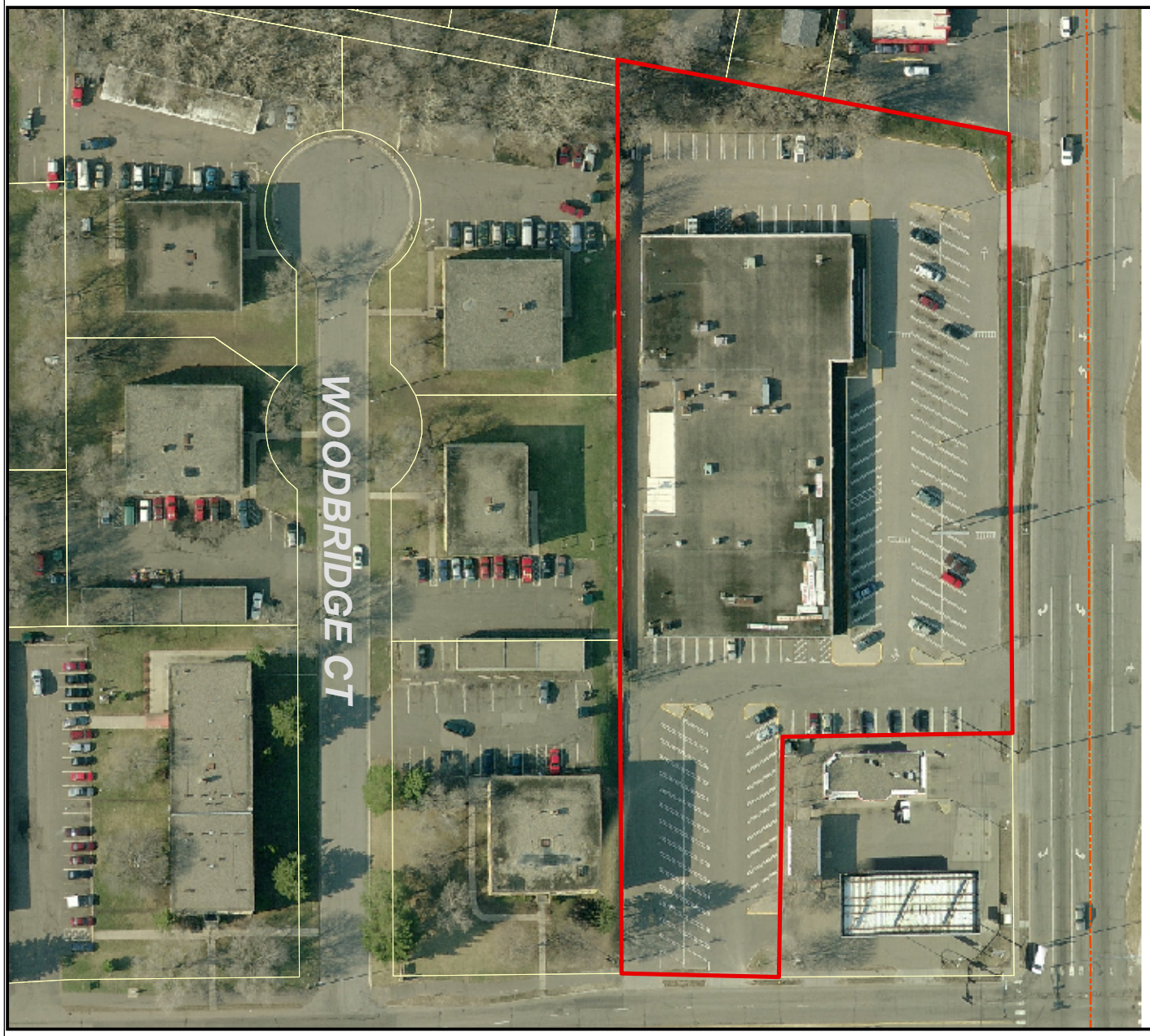
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only.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

0 100 200 Feet

N

mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-011



ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* Aerial Data: Pictometry (4/2008)

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CHAPTER 311
PAWNBROKERS AND PRECIOUS METAL DEALERS

SECTION:

311.01: PURPOSE:

The City Council finds that pawnbrokers and precious metal dealer regulation is appropriate because such activities provide an opportunity for the commission of crimes and their concealment because such businesses have the ability to receive and transfer stolen property easily and quickly. The City Council also finds that consumer protection regulation of such activities is warranted because customers of such businesses frequently seek their services during times of desperate financial circumstances.

To help the police department better regulate current and future pawn businesses, decrease and stabilize costs associated with the regulation of the pawn industry, and increase identification of criminal activities in the pawn industry through the timely collection and sharing of pawn transaction information, this chapter also implements and establishes the required use of the automated pawn system (APS). (Ord. 1275, 11-18-2002)

311.02: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ACCEPTABLE IDENTIFICATION: Acceptable forms of identification are a current valid Minnesota driver's license, a current valid Minnesota identification card, or a current valid photo driver's license or identification card issued by another state or province of Canada.

BILLABLE TRANSACTIONS: Every reportable transaction conducted by a pawnbroker, except renewals, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee's possession.

ISSUING AUTHORITY: The City of Roseville.

ITEM CONTAINING PRECIOUS METAL: An item made in whole or in part of metal and containing more than one percent (1%) by weight of silver, gold or platinum.

MINOR: Any natural person under the age of eighteen (18) years.

PAWNBROKER: A person who loans money on deposit or pledge of personal property or other valuable thing or who deals in the purchasing of personal property or other valuable thing on condition of selling that same thing back again at a stipulated price or who loans money secured by chattel mortgage or personal property, taking possession of the property or any part thereof so mortgaged. To the extent that a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this chapter shall be applicable. Pawnbroker does not include businesses or persons who engage in transactions in which a used or secondhand item is exchanged for a new item and the value of the new item exceeds the value of the secondhand item, or who buys and sells used goods or equipment of a specialized nature such as exercise or sporting equipment, or children's clothes. A bank, savings and loan association or credit union shall not be deemed a pawnbroker for purposes of this chapter.

PAWNSHOP: Any business establishment operated by a pawnbroker.

PERSON: One or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic or nonprofit corporation, a trust, a political subdivision of the state; or any other business organization.

PRECIOUS METAL DEALER: Any person engaging in the business of buying coins or secondhand items containing precious metal, including, but not limited to, jewelry, watches, eating utensils, candlesticks, and religious and decorative objects. Persons conducting the following transactions shall not be deemed to be precious metal dealers:

A. Transactions at occasional "garage" or "yard" sales, or estate sales or auctions held at the decedent's residence, except that precious metal dealers must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742, for these transactions.
B. Transactions regulated by Minnesota statutes, chapter 80A.
C. Transactions regulated by the federal commodity futures commission act.
D. Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps or dust from an industrial manufacturer, dental lab, dentist or agent thereof.
E. Transactions involving the purchase of photographic film such as lithographic and x-ray film or silver residue or flake covered in lithographic and x-ray film processing.
F. Transactions involving coins or bullion in ingots.
G. Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new item exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction which is not exempted by this section must comply with the requirements of Minnesota statutes, sections 325F.734 to 325F.742.
H. Transactions between precious metal dealers if both dealers are licensed under Minnesota statutes, section 325F.733, or if the seller's business is located outside of the state and the item is shipped from outside the state to a dealer licensed under Minnesota statutes, section 325F.733.

I. Transactions in which the buyer of the secondhand item containing precious metal is engaged primarily in the business of buying and selling antiques and the items are resold in an unaltered condition except for repair, and the items are resold at retail and the buyer paid less than two thousand five hundred dollars ($2,500.00) for secondhand items containing precious metals purchased within any period of twelve (12) consecutive months.

PRECIOUS METALS: Silver, gold or platinum.

REDEMPTION PERIOD: The date by which an item of property that has been pawned must be redeemed by the pledger without risk that the item will be sold. Such date must be a day on which the pawnbroker or precious metal dealer is open for regular business.

REPORTABLE TRANSACTION: Every transaction conducted by a pawnbroker in which merchandise is received through a pawn, purchase, consignment or trade, or in which a pawn is renewed, extended, or for which a unique transaction number or identifier is generated by their point of sale software, is reportable, except:

A. The bulk purchase or consignment of new or used merchandise from a merchant, manufacturer, or wholesaler having an established permanent place of business, and the retail sale of said merchandise, provided the pawnbroker must maintain a record of such purchase or consignment which describes each item, and must mark each item in a manner which relates it to that transaction record.
B. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption periods have expired. (Ord. 1275, 11-18-2002)

311.03: LICENSE REQUIRED:

No person shall exercise, carry on or be engaged in the trade or business of pawnbroker or precious metal dealer within the city unless such person is currently licensed under this section to be a pawnbroker or precious metal dealer, respectively. (Ord. 1275, 11-18-2002)

311.04: APPLICATION FOR LICENSE:

Every application for license under this section, whether for a natural person, partnership, corporation or other organization, shall be made on a form supplied by the city and shall contain all information as required on that form by law.

All applications for a license under this chapter shall be signed and sworn to under oath or affirmation by applicant. If the application is that of a natural person, it shall be signed and sworn to by such person; if that of a corporation, by an officer thereof; if that of a partnership, by one of the general partners; and if that of an unincorporated association, by the manager or managing officer thereof.

Any falsification on a license application shall result in the denial of a license.

When a licensee places a manager in charge of a business, or if the named manager(s) in charge of a licensed business changes, the dealer must complete and submit the appropriate application within fourteen (14) days. The manager shall be subject to the investigation required by section 311.05 of this chapter, and to payment of the investigation fee required by this chapter, which shall be paid in advance.

The designation of a new manager shall not cause the license to become invalid before a decision is rendered, provided proper notice and application are made by the applicant. A proposed new manager shall be referred to as the interim manager. In the event an interim manager is rejected, the licensee shall designate another interim manager and make the required application within fourteen (14) days of the decision. If a proposed manager is rejected, the decision may be appealed to the City Council by filing a written notice of appeal with the city manager within ten (10) days after being notified of the rejection. (Ord. 1275, 11-18-2002)

311.05: INVESTIGATION BY POLICE DEPARTMENT:

A. Investigation and Report: All applications shall be referred to the police department for verification and investigation of the facts set forth in the application. The police department shall make a written report and recommendation to the City Council as to issuance or nonissuance of the license. The City Council may order and conduct such additional investigation as it deems necessary.
B. Cost of Investigation; Deposit: An applicant for any license under this section shall deposit with the city, at the time an original application is submitted, five hundred dollars ($500.00) to cover the costs involved in verifying the license application and to cover the expense of any investigation needed to assure compliance with this section. If the investigation and verification process is conducted outside the state of Minnesota, the city may require the actual investigation costs not exceeding one thousand five hundred dollars ($1,500.00). (Ord. 1275, 11-18-2002)

311.06: TERM OF LICENSE AND RENEWALS:

A. Term: All licenses issued through this section shall be for a period of twelve (12) months beginning January 1, prorated on a monthly basis.
B. Renewal: A license under this section will not be renewed:
1. If the City Council determines that the licensee has failed to comply with the provisions of this chapter in a preceding license year.
2. There would be sufficient grounds not to issue a license in the first instance. (Ord. 1275, 11-18-2002)

311.07: LICENSE FEES:

The license application fees for pawnbrokers' and precious metal dealers' licenses shall be as set forth in section 301.03 of this title. (Ord. 1275, 11-18-2002)

311.075: BILLABLE TRANSACTION FEES:

A. Licensees shall pay a monthly transaction fee on all billable transactions as set forth in section 301.03 of this title. Such fee shall be due and payable within thirty (30) days. Failure to timely pay the billable transaction fee shall constitute a violation of this chapter. (Ord. 1275, 11-18-2002)

311.076: BOND REQUIRED:

At the time of filing an application for a license, the applicant shall file a bond in the amount of ten thousand dollars ($10,000.00) with the city. The bond, with a duly licensed surety company as surety thereon, must be approved as to form by the city attorney. The bond must be conditioned on the licensee observing all ordinances of the city and all laws relating to the business of pawnbroker or precious metal dealer, and the licensee accounting for and delivering to any person legally entitled thereto any articles which

may have come into the possession of the licensee as pawnbroker or precious metal dealer, or in lieu thereof such licensee paying the person or persons the reasonable value thereof. The bond shall contain a provision that it may not be canceled without thirty (30) days' advance written notice to the licensing authority. (Ord. 1275, 11-18-2002)

311.08: INELIGIBLE PERSONS AND LOCATIONS:

A. Ineligible Persons: No licenses under this chapter shall be issued to an applicant who is a natural person, general or managing partner, manager, proprietor or agent if such applicant:
   1. Is a minor at the time the application is filed;
   2. Has been convicted of any offense related to the occupation licensed or involving moral turpitude;
   3. Is not a citizen of the United States or a resident alien;
   4. Is not of good moral character or repute;
   5. Holds an intoxicating liquor license under this code;
   6. Has had a pawnbroker or precious metal dealer license revoked elsewhere; or
   7. Other good and sufficient reason in the sole discretion of the City Council.

B. Ineligible Locations: The following locations shall be ineligible for licenses under this chapter:
   1. No license shall be granted or renewed for operation on any property on which taxes, assessments or other financial claims of the state, county, school district or city are due, delinquent or unpaid.
   2. No license shall be granted or renewed if the property on which the business is to be conducted is owned or controlled by a person who is ineligible for a license.
   3. The property is not properly zoned.

C. Multiple Brokers or Dealers Prohibited: No license shall be issued for multiple pawnbrokers or precious metal dealers at one location. (Ord. 1275, 11-18-2002)

311.09: REQUIREMENTS OF LICENSEES:

A. Record Keeping: All licensees shall maintain a computerized system for the creation, maintenance, and storage of transactional records regarding licensed activities. At the time of a receipt of an item of property, whether purchased or pawned, the pawnbroker or precious metal dealer shall immediately record, on computer disc or if the computer is temporarily unavailable in a book or journal which has page numbers that are preprinted and in an indelible ink, the following information:
   1. Description of Item: An accurate description of the item of property including, but not limited to, any trademark, identification number, serial number, model number, brand, brand name or other identifying mark on such item;
   2. Date and Time: The date and time the item of property was received by the licensee, and the unique alpha and/or numeric transaction identifier that distinguishes it from all other transactions in the licensee's records. Transaction identifiers must be consecutively numbered;
   3. Description of Person: The name, address, residence phone number, date of birth, and accurate description including: sex, height, weight, race, color of eyes and color of hair of the person from whom the item of property was received;
   4. Identification Number: The identification number and state or nation of issue from any of the following forms of identification of the person from whom the item of property was received:
      a. A valid driver's license;
      b. A valid state or national picture identification;
   5. Price: The price of the item paid and whether the item was purchased or pawned;

6. Fees: A list of all fees and charges which the transaction may be subject to;
7. Statement: A signed statement from the person from whom the item of property is received that there are no liens on the item, that it is not stolen and that the person has the right to sell it.
8. Photograph or Video Recording: The licensee must also take a color photograph or color video recording of:
   a. Each customer involved in a billable transaction.
   b. Every item pawned or sold that does not have a unique serial or identification number permanently engraved or affixed.

The photograph taken must be at least two inches (2") in length by two inches (2") in width and must be maintained in such a manner that the photograph can be readily matched and correlated with all other records of the transaction to which they relate. Such photographs must be available to the chief of police, or the chief's designee, upon request. The major portion of the photograph must include an identifiable front facial close up of the person who pawned or sold the item. Items photographed must be accurately depicted. The licensee must inform the person that he or she is being photographed by displaying a sign of sufficient size in a conspicuous place in the premises. If a video photograph is taken, the video camera must zoom in on the person pawning or selling the item so as to include an identifiable close up of that person's face. Items photographed by video must be accurately depicted. Video photographs must be electronically referenced by time and date so they can be readily matched and correlated with all other records of the transaction to which they relate. The licensee must inform the person that he or she is being videotaped orally and by displaying a sign of sufficient size in a conspicuous place on the premises. The licensee must keep the exposed videotape for four (4) months, and furnish it to the police department upon request.

9. Digitized Photographs: Effective sixty (60) days from the date of notification by the police department licensees must fulfill the color photograph requirements by submitting them as digital images, in a format specified by the issuing authority, electronically cross referenced to the reportable transaction they are associated with.

10. Renewals, Extensions and Redemptions: For renewals, extensions and redemptions, the licensee shall provide the original transaction identifier, the date of the current transaction, the type of transaction, interest charges accrued, and any amount paid for the transaction or the article. When an article of purchased or forfeited property is sold or disposed of by a licensee the records shall contain an account of such sale with the date, the amount for which the article was sold, and the full name, current address, and telephone number of the person to whom sold.

B. Inspection of Records: The pawnbroker or precious metal dealer shall make available the information required in subsection A of this section at all reasonable times for inspection by the city police department or other representative of the city.
The information required in this section shall be retained by the pawnbroker or precious metal dealer for at least five (5) years. Entries of required digital images shall be retained a minimum of one hundred twenty (120) days.

C. Daily Reports to Police Are Required: The pawnbroker or precious metal dealer shall submit daily to the police department all information required by this section regarding every reportable transaction by transferring it from their computer to the automated pawn system. All required records must be transmitted completely and accurately after the close of business each day in accordance with standards and procedures established by the issuing authority using procedures that address security concerns of the licensees and the issuing authority. The licensee must display a sign of sufficient size, in a conspicuous place in the premises, which informs all patrons that all transactions are reported to the police department daily.

D. Data Transfer Failures:
1. If a licensee is unable to successfully transfer the required reports by electronic means, the licensee must provide the police department printed copies of all reportable transactions along with the videotape(s) for that date, by twelve o'clock (12:00) noon the next business day;
2. If the problem is determined to be in the licensee's system and is not corrected by the close of the first business day following the failure, the licensee must provide the required reports and must be charged a fifty dollar ($50.00) reporting failure penalty, daily, until the error is corrected; or
3. If the problem is determined to be outside the licensee's system, the licensee must provide the required reports and resubmit all such transaction via modem when the error is corrected.
4. If a licensee is unable to capture, digitize or transmit the photographs required by this chapter, the licensee must immediately take all required photographs with a still camera, cross reference the photographs to the correct transaction, and make the pictures available to the police department upon request.
5. Regardless of the cause or origin of the technical problems that prevented the licensee from uploading their reportable transactions, upon correction of the problem, the licensee shall upload every reportable transaction from every business day the problem had existed.
6. The police department may, upon presentation of extenuating circumstances by the licensee, delay the implementation of the daily reporting penalty imposed by this section.

E. Police Order to Hold Property: Whenever the city police department notifies the pawnbroker or precious metal dealer not to sell an item, the item shall not be sold or removed from the licensed premises until authorized to be released by the police department.

F. Holding Period of Pawnbrokers: Any item sold or pawned to a pawnbroker for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for sixty (60) days after the date of the sale or pawn. However, an individual may redeem an item pawned seventy two (72) hours after the item was received on deposit by the pawnbroker, excluding Sundays and legal holidays.

G. Receipt: The pawnbroker or precious metal dealer shall provide a receipt to the seller or pledger of any item of property received, which shall include:
1. The name, address and phone number of the pawnbroker or precious metal dealer business.
2. The date on which the item was received by the pawnbroker or precious metal dealer.
3. A description of the item received and amount paid to the pledger or seller in exchange for the item pawned or sold.
4. The signature of the pawnbroker or precious metal dealer or agent.
5. The last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item on that date.
6. The annual rate of interest charged on pawned items received.
7. The name, address, and signature of the seller or pledger.

H. Hours of Operation: No pawnbroker or precious metal dealer shall be open for the transaction of business on any day of the week before seven o'clock (7:00) A.M. or after ten o'clock (10:00) P.M.

I. Minors: The pawnbroker or precious metal dealer shall not purchase or receive personal property of any nature on deposit or pledge from any minor.

J. Inspection of Items: The pawnbroker or precious metal dealer shall at all times during the term of the license allow the city police department to enter the premises where the pawnbroker or precious metal dealer business is located, for the purpose of inspecting such premises and inspecting the items, wares and merchandise therein for the purpose of locating items suspected or alleged to have been stolen or otherwise improperly disposed of.

K. License Display: A license issued under this section must be posted in a conspicuous place in the premises for which it is used. The license issued is only effective for the compact and contiguous space specified in the approved license application.

L. Maintenance of Order: A licensee under this section shall be responsible for the conduct of the business being operated and shall maintain conditions of order.

M. Prohibited Goods: No licensee under this section shall accept any item of property which contains an altered or obliterated serial number or "operation identification" number or any item of property whose serial number has been removed.

N. Payment by Check: Payment of more than two hundred fifty dollars ($250.00) by a licensee for any article deposited, left, purchased, pledged or pawned shall be made only by a check, draft, or other negotiable or nonnegotiable instrument which is drawn against funds held by a financial institution. This policy must be posted in a conspicuous place in the premises.

O. Holding Period for Precious Metal Dealers: Any item received by a precious metal dealer for which a report to the police is required under subsection C of this section shall not be sold or otherwise transferred for two (2) weeks after the date of the sale.

P. Storage Sites: All items must be stored within the licensed premises building except the city may permit the licensee to designate one locked and secured warehouse building within the city within which the licensee may store only cars, boats and other motorized vehicles. No item may be stored in the designated warehouse building that is not reported in the records pursuant to subsection A of this section. The licensee shall permit immediate inspection of the warehouse at any time during business hours by the city, and failure to do so is a violation of this chapter. Oversized items may not be stored in parking lots or other outside areas. All provisions in this section regarding record keeping and reporting shall apply to oversized items.

Q. Off Site Sales Storage: All items accepted by a licensee at a licensed location in the city shall be for pledge or sale through a licensed location in the city. No licensee under this section shall sell any items which are transferred from a nonlicensed facility or a licensed facility outside the city. (Ord. 1275, 11-18-2002)

311.10: ALARM SYSTEM REQUIRED:

An alarm system, professionally installed and approved by the city manager or his/her designee, must be installed at the licensed premises. (Ord. 1275, 11-18-2002)

311.11: SUSPENSION OR REVOCATION OF LICENSE:

A. Violation: The City Council may suspend or revoke a license issued under this chapter upon a finding of a violation of: 1) any of the provisions of this chapter; 2) any state statute regulating pawnbrokers or precious metal dealers; 3) any state or local law relating to moral character and repute. Any conviction by the pawnbroker or precious metal dealer for theft, receiving stolen property or any other crime or violation involving stolen property shall result in the immediate suspension pending a hearing on revocation of any license issued hereunder.

B. Notice; Hearing: Except in the case of a suspension pending a hearing on revocation, a revocation or suspension by the City Council shall be preceded by written notice to

the licensee and a public hearing. The written notice shall give at least eight (8) days notice of the time and place of the hearing and shall state the nature of the charges against the pawnbroker or precious metal dealer. The council may, without any notice, suspend any license pending a hearing on revocation for a period not exceeding thirty (30) days. The notice may be served upon the pawnbroker or precious metal dealer by United States mail addressed to the most recent address of the business in the license application. (Ord. 1275, 11-18-2002)

311.12: PROHIBITED ACTS:

A. No pawnbroker or precious metal dealer licensed under this chapter shall:
1. Lend money on a pledge at a rate of interest above that allowed by law;
2. Possess stolen goods;
3. Sell pledged goods before the time to redeem has expired;
4. Refuse to disclose to the pledger, after having sold pledged goods, the name of the purchaser or the price for which the item sold;
5. Make a loan on a pledge to a minor or purchase property from a minor;
6. Accept for pawn, sale or consignment any article or property if the article or property belongs to another, of if another person has a security interest in the property; or
7. Receive any article or property from a person of unsound mind or an intoxicated person.

B. No person shall:
1. Pawn, pledge, sell, assign, lease or deposit with a pawnbroker or precious metal dealer any article of property not their own, or any article of property in which another person has a security interest.
2. Give false or fictitious name, date of birth, address, telephone number, or identification card to a pawnbroker or precious metal dealer.(Ord. 1275, 11-18-2002)

(Ord. 1319, 04-25-2005)

311.13: ADOPTION OF STATUTES BY REFERENCE:

Minnesota statutes, sections 325J.01 et seq., 1996, are hereby adopted by reference. Wherever this chapter is more restrictive than said statutes, this chapter will control. Wherever said statutes are more restrictive than this chapter, said statutes shall control. (Ord. 1275, 11-18-2002)

Attachment D

LEONARD
STREET
AND
DEINARD

150 SOUTH FIFTH STREET SUITE 2300
MINNEAPOLIS, MINNESOTA 55402
612-335-1500 MAIN
612-335-1657 FAX

March 27, 2009

TODD M. PHELPS
612-335-1871
todd.phelps@leonard.com

Roseville Community Development
c/o Mr. Thomas Paschke, City Planner
2660 Civic Center Drive
Roseville, MN 55113

Re: Conditional Use Application—1713 Rice Street, Roseville, Minnesota

Dear Mr. Paschke:

This letter is submitted on behalf of Pawn America Minnesota, L.L.C., a Minnesota limited liability company ("Pawn America"), in support of the attached conditional use application to expand Pawn America's existing store located in the McCarron Hills Shopping Center, 1713 Rice Street, Roseville, Minnesota (the "Property").

Pawn America has operated its existing store, which consists of approximately 7,632 square feet, at the Property for over the past fifteen (15) years. Recently, approximately 4,291 of adjacent retail space became available and Pawn America desires to expand its store to include this additional space.

The Property is zoned B-3 General Business and a pawn store use is a conditional use in this zoning designation. Enclosed are the following items submitted in support of the attached conditional use application:

- The legal description of the Property is attached hereto as Exhibit A. The property identification number is 13-29-23-44-0012.
- The proposed plan is attached hereto as Exhibit B.
- A check in the amount of $600 for the application fee.

In further support of the attached application, Pawn America submits the following six (6) findings pursuant to Section 1013.01(D) of the Roseville City Code:

1. Impact of the proposed expansion on traffic. The Property is located on Rice Street, which is a main arterial right-of-way within the City of Roseville. The previous tenants in the proposed expansion space were all retail tenants with uses that were no less intense that Pawn America's use. Pawn America does not anticipate any material changes to the traffic count or flow along Rice Street as a result of the proposed expansion.

2. Impact of the proposed expansion on parks, streets, and other public facilities. The Property was specifically designed and built for medium scale retail/commercial uses. The Property has existing ingress and egress points that provide for easy access between the Property and Rice Street. The expanded Pawn America store will continue to utilize the same ingress and egress points that are currently utilized by Pawn America employees and customers as well as the other retail tenants of

the McCarron Hills Shopping Center. Pawn America does not anticipate any material impact on parks, streets or other public facilities as a result of this expansion.

3. Compatibility of the proposed site plan, internal traffic circulation, landscaping, and structures with contiguous properties. Again, the McCarron Hills Shopping Center has been located here for several decades. The Property was designed for and functions well with the contiguous properties. Pawn America does not anticipate any material impact on internal traffic circulation, landscaping or structures with contiguous properties. It should be noted that Pawn America is simply expanding into existing retail space. No new retail space is being added on to the existing McCarron Hills Shopping Center.

4. Impact of the proposed use on the market value of contiguous properties. Again, Pawn America has been operating at this location for over the past fifteen (15) years. We do not anticipate that the expansion will have any negative impact on the market value of contiguous properties. To the contrary, we anticipate that if anything, contiguous property values may increase as a result of the significant upgrades that are planned for the Property and a long-term financially stable tenant.

5. Impact of the proposed use on the public health, safety, and general welfare. Again, Pawn America has been operating at this location for over the past fifteen (15) years. The proposed expansion is located in an area that was specifically designed and built for retail tenants such as Pawn America. We do not anticipate that the expansion will have any negative impact on the health, safety or general welfare.

6. Compatibility of the proposed use with the City's comprehensive plan. The Property is designated as "CB" Community Business in the City's proposed 2030 comprehensive plan. Community Business uses are commercial areas oriented toward businesses involved with the sale of goods and services to a local market area. Community business areas include shopping centers and freestanding businesses that promote community orientation and scale. Pawn America's business involves the sale of goods and services to the local market area and the Property is clearly located within a shopping center. Accordingly, the propose expansion is entirely compatible with the City's comprehensive plan.

Thank you in advance for your time and consideration of Pawn America's application. If you have any questions or concerns, please feel free to contact me at (612) 335-1871, Brad Rixmann at (952) 646-1762 or Jim Rock at (952) 465-3357.

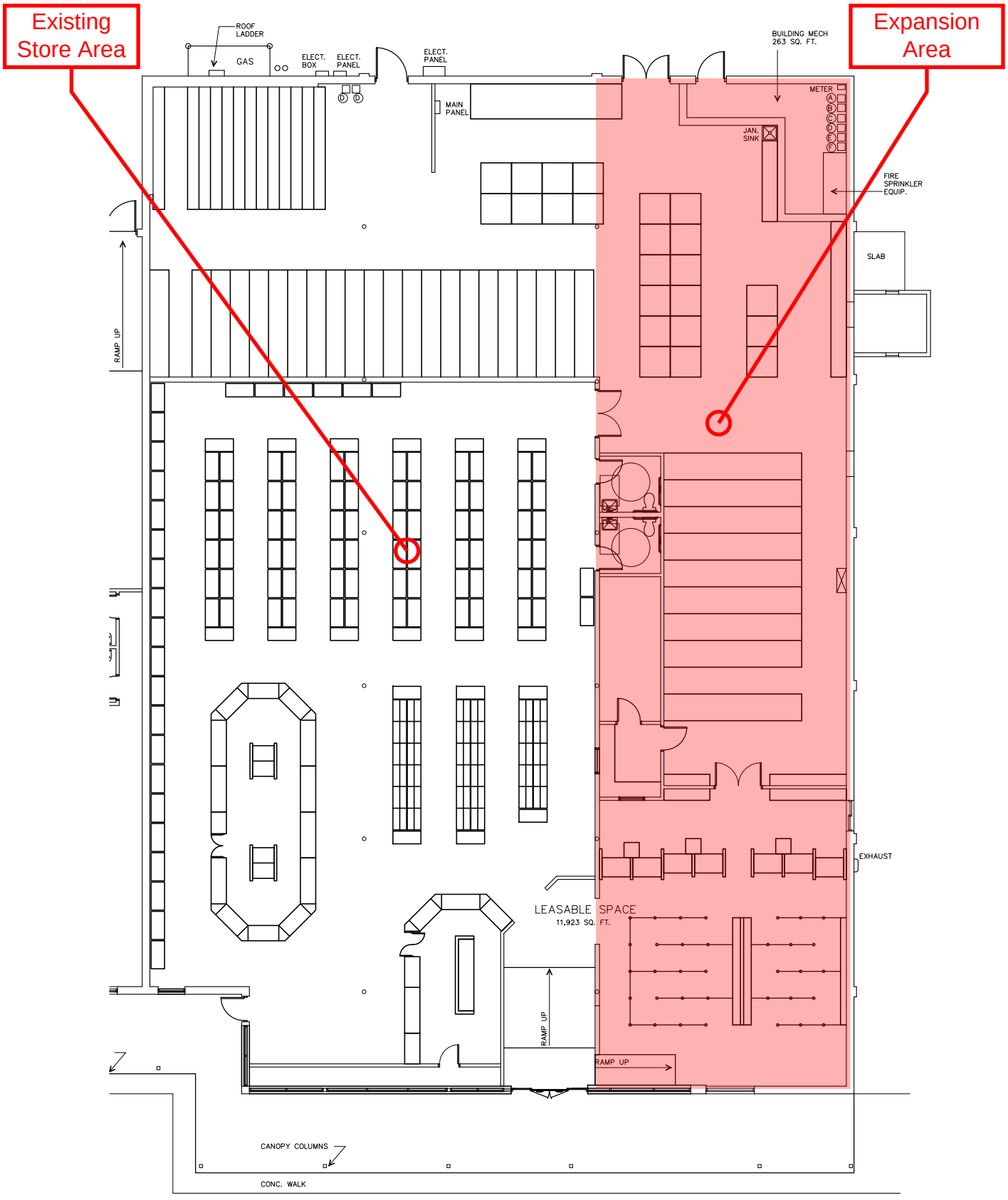
Very truly yours,

LEONARD, STREET AND DEINARD
Professional Association

By _____
Todd M. Phelps, Esq.
Real Property Law Specialist, certified by the Minnesota State Bar Association

Encl.
cc: Brad Rixmann (via email w/encl.)
James R. Rock (via email w/encl.)

Proposed Floor Plan **Attachment E**



EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MEETING

b. PLANNING FILE 09-011

Request by Pawn America (with Osborne Properties) for CONDITIONAL USE APPROVAL to allow the internal expansion of the existing pawn store at the McCarrons Hills Shopping Center, 1685 – 1717 Rice Street

Vice Chair Boerigter opened the Public Hearing for Planning File 09-011.

City Planner Thomas Paschke provided staff's analysis of the request of Pawn America to expand the existing pawn store within the McCarrons Hills Shopping Center at 1685 – 1717 Rice Street. Mr. Paschke opined that Pawn America had a good working relationship with the City's Police Department; had proven a good addition to this shopping center; and indicated that this would be an appropriate expansion with no significant impact to the City or this area of the community.

Staff recommended APPROVAL of the CONDITIONAL USE request of Pawn America to expand the existing pawn store within the McCarrons Hills Shopping Center at 1685 – 1717 Rice Street; based on the comments of Sections 5 and 6 and the condition detailed in Section 7 of the project report dated May 6, 2009.

Discussion included the similarity of the condition from the City's Police Department with other such uses, with the intent to create a more safe environment of the parking lot area with additional surveillance cameras; no requirement for additional lighting for pawn store uses; and attempted clarification of the type of resolution such camera equipment would require to capture vehicle identification information as indicated.

Applicant, David Goff, District Manager with Pawn America
Mr. Goff indicated that there were already three (3) similar cameras in existence, all with moderate resolution.

Discussion included the Police Department's intent in the condition to provide additional coverage in the parking lot and the need for the applicant coordinate with the Police Department to meet those conditions.

Additional discussion included clarification of proposed significant property upgrades, and whether those were internal or external.

Jim Rock, Real Estate Broker with Cushman and Wakefield, representing Pawn America
Mr. Rock indicated that in negotiations and discussions with Osborne Properties, owners of McCarrons Hills Shopping Center, that exterior façade and signage updates were proposed.

Mr. Paschke advised that Osborne Properties had submitted a Master Sign Plan, but that this application was specific to allowing a conditional use for internal expansion within that tenant space.

Further discussion included enforcement of camera installation to sufficient resolution to meet the Police Department condition; with staff asked to clarify, prior to the City Council meeting when this case will be heard, how compliance would be determined.

Community Development Director Patrick Trudgeon suggested that the applicant(s) and the Police Department coordinate camera locations and their resolution prior to the City Council meeting.

Commissioners concurred, noting the good working relationship to-date between Pawn America and the Police Department; and that the Police Department could ensure compliance with their intended condition.

Additional discussion included the applicant's intent for the new space for additional retail bin-type items (i.e., DVD's, VHS tapes, and jewelry cases); Pawn America's two (2) locations elsewhere with drive-thru options, but not proposed for this facility due to site and traffic flow constraints; separate application required for expansion of the CUP to include a drive-thru use, with staff review of any such proposal determining whether it would be an administrative or public hearing approval process; and the applicant's intent to improve the overall interior condition of the shop through this expansion, proposed for completion in phases to allow the business to remain in operation during renovation.

Mr. Goff noted the length of time this lease extension had been in negotiation states; and concurred that the interior seriously needed an upgrade; and that it was intended that this store be similar when completed to resemble their newer store prototypes.

Public Comment

No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

Commissioners Wozniak and Gottfried expressed their preference that the condition proposed by the Police Department be clarified for more specifics for the additional video equipment meeting the needs of the Police Department; and that an additional condition be included that any request for drive-thru at this location would require a CUP amendment.

Commissioner Gisselquist suggested that the Commission defer specifics of the video condition to the Police Department to provide more detail as the application moves forward to the City Council; rather than the vague wording of the condition at this time.

Mr. Paschke indicated that the general language of the condition was based on changes in technology and research being performed by the Police Department in what would be a reasonable condition for the applicant in meeting the needs of the Police Department.

Vice Chair Boerigter suggested that the condition clearly state that any video surveillance equipment be satisfactory to the Police Department to identify a suspect vehicle.

MOTION

Member Boerigter moved, seconded by Member Gottfried to RECOMMEND TO THE CITY COUNCIL APPROVAL of a CONDITIONAL USE rendering the existing Pawn America Store at 1713 Rice Street a permitted use; based on the comments and findings of Sections 5 and 6, and the condition detailed in Section 7 of the project report dated May 06, 2009; ***amended as follows:***

- ***The original condition shall clearly state that the video surveillance equipment to monitor the shopping center parking areas adjacent to the pawn store tenant space be satisfactory to the Roseville Police Department;***
- ***An additional condition that, should a drive-thru be applied for, that application process go through as an amendment within the boundaries of this CUP.***

Ayes: 6
Nays: 0
Motion carried.

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 18th day of May, 2009, at 6:00 p.m.

The following members were present:
and Member _____ was absent.

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

RESOLUTION NO. _____
A RESOLUTION APPROVING A CONDITIONAL USE PERMIT IN ACCORDANCE WITH §1005.015 AND §1013.01 OF THE ROSEVILLE CITY CODE FOR PAWN AMERICA LLC AND OSBORN PROPERTIES LIMITED PARTNERSHIP (PF09-011)

WHEREAS, Osborne Properties Limited Partnership own the property referred to as McCarrons Hills Shopping Center, 1685 – 1717 Rice Street; and

WHEREAS, the subject property is legally described as:

The Easterly 300 feet of the East half of the Southeast Quarter of the Southeast Quarter of Section 13, Township 29, Range 23, except the South 200 feet of the East 200 feet thereof and except that part lying North of the center line of the lane running North 79 degrees 35 minutes West from a point on the east line of said Section 13 distant 575.6 feet North of the Southeast corner thereof.

Torrens Certificate # 257982

PIN 123-29-23-44-0012

WHEREAS, through the applicant, Pawn America LLC, the property owners seek to allow the expansion of the Pawn America use, which is a conditionally permitted use in the applicable General Business Zoning District; and

WHEREAS, The Roseville Planning Commission held the public hearing regarding the requested CONDITIONAL USE, voting 6-0 to recommend approval of the request based on public comment and the comments and findings of the staff report dated February 6, 2008 and revised conditions; 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 §1013.01 of the Roseville City Code, subject to the following conditions:

1. The pawnbroker/applicant shall install video surveillance equipment (stationary cameras) to monitor the shopping center parking areas adjacent to the pawn store tenant space such that the captured video can help law enforcement personnel identify vehicles used by people pawning stolen merchandise; the digital or analog video shall be retained by the pawnbroker and made available to law enforcement personnel for a minimum of one hundred twenty (120) days. Pawn America currently has three outdoor surveillance cameras that may be of appropriate quality and location. However, the Roseville Police Department will review the existing quality and location and work with Pawn America on an acceptable set-up.
2. Any drive-thru considered for the Pawn America use, shall be considered an amendment to the Conditional Use and subject to the amendment process.

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

and _____ voted against;

WHEREUPON said resolution was declared duly passed and adopted.

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 18th day of May 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 18th day of May 2009.

_____
William J. Malinen, City Manager

REQUEST FOR COUNCIL ACTION

DATE: 5/18/2009
ITEM NO: 12.d

Department Approval: City Manager Approval

Item Description: Request by AT&T (with Presbyterian Homes) for approval of a **Planned Unit Development Amendment** to allow the installation of cellular antennas on the Eagle Crest residential building at 2925 Lincoln Drive **(PF09-008)**.

1.0 REQUESTED ACTION

AT&T Mobility (in cooperation with Eagle Crest Senior Housing LLC) is requesting a PLANNED UNIT DEVELOPMENT AMENDMENT in order allow the installation of three telecommunication antennas and a equipment shelter on the roof of the Eagle Crest building at 2925 Lincoln Drive.

Project Review History

- Application submitted: April 10, 2009; Determined complete: April 17, 2009
- Sixty-day review deadline: June 16, 2009
- Project report recommendation: April 24, 2009
- Planning Commission action (6-0): May 6, 2009
- Anticipated City Council action: May 18, 2009

2.0 SUMMARY OF STAFF RECOMMENDATION

Planning Division staff concurs with the unanimous recommendation of the Planning Commission (at the duly noticed public hearing of May 6, 2009) to support the requested PLANNED UNIT DEVELOPMENT AMENDMENT, AT 2925 LINCOLN DRIVE, as discussed in Sections 4-6 and the recommendations of Section 7 of the project report dated April 24, 2009.

3.0 SUMMARY OF SUGGESTED ACTION

ADOPT a RESOLUTION approving the PLANNED UNIT DEVELOPMENT AMENDMENT, allowing the installation of three telecommunication antenna and an equipment platform on the roof of the Eagle Crest building at 2925 Lincoln Drive, with conditions (see section 8 for detailed recommendation).

4.0 BACKGROUND

4.1 The College Properties Planned Unit Development (PUD) was approved in 1993 to allow the creation of the Eagle Crest Campus, which includes assisted living, independent senior apartments and a dementia residence. In 1998 the PUD was amended to allow for a larger dementia care facility than originally approved (see attached).

4.2 When reviewing the established PUD, the Planning Division needed to determine whether the original intent was to create a residential or business PUD. After reviewing the record, the Division determined that the subject College Properties PUD was a residential based PUD and not a business based PUD, thus requiring the need for the amendment request.

4.3 Section 1012.10 of the City Code (or 1013.10 - updated version) regulates telecommunication towers/antenna. The Code reads as follows:

1012.10: TOWER AND OTHER STRUCTURE HEIGHT AND PLACEMENT LIMITATIONS:

A. Private and Commercial Antennas and Towers:

1. City-Owned Antennas and Towers: City-owned or controlled antennas and tower sites shall be a permitted use in B Business or I Industrial Districts and a conditional use in all other districts.

2. Private Antennas and Towers: Private (noncommercial) receiving or transmitting antennas and towers more than twenty (20) feet in height above the principal structure height in residential districts or more than fifty (50) feet in height above the principal structure height in business and industrial districts shall be a conditional use in all districts.

3. Commercial Antennas and Towers - City Sites: Commercial receiving or transmitting antennas and towers regardless of height or size with the exception of satellite dish antennas shall connect to and use the City tower sites if use of such facilities is technically feasible.

4. Commercial Antennas and Towers - Non-City Sites: Commercial receiving or transmitting antennas and towers not located on a City tower site shall be a conditional use. Commercial receiving or transmitting antennas and towers may only be located in B Business or I Industrial Districts. The City may establish permit review periods, tower termination, time limits or an amortization schedule specifying the year in which the tower shall be taken down by the applicant or assign. A performance bond or other surety may be required by the City in order to assure removal of the tower at a specific date.

5. Application: The applicant shall present documentation of the possession of any required license by any Federal, State or local agency.

6. Requirements: All antennas and towers and support structures including guy wires and foundations shall be subject to the appropriate requirements of subsection A8 of this Section and the setback requirements established for accessory structures in the applicable zoning district. Antennas, towers, guy wires and foundations, and support buildings shall be constructed on one lot or parcel and shall be set back a minimum of thirty (30) feet from any front property line.

7. Design: All antennas and towers shall be designed and screened as visually appropriate, shall utilize a City-approved gray or blue color, and shall contain no signage, including logos, except as may be required by any State or Federal regulations.

8. Existing Facilities: Existing transmitting and receiving facilities at the time of the adoption of this Section may remain in service. However, at such time as any material change is made in the facilities, full compliance with this Section shall be required. No transmitting or receiving antennas or towers may be added to existing nonconforming facilities. Towers and receiving facilities shall be dismantled and removed from the site

within one year after abandonment of the use of the tower or facility for communication purposes.
9. Security Fencing: Security fencing for antennas and towers may include chainlink and barbed wire to a total height of eight (8) feet above grade.
10. Support Buildings: Support buildings to house switching and other communication equipment shall have a brick exterior, be a maximum of two hundred (200) square feet in size, twenty four (24) feet in height and have two (2) off-street, paved parking spaces.
11. Building Permit: A building permit shall be required for the construction of new antennas and/or towers and shall include wind loading and strength and footing calculations prepared by a Minnesota registered engineer. (Ord. 1166, 5-28-1996)
12. Exception: Antennas attached to, but not above, the exterior walls of buildings as an integral part of the architecture shall be a permitted use in all B Business and I Industrial Districts. Antennas attached to existing public utility structures or existing public utility towers in any zoning district, including electrical transmission towers or other structures deemed appropriate by the Director of Community Development, shall be a permitted use in all zoning districts, provided the antenna(s) do not increase the height or bulk of said structure or tower. (Ord. 1198, 1-26-1998)
B. Height Limitations: The height limitations stipulated elsewhere in this Code shall not apply to:
1. Church spires.
2. Belfries.
3. Cupolas and domes which do not contain usable space.
4. Monuments.
5. Water towers.
6. Fire and hose towers.
7. Observation towers.
8. Flagpoles.
9. Electrical transmission towers.
10. Chimneys.
11. Smokestacks.
12. Parapet walls extending not more than three (3) feet above the limiting height of the building.
13. Cooling towers.
14. Grain elevators.
15. Elevator penthouses.
C. Exception to Height Exemption: If, in the opinion of the Community Development Director, such structure would adversely affect adjoining or adjacent property, such greater height shall not be authorized except by the City Council upon recommendation of the Planning Commission. (Ord. 1166, 5-28-1996)

5.0 PROJECT OVERVIEW

5.1 In April, T-Mobile sought and received the Planning Commission's recommendation for support of three antennas and equipment platform placed on the roof of the Eagle Crest facility, and on April 20, 2009, the City Council approved this PUD Amendment request.

5.2 A cell site is typically located on an existing structure that will provide the necessary height for adequate propagation of the signal to reach targeted needs areas. AT&T Radio Frequency Engineers determine the location of these sites after analyzing customer demand, area topography, signal propagation models, and relation to existing sites.

5.3 In their narrative, AT&T indicates that the Eagle Crest site was identified as being vital to meet increasing customer demands in the vicinity of Northwestern College, Snelling Avenue and the surrounding neighborhood.

5.4 The proposal calls for three pairs (six total antennas) of antennas to be installed on the roof of the independent senior building. The first arrangement would be mounted out of sight on the rooftop penthouse window facing east (building front). The second pair would be mounted to a frame on the north end of the building. The last pair would be mounted on to the back (west) side of the equipment shelter.

5.5 Equipment necessary for operation of the site includes a 10 foot by 16 foot light weight shelter, 10 feet in height, located on the back portion of the roof and would be located in a symmetrical fashion to the proposed T-mobile equipment platform. The shelter would be painted to match the proposed T-Mobile screen wall and have a gabled roof.

5.6 The Planning Division has concluded that there are no City-owned or privately-owned towers that would support additional telecommunication devices in the area, therefore the applicants have sought a private site to meet growing customer demand in the area.

6.0 STAFF COMMENTS/RECOMMENDATION

6.1 The Planning Division has concluded that there are conflicting requirements within this section of the Code. On one hand, private telecommunication device are not permitted on residential zoned property, and on the other hand, such devises are supported on church spires, belfries, cupolas and water towers, which have traditionally been in residential zones.

6.2 The Planning Division's review of exempted structures concludes a number of these structures are located in non-business zones such as most churches and the water tower which are both zoned single-family residence and a number of apartment/housing complexes throughout Roseville have varying residential zones. Also, the City Hall Campus had, until recently, a zoning of single family residence, which site includes a 150 foot tall tower albeit approved through the Conditional Use process.

6.3 Further, although the Code allows for public towers, these are rare, can only be on public land, and tend to be more controversial than private sites. To say the least, it is difficult to match a telecommunication need with a potential public opportunity site. It also seems short sighted that a municipality be afforded the conditional use process, but the private market, who knows its needs much better, cannot.

6.4 The Planning Division has reviewed the approved PUD for College Properties to determine whether such devices were prohibited (they were not) or whether future allowance was granted for such device installation (it was not). As a result, the Division determined that the PUD could be amended to allow such devices with specific conditions.

6.5 Lastly, the Planning Division believes people's reliance on telecommunication technology will continue to increase, which will require careful consideration of options supporting telecommunication device installation and/or towers within our municipal boundaries.

6.6 Having given the AT&T proposal (as well as T-Mobile) careful consideration, the Planning Division has determined that in order to minimize aesthetic visual impacts the

number of telecommunication devices on any one building shall be limited. The Division has concluded that the allowance of two telecommunication providers (T-Mobile and AT&T) is adequate for the 2925 Lincoln Drive Eagle Crest building.

6.7 When considering this request, the Planning Division discussed what type of impact such devices could pose if allowed to be installed as proposed. The Division concluded that prevailing scientific research has determined that antennas do not have harmful emissions. Cell towers and equipment have also not caused interference in other forms of receiving or transmitting devices. Therefore the Division's conclusion was that the only potential impact would be visual or aesthetic.

6.8 In review of the proposal, the antenna array mounted to the penthouse window is non-descript and somewhat invisible to one's view. Likewise, the antenna array mounted to the equipment shelter and the antenna array mounted in the northeast portion of the building roof, blend into their surroundings.

6.9 The equipment shelter is an object that will be viewed, but one that meet the requirement of the City Code regarding rooftop mechanical units (100% screened from view at the property line).

6.10 All of the telecommunication devices necessary for AT&T have a blending effect, reducing the perceived visual/aesthetic impact when viewed by passersby or from the surrounding neighborhood.

6.11 Based on the comments of Section 6 of this report, the Planning Division recommends approval of the request for an AMENDED PLANNED UNIT DEVELOPMENT to allow a three antenna arrays and equipment platform on the roof of the 2925 Lincoln Drive Eagle Crest facility, subject to the following conditions:

a. The Eagle Crest building addressed at 2925 Lincoln Drive shall be limited to the three single antenna of T-Moblie (previous approval) and the three pairs antennas proposed by AT&T.

b. The equipmant shelter shall be painted a similar color to the T-mobile screen wall.

c. The AT&T telecommunication devices (antenna) shall be installed per the plans dated February 27, 2009.

d. Upon termination of AT&T's use of the subject facility, all equipment shall be removed within 30 days.

7.0 PLANNING COMMISSION ACTION

7.1 On May 6, 2009 the Roseville Planning Commission held the duly noticed public hearing regarding the AT&T request. No citizens addressed the Commission and Commissioners did not have any questions of staff or the applicant.

7.2 The Planning Commission voted (6-0) to recommend approval of the AT&T request as recommended by the Planning Division as listed in Section 6.11 of the project report date April 24, 2009.

8.0 SUGGESTED ACTION

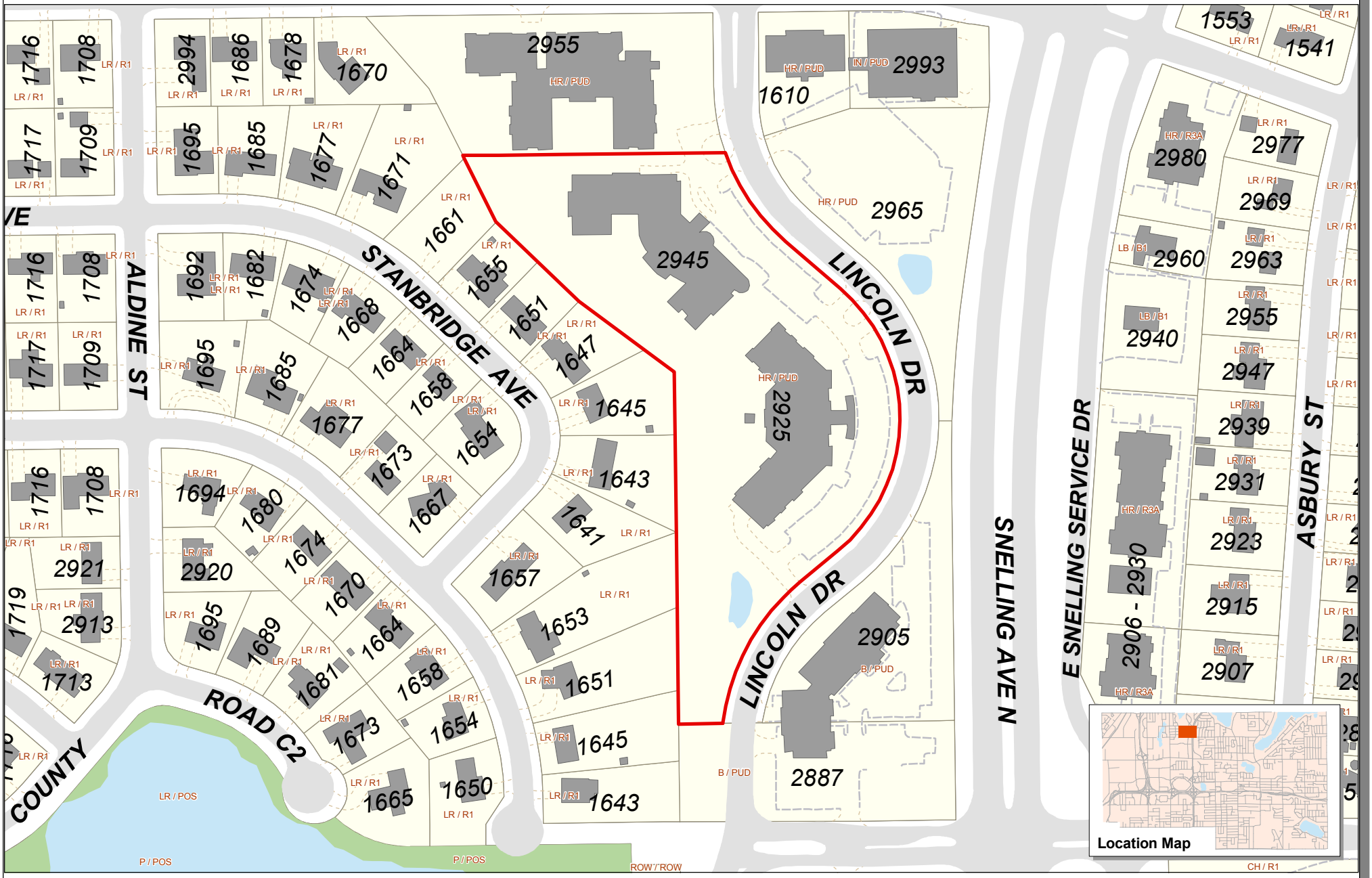
ADOPT A RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT AMENDMENT for Eagle Crest Senior Housing LLC and AT&T allowing the installation of three pair of telecommunication antenna and an equipment shelter on the roof of 2925 Lincoln Drive, based on the comments Sections 5 and the conditions of Section 6.11 of the project report dated May 18, 2009.

Prepared by: **City Planner Thomas Paschke**

Attachments:

A: Area map
B: Aerial photo
C: AT&T narrative
D: AT&T plans & elevations
E: 1993 Approval
F: Draft PC minutes
G: Draft Resolution

Attachment A: Location Map for Planning File 09-008



ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (3/30/2009)

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.

0 100 200 Feet

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mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-008

ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* 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

Disclaimer

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0 50 100 Feet

N

Attachment C

BUELL CONSULTING, INC.

2324 University Avenue West, Suite 200
Saint Paul, Minnesota 55114-1854
(651) 225-0792
Fax (651) 225-0795

Site Acquisition
Permitting
Est. 1991

April 10, 2009

City of Roseville
Planning Commission
c/o Community Development Department
2660 Civic Center Drive
Roseville, MN 55113

RE: PUD Amendment Application
EagleCrest
AT&T Telecommunications Facility

Dear Sir's and Madam's:

On behalf of AT&T Mobility (AT&T), please accept this letter and the attached PUD Amendment application to allow AT&T to utilize a portion of the rooftop at the EagleCrest senior apartments facility for the purposes of installing panel antennas and associated equipment in order to improve their wireless network in the surrounding area.

EQUIPMENT NEEDS AND REQUIREMENTS

Deployment of the AT&T system is accomplished through the siting of "Cell Sites" at locations that meet the Radio Frequency (RF) engineering requirements determined by AT&T RF Engineers. AT&T RF Engineers determine the location of these Cell Sites after careful analysis of customer demand, site topography, signal propagation models and relationship to existing Cell Sites. The EagleCrest building was identified by AT&T as an ideal location to meet the increasing customer demands in the vicinity of Northwestern College, Snelling Avenue, and surrounding neighborhoods.

A Cell Site needs to be located on an existing structure that will provide the necessary height for adequate propagation of the signal to reach the targeted areas. The following equipment will need to be placed on the rooftop at EagleCrest to meet the system requirements:

- Six (6) panel antennas mounted in pairs in a three (3) sector arrangement. As proposed, one pair would be mounted out of sight in the rooftop penthouse window facing the front (east) side of the building. One pair would be mounted on a frame on the north end of the building, and the third pair would be mounted on the side of the equipment shelter on the back (west) side of the building.

- Equipment necessary for the operation of the Site would be located inside a 10' x 16' lightweight shelter located on the back portion of the roof that would be located in a symmetrical fashion to the proposed T-Mobile equipment platform. The shelter would be designed and painted to match both the building and the proposed T-Mobile screenwall.

The proposed design of this installation would appear to have no effects on the existing PUD or operation of the EagleCrest facility. The use requires no unusual power or telco facilities and would have no impact on any City facilities, utilities or services.

OPEN HOUSE/NEIGHBORHOOD MEETING

As required, AT&T has scheduled an Open House at the site on April 16 from 6-7:00 PM. Detailed construction plans and photo simulations will be made available. AT&T provided notice of the meeting to residents, City Staff and elected officials based on a list generated by the Community Development Department. A total of 76 notices were sent out. A written summary of the open house will be provided to the City no later than April 20.

If you have any questions or need additional information please don't hesitate to contact me.

Sincerely,

Mark Hemstreet
Buell Consulting, Inc.
Authorized Representative of AT&T
651-283-5975

BUELL CONSULTING, INC.

2324 University Avenue West, Suite 200
Saint Paul, Minnesota 55114-1854
(651) 225-0792
Fax (651) 225-0795

Site Acquisition
Permitting
Est. 1991

April 17, 2009

City of Roseville
Planning Commission
c/o Community Development Department
2660 Civic Center Drive
Roseville, MN 55113

RE: PUD Amendment Application
AT&T Telecommunications Facility at EagleCrest
Open House Meeting

Dear Sir's and Madam's:

As required, AT&T held an Open House at the EagleCrest senior housing facility on April 16 from 6-7:00 PM. The purpose of the Open House was to provide a forum for community members to preview and discuss the proposed AT&T plans for a rooftop wireless communications facility at EagleCrest. AT&T provided notice of the meeting to residents, City Staff and elected officials based on a list generated by the Community Development Department. A total of 76 notices were sent out. Detailed construction plans and photo simulations were presented to the attendees.

A total of two people attended the meeting. Both owned single-family residences located immediately to the west of the EagleCrest facility. After reviewing the proposed AT&T plans, neither person expressed concern or opposition to the AT&T proposal.

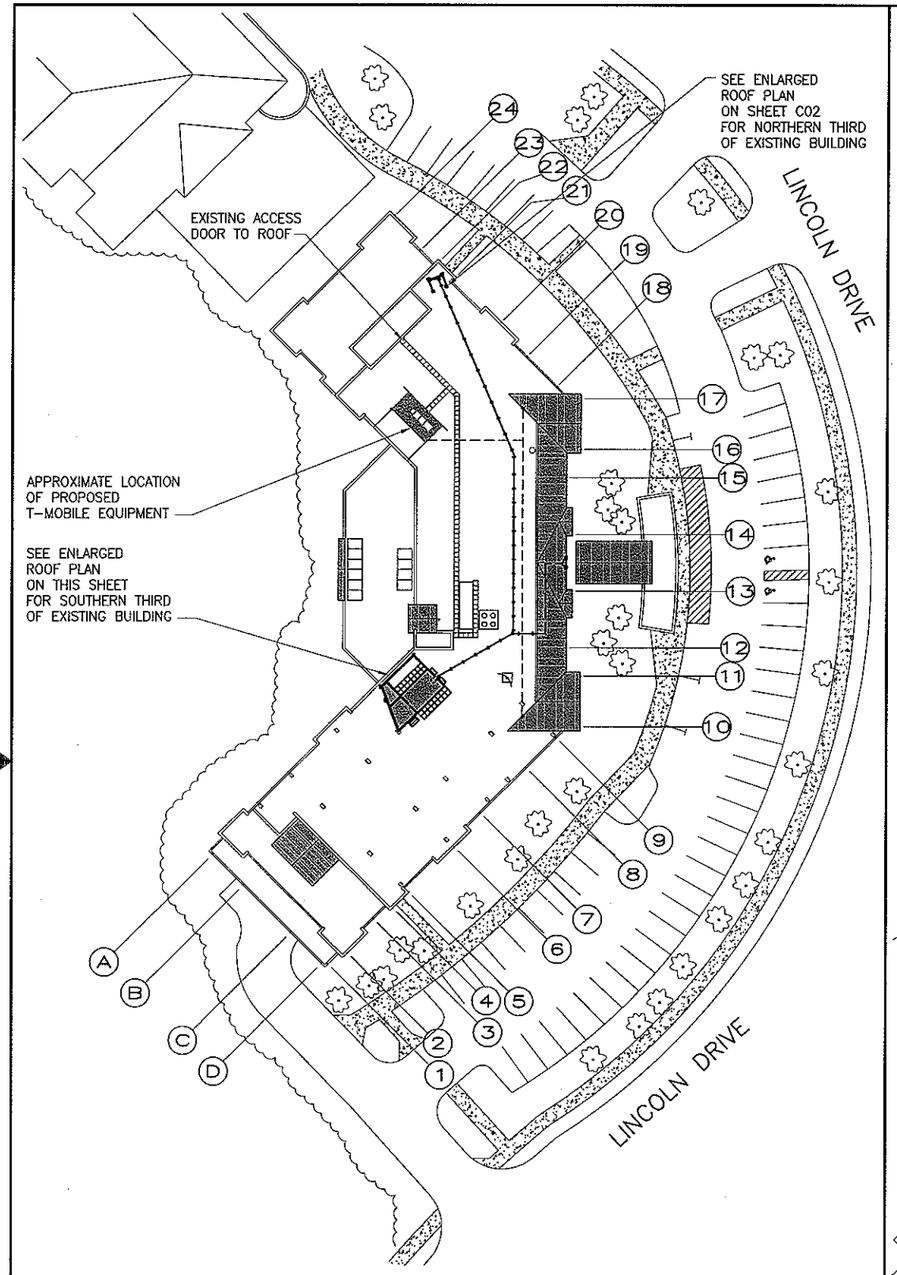
If you have any questions or need additional information please don't hesitate to contact me.

Sincerely,

Mark P. Hemstreet

Mark Hemstreet
Buell Consulting, Inc.
Authorized Representative of AT&T
651-283-5975

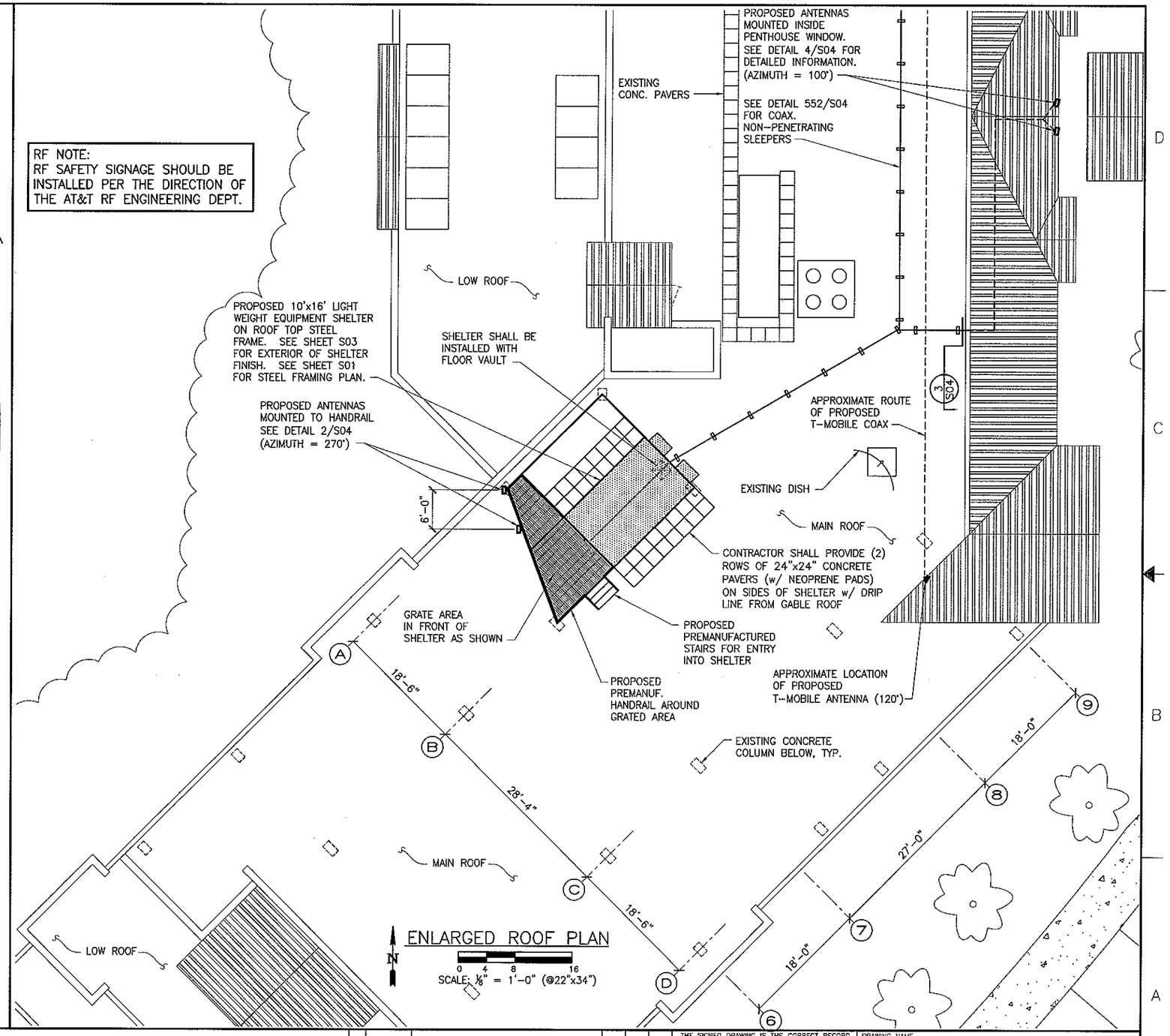
Attachment D



OVERALL SITE PLAN

SCALE: 1/32" = 1'-0" (@22"x34")

RF NOTE:
RF SAFETY SIGNAGE SHOULD BE INSTALLED PER THE DIRECTION OF THE AT&T RF ENGINEERING DEPT.



ENLARGED ROOF PLAN

SCALE: 1/8" = 1'-0" (@22"x34")

Ulteig engineers	SITE No. MPLSMN1416
5201 East River Road Suite 308	NORTHWESTERN COLLEGE
Minneapolis, Minnesota 55421	
Phone: 763.571.2500 Fax: 763.571.1168	at&t
Bismarck - Denver - Detroit Lakes - Fargo - Minneapolis - Sioux Falls	4300 MARKET POINTE DRIVE, SUITE 350
Web: www.ulteig.com	BLOOMINGTON, MINNESOTA 55435
Ulteig Job No. 09.00062	

No.	DATE	REVISIONS	BY	CHK	APP'D
C	04/21/09	PER LANDLORD'S COMMENTS	KBA	KBA	RAE
B	02/27/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE
A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

THE SIGNED DRAWING IS THE CORRECT RECORD DOCUMENT, NOT THE AutoCAD DISKETTE.

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

DATE 04/21/09 REG. No. 43119

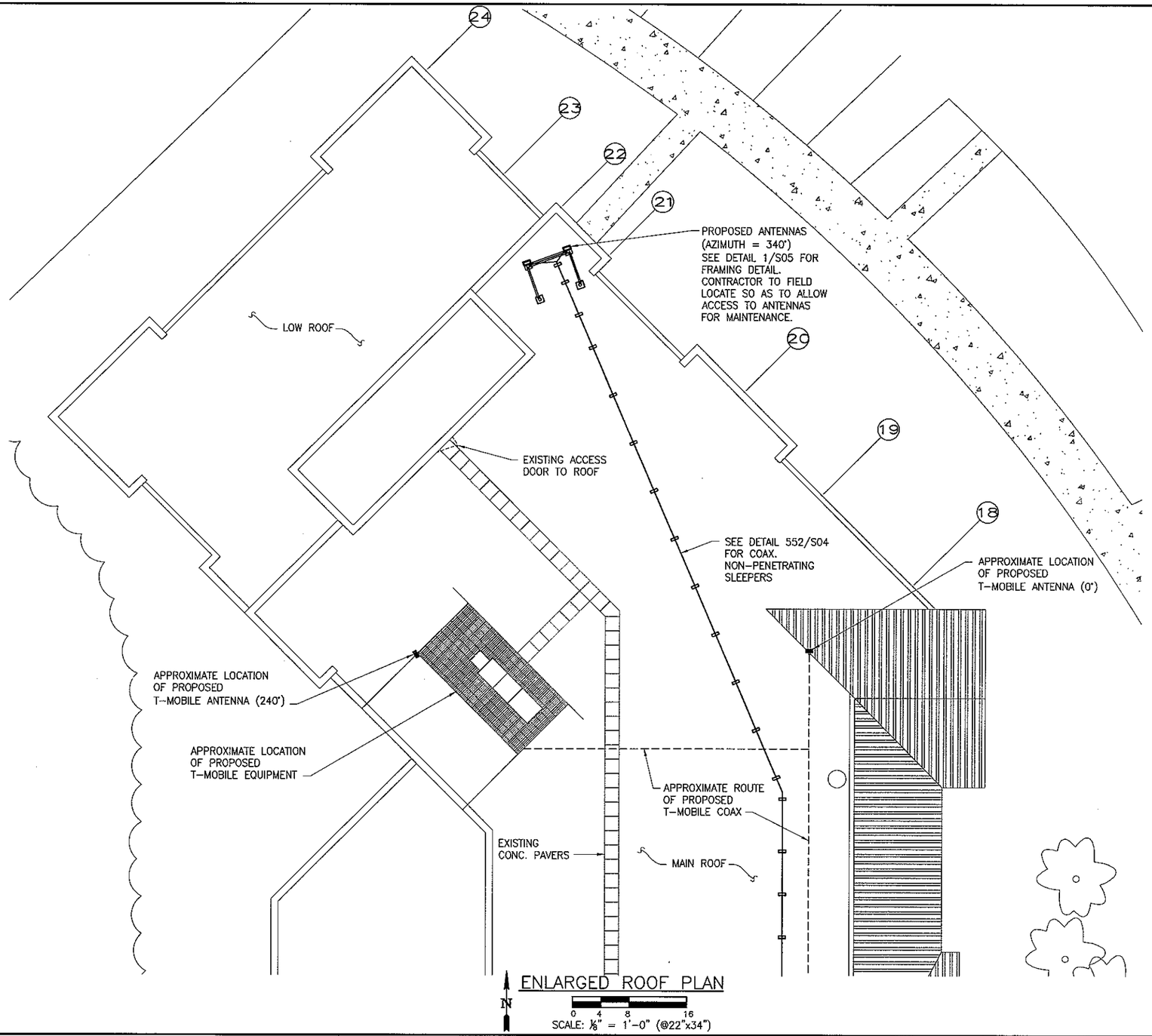
ROBLEY A. EVANS

DRAWING NAME: PLAN VIEW/ENLARGED PLAN VIEW

DRAWING No.: MPLSMN1416-C01 REV: C

6 5 4 3 2 1

D C B A



ENLARGED ROOF PLAN

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A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

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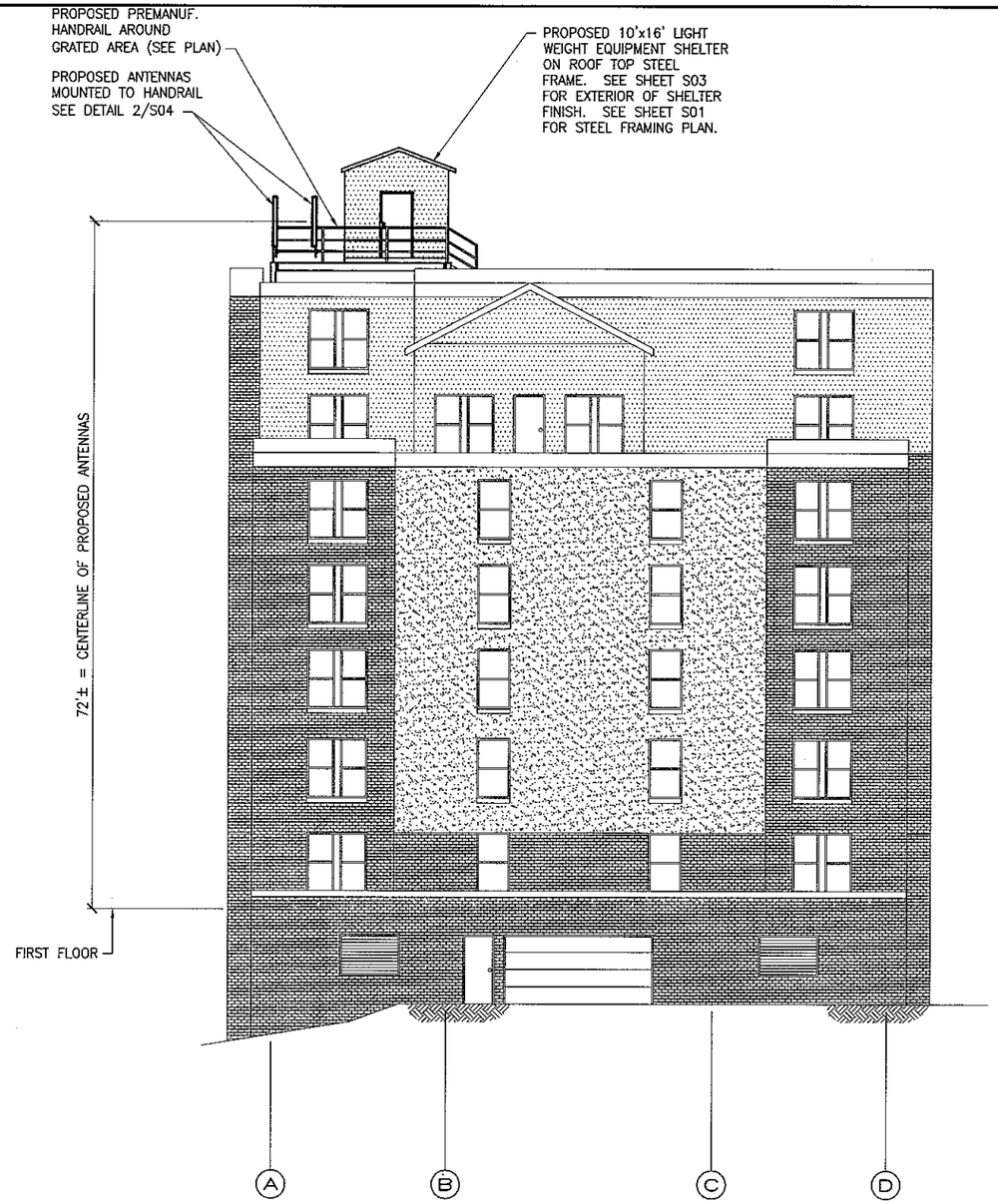
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME
ENLARGED PLAN VIEW

DRAWING No. **MPLSMN1416-C02** REV C

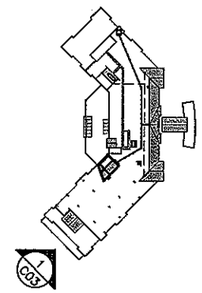
6 5 4 3 2 1
D C B A



SOUTHWEST ELEVATION 1/C03

0 4 8 16

SCALE: 1/8"= 1'-0" (@22"x34")



KEY

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A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

SCALE: AS NOTED DESIGNED: RAE DRAWN: KBA

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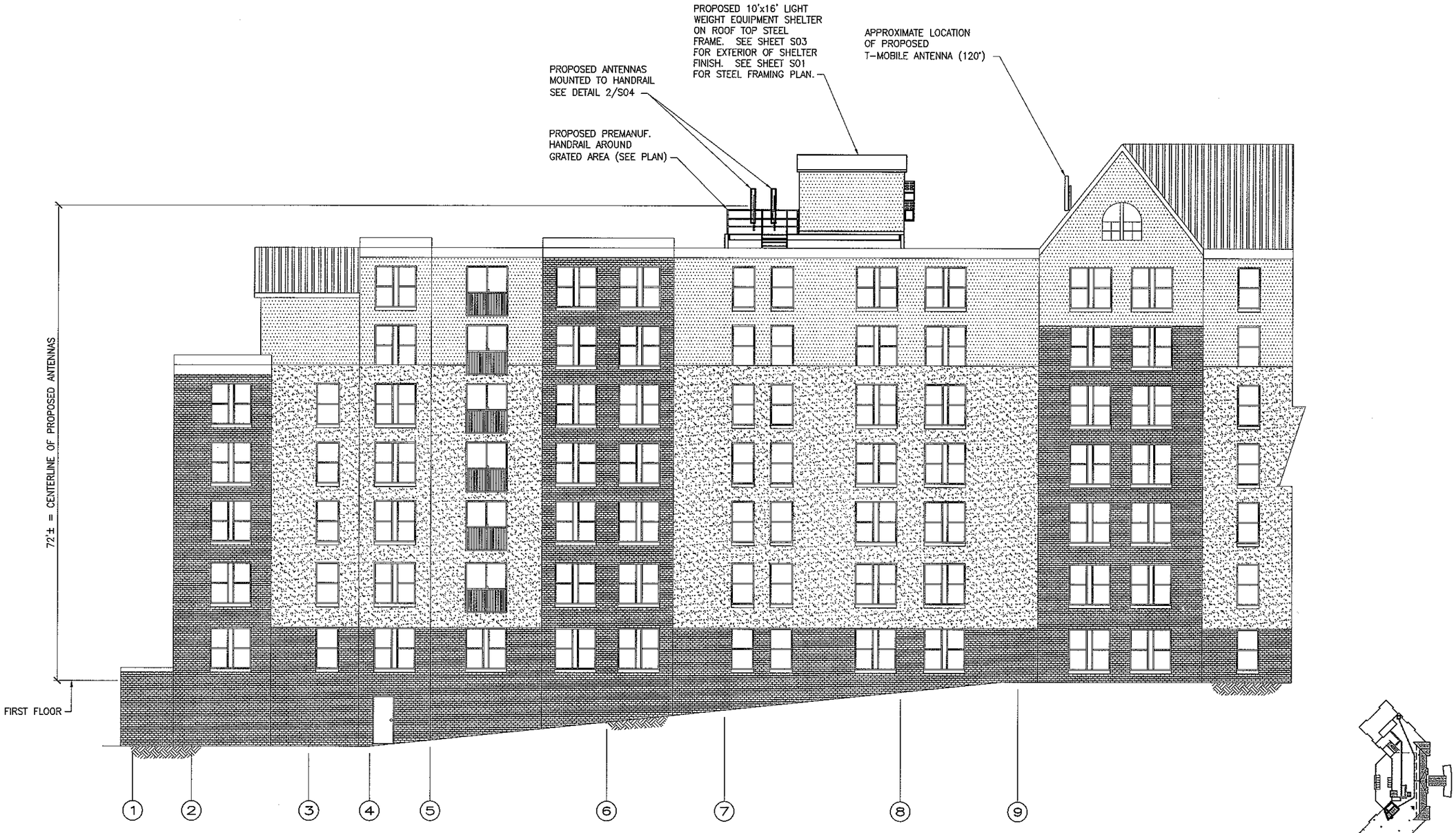
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME: **ELEVATION**

DRAWING No.: **MPLSMN1416-C03** REV: C

6 5 4 3 2 1

D C B A



SOUTHEAST ELEVATION (1/C04)

0 4 8 16

SCALE: ⅛"= 1'-0" (@22"x34")

KEY

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DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME: **ELEVATION**

DRAWING No.: **MPLSMN1416-C04** REV: C

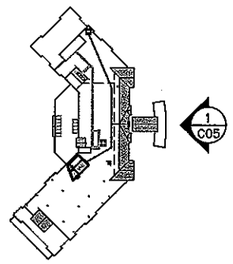
6 5 4 3 2 1

D C B A

EAST ELEVATION (1/C05)

0 4 8 16

SCALE: ⅛"= 1'-0" (@22"x34")



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Ulteig Job No. 09.00662

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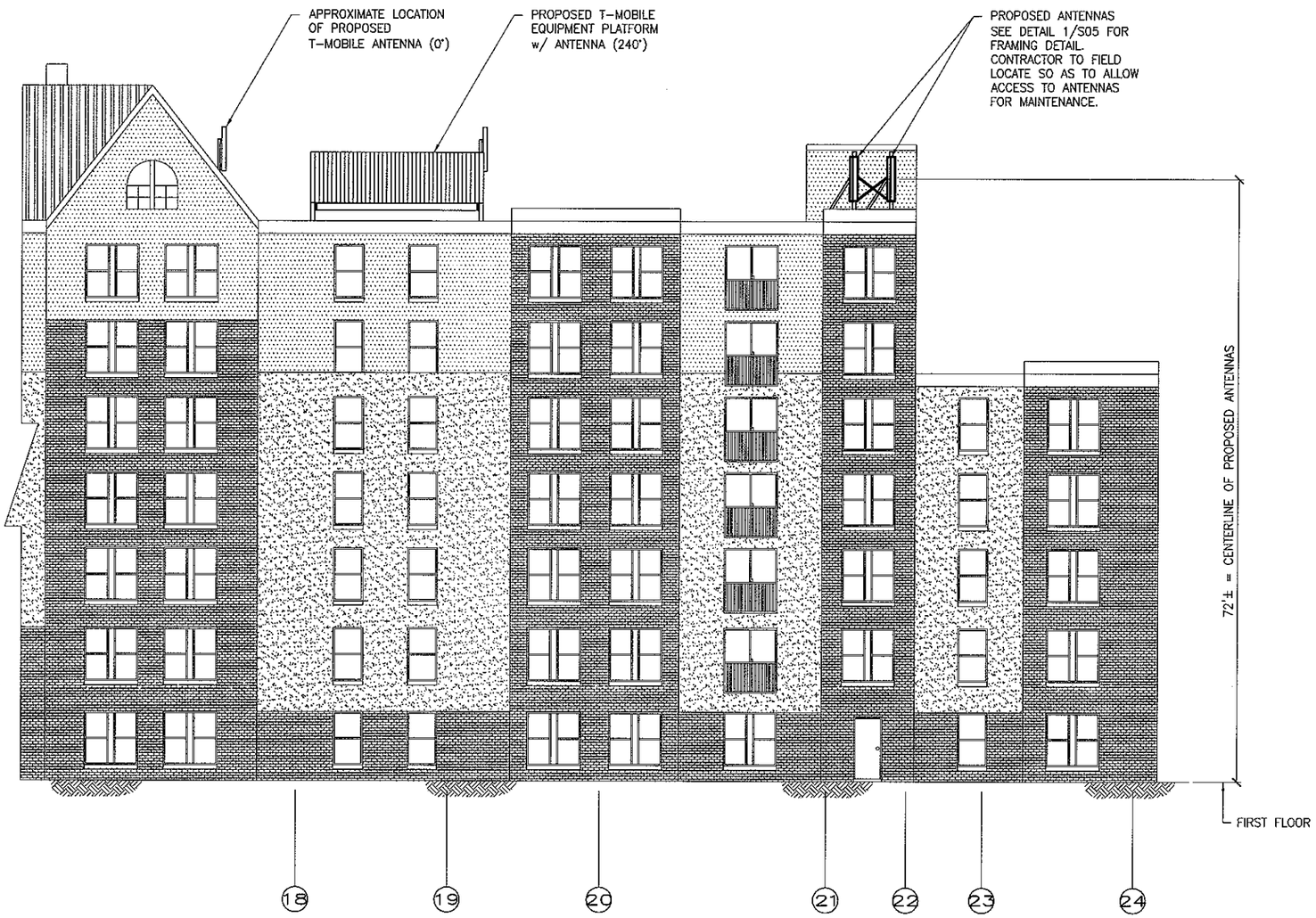
ROBLEY A. EVANS

DRAWING NAME: **ELEVATION**

DRAWING No.: **MPLSMN1416-C05** REV: C

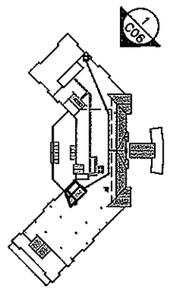
6 5 4 3 2 1

D C B A



NORTHEAST ELEVATION (1/C06)

SCALE: ⅛"= 1'-0" (@22"x34")



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STATE OF
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME
ELEVATION

DRAWING No. **MPLSMN1416-C06** REV C

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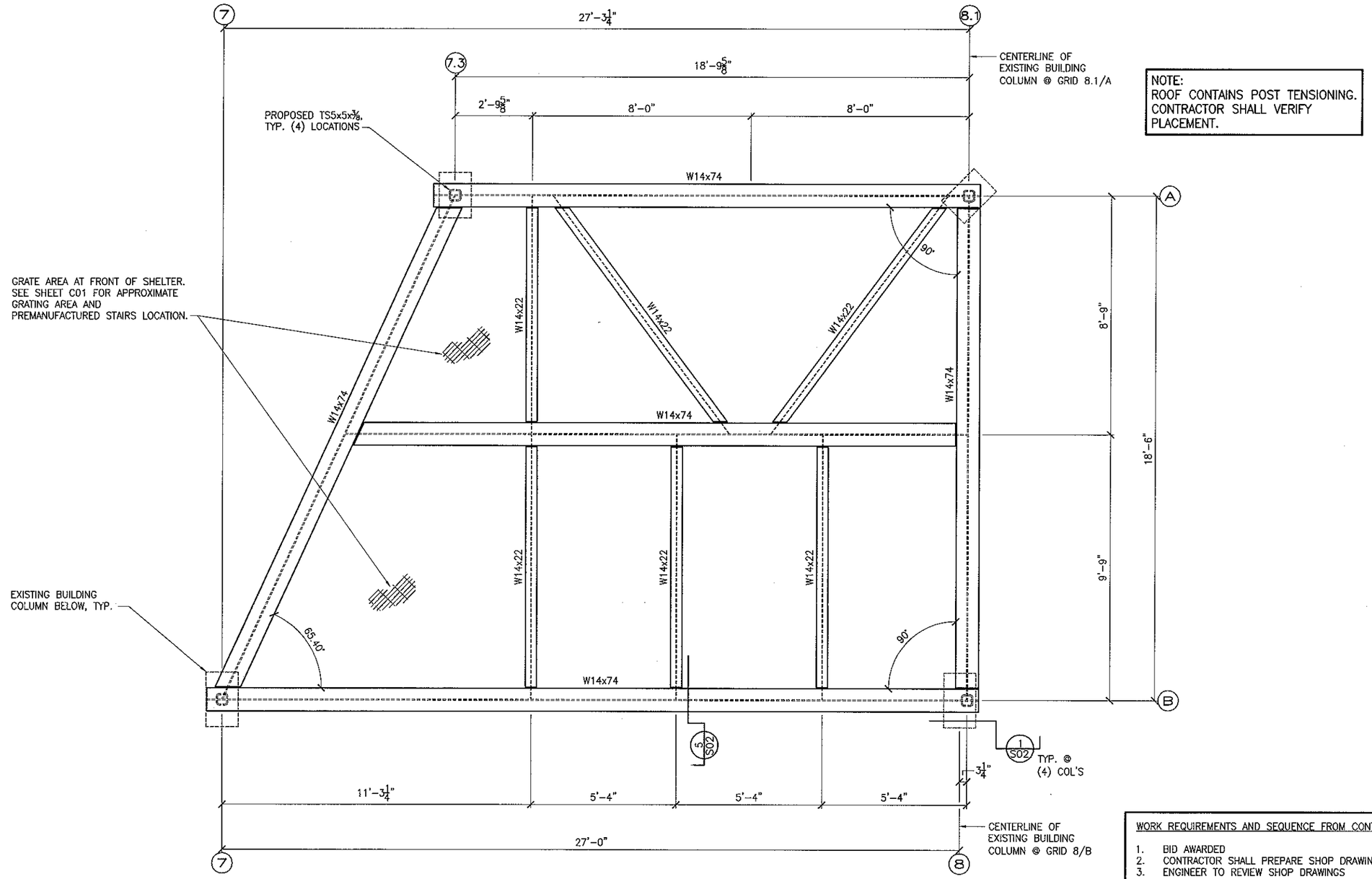

NOTE:
ROOF CONTAINS POST TENSIONING. CONTRACTOR SHALL VERIFY PLACEMENT.

FRAMING PLAN

SCALE: ½" = 1'-0" (@22"x34")

NOTE: FIELD VERIFY ALL DIMENSIONS PRIOR TO FABRICATION.

WORK REQUIREMENTS AND SEQUENCE FROM CONTRACTOR

1. BID AWARDED
2. CONTRACTOR SHALL PREPARE SHOP DRAWINGS FOR REVIEW
3. ENGINEER TO REVIEW SHOP DRAWINGS
4. ALL UNKOWN CONDITIONS VERIFIED BY CONTRACTOR AND ENGINEER (IF REQ'D)
5. SHOP DRAWINGS MODIFIED TO ACCOUNT FOR UNKNOWN CONDITIONS
6. FABRICATION COMPLETED ON STEEL FRAME

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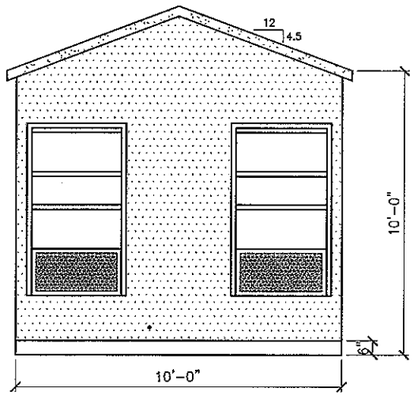
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

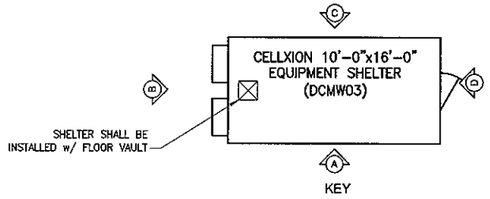
DRAWING NAME
STEEL FRAMING PLAN

DRAWING No. **MPLSMN1416-S01** REV C



LIGHT WEIGHT EQUIPMENT SHELTER ELEVATION "B"

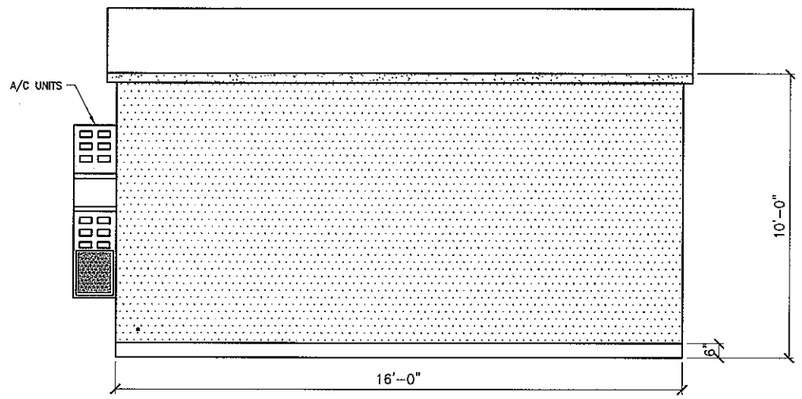
N.T.S.



KEY

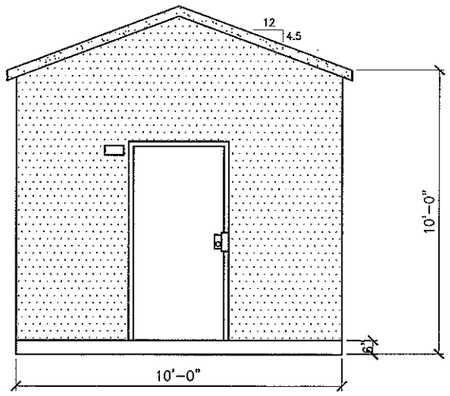
SHELTER FINISH SHALL BE QUARZPUTZ TEXTURE AND COLOR SHALL BE DRYVIT COLOR #310 CHINA WHITE. SHELTER TRIM FINISH SHALL BE QUARZPUTZ AND COLOR SHALL BE DRYVIT COLOR #105 SUEDE. SHELTER ROOF COLOR SHALL BE SW 6447 EVERGREENS (SHERWIN-WILLIAMS).

MAXIMUM SHELTER DESIGN LOADS
SHELTER WEIGHT = 16,000 LBS
FLOOR LIVE LOAD = 237 PSF
ROOF LIVE LOAD = 40 PSF
ROOF SNOW LOAD = 35 PSF



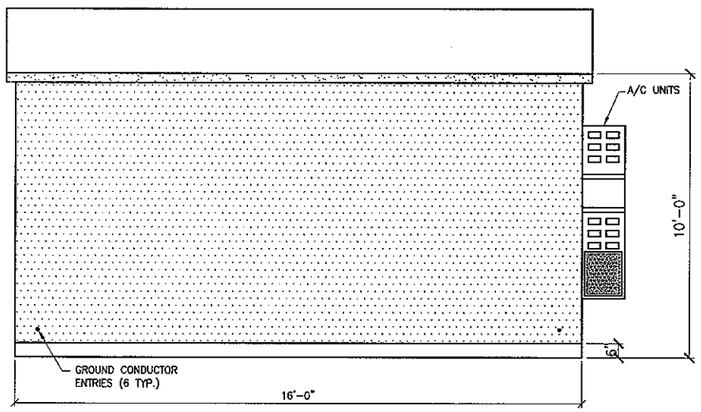
LIGHT WEIGHT EQUIPMENT SHELTER ELEVATION "A"

N.T.S.



LIGHT WEIGHT EQUIPMENT SHELTER ELEVATION "D"

N.T.S.



LIGHT WEIGHT EQUIPMENT SHELTER ELEVATION "C"

N.T.S.

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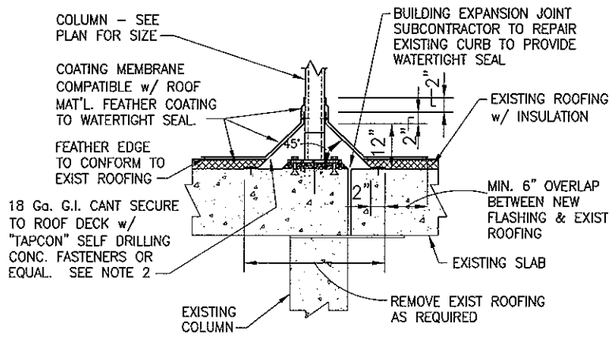
SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

DRAWING NAME
SHELTER ELEVATIONS

DRAWING No. | REV
MPLSMN1416-S03 | C

6 5 4 3 2 1

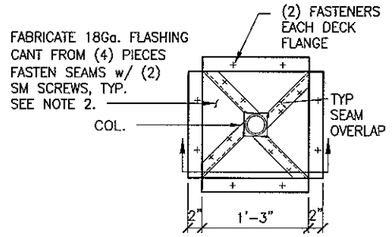
D C B A



DETAIL 1 / S04

TYP. (4) PLACES

NOTE:
ALL ROOF PENETRATIONS WILL REQUIRE APPROVAL BY A THIRD PARTY ROOFING CONSULTANT.

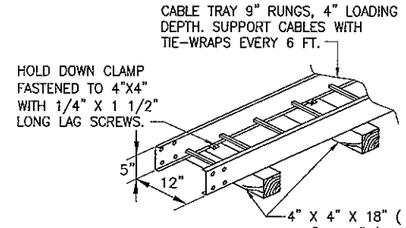


PLAN--FLASHING CANT AT POST

BASE FLASHING AT ROOF STRUCTURAL BEARING SUPPORTS

NOTES:
1. SUBCONTRACTOR SHALL CONTACT OWNER TO DETERMINE IF ROOF WARRANTY EXISTS. IF WARRANTY EXISTS, ALL ROOF PENETRATIONS SHALL BE BY METHODS APPROVED BY ROOFING COMPANY TO MAINTAIN ANY EXISTING WARRANTIES. IF WARRANTY DOES NOT EXIST, ROOF PENETRATIONS MEANS AND METHOD SHALL BE AS SHOWN ON THE DRAWING OR APPROVED BY ENGINEER.
2. MANUFACTURED EDPM OR NEOPRENE, FLEXIBLE, FLASHING COLLARS MAY BE INSTALLED IN LIEU OF GALV. IRON CANT AND MEMBRANE. USE ONLY WHERE EXISTING ROOFING MATERIAL IS COMPATIBLE. (e.g. RETROFIT FLASHING BY PORTALS PLUS, INC.)

NOTE:
WHEN CABLE TRAY COVERS ARE SPECIFIED, THEY SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS INSTALLATION PROCEDURES AND INSTRUCTIONS FOR 'HIGH WIND CONDITIONS'. THIS INCLUDES CONNECTOR TYPE AND SPACINGS.



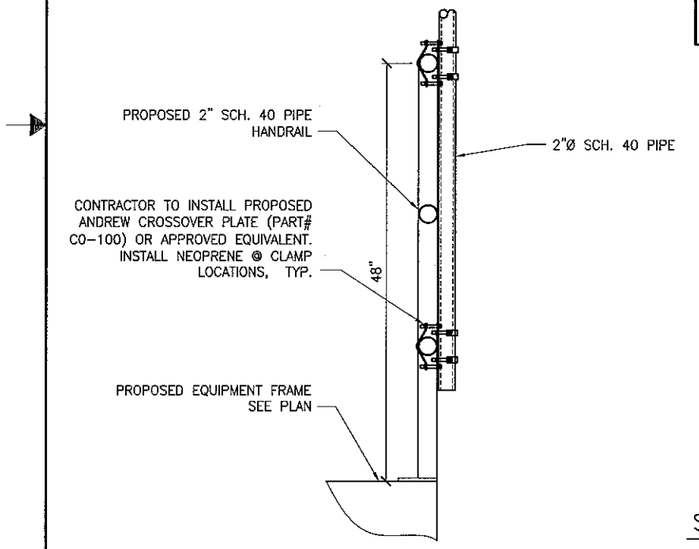
OPTION: USE MICROFLECT ROOF MOUNTED BRIDGE KITS CONSISTING OF SLEEPER AND COVER.

ROOF MOUNTED CABLE TRAY

DETAIL 552 / S04

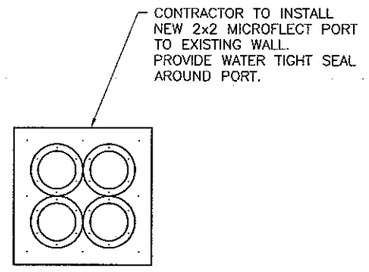
NTS

RF NOTE:
RF SAFETY SIGNAGE SHOULD BE INSTALLED PER THE DIRECTION OF THE AT&T RF ENGINEERING DEPT.



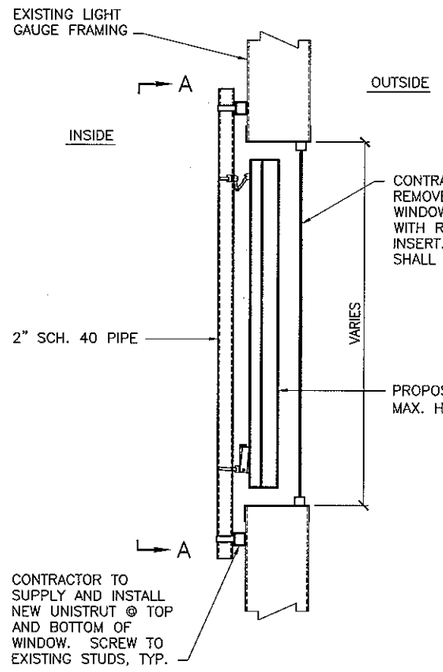
DETAIL 2 / S04

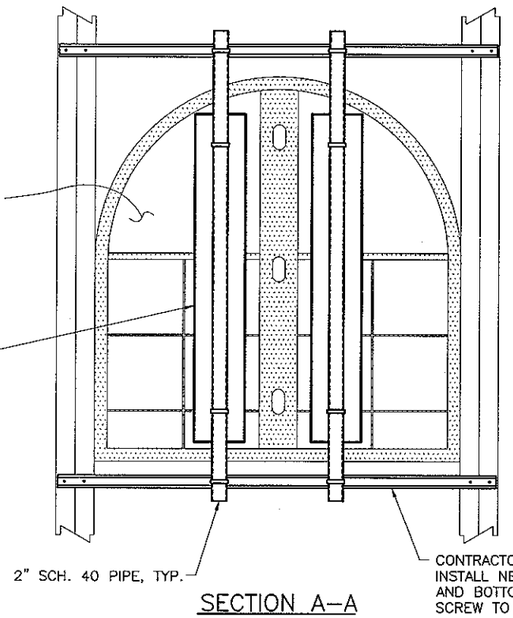
TYP. (2) PLACES



SECTION 3 / S04

@ ENTRY INTO PENTHOUSE





SECTION A-A

DETAIL 4 / S04

@ ANTENNAS IN PENTHOUSE

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Web: www.ulteig.com
Ulteig Job No. 09.00062

SITE No. MPLSMN1416
NORTHWESTERN COLLEGE

at&t
4300 MARKET POINTE DRIVE, SUITE 350
BLOOMINGTON, MINNESOTA 55435

No.	DATE	REVISIONS	BY	CHK	APP'D
C	04/21/09	PER LANDLORD'S COMMENTS	KBA	KBA	RAE
B	02/27/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE
A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

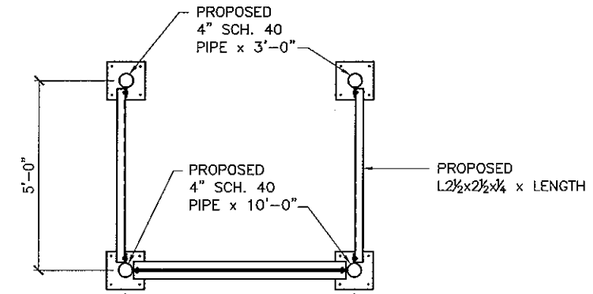
THE SIGNED DRAWING IS THE CORRECT RECORD DOCUMENT, NOT THE AutoCAD DISKETTE.

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
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME
CONSTRUCTION DETAILS

DRAWING No. **MPLSMN1416-S04** REV C

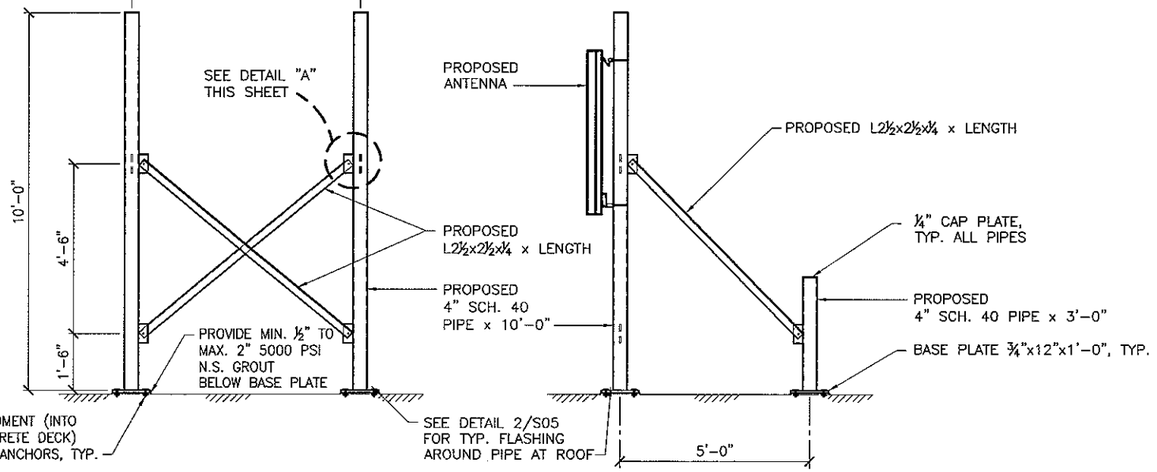
6 5 4 3 2 1



TOP VIEW
(ANTENNAS NOT SHOWN)

RF NOTE:
RF SAFETY SIGNAGE SHOULD BE INSTALLED PER THE DIRECTION OF THE AT&T RF ENGINEERING DEPT.

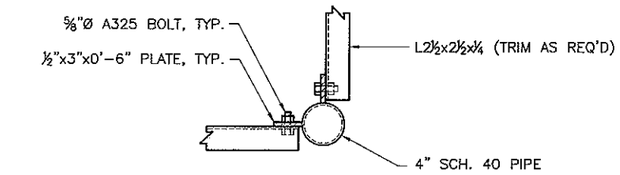
NOTE:
ALL ROOF PENETRATIONS WILL REQUIRE APPROVAL BY A THIRD PARTY ROOFING CONSULTANT.



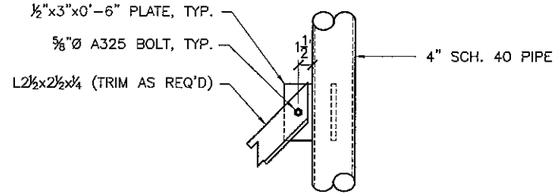
FRONT VIEW
(ANTENNAS NOT SHOWN)

SIDE VIEW

DETAIL 1 / S05
ANTENNA MOUNT @ NORTH END OF EXISTING BUILDING ROOF



TOP VIEW



FRONT VIEW

DETAIL A / S05
TYP. DIAGONAL CONNECTION

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A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

THE SIGNED DRAWING IS THE CORRECT RECORD DOCUMENT; NOT THE AutoCAD DISKETTE.

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
DATE 04/21/09 REG. No. 43119
ROBLEY A. EVANS

DRAWING NAME
CONSTRUCTION DETAILS

DRAWING No. **MPLSMN1416-S05** REV C

6 5 4 3 2 1
D C B A

NOTES:

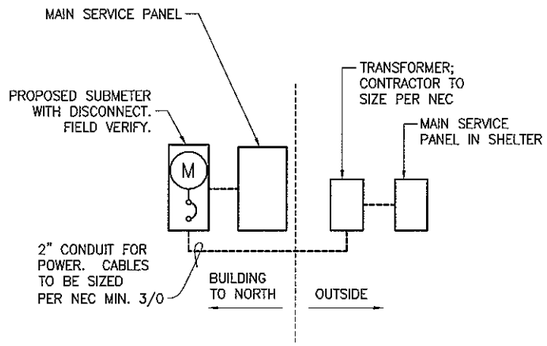
1. SUBCONTRACTOR SHALL PROVIDE 200AMP, SINGLE PHASE, 120/240 VAC, 60HZ SERVICE FOR AWS SITE. (SEE SINGLE LINE DIAGRAM)
2. SUBCONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY BEFORE THE START OF CONSTRUCTION. POWER AND TELEPHONE CONDUIT SHALL BE PROVIDED AND INSTALLED PER UTILITY REQUIREMENTS.
3. FOR COMPLETE INTERNAL WIRING AND ARRANGEMENT REFER TO DRAWINGS PROVIDED BY PANEL MANUFACTURER.
4. ALL SERVICE EQUIPMENT AND INSTALLATIONS SHALL COMPLY WITH THE N.E.C. AND UTILITY COMPANY AND LOCAL CODE REQUIREMENTS.
5. SUBCONTRACTOR SHALL INSTALL SUFFICIENT LENGTHS OF LIQUID-TITE FLEX (LFMC) INCLUDING ALL CONDUIT FITTINGS (NUTS, REDUCING BUSHINGS, ELBOWS, COUPLING, ETC) NECESSARY FOR CONNECTION FROM THE NEMA BOX TO THE INTERIOR BTS CABINET.
6. SUBCONTRACTOR SHALL PROVIDE ELECTRICAL SERVICE EQUIPMENT WITH FAULT CURRENT RATINGS GREATER THAN THE AVAILABLE FAULT CURRENT FROM THE POWER UTILITY.
7. POWER, CONTROL AND EQUIPMENT GROUND WIRING IN TUBING OR CONDUIT SHALL BE SINGLE CONDUCTOR (#14 AWG AND LARGER), 600V, OIL RESISTANT THHN OR THWN-2, CLASS B STRANDED COPPER CABLE RATED FOR 90°C (WET AND DRY) OPERATION; LISTED OR LABELED FOR THE LOCATION AND RACEWAY SYSTEM USED.
8. CUT, COIL AND TAPE A 3 FOOT PIGTAIL FROM END OF LFMC FOR TERMINATING BY BTS EQUIPMENT MANUFACTURER.
9. SUB CONTRACTOR WILL VERIFY HIGH LEG IN 208/120 VAC PANEL, AND WILL NOT CONNECT 2 POLE BREAKER TO HIGH LEG.
10. PANEL "A" SHALL BE CLEARLY MARKED ON THE OUTSIDE OF THE CABINET.

LEGEND:

RU – RELAY TO MONITOR UTILITY POWER

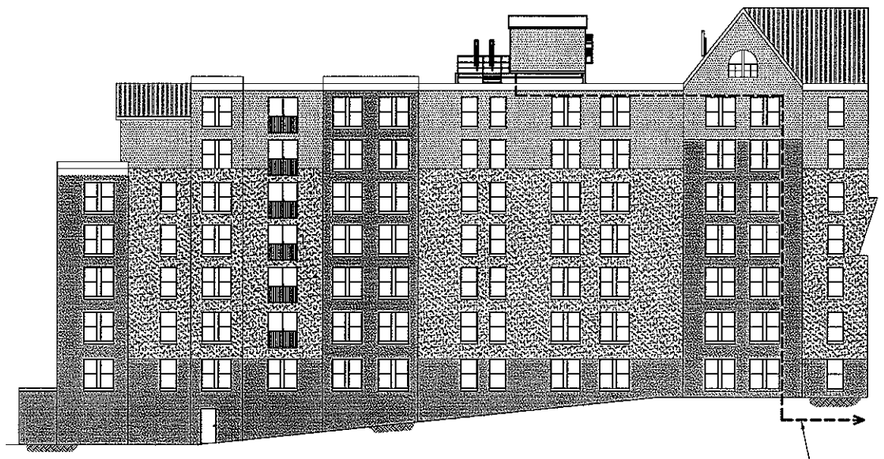
NOTES:

1. ALL WIRE COLORS FOR #6 AND LARGER THAT IS EXPOSED SHALL BE MARKED AT 40" INTERVALS MAX.
2. GROUNDING BUSHINGS MUST USE THE SAME SIZE OR LARGER GROUND WIRE AS ON SERVICE ENTRANCE, OR LARGEST SIZE ACCEPTED BY BUSHING.
3. ALL WIRE (UNLESS NOTED OTHERWISE) IS TO BE:
   - #12 AWG.
   - STRANDED.
   - THHN INDOOR & THWN OUTDOOR
   - TFFN FOR HALON SYSTEM CONTROL WIRING.
   - SOLID, FOR THERMOSTAT AND ALARM WIRING (22 GA MIN.).
4. ALL NEUTRAL WIRING TO BE WHITE UNLESS OTHERWISE NOTED. ALL GROUND WIRING TO BE GREEN UNLESS OTHERWISE NOTED. ALL PHASE CONDUCTORS SHALL MATCH EXISTING PANEL COLOR SCHEME.
5. CONDUIT TO BE EMT OR RIGID UNLESS NOTED. MINIMUM SIZE OF CONDUIT AND FITTINGS IS 1/2" OR AS NOTED. UPSIZING IS PERMITTED. LAYOUT LOCATIONS ARE FOR REFERENCE ONLY AND MAY VARY UNLESS NOTED OTHERWISE.
6. ALL BOXES, LIGHT FIXTURES AND ELECTRICAL EQUIPMENT TO BE +/- 3" UNLESS OTHERWISE NOTED. BOXES OR RECEPTACLES 6"x6" OR SMALLER SHALL NOT BE INSTALLED ON PANELLING TRIM.
7. ALL ALARM WIRING INSTALLED IS ASSUMED TO BE CLASS II WIRING PER NEC 725 UNLESS OTHERWISE SPECIFIED BY THE CUSTOMER AND NOTED ON THESE DRAWINGS.
8. PULL CIRCUITS TO END OF WIREWAY. COIL 15'-0" SPARE AND TAG.
9. FOLLOW EQUIPMENT MANUFACTURER'S OVERCURRENT PROTECTION DEVICE RATING RECOMMENDATION.



SINGLE LINE DIAGRAM

DETAIL 923D / NTS



PARTIAL ELEVATION

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SITE No. MPLSMN1416
NORTHWESTERN COLLEGE

at&t
4300 MARKET POINTE DRIVE, SUITE 350
BLOOMINGTON, MINNESOTA 55435

No.	DATE	REVISIONS	BY	CHK	APP'D
C	04/21/09	PER LANDLORD'S COMMENTS	KBA	KBA	RAE
B	02/27/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE
A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE

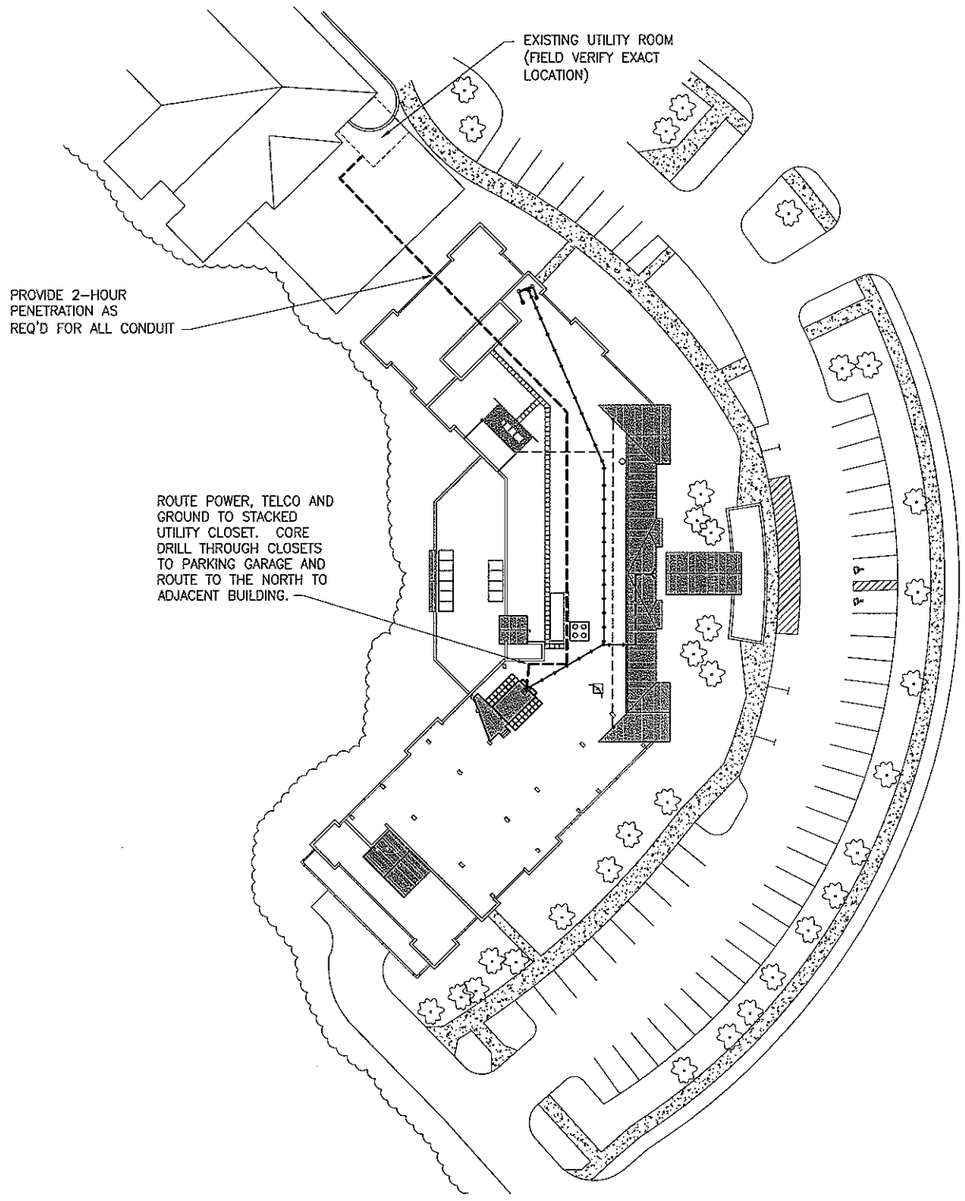
SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

FOR SCHEMATIC PURPOSES ONLY. FINAL DESIGN TO BE DETERMINED BY CONTRACTOR

DRAWING NAME: **SINGLE LINE DIAGRAM & RISER DIAGRAM**

DRAWING No.: **MPLSMN1416-E02** REV: C

6 5 4 3 2 1



N GROUNDING PLAN
NOT TO SCALE

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Sioux Falls
Web: www.ulteig.com
Ulteig Job No. 09.00062

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B	02/27/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RAE
A	02/04/09	ISSUED FOR REVIEW AND COMMENT	KBA	KBA	RDN

SCALE: AS NOTED | DESIGNED: RAE | DRAWN: KBA

FOR SCHEMATIC PURPOSES ONLY. FINAL DESIGN TO BE DETERMINED BY CONTRACTOR

DRAWING NAME
GROUNDING & ELECTRICAL PLAN

DRAWING No. **MPLSMN1416-E03** REV C

View Type: Original Photograph
Site Address: 2925 Lincoln Drive
City: Roseville ***State:*** MN
Site Number: MPLSMN1416
View Description: West Elevation.

View Type: Simulated Photograph
Site Address: 2925 Lincoln Drive
City: Roseville ***State:*** MN
Site Number: MPLSMN1416
View Description: West Elevation.

Disclaimer: *This picture is an artist's rendition of the completed site layout prior to construction. The completed construction may vary in layout, dimension, and color from the above picture.*

Attachment E

ROSEVILLE

May 26, 1993

Paul Sentman
2045 Shorewood Lane
Mound, MN 55364

Dear Mr. Sentman:

The Roseville City Council, at its May 24, 1993 meeting, approved your request for Comprehensive Plan Amendment from Business and Medium Density Residential to Business, High Density Residential and Institutional, rezoning from B-3, B-2, and R-1 to PUD, approval of a Planned Unit Development General Concept Plan, approval of street vacation, and approval of preliminary plat with the following conditions:

1. That the right-of-way for the extension of Lincoln Drive through the site be dedicated in exchange for the City deeding the former Snelling Avenue frontage road right-of-way to the owners.

2. That a 20 foot light rail transit easement in favor of Ramsey County be reserved as shown on the plat adjacent to Snelling Avenue.

3. That the Public Works Department approve all final utility and grading plans.

4. That the landscape plan, including landscaping in adjacent neighbors' yards, be reviewed and approved by City staff after an analysis of utility conflicts.

5. That City staff review and approve lighting and signage plans.

6. That the new public street be named Lincoln Drive, not South Campus Drive.

7. That additional landscaping be provided at the rear of the Assisted Living building and on the north side of the loading dock area, to be reviewed and approved by City staff.

8. That the motel site plan be approved only if there is agreement in writing from the owners of Benjamin's on the common access driveway. Otherwise the plans must be modified to accommodate all access and required parking on the motel site with proper setbacks.

9. That a permit be obtained from Rice Creek Watershed District for the drainage plan.

10. That the final plans for the 36-unit future phase of senior housing in the northwest corner of the site be designed essentially as shown on the PUD site plan. This means that the use will be for senior housing with some assisted care provided, that there will be adequate parking in the location shown, that the building will be one story and essentially of the size and location shown, and that the design and architectural character of the building be compatible with the other two new buildings. Compliance with these issues shall be determined by the City Development Review Committee. If the Development Review Committee believes that the design does not fit within these guidelines, this portion of the project will be referred to the Planning Commission and City Council for an amendment to the PUD.

11. That the final plans for the future College Building in the northeast corner of the site be designed essentially as shown on the PUD site plan. This means that the use will be for college-related functions for Northwestern College, which might include classrooms, faculty and administrative offices, adult education, radio studio (but not a tower or antenna), student services, or similar uses. It means that there will be adequate parking for the uses on site above and beyond the parking needed for the adjacent student housing. If this parking is provided in a parking deck or ramp, the structure will meet all applicable setbacks and will be constructed of high quality materials compatible with the design of the other buildings in the PUD, and will be adequately landscaped on all sides, especially toward Snelling Avenue. Compliance with these issues shall be determined by the City Development Review Committee. If the Development Review Committee believes that the design does not fit within these guidelines, this portion of the project will be referred to the Planning Commission and City Council for an amendment to the PUD.

12. That ownership of the Simpson parcel be finalized before any final approvals are given for the PUD that might affect that property. A plan for interim use of the parcel should be developed and reviewed by staff.

13. That as much vegetation as possible along the creek be left intact.

14. That the possibility of installing stop signs on Lincoln Drive at the entrance to the independent living facility be studied.

15. That staff review traffic count methodology.

16. That the ponds be maintained by applicant and designed to meet Metropolitan Council recommended standards. Staff should review and recommend a maintenance schedule if appropriate.

17. That the applicant be encouraged to increase evergreen materials.

18. That there be strong architectural continuity for the entire project. Staff should review all future development to insure that continuity is maintained.

19. That the final exterior materials and colors be submitted for Council consideration as part of the final development plan.

20. That progress be demonstrated on correction to the soil erosion problems adjacent to the main campus as part of the final PUD plan approval.

21. That the approvals are contingent upon submittal of the comprehensive plan amendment to the Metropolitan Council.

22. That the final development plan be consistent with the plans submitted to the City Council which includes the revised independent living building with a total height of 69 feet and 132 dwelling units.

The City Council also authorized staff to negotiate a Development Agreement concerning the use of TIF funds which include the following:

1. That there be a pay-as-you-go deal with no up front City funding.

2. That the developer will reimburse the City for any LGA and HACA penalties.

3. That the property will remain taxable for a minimum of forty (40) years.

4. That the length of tax increment assistance will not exceed fifteen (15) years.

5. That the annual amount of funds paid to the developer will not exceed $500,615. Any amount of tax increment available over that amount will be retained by the City for use of other eligible tax increment projects as allowed by State statutes.

6. That the full taxable development will be complete by October 15, 1995 to have full taxable value on January 1, 1996 for taxes payable in 1997.

7. That the development be constructed in accordance with the approved final PUD plan.

The hearing for the final plat and final PUD plan has been scheduled for Tuesday, June 29, 1993.

If you should have any questions, please don't hesitate to contact me at 490-2236.

Sincerely,

Michael Falk
City Planner
City of Roseville

:cf

ROSEVILLE

July 14, 1993

Paul Sentman
2045 Shorewood Lane
Mound, MN 55364

Dear Mr. Sentman:

The Roseville City Council, at its July 12, 1993 meeting, approved your request for final PUD plan and final plat approval at Snelling Avenue and Lydia Avenue with the following conditions:

1. That the Public Works Department approve all final utility and grading plans.

2. That the landscape plan, including landscaping in adjacent neighbor yards, be reviewed and approved by City staff after analysis of utility conflicts.

3. That City staff review final signage plans. A final design and location of those signs should be submitted for review, and all free standing signs should have a minimum of a 15 foot setback.

4. That a permit be obtained from Rice Creek Watershed District for the drainage plan. This permit should be received prior to the issuance of any City building permits.

5. That the final plans for the 36 unit future phase of senior housing in the northwest corner of the site be designed as shown on the final PUD site plan. This means that the use will be for senior housing with some assisted care provided.

   There should be adequate parking in the location shown. The building will be on estory and essentially the size and location shown, and the design and architectural character of the buildings shall be compatible with the other two new buildings.

6. That the final plans for the future college building in the northeast corner be designed essentially as shown on the final PUD site plan. This means that the use will be for college related functions for Northwestern College, which might include classrooms, faculty and administrative offices, adult education, radio station (but not a tower or antenna), student services, or similar uses.

2660 CIVIC CENTER DRIVE • ROSEVILLE • MINNESOTA • 55113-1899
612-490-2200 • FAX 612-490-2270

There will be adequate parking for the uses of the site above and beyond the parking needed for the adjacent student housing. If this parking is provided in a parking deck or ramp, the structure will meet all applicable setbacks and will be constructed of high quality materials compatible with the design of the other buildings in the PUD, and will be adequately landscaped on all sides, especially toward Snelling Avenue.

Compliance with these issues will be determined by the City Development Review Committee. If the Development Review Committee believes that the design does not fit within these guidelines, this portion of the project will be referred to the Planning Commission for an amendment to the PUD.

7. That no building permits be issued for the project until after a closing occurs on the Simpson parcel. There shall be no use of the site other than the existing auto sales leasing use or the future new college building without prior approval of the City Council.

8. That the ponds be maintained by the applicant, designed to meet Metropolitan Council recommended standards. The City will maintain the pipes leading to the ponds, and College Properties, Inc. will be responsible for mowing and other aesthetic maintenance of the ponds.

9. That the exterior materials of the motel be changed to include brick, in a similar fashion to the independent living building, such taht there would be brick all around the lower level and extended up to the roof at key massing.

10. That the approvals are contingent upon submittal and approval of a Comprehensive Plan Amendment to the Metropolitan Council.

11. That the independent living building be constructed as shown on the approved plan, with the height of the flat portions of the roof not exceeding 66 feet, the mansard style roof not exceeding 76 feet in height, and the pitched roofs covering stairwells and elevator penthouses not exceed 82 feet in height.

12. That College Properties, Inc. dedicate a new frontage road.

13. That College Properties, Inc. grant a 50 foot easement to County Ditch 4.

14. That progress be demonstrated on correction to the soil erosion problems adjacent to the main campus as part of the final PUD approval.

The City Council also authorized the execution of a Development Agreement subject to final review by City staff and the City Attorney.

If you should have any questions, please don't hesitate to contact me at 490-2236.

Sincerely,

Michael Falk
City Planner
City of Roseville

:cf

PLANNING FILE 09-008

Request by AT & T (with Presbyterian Homes) for approval of a PLANNED UNIT DEVELOPMENT AMENDMENT to allow the installation of cellular antennae on top of the Eagle Crest residential building at 2925 Lincoln Drive

Vice Chair Boerigter opened the Public Hearing for Planning File 09-008.

City Planner Thomas Paschke provided staff's analysis of the request of AT & T Mobility (in cooperation with Eagle Crest Senior Housing LLC) for a PLANNED UNIT DEVELOPMENT AMENDMENT to allow installation of three (3) telecommunication antennas and an equipment shelter on the roof of the Eagle Crest building at 2925 Lincoln Drive.

Mr. Paschke noted that in April, T-Mobile sought and received the Planning Commission's recommendation for support of three (3) antennae and an equipment platform on the same building, also approved as a Planned Unit Development (PUD) Amendment.

Mr. Paschke noted that this proposal calls for three (3) pair of antennae to be installed for a total of six (6); and that the equipment necessary for operation of the site included a ten by sixteen foot (10' x 16') light-weight shelter, ten feet (10') in height and located on the back roof portion in a symmetrical fashion to the proposed T-mobile equipment platform. Mr. Paschke advised that the shelter would be painted to match the proposed T-Mobile screen wall and have a gabled roof.

Staff recommended APPROVAL of the request of AT & T Mobility (in cooperation with Eagle Crest Senior Housing LLC) for a PLANNED UNIT DEVELOPMENT AMENDMENT to allow installation of three (3) telecommunication antennas and an equipment shelter on the roof of the Eagle Crest building at 2925 Lincoln Drive; based on the comments of Sections 4 and 5 and the conditions detailed in Section 6 of the project report dated May 06, 2009.

Applicant, Mark Hemstreet – Buell Consulting, Inc., Authorized Representative of AT & T

Mr. Hemstreet concurred with Mr. Paschke's summary; and that it was the intent to match paint to the building's siding and gabled roof to match, as well as the equipment of T-Mobile.

Public Comment

No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

MOTION

Member Boerigter moved, seconded by Member Best to RECOMMEND TO THE CITY COUNCIL APPROVAL of a PLANANED UNIT DEVELOPMENT (PUD) AMENDMENT AT & T Mobility (in cooperation with Eagle Crest Senior Housing LLC) to allow installation of three (3) pair of telecommunication antennas and an equipment shelter on the roof of the Eagle Crest building at 2925 Lincoln Drive; based on the comments of Section 4-6 and the conditions detailed in Section 6 of the project report dated May 06, 2009.

Ayes: 6
Nays: 0
Motion carried.

Vice Chair Boerigter noted that the case was scheduled to be heard by the City Council at their May 18, 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 18th day of May 2009, at 6:00 p.m.

The following members were present:

and the following Members absent;

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

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AMENDMENT TO THE EAGLECREST PLANNED UNIT DEVELOPMENT, 2925 LINCOLN DRIVE (PF09-008)

WHEREAS, AT&T Mobile has requested an amendment to the EagleCrest Planned Unit Development approved in 1993, for the purpose of installing telecommunication antenna and equipment shelter; and

WHEREAS, the property is located at 2925 Lincoln Drive and legally described as:

Lot 2, Block 1, College Properties
PID 04-29-23-14-0066

WHEREAS, the Roseville Planning Commission held a public hearing regarding the PUD Amendment on May 6, 2009, voting (6-0) to recommend approval, based on the findings of the Planning Commission project report dated April 24, 2009;

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to approve the amendment to the EagleCrest Planned Unit Development, based on the information contained in the project report dated May 18, 2009 and the following conditions:

1. The Eagle Crest building addressed at 2925 Lincoln Drive shall be limited to the three single antenna of T-Moblie (previous approval) and the three pairs antennas proposed by AT&T.
2. The equipmant shelter shall be painted a similar color to the T-mobile screen wall.
3. The AT&T telecommunication devices (antenna) shall be installed per the plans dated February 27, 2009.
4. Upon termination of AT&T's use of the subject facility, all equipment shall be removed within 30 days.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following voted in favor:
and none voted against;

WHEREUPON said resolution was declared duly passed and adopted.

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 Roseville City Council held on the 18th day of May 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 18th day of May 2009.

_____
William J, Malinen, City Manager

REQUEST FOR CITY COUNCIL ACTION

DATE: 5/18/2009
ITEM NO: 12.e

Department Approval

City Manager Approval

Item Description: Request by Bituminous Roadways for conditional use approval to allow the outdoor storage of aggregate materials and heavy equipment at 2280 Walnut Street (PF09-010)

REQUESTED ACTION

Bituminous Roadways seeks approval of outdoor storage of aggregate materials and heavy equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut Street.

Project Review History

- Application submitted: March 6, 2009; Determined complete: March 9, 2009
- Sixty-day review deadline: May 5, 2009; **Extended by applicant until July 2, 2009**
- Project report recommendation: May 6, 2009
- Planning Commission action: May 6, 2009
- Anticipated City Council action: May 18, 2009

SUMMARY OF STAFF RECOMMENDATION

The Planning Division and the Planning Commission recommend approval of the proposed CONDITIONAL USE; see Section 7 of this report for the detailed recommendation.

SUMMARY OF SUGGESTED ACTION

By motion, **APPROVE** the proposed CONDITIONAL USE, pursuant to §1007 (Industrial Districts) and §1013 (Conditional Uses) of the City Code; see Section 8 of this report for the detailed action**.**

BACKGROUND

The property at 2280 Walnut Street has a Comprehensive Plan designation of Industrial (I) and a zoning classification of General Industrial District (I-2). Part of this property is used for semi trailer parking, and the remainder of the site remains vacant.

This request for CONDITIONAL USE approval has been prompted by the need for outdoor stockpiles of the aggregate inputs for asphalt processing, and heavy equipment to move it. Asphalt processing itself is a permitted manufacturing use in the I-2 District.

Such applications were formerly referred to as conditional use *permits*, but the word "permit" is being eliminated in an effort to sharpen the distinction between land use approvals and building permits. Although this represents a change in terminology, the nature of conditional use approvals will remain the same because they never actually involved permits *per se*.

STAFF COMMENTS

Section 1007.015 (Industrial District Uses) of the City Code allows outdoor storage of materials and equipment as a CONDITIONAL USE in an I-2 district, as long as the items being stored are concealed by screening of at least 8 feet in height as specified in §1007.03B (Storage). Screening of the southern and eastern sides of the storage areas is not shown on the proposed site plan (included with this staff report as Attachment D), but because the screening is required by the City Code there is no need to add a specific condition to an approval of the CONDITIONAL USE request.

Section 407.02M (Unlawful Parking) of the City Code further requires all vehicles, which includes trucks and heavy equipment, to be parked on paved surfaces. As with the screening requirements noted above, Planning Division staff recommends relying on existing regulations in the City Code rather than attaching additional conditions to an approval of the proposed CONDITIONAL USE.

As illustrated the proposed site plan, the stockpiles of aggregate materials would be distributed throughout much of the site; because of this and the large size of the proposed stockpiles, Planning Division staff believes that it would be appropriate to treat them like buildings for setback purposes. Specifically, the piles of aggregate materials should be set back a minimum of 40 feet from property lines adjacent to public streets and a minimum of 20 feet from a rear or side property line (which coincides with the railroad right-of-way in this case). The proposed site plan is consistent with these recommended setbacks.

Asphalt is 100% recyclable, and because asphalt production and road construction relies heavily on recycled materials, the proposed stockpiles would be comprise asphalt millings, asphalt rubble, and concrete rubble reclaimed from pavement that is being replaced elsewhere as well as raw aggregates and discarded roofing shingles.

Bituminous Roadways' proposal to stockpile reclaimed rubble asphalt and rubble cement for recycling into new asphalt would involve periodic crushing of the reclaimed asphalt and cement. Similar recycling operations have been approved in the past as *interim* uses, but in those instances the crushing was not integral to the principal, permitted use on the site as it would be in this case. Since the reclaimed materials subject to the proposed crushing are to be stored outdoors, they are necessarily part of the proposed CONDITIONAL USE; therefore the crushing itself can also be reviewed against the conditional use criteria.

REVIEW OF CONDITIONAL USE CRITERIA

Section 1013.01 (Conditional Uses) of the City Code requires the Planning Commission and City Council to consider the following criteria when reviewing a CONDITIONAL USE application:

- **a.** Impact on traffic;
- **b.** Impact on parks, streets, and other public facilities;
- **c.** Compatibility of the site plan, internal traffic circulation, landscaping, and structures with contiguous properties;
- **d.** Impact of the use on the market value of contiguous properties;
- **e.** Impact on the general public health, safety, and welfare; and

f. Compatibility with the City's Comprehensive Plan.

Impact on traffic: The 7th edition of the Institute of Transportation Engineers manual indicates that land uses like light-industrial parks and laboratories, manufacturing, warehousing, and "heavy industry" (all permitted uses in the I-2 District) generate an average about 43 vehicle trips per acre of land area on the average day, whereas the proposed outdoor storage would only generate up to 8.6 trips per acre per day. For additional reference, a trucking terminal – another conditionally-permitted use in the I-2 District – generates an average of 82 trips per acre on a given day. Even considering traffic from the proposed outdoor storage *and* the asphalt plant, the site would only generate up to 18 trips per acre on its heaviest days. The Planning Division has thus determined that the proposed use would not have any greater impact on traffic than other allowed uses.

Impact on parks, streets and other public facilities: Water and sewer infrastructure should see relatively minor impacts since the outdoor storage use would rely on water primarily as a periodic dust palliative, and the facility as a whole will have to meet all of the pertinent erosion control, pollution prevention, and storm water management requirements of the City and other Federal, State, or regional regulatory agencies in order to receive the required building and operating permits. There are no parks in the vicinity of the subject property and the truck traffic will generally utilize highways as much as possible when approaching and leaving the site. Public Works staff is currently assessing the adequacy of the surrounding roadway infrastructure in light of the anticipated weight of trucks delivering the aggregate materials.

Compatibility … with contiguous properties: The proposed outdoor storage will produce stockpiles of materials, traffic, and noise that cannot help but be noticed from the contiguous properties, but this property and much of what surrounds it is described by §1007.03 (General Industrial Districts) as being "designed primarily for [uses] whose external physical effects will be felt by surrounding districts." Reduction of entrances to the site from 5 accesses to 3, adequate internal circulation, paved operational areas, and perimeter landscaping and screening consistent with the zoning requirements, will all help to reduce the inevitable impacts to contiguous properties.

Impact of the use on the market value of contiguous properties: When a property is assigned Zoning and Comprehensive Plan land use designations, careful consideration is given to protecting the value of surrounding properties. In light of this, and because the proposed outdoor storage is among the uses that are allowed (conditionally or otherwise) in the I-2 District and is consistent with the "industrial" designation of the Comprehensive Plan, the Planning Division has determined that the proposed industrial storage use will not have a significant impact on the market value of the contiguous industrial and business properties.

Impact on the general public health, safety, and welfare: Asphalt processing plants, including the necessary stockpiles of aggregate inputs and rubble crushing operations, must operate within the permit requirements of the Minnesota Pollution Control Agency (MPCA) as well as the requirements of other State and Federal agencies pertaining to air emissions, noise, odors, and fugitive dust. During the May 3, 2006 public hearing related to a similar recycling operation to be located in the Twin Lakes area, a contractor specializing in concrete recycling explained that vibrations from crushing operations are typically not felt beyond 150 feet, and the City Planner was able to confirm the limited range of the noticeable vibrations by inspecting another active crushing operation; the 150-foot radii around the rubble and crushed piles of materials on this site are almost entirely within the property boundaries. Planning Division staff has evaluated

additional data pertaining dust and noise from concrete crushing operations and believes that the outdoor storage and limited recycling of aggregate materials consistent with the requirements of the applicable regulatory agencies would have no discernable impact on the general public health, safety, and welfare.

Compatibility with the City's Comprehensive Plan: Screened outdoor storage of materials and heavy equipment is a conditionally permitted use in the I-2 General Industrial District and is compatible with the industrial designation of the Comprehensive Plan.

PLANNING COMMISSION RECOMMENDATION

On May 6, 2009, the Planning Commission held a public hearing to consider the CONDITIONAL USE. There were no comments from the public. The Planning Commission had questions about the specific request and questions about the operation of the asphalt plant. Specifically, a question was raised regarding the amount of emissions from the asphalt plant. The applicant noted that his industry needs to comply with federal and state regulations regarding emissions. The applicant stated that he could provide additional information regarding what these standards are and how his company would address them at the Roseville plant. (See Attachment H).

On a 4-2 vote, the Planning Commission voted recommend the approval of the CONDITIONAL USE subject to the comments and findings outlined in this report and the following conditions:

a. Outdoor stockpiles of aggregate materials shall be located on the property such that they meet or exceed the property line setbacks required for buildings in the same zoning district; and

b. Rubble asphalt and concrete crushing operations shall be limited to a maximum of two 3-week periods per calendar year and shall be separated by a minimum of 120 days. The hours of crushing shall be limited to 7 am – 7 pm.

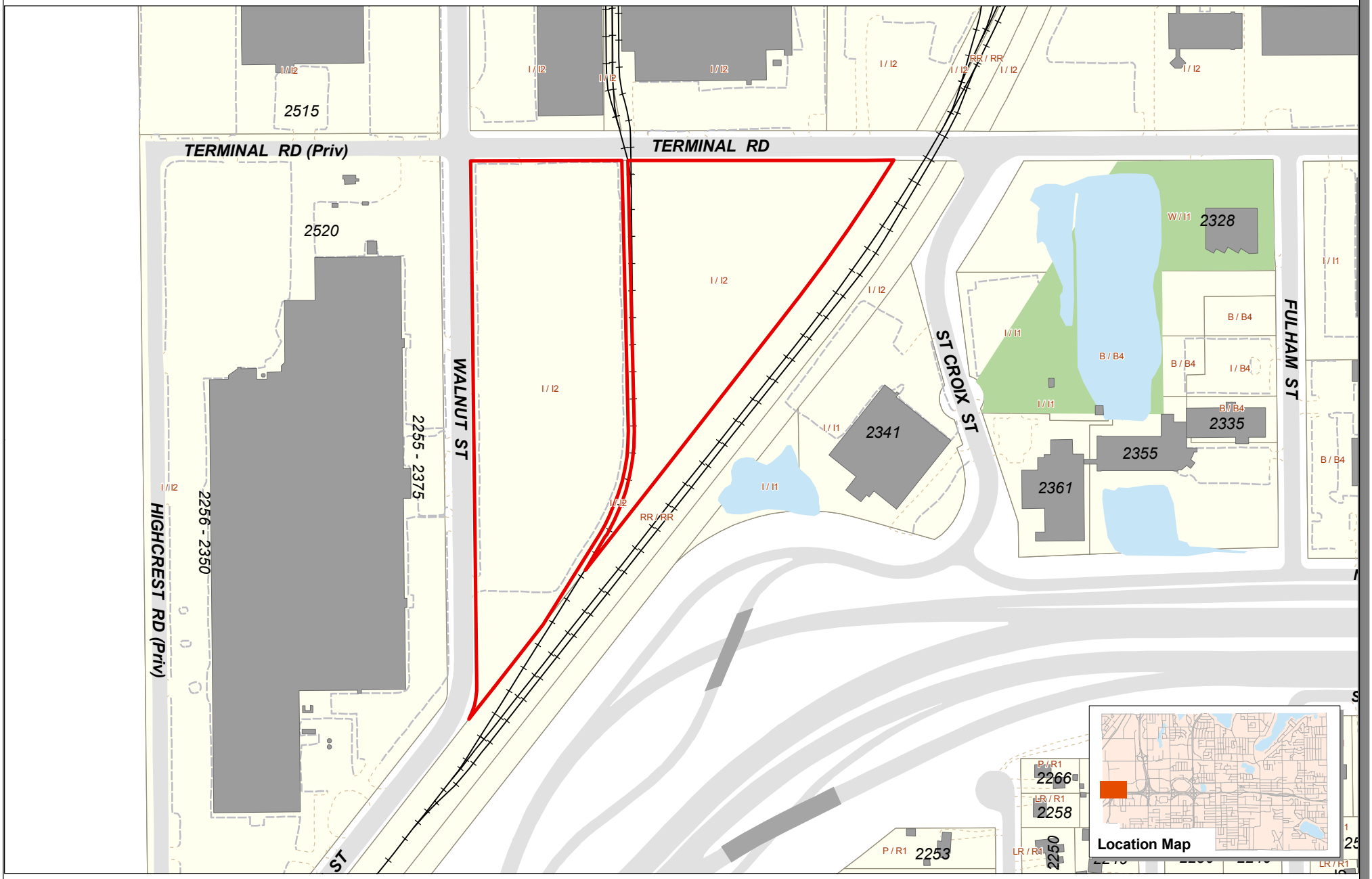
SUGGESTED ACTION

By motion, approve the proposed CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street, based on the comments and findings of and the conditions contained in project report dated May 18, 2009.

Prepared by: **Associate Planner Bryan Lloyd**

Attachments:
- A: Area map
- B: Aerial photo
- C: Applicant narrative
- D: Proposed site plan
- E: Proposed landscape plan
- F: Illustrations of proposed screening
- G: Draft Planning Commission minutes
- H: Letter from applicant dated May 8, 2009
- I: Letter from Meritex dated May 13, 2009
- J: Letter from Minn. Comm. Railway dated May 13, 2009

Attachment A: Location Map for Planning File 09-010



ROSEVILLE

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

Site Location

LR / R1 Comp Plan / Zoning Designations

Data Sources
* Ramsey County GIS Base Map (3/2/2009)
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.

0 100 200 Feet

N

mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-010

ROSEVILLE

Prepared by:
Community Development Department
Printed: April 20, 2009

Site Location

Data Sources
* Ramsey County GIS Base Map (3/30/2009)
* 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

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.

0 50 100 Feet

N

C.U.P. NARRATIVE: PROPOSED BITUMINOUS ROADWAYS, INC. FACILITY – ROSEVILLE

April 3, 2009

Conditional Use Permit (C.U.P.) Criteria

The proposed Bituminous Roadways facility will manufacture and distribute finished construction products from raw materials, both new and recycled. This is consistent with the permitted uses in the I-2 General Industrial District.

A Conditional Use Permit will be required because of the proposed outdoor storage of aggregates and equipment. The CUP criteria as listed in the zoning ordinance are addressed below.

1. Impact on Traffic

Traffic generated will be consistent with surrounding industrial uses, with trucks bringing in raw materials such as aggregate and rubble pavement. The primary season for use will be the 8 month period from April through November. The amount of trucks per day will vary based on area construction activity and subsequent product demand.

A peak day will generate approximately 125 round trip truck visits by trucks bringing in aggregate. We estimate that 65 percent of the traffic will be from the south with 35 percent from the north.

Averaged over the 8 month construction season, the outdoor storage of aggregates will generate approximately 60 truck round trips per day. These trip numbers are based on trucking of all aggregate, and may be reduced through the use of rail aggregate delivery service.

Adequate internal circulation exists within the proposed site plan for in-coming trucks to proceed into the site without interrupting the flow of off-site traffic.

2. Impact on Parks, Streets, Other Public Facilities

No impacts to parks or other public facilities are foreseen.

Area streets appear to have been designed adequately for the industrial use of the area. This use will be consistent with its industrial neighbors. In addition, the proposed drainage plan will eliminate most of the direct surface stormwater runoff to surrounding streets exhibited by the current site.

3. Compatibility with Contiguous Properties

The site is separated from contiguous properties on the north and west by existing streets and on the east and south by streets, railroad right-of-way and electric transmission easements.

The existing streets and neighboring properties will be additionally buffered by a 3 foot± high earth berm with an 8 foot high opaque fence and/or landscape screening. All internal pavement is setback a minimum of 40 feet from the right-of-way. Sufficient internal traffic ways have been reserved to prevent the use of city streets other than for ingress and egress to the site. The number of driveway accesses has been reduced from 5 existing to 3 proposed.

4. Impact on Market Value of Contiguous Properties

No impacts to contiguous property values or other property in the near vicinity are expected.

The property is currently being used for outside storage of trailers and equipment with little to no screening. The proposed conditional use permit is for outside storage of aggregates and equipment, and will incorporate a earth berm, an opaque fence and / or landscaping. The proposed use will be an improvement from the current use of the property; as a result, there should be no adverse affect on property values.

5. Impact on Public Health, Safety, and General Welfare

Noise

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

Fugitive Dust

The entire operational area of the site will be paved. The stock piles and conveyors will be watered on a scheduled basis. The air quality will also be regulated through the Minnesota Pollution Control Agency's (MPCA) air quality permit required for the adjacent asphalt plant.

Crushing

The rubble asphalt and concrete stockpiled on site will be periodically crushed for use as a raw material in production of new asphalt or base material. Crushing will be performed by portable crushing plants brought on site for the approximately 2 to 3 week period needed to complete the crushing. Crushing is expected to occur twice annually.

The portable crushing plants are covered by MPCA air quality permits that require the plant operators to observe state regulations on allowable noise, fugitive particulate (dust) and ambient air quality standards. A web link to the general MPCA permit is as follows: http://www.pca.state.mn.us/publications/aggregate-generalpermit2008.pdf

6. Compatibility with City's Comprehensive Plan

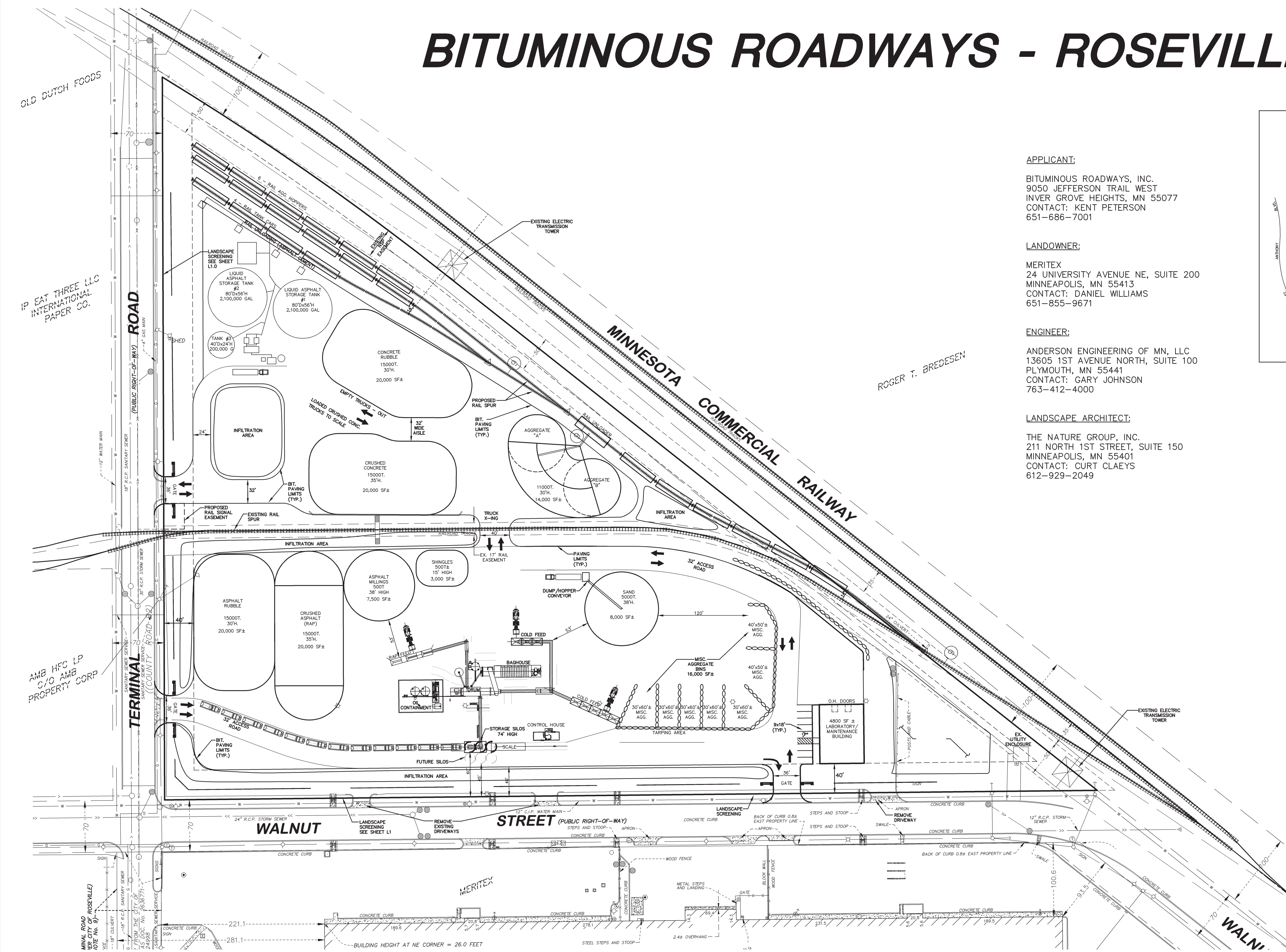
The property is guided Industrial. The comprehensive plan designation states: "Industrial deals with showrooms, warehousing, laboratories, manufacturing uses and related office uses, and truck/transportation terminals (I-2 Zone Only)".

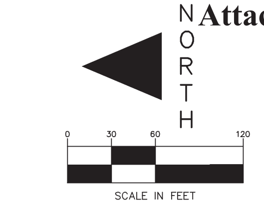
This conditional use is consistent with the above statement.

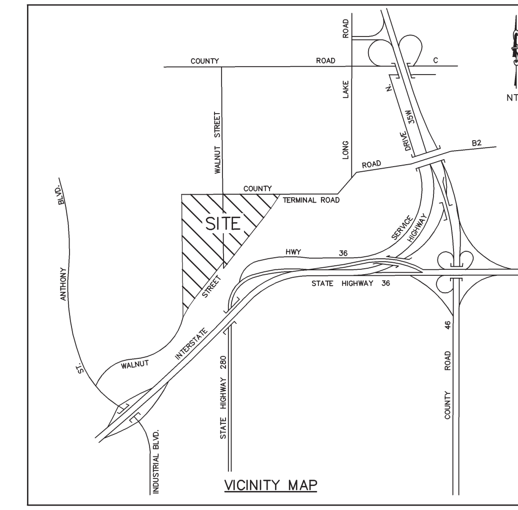
Bituminous Roadways is committed to being a responsible corporate citizen of Roseville and a good neighbor to surrounding properties. We are excited about this facility and look forward to discussing our plan at upcoming meetings.

Attachment D

BITUMINOUS ROADWAYS - ROSEVILLE







APPLICANT:

BITUMINOUS ROADWAYS, INC.
9050 JEFFERSON TRAIL WEST
INVER GROVE HEIGHTS, MN 55077
CONTACT: KENT PETERSON
651-686-7001

LANDOWNER:

MERITEX
24 UNIVERSITY AVENUE NE, SUITE 200
MINNEAPOLIS, MN 55413
CONTACT: DANIEL WILLIAMS
651-855-9671

ENGINEER:

ANDERSON ENGINEERING OF MN, LLC
13605 1ST AVENUE NORTH, SUITE 100
PLYMOUTH, MN 55441
CONTACT: GARY JOHNSON
763-412-4000

LANDSCAPE ARCHITECT:

THE NATURE GROUP, INC.
211 NORTH 1ST STREET, SUITE 150
MINNEAPOLIS, MN 55401
CONTACT: CURT CLAEYS
612-929-2049

SITE DATA:

ADDRESS: 2280 WALNUT STREET

P.I.D. – 082923320001

LEGAL DESCRIPTION: SEE SURVEY, PARCEL 3

SITE AREA: 14.62 AC.

ZONING I-2 GENERAL INDUSTRIAL
MIN PARCEL SIZE: 43,560 SF

SETBACKS (BUILDING)
FRONT: 40'
SIDE: 40'
REAR: 20'
(PARKING)
FRONT: 40' OR 20' WITH SCREEN/LANDSCAPING
REAR: 5'

MAX. BUILDING HEIGHT: 45' (60' FOR OFFICES)

MAX. BUILDING COVERAGE: 40% ONE STORY BLDG, 60% GREATER THAN ONE STORY BLDG.

SCREENING – 8' MIN. HEIGHT, TANKS SCREENED FROM EYE LEVEL AT STREET

AREA SUMMARY:

TOTAL SITE AREA = 636,715 SF (14.62 AC.)

PAVED/IMPERVIOUS = 391,222 SF (8.98 AC.)

OUTDOOR STORAGE = 128,500 SF (2.95 AC.)

PARKING

REQUIRED:
GREATER OF: 1 PER 1000 SF (BLDG) = 5 STALLS OR 2 PER 3 EMPLOYEES = 4 STALLS

PROVIDED:
8 STALLS AT BUILDING

NOTES:
BOUNDARY & SITE FEATURES FROM A SURVEY DATED JAN 29, 2007 BY EGAN FIELD & NOWAK, TOPOGRAPHY FROM RAMSEY COUNTY LIDAR.

PLAN SHEET INDEX (C.U.P. SUBMITTAL)

NO.	DATE	DESCRIPTION OF REVISIONS
1	3-6-09	C.U.P. SUBMITTAL

DESIGNED: GRJ
DRAWN: PSH
CHECKED BY:

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.
PRINT NAME: GARY R. JOHNSON, P.E.
SIGNATURE: NOT FOR CONSTRUCTION
DATE MARCH 6, 2009 LICENSE # 42010

Anderson Engineering of Minnesota, LLC
CIVIL ENGINEERING AND LAND SURVEYING
13605 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441
TEL (763) 412-4000 FAX (763) 412-4090

BITUMINOUS ROADWAYS
ROSEVILLE, MINNESOTA
BITUMINOUS ROADWAYS, INC.

PRELIMINARY SITE PLAN

COMM. NO. 12345
PLOTTED:
DRAWING NO. C1

1 CONCEPT LANDSCAPE PLAN 1" = 50'-0"

Construction Drawing: 3-4-09

revisions

date	no.	comments
3-4-09	1	CITY SUBMITTAL

designed by: CHC
drafted by: JWD

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

NOT FOR CONSTRUCTION

CURT H. CLAEYS
REG. NO. 41613
DATE: _____

CONCEPT LANDSCAPE PLAN
Bituminous Roadways Inc.
Asphalt Plant
Roseville, Minnesota

the nature group, inc.
landscape architecture and construction
211 North First Street
Suite 150
Minneapolis, Minnesota 55401
tel: 612.338.2049 fax: 612.288.8044

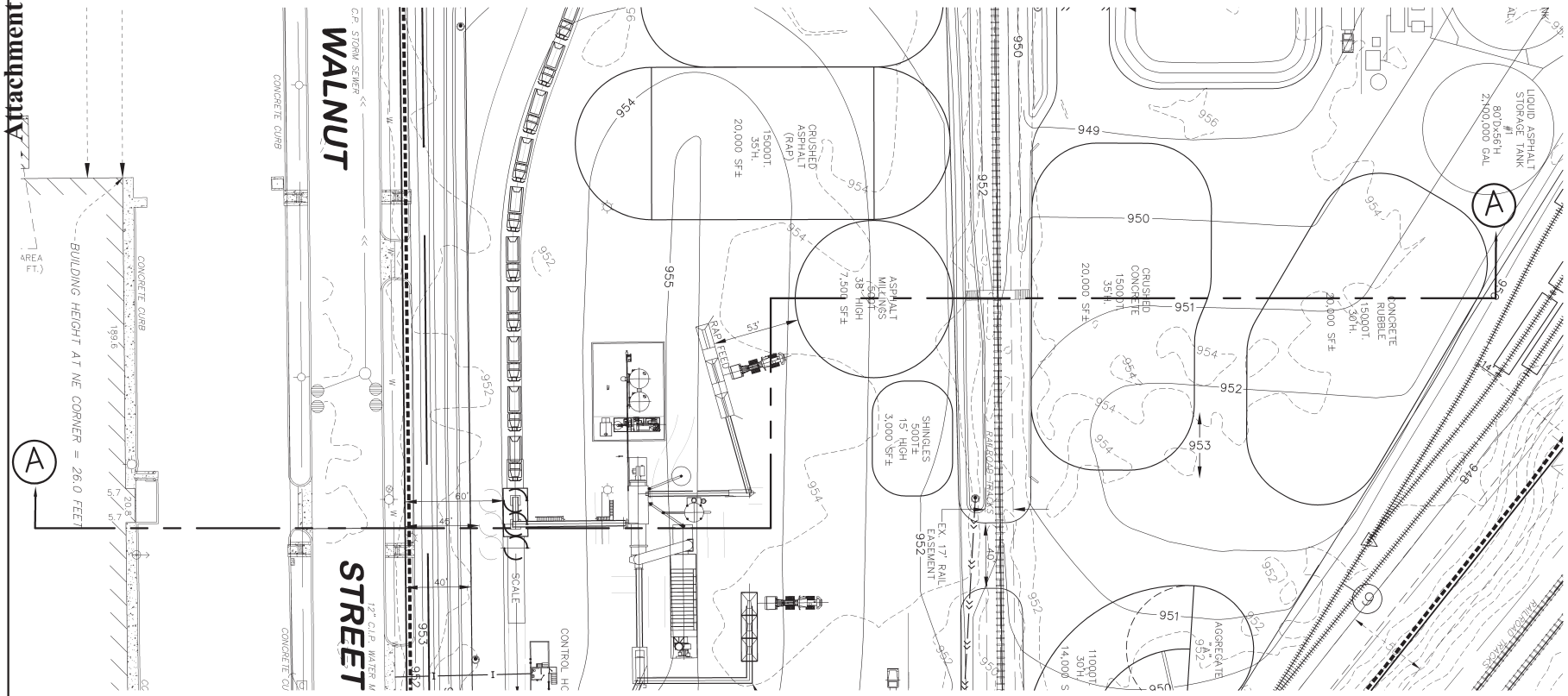
L1.1

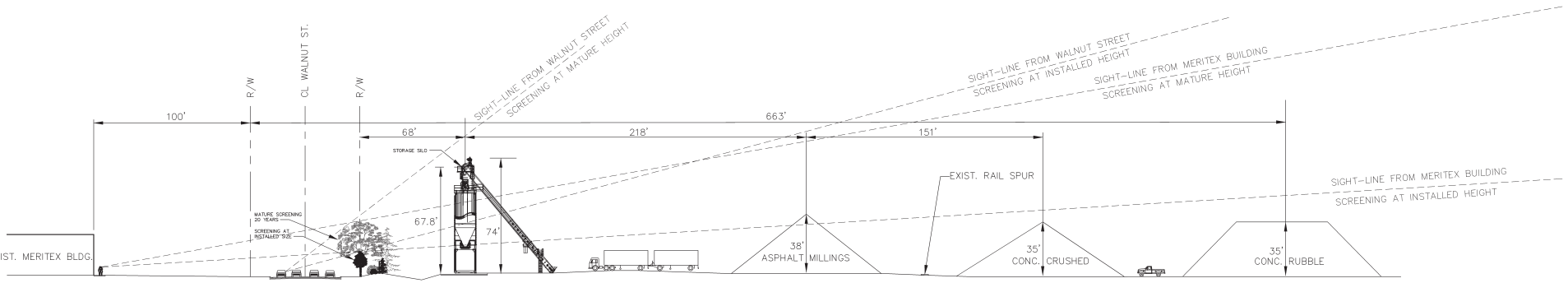
Site Entry, Current View
Wednesday, March 11, 2009

Attachment F

Site Entry, Installation (2010)
Wednesday, March 11, 2009

Site Entry, 20 Years (2030)
Wednesday, March 11, 2009





SECTION A–A
SCALE 1" = 30'

NO.	DATE	DESCRIPTION OF REVISIONS
1	3-6-09	C.U.P. SUBMITTAL

DESIGNED: GRJ
DRAWN: PSH
CHECKED BY:

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.
PRINT NAME: GARY R. JOHNSON, P.E.
SIGNATURE: NOT FOR CONSTRUCTION
DATE MARCH 6, 2009 LICENSE # 42010

Anderson Engineering of Minnesota, LLC
CIVIL ENGINEERING AND LAND SURVEYING
13605 1st AVENUE NORTH, SUITE 100, PLYMOUTH, MN 55441
TEL (763) 412-4000 FAX (763) 412-4090

BITUMINOUS ROADWAYS
ROSEVILLE, MINNESOTA
BITUMINOUS ROADWAYS, INC.

SCREENING PLAN/
CROSS SECTION VIEW

COMM. NO. 12345
PLOTTED:
DRAWING NO.

EXTRACT OF THE MAY 6, 2009
DRAFT ROSEVILLE PLANNING COMMISSION MEETING

d. PLANNING FILE 09-010

Request by Bituminous Roadways (with Meritex Enterprises, Inc.) for CONDITIONAL USE APPROVAL to allow outdoor storage of aggregate materials and heavy equipment at 2280 Walnut Street in an I-2 District

Vice Chair Boerigter opened the Public Hearing for Planning File 09-011.

Community Development Director Patrick Trudgeon provided staff's analysis of the request of the request of Bituminous Roadways for outdoor storage of aggregate materials and heavy equipment as a CONDITIONAL USE in support of the operation of an asphalt plant at 2280 Walnut Street. Mr. Trudgeon advised that staff conditioned approval on the applicant providing additional screening, between Highway 36 and the rail line; and that the maximum height of thirty-eight feet (38') for stock piles was indicated, while recognizing that the stock pile height would fluctuate, but that setbacks of forty feet (40') from the public right-of-way and twenty feet (20') from the rail line was assigned.

Mr. Trudgeon advised that staff had some concern with continual crushing and impacts to the area, and had thus limited it to no more than twice annually, and no longer than 2-3 weeks per event, as well as indicting that it be done during the winter months for less disruption with less outdoor use by adjacent property owners. Mr. Trudgeon noted that the proposed us was located in an industrial area, and that this was a major consideration in staff's review of the use related to the community's general health, safety and welfare due to potential dust and odor issues. Mr. Trudgeon further advised that staff had held extensive discussions with applicants on the need for regulating this principal asphalt use; but also noted that the use was highly regulated and permit-monitored by the Minnesota Pollution Control Agency (MPCA) with federal emission regulations. Staff concluded that, based on that monitoring and regulation, the use should create no adverse affects.

Staff recommended APPROVAL of the request for a CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009.

Commissioner Wozniak expressed concern with the proposed use and storage capacity of the facility, as well as material storage on site. Commissioner Wozniak questioned staff's interpretation of traffic impacts, based on Attachment C to the report and provided by the applicant and calculation of trips/acre and in accordance with ITE manual data. Commissioner Wozniak expressed further concern related to outdoor storage of materials in addition to intermittent crushing operations, and impacts to general health, safety and welfare of the community.

Mr. Trudgeon noted that this use was permitted and anticipated in a heavy industrial zoning district such as this; and noted that the outdoor storage is the only reason for the Conditional Use application. Mr. Trudgeon further noted that, once in operation, if and

when complaints were heard, the use would be required to come into compliance as applicable. Mr. Trudgeon advised that industry standards were broad due to the variety of general industrial uses; and addressed concerns related to potential odors and dust from the site and aggregate materials. Mr. Trudgeon provided an analysis compiled by Associate Planner Bryan Lloyd indicating various noise levels on site, and surrounding decibel rings; opining that the noise from Highway 36 impacted the surrounding area more than the crushing activities.

Further discussion included the eight foot (8') wall above a three foot (3') berm for a total of eleven feet (11') in screening, with a cross-section exhibited to provide visual site lines indicative of that wall; and future mature height of trees on site; existing and proposed parking needs being met; and potential redevelopment of the Meritex site based on continued additions to the building to-date.

Vice Chair Boerigter noted that Meritex was located across from the site and appeared unconcerned that there would be any noise or emission impacts to their building.

Commissioner Wozniak noted previous proposals limiting operations during daytime; and requested that such a condition be included in any approval.

Mr. Trudgeon noted that a condition further clarifying hours for crushing operations may be indicated; and that staff had attempted to provide some general stipulations, but noted that the operations were seasonal and related to road construction projects.

Applicant Representatives:
Kent Peterson, President, Bituminous Roadways, Inc.
John Kittleson, Vice President, Bituminous Roadways, Inc.
Gary Johnson, Anderson Engineering
Lonnie Provencher, North Marq

Mr. Peterson expressed the applicant's enthusiasm to locate in Roseville; and their intent to do their best to be good neighbors. Mr. Peterson addressed specifics of the crushing operations, considerations for their needs, and willingness to limit operations to daytime hours. However, Mr. Peterson noted the need for some periodic paving required at night for Interstate highway work, and accommodating those needs. Mr. Peterson advised that they were open to City dictates for operations; but obviously would like to run as long as possible during peak construction months.

Discussion included City Code requirements for construction activities; need to further define daytime hours; the applicant's intent for crushing periods during the spring and again in late fall based on limited storage areas on site and use of the aggregate materials; and the nature of the drum mix plant and output of 400 tons/hour, with 300,000 ton per year possible.

Mr. Peterson reviewed similar operations they currently have in Shakopee, Inver Grove Heights and Minneapolis; with expectations that this plant would have higher production based on new construction and technologies.

Commissioner Gottfried sought additional emission information from the applicant and typical studies or references for similar asphalt operations.

Mr. Peterson reviewed the Minneapolis plant's location on two (2) acres adjacent to an apartment building, with no complaints related to odor or dust. Mr. Peterson opined that there was no incentive for the firm to create negative impacts related to noise and/or emissions, and further opined that there shouldn't be anything significant, other than smoke from the intense heating of materials. Mr. Peterson advised that this new plan would be producing asphalt with lower temperatures and was considered an innovative move in the industry for "warm mix" asphalt, mixed fifty (50) degrees lower than typical.

Mr. Peterson reviewed Environmental Protection Agency (EPA) regulations for containment, with a concrete containment area for outdoor storage of the aggregate materials proposed by the firm, even though containment with only an earthen berm was required.

Mr. Peterson further reviewed specifics related to stormwater retention on site; with Mr. Johnson providing further specifics. Mr. Johnson advised that stormwater retention was being planned based on Rice Creek Watershed District (RCWD) regulations; however, he noted that formal application to the RCWD was pending until tonight's request was heard by the Planning Commission. Mr. Johnson reviewed the intended perimeter infiltration ditches to the east and west side ponds; reviewed location of proposed infiltration basins and conveyance to wet retention areas.

Further discussion included the intent for the applicant to use natural gas for heating the materials; MPCA regulations for filters for air emissions, a series of filter bags for air to flow through and dust pulled out of the air and augured back into the drum of the asphalt plant for reuse in the aggregate materials again; providing minimal airborne dust emissions and providing an efficient method for waste energy recovery and control of particulates.

Mr. Peterson noted that the warm mix asphalt was a great incentive for the firm as it used less energy, had lower emissions, low smoke and provided more cost-efficient operations.

Additional discussion included the existing rail line spur; right-of way ownership; and proposed additional and separate spur on site for use exclusively by Bituminous Roadways, with the firm negotiating directly with the rail line owners and not involving the City.

Commissioner Wozniak advised that he had done some research on line using EPA tables produced in 2002, and providing estimated emissions for drum plants, based on hot mix, not warm mix; and questioned the volatility and hazardous nature of such pollutants. Commissioner Wozniak recognized that the data was based on 390 asphalt plants around the country and that they may have many variations; however, he opined that while the conditional use approval was for outdoor storage of aggregate materials and heavy equipment, he couldn't separate that from the operations and overall use.

Mr. Peterson recognized Commissioner Wozniak's concerns; however, he noted that the industry was monitored by the MPCA, with an initial stack test done to meet those

requirements as a base line, followed by annual readings for production and calculations of total emissions to ensure compliance.

Public Comment
No one appeared to speak for or against.

Vice Chair Boerigter closed the Public Hearing at this time.

MOTION

Member Boerigter moved, seconded by Member Cook to RECOMMEND TO THE CITY COUNCIL APPROVAL of CONDITIONAL USE allowing outdoor storage of equipment and materials at 2280 Walnut Street; based on the comments and findings of Sections 5 and 6, and the conditions of Section 7 of the project report dated May 06, 2009; *amended as follows*

- ***Staff was to review past considerations for this type of use from 2006 for guidance on hours for crushing operations before submission to the City Council.***

Vice Chair Boerigter spoke in support of the motion; while recognizing the operations, he expressed confidence that sufficient federal and state controls were in place to monitor pollution and/or hazardous materials issues. Vice Chair Boerigter opined that is wasn't the City's job to impose additional restrictions over and above those regulations and City Code. Vice Chair Boerigter noted that the asphalt plant was a permitted use, even though it wouldn't be very feasible without stockpiles of aggregate materials. Vice Chair Boerigter opined that this was a more productive use for the site, in this highly industrial area, than its current use; and suggested that if the intent was to get rid of all asphalt production plants, that should be considered by lobbying at the state or federal level. Vice Chair Boerigter noted that we need asphalt or concrete for various modes of transportation in today's world; and it seemed unfair to pawn such a use off on another community when this is the most industrial site in Roseville, and conveniently connected to the freeway system for transport. Vice Chair Boerigter noted that lack of public comment at this public hearing; and expressed confidence in adjacent engineering firms and their apparent lack of concern about vibrations and/or noise from the site.

Commissioner Cook spoke in support of the motion; opining that this location seemed logical with its central location to the freeway system and surrounding communities; and suggested that there may be an environmental net gain in not trucking the materials as far. Commissioner Cook expressed some concern regarding noise and odor; and expressed interest in obtaining additional information exhibiting an "odor ring," as well as the noise ring presented, if such data was available from the MPCA or other sources. Commissioner Cook opined that residents on the south side of Highway 36 were more likely to hear more noise from Highway 36 than from this plant; however, noted that this was a very subjective assumption on his part.

Commissioner Gottfried concurred with concerns expressed by Commissioner Wozniak related to air emissions; however, noted that this was a heavy industrial area and this would be the most logical site in Roseville. Commissioner Gottfried concurred with comments of Vice Chair Boerigter related to wishing the plant on another suburb; and

concurred with Commissioner Cook regarding the net carbon footprint with locating the plant in this central location. Commissioner Gottfried noted the lack of public comment regarding this proposed use; and opined that the carbon dioxide impacts from traffic on Highway 36 to residents adjacent on the south would probably have more danger.

Commissioner Gisselquist noted that he resided closest to the proposed plant; and noted the background hum of traffic from Highway 36 on a continual basis. Commissioner Gisselquist also noted the lack of neighbors present to comment; and further noted the benefit of having a large industrial area far-removed from residential properties. Commissioner Gisselquist spoke in support of the motion; opining that this was a good use of the site to generate some revenue.

At the request of Commissioner Gottfried and for the record, Mr. Paschke verified that the typical public hearing notice was provided; and verified that the application had received a full staff review, including that of City Engineer Debra Bloom.

Mr. Trudgeon advised that staff was not as concerned with traffic generation from the site as they were with wear and tear to the roadway; and noted that staff would have a continuing dialogue with the applicant regarding this concern. Mr. Trudgeon advised that, being in an industrial area, the roadway was constructed to higher standards than a standard roadway.

Commissioner Best opined that this was a good use of the property; and spoke in support of the motion and of this industrial use. Commissioner Best further opined that he was not concerned with outdoor storage of materials and equipment, since this was an industrial area. Commissioner Best also expressed his confidence that other monitoring agencies provided sufficient environmental safeguards and regulations.

Commissioner Wozniak opined that this was our City, and what if those other agencies didn't sufficiently monitor the environmental issues.

Commissioner Best opined that, until a zero emission asphalt plant was available, we still needed roads to drive on.

Commissioner Wozniak suggested that cities needed to start saying "no," and provide incentive for these companies to come up with new technologies.

Commissioner Best noted that this plant represented some of those new initiatives, such as warm-mix versus hot-mix asphalt.

Ayes: 4
Nays: 2 (Gottfried; Wozniak)
Motion carried.

9050 JEFFERSON TRAIL WEST/ INVER GROVE HEIGHTS, MN 55077 / PHONE (651) 686-7001 / FAX (651) 687-9857

May 8, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

Last Wednesday when the Roseville Planning Commission was considering the request of Bituminous Roadways for conditional use approval to allow the outside storage of aggregate materials and heavy equipment at 2280 Walnut Street there were some questions that arose regarding the air emissions, noise, and odor that will be generated by the proposed asphalt plant on the site. I would like to address these concerns.

The asphalt plant will be a brand new manufactured plant utilizing the latest emission control technology available which allows the plant to meet and exceed air quality requirements.

Air Emissions

The owner or operator of an asphalt plant must calculate each year the actual emission for the plant and ensure that all emissions remain less than or equal to the thresholds listed in the table below.

HAP	5 tons/year for a single HAP 12.5 tons/year total for all HAPs
PM	50 tons/year
PM_{10}	50 tons/year for an Attainment A 25 tons/year for a Nonattainment
VOC	50 tons/year
SO_2	50 tons/year
NO_x	50 tons/year
Pb	0.5 tons/year

Asphalt plants are required to submit an annual air emissions inventory that address each of the criteria air pollutants listed above. This inventory report is required to be submitted to the Minnesota Pollution Control Agency by no later than March 1st of the following year. Emissions calculated are for the

previous calendar 12-month period. A copy of the 2008 inventory report for Bituminous Roadways' Shakopee asphalt plant is attached.

You will notice on the attached report that there is nothing reported for Hazardous Air Pollutants (HAPs). Asphalt plants were originally listed as one of the types of sources for which the U.S. Environmental Protection Agency (USEPA) would be issuing regulations to limit emissions of HAPs. Those standards are called National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The EPA has decided to drop asphalt plants from the categories of sources that need HAP regulations (i.e. asphalt plants are 'delisted'). There are no NESHAPs standards for asphalt plants.

Odor

The most common odor detected at an asphalt plant comes from the hydrocarbons driven off the liquid asphalt cement. Overheating the materials during the drying process is the primary cause. As fuel has become more and more expensive, most owners and operators have become more aware of the cost of overheating materials and have learned to control temperature with greater precision.

Warm Mix Pavement Technology

The new asphalt plant that Bituminous Roadways proposes for its Roseville facility will utilize technology allowing the production of warm mix asphalt. Warm mix asphalt technology decreases the hot mixed asphalt production temperature by 30 to 100 degrees Fahrenheit. This allows for reduced energy consumption, lowered emissions, and the elimination of visible smoke and odor.

Noise

There are a few common sources of noise emanating from an asphalt production facility. Some are derived directly from the asphalt production components, including the burner and exhaust stack. Others are generated from movement of the product, including trucks and loaders. Recent advancements in asphalt production equipment design have drastically reduced sound levels. It is often possible to participate in conversations using normal speaking tones while adjacent to most facility components at new facilities.

The site must operate in compliance with State noise standards. Vehicles and equipment will operate with standard noise reduction features such as mufflers. Bituminous Roadways will invest significant resources into perimeter berms and landscaping that will reduce noise emissions from the site.

I hope the above information helps answer some of the questions that arose at Wednesday's meeting and alleviates concerns. If there are any other questions or concerns that I can answer or further clarify, please do not hesitate to contact me.

Sincerely,

Kent Peterson
President

MERITEX®

May 13, 2009

Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Dear Mr. Trudgeon:

The purpose of this letter is to express our support of the Bituminous Roadways application currently being reviewed by the City of Roseville.

As an adjacent property owner and current owner of the subject property, we have reviewed the proposed use with a considerable amount of scrutiny in efforts to determine if Bituminous Roadways' proposed use represents the 'highest and best use' of the property. After reviewing Bituminous Roadways operations, site plans, noise and odor impacts, environmental standards/regulations, and the zoning ordinance we feel that they are an excellent fit to the Roseville Industrial Park and welcome them as a neighbor.

Please call at (651) 855-9671 should you have any questions.

Sincerely,

Daniel K. Williams
Chief Investment Officer

DKW/bh

www.meritex.com
24 University Avenue NE, Suite 200
Minneapolis, MN 55413
651 . 855 . 9700 (main)
651 . 855 . 9701 (fax)

Attachment J

Minnesota Commercial Railway

COMMERCIAL TRANSLOAD OF
MINNESOTA

John W. Gohmann, Chairman, President
14047 Petronella Drive, Suite 201
Libertyville, Ill. 60048
p. 847-549-0486, fax 847-549-0485
toll free: 888-489-2326
email: johngohmann@msn.com

May 13, 2009

Pat Trudgeon,
Commmunity Development Director,
City of Roseville,
2600 Civic Center Drive,
Roseville, MN 55113

Via fax and US Mail

RE: Bituminous Roadways Application for Site Approval Near Walnut Street

Dear Pat:

Bituminous Roadways has proven time after time, wherever they have been, to be excellent, community minded neighbors and they operate very professional facilities.

The site they have chosen is and excellent location for not only the City of Roseville's present and future needs for very competitively priced and nearby Roadway surfacing materials, but, also for the general area.

As you know, we have provided competitive and neighbor friendly rail service to support the busininess community of Roseville gong on 23 years now, and we will work with Roseville and Bituminous to continue that tradition. We view this as an important new customer to provide business to us to help us continue that tradition.

We urge the City Council to now approve the Planning Commission's recommendation for this new important business for Roseville on this sight.

Sincerely,

John W. Gohmann

Cc: Wayne Hall, Joe Kellner

FAXED

Date: 5/11/09
Item: 12.d
RCA 1 of 2

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 3/30/09
Item No.: 13.b

Department Approval

City Manager Approval

Item Description: Consider Adjustments to the 2009 Budget

BACKGROUND

On December 15, 2008, the City Council adopted the Final 2009 Budget. As with previous year's budgets, the 2009 Budget carried a number of revenue and expenditure assumptions which are based on prior years' results, expected trends, and projections based on inputs from a variety of sources. Among the assumptions made was that the City would receive from the State of Minnesota, approximately $400,000 in Market Value Homestead Credit (MVHC) in 2009. These monies are used to support police, fire, streets, parks & recreation, and administrative and finance functions.

At the time the 2009 Budget was adopted, it was acknowledged that the State of Minnesota was facing a projected budget shortfall but the magnitude of that shortfall and its impact on MVHC was unknown. The fate of the City's MVHC aid is still unknown, but all indications suggest that the City will lose its allotment for 2009 and possibly beyond.

In recognition of the expected loss of MVHC, it is prudent for the City to publicly acknowledge the impact and to make budget adjustment as necessary. While the Council can choose to take any number of actions in response to this, it is suggested that the Council first give consideration to the following options in offsetting the loss:

1) Use cash reserves
2) Make temporary or short-term budget cuts
3) Make structural or long-term budget cuts

Each of these options is discussed further below.

Cash Reserves

MVHC revenues are deposited into the tax-supported programs; primarily the General and Parks & Recreation Funds. For 2009, the City could choose to offset the loss in MVHC by using reserves from these funds. However, both of these funds have cash reserves that are already below industry-recommended levels, as well as the amounts prescribed in the Council-adopted Cash Reserve Policy. In total, the General and Parks & Recreation Funds are approximately $3 million below recommended levels. Using reserves further will only weaken these Funds' ability to generate interest earnings and respond to contingencies and unforeseen circumstances.

Temporary or Short-Term Budget Cuts

The Council could choose to use short-term measures such as leaving employee positions temporarily vacant, reducing overtime, delaying vehicle and equipment purchases, or reducing Staff training and conferences.

However, this would have the effect of spreading an increased workload over less Staff, and effectively prohibiting the City from realizing the optimal value of its vehicles and equipment. While this approach may offset the loss of MVHC for 2009, it would not necessarily provide a viable option beyond 2009. In short, it would not be sustainable.

Structural or Long-Term Budget Cuts

Finally, the Council could choose structural or long-term measures such as; organizational restructuring that result in the elimination of employee positions, eliminating programs and services, or reducing service levels.

This option presents the most viable option for ensuring financial and operational sustainability. It will better equate the public's ability or willingness to pay for services with the actual demand for those services.

Potential 2009 Budget Cuts

In recogniton of the expected loss in MVHC in 2009, and possibly beyond, City Staff has compiled a list of potential spending cuts. These cuts are summarized in *Attachment A*. Bear in mind, that the proposed cuts were based on the premise that the impact from the loss of MVHC should be borne by each department on a proportionate basis based on the 2009 Budget. This represents only one of several formulas that could be used.

City Staff will be present at the meeting to address any Council inquiries and impacts from any spending cuts.

POLICY OBJECTIVE

It is recommended that the City publicly acknowledge the expected loss of MVHC and its potential impact.

FINANCIAL IMPACTS

The City expects to lose $400,000 in MVHC in 2009, and possibly beyond; creating a budget shortfall in the property tax-supported programs.

STAFF RECOMMENDATION

Not applicable.

REQUESTED COUNCIL ACTION

City Staff is seeking direction on whether to make cost-cutting adjustments to the 2009 Budget.

Prepared by: Chris Miller, Finance Director
Attachments: A: Summary of Potential 2009 Budget Reductions
B. Staff Memos

Attachment A –
List of Potential 2009 Budget Reductions

The table below summarizes the potential 2009 Budget Reductions.

Division / Function	Item	Budget Reduction/ Savings
City Council	Advertising	$ 500
City Council	Conferences	1,000
City Council	Employee recognition	500
City Council	Worksession expenses	200
Human Rights Commission	General expenses	250
Ethics Commission	General expenses	250
Administration	Citywide employee training	4,000
Administration	Employee career dev. training	3,000
Administration	Position advertising	5,000
Administration	Professional services	5,000
Administration	Temporary employees	3,000
Elections	Supplies and materials	960
Legal	Professional services	5,675
Contingency	Reduced contingency	6,967
Finance / Accounting	Reduced reception desk duties	16,260
Central Services	Reduced color copying	2,253
Insurance	Reduced internal charges	2,357
Building Maintenance	Professional services	20,000
Engineering	ROW, erosion control mgmt.	20,000
Street Maintenance	6-month vacancy in Staff position	31,148
Parks & Recreation	Staff reorganization, reduction of 1.5 FTE's	75,000
Parks & Recreation	Program and service level cuts	36,000
Parks & Recreation	Reduce PIP	6,000
Pathway Maintenance	Program and service level cuts	4,124
Boulevard Maintenance	Program and service level cuts	1,767
	Subtotal	$ 251,211

Attachment A –
List of Potential 2009 Budget Reductions

Division / Function	Item	Budget Reduction/ Savings
Police	Leave Police Officer position vacant	$ 64,539
Police	Lost citation revenue	5,994
Police	Reduction of 2 CSO positions	35,390
Police	Family Violence Network	6,050
Police	Explorer Program	1,285
Police	Junior Badges	1,000
Police	McGruff	1,600
Police	Digital Interview Room equipment	20,000
Police	National Night Out	2,000
Police	City Hall Open House materials	600
Police	Citizen Park Patrol Shirts	300
Police	LEC Range	1,500
Police	Professional services	19,644
Police	Hiring physical / psych tests	2,725
Police	IAWP Conference	1,675
Police	Administrative tickets	1,304
Police	All Other Conferences	8,755
Fire	Reduce on-duty staffing	48,448
	Subtotal	$ 222,809
	Grand Total	**$ 474,020**

As the tables above indicate, City Staff have identified in excess of $400,000 in recognition of the last-minute cuts that were made to various operating budgets late last year, but were not subject to the same cost-cutting allocation formula that is being used for these purposes.

ROSEVILLE

Parks and Recreation

William J. Malinen, City Manager
February 20, 2009

Dear Bill,

Given the state of the economy, the uncertainty of the future and the financial condition of the City of Roseville, Roseville Parks and Recreation is optimistic about being part of the solution to stabilize for a brighter future. Part of the following recommendations will make the requested reductions and positively position the department for the future and suggests hiring front line employees back as future resources allow.

You have requested a plan and related impacts for the $117,000 share of the MVHC reduction given to Parks and Recreation. My understanding is that the City of Roseville is in a financial condition that requires restructuring, reallocating, reducing and/or eliminating throughout all departments. Given community expectations and demands, it has been very difficult to reduce an already lean operation. It is our intent to reduce and adjust in areas that would result in the least impact to the community and will gain efficiencies along the way.

It is extremely important to implement the proposed program immediately as we are approaching our busiest season of the year. In many ways, the program has begun by default.

The Parks and Recreation Department materials and supplies budget has continually been challenged with no inflationary consideration so the majority of the proposal is personnel related. The majority of the savings comes from a complete reorganization of the department operations. We are confident that the proposed new structure will gain efficiencies, realize the necessary savings and will allow for the best and most efficient use of the current staff, their talents (see attached before and after structure) and other resources.

The Plan and the Impacts

The proposed plan is anticipated to be fully implemented by March 15, 2009 and:

1) Allows for increased efficiencies
2) Reduces staffing for operations by 3120 FTE hours
3) Overall increases responsibilities and duties of existing employees
4) Modifies some programs and services
5) Affects every single department employee
6) Is all interrelated
7) Makes long term structural changes necessary to meet the Parks and Recreation Departments $117,000 given share of the MVHC reduction

The specific categories and amounts totaling $117,000 are as follows:

ITEM AND IMPACT	ANNUAL SAVINGS
1). Staff Reorganization	*$75,000*

- Reduces 3120 FTE hours (1 ½ FTE)
- Assistant Director position focuses on Recreation and Business operations
- Park Project Coordinator position changes to Planning, Facilities and Maintenance Superintendent
- Recreation Superintendent position changes to Supervisor
- Golf Course Superintendent responsibilities are expanded to serve entire department in area of expertise and special projects
- Program/Marketing position reduced from 1 FTE to ¾ beginning July 1st, 2009
- A Customer Service Position reduced from ¾ to ½ time
- A Customer Service Position will be left vacant
- A Parkkeeper position will be changed to Park Foreman
- A Parkkeeper position will be left vacant to be filled as resources allow
- Staff will no longer have an office at HANC and duties will be expanded to serve entire recreation division
- Working with Leadership St. Paul to enhance volunteer model
- Focus will be more on day to day operations rather than special projects
- Clear priorities for staff will be set allowing for little discretion
- Uncertainty of volunteer involvement without a staff presence at HANC
- Project and event management time will be scrutinized
- Positively positions department for the future

2). Program and service cutbacks and operation adjustments *$36,000*

- Renegotiated custodial services contract
  - New provider
- City Hall Campus - evening/weekend after hours reduced
  - City Hall campus facilities open T, W, & Th
  - Other times will require city wide FT staff to take responsibility
  - Less public meeting/gathering space available
- Skate Park changed from Tier 2 to Tier 1
  - Will be a non supervised, non admission skate park
  - Will allow RSC FT maintenance employees to help with park maintenance
- HANC Part Time staffing reduced
  - Part of reorganization plan
  - All programs to cover all direct costs
  - Possible reduction in programs based upon program minimums
- Portable restroom reduction
  - Community concern
  - Change in level of service
- Eliminate 4th of July daytime activities
  - Loss of community heritage
  - Will still have evening program with fireworks assuming no cost assistance from other departments is available

    - No staff or program during the daytime on the 4th of July
- Reduction of the availability of neighborhood outdoor rinks
    - Strategically reduce # of warming houses maintained –will winterize those not in use
    - Focus on programmed rinks and less community drop in opportunities
    - Promote more key checkouts
    - Second reduction in 4 years
- Community program brochure
    - Transition in house production
    - Added duty to already full plate of someone
    - Need additional training and software

3). PIP cutback *$6,000*

- Less upkeep projects, improvement needs keep building
- Since 2004 the amount cut from the PIP budget is $421,000

Unknown at this time is the interdepartmental assistance, i.e. emergency personnel at events, etc. If this is decided as a cut by Department Directors, City Manager and City Council, it puts it out of the control of Parks and Recreations and we will be forced to either look at other alternatives or adjust appropriately.

Other considerations include current and future sponsorships and contributions as a result of diminished service and or general economic conditions. We will monitor this closely.

Because we are well into 2009, I am anticipating that area #2 above "*Program and service cutbacks and operation adjustments*" will not experience the entire savings amount in 2009 but will stabilize in the future. The use of reserve funds to balance the delay in decision making is appropriate and recommended. The planned implementation will be systematic and over time. General staff responsibilities have been outlined; others will be developed along the way.

To eliminate confusion and to provide clear staff direction, I have scheduled meetings with each division beginning February 26th to explain the plan and an all staff meeting has been scheduled on March 12th, 2009 to bring the plan to full implementation on March 15th, 2009.

Overall, I am concerned, optimistic, anxious and excited all at the same time. There will be bumps along the way and I am certain all will understand. Finally, I am extremely proud of our team of employees, each and every one, for sincerely assisting with a positive and helpful attitude and maintaining their commitment to the Community and to Roseville Parks and Recreation.

Sincerely,

Lonnie Brokke
Director Parks and Recreation

ROSEVILLE

Public Works Maintenance Department

Memo

To: Bill Malinen, City Manager

From: Duane Schwartz, Public Works Director

Date: March 25, 2009

Re: 2009 MVHC Budget Reduction Impacts

Potential 2009 MVHC Public Works Department Budget Adjustments

1. Reduce Building Maintenance Professional Services $20,000
   This is possible due to new janitorial contract.

2. Reduce Engineering/Admin Budget due to permit fees $20,000
   ROW and Erosion Control permit revenue is adequate to this level.

3. Keep open current vacant maintenance position until 2010 military leave returns $31,000

Total $71,000

The remaining vacant maintenance worker salary/ benefit dollars ($20,000) will be used to backfill certain critical operations with skilled temporary labor.

It is anticipated the individual on military leave will rejoin staff in February 2010 in the current vacant position so no layoff will be required.

This plan allows for current programs to continue at near current levels as reduced by 2009 approved budget.

We anticipate the need to reorganize our ROW management program for 2010 to gain efficiency and reduce duplication. Permit fee revenue and utility funds will be necessary to accomplish without tax impact.

MEMORANDUM

DATE: February 27, 2009

TO: Bill Malinen, City Manager

FROM: Richard B. Gasaway, Fire Chief

RE: Budget Reduction Plan

To achieve the $48,000 reduction necessary to balance the 2009 budget, we propose reducing the on-duty part-time shift staffing by 12 shift hours per day (a day is defined as a 24-hour period). A reduction of 12 hours each day equates to the elimination of seven part-time shifts per week (one shift each 24-hour period). This would be accomplished by having one scheduled position working less hours each shift. The affected employee would be rotated each week so each firefighter is impacted by reduced hours plan. Each shift will maintain a minimum of staffing of four firefighters. Thus, if the fifth scheduled firefighter were to report off, the shift would run with four and no firefighter's hours would be reduced for that shift (because of the savings would be achieved from the fifth firefighter reporting off). Part-time firefighters working nighttime shifts would end their shift at 10:00pm (versus working until 6:00am). Part-time firefighters working daytime shifts would start their shift at 10:00am (versus 6:00am). This equates to a 12-hour reduction in part-time staffing each 24-hour period, between the hours of 10:00pm and 10:00am.

As proposed, this plan is expected to create a budget savings: $48.647.

Impact:

Currently, there are five firefighters scheduled to be on-duty 24 hours-a-day. The personnel are split into two crews; a crew of two on the medical response vehicle and a crew of three on the fire engine. When a medical call is received, it is the nature and severity of the call that determines which crew (or if both crews) will respond. If there is a report of a medical call, only the medical crew will respond. If there is a second medical call while the first medical call is being handled (this happens about 30% of the time) then the engine crew will respond to the second medical call. If the medical call sounds critical (cardiac arrest, non-breather, unconscious, vehicle accident, etc.) then both crews my respond because of the labor-intensive nature of providing medical care to critical patients. When a patient is critical, one of the on-duty firefighters may ride down to the hospital with Allina. If there is a report of a fire, both crews respond.

The hours of 10:00pm to 10:00am were chosen for the staffing reduction because this timeframe represents the least busy hours of the day for fires and medical emergencies. Roughly one-third of emergency calls occur during the hours when staffing will be reduced. The exposure from reduced staffing during these hours is reduced because evening hours represents the time when the highest number of firefighters are available for callbacks from home.

ROSEVILLE

Memo

To: Bill Malinen, City Manager

From: Chris Miller, Finance Director

Date: January 28, 2009

Re: 2009 Budget Reductions Related to the Loss of MVHC

Bill,

You recently asked the Department Heads to identify potential budget cuts in recognition that the City is likely to lose approximately $400,000 annually in general-purpose state aid; also known as Market Value Homestead Credit reimbursement or MVHC. Based on a formula that distributes the impact of the loss of MVHC on a proportionate basis of each division's operation budget, the Finance Department would have to accommodate the following budget reductions to the 2009 Budget:

- Finance/Accounting - $16,261
- Central Services - $2,254
- Insurance - $2,357

Based on a cursory review, it is proposed that the reductions would come from:

- Reduced color printing and copying for City documents
- Use of Insurance Fund reserves
- A 0.25 FTE reduction in the Finance/Accounting area

The proposed budget reductions and subsequent impacts are discussed in greater detail below.

Central Services Division

The Central Services division reduction of $2,254 can be accommodated by a reduction in the amount of printing costs – specifically, a 50% reduction in the amount of color copies that are typically made over the course of the year. The savings would come from reduced color toner purchases and maintenance charges which are tied directly to the number of copies made. Color toner and copies cost 5 times as much as black and white copies do.

This would likely have the greatest impact on publications produced by the Parks & Recreation Department, but would also have some impact on other departments as well.

Insurance Division

The Insurance Services division reduction of $2,357 can be accommodated by a reduction in the General Fund's share of the City's property/liability coverage. But because the City's insurance premiums are fixed for 2009, this will require the use of reserves held in the City's Insurance Fund to offset this reduction.

The Fund currently has a balance of approximately $700,000, so the impact will be negligible in the short term. However, in the future the General Fund's portion of the City's property/liability coverage will need to increase to an amount commensurate with the annual premiums.

Finance/Accounting Division

The vast majority of duties and responsibilities of the Finance/Accounting division are performed in conjunction with Federal, State, and Local (City Code) mandates; and/or in recognition of generally accepted accounting principles. In short, the Department provides very little discretionary-type services. We must also recognize that many of the services provided by the Department are funded by specific revenue sources, which makes it problematic when considering budget reductions in revenue-generating programs.

The following table summarizes the functions performed in the Finance/Accounting division as well as any applicable program revenue:

Finance Division Functions

Function	FTE's	Hours	Cost	Cost Per Hour	Less Program Revenue	Net Cost (Surplus)
Payroll	0.83	1,716	$ 60,975	$ 35.53	$ -	$ 60,975
Purchase Orders	0.03	52	2,475	47.60	-	2,475
Business Licensing (a)	0.40	832	31,150	37.44	(300,000)	(268,850)
Accounts Payable	0.63	1,300	41,603	32.00	-	41,603
Accounts Receivable	0.03	52	2,150	41.35	-	2,150
Utility Billing	0.98	2,028	62,805	30.97	(62,805)	-
Receptionist / Cash Receipts	1.00	2,080	64,355	30.94	-	64,355
General Acctg / Financial Reporting	1.38	2,860	136,775	47.82	-	136,775
Risk Management	0.50	1,040	62,150	59.76	-	62,150
Treasury Management (b)	0.25	520	34,875	67.07	(300,000)	(265,125)
Debt Management (c)	0.13	260	19,575	75.29	(30,000)	(10,425)
Budget and Capital Planning	0.50	1,040	78,150	75.14	-	78,150
Contract Admin (JPA's, wireless leases)	0.13	260	19,375	74.52	(19,375)	-
Economic Development (d)	0.13	260	19,575	75.29	(5,000)	14,575
Contracted Services - Lake Elmo	0.13	260	8,751	33.66	(14,400)	(5,649)
Total	7.00	14,560	$ 644,738	$ 44.28	$ (731,580)	$ (86,842)

Comments

(a) Total revenues derived from business licensing = $350,000. Approximately $50,000 is used for Police background and compliance checks and calls to the establishment, the remaining is shown here.

(b) Total interest earnings = $1.7 million annually with portfolio management oversight. Absent this oversight, it is estimated the earnings would only be $1.5 million.

(c) Through conduit debt financing, the City earns on average, $30,000 per year.

(d) The City typically charges a 5% admin fee for managing TIF projects. The amount shown above relates only to the portion attributable to the Finance Staff

As the table above indicates, the functions performed in the Finance/Accounting division generate over $730,000 annually in program-related revenues. This translates into an annual divisional surplus of approximately $86,000 that is used to offset other tax-supported programs. It could be argued however, that a portion of the program revenues ought to be allocated to other operational costs as well.

It can also be argued that the surplus monies from the City's License Center (approximately $200,000 annually), which is managed by Finance Department Staff, ought to be included in the revenues shown in the table as well. In practice however, those monies are used to support other General Fund operations.

If the Finance/Accounting division is tasked with reducing its budget by $16,261 it would have to do so in those areas that do NOT generate any program revenue. Otherwise, the City might find itself unable to perform the tasks that generate those revenues, thereby increasing the City's budget challenges further. As a result, we need to first look at identifying budget reductions in the following non-revenue areas:

- Payroll
- Purchase orders
- Accounts payable
- Accounts receivable
- Receptionist / cash receipts
- General accounting / financial reporting
- Risk management
- Budgeting & capital planning

However, as noted above, many of these functions are performed as a requirement under federal or state law. The duties associated with the City's payroll, accounts payable, cash receipts, risk management and accounting and financial reporting functions are required by law (and not surprising, are also required under generally accepted accounting principles). Therefore, the only functions that remain truly discretionary include:

- Accounts receivable
- Purchase orders
- Receptionist
- Budgeting & capital planning

In total, these functions cost approximately $100,000 annually and entail approximately 1,560 hours of staff time. The budgeting and capital planning function is performed by the City's Finance Director (a salaried individual) and comprises 1,040 staff hours. This leaves 520 hours remaining for the other listed functions which are performed by hourly employees. To accommodate $16,261 in budget cuts the Department must cut approximately 385 staffing hours from hourly employees, or 8 hours per week.

Alternatively, the Department could through attrition downgrade various positions in the department and/or look to reduce costs in non-personnel areas. However, non-personnel costs in the Finance/Accounting division only amount to $9,680 annually and would necessitate the complete elimination of all; office supplies, phones and other office equipment, training and conferences, and professional memberships. Therefore, it is impractical to make $16,261 in budget cuts without reducing staff.

Absent a voluntary reduction, the elimination of 385 staffing hours would require the forced reduction in hours involving one or more current employees. However, these employees would be entitled to unemployment payments for the lost wages which would reduce the budget savings by 60% in the first year.

The reduction in staff would not in of itself eliminate the accounts receivable, purchase orders, and receptionist duties. The City would have to change its accounting and purchasing policies to no longer require purchase orders and to no longer track whether billed accounts were actually paid on an on-going basis. Instead, salaried individuals would have to absorb these functions as part of their year-end closing duties. This would weaken the City's internal controls, and delay the collection of unpaid accounts which would subsequently result in less interest earnings.

In addition, the City could no longer house an individual at the reception desk full-time. This would necessitate a change in how the City receives in-bound phone calls and may require individuals to walk down to the finance area to receive a receipt. It may also require greater directional signage in the main lobby area. Finally, it could have an impact on those departments that have service counters near the lobby as customers seek assistance in finding various locations within the building or seek answers to general inquiries.

Final Comments

While the budget reductions described above are relatively small, the cuts could jeopardize the Department's ability to generate revenues not only to support the Finance Department, but other departments as well.

In addition, the City needs to be mindful of the cumulative effects of staffing reductions and reduced skillsets. The Finance Division has steadily reduced its workforce and downgraded its professional requirements since the late 1980's. At its staffing highpoint, the Division had 10 FTE's, whereas today we have 7. In 2002 the Finance Division had 8 employees, 7 of which were professional level, 4-year degree required positions. Today, the Division has 7 employees, only 3 of which are at a professional level. Personnel changes since 2002 include:

- Eliminated a full-time Accountant position
- Downgraded the Accounting Supervisor position to an Accountant position
- Downgraded a professional-level position (Payroll) to a technician level
- Downgraded a professional-level position (Accounts Payable) to a technician level
- Downgraded a professional-level position (Utility Billing) to a technician level

These staffing changes are unprecedented compared to other City Departments. And while they've produced significant on-going savings, it has left the Division with diminished skillsets and capabilities.

In the past decade, the Finance/Accounting Division has eliminated or reduced a number of tasks and responsibilities to accommodate these staffing changes. Some of those tasks include:

- Reduced internal audits of City purchases and payroll timekeeping
- Reduced emphasis on managing the City's investment portfolio
- Elimination of monthly financial reporting to City Departments
- Elimination of non-payment utility billing reminders
- Elimination of on-site audits of lawful gambling operations
- Elimination of quarterly financial reports related to the City's lawful gambling operations

Absent staffing increases it is unlikely that these tasks could be reinstituted.

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 5/11/09
Item No.: 12.d
RCA 2 of 2

Department Approval

Acting City Manager Approval

Item Description: Discussion on Alternative Revenue Sources

BACKGROUND

As the City prepares for the expected loss of $400,000 in Market Value Homestead Credit (MVHC), and recognizing the importance of achieving long-term financial sustainability, the City is faced with the prospect of reducing program and service levels. While the re-evaluation of the City's program offerings is on-going, it is arguably prudent to at least consider alternative revenue sources as a means of minimizing program and service cuts.

Over the past several years, City Staff have identified a number of potential revenue sources that are in use in other municipalities and that could be implemented in Roseville. We have also identified some potential sources that would offset specific program costs. They include (but are not limited to):

- Gas and/or electric franchise fee
- Street light utility fee
- Continued regional cooperation efforts
- Special services district assessments
- Commercial police patrol fee
- Increase business licensing fees
- Increases fines
- Vehicle towing fees
- Animal recover/transport fee
- Home security check fee
- Increase business alarm fees
- Student enrollment fee

These new revenue sources not only could be used to offset the loss of MVHC, it could also provide greater transparency in demonstrating the amounts needed to fully recover program costs. In addition, they could be used to strengthen the City's asset replacement funding mechanisms.

Individually, these revenues sources, such as the vehicle towing fee might garner as little as $10-20 per occasion. By contrast, if the City enacted a street light utility or electric franchise fee it could generate hundreds of thousands of dollars annually.

Before pursuing the use of these alternative revenue sources, the City would need to affirm whether it has the legal authority to enact them. If the Council is agreeable, City Staff can work with the City Attorney to determine whether they are permitted.

The Council is asked to provide feedback on their general acceptance to these new revenue sources. If the Council is unsupportive then there is little reason to pursue them further.

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

POLICY OBJECTIVE

The use of varied revenue sources provides greater stability in preserving programs and service levels, and can produce a more equitable distribution of program costs. This is further supported in the Council-adopted Revenue Policy.

FINANCIAL IMPACTS

The potential revenues that could result from implementing these new funding sources vary substantially, but could be significant and may allow the City to preserve program and services at current levels.

STAFF RECOMMENDATION

Staff recommends the continued diversification of revenue streams to support City programs and services.

REQUESTED COUNCIL ACTION

City Staff is seeking direction on whether to pursue the alternative revenue sources identified above.

Prepared by: Chris Miller, Finance Director
Attachments: A: City Revenue Policy – Adopted 2/25/08.

Revenue Policy

Purpose

- To provide a diversified and strong set of revenues to ensure a stable revenue system for City programs and services

- To match revenues with similar uses to ensure adequate funding for the various City services and programs over the long-term

Policy

- The City will try to maintain a diversified and stable revenue system and to shelter it from short run fluctuations in any one revenue source

- Absent any outside legal restrictions, all Federal, State, County, or other governmental financial aids, should be formally designated, by resolution, towards a specific program or service. General purpose aids shall only be used for capital or non-recurring expenditures and not for on-going operations.

- Each year the City will recalculate the full costs of activities supported by user fees, to identify the impact of inflation and other cost increases, and will set those fees as appropriate. Fees will be established and adopted annually on the Fee Schedule.

- The City will set fees and user charges for each enterprise fund, such as water and sewer, at a level that fully supports the total direct and indirect cost of the activity. Indirect costs include the cost of annual straight life depreciation of capital assets and each fund's share of the administrative and general government costs incurred by the general operating fund

- Absent public policy reasons to the contrary, the City will set fees and user charges for non-enterprise funds, at a level that fully supports the total direct and indirect cost of the activity. Indirect costs include the cost of annual straight life depreciation of capital assets

Implementation

The Budget accurately allocates the revenues and expenditures of City programs and services.

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: May 18, 2009
Item No.: 12.g

Department Approval

City Manager Approval

Item Description: Authorize City Manager to execute grant applications on behalf of the City

BACKGROUND

At the April 20, 2009 Council meeting, the Council discussed a proposed resolution giving the City Manager authority to seek grant funding from external sources. Grants supplement city funds, allowing the city to deliver services in a more cost-effective manner. Certain grants also give the city the opportunity to pursue creative activities which may otherwise not be funded.

Council asked for clarification for when the City Manager would seek grants without Council approval and the requirement that the City Manager to notify the Council of any grant applications.

POLICY OBJECTIVE

Give the City Manager authority to submit grant applications in a timely manner and to report any grant application to the City Council.

FINANCIAL IMPACTS

Potential for the City to receive substantial grant monies which could offset City expenditures.

STAFF RECOMMENDATION

Approve the proposed resolution authorizing the City Manager to execute certain grant applications on behalf of the City and require the City Manager to report any applications to the Council.

REQUESTED COUNCIL ACTION

Approve the proposed resolution authorizing the City Manager to execute certain grant applications on behalf of the City and require the City Manager to report any applications to the Council .

Prepared by: **Bill Malinen, City Manager**
Attachments: A: Resolution

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 duly held on the _____th day of _____, 2009, at 6:00 p.m.

The following members were present:

and the following were absent: .

Member introduced the following resolution and moved its adoption:

RESOLUTION No.

Resolution Authorizing the City Manager to Execute Certain Grant Applications on behalf of the City of Roseville

WHEREAS, the City of Roseville has applied for a variety of grants which benefit the City; and

WHEREAS, the Roseville City Council encourages staff to continue to identify and apply for grants as a means to fund the policies, priorities and programs of the City, as established by actions of the Council; and

WHEREAS, grant submittals sometimes require verification of authority to submit an application on behalf of the City, and the required timeframes for submittal sometimes may not allow for Council authorization prior to application deadlines.

NOW, THEREFORE, BE IT RESOLVED, that the City of Roseville does hereby authorize the City Manager to execute grant applications on behalf of the City of Roseville in cases where Council authorization is not required or is required but cannot be practically obtained prior to an application deadline, and where any matching funds or other city financial obligation related to the grant are accounted for either in the City budget or by previous Council action; and

BE IT FURTHER RESOLVED, that the City Manager will report any such grant applications to the City Council after the application is submitted.

The motion for the adoption of the foregoing resolution was duly seconded by Member

, and upon a vote being taken thereon, the following voted in favor thereof:

and the following voted against the same: .

WHEREUPON said resolution was declared duly passed and adopted.

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 _____th day of _____, 2009 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this _____th day of _____, 2009.

_____
William J. Malinen, City Manager

(Seal)

ROSEVILLE

REQUEST FOR COUNCIL ACTION

Date: 05-11-2009
Item No.: 13.a

Department Approval

Acting City Manager Approval

Item Description: **Update to City Council on Code Enforcement actions taken to resolve current public nuisance violations at various Twin Lakes properties.**

BACKGROUND

At the March 30, 2009 City Council meeting the Council directed staff to inspect the Twin Lakes redevelopment area and act upon any public nuisances observed. Staff inspected the Twin Lakes area in early April and observed the following violations:

- 2814 Cleveland Avenue (Dorso):
  - Junk and debris.
  - Building in need of maintenance.
- 2001 County Road C (Roseville Properties):
  - Building not secure.
  - Building in need of maintenance.
- 2690 Prior Avenue (P.I.K):
  - Building not secure.
  - Graffiti.
  - Junk and debris.
  - Building in need of maintenance.
- 2660 Cleveland Avenue (Roseville Properties):
  - Two buildings not secure.
  - Buildings in need of maintenance.
- 1947 County Road C (Roseville Properties):
  - Two buildings not secure.
  - Graffiti.
  - Buildings in need of maintenance.

On April 17th notices were sent to all property owners identifying observed violations and requesting that public nuisances be corrected within 14 days. The notices addressed the more significant of the issues such as: buildings not secure, graffiti and junk/debris. Building maintenance issues were deferred in order to take care of the more imminent public safety issues first.

On May 5th, staff re-inspected each of the sites for compliance. Some of the identified public nuisances had been corrected while some had not:

- 2814 Cleveland Avenue (Dorso) – violation not corrected.
- 2001 County Road C – (Roseville Properties) violation corrected.
- 2690 Prior Avenue – (P.I.K.) violations corrected.

- 2660 Cleveland Avenue – (Roseville Properties) violations not corrected, also additional debris dropped on site.
- 1947 County Road C – (Roseville Properties) violations not corrected.

Staff has had contact with representatives of Roseville Properties. In preparation for the demolition of the their buildings, they have opened up the building for inspections by demolition contractors. They are planning on tearing down the buildings in the next 60-90 days, and would like to hold off making any corrections (i.e. painting over the graffiti).

Staff is prepared to send second notices to those property owners who had not completed corrections. However, given the potential of the buildings at 2660 Cleveland Ave. and 1947 County Road C to be torn down in the near future, the City may want to consider holding off sending a second notice at this time. Staff would, however, send the second notice to 2814 Cleveland Ave as it relates to junk and debris on the property. The notice will state that if corrections were not completed in 10 days, the next course of action would be for the City to abate the violations.

For a historical perspective, a history of code enforcement actions taken in the Twin Lakes redevelopment area is attached (Attachment A).

A status update, including pictures, will be provided at the Council hearing.

The City Attorney will be prepared to discuss the Hazardous Building Law and how the City could initiate the procedure if desired.

POLICY OBJECTIVE

The City goals within the Comprehensive Plan are to protect and improve property values (Goal 3, 4, and 5; page 6 and, Section 3) and to adhere to performance standards which protect the integrity of the housing units and the neighborhood (Policy 6, page 8, Section 3).

FINANCIAL IMPACTS

Costs for abatements undertaken by the city are collected from the affected property owners:

In the short term, costs of abatements on commercial properties are paid out of the Community Development Department budget.

Each property owner is then billed for actual and administrative costs. If charges are not paid, staff recovers costs as specified in Section 407.07B.

STAFF RECOMMENDATION

Staff recommends that the Council direct Community Development staff to continue to work with the property owners to correct the code violations.

REQUESTED COUNCIL ACTION

Will be based on discussion.

Prepared by: Don Munson, Permit Coordinator; Patrick Trudgeon, Community Development Director

Attachments: A: Past code enforcement actions at Twin Lakes
B: Map showing location of code violations

ROSEVILLE
Community Development Department

Memo

To: **Pat Trudgeon, Community Development Director**
From: **Don Munson, Building Official**
Date: **02-05-2009**
Re: **Twin Lakes – Code Enforcement**

Following are the results of a search of computer files for land use violations occurring in the Twin Lakes Area bounded by County Road C, Cleveland, County Road C-2 and Arthur Street:

2009:

- 2660 Cleveland: File 2009-10: Snow not shoveled along pathway.
- 2001 Cty Rd C: File 2009-11: Snow not shoveled along pathway.
- 1947 Cty Rd C: File 2009-12: Snow not shoveled along pathway.

2008:

- 2001 Cty Rd C: File 2008-11: Snow storage covering public pathway.
- 2690 Cleveland: File 2008-36: Grass over 8".
- 2680 Prior Ave: File 2008-322: Danger to Children – broken windows – abated.
- 2001 Cty Rd C: File 2008-364: Grass over 8".
- 2660 Cleveland: File 2008-367: Grass over 8".
  Snow storage covering public pathway.
- 2001 Cty Rd C: File 2008-913: Snow storage around building.
- 2001 Cty Rd C: File 2008-930: Snow storage around building.

2007:

- 1947 Cty Rd C: File 2007-276: Grass over 8".
  Building not secure – open.
  Junk & debris on site.
- 2650 Cleveland: File 2007-278: Grass over 8"
- 2690 Cleveland: File 2007-278: Grass over 8".
  Junk & debris on site.
- 2750 Cleveland: File 2007-278: Grass over 8".
  Debris pile in front of building.
- 2814 Cleveland: File 2007-278: Grass over 8".
  Machinery stored in ROW.

- 2690 Prior Ave: File 2007-278: Grass over 8".
  Junk & debris on site.
  Building not secure – open.
  Graffiti on building.
- 2001 Cty Rd C: File 2007-279: Grass over 8".
  Building not secure – open.
  Junk & debris on site.
- 2690 Cleveland: File 2007-280: Junk & debris on site and grass over 8".
- 2814 Cleveland: File 2007-283: Grass over 8".
- 1984 Cty Rd C-2: File 2007-284: Grass over 8".
- 2660 Cleveland: File 2007-290: Grass over 8".
  Building Maintenance.
  Building not secure – open.
  Junk & debris on site.

2006:

- 2814 Cleveland: File 2006-68: Semi's stored in front yard areas.

2005:

- 1947 Cty Rd C: File 2005-66: Semi's stored in front yard areas.
  Dirt being dumped in front yard area.

2004:

- 1947 Cty Rd C: File C04-26: Semi's stored in front yard areas.
- 1947 Cty Rd C: File C04-185: Grass over 8".

Attachment B

COUNTY ROAD C2

COUNTY ROAD C2

CENTENNIAL

TERRACE DR

CLEVELAND AVE N

FAIRVIEW AVE N

FAIRVIEW AVE

ARTHUR ST

PRIOR AVE

COUNTY ROAD C

S COUNTY C SERVICE DR

INTERSTATE 35W

1984 County Road C

* Lots of trailers
* Plywood/scrap/junk on north end

2814 Cleveland Ave

* Broken front door
* Semi storage
* POD storage
* Building needs paint

* Vacant but in good shape

2825-2833 Fairview Ave

2805-2823 Fairview Ave

* Vacant but in good shape

2785 Fairview Ave

* Needs paint and soffit repair

* Graffiti on all sides
* Overhead doors need paint
* Building needs maintenance and paint
* Junk and debris piles, pallets
* Fence on west end has graffiti
* 2 broken out windows on east side
* Garage door panels broken and doors open

PIK Terminal
2690 Prior Ave

* Graffiti
* Building needs paint
* Garage doors need paint

* Overhead garage doors open
* Building needs paint
* Graffiti on south side
* Fence in disrepair

* Broken rear soffits
* Fence in disrepair

2690 Cleveland Ave

Indianhead
1947 County Road C

* Overhead garage door open on east side
* Building needs paint
* Graffiti on west side

2660 Cleveland Ave

2001 County Road C

* Building open
* Sign broken with hanging pole
* Wall sign panels broken
* Needs paint

* Snow storage
* East and west buildings have open doors
* West building sign band broken
* Can't see building due to snow

N

1 inch = 300 feet

REQUEST FOR COUNCIL ACTION

Date: 05-11-2009
Item No.: 13.b

Department Approval | Acting City Manager Approval

Item Description: **Environmental Cost Recovery in Twin Lakes**

BACKGROUND

At the April 27th City Council meeting, Councilmember Ihlan requested that the City Council discuss the recovery of environmental clean up costs at Twin Lakes. On December 17, 2007, Larry Espel of Green Espel Law Firm prepared a memo regarding the laws regarding environmental cost recovery. The memo also reviewed the procedure for a party such as the City to compel previous property owners to pay for the costs of the clean up as well as providing an estimate on what it would cost to begin the process. The memo did note that the burden of proof would be on the City to prove that potentially responsible parties have caused or contributed to the environmental condition of the property. A copy of the memo is attached.

POLICY OBJECTIVE

The Twin Lakes Redevelopment Area has long been targeted for environmental cleanup. Any process that would generate funds to assist in the environmental cleanup would be beneficial.

FINANCIAL IMPACTS

The Espel memo estimates that initial costs that the City would need to conduct the environmental cost recovery would range from $35,000 to $70,000.

REQUESTED COUNCIL ACTION

The City Council should discuss whether or not the City should hire environmental consultants and attorneys to explore the possibility of recovering the costs for the clean-up within Twin Lakes.

Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071

Attachments: A: Memo from Larry Espel dated December 17, 2007

GREENE ESPEL MEMORANDUM
PROFESSIONAL LIMITED LIABILITY PARTNERSHIP
SUITE 1200
200 SOUTH SIXTH STREET
MINNEAPOLIS, MINNESOTA 55402
(612) 373-0830 FAX (612) 373-0929

PRIVILEGED AND CONFIDENTIAL

TO: Roseville City Council

FROM: Larry D. Espel, Greene Espel PLLP

DATE: December 17, 2007

RE: *Environmental Cost Recovery*

Introduction

We have been requested to prepare, for the benefit of the Roseville City Council, an introductory summary describing the process by which the City could attempt to have current and/or previous property owners pay for any environmental contamination that they may have caused in the Roseville Twin Lakes Redevelopment Area.

The principal available options include various statutory or common law claims that can support private cost recovery, declaratory relief or injunctive relief. In some circumstances, federal or state agencies will take steps to mandate response actions by private parties. The following memorandum will outline the various alternatives.

RCRA

Under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6971, *et seq.*, the City could pursue injunctive relief (not cost recovery) against past or current generators or operators who contributed to environmental problems. Under 42 U.S.C. § 6972(a)(1)(B), "any person may commence a civil action on his own behalf * * * against any person, including any past or present generator . . . or past or present owner or operator of a treatment, storage, or disposal facility, who has contributed . . . to the past or present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste which may present an imminent and substantial endangerment to health or the environment." RCRA allows injunctive relief to compel the past or present owner or operator to cease disposal or to take such other action as may be necessary. This is not a cost recovery remedy. However, courts can order responsible persons to pay future response costs.

As noted, RCRA claims depend upon an imminent and substantial endangerment to health or the environment. This entails a showing of a threat, and may be shown even if the impact will not be felt until later. The Eighth Circuit Court of Appeals has said that RCRA is limited to situations in which the potential for harm is great, but this is a fact-specific analysis that leaves room for interpretation. If remedies have already been performed, RCRA injunctions are generally not available and prior costs cannot be recovered. Conversely, in at least one Seventh Circuit case, a claim for an injunction under RCRA failed where the risks of off-site contamination would not materialize unless or until excavation was performed and there was no showing that the excavation was imminent.

Remedies under RCRA can be any form of injunctive relief necessary to prevent ongoing releases. RCRA remedies may not support clean-up of the offending site itself.

RCRA can reach any type of hazardous waste and there is no petroleum exclusion under RCRA.

Before a citizen (or any other person, such as the City) may bring a RCRA action, notice must be given to the EPA, the state and the alleged violator. RCRA actions will not be allowed to proceed if there is already a response action underway at the instigation of the federal or state authorities.

RCRA allows the recovery of attorneys' fees or other costs to the prevailing party.

CERCLA

Under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 to 9675, the City can pursue a cost recovery claim against owners, operators or transporters who are responsible for sites or facilities from which there is a release, or a threatened release, which causes the incurrence of response costs for a hazardous substance. The cost recovery statute is set forth at 42 U.S.C. § 9607. The plaintiff can recover any "necessary costs of response ... consistent with the national contingency plan." *Id.*

CERCLA claims are available for "hazardous substances," which are defined somewhat differently than RCRA's "hazardous wastes." In some respects, CERCLA's reach is broader than RCRA's but in other respects CERCLA is more limited. A significant difference is that CERCLA does not reach petroleum spills.

In contrast to RCRA, which is primarily a preventative statute, CERCLA is designed to address situations in which harm has already occurred in addition to preventing threats. The remedy in CERCLA is, in the first instance, cost recovery. This means that parties seek to recover sums that have already been expended on the recovery. However, courts have also coupled cost recovery awards with additional relief such declaratory relief and injunctions addressing ongoing or future obligations. CERCLA does not allow recovery of attorneys' fees for the prosecution of cost recovery claims (although fees can be recovered if incurred as part of the response action itself).

Private cost recovery (including claims by parties such as the City) depend upon a showing that the sums expended were necessary and consistent with the National Contingency Plan ("NCP").

The NCP has certain requirements for action. Those requirements depend upon whether a response action is a "removal" action or a "remedial" action.

For a removal action, the steps included are limited and expeditious. They include a Removal Site Evaluation (400 CFR 300.410) and a Removal Action (400 CFR 300.415). A removal site evaluation consists of a removal preliminary assessment and, if warranted, a removal site inspection. 400 CFR 300.410(a). A removal site evaluation shall be undertaken "as promptly as possible." 400 CFR 300.410(b). The removal preliminary assessment shall be based on readily available information. If removal action is not required, [1] but remedial action under 300.430 may be necessary, a remedial site evaluation shall be initiated. 400 CFR 300.410(i).

Removal actions are to "begin as soon as possible to abate, prevent, minimize, stabilize, mitigate, or eliminate the threat to public health or welfare of the United States or the environment." 400 CFR 300.415(b)(3).[2] Under 400 CFR 300.415(b)(5), removal actions shall be terminated after $2 million has been obligated for the action or 12 months have elapsed from the date that removal activities begin on-site, unless there is a determination that (i) there is an immediate risk to public health or the environment; and continued response actions are immediately required to prevent, limit, or mitigate an emergency, and such assistance will not otherwise be provided; or (ii) continued response action is otherwise appropriate and consistent with the remedial action to be taken. Under 40 CFR 300.415(g), if a removal action will not fully address the threat and the release may require remedial action, there shall be an orderly transition from removal to remedial response activities.

In contrast to the relatively expeditious and preliminary nature of a removal assessment, an investigation for a remedial action includes many more formal and fully developed investigation, planning and implementation steps. These include a Remedial Preliminary Assessment (PA) (40 CFR 300.420(b)), a Remedial Site Inspection (SI) (40 CFR 300.420(c)) and a Remedial Investigation/Feasibility Study (RI/FS) (40 CFR 300.430). "Remedial actions are to be

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[1] The NCP provides a listing of factors to be considered in determining the appropriateness of a removal action. 400 CFR 300.415(b)(1). These include:

Exposure to nearby human populations, animals or the food chain
Contamination of drinking water supplies or sensitive ecosystems
Hazardous substances in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release
High levels of hazardous substances largely near the surface
Weather conditions that may cause migration or releases
Threat of fire or explosion
Availability of other mechanisms to respond
Other situations or factors that may pose threats

[2] A list of removal actions is provided at (e)(1)-(8), such as fences, drainage controls, stabilization of berms, capping to reduce migration, using chemicals to retard or mitigate spread, excavation or removal of highly contaminated soils from drainage areas to reduce spread or direct contact,

implemented as soon as site data and information make it possible to do so." 40 CFR 300.430(a)(1). The NCP provides program management principles, including: "Sites should generally be remediated in operable units when early actions are necessary or appropriate to achieve significant risk reduction quickly, when phased analysis and response is necessary or appropriate to achieve significant risk reduction quickly, when phased analysis and response is necessary or appropriate given the size or complexity of the site, or to expedite the completion of the total site cleanup." 40 CFR 300.430(a)(1)(ii).

Extensive guidance is given for remedial investigations and related work. "The purpose of the remedial investigation/feasibility study (RI/FS) is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy." 40 CFR 300.430(a)(2). An RI/FS generally includes project scoping, data collection, risk assessment, treatability studies, and analysis of alternatives. *Id.* The NCP addresses numerous topics for an RI/FS, including Project Scoping (40 CFR 300.430(b)), Community Relations (40 CFR 300.430(c)), Remedial Investigations (RI) (40 CFR 300.430(d)) and Feasibility Studies (40 CFR 300.430(e)). The Remedial Design/Remedial Action (RD/RA) stage includes the development of the actual design of the selected remedy and the implementation of the remedy through construction. A period of operation and maintenance may follow the Remedial Action activities. 40 CFR 300.435(a).[3]

MERLA

Minnesota has its own cost recovery statute, the Minnesota Environmental Response and Liability Act ("MERLA"), found at Minn. Stat. §§ 115B.01, *et seq.* MERLA is similar to CERCLA in some respects although there are many differences. MERLA allows cost recovery for response actions necessary as a result of releases or threatened releases of hazardous substances, but also allows recovery of lost profits and other damages in certain circumstances. MERLA allows a prevailing plaintiff to recovery attorneys' fees. However, MERLA is subject to certain defenses on retroactivity depending upon the date of the releases of hazardous substances. But, the City is in a better position that private parties to pursue claims for historical releases. Also, the City is allowed to recovery any "reasonable and necessary response costs," whereas private parties could recover only removal costs. Minn. Stat. § 115.B.04, subd. 1.

Under Minn. Stat. § 115B.04, subd. 1, "any person" who is responsible for a release or threatened release of a hazardous substance from a facility is strictly liable, joint and severally, for, among other things, "all reasonable and necessary response costs incurred by the state, a political subdivision of the state or the United states" and "all reasonable and necessary removal costs incurred by any person." Minn. Stat. § 115B.04, subd. 1(1) and (2). A responsible person (RP), however, may assert as a defense against such claims that the hazardous substance released from the facility in question was placed or came to be located in or on the facility before April 1, 1982 and

[3] In addition to the provisions presented in the NCP, the EPA has provided a library full of other guidance documents addressing removal actions, remedial actions, and the types of documents one needs to prepare to address different steps in either type of process. In general, the EPA tends to refer to removal actions as immediate, short-term responses, whereas remedial actions are long term actions.

that the MPCA did not authorize the response action(s) taken by the political subdivision or the private person pursuant to Minn. Stat. § 115B.04, subd. 6.

MERA

Minnesota also has a Minnesota Environmental Rights Act ("MERA"), Minn. Stat. §§ 116B.01, *et seq.* This statute allows "civil action in the district court for declaratory or equitable relief in the name of the state of Minnesota against any person, for the protection of the air, water, land, or other natural resources located within the state, whether publicly or privately owned, from pollution, impairment, or destruction." Minn. Stat. § 116B.03. A claim under MERA depends upon a showing of actual or threatened pollution, impairment or destruction. The statute allows injunctive relief, but not damages, and does not provide for recovery of attorneys' fees.

Common Law Claims

Various common law claims can be invoked in some circumstances. Typical claims include claims for nuisance, trespass, negligence, strict liability for ultrahazardous activities, contribution or indemnity. These common law claims do not materially augment the available claims or remedies and are largely superseded by the statutory claims mentioned above. However, if there is litigation, parties customarily invoke such claims in addition to the statutory claims mentioned above.

Statutes of Limitation

We have not looked closely enough at the facts to evaluate the application of potential statutes of limitation. However, we do not believe that most available claims would be cut-off.

In general, if there is an ongoing imminent and substantial endangerment, RCRA claims will be available, because the statute of limitations will not cut off ongoing claims.

CERCLA claims are likewise generally available where the response actions remain incomplete. Claims for a removal action are to be brought within 3 years after completion of the removal action and claims for a remedial action must be brought within 6 years after initiation of physical on-site construction of the remedial action. It does not appear, from information we have received, that the City has conducted a removal action or initiated a remedial action. So, the statute of limitations is unlikely to have expired.

MERLA claims for cost recovery are probably available. A 1998 amendment to Minn. Stat. § 115B.11, specifies:

> Subd. 2. Action for recovery of costs.
>
> (a) An action for recovery of response costs under section 115B.04 * * * may be commenced any time after costs and expenses have been incurred but must be commenced no later than six years after initiation of physical on-site construction of a response action."

> (b) A party prevailing in an action commenced within the time required under paragraph (a) shall be entitled to a declaratory judgment of liability for all future reasonable and necessary costs incurred by that party to respond to the release or threatened release * * *.

The availability of the tort-style damages available under Section 115B.05 depend upon the time of placement. Under Minn. Stat. § 115B.06, "Section 115B.05 does not apply to any claim for damages arising out of the release of a hazardous substance which was placed or came to be located in or on the facility wholly before July 1, 1983."

There are other provisions limiting the retroactivity of MERLA. For example, Section 115B.15 provides:

> Sections 115B.01 to 115B.14 apply to any release or threatened release of a hazardous substance occurring on or after July 1, 1983, including any release which began before July 1, 1983, and continued after that date. Sections 115B.01 to 115B.14 do not apply to a release or threatened release which occurred wholly before July 1, 1983, regardless of the date of discovery of any injury or loss caused by the release or threatened release.

Similarly, Section 115B.04, subd. 6, states:

> Defense to certain claims by political subdivisions and private persons. It is a defense to a claim by a * * * private person for recover of the costs of its response actions under this section that the hazardous substance released from the facility was placed or came to be located in or on the facility before April 1, 1982, and that the response actions of the political subdivision or private person were not authorized by the agency as provided in section 115B.17, subdivision 12. This defense applies only to response costs incurred on or after July 1, 1983.

Minn. Stat. § 115B.17, subd. 12 states that the MPCA <u>may</u> authorize a political subdivision to undertake a response action or a private party to undertake a removal action with respect to a pre-April 1, 1982 hazardous substance release <u>if</u> the action qualifies for authorization under rules developed under Minn. Stat. § 115B.17, subd. 13. The MPCA's authorization must be consistent with this authorization criteria established under subdivision 13. Subdivision 12 does not prohibit a political subdivision or a private person from undertaking a removal or remedial action without MPCA authorization. Presumably, however, such action would be done without the ability to recover the costs from an RP.

The MPCA, under Minn. Stat. § 115B.17, subd. 13, is required to maintain rules "establishing state criteria for determining priorities among releases and threatened releases." In addition to promulgating the criteria for determining priorities, the MPCA is also to maintain a Permanent List of Priorities (PLP) which reflects "priorities among releases or threatened releases for the purpose of taking remedial action and, to the extent practicable consistent with the urgency of the action, for taking removal action" under Minn. Stat. § 115B.17. The MPCA is to modify the PLP

"from time to time, according to the criteria set forth in the rules." The list of priorities and the rules promulgated pursuant to this subdivision:

> shall be based upon the relative risk or danger to public health or welfare or the environment, taking into account to the extent possible the population at risk, the hazardous potential of the hazardous substances at the facilities, the potential for contamination of drinking water supplies, the potential for direct human contact, the potential for destruction of sensitive ecosystems, the administrative and financial capabilities of the [MPCA], and other appropriate factors.

Minn. R. Ch. 7044 includes the MPCA rules created pursuant to Minn. Stat. § 115B.17, subd. 13. As will be seen, however, while Chapter 7044 establishes how it is that the MPCA will create and maintain the PLP, it is silent in terms of explaining exactly how it is that the MPCA uses these rules (if at all) to "authorize" pre-April 1, 1982 response actions under Minn. Stat. § 115B.17, subd. 12. Indeed, Minn. R. 7044.0100 ("Scope") says nothing about providing guidance for such authorizations. Instead, the "scope" of the Chapter 7044 rules is to establish release classifications, to describe the procedures for the creation and maintenance of the state's Permanent List of Priorities and Project List, to establish funding priorities for the Project List and to specify a ranking system to be used in scoring sites. Minn. R. 7044.0100. Furthermore, the rules leave many gaps about, e.g., what the MPCA does with a site's HRS ranking and what criteria it uses to classify releases or threatened releases.

The MPCA does not have any objective standards that it uses when it considers a cleanup authorization under subdivision 12. The few MPCA subdivision 12 authorizations that exist typically lack at lot of detail or rationale.

Practical Considerations

Any consideration of efforts to compel past or current parties to pay for historical or ongoing contamination is tied to the ability to identify past or current polluters who have viable assets or funding. The information provided to us suggests that Indianhead Trucking was a prior owner for a significant portion of the Roseville Twin Lakes Redevelopment Area. We have not checked into the historical records closely, but we believe that Indianhead has long ago filed for bankruptcy and is defunct. We are unaware that Indianhead has any viable successors who assumed Indianhead's liability. Thus, evidence that might tie existing contamination to prior activities of Indianhead will not, as a practical matter, support claims either for cost recovery or injunctive relief.

On the other hand, where various hazardous substances or wastes have become commingled, one party can be called upon to pay jointly and severally for an entire liability, unless the polluter can establish the divisibility of its own releases. So, if the evidence establishes that there are viable parties who are responsible for past or ongoing releases, those parties might be called upon to pay far more than their share of liability. A long-standing debate in environmental law relates to responsibility for "orphan shares," that is, those shares attributable to defunct parties. There are some cases that suggest that a plaintiff bears responsibility for such shares, but there has been considerable re-shuffling of the case law by recent United States Supreme Court cases and those cases could lead to re-examination of the "orphan share" allocation.

The first steps in any formal program to compel others to address contamination include the following:

1. An environmental consultant should be engaged to examine available reports with the specific charge of identifying

    a. Reasonable and necessary response actions associated with imminent and substantial threats or releases, and

    b. Responsible persons, past and present (viable or not).

    c. Without checking with any consultants, but based upon the general nature of the existing available reports, we anticipate that the costs for this analysis would be in the $20-$40,000 range.

2. An attorney should be engaged to evaluate the viability of any specific claims against identified responsible persons.

    a. In general, the costs associated with this analysis would be in the $15-30,000 range.

3. The attorney and consultant should work with the City to develop a plan relating to

    a. A specific plan to identify any work that the City considers necessary and reasonable under applicable environmental standards, including a timetable and rationale for when the steps need to be taken;

    b. A plan for communications with the MPCA (or, less likely, the EPA) to see if the MPCA will prompt actions by the responsible persons or will authorize the City to take any response actions with anticipated cost recovery;

    c. Ensuring that any steps taken in which the City would advance costs would comply with the NCP to ensure eligibility for cost recovery;

    d. Attending to any notices to EPA, the State and responsible parties if any injunctive relief is contemplated under RCRA.

    e. It is premature to estimate costs associated with the costs of work or implementation of this plan. These costs could be better identified in connection with the work that is outlined in steps 1 and 2.

As noted above, it is possible that the costs incurred in connection with this work would be recoverable from responsible parties. However, this would depend upon a valid showing that potentially responsible parties have caused or contributed to past or ongoing releases of hazardous wastes or hazardous materials and that the relief proposed is consistent with one or more of the applicable statutes that allow such recoveries.