



City Council Agenda

Monday, July 13, 2009

6:00 p.m.

Closed Executive Session

6:30 p.m.

Regular Meeting

City Council Chambers

(Times are Approximate)

- 6:00 p.m. **1. Roll Call**
Voting & Seating Order for July: Pust, Roe, Ihlan, Johnson and Klausing
Closed Executive Session
Performance Evaluation of City Manager
- 6:32 p.m. **2. Approve Agenda**
- 6:35 p.m. **3. Public Comment**
- 6:40 p.m. **4. Council Communications, Reports, Announcements and Housing and Redevelopment Authority Report**
- 5. Recognitions, Donations, Communications**
- 6:45 p.m. a. Proclaim August 4, 2009 National Night Out
- 6. Approve Minutes**
- 6:50 p.m. a. Approve Minutes of June 29, 2009 Meeting
- 6:55 p.m. **7. Approve Consent Agenda**
a. Approve Payments
b. Approve Business Licenses
c. Set July 27, 2009 Public Hearing for EVADO, Inc. DBA ZPizza application for an On-Sale 3.2% Liquor and On-Sale Wine license at 1607 County Rd C W
d. Approve General Purchases or Sale of Surplus Items Exceeding \$5,000
e. Adopt a Resolution Approving Vacation of a portion of Mount Ridge right-of-way and Conveyance of land owned by the City for road purposes

- 7:05 p.m. **8. Consider Items Removed from Consent**
- 9. General Ordinances for Adoption**
- 7:15 p.m. a. Adopt an Ordinance Amending Title 4 of the City Code Regarding Yard Requirements and Regulation of Residential Composting
- 10. Presentations**
- 11. Public Hearings**
- 12. Business Items (Action Items)**
- 7:30 p.m. a. Approve a Contract with LHB/Cornejo Consulting for the Development of a Park and Recreation System Master Plan Update
- 7:45 p.m. b. Adopt a Resolution Approving a Modification to the Development Program for Municipal Development District No. 1 and establishing Tax Increment Financing District No. 18 (Har Mar Apartments Project) within Development District No. 1, and approving the Tax Increment Financing Plan
- 8:00 p.m. c. Adopt an Ordinance Approving Wellington Management's request to Rezone 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development from Single Family Residence District and General Business District, respectively, and Approval of a Planned Unit Development Agreement and Final Planned Unit Development to allow the construction of a multi-tenant commercial office property (PF09-003)
- 8:15 p.m. d. Adopt a Resolution Approving Request by Art Mueller for a Comprehensive Land Use Map Amendment, a motion to support Rezoning, and a motion approving the General Concept Planned Unit Development, to redevelop the property at 2025 County Road B into a senior living community (PF09-002)
- 13. Business Items – Presentations/Discussions**
- 9:00 p.m. a. Discussion regarding Hazardous Building Law
- 9:15 p.m. b. Discussion regarding Appraisals for property purchased from Roseville Acquisitions for Twin Lakes Phase I Infrastructure
- 9:30 p.m. **14. City Manager Future Agenda Review**

9:35 p.m. **15. Councilmember Initiated Items for Future Meetings**

p.m. **16. Adjourn**

Some Upcoming Public Meetings.....

Monday	Jul 20	6:00 p.m.	City Council Meeting
Tuesday	Jul 21	6:00 p.m.	Housing & Redevelopment Authority
Monday	Jul 27	6:00 p.m.	City Council Meeting
Tuesday	Jul 28	6:30 p.m.	Public Works, Environment & Transportation Commission
Tuesday	Aug 4	6:30 p.m.	Parks & Recreation Commission
Wednesday	Aug 5	6:30 p.m.	Planning Commission
Monday	Aug 10	6:00 p.m.	City Council Meeting
Tuesday	Aug 11	6:30 p.m.	Human Rights Commission
Wednesday	Aug 12	6:30 p.m.	Ethics Commission

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

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/13/2009

Item No.: 5.a

Department Approval



City Manager Approval



Item Description: 2009 National Night Out Proclamation

BACKGROUND

National Night Out, sponsored by the NATIONAL ASSOCIATION OF TOWN WATCH, is a neighborhood crime and drug prevention event that occurs annually on the first Tuesday in August and is celebrated in every city, town and village in the US. In addition to increasing awareness of crime and drug prevention programs, NNO strengthens neighborhood spirit and community-police partnerships, while sending a message to criminals that neighborhoods are organized and fighting back against crime.

BUDGET IMPLICATIONS

Proclaiming August 4, 2009 as National Night Out in Roseville will have no financial impact on the city.

STAFF RECOMMENDATION

It is recommended the Council authorize the Mayor and City Manager to sign the Proclamation designating August 4, 2009 as National Night Out in Roseville.

REQUESTED COUNCIL ACTION

Motion authorizing the Mayor and City Manager to sign the 2009 National Night Out Proclamation.

Prepared by: Sarah Mahmud, Community Relations Coordinator, Roseville Police Department

Attachments: A: 2009 National Night Out Proclamation

PROCLAMATION

NATIONAL NIGHT OUT 2009

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 4, 2009 called “National Night Out”, and

WHEREAS, the “26th Annual National Night Out” provides a unique opportunity for Roseville to join forces with thousands of other communities across the country in promoting cooperative, police-community crime and drug prevention efforts; and

WHEREAS, Neighborhood Watch plays a vital role in assisting the Roseville Police through joint crime, drug and violence prevention efforts in Roseville and is supporting “National Night Out 2009” locally; and

WHEREAS, it is essential that all citizens of Roseville be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in Roseville; and

WHEREAS, police- community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” program;

NOW, THEREFORE WE, THE ROSEVILLE MAYOR AND CITY COUNCIL, do hereby call upon all citizens of Roseville to join ROSEVILLE NEIGHBORHOOD WATCH GROUPS and the National Association of Town Watch in supporting the “26th Annual National Night Out” on August 4, 2009.

FURTHER, LET IT BE RESOLVED THAT, WE, ROSEVILLE MAYOR AND CITY COUNCIL, do hereby proclaim Tuesday, August 4, 2009 as “NATIONAL NIGHT OUT” in ROSEVILLE.

Craig Klausing, Mayor

William Malinen, City Manager

Date: 7/13/09

Item: 6.a

Minutes of 6/29/09

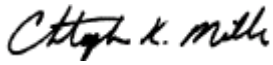
No Attachment

REQUEST FOR COUNCIL ACTION

Date: 7/13/2009
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	\$162,610.52
55534-55694	\$3,011,572.29
Total	\$3,174,182.81

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: 07/07/2009 - 3:56 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	06/24/2009	General Fund	Operating Supplies	Sirchie Finger Print-ACH	Fingerprint Pad	62.34
0	06/24/2009	General Fund	209001 - Use Tax Payable	Sirchie Finger Print-ACH	Sales/Use Tax	-3.80
0	06/24/2009	Golf Course	Operating Supplies	MIDC Enterprises- ACH	No Receipt	24.70
0	06/24/2009	Information Technology	Contract Maintenance	Local Link, Inc.-ACH	Hosting	22.84
0	06/24/2009	Information Technology	Contract Maintenance	Local Link, Inc.-ACH	Hosting	22.34
0	06/24/2009	General Fund	Conferences	Government Training Services-A	MN City/County Managers Conference	225.00
0	06/24/2009	Water Fund	Water Meters	Suburban Ace Hardware-ACH	Meter Van Supplies	41.10
0	06/24/2009	Telecommunications	Operating Supplies	Office Depot- ACH	Office Supplies	26.67
0	06/24/2009	General Fund	Operating Supplies	Office Depot- ACH	Retruting Supplies	8.00
0	06/24/2009	Recreation Fund	Operating Supplies	Staples-ACH	Keyboard Tray	41.62
0	06/24/2009	Information Technology	Operating Supplies	Amazon.com- ACH	Membership Fee	79.00
0	06/24/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Senior Club Supplies	44.40
0	06/24/2009	Recreation Fund	Operating Supplies	Target- ACH	Wall Clock	4.05
0	06/24/2009	General Fund	Conferences	Grand View Lodge Nisswa ACH	Conference Lodging	462.46
0	06/24/2009	General Fund	Op Supplies - City Hall	Suburban Ace Hardware-ACH	Bulb	15.47
0	06/24/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Gasket	8.91
0	06/24/2009	Recreation Fund	Office Supplies	Office Depot- ACH	Office Supplies	88.57
0	06/24/2009	General Fund	Training	Cub Foods- ACH	Training Supplies	8.45
0	06/24/2009	General Fund	Training	St. Paul Bagelry-ACH	Training Refreshments	14.90
0	06/24/2009	Recreation Fund	Operating Supplies	Office Depot- ACH	Glossy Paper, Binders	78.08
0	06/24/2009	General Fund	Operating Supplies	Honeybaked Ham-ACH	Lunch Sandwiches	121.48
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Suburban Ace Hardware-ACH	Paint	25.58
0	06/24/2009	Water Fund	Water Meters	Suburban Ace Hardware-ACH	Meter Van Supplies	14.28
0	06/24/2009	General Fund	Operating Supplies	Byerly's- ACH	Bakery Items	21.99
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Viking Industrial Center-ACH	Ear Plugs, Gloves	36.22
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Viking Industrial Center-ACH	Sockets	5.94
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Twin City Saw-ACH	Saw Sheath	53.60
0	06/24/2009	Recreation Fund	Operating Supplies	Har Mar Lock & Key- ACH	Gymnastics Keys	15.97
0	06/24/2009	General Fund	Training	Superamerica-ACH	Food for Monthly Staff Meeting	14.49
0	06/24/2009	License Center	Office Supplies	Sony- ACH	Media for UPXC200	864.78
0	06/24/2009	License Center	Use Tax Payable	Sony- ACH	Sales/Use Tax	-52.78
0	06/24/2009	Grass Lake Water Mgmt. Org	Operating Supplies	Papa John's-ACH	Pizza	38.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	06/24/2009	General Fund	Training	Xenonics, Inc-ACH	Training-Arneson	199.00
0	06/24/2009	Telecommunications	Postage	USPS-ACH	Priority Mail	6.85
0	06/24/2009	P & R Contract Maintenance	Operating Supplies	Menards-ACH	Pick, Bolts	92.22
0	06/24/2009	Water Fund	Operating Supplies	Menards-ACH	Patio Block	9.45
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Suburban Ace Hardware-ACH	Power Equipment Parts	17.04
0	06/24/2009	Recreation Fund	Operating Supplies	Michaels-ACH	Glass Mount Fitting	32.03
0	06/24/2009	General Fund	Office Supplies	Amazon.com- ACH	Ink Cartridge, Print Head	766.93
0	06/24/2009	General Fund	209001 - Use Tax Payable	Amazon.com- ACH	Sales/Use Tax	-46.80
0	06/24/2009	General Fund	Operating Supplies	Target- ACH	Video Cam Disc	17.07
0	06/24/2009	General Fund	Conferences	Grandview Lodge-ACH	Conference Lodging	128.18
0	06/24/2009	General Fund	Conferences	Grandview Lodge-ACH	Credit	-46.51
0	06/24/2009	General Fund	Operating Supplies	UPS Store-ACH	Shipping Charges	32.23
0	06/24/2009	General Fund	Training	Aurelio's Pizza-ACH	Food Supplies for EMS Training	198.39
0	06/24/2009	Water Fund	Water Meters	McMaster-Carr-ACH	Pipe Nipples	47.41
0	06/24/2009	Water Fund	Use Tax Payable	McMaster-Carr-ACH	Sales/Use Tax	-2.89
0	06/24/2009	General Fund	Operating Supplies	Cascade Healthcare-ACH	Hand Antispetic	145.95
0	06/24/2009	General Fund	209001 - Use Tax Payable	Cascade Healthcare-ACH	Sales/Use Tax	-8.90
0	06/24/2009	Golf Course	Operating Supplies	Lesco-ACH	Greens Fertilizer	133.13
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Menards-ACH	Streetscape Supplies	65.24
0	06/24/2009	General Fund	Operating Supplies	Suburban Ace Hardware-ACH	House Numbers	11.91
0	06/24/2009	Information Technology	Operating Supplies	Home Depot- ACH	Wire Stripper, Crimp Tool	151.26
0	06/24/2009	General Fund	Operating Supplies	UPS Store-ACH	Shipping Cost for Sold Equipment	16.29
0	06/24/2009	General Fund	Memberships & Subscriptions	WSJ.com-ACH	Wall Street Journal Renewal	151.00
0	06/24/2009	Water Fund	Operating Supplies	Suburban Ace Hardware-ACH	Fasteners	15.24
0	06/24/2009	Sanitary Sewer	Operating Supplies	Home Depot- ACH	Mortar	32.09
0	06/24/2009	Recreation Fund	Operating Supplies	Linder's Garden Ctr-ACH	Ice Show Flowers	187.61
0	06/24/2009	Recreation Fund	Operating Supplies	Office Depot- ACH	Ice Show Program Paper	40.00
0	06/24/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Tape, Batteries, Other Supplies	145.59
0	06/24/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Lights Batteries	241.40
0	06/24/2009	Recreation Fund	Operating Supplies	Home Depot- ACH	Credit	-234.10
0	06/24/2009	Recreation Fund	Operating Supplies	PetSmart-ACH	Animal Supplies	12.77
0	06/24/2009	Recreation Improvements	CP Dale Street Playground	Buberl Recycling-ACH	Treated Wood Recycling	195.00
0	06/24/2009	Recreation Fund	Operating Supplies	Subway-ACH	Seniors Bowling Lunch Supplies	80.06
0	06/24/2009	Recreation Fund	Operating Supplies	CCC*Victory Corps-ACH	Banner Display	609.43
0	06/24/2009	Recreation Fund	Use Tax Payable	CCC*Victory Corps-ACH	Sales/Use Tax	-37.19
0	06/24/2009	Telecommunications	Operating Supplies	Identisys, Inc-ACH	White GQ, PP	71.85
0	06/24/2009	Telecommunications	Operating Supplies	Identisys, Inc-ACH	White GQ, PP	44.03
0	06/24/2009	Boulevard Landscaping	Operating Supplies	Suburban Ace Hardware-ACH	Paint	15.98
0	06/24/2009	Water Fund	Water Meters	Suburban Ace Hardware-ACH	Meter Van Supplies	55.12
0	06/24/2009	P & R Contract Maintenance	Operating Supplies	North Hgts Hardware Hank-ACH	Recip 5 Pack	21.29
0	06/24/2009	Recreation Fund	Operating Supplies	Cub Foods- ACH	Senior Bowling Club Supplies	26.65
0	06/24/2009	Recreation Fund	Operating Supplies	Target- ACH	Preschool Supplies	14.45
0	06/24/2009	Info Tech/Contract Cities	North St. Paul Computer Equip	L-Com Global Connectivity-ACH	Surge Pro	91.03
0	06/24/2009	Info Tech/Contract Cities	Use Tax Payable	L-Com Global Connectivity-ACH	Sales/Use Tax	-5.55

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	06/24/2009	P & R Contract Maintenance	Operating Supplies	Menards-ACH	Wood Lath, Saw	55.22
0	06/24/2009	Water Fund	Operating Supplies	Suburban Ace Hardware-ACH	Booster	35.20
0	06/24/2009	General Fund	Operating Supplies	Byerly's- ACH	Bakery Items	15.97
0	06/24/2009	Sanitary Sewer	Operating Supplies	Harbor Freight Tools-ACH	Paint Scraper	3.18
0	06/24/2009	Recreation Fund	Operating Supplies	Ferguson Enterprises Inc.-ACH	Cooling Tower Pipomg	259.36
0	06/24/2009	General Fund	Professional Services	Employtest-ACH	Employee Test	200.00
0	06/24/2009	Information Technology	Operating Supplies	Newegg Computers-ACH	Optical Mice	58.95
0	06/24/2009	Information Technology	Use Tax Payable	Newegg Computers-ACH	Sales/Use Tax	-3.59
0	06/24/2009	License Center	Office Supplies	Menards-ACH	Grain Leather Palm Work	5.49
0	06/24/2009	Recreation Fund	Office Supplies	Office Max-ACH	Paper	17.16
0	06/24/2009	General Fund	Op Supplies - City Hall	Walgreens-ACH	Germ-X	25.62
0	06/24/2009	General Fund	Operating Supplies	Streicher's-ACH	NIK Tests	173.53
0	06/24/2009	Sanitary Sewer	Operating Supplies	United Rentals-ACH	Elastostart Rope	28.23
0	06/24/2009	Sanitary Sewer	Operating Supplies	United Rentals-ACH	Credit	-21.35
0	06/24/2009	Boulevard Landscaping	Operating Supplies	North Hgts Hardware Hank-ACH	Blades	14.90
0	06/24/2009	Sanitary Sewer	Operating Supplies	Batteries Plus-ACH	Batteries	42.58
Check Total:						7,084.58
0	06/25/2009	General Fund	Training	Century College	Hazardous Materials Class	2,239.85
0	06/25/2009	General Fund	Training	Century College	Credit Voucher	-1,530.00
0	06/25/2009	General Fund	Clothing	Doug Johnson	Uniform Pants Reimbursement	11.00
0	06/25/2009	Community Development	Training	Katherine Schlundt	Code Training Class Reimbursement	336.40
0	06/25/2009	Housing & Redevelopment	AMiscellaneous	Jeanne Kelsey	Realtor Day Expenses Reimbursement	42.50
0	06/25/2009	Housing & Redevelopment	AMiscellaneous	Jeanne Kelsey	Realtor Day Expenses Reimbursement	16.17
0	06/25/2009	General Fund	211402 - Flex Spending Health		Flexible Benefit Reimbursement	651.64
0	06/25/2009	Information Technology	Contract Maintenance	Collins Electrical Constructio	New Outlet Installation	450.00
0	06/25/2009	General Fund	Vehicle Supplies	Brake & Equipment Warehouse	Reline Shoe	65.15
0	06/25/2009	General Fund	Vehicle Supplies	Catco Parts & Service Inc	2009 Blanket PO for Vehicle Repairs	237.23
0	06/25/2009	Information Technology	Contract Maintenance	Electro Watchman, Inc.	Security-2660 Civic Center Dr	320.63
0	06/25/2009	Information Technology	Contract Maintenance	Electro Watchman, Inc.	Security-2701 N Lexington Ave	128.25
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	R18-00130 Windows SVR User CAL License 3	3,300.00
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	Sales Tax	214.50
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	228-08977 SQL SVR STD License 3 Year S	1,690.00
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	359-05226 SQL USER CAL License 3 year S	1,560.00
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	35905224 SQL DEVICE CAL License 3 year	780.00
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	Sales Tax	261.95
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	394-00529 Exchange USER CAL License 3 Ye	3,750.00
0	06/25/2009	Information Technology	Contract Maintenance	SHI International Corp	Sales Tax	243.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	06/25/2009	General Fund	Vehicle Supplies	Midway Ford Co	2009 Blanket PO for Vehicle Repairs	993.31
0	06/25/2009	General Fund	Printing	Resolution Graphics, Inc	Envelopes	1,188.91
0	06/25/2009	General Fund	Vehicle Supplies	Kath Fuel Oil Service, Inc.	2009 Blanket PO for Vehicle Repairs	367.21
0	06/25/2009	General Fund	Vehicle Supplies	Factory Motor Parts	Credit	-32.00
0	06/25/2009	General Fund	Vehicle Supplies	Factory Motor Parts	2009 Blanket PO for Vehicle Repairs	501.36
0	06/25/2009	General Fund	Utilities	Xcel Energy	Civil Defense	67.96
0	06/25/2009	General Fund	Utilities	Xcel Energy	Fire #1	274.97
0	06/25/2009	Golf Course	Utilities	Xcel Energy	Golf	427.24
0	06/25/2009	P & R Contract Maintenance	Utilities	Xcel Energy	P&R	3,812.48
0	06/25/2009	General Fund	Utilities	Xcel Energy	Fire #2	194.86
0	06/25/2009	Sanitary Sewer	Utilities	Xcel Energy	Sewer	709.90
0	06/25/2009	Recreation Fund	Utilities	Xcel Energy	Skating	10,489.03
0	06/25/2009	General Fund	Utilities	Xcel Energy	Street Light	234.81
0	06/25/2009	Storm Drainage	Utilities	Xcel Energy	Storm Water	14.28
0	06/25/2009	General Fund	Utilities	Xcel Energy	Traffic Signal	1,493.44
0	06/25/2009	General Fund	Utilities	Xcel Energy	Street Light	12,609.70
0	06/25/2009	Recreation Improvements	CP Amphitheater	Muska Electric Co	Band Shell Wiring	100.75
0	06/25/2009	General Fund	Op Supplies - City Hall	Grainger Inc	Batteries	139.65
0	06/25/2009	General Fund	Op Supplies - City Hall	Grainger Inc	Floodlights	55.20
0	06/25/2009	Telecommunications	Printing	Greenhaven Printing	June/July Newsletter	4,946.92
0	06/25/2009	Telecommunications	Use Tax Payable	Greenhaven Printing	Sales/Use Tax	-301.92
0	06/25/2009	Housing & Redevelopment A	Advertising	Greenhaven Printing	June/July Newsletter	1,065.00
0	06/25/2009	Housing & Redevelopment A	Use Tax Payable	Greenhaven Printing	Sales/Use Tax	-65.00
0	06/25/2009	Water Fund	Printing	Greenhaven Printing	June/July Newsletter	1,065.00
0	06/25/2009	Water Fund	Use Tax Payable	Greenhaven Printing	Sales/Use Tax	-65.00
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	119.77
0	06/25/2009	Storm Drainage	Telephone	NEXTEL Communications	Cell Phones	178.99
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	11.75
0	06/25/2009	Sanitary Sewer	Telephone	NEXTEL Communications	Cell Phones	231.98
0	06/25/2009	Recreation Fund	Telephone	NEXTEL Communications	Cell Phones	94.11
0	06/25/2009	Recreation Fund	Telephone	NEXTEL Communications	Cell Phones	24.76
0	06/25/2009	P & R Contract Maintenance	Telephone	NEXTEL Communications	Cell Phones	106.16
0	06/25/2009	Golf Course	Telephone	NEXTEL Communications	Cell Phones	246.12
0	06/25/2009	Community Development	Telephone	NEXTEL Communications	Cell Phones	85.43
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	23.46
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	11.73
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	46.92
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	388.37
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	301.37
0	06/25/2009	General Fund	Telephone	NEXTEL Communications	Cell Phones	889.96
0	06/25/2009	General Fund	Vehicle Supplies	Napa Auto Parts	2009 Blanket PO for Vehicle Repairs	19.38
0	06/25/2009	General Fund	Vehicle Supplies	Cushman Motor Co Inc	2009 Blanket PO for Vehicle Repairs	9.80
0	06/25/2009	General Fund	Vehicle Supplies	Larson Companies Peterbilt North	2009 Blanket PO for Vehicle Repairs	64.58
0	06/25/2009	General Fund	Vehicle Supplies	Larson Companies Peterbilt North	2009 Blanket PO for Vehicle Repairs	11.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	06/25/2009	General Fund	Vehicle Supplies	Emergency Automotive Tech Inc	2009 Blanket PO for Vehicle Repairs	875.43
0	06/25/2009	General Fund	Vehicle Supplies	Ziegler Inc	2009 Blanket PO for Vehicle Repairs	95.48
0	06/25/2009	General Fund	Op Supplies - City Hall	Tessman Seed Co - St. Paul	All Mineral AM	44.75
0	06/25/2009	General Fund	Vehicle Supplies	Carlson Tractor & Equip. Co.	2009 Blanket PO for Vehicle Repairs	191.95
Check Total:						59,130.92
0	07/02/2009	Street Construction	09-02 Roselawn/HamlineVictoria	Stork Twin City Testing Corp.	Annual Contract-Roselawn Ave	840.62
0	07/02/2009	Recreation Fund	Operating Supplies	Hirshfield's Inc.	Paint	25.91
0	07/02/2009	General Fund	Professional Services	Ratwik, Roszak & Maloney, PA	Legal Services	14,029.22
0	07/02/2009	General Fund	Professional Services	Ratwik, Roszak & Maloney, PA	Legal Services	2,708.64
0	07/02/2009	Recreation Fund	Professional Services	Ratwik, Roszak & Maloney, PA	Legal Services	763.82
0	07/02/2009	TIF District #17-Twin Lakes	Professional Services	Ratwik, Roszak & Maloney, PA	Legal Services	3,154.03
0	07/02/2009	Recreation Fund	Professional Services	Caitlin Bean	Assistant Dance Instructor	112.00
0	07/02/2009	Recreation Fund	Professional Services	Julie Risinger	Assistant Dance Instructor	94.00
0	07/02/2009	Recreation Fund	Transportation	Jill Anfang	Mileage Reimbursement	217.25
0	07/02/2009	Recreation Fund	Professional Services	Rebecca Fandrich	Assistant Dance Instructor	70.00
0	07/02/2009	Recreation Fund	Professional Services	Alaina Bean	Assistant Dance Instructor	116.00
0	07/02/2009	License Center	Transportation	Jill Theisen	Mileage Reimbursement	268.40
0	07/02/2009	License Center	Transportation	Bridget Koeckeritz	Mileage Reimbursement	91.30
0	07/02/2009	General Fund	Transportation	Carolyn Curti	Mileage Reimbursement	101.20
0	07/02/2009	General Fund	Training	Thomas Gray	Mini Trial Reimbursement	100.00
0	07/02/2009	Community Development	Transportation	Thomas Paschke	Mileage Reimbursement	141.35
0	07/02/2009	General Fund	211000 - Deferered Comp.	ICMA Retirement Trust 457-3002	Payroll Deduction for 6/30 Payroll	5,504.18
0	07/02/2009	General Fund	210501 - PERA Life Ins. Ded.	NCPERS Life Ins#7258500	Payroll Deduction for 6/30 Payroll	80.00
0	07/02/2009	General Fund	Transportation	William Malinen	Mileage Reimbursement	62.22
0	07/02/2009	Recreation Fund	Operating Supplies	Stitchin Post	T-Shirts	30.88
0	07/02/2009	Recreation Fund	Operating Supplies	Stitchin Post	T-Shirts	348.23
0	07/02/2009	Recreation Fund	Operating Supplies	Stitchin Post	T-Shirts	143.60
0	07/02/2009	Recreation Fund	Operating Supplies	Stitchin Post	T-Shirts	1,565.00
0	07/02/2009	Recreation Fund	Operating Supplies	Stitchin Post	T-Shirts	61.03
0	07/02/2009	General Fund	Operating Supplies	Flint Hills Resources	65,000 CRS2 Oil per 2009 Materials Bid	19,817.61
0	07/02/2009	General Fund	Operating Supplies	Flint Hills Resources	65,000 CRS2 Oil per 2009 Materials Bid	22,603.16
0	07/02/2009	General Fund	Operating Supplies	Flint Hills Resources	65,000 CRS2 Oil per 2009 Materials Bid	3,030.06
0	07/02/2009	General Fund	Operating Supplies	Flint Hills Resources	65,000 CRS2 Oil per 2009 Materials Bid	11,574.47
0	07/02/2009	General Fund	Contract Maintenance	City of St. Paul	Radio Service & Maintenance May 2009	174.47
0	07/02/2009	General Fund	Op Supplies - City Hall	Bachmans Inc	Plants	839.75
0	07/02/2009	Boulevard Landscaping	Operating Supplies	Bachmans Inc	Plants	147.72
0	07/02/2009	P & R Contract Maintenance	Operating Supplies	North Heights Hardware Hank	Jumbo Broom	11.17

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
0	07/02/2009	General Fund	Operating Supplies	Brock White Co	Detack Crafc0	435.01
0	07/02/2009	P & R Contract Maintenance	Operating Supplies	North Heights Hardware Hank	Saw Blade, Cutter, Bit	53.51
0	07/02/2009	Police Forfeiture Fund	Professional Services	Advanced Graphix Inc	Custom Graphics for Rhino	300.00
0	07/02/2009	Recreation Fund	Memberships & Subscriptions	DMX Music	Skating Center Music	286.50
0	07/02/2009	General Fund	Operating Supplies	Aggregate Industries, Inc.	Concrete Sand	87.35
0	07/02/2009	General Fund	Vehicle Supplies	MacQuen Equipment	2009 Blanket PO for Vehicle Repairs	83.42
0	07/02/2009	Police - DWI Enforcement	Professional Services	Jensen, Bell, Converse & Erick	Legal Services	490.00
0	07/02/2009	General Fund	Operating Supplies	3D Specialties	White, Yellow 2-Way Tabs	551.27
0	07/02/2009	Recreation Improvements	CP Amphitheater	Prowire, Inc.	Central Park Amphitheater Alarm System	256.20
0	07/02/2009	Recreation Improvements	CP Amphitheater	Prowire, Inc.	Central Park Amphitheater Alarm System	217.77
0	07/02/2009	Recreation Improvements	CP Amphitheater	Prowire, Inc.	Central Park Amphitheater Alarm System	1,431.00
0	07/02/2009	General Fund	Office Supplies	Unisource Worldwide-No Central	Copy Paper	534.72
0	07/02/2009	General Fund	Office Supplies	Unisource Worldwide-No Central	Copy Paper	56.09
0	07/02/2009	General Fund	Office Supplies	Unisource Worldwide-No Central	Copy Paper	215.73
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Utility Pump	181.40
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Bulkhead Fitting	27.32
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Lamps	80.80
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	V Belts, Motor	47.58
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Ball Valve, Elbow	27.07
0	07/02/2009	Golf Course	Other Supplies	Sysco Mn	Food, Paper Products	134.12
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Credit Memo	-181.40
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Lamps	66.03
0	07/02/2009	Recreation Fund	Operating Supplies	Grainger Inc	Strainer, Ball Valves, Adapter	172.82
0	07/02/2009	Recreation Fund	Contract Maintenance	Green View Inc.	Cleaning-Skating Center	1,874.34
0	07/02/2009	Recreation Fund	Use Tax Payable	Green View Inc.	Sales/Use Tax	-114.39
0	07/02/2009	Golf Course	Operating Supplies	Tessman Seed Co - St. Paul	Athletic Two Mix	253.47
Check Total:						96,395.02
55534	06/23/2009	Recreation Fund	Professional Services	Shirley Smith	Summer Entertainment in the Parks	800.00
Check Total:						800.00
55535	06/25/2009	Equipment Replacement	FunOther Improvements	Access Communications Inc	Project quote #39757 Commerce Street Con	30,544.84
55535	06/25/2009	Information Technology	Contract Maintenance	Access Communications Inc	Design, Setup Fiber Route	1,170.83
Check Total:						31,715.67
55536	06/25/2009	General Fund	Clothing	Aspen Mills Inc.	Leather Belt	20.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	20.00
55537	06/25/2009	Water Fund	Accounts Payable	JEROLD BLIXT	Refund check	5.46
					Check Total:	5.46
55538	06/25/2009	Recreation Fund	Professional Services	Jeff Brooks	Summer Entertainment	200.00
					Check Total:	200.00
55539	06/25/2009	Recreation Fund	Professional Services	Buffalo High School Marching B	1st Place Band Winner-Division AA	1,000.00
					Check Total:	1,000.00
55540	06/25/2009	Solid Waste Recycle	Furniture & Fixtures	Busch Systems International, I	Recycling Container Wheel Packages	2,438.85
55540	06/25/2009	Solid Waste Recycle	Use Tax Payable	Busch Systems International, I	Sales/Use Tax	-148.85
					Check Total:	2,290.00
55541	06/25/2009	Telephone	SmartNet Maint Contracts	CDWG Inc.	Cisco SmartNet maintenence Agreement An	20,189.51
55541	06/25/2009	Telephone	SmartNet Maint Contracts	CDWG Inc.	Cisco SmartNet maintenence Agreement An	42.55
55541	06/25/2009	Telephone	SmartNet Maint Contracts	CDWG Inc.	Cisco SmartNet maintenence Agreement An	4,857.34
55541	06/25/2009	Telephone	SmartNet Maint Contracts	CDWG Inc.	Cisco SmartNet maintenence Agreement An	510.55
55541	06/25/2009	Telephone	SmartNet Maint Contracts	CDWG Inc.	Cisco SmartNet maintenence Agreement An	113.46
					Check Total:	25,713.41
55542	06/25/2009	General Fund	Operating Supplies	Central Power Distributors Inc	Mulching Blade	35.41
					Check Total:	35.41
55543	06/25/2009	Information Technology	Contract Maintenance	DC Group, Inc	Annual Planned Maintenance - Comet UPS S	2,600.00
					Check Total:	2,600.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55544	06/25/2009	Police Forfeiture Fund	Professional Services	Megan Gehrman	Police Dept. Historical Bound Book	160.00
					Check Total:	160.00
55545	06/25/2009	General Fund	Training	Hennepin Technical College	Apparatus Operator Class-Oliver	418.23
					Check Total:	418.23
55546	06/25/2009	Recreation Fund	Professional Services	Henry Sibley Marching Band	3rd Place Band Winner-Division A	500.00
					Check Total:	500.00
55547	06/25/2009	Recreation Fund	Professional Services	Jason Huneke	Summer Entertainment	400.00
					Check Total:	400.00
55548	06/25/2009	Telephone	Telephone	Integra Telecom	Telephone	149.48
					Check Total:	149.48
55549	06/25/2009	General Fund	Professional Services	Jay C. Fogelberg, Arbitrator	Grievance Arbitration	2,919.85
					Check Total:	2,919.85
55550	06/25/2009	Sanitary Sewer	Accounts Payable	ELIZABETH KALLINGER	Refund check	14.06
					Check Total:	14.06
55551	06/25/2009	General Fund	Operating Supplies	Kath Auto Parts	Fast Orange 1/2 Gal, Kendall 4 OW	20.74
55551	06/25/2009	General Fund	Vehicle Supplies	Kath Auto Parts	Power Converter	29.81
55551	06/25/2009	General Fund	Vehicle Supplies	Kath Auto Parts	Credit	-3.20
					Check Total:	47.35
55552	06/25/2009	General Fund	Conferences	League of MN Cities	Annual Conference Registration-Malinen	350.00
					Check Total:	350.00
55553	06/25/2009	Recreation Fund	Professional Services	Litchfield H. S. Marching Band	1st Place/Grand Champ Band Winner-Div A	1,000.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55553	06/25/2009	Recreation Fund	Professional Services	Litchfield H. S. Marching Band	1st Place/Grand Champ Band Winner-Div A	100.00
Check Total:						1,100.00
55554	06/25/2009	Water Fund	Accounts Payable	GEORGE LOGAN	Refund check	3.28
Check Total:						3.28
55555	06/25/2009	Recreation Fund	Professional Services	Milaca High School Marching Ba	2nd Place Band Winner-Division A	800.00
Check Total:						800.00
55556	06/25/2009	Recreation Fund	Professional Services	Michael Miller/ISN	Umpire Adult Softball Games	4,750.00
55556	06/25/2009	Recreation Fund	Professional Services	Michael Miller/ISN	Umpire Adult Softball Games	4,975.00
Check Total:						9,725.00
55557	06/25/2009	Water Fund	Memberships & Subscriptions	MN Dept of Health	Water License Renewal-Fish	23.00
55557	06/25/2009	Water Fund	Memberships & Subscriptions	MN Dept of Health	Water License Renewal-Luger	23.00
Check Total:						46.00
55558	06/25/2009	Sanitary Sewer	Memberships & Subscriptions	MN Pollution Control-MPCA	License-Scott Wendel	23.00
55558	06/25/2009	Sanitary Sewer	Memberships & Subscriptions	MN Pollution Control-MPCA	Waste Water Exam Application-Ross	32.00
Check Total:						55.00
55559	06/25/2009	Recreation Fund	Parade Sponsor	North Suburban Golden "K" Kiwa	Commission on Rosefest Button Sales	500.00
Check Total:						500.00
55560	06/25/2009	Sanitary Sewer	Accounts Payable	REV ROBT OLSON	Refund check	14.89
55560	06/25/2009	Water Fund	Accounts Payable	REV ROBT OLSON	Refund check	16.80
Check Total:						31.69
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	86.68
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	76.68
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	76.68
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	76.68
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	191.70

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	27.38
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	106.50
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	21.68
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	P & R Contract Maintenance	Rental	On Site Sanitation, Inc.	Regular Service	106.50
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	40.47
55561	06/25/2009	Recreation Fund	Rental	On Site Sanitation, Inc.	Regular Service	37.58
55561	06/25/2009	Recreation Donations	Professional Services	On Site Sanitation, Inc.	Regular Service	27.47
Check Total:						1,159.29
55562	06/25/2009	General Fund	Contract Maint. - City Garage	Overhead Door Co of the Northl	Garage Door Service	220.25
Check Total:						220.25
55563	06/25/2009	Recreation Fund	Professional Services	Patriots Marching Band	3rd Place Band Winner-Division AA	500.00
Check Total:						500.00
55564	06/25/2009	General Fund	211403 - Flex Spend Day Care		Dependent Care Reimbursement	200.00
Check Total:						200.00
55565	06/25/2009	General Fund	Vehicle Supplies	Pioneer Rim and Wheel Co.	SKD 16.5X9.75 Bobcat	242.91
Check Total:						242.91
55566	06/25/2009	Telephone	St. Anthony Telephone	Qwest	Telephone Service	79.09
55566	06/25/2009	Telephone	St. Anthony Telephone	Qwest	Telephone Service	50.19
55566	06/25/2009	Telephone	St. Anthony Telephone	Qwest	Telephone Service	186.49
55566	06/25/2009	Telephone	Telephone	Qwest	Telephone Service	353.72
55566	06/25/2009	Telephone	Telephone	Qwest	Telephone Service	38.59
55566	06/25/2009	Telephone	Telephone	Qwest	Telephone Service	100.94
Check Total:						809.02

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55567	06/25/2009	Telephone	Telephone	Qwest Communications	Telephone Service	136.02
					Check Total:	136.02
55568	06/25/2009	Recreation Fund	Professional Services	Radio Band	Summer Entertainment	550.00
					Check Total:	550.00
55569	06/25/2009	General Fund	Contractual Maintenance	Ramsey County	Voting System Fees	4,513.44
					Check Total:	4,513.44
55570	06/25/2009	General Fund	Operating Supplies	Rapit Printing	500 Bic Clic Stic	250.74
					Check Total:	250.74
55571	06/25/2009	TIF District #17-Twin Lakes	Payment to Owners	Roseville Acquisitions, LLC	Property Acquisition-2690 Clev/1947 C	2,107,700.00
					Check Total:	2,107,700.00
55572	06/25/2009	Water Fund	Memberships & Subscriptions	Michael Ross	Water License Reimbursement	23.00
					Check Total:	23.00
55573	06/25/2009	Storm Drainage	Operating Supplies	SET-Specialized Environmental	Yardwaste Disposal	95.00
					Check Total:	95.00
55574	06/25/2009	Recreation Fund	Professional Services	The Splatter Sisters	Summer Entertainment	625.00
					Check Total:	625.00
55575	06/25/2009	General Fund	Telephone	Sprint	Cell Phones	38.26
55575	06/25/2009	General Fund	Telephone	Sprint	Cell Phones	105.30
55575	06/25/2009	Information Technology	Telephone	Sprint	Cell Phones	243.32
55575	06/25/2009	Recreation Fund	Telephone	Sprint	Cell Phones	70.23
55575	06/25/2009	P & R Contract Maintenance	Telephone	Sprint	Cell Phones	34.96
55575	06/25/2009	General Fund	Telephone	Sprint	Cell Phones	35.06
55575	06/25/2009	Community Development	Telephone	Sprint	Cell Phones	34.96

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						562.09
55576	06/25/2009	Recreation Fund	Professional Services	St. Cloud All City Marching Ba	2nd Place Band Winner-Division AA	800.00
Check Total:						800.00
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	110.74
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	151.62
55577	06/25/2009	Information Technology	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	181.49
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	99.87
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	75.37
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	98.23
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	1,304.45
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	183.67
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	256.32
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	200.36
55577	06/25/2009	Telecommunications	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	49.04
55577	06/25/2009	Solid Waste Recycle	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	29.87
55577	06/25/2009	Recreation Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	29.87
55577	06/25/2009	Recreation Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	187.29
55577	06/25/2009	P & R Contract Maintenance	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	26.99
55577	06/25/2009	Recreation Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	171.48
55577	06/25/2009	General Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	151.47
55577	06/25/2009	Community Development	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	58.90
55577	06/25/2009	Community Development	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	165.33
55577	06/25/2009	Community Development	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	66.25
55577	06/25/2009	Community Development	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	57.55
55577	06/25/2009	License Center	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	25.49
55577	06/25/2009	Sanitary Sewer	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	258.09
55577	06/25/2009	Water Fund	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	97.50
55577	06/25/2009	Golf Course	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	112.97
55577	06/25/2009	Golf Course	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	31.60
55577	06/25/2009	Storm Drainage	Employer Insurance	Standard Insurance Company	Life Insurance Premium for July 2009	28.08
55577	06/25/2009	General Fund	210500 - Life Ins. Employee	Standard Insurance Company	Life Insurance Premium for July 2009	38.75
Check Total:						1,913.45
Check Total:						6,162.09
55578	06/25/2009	General Fund	Operating Supplies	Staples Business Advantage	Toner	311.86
Check Total:						311.86

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55579	06/25/2009	Community Development	Operating Supplies	Suburban Ace Hardware	Snapblade	1.91
55579	06/25/2009	Community Development	Operating Supplies	Suburban Ace Hardware	Duck Tape	6.38
Check Total:						8.29
55580	06/25/2009	General Fund	Vehicle Supplies	Suburban Tire Wholesale, Inc.	2009 Blanket PO for Vehicle Repairs	165.46
Check Total:						165.46
55581	06/25/2009	Recreation Fund	Professional Services	Teddy Bear Band	Summer Entertainment	720.00
Check Total:						720.00
55582	06/25/2009	General Fund	Vehicle Supplies	Tousley Ford Inc	2009 Blanket PO for Vehicle Repairs	38.21
Check Total:						38.21
55583	06/25/2009	Community Development	Transportation	Patrick Trudgeon	Mileage Reimbursement	95.70
55583	06/25/2009	Community Development	Conferences	Patrick Trudgeon	Conference Expenses Reimbursement	33.50
Check Total:						129.20
55584	06/25/2009	Recreation Fund	Professional Services	Twin Cities Hot Club	Summer Entertainment	550.00
Check Total:						550.00
55585	06/25/2009	General Fund	Training	Twin Cities Transport & Recove	Towing Service	350.00
Check Total:						350.00
55586	06/25/2009	Community Development	Deposits	United Properties	Construction Deposit Refund	750.00
Check Total:						750.00
55587	06/25/2009	General Fund	Const. Operating Supplies	United Rentals Northwest, Inc.	Tape Measure	12.23
Check Total:						12.23
55588	06/25/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	383.40

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						383.40
55589	06/25/2009	Recreation Fund	Operating Supplies	US Bank	Run for the Roses Change	150.00
55589	06/25/2009	Recreation Fund	Petty Cash	US Bank	Petty Cash for P & R	150.00
Check Total:						300.00
55590	06/25/2009	Storm Drainage	Vehicles / Equipment	Vermeer Sales and Service, Cor	Wireless Remote Control for Wildcat comp	6,286.99
55590	06/25/2009	Storm Drainage	Vehicles / Equipment	Vermeer Sales and Service, Cor	Sales Tax	350.80
55590	06/25/2009	Storm Drainage	Vehicles / Equipment	Vermeer Sales and Service, Cor	Sales Tax	17.08
Check Total:						6,654.87
55591	06/25/2009	Recreation Fund	Professional Services	Vic Volare and the Lounge Orch	Summer Entertainment	500.00
Check Total:						500.00
55592	06/25/2009	General Fund	Contract Maint. - City Garage	Village Plumbing, Inc.	Service @ Public Works Building	397.30
Check Total:						397.30
55593	06/25/2009	Solid Waste Recycle	Professional Services	Waste Management - Blaine	Spring 2009 Cleanup	3,480.75
Check Total:						3,480.75
55594	06/25/2009	Sanitary Sewer	Training	Scott Wendel	MPCA Exam Application Reimbursement	32.00
Check Total:						32.00
55595	06/25/2009	Information Technology	Telephone	XO Communications Inc.	Telephone	4,943.70
Check Total:						4,943.70
55596	06/30/2009	Sanitary Sewer	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 003 & 333	402.45
55596	06/30/2009	Water Fund	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 003 & 333	402.45
55596	06/30/2009	Storm Drainage	Postage	Lone Oak Companies, Inc.	Utility Billing Section # 003 & 333	402.44

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						1,207.34
55599	06/30/2009	TIF District #17-Twin Lakes	Payment to Owners	Ramsey County Court Admin.	PIK Parcel # 3 Acquisition of Row	61,000.00
Check Total:						61,000.00
55600	06/30/2009	TIF District #17-Twin Lakes	Payment to Owners	Ramsey County Court Admin.	PIK Parcels # 4 & 5 Acquisition of Row	182,200.00
Check Total:						182,200.00
55601	07/02/2009	General Fund	Professional Services	AJ Forliti Photography	Commercial Print and Frame	320.50
55601	07/02/2009	General Fund	Professional Services	AJ Forliti Photography	Commercial 8 x 10	298.20
Check Total:						618.70
55602	07/02/2009	General Fund	Contract Maintenance	Allina Hospitals & Clinics	Heart Saver AED Cards	34.95
55602	07/02/2009	General Fund	209001 - Use Tax Payable	Allina Hospitals & Clinics	Sales/Use Tax	-1.95
Check Total:						33.00
55603	07/02/2009	Recreation Fund	Fee Program Revenue	Pam Anderson	Mini Golf Camp Refund	33.00
55603	07/02/2009	Recreation Fund	Fee Program Revenue	Pam Anderson	Mini Golf Camp Refund	6.00
Check Total:						39.00
55604	07/02/2009	Street Construction	09-02 Roselawn/HamlineVictoria	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction, Overlay	82,103.47
55604	07/02/2009	Storm Drainage	09-02 Roselawn/HamlineVictoria	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction, Overlay	37,451.57
55604	07/02/2009	Storm Drainage	09-02 Roselawn/HamlineVictoria	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction, Overlay	1,534.25
55604	07/02/2009	Sanitary Sewer	09-02 Roselawn/HamlineVictoria	Asphalt Surface Tech, Corp	Roselawn Ave Reconstruction, Overlay	4,720.80
Check Total:						125,810.09
55605	07/02/2009	Equipment Replacement	FunRental - Copier Machines	Banc of America Leasing	Copier Lease Payment	2,875.06
Check Total:						2,875.06

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55606	07/02/2009	General Fund	Operating Supplies	Batteries Plus, Inc.	AAA Batteries	10.64
					Check Total:	10.64
55607	07/02/2009	General Fund	Contract Maintenance Vehicles	Bauer Built, Inc.	Tires	1,259.76
					Check Total:	1,259.76
55608	07/02/2009	General Fund	Training	BCA-Breath Test Section	Four Intoxilyzer Recertifications	200.00
55608	07/02/2009	General Fund	Training	BCA-Breath Test Section	Intoxilyzer Recertification-Gray	50.00
					Check Total:	250.00
55609	07/02/2009	General Fund	Operating Supplies	Bituminous Roadways Inc	2009 Blanket PO for LVWE45030B, LVNW3500	5,063.99
					Check Total:	5,063.99
55610	07/02/2009	Recreation Improvements	Valley Park Play Equipment	Buberl Recycling & Compost	Treated Wood	130.00
55610	07/02/2009	Recreation Improvements	CP Dale Street Playground	Buberl Recycling & Compost	Treated Wood	130.00
55610	07/02/2009	Recreation Improvements	CP Dale Street Playground	Buberl Recycling & Compost	Treated Wood	130.00
					Check Total:	390.00
55611	07/02/2009	Golf Course	Merchandise For Sale	Capitol Beverage Sales, LP	Beverages For Resale	102.55
					Check Total:	102.55
55612	07/02/2009	Storm Drainage	Operating Supplies	Central Power Distributors Inc	Laminate Bar	27.30
55612	07/02/2009	Golf Course	Vehicle Supplies	Central Power Distributors Inc	Fuel Pump Kit	72.55
					Check Total:	99.85
55613	07/02/2009	General Fund	Clothing	Cintas Corporation #470	Uniform Cleaning	35.20
55613	07/02/2009	P & R Contract Maintenance	Clothing	Cintas Corporation #470	Uniform Cleaning	2.66
					Check Total:	37.86
55614	07/02/2009	Community Development	Deposits	Clear Choice Properties	Partial Reimburse.-Landscape Guarantee	11,382.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						11,382.00
55615	07/02/2009	Golf Course	Merchandise For Sale	Coca Cola Bottling Company	Beverages for Resale	479.00
Check Total:						479.00
55616	07/02/2009	Recreation Fund	Advertising	Dex Media East LLC	Yellow Pages Advertising	40.00
55616	07/02/2009	Golf Course	Advertising	Dex Media East LLC	Yellow Pages Advertising	40.00
Check Total:						80.00
55617	07/02/2009	Recreation Fund	Professional Services	Joseph Dodge	Dance Recital Tech Support	140.00
Check Total:						140.00
55618	07/02/2009	T.I.F. District # 13	Payment to Owners	Eagle Crest Senior Housing LLC	1st Half Payment-2009	122,234.70
Check Total:						122,234.70
55619	07/02/2009	Recreation Fund	Operating Supplies	Ed's Trophies Inc	Parade Trophies	202.69
Check Total:						202.69
55620	07/02/2009	Golf Course	Advertising	Family Times, Inc.	Advertising	300.00
Check Total:						300.00
55621	07/02/2009	Recreation Fund	Fee Program Revenue	Mary Fischer	Tennis League Refund	67.00
Check Total:						67.00
55622	07/02/2009	General Fund	Training	FOP Lodge #1	Explosives & IED Tactics Class	35.00
Check Total:						35.00
55623	07/02/2009	Recreation Improvements	Mulch New Trees	Fra-Dor Blackdirt & Recycle	Garden Mix, Western Cedar	3,079.18
55623	07/02/2009	P & R Contract Maintenance	Operating Supplies	Fra-Dor Blackdirt & Recycle	Garden Mix, Western Cedar	74.55
55623	07/02/2009	Pathway Maintenance Fund	Operating Supplies	Fra-Dor Blackdirt & Recycle	2009 Blanket PO for Black Dirt	324.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						3,478.02
55624	07/02/2009	Singles Program	Professional Services	Edgar Freitag	Singles Entertainment Reimbursement	100.00
Check Total:						100.00
55625	07/02/2009	Recreation Fund	Fee Program Revenue	Friends of the Parks & Trails	Trees, Flowers	2,615.00
Check Total:						2,615.00
55626	07/02/2009	Community Development	Rental Registrations	Ervin Fringer	Rental Registration Fee Refund	25.00
Check Total:						25.00
55627	07/02/2009	P & R Contract Maintenance	Operating Supplies	Gertens Greenhouses	Flowers, Herbs	333.77
Check Total:						333.77
55628	07/02/2009	Recreation Fund	Fee Program Revenue	Lisa Held	Shelter Rental Refund	9.00
55628	07/02/2009	Recreation Fund	Fee Program Revenue	Lisa Held	Shelter Rental Refund	71.13
55628	07/02/2009	Recreation Fund	Sales Tax Payable	Lisa Held	Shelter Rental Refund	5.87
Check Total:						86.00
55629	07/02/2009	Recreation Fund	Fee Program Revenue	Matthew Hiber	Soccer Refund	67.00
Check Total:						67.00
55630	07/02/2009	General Fund	211600 - PERA Employers Share	ICMA Retirement Trust 401-1099	401a William Malinen-Employer Portion	309.50
Check Total:						309.50
55631	07/02/2009	Telephone	Telephone	Integra Telecom	Telephone	67.70
Check Total:						67.70
55632	07/02/2009	General Fund	Operating Supplies City Garage	ISS Facility Services-Minneapo	Towels, Toilet Tissue	419.61

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						419.61
55633	07/02/2009	Recreation Fund	Operating Supplies	J&J Sport Sales, Inc	Lacrosse Jersey's, Shorts	992.00
Check Total:						992.00
55634	07/02/2009	Building Improvements	MN Grant Professional Svcs	Karges-Faulkonbridge, Inc.	City Wide Feasibility Study for RSC Chil	2,584.20
Check Total:						2,584.20
55635	07/02/2009	General Fund	Professional Services	Kennedy & Graven, Chartered	2009 Housing Improvement Area	2,757.25
Check Total:						2,757.25
55636	07/02/2009	Recreation Fund	Professional Services	Jessica Kohs	Assistant Dance Instructor	72.00
Check Total:						72.00
55637	07/02/2009	Recreation Fund	Fee Program Revenue	Michelle Kruzel	Basketball Camp Refund	72.50
55637	07/02/2009	Recreation Fund	Fee Program Revenue	Michelle Kruzel	Basketball Camp Refund	7.50
55637	07/02/2009	Recreation Fund	Fee Program Revenue	Michelle Kruzel	Slow Pitch Softball Refund	27.00
Check Total:						107.00
55638	07/02/2009	Recreation Fund	Transportation	Rachel Kruzel	Mileage Reimbursement	39.60
55638	07/02/2009	Recreation Fund	Transportation	Rachel Kruzel	Mileage Reimbursement	18.70
Check Total:						58.30
55639	07/02/2009	General Fund	211200 - Financial Support	Kevin W. Landberg	Case # 27-CV-09-4237	431.15
Check Total:						431.15
55640	07/02/2009	P & R Contract Maintenance	Operating Supplies	Marv Huiras Greenhouse	Flowers	124.13
Check Total:						124.13
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	2,133.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	2,643.33
55641	07/02/2009	Information Technology	Employer Insurance	Medica	Health Insurance Premium for July 2009	2,614.99
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	782.66
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	23,459.11
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	2,712.00
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	1,223.33
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	1,194.99
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	3,176.99
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	4,253.33
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	825.00
55641	07/02/2009	Telecommunications	Employer Insurance	Medica	Health Insurance Premium for July 2009	1,062.00
55641	07/02/2009	Recreation Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	3,877.33
55641	07/02/2009	Recreation Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	398.33
55641	07/02/2009	P & R Contract Maintenance	Employer Insurance	Medica	Health Insurance Premium for July 2009	3,391.99
55641	07/02/2009	Recreation Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	3,352.32
55641	07/02/2009	General Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	959.33
55641	07/02/2009	Community Development	Employer Insurance	Medica	Health Insurance Premium for July 2009	1,818.33
55641	07/02/2009	Community Development	Employer Insurance	Medica	Health Insurance Premium for July 2009	398.33
55641	07/02/2009	Community Development	Employer Insurance	Medica	Health Insurance Premium for July 2009	595.00
55641	07/02/2009	Community Development	Employer Insurance	Medica	Health Insurance Premium for July 2009	384.33
55641	07/02/2009	License Center	Employer Insurance	Medica	Health Insurance Premium for July 2009	4,742.66
55641	07/02/2009	Sanitary Sewer	Employer Insurance	Medica	Health Insurance Premium for July 2009	595.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
55641	07/02/2009	Water Fund	Employer Insurance	Medica	Health Insurance Premium for July 2009	993.33
55641	07/02/2009	Golf Course	Employer Insurance	Medica	Health Insurance Premium for July 2009	805.00
55641	07/02/2009	Storm Drainage	Employer Insurance	Medica	Health Insurance Premium for July 2009	811.00
55641	07/02/2009	General Fund	211400 - Medical Ins Employee	Medica	Cobra	8,340.71
55641	07/02/2009	General Fund	211400 - Medical Ins Employee	Medica	Employee Portion	15,820.04
Check Total:						93,364.51
55642	07/02/2009	Recreation Improvements	CP Amphitheater	Menards	Treated AG/GC	2,420.19
Check Total:						2,420.19
55643	07/02/2009	Police - DWI Enforcement	Professional Services	Mid America Auction	Forfeited Vehibles Reimbursement	283.00
Check Total:						283.00
55644	07/02/2009	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Repair Coupling	30.17
55644	07/02/2009	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Rotor, Gear Drive	887.25
55644	07/02/2009	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Cut Off Riser	28.34
55644	07/02/2009	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Adapters, Rain Sensor	163.89
55644	07/02/2009	P & R Contract Maintenance	Operating Supplies	MIDC Enterprises	Bushing, Coupling	74.57
Check Total:						1,184.22
55645	07/02/2009	Recreation Fund	Professional Services	Michael Miller/ISN	Umpire Adult Softball Games	4,500.00
Check Total:						4,500.00
55646	07/02/2009	Recreation Fund	Professional Services	Megan Miner	Assistant Dance Instructor	112.00
Check Total:						112.00
55647	07/02/2009	Recreation Fund	Operating Supplies	Minnesota Recreation & Park As	Leadership Class	90.00
Check Total:						90.00
55648	07/02/2009	Workers Compensation	Insurance	MN Dept of Labor and Industry	Special Comp Fund Assessments	1,533.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	1,533.00
55649	07/02/2009	P & R Contract Maintenance	Operating Supplies	Mogren Landscape Supply	1 Roll S.B. Fab	134.19
					Check Total:	134.19
55650	07/02/2009	Police Forfeiture Fund	Professional Services	Motorola	Repair Service, Antenna, Software	3,375.48
					Check Total:	3,375.48
55651	07/02/2009	Recreation Fund	Operating Supplies	Muska Lighting Center	WH2-120-L	63.84
55651	07/02/2009	P & R Contract Maintenance	Operating Supplies	Muska Lighting Center	CF105/SP, LU400	276.22
					Check Total:	340.06
55652	07/02/2009	General Fund	Training	New Brighton Dept. of Public S	Firearms Range Rental	400.00
					Check Total:	400.00
55653	07/02/2009	Recreation Fund	Professional Services	New Brighton Parks/Recreation	Phantom of the Opera Tour	1,095.92
					Check Total:	1,095.92
55654	07/02/2009	Recreation Fund	Professional Services	Bob Nielsen	Loading/Unloading Van	40.00
					Check Total:	40.00
55655	07/02/2009	Recreation Fund	Fee Program Revenue	Enju Noh	Warm Up To Summer Camp Refund	131.00
					Check Total:	131.00
55656	07/02/2009	General Fund	Const. Operating Supplies	Northwest Lasers, Inc.	Traffic Counts Supplies	22.75
					Check Total:	22.75
55657	07/02/2009	P & R Contract Maintenance	Operating Supplies	On Site Sanitation, Inc.	Regular Service	27.47
55657	07/02/2009	P & R Contract Maintenance	Operating Supplies	On Site Sanitation, Inc.	Regular Service	40.47
55657	07/02/2009	Golf Course	Contract Maintenance	On Site Sanitation, Inc.	Regular Service	40.47

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						108.41
55658	07/02/2009	General Fund	Vehicle Supplies	OSI Environmental Inc	Uncrushed Filters Recycling	50.00
Check Total:						50.00
55659	07/02/2009	General Fund	Operating Supplies	Petco Animal Supplies, Inc.	K9 Supplies	165.26
55659	07/02/2009	General Fund	Operating Supplies	Petco Animal Supplies, Inc.	K9 Supplies	112.86
Check Total:						278.12
55660	07/02/2009	Recreation Fund	Professional Services	Bartt Pierce	Boys Basketball Camp Director	4,587.00
Check Total:						4,587.00
55661	07/02/2009	Recreation Improvements	Playground Improvements	Playpower LT Farmington, Inc.	Playground Equipment	647.95
55661	07/02/2009	Recreation Improvements	CP Dale Street Playground	Playpower LT Farmington, Inc.	CP Dale Street playground equipment repl	86,500.00
Check Total:						87,147.95
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	1,003.85
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	300.00
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	228.46
55662	07/02/2009	P & R Contract Maintenance	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	242.31
55662	07/02/2009	License Center	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	228.46
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	170.77
55662	07/02/2009	Recreation Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	136.15
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	92.31
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	92.31
55662	07/02/2009	Community Development	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	92.31
55662	07/02/2009	Water Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	92.31
55662	07/02/2009	Information Technology	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	78.46
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	78.46
55662	07/02/2009	Community Development	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	78.46
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	57.70
55662	07/02/2009	General Fund	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	57.69
55662	07/02/2009	Community Development	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	57.69
55662	07/02/2009	Storm Drainage	Employer Insurance	Premier Bank	Payroll Deduction for 6/30 HSA	57.69
55662	07/02/2009	General Fund	211402 - Flex Spending Health	Premier Bank	Payroll Deduction for 6/30 HSA	1,093.34

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						4,238.73
55663	07/02/2009	Recreation Fund	Contract Maintenance	Printers Service Inc	Ice Knife Sharpening	286.00
55663	07/02/2009	Recreation Fund	Contract Maintenance	Printers Service Inc	Ice Knife Sharpening	72.00
Check Total:						358.00
55664	07/02/2009	Recreation Fund	Fee Program Revenue	Elena Quinoneshanson	Tennis Lessons Refund	38.00
55664	07/02/2009	Recreation Fund	Fee Program Revenue	Elena Quinoneshanson	Tennis Lessons Refund	10.00
Check Total:						48.00
55665	07/02/2009	Telephone	Telephone	Qwest	Telephone	56.31
Check Total:						56.31
55666	07/02/2009	General Fund	211200 - Financial Support	Rausch Sturm Israel & Hornik	Case #CV 074555	368.03
Check Total:						368.03
55667	07/02/2009	Contracted Engineering Svcs Deposits		Rochon Corporation	Return of Escrow	3,000.00
Check Total:						3,000.00
55668	07/02/2009	Recreation Fund	Operating Supplies	John Rusterholz	Volunteer Snacks Reimbursement	37.40
Check Total:						37.40
55669	07/02/2009	Recreation Fund	Professional Services	Alan Saylor	Dance Recital Tech Support	140.00
Check Total:						140.00
55670	07/02/2009	Recreation Fund	Professional Services	Melissa Schuler	Assistant Dance Instructor	56.00
Check Total:						56.00
55671	07/02/2009	Recreation Fund	Fee Program Revenue	Craig Selbitschka	Youth Tennis Lessons Refund	76.00
55671	07/02/2009	Recreation Fund	Fee Program Revenue	Craig Selbitschka	Youth Tennis Lessons Refund	20.00
55671	07/02/2009	Recreation Fund	Fee Program Revenue	Craig Selbitschka	Youth Tennis Lessons Refund	16.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
					Check Total:	112.00
55672	07/02/2009	Recreation Fund	Professional Services	Shirley Smith	Summer Entertainment	300.00
					Check Total:	300.00
55673	07/02/2009	Recreation Fund	Professional Services	Chris Simdorn	Football Camp Director	3,135.00
					Check Total:	3,135.00
55674	07/02/2009	Recreation Fund	Professional Services	John Simso	Tennis Camp Director-June 2009	4,360.00
					Check Total:	4,360.00
55675	07/02/2009	Recreation Improvements	CP Dale Street Playground	SKB Environmental	Playground Equipment Disposal	57.12
55675	07/02/2009	Recreation Improvements	Valley Park Play Equipment	SKB Environmental	Playground Equipment Disposal	57.12
55675	07/02/2009	Recreation Improvements	CP Dale Street Playground	SKB Environmental	Playground Equipment Disposal	278.88
					Check Total:	393.12
55676	07/02/2009	Risk Management	Police Patrol Claims	Snelling Collision Service, In	Vehicle Repair	404.37
55676	07/02/2009	Risk Management	Use Tax	Snelling Collision Service, In	Sales/Use Tax	-6.37
					Check Total:	398.00
55677	07/02/2009	Recreation Fund	Professional Services	Sports Unlimited, Corp.	Lacrosse Camp	845.00
					Check Total:	845.00
55678	07/02/2009	Recreation Fund	Professional Services	Sprint	Cell Phones	40.41
55678	07/02/2009	P & R Contract Maintenance	Temporary Employees	Sprint	Cell Phones	40.41
55678	07/02/2009	Storm Drainage	Telephone	Sprint	Cell Phones	40.41
55678	07/02/2009	Information Technology	Telephone	Sprint	Cell Phones	80.84
55678	07/02/2009	General Fund	Telephone	Sprint	Cell Phones	40.41
					Check Total:	242.48
55679	07/02/2009	General Fund	Professional Services	Sheila Stowell	City Council Meeting Minutes	333.50
55679	07/02/2009	General Fund	Professional Services	Sheila Stowell	Mileage Reimbursement	9.58
55679	07/02/2009	Housing & Redevelopment A	Professional Services	Sheila Stowell	HRA Meeting Minutes	126.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						469.58
55680	07/02/2009	Water Fund	Water - Roseville	Symantec Corp	Overbilling Refund	13,734.95
Check Total:						13,734.95
55681	07/02/2009	General Fund	Contract Maintenance	Taser International	Black/Silver DPM	479.25
55681	07/02/2009	General Fund	209001 - Use Tax Payable	Taser International	Sales/Use Tax	-29.25
Check Total:						450.00
55682	07/02/2009	Recreation Fund	Fee Program Revenue	Kari Thomas	Super Combo Class Refund	67.00
55682	07/02/2009	Recreation Fund	Fee Program Revenue	Kari Thomas	Super Combo Class Refund	4.00
Check Total:						71.00
55683	07/02/2009	Recreation Fund	Fee Program Revenue	Susan Timming	Basketball Camp Refund	47.50
Check Total:						47.50
55684	07/02/2009	HRA Property Abatement Pr	Payments to Contractors	TMR Quality Lawn Service	Lawn Service-2520 W Millwood	69.22
55684	07/02/2009	HRA Property Abatement Pr	Payments to Contractors	TMR Quality Lawn Service	Lawn Service-2663 N, Marion	47.95
55684	07/02/2009	HRA Property Abatement Pr	Payments to Contractors	TMR Quality Lawn Service	Lawn Service-2071 N. Fry St	69.22
55684	07/02/2009	HRA Property Abatement Pr	Payments to Contractors	TMR Quality Lawn Service	Lawn Service-1783 W Cty Rd C2	69.22
Check Total:						255.61
55685	07/02/2009	Recreation Fund	Professional Services	Anthony Townsend	Tennis Instructor	108.00
Check Total:						108.00
55686	07/02/2009	Police - DWI Enforcement	Professional Services	Twin Cities Transport & Recove	Towing Charges	91.16
55686	07/02/2009	Police - DWI Enforcement	Professional Services	Twin Cities Transport & Recove	Towing Charges	90.74
55686	07/02/2009	Police - DWI Enforcement	Professional Services	Twin Cities Transport & Recove	Towing Charges	195.08
Check Total:						376.98
55687	07/02/2009	General Fund	Operating Supplies	Uniforms Unlimited, Inc.	Flashlight	122.42
55687	07/02/2009	General Fund	Clothing	Uniforms Unlimited, Inc.	Honour Corps DN	54.95
55687	07/02/2009	General Fund	Clothing	Uniforms Unlimited, Inc.	Coat, Mace Holder	90.16
55687	07/02/2009	General Fund	Clothing	Uniforms Unlimited, Inc.	Mace Holder	22.31

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
Check Total:						289.84
55688	07/02/2009	Recreation Fund	Contract Maintenance	United Rentals Northwest, Inc.	Rotary Hammer	73.97
Check Total:						73.97
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	1,878.66
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	7,612.62
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	3,715.79
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	1,520.82
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	1,472.36
55689	07/02/2009	P & R Contract Maintenance	Professional Services	Upper Cut Tree Service	Diseased and Hazard Tree Removal	2,501.69
Check Total:						18,701.94
55690	07/02/2009	General Fund	Operating Supplies	Verizon Wireless	Cell Phone.	71.34
Check Total:						71.34
55691	07/02/2009	General Fund	Operating Supplies City Garage	Viking Electric Supply, Inc.	Electrical Supplies	190.17
55691	07/02/2009	General Fund	Op Supplies - City Hall	Viking Electric Supply, Inc.	Electrical Supplies	399.55
Check Total:						589.72
55692	07/02/2009	Recreation Fund	Fee Program Revenue	Stacie Walker	Volleyball Camp Refund	72.50
55692	07/02/2009	Recreation Fund	Fee Program Revenue	Stacie Walker	Volleyball Camp Refund	7.50
Check Total:						80.00
55693	07/02/2009	Recreation Fund	Fee Program Revenue	Janet Windsor	Basketball Camp Refund	77.50
Check Total:						77.50
55694	07/06/2009	Building Improvements	MN Grant Skating Center	American Arbitration Assoc	Arbitration/DNR Construction Srv.	466.62
Check Total:						466.62

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Description	Amount
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Report Total:

3,174,182.81

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/13/09
Item No.: 7.b

Department Approval

City Manager Approval

Christopher K. Miller

W. J. Mahinen

Item Description: Approval of 2009-2010 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

Veterinarian Examination & Inoculation Center

St. Francis Animal & Bird Hospital
1227 Larpenteur Ave. W
Roseville, MN 55113

Cigarette/Tobacco Products

Amarose Convenience Store
137 Rosedale Center
Roseville MN 55113

Massage Therapy Establishment

LTF Club Operations Company, Inc. (dba Life Time Fitness)
2480 Fairview Ave. N
Roseville, MN 55113

Massage Therapy Establishment

Juut Salonspa
2480 Fairview Avenue N
Roseville, MN 55113

Massage Therapist

Allissa Knox

33 At Juut Salon & Spa
34 2480 Fairview Ave N
35 Roseville, MN 55113

36
37
38 Massage Therapist

39 Mary Devitt
40 At Serene Body Therapy
41 1629 W County Road C
42 Roseville, MN 55113

43
44
45 Massage Therapist

46 Brandon Palmer
47 At Serene Body Therapy
48 1629 W County Road C
49 Roseville, MN 55113

50
51
52 Massage Therapy Establishment

53 Serene Body Therapy
54 1629 W County Road C
55 Roseville, MN 55113

56
57
58 Massage Therapy Establishment

59 Chinese Tui Na Massage
60 Rosedale Mall
61 Roseville, MN 55113

62
63
64 Massage Therapist

65 Zhixin Lai
66 At Chinese Tui Na Massage
67 Rosedale Mall
68 Roseville, MN 55113

69
70 **POLICY OBJECTIVE**
71 Required by City Code

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

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

76 **REQUESTED COUNCIL ACTION**

77 Motion to approve the business license application(s) as submitted.

78

79

Prepared by: Chris Miller, Finance Director

Attachments: A: Applications

80

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

Veterinary Hospital Application

Business Name St. Francis Animal & Bird Hospital
Business Address 1227 Carpenter Ave. W, Roseville
1227 Carpenter Ave. W, Roseville
Business Phone _____
Email Address _____

Person to Contact in Regard to Business License:

Name _____
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.

<u>License Required</u>	<u>Fee</u>
Veterinary Hospital	\$80.00

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 [Signature]
Date 6/15/09

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



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

Cigarette/Tobacco Products License Application

Business Name Amarose Convenience Store
Business Address 137 Rosedale Center
Business Phone -
Email Address -

Person to Contact in Regard to Business License:

Name -
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.

<u>License Required</u>	<u>Fee</u>
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 Rajinder Kaur
Date 6/24/2009

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



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

Massage Therapy Establishment License Application

Business Name LTF Club Operations Company, Inc. (d/b/a Life Time Fitness)
Business Address 2480 Fairview Ave N., Roseville, MN 55113
Business Phone _____
Email Address _____
Person to Contact in Regard to Business License:
Legal Name _____
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 6/25/09

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



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

Massage Therapy Establishment License Application

Business Name Juut Salonspa
Business Address 2480 Fairview Avenue North
Business Phone _____
Email Address _____
Person to Contact in Regard to Business License: _____
Legal Name _____
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

[Signature]
6/17/09

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



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

Massage Therapist License

New License ☒ _____ Renewal _____

For License year ending June 30 _____

1. Legal Name ALISSA KNOX
2. Home Address 2833 LYNDAVE AVE. S. #130 MPLS, MN 55408
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address _____
7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes _____ No ☒ 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.
JOOT SALON & SPA 2480 FAIRVIEW AVE. N. 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.

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

License fee is 75.00

Make checks payable to City of Roseville



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

Massage Therapist License

New License _____ Renewal ☒

For License year ending June 30 2010

1. Legal Name Mary Dewitt
2. Home Address 3008 45th Ave. S. Mpls. MN. 55406
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address _____

7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes _____ No ☒ 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.

Serene Body Therapy

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 ☒ If yes explain in detail.

License fee is 75.00

Make checks payable to City of 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 ~~2009~~ 2010

1. Legal Name Brandon Palmer
2. Home Address 598 12th Ave NW New Brighton MN 5512
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address _____

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.
Serene Body Therapy LLC 1629 West County Road C 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.

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



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

Massage Therapy Establishment License Application

Business Name Serene Body Therapy LLC
Business Address 1629 West County Rd C Roseville MN 55113
Business Phone _____
Email Address _____
Person to Contact in Regard to Business License:
Legal Name _____
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 Broch Palm
Date 6-29-09

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



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

Massage Therapy Establishment License Application

Business Name chinese Tui Na massage
Business Address Rosedale mail
Business Phone _____
Email Address _____
Person to Contact in Regard to Business License:
Legal Name _____
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 [Signature]
Date 6/30/09

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

please mail to: Rosedale mail office
ATTN: Jessica Drach



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

Massage Therapist License

New License ☒ Renewal ☐

For License year ending June 30 _____

1. Legal Name zhixin Lai
2. Home Address 2023 Bradley St. #203. Maplewood. MN 55117
3. Home Telephone _____
4. Date of Birth _____
5. Drivers License Number _____
6. Email Address _____
7. Have you ever used or been known by any name other than the legal name given in number 1 above?
Yes _____ No ☒ 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.
Chinese Tuina massage. Rosedale mall
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 ☒ If yes explain in detail.

License fee is 75.00

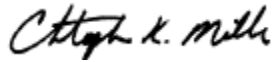
Make checks payable to City of Roseville

REQUEST FOR COUNCIL ACTION

Date: 7/13/09
Item No.: 7.c

Department Approval:

Manager Approval



Description: Set a Public Hearing on July 27, 2009 for EVADO, Inc. DBA ZPizza application for an On-Sale 3.2% Liquor and On-Sale Wine license at 1607 County Rd C W

Background

ZPizza has applied for an On-Sale 3.2% Liquor and an On-Sale Wine license at 1607 County Rd C W. The City Attorney will review the application prior to the issuance of the license to ensure that it is in order. A representative from ZPizza will attend the hearing to answer any questions the Council may have.

Financial Implications

The revenue that is generated from the license fees collected is used to offset the cost of police compliance checks, background investigations, enforcement of liquor laws, and license administration.

Council Action

Motion to set a public hearing for the On-Sale 3.2% Liquor and On-Sale Wine license, for Zpizza will be held on July 27, 2009.



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar St., Suite 133, St. Paul, MN 55101-5133
(651) 201-7507 FAX (651) 297-5259 TTY (651) 282-6555
WWW.DPS.STATE.MN.US



APPLICATION FOR COUNTY/CITY ON-SALE WINE LICENSE
(Not to exceed 14% of alcohol by volume)

EVERY QUESTION MUST BE ANSWERED. If a corporation, an officer shall execute this application. If a partnership, LLC, a partner shall execute this application.

Workers compensation insurance company. Name Trans World Insurance Policy # 2333M877 UB
LICENSEE'S MN SALES & USE TAX ID # _____ To apply for MN Sales Tax # call (651) 296-6181
LICENSEE'S FEDERAL TAX ID # _____

Applicants Name (Business, Partnership, Corporation) EVADO Inc		Trade Name or DBA ZPIZZA	
Business Address 1607 County Rdc W		Business Phone (651) 633-3131	Applicant's Home Phone [REDACTED]
City Roseville		County Ramsey	State MN
			Zip Code 55113
Is this application ☒ New or a ☐ Transfer	If a transfer, give name of former owner		License period From _____ To _____
If a corporation, give name, title, address and date of birth of each officer. If a partnership, LLC, give name, address and date of birth of each partner.			
Partner/Officer Name and title		Address	DOB
Partner/Officer Name and title		Address	DOB
Partner/Officer Name and title		Address	DOB
Partner/Officer Name and title		Address	DOB
CORPORATIONS			
Date of incorporation 11/6/2006	State of incorporation Minnesota	Certificate Number	Is corporation authorized to do business in Minnesota? ☒ Yes ☐ No
If a subsidiary of another corporation, give name and address of parent corporation			
BUILDING AND RESTAURANT			
Name of building owner KPERS Realty Holding #41 Inc		Owner's address World Trade Ctr EAST WING MA Boston 02210-2021	
Are Property Taxes delinquent? ☐ Yes ☒ No	Has the building owner any connection, direct or indirect, with the applicant? ☐ Yes ☒ No		Restaurant seating capacity 40
Hour's food will be available Daily 11AM-10PM	No. of people restaurant employs 15	No. of months per year restaurant will be open 12	Will food service be the principle business? ☒ Yes ☐ No
Describe the premises to be licensed Fast Casual Pizza restaurant 1650 sq.ft.			
If the restaurant is in conjunction with another business (resort/etc.), describe business			
NO LICENSE WILL BE APPROVED OR RELEASED UNTIL THE \$20 RETAILER ID CARD FEE IS RECEIVED BY AGED			

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 7/13/09
Item No.: 7.d

Department Approval

City Manager Approval

Christopher K. Miller

W. J. Mahinen

Item Description: Request for Approval of General Purchases or Sale of Surplus Items
Exceeding \$5,000

BACKGROUND

City Code section 103.05 establishes the requirement that all general purchases and/or contracts in excess of \$5,000 be approved by the Council. In addition, State Statutes require that the Council authorize the sale of surplus vehicles and equipment.

General Purchases or Contracts

City Staff have submitted the following items for Council review and approval:

Department	Vendor	Item / Description	Amount
Recreation	Flair Contracting	Repair Rosebrook wading pool drain	\$ 8,920.00
Recreation	Flair Contracting	Repair Central Park waterfall	12,580.00
Recreation	Upper Cut Tree Svc	Diseased and hazardous tree removal	15,000.00

Sale of Surplus Vehicles or Equipment

City Staff have identified surplus vehicles and equipment that have been replaced and/or are no longer needed to deliver City programs and services. These surplus items will either be traded in on replacement items or will be sold in a public auction or bid process. The items include the following:

Department	Item / Description
n/a	n/a

POLICY OBJECTIVE

Required under City Code 103.05.

FINANCIAL IMPACTS

Funding for all items is provided for in the current operating or capital budget.

18 **STAFF RECOMMENDATION**

19 Staff recommends the City Council approve the submitted purchases or contracts for service and, if
20 applicable, authorize the trade-in/sale of surplus items.

21 **REQUESTED COUNCIL ACTION**

22 Motion to approve the submitted list of general purchases, contracts for services, and if applicable the
23 trade-in/sale of surplus equipment.

24

25

Prepared by: Chris Miller, Finance Director

Attachments: A: None

26

REQUEST FOR COUNCIL ACTION

Date: 07/13/09
Item No.: 7.e

Department Approval



City Manager Approval



Item Description: Vacation of a portion of Mt. Ridge right-of-way and conveyance of land owned by the City for road purposes

BACKGROUND

As part of the Phase I Twin Lakes Infrastructure Project, the City is constructing a portion of Twin Lakes Parkway from Cleveland Ave. to Prior Ave. as well as Mt. Ridge Road north from Twin Lakes Parkway to County Road C2. The new roads will set the transportation pattern for the Twin Lakes redevelopment area. With this new road pattern, staff has looked at the right-of-way and road easement currently in existence. In most cases, the City will be utilizing existing road right-of-way and road easements as part of the new project.

As part of the 1925 Twin View plat, Roseville received 40-feet of right-of-way (Mt. Ridge) from County Road C2 to County Road C. Along the same corridor, the City obtained an additional strip of land that is 10 feet wide on each side of the dedicated Mt. Ridge right-of-way. The deed for the property limits its use for "road purposes".

City Staff has reviewed this situation and has determined that the Mt. Ridge Road right-of-way as shown on Attachment B is not needed for transportation purposes within the Twin Lakes area due to the new roads currently being constructed. In fact, the Twin Lakes AUAR, the environmental review document analyzing the impact of the Twin Lakes redevelopment, did not require this right-of-way to be improved or used. The Twin Lakes Infrastructure study, which allocated road and infrastructure costs to parcels within Twin Lakes, also did not require the use of this portion of the Mt. Ridge Road right-of-way. Because the right-of-way is no longer needed, staff feels the land is put to better use as a taxable property as part of a future development.

For the same reasons mentioned above and similar to the right-of-way for Mt. Ridge Road in this area, the 10-foot strips are no longer needed for transportation purposes. Since these 10-foot strips were given to the City for road purposes and there is no longer a need for them, staff would propose deeding these 10-foot strips back to the adjacent property owners.

PLANNING COMMISSION ACTION

At the duly noticed public hearing, the Planning Commission did not receive any public comment. The Planning Commission reviewed the request and had questions about the overall road project. The Planning Commission voted 7-0 to recommend approval of the requested right-of-way vacation and conveyance of land for Mount Ridge Road, based on the comments and findings of the project report dated June 3, 2009.

30

31

32 **STAFF RECOMMENDATION**

33 Based on the above analysis and comments staff recommends that the City Council

34 1) Vacate that portion of the Mt. Ridge Road right-of-way as shown on Attachment B and legally
35 described in Attachment C and;

36 2) Deed back the two ten-foot strips in the area shown on Attachment B and legally described in
37 Attachment D.

38 **SUGGESTED CITY COUNCIL ACTION**

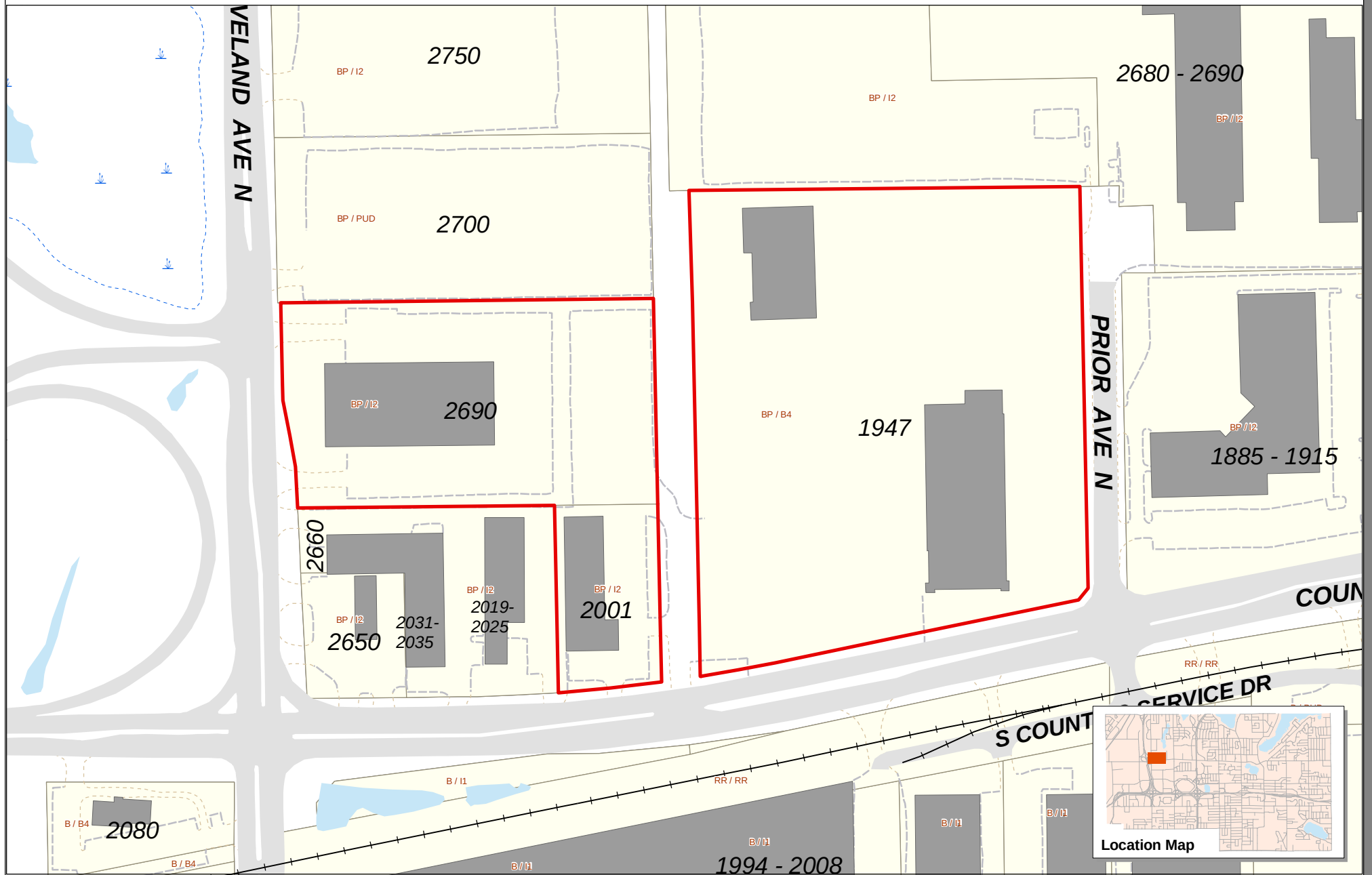
39 **ADOPT A RESOLUTION APPROVING THE VACATION OF A PORTION OF THE MOUNT RIDGE PUBLIC**
40 **ROAD RIGHT-OF-WAY**

41 **BY MOTION, RECOMMEND DEEDING THE TWO 10-FOOT STRIPS** as shown on Attachment B and legally
42 described in Attachment D to the adjoining property owners.

43 Prepared by: Community Development Director Patrick Trudgeon (651-792-7071)

44 Attachments: A: Location Map
45 B: Exhibit showing areas to vacated and deeded back
46 C: Resolution vacating a portion of Mt. Ridge public right-of-way
D: Legal Description of the area to be deeded.

Attachment A: Location Map for Project File 0021



Prepared by:
Community Development Department
Printed: May 26, 2009



Site Location

LR / R1 Comp Plan / Zoning
Designations

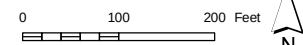
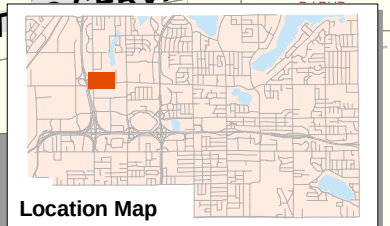
Data Sources

* Ramsey County GIS Base Map (5/14/2009)

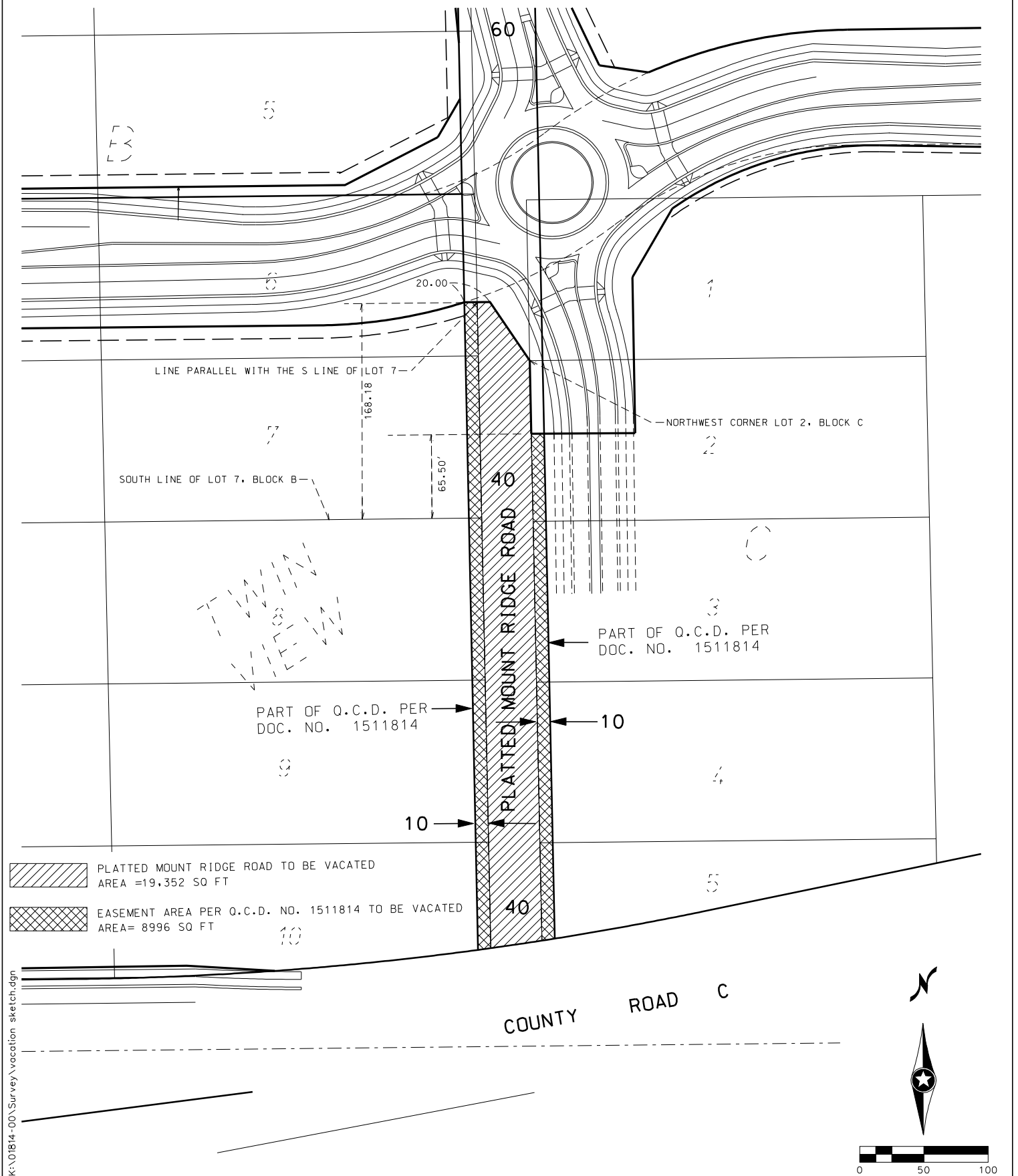
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

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



mapdoc: planning_commission_location.mxd



701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416
www.wsbeng.com

763-541-4800 • Fax 763-541-1700
INFRASTRUCTURE • ENGINEERING • PLANNING • CONSTRUCTION

Twin Lakes West

Roadway Improvements Parcel Sketch Roseville, Minnesota

WSB Project No. 1814-00

Date: 5/20/09

Parcel No.
Street Vacation

**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 13th of July, 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 VACATING A PORTION OF MT. RIDGE PUBLIC RIGHT-OF-WAY
(PROJ0021)**

WHEREAS, as part of the TWIN VIEW plat, the City received a dedication of public right-of-way for Mount Ridge Road.

WHEREAS, the City desires to vacate a portion of the Mount Ridge Road public right-of-way legally described as:

That part of Mount Ridge Road as dedicated in TWIN VIEW, according to said plat on file and of record in the office of the County Recorder, Ramsey County, Minnesota, which lies southerly and southwesterly of the following described line: Beginning at the intersection of the easterly line of Lot 6, Block B, TWIN VIEW, and a line drawn parallel with and distant 168.18 feet northerly of the southerly line of Lot 7, said Block B; thence easterly, along the easterly extension of said line drawn parallel with and distant 168.18 feet northerly of the southerly line of Lot 7, 20.00 feet; thence southeasterly, to the northwest corner of Lot 2, Block C, said TWIN VIEW, and said line there terminating.

WHEREAS, the Public Works Director has determined that the portion of Mt. Ridge Road public right-of-way legally described above is no longer needed for transportation purposes and approving the requested vacation would not have adverse impacts on the public; and

WHEREAS, the Roseville Planning Commission held a public hearing regarding the easement vacation on June 3, 2009, voting (7-0) to recommend approval, based on the findings of the Planning Commission project report dated June 3, 2009;

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, to vacate the right-of-way described above, based on the information contained in the project report prepared on July 13, 2009.

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.

[illegible]

WITNESS MY HAND officially as such Manager this 13th day of July 2009.

William J, Malinen, City Manager

DESCRIPTION OF THAT PART OF THE QUIT CLAIM DEED TO THE CITY OF
ROSEVILLE DATED JUNE 7, 1960, AS DESCRIBED IN DOCUMENT NUMBER
1511814, TO BE VACATED.

That part of the east 10.00 feet of Lots 6, 7, 8, 9 and 10, Block B, TWIN VIEW, according to said plat on file and of record in the office of the County Recorder, Ramsey County, Minnesota, as described in Quit Claim Deed, Document Number 1511814, Recorded June 7, 1960, which lies southerly of a line drawn parallel with and distant 168.18 feet northerly of the southerly line of said Lot 7, Block B.

And also that part of the west 10.00 feet of Lots 2, 3, 4, and 5, Block C, TWIN VIEW, according to said plat on file and of record in the office of the County Recorder, Ramsey County, Minnesota, as described in Quit Claim Deed, Document Number 1511814, Recorded June 7, 1960, which lies southerly of the easterly extension of a line drawn parallel with and distant 65.50 feet northerly of the southerly line of Lot 7, Block B, said TWIN VIEW.

REQUEST FOR COUNCIL ACTION

Date: 07/13/2009

Item No.: 9.a

Department Approval

City Manager Approval



Item Description: Adopt Ordinance to Amend to Title 4 of the City Code Regarding Yard Requirements and Regulation of Residential Composting

1.0 BACKGROUND

1.1 Chapter 407 of the Roseville City Code regulates nuisances within the City. Section 407.02 regulates nuisances affecting the health, safety, comfort, or repose of residents. The following report describes two recommended clarifications to Section 407.02 related to yard vegetation and compost bins and the addition of a new chapter to more fully detail regulations on residential compost bins.

1.2 Staff brought draft language for the City Council to review at the April 13, 2009, and the June 8, 2009 City Council meetings. See Attachments A and B to review the meeting minutes.)

1.3 At the June 8, 2009 meeting, Council members requested further refinement to the composting language and asked that staff work with Dr. Carl J. Rosen, who is a Roseville resident and professor/soil scientist at the University of Minnesota and during a statement at the meeting volunteered to work with staff on further revisions to the proposed code.

1.3 Since the June 8 meeting, staff has refined the language of the composting ordinance and coordinated with Dr. Rosen. Changes to the ordinance focus on the number of compost containers per lot and now would allow for up to two containers on lots 10,000 square feet or less in area and three compost containers on residential lots larger than 10,000 square feet in area. (See Attachment C to review the revised language.) Staff did coordinate the revisions with Dr. Rosen and provided him with proposed changes to the language. Attachment D is a record of this correspondence and Dr. Rosen's reply.

2.0 POLICY OBJECTIVE

2.1 Both proposed ordinance amendments more clearly set forward expectations for property owners and allows City staff to have unambiguous rules to enforce.

3.0 BUDGET IMPLICATIONS

3.1 The proposed amendments are not expected have an impact on the City's budget.

26 **4.0 STAFF RECOMMENDATION**

27 4.1 Staff recommends that the City Council pass an ordinance adopting the draft nuisance
28 code language. Without an ordinances requiring permanent yard vegetation and
29 composting specifics, the City cannot cite property owners with bare dirt yards or non-
30 compliant composting.

31 **5.0 REQUESTED COUNCIL ACTION**

32 5.1 Adopt an ordinance amending Title 4, Chapter 407 of the Roseville City Code and adding
33 Chapter 409.

34 5.2 By motion, approve the ordinance summery describing the amendments to Title 4 of the
35 City Code, for official publication.

36

Prepared by: Jamie Radel, Community Development

Attachments: A: Extract of Meeting Minutes from the April 13, 2009 City Council Meeting
B: Extract of Meeting Minutes from the June 8, 2009 City Council Meeting
C: Draft Ordinance Revising Title 4, Chapter 407 and of the Roseville City Code and Adding
Chapter 409.
D: Correspondence between Tim Pratt and Dr. Carl Rosen
E: Draft Ordinance Summary

Extract of Meeting Minutes from the April 13, 2009 City Council Meeting

Discuss Amendments to the City Nuisance Code regarding Residential Composting

Economic Development Associate Jamie Radel summarized the Request for Council Action dated April 13, 2009, discussing several amendments to Title 4 of City Code related to yard requirements and regulation of residential composting. A draft ordinance was included in the report addressing those areas of current ordinance that were too vague and not readily enforceable.

Councilmember Pust opined that it sounded reasonable to provide further direction; however, expressed concern in language related to yard cover, when the City was encouraging more environmentally-friendly use of water, and the need to consider other landscaping beyond traditional sod.

Ms. Radel noted several options for environmentally-friendly yards that would minimize water usage; and suggested staff further broaden vegetation language.

Councilmember Roe spoke in support of more detailed explanations in ordinance; and suggested addition of an explanation for yard cover and expansion of other qualified options as well; encouragement of storm water management on site; and definition of what is and is not acceptable.

Mayor Klausing noted that some homes in Roseville (e.g., on Dale Street north of Larpenteur) were naturally wooded; and that those needed to be addressed as naturalistic yards.

City Attorney Anderson noted that "vegetation" was a very broad term and provide substantial leeway for property owners, as long as ground cover was alive, and not "Astroturf."

Mayor Klausing noted concerns with composting language and the comprehensive list, suggesting that "faded flowers" be removed; and the material list be further defined.

Ms. Radel advised staff had drafted proposed revisions based on their review of similar ordinances in the Cities of Minneapolis and St. Paul, but that staff would review language further and more specifically.

Councilmember Ihlan suggested that another approach would be to specify materials that would not be allowed for yard cover; while addressing pervious and impervious materials. Councilmember Ihlan opined that she had no major concerns with the general language; further opining that she didn't want to require people to have lawns as long as their options were aesthetically pleasing. Councilmember Ihlan addressed enforcement issues for such a specific list of compost materials and their diameters, suggesting that guidelines be provided, rather than enforceable language.

Mayor Klausing suggested that the intent in providing a diameter of no more than ¼ inch for compost materials was to avoid fallen trees in compost materials.

City Attorney Anderson concurred; and noted that enforcement with a nuisance code was always an issue; however, if language was changed to guidelines, there would be no way to enforce it at all, and then a nuisance code would not be the appropriate place.

Mayor Klausing spoke in support of language enforceable to avoid people putting general garbage or other non-compostable materials in their compost areas.

City Attorney Anderson noted that this gets to the terms of a list of materials not allowed; items that give rise to effervescence in the air; and basically get enforced when neighbors complain. City Attorney Anderson noted that this allows for a definitive nature as staff reviews each specific situation and can then respond to those complaints.

Councilmember Ihlan requested that staff seek additional expertise from green gardening promoters and how this suggested language fits into composting practices.

Ms. Radel advised that she and Recycling Coordinator Tim Pratt would seek additional information.

On a related note, Ms. Radel advised that composting bins would be available in May at City Hall during regular business hours at a cost of \$35 each.

Councilmember Roe reminded residents that the City's Clean-Up Day was scheduled for Saturday, April 25, 2009.

Extract of Meeting Minutes from the June 8, 2009 City Council Meeting

Discuss an Ordinance to Roseville City Code, amending Title 4 related to Yard Requirements and Regulation of Residential Composting

Community Development Director Patrick Trudgeon addressed the proposed ordinance amendments to City Code, Title 4, related to yard cover requirements. Mr. Trudgeon provided clarification of yard cover options for those residents not having natural turf grass, but having natural landscaping (i.e., prairie grasses) or wooded areas on their properties. Mr. Trudgeon advised that staff was recommending clarifying language indicating no bare soil and groundcover requirements.

Councilmember Ihlan presented several hypothetical scenarios to test the proposed language; which were addressed by staff, including combining bare soil and weeds; landscape rock versus piled gravel; and definition of noxious weeds as addressed by other state and federal agency definitions.

Discussion included the intent for groundcover reducing erosion; and impervious surface requirements.

City Attorney Anderson noted combinations for vegetation and landscaping and standard interpretation of State Statute.

Recycling Coordinator Tim Pratt

Mr. Pratt addressed the proposed language amendment related to residential composting; and reduced specificity for composting as previously addressed by the City Council; while still allowing staff to enforce code violations. Mr. Pratt address some specific issues staff had encountered in the past (i.e., accumulation of brush piles or unconfined compost materials); need for education of residents in composting allowing for managed decomposition of materials, to not allow residents to suggest that bush piles or debris piles were "compost materials" when there was no indication that they were being managed as such. Mr. Pratt advised that the current language was based on the best elements of the City of Minneapolis code (from 1990) and that of the City of St. Paul (from 1994); with removal of more limiting language (i.e., description of materials removed).

Discussion included code enforcement issues encountered by staff to-date; and uncovered and unmanaged materials in backyards causing detrimental impacts for the neighborhood (e.g., odors and rodents).

Carl J. Rosen, Ph.D., University of Minnesota Professor and Extension Soil Scientist/Horticultural Crops; Primary author of composting bulletin and a Roseville resident

Mr. Rosen addressed the positives and negatives of the proposed language amendments recognizing staff's intent to regulate nuisances; however, Mr. Rosen opined that the proposed

language may serve to discourage residents from yard composting, and ultimately serve as a setback for addressing sustainable yard waste throughout the City. Mr. Rosen opined that proposed language was too restrictive, making it difficult for some to compost on-site, requiring them to compost off-site and discourage their efforts.

Mr. Rosen addressed specific concerns in Section 409.02 of the proposed ordinance, noting that lot sizes in Roseville were larger than those of Minneapolis and St. Paul, creating more yard waste than could be accommodated in two 5 x 5 bins, inclusive of his own yard, and specifically during the fall of the year until those leaves had deteriorated sufficiently. Mr. Rosen noted smaller containers, containing mostly kitchen scraps, actually attracting rodents and causing damage to the vessel itself.

Mr. Rosen further addressed specific concerns in Section 409.06 related to management of compost piles; noting that some may be unable to comply (i.e., elderly residents) with restrictions; and noted that there were many ways to manage a compost pile without repeated turning.

Mr. Rosen opined that there were ways to regulate nuisances, and a process needed to be in place; however, he opined that he was not confident that this proposed language was the best way to do so.

Councilmember Johnson thanked Mr. Rosen for attending tonight's meeting; and opined that he had excellent points for further discussion, but sought how Mr. Rosen would draw a distinction between those abusing current ordinance and those making a bone fide effort at backyard composting; and asked if Mr. Rosen was available to assist staff in further refinement.

Mr. Rosen recognized the difficulties in that distinction and the different degrees of composting materials; and volunteered his time and expertise to staff in resolving existing issues.

Discussion included need for enclosures or restrictions on compost materials; and the need for a flexible process in managing micro-organisms.

Councilmembers requested that staff and Mr. Rosen consult to resolve remaining issues and to provide a more flexible process, while allowing for regulatory prevention of nuisances that are not qualified as composting and modifying language to accommodate those who are attempting compliance and sustainable efforts.

City of Roseville
ORDINANCE NO. XXXXX

AN ORDINANCE
AMENDING TITLE 4, Chapter 407
HEALTH AND SANITATION AND
ADDING CHAPTER 409
RESIDENTIAL COMPOSTING

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 4, Chapter 407 and Chapter 409 of the Roseville City Code are amended to read as follows:

407.01: DEFINITIONS:

GROUND COVER: Vegetation and landscaping that covers the ground surface or topsoil and has the effect of reducing erosion

NATURAL AREAS: Natural, restored, or recreated woodlands, savannahs, prairies, meadows, bogs, marshes, and lake shores

NATURAL LANDSCAPING: Planned landscaping designed to replicate a locally native plant community by using a mix of plants, shrubs, and trees native to the area.

407.02: NUISANCES AFFECTING HEALTH, SAFETY, COMFORT OR REPOSE:

C. Weeds: All noxious weeds are prohibited. Tall Grasses, nuisance weeds and rank vegetative growth shall be maintained at a height of eight inches or less in locations closer than 40 feet to:

1. An occupied principal structure;
2. Any property line with an occupied structure on abutting property; and
3. A public road pavement edge.

This section shall not apply to:

1. Natural areas, ~~such as woods, bogs, marshes, ground covers, wildflower or prairie restoration~~ and public open space or park lands, as determined by the city forester or naturalist designated by the city manager. (Ord. 1136, 2-28-1994; Amd. XX-XX-XXXX)

2. Yard areas with natural landscaping that follow the City Park Department policy for natural landscaping (Ord. XXXX, X-XX-XXXX)

F. Backyard Composting: All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements of Section 409. (Ord. 1092, 6-10-91, amended 00-00-2009)

R. Yard Cover: The yard area of a lot shall not be bare soil, shall be covered by a groundcover and shall be maintained as set forward in Section 407.02(C). (Ord. XXXX, XX-XX-2009)

CHAPTER 409: RESIDENTIAL COMPOSTING

SECTION:

409.01: Definitions

409.02: Applicability

409.03: Compost Containers

409.04: Location on Property

409.05: Compost Materials

409.06: Maintenance

409.07: Abatement

409.01: DEFINITIONS

COMPOSTING: a microbial process that converts plant materials to a usable organic soil amendment or mulch.

409.02: APPLICABILITY

Rules set forward in Chapter 409 are applicable only to parcels designated R-1 Single-Family Residential under Chapter 1004.

409.03: COMPOST CONTAINERS

Composting shall be conducted within an enclosed container(s) not to exceed five feet in length, width, or height. Lots of up to ten thousand (10,000) square feet in area may have up to two compost containers per lot and lots greater than ten thousand (10,000) square feet in area may have up to three compost containers per lot. Compost containers shall be constructed or made of a durable material; including, but not limited to, sturdy woven wire fencing, rot-resistant wood, or a commercially purchased composting unit that will provide for adequate aeration. Containers shall be constructed and maintained in a structurally sound manner.

409.04: LOCATION ON PROPERTY

Compost container(s) shall be located in the rear yard no closer than one foot to any rear or side property line and no closer than twenty (20) feet to any habitable building, other than the resident's own home.

409.05: COMPOST MATERIALS

Material such as grass clippings, leaves, soft-bodied plant materials, straw, sawdust, fruit or vegetable scraps, flowers, lake plants, coffee grounds, eggshells, and commercially available compost ingredients may be placed in compost container(s). Material such as meat, bones, fat, oils, grease, dairy products, brush greater than one-fourth inch in diameter, human or pet waste, plastics or synthetic fibers shall not be placed in compost container(s).

409.06: MAINTENANCE

Compost materials shall be managed to minimize odor generation and to promote effective decomposition of the materials in a safe, secure and sanitary manner.

1 **409.07: ABATEMENT**

2 All compost containers and/or compost materials not in compliance with this section shall be
3 declared a nuisance and are subject to abatement as provided in Chapter 407 of this Code.
4

5 SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.
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7 Passed by the City Council of the City of Roseville this 13th day of July, 2009.
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Ordinance – Title of Ordinance _____ -

(SEAL)

CITY OF ROSEVILLE

BY: _____
Craig D. Klausing, Mayor

ATTEST:

William J. Malinen, City Manager

Tim Pratt

Subject: FW: Composting Code Revisions

-----Original Message-----

From: Carl Rosen [REDACTED]
Sent: Wednesday, June 10, 2009 6:24 PM
To: Tim Pratt
Subject: Re: Composting Code Revisions

Tim:

Thanks for sending the revised version. Having an increase in the number of containers allowed for larger lots is good; although the basic problem still is that the reason for having a container required in the first place is not so much for proper composting, but to be able to declare a nuisance. I guess if that is what is absolutely needed, then I'm OK with it.

If you'd like to discuss further let me know.

Carl Rosen
Professor and Extension Soil Scientist
University of Minnesota
Department of Soil, Water, & Climate
1991 Upper Buford Circle
439 Borlaug Hall
St. Paul, MN 55108
Tel: [REDACTED]
Fax: [REDACTED]

Tim Pratt wrote:

> Dr. Rosen,
>
> I worked your changes into the attached version of the proposed code. Let me know what you think.
>
> Tim Pratt
> Recycling Coordinator
> City of Roseville
> 2660 Civic Center Drive
> Roseville, MN 55113
>
> (Phone) 651-792-7027
> (Fax) 651-792-7030
>
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City of Roseville

ORDINANCE SUMMARY NO. ____

**An Ordinance Summary Relating to
Amendments to Title 4 of the City Code Regarding
Yard Vegetation Requirements and
Residential Composting Regulation**

The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on July 13, 2009:

The Roseville City Code is amended by establishing a requirement for yard vegetation and more specific regulations for residential composting.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
William J. Malinen, City Manager

Summary of Ordinance Publication Format

REQUEST FOR COUNCIL ACTION

Date: 7-13-09
Item No.: 12.a

Department Approval

City Manager Approval



Item Description: Approve Contract with LHB/Cornejo Consulting for the Development of a Park and Recreation System Master Plan Update

BACKGROUND

As a result of Imagine Roseville 2025, the recent City Comprehensive Plan update and subsequent direction and recommendation by the City Council and the Parks and Recreation Commission, it is a priority to engage the Community in a Parks and Recreation System Master Plan update. The process of selecting a professional planning firm to assist, guide and implement that process has been continuing.

On November 17, 2008 the City Council reviewed and authorized issuing a Request for Proposals (RFP).

On November 19th, 2008 the RFP's were issued to (13) known qualified firms.

On December 12, 2008, (9) proposals were received. All proposals and fees were subject to interpretation and were sorted out in more detail during review and interviews. Seven proposals ranged from \$98,000 to \$180,000. Proposing firms included:

Firm

Bonestroo/106 Group

Brauer and Associates

Bucher, Willis and Ratliff Corporation (BWR)

Hoisington Koegler Group, Inc. (HKGI)

LHB/Cornejo Consulting

Northwest Associated Consultants, Inc. (NAC)

Sanders Waker Bergley, Inc. (SWB)

Short Elliot Hendrickson Inc./Pros Consulting (SEH)

SRF Consulting Group

On April 20th 2009, an update was requested by the City Council. Staff indicated that the proposals would be narrowed to four firms for interviews with a recommendation of one to come in June or July.

A committee comprised of the Director of Parks and Recreation, Assistant Director, Park Superintendent and Skating Center Superintendent reviewed proposals and participated in the interview process. The following key elements were used to evaluate the proposals:

- Public input for all individual plans
- Public input for overall process
- Process for information exchange i.e. Web site, blog.....
- Number of public meetings
- Community Center discussion and concept planning
- Team make-up/qualifications
- Understanding of the project
- Input from city staff, recreation, maintenance, other city departments
- Demographics influence on process
- Understanding of what is unique to Roseville Parks and Recreation
- Maintenance issue awareness
- Practicality
- Completeness of Proposal
- Work plan compatibility with our expectations
- Relevant experience
- Strength of references
- Intangibles
- Fees and costs

On June 8th, 2009 interviews were conducted with the top four proposers, they were as follows.

<u>Firm</u>	<u>Cost</u>	<u>Score (out of 170)</u>
Bonestroo	\$140,000	144
LHB	\$125,300	156
NAC	\$150,000	138
SEH	\$ 98,017	140

Note: other staff, Parks and Recreation Commission and community members were involved in providing input and advice in various ways.

A portion of the "Best Value Procurement" method was utilized involving five specific filters:

- 1) Proposal review
- 2) Key elements identified in the proposal
- 3) General interviews
- 4) Pre-award interviews
- 5) Value added discussions with key personnel

After interviewing the top four firms for their demonstrated understanding of the project, clarity of approach, fees and costs and deliverables, staff is recommending that the City enter into an agreement with LHB/Cornejo Consulting for the Roseville Parks and Recreation System Master Plan Update for a scope outlined in the attachment for a cost not to exceed \$125,300 to be taken from the City Park Dedication Fund.

Somewhat unclear in all proposals but will become clearer as the process begins is to what extent a needs assessment (index) and marketing effort should be conducted. The Parks and Recreation Commission has discussed the need to increase the marketing efforts as appropriate

as the process continues. There are varying ways to get at these, some may require additional resources. If additional resources should be necessary, they would be anticipated to be taken from the 2008 Imagine Roseville 2025 allocation set aside for the Master Plan process.

The next steps in the process will be to:

- Finalize the agreement between the City of Roseville and LHB/Cornejo Consulting
- Establish the Park and Recreation System Master Plan Update Team (PARMPUT)
- Solidify a calendar of milestones
- Begin Master Planning Process

The PARMPUT is anticipated to include one City Council Member. Please consider appointing that member tonight to allow early involvement.

POLICY OBJECTIVE

To be proactive in planning and to solicit citizen/community input and discussion into projects and planning efforts is consistent with the processes currently outlined in the Parks and Recreation Systems Plan and by the City of Roseville.

It is also consistent with the City's efforts as outlined in the recent Comprehensive Plan update and Imagine Roseville 2025 goals and priorities to maintain, improve and protect the Parks and Recreation System and continue to meet the needs and desires of the community in the short term and the long term.

FINANCIAL IMPACTS

The cost for the planning services as outlined in the project scope provided by LHB/Cornejo Consulting is an amount not to exceed \$125,300 to be taken from the City Park Dedication Fund.

If additional resources are desired for added marketing efforts and/or needs assessments, they would be anticipated to be taken from the 2008 Imagine Roseville 2025 allocation set aside for the Master Plan process.

STAFF RECOMMENDATION

Based upon the proposals, interviews, costs and the recommendation of the Parks and Recreation Commission and City Council to accomplish the expressed goal of providing this Parks and Recreation System Master Plan effort to the citizens, staff recommends that the City of Roseville enter into an agreement with LHB/Cornejo Consulting to guide and implement a Parks and Recreation System Master plan effort as outlined for a cost not to exceed \$125,300 to be taken from the City Park Dedication Fund .

REQUESTED COUNCIL ACTION

Motion authorizing the Mayor and City Manager to enter into an agreement with LHB/Cornejo Consulting as specified in the attached proposal for planning services to guide and implement a Parks and Recreation System Master Plan update for a cost not to exceed \$125,300 to be taken from the City Park Dedication Fund.

Motion to appoint a City Council Member to the Park and Recreation Master Plan Update Team (PARMPUT).

Prepared by: Lonnie Brokke, Director of Parks and Recreation
Attachments: A: Scope and fee schedule

Personnel

For the Roseville Parks Master Plan Update, LHB and Cornejo consulting will draw upon the range of talents and expertise that reside in their respective companies. The team includes planners and landscape architects who are experienced at leading productive public meetings, developing ideas generated at those meetings into real plans and solutions, and creating documents and illustrations that generate support and become real, vibrant places.

While we envision a process that occurs over the period of about fourteen months, we intend that the following personnel will be active and involved throughout that time, and that substitutions of personnel will not be required.

Michael Schroeder, ASLA, is a landscape architect with experience in interpretive design, historic preservation, streetscape design, master planning, site design, and community planning and design. This expertise has been provided for clients that include non-profits, community and neighborhood groups, private sector entities, and a wide spectrum of municipal, county and state agencies. He specializes on communities and the engagement of stakeholders in the design process, with an emphasis on the relationship between places and the experiences people desire.

Michael's projects include urban design consulting for towns and cities in Minnesota, Wisconsin, Illinois, Michigan, Connecticut, Missouri, Nebraska, Oklahoma, Iowa, Georgia, New Mexico, and North Carolina. His past projects include an innovative comprehensive plan and a parks master plan for Taylors Falls, Minnesota; planning for the evolution of downtown Apple Valley, Minnesota as a result of the introduction of bus rapid transit on the Cedar Avenue corridor; a plan for Peavey Park in the Phillips neighborhood of Minneapolis using an intensive public engagement program focused on Listening Sessions; master plans/strategic plans for downtown revitalization work in several cities; and on-going consulting for the National Trust for Historic Preservation's Main Street Center.

Michael Schroeder will serve as Project Manager and will provide leadership for planning. Michael will also lead meetings with the PARMPUT, public meetings, and presentations to boards and commissions.

Jason Aune, ASLA is a landscape architect at LHB with ten years of experience in landscape design, planning, urban design, and site construction. Most recently, he has been involved in the development of streetscape improvements for Lowry Avenue in Minneapolis, Minnesota, a 24 block reconstruction and streetscape project for an urban street. Jason has worked with multiple private clients, municipalities, associations, and universities on projects that involve master planning, private landscape design, ecological design, streetscapes, recreational trails, parks, and conservation housing developments. Jason's strong ability to design at many different scales has been demonstrated through his work on large regional projects to very intricate site design details.

Jason has excellent graphic representation and design ability and uses it to provide the client with a true vision of the project. In addition, Jason has a unique understanding of diverse ecosystems and how to integrate natural communities with the built environment. He enjoys weaving our natural heritage into creative pragmatic design solutions.

Jason received his Masters Degree in Landscape Architecture from the University of Minnesota and his Bachelor of Science Degree in Landscape Architecture from South Dakota State University. He is a licensed Landscape Architect in Minnesota.

Jason Aune will lead efforts to create master plans for specific parks, as well as participating in the broader master planning process.

Lydia Major, ASLA, is a landscape architect in LHB's Urban Design + Planning group. She has been involved in community planning projects in West Allis, Wisconsin; Buffalo, Minnesota; and Highland, Michigan. She has also prepared development plans founded on land development capacity, clustered development patterns, and geographic information systems to preserve critical landscapes and features on a nearly 500 acre site in a southwest suburb of the Twin Cities. She helped prepare the 2006 Maple Grove Park Plan, which integrated parks, trails, and other priorities of the Maple Grove Park Board. She is currently involved in the redevelopment of the Wayzata Bay Center in Wayzata, Minnesota, an intensive mixed use redevelopment project that will anchor the eastern end of downtown; and a proposal to create a major education campus in Chaska, Minnesota.

Lydia received her Master's Degree in Landscape Architecture from the University of Minnesota and her Bachelor of Arts Degree in English from the University of Wisconsin - Madison. She is a licensed Landscape Architect in Minnesota.

Lydia Major will be active in meetings of the PARMPUT and public meetings, participate in the preparation of broad master plan directions and specific park master plans, and assist in the preparation of interim and final reports. She will also be responsible for mapping and coordination with city staff for GIS documentation.

CJ Fernandez, ASLA has over eight years of experience as a landscape architect. During this time CJ has specialized in site design, master planning, and design development for public and private clients. His portfolio of work includes parks, urban design, trails, sustainable design, regional planning, nature center, memorial design, waterscapes as well as subdivisions, transportation and recreational site design.

CJ's design priorities are based on community integration in the design process. In his work, CJ has led large public meetings, communities and private clients through interactive processes as a means of active engagement in the design. Through the use of technological expertise and artistic rendering, CJ has used design for creative problem solving, as a civic actor, for conceptual expression, and during design development. He has worked in a wide variety of presentation situations in both local and international capacities. His experience in park planning and design includes an ecologically sustainable trail design and interpretive program for Crosby Farm Nature Area in St. Paul, Minnesota; a 200 mile recreation corridor along the Red Lake River centered on East Grand Forks, Minnesota; planning for the Gitchi Gami Trail along the North Shore of Lake Superior; and the Minnesota River State Trail between Redwood Falls, New Ulm, and St. Peter.

CJ Fernandez will assist in the development of the master plan and participate in public meetings.

Dan Cornejo, Principal, Cornejo Consulting, is an award-winning city planner with three decades of innovative thinking and experience in community planning and design, all of which has been characterized by innovative and inclusive public engagement. After an extensive career in public service and directing planning services for a major architectural/engineering firm, in 2004 Dan established his own firm, focusing on Twin Cities communities.

He has worked across North America in a variety of urban, suburban, and rural settings in diverse cultural and community situations. He has served as Director of Planning and Design for St. Paul, Development Director for Robbinsdale, and Planning Director for Staten Island, NY. Prior to that, he led redevelopment planning for a former CP Rail site on the downtown waterfront of Vancouver, Canada that has won numerous awards for its extensive and diverse public open space and trails. Most recently, he led an extensive neighborhood stakeholder consultation process in assessing impacts of the University of Minnesota on surrounding neighborhoods, as well as organizing and leading the

public engagement process for the Edina Comprehensive Plan. Over the past three years on contract with Hennepin County, he has been investigating daylighting portions of Bassett, Shingle, and Bridal Veil Creeks, working with stakeholders to find ways to increase public access and enjoyment through trail and open space connections.

Through his leadership, and in interactions and collaboration with his clients, Dan facilitates analysis and problem solving, strategic thinking, and effective plan-making to produce commitment and follow-through.

Dan Cornejo will participate in meeting with the PARMPUT and in public meetings, lead the demographic, economic, and sociologic research, analysis, and application, correlate park planning directions with the directions of the comprehensive plan, and play an active role in the definition of policy directions.

Section B: Project Approach

Overview

Many communities are following up on their comprehensive planning processes of the last two years with efforts directed at complementary plans, like park plans. Few seem to have realized the potential of their parks to shape their communities as Roseville is now doing. Roseville's early planning processes highlighted the city's parks, and generated a belief that it will be creating for itself a world class park system. If this happens, it won't be by accident. Rather, it will result from intensive study, extensive engagement of stakeholders, forward-looking consideration of possibilities, exploration of big ideas and small ones, framing the optimal plan, definition of the path to implementation, and agreement to proceed.

We are proposing a two-part process as a means of defining an appropriate and compelling master plan for the community's park and recreation system. To begin, we would work with the community to define a vision for its parks. Then, based on that vision, we would define a plan for the park and recreation system including a clear path toward implementation. This way, the aspirations of the community and stakeholders become, through an intensive engagement process, the foundation for the master plan as represented in their vision. Key issues and opportunities are resolved in the context of the community's vision in the second stage of the work.

Our Work Plan is framed around this two-part process. We anticipate working with a Steering Committee, the Park and Recreations Master Plan Update Team (PARMPUT), who will be charged with guiding and overseeing our work, and with offering us the chance to have local issues interpreted by those with knowledge of local conditions. Our process includes regular meetings with the PARMPUT and opportunities for greater involvement by the public at key points throughout the planning process. We will rely upon the PARMPUT to communicate information about the progress and directions of the work during the planning process to their constituencies. We also expect that the city's park and recreation staff will be integrally involved in this process, lending their experience directly into the formulation of the plan.

While we describe the work as discreet tasks, it should really be viewed as a continuous effort. Our work plan frames the tasks we would pursue with an idea that there is a natural progression of the planning process, with two significant deliverables: the Vision and the Master Plan. To give a better understanding of the logic behind a continuous work effort, four stages of work are defined:

Part One: The Vision

Stage One: Convene

Stage Two: Explore

Part Two: The Master Plan

Stage Three: Define

Stage Four: Act

Work Plan

Based on our understanding of the city's needs and their desire for an intensive engagement process that results in a truly progressive plan for the community's park and recreation system, we have framed a work plan and a set of deliverables. While we provide significant detail, we expect that the city will look to make adjustments to ensure it meets the community's needs.

Part One: The Vision

The first two stages of the work will focus on the creation of a vision. We begin by building a foundation of knowledge upon which a visionary plan can be framed, and we work with the community to understand the needs and desires for Roseville's park and recreation system. We conclude with efforts directed toward exploring ideas in diagrams and illustrations, building upon our base of earlier research and breathing life into the vision.

Stage One: Convene

During Stage One, the team will work with city staff and the Park and Recreation Master Plan Update Team (PARMPUT) to develop a foundation of knowledge about the City of Roseville, its park system, and the current Master Plan.

Our first task involves building the foundation of knowledge that we will need to get started in both the visioning and comprehensive planning process, but more important perhaps will be the time spent with the Steering Committee coming to agreement on the scope, schedule, and communications that are integral to the process. It's not all organizing during this stage, though; we intend to begin the process of defining and understanding the pressing issues and desires that will become the foundation of plans that guide the Albert Lea community into its future.

Stage One Tasks

- 1.01 Meet with city staff and key PARMPUT members to review the planning process, agree to a schedule, define roles (especially roles of staff and the PARMPUT), discuss methods of community input and engagement, establish internal and external communication procedures, and review anticipated deliverables.
- 1.02 Gather and review background data and base information, including past reports and studies, demographic information, planning documents and any other information that might be pertinent to the park and recreation master plan update process. Of particular interest will be the recent update to the city's Comprehensive Plan, and any directions or policies within that document that relate to parks and recreation, open space, conservation or preservation, or other community features that might influence a park and recreation system master plan. We will prepare a summary of background information in the form of a Foundation Documents report as a part of this task that will be included in a "Master Plan Update" workbook (see Task 1.4). As information is reviewed, we will identify key pieces of information from existing plans or studies (including in a particular the update of the Comprehensive Plan) that should be integrated into the master plan.
- 1.03 Assemble base mapping information for park and recreation system using city sources. Using digital information provided by the city, and augmented by other readily available digital information as necessary, we will prepare a base map to be used in the park planning process. Our assumption is that Roseville's GIS data will suffice for overall planning purposes, but that certain information related to specific parks may need to be added to the

base map at a point when more detailed information is required. For compatibility with the city's existing digital information, additions will be made using AutoCAD or ArcView.

- 1.04 Prepare demographic projections using the city's comprehensive plan update as the source of information. Working with city staff, we will assemble projections of demographic changes that will particularly impact the park system and record findings in Memorandum #1.
- 1.05 Prepare community context mapping as a means of identifying significant areas of change posed in the comprehensive plan, with attention to changes that might influence park system components.
- 1.06 Assemble a "Master Plan Update" workbook for use by staff and the PARMPUT that includes, initially, the Foundation Documents report, significant existing documents relating to parks, and other pertinent. The workbook is aimed at establishing a baseline of information for all parties at the start of the planning process, and it will be used as a true workbook throughout the planning process—with new information provided to the PARMPUT as deliverables are created.
- 1.07 Tour existing park and recreation facilities with city staff and representatives of the PARMPUT, noting system highlights and deficiencies referenced by the PARMPUT; adjust the base map or park facility inventory based on found conditions.
- 1.08 Meet with the PARMPUT to review the planning process and the information gathered to date. While the focus of this meeting will be the master plan, this meeting gives us the opportunity for the PARMPUT to share their initial ideas for a park and recreation vision for Roseville, which we will summarize in the form of goals, desires, and even initial visionary ideas in Memorandum #2.
- 1.09 Assemble a summary of the work of Stage One for use by city staff and the PARMPUT in updates to city boards and commissions, and for informing stakeholder groups and the community about the progress of the master planning process. We will participate in an update to the Parks and Recreation Commission and the City Council as a part of this task.

Stage One Deliverables

Meeting minutes from staff and PARMPUT meetings

Foundation Documents summary

Project base map (assumes using information readily available from the city)

Memorandum #1: Demographic projections

Community context mapping demonstrating areas of change that may impact the park system

Master Plan "workbook"

Summary of tour in the form of adjustment to base and context mapping

Memorandum #2: PARMPUT goals, desires and initial ideas

Summary of Stage One work documented in a PowerPoint presentation

Stage Two: Explore

The work of Stage Two represents what could be the most important component of the planning process. We intend to prepare, in concert with staff and the PARMPUT, a general plan that explores possible scenarios for the evolution of Roseville's park and recreation system. Policy directions will also be explored, but the early focus of this stage will be a

workshop orchestrated to draw input from the PARMPUT directly into the planning process during two intensive planning sessions.

The details and schedule of each planning session will be defined with staff, but it should occur at a time when most PARMPUT members can participate. It is anticipated that planning sessions will be intensive sessions (that is, more than a one or two hour meeting). The first such session would be directed toward exploring the changing park needs of the community and imagining how the parks might fit into an evolving Roseville. A follow-up session would focus on concrete ideas about how the parks can respond to that evolution in terms of facility development, programming, and other changes. This approach offers the chance to directly engage the PARMPUT in accomplishing real work, to resolve directions early (or to identify areas where more intensive study may be required), and, most importantly, to establish a real dialog about the critical issues and opportunities that influence Roseville's park and recreation system.

A vision—the focus of Part One—is often defined by words alone. A well-crafted narrative can be compelling, evocative, and inspiring, but words reinforced by illustrations give people real insights about what their future parks might be. Our real challenge in this stage of the work is to frame the vision with words and pictures that people believe in and want to help achieve.

Stage Two Tasks

- 2.01 Conduct Community Meeting 1 to identify the priority issues to be dealt with during the park master planning process. We will share information about the kind of community Roseville is today, based on demographic information collected earlier, as well as the kind of place it will become assuming that certain trends continue. There is a bit of “futuring” in this description, but we’ve found it helpful to offer this information as the community begins to shape a vision for its future. The focus of this session will be issues—factors and influences (positive and negative) that are shaping the community’s park system, and ideas—possibilities for enhancing the park system or the way it functions. This workshop, like others during the master planning process, will be focused on interactions with participants through a combination of large and small group discussions, along with reporting of findings by the groups. As we become more familiar with the community and the desires of the PARMPUT, we will frame a more detailed agenda and review the kinds of questions that we would ask of participants with the PARMPUT. Finally, we would summarize the input provided during this meeting.
- 2.02 Conduct interviews in an effort to better understand the conditions, issues, and opportunities facing Roseville’s park system from the perspective of key stakeholder groups. We will conduct interviews on two days with individuals, groups, or agencies defined by the city (assuming the list of twenty groups identified in the RFP as the starting point). Interviews will be summarized for use by the PARMPUT.
- 2.03 Conduct Listening Sessions with focus groups or neighborhoods to gain insights that are not program specific (as input from the interviews might be described). While the first community workshop is open to the community and focuses attention toward community-wide concerns, there will be areas of more direct concern for certain segments of the community. We anticipate conducting Listening Sessions with up to six groups. These sessions are not a presentation environment; rather, we intend to create a more “free-form” dialog with Listening Session participants. The input from each session will be summarized for distribution to the PARMPUT, and a general summary of all the sessions will be created for use in the master plan.
- 2.04 Identify, based on research of national trends, the relationship between the community and economic and social conditions in a community, and to the extent possible (from locally available information) demonstrate the impact of parks on development patterns in Roseville. Research will be summarized in Memorandum #3.

- 2.05 Highlight ways in which external changes (transportation, development, and socio-economic) will influence the direction of the park and recreation system, using the filter of information gained during the first three tasks of this stage of the work. External changes and their impacts on parks will be described in Memorandum #4.
- 2.06 Review current maintenance and operations practices related to park facilities, including equipment and staffing used in maintenance and operations. Summarize maintenance and operations practices in Memorandum #5. Recommendation for adjustment to these practices will be developed in Part Two of the planning process—when a broader understanding of the direction of the park system is defined.
- 2.07 Compare the level of service and standards for Roseville’s park system features, amenities, facilities, and services using a baseline of the current city park system standards, with comparisons to both accepted national standards and peer communities. Compare park fees and revenue structures of Roseville’s park system to other peer communities. Evaluate deficiencies and highlight areas of significant difference, identify challenges and potential opportunities based on the comparison, and document findings in Technical Memorandum #6.
- 2.08 Identify current Roseville park system standards for facilities and system components based on discussions with city staff and existing documentation of standards. Evaluate existing park and recreation system features, amenities, and services as a comparison to peer communities and national standards; identify challenges and potentials related to the comparison and summarize findings in Memorandum #7.
- 2.09 Research nationwide trends in park systems, services, and facilities, as well as practices related to maintenance and operations, design and construction delivery strategies, environmental stewardship, capital and operations funding, partnering, sustainability, energy use (or energy development), and other innovations. Summarize these trends in narrative form and in a comparative matrix in Memorandum #8.
- 2.10 Identify park and recreation system program needs based on anticipated demographic, economic, and sociologic changes (as documented in the city’s updated Comprehensive Plan and through review of contemporary journals and scholarly research dealing with these kinds of changes). Findings will be demonstrated in Memorandum #9.
- 2.11 Review memoranda with city staff, and make adjustments prior to the city’s distribution to the PARMPUT.
- 2.12 Conduct PARMPUT Planning Session 1 to review findings of Stage Two work completed through the previous tasks, and to begin framing broad ideas related to vision for the park and recreation system. We envision this session to be the first of the intensive, day-long planning sessions.
- 2.13 Frame a broad vision for the park and recreation system, including active recreation facilities, special community facilities and features, open space, culture, historic features, preservation and conservation, public art, trails, and bikeways. The vision will be articulated in both narrative and graphic form, and will be first framed in a draft form for review by the PARMPUT.
- 2.14 Conduct PARMPUT Planning Session 2 to review the draft vision, noting where the vision is appropriately directed, and importantly, areas where the draft vision fails to reach the community’s desires, and make adjustments to the draft vision. We will extend this review into a discussion about the park system components and how they can help meet the community’s park goals and desires.
- 2.15 Demonstrate the ways in which the park system as a whole and individual park system components fulfill the community’s goals and desires by focusing the vision its particular changes, highlights, or features. Augment the broad vision with these demonstrations, in both narrative and graphic format.
- 2.16 Review the augmented vision with the PARMPUT, again noting areas where it meets the community’s goals or areas where more work is required.
- 2.17 Conduct Community Meeting #2 to share the vision (and work completed to date in summary form) with the community. This meeting, like other community workshops, is less about presentation than interaction. The

activities of workshop interactions will be summarized, and potential changes to the vision as a result of the work highlighted for review by the PARMPUT.

- 2.18 Prepare The Vision as a summary report documenting the work of Part One of the master planning process, along with a PowerPoint that can be used to help disseminate The Vision to the community and stakeholder groups.
- 2.19 Participate in an update to the Parks and Recreation Commission and the City Council as a part of this task.

Stage Two Deliverables

Summary of Community Meeting #1

Summary of interviews

Summary of Listening Sessions

Memorandum #3: Economic and social benefits of parks

Memorandum #4: External influences

Memorandum #5: Maintenance and operations practices

Memorandum #6: Comparison to standards

Memorandum #7: Current standards and classifications

Memorandum #8: National trends

Memorandum #9: System program needs

Summary, including graphics, from PARMPUT Planning Session 1

Draft vision, in narrative and graphic form, demonstrating the broad vision for the park system

Summary, including graphics, from PARMPUT Planning Session 2

Draft vision, in narrative and graphic form demonstrating how parks fit the vision

Summary of Community Meeting #2

The Vision report, delivered as ten hard copies bound in a three-ring binder, along with digital versions of the report in native and pdf format, and a PowerPoint summary of the vision

Part Two: The Master Plan

While often seen as a policy and general framework document, a good master plan has, at its core, a sound vision that holds the plan components together. The vision forms that core and allows the community to move forward with a greater understanding that all parts of the plan will be coherent, comprehensive, and integrated. This stage of the work for Roseville's park and recreation system master plan will go further, refining the broad patterns set out in The Vision, exploring the details of system changes, creating designs of some parks and features, defining "best practices," and outlining a strategy for implementation. We will also offer recommendations for follow-through activities related to the master plan.

As we move forward from this point, we will continue to work with the PARMPUT, and if needed we will broaden our outreach to other boards and commissions with responsibility for various aspects of the master plan. But we don't want to lose the connection to the community as we focus on the more specific parts of the park system's future. As in

the first stages of the planning process, we will use the PARMPUT as our guide, but also seek the input of others as key elements of the master plan come together.

Stage Three: Define

This stage is about definition of the core elements of the park and recreation system master plan, using the findings of the first stages as the basis, and focusing on The Vision as the foundation. One of the more important decisions to be made about the master plan will also occur during this stage—the determination of the components beyond those specifically requested in the city’s RFP that will be incorporated into the document—or even determining which requested components could be framed and more fully articulated in a separate, follow-up process. We recognize that funding for projects in cities are mutable, especially in today’s economic environment. But we also know that the key deliverable for this entire master planning process is The Vision, and that some parts of the complementary master plan might be incorporated in a more incremental fashion. A decision about the final composition of the master plan will be made in concert with the PARMPUT, but it would not diminish the integrity of the core component of the master plan. In the end, this stage of the work will produce policy directions and plan refinements, and a draft master plan will result.

Stage Three Tasks

- 3.01 Meet with the PARMPUT to review the work of Part One: The Vision, and provide an overview of the key tasks and deliverables anticipated during Part Two: The Master Plan. We will also work with the PARMPUT and city staff to determine which components identified in Part Two are central to the master plan, and which, if any, can be delayed (based on a better understanding of project budgets).
- 3.02 Frame the “plan” that demonstrates larger scale changes to the park and recreation system, including (but not necessarily limited to) the need or opportunity for new park facilities in the community, a transition in use or activity for existing parks, the introduction of special park features or attractions, and the ways in which parks interface with other aspects of the community (development, neighborhoods, infrastructure, natural systems, streets and trails).
- 3.03 Update definitions and standards for the park and recreation system, including general terms and definitions, general standards applied to various park types, and the classification of parks and park facilities. New definitions and quantitative standards for park facilities will be based on the research conducted in Stage One, and the translation of those findings into the system-wide plan, and they will be recorded in Memorandum #10.
- 3.04 Establish program priorities for the recreation, historical, and cultural systems based on the system-wide plan, defining the optimal conditions and locations for the application of each program type in Roseville. Program priorities will be documented in Memorandum #11.
- 3.05 Propose policies and priorities for the park system using the classification methods posed in Task 3.03 and for park programs and services based on dialog with the PARMPUT and stakeholder groups. Policies and priorities will be recorded in draft form in Memorandum #12.
- 3.06 Propose policies and priorities for preserving and restoring natural features and amenities that benefit the community as a whole, making clear the nexus between those features and the park and recreation system. Policies and priorities will be recorded in draft form in Memorandum #13.
- 3.07 Propose policies and priorities for managing environmental quality, habitat, ecosystem protection, and enhancement of water bodies in park areas of the community. Policies and priorities will be recorded in draft form in Memorandum #14.

- 3.08 Propose guidelines for the development of public art and programs in the community's parks, including a review of benefits and investment levels that would achieve the community's goals. These guidelines would be recorded in Memorandum #15.
- 3.09 Propose "best practices" related to maintenance and operations, design and construction delivery strategies, environmental stewardship, capital and operations funding, partnering, sustainability, energy use (or energy development), and other innovations. Best practices will be framed in Memorandum #16.
- 3.10 Meet with the PARMPUT to review the system-wide plan, proposed program priorities, policies, guidelines, and best practices. During this meeting we need to determine if there are individual parks or park components that should be further refined in focused master plans. How parks are selected for more focused master plans will be determined in concert with the PARMPUT, but we might look to the immediacy of potential change, the current status of the park and the age of existing features, or even the potential of a park to demonstrate key directions and policies posed by this master planning effort.
- 3.11 Adjust the draft system-wide plan and supporting elements based on input from the PARMPUT.
- 3.12 Develop individual park master plans for selected parks as identified by the PARMPUT (assume eight such plans will be developed). Master plans will demonstrate, during this task, the basic park program, optimal configuration of components within the park, key relationships between the park and nearby development, special features or focal points of the park, and the character of the park and the anticipated experience of the park for users.
- 3.13 Meet with the PARMPUT to review the individual park master plans.
- 3.14 Adjust the individual park master plans based in input from the PARMPUT.
- 3.15 Conduct Community Meeting #3 to present the system-wide master plan, the policies and guidelines, and the individual park master plans. This meeting may be formatted as an open house, where participants can view elements of the plan that are their particular area of interest, and where a presentation can be made that offers a general overview of the directions of the master plan and its impact on the community. We will summarize the input provided by participants for review by the PARMPUT.
- 3.16 Assemble a summary of the work of Stage Three for use by city staff and the PARMPUT in updates to city boards and commissions, and for informing stakeholder groups and the community about the progress of the master planning process. We will participate in an update to the Parks and Recreation Commission and the City Council as a part of this task.

Stage Three Deliverables

Draft system-wide parks plan

Memorandum #10: Parks classification

Memorandum #11: Program priorities

Memorandum #12: Park policies and priorities

Memorandum #13: Natural features policies and priorities

Memorandum #14: Environmental quality, habitat, ecosystem protection, and water body enhancement policies and priorities

Memorandum #15: Public art guidelines

Memorandum #16: Best practices

Summary of meeting with PARMPUT

Individual park master plans for eight city parks

Summary of Community Meeting #3

Summary of Stage One work documented in a PowerPoint presentation

Stage Four: Act

The final stage of the work plan involves the critical step of making the plan a reality. Beyond simply drafting the master plan, taking the plan forward for review and adoption will occur during this stage of the work. Several key tasks are included in this work that help to frame the details of implementation—the strategies that become the foundation for implementing the community’s vision. This stage of the work lays the groundwork for a plan that is useful and useable on an ongoing basis. But most important, we believe that for this master plan to be successful, it must be understood, used, and loved by the community—they have to want it to happen!

Stage Three Tasks

- 4.01 Prepare an outline of the master plan that includes those elements that are included directly as a result of this master planning effort, and that highlights those elements that would be recommended as follow-through efforts (those that cannot be accomplished under this contract, or that might be better completed in concert with other planning stages of the implementation).
- 4.02 Meet with the PARMPUT to review the work of Stage Three, the findings of the master planning process to this point, including the reaction of the community to the master plan as shared during Community Workshop #3, and the outline of the master plan posed in Task 4.01.
- 4.03 Establish an implementation sequence based on priorities, opportunities, need, and other factors that might suggest logic in the planned evolution of the park system.
- 4.04 Develop opinions of probable cost for implementation of the major park system components described in the master plan, and for selected individual park master plans, (including cost estimates for the preparation of construction documents for the proposed improvements). Costs will be framed in 2009 dollars, or as directed by city staff based on implementation sequencing.
- 4.05 Recommend phasing of park improvements based on the implementation sequence, costs, and funding opportunities, focusing in particular on a series of impactful first step projects that characterize the new way of thinking about parks under this master plan.
- 4.06 Meet with the PARMPUT to propose capital funding priorities for improvements and acquisitions based on the previously identified tasks.
- 4.07 Prepare draft Parks and Recreation System Master Plan. The document would be organized much like this planning process, with the first part inspiring readers with the common vision of the community, and the second part defining the most appropriate road map for accomplishing that vision. Key decisions about the content of the document, the kinds of information that should be included in the body of the document; the format, tone, and personality of the document; and information appropriate to an appendix will be coordinated with city staff.
- 4.08 Meet with the PARMPUT to review the draft Parks and Recreation System Master Plan, and note the group’s recommendations for changes to the document.
- 4.09 Conduct Community Meeting #4 to share the draft Parks and Recreation System Master Plan. We will document comments offered during the meeting for review by the PARMPUT.

- 4.10 Adjust the draft document based on input from the PARMPUT, and submit the final Parks and Recreation System Master Plan and a summary PowerPoint presentation for use in meetings with decision makers and stakeholders.
- 4.11 Meet with the PARMPUT to review the process of moving the master plan forward for adoption by the city.
- 4.12 Attend meetings of the Park and Recreation Commission and City Council for review of the Master Plan (assume one meeting with each body).

Stage Four Deliverables

Master Plan outline for review by the PARMPUT

Summary of meetings with the PARMPUT

Implementation sequence for park improvements

Opinions of probable cost for park system improvements

Recommendations for phasing of parking improvements

Recommendations for capital funding sources

Draft Master Plan report

Summary of Community Meeting #4

The Master Plan report, delivered as ten hard copies bound in a three-ring binder, along with digital versions of the report in native and pdf format, and a PowerPoint summary of the vision; we envision this as a complement to The Vision report delivered at the completion of Stage Two.

Schedule

We have reviewed the general schedule framed in the Request for Proposals and believe that the work required can be accomplished within that timeframe. The following schedule suggests the way the four broad tasks identified in our Work Plan might occur so that the planning process is complete and ready for action by the Parks and Recreation Commission and City Council in late 2009. A more detailed plan will be defined in concert with city staff and the PARMPUT.

Section C: Fee

LHB proposes to perform the work outlined in our Work Plan for a not-to-exceed fee of \$125,300, inclusive of reimbursable expenses. Our proposed fee can be broken down by task as follows:

Part One: The Vision	
Stage One: Convene	\$11,200
Stage Two: Explore	\$46,600
Part Two: The Master Plan	
Stage Three: Define	\$39,000
Stage Four: Act	<u>\$25,400</u>
Total fee for services	\$122,200
Reimbursable expenses	<u>\$3,100</u>
Total fee	\$125,300

We have established a line item cost estimate for each task described in our Work Plan. That estimate includes hours by each person assigned to a task throughout the planning process. This detailed estimate can be provided to city upon request.

The Request for Proposals requires an identification of rates for personnel that would be assigned to this project. Personnel identified in this proposal and their individual billing rates are:

Michael Schroeder, ASLA	\$190
Jason P. Aune, ASLA	\$134
Lydia Major, ASLA	\$74
Dan Cornejo, APA	\$125

REQUEST FOR COUNCIL ACTION

Date: July 13, 2009
Item No.: 12.b

Department Approval



City Manager Approval



Item Description: **Approve a Modification to the Development Program for
Development District No. 1, Establish Tax Increment Financing (TIF)
District No. 18, and Approve Tax Increment Financing Plan for TIF
No. 18**

1.0 BACKGROUND

On March 11, 2009, Aeon (the developer), the owners of the Har Mar Apartments, submitted a formal request to the City to consider the establishment of a housing tax increment financing (TIF) district on its parcel. The purpose of this request is to create a funding source to fill the projected financial gap in the second phase of its initiative to revitalize this aging apartment complex. As the Phase 2 project is proposed, Aeon would construct a new 48-unit apartment building consisting of a combination of affordable two- and three-bedroom units with underground parking. In its pro forma submitted as part of the TIF application, the developer identified a \$913,610 financial gap remaining after exhausting other funding sources.

In order to create a TIF district, the City must follow the process that is prescribed in Minnesota Statute 469.175. The following is the list of required tasks and the date accomplished.

- Set Public Hearing Date: April 20, 2009 (Resolution 10703)
- Notification to County Commissioner: April 8, 2009
- Impact letter and draft TIF Plan to County and School District: May 14, 2009
- Public hearing notice: June 2, 2009 (published in *Roseville Review*)
- Public hearing: June 15, 2009
- Adopt TIF plan: July 13, 2009 (tentative)

On June 15, 2009, the City Council held the required public hearing to allow for public comment on the proposed TIF district. Although nobody from the public comment on the project, City Council members asked several questions on the financial gap faced by the developer, future revenue of the project, and the affordability requirements. Attachment A provides the meeting minutes from that discussion.

In its June 15, 2009 report, staff indicated that there were three affordability levels to qualify as a Housing TIF district—20 percent of the units are occupied by individuals whose incomes are 50 percent or less of the area median income (20-50 test), 40 percent of the units are occupied by individuals whose incomes are 60 percent or less of the area median income (40-60 test), or 50

percent of the units are occupied by individuals whose incomes are 80 percent or less of the area median income (50-80 test). State legislation has eliminated the 50-80 test; thus a project must meet either the 20-50 or 40-60 test.

Although Aeon does not anticipate beginning construction on the new building (Phase 2) until 2011, the developer has requested the creation of the TIF district at this time in order to capture the new value created from both the Phase 1 and Phase 2 elements of its project. In order to capture this future value, the TIF plan must be approved and the district certification request submitted to Ramsey County prior to the issuance of building permits. The rehabilitation of the existing buildings (Phase 1), which received final land use approvals on June 8, 2009, is anticipated to commence in August 2009.

Springsted, the City's financial consultant, has reviewed the detailed project information provided by the developer to determine if the project qualifies as a housing TIF district and developed a TIF plan for the proposed district, including the "but-for" test and financial projections. (See Attachment C to review the TIF Plan.) Mikaela Huot, a financial planner with Springsted, will make a brief presentation to the City Council on these findings.

A. Housing District Qualification: Springsted has determined that the 168 housing units within proposed TIF District No. 18 will meet either the 20-50 test or the 40-60 test with at least 20 percent of the units being affordable to persons at 50 percent of area median income or 40 percent of the units being affordable to persons at 60 percent of median income. The City will require formalization of the affordability mix as part of a future development agreement.

B. But-For Test: Springsted has conducted the "but-for" analysis for this project and has determined that it meets both statutory requirements. They conclude that the proposed development would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the increased market value of the site that could reasonably be expected to occur without the use of tax increment would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan.

C. Financial Projections: The 2009 assessed value for the Har Mar Apartments is \$5,000,000. Based on the rehabilitation of the 120 one-bedroom units in the five existing buildings and the construction of the new 48 two- and three-bedroom units, the estimated market value is \$12.2 million, which is based on a preliminary review of proposed development by a Ramsey County assessor. The \$7.2 million increase in market value translates into approximately \$2.2 million of potential increment over the life of the district.

If the City Council approves TIF District No. 18, the City will negotiate a development agreement with Aeon on the terms for use of the funds generated in the district. As the developer will not have a full understanding of its true financial gap until this project is awarded tax credits through Minnesota Housing, staff does not anticipate bringing a development agreement forward until the project receives these credits. The City's TIF Policy will set general parameters by which to commence these negotiations. This policy advocates using the pay-as-you-go method of

financing, which means that the developer is responsible for finding upfront financing for the project and that the City will reimburse the developer for eligible costs as the increment is generated. This form of financing decreases the risk to the City as it is not relying on projected future revenues to cover debt service on a City bond issuance. In addition, the policy also outlines a 20-year term as the guideline length of repayment for low-to-moderate income housing projects; however, the policy states that this term can be extended by the City Council to protect community interest.

2.0 POLICY OBJECTIVE

By approving TIF District No. 18, the City Council is advancing the potential availability of affordable housing as advocated for through the goals and policies of the preliminarily approved 2030 Comprehensive Plan. In addition, development of new affordable rental housing will help the City meet its affordable housing goal, which is set by the Metropolitan Council.

3.0 BUDGET IMPLICATIONS

The establishment of TIF District No. 18 does not have an impact to the City's budget. The existing market value of \$5 million, which includes the value of both buildings and land, will continue to generate tax income for the City and other taxing jurisdictions over the life of the district. The district will only capture value beyond that of the established base value.

4.0 STAFF RECOMMENDATION

Staff recommends that the City Council approve the creation of TIF District No. 18 as Aeon's proposed project helps the City to accomplish several of the housing goals and policies set forward in the preliminarily approved 2030 Comprehensive Plan and to meet the City's affordable housing goals prescribed by the Metropolitan Council.

By creating this new TIF district, the City will be creating a funding mechanism to assist Aeon with the creation of new affordable housing units. (The terms of utilizing this funding source will be identified and agreed upon through the ratification of the development agreement in the future.) The creation of these units is supported by the City's preliminarily approved 2030 Comprehensive Plan. The Plan states in Goal 1 in Chapter 6: Housing and Neighborhoods: "Provide a wide variety of housing options in order to retain and attract a diverse mix of people and family types with varying economic status, ages, and abilities." Policies 1.1 and 1.5 further detail why the City Council should support this project. Policy 1.1 states, "Promote the development of housing stock that is appealing to persons of varying economic means," and Policy 1.5 states, "Partner with regional, state, and federal agencies, other cities/HRAs, nonprofit groups, and private-sector developers to provide high-quality, affordable housing to accommodate the City's share of regional affordable-housing needs."

The Metropolitan Council has identified Roseville's share of the region's affordable housing as 201 new affordable housing units. Aeon is proposing to construct a new 48-unit apartment building dedicated as affordable units. If this project comes to fruition, this project, on its own, will help the City meet nearly one-quarter of its ten-year affordable housing goal.

Specifically, staff recommends adoption of a resolution that modifies Development District No. 1 to reflect the creation of the new TIF district and that also establishes TIF District No. 18.

It should be noted that this action only creates the TIF district and does not allocate any TIF dollars to Aeon or the project. As mentioned previously, the City and the developer will need to enter into a separate agreement regarding the use of TIF funds at a later date.

121 **5.0 REQUESTED COUNCIL ACTION**

122 By resolution, approve a modification to the Development Program for Municipal Development
123 District No. 1 and establish Tax Increment Financing District No. 18 (Har Mar Apartments
124 Project) within Development District No. 1, and approve the Tax Increment Financing Plan
125 therefore.

Prepared by: Jamie Radel, Economic Development Associate

Attachments: A: Extract of the June 15, 2009 City Council Meeting
B: Development District No. 1
C: Tax Increment Financing Plan for Tax Increment Financing (Housing) District No. 18 within
Development District No. 1
D: Draft Resolution

Extract of the City Council Meeting held on June 15, 2009

Public Hearing regarding AEON's request for establishment of TIF District 18 for Har Mar Apartments

Economic Development Associate Jamie Radel provided a brief background summary of the request by AEON (Har Mar Apartments) for the City to consider establishment of a housing tax increment financing (TIF) District on the Development Parcel. Ms. Radel noted that a policy discussion for the City Council had been tentatively scheduled for July 13, 2009, following the City's financial consultant, Springsted's, analysis of pro forma and background information provided by AEON, and their analysis of whether the project met housing TIF requirements based on income level criteria, once determined by the Minnesota Housing Finance Agency (MHFA). Ms. Radel advised that final details would be worked out, if the City Council decides to move forward to create TIF District 18 following the "but for" test analysis and financial projections for renovation of the 120 existing units of the existing building (Phase I) and potential increment over the life of the district with the addition of the new building in Phase II.

Mayor Klausing opened the Public Hearing at 7:35 p.m. for proposed Tax Increment Financing (TIF) District No. 18; with consideration of the establishment of the TIF District to take place on July 13, 2009.

Discussion among Councilmembers and staff included financial projections of TIF and relationship to the funding gap as detailed on the spreadsheet on Page 15, Attachment 2 of the staff report dated June 15, 2009; clarification that the District was not overlapping surrounding properties, as defined on the map, and exclusive to the Har Mar parcel itself, both for Phase I and Phase II; timing of the project to allow collection of increment on the existing renovations for Phase I and applying to the Phase II new construction; and housing district qualification tests determined by MHFA through tax credits and their subsequent structuring.

Further discussion included ownership of the complex and locking in of the affordability mix obligation by MHFA based on tax credits; and deed restrictions for affordable housing going with the land for tax credits whether the property remained owned by AEON or another owner.

Mayor Klausing thanked staff for the comprehensive information provided in the staff report.

Ms. Radel noted that the City would need to discuss deviation from their TIF housing policy allowing for a term of 20 years; given that this analysis was done for 25 or 26 years; or retain the 20 year policy, and advise AEON that they would need to find another source to fill the remaining funding gap.

Mayor Klausing closed the Public Hearing at 7:42 p.m.; with no one appearing for or against.

City of Roseville, Minnesota

Development Program

for

Development District No. 1

Dated: June 9, 2009 (DRAFT)

Approved:

Prepared by:

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TABLE OF CONTENTS

<u>Section</u>	<u>Page(s)</u>
A. Statement and Finding of Public Purpose	3
B. Statutory Authority	4
C. Property Description	4
D. Rehabilitation.....	4
E. Relocation	5
F. Development Program.....	5
G. Administration.....	8
H. Parcels to be Acquired	8
I. Public Improvement Costs.....	8
J. Sources of Revenue	9
 Map of Development District 1	 EXHIBIT I-A
Municipal Action Taken.....	EXHIBIT I-B

SECTION I

DEVELOPMENT PROGRAM FOR
DEVELOPMENT DISTRICT NO. 1
AS OF JUNE 15, 2009

The City of Roseville adopted a Development Program and created Development District No. 1 on October 13, 1982. At that time, Tax Increment Financing Districts No. 1 and No. 2 were also created within Development District No. 1 and Tax Increment Financing Plans were adopted. Subsequent to the initial tax increment financing activity in 1982 and continuing through 2005, Tax Increment Financing Districts Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, Hazardous Substance Subdistrict No. 11A, and Hazardous Substance Subdistrict No. 17A were created within Development District No. 1 and the appropriate Tax Increment Financing Plans were adopted and added to the Development Program. Additional tax increment financing activity within Development District No. 1 from 1995 through 2005 included the decertification of Tax Increment Financing Districts Nos. 2, 3, 4, 5, 6, 7, 8, 9, 14, and 15 and various modifications to the Development Program and the Tax Increment Financing Plans for the remaining Tax Increment Financing Districts Nos. 1, 10, 11, 12, 13, 16, and 17. All previous modifications and amendments to the Development Program and Tax Increment Financing Plans are hereby incorporated into this Restated Development Program.

This June 15, 2009 modification to the Development Program includes:

- (1) the creation of Tax Increment Financing District No. 18 within Development District No. 1 and the adoption and addition of its Tax Increment Financing Plan to the Development Program;

Attached to this Restated Development Program is Exhibit I-B, "Municipal Action Taken", which summarizes the City's tax increment activities within Development District No. 1 and its various Tax Increment Financing Districts. Also included is the following definitional section for reference and convenience. Please note that these terms shall, for purposes of this Restated Development Program, have the meanings herein specified, unless the context otherwise specifically requires:

"City" means the City of Roseville, Minnesota, a municipal corporation and political subdivision of the State of Minnesota.

"Comprehensive Plan" means the City's comprehensive plan which contains the objectives, policies, standards and programs to guide public and private land use, development, redevelopment and preservation for all lands and water within the City.

"Council" means the City Council of the City.

"County" means the County of Ramsey, Minnesota.

"Development District Act" or "City Development Districts Act" or "Act" means the statutory provisions of Minnesota Statutes, Sections 469.124 to 469.134, inclusive, as amended and supplemented from time to time.

"Development District No. 1" or "Development District" means the geographic area that was designated and created on October 13, 1982 pursuant to the Development District Act.

"Development Program" means the Development Program adopted on October 13, 1982 including all amendments and modifications adopted through June 20, 2005.

"Land Use Regulations" means all federal, state and local laws, rules, regulations, ordinances and plans relating to or governing the use or development of land in the County, including but not limited to environmental, zoning and building code laws and regulations.

"Port Authority Act" means the statutory provisions of Minnesota Statutes, Sections 469.48 to 469.068, inclusive, as amended and supplemented from time to time.

"Program" means the Restated Development Program for the Project Area.

"Project Area" means the real property located within the geographic boundaries of Development District No. 1.

"Restated Development Program" means this Program, which incorporates the Development Program as previously modified and as restated herein, for the Project Area and as it shall be modified or restated, from time to time hereafter, as defined in Minnesota Statutes, Section 469.125, subdivision 3.

"School District" means Independent School District No. 621 or Independent School District No. 623.

"State" means the State of Minnesota.

"Tax Increment Act" means the statutory provisions of Minnesota Statutes, sections 469.174 to 469.1799, inclusive, as amended and supplemented from time to time.

"Tax Increment Bonds" means the general obligation or revenue tax increment bonds issued and to be issued by the City to finance the public costs associated with the Project Area as stated in the Program and in the Tax Increment Plans for each of the Tax Increment Districts within the Project Area. The term "Tax Increment Bonds" shall also include any obligations issued to refund the Tax Increment Bonds.

"Tax Increment District" means any tax increment financing district presently established or to be established in the future within the Project Area.

"Tax Increment Plan" means the respective Tax Increment Financing Plan for each Tax Increment District located within the Project Area.

Section A Statement and Finding of Public Purpose

The Council of the City has determined that there was, and hereby reaffirms that there continues to be, a need for the City to take certain actions designed to encourage and facilitate the private sector to (1) recreate and reinforce a sense of residential place and security to create neighborhood cohesiveness through investment in neighborhood infrastructure and public improvements; (2) rehabilitate the existing housing stock and preserve existing residential neighborhoods wherever possible; (3) revitalize property to create a safe, attractive, comfortable, convenient and efficient area for residential use; (4) develop and redevelop underutilized, blighted, contaminated and unused land located within its corporate limits; (5) improve the tax base of the City, the County and the School District, thereby enabling them to better utilize existing public facilities and provide needed public services; (6) improve the general economy of the City, the County and the State; and, (7) provide additional employment opportunities for residents of the City and the surrounding area. Specifically, the City has determined and reaffirms that there is property within the City that is unused due to a variety of factors, including fragmented ownership, contamination or blighted improvements, which have resulted in a lack of private investment. Further, it was found and is reaffirmed that there are certain underutilized parcels of property within the City which are potentially more useful, productive and valuable than are being realized under existing conditions. As a result, the property is not providing adequate employment opportunities or living environments and is not contributing to the tax base and general economy of the City, the County, the School District and the State to its full potential.

Therefore, the Council has determined and hereby reaffirms that it is necessary to exercise its authority to develop, implement and finance a Program for improving the Project Area to (1) recreate and reinforce a sense of residential place and security to create neighborhood cohesiveness through investment in neighborhood infrastructure and public improvements; (2) rehabilitate the existing housing stock and preserve existing residential neighborhoods wherever possible; (3) revitalize property to create a safe, attractive, comfortable, convenient and efficient area for residential use; (4) facilitate clean up of contaminated properties; (5) improve and maintain the natural environment; (6) provide an impetus for private development and redevelopment; (7) maintain and increase employment; (8) utilize, enhance and supplement existing potential; and, (9) facilitate other activities as outlined in Section I, Subsection F.1. of the Program.

The Council has also determined and hereby reaffirms (1) that the proposed development or redevelopment would not occur solely through private investment in the foreseeable future; (2) that the Tax Increment Plans proposed herein are consistent with the Program; (3) that the Tax Increment Plans would afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development or redevelopment of the Project Area by private enterprise; and (4) that the Program conforms to the Comprehensive Plan of the City.

The Council has further determined and hereby reaffirms that the welfare of the City, School District, County and State requires active promotion, attraction, encouragement and development of economically sound housing, industry and commerce to carry out its stated public purpose objectives.

Section B Statutory Authority

The Council has determined and hereby reaffirms that it continues to be desirable and in the public interest to designate a specific area within the corporate limits of the City as the Project Area and to establish, develop and implement a Program pursuant to the provisions of the Development District Act and the Port Authority Act (collectively, the “Acts”), as amended and supplemented from time to time.

Funding of the necessary activities and improvements in the Project Area shall be accomplished, in part, with any funds the Council has or may have available from any source, including funds made available by the City and through tax increment financing pursuant to the Tax Increment Act.

The Tax Increment Act authorizes the establishment of tax increment districts within the Project Area pursuant to the requirements set forth in Section 469.174. The Tax Increment Act also designates the types of tax increment districts and establishes the limitations and requirements that apply to activities and public improvements which can be financed for each type of tax increment district.

It is the intention of the City, notwithstanding the enumeration of specific goals and objectives in the Program, that the City shall have and enjoy with respect to the Project Area the full range of powers and duties conferred upon the City pursuant to the Acts, the Tax Increment Act, and such other legal authority as the City may have or enjoy from time to time.

Section C Property Description

The boundaries of the Project Area are coterminous with the corporate boundaries of the City and are illustrated on Exhibit I-A.

Section D Rehabilitation

For some projects, property owners within the Project Area will be encouraged to rehabilitate their properties to conform with the applicable State and local codes and ordinances, as well as any design standards. Potential owners who may purchase property within the Project Area from the City may be required to rehabilitate their properties as a condition of sale of land. The City will provide such rehabilitation assistance as may be available from federal, State, County, or local sources.

Section E Relocation

The City accepts its responsibility for providing for relocation, if and when applicable, pursuant to Minnesota Statutes and federal law.

Section F Development Program

1. Statement of Objectives. The Council originally determined, and its determinations are hereby reaffirmed, that the establishment of the Project Area and the adoption of the Program will provide the City with the ability to achieve certain public purpose goals not otherwise obtainable in the foreseeable future without City intervention in the normal development or redevelopment process. These public purpose goals include: (1) restoration and improvement of the tax base and tax revenue generating capacity of the Project Area; (2) increased employment opportunities; (3) realization of comprehensive planning goals; (4) removal of blighted conditions and environmental contamination; (5) preservation and enhancement of the natural environment of the community and implementation of the Natural Resource Management Plan dated June, 2002; and, (6) revitalization of the property within the Project Area to create an attractive, comfortable, convenient and efficient area for housing, industrial, commercial, and related uses.

The Program objectives for the Project Area include the following:

- a. Revitalize property to create a safe, attractive, comfortable, convenient and efficient area for residential use.
- b. Create and reinforce a sense of residential place and security which creates neighborhood cohesiveness through City investment in neighborhood infrastructure and public improvements, including landscaping, park improvements, local street modifications to reduce traffic impacts, street construction or repaving, curb and gutter construction or replacement and streetlight installation or updating.
- c. Encourage infill development and redevelopment that is compatible in use and scale with surrounding neighborhoods.
- d. Rehabilitate existing housing stock and preserve existing residential neighborhoods wherever possible.
- e. Demolish and reconstruct, where necessary, aging residential buildings to preserve neighborhoods.
- f. Provide a link between seniors moving out of existing single family homes and young families seeking first time purchase options.
- g. Develop and promote housing programs that encourage the retention and attraction of young families with children.
- h. Provide alternate housing for seniors to enable them to remain a vital part of the community.

- i. Develop new housing in partnership with federal, state and regional agencies, non profit community groups and private sector development partners.
- j. Develop and promote programs that provide choice and diversity in housing stock to include a variety of affordable housing options.
- k. Provide information regarding the importance of quality and diverse housing opportunities and close-knit neighborhoods to foster a sense of community.
- l. Promote and secure the prompt development or redevelopment of certain property in the Project Area, which property is not now in productive use or in its highest and best use, in a manner consistent with the City's Comprehensive Plan, which will where practicable, mitigate existing adverse environmental conditions and cause a minimum adverse impact on the environment and thereby promote and secure the development or redevelopment of other land in the City.
- m. Promote and secure additional employment opportunities within the Project Area and the City for residents of the City and the surrounding area, thereby improving living standards, reducing unemployment and the loss of skilled and unskilled labor and other human resources in the City.
- n. Secure the increased valuation of property subject to taxation by the City, the School District, the County and other taxing jurisdictions in order to better enable such entities to pay for governmental services and programs required to be provided by them.
- o. Provide for the financing and construction of public improvements in the Project Area necessary for the orderly and beneficial development or redevelopment of the Project Area.
- p. Promote the concentration of new desirable residential, commercial, office, and other appropriate development or redevelopment in the Project Area so as to develop and maintain the area in a manner compatible with its accessibility and prominence in the City.
- q. Encourage local business expansion, improvement, development and redevelopment whenever possible.
- r. Encourage the renovation and expansion of historical structures.
- s. Eliminate physical deterrents to the development or redevelopment of the land.
- t. Create a desirable and unique character within the Project Area through quality land use alternatives and design quality in new and remodeled buildings.
- u. Encourage and provide maximum opportunity for private development or redevelopment of existing areas and structures which are compatible with the Program.

v. Create viable environments which will facilitate and enable the construction, upgrading and maintaining of housing stock, maintaining housing health and safety quality standards, and maintaining and strengthening individual neighborhoods.

w. Stimulate private activity and investment to stabilize, enhance and balance the City's housing supply.

x. Eliminate code violations, remediate environmental contamination and eliminate nuisance and other negative conditions that adversely affect neighborhoods or are obstacles to the objectives of the Program.

y. Remove substandard structures.

2. Revitalization Project Proposals and Public Facilities. Revitalization within the Project Area must be financially feasible, marketable and compatible with longer range City development plans. The following activities represent the development activities that may occur within the Project Area.

- a. clearance and redevelopment
- b. rehabilitation of remaining buildings
- c. relocation of buildings and inhabitants of buildings
- d. vacation of rights-of-way
- e. dedication of new rights-of-way and pedestrian walkways
- f. construction and expansion of commercial and industrial buildings
- g. land acquisition
- h. soil improvement and site preparation
- i. installation or replacement of public improvements
- j. environmental cleanup
- k. water retention measures including ponds, infiltration systems and rain gardens

3. Open Space to be Created. Open space may be created for the purpose of enhancing housing developments through the development of open space and pedestrian walkways, the installation of special landscaping on residential and public properties, and the creation of recreational facilities, including parks and walkways, to improve the quality of life, transportation and physical facilities.

4. Environmental Controls. To the extent proposed development or redevelopment raises environmental concerns, all municipal actions, public improvements and private development or redevelopment shall be carried out in a manner consistent with applicable environmental standards or approvals.

5. Private Development and Reuse of Property. The Program goals and objectives are to be achieved in a cost efficient and timely manner by assisting and encouraging the private sector whenever reasonably possible. Generally, the City will proceed by contracting with the private sector (developer, builder, user, owner and so forth) for the reuse of land or building that is part of the Project Area. The City may acquire any property, real or personal, that is necessary or

convenient for the implementation of the Program. The City will acquire property if it believes there is a likelihood that the property can be reused in the foreseeable future and if the City can identify sources of revenue to pay for such property. Generally, the City will enter into a contract with the private sector for the reuse of the property. However, there may be parcels that are so important to a proposed redevelopment or reuse that the City may find it difficult or impractical to enter into any contract without first owning or having control of the parcel, either through negotiation or by use of eminent domain. The City may also acquire, from willing sellers or by use of eminent domain, parcels as part of a long-term redevelopment effort. In such instances, the acquisition should meet a stated Program goal or objective, revenues should have been identified to pay for them and the parcels should be held only until sufficient parcels have been acquired to allow Program goals and objectives to be implemented.

Section G Administration

The City Manager shall serve as Administrator of the Project Area pursuant to the provisions of the Development District Act, provided however that such powers may only be exercised at the direction of the Council. No action taken by the Administrator shall be effective without Council authorization.

A developer or redeveloper may be any person, business, corporation (for-profit or non-profit) or government unit, including the City. A developer or redeveloper may initiate a plan and participate with the City in the development or redevelopment thereof.

Section H Parcels to be Acquired

The City may acquire any of the parcels illustrated on Exhibit I-A by gift, dedication, condemnation or direct purchase from willing sellers in order to achieve the objectives of the Program.

Section I Public Improvement Costs

The estimated public improvement costs and the amount of bonded indebtedness, including interest thereon, to be incurred within the Project Area for the benefit of the Project Area and its Tax Increment Districts are set forth in the individual Tax Increment Financing Plans.

Section J Sources of Revenue

Anticipated revenue sources to assist in the financing of the public improvement costs located within the Tax Increment Districts and the Project Area include (1) general obligation and/or revenue tax increment obligations with interest; (2) the direct use of tax increments; (3) the borrowing of available funds, including without limitation interest-bearing City short-term or long-term loans; (4) interfund loans or advances; (5) interfund transfers, both in and out; (6) land sale or lease proceeds; (7) levies; (8) grants from any public or private source; (9) developer payments; (10) loan repayments or other advances originally made with tax increments as permitted by Minnesota Statutes; and (11) any other revenue source derived from the City's activities within the Project Area as required to finance the costs as set forth in each of the Tax Increment Financing Plans. All revenues are available for all tax increment eligible expenses within the Project Area as allowed by Minnesota Statutes.

MAP OF DEVELOPMENT DISTRICT NO. 1

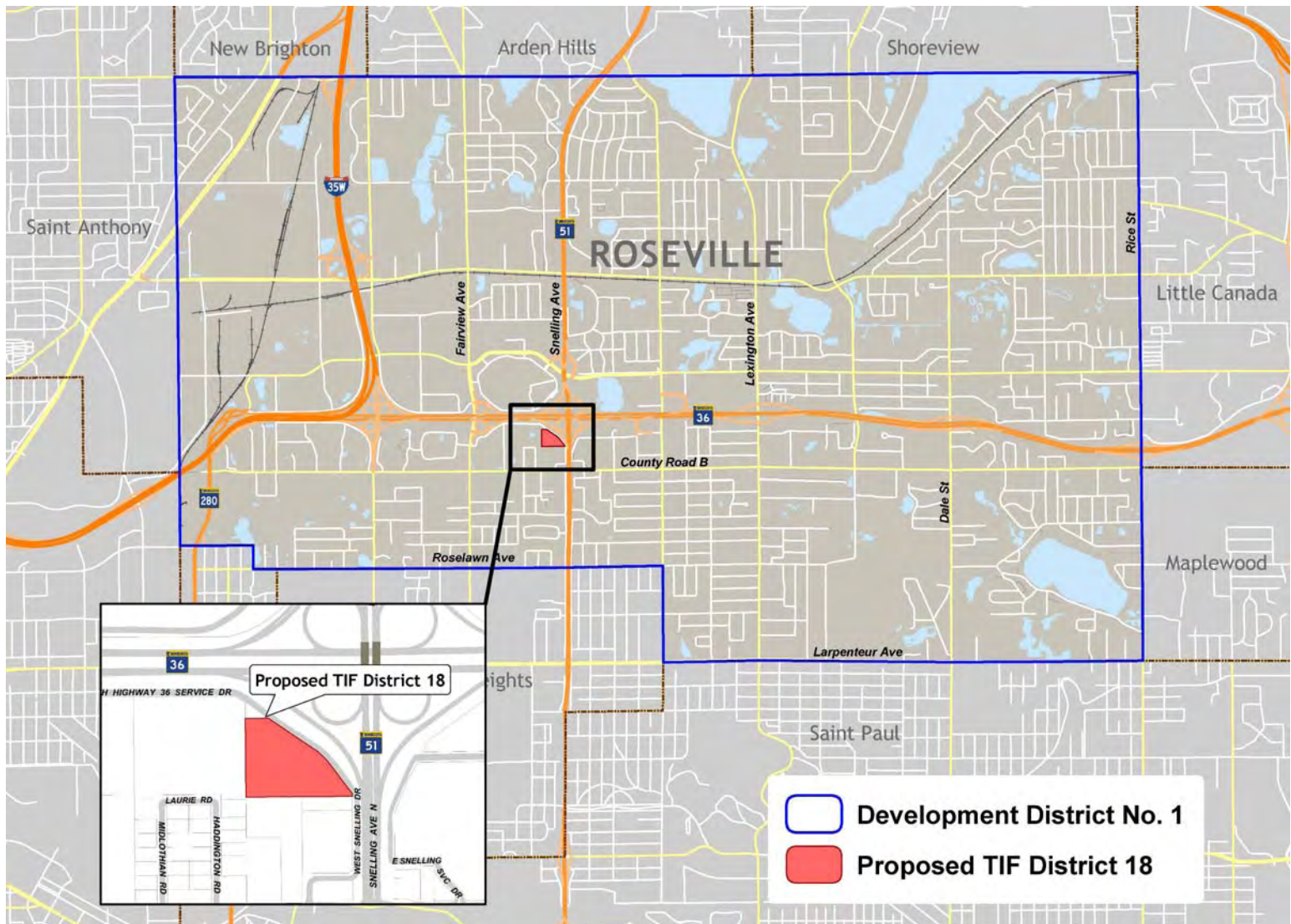


EXHIBIT I-B**MUNICIPAL ACTION TAKEN**

The following municipal actions were taken in connection with the tax increment financing activities of the City of Roseville pursuant to Minnesota Statutes, Sections 469.001 to 469.047, 469.048 to 469.068, 469.124 to 469.134, and 469.174 to 469.1799, inclusive, as amended and supplemented from time to time:

October 13, 1982: Creation of Development District No. 1 and adoption of a Development Program; creation of Redevelopment District No. 1 as a redevelopment tax increment district and adoption of a Tax Increment Financing Plan; creation of Redevelopment District No. 2 as a redevelopment tax increment district and adoption of a Tax Increment Financing Plan.

May 9, 1983: Modification of the Development Program Development District No. 1 and Tax Increment Financing Plans for Redevelopment Districts No. 1 and No. 2 to reflect increased project expenses.

September 24, 1984: Creation of [Municipal] Development District No. 3 and adoption of a Development Program; creation of Tax Increment Financing District No. 3 as a redevelopment district and adoption of a Tax Increment Financing Plan.

December 16, 1985: Modification of the Development Program Development District No. 1 to include the area of Development District No. 3/Tax Increment Financing District No. 3; modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 1 (previously referred to as Redevelopment District No. 1) to reflect the addition of forty two parcels, increased project expenses and the deletion of ten parcels; modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 2 (previously referred to as Redevelopment District No. 2) to reflect the addition of three parcels and the deletion of twelve parcels; creation of Tax Increment Financing District No. 4 as a redevelopment district and adoption of a Tax Increment Financing Plan.

July 14, 1986: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 5 as a redevelopment district and adoption of a Tax Increment Financing Plan.

January 12, 1987: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 6 as a housing district and adoption of a Tax Increment Financing Plan; creation of Tax Increment Financing District No. 7 as a redevelopment district and adoption of a Tax Increment Financing Plan; creation of Tax Increment Financing District No. 8 as an economic development district and adoption of a Tax Increment Financing Plan.

July 13, 1987: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 9 as a redevelopment district and adoption of a Tax Increment Financing Plan.

October 1988: Creation of Tax Increment Financing District No. 10 as a redevelopment district and adoption of a Tax Increment Financing Plan.

October 23, 1989: Modification of the Development Program for Development District No. 1 and Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 10.

March 26, 1990: Modification of the Development Program for Development District No. 1 and Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 10; creation of Tax Increment Financing District No. 11 as a redevelopment district and adoption of a Tax Increment Financing Plan;

creation of Tax Increment Financing District No. 12 as a redevelopment district and adoption of a Tax Increment Financing Plan.

September 10, 1990: Modification of the Tax Increment Financing Plans for Tax Increment Financing districts No. 1 through No. 12.

December 10, 1990: Creation of a Redevelopment Project Area and adoption of a Redevelopment Plan to exercise housing and redevelopment authority powers; creation of Industrial Development District No. 1 and adoption of an Industrial Development Plan to exercise port authority powers.

December 17, 1990: Modification of the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 12 to reflect increased project costs within Development District No. 1.

July 8, 1992: Modification of the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 12.

September 23, 1991: Modification of the Development Program for Development District No. 1; the Redevelopment Plan for the Redevelopment Project Area and the Industrial Development District No. 1 Plan for Industrial Development District No. 1 to reflect increased geographic areas.

April 26, 1993: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 13 as a redevelopment district and adoption of a Tax Increment Financing Plan.

February 28, 1994: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 14 as a redevelopment district and adoption of a Tax Increment Financing Plan.

April 11, 1994: Modification of the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 13 to reflect increased project costs.

September 26, 1994: Creation of Tax Increment Financing District No. 11A as a hazardous substance subdistrict and adoption of a Tax Increment Financing Plan.

June 12, 1995: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 16 as a redevelopment district and adoption of a Tax Increment Financing Plan.

December 31, 1997: Decertification of Tax Increment Financing District No. 8.

December 16, 1996: Modification of the Development Program for Development District No. 1 and the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 14 and No. 16 to reassert the powers of Minnesota Statutes, Sections 469.124 through 469.134.

March 24, 1997: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 15 as a redevelopment district and adoption of a Tax Increment Financing Plan.

November 27, 2000: Modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 2 to reflect the elimination of eight parcels; modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 10 to reflect the elimination of six parcels; decertification of Tax Increment Financing Districts No. 5, No. 6, No. 7 and No. 9; modification of the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1 through No. 7 and No. 9 through No. 11 to reflect increased project costs.

December 17, 2001: Decertification of Tax Increment Financing Districts No. 2, No. 3, No. 4, No. 14 and No. 15.

December 8, 2003: Modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 12 to reflect increased project expenses, increased bonded indebtedness and increased sources of revenues.

June 20, 2005: Modification of the Tax Increment Financing Plan for Tax Increment Financing District No. 11 to reflect the elimination of twenty-one parcels; modification of the Tax Increment Financing Plan for Hazardous Substance Subdistrict No. 11A to reflect the elimination of twenty-one parcels; creation of Tax Increment Financing District No. 17 as a redevelopment district and adoption of a Tax Increment Financing Plan; creation of Hazardous Substance Subdistrict No. 17A and adoption of a Tax Increment Financing Plan; restatement of the Development Program for Development District No. 1 and modification of the Tax Increment Financing Plans for Tax Increment Financing Districts No. 1, 10, 11, 12, 13, and 16.

June 15, 2009: Modification of the Development Program for Development District No. 1; creation of Tax Increment Financing District No. 18 as a housing district and adoption of a Tax Increment Financing Plan.

City of Roseville, Minnesota

Tax Increment Financing Plan

for

Tax Increment Financing (Housing) District No. 18

Within

Development District No. 1

(Har Mar Apartments Project)

Dated: June 9, 2009 (DRAFT)

Approved:

Prepared by:

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TABLE OF CONTENTS

<u>Section</u>	<u>Page(s)</u>
A. Definitions.....	1
B. Statutory Authorization	1
C. Statement of Need and Public Purpose.....	1
D. Statement of Objectives	1
E. Designation of Tax Increment Financing District as a Housing District.....	1
F. Duration of the TIF District.....	2
G. Property to be Included in the TIF District	2
H. Property to be Acquired in the TIF District.....	3
I. Specific Development Expected to Occur Within the TIF District	3
J. Findings and Need for Tax Increment Financing	3
K. Estimated Public Costs.....	5
L. Estimated Sources of Revenue	6
M. Estimated Amount of Bonded Indebtedness	6
N. Original Net Tax Capacity.....	6
O. Original Tax Capacity Rate.....	7
P. Projected Retained Captured Net Tax Capacity and Projected Tax Increment	7
Q. Use of Tax Increment	7
R. Excess Tax Increment.....	8
S. Tax Increment Pooling and the Five Year Rule	9
T. Limitation on Administrative Expenses	9
U. Limitation on Property Not Subject to Improvements - Four Year Rule	9
V. Estimated Impact on Other Taxing Jurisdictions	9
W. Prior Planned Improvements	10
X. Development Agreements	10
Y. Assessment Agreements.....	11
Z. Modifications of the Tax Increment Financing Plan	11
AA. Administration of the Tax Increment Financing Plan	11
AB. Financial Reporting and Disclosure Requirements	12
Map of the Development District & Tax Increment Financing District.....	EXHIBIT I
Assumptions Report	EXHIBIT II
Projected Tax Increment Report.....	EXHIBIT III
Estimated Impact on Other Taxing Jurisdictions Report.....	EXHIBIT IV
Market Value Analysis Report	EXHIBIT V
Projected Pay-As-You-Go Note Report	EXHIBIT VI

Section A Definitions

The terms defined in this section have the meanings given herein, unless the context in which they are used indicates a different meaning:

"Authority" means the Roseville Housing and Redevelopment Authority, Minnesota.

"City" means the City of Roseville, Minnesota; also referred to as a "Municipality".

"City Council" means the City Council of the City; also referred to as the "Governing Body".

"County" means Ramsey County, Minnesota.

"Development District" means the City's Development District No. 1 in the City, originally created October 13, 1982, which is described in the corresponding Development Program.

"Development Program" means the Restated Development Program for the Development District dated June 20, 2005.

"Project Area" means the geographic area of the Development District.

"School District" means Roseville Area School District No. 623, Minnesota.

"State" means the State of Minnesota.

"TIF Act" means Minnesota Statutes, Sections 469.174 through 469.1799, both inclusive.

"TIF District" means Tax Increment Financing (Housing) District No. 18.

"TIF Plan" means the tax increment financing plan for the TIF District (this document).

Section B Statement and Finding of Public Purpose

See Section A of the Development Program for the Development District.

Section C Statutory Authorization

See Section B of the Development Program for the Development District.

Section D Statement of Objectives

See Section F.1. of the Development Program for the Development District.

**Section E Designation of Tax Increment Financing District as a
Housing District**

Pursuant to the TIF Act, the City seeks to create TIF District No. 18 and adopt a TIF Plan for the TIF District. The Authority will review the TIF Plan prior to City adoption. TIF District No. 18 is a Housing District.

Housing districts are a type of tax increment financing district that consist of a project intended for occupancy, in part, by persons or families of low and moderate income. Low and moderate income is defined in federal, state, and

municipal legislation. A project does not qualify if more than 20% of the square footage of buildings that receive assistance from tax increments consist of commercial, retail or other nonresidential use.

In addition, housing districts are subject to various income limitations and requirements for residential property. For owner occupied residential property, 95% of the housing units must be initially purchased and occupied by individuals whose family income is less than or equal to the income requirements for qualified mortgage bond projects under section 143(f) of the Internal Revenue Code. For residential rental property, the property must satisfy the income requirements for a qualified residential rental project as defined in section 142(d) of the Internal Revenue Code.

The TIF District meets the above qualifications for these reasons:

1. The planned improvements consist of the following:
 - a. No owner-occupied housing units.
 - b. 168 rental units, for which one of the following will apply:
 - o at least 20% of the rental units will be occupied by persons with incomes no greater than 50% of area median income
 - o at least 40% of the rental units will be occupied by persons with incomes no greater than 60% of area median income
2. No improvements are planned other than housing.
3. The City will require in the development agreement that the income limitations for all rental units apply for the duration of the TIF District.

Tax increment revenues derived from a housing district must be used solely to finance the cost of housing projects as defined above. The cost of public improvements directly related to the housing projects and the allocated administrative expenses of the City may be included in the cost of a housing project.

Section F Duration of the TIF District

Housing districts may remain in existence 25 years from the date of receipt by the City of the first tax increment. Modifications of this plan (see Section Z) shall not extend these limitations.

The City elects to receive increment beginning in tax payable year 2013 pursuant to Minnesota Statutes, Section 469.175, subdivision 1(a)(8)(b). The City reserves the right to allow the TIF District to remain in existence the maximum duration allowed by law, through the year 2038. The City will decertify TIF District No. 18 once the projected increment has been received to fulfill the existing TIF District obligations. All tax increments from taxes payable in the year the TIF District is decertified shall be paid to the City.

Section G Property to be Included in the TIF District

The TIF District is an approximate 5.42-acre area of land located within the Project Area. A map showing the location of the TIF District is shown in Exhibit I. The boundaries, area, and parcel encompassed by the TIF District are described below:

<u>Parcel ID Number</u>	<u>Legal Description</u>
09-29-23-44-0247 *	The south 7 acres of the NE Quarter of the SE Quarter of the SE Quarter (NE¼ of SE¼ of SE¼), Section Nine (9), Township Twenty-Nine (29), Range Twenty-Three (23), according to the Government Survey thereof, all subject to roadway easements.

*The parcel listed above will be replatted; as a result new parcel ID numbers and legal descriptions will replace that listed above.

The area encompassed by the TIF District shall also include all street or utility right-of-ways located upon or adjacent to the property described above.

Section H Property to be Acquired in the TIF District

The City may acquire and sell any or all of the property located within the TIF District. The City does not anticipate acquiring any such property at this time, but may reimburse developers for the cost of such acquisition.

Section I Specific Development Expected to Occur Within the TIF District

The proposed project includes the redevelopment of the Har Mar Apartments project. The project is expected to be completed in two phases. Phase 1 shall consist of the complete rehabilitation of 120 existing one-bedroom apartment units within five buildings. Phase 2 shall consist of the construction of 48 two-and three-bedroom apartment units within one building. Phase 1 shall also include the subdivision, reconfiguration and redevelopment of the site, which will reduce surface parking, maximize green space, and connect the buildings through landscaping and improved walkways.

The proposed project will transform a blighted, semi-vacant property into a 168-total-unit apartment community for persons and families of low to moderate income. The project will comply with the Tax Increment Financing (Housing) District income requirements for rental property (i.e., either 20% of the units must be rented to persons whose income is 50% or less of area median income or 40% must be rented to persons 60% or less of area median income).

Ten of the 168 rehabilitated and constructed apartments will provide housing for individuals experiencing long-term homelessness and who earn less than 30% of the area median income (AMI). Ninety-six one-bedroom units will be restricted for persons or families who earn less than 60% AMI. The remaining 12 one-bedroom units will be unrestricted at market rate. All of the 48 two-and three-bedroom units will be restricted for those earning less than 60% AMI. Therefore the project will comply with the provisions of a Housing TIF District whereby at least 40% of the units will be restricted for persons with 60% or less AMI.

The City anticipates using tax increment revenues to finance a portion of the rehabilitation and construction costs, through property acquisition, associated with Phase 2 of the project as well as related administrative expenses to reduce the cost of providing affordable housing in the City, as described further in Section K.

Phase 1 of the project is expected to commence construction in summer of 2009 and be completed by August 2010; Phase 2 of the project is expected to commence construction in April 2010, and be completed by March 2011. Partial assessments are anticipated on January 2, 2011, and the fully completed project will be 100% assessed and on the tax rolls as of January 2, 2012, for taxes payable in 2013.

At the time this document was prepared there were no signed development contracts with regards to the above described development.

Section J Findings and Need for Tax Increment Financing

In establishing the TIF District, the City makes the following findings:

- (1) The TIF District qualifies as a housing district;

See Section E of this document for the reasons and facts supporting this finding.

- (2) The proposed development, in the opinion of the City, would not reasonably be expected to occur solely through private investment within the reasonably foreseeable future, and the increased market value of the site that could reasonably be expected to occur without the use of tax increment would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan.

The proposed development is a rental housing project consisting of the rehabilitation of approximately 120 units and the new construction of approximately 48 units in the City of Roseville. All but 12 of the total units rehabilitated will be affordable to persons at or below 60% of the area median income. The City has reviewed project information submitted by the proposed developer showing that the cost of providing low-to-moderate income housing makes the proposed development infeasible without some level of assistance.

Creating high-quality affordable housing in the proposed TIF district area entails the acquisition and subdivision of the existing property, complete rehabilitation of the existing buildings, the construction of new affordable housing and improvements to related infrastructure. Phase 1 and Phase 2 will be financed separately with each phase securing an allocation of low-income housing tax credits. Although Phase 1 of the project has secured funding from multiple additional sources, Phase 2 funding is not anticipated to leverage as many additional funding sources and shows a financing gap to be filled with TIF. Therefore, it is believed that Phase 2 would not happen "But-For" the TIF. Furthermore, the funding entities participating in the Phase 1 financing require the completion of Phase 2 of the Project, which constructs the 48 new affordable family-sized units. Therefore, we conclude that the proposed Project (Phases 1 and 2) would not happen "But-For" the TIF.

The increased market value of the site that could reasonably be expected to occur without the use of tax increment financing would be less than the increase in market value estimated to result from the proposed development after subtracting the present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan. Without the TIF District, the City has no reason to expect that the rehabilitation and new construction would occur without assistance similar to that provided in this plan. [If we are to agree with the assumption] that the proposed project maximizes the site density, then it is reasonable to assume that no development will occur that will create a greater market value than that which is proposed in this project. Therefore, the City concludes as follows:

- a. The City's estimate of the amount by which the market value of the site will increase without the use of tax increment financing is \$0, beyond a small amount attributable to appreciation in land value.
- b. If all development occurs as proposed, the total increase in market value would be approximately \$16,917,395, which includes a 2.5% annual market value inflator.
- c. The present value of tax increment revenues from the District for the maximum duration of as permitted by the TIF Plan is estimated to be \$938,650 (See Exhibit V).

- d. Even if some development other than the proposed development were to occur, the Council finds that no alternative would occur that would produce a market value increase greater than \$15,978,745 (the amount in clause b less the amount in clause c) without tax increment assistance.

A comparative analysis of estimated market values both with and without establishment of the TIF District and the use of tax increments assumes no development will occur on the site without assistance. The site is controlled by a developer that only anticipates creating an affordable housing project requiring assistance. We assume the estimated market value without creation of the district would only increase at most by an incremental inflationary amount. The increase in estimated market value of the proposed development (less the indicated subtractions) exceeds the estimated market value of the site absent the establishment of the TIF District and the use of tax increments.

- (3) The TIF Plan conforms to the general plan for development or redevelopment of the City as a whole; and

The reasons and facts supporting this finding are that the TIF District is properly zoned, and the TIF Plan has been approved by the City Planning Commission and will generally complement and serve to implement policies adopted in the City's Comprehensive Plan.

- (4) The TIF Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the development of the Project Area by private enterprise.

The reasons and facts supporting this finding are that the development activities are necessary so that development and redevelopment by private enterprise can occur within the Project Area.

Section K Estimated Public Costs

The estimated public costs of the TIF District are listed below. Such costs are eligible for reimbursement from tax increments of the TIF District.

Land/Building acquisition	\$913,610
Site Improvements/Demolition costs	0
Installation of public utilities	0
Streets and sidewalks	0
Bond/Note principal	0
Bond/Note interest, inc. capitalized interest	1,027,207
Administrative expenses	219,461
Other –Potential Affordable Housing Costs	59,337
Total	<u>\$2,219,615</u>

The City reserves the right to administratively adjust the amount of any of the items listed above or to incorporate additional eligible items, so long as the total estimated public cost is not increased.

Section L Estimated Sources of Revenue

Tax Increment revenue	\$2,194,615
Interest on invested funds	25,000
Bond/Note proceeds	0
Real estate sales	0
Other	0
Total	<u><u>\$2,219,615</u></u>

The City anticipates providing financial assistance to the proposed development on a pay-as-you-go technique. Under the pay-as-you-go scenario, future tax increments received from the property within the TIF District are distributed to the developer/owner as reimbursement for public costs incurred (see Section K).

The City reserves the right to finance any or all public costs of the TIF District using pay-as-you-go assistance, internal funding, general obligation or revenue debt, or any other financing mechanism authorized by law. The City also reserves the right to use other sources of revenue legally applicable to the Project Area to pay for such costs including, but not limited to, special assessments, utility revenues, federal or state funds, and investment income.

Section M Estimated Amount of Bonded Indebtedness

The City does not anticipate issuing tax increment bonds to finance the estimated public costs of the TIF District. However it reserves the right to issue an amount that would not exceed \$1,005,000 (\$913,610 plus 10% overage).

Section N Original Net Tax Capacity

The County Auditor shall certify the original net tax capacity of the TIF District. This value will be equal to the total net tax capacity of all property in the TIF District as certified by the State Commissioner of Revenue. For districts certified between January 1 and June 30, inclusive, this value is based on the previous assessment year. For districts certified between July 1 and December 31, inclusive, this value is based on the current assessment year.

The Estimated Market Value of all property within the TIF District as of January 2, 2008, for taxes payable in 2009, is \$5,000,000. Upon establishment of the TIF District, and subsequent reclassification of a portion of the property to rental from affordable rental, it is estimated that the original net tax capacity of the TIF District will be approximately \$39,286.

Each year the County Auditor shall certify the amount that the original net tax capacity has increased or decreased as a result of:

- (1) changes in the tax-exempt status of property;
- (2) reductions or enlargements of the geographic area of the TIF District;
- (3) changes due to stipulation agreements or abatements; or
- (4) changes in property classification rates.

Section O Original Tax Capacity Rate

The County Auditor shall also certify the original tax capacity rate of the TIF District. This rate shall be the sum of all local tax rates that apply to property in the TIF District. This rate shall be for the same taxes payable year as the original net tax capacity.

In future years, the amount of tax increment generated by the TIF District will be calculated using the lesser of (a) the sum of the current local tax rates at that time or (b) the original tax capacity rate of the TIF District.

The sum of all local tax rates that apply to property in the TIF District, for taxes levied in 2008 and payable in 2009, was 89.848% as shown below. The County Auditor shall certify this amount as the original tax capacity rate of the TIF District.

<u>Taxing Jurisdiction</u>	<u>Final 2008/2009 Local Tax Rate</u>
City of Roseville	24.545%
Ramsey County	46.546%
SD # »#623	10.624%
Other	8.133%
Total	89.848%

**Section P Projected Retained Captured Net Tax Capacity and
Projected Tax Increment**

The City anticipates that the project will be completed by December 31, 2012 creating a total tax capacity for TIF District No. 18 of \$99,289 as of January 2, 2013. The captured tax capacity as of that date is estimated to be \$60,003 and the first full year of tax increment is estimated to be \$53,911 payable in 2014. A complete schedule of estimated tax increment from the TIF District is shown in Exhibit III.

The estimates shown in this TIF Plan assume that affordable rental housing class rates remain at 0.75% of the estimated market value, market rate rental housing class rates remain at 1.25% of the estimated market value, and assume a 2.5% annual increase in market values.

Each year the County Auditor shall determine the current net tax capacity of all property in the TIF District. To the extent that this total exceeds the original net tax capacity, the difference shall be known as the captured net tax capacity of the TIF District.

The County Auditor shall certify to the City the amount of captured net tax capacity each year. The City may choose to retain any or all of this amount. It is the City's intention to retain 100% of the captured net tax capacity of the TIF District. Such amount shall be known as the retained captured net tax capacity of the TIF District.

Exhibit II gives a listing of the various information and assumptions used in preparing a number of the exhibits contained in this TIF Plan. Exhibit III shows the projected tax increment generated over the anticipated life of the TIF District.

Section Q Use of Tax Increment

Each year the County Treasurer shall deduct 0.36% of the annual tax increment generated by the TIF District and pay such amount to the State's General Fund. Such amounts will be appropriated to the State Auditor for the cost of

financial reporting and auditing of tax increment financing information throughout the state. Exhibit III shows the projected deduction for this purpose over the anticipated life of the TIF District.

The City has determined that it will use 100% of the remaining tax increment generated by the TIF District for any of the following purposes:

- (1) pay for the estimated public costs of the TIF District, including any eligible pooling projects, (see Section K) and County administrative costs associated with the TIF District (see Section T);
- (2) pay principal and interest on tax increment bonds or other bonds issued to finance the estimated public costs of the TIF District;
- (3) accumulate a reserve securing the payment of tax increment bonds or other bonds issued to finance the estimated public costs of the TIF District;
- (4) pay all or a portion of the county road costs as may be required by the County Board under M.S. Section 469.175, Subdivision 1a; or
- (5) return excess tax increments to the County Auditor for redistribution to the City, County and School District.

Tax increments from property located in one county must be expended for the direct and primary benefit of a project located within that county, unless both county boards involved waive this requirement. Tax increments shall not be used to circumvent levy limitations applicable to the City.

Tax increment shall not be used to finance the acquisition, construction, renovation, operation, or maintenance of a building to be used primarily and regularly for conducting the business of a municipality, county, school district, or any other local unit of government or the State or federal government, or for a commons area used as a public park, or a facility used for social, recreational, or conference purposes. This prohibition does not apply to the construction or renovation of a parking structure or of a privately owned facility for conference purposes.

If there exists any type of agreement or arrangement providing for the developer, or other beneficiary of assistance, to repay all or a portion of the assistance that was paid or financed with tax increments, such payments shall be subject to all of the restrictions imposed on the use of tax increments. Assistance includes sale of property at less than the cost of acquisition or fair market value, grants, ground or other leases at less than fair market rent, interest rate subsidies, utility service connections, roads, or other similar assistance that would otherwise be paid for by the developer or beneficiary.

Section R Excess Tax Increment

In any year in which the tax increments from the TIF District exceed the amount necessary to pay the estimated public costs authorized by the TIF Plan, the City shall use the excess tax increments to:

- (1) prepay any outstanding tax increment bonds;
- (2) discharge the pledge of tax increments thereof;
- (3) pay amounts into an escrow account dedicated to the payment of the tax increment bonds; or
- (4) return excess tax increments to the County Auditor for redistribution to the City, County and School District. The County Auditor must report to the Commissioner of Education the amount of any excess tax increment redistributed to the School District within 30 days of such redistribution.

Section S Tax Increment Pooling and the Five Year Rule

As permitted under Minnesota Statutes, Section 469.1763, subdivision 2(b) and subdivision 3(a)(5), any expenditures of increment from the TIF District to pay the cost of a "housing project" as defined in Minnesota Statutes, Section 469.174, subd. 11 will be treated as an expenditure within the district for the purposes of the "pooling rules" and the "five year rule". The City does not currently anticipate that tax increments will be spent outside the TIF District (except allowable administrative expenses), but such expenditures are expressly authorized in this TIF Plan.

Section T Limitation on Administrative Expenses

Administrative expenses are defined as all costs of the City other than:

- (1) amounts paid for the purchase of land;
- (2) amounts paid for materials and services, including architectural and engineering services directly connected with the physical development of the real property in the project;
- (3) relocation benefits paid to, or services provided for, persons residing or businesses located in the project;
- (4) amounts used to pay principal or interest on, fund a reserve for, or sell at a discount bonds issued pursuant to section 469.178; or
- (5) amounts used to pay other financial obligations to the extent those obligations were used to finance costs described in clause (1) to (3).

Administrative expenses include city staff time used to establish and administer the TIF District, the amounts paid for services provided by bond counsel, fiscal consultants, planning or economic development consultants, and actual costs incurred by the County in administering the TIF District. Tax increments may be used to pay administrative expenses of the TIF District up to the lesser of (a) 10% of the total estimated public costs authorized by the TIF Plan or (b) 10% of the total tax increment expenditures for the project.

Section U Limitation on Property Not Subject to Improvements - Four Year Rule

If after four years from certification of the TIF District no demolition, rehabilitation, renovation, or qualified improvement of an adjacent street has commenced on a parcel located within the TIF District, then that parcel shall be excluded from the TIF District and the original net tax capacity shall be adjusted accordingly. Qualified improvements of a street are limited to construction or opening of a new street, relocation of a street, or substantial reconstruction or rebuilding of an existing street. The City must submit to the County Auditor, by February 1 of the fifth year, evidence that the required activity has taken place for each parcel in the TIF District.

If a parcel is excluded from the TIF District and the City or owner of the parcel subsequently commences any of the above activities, the City shall certify to the County Auditor that such activity has commenced and the parcel shall once again be included in the TIF District. The County Auditor shall certify the net tax capacity of the parcel, as most recently certified by the Commissioner of Revenue, and add such amount to the original net tax capacity of the TIF District.

Section V Estimated Impact on Other Taxing Jurisdictions

Exhibit IV shows the estimated impact on other taxing jurisdictions if the maximum projected retained captured net tax capacity of the TIF District was hypothetically available to the other taxing jurisdictions. The City believes that there will be no adverse impact on other taxing jurisdictions during the life of the TIF District, since the proposed

development would not have occurred without the establishment of the TIF District and the provision of public assistance. A positive impact on other taxing jurisdictions will occur when the TIF District is decertified and the development therein becomes part of the general tax base.

The fiscal and economic implications of the proposed tax increment financing district, as pursuant to Minnesota Statutes, Section 469.175, Subdivision 2, are listed below.

1. The total amount of tax increment that will be generated over the life of the district is estimated to be \$2,202,544.
2. To the extent the project in the proposed TIF District No. 18 generates any public cost impacts on city-provided services such as police and fire protection, public infrastructure, and borrowing costs attributable to the district, such costs will be levied upon the taxable net tax capacity of the City, excluding that portion captured by the District.
3. The amount of tax increments over the life of the district that would be attributable to school district levies, assuming the school district's share of the total local tax rate for all taxing jurisdictions remained the same, is estimated to be \$260,438.
4. The amount of tax increments over the life of the district that would be attributable to county levies, assuming the county's share of the total local tax rate for all taxing jurisdictions remained the same is estimated to be \$1,141,034.
5. No additional information has been requested by the county or school district that would enable it to determine additional costs that will accrue to it due to the development proposed for the district. To our knowledge neither entity has adopted standard questions in a written policy on information requested for fiscal and economic implications.

Section W Prior Planned Improvements

The City shall accompany its request for certification to the County Auditor (or notice of district enlargement), with a listing of all properties within the TIF District for which building permits have been issued during the 18 months immediately preceding approval of the TIF Plan. The County Auditor shall increase the original net tax capacity of the TIF District by the net tax capacity of each improvement for which a building permit was issued.

There have been no building permits issued in the last 18 months in conjunction with any of the properties within the TIF District.

Section X Development Agreements

If within a project containing a housing district, more than 25% of the acreage of the property to be acquired by the City is purchased with tax increment bonds proceeds (to which tax increment from the property is pledged), then prior to such acquisition, the City must enter into an agreement for the development of the property. Such agreement must provide recourse for the City should the development not be completed.

The City anticipates entering into an agreement for development, but does not anticipate acquiring any property located within the TIF District.

Section Y Assessment Agreements

The City may, upon entering into a development agreement, also enter into an assessment agreement with the developer, which establishes a minimum market value of the land and improvements for each year during the life of the TIF District.

The assessment agreement shall be presented to the County Assessor who shall review the plans and specifications for the improvements to be constructed, review the market value previously assigned to the land, and so long as the minimum market value contained in the assessment agreement appears to be an accurate estimate, shall certify the assessment agreement as reasonable. The assessment agreement shall be filed for record in the office of the County Recorder of each county where the property is located. Any modification or premature termination of this agreement must first be approved by the City, County, and School District.

The City does not anticipate entering into an assessment agreement at this time.

Section Z Modifications of the Tax Increment Financing Plan

Any reduction or enlargement in the geographic area of the Project Area or the TIF District, increase in the amount of bonded indebtedness to be incurred, increase in that portion of the captured net tax capacity to be retained by the City, increase in the total estimated public costs, or designation of additional property to be acquired by the City shall be approved only after satisfying all the necessary requirements for approval of the original TIF Plan. This paragraph does not apply if:

- (1) the only modification is elimination of parcels from the TIF District; and
- (2) the current net tax capacity of the parcels eliminated equals or exceeds the net tax capacity of those parcels in the TIF District's original net tax capacity, or the City agrees that the TIF District's original net tax capacity will be reduced by no more than the current net tax capacity of the parcels eliminated.

The City must notify the County Auditor of any modification that reduces or enlarges the geographic area of the TIF District. The geographic area of the TIF District may be reduced, but not enlarged after five years following the date of certification.

Section AA Administration of the Tax Increment Financing Plan

Upon adoption of the TIF Plan, the City shall submit a copy of such plan to the Minnesota Department of Revenue. The City shall also request that the County Auditor certify the original net tax capacity and net tax capacity rate of the TIF District. To assist the County Auditor in this process, the City shall submit copies of the TIF Plan, the resolution establishing the TIF District and adopting the TIF Plan, and a listing of any prior planned improvements. The City shall also send the County Assessor any assessment agreement establishing the minimum market value of land and improvements in the TIF District, and shall request that the County Assessor review and certify this assessment agreement as reasonable.

The County shall distribute to the City the amount of tax increment as it becomes available. The amount of tax increment in any year represents the applicable property taxes generated by the retained captured net tax capacity of the TIF District. The amount of tax increment may change due to development anticipated by the TIF Plan, other development, inflation of property values, or changes in property classification rates or formulas. In administering and implementing the TIF Plan, the following actions should occur on an annual basis:

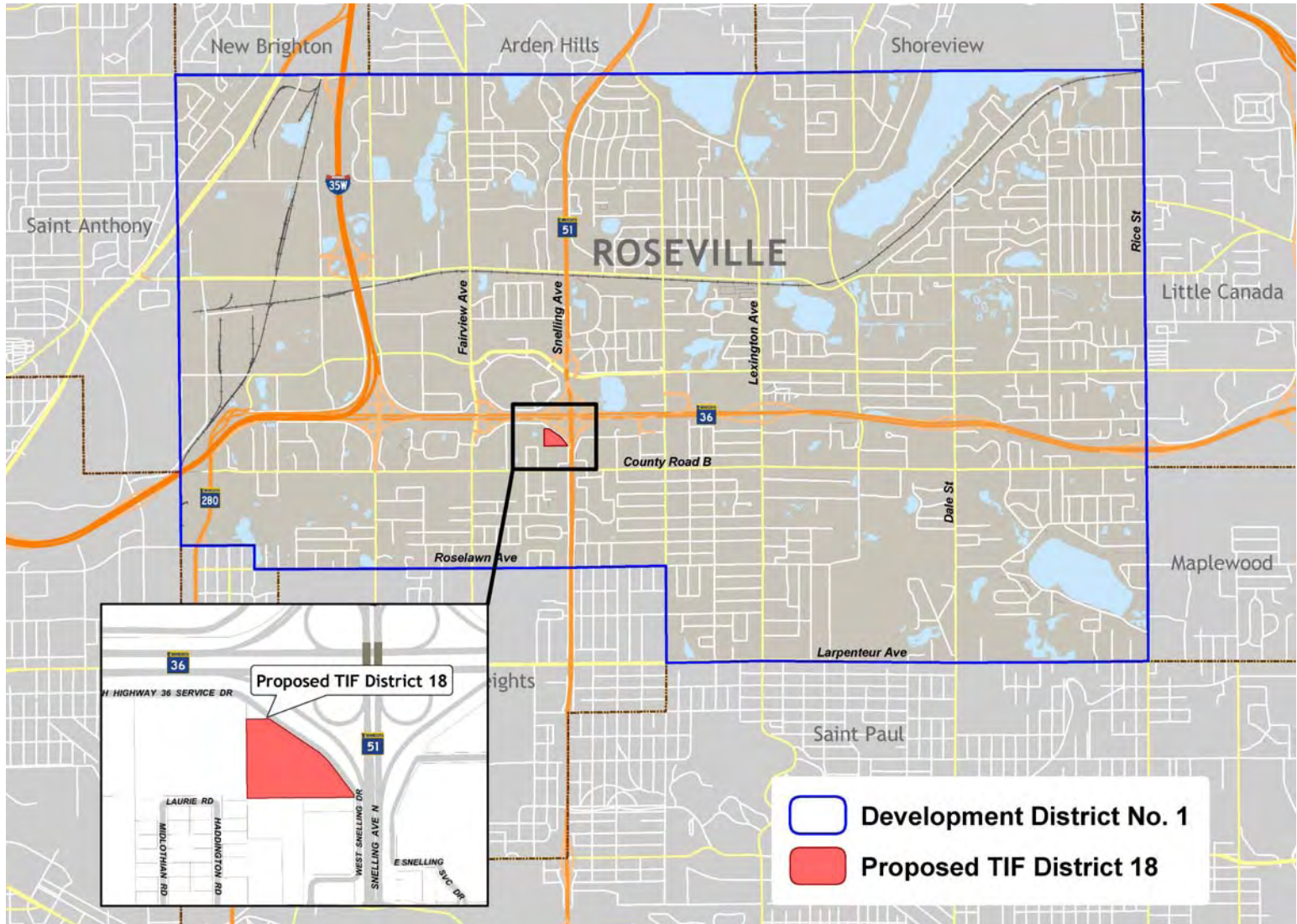
- (1) prior to July 1, the City shall notify the County Assessor of any new development that has occurred in the TIF District during the past year to insure that the new value will be recorded in a timely manner.
- (2) if the County Auditor receives the request for certification of a new TIF District, or for modification of an existing TIF District, before July 1, the request shall be recognized in determining local tax rates for the current and subsequent levy years. Requests received on or after July 1 shall be used to determine local tax rates in subsequent years.
- (3) each year the County Auditor shall certify the amount of the original net tax capacity of the TIF District. The amount certified shall reflect any changes that occur as a result of the following:
 - (a) the value of property that changes from tax-exempt to taxable shall be added to the original net tax capacity of the TIF District. The reverse shall also apply;
 - (b) the original net tax capacity may be modified by any approved enlargement or reduction of the TIF District;
 - (c) if laws governing the classification of real property cause changes to the percentage of estimated market value to be applied for property tax purposes, then the resulting increase or decrease in net tax capacity shall be applied proportionately to the original net tax capacity and the retained captured net tax capacity of the TIF District.

The County Auditor shall notify the City of all changes made to the original net tax capacity of the TIF District.

Section AB Financial Reporting and Disclosure Requirements

The City will comply with all reporting requirements for the TIF District under Minnesota Statutes, Section 469.175, subdivisions 5 and 6.

MAP OF TAX INCREMENT FINANCING (HOUSING) DISTRICT NO. 18
AND
MAP OF DEVELOPMENT DISTRICT NO. 1



Assumptions Report

**City of Roseville, Minnesota
Tax Increment Financing (Housing) District No. 18
Proposed Har Mar Apartments Project
TIF Plan Exhibits: \$12.2M EMV - Full 25+ years**

Type of Tax Increment Financing District	Housing
Maximum Duration of TIF District	25 years from 1st increment

Projected Certification Request Date	06/30/09
Decertification Date	12/31/38 (26 Years of Increment)

	<u>2008/2009</u>
Base Estimated Market Value	\$5,000,000

Original Net Tax Capacity	\$39,286
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	Assessment/Collection Year			
	2009/2010	2010/2011	2011/2012	2012/2013
Base Estimated Market Value	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
Estimated Decrease in Value - Bldg Demo		(\$0)	(\$0)	(\$0)
Estimated Increase in Value - New Construction	0	0	3,721,865	5,352,835
Total Estimated Market Value	5,000,000	5,000,000	8,721,865	10,352,835
Total Net Tax Capacity	\$39,286	\$39,286	\$69,036	\$81,359

City of Roseville	24.545%
Ramsey County	46.546%
ISD #623	10.624%
Other	8.133%
Local Tax Capacity Rate	89.848% 2008/2009

Fiscal Disparities Contribution From TIF District	NA
Administrative Retainage Percent (maximum = 10%)	10.00%
Pooling Percent	0.00%

<u>Bonds</u>		<u>Note (Pay-As-You-Go)</u>	
Bonds Dated	NA	Note Dated	02/01/10
Bond Issue @ 0.00% (NIC)	\$0	Note Rate	4.50%
Eligible Project Costs	\$0	Note Amount	\$913,610
Present Value Date & Rate	06/30/09	4.50% PV Amount	\$909,776
Present Value Date & Rate	06/30/09	5.00% PV Amount	\$841,743

Notes

Calculation assumes no changes to future tax rates, class rates, or market values.
 Construction schedule: Phase 1 25% renovated by Dec. 31, 2009 and 100% by Dec. 31, 2010.
 Phase 2 40% constructed by Dec. 31, 2011 and 100% by Dec. 31, 2012.
 Payable 2009 Tax Rates and Class Rates were provided by Ramsey County.
 Total project value of \$12.2M as provided by Ramsey County Assessor.
 Base value of \$5.0M for taxes payable 2009 - expected to be frozen for life of district.
 includes a 2.5% market value inflator.

Projected Tax Increment Report

City of Roseville, Minnesota
 Tax Increment Financing (Housing) District No. 18
 Proposed Har Mar Apartments Project
 TIF Plan Exhibits: \$12.2M EMV - Full 25+ years

Annual Period Ending (1)	Total Market Value (2)	Total Net Tax Capacity (3)	Less: Original Net Tax Capacity (4)	Retained Captured Net Tax Capacity (5)	Times: Tax Capacity Rate (6)	Annual Gross Tax Increment (7)	Less: State Aud. Deduction 0.360% (8)	Subtotal Gross Tax Increment (9)	Less: Admin. Retainage 10.00% (10)	Annual Net Revenue (11)	P.V. Annual Net Rev. To 06/30/09 4.50%
12/31/09		39,286	39,286	0	89.848%	0	0	0	0	0	0
12/31/10	5,000,000	39,286	39,286	0	89.848%	0	0	0	0	0	0
12/31/11	5,000,000	39,286	39,286	0	89.848%	0	0	0	0	0	0
12/31/12	8,721,865	69,036	39,286	0	89.848%	0	0	0	0	0	0
12/31/13	10,352,835	81,359	39,286	42,074	89.848%	37,802	136	37,666	3,767	33,899 *	28,112
12/31/14	12,731,041	99,289	39,286	60,003	89.848%	53,911	194	53,717	5,372	48,345	38,365
12/31/15	13,049,317	101,771	39,286	62,485	89.848%	56,142	202	55,940	5,594	50,346	38,233
12/31/16	13,375,550	104,315	39,286	65,029	89.848%	58,428	210	58,218	5,822	52,396	38,076
12/31/17	13,709,938	106,923	39,286	67,637	89.848%	60,771	219	60,552	6,055	54,497	37,897
12/31/18	14,052,687	109,596	39,286	70,310	89.848%	63,173	227	62,946	6,295	56,651	37,699
12/31/19	14,404,004	112,336	39,286	73,050	89.848%	65,634	236	65,398	6,540	58,858	37,481
12/31/20	14,764,104	115,144	39,286	75,859	89.848%	68,158	245	67,913	6,791	61,122	37,247
12/31/21	15,133,207	118,023	39,286	78,737	89.848%	70,744	255	70,489	7,049	63,440	36,994
12/31/22	15,511,537	120,974	39,286	81,688	89.848%	73,395	264	73,131	7,313	65,818	36,728
12/31/23	15,899,325	123,998	39,286	84,712	89.848%	76,112	274	75,838	7,584	68,254	36,448
12/31/24	16,296,808	127,098	39,286	87,812	89.848%	78,898	284	78,614	7,861	70,753	36,155
12/31/25	16,704,228	130,275	39,286	90,990	89.848%	81,752	294	81,458	8,146	73,312	35,849
12/31/26	17,121,834	133,532	39,286	94,247	89.848%	84,679	305	84,374	8,437	75,937	35,534
12/31/27	17,549,880	136,871	39,286	97,585	89.848%	87,678	316	87,362	8,736	78,626	35,208
12/31/28	17,988,627	140,292	39,286	101,007	89.848%	90,752	327	90,425	9,043	81,382	34,873
12/31/29	18,438,343	143,800	39,286	104,514	89.848%	93,904	338	93,566	9,357	84,209	34,530
12/31/30	18,899,301	147,395	39,286	108,109	89.848%	97,134	350	96,784	9,678	87,106	34,180
12/31/31	19,371,784	151,079	39,286	111,794	89.848%	100,444	362	100,082	10,008	90,074	33,823
12/31/32	19,856,078	154,856	39,286	115,571	89.848%	103,838	374	103,464	10,346	93,118	33,460
12/31/33	20,352,480	158,728	39,286	119,442	89.848%	107,316	386	106,930	10,693	96,237	33,092
12/31/34	20,861,292	162,696	39,286	123,410	89.848%	110,882	399	110,483	11,048	99,435	32,719
12/31/35	21,382,825	166,763	39,286	127,478	89.848%	114,536	412	114,124	11,412	102,712	32,342
12/31/36	21,917,395	170,933	39,286	131,647	89.848%	118,282	426	117,856	11,786	106,070	31,961
12/31/37	22,465,330	175,206	39,286	135,920	89.848%	122,122	440	121,682	12,168	109,514	31,578
12/31/38	23,026,963	179,586	39,286	140,300	89.848%	126,057	454	125,603	12,560	113,043	31,192
						\$2,202,544	\$7,929	\$2,194,615	\$219,461	\$1,975,154	\$909,776

* Delay receipt of increment until 2013 due to delayed construction

Estimated Impact on Other Taxing Jurisdictions Report

City of Roseville, Minnesota
Tax Increment Financing (Housing) District No. 18
Proposed Har Mar Apartments Project
TIF Plan Exhibits: \$12.2M EMV - Full 25+ years

Taxing Jurisdiction	Without Project or TIF District		With Project and TIF District					
	2008/2009 Taxable Net Tax Capacity (1)	2008/2009 Local Tax Rate	2008/2009 Taxable Net Tax Capacity (1)	Projected Retained Captured Net Tax + Capacity	New Taxable Net Tax = Capacity	Hypothetical Adjusted Local Tax Rate (*)	Hypothetical Decrease In Local Tax Rate (*)	Hypothetical Tax Generated by Retained Captured N.T.C. (*)
City of Roseville	9,145,388	24.545%	9,145,388	\$135,920	9,281,308	24.186%	0.359%	32,873
Ramsey County	123,546,836	46.546%	123,546,836	135,920	123,682,756	46.495%	0.051%	63,196
ISD #623	63,060,104	10.624%	63,060,104	135,920	63,196,024	10.601%	0.023%	14,409
Other (2)	---	8.133%	---	135,920	---	8.133%	---	---
Totals		89.848%				89.415%	0.433%	

*** Statement 1:** If the projected Retained Captured Net Tax Capacity of the TIF District was hypothetically available to each of the taxing jurisdictions above, the result would be a lower local tax rate (see Hypothetical Adjusted Tax Rate above) which would produce the same amount of taxes for each taxing jurisdiction. In such a case, the total local tax rate would decrease by 0.433% (see Hypothetical Decrease in Local Tax Rate above). The hypothetical tax that the Retained Captured Net Tax Capacity of the TIF District would generate is also shown above.

Statement 2: Since the projected Retained Captured Net Tax Capacity of the TIF District is not available to the taxing jurisdictions, then there is no impact on taxes levied or local tax rates.

(1) Taxable net tax capacity = total net tax capacity - captured TIF - fiscal disparity contribution, if applicable.

(2) The impact on these taxing jurisdictions is negligible since they represent only 9.05% of the total tax rate.

Market Value Analysis Report

City of Roseville, Minnesota
Tax Increment Financing (Housing) District No. 18
Proposed Har Mar Apartments Project
TIF Plan Exhibits: \$12.2M EMV - Full 25+ years

<u>Assumptions</u>			
	Present Value Date		06/30/09
	P.V. Rate - Gross T.I.		5.00%
	Increase in EMV With TIF District		\$16,917,395
	Less: P.V of Gross Tax Increment		<u>938,650</u>
	Subtotal		\$15,978,745
	Less: Increase in EMV Without TIF		<u>0</u>
	Difference		\$15,978,745
	Year	Annual Gross Tax Increment	Present Value @ 5.00%
1	2013	37,802	30,719
2	2014	53,911	41,723
3	2015	56,142	41,381
4	2016	58,428	41,015
5	2017	60,771	40,628
6	2018	63,173	40,223
7	2019	65,634	39,800
8	2020	68,158	39,362
9	2021	70,744	38,910
10	2022	73,395	38,446
11	2023	76,112	37,971
12	2024	78,898	37,486
13	2025	81,752	36,992
14	2026	84,679	36,492
15	2027	87,678	35,985
16	2028	90,752	35,473
17	2029	93,904	34,958
18	2030	97,134	34,438
19	2031	100,444	33,916
20	2032	103,838	33,392
21	2033	107,316	32,867
22	2034	110,882	32,342
23	2035	114,536	31,817
24	2036	118,282	31,293
25	2037	122,122	30,771
26	2038	<u>126,057</u>	<u>30,250</u>
		\$2,202,544	\$938,650

Projected Pay-As-You-Go Note Report
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City of Roseville, Minnesota
Tax Increment Financing (Housing) District No. 18
Proposed Har Mar Apartments Project
TIF Plan Exhibits: \$12.2M EMV - Full 25+ years

Note Date: 02/01/10
Note Rate: 4.50%
Amount: \$913,610

Date (1)	Principal (2)	Interest (3)	P & I (4)	Semi-Annual Net Revenue (5)	Capitalized Interest (6)	Loan Balance Outstanding (7)
02/01/10	0.00	0.00	0.00	0.00	0.00	913,610.00
08/01/10	0.00	0.00	0.00	0.00	20,556.23	934,166.23
02/01/11	0.00	0.00	0.00	0.00	21,018.74	955,184.97
08/01/11	0.00	0.00	0.00	0.00	21,491.66	976,676.63
02/01/12	0.00	0.00	0.00	0.00	21,975.22	998,651.85
08/01/12	0.00	0.00	0.00	0.00	22,469.67	1,021,121.52
02/01/13	0.00	0.00	0.00	0.00	22,975.23	1,044,096.75
08/01/13	0.00	16,949.50	16,949.50	16,949.50	6,542.68	1,050,639.43
02/01/14	0.00	16,949.50	16,949.50	16,949.50	6,689.89	1,057,329.32
08/01/14	382.59	23,789.91	24,172.50	24,172.50	0.00	1,056,946.73
02/01/15	391.20	23,781.30	24,172.50	24,172.50	0.00	1,056,555.53
08/01/15	1,400.50	23,772.50	25,173.00	25,173.00	0.00	1,055,155.03
02/01/16	1,432.01	23,740.99	25,173.00	25,173.00	0.00	1,053,723.02
08/01/16	2,489.23	23,708.77	26,198.00	26,198.00	0.00	1,051,233.79
02/01/17	2,545.24	23,652.76	26,198.00	26,198.00	0.00	1,048,688.55
08/01/17	3,653.01	23,595.49	27,248.50	27,248.50	0.00	1,045,035.54
02/01/18	3,735.20	23,513.30	27,248.50	27,248.50	0.00	1,041,300.34
08/01/18	4,896.24	23,429.26	28,325.50	28,325.50	0.00	1,036,404.10
02/01/19	5,006.41	23,319.09	28,325.50	28,325.50	0.00	1,031,397.69
08/01/19	6,222.55	23,206.45	29,429.00	29,429.00	0.00	1,025,175.14
02/01/20	6,362.56	23,066.44	29,429.00	29,429.00	0.00	1,018,812.58
08/01/20	7,637.72	22,923.28	30,561.00	30,561.00	0.00	1,011,174.86
02/01/21	7,809.57	22,751.43	30,561.00	30,561.00	0.00	1,003,365.29
08/01/21	9,144.28	22,575.72	31,720.00	31,720.00	0.00	994,221.01
02/01/22	9,350.03	22,369.97	31,720.00	31,720.00	0.00	984,870.98
08/01/22	10,749.40	22,159.60	32,909.00	32,909.00	0.00	974,121.58
02/01/23	10,991.26	21,917.74	32,909.00	32,909.00	0.00	963,130.32
08/01/23	12,456.57	21,670.43	34,127.00	34,127.00	0.00	950,673.75
02/01/24	12,736.84	21,390.16	34,127.00	34,127.00	0.00	937,936.91
08/01/24	14,272.92	21,103.58	35,376.50	35,376.50	0.00	923,663.99
02/01/25	14,594.06	20,782.44	35,376.50	35,376.50	0.00	909,069.93
08/01/25	16,201.93	20,454.07	36,656.00	36,656.00	0.00	892,868.00
02/01/26	16,566.47	20,089.53	36,656.00	36,656.00	0.00	876,301.53
08/01/26	18,251.72	19,716.78	37,968.50	37,968.50	0.00	858,049.81
02/01/27	18,662.38	19,306.12	37,968.50	37,968.50	0.00	839,387.43
08/01/27	20,426.78	18,886.22	39,313.00	39,313.00	0.00	818,960.65
02/01/28	20,886.39	18,426.61	39,313.00	39,313.00	0.00	798,074.26
08/01/28	22,734.33	17,956.67	40,691.00	40,691.00	0.00	775,339.93
02/01/29	23,245.85	17,445.15	40,691.00	40,691.00	0.00	752,094.08
08/01/29	25,182.38	16,922.12	42,104.50	42,104.50	0.00	726,911.70
02/01/30	25,748.99	16,355.51	42,104.50	42,104.50	0.00	701,162.71
08/01/30	27,776.84	15,776.16	43,553.00	43,553.00	0.00	673,385.87
02/01/31	28,401.82	15,151.18	43,553.00	43,553.00	0.00	644,984.05
08/01/31	30,524.86	14,512.14	45,037.00	45,037.00	0.00	614,459.19
02/01/32	31,211.67	13,825.33	45,037.00	45,037.00	0.00	583,247.52
08/01/32	33,435.93	13,123.07	46,559.00	46,559.00	0.00	549,811.59
02/01/33	34,188.24	12,370.76	46,559.00	46,559.00	0.00	515,623.35
08/01/33	36,516.97	11,601.53	48,118.50	48,118.50	0.00	479,106.38
02/01/34	37,338.61	10,779.89	48,118.50	48,118.50	0.00	441,767.77
08/01/34	39,777.73	9,939.77	49,717.50	49,717.50	0.00	401,990.04
02/01/35	40,672.72	9,044.78	49,717.50	49,717.50	0.00	361,317.32
08/01/35	43,226.36	8,129.64	51,356.00	51,356.00	0.00	318,090.96
02/01/36	44,198.95	7,157.05	51,356.00	51,356.00	0.00	273,892.01
08/01/36	46,872.43	6,162.57	53,035.00	53,035.00	0.00	227,019.58
02/01/37	47,927.06	5,107.94	53,035.00	53,035.00	0.00	179,092.52
08/01/37	50,727.42	4,029.58	54,757.00	54,757.00	0.00	128,365.10
02/01/38	51,868.79	2,888.21	54,757.00	54,757.00	0.00	76,496.31
08/01/38	54,800.33	1,721.17	56,521.50	56,521.50	0.00	21,695.98
02/01/39	21,695.98	488.16	22,184.14	22,184.14	0.00	0.00
\$1,057,329		\$883,487.32	\$1,940,816.64	\$1,940,816.64	\$143,719.32	
Surplus Tax Increment				34,337.36		
Total Net Revenue				\$1,975,154.00		

1 **EXTRACT OF MINUTES OF MEETING**
2 **OF THE**
3 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

4
5 * * * * *

6
7 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
8 of Roseville, County of Ramsey, Minnesota was duly held on the 13th day of July, 2009,
9 at 6:00 p.m.

10
11 The following members were present:

12
13 and the following were absent: .

14
15 Member introduced the following resolution and moved its adoption:

16
17 **RESOLUTION No. XXXXX**

18
19 **APPROVING A MODIFICATION TO THE DEVELOPMENT PROGRAM**
20 **FOR MUNICIPAL DEVELOPMENT DISTRICT NO. 1 AND**
21 **ESTABLISHING TAX INCREMENT FINANCING**
22 **(HOUSING) DISTRICT NO. 18 (HAR MAR APARTMENTS PROJECT)**
23 **WITHIN DEVELOPMENT DISTRICT NO. 1 AND APPROVING THE**
24 **TAX INCREMENT FINANCING PLAN THEREFOR**

25 WHEREAS: There is a proposal that the City of Roseville, Minnesota (the "City")
26 modify the Development Program for Municipal Development District No. 1
27 ("Development District No. 1") and establish Tax Increment Financing (Housing)
28 District No. 18 (Har Mar Apartments Project) therein ("TIF District No. 18") and
29 approve and accept the proposed Tax Increment Financing Plan for TIF District No. 18
30 under the provisions of Minnesota Statutes, Sections 469.174 to 469.179 (the "Act"); and

31 WHEREAS: The City Council has investigated the facts and has caused to be prepared
32 a modification to the development program for Development District No. 1 (the
33 "Development Program"), and has caused to be prepared a proposed tax increment
34 financing plan for TIF District No. 18 (the "TIF Plan"); and

35 WHEREAS: The City has performed all actions required by law to be performed prior
36 to the approval of the Plan, and including, but not limited to, notification of Ramsey
37 County and Independent School District No. 623 having taxing jurisdiction over the
38 property to be included in TIF District No. 18 and the holding of a public hearing upon
39 published and mailed notice as required by law; and

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

42 1. Development District No. 1. There has heretofore been established in the
43 City a municipal Development District No. 1, the initial boundaries of which are fixed
44 and determined as described in the Development Program.

45 2. Development Program. The Development Program, as modified, for
46 Development District No. 1, a copy of which is on file in the office of the City Manager,
47 is adopted as the development program for Development District No. 1.

48 3. TIF District No. 18. There is hereby established in the City within
49 Development District No. 1 a Tax Increment Financing District, the initial boundaries of
50 which are fixed and determined as described in the TIF Plan.

51 4. Tax Increment Financing Plan. The TIF Plan is adopted as the tax
52 increment financing plan for TIF District No. 18, and the City Council makes the
53 following findings:

54 (a) TIF District No. 18 is a housing district as defined in Minnesota
55 Statutes, Section 469.174, Subd. 11, the specific basis for such determination being that
56 the approximately 168 unit multifamily apartment rental housing project will provide
57 safe, decent, affordable, sanitary housing for residents of the city and it will result in the
58 preservation and enhancement of the tax base of the State.

59 (b) The proposed development in the opinion of the City Council,
60 would not occur solely through private investment within the reasonably foreseeable
61 future. The reasons supporting this finding are that:

62 (i) Private investment will not finance these development activities
63 because of prohibitive costs relative to rental revenues for low and
64 moderate income housing units. It is necessary to finance these
65 development activities through the use of tax increment financing
66 so that development of affordable housing and other development
67 by private enterprise will occur within Development District No. 1.

68 (ii) A comparative analysis of estimated market values both with and
69 without establishment of TIF District No. 18 and the use of tax
70 increments has been performed as described above. Such analysis
71 is found in Exhibit V of the TIF Plan, and indicates that the
72 increase in estimated market value of the proposed development
73 (less the indicated subtractions) exceeds the estimated market
74 value of the site absent the establishment of TIF District No. 18
75 and the use of tax increments.

76 (c) In the opinion of the City Council, the increased market value of
77 the site that could reasonably be expected to occur without the use of tax increment
78 financing would be less than the increase in the market value estimated to result from the
79 proposed development after subtracting the present value of the projected tax increments
80 for the maximum duration of TIF District No. 18 permitted by the TIF Plan. The reasons
81 supporting this finding are that:

(i) The estimated amount by which the market value of the site will increase without the use of tax increment financing is \$0, except for a small amount attributable to appreciation in land value;

(ii) The estimated increase in the market value that will result from the redevelopment to be assisted with tax increment financing is \$19,193,880 (from \$5,000,000 to \$24,193,880); and

(iii) The present value of the projected tax increments for the maximum duration of the TIF District permitted by the TIF Plan is \$1,213,092.

(d) The TIF Plan for TIF District No. 18 conforms to the general plan for development or redevelopment of the City of Roseville as a whole. The reasons for supporting this finding are that:

(i) TIF District No. 18 is properly zoned;

(ii) The City has determined that the proposed TIF Plan conforms to the general plan for the development or redevelopment of the City as a whole; and

(iii) The TIF Plan will generally complement and serve to implement policies adopted by the City.

(e) The TIF Plan will afford maximum opportunity, consistent with the sound needs of the City of Roseville as a whole, for the development or redevelopment of Development District No. 1 by private enterprise. The reasons supporting this finding are that:

The development activities are necessary so that development and redevelopment by private enterprise can occur within Development District No. 1.

5. Public Purpose. The adoption of the Tax Increment Financing Plan for Tax Increment (Housing) District No. 18 (Har Mar Apartments Project) within Development District No. 1 conforms in all respects to the requirements of the Act and will help fulfill a need to develop an area of the State which is already built up to provide employment opportunities and provide safe, decent, sanitary housing for all residents of the city to improve the tax base and to improve the general economy of the State and thereby serves a public purpose.

6. Certification. The Auditor of Ramsey County is requested to certify the original net tax capacity of TIF District No. 18 as described in TIF Plan, and to certify in each year thereafter the amount by which the original net tax capacity has increased or decreased in accordance with the Act; and the City Manager is authorized and directed to forthwith transmit this request to the County Auditor in such form and content as the Auditor may specify, together with a list of all properties within TIF District No. 18 for

which building permits have been issued during the 18 months immediately preceding the adoption of this Resolution.

7. Filing. The City Manager is further authorized and directed to file a copy of the TIF Plan for TIF District No. 18 with the Commissioner of Revenue.

8. Administration. The administration of Development District No. 1 is assigned to the City Manager who shall from time to time be granted such powers and duties pursuant to Minnesota Statutes, Sections 469.130 and 469.131 as the City Council may deem appropriate.

9. Interfund Loan. The City has determined to pay for certain costs (the "Qualified Costs") identified in the TIF Plan consisting of certain administrative expenses, which costs may be financed on a temporary basis from the City's general fund or any other fund from which such advances may be legally made (the "Fund"). Under Minnesota Statutes, Section 469.178, Subd. 7, the City is authorized to advance or loan money from the Fund in order to finance the Qualified Costs. The City intends to reimburse itself for the payment of the Qualified Costs, plus interest thereon, from tax increments derived from TIF District No. 18 in accordance with the following terms (which terms are referred to collectively as the "Interfund Loan"):

(a) The City shall repay to the Fund from which the Qualified Costs are initially paid, the principal amount of \$261,895 (or, if less, the amount actually paid from such fund) together with interest at 5.00% per annum (which is not more than the greater of (i) the rate specified under Minnesota Statutes, Section 270.75, or (ii) the rate specified under Minnesota Statutes, Section 549.09) from the date of the payment.

(b) Principal and interest on the Interfund Loan ("Payments") shall be paid semi-annually on each February 1 and August 1 commencing with the first February 1 or August 1 occurring after the date the tax increments from TIF District No. 18 are available and not otherwise pledged to and including the earlier of (a) the date the principal and accrued interest of the Interfund Loan is paid in full, or (b) the date of last receipt of tax increment from TIF District No. 18 ("Payment Dates") which Payments will be made in the amount and only to the extent of Available Tax Increment as hereinafter defined. Payments shall be applied first to accrued interest, and then to unpaid principal.

(c) Payments on the Interfund Loan are payable solely from "Available Tax Increments" which shall mean, on each Payment Date, all of the tax increment generated in the preceding six (6) months with respect to the Development Property within TIF District No. 18 and remitted to the City by Ramsey County, all in accordance with Minnesota Statutes, Sections 469.174 to 469.1799. Payments on this Interfund Loan are subordinate to any outstanding or future bonds, notes or contracts secured in whole or in part with Available Tax Increment, and are on parity with any other outstanding or future interfund loans secured in whole or in part with Available Tax Increment.

160 (d) The principal sum and all accrued interest payable under this
161 Interfund Loan are pre-payable in whole or in part at any time by the City without
162 premium or penalty. No partial prepayment shall affect the amount or timing of any
163 other regular payment otherwise required to be made under this Interfund Loan.

164 (e) The Interfund Loan is evidence of an internal borrowing by the
165 City in accordance with Minnesota Statutes, Section 469.178, Subd. 7, and is a limited
166 obligation payable solely from Available Tax Increment pledged to the payment hereof
167 under this resolution. The Interfund Loan and the interest hereon shall not be deemed to
168 constitute a general obligation of the State of Minnesota or any political subdivision
169 thereof, including, without limitation, the City. Neither the State of Minnesota, nor any
170 political subdivision thereof shall be obligated to pay the principal of or interest on the
171 Interfund Loan or other costs incident hereto except out of Available Tax Increment, and
172 neither the full faith and credit nor the taxing power of the State of Minnesota or any
173 political subdivision thereof is pledged to the payment of the principal of or interest on
174 the Interfund Loan or other costs incident hereto. The City shall have no obligation to
175 pay any principal amount of the Interfund Loan or accrued interest thereon, which may
176 remain unpaid after the termination of TIF District No. 18.

177 (f) The City may amend the terms of the Interfund Loan at any time
178 by resolution of the City Council, including a determination to forgive the outstanding
179 principal amount and accrued interest to the extent permissible under law.

180 The motion for the adoption of the foregoing resolution was duly
181 seconded by councilmember _____ and upon vote being taken thereon, the
182 following voted in favor thereof:

183 and the following voted against the same:

184 Whereupon said resolution was declared duly passed and adopted.
185
186
187
188
189
190

REQUEST FOR COUNCIL ACTION

DATE: 7/13/2009
ITEM NO: 12.c

Department Approval:



City Manager Approval:



Item Description: Request by Wellington Management approval of a **rezoning** of 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development from Single Family Residence District and General Business District, respectively, and approval of a **Planned Unit Development Agreement** and **Final Planned Unit Development** to allow the construction of a multi-tenant commercial office property (PF09-003)

1.0 REQUESTED ACTION

Wellington Management seeks REZONING of the northwest quadrant of the intersection of County Road B and Lexington Avenue and the approval of a PLANNED UNIT DEVELOPMENT AGREEMENT and FINAL PLANNED UNIT DEVELOPMENT for a proposed redevelopment which would replace the existing TCF bank structures at 2167 Lexington Avenue and the adjacent single-family residence at 1126 Sandhurst Drive with an 11,900-square-foot commercial office building and parking area.

Project Review History

- General Concept Plan approved: May 11, 2009
- Final application submitted and determined complete: June 8, 2009
- Sixty-day review deadline: August 7, 2009
- Project report prepared: June 30, 2009
- Anticipated City Council action: July 13, 2009

2.0 SUMMARY OF RECOMMENDATION

Planning Division staff recommends approving the requested REZONING, PLANNED UNIT DEVELOPMENT AGREEMENT, and FINAL PLANNED UNIT DEVELOPMENT; see Section 7 of this report for the detailed recommendation.

3.0 SUMMARY OF SUGGESTED ACTION

3.1 Adopt an ordinance REZONING 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development from Single Family Residence (R-1) District and General Business (B-3) District, respectively; see Section 7 of this report for details.

3.2 By motion, approve the FINAL PLANNED UNIT DEVELOPMENT and PLANNED UNIT DEVELOPMENT AGREEMENT pertaining to the redevelopment and future zoning of 1126 Sandhurst Drive and 2167 Lexington Avenue; see Section 7 of this report details.

25 **4.0 REVIEW OF PLANNED UNIT DEVELOPMENT ZONING**

26 **4.1** A PLANNED UNIT DEVELOPMENT (PUD) is a zoning district which may include single or
27 mixed uses on one or more lots or parcels, and is intended to be used in unique situations
28 to create a more flexible, creative, and efficient approach to the use of the land subject to
29 the PUD procedures, standards, and regulations contained in the City Code.

30 **4.2** The end result of REZONING property to PUD is twofold: the creation of a customized
31 zoning district that regulates the use and development of that specific property in the
32 same way that standard zoning districts regulate other properties, and the establishment
33 of a development agreement for the currently-proposed project. Aspects of such a
34 development may deviate from the requirements of a standard zoning district, but they
35 must be approved by the City Council and specified in a PUD AGREEMENT in order to
36 ensure that the overall development is in keeping with general guidance of the
37 Comprehensive Plan. The PUD AGREEMENT, if approved in the FINAL phase of the PUD
38 review process, will comprise the development parameters on which the REZONING is
39 based. The draft PUD AGREEMENT is included with this staff report as Attachment G.

40 **4.3** In an effort to simplify the administration of the new PUD zoning district without
41 compromising the City's ability to ensure that the proposed development is consistent
42 with Roseville's policy and regulation documents, Planning Division staff has prepared a
43 draft PUD AGREEMENT that is slightly different than what has been prepared in the past.
44 Most significantly, staff is proposing to rely on the final site plan to graphically represent
45 the zoning standards of the PUD instead of itemizing each of the setbacks and other
46 development parameters in a written list; this site plan would be Exhibit A of the PUD
47 AGREEMENT. Where the requirements illustrated in Exhibit A are silent, the PUD
48 AGREEMENT states that "the general zoning and development requirements and the
49 standards of the least intensive zoning district consistent with the land use designation of
50 the Comprehensive Plan shall govern."

51 **4.4** Uses on the property would be limited to permitted and accessory uses in "the least
52 intensive zoning district consistent with the land use designation of the Comprehensive
53 Plan." The existing Comprehensive Plan designation of "Business" is associated with a
54 wide range of business zoning districts, the least intensive of which is the Limited Retail
55 (B-1B) District. In general, the permitted and accessory uses in the B-1B District are
56 retail uses (not including gas stations or motor vehicle sales), restaurants (not including
57 live entertainment or drive-through facilities), offices, and parking, all of which would be
58 allowed in the PUD zoning district provided all other standard zoning requirements are
59 met. Once the forthcoming Comprehensive Plan is approved by the Metropolitan Council
60 and ratified by the City Council, the PUD zoning district would then allow the permitted
61 and accessory uses in the "the least intensive zoning district" created for the new
62 Neighborhood Business land use designation that is identified for this site.

63 **4.5** Because the property at 1126 Sandhurst Drive is currently zoned R-1, the proposed PUD
64 zoning district represents an "up-zoning" of this parcel – even though the parking and
65 accessory structure uses indicated for this parcel are both allowed in the R-1 zoning
66 district and are both consistent with the Low Density Residential land use designation of
67 the Comprehensive Plan. Moreover, if this parcel is not REZONED as part of the current
68 application, it will need to be up-zoned upon final approval of the forthcoming 2030
69 Comprehensive Plan in order to be consistent with its new Neighborhood Business land

70 use designation. State Statute nevertheless requires that the up-zoning of this parcel may
71 only be approved by the equivalent of a four-fifths vote from Roseville's City Council. If
72 Council Members are supportive of REZONING this property to some form of PUD district
73 they may support the REZONING request even if they're not totally satisfied with some
74 details of the proposed development plans. Separate Council actions follow the
75 recommended adoption of a REZONING ordinance, allowing for further discussion and
76 refinement of the proposal to ensure that the ultimate development is consistent with the
77 approved GENERAL CONCEPT.

78 **5.0 REVIEW OF REVISIONS**

79 Based upon comments received at the May 11, 2009 City Council meeting, the applicant
80 has made the following revisions to the approved GENERAL CONCEPT plans in an attempt
81 to address the concerns of the City Council and to satisfy the required conditions of
82 approval; an excerpt of the minutes from this meeting are included with this staff report
83 as Attachment C and final plans are included as Attachment D. Because details of these
84 plans may need to be changed to meet the pertinent permitting requirements, the City
85 Council should treat these plans as illustrative of the proposed development as a whole
86 and not as the truly final plans for the issuance permits.

87 5.1 The landscaped islands at the east and west ends of the center row of parking spaces were
88 approximately doubled in size to accommodate additional plantings, including overstory
89 trees to provide additional shade. These expanded islands also have the effect of
90 eliminating a parking space, leaving an overall total of 48 parking spaces. The standard
91 City Code parking requirement for office and retail uses is 5 spaces per 1,000 square feet
92 of "leasable" building area (i.e., gross floor area minus hallways, restrooms, and other
93 common areas). The proposed building is approximately 11,900 square feet in gross floor
94 area and the current floor plan includes about 2,425 square feet of hallways, restrooms,
95 and storage areas leaving a leasable area of approximately 9,475 square feet. Applying
96 the standard parking ratio to the leasable area, 47.4 (i.e., 48) spaces would be required.

97 5.2 Because the building has been shifted north compared to the original proposal in order to
98 eliminate safety concerns related to the traffic visibility triangle, some of the landscaping
99 intended to screen the north side of the parking area from nearby residences is proposed
100 to be located in the Sandhurst Drive right-of-way. Roseville's Public Works Director has
101 no objection to locating such landscaping in the proposed location, so long as the
102 plantings will not interfere with motorists' ability to see one another at the northern
103 entrance to the site or at the nearby intersection. The updated site plan appears to meet
104 these needs, and staff will work with the applicant to ensure that the landscaping within
105 the right-of-way does not interfere with traffic circulation.

106 5.3 Some concern has been expressed pertaining to the potential for the proposed building to
107 create conflicts between motorists exiting the site onto Lexington Avenue and users of
108 the trail in the Lexington Avenue right-of-way. One potential solution was to construct a
109 speed bump near the eastern entrance to the site, west of the pathway, but the applicant's
110 insurer apparently would not allow such a feature. To address these safety concerns, then,
111 the applicant has updated the site plan to increase the proposed setback from the eastern
112 property line from 4 feet to 6 feet and to include signage and pavement markings
113 instructing motorists to stop for trail users.

114 **6.0 RECOMMENDATION**

115 6.1 Based on the comments and findings outlined in Sections 4 and 5 of this report, Planning
116 Division staff recommends REZONING the parcels at 1126 Sandhurst Drive and 2167
117 Lexington Avenue to PUD from R-1 and B-3, respectively. A draft rezoning ordinance is
118 included with this staff report as Attachment F.

119 6.2 Based on the comments and findings outlined in Sections 4 and 5 of this report, Planning
120 Division staff recommends approving the FINAL PUD plans and the PUD AGREEMENT
121 pertaining to the proposed development of the parcels at 1126 Sandhurst Drive and 2167
122 Lexington Avenue and establishing the zoning requirements governing future use and
123 redevelopment of the site, subject to the following condition:

124 a. The applicant shall submit a site plan illustrating and identifying the approved
125 PUD zoning district standards consistent with the architectural site plan dated
126 June 18, 2009 for inclusion in the PUD Agreement as Exhibit A.

127 **7.0 SUGGESTED ACTION**

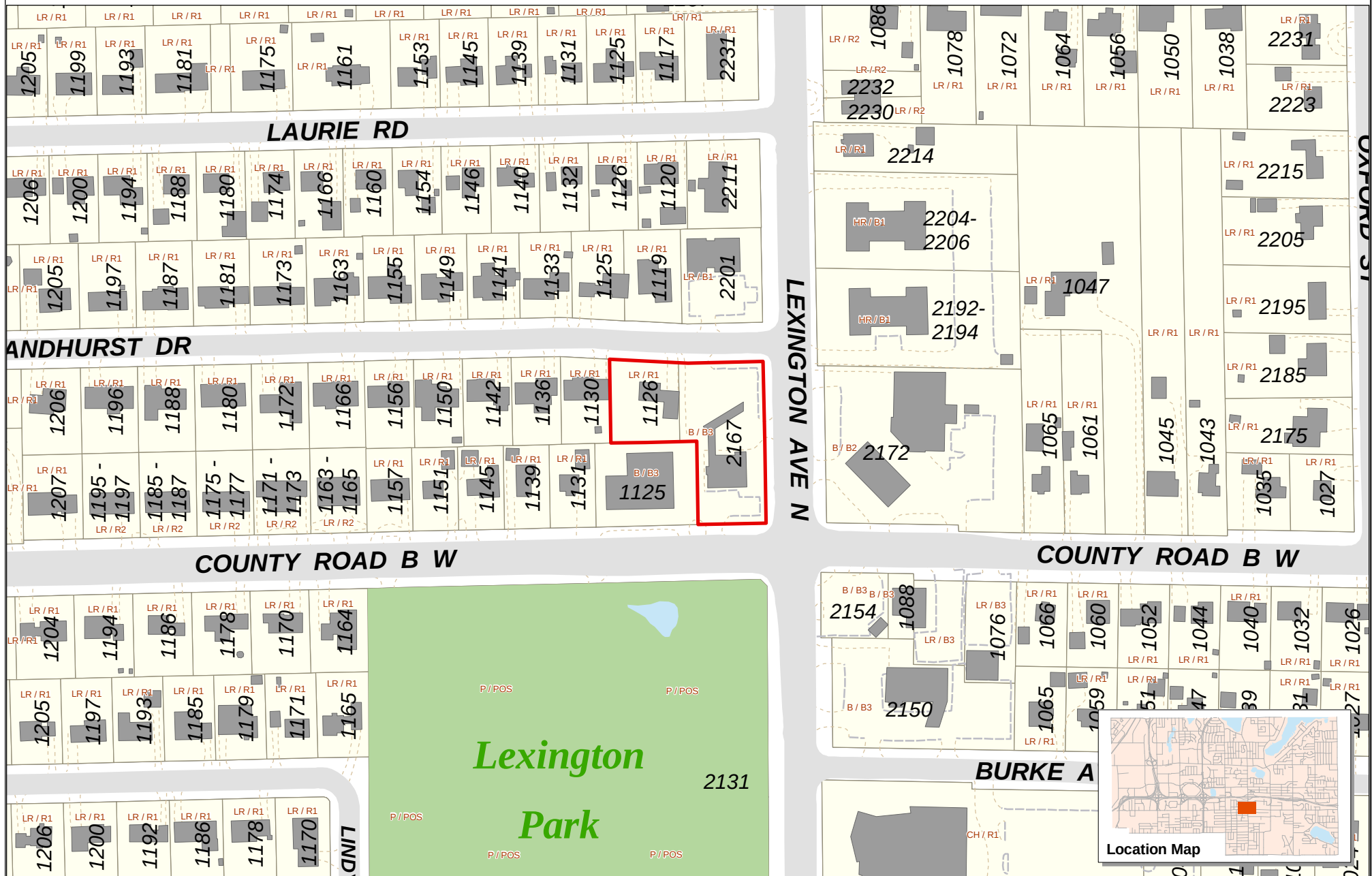
128 7.1 **Pass an ordinance REZONING** the parcels at 1126 Sandhurst Drive and 2167 Lexington
129 Avenue to PUD from R-1 and B-3, respectively, as discussed in Sections 4-5 of this
130 report.

131 7.2 **By motion, approve the FINAL PUD and PUD AGREEMENT** comprising the
132 redevelopment plans and the development contract with Roseville Crossing pertaining to
133 the Planned Unit Development at 1126 Sandhurst Drive and 2167 Lexington Avenue and
134 establishing the PUD zoning district standards, based on the comments and findings of
135 Sections 4-5 and the condition of Section 6 of this report.

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

Attachments:	A: Area map	D: Final plans
	B: Aerial photo	E: Applicant narrative
	C: Excerpt of May 11, 2009 City Council minutes	F: Draft rezoning ordinance
		G: Draft PUD Agreement

Attachment A: Location Map for Planning File 09-003



Prepared by:
Community Development Department
Printed: February 24, 2009

Site Location

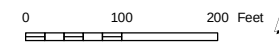
Comp Plan / Zoning
Designations

Data Sources

* Ramsey County GIS Base Map (2/4/2009)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

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



mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-003



Prepared by:
Community Development Department
Printed: February 24, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (2/4/2009)

* Aerial Data: Pictometry (4/2008)

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

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0 50 100 Feet



Approve Wellington Management request for Rezoning of 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development (PUD) and Approve General Concept PUD (PF09-003)

City Planner Thomas Paschke reviewed the request of Wellington Management for REZONING and approval of a GENERAL CONCEPT PLANEND UNIT DEVELOPMENT (PUD) for redevelopment of the northwest quadrant of the intersection of County Road B and Lexington Avenue, replacing the existing TCF bank structure at 2167 Lexington Avenue and the adjacent single-family residence at 1126 Sandhurst Drive with an 11,250 square foot commercial office building and parking area.

Staff recommended approval, based on the comments and findings outlined in Sections 4 and 5 of the staff report dated May 11, 2009, for rezoning of the parcels at 1126 Sandhurst Drive and 2167 Lexington Avenue to PUD from R-1 and B-3, respectively; and approval of the request for a General Concept PUD to allow the proposed redevelopment, based on comments and findings outlined in Sections 4 - 8 of the report, and subject to conditions detailed in Section 7.2 of the report.

Mr. Paschke advised that, since the previous meetings of the applicant and City Council, various issues have been addressed at the staff level with the applicant, and will continue to be pursued. However, Mr. Paschke noted that some impacts and concerns, such as the driveway access, may not be fully realized until the project is in place, at which time they may need to be more effectively addressed.

Mr. Trudgeon concurred, noting that the proposed visual impacts with the driveway access and notch may be able to be addressed through signing, lights, or other warning options. Mr. Trudgeon advised that the developer had heard the concerns loud and clear, and would attempt to resolve the situation, and if not, a condition would be recommended by staff prior to final approval.

[8.1]

Klausing moved, Johnson seconded, approval **[N.B. The motion was to “support” the rezoning; therefore, the rezoning was not approved.]** of REZONING parcels at 1126 Sandhurst Drive and 2167 Lexington Avenue to Planned Unit Development (PUD) from R-1 and B-3 respectively, as detailed in Sections 4-5 of the project report dated May 11, 2009.

Councilmember Ihlan spoke in opposition to the motion; opining that, from her perspective, the applicant had not fully addressed the size of the parking lot and impervious lot coverage, with her calculations indicating 64%, which was a significant amount. Councilmember Ihlan further noted that the storm water management plan yet to be finalized, and suggested further analysis of the number of parking spaces needed for a dental office. Councilmember Ihlan advised that, until those issues are resolved, she could not vote on the General Concept.

Roll Call

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

Nays: Ihlan.

Motion carried.

[8.2]

Klausing moved, Roe seconded, approval of the GENERAL CONCEPT PUD for Wellington Management to allow proposed redevelopment of 1126 Sandhurst Drive and 2167 Lexington Avenue; based on the comments and findings of Section 5 - 6, and the conditions of Section 7 of the project report dated May 11, 2009.

46 Discussion included calculation of the parking spaces; noting that part of the impervious surface
47 discussion was driven by City Code; the applicant's enlarging the parking lot islands to provide
48 more green space; the applicant's allotment at a minimal level over City Code (4 spaces); need to
49 avoid cars from the office building parking on residential streets; and typical process for
50 development of a storm water management plan after the concept plan and before final approval.

51 Councilmember Pust suggested that, as a policy discussion, further discussion be held in the
52 future as to the standards for parking stalls, which had been developed in the 1970s, and may
53 need further review and potential revision in today's reality and with other methods of
54 transportation available.

55 Councilmember Ihlan suggested that, as a policy matter, the City Council consider issues, such
56 as storm water management, at the concept level approval.

57 Councilmember Johnson advised that he conducted his own on-site review of site lines and
58 driveway access related to the sidewalk and his safety concerns for pedestrians and bicycles, and
59 strongly suggested formal signage for the site prior to final approval.

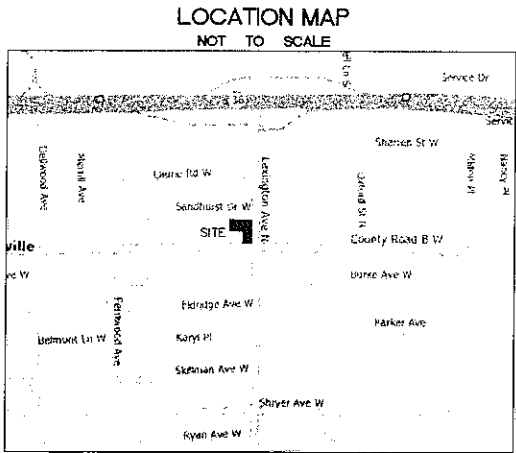
60 Councilmember Roe addressed lot coverage, in his review of aerials of the site and the existing
61 bank use, and opined that the proposed coverage would be similar overall. Councilmember Roe
62 concurred with the safety concerns on site and pedestrians and bicycles using the sidewalk.

63 **Roll Call**

64 **Ayes:** Roe; Johnson; Pust; and Klausing.

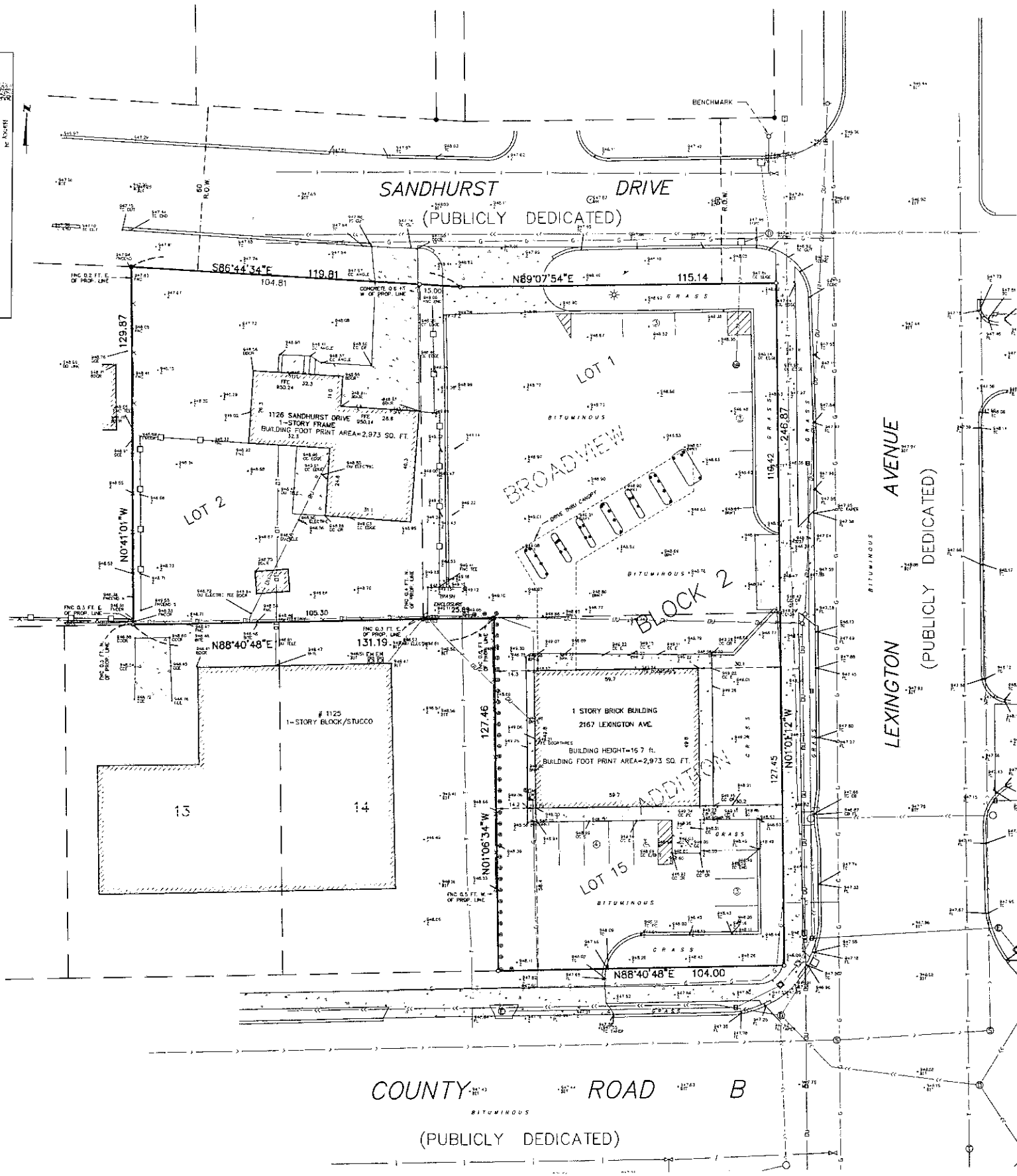
65 **Nays:** Ihlan.

66 **Motion carried.**



LEGEND

- BOLLARD
 - ⊙ CB MANHOLE BEEHIVE
 - CATCH BASIN
 - ⊙ ELECTRIC MANHOLE
 - ⊙ ELECTRIC BOX
 - ⊙ GAS METER
 - ⊙ GAS VALVE
 - ⊙ HANDICAP SYMBOL
 - ⊙ HANDHOLE
 - ⊙ HYDRANT
 - ⊙ FND IRON MONUMENT
 - ⊙ SET MONUMENT
 - ⊙ LIGHT POLE
 - ⊙ MANHOLE
 - ⊙ POWER POLE
 - ⊙ SANITARY MANHOLE
 - ⊙ STORM MANHOLE
 - ⊙ SIGN
 - ⊙ TELEPHONE MANHOLE
 - ⊙ TRAFFIC SIGNAL OR SIGNAL BOX?
 - ⊙ WATER VALVE
-
- ELECTRIC LINE
 - FENCELINE
 - GASMAIN
 - WATERMAIN
 - SANITARY SEWER
 - STORM SEWER
 - OVERHEAD UTILITIES
 - TELEPHONE LINE
 - WOOD FENCELINE
 - CONCRETE



LEGAL DESCRIPTION:

Lot 1, Block 2, and Lot 15, Block 2, Broadway Addition, Ramsey County, Minnesota.

Lot 2, Block 2, Broadway Addition, Ramsey County, Minnesota.

CERTIFICATION:

This is to certify to TCF National Bank, Roseville Crossing LLC, Chicago Title Insurance Company, Land Title, Inc., Commercial Partners Title, LLC as agent for First American Title Insurance Company, that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA, ACSM and NSPS in 2005 and includes items 1, 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 9, 10 and 11b of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a Land Surveyor licensed in the State of Minnesota, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Kenneth L. Whitehorn 12-4-2009
Kenneth L. Whitehorn Date
Minnesota License No. 14677

NOTES:

1. This survey of Lot 1 and Lot 15, Block 2, relies on information found in the commitment for title insurance prepared by Land Title, Inc. as agent for Chicago Title Insurance Company, Commitment No. 276624 Supplemental, dated July 31, 2005.
2. This survey of Lot 2, Block 2, relies on information found in the commitment for title insurance prepared by Commercial Partners Title, LLC as agent for First American Title Insurance Company, Commitment No. 29532 First Supplemental, dated November 30, 2008.
3. The locations of underground utilities are based on available maps, records, and field locations. The locations may not be exact.
4. All distances are in feet.
5. The basis of bearings is assumed.
6. The area of the property described above is 28,877 square feet or 0.6629 acres.
7. There are 14 parking spaces including 1 handicap space.
8. The property lies in an area not mapped in a flood hazard zone according to the Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 270599.

SCHEDULE B - SECTION TWO EXCEPTIONS:

- Case No. 276624 Supplemental, dated July 31, 2005
- Item 1 Defects, liens, encumbrances, adverse claims or other matters subsequent cannot be plotted.
 - Item 2 Discrepancies, conflicts, and encroachments observed on the site are as shown on the survey.
 - Item 3 Facts or claims visible by inspection are as shown on the survey.
 - Item 4 Easements, liens, or encumbrances not of public record cannot be plotted.
 - Item 5 Lien or rights of lien not of public record cannot be plotted.
 - Item 6 Taxes or assessments cannot be plotted.
 - Item 7 Taxes payable cannot be plotted.
 - Item 8 Levied special assessments cannot be plotted.
 - Item 9 Unrecorded leases cannot be plotted.
 - Item 10 Right of Tenants under unrecorded leases cannot be plotted.
 - Item 11 Cannot be plotted.

SCHEDULE B - SECTION TWO EXCEPTIONS:

- File No. 29532 First Supplemental, dated November 30, 2008
- Item 1 Owner's Policy and mortgage encumbrance cannot be plotted.
 - Item 2 Defects, liens, encumbrances, adverse claims or other matters subsequent cannot be plotted.
 - Item 3 Rights or claims not of public record cannot be plotted.
 - Item 4 Encroachments, overlaps, disputes, or matters visible by inspection are as shown on the survey.
 - Item 5 Easements or claims not of public record cannot be plotted.
 - Item 6 Lien or rights of lien not of public record cannot be plotted.
 - Item 7 Taxes or special assessments cannot be plotted.
 - Item 8 General or special taxes and assessments cannot be plotted.
 - Item 9 To be removed.
 - Item 10 To be removed.
 - Item 11 Mortgages, Document No. 3926554, cannot be plotted.
 - Item 12 Construction indemnities cannot be plotted.

BENCHMARK:

Top nut of hydrant (TNH) located 52 feet westerly of the centerline of Lexington Ave North and 24 feet northerly of the centerline of Sandhurst Drive.

ALTA/ACSM
LAND TITLE SURVEY

2167 LEXINGTON AVENUE NORTH
ROSEVILLE, MINNESOTA

HT Engineers - Surveyors
PO Landscape Architects
Hansen Thorp Pettinen Olson Inc.
7510 Market Place Drive
Eden Prairie, MN 55344-3644
(952) 828-0700 FAX (952) 828-7808

Revision

Project No. 06-091A
Drawn by JDB
Checked by D.T.
Book/Page 156/11
Client Wallington

POPE

POPE ASSOCIATES INC.
1235 ENERGY PARK DRIVE
ST. PAUL, MN 55108-5118
PH. (651) 642-9200
FAX (651) 642-1101

Wellington
MANAGEMENT, INC.

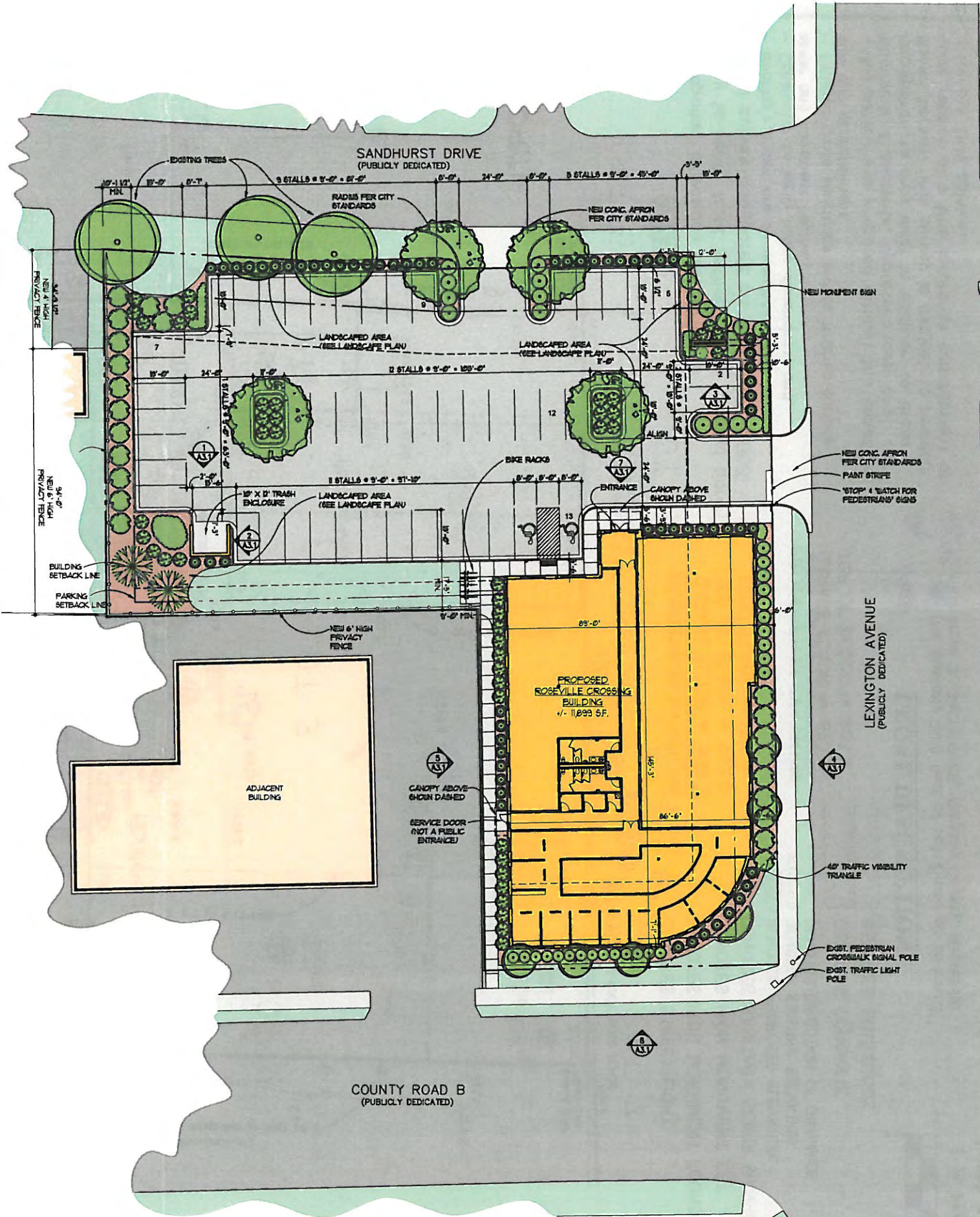
ROSEVILLE
CROSSING

SITE PLAN GENERAL NOTES

A) SITE INFORMATION HAS BEEN TAKEN FROM A SITE SURVEY PREPARED BY HANSEN THORP FELLNEN OLSON INC. 1542 MARKET PLACE DRIVE EDEN PRAIRIE, MN 55344-3644 DATED 1-13-09. GENERAL CONTRACTOR IS TO VERIFY ALL SITE INFORMATION BEFORE STARTING CONSTRUCTION, AND NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES.

B) REFER TO THE GENERAL NOTES FOR OTHER APPLICABLE INFORMATION.

SITE DATA		
ZONING DISTRICT: B3 & R1		
ZONING REQUIREMENTS	REQUIRED	PROVIDED
BUILDING SETBACKS		
FRONT	30'	6' AND 7'
REAR	20'	NA
SIDE	10'	9'
PARKING SETBACKS		
FRONT	15'	6 1/2"
REAR	5'	17'-5"
SIDE	10'	10'
SITE AREA		42,063 S.F. (0.9656 ACRES)
PROPOSED BUILDING AREA		11,899 S.F.
FLOOR AREA RATIO	1.0 MAX	0.28
PARKING AREA (INCLUDING LANDSCAPED AREAS)	---	26,858 S.F.
LANDSCAPE RATIO IN PARKING AREA (5% OF PARKING AREA)	1,343 S.F.	6,905 S.F.
PARKING SPACES (based on 8,884 s.f. of tenant space)	44	48



ARCHITECTURAL
SITE PLAN

Issues and Revisions:	
OWNER'S REVIEW	2-4-09
CITY SUBMITTAL	2-6-09
CITY RESUBMITTAL	2-25-09
CITY RESUBMITTAL	3-16-09
OWNER REVIEW	3-20-09
OWNER REVIEW	4-6-09
CITY RESUBMITTAL	4-9-09
CITY RESUBMITTAL	4-29-09
CITY RESUBMITTAL	6-5-09
CITY RESUBMITTAL	6-18-09

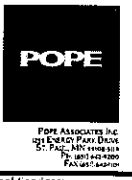
Commission No.	82443-07028C
Drawn by	DD
Checked by	GV

SHEET

Roseville Crossing

Roseville, Minnesota

Roseville Crossing LLC,
C/O Wellington Management, Inc.
1625 Energy Park Drive, Suite 100
St. Paul, Minnesota 55108
Ph. 651-292-9844 Fax. 651-292-0072



Professional Services:

LOUCKS ASSOCIATES

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental
7200 Hennepin Lane • Suite 300
Minneapolis, Minnesota 55419
Telephone: (763) 424-5595
Fax: (763) 424-5522
www.loucksassociates.com

CADD Qualification:

CADD Qualification: The Consultant for this project is a Professional Engineer and a Professional Land Surveyor. The Consultant is not responsible for the accuracy of the information provided by the client. The Consultant is not responsible for the accuracy of the information provided by the client. The Consultant is not responsible for the accuracy of the information provided by the client.

Submittal:	
02-06-09	City Submittal
02-23-09	Rev. City Submittal
03-16-09	Revised City Submittal
04-29-09	Revised Building & Layout
05-05-09	Revised Building & Layout
05-05-09	Revised Building & Layout
05-05-09	Revised Building & Layout

Professional Signature:

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.

Eric Brunley - PE
License No. 04312

Quality Control:

EWB WRP
EWB/RL 06/05/09

Sheet Index:

C0-1	Civil Sheet
C0-2	Existing Condition Plan
C0-3	Demolition Plan
C0-4	Site Plan
C0-5	Grading and Drainage Plan
C0-6	Storm Water Pollution Prevention Plan
C0-7	Utility Plan
C0-8	Utility Details
C0-9	Landscape Plan

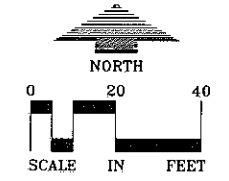
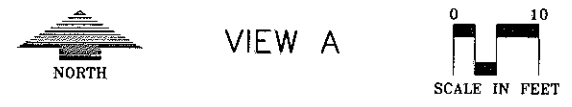
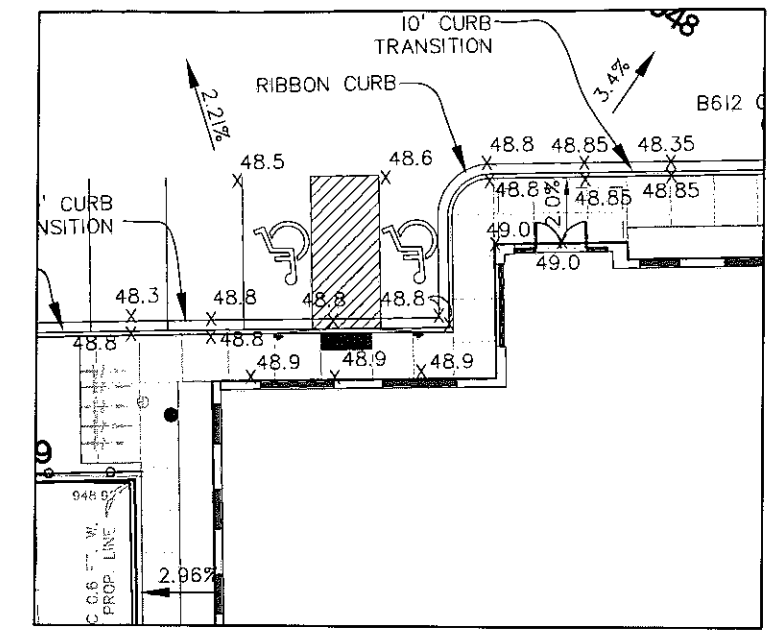
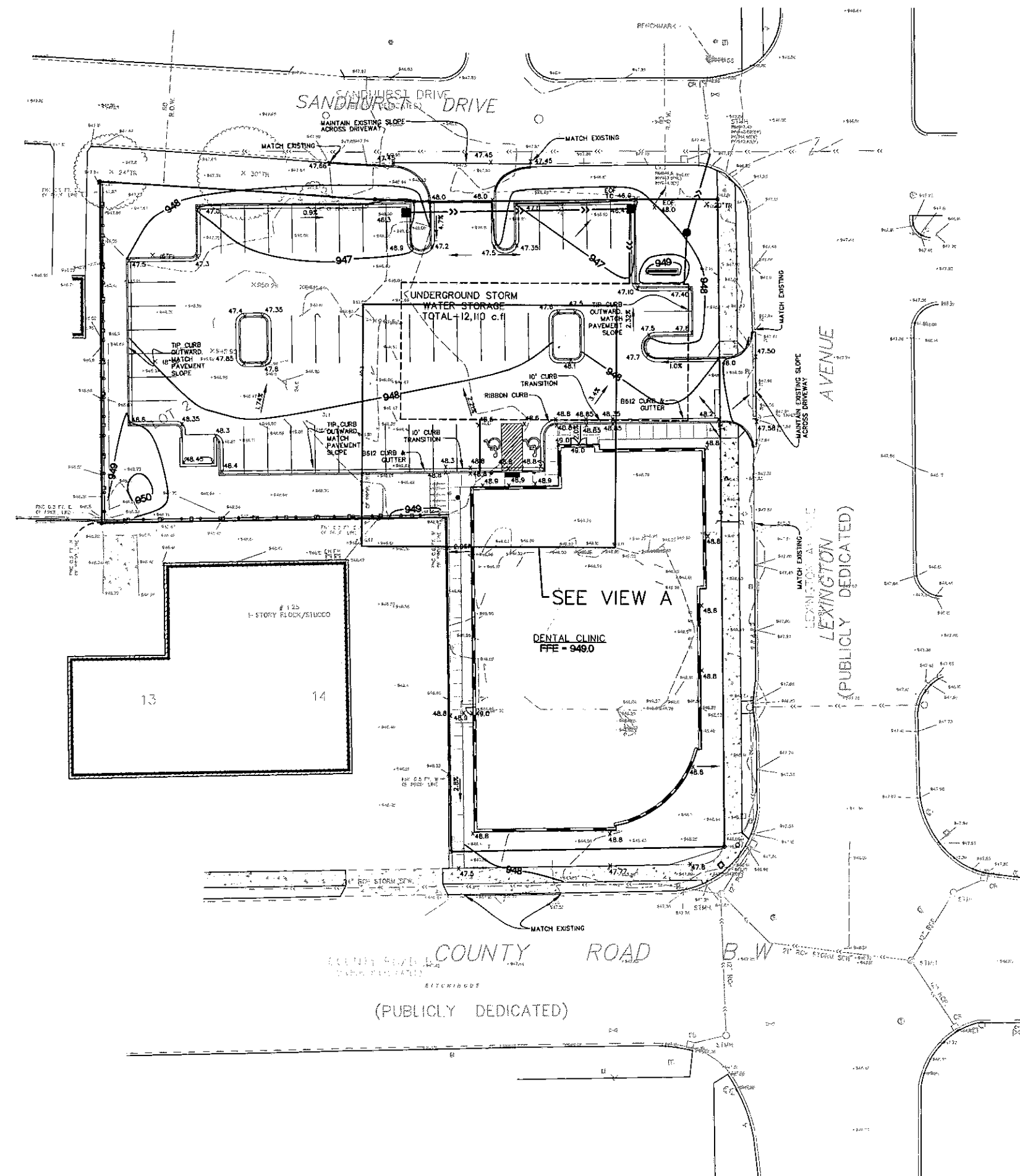
Sheet Title:

Grading & Drainage Plan

Project No.:

08-261

Sheet No.:



EXISTING	CIVIL LEGEND	PROPOSED
	SANITARY MANHOLE	
	STORM MANHOLE	
	CATCH BASIN	
	CULVERT	
	HYDRANT	
	GATE VALVE	
	POST INDICATOR VALVE	
	LIGHT POLE	
	POWER POLE	
	SIGN	
	BENCHMARK	
	SUR. BOUNDARY	
	WATER MANHOLE	
	TELEPHONE MANHOLE	
	UTILITY MANHOLE	
	ELECTRIC MANHOLE	
	WATER SERVICE	
	SANITARY SERVICE	
	HANDICAP PARKING	
	DIRECTION OF FLOW	
	SPOT ELEVATION	
	CONTOURS	
	SANITARY SEWER	
	STORM SEWER	
	WATERMAIN	
	FORCE MAIN	
	DRANKLINE	
	SALT FENCE	
	CURB & GUTTER	
	RETAINING WALL	
	THELENE	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TELE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	

CALL BEFORE YOU DIG!
Gopher State One Call
TWIN CITY AREA: 651-454-0002
TOLL FREE: 1-800-252-1166



WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

Roseville, Minnesota

Roseville Crossing LLC.
C/O Wellington Management, Inc.
1625 Energy Park Drive, Suite 100
St. Paul, Minnesota 55108
Ph: 651-292-9844 Fax: 651-292-0072

POPE

POPE ASSOCIATES INC.
1625 Energy Park Drive
St. Paul, MN 55108
Tel: 651-292-9844
Fax: 651-292-0072

Professional Services:

LOUCKS ASSOCIATES

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

7000 Mendota Lane, Suite 300
Minneapolis, Minnesota 55119
Telephone: 776-5424-5454
Fax: 776-5424-5823
www.loucksassociates.com

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Submittal:

02-04-09	City Submittal
02-25-09	Rev. City Submittal
03-16-09	Revised City Submittal
04-29-09	Revised Building & Layout
06-02-09	Revised Submittal
06-26-09	Revised City Submittal

Professional Signature:

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.

43912
License No. Date

Quality Control:

EWB	WRF
EWB/RL	06/05/09

Sheet Index:

C-01	Cover Sheet
C-1.1	Existing Conditions Plan
C-1.2	Proposed Plan
C-1.3	Site Plan
C-1.4	Grading and Drainage Plan
C-1.5	Storm Water Pollution Prevention Plan
C-1.6	Utility Plan
C-1.7	Utility Details
C-1.8	Landscape Plan

Sheet Title:

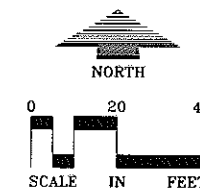
Utility Plan

Project No.:

08-261

Sheet No.:

Page 5 of 12-1



EXISTING	CIVIL LEGEND	PROPOSED
	SANITARY MANHOLE	
	STORM MANHOLE	
	CATCH BASIN	
	CULVERT	
	HYDRANT	
	GATE VALVE	
	POST INDICATOR VALVE	
	LIGHT POLE	
	POWER POLE	
	SIGN	
	BENCHMARK	
	SOIL BORING	
	WATER MANHOLE	
	TELEPHONE MANHOLE	
	UTILITY MANHOLE	
	ELECTRIC MANHOLE	
	WATER SERVICE	
	SANITARY SERVICE	
	HANDICAP PARKING	
	DIRECTION OF FLOW	
	SPOT ELEVATION	
	CONTOURS	
	SANITARY SEWER	
	STORM SEWER	
	WATERMAIN	
	FORCE MAIN	
	DRIVEWAY	
	SALT FENCE	
	CURB & GUTTER	
	RETAINING WALL	
	TREE LINE	
	EASEMENT LINE	
	SETBACK LINE	
	FENCE LINE	
	UNDERGROUND TILE	
	UNDERGROUND GAS	
	OVERHEAD UTILITY	

UTILITY PLAN GENERAL NOTES

- All sanitary sewer, storm sewer and watermain utilities shall be furnished and installed per the requirements of the specifications, the City and the standard utilities specification of the City Engineers' Association of Minnesota (CEAM), 1999 edition. All HDPE connections to concrete manholes shall be connected with an internal rubber gasket or by using ADS waterstop gasket. All sanitary sewer main line shall be SDR 35. All sanitary sewer services shall be SDR 26.
- See Sheet CB-1 and the contract specifications for specific utility details and utility service details.
- All utility pipe bedding shall be compacted sand or fine granular material per the requirements of the City. All compaction shall be performed per the requirements of the CEAM Specification.
- All connections to existing utilities shall be performed per the requirements of the City. The City Department of Engineering and Building Inspections Department and the construction engineer must be notified at least 48 hours prior to any work within the public right of way, or work impacting public utilities.
- All sanitary sewer and water services shall terminate at the property line unless otherwise noted.
- The contractor shall notify GOPHER STATE ONE CALL at 651-454-0002 at least 48 hours prior to performing any excavation or underground work.
- The contractor shall field adjust watermain to avoid conflicts with sanitary sewer, storm sewer, and services as required. Insulation of water and sanitary sewer lines shall be provided where 7.5 feet minimum depth can not be attained.
- All street repairs and patching shall be performed per the requirements of the City. All traffic control shall be provided by the contractor and shall be established per the requirements of the Minnesota Manual of Uniform Traffic Control Devices (MUTCD) and the City. This shall include all signage, barricades, flashers and flaggers as needed. All public streets shall be open to traffic at all times. No road closures shall be permitted without the expressed authority of the City.
- All new watermain must have a minimum of 7.5 feet of cover.
- Adjust all existing structures, both public and private to the proposed grades where disturbed and comply with all requirements of the utility owners. Structures being reset to paved areas must meet owners requirements for traffic loading.

II. Proposed Pipe Materials:		
Watermain	DRP Class 52	No less than 7.5' deep.
Water Service	COPPER TYPE K, 1"	Service to property line.
Sanitary Sewer	PVC SDR 35	No more than 20' deep.
Sanitary Sewer	PVC SDR 26	20' - 25' deep.
Sanitary Sewer	PVC 4"	Service to property line.
Storm Sewer	RCP CLASS 5	12" to 18" diameter.
Drainage	POLYETHYLENE	Back of curb.



CALL BEFORE YOU DIG

Gopher State One Call

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10000 Highway 100
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CADD Qualification:

CADD files prepared by the Consultant for this project are the property of the Consultant. The Consultant warrants that the files are accurate and complete as of the date of the last revision. The Consultant warrants that the files are accurate and complete as of the date of the last revision. The Consultant warrants that the files are accurate and complete as of the date of the last revision.

Submittal:

Submittal	City Submittal	Rev. City Submittal
03/24/05	Rev. City Submittal	
03/16/05	Revised City Submittal	
05/24/05	Revised Building & Layout	
06/03/05	Revised Submittal	

Professional Signature:

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.

43912
License No. Date

Quality Control:

EWB WRP

Project No. 06/05/09

Sheet No. 06/05/09

Sheet Index:

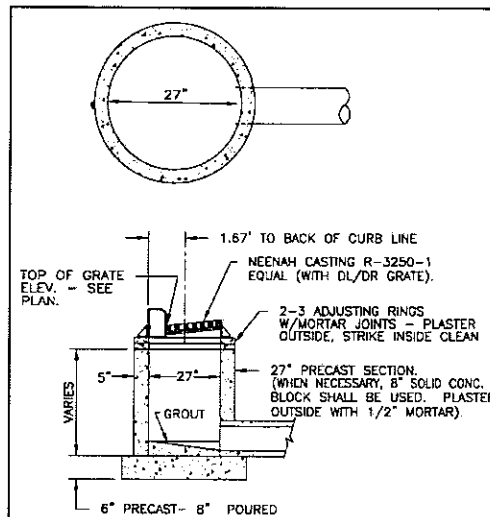
Sheet	Description
CB-1	Cover Sheet
CB-1	Existing Conditions Plan
CB-2	Demolition Plan
CB-3	Site Plan
CB-4	Grading and Drainage Plan
CB-5	Storm Water Pollution Prevention Plan
CB-6	Utility Plan
CB-7	Utility Details
CB-8	Landscape Plan

Sheet Title:

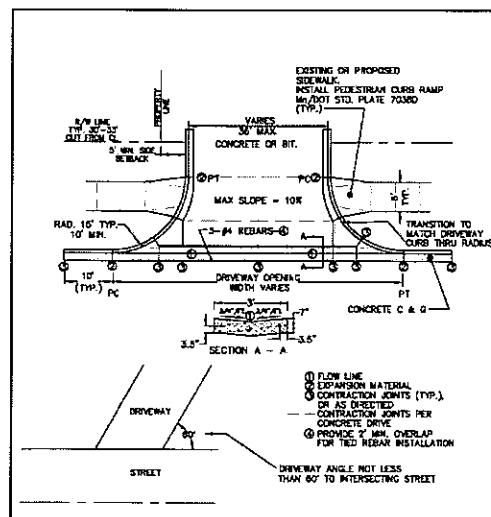
Utility Details

Project No. 08-261

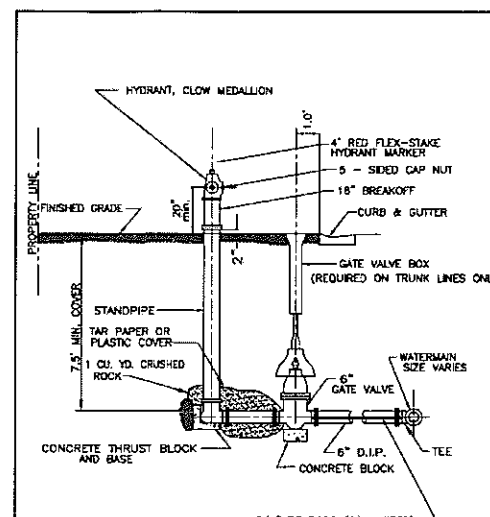
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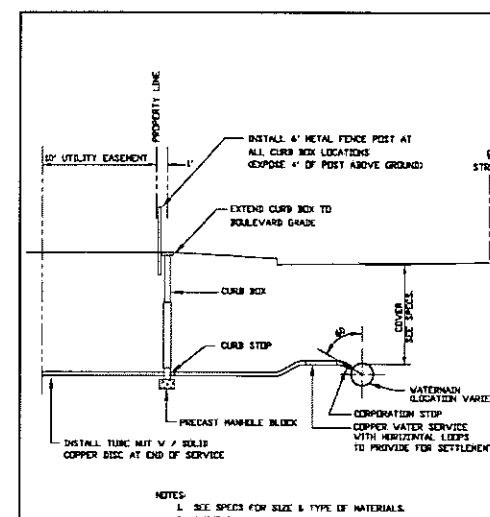
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TYPE "A" CATCH BASIN



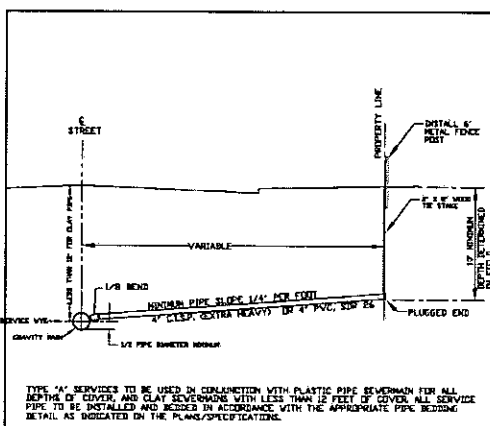
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COMMERCIAL DRIVEWAY



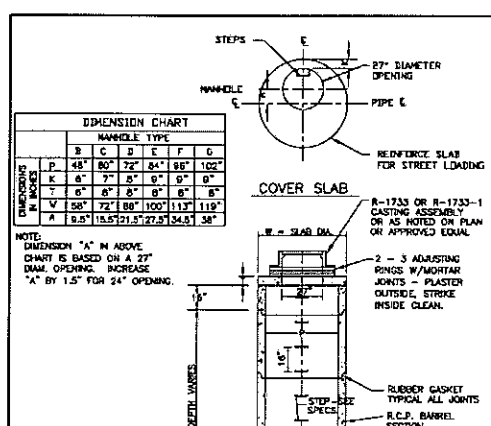
ROSEVILLE ENGINEERING DEPARTMENT
HYDRANT & GATE VALVE INSTALLATION



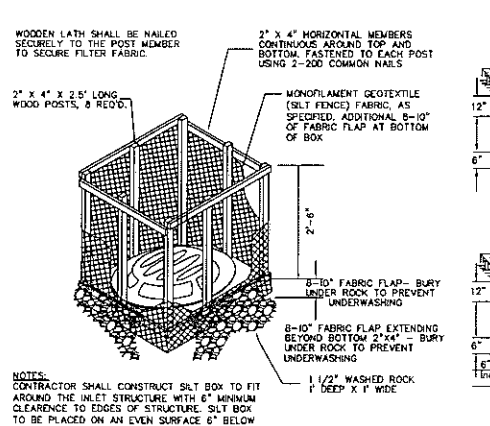
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WATER SERVICE CONNECTION



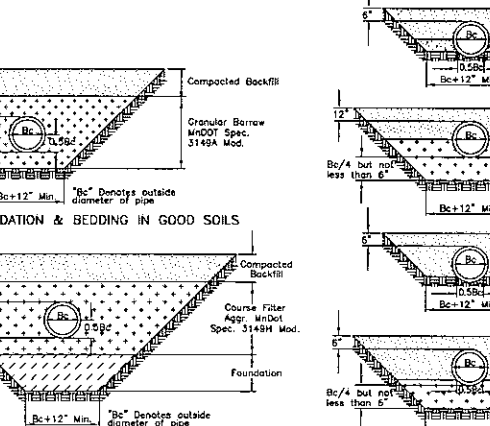
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SANITARY SEWER CONNECTION
TYPE A



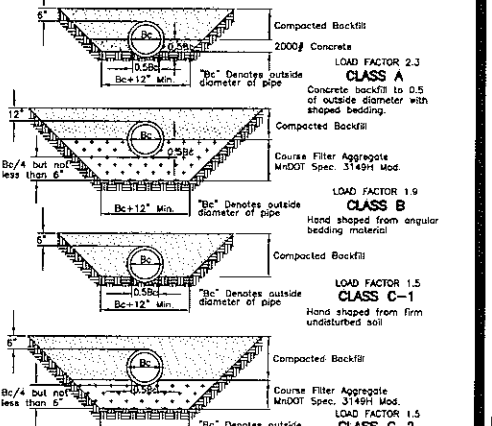
ROSEVILLE ENGINEERING DEPARTMENT
MANHOLE: TYPE B THRU G



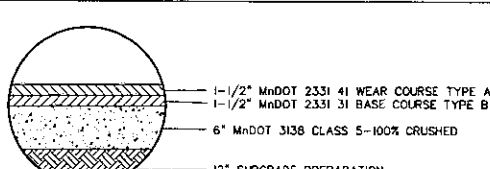
INLET PROTECTION SILT
BOX FOR BEEHIVE
CASTING DETAIL



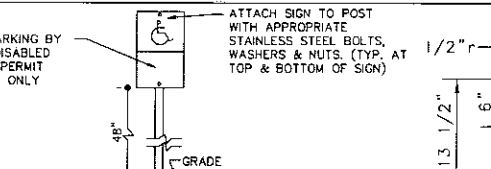
BEDDING METHODS
FOR PVC PIPE DETAIL



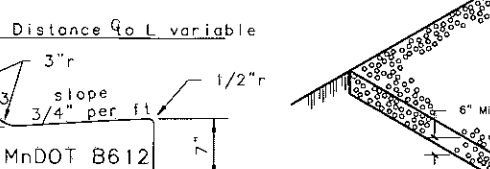
BEDDING METHODS
FOR RCP OR DIP PIPE DETAIL



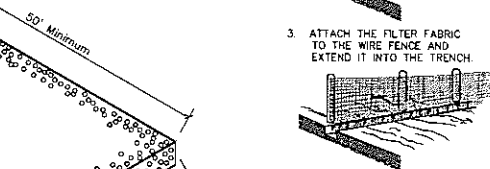
BITUMINOUS PAVING DETAIL



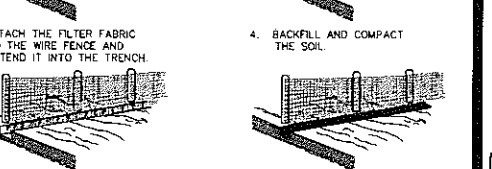
HANDICAP PARKING
SIGN DETAIL



B612 CONCRETE CURB
AND GUTTER DETAIL



ROCK ENTRANCE PAD DETAIL



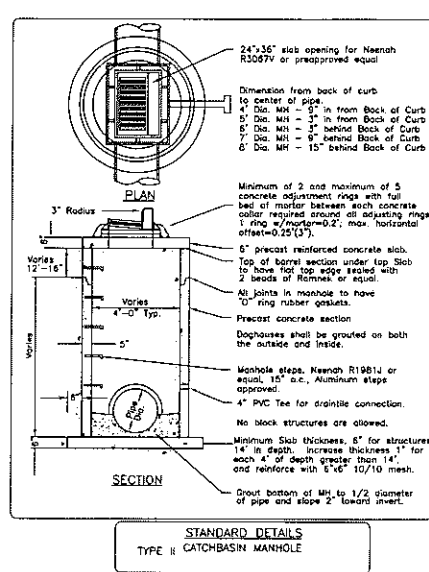
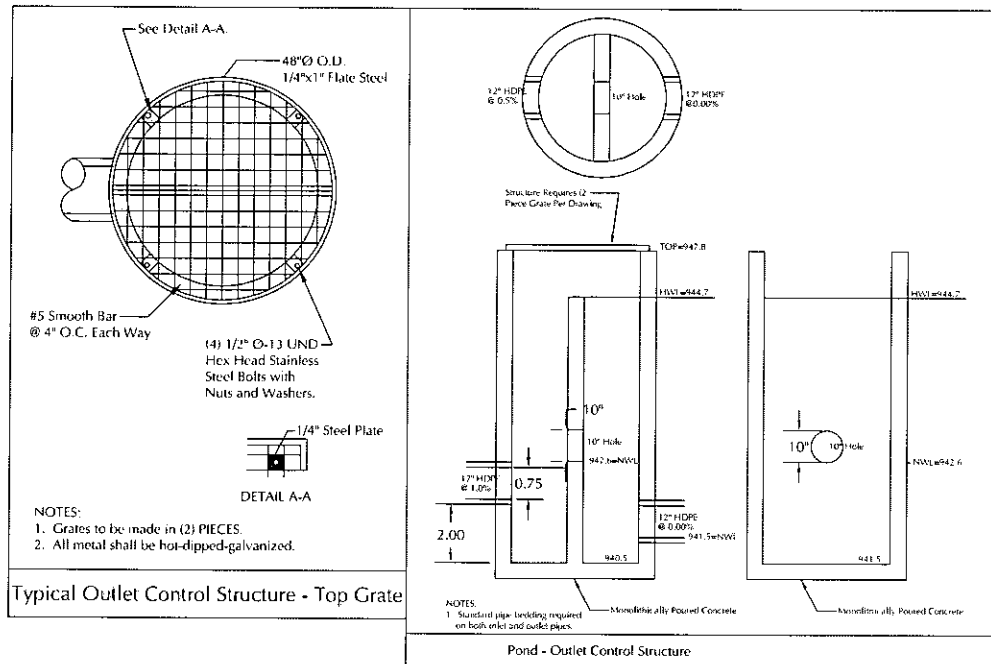
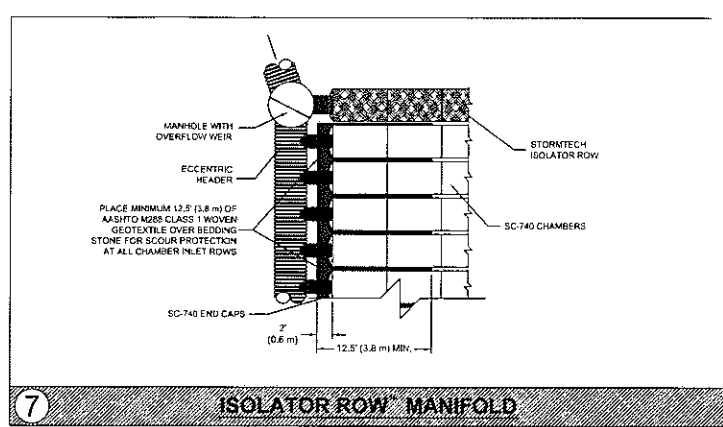
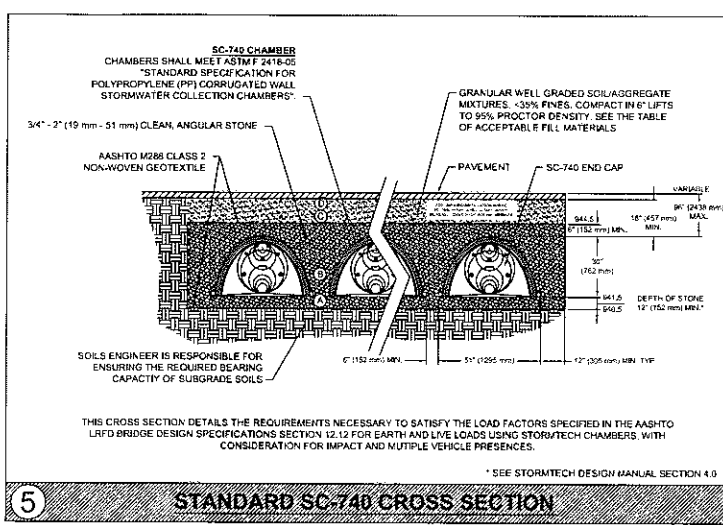
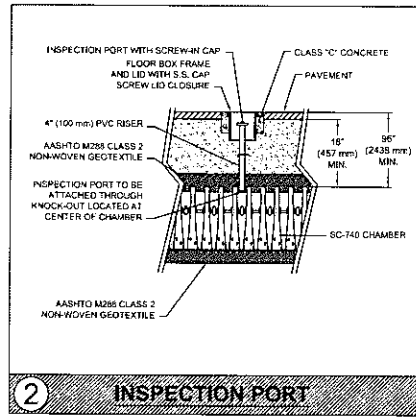
CONSTRUCTION OF A SILT FENCE
SILT FENCE MAINTENANCE PROGRAM

1. INSPECTION - SILT FENCES SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
2. REPLACEMENT - FABRIC SHALL BE REPLACED PROMPTLY WHEN IT DECOMPOSES OR BECOMES INEFFECTIVE BEFORE THE BARRIER IS NO LONGER NECESSARY.
3. SEDIMENT REMOVAL - SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.

SILT FENCE DETAIL

DETAIL NOTES:

1. THE CITY OF ROSEVILLE REQUIRES THAT CITY STANDARD PLATES ONLY NEED TO BE USED ON PUBLIC IMPROVEMENT PROJECTS ONLY.
2. LOUCKS ASSOCIATES HAS SHOWN A MIXTURE OF SOME CITY STANDARD DETAIL PLATES AND PLATES BY OTHERS.



Attachment D

Roseville Crossing

Roseville, Minnesota

Roseville Crossing LLC.
C/O Wellington Management, Inc.
1625 Energy Park Drive, Suite 100
St. Paul, Minnesota 55108
Ph. 651-292-9844 Fax. 651-292-0072

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Submittal:
02-06-09 City Submittal
02-25-09 Rev. City Submittal
03-16-09 Revised City Submittal
04-29-09 Revised Building & Layout
06/05/09 Revised Submittal

Professional Signature:
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.

Eric Beasley - PE
License No. 43612 Date

Quality Control:
EWB WRP
Project Lead: EWB/KLL Date: 06/05/09
Reviewed by: EWB/KLL Date:

Sheet Index:
C0-1 Cover Sheet
C1-1 Existing Conditions Plan
C1-2 Demolition Plan
C0-1 Site Plan
C0-1 Grading and Drainage Plan
C0-2 Storm Water Pollution Prevention Plan
C0-1 Utility Plan
C0-1, C0-2 Utility Details
U1-1 Landscape Plan

Sheet Title:

Utility Details

Project No.:

08-261

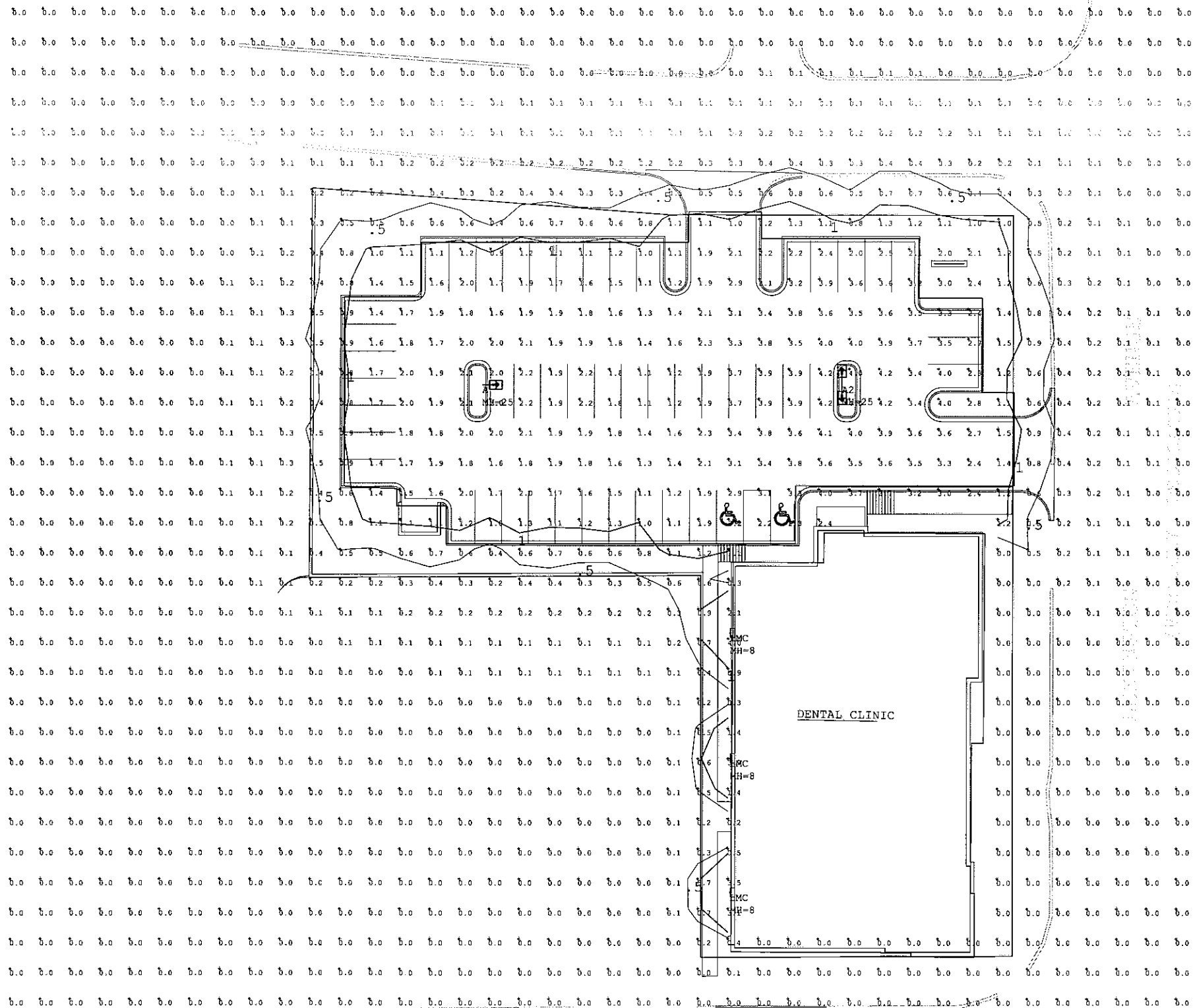
Sheet No.:

Luminaire Schedule

Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	MH
	3	LMC	SINGLE	3200	0.720	LMC-42F	8'
	1	A	SINGLE	42600	0.720	MSV-x-P40-V5P-F	25'
	1	A2	BACK-BACK	42600	0.720	MSV-x-P40-V5P-F	25'

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
ALL CALCS	Illuminance	Fc	0.49	4.2	0.0	N.A.	N.A.
PARKING	Illuminance	Fc	2.30	4.2	0.9	2.56	4.67



RAVEN[®]

Features

- Longevity: rugged, shock-proof, and tested aluminum for superior construction and performance. Pre-drilled for mounting. Enclosure is powder coated and meets all requirements.
- Enclosure: aluminum enclosure with integral corner bracing and a clear view for easy access to internal components. The enclosure is designed for easy access to internal components.
- Performance: performance series selection available. R5 type R, R5, and V. R5 type R is the most popular. R5 type R is the most popular.
- Enclosure: aluminum enclosure with integral corner bracing and a clear view for easy access to internal components. The enclosure is designed for easy access to internal components.
- Enclosure: aluminum enclosure with integral corner bracing and a clear view for easy access to internal components. The enclosure is designed for easy access to internal components.

Ordering Information

RAVEN-42F, R5, 42600 Lumens, 0.720 LLF, 4.2 Fc, 0.9 Min, 2.56 Avg/Min, 4.67 Max/Min.

Dimensions

Overall Length: 42" (1067mm), Overall Width: 14" (355mm), Overall Height: 14" (355mm).

SPaulding

RAVEN[®] SERIES

ORDERING INFORMATION

RAVEN-42F, R5, 42600 Lumens, 0.720 LLF, 4.2 Fc, 0.9 Min, 2.56 Avg/Min, 4.67 Max/Min.

SPaulding

RAVEN[®] SERIES

ORDERING INFORMATION

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SPaulding

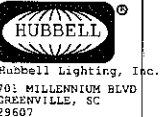
1. THIS LIGHTING DESIGN IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO HUBBELL LIGHTING. SITE DETAILS PROVIDED HEREON ARE REPRESENTED ONLY AS A GUIDANCE. HUBBELL LIGHTING, INC. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

2. LUMINAIRE DATA IS BASED ON TESTS CONDUCTED IN A LABORATORY SETTING. ACTUAL PERFORMANCE MAY VARY DUE TO VARIATIONS IN INSTALLATION, MAINTENANCE, AND OTHER FACTORS.

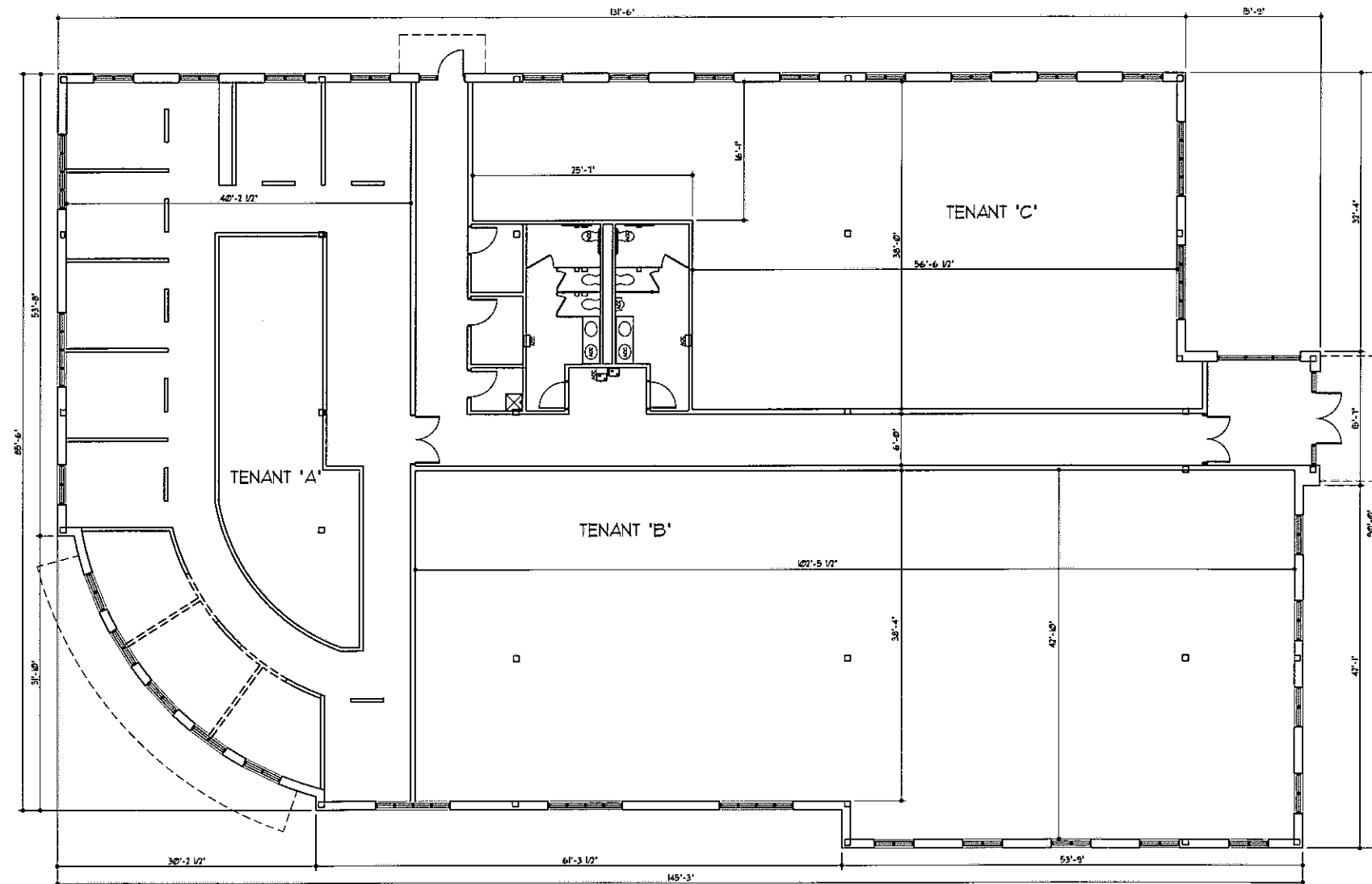
3. COMPLIANCE TO ALL CITY, STATE, AND FEDERAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

ROSEVILLE CROSSING

DATE: 2/9/2009
 DRAWN BY: [Signature]
 0943860



Page 9 of 14 - 1



1 FLOOR PLAN
A2.1 1/8"=1'-0"

FLOOR PLAN

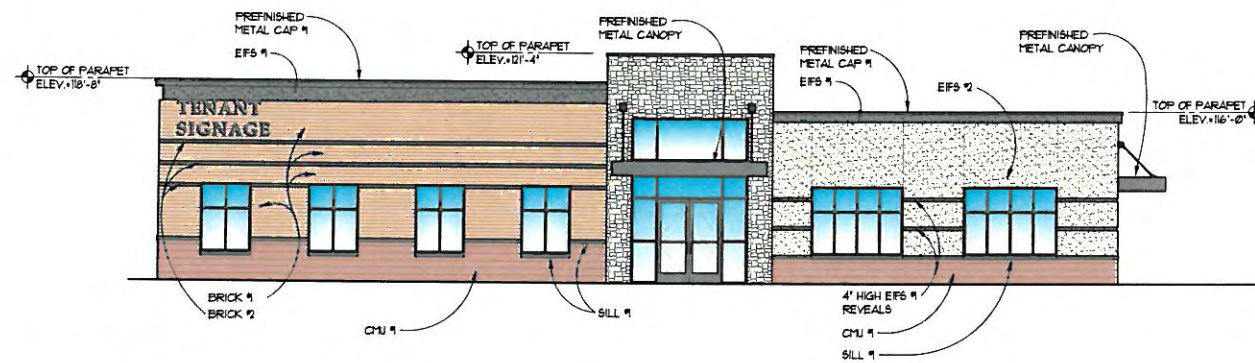
Revisions and Approvals:

OWNER'S REVIEW	2-4-09
CITY SUBMITTAL	2-6-09
CITY RESUBMITTAL	2-25-09
CITY RESUBMITTAL	3-16-09
CITY RESUBMITTAL	4-29-09
CITY RESUBMITTAL	6-5-09

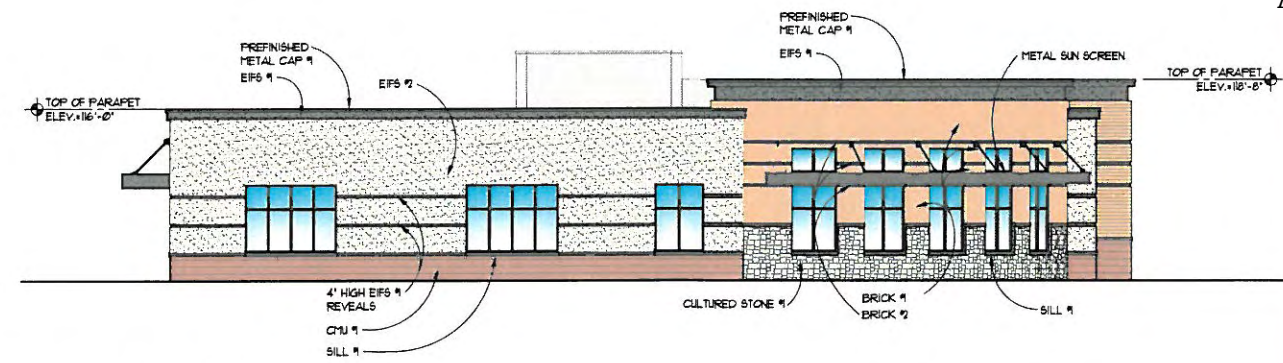
Commission No. 82443-07028C
Drawn by DD
Checked by GV

SHEET

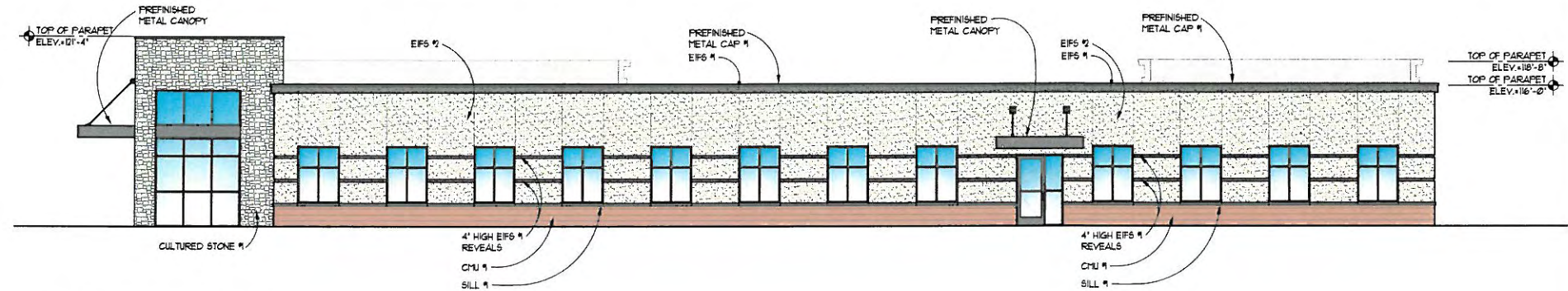
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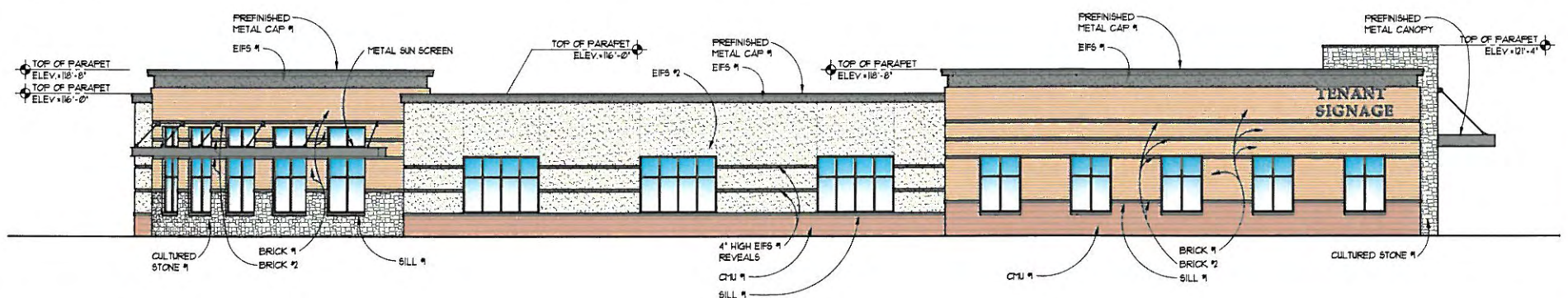
7 NORTH ELEVATION
A3.1 1/8"=1'-0"



6 SOUTH ELEVATION
A3.1 1/8"=1'-0"



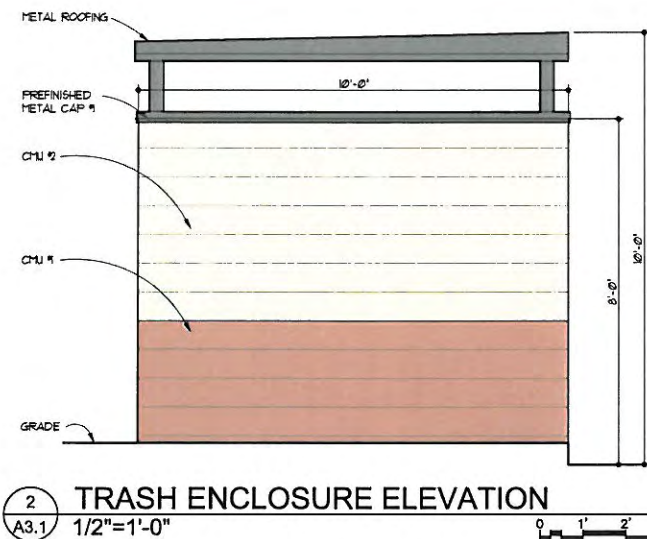
5 WEST ELEVATION
A3.1 1/8"=1'-0"



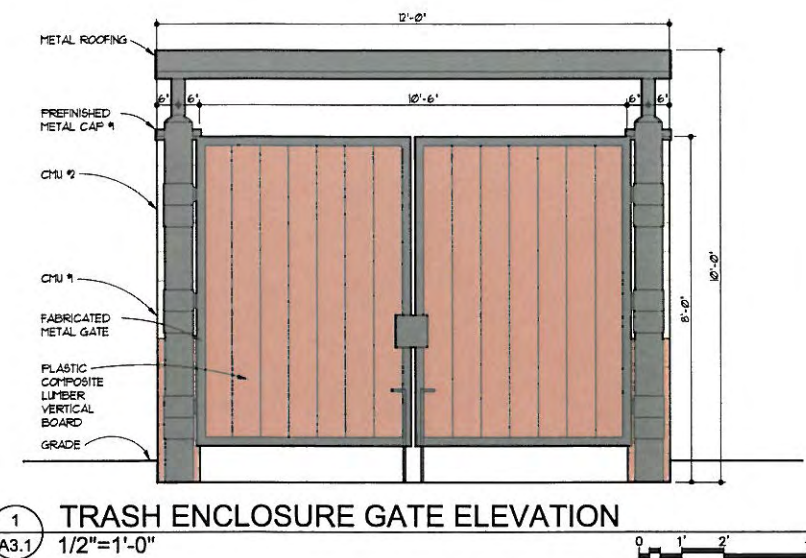
4 EAST ELEVATION
A3.1 1/8"=1'-0"



3 MONUMENT SIGN ELEVATION
A3.1 1/2"=1'-0"



2 TRASH ENCLOSURE ELEVATION
A3.1 1/2"=1'-0"



1 TRASH ENCLOSURE GATE ELEVATION
A3.1 1/2"=1'-0"

EXTERIOR
ELEVATIONS

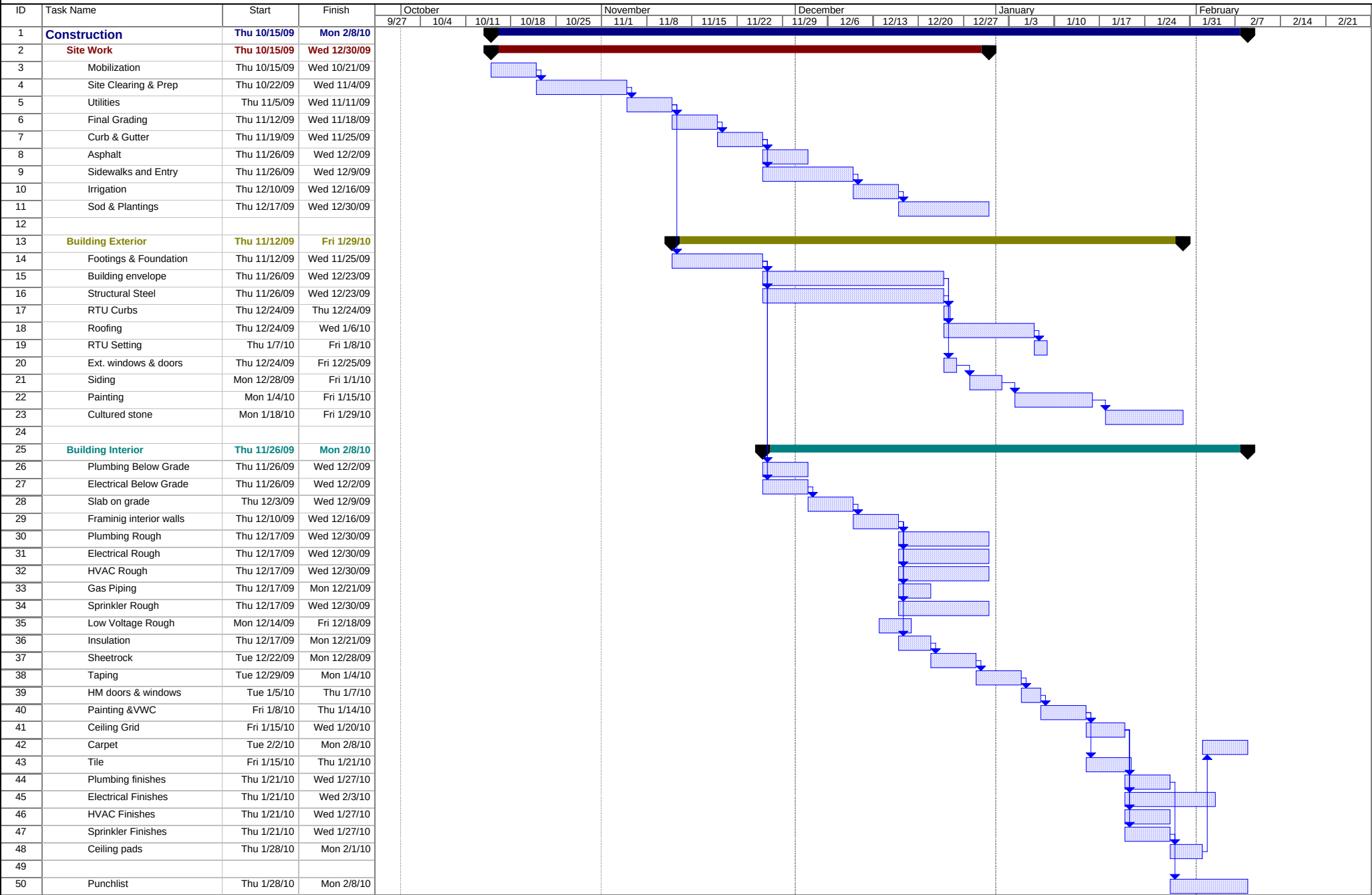
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CITY SUBMITTAL	2-6-09
CITY RESUBMITTAL	2-25-09
CITY RESUBMITTAL	3-16-09
CITY RESUBMITTAL	4-29-09
CITY RESUBMITTAL	6-5-09

Commission No.	82443-07028C
Drawn by	DD
Checked by	GV

SHEET

A3.1

Roseville Crossing



Our proposed plan includes removing the existing 2,973SF TCF Bank building and 1,025Sf drive-thru canopy in order to complete redevelopment of the site as a new approximately 11,899SF single story, commercial building. The adjacent residence at 1126 Sandhurst is being acquired as well to support the approved PUD plans.

The location of the building is primarily driven by the surrounding residential community. We are keen to support a complete suburban community. In order to do this, the building rests farthest from the neighboring houses on Sandhurst, at the SE lot line. This was requested by the neighbors attending the Community Open House.

We presented our initial Site Plan for consideration on March 23, 2009, completed a Work Session with Council Members on April 20, 2009, and received City Council Approval on May 11, 2009 of the General Concept PUD. As a result of our discussions with Council Members and to summarize the revisions since our May 11th approval, we submit the final PUD Site Plan and Submittals.

In order to provide better visibility to cars leaving the parking lot at Lexington Avenue, we slid a segment of the building's east wall two feet to the west and the building's west wall one foot west. The building setback on the eastern wall increased from four feet to six feet, providing additional visibility to pedestrians and drivers. We also added a painted stripe and "Stop" and "Watch for Pedestrians" signs at the parking lot access on Lexington Avenue.

Parking remains behind the building, at the north end of the parcel. Our intent is to promote safe and pleasant conditions for all in the neighborhood, including: motorists, bicyclists, pedestrians, and residents.

We have been asked to provide further details on the size of the parking lot. Based on the survey prepared by HTPO, dated January 12, 2009, the specific area of the existing TCF bank property is 28,877 SF. This area reflects a paved parking of 19,415 SF which equals 67% of the TCF site. Our proposed development improves this commercial parcel to reflect an area of paved parking of 18,846 SF which equals 44% of the proposed site. We are pleased that our proposed project reduces the area dedicated to parking at the TCF site location. It is noted that we are acquiring a neighboring residence, which in combination, would reduce the total pervious area. We are mitigating this fact by providing an underground water management design that meets current requirements.

The proposed parking lot dimensions are based on two primary reasons:

1. Reduce street parking along Sandhurst as requested by neighborhood residents.
2. Maintain competitive leasing standards. Office leasing markets remain tight and parking to building ratios often reflect 5 spaces per 1000 SF. Our proposed project has a parking ratio of 4 spaces per 1000 SF. Reducing parking further at the subject site places the development at a substantial disadvantage. A parking ratio lower than 4 spaces per 1000 SF is considered non-competitive for new construction.

ORDINANCE NO. ____

**AN ORDINANCE AMENDING TITLE 10 OF THE CITY CODE, CHANGING THE
ZONING MAP DESIGNATION OF CERTAIN REAL PROPERTY AT
1126 SANDHURST DRIVE AND 2167 LEXINGTON AVENUE TO PLANNED UNIT
DEVELOPMENT FROM SINGLE FAMILY RESIDENCE DISTRICT AND GENERAL
BUSINESS DISTRICT, RESPECTIVELY.**

The City Council of the City of Roseville does ordain:

Section 1. Real Property Rezoned. Pursuant to Section 1016 (Zoning Amendments) of the City Zoning Code of the City of Roseville, and after the City Council consideration of Planning File 09-003, the following property: located at 1126 Sandhurst Drive and legally described as:

Broadview Addition Lot 2 Block 2

is hereby rezoned from Single Family Residence (R-1) District to Planned Unit Development (PUD) District.

Section 2. Real Property Rezoned. Pursuant to Section 1016 (Zoning Amendments) of the City Zoning Code of the City of Roseville, and after the City Council consideration of Planning File 09-003, the following property, located at 2167 Lexington Avenue and legally described as:

Broadview Addition Lot 1 and Lot 15 Block 2

is hereby rezoned from General Business (B-3) District to Planned Unit Development (PUD) District.

Section 3. Effective Date. This ordinance amendment to the City Code and Zoning Map shall take effect upon:

1. The passage and publication of this ordinance.

Passed this 13th day of July, 2009. By Mayor Craig D. Klausing

CITY of ROSEVILLE
PLANNED UNIT DEVELOPMENT AGREEMENT # _____
JULY 13, 2009 (PF09-003)

INITIAL DEVELOPMENT AGREEMENT AND PLANNED UNIT DEVELOPMENT ZONING DISTRICT STANDARDS, approved by the Roseville City Council on July 13, 2009, and entered into between the City of Roseville, a Minnesota municipal corporation (herein referred to as “CITY”), and Roseville Crossing LLC 1625 Energy Park Drive, Suite 100, St. Paul, Minnesota, 55108 (herein referred to as “DEVELOPER”).

1.0 Effective Date of Agreement

This Development Agreement shall be effective upon completion of the following: 1) passage of Ordinance # _____ (Rezoning of property to Planned Unit Development); 2) approval of final Planned Unit Development plans; 3) publication of the ordinance in the CITY’s official newspaper; 4) execution of this agreement by the CITY and the DEVELOPER; and 5) 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) (PF09-003) that creates a multi-tenant office development on the Subject Property described as:

1126 Sandhurst Drive (PIN: 10-29-23-44-0072) City of Roseville, Ramsey County, Minnesota; which is legally described as: *Broadview Addition Lot 2 Block 2*

and

2167 Lexington Avenue (PIN: 10-29-23-44-0071) City of Roseville, Ramsey County, Minnesota; which is legally described as: *Broadview Addition Lot 1 and Lot 15 Block 2*

3.0 Rezoning

3.1 The CITY conducted hearings and meetings to consider various aspects of the PUD, including rezoning of the Subject Property to PUD; dates of hearings and meetings include March 4, 2009 (Planning Commission – public hearing on Rezoning and General Concept plan), March 23, 2009 (City Council – initial discussion of General Concept), April 20, 2009 (City Council – work session with the DEVELOPER to work out development details), May 11, 2009 (City Council – hearing and approval of General Concept plan), and July 13, 2009 (City Council – hearing and action on rezoning, Final Development Plan, and PUD Agreement).

3.2 The CITY agrees to rezone the Subject Property to PUD, subject to the DEVELOPER’s compliance with the approved plans, and the terms and conditions of this Development Agreement. Where this PUD is silent, the general zoning and development requirements and the standards of the least intensive zoning district consistent with the land use designation of the Comprehensive Plan shall govern.

4.0 Initial Development

- 4.1 The CITY hereby grants approval of the final PUD plan of the DEVELOPER, subject to the DEVELOPER's compliance with the terms and conditions of this Development Agreement and the conditions of the City Council approval on July 13, 2009. The CITY agrees to approve applications for building permits, provided: the plans meet all requirements for issuance of building permits, the plans are consistent with the plans approved at the final stage of the PUD process; the DEVELOPER has not defaulted; and all of the standards and conditions of this Development Agreement have been satisfied.
- 4.2 The DEVELOPER shall develop the Subject Property consistent with that described or shown in the following plans as approved by the City Council on July 13, 2009. If these plans vary from the written terms of this Development Agreement, the written terms shall control. In the event the plans address items not specifically addressed in this Development Agreement, the plans shall govern with respect to those items. The plans approved by the City Council on July 13, 2009, or as amended thereafter, include:
- A. ALTA Survey indicating existing site conditions with all lot dimensions, signed and dated January 12, 2009
 - B. Architectural site plan illustrating the building footprint, parking lot, property lines, and setbacks, revised June 18, 2009
 - C. Grading and drainage plan, revised June 26, 2009
 - D. Storm Water Pollution Prevention Plan, revised June 26, 2009
 - E. Utility plan with details, revised June 26, 2009
 - F. Lighting plan indicating locations, types, and specifications of lighting for the site, including photometric plan, dated February 9, 2009
 - G. Complete landscape plan, including materials list and planting details, indicating the size and location of all plant materials, revised June 26, 2009 to ensure that landscaping along Sandhurst Drive does not interfere with vehicle circulation
 - H. Floor plan indicating interior structure layout, revised June 5, 2009
 - I. Exterior elevation drawings indicating structure height, facade details, and building materials, including the detached trash enclosure, revised June 5, 2009
 - J. Proposed development schedule indicating anticipated dates of beginning demolition, grading, building construction, paving, and landscaping, dated June 26, 2009
- 4.3 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.

- 79 4.4 Development of the property and installation of improvements shall be in
80 accordance with the plans and estimated development schedule provided by the
81 DEVELOPER.
- 82 4.5 Failure by the DEVELOPER to commence development activity in accordance
83 with the final development plans or within one year following the final approval
84 of this PUD will necessitate the approval of an extension of the development
85 schedule by the City Council prior to the expiration of the one-year period. If an
86 extension is not applied for, the Council may instruct the Planning Commission to
87 initiate rezoning to the least intensive zoning district consistent with the land use
88 designation of the Comprehensive Plan. For purposes of this provision,
89 development activity shall be defined as obtaining a building permit and
90 beginning construction on the site.
- 91 4.6 Before the issuance of a building, grading, or excavation permit by the CITY, the
92 DEVELOPER shall have posted with the CITY a landscape letter of credit or
93 other security acceptable to the CITY in an amount equal to 150% of the
94 estimated cost of all site restoration and landscaping in accordance with pertinent
95 requirements of the City Code. The Community Development Director, following
96 completion of plans and after the passage of two growing seasons, shall determine
97 the specific amount of this letter of credit or other security.
- 98 4.7 Landscaping installed within the Sandhurst Drive right-of-way shall be provided,
99 installed, maintained, and replaced as necessary by the DEVELOPER to ensure
100 that the parking area remains screened in accordance with City Code standards.
- 101 4.8 The DEVELOPER shall clean from streets dirt and debris resulting from
102 construction work by the DEVELOPER or its agents or assigns. The CITY will
103 determine whether it is necessary to take additional measures to clean dirt and
104 debris from the streets; after 24 hours' verbal notice to the DEVELOPER, the
105 CITY may complete or contract to complete the clean up at the DEVELOPER's
106 expense.

107 **5.0 PUD Zoning District Standards**

108 Pursuant to the guidance of the Comprehensive Plan, the following shall serve as the
109 PUD zoning district requirements for the Subject Property and govern its use and
110 development.

- 111 5.1 For initial development, the site plan (Exhibit A) illustrating the proposed
112 structure, parking lot, property lines, and setbacks, revised July 9, 2009 shall
113 represent the PUD zoning district standards. Where these requirements are silent,
114 the general zoning and development requirements and the standards of the least
115 intensive zoning district consistent with the land use designation of the
116 Comprehensive Plan shall govern.
- 117 5.2 Use of the Subject Property shall be limited to the uses depicted in the approved
118 plans identified in this Development Agreement and the permitted and accessory
119 uses in the least intensive zoning district consistent with the land use designation
120 of the Comprehensive Plan.

6.0 Developer's Default

- 6.1 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.
- 6.2 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 Development Agreement.

7.0 Miscellaneous

- 7.1 This Development Agreement shall be binding upon the parties, their heirs, successors, or assigns, as the case may be.
- 7.2 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 6 of this Development Agreement.
- 7.3 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 Development Agreement shall nevertheless remain in full force and effect.
- 7.4 This Development Agreement shall run with the Subject Property and shall be recorded in the Ramsey County Recorder's Office by the CITY.
- 7.5 This Development Agreement shall be liberally construed to protect the public interest.

8.0 Notices

8.1 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:

President of Roseville Crossing LLC
1625 Energy Park Drive, Suite 100
Saint Paul, Minnesota 55108

8.2 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 their 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.

ROSEVILLE CROSSING LLC

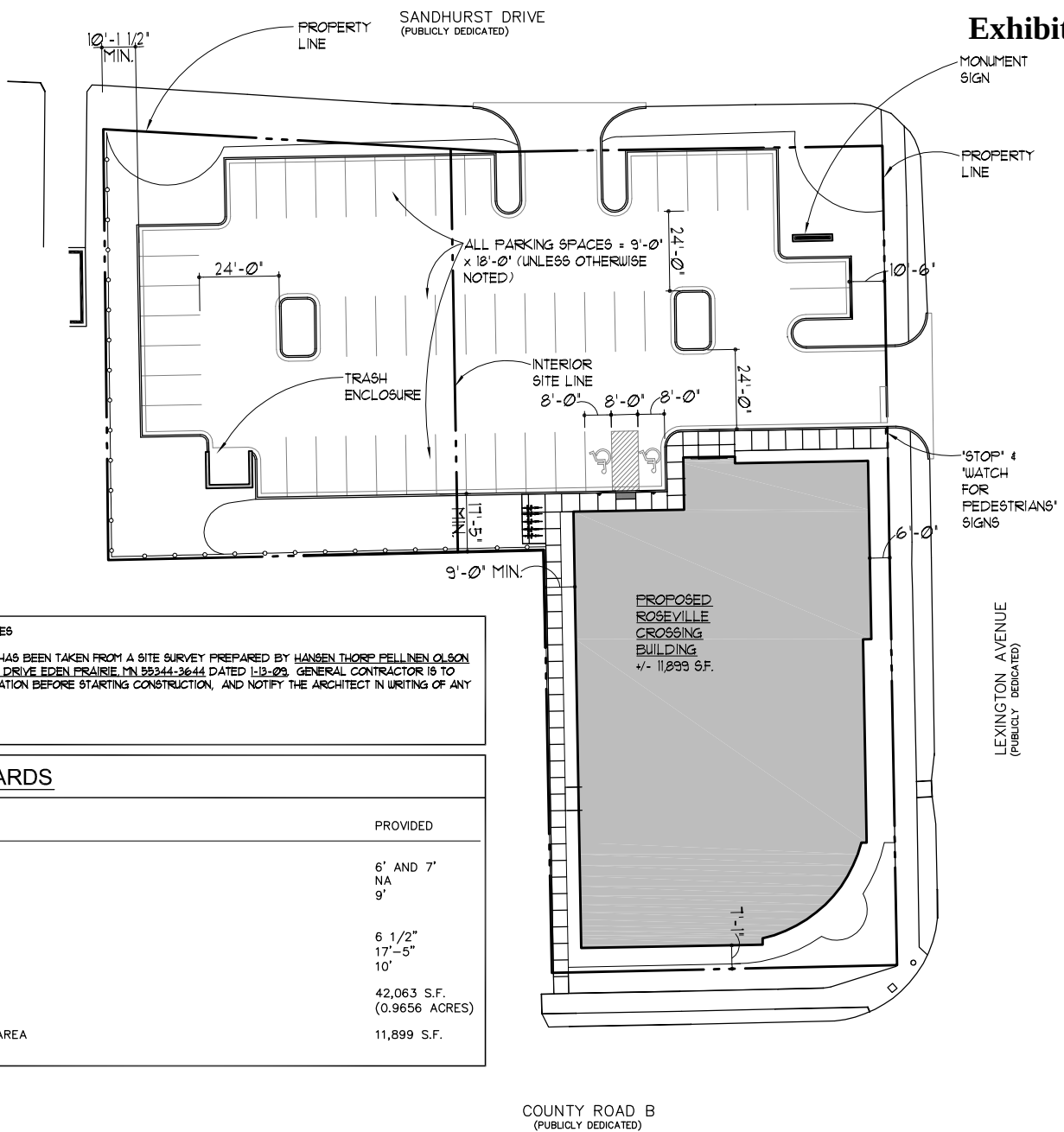
By: _____
Stephen B. Wellington, Jr., President

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 Stephen B. Wellington, Jr., President of Roseville Crossing LLC.

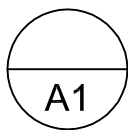


SITE PLAN GENERAL NOTES

A/ SITE INFORMATION HAS BEEN TAKEN FROM A SITE SURVEY PREPARED BY HANSEN THORP PELLINEN OLSON INC. 7510 MARKET PLACE DRIVE, EDEN PRAIRIE, MN 55344-3644 DATED 1-13-09. GENERAL CONTRACTOR IS TO VERIFY ALL SITE INFORMATION BEFORE STARTING CONSTRUCTION, AND NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES.

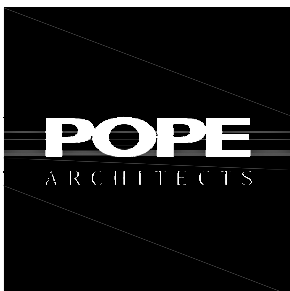
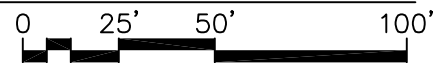
PUD STANDARDS

	PROVIDED
BUILDING SETBACKS	
FRONT	6' AND 7'
REAR	NA
SIDE	9'
PARKING SETBACKS	
FRONT	6 1/2"
REAR	17'-5"
SIDE	10'
SITE AREA	42,063 S.F. (0.9656 ACRES)
PROPOSED BUILDING AREA	11,899 S.F.



ARCHITECTURAL SITE PLAN

1"=50'-0"



ROSEVILLE CROSSING
ROSEVILLE, MN

ARCHITECTURAL SITE PLAN

POPE ASSOCIATES INC.
1255 ENERGY PARK DRIVE | ST. PAUL, MN 55108-5118
PH. (651) 642-9200 | FAX (651) 642-1101

Commission No. 82443-07028C
Drawn by GV
Date 07-09-09
Sheet

A1

REQUEST FOR COUNCIL ACTION

DATE: 7/13/2009

ITEM NO: 12.d

Department Approval

City Manager Approval



Item Description: Request by Art Mueller for a **COMPREHENSIVE LAND USE MAP AMENDMENT, REZONING, AND GENERAL CONCEPT PLANNED UNIT DEVELOPMENT** to redevelop the property at 2025 County Road B into a senior living community (**PF09-002**).

1 **1.0 BACKGROUND**

2 1.1 Mr. Art Mueller (in cooperation with Mr. Andy Weyer – property owner) proposes a
3 three-story, 55-unit senior housing community at the corner of County Road B and
4 Midland Grove Road.

5 1.2 On March 4, 2009, the Planning Commission held the public hearing regarding the Art
6 Mueller request. At this meeting the Commission discussed a number of issues and
7 concerns regarding the proposal including, mass, height, density and placement of
8 structure. The Commission ultimately voted 4-3 to recommend in-favor of the
9 Comprehensive Land Use Map Amendment from Low Density Residential (LR) to High
10 Density Residential (HR) and Rezoning the property (R-1 to PUD), but failed to support
11 the General Concept Plan.

12 1.3 On May 11, 2009, the Roseville City Council reviewed the proposal and continued action
13 on The Orchard proposal to their meeting of July 13, 2009, in order to seek comments
14 from the public and the Planning Commission regarding the revised General Concept
15 Planned Unit Development (PUD). The subject plan was modified to further address
16 resident concerns after the Planning Commission meeting of March 4, 2009 and the City
17 Council determined that the proposal had been modified enough that the Planning
18 Commission should review and consider the General Concept once again.

19 1.4 Specifically the City Council sought input from the Planning Commission on the
20 following items:

- 21 a. *Review of the appropriate impervious coverage calculations on the site;*
- 22 b. *Review of the building's relative height based on sight lines and topography of*
23 *the site;*
- 24 c. *Review of actual scale perspectives relative to height issues from various angles*
25 *and giving consideration to roof slopes, number of stories, etc.;*

d. *Review whether sufficient improvements have been made with respect to distances from adjacent properties based on setback requirements and perspectives from adjacent properties;*

e. *Review of the safety of access points and traffic issues on Midland Grove Road, not only based on number of vehicles, but more specifically density of the area and design of the road; and connections to various and major intersections in that area (i.e., County Road B at Midland Grove Road).*

1.4 On June 3, 2009, the Roseville Planning Commission held the public hearing regarding the modified General Concept PUD, at which meeting citizens addressed the Commission and Commissioners sought additional information from the Planning Staff (minutes attached). The Commission voted 5-2 to recommend approval of the revised General Concept PUD.

2.0 REQUESTED ACTION

Art Mueller (in cooperation with Sue and Andrew Weyer - property owners) seeks approval of a COMPREHENSIVE LAND USE MAP AMENDMENT, REZONING, AND GENERAL CONCEPT PLANNED UNIT DEVELOPMENT to redevelop the property at 2025 County Road B into a 3-story, 55-unit senior living community.

PROJECT REVIEW HISTORY

- Public Open House held: February 19, 2009
- Applications Submitted and Determined Complete: February 24, 2009
- 60-Day Review Deadline: April 25, 2009
- 60-Day Extension: June 24, 2009
- Applicant Extension to July 13, 2009
- Project Report Recommendation: July 13, 2009
- Planning Commission Action (5-2 approval recommendation): June 3, 2009
- Anticipated City Council Action: July 13, 2009

3.0 SUMMARY OF RECOMMENDATION

The Roseville Planning Commission held the duly noticed public hearing on March 4, 2009 and made the following recommendations (see attached minutes):

a. RECOMMENDED APPROVAL (4-3) of a COMPREHENSIVE LAND USE MAP AMENDMENT from LOW DENSITY RESIDENTIAL (LR) to HIGH DENSITY RESIDENTIAL (HR). This action does not qualify as a formal recommendation due to a super-majority vote for Comprehensive Plan Amendments being required as stipulated in Section 201.07 or the Roseville City Code.

b. RECOMMENDED APPROVAL (7-0) of a REZONING from SINGLE FAMILY RESIDENCE DISTRICT (R-1) to PLANNED UNIT DEVELOPMENT (PUD)

The Roseville Planning Commission held the duly noticed public hearing on June 3, 2009 and made the following recommendations (see attached minutes):

c. RECOMMENDED APPROVAL (5-2) of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT

- 67 **4.0 SUGGESTED CITY COUNCIL ACTION**
68 **By Motion, Approve the request for a Comprehensive Land Use Map**
69 **Amendment, Rezoning, and General Concept Planned Unit Development for**
70 **2025 County Road B, for Art Mueller,** with conditions (see Section 11 for detailed
71 recommendation).
- 72 **5.0 SITE CHARACTERISTICS/DEVELOPMENT PROPOSAL**
- 73 5.1 Since the March Planning Commission meeting, the applicant has met with
74 representatives of the Minnesota Department of Transportation (MNDOT) regarding the
75 ownership of the land area west of Midland Grove Road. The conclusion is that Mr.
76 Mueller owns the underlying land area, an approximately 70 by 238-foot parcel that will
77 be conveyed back to him from MNDOT. With this additional land, the Orchard parcel
78 size has now increased from 2.23 acres to 2.61 acres.
- 79 5.2 The site is located to the east of Cleveland Avenue, directly adjacent to County Road B,
80 and south of the Midland Grove Condominiums. A single-family residence and the
81 Ferriswood Townhome community are located to the east, and single-family homes are
82 located to the south, across County Road B.
- 83 5.3 The subject property has an existing Comprehensive Land Use Plan designation of Low
84 Density Residential; Midland Grove Condominiums has a designation of High Density
85 Residential; and Ferriswood Townhomes along with the adjacent single-family parcel has
86 a designation of Medium Density Residential.
- 87 5.4 Zoning in the area includes a mix of R3A (Multi-Family Residence District, Three to
88 Twenty-Four Units) at Midland Grove Condominiums, PUD (Planned Unit
89 Development) at Ferriswood Townhomes and the single family residence to the east, and
90 R-1 (Single Family Residence District) on properties south across County Road B.
- 91 5.5 Previously, the applicant submitted a proposal to construct a 4-story, 77-unit senior
92 housing complex on this site. After a negative recommendation at the February 4, 2009
93 Planning Commission meeting, the applicant withdrew the original proposal and
94 submitted the current proposal, which lowered the height and reduced the number of
95 units.
- 96 5.6 The General Concept proposal seeks to develop a 3-story, 55-unit active senior living
97 community with an underground parking garage. The facility would include a variety of
98 1, 2, and 3-bedroom units, as well as amenities such as community-, game-, craft-, and
99 exercise rooms, kitchen, library, private dining, office, mailroom, and sitting areas.

101 6.0 REVIEW OF COMPREHENSIVE PLAN

102 6.1 The Roseville Comprehensive Land Use Plan (the future development guide for property
103 in Roseville) designates the subject parcel as LR, Low Density Residential. During the
104 2008 Comprehensive Plan Update process there was no mention or discussion of this
105 property. The Planning Division considers this parcel to be a land use anomaly that is
106 better suited by a High Density residential Land Use designation other than Low Density.

107 6.2 For purposes of clarity, residential land use designations are categorized in the following
108 density ranges: Low Density is 0-to-4 units per acre, Medium Density is 5-to-12 units
109 per acre, and High Density is greater than 13 units per acre.

110 6.3 The applicant's proposal seeks to change the Comprehensive Land Use designation of the
111 subject parcel from Low Density Residential to High Density Residential, similar to
112 Midland Grove Condominiums.

113 6.4 The Planning Division recommends that the Council's action be concentrated first on the
114 Comprehensive Land Use Map Amendment request before discussing zoning and the
115 proposed planned unit development.

116 6.5 The Planning Commission has heard numerous concerns/objections due to the
117 anticipated/perceived increase in traffic and potential intersection conflicts. As a result
118 of these concerns, the Development Review Committee (DRC) has on several occasions
119 reviewed and considered the multi-family access and increase in traffic, concluding that
120 the subject parcel is best accessed from Midland Grove Road versus County Road B, due
121 to topographic challenges and for vehicle safety. The DRC further concluded that if the
122 parcel remained single-family, it could possibly be split into 4 single-family lots. The
123 DRC also determined that the location of the subject parcel is not a desirable location for
124 new single-family housing given the location relative to Cleveland Avenue, Highway 36,
125 and necessary access to County Road B, as well as the higher density residential
126 developments located to the north and east of the subject parcel.

127 6.6 Using the Institute of Transportation Engineers manual to analyze traffic impacts for a
128 senior housing facility, City Staff analyzed the impacts this project would have on the
129 existing transportation network and concluded there will be a minimal increase in traffic
130 and that it can be accommodated by the current roadway network. The existing accesses
131 and intersections are designed to accommodate traffic volumes far greater than currently
132 generated and, therefore, will not be negatively impacted by this development proposal.

133 6.7 The DRC, and especially the Planning Division, has considered the impacts of changing
134 the land use designation of the subject 2.61-acre parcel. This parcel is located adjacent to
135 or near three major thoroughfares (Highway 36, Cleveland Avenue, and County Road B)
136 for which the DRC and Planning Division have concluded that low density residential
137 (single family homes or town homes) is not an appropriate future use. While such a
138 future use would be consistent with the use across County Road B (a natural dividing line
139 for land use designations), it is not consistent with or complementary to the land use it
140 lies directly adjacent to, Midland Grove Condominiums.

141 6.8 Another factor taken into consideration by the Planning Division is that of fundamental
142 planning principles. It is clear from the Planning Division's review of the record that

143 future use of this remnant parcel did not receive proper consideration in the 1960's, nor
144 in the most recent Comprehensive Plan update process. Had a planning process occurred
145 during the original discussions regarding development on the former farmstead, it is the
146 Planning Division's opinion that the existing parcel would have been guided to either
147 medium or high density.

148 6.9 Basic planning principles would provide for increased residential density in this location
149 to buffer the lower densities to the east, especially when adjacent to or at the intersection
150 of two major roadways. The Metropolitan Council, through its System Statement, is
151 expecting Roseville to add 1,902 new households by 2030. With very little land
152 available for single-family or town home developments, multiple-family residential
153 developments of varying densities will need to be supported by the City to meet this
154 requirement. The City also recently completed an update to the Comprehensive Plan,
155 which supports increased density on infill lots in order to maintain the stock of non-
156 residential areas and to better utilize land not at its highest and best use.

157 6.10 While it could be debated whether medium or high density is the best designation for the
158 parcel, the proposal in front of the City falls into the high-density category. Since the
159 request is asking for a change to high density residential, staff review has been limited to
160 whether or not the high-density designation is appropriate and whether the change
161 will lead to excessive negative effects. To do any detailed analysis on the suitability of
162 medium density on this parcel would be difficult and too speculative without a specific
163 proposal. From staff review, while the proposal would change the land use and create a
164 more intense use than what is there today, the high density use is appropriate given the
165 location of the parcel, the density of the surrounding area, and limited access for the
166 property.

167 6.11 Based on our analysis above, the DRC and Planning Division recommend guiding of the
168 subject 2.61-acre parcel from Low Density Residential to High Density Residential.

170 **7.0 REVIEW OF ZONING/PLANNED UNIT DEVELOPMENT**

171 7.1 To gain a better understanding of historical actions, the Planning Division completed
 172 additional archival review of the subject area. We have concluded that in 1967 the
 173 Village Council rezoned the property to R-3A, but the minutes do not reflect a discussion
 174 of land use or a subsequent designation. The Village Council also supported an
 175 apartment/townhome project on the 10+ acre parcel to the north. However, that project
 176 never came to fruition and, instead, the existing Midland Grove Condominium project
 177 was issued permits by the Village staff.

178 7.2 The Planning Division has concluded the City had a “Comprehensive Development Plan”
 179 in 1969 that identified the Midland Grove property as “Mixed Development” and
 180 Ferriswood and the two residential parcels adjacent to County Road B as “Single
 181 Family”.

182 7.3 Further research by the Planning Division concludes that the Village had three original
 183 residential zoning districts (R-1, R-2 and R-3). However, in 1966 the Village added a
 184 number of new districts including the R-3A residential district (3-to-24 units per
 185 building). Our analysis of Midland Grove Condominiums concludes that the number of
 186 units per building does not conform to the requirements of the R-3A District. Instead the
 187 development would better be served by the R-3 designation.

188 7.4 Research into Ferriswood Townhomes approval concludes that the retaining wall was
 189 installed prior to the construction of Ferris Lane. The record further concludes that the
 190 property received approval of a special use permit for a planned unit development,
 191 effectively rezoning the land to planned unit development, which included the home at
 192 1995 County Road B. The Planning Division also concluded that no formal discussion or
 193 action regarding land use guiding occurred. Unfortunately, the microfiche file does not
 194 exist so our research is limited. Since the early 1990’s the Ferriswood property and 1995
 195 County Road B have been guided Medium Density Residential in the City’s
 196 Comprehensive Plan.

197 **8.0 REVIEW OF PLANNED UNIT DEVELOPMENT**

198 8.1 The GENERAL CONCEPT PLANNED UNIT DEVELOPMENT is a process by which a
 199 development/redevelopment proposal is formally presented in a public hearing to the
 200 Planning Commission for consideration. A PLANNED UNIT DEVELOPMENT (PUD) is a
 201 zoning district, which may include a single or mix of uses on one or more lots or parcels,
 202 and is intended to be used in unique situations to create more flexibility, creativity, and
 203 efficient approach to the use of the land subject to procedures, standards, and regulations
 204 contained in the City Code. If the City Council ultimately approves the GENERAL
 205 CONCEPT, the applicant then prepares fully detailed development plans for final approval
 206 by the City Council.

207 8.2 Concept PUD: Art Mueller seeks consideration of a General Concept PUD to pursue
 208 finalization of a senior living community at 2025 County Road B. The 2.61-acre parcel
 209 would consist of a 3-story, 55-unit structure primarily oriented along the north and east
 210 sides of the parcel and the property would be rezoned from Single Family Residence

211 District (R-1) to Planned Unit Development (PUD). The Planning Division utilized the
212 General Residence District (R-3) as a general guide for the site development.

213 8.3 Building Height: The proposed Orchard development will be 3-stories of senior housing
214 with underground parking and storage. The overall height of the building is anticipated
215 to be approximately 46-feet; however when measured to the midpoint of the roof truss
216 (the Code-required height measurement), the height will be 38 feet. The Roseville City
217 Code has a height limitation of three stories and a maximum of 30 feet for buildings
218 within the R-3 district. The Planning Division has concluded that these two requirements
219 are in conflict with one another and difficult to rationally apply to development
220 proposals. By comparison, Midland Grove Condominiums (a flat roof building) is
221 approximately 34 feet in height to the top of roof parapet. The Planning Division has
222 also reviewed multi-story senior or other housing projects dating back to 2000 and
223 concluded most of these buildings meet the 3-story limitation, but exceed the 30-foot
224 height limitation. These include Greenhouse Village, Midland Villas, Applewood Pointe,
225 and Sunrise Assisted Living.

226 8.4 Building to Lot Size: The R-3 District requires 2,000 sq. ft. of lot area for each one-
227 bedroom unit and 2,800 sq. ft. of lot area for each 2 to 4 bedroom unit. A calculation of
228 the proposed unit mix (10 1-bedroom, 30 2-bedroom, and 15 3-bedroom units) would
229 require lot area totaling 146,000 sq. ft. or lot 3.35 acres in size. Similarly, the City Code
230 limits floor area ratio to .5 or 50% of the lot area. A calculation of floor area for the
231 proposed Orchard concludes 92,571 sq. ft. of floor area and a floor area ratio of .95. The
232 Planning Division has reviewed the similar projects approved by the City since 2000
233 (Green House Village, Midland Villas, Applewood Pointe, and Sunrise Assisted Living)
234 and determined that all have been allowed to deviate from this standard requirement as
235 part of a PUD. The Planning Division believes that the nature of a Planned Unit
236 Development, intended to be used in unique situations to create more flexibility,
237 creativity, and efficient approach to the use of the land, gives the ability for this project to
238 deviate from certain standards.

239 8.5 Building Design: Since the March Planning Commission's consideration of the project
240 the applicant has made a number of modifications to the building footprint to address
241 massing and setback concerns.

242 a. The northeast corner of the building is now proposed at a 45-degree angle versus
243 the previous 90-degree. This modification softens the view by breaking up the
244 wall expanse and lessens the visual impact from properties to the east and
245 northeast.

246 b. The building now includes various jogs to assist in breaking-up the long expanse
247 for the north and south sides.

248 c. The southeast "L" wing of the building now jogs at an angle when it approaches
249 County Road B. This design element will soften the impact of the building and
250 give it added character, privacy, and curb appeal. The third floor now steps back
251 10 feet further from the property line than the lower floors. At the northwest
252 corner of the building, the third floor steps back a full unit.

253 d. The angled "L" wing also features a small end-capped roof to soften the perceived
254 height of the structure. The roofline has been lowered and additional design

- 255 features have been added to give the appearance of a single family structure at the
256 south elevation.
- 257 **e.** The setbacks of the building adjacent the north and east property lines have been
258 increased.
- 259 **f.** Exterior material would be maintenance-free, likely to include asphalt shingles,
260 metal/aluminum soffit and fascia, vinyl or concrete (Hardiboard) siding, brick
261 and/or rock-face block.
- 262 **8.6** Setbacks: The Orchard has a minimum 10-foot front yard setback from Midland Grove
263 Road, a varying corner side yard setback adjacent to County Road B of 28.4 to 39.8 feet,
264 a varying side yard setback from the north property line of 21 to 36.9 feet (the proposed
265 structure would lie approximately 180 feet from the Midland Grove Condominium
266 building), and a varying rear yard setback from the east property line of 30.5 to 51.7 feet.
267 Decks and patios would extend 6 feet closer to the north and east property lines. The
268 Roseville City Code (R-3 District) requires a 30-foot front-yard setback (west), a 30-foot
269 corner side yard setback (south), a 10-foot interior side yard setback (north), and a 30-
270 foot rear-yard setback (east). As shown on the Site Plan, the Orchard meets most of these
271 setback requirements.
- 272 **8.7** Access/Traffic: The applicant proposes to access the site via Midland Grove Road (a
273 public road). Trip Generation engineering data (Institute of Transportation Engineers’
274 Trip Generation Report, 8th Edition (2008) provided by the applicant’s consultant
275 indicates that a 55-unit senior development could generate approximately 193 trips/day
276 overall or approximately 3.5 trips/day per household. Midland Grove Condominiums is
277 not age restricted housing, therefore it has an average daily trip generation of 6.72 per
278 unit (Institute of Transportation Engineers’ Trip Generation Report, 7th Edition, 2003) or
279 1,170 trips per day and a combined total estimated at 1,363 vehicle trips per day.
- 280 **8.8** Parking: Section 1019.10(A) of the City Code sets minimum parking standards by use.
281 The City Code has established parking requirements for nursing homes and senior
282 housing at one space per four beds and one enclosed space plus 0.3 spaces of visitor
283 parking, respectively. The Planning Division has determined that on-site parking
284 required under Code shall be 55 enclosed and 16 surface spaces, or 71 total spaces.
285 Based on the proposal, resident and employee parking will be accommodated through
286 enclosed parking located under the building in approximately 83 underground stalls and
287 with another 19 surface parking lot spaces for visitors.
- 288 **8.9** Landscaping: The applicant has indicated a strong desire to preserve as many trees as
289 feasibly possible, especially those near the intersection of County Road B and Midland
290 Grove Road and north along Midland Grove Road. The applicant will also attempt to
291 preserve and/or transplant some of the apple trees that dot the property. As for proposed
292 landscaping, the plan indicates boulevard trees, interior trees and shrubs throughout the
293 site. Shrubs would act as a natural screen for the main level patios and all storm water
294 management areas will require some form of heightened landscape.
- 295 **8.10** Pathways and Sidewalks: Section 1013.07 of the City’s Code requires that new non-
296 motorized pathways be constructed as part of new development on properties that are
297 designated in the official pathway system plan. However, the plan does not indicate
298 sidewalk or path requirement along the north side of County Road B. The DRC is
299 recommending a sidewalk from the Midland Grove Condominium parcel to County Road

300 B adjacent Midland Grove Road and is looking into a way in which sidewalk can be
 301 provided from Midland Grove Road to Cleveland Avenue, where the identified crossing
 302 lies.

303 8.11 Storm Water: Storm water will be collected and treated on site. The conceptual storm
 304 water management plan indicates three infiltration areas, one at the rear of the building to
 305 assist with drainage from adjacent properties, and the other two in the southwest corner
 306 of the property.

307 8.12 Sanitary Sewer and Water: Sanitary sewer and water will be provided by a water main
 308 and sanitary sewer connection located within County Road B.

309 8.13 Private Utilities: The private utilities, such as electricity, cable, telephone, and natural
 310 gas, will be designed and coordinated through the Public Works Department to be
 311 underground and utilize a joint trenching system, where applicable.

312 **9.0 STAFF COMMENTS**

313 9.1 In order for the City Council to gain a better understanding of the process of the Planning
 314 Division in formulation a recommendation to oppose/support a given development
 315 proposal, we begin by reviewing/analyzing the proposal against: Imagine Roseville 2025,
 316 the current/proposed Comprehensive Land Use Plan, Metropolitan Council's system
 317 statement, and past policy decisions by the City.

318 9.2 Imagine Roseville 2025 indicates that the City should support increased residential
 319 density to reduce housing costs; ensure life-cycle housing throughout that city to attract
 320 and retain a diverse mix of people, family types, economic statuses, ages, and so on; and
 321 employ flexible zoning for property redevelopment to meet broader housing goals such
 322 as density, open space, and lot size.

323 9.3 The recently-completed Comprehensive Planning process did not allocate sufficient
 324 resources to give full consideration of future land use changes for all parcels in the city;
 325 consequently some parcels – including this one – were overlooked in favor of focusing
 326 on areas that seemed more likely to be redeveloped in the near term. Nevertheless, basic
 327 planning principles would provide for increased residential density to buffer the lower
 328 densities lying east, especially when adjacent to or at the intersection of two major
 329 roadways (Cleveland Avenue and County Road B).

330 9.4 The Metropolitan Council, through its System Statement, is expecting Roseville to add
 331 1,902 new households by 2030. With very little land available for single-family or town
 332 home developments, multiple-family residential developments of varying densities will
 333 need to be supported by the City to meet this requirement.

334 9.5 The City's recently-completed Comprehensive Plan supports increased density on infill
 335 lots in order to maintain the stock of non-residential areas and to better utilize land not at
 336 its highest and best use.

337 9.6 Since 2000, Roseville's policy has been to approve multiple-family residential projects
 338 through the planned unit development process, which have deviated from similar general
 339 standards of the City Code. There have been seven such projects, each with a land use
 340 designation of High Density Residential and lying adjacent to single-family homes. All
 341 of these developments except Heritage Place are a minimum of three stories tall and
 342 contain more than 25 units per acre.

9.7 To gain a better perspective, the Planning Division has completed an analysis of the seven previous multiple-family residential projects and determined their density, impervious coverage, and lot-area-to-unit-type (or minimum lot size) ratios. Staff has included calculations regarding the two adjacent developments, Ferris Wood Townhomes and Midland Grove Condominiums. These results include (also see Attachments D1–D6):

Sunrise Assisted Living: 79 units on 2.9 acres = 27.3 units per acre. Impervious coverage calculated at 53,838 or 43.5% of the 123,710 sq. ft. lot size. The project includes 79 one-bedroom units with a minimum lot size requirement of 158,000 sq. ft. of 3.63 acres (D1).

Heritage Place: 50 units on 1.95 acres = 25 units per acre. Impervious coverage calculated at 42,356 sq. ft. or 50% of the 84,942 sq. ft. lot size. The project includes 19 one-bedroom units and 31 two-bedroom or greater units with a minimum lot size requirement of 124,800 sq. ft. or 2.87 acres (D2).

Accessible Space: 22 units on .82 acres = 26.8 units per acre. Impervious coverage calculated at 20,334 sq. ft. or 57% of the 35,719 sq. ft. lot size. The project includes 22 one-bedroom units with a minimum lot size requirement of 44,000 sq. ft. or 1 acre (D3).

Applewood Pointe: 96 units on 3.5 acres = 27.4 units per acre. Impervious coverage calculated at 78,887 sq. ft. or 52% of the 150,481 sq. ft. lot size. The project includes 19 one-bedroom units and 77 two-bedroom or greater units with a minimum lot size requirement of 253,600 sq. ft. or 5.82 acres (D4).

Greenhouse Village: 102 units on 4.5 acres = 26.6 units per acre. Impervious coverage calculated at 104,345 sq. ft. or 54% of the 194,240 sq. ft. lot size. The project includes 22 one-bedroom units and 80 two-bedroom or greater units with a minimum lot size requirement of 268,000 sq. ft. or 6.15 acres (D5).

McCarrons Pond: 42 units on 1.27 acres = 33 units per acre. Impervious coverage calculated at 32,555 sq. ft. or 58% of the 55,321 sq. ft. lot size. The project includes 17 one-bedroom units and 25 two-bedroom or greater units with a minimum lot size requirement of 104,000 sq. ft. or 2.39 acres (D6).

Applewood Pointe II: 96 units on 3.4 acres = 28 units per acre. Impervious coverage calculated at 75,804 sq. ft. or 51% of the 148,104 sq. ft. lot size. The project includes 8 one-bedroom units and 87 two-bedroom or greater units with a minimum lot size requirement of 259,600 sq. ft. or 6 acres.

Ferriswood Townhomes: 47 units on 12 acres = 3.92 units per acre. Impervious coverage calculated at 215,717 sq. ft. or 41% of the 526,659 sq. ft. lot size.

Midland Grove Condos: 174 units on 10.3 acres = 17 units per acre. Impervious coverage calculated at 203,425 sq. ft. or 45% of the 448,370 sq. ft. lot size. The project includes 57 one-bedroom and 117 two-bedroom or greater units with a minimum lot size requirement of 441,600 sq. ft. or 10.1 acres.

The Orchard: 55 units on 2.23 acres = 25 units per acre or 55 units on 2.61 acres = 21 units per acre. Impervious coverage calculated at 50,002 sq. ft. or 51% of the 97,515 sq. ft. lot size or 44% of the 113,691 sq. ft. lot size. The project includes 10 one-bedroom and 45 two-bedroom or greater units with a minimum lot size requirement of 146,000 sq. ft. or 3.35 acres.

	Units	Units/Acre	Lot Size (acres)	Lot Size Req. (acres)	Impervious Coverage	Stories
Sunrise	79	27.3	2.9	3.63	44%	3
Heritage Place	50	25	1.95	2.87	50%	3 above parking
Accessible Space	22	26.8	.82	1	57%	3
Applewood Pointe	96	27.4	3.5	5.82	52%	3-4 above parking
Greenhouse Village	102	26.6	4.5	6.15	54%	3 above parking
McCarrons Pond	42	33	1.27	2.39	58%	3 above parking
Applewood Pointe II	96	28	3.4	6	51%	3 above parking
Ferriswood Townhomes	47	3.92	12	N/A	41%	1+
Midland Grove	174	17	10.3	10.1	45%	3 above parking
Orchard	55	25 (21)	2.23 (2.61)	3.35	51% (44%)	3 above parking

9.8 During the City Council meeting of May 11, the Council forwarded specific items for the Planning Commission to consider; these include:

- a. *Review of the appropriate impervious coverage calculations on the site;*
- b. *Review of the building's relative height based on sight lines and topography of the site;*
- c. *Review of actual scale perspectives relative to height issues from various angles and giving consideration to roof slopes, number of stories, etc.;*
- d. *Review whether sufficient improvements have been made with respect to distances from adjacent properties based on setback requirements and perspectives from adjacent properties;*
- e. *Review of the safety of access points and traffic issues on Midland Grove Road, not only based on number of vehicles, but more specifically density of the area and design of the road; and connections to various and major intersections in that area (i.e., County Road B at Midland Grove Road).*

9.9 The Roseville City Code does not include an impervious coverage requirement for any zoning district other than R-1 and R-2 properties, so it is difficult for the Planning Division to comment on whether the proposal includes too much impervious coverage – especially since the Rice Creek Watershed and City Code require storm water management be provided that address water quality and volume/rate of run-off. It is worth noting that most of the projects analyzed above all have a similar impervious coverage, generally above 50%. The Planning Division has concluded that there is no rationale for determining appropriate impervious coverage when the City does not have a policy.

- 410 9.10 The Orchard as proposed will be of a similar height (3-stories) to Midland Grove
411 Condos, however their over height is different give the flat roof and approximately 34
412 foot height of Midland Grove and the truss roof and 46 feet of The Orchard. There has
413 also been much discussion about the single family home at 1995 County Road B. When
414 the Planning Division considers the impacts of the Orchard to surrounding uses, this
415 parcel is determined to have a future land use designation of Medium Density
416 Residential, with a future allowance of 4 units per acre or up to three attached townhomes
417 meeting the dimensional requirements indicated in the Roseville City Code. Staff and the
418 applicant have taken the concerns of this property owner seriously, and the applicant has
419 made a number of modifications to the plans to minimize the perceived impact, but at the
420 end of the day this property is not given the same deference as if it were guided low
421 density. Additionally, the Planning Division has assessed building height relative to
422 sight lines and topography and concluded that most of the townhomes that lie within
423 Ferriswood will not be able to see the Orchard structure. Those that will view or have a
424 partial view include 2175, 2179, 2181, 2191, 2193, 2195 2201 and 2203 Ferris Lane. It
425 is worth noting that all of the units identified above also have a view of Midland Grove
426 Condominium, with the majority located closer to that building than to the proposed
427 Orchard building.
- 428 9.11 The Orchard is proposed at 3-stories with a truss roof that is 38.6 feet at its midpoint and
429 46.5 feet to the top of peak. This height (though taller) is similar to that of Midland
430 Grove Condominiums which stands at approximately 34 feet, but just as important, the
431 proposed height is consistent with the City's policy decisions on Greenhouse Village,
432 Applewood Pointe, and McCarrons Pond all with similar height, mass, and proximity to
433 existing single-family residential neighborhoods.
- 434 9.12 Given Roseville's limited land availability, the stated need and desire to increase density,
435 past policy decisions, similarities between the Orchard and most other multiple-family
436 residential projects approved by the City since 2000, and the documented limited impacts
437 the Orchard will pose to the surrounding neighbors, Planning Division staff believes that
438 the project ought to be supported as submitted.
- 439 9.13 During the two Planning Commission public hearings and the City Council meeting,
440 adjacent residents raised concerns regarding the difficulties in accessing County Road B
441 from Midland Grove Road, the sight line in and around this intersection, and the volume
442 of traffic (both current and proposed) and conflicts/congestion it will bring. To address
443 this matter, the Planning Division inspected and took photos of County Road B from
444 Fairview Avenue to Cleveland Avenue and the two intersecting streets to gain a better
445 understanding of sight lines, signage, roadway markings, and volume of traffic
446 (Attachment F1-F11). Staff has inspected and reviewed the photos and concluded that
447 appropriate road markings and signs are placed to properly direct and advise drivers on
448 County Road B, Cleveland Avenue and Midland Grove Road, and determined that the
449 turn lanes along County Road B provide ample stacking for the current and anticipated
450 volume of traffic. Since its work began on the Orchard, the Planning Division has been
451 to the site at 2025 County Road B numerous times to inspect varying items, but has never
452 experienced any complications regarding exiting on to County Road B (see Attachment
453 I).
- 454 9.14 The Engineering Division has reviewed the roadway design of County Road B at
455 Cleveland Avenue and Midland Grove Road and determined that the road is of adequate

size and proper design to accommodate motorists traveling attentively at the posted speed. Further, Midland Grove Road is designed appropriately to accommodate vehicles traveling from Midland Grove Condominiums as well as those entering and exiting the Orchard. The Engineering and Planning Divisions share the opinion that the development of the Orchard will eliminate a slight site-line issue looking east from Midland Grove Road as well as provide more light to the road adding safety for vehicles traveling towards County Road B. Staff has researched and concluded that only two accidents have been documented over the past ten years at the Midland Grove/County Road B intersection.

9.15 The Planning Division is interested in working with the applicant's architect on the possible modifications to the exterior elevation of the building through the use of building materials, colors, and architectural features.

9.16 It is worth noting that the vast majority of Roseville's multiple-family housing was built in the 1960's and 1970's, and that they lie predominately adjacent to single-family residences, are zoned Limited Business (B-1), and that do not appear to have been held to any of the multiple-family residential Code standards.

10.0 PROJECT RECOMMENDATION

10.1 On June 3, 2009, the Roseville Planning Commission held the duly-noticed public hear regarding the Comprehensive Land Use Map Amendment and the Rezoning (see attached minutes).

10.2 At the hearing a number of area residents spoke in opposition to the Comprehensive Land Use change from Low Density Residential to High Density Residential and to the Rezoning to Planned Unit Development. These individuals also spoke to the item being heard before the Planning Commission, the General Concept Planned Unit Development. Their comments and the Commissions comments are generalized below:

a. Peter Coyle, Attorney with Larkin Hoffman representing Ferriswood Townhomes and Midland Grove Condominiums addressed the Commission expressing his clients concerns over size, mass, density and traffic the project would have on the area. He also cautioned the Commission over giving up their ability to control development if the Comprehensive Plan and Zoning for/on the property are changed.

b. Mr. Gary Stenson, 2179 Ferris Lane, provided his interpretation of illustrations submitted and discussed in the project report, questioned the Planning Staff's position that the impacts, mass, scale and other attributes were similar to the Orchard's impact on it surroundings. Mr. Stenson also questioned the applicants attempt to increase the lot's size.

c. Mr. Scott Roste, President of the Midland Grove Condominium Association, wondered whether other projects provided as a comparison in the project report had the same level of opposition and the Orchard did. He added that the Association was disgruntled with the inclusion of land the Association thought was theirs. Mr. Roste asked that the Orchard be considered on its own merits as it relates to density, size of available acreage, and location of other uses, and not judged against the other developments presented in the project report. He continued by stating that increased traffic was a major safety concern for the

Association based on the curvature of the road and the realities of vehicles traveling down the middle, their speed, lack of lighting, and pedestrians walking along the shoulder.

- d.** Mr. Dick Taylor, 2211 Midland Grove Road #302, pointed out an address that was misidentified and indicate that he felt the building was much taller than its representation in the documents and than any surrounding buildings. He also was stated a concern over the added traffic.
- e.** Ms. Joyce Thielen, 2210 Midland Grove Road #203 discussed the drainage issues incurred at Midland Grove and her concern over the projects impact on their property and felt the the Orchard would only serve to further compound the issues in the area.
- f.** Mr. Steve Enzler, 1995 County Road B, stated that he felt the design and footprint of the proposed Orchard was a massive building that had not materially changed from the previous iteration. He added that while the developer has broken-up the exterior elevations, there was still a mass of building adjacent his single family home. Mr. Enzler expressed concern over the accuracy of the applicants illustrations. He continued by agreeing with the already stated traffic concerns and questioned why the project is being proposed and why it was so large.
- g.** Mr. Merlyn Scroggins, 2237 Cleveland Avenue, indicated the he believed in the City and that there would always be negative comments on any give project before the City for approval. He added the Orchard was good for Roseville, was a quality development, and a type of necessary housing in the community. He stated that both Midland Grove and Ferriswood were developed out of certain needs and necessities, which changed the character of the City/neighborhood when the were developed. Having lived in the area for 40 years it was his opinion that traffic was not an issue even though is has been increasing.
- h.** Mr. Vijay Pottgrugod, 2250 Midland Grove Road #105, stated his opinion that the apparent rational for supporting the project was added tax base. He added he felt that if the development was constructed as presented the condos he lives in would become less valuable as well as other properties in the surrounding area, and stated his concern over the financial viability of the project.
- i.** Mr. Andy Weyer, 2025 County Road B, property owner and applicant, stated that his family owner the land on which Midland Grove was built and that it once was the family farm and orchard. He indicated that the City was continuing to change as it did when his father had to sell the 10 acres for Midland Grove to pay road assessments. Mr. Weyer added that his family fully supported the project and disputed the information presented by other area residents.
- j.** Ms. Jackie Eastman, 2250 Midland Grove Road #107, opposed the project because of the loss or trees and green space in the area. She added that traffic is a concern and that the Roseville Police Department has issued numerous speeding tickets along County Road B in the general vicinity.
- k.** Commissioner Best thanked the staff for the added information and details in the report and its assistance with addressing this difficult proposal, specifically the comparables and relative impact on adjacent properties. Commissioner Best added stated he felt the items the Council sought review, comment, and

recommendation upon, had been addressed to his satisfaction, and questioned why this project should not be considered differently than from the other similar projects. He added that the Planning Staff provided due diligence in their review and while initially opposed to the project he appreciated the way in which the revised plan addressed various concerns and spoke in support of the project as presented.

l. Chair Doherty noted that he had not been a big supporter of the other iterations of the project, but complemented that Planning Staff and applicant/developer for their efforts in making significant revisions. Chair Doherty noted that the mass and scale had been too large, but the developer scaled back the project in response to previous concerns expressed by the Commission and echoed Commissioner Best's comments and spoke in support of the revised project.

m. Commissioner Gottfried spoke in opposition of the revised proposal and his continued concerns with the project, specifically its height, mass and scale. He gave the developer credit for making numerous modifications to address previous concerns, but indicated the project would need to lose another floor, reduce the height, and that he would only be comfortable with medium density on the site.

n. Commissioner Wozniak noted that he did not support the previous iterations and he does not support the revised proposal. He stated that he was impressed with the modifications the developer and his consultants made to the project, however the building was still too big. He expressed concern over traffic and the intersection of Midland Grove Road and County Road B. Commissioner Wozniak stated he felt there was not enough changes between the plans, there were still too many units for the acreage involved, expressed his preference in Mr. Mueller stepping-up and taking responsibility for the past errors that have been brought forward by residents in his projects.

o. Commissioner Gisselquist noted that this was the first official time he was seeing the project, noting that he had been following the past discussions as a resident living on the other side of the Fairview Community Center. He stated that on one hand it would be sad to see the orchard and open space removed, but sympathized with the property owner and developer's position and the need for directed development on the property. Commissioner Gisselquist indicated that the comparison table provided by the Planning Division in the report put things into perspective and stated that the developer had taken favorable steps to bring density down and that he would be supporting the project.

p. Commissioner Cook stated that he saw no major issues with the proposal and that this type of housing is needed in the community. He indicated he liked the looks of the project and he would be supporting the proposal as presented.

q. Vice Chair Boerigter recognized all the comments, support and objections received during the public hearing portion of the item. He continued by indicating the Roseville has limited opportunities for such developments and given the mandated of the Metropolitan Council and the guidance of the Comprehensive Plan, from this perspective this was a worthy project and indicated his support for the project as presented. Vice Chair Boerigter stated that the project did have some impact on the Enzler and Stenson properties, however

the Orchard was not significantly out of line with the Midland Grove development, nor did its height pose a great impact to Midland Grove or Ferriswood Townhomes. He added that the applicant has made great strides in the building's design elements and structure, with improvements to the aesthetics and a reduction in the scale and mass of the project and stated his decision-making perspective is one of the greater Roseville Community. He continued by stating that the General Concept Plan was good and provided a positive influence on the area and Roseville society, whether or not it increased the City's tax base. Vice Chair Boerigter added the past development projects by Mr. Mueller and the financing of the project were "red herrings" not germane to the land use approval.

10.3 On March 4, 2009, the Roseville Planning Commission voted 4-3 to support the Comprehensive Land Use Amendment. However, under Section 201.07 of the City Code, this is not a recommendation in the affirmative. The Code requires a 5/7 vote of the Commission to actually qualify as a recommendation. In the absence of such a recommendation the Council is not prevented from acting on the request.

10.4 On March 4, 2009, the Planning Commission also voted 7-0 to rezone the property from Single Family Residence to Planned Unit Development.

10.5 On June 3, 2009 the Roseville Planning Commission voted 5-2 to recommend approval of the General Concept PUD as presented in the project report dated June 3, 2009, subject to the following conditions:

- a. The applicant/architect shall work with staff on the exterior elevation of the proposed building;
- b. Parking shall meet the standard requirement of the City Code;
- c. The final landscape plan shall include additional screening along the east, south and north sides of the building. This screening may include a decorative fence and/or berm as well as landscaping;
- d. The final grading and drainage plan shall meet the requirements of the Rice Creek Watershed and the City of Roseville;
- e. The Roseville Fire Marshall shall approve all fire hydrant locations;
- f. The final site plan shall be modified to include a sidewalk along the east side of Midland Grove Road from County Road B to the Southern property line of Midland Grove Condominiums;
- g. The final site plan shall also be modified to include a sidewalk within the County B right-of-way from Midland Grove Road to Cleveland Avenue;
- h. The building be LEED certified or equivalent (*the Planning Division does not recommend that any project be required to be LEED certified due to the tremendous cost and time necessary. However we do support and recommend that projects be encouraged to follow LEED principles and implement "green" technologies*).

11.0 SUGGESTED CITY COUNCIL ACTION:

The Planning Division recommends that the Roseville City Council take the

631 following action regarding Art Mueller's request to redevelop 2025 County Road B
632 with a 55-unit active senior living community:

633 11.1 **Adopt a Resolution approving a COMPREHENSIVE LAND USE MAP AMENDMENT** of
634 2025 County Road B from Low Density Residential (LR) to High Density Residential
635 (HR). The land use map designation change will not become final until the City receives
636 support from the Metropolitan Council.

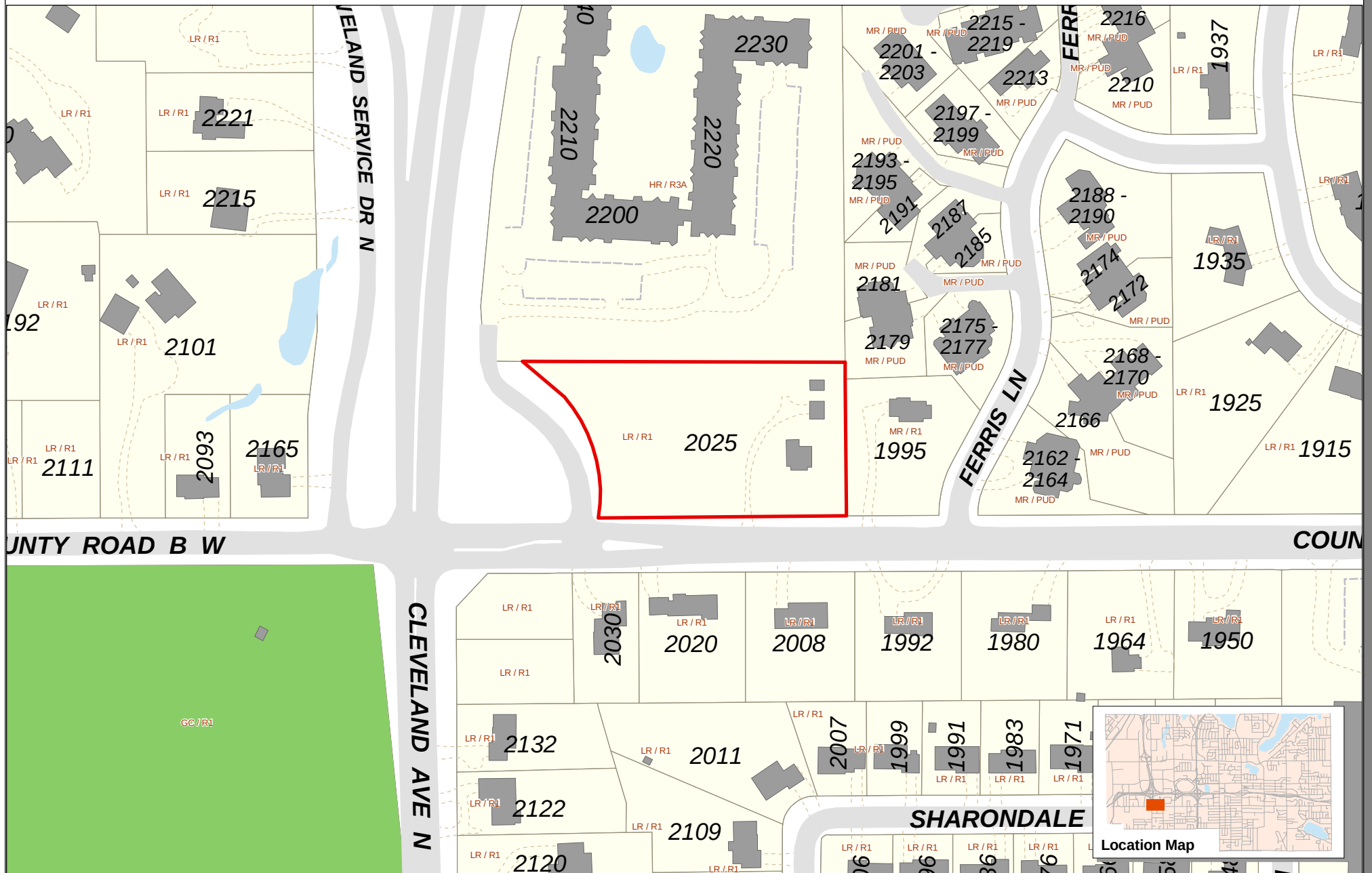
637 11.2 **By motion, support the requested REZONING** of 2025 County Road B from Single
638 Family Residential (R-1) to Planned Unit Development (PUD). The PUD Agreement, if
639 approved in the FINAL phase of the PUD review process, will become the development
640 contract on which the REZONING is based.

641 11.3 **By motion, approval of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT** as
642 prepared for the May 11, 2009 City Council meeting, subject to the conditions of Section
643 9 of this report. Final approval by the City Council will be considered after all conditions
644 and required documents and permits have been submitted for final approval. Final
645 approvals are considered a separate application process.

Prepared by: City Planner, Thomas Paschke

Attachments:	A: Area map	G: Open house summary
	B: Aerial photo	H: Email responses/letter
	C: Comp Plan designations map	I: Planning Commission minutes (2 sets)
	D: Development photos (1-6)	J: Project Plans (10)
	E: Roadway photos (1-11)	K: Draft resolution
	F: Project narrative	

Attachment A: Location Map for Planning File 09-002



Prepared by:
Community Development Department
Printed: February 24, 2009



Site Location

LR / R1 Comp Plan / Zoning
Designations

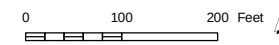
Data Sources

* Ramsey County GIS Base Map (2/4/2009)

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

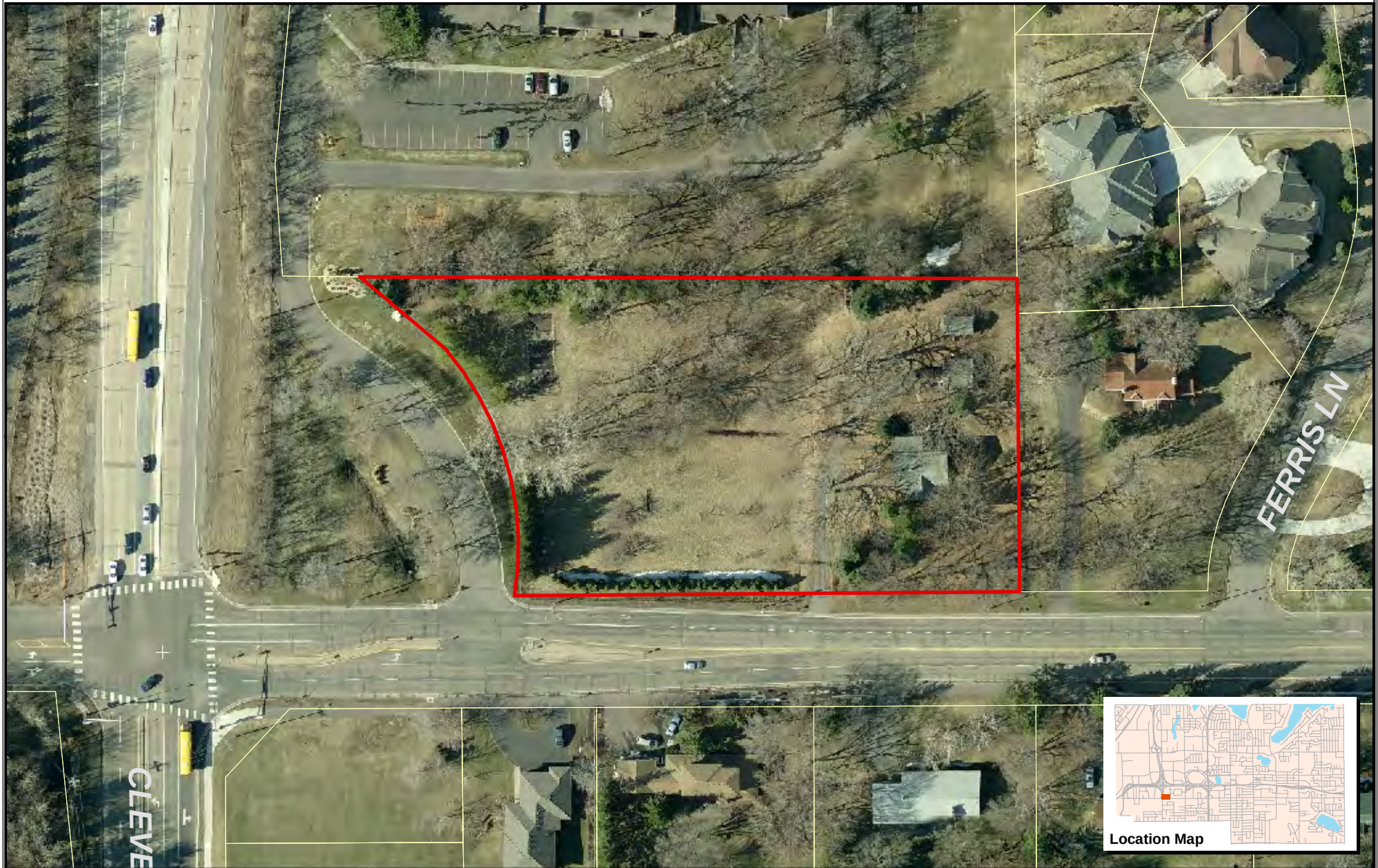
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mapdoc: planning_commission_location.mxd

Attachment B: Aerial Map of Planning File 09-002



Prepared by:
Community Development Department
Printed: February 24, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (2/4/2009)

* Aerial Data: Pictometry (4/2008)

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Comprehensive Plan: Future Land Use Map

Attachment C



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

Data Sources

* Ramsey County GIS Base Map (3/30/2009)
For further information regarding the contents of this map contact:
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2660 Civic Center Drive, Roseville MN

- LR - Low Density Residential
- MR - Medium Density Residential
- HR - High Density Residential
- CH - Church

- S - School
- P - Park
- Right of Way

0 100 200 300 Feet



Sunrise Assisted Living

Attachment D1



Prepared by:
Community Development Department
Printed: May 26, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (5/14/2009)

* Aerial Data: Pictometry (4/2008)

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2660 Civic Center Drive, Roseville MN

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0 50 100 Feet





Heritage Place

Attachment D2



Prepared by:
Community Development Department
Printed: May 22, 2009



Site Location

Data Sources

* Ramsey County GIS Base Map (5/14/2009)

* Aerial Data: Pictometry (4/2008)

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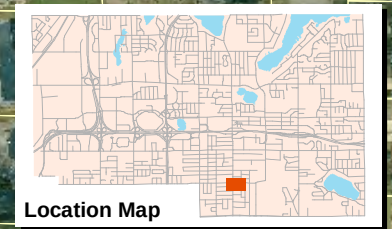






Roselawn Village Apartments / Accessible Space

Attachment D3



Prepared by:
Community Development Department
Printed: May 22, 2009



Site Location

Data Sources

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0 50 100 Feet



Applewood Pointe

Attachment D4



Prepared by:
Community Development Department
Printed: May 22, 2009



Site Location

Data Sources

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0 50 100 Feet









Greenhouse Village

Attachment D5



Prepared by:
Community Development Department
Printed: May 22, 2009



Site Location

Data Sources

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* Aerial Data: Pictometry (4/2008)

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0 50 100 Feet









McCarron's Pond

Attachment D6



Prepared by:
Community Development Department
Printed: May 22, 2009



Site Location

Data Sources

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* Aerial Data: Pictometry (4/2008)

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COUNTY ROAD B NEAR FAIRVIEW AVENUE LOOKING WEST



CREST OF HILL - COUNTY ROAD B AT FERRIS LANE LOOKING WEST





FERRIS LANE AT COUNTY ROAD B LOOKING WEST



COUNTY ROAD B AT MIDLAND GROVE ROAD LOOKING WEST TO CLEVELAND AVENUE



COUNTY ROAD B AT MIDLAND GROVE ROAD LOOKING NORTH



MIDLAND GROVE ROAD AT COUNTY ROAD B LOOKING EAST



MIDLAND GROVE ROAD AT COUNTY ROAD B LOOKING WEST

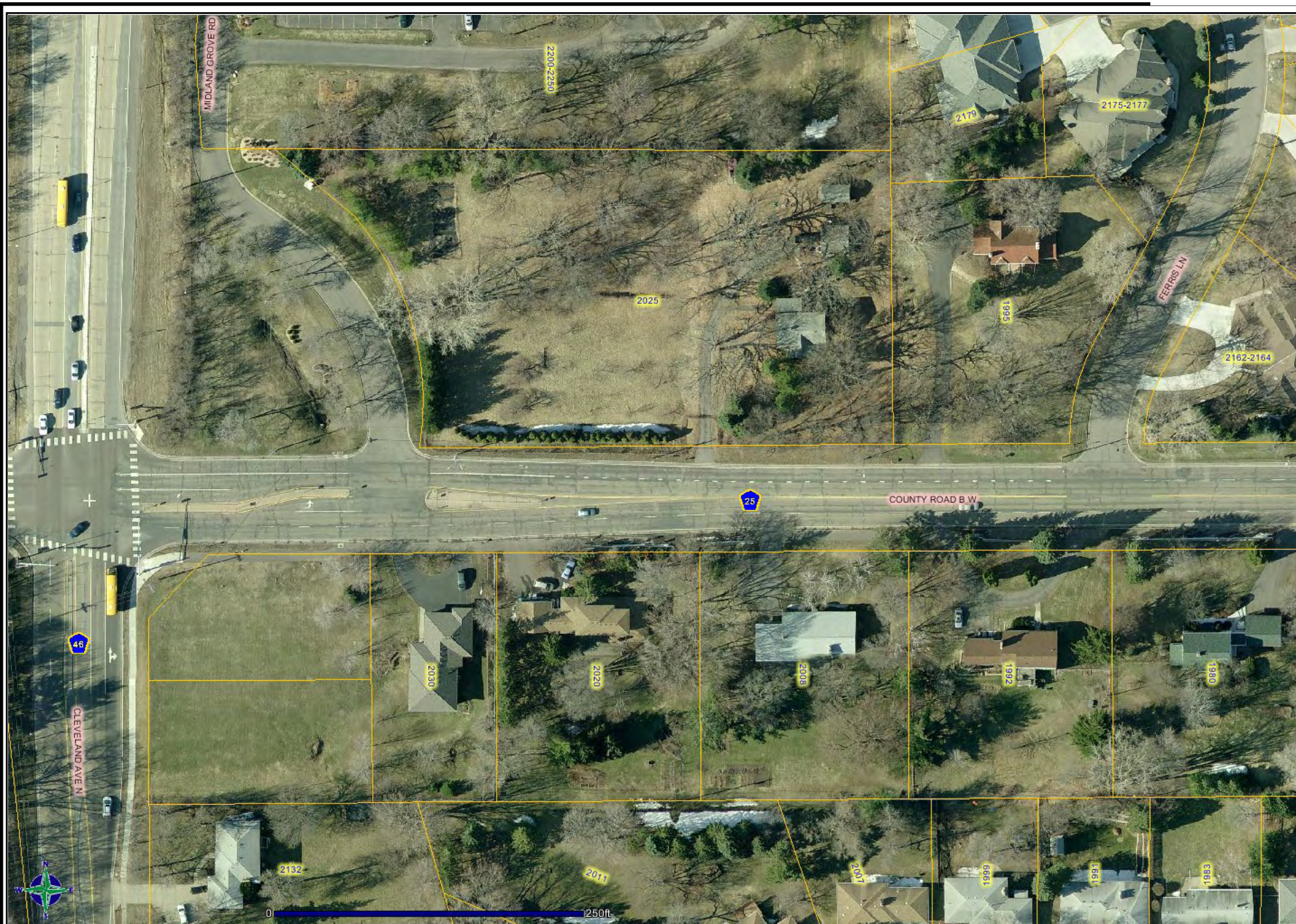


MIDLAND GROVE ROAD LOOKING SOUTH FROM PRIVATE DRIVE STOP SIGN



COUNTY ROAD B AT CLEVELAND AVENUE LOOKING EAST

COUNTY ROAD B - CLEVELAND TO FERRIS LANE



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SOURCES: City of Roseville and Ramsey County, The Lawrence Group; May 15, 2009 for City of Roseville data and Ramsey County property records data, May 2009 for commercial and residential data, April 2008 for

STATION NINETEEN
ARCHITECTS, INC.
2001 UNIVERSITY AVE. S.E. SUITE 100
MINNEAPOLIS, MINNESOTA 55414
612.623.1800 FAX 612.623.0012



**‘The Orchard’ Active Senior Living Development
2025 County Road B West
Roseville, MN**

REVISED PROJECT NARRATIVE

April 29, 2009

Developer:

Art Mueller
2201 Acorn Road
Roseville, MN 55113
(651) 697-1405

Architect:

Station 19 Architects, Inc.
2001 University Avenue SE, Suite 100
Mpls, MN 55414
(612) 623-1800
Contacts: Richard Brownlee, Architect
Tim Johnson, Project Manager

Civil Engineer:

ProSource Technologies
9219 East River Road NW
Coon Rapids, MN 55433
(763) 786-1445
Contact: Brian Krystofiak, PE

REQUESTED ACTIONS

The requested actions for ‘The Orchard’ Active Senior Living Project are as follows:

- ☐ Comprehensive Plan Amendment (LR to HR)
- ☐ Rezoning Approval (R1 to PUD)
- ☐ General Concept PUD Approval

Overview:

Art Mueller, a longtime Roseville resident and developer has proposed to purchase and develop the Weyer property at 2025 West County Road B into an 'Active Senior Living Community'. This proposal was brought forward March 4, 2009 before the Roseville Planning Commission for consideration. The Commission, after consideration and debate respectfully approving the Comprehensive Plan Amendment and Rezoning request to allow for high density use. However, after much deliberation, voting to deny the General Concept PUD. As with the previous proposal, the discussion / debate focused on items such as density, scale, and design appearance. With respect and sensitivity to the neighborhood and the design process, we have again revised our plan to address the neighborhood concerns, after discussion of the pending project with the Roseville Planning Division.

The latest proposal features 55 (1, 2, & 3 bedroom) units with a variety of spacious floor plans, maintenance-free quality exterior architectural materials, landscaping, an outdoor water feature, and underground parking. The concept features a community room, game room, craft and exercise rooms, a kitchen, library, private dining, a guest room, an office, mailroom, as well as many sitting areas. The project is designed for underground owner parking spaces, and at-grade visitor parking spaces.

Siting and Design revisions of the building proposal include:

- A better defined covered entryway feature, greeting guests as they enter the building.
- Parking and access have been revised slightly and feature more parking close to the drop-off area, with a continued water feature as the centerpiece.
- Retention Pond has been slightly modified in shape, but is still the same size and in the same location.
- The second garage access point has been eliminated at the Southeast end of the building.
- The northeast corner of the building has been adjusted and is now proposed at 45 degrees instead of a straight 90 degree flat wall. This feature will soften and break up the wall expanse, and lessen the visual impact from all properties on the east and the northeast sides of the property.
- The proposal now features various building jogs, which help to break up the perceived long expanse of the building from all sides. This feature was a suggestion through discussion with the Architect and Developer, as well as design suggestions from neighbors and Council Members.
- The southeast L-Wing of the building now jogs at an angle as it approaches County Road B. This will also help to soften the impact from the adjacent road and give the building some additional character, privacy, and curb appeal. The 3rd floor steps back 10 feet further from the property line than the lower floors. At the NW corner the 3rd floor steps back one unit.
- The angled L-Wing feature along County Road B, will feature a small end cap roof to soften the perceived height of the structure. The roof line has been lowered and some additional design features added to give the appearance of a single-family structure at the south elevation.
- Both the north and east sides of the building have increased setbacks from the prior proposals. The north setback varies between 21 feet and 36.9 feet, while the east setback varies between 30.5 feet and 51.7 feet in distance.
- The exterior building materials are still proposed to be low maintenance, with some additional accent features added to give the exterior more flair, and to better reflect a residential design-build type product.

Distance from adjacent properties:

The Proposed building will be approximately 97 feet from the SF home on the east (Enzler property), and approximately 124 feet from the townhome on the northeast corner (Stenson property). The closest point of the proposed building from Midland Grove Condominiums to the north is over 200 feet away. The building setback, height revisions, and design changes that we've made soften the visual impact of the project from both roads as well as from the adjacent homes that are in proximity to the project.

Housing Opportunity:

This development will be a useful addition for the City in retaining Roseville's senior community and adding additional quality housing stock. This will allow for many Roseville residents who may want to downsize into maintenance-free living, the option to stay in the community. We believe the location serves a good demographic as well as a wide geographic area. While housing starts are slowing, we are confident this quality active senior living concept featuring many amenities, will be affordable, and marketable. The City will benefit with an *estimated* \$11 million taxable project compared to an existing single-family home with a taxable value of \$300,000. This location is well suited for a high-density project, and no subsidy is being asked of the City/taxpayers.

Note: Census information indicates that Edina, St. Anthony and *Roseville* have the highest percentage of seniors in the Twin Cities metro area, with over 21% of the 34,000 Roseville City residents over 65 years of age.

'The Orchard' density is less than five senior housing proposals approved in Roseville.

Development densities for other senior housing projects in Roseville are as follows:

- Rose Pointe 6-story (148 units on 5 acres) = 29.5 units/acre
- Applewood Pointe II 4-story (94 units on 3.4 Acres) = 27.9 units/acre
- Applewood Pointe I 4-story (95 units on 3.6 Acres) = 26.4 units/acre
- Greenhouse Village 3-story (102 units on 4 Acres) = 25.5 units/acre
- Good Samaritan Society (50 units on 2 Acres) = 25 units/acre
- *The Orchard* 3-story (55 units on 2.23 Acres) = 24.5 units/acre
- Midland Grove 3-story (174 units on 9.25 Acres) = 18.8 units/acre

The proposed Roseville Community benefits of this project are:

- 1) *Increased taxable value of approximately \$11 million.*
- 2) *Quality life cycle housing opportunities for the active senior living community.*
- 3) *Highest and best use of this underutilized in-fill site; is an efficient user of the City's infrastructure; and will have a minimal impact on City systems.*
- 4) *Will allow for greater opportunities for families to live in Roseville by freeing up larger homes that empty nesters and seniors may not want to maintain anymore.*
- 5) *Helps meet the goals of the City that promote sustainable land use, and the goals that support well planned and designed development featuring high quality design and low maintenance architectural materials in promoting livable and attractive communities.*
- 6) *Meets many goals and objectives of the current Roseville Comprehensive Plan and the revised Roseville Comprehensive Plan, specifically Chapter 4; Land Use, and Chapter 6; Housing and Neighborhoods.*



**Neighborhood Open House; February 19, 2009 @ 6:00-7:00pm
The Skating Center; Fireside Room
The Orchard Senior Active Living Development**

Open House / Meeting Notes (2-19-09):

Representatives from Station 19 Architects (Tim Johnson and Richard Brownlee) and Art Mueller were present. The approximate attendance was 20 neighbors from the Midland Grove and the Ferriswood neighborhoods.

Staff from Station 19 Architects and Art Mueller were available and answered questions regarding the revised project, but initially focused on letting people know the basics of the revised proposal. The 4th floor has been eliminated to allow 3-stories, the unit count has been reduced from 77 to 55 units, and the building ends on the south and west sides have shifted in to meet the required multi-family setbacks.

Easel boards were used to show site plans, elevations, aerial representations; and residents were engaged as they entered the room. The open house dialogue was very civil and respectful. Informal discussion focused on various aspects of the project, and ranged from traffic impacts, revised unit count, height reduction, density and revised building setbacks.

Informal discussion with various neighbors indicated concerns about:

- Treating the east side of the building with special features to mitigate visual impacts
- Colors and materials
- Blending in more with adjacent residential
- Request for additional signage to reduce speeds
- Traffic increase along Midland Grove Rd
- Request for landscaping to increase screening on NE and East sides
- Transplant evergreens
- Discussion about keeping 2nd drive on Midland Grove Road
- Discussion about access to site from County Rd B
- Fire/Safety aspects of building; clearance on north side of bldg
- Balcony usage

Neighbor Steve Enzler and another adjacent neighbor remain concerned about the impact to their properties. Enzler focused on what the development will look like from his kitchen pantry, which faces toward the west. The 1-story height reduction and the 97-foot distance were discussed and whether or not this mitigated his concerns about sunlight, building mass, etc.

Discussion about traffic impacts were discussed by several parties, and the Architects conveyed that the additional development would generate 1 car every 4-5 minutes during peak usage. Some residents still indicated their concern for traffic and high speeds at the intersections.

Density was discussed and it was conveyed to some residents that the revised Orchard density at 24.5 units/acre was actually less than four recent senior developments which were all between 25-28 units/acre. Further discussion was minimal. Height reduction was also addressed and further discussion about overall building height took place. The height of the Midland Grove building and it's relationship to the proposed site was discussed; over 200 feet from building to building; Existing trees and landscape to remain along property line.

There was also discussion on the demographic data concerning marketability of the project. It was conveyed that Roseville along with Edina and St. Anthony had the highest % of seniors in the metro area. Twenty-one + % of Roseville's population is over 65 years old.

Several residents indicated at the end of the open house that they'd be supportive of additional stories if it meant more greenspace for the overall development.

The Open House ended at about 7:15 pm.

Submitted by:
Tim Johnson
Station 19 Architects, Inc.



ORCHARD

MAY 16, 2009

TO: ROSEVILLE CITY COUNCIL AND PLANNING COMMISSION

FROM BOB OLSEN, (2170 FERRIS LANE)

I HAD THE OPPORTUNITY TO ATTEND THE MAY 11TH CITY COUNCIL MEETING AND LISTEN TO THE DISCUSSION OF THE MERITS AND DEMERITS OF THE PROPOSED REZONING AND CONSTRUCTION OF THE ORCHARD PROJECT BY ART MUELLER AND ASSOCIATES. THANK YOU FOR THE VERY COURTEOUS TREATMENT OF THE ISSUES AND THE INDIVIDUALS WHO MADE PRESENTATIONS ABOUT THIS PROJECT AND THE OPENNESS AND WILLINGNESS TO HEAR THE VARIOUS SPEAKERS.

MY WIFE AND I BUILT OUR FIRST ROSEVILLE HOUSE IN 1960 AND THE CURRENT RESIDENCE AT 2170 FERRIS LANE IN 1988. THIS IS A BEAUTIFUL COMMUNITY AND REFLECTS THE GREEN AREAS AND UNIT SPACING THAT ART INSISTED ON FOR THAT DEVELOPMENT. ROSEVILLE HAS ALWAYS BEEN A GREAT PLACE TO LIVE AND OUR INTERESTS ARE THAT IT CONTINUES TO BE A GREAT PLACE TO LIVE.

THE ISSUES ABOUT POTENTIAL TRAFFIC PROBLEMS, DRAINAGE ISSUES AND THE QUESTIONS ABOUT THE OVERALL FIT OF THAT PROJECT AT THAT LOCATION WERE DISCUSSED AT LENGTH AND I HAVE LITTLE NEW TO ADD TO THAT.

THE CONCERN THAT I HAVE GOES BACK TO MY PRE-RETIREMENT YEARS WHEN AS A PRACTICING CERTIFIED PUBLIC ACCOUNTANT, WE PREPARED MANY CASH FLOW AND FINANCING PROJECTIONS. WHENEVER THERE WAS A CHANGE IN THE PARAMETERS OF ONE OF THOSE PROJECTS, ALL KINDS OF NEW PROBLEMS AROSE. THIS MAY APPLY TO THIS PROJECT WHEN IT WAS DOWNSIZED FROM THE ORIGINAL 78 UNITS TO THE PRESENT 55 UNITS. AT THE \$150,000 LEVEL THAT ART INDICATED WOULD BE CHARGED TO THE RESIDENTS MOVING INTO THE PROJECT, \$11,700,000 WOULD BE THE HIGH SIDE MONEY GENERATION WHICH SHOULD HAVE BEEN IN THE ORIGINAL PROJECTION. THAT CHANGES TO \$8,250,000 WITH THE REVISED 55 UNITS PROPOSED BY THE LAST SET OF PAPERS. A SECOND ISSUE WOULD BE THE FIXED OPERATING COSTS AND EXPENSES WOULD NOW HAVE FEWER UNITS AND THE PROPOSED MONTHLY RENTALS MIGHT HAVE TO BE REVISED UPWARD. DOES THIS HAVE AN EFFECT ON THE FLOW OF NEW RESIDENTS? FRANKLY, I DO NOT KNOW. IF THE NEW NUMBERS ARE NOT WORKABLE, DOES THIS LEAVE THE PROPERTY AS A POTENTIAL PROBLEM FOR FUTURE GENERATIONS OF THE ELECTED REPRESENTATIVES OF ROSEVILLE AS AN ECONOMICS DRIVEN FAILURE?

ON THE SURFACE, IT WOULD SEEM TO ME THE DISCOMFORT OF THAT TYPE OF BUILDING BEING CONSTRUCTED ON THAT SITE MIGHT INDICATE THE DEVELOPERS WOULD BE WELL ADVISED TO GO BACK TO THE ORIGINAL 78 UNITS AT A DIFFERENT SITE.

I WILL SEND THIS NOTE TO THE CITY MANAGER AND REQUEST THAT COPIES BE DISTRIBUTED TO THE MEMBERS OF THE COUNCIL AND THE PLANNING COMMISSION. THANK YOU FOR YOUR TIME.

STEVE AND KATHY ENZLER

June 2, 2009

Mr. Thomas Paschke
Roseville City Planner
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-5446
Email: thomas.paschke@ci.roseville.mn.us

Re: 2025 County Road B Orchard project revision #3

Dear Mr. Paschke,

This serves as a letter voicing our continued concerns regarding the proposed land use amendment and revised general concept planned unit development of a 55-unit, 3-story Active Senior Living Community Building at 2025 Count Road B. Our concerns and opposition continue to fall into three areas:

1. The Proposed Land Use Amendment

While the Planning Department has instructed the Planning Commission to ignore this aspect of the upcoming meeting, the record needs to be corrected both in the minutes and in forwarding any new proposal to the City Council. Specifically, the Roseville Planning Commission, per City Code Section 201.07 has recommended to the City Council to TURN DOWN the Comprehensive Plan change requested by the Planning Department and Mr. Mueller as the vote does not meet the required 5/7s threshold. The Planning Commission vote was 4 to 3. A copy of the code is highlighted here:

201.07: PROCEDURE FOR ADOPTION OF CITY COMPREHENSIVE PLAN:

The Planning Commission may, at any time, recommend to the City Council, the adoption of the City Comprehensive Plan, any section of it or any *substantial amendment* thereof. Before making such recommendation to the City Council, the Planning Commission shall hold at least one public hearing, as provided for in Chapter 108 of this Code. The recommendation by the Planning Commission to the City Council shall be by a resolution of the Commission, *approved by the affirmative votes of not less than 5/7ths of its total membership.*

We agree with the Planning Commission's vote that a 2-step increase in the Comprehensive Plan requested by a Developer is inappropriate for this parcel. Financial gain at the expense of its neighbors lacks good planning principals and does not adequately address other possible, better use.

Where are the parks "planned" for our area of Roseville?

Was medium density considered for this parcel?

Who contacted the Roseville Historical Society about the heritage aspect of this property?

As currently configured our area of Roseville is a model blend of medium density, high density and single residence. Any substantial change proposed by a developer, in place of proper planning, should only be done if there is overwhelming consensus that the project as proposed has merit to all interested parties.

The medium density designation of our property at 1995 West County Road B in the Comprehensive Plan is ill placed and is being used by the Planning Department to help justify this project. Through research, the only reason for this designation was to facilitate Mr. Mueller's acquisition of land to build the Ferriswood Association in the 1980s. While the Planning Department has informed us that they would not support our initial inquiries to return our property to low density because of planning principals (busy street etc.) subsequent inquiries by us to qualified developers suggest our lot could not economically be used to house a medium density project. So the neighboring "reality" is single resident, not medium density.

2. The proposed project

- **This project remains massive for the site and could impact our air, light and view.** This 45-foot plus high structure has not changed materially in height or setback from our house from the proposal voted down by our Planning Commission 6 to 1. Comparisons to other senior building emphasize our point. In virtually ALL examples presented by your Department, the bordering land is either parking lot, road, or commercial. When single residences are present there is substantial distance between the larger development and the single residence structure. Why are you recommending departure here?
- **The proposed senior living business model is more of a senior “country club” than true senior living.** We do not see the value of having a senior citizen plo down \$150,000 to 200,000 for the “right” to rent a condominium. As we understand it, the person receives their “membership” payment back when they wish to move. BUT they receive no return on their funds AND any appreciation/interest goes to the developer. Does this kind of senior living really meet the long-term senior living needs of Roseville? We believe a better project for Roseville would be senior subsidized living sponsored by a credible agency (like Presbyterian Homes) that is smaller in scope ...2 story 30 units...
- **There is little to no useable green space in this plan.** When looking at the surface coverage calculations one wonders if the parking lots are included? Run off and other environmental concerns have only been minimally addressed. Why is the City approving such a dramatic change without more research and appropriate environmental signoff? We are especially concerned about ground water runoff.

3. The Developer

• As we understand it, this Developer’s LLC consists of two members; Mr. Mueller and his son, who is in the insurance business. Mr. Mueller acknowledges he is in his 80s. We believe the city should be reasonably concerned that what they think will be here, will not be what is on this land in the next 5 to 10 years.

• As developer of Ferriswood, Mr. Mueller left a boundary mess that our family is still struggling to clean up. One of the units behind our home was built violating setback rules. Survey errors have our pre-existing sidewalk on both our and Ferriswood property. Mr. Mueller, via the association, built a retaining wall that is currently in dispute as to who is responsible for it. It was built by him as part of the Ferriswood development on city property, our property and the Ferriswood property. It does not match the as-built provided to us by the city. Currently, no one is accepting ownership and responsibility for the wall. The city believes one thing, the Ferriswood Association assumes another, and we have a third opinion. The point of this is that most of this problem was caused by construction directed by Mr. Mueller.

What will the city do when Mr. Mueller once again begs forgiveness versus asking permission on code violations? What will the city do when the business proposal doesn’t work because seniors aren’t willing to put \$100’s of thousands of dollars down for no return, the project fails and remains partially finished?

Summary

We believe the city needs to address senior needs in our community. We also believe either a medium density designation or a reasonable R-3 structure that does not hide behind a PUD could work next door. We simply believe this project is too massive and inappropriate for this location.

Requesting a two-step jump in the Comprehensive Plan then requesting a PUD so an R-7 structure can be placed on this low-density parcel does not pass a reasonableness test.

Sincerely,

Steve and KathyENZler

Thomas Paschke

From: Jim & Nancy Doherty [REDACTED]
Sent: Wednesday, June 03, 2009 10:50 AM
To: Thomas Paschke
Subject: Re: Submissions

Thomas, here they are.

Jim

No. 1

From: <support@civicplus.com>
To: <planning.commission@ci.roseville.mn.us>
Sent: Monday, June 01, 2009 2:11 PM
Subject: Online Form Submittal: Contact Planning Commission

The following form was submitted via your website: Contact Planning Commission

Name:: Scott Roste

Address:: 2220 Midland Grove Rd. #211

City:: Roseville

State: : MN

Zip:: 55113

Home Phone Number:: [REDACTED]

Daytime Phone Number:: [REDACTED]

Email Address:: [REDACTED]

Please Share Your Comment, Question or Concern: Dear Members of the Planning Commission:
My name is Scott Roste and I am the current president of the Midland Grove Condo Association. I am contacting you in regard to Planning File 09-002, the request by developer Art Mueller to construct "The Orchard", a complex at 2025 County Road B consisting of 55 units. The Orchard site lies directly south of Midland Grove Condominiums and many of our residents object to the project and I am contacting you as their representative.

As you are aware, in order for Mr. Mueller to move forward, he is seeking 3 accommodations from the City of Roseville. (1) He needs the Roseville Comprehensive Land Use Plan to be modified to change the site from a low density residential classification to a high density residential classification. (2) He needs the site to then be rezoned from single family residence status to a PUD (Planned Unit Development) status because his current proposal does not meet certain city code requirements. (3) Finally, he wants his specific 3-story, 55 unit proposal to be approved for development.

Back in February, Mr. Mueller originally proposed a 4-story, 77 unit complex to the Roseville Planning

07/07/2009

Commission. Due to the opposition from residents at Midland Grove, neighboring Ferriswood residents and the neighbor to the East, Steve Enzler, Mr. Mueller withdrew his proposal. He then attended the March Planning Commission meeting and proposed a 3-story, 55 unit complex. Again, neighbors from Midland Grove, Ferriswood and Steve Enzler opposed the project due to concerns about the size and scale of the project, the volume of additional traffic, the impairment of sightlines and other issues. Due to these concerns, the Planning Commission denied approval for the Orchard project. Despite this denial, Mr. Mueller brought his proposal to the May Roseville City Council meeting. At this meeting, a petition of 107 Midland Grove residents was presented opposing the project, residents of Ferriswood were also in opposition to the project as was the neighbor to the east, Steve Enzler. Based on these concerns, the City Council remanded the Orchard proposal back to the Planning Commission for further investigation.

Because the Orchard project has been remanded back to the Planning Commission, please allow me to repeat the concerns of our residents for your review.

(1) The first issue is the size of the proposed site. As noted in the original proposal, the site at 2025 County Road B consists of 2.23 useable acres. You may notice in the more recent packet that Mr. Mueller states that the site also includes an additional parcel of land to the west of Midland Grove Road granted to him by MNDOT which raises the acreage up to 2.61 acres. Please do not be misled by this information. Ownership of the land to the west of Midland Grove Road is not clear at this time and this land may be owned by Midland Grove Condominiums. If the land was owned or operated by MNDOT during this time, then ownership cannot merely be handed back to Mr. Mueller. Residents of Midland Grove have been tending to that parcel of property for over 20 years and we dispute MNDOT's ability to hand the land over to Mr. Mueller.

PLEASE NOTE, that regardless of the ownership of this parcel, it is meaningless as to the scope and size of the Orchard project because nothing will be built on this strip of land. The entirety of the Orchard project will be built on the main site which is merely 2.23 useable acres. Therefore this additional parcel should have no bearing on how the project is reviewed. If the Planning Commission or the City Council are going to include this parcel in the density and city code calculations of the site, then Midland Grove hereby requests the city to review the true ownership of this parcel and make a determination on whether this land belongs to Midland Grove.

(2) The second issue is the density of the proposed project. The Orchard projects to have a density level of over 24 units per acre. While this may seem compatible with other senior housing projects in Roseville, all but one of those other senior housing projects have at least 3.4 acres of land to soften the impact to surrounding neighbors. The Orchard site is so small, that the building will abut its neighbors to the east and west and significantly impair their sightlines. This density level does not fit into the overall neighborhood. Despite having 174 units, Midland Grove has a density level of 18.8 units/acre because it is located on almost 10 acres in a park-like setting. The neighboring townhomes of Ferriswood have a much lower density level. Thus cramming a high density project into this small piece of land just isn't appropriate for the surrounding area.

PLEASE NOTE: Most residents of Midland Grove agree that the property site is not conducive to single family homes, however switching from low density to high density is inappropriate. Many Midland Grove residents would likely support some type of medium density project at that location (4-12 units per acre would equal 9-27 units). However the Orchard project is more than double that amount. We recognize that Mr. Mueller has made some cosmetic adjustments to his project since the March Planning Commission meeting, but these changes are merely cosmetic and do not affect the issues raised by our residents.

(3) The third issue is the scale of the project related to the small size of the proposed site. The Orchard project is seeking a PUD exemption because it will not meet certain city code requirements. Specifically, the Orchard project will not meet city code height limitations, lot space per unit requirements or floor area ratio requirements. In the March packet, the Orchard project was seeking 29% variance on the city code height requirement, a 50% variance for lot space per unit requirements and a 90% variance for floor area ratio requirements. Adding these variances together results in a project that is out of scope for the size of the property site and is a signal to the Planning Commission and the City Council that the site is more appropriate for medium density use.

For example, city code requires 2,000 square feet (sf) of lot space for each 1-bedroom unit and 2,800 sf for 2, 3 or 4-bedroom units. As currently proposed, the Orchard would require 146,000 sf in lot space (3.35 acres). Yet the site in question only has 97,000 sf (2.23 acres). Thus Mr. Mueller needs a variance of 50%. Another example is that city code requires a floor area ratio of .5 or 50% in order to preserve sufficient green space. This would limit the size of the project to half of the existing 97,000 sf and contain the project at 48,500 sf. Yet the Orchard proposes a structure of 92,500 sf. This represents a floor area ratio of .95 or 95% and would be a 90% variance from city code. These significant disparities show that the project is overbuilding the site in question and thus a PUD should not be granted for this project.

PLEASE NOTE: Our residents recognize that a PUD is appropriate when minor variances to city code requirements are needed, but that is not the situation here. In this case, the PUD would essentially be gutting the city code requirements which are supposed to be designed to keep high density projects from overbuilding and preserve green space in Roseville. For this reason, our residents are opposed to the Orchard project.

(4) Another issue is water drainage. As a point of reference, Mr. Mueller was also the developer for the Midland Grove Condominiums which were built in 1969. Over the past 40 years, several water drainage problems have persisted at our complex resulting in water seeping into the foundation and the underground garages. Just last year, our complex approved a \$600,000 special assessment to be paid by our residents to dig up and redesign water drainage along all of our buildings. I do not know if these problems could have been prevented during the design of the complex in the 1960's, but it concerns me that the Orchard proposal lies on land that is lower than the land to the East and North. Therefore the site will be subject to significant water runoff. Mr. Mueller's project will have over 50% surface area coverage, meaning over half the lot will be covered by either the building structure or impervious parking lot surfacing. Where will this water go?

Just to the east, County Road B dips down into a valley in front of the Fairview Community Center and this location has been the site of flash flooding in the past. By allowing a high density project on a small property site adjacent to County Road B, our residents are concerned that this problem will be exacerbated. Another reason to limit the property site to something smaller in scope and scale.

(5) The next concern is related to traffic. Midland Grove is a short, curved road which essentially dead ends at our complex. The road entrance is within 100 feet of the Cleveland and County Road B intersection which is a high traffic intersection. To leave Midland Grove Road, a driver must negotiate traffic turning from Cleveland as well as high-speed traffic coming from the east on County Road B. Because County Road B dips to the east (as mentioned above), cars are sometimes not visible until the last moment. The Orchard project would add a driveway from Midland Grove Road to the Orchard site. This would increase traffic significantly and many of our residents are concerned about accidents and safety. There is also no sidewalk from the Midland Grove complex out to the street, meaning all walkers (including many of our senior residents) must walk in the street during both summer and winter months. Adding traffic from a high density site to this situation is not conducive for maintaining safety. Again, a medium density or smaller project would alleviate these concerns.

(6) The final topic is financing. I don't know if the Planning Commission or the City Council typically discuss developer financing in these proposals, but it should be a topic of concern in this instance. Mr. Mueller has identified the project as an active senior living complex which will be a hybrid between ownership and renting. In theory, residents will pay a large down payment of cash (\$150,000 or more) to move in to a unit. However they won't own the unit. The residents will still pay a monthly association fee to live there (similar to rent) and then when the resident wants to move out or dies, their large down payment will be refunded to them (without any accumulated interest, I assume this goes to the developer/land owner). While this protects the resident from losing value on their condo asset, it also prevents the resident from gaining any appreciation in value from the condo asset. This raises several issues for the Commission and the Council to consider.

Are there really enough potential residents who will want to buy in to this situation? In this economy, how many seniors will legitimately be able to move in with this down payment requirement? The last thing the city and the neighborhood want is a building site which is either vacant or sitting half-empty due to a lack of

demand for its units. And what are the consequences of a proposal whereby the residents won't actually own their units. Will they upgrade their units and maintain good property values if they have no incentive to appreciate their units in value? And what consequence will this design have to the city? If there is no actual sale of units, will the city lose out on potential tax revenues? Finally, who will manage this project going forward? With all due respect to Mr. Mueller, I believe he is listed at age 84 and will not realistically be able to manage this project for many years, however it is unclear who will manage this project going forward. He has mentioned his son, yet he has not spoken at any of the presentations.

To conclude, 107 residents from Midland Grove have signed a petition opposing the Orchard project and at this time, we see no reason to change our current stance. Due to the concerns and issues above, we ask and expect the Planning Commission to deny approval for this project and to wait until a more appropriate plan of use for the property site is presented. Thank you for your time and effort in this manner, please contact me with any questions.

-Scott Roste

Additional Information:

Form submitted on: 6/1/2009 2:11:37 PM

Submitted from IP Address: [REDACTED]

Form Address: <http://www.ci.roseville.mn.us/forms.aspx?FID=136>

No. 2

The following form was submitted via your website: Contact Planning Commission

Name:: Ann M. Bursch

Address:: 2220 Midland Grove Rd. #201

City:: Roseville

State: : MN

Zip:: 55113

Home Phone Number:: [REDACTED]

Daytime Phone Number::

Email Address: [REDACTED]

Please Share Your Comment, Question or Concern:

To: Members of Roseville City Planning Commission

From: Ann Bursch Resident and Treasurer of the Board at Midland Grove Association

Re: Proposed Orchard Project at 2025 County Road B.

07/07/2009

There is a sign advertising Applewood Pointe Cooperative at Langton Lake that has been placed on Cleveland Ave. N. near County Road D along with boarded up homes for some time. This area is surrounded by more commercial properties than the proposed 'Orchard Site' Plans for the Second Applewood Pointe Cooperative in Roseville located at Langton Lake began in 2007 – they have not begun to build as of 5/25/09 – their information states they hope to begin breaking ground in late 2009. We do not want a similar sign and a boarded up home on the corner of Midland Grove Road and County Road B!

Following are excerpts from an editorial in the March 26, 2009 Minneapolis Star Tribune, an April 2009 ARRP Newsletter and an article in the May 18, 2009 Star Tribune.

Editorial: Ghost Developments Thursday, March 26. Star Tribune.

"A ground breaking story by the Star Tribune's Chris Serres on Sunday March 22 revealed that the landscape of Minnesota is littered with the consequences of reckless lending. Developments that city leaders hoped would become thriving new neighborhoods are now messes of weeds, buckled roads, construction debris and towering piles of dirt. Serres' story should sound the alarm for growing communities in Minnesota and across the nation. City officials regularly evaluate proposals for new housing developments and decide whether to approve them. illustrates the need for more local scrutiny of developers' financing arrangements. Its and unfortunate but important lesson for years ahead and a task that both regulators and organizations such as the League of Minnesota Cities should assist cities in performing to require that developers put cash in an account as a guarantee that projects get done. Those are worthwhile steps to consider. The League of Minnesota Cities is also considering new educational programs to help city officials evaluate developers' finances, or to help cities find experts to do so. The league's initiative is welcome and the programs it is considering are badly needed. They merit swift implementation."

ARRP Bulletin April. 2009 "Age Restricted Housing Becomes Ageless. The market for age-restricted housing has gone bust as the economic downturn prompts many boomers, unable to sell their homes, to age in place instead. many developers have asked to lift the age restrictions – typically requiring residents to be 55 – plus. Local officials have often granted the requests rather than have near-vacant complexes. It's an 'issue that's going on across the country,' says Jennifer Raitt, chairwoman of the housing and community development division of the American Planning Association."

Star Tribune – Monday, May 18 2009.

"Recession delays, derails area redevelopment projects." To summarize this article .

- Arden Hills withdrew its offer to purchase a 774 acre tract formerly occupied by the Twin Cities Army Ammunition Plant after Ryan Companies ended its agreement to develop the site.
- Late in 2008 developers pulled out of the 100 acre NW Quadrant Project in New Brighton
- In Minnetonka financing difficulties led Glen Lake developers to scrap a plan to build 40 high end condos.
- In downtown St. Paul, an ambitious redevelopment project at the riverfront jails site has been withdrawn."

These are a few of the examples of projects that have been approved and are at a standstill during these difficult times.

You have heard the arguments that Mr. Mueller's plans for an Active Senior Living Complex is too dense for the small parcel – very little green space, safety concerns etc.

I would like to make a correction to Station Nineteen Architects, Inc Narrative 4/29/09 page 3 Development densities for other senior housing projects in Roseville are as follows:

Rose Pointe is on 10 acres not 5 acres as stated in the narrative. There is a total of 190 units on that 10 acres making that 19 unit per acre. Also Midland Grove is not a senior housing project!

Yes, Roseville may have one of the highest Senior population in the Twin City Area but is that in part because we already have many active Senior Living complexes which are having difficulty selling or renting, because seniors can not afford to make the move and are 'staying in place' with help in their own home?

I am asking you to consider carefully this proposal – is this something you would want in your residential neighborhood?

Additional Information:

Form submitted on: 6/1/2009 11:41:50 AM

Submitted from IP Address: [REDACTED]

Form Address: <http://www.cityofroseville.com/forms.aspx?FID=136>

----- Original Message -----

From: [Thomas Paschke](#)

To: [James Doherty](#)

Sent: Wednesday, June 03, 2009 10:39 AM

Subject: Submissions

Jim;

In some cases we do and in other cases we do not. If possible forward so that copies can be made and available at the meeting. THANKS

THOMAS PASCHKE
CITY PLANNER
City of Roseville
2660 Civic Center Drive, MN 55113
Direct # 651-792-7074

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07/07/2009

From: Gertrude Coad [REDACTED]
Sent: Wednesday, July 08, 2009 11:18 AM
To: *RVCouncil
Subject: Fw: Orchard

I am reuesting a three-dimensional mockup of the proposed ORCHARD BUILDING be made in scale to show the effect that it will have on Midland Grove Condominiums, Ferriswood and the single family homes on County Road B and adjoining areas. I can understand why Art Mueller did not include this information. But our planning division of the city of Roseville should have seen the need for it.

This will seriously affect the health of our two maple trees that are at our po]roperty line and the lack of sunlight will kill the blooming plants in our flower garden which is just north of our property line.

We had another meeting yesterday at Midland Condos and people are very unhappy with the threat of the Orchard or whatever he decided to build closing us off from view. Om addition to the problems with their inability to have their own entrance and exit roads. The rest of the homeowners in the area have been good taxpaying citizens. Why are we getting dumped on in this manner?

Gertrude Coad
[REDACTED]

----- Original Message -----

From: Thomas Paschke
To: [REDACTED]
Sent: Monday, June 29, 2009 12:27 PM
Subject: Orchard

Gertrude;

I received your voice mail as well as email request regarding additional information regarding the Orchard.

Your first request was for clarification on the building setback from the property line adjacent to Midland Grove Condos - the building has a varying setback of 21 feet to 36.9 feet adjacent the north property line and will lie approximately 180 feet from the Midland Grove building.

The second question was interest in knowing whether a three dimensional drawing has been created for the proposal - the answer is NO the applicants nor the City has created such an illustration.

Should your have further questions or comments, please feel free to call or email me.

THOMAS PASCHKE
CITY PLANNER
City of Roseville
2660 Civic Center Drive, MN 55113
Direct # 651-792-7074

7/9/2009

**EXTRACT OF THE JUNE 3, 2009 DRAFT
ROSEVILLE PLANNING COMMISSION MEETING MINUTES**

d. PLANNING FILE 09-002

Review of the revised request by Art Mueller for approval of a GENERAL CONCEPT PLANNED UNIT DEVELOPMENT to redevelop the property at 2025 County Road B into a senior living community (PF 09-002)

Vice Chair Boerigter opened the Public Hearing for Planning File 09-002 at 7:54 p.m.

City Planner Thomas Paschke noted the correct Item Description provided in the Request for Planning Commission action dated June 3, 2009, rather than the inaccurate description on the meeting agenda; and in following the specific charge to the Planning Commission from the May 11, 2009 City Council meeting, as detailed in Section 7.8 of the staff report. Mr. Paschke noted that all other related actions had previously been acted upon by the Planning Commission and forwarded to the City Council.

For the record, Mr. Paschke noted receipt of a letter dated June 2, 2009 from Steve and Kathy Enzler; and three (3) e-mails received by Chair Doherty and or staff, and with copies provided to Commissioners and copies made available to the public in the back of the Council Chambers. Vice Chair Boerigter noted receipt of those items into the record, attached hereto and made a part thereof.

Mr. Paschke reviewed staff's analysis of the revised GENERAL CONCEPT PLANNED UNIT DEVELOPMENT (PUD) by Art Mueller (in cooperation with Sue and Andrew Weyer – property owners) to redevelop the property at 2025 County Road B into a 3-story, 55-unit senior living community.

Mr. Paschke noted that the staff report, in Section 7.7, provided comparison data of seven (7) previously multiple-family residential projects and their characteristics to provide perspective for this requested project. Mr. Paschke noted that, on two (2) previous occasions, staff had gone on record as having no issues or concerns with the proposed volume of traffic with the addition of this project; as well as functioning of specific intersections and their design to accommodate this type of development. Mr. Paschke noted that Midland Grove Road was a public street and that it was sufficient to handle additional traffic volume. Mr. Paschke advised that staff's recommendation, as well as that of the Design Review Committee remained intact with the modified design for this project. Mr. Paschke noted that the applicant had mitigated many issues, concerns and impacts addressed by previous public comment; and recognized that some remained opposed to the project itself. Mr. Paschke advised that staff, whose recommendations were based on established policies for guidance, opined that this project with its modifications and adjacent high- and medium-density residential uses was a good fit for the neighborhood and that staff continued to support the project.

Staff recommended approval of the request as presented; based on the comments and findings of Section 4 and the conditions of Section 5 of the project report dated June 03, 2009.

Applicant Representatives, Darrel LeBarron and Tim Johnson with Station 19 Architects, made a presentation titled “The Orchard ‘Active’ Senior Living,” with the presentation attached hereto and made a part thereof.

Mr. LeBarron, a resident at 2101 W County Road B in Roseville, as President and Chief Planner for Station 19 Architects; provided a detailed synopsis of the Orchard owner/developer and design teams and their respective expertise.

Mr. LeBarron reviewed previous projects completed by some or all of the members of the owner/developer team; addressed the age and maintenance conditions of Midland Grove and Ferriswood; clarified zoning and land use misprints; and make up of the subject property. Mr. LeBarron reviewed the original 77-unit building and minimal setbacks compared to the current, revised 55-unit building, at 71% of the original with increased setbacks. Mr. LeBarron defined building elevations and details; computer-generated sight lines; and detailed site and design revisions in response to previous public comment, and recommendations of the Planning Commission and City Council, and assisted by City staff. Mr. LeBarron advised that the applicant was open to further revisions, based on factual and constructive criticisms as the project developed, and in keeping with the project’s design quality concepts and goals.

Chair Doherty complimented the applicant on their improved façade articulation to break up the building mass.

Commissioner Wozniak opined that the project had come a long way since initial presentation; and expressed his surprise at how residential it looked compared to those original sketches; however, he opined that it was still a big building.

Mr. LeBarron advised that the smallest project he’d ever developed had been at fifty (50) units, and that 50 units was the bottom of the economic feasibility break, noting that this was at the small end of multiple housing spectrums.

Commissioner Gottfried sought clarification of the threshold allowing the project to remain economically feasible.

Mr. LeBarron advised that the original proposal with 77 units had provided a better safety margin, and that this was now at 10%, providing for a small cushion from economic risk.

Public Comment

Mr. Paschke requested that the Planning Commission focus public comment specifically on the request before them, as per City Council directive.

Vice Chair Boerigter asked the public to keep their comments focused on the General Concept Plan as opposed to issues for rezoning or Comprehensive Plan Amendment, noting that this specific request would be going before the City Council in the near future; and advising that any other discussion would be considered out of order.

Peter Coyle, land use attorney from Larkin, Hoffman, et al, 7800 Xerxes, Bloomington, MN (Ferriswood Development and Midland Grove Condominiums)

Mr. Coyle cautioned that, if the City approved the Comprehensive Plan and Rezoning as previously recommended by the Planning Commission on a divided vote, they would be giving up their ability to control development on the property. Mr. Coyle opined that the building, as revised, remained too tall, too

big, and too much mass for the site, as had been borne out in discussion of this site, referencing similar concerns voiced by the City Council in their discussions of the Comprehensive Plan Amendment and their concerns with the high density of the proposal. Mr. Coyle opined that the PUD exceeded zoning outside the project, and that it remained clear from City Council discussions, that they were uncomfortable with the size of the building, and that the building was essentially the same, with the wings altered for the site and simply shifted around on the property.

Mr. Coyle restated previously-raised objections; and noted remaining concerns of several Planning Commissioners related to the size and mass of the building and its close proximity to Ferriswood with the large east wall expanse. Mr. Coyle requested additional design changes that would be compatible with medium density use.

Gary Stenson, 2179 Ferris Lane

Mr. Stenson requested that staff display various Attachments provided by staff for comparison purposes; and proceeded to provide his interpretation of those comparables on a case by case basis with their respective locations, adjacent roadways, properties and uses, in addition to their lack of impact to single-family homes. Mr. Stenson questioned the applicant's attempts to increase the lot size based on Mr. Mueller's Quit Claim Deed, opining that it was not relevant based on property ownership.

In response to Vice Chair Boerigter's request, Mr. Stenson identified the location of his property in relationship to The Orchard; recognizing that the property would not remain single-family designation, and opining that he was not opposed to medium density, but could not support high density.

Scott Roste, President of Midland Grove Condominium Association, 2220 Midland Grove Road #211, representing members interested in this project

Mr. Roste opined that the other projects completed by and the expertise of the applicants were irrelevant; and that the specifics of this project were the only consideration that she be considered at tonight's meeting but, as a matter of interest, questioned if previous projects had the same level of opposition as this project. Mr. Roste further opined that the volume and strength of that opposition should be what the Planning Commissioners and City Councilmembers took away from the discussion, and reminded Commissioners that they were in receipt of a previously-filed petition with 107 names; and that the petitioners remained opposed, even with the minor cosmetic revisions now before the Commission. Mr. Roste speaking on behalf of the petitioners, advised that they remained disgruntled that land to the west of Midland Grove Road was apparently being included for calculation purposes, while the actual ownership of the property remained unclear, and that over the last twenty (20) years, Midland Grove residents had performed maintenance of the disputed area; and asked that the Planning Commission and City Council clearly understand that issue and to ignore that parcel entirely in calculations. Mr. Roste, in addressing the other multi-family project comparables used, asked that the Orchard Project be considered on its own merits as it relates to density, size of available acreage for the project; and abutment to other properties, mostly single-family housing throughout the entire area. Mr. Roste noted that Midland Grove was built on 9-10 acres with large amounts of green space isolating the property; however, that the proposed Orchard project abutted the property line and building mass dominated

space. Mr. Roste referenced Section 6.4 of the staff report related to the applicant's inability to meet City Code requirements, thus the need for the PUD (i.e., floor area ratio calculations) and the need for a variance.

City Planner Thomas Paschke clarified that this project does not and has not requested a "variance"; that the PUD process allows for a development that deviates from Code standards and is completely different than a variance.

Vice Chair Boerigter concurred, noting that the deviation referenced in the chart in the staff report compared deviations from underlying code requirements.

Mr. Roste further addressed the Midland Grove project developed by Mr. Mueller forty (40) years ago, and the persistent water drainage issues experienced in the underground parking garages, and due to the scope of the work, requiring ongoing deferral, and now causing those residents to face a total assessment of \$600,000 for major excavation required to alleviate the problem. Mr. Roste questioned how many of these water drainage problems could have been avoided when the units were originally constructed; and questioned if similar problems would be created when the Orchard project was constructed, and whether it would further impact Midland Grove drainage issues.

Mr. Roste further addressed traffic in the vicinity; with the staff report estimated an additional 193 trips/day. Mr. Roste advised that this was a major safety concern for Midland Grove residents, based on the curvature of the road and realities of vehicles driving down the middle of the road, their speed, lack of lighting, and pedestrian traffic sharing the road as well. Mr. Roste addressed the proposed location of the Orchard access, its impacts on the road and views from the intersection of County Road B and Cleveland Avenue. Mr. Roste opined that this would only further exacerbate high speed traffic from I-35W after closure of Highway 280.

Mr. Roste concluded by addressing concerns of the proposed financing for the project, ownership/rental of units, association fees; and what guarantees residents had of future management, use and management, respectfully asking that the project be denied.

Dick Taylor, 2210 Midland Grove, #302

Mr. Taylor pointed out, on Attachment A (location map) from the staff report, misidentification of Building Numbers 2200 (should be 2210), and 2210 (should be 2200); and noted that the proposed building was on much higher elevation than surrounding buildings and that topography should be taken into consideration, as well as the flat roof of Midland Grove opposed to the proposed Orchard pitched roof; and questioned the actual number of stories referenced in Section 5.6 of the staff report, due to the ground level entry of the garage. Mr. Taylor opined that this also didn't change the building dimensions, but that the topography be taken into consideration accordingly.

Mr. Taylor advised that, related to traffic concerns, referenced Sections 6.6 and 6.7 of the staff report, and proposed allocation of right-of-way; however, he suggested that the City of Roseville should retain the right-of-way for future modification or reconfiguration of Midland Grove Road to improve safety issues.

Joyce Thielen, 2210 Midland Grove Road, Unit #203

Ms. Thielen opined that water drainage would be an issue on the proposed Orchard project; and noted the major engineering improvements currently being

faced by residents at Midland Grove Condominiums. Ms. Thielen referenced her conversations with the State of MN regarding drainage issues; and opined that the proposed project would only serve to further compound drainage issues in the area; and that the ultimate outcome for Roseville may be the collapse of the Midland Grove units, loss of tax base by the City of Roseville, and potential litigation issues.

Steve Enzler, representing family, 1995 W County Road B

Mr. Enzler requested that his letter of June 2, 2009 be included in the record; with Vice Chair Boerigter advising that staff had done so, and the written comments were part of the record, *attached hereto and made a part thereof*.

Mr. Enzler assured Commissioners that his comment was not simply based on “not in my backyard” mentality; and opined that his comments about the developer and concerns with him had nothing to do with the age of previous projects; but with the reality of the discoveries found on his property over the last two (2) years due to inaccurate measurements, City Codes, and boundary issues.

Mr. Enzler opined that the design and footprint of the proposed massive building had not materially changed, while the developer had broken up the exterior elevations; and that the building mass was immediately adjacent to his single-family home. Mr. Enzler advised that he had attempted to reconcile himself to the building’s placement, and reviewed various photos from the Developer’s presentation, based on his visual interpretations and perspectives. Mr. Enzler opined that Mr. Mueller was a great guy; but he expressed his concern about accurate measurements for this project, noting the two (2) examples currently existing on his property. Mr. Enzler addressed potential development on his property, based on its topography, and opined that it would remain a single-family lot, and asked the Commission consider that in their deliberations.

Mr. Enzler addressed similar traffic concerns already expressed, and opined that, while not supported by hard data, the reality was that due to the speed and amount of traffic, seniors would be put in harm’s way.

Mr. Enzler questioned why this project was being proposed, and why was it so large; and opined that it was basically due to financial considerations, both for the developers, and the City’s tax base. Mr. Enzler further opined that it was wrong that there was a chance that changes to the City’s Comprehensive Plan would transfer value from his home to the developer; and asked that the Commission consider approval only based on at a maximum medium density, not high density, and not PUD.

Merlyn Scroggins, 2237 N Cleveland Avenue N

Mr. Scroggins advised that he believed in the City; and opined that there would always be a number of negative comments on any project before the City. Mr. Scroggins opined that this was a good thing for Roseville; the quality of the proposed housing was exactly right for him to consider at this stage of his life; and that overall, property development in Roseville, is good for the entire City, that it shouldn’t be disruptive to people, and he further opined that this project wouldn’t be. Mr. Scroggins reviewed development in the area over the last forty (40) years, and his observations during that time as Ferriswood and Midland Grove developments came to fruition, changing the original character of the neighborhood. Mr. Scroggins compared those developments to the original nature of the neighborhood, and understood the inherent desire for people to

retain low density and preserve natural habitat areas. Mr. Scroggins opined that people don't attend meetings to voice their support of things that are worthwhile, and only attend to object to projects. Mr. Scroggins further opined that this was not a bad development, was well-done, and well-created. Mr. Scroggins opined, from his observation of the traffic hub, he didn't see this project as being much of a contributor, since the problem already existed. Mr. Scroggins opined that, while he didn't have any statistical data to share, he believed the project was good and he would look forward to moving in there.

Vijay Pottgrugod, 2250 Midland Grove Road, #105

Mr. Pottgrugod opined that the apparent rationale for the project seems to be to increase the City's tax base; however, Mr. Pottgrugod suggested that the 174 units in the Midland Grove project would become less valuable, in addition to the twenty (20) units of Ferriswood, and the single-family homes along County Road B and along Cleveland and Fairview Avenues. Mr. Pottgrugod further opined that the City may actually end up losing revenue over the long term, experiencing a net loss, especially if this proposed project proved not to be financially viable.

Andy Weyer, 2025 W County Road B, Property Owner and Applicant

Mr. Weyer noted the many revisions to the proposed project over a year of development; and opined that the presentation addressed and was tailored to accommodate previous public comments, in addition to those of the City Council and Planning Commission. Mr. Weyer provided a historical perspective from his family's point of view, and the previous development of Midland Grove and Ferriswood, with Mr. Mueller serving as developer on those projects as well. Mr. Weyer opined, from his discussions with Orchard project engineers and architects, that drainage issues could be solved, with all property owners working together. Mr. Weyer further opined that an inordinate amount of time had been spent on developing this project to-date, and asked that this area, inadvertently skipped during the recent Comprehensive Plan review, be slated for directed development. Mr. Weyer opined that this had not been an easy project for him, even though he believed in the project, but facing the need to give up the family orchard. Mr. Weyer advised that the family supported this project as presented; and suggested that the Commission ask the project team to return to dispute misinformation presented during public comment tonight; and looked forward to the Commission's strong vote of support for this project.

Jackie Eastman, 2250 Midland Grove, #107

Ms. Eastman spoke in opposition to the project, as she'd previously indicated in signing the petition. Ms. Eastman opined that she liked the green space and trees. Ms. Eastman addressed the number of tickets given out by the City's Police Department for speeding on Cleveland off Highway 36 now that County Road B was a dead end, and opined that the roadway served as an extension of the freeway, since it provided a more visible route. Ms. Eastman asked that the City Council investigate the need for this type of senior housing, since many of the existing senior housing facilities had vacancies.

Vice Chair Boerigter invited Mr. LeBarron to respond to and/or address any factual inaccuracies presented; however, Mr. LeBarron declined.

Vice Chair Boerigter closed the Public Hearing for Planning File 09-002 at 9:48 p.m.

Commissioner Best thanked staff for providing additional information in the staff report and its assistance in addressing this difficult proposal, specifically the comparables and relative impact to adjoining properties. Commissioner Best opined that those items that the Commission had been asked by the City Council to look at, as detailed in Section 7.8 of the staff report, had been addressed; that sufficient revisions had been made by the developer/applicant; and that this project seemed comparable to previous projects as noted. Commissioner Best questioned why this project should be considered differently from those other projects; opined that staff had provided due diligence in their review; and while he was initially opposed to the project, it appreciated the way it had been revised to address various concerns; and spoke in support of the project as presented.

City Planner Paschke reminded Commissioners that they were being asked to consider a General Concept plan to be forwarded as recommended to shape the project; and that the finer details of the Plan would develop as the project proceeded, with further modifications to address certain impacts. Mr. Paschke asked that the Commission articulate for specific comments to further shape the project.

Commissioner Wozniak asked what role the City had in assuring that the project is built as portrayed.

Mr. Paschke noted that this project, based on current City Code and the PUD process itself, provided a much higher scrutiny than during development of Ferriswood and/or Midland Grove Condominiums. Mr. Paschke advised that final plan design documents, as a PUD Agreement, are part of a contractual obligation between the development and City, and would remain as presented unless further PUD Amendments were sought.

Vice Chair Boerigter noted that during the construction process, the location of the building and field conditions would be monitored by Building Officials in accordance with current City Code.

Mr. Paschke concurred; and further noted that neither Ferriswood nor Midland Grove had to proceed through the stringent stormwater management process that this project would endure; with this project required to achieve a higher standard and responsibility for drainage produced on its site, and flow from Mr. Enzler's property, in providing a stormwater management plan that would meet the City's and Rice Creek Watershed District requirements.

Commissioner Doherty noted that he had not been a big supporter of this project in the past; but complimented staff and the developer for making the significant revisions from what the Commission had reviewed at previous meetings. Commissioner Doherty noted that the scale had been too large, and that the developer had scaled back the project; and had been responsive to concerns previously expressed by the Commission, the City Council, and the public. Commissioner Doherty echoed Commissioner Best's comments, and spoke in support of the revised proposal.

Commissioner Gottfried spoke specifically about his ongoing concerns with the project: that it was too large and that the height shouldn't be more than two (2) or three (3) stories total; and retain a forty foot (40') setback. Commissioner Gottfried noted the need to address the economic viability of the site and developer's rationale for fifty-five (55) units; however, he opined that the project

would have to be reduced to fewer than forty (40) units at a maximum to get the project scope down to an appropriate size for this site. Commissioner Gottfried gave credit to the developer and staff for revisions to-date; however, opined that another floor needed to come off, to reduce the height; and that he would only be comfortable with the low range of the high density designation.

Commissioner Wozniak noted that he didn't support the project when previously presented, and that he would not support it today. Commissioner Wozniak opined that he remained impressed with the changes made to-date by the design team; however, that the building was still too big; and expressed concern about traffic circulation on County Road B and Highway 280, and that any increased traffic on County Road B at this intersection raised safety concerns for him. Commissioner Wozniak expressed appreciation for staff's table of comparisons, however, opined that he saw enough differences between this and others presented; and was not convinced that this project fit favorably in that table. Commissioner Wozniak opined that there were too many units per acre, given the true acreage involved. Commissioner Wozniak further opined that Mr. Mueller had a development history in the community, and questioned if it was all favorable. Commissioner Wozniak expressed his preference that Mr. Mueller step up and take responsibility for past errors and attempt to make amends.

Commissioner Gisselquist noted that this was his first time officially seeing this proposal as a Commissioner; however noted that he had been following past discussions as a resident living on the other side of the Fairview Community Center. Commissioner Gisselquist opined that it would be sad to see the green space removed; however, he sympathized with Mr. Mueller's position and the need for directed development of the property. Commissioner Gisselquist advised that the comparison table provided by staff put things in perspective with those other projects; and while hating to see the green space go away, opined that it was not for him to dictate what others did with their private property; and that the developer had taken favorable steps to bring the density down; and that he would support the project.

Commissioner Cook opined that he saw no major conflicts with traffic movements; that this type of senior housing was a need in the community; that it looked like a good project as revised; and that he would support the project.

Vice Chair Boerigter recognized the comments and objections made by those making public comments; however, he noted his decision-making perspective in considering the greater Roseville Community. Vice Chair Boerigter opined that, from this perspective, this was a worthy project, and he spoke in support of it, if the developers deemed that they could make the project work financially. Vice Chair Boerigter opined that the developer had made great strides in the building's design elements and structure, with improved aesthetics; and further opined that, based on size and scope of the project, it was not out of line with other projects in Roseville. Vice Chair Boerigter recognized that the project had impacts on the Stenson and Enzler properties, but that there was a greater good for Roseville. In light of the mandate by the Metropolitan Council to provide higher density housing, Vice Chair Boerigter noted that, given the City's limited opportunities to do so, the required units could only be achieved through smart and careful development. Vice Chair Boerigter opined that, when looking at the Midland Grove development, this project was not significantly out of line, nor did its height indicate a great impact on Midland Grove, only Mr. Stenson and Mr.

Enzler, and questioned if the Commission or City Council should determine projects based on impacts to 1 or 2 properties. Vice Chair Boerigter concurred with Commissioner Cook that staff had performed careful analysis of traffic issues. Vice Chair Boerigter addressed the past development projects of Mr. Mueller, and opined that they were “red herrings” and not relevant to the issues at hand before this Commission. Vice Chair Boerigter opined that this Concept Plan was good and provided a positive influence on the area and Roseville society, whether or not it increased the City’s tax base; and clarified that the Commission was not looking at the project from that perspective; but personally opined that this project would not negatively impact the assessed values of surrounding properties.

MOTION

Member Boerigter moved, seconded by Member Doherty to RECOMMEND TO THE CITY COUNCIL APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT and the request of Art Mueller to redevelop 2025 County Road B with a 55-unit active senior living community; as prepared for the June 3, 2009 Planning Commission meeting, subject to the conditions of Section 8 of the staff report dated June 3, 2009; noting that final approval by the City Council will be considered after all conditions and required documents and permits have been submitted for final approval, and considered as a separate application process.

MOTION

Member Gottfried moved, seconded by Member Wozniak to RECOMMEND TO THE CITY COUNCIL that the project be LEED Certified, as presented at this meeting.

Roll Call Vote (Amendment)

Ayes: 2 (Wozniak; Gottfried)

Nays: 4 (Best; Cook; Doherty; Boerigter; Gisselquist)

Motion failed.

MOTION

Member Wozniak moved, seconded by Member Gottfried to RECOMMEND TO THE CITY COUNCIL friendly amendment of the original motion that the building be LEED certified or the equivalent thereof; with the makers of the original motion, Members Boerigter and Doherty, accepting the amendment.

Roll Call Vote (Original motion as amended)

Ayes: 5 (Best; Cook; Doherty; Boerigter; Gisselquist)

Nays: 2 (Gottfried; Wozniak)

Motion carried.

Vice Chair Boerigter advised that the Case was scheduled to be heard at the City Council meeting of June 29, 2009.

March Planning Commission Meeting Minutes

d. **PLANNING FILE 09-002**

REVISED Request by Art Mueller for approval of a COMPREHENSIVE LAND USE PLAN AMENDMENT to change the land use designation of 2025 County Road B from Low Density Residential to High Density Residential; REZONING of the property from Single-Family Residence to Planned Unit Development (PUD) with an underlying/base zoning of General Residence District; and a GENERAL CONCEPT PLANNED UNIT DEVELOPMENT (PUD) to allow the construction of a 55-unit, 3-story Active Senior Living Community

Chair Bakeman opened the Public Hearing for Planning File 09-002 (9:25 p.m.)

City Planner Thomas Paschke reviewed staff's analysis of the request of Art Mueller, in cooperation with Sue and Andrew Weyer, property owners, to redevelop the property at 2025 County Road B into a three (3) story, fifty-five (55) unit senior living community.

Mr. Paschke advised that, in general, the design was similar to that previously presented, but with a reduction in the number of stories to three (3) and reduction in the number of units at fifty-five (55).

Mr. Paschke requested that the Commission clearly address whether they supported guiding the subject parcel to a designation other than Low Density in order to establish a foundation for further review of the current proposal.

Staff recommended the following actions related to the request of Art Mueller to redevelop 2025 County Road B with a 55-unit, 3-story Active Senior Living Community:

9.1 RECOMMEND APPROVAL of the COMPREHENSIVE LAND USE MAP AMENDMENT of 2025 County Road B from Low Density Residential (LR) to High Density Residential (HR)

9.2 RECOMEMND APRPOVAL of the REZONING of 2025 County Road B from Single Family Residential (R-1) to Planned Unit Development (PUD), with an underlying zoning of General Residence District (R-3).

9.3 RECOMMEND APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT, as prepared for the March 4, 2009 Planning Commission meeting; subject to the conditions detailed in Section 9 of the staff report; with final approval by the City Council considered after all conditions and required documents and permits have been submitted for final approval; with those final approvals considered as a separate application process.

Chair Bakeman lead a discussion for clarification on land use designation categories for density: Low Density at 0 to 4 units/acre; Medium Density at 5 – 12 units/acre; and High Density greater than 13 units/acre.

Staff noted that this proposed use was consistent with 6 – 7 other senior or multi-family type residential projects approved by the City over the last ten (10) years in similarly related surrounding neighborhoods.

Applicant, Art Mueller, 2201 Acorn Road

At the request of Chair Bakeman, Mr. Mueller addressed the differences between the previous and current proposal, based on public testimony and Planning Commission concerns. Mr. Mueller noted reductions in square footage, the number of units, additional underground parking space; and his support of the seven (7) staff-recommended conditions as detailed in the staff report dated March 4, 2009.

Tim Johnson, Station 19 Architects

On behalf of Mr. Mueller, Mr. Johnson provided revisions to the architectural nature of the building and relative location and setbacks to Midland Grove Road; reduction in the overall footprint; and relocation of the driveway and minimal reduced pavement area, in addition to meeting setback requirements.

Mr. Johnson asked that the Planning Commission consider land use designation higher than Low Density; opining that this parcel was not, but should have been, considered in the overall Comprehensive Plan Update, recently completed and currently before the

Metropolitan Commission for review; and based on the adjacent Ferriswood and Midland Grove PUD Projects.

Chair Bakeman, at 9:45 p.m., opened the meeting for public comment; respectfully requesting that speakers limit their comments to the specific issue before the Commission.

Public Comment

As part of the written record, Mr. Paschke provided copies of additional e-mails received after distribution of the Agenda Packet materials, attached hereto and made a part thereof.

Peter Coyle, land use attorney from Larkin, Hoffman, et al, 7800 Xerxes, Bloomington, MN

Mr. Coyle, speaking for a large group of residents at Ferriswood and Midland Grove, in addition to Mr. Steve Enzler, advised that, while the group was supportive of a relatively dense use of this property, they were not supportive of this high of a density guiding its development. Mr. Coyle opined that the proposed use was not an appropriate transition or appropriate use of residential streets; and that the proposed use was too much for the available land and site. Mr. Coyle presented, for the record, a new petition from the group of property owners he represents:

NEW PETITION

"Because of the safety issues due to traffic congestion, diminished aesthetics, removal of trees and a possible decrease in our property value, the following residents o the Midland Grove Condo Association are signing this petition to oppose any change of zoning ordinances to accommodate the building of any new multiple housing proposal at 2025 County Road B, Roseville, MN, by Art Mueller;" attached hereto and made a part thereof.

Mr. Coyle expounded on rationale for the petition including failure to consider this parcel in the recently amended Comprehensive Plan; need to make this use comparable to other and similar uses in the area that would be respectful and compatible with those existing uses; and opined that the proposal needed substantially more work before it was acceptable in this established neighborhood. Mr. Coyle advised that those he represented were not opposed to development of the property; however, that they were asking for reasonable density compatible with surrounding sites and projects.

Scott Roste, President of Midland Grove Condominium Association, 2220 Midland Grove Road #211, representing members interested in this project

Mr. Roste further addressed the 107 petitioner signatures collected and their representation at tonight's meeting; and noted that this petition was different than that presented at the previous meeting; and opined that residents would be in favor of development of the property, but at a Low to Medium Density designation.

Chair Bakeman read the petition into the record.

Marie Woehlke, 2181 Ferris Lane, Ferriswood Condominium Association

Ms. Woehlke, having purchased her property two (2) years ago, expressed her distress about a potential rental property adjacent to her property; opining that owner-occupied buildings were better maintained and more attractive. Ms. Woehlke opined that the building was still too tall; was too close to her and Mr. Enzler's properties; and too close to the lot line, creating issues of potential noise and lack of privacy, and blocking sunlight.

Ann Bursh, 2220 Midland Grove, #201

Ms. Bursch advised that she had performed a personal survey over the past week of the number of existing senior living units in the Roseville area; and expressed concern, based on her findings related to existing vacancies, with the senior housing market becoming saturated. Ms. Bursh asked that Commissioners consider the current economic situation and potential sales of senior citizen's homes in that market, in addition to their reduced sales price; address density and traffic concerns as previously expressed; and noted ongoing concerns with too much building on too small of a site and reduced green space.

107 **Ronald G. Rumpsa, 2201 Ferris Lane (Ferriswood Apartments)**

108 Mr. Rumpsa concurred with the comments of Mr. Coyle, opining that density was the
109 major issue of concern; and opined that this proposed use was such a dramatic
110 deviation, and that it was inconsistent with the adjacent properties. Mr. Rumpsa asked
111 that residents' quality of life be enriched, not reduced. Mr. Rumpsa further addressed
112 existing traffic volumes on County Road B between Fairview and Cleveland Avenues,
113 and impacts with additional units in that area.

114 **Allene Wiley, 2220 Midland Grove Road, #206**

115 Ms. Wiley concurred with Mr. Rumpsa's traffic concerns; and further addressed the
116 proposed exit road from the development site onto Midland Grove Road, and negative
117 impacts to access ability, in addition to emergency vehicle considerations.

118 **Russ Sherer, 2203 Ferris Lane**

119 Mr. Sherer expressed concern related to egress from Ferriswood, when heading east of
120 Highway 36 and exiting on Cleveland and the need to cross over three (3) lanes of traffic
121 to make a left hand turn onto County Road B.

122 **Dorothy Kunze, 2220 Midland Grove Road, #205**

123 Ms. Kunze provided comment, opining that tax revenue should not be the only
124 consideration for the City, but also that of aesthetics; and opined that this was too large of
125 a building on too small of a plot of land, and that this was not what the Roseville residents
126 have known for a considerable amount of time.

127 **Eileen Stack, RN, 2220 Ferris Lane**

128 Ms. Stack, as a Faith Community Nurse at the Church of Corpus Christi, noted that she
129 had clients in many area homes; and that based on the current economy, they were
130 continuing to live in their homes, rather than move, due to their inability to sell their
131 homes; and opined that this should be of major concern to the City.

132 **Bob Stoika, 2220 Midland Grove Road, #106**

133 Mr. Stoika concurred with concerns expressed about whether this proposal would fit in
134 with the neighborhood; opining that Midland Grove was a park-like setting; and that this
135 project would not fit in.

136 **Vijaya (SP) Pothapragada, 2250 Midland Grove Road, #105**

137 Mr. Pothapragada addressed Section 6.1 of the staff report, detailing traffic and daily trips
138 based on the proposed number of units; and asked that other complications be
139 considered (i.e., employee and staff parking needs; visitor parking; deliveries to the site;
140 and emergency ambulance services) and those additional traffic impacts to the
141 neighborhood.

142 **Fred Christianson, 2220 Midland Grove**

143 Mr. Christianson, as a former Planner in the United States and Canada, applauded the
144 efforts of those speakers and their eloquence. Mr. Christianson asked that the
145 Commission remember that their decisions were long-term; and concurred with the
146 comments of Attorney Peter Coyle.

147 **Steve Enzler, representing family, 1995 W County Road B**

148 Mr. Enzler read an e-mail from Frank Walton of the Roseville Historical Society, related to
149 the historical nature of his family property, identified on the Heritage Trail, #47, and the
150 lack of notice of the Historical Society of any proposed activities on this site; and future
151 notice in accordance. Mr. Walton's comments addressed concerns with mass and the
152 need to honor the green space indicative of this property.

153 Mr. Enzler's personal comments included opining that the current proposal may more
154 accurately reflect future use of the property; that it was apparently not the intent of the
155 Comprehensive Plan to eliminate his single-family residential property. Mr. Enzler opined
156 that Mr. Mueller was attempting to undermine code limits by use of the PUD application;
157 and further opined that the building still remained massive in relationship to his property
158 and home; and that his property would experience dramatic and negative impacts to
159 sunlight, air and view; and opined that it seemed to be a reasonable claim that this could
160 damage the value of their home in addition to their quality of life.

Mr. Enzler noted previous lot line delineation errors; and expressed his willingness to work with Mr. Mueller in seeking resolution.

Andy Weyer, 2025 W County Road B

Mr. Weyer presented his historical perspective of the property, and rationale for it's inclusion on the Heritage Trail based on the original home's construction; and offered that the home could easily be relocated for greater use. Mr. Weyer opined that the property itself was not of historical import; and the home itself was originally moved from its former location to facilitate construction of Midland Grove, which property was originally owned by his ancestors, and allowing for growth and progress. Mr. Weyer opined that things change; and there was value in moving forward for the community, as well as with what remained of his family homestead.

Allene Wiley

Ms. Wiley opined that Mr. Weyer had his own private road, mailbox and address and would experience minimal impacts to his private property; however, she noted that while he would make considerable money on the sale of this remaining portion of his family's farmstead, it didn't mean that Midland Grove Road needed to be further impacted. Ms. Wiley opined that it may be more advantageous to Mr. Weyer financially if the property were sold for single-family housing and provide an asset to the neighborhood rather than a detriment.

Art Mueller, Developer

Mr. Mueller responded to public comments; and provided his historical perspective of and his personal development of Midland Grove and Ferriswood, in addition to this proposal; noting the positive benefit of the previous projects to the City. Mr. Mueller questioned if there were others supporting the project, but not appearing to speak in that support; and noted his experience in receiving positive support for the proposed project and the need for this senior housing option.

Chair Bakeman closed the Public Hearing at 10:40 p.m.

MOTION (9.1)

Member Bakeman moved, seconded by Member Boerigter to RECOMMEND APPROVAL of the COMPREHENSIVE LAND USE MAP AMENDMENT of 2025 County Road B West from Low Density Residential to High Density Residential.

Discussion included clarification that the density designation would stay with the property even if this proposal was not approved, while further clarifying the process through items to be solidified (i.e., PUD Agreement; submission of plans and documents; recording of rezoning of the property with Ramsey County; Comprehensive Plan amendment through the Metropolitan Council; related issues to support this project); and the need for another PUD for any other project on this parcel; and State statute requirements for Comprehensive Plan and Zoning consistencies.

Commissioner Doherty spoke in opposition to the proposal, even with reduced story and units; based on moving from Low Density to High Density rather than Medium Density designation.

Commissioner Wozniak concurred with Commissioner Doherty, opining that the proposed use was too dense and too high in a single-family residential area. Commissioner Wozniak advised that he could support Medium Density designation; and still had concerns with traffic and too many units for this size of property, given neighbors and the other surrounding uses.

Commissioner Gottfried concurred with Commissioners Doherty and Wozniak, expressing concerns with transitioning into the neighborhood; and supporting Medium rather than High Density designation.

Mr. Paschke encouraged Commissioners to look at the Comprehensive Plan as a guide, and the density designations as addressed in Section 5.6 of the staff report.

Commissioner Best noted that Midland Grove to the north was High Density; and opined that if the site were developed based on those guidelines per acre, this would still be High

214 Density; and further opined that it would be appropriate and that he would support that
215 designation.

216 Commissioner Martinson concurred with Commissioner Best to a certain extent, opining
217 that if High Density was applicable to Midland Grove, it might also be reasonable on this
218 site; and noted that the developer had made scale revisions that were an overall
219 improvement from the original proposal. Commissioner Martinson observed that
220 realistically, the City of Roseville experienced traffic problems throughout the City, in
221 addition to the region. Commissioner Martinson expressed that she had remaining
222 reservations about this proposed project and land use designation; and opined that she
223 would be more inclined to support a Medium Use designation.

224 Commissioner Boerigter opined that, given the density of the adjacent multi-family
225 properties, this site seemed appropriate for High Density designation; and in comparison
226 to other part of the City transitioning from Low to High Density, this was not an
227 uncommon situation. Commissioner Boerigter further opined that, in looking at the overall
228 picture, the property wouldn't probably develop into single-family homes, but seemed
229 more applicable for High Density designation. Commissioner Boerigter recognized public
230 comments and concerns; however, was still of the opinion that this parcel serves as a
231 transition for the neighborhood and properties across the street, to be consistent, he was
232 still concerned that this project remained of too large a scale to this site.

233 Chair Bakeman opined that High Density designation was appropriate, due to the
234 proximity of Midland Grove at close to 19 units/acre; and the ability to limit the maximum
235 units per acre with the PUD; and that 12 units per acre was not dense enough with
236 Midland Grove's proximity directly adjacent. Chair Bakeman further opined that with the
237 standard street width of 32', she was not concerned about traffic volume. Chair Bakeman
238 opined that she was inclined to support High Density designation, and capping that
239 density through PUD controls.

240 Commissioners Best and Martinson concurred.

241 Commissioner Martinson opined that it made logical sense to change the zoning, with
242 Midland Grove immediately adjacent; however, she expressed wariness as to whether
243 the PUD was a sound way to limit density.

244 **Ayes: 4 (Boerigter; Best; Martinson; Bakeman)**
245 **Nays: 3 (Doherty; Wozniak; Gottfried)**
246 **Motion carried.**

247 **MOTION (9.2)**
248 **Member Bakeman moved, seconded by Member Best to RECOMEMND APRPOVAL**
249 **of the REZONING of 2025 County Road B from Single Family Residential (R-1) to**
250 **Planned Unit Development (PUD), with an underlying zoning of General Residence**
251 **District (R-3).**

252 **Ayes: 7**
253 **Nays: 0**
254 **Motion carried.**

255 **MOTION (9.3)**
256 **Member Bakeman moved, seconded by Member Gottfried to RECOMMEND**
257 **APPROVAL of the GENERAL CONCEPT PLANNED UNIT DEVELOPMENT, as**
258 **prepared for the March 4, 2009 Planning Commission meeting; subject to the**
259 **conditions of Section 9 of the staff report dated March 4, 2009; with final approval**
260 **by the City Council considered after all conditions and required documents and**
261 **permits have been submitted for final approval; with those final approvals**
262 **considered as a separate application process.**

263 Commissioner Boerigter questioned the actual concern in making this rezoning change;
264 noting that it shouldn't be traffic; the building footprint had been reduced; and noted that
265 the current proposal was close to setback requirements and had limited deviations from
266 square footage requirements. Commissioner Boerigter noted that the building mass could

267 remain even if the developer chose to reduce number units and make them bigger within
268 the same footprint.

269 Chair Bakeman expressed concern with the size of the building; and suggested that with
270 a separate limitation on the building size or mass, it may help neighbors' concerns and
271 keep the building to a reasonable size.

272 Commissioner Gottfried opined that he was not as concerned about traffic capacity as
273 with the scale of the building: its size, mass and height creating the overall scale.
274 Commissioner Gottfried opined that the proposed building seemed overkill in providing
275 continuity of the neighborhood.

276 Mr. Paschke addressed density versus mass issues; perceptions of a truss roof system
277 rather than a flat roof system; location of two (2) major thoroughfares on either side of the
278 property; previous consideration of a townhome project in 1995, and consideration of
279 Medium Density of the parcel at that time; and transitions into other single-family uses.
280 Mr. Paschke indicated that, if building scale was still an issue, there were exterior façade
281 designs that could visually reduce the perceived building scale and other available
282 mitigation measures.

283 Chair Bakeman and Commissioner Wozniak opined that, if the building didn't have the
284 north-south piece or wall, it may fit better, rather than the footprint filling the entire parcel,
285 and providing for more green space.

286 Commissioner Best opined that the private market and economy would dictate the
287 density to some measure; and noted the ongoing work of staff and the applicant on
288 reducing the footprint and increasing the green space.

289 Commissioner Doherty suggested conditions that would provide an average, not-to-
290 exceed square footage per unit; that would ultimately reduce the number of units and the
291 building footprint.

292 Commissioner Boerigter suggested that, rather than Commissioners attempting to
293 redesign the project, that the vote be called, leaving the decision up to Mr. Mueller and
294 his architects.

295 Commissioner Gottfried concurred; opining that this seemed to be good logic, and that
296 none of the Commissioners were engineers, nor did they have a vested interest in this
297 property.

298 **Ayes: 1 (Boerigter)**
299 **Nays: 6 (Best; Wozniak; Martinson; Gottfried; Doherty; Bakeman)**
300 **Motion failed.**

301 Chair Bakeman noted that the case was tentatively scheduled to be heard by the City
302 Council at their March 23, 2009 meeting.

EXISTING CONDITIONS

THE ORCHARD
Roseville, MN
ProSource Project No.: 2230-00

A. G. MUELLER
2201 Acorn Road
Roseville, Minnesota 55113

REVISIONS

1.	
2.	
3.	
4.	
5.	
6.	
DRAWN BY:	JTR
DESIGNED BY:	TRB
ISSUE DATE:	12/22/08

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 Land Surveyor under the laws of the State of Minnesota.

Print Name: Thomas R. Balluff, L.S.
Signature: *Thomas R. Balluff*
Date: 12/22/08 License # 40361

C1.1

APARTMENT OWNERSHIP NO. 57
MIDLAND GROVE CONDOMINIUM

Owner:
Dorel L. & Lynn A. LeBaron
2101 Cleveland Avenue N.

Owner:
Peter J. & Susan T. Schuddegg
2165 Cleveland Avenue N.

Owner:
Midland Hills Country Club
2001 Fulham St.

73

CLEVELAND AVENUE N.
(FORMERLY INTERSTATE 35W)

West line of the Southwest Quarter of the Southwest Quarter of Section 09, Township 29, Range 23
N00°20'37"W 283.00

CLEVELAND AVENUE N.

Trunk Highway Easement per Final Certificate in favor of the State of Minnesota dated October 1963, and amended October 21, 1963 in Book 1877, page 525 to Document Number 1805400.

MIDLAND GROVE ROAD

Perpetual Easement for a public road and highway and for underground utility mains, pipes and appurtenances in favor of the Village of Roseville, dated October 16, 1968, filed December 26, 1968 as Doc. No. 1741668

Owner:
Jean M. Bickler
2200 Midland Grove Rd.

Owner:
O/S Stenson Family Ltd. Partnership
2179 Ferris Lane

Owner:
Stephen J. & Kathleen K. Enzler
1995 Ferris Lane

Owner:
Midland Hills Country Club
2001 Fulham St.

Owner:
Constance Ternes
2030 County Road B W.

Owner:
Constance Ternes
2030 County Road B W.

Owner:
Carl K. & Cynthia K. Albing
2020 County Road B W.

Owner:
Paul J. & Jean E. Drake
2008 County Road B W.

Owner:
Steven M. & Penny P. Truax
1992 County Road B W.

Owner:
Midland Hills Country Club
2001 Fulham St.

Owner:
Constance Ternes
2030 County Road B W.

Owner:
Constance Ternes
2030 County Road B W.

Owner:
Carl K. & Cynthia K. Albing
2020 County Road B W.

Owner:
Paul J. & Jean E. Drake
2008 County Road B W.

Owner:
Steven M. & Penny P. Truax
1992 County Road B W.

Owner:
Midland Hills Country Club
2001 Fulham St.

Owner:
Constance Ternes
2030 County Road B W.

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2030 County Road B W.

Owner:
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2020 County Road B W.

Owner:
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2008 County Road B W.

Owner:
Steven M. & Penny P. Truax
1992 County Road B W.

Owner:
Midland Hills Country Club
2001 Fulham St.

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2030 County Road B W.

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1992 County Road B W.

Owner:
Midland Hills Country Club
2001 Fulham St.

Owner:
Constance Ternes
2030 County Road B W.

Owner:
Constance Ternes
2030 County Road B W.

LEGEND

- Denotes Ramsey County Cast Iron Monument
- Denotes iron monument set and marked with RLS 40361
- Denotes found iron monument
- Denotes existing power pole
- Denotes existing flag pole
- Denotes existing ground light
- Denotes existing electrical box
- Denotes existing telephone box
- Denotes existing gas meter
- Denotes existing manhole
- Denotes existing gate valve
- Denotes existing fire hydrant
- Denotes existing catch basin
- Denotes existing overhead utility lines
- Denotes existing guy wire
- Denotes existing underground gas
- Denotes existing underground telephone
- Denotes existing sanitary sewer
- Denotes existing water main
- Denotes existing storm sewer
- Denotes existing fence line

BENCHMARK
Benchmark No. 9191 of Roseville & Falcon Heights, Minnesota Benchmarks, as listed on the Ramsey County Surveyors Office web site.
Top of Disc Elevation = 974.13 (NAVD 1988)

LEGAL DESCRIPTION
(Abstract Property)

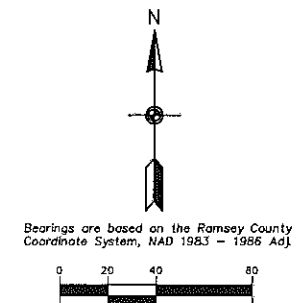
Except the East 669 feet, the South 283 feet of the Southwest Quarter of the Southwest Quarter of Section 09, Township 29, Range 23, subject to road and highway, Ramsey County, Minnesota.

NOTES

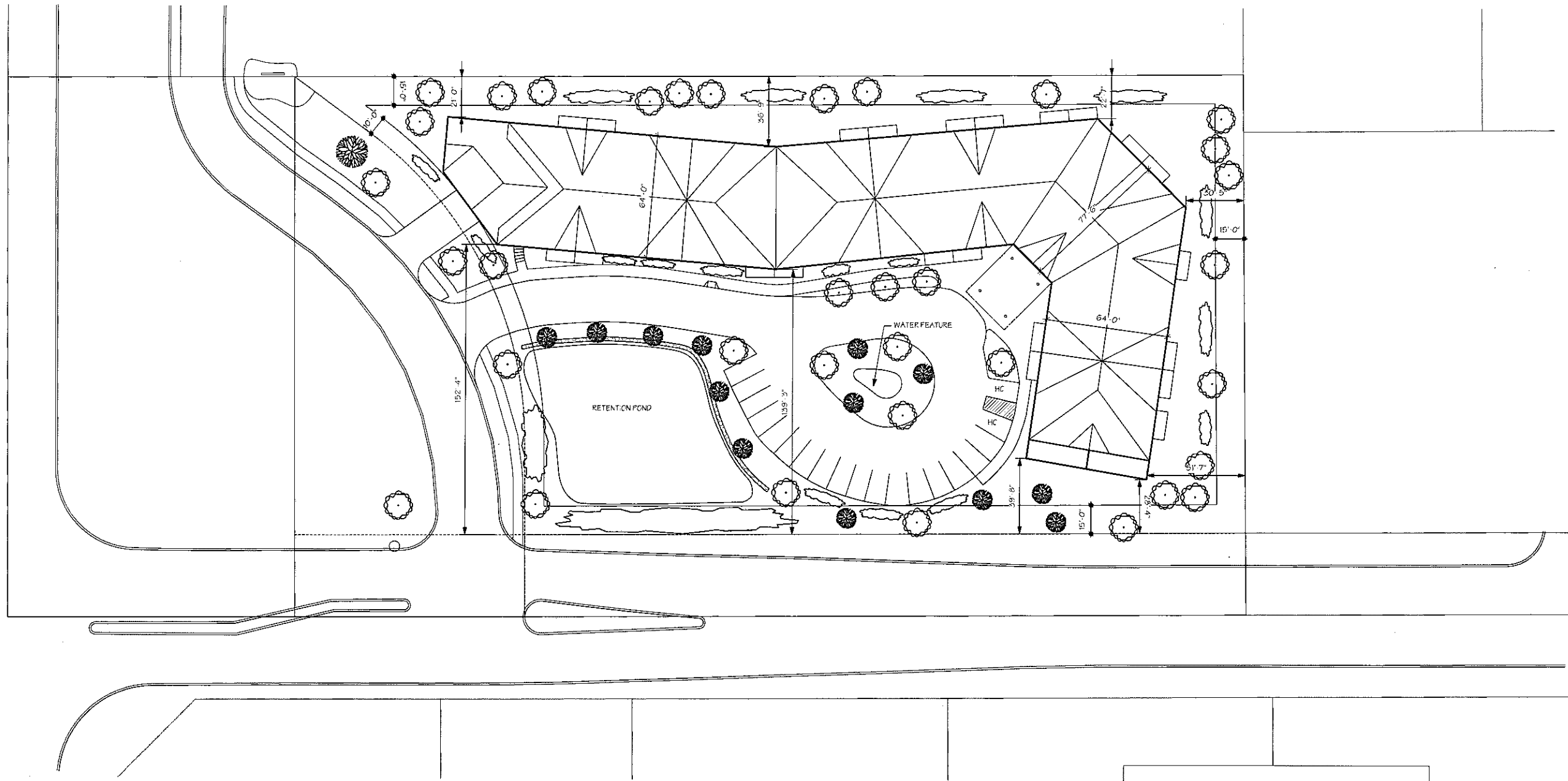
- Legal description and easements shown hereon are those contained in Title Commitment No. 312776 (Case No. 312776), with and effective date of August 15, 2008 at 7:00 A.M., prepared by Land Title, Inc. as agent for Chicago Title Insurance Company.
- Underground utilities shown hereon are those which were field marked in response to Gopher One State Call, Ticket No. 80659107, dated 12/08/08 and from utility as-built plans provided by the City of Roseville. All locations shown are APPROXIMATE.

SITE DATA

TOTAL PARCEL AREA ±4.20 AC.
PARCEL AREA LESS R.O.W. ±2.23 AC.
R.O.W. AREA ±1.97 AC.
EXISTING ZONING R-1
PROPOSED ZONING RUD
UTILITIES AVAILABLE



~CALL BEFORE YOU DIG~
All underground utilities shall be verified by the contractor. Call Gopher State One for locates.
GOPHER STATE ONE CALL
Metro Area: 651-454-0002
Toll Free: 800-252-1166



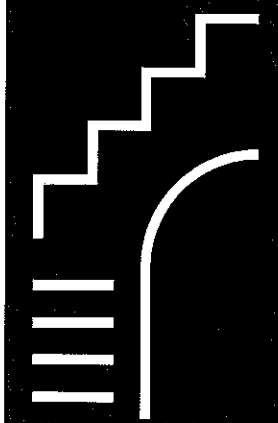
1 PRELIMINARY LANDSCAPE PLAN
L1 Scale: 1" = 30' Ft

DIMENSION KEY

- MIN BLDG SETBACK RQMT
- ACTUAL BLDG SETBACK
- BLDG DIMENSION

LEGEND

- DENOTES DECORATIVE DECIDUOUS TREE
- DENOTES DECIDUOUS TREE
- DENOTES TREE (CONIFER)
- DENOTES SHRUBS



STATION NINETEEN

Architects - Incorporated
2001 UNIVERSITY AVENUE SOUTHEAST SUITE 100
MINNEAPOLIS, MINNESOTA 55414
PHONE (612) 623.1800
FAX (612) 623.0012

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the state of:
MINNESOTA

SIGNATURE

ARCHITECT: RICHARD BROWNLEE

REGISTRATION NUMBER:

DATE: 4/23/2009

DRAWN BY: EJ, ALM

CHECKED BY: RB

PROJECT TITLE

THE ORCHARD

ROSEVILLE, MINNESOTA

Project Number **2023**

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No.	Date	Appr	Revision Notes

No.	Date	Issue Notes
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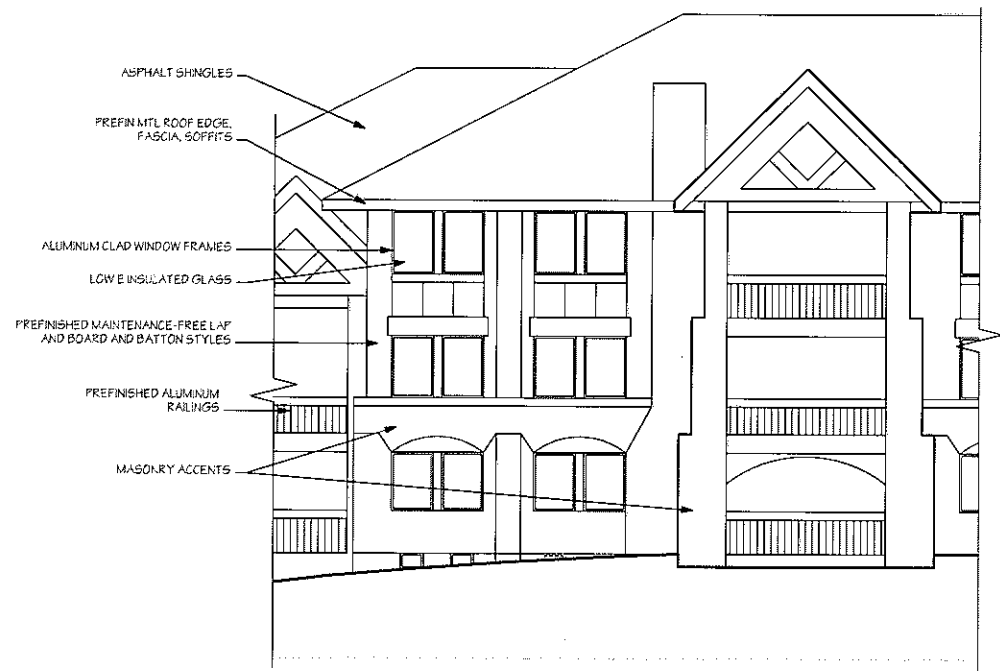
Phase
CITY P.U.D. SUBMISSION

Sheet Title
PRELIMINARY LANDSCAPE PLAN

Drawing No.
L1



1 NORTH ELEVATION
A2 Scale: 1/16" = 1'-0"



2 ENLARGED NORTH ELEVATION
A2 Scale: 1/8" = 1'-0"



3 EAST ELEVATION
A2 Scale: 1/16" = 1'-0"



STATION NINETEEN
Architects - Incorporated
2001 UNIVERSITY AVENUE SOUTHEAST SUITE 100
MINNEAPOLIS, MINNESOTA 55414
PHONE (612) 623.1800
FAX (612) 623.0012

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No.	Date	Appr	Revision Notes

No.	Date	Issue Notes

No.	Date	Issue Notes

Phase
CITY P.U.D. SUBMISSION

Sheet Title
PRELIMINARY ELEVATIONS

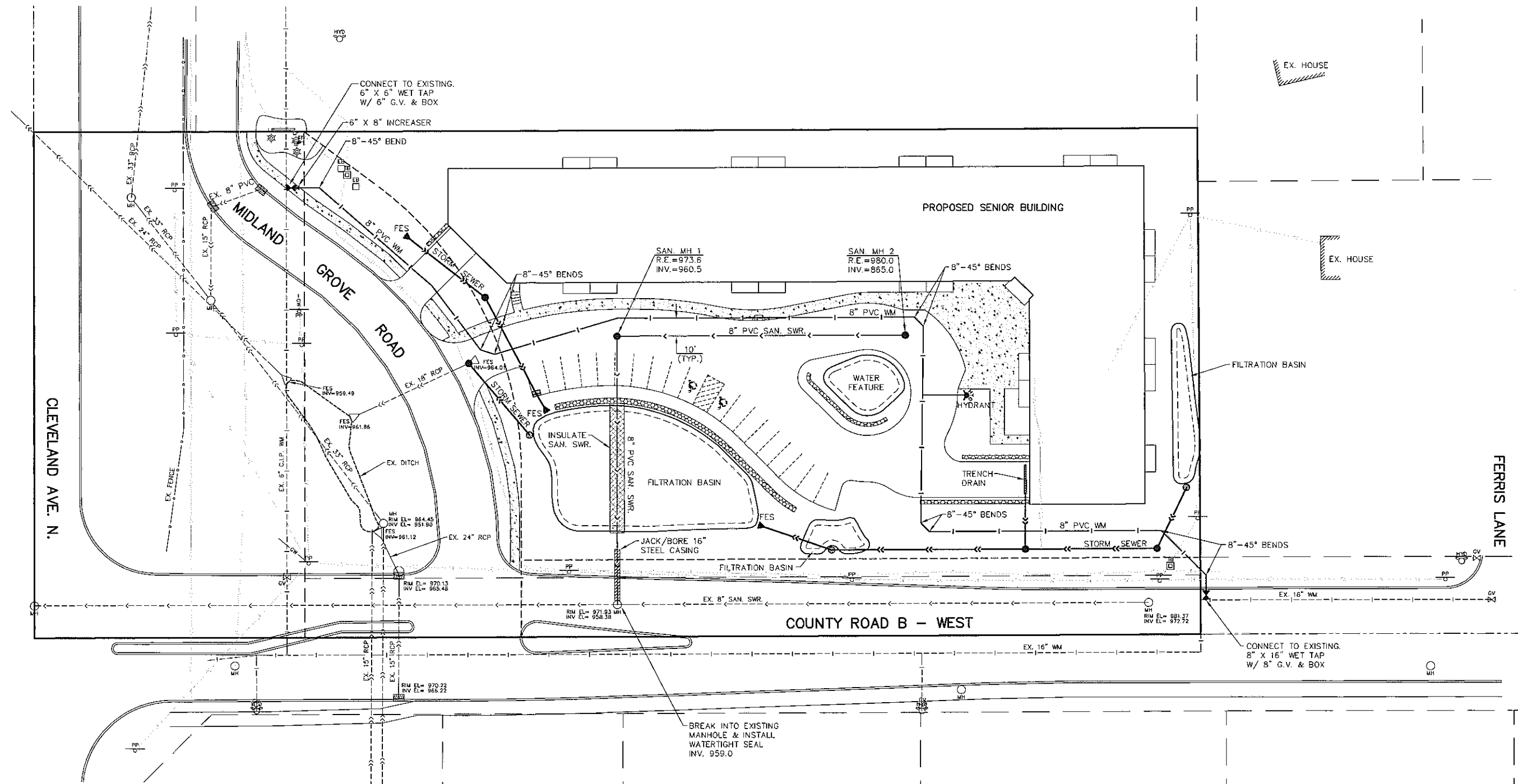
Drawing No.
A2



OLD ELEVATION



REVISED ELEVATION



GOVERNING SPECIFICATIONS

LATEST EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION".

LATEST EDITION OF THE MMUTCD - MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

LATEST EDITION OF THE CEAM - CITY ENGINEERS ASSOCIATION OF MINNESOTA STANDARD UTILITIES SPECIFICATIONS.

CITY OF ROSEVILLE STANDARD SPECIFICATIONS.

GENERAL NOTES

THE EXISTING SUBSURFACE INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS UTILITY QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF C/ASCE 38-02 ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".

~CALL BEFORE YOU DIG~
All underground utilities shall be verified by the contractor. Call Gopher State One for locates.

GOPHER STATE ONE CALL

Metro Area: 651-454-0002
Toll Free: 800-252-1166

BENCHMARKS

1. BENCHMARK NO. 8191 OF ROSEVILLE AND FALCON HEIGHTS, MINNESOTA BENCHMARKS, AS LISTED ON THE RAMSEY COUNTY SURVEYORS OFFICE WEB SITE.
TOP OF DISC EL. = 974.13 (NAVD 1988)

PRELIMINARY UTILITY PLAN

THE ORCHARD
Roseville, Minnesota
ProSource Project No.: 2230-00

A.G. MUELLER
2201 Acorn Road
Roseville, Minnesota 55113

REVISIONS

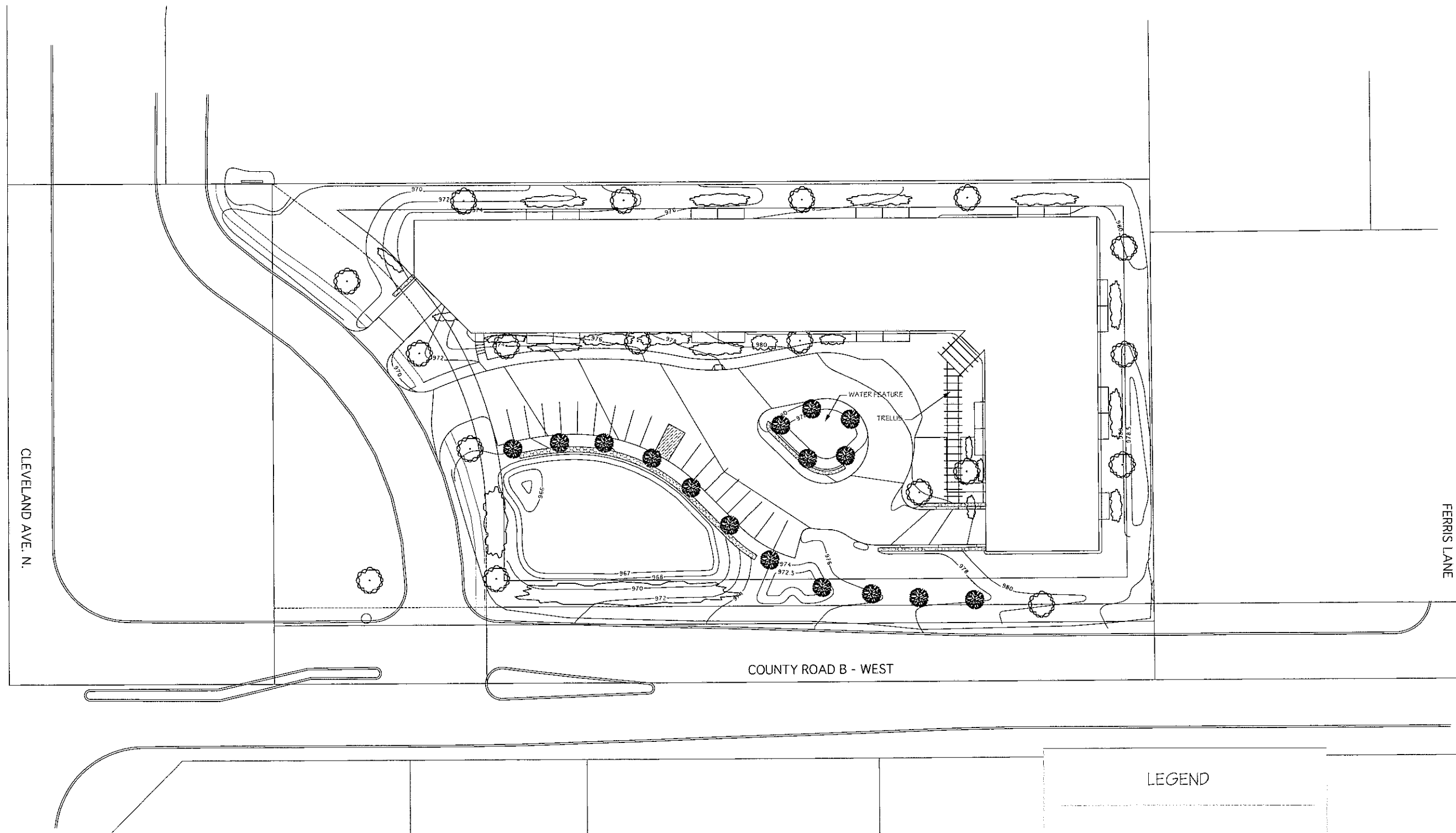
1.	2/20/09	REVISED LAYOUT.
2.		
3.		
4.		
5.		
6.		
DRAWN BY:		JTR
DESIGNED BY:		BJK
ISSUE DATE:		12/22/08

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: Brian J. Krystofek, P.E.
Signature: *Brian J. Krystofek*
Date: 12/22/08 License #: 25063

C2.2

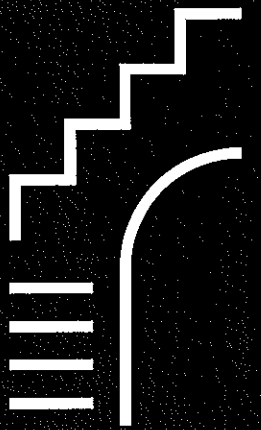
ProSource
TECHNOLOGIES, INC.
9219 East River Road N.W.
Phon: (763) 786-1445
Fax: (763) 786-1030
www.prosourcetech.com
• Engineering
• Land Surveying
• Environmental
• Right of Way



1
L1 PRELIMINARY LANDSCAPE PLAN
Scale: 1" = 30 ft

LEGEND

- DENOTES DECORATIVE DECIDUOUS TREE
- DENOTES DECIDUOUS TREE
- ★ DENOTES TREE (CONIFER)
- DENOTES SHRUBS



**STATION
NINETEEN**
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2001 UNIVERSITY
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MINNEAPOLIS,
MINNESOTA 55414
PHONE (612) 623.1800
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I hereby certify that this plan,
specification, or report was
prepared by me or under my direct
supervision and that I am a duly
Registered Architect under the laws
of the state of:
MINNESOTA

SIGNATURE

ARCHITECT: RICHARD BROWNLEE

REGISTRATION NUMBER:

DATE: 2/23/2009

DRAWN BY: EJ

CHECKED BY: RB

PROJECT TITLE

**THE
ORCHARD**

ROSEVILLE,
MINNESOTA

Project Number **2023**

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No.	Date	Appr.	Revision Notes

No.	Date	Issue Notes

Phase
**CITY P.U.D.
SUBMISSION**

Sheet Title
**PRELIMINARY
LANDSCAPE PLAN**

Drawing No
L1





PHOTO LOOKING WEST W/O ORCHARD



PHOTO LOOKING WEST W/ ORCHARD



OLD ELEVATION



REVISED PERSPECTIVE

**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 13th day of July 2009, at 6:00 p.m.

The following members were present:
and none was absent.

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

RESOLUTION NO. _____

**A RESOLUTION APPROVING A COMPREHENSIVE LAND USE MAP
DESIGNATION AMENDMENT FROM LOW DENSITY RESIDENTIAL (LR) TO HIGH
DENSITY RESIDENTIAL (HR) 2025 COUNTY ROAD B (PF-09-002)**

WHEREAS, the Planning Commission, at a public hearing held on March 4, 2009, pertaining to the request they received from Art Mueller for a Comprehensive Land Use Plan Amendment on property addressed as 2025 County Road B (and associated parcels); and

WHEREAS, the proposed Comprehensive Land Use Plan Amendment requires a map designation change from “LR” (Low Density Residential) to “HR” (High Density Residential); and

WHEREAS, said properties are legally described as:

REQUIRES LEGAL DESCRIPTION ATTACHMENT

WHEREAS, after required public hearings, the Roseville Planning Commission voted to support (4-3) the requested Comprehensive Land Use Map Amendment; and

WHEREAS, the Roseville City Council at their meeting of July 13, 2009, was presented the project report from the Planning Division regarding the subject request; and

NOW THEREFORE, BE IT RESOLVED, by the City Council hereby approve the amendment to the Comprehensive Land Use Map Amendment from “LR” (Low Density Residential) to “HR” (Medium Density Residential) for property and associated parcels addressed at 2025 County Road B, subject to the following conditions:

- a.** The review and comments of the Metropolitan Council.
- b.** Passage and publication of an ordinance properly and consistently rezoning of the subject parcels.

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.

[illegible]

WITNESS MY HAND officially as such Manager this 13th day of July 2009.

Page 2 of 2

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 07-13-2009

Item No.: 13.a

Department Approval

City Manager Approval



Item Description: **Discussion regarding Hazardous Building Law**

BACKGROUND

At the June 29, 2009 City Council, Councilmember Ihlan requested that information regarding the State of Minnesota's Hazardous Building Law be brought forward to the City Council for discussion. Staff has attached a memo regarding the law prepared by Jay Squires, City Attorney, dated April 3, 2009 and has attached information from the League of Minnesota Cities regarding hazardous buildings.

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 neighborhoods (Policy 6, page 8, Section 3).

FINANCIAL IMPACTS

Under the Hazardous Building Law, cities would declare a building hazardous and order the building to be repaired or torn down. The costs for the work are ultimately are collected from the affected property owners. However, initially, the City would be required to carry the costs.

STAFF RECOMMENDATION

This item is being brought for discussion purposes at this time.

REQUESTED COUNCIL ACTION

Will be based on discussion.

Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071

Attachments: A: Letter dated April 3, 2009 from Jay Squires
B: Information from the League of Minnesota Cities regarding the Hazardous Building Law

Jay T. Squires
Direct Fax: (612) 225-6834
jts@ratwiklaw.com

April 3, 2009

Mr. Bill Malinen
City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

Mr. Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

RE: *Condemnation of Buildings*
Our File No. 4002(1)-0001

Dear Bill and Pat:

I understand the Council on March 30 discussed dilapidated structures in Twin Lake. The Council requested general information on options available to the City to deal with the same.

Option One is to deal with the building as a nuisance under Chapter 407 of City Code. Under this chapter, buildings that are in poor condition can be addressed through the nuisance process. While this process is more common for residential properties, it has been utilized for commercial properties, ie the former Anderson Steakhouse next to Fuddrucker's at Snelling and County Road C.

Option Two is to deal with the property under the Hazardous Building Law, Minn. Stat. §§ 463.15-.23. Under this law, the City may seek court permission to raze a structure if the structure meets the definition of "hazardous building," which is defined as:

Any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsatisfactory

Mr. Bill Malinen
Mr. Pat Trudgeon
April 3, 2009
Page 2

conditions, or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Minn. Stat. § 462.15.

The Hazardous Building Law process is a judicial process involving the district court. Ultimately, if the court approves the removal or abatement of the hazardous building, the costs of removal may be assessed against the property (along with attorneys' fees).

Option Three would involve an outright condemnation of the property. Given the likely nature of such an action in Twin Lakes, an outright condemnation would presumably require the City to demonstrate that the conditions of "blight" existed, or that the building was "structurally substandard" as these terms are defined in Minn. Stat. § 117.025.

I hope this at least preliminarily addresses the questions raised by the Council. Let us know if you need further information.

Regards,

Jay T. Squires

JTS/sem

RRM: #129812

Minn. Stat. § 145A.01-.12.

Under the “Local Public Health Act,” a board of health may take actions to remove and abate these public health nuisances. The governing board of a city or county may establish a board of health. However, most cities do not have their own board of health. Therefore, dealing with garbage houses is often up to the county board of health and not the city.

Minn. Stat. § 145A.04, subd. 8(a); Minn. Stat. § 145A.02.

One of the board’s duties is to deal with threats to public health. If there is a threat to the public health, such as a public health nuisance (e.g., any activity or failure to act that adversely affects the public health), a source of filth, or a cause of sickness found on any property, the board of health (or its agent) must order the owner or occupant of the property to remove or abate the threat. Generally, if the owner, occupant, or agent does not comply with the requirements of the notice, then the board of health (or its agent) must remove or abate the nuisance, source of filth, or cause of sickness described in the notice.

A. Local ordinances

Minn. Stat. § 145A.05, subds. 1, 7.

Both the county and the city have some authority to adopt ordinances related to public health. The county board may adopt ordinances for all or part of its jurisdiction to regulate actual or potential threats to the public health, including ordinances to define public health nuisances and provide for their prevention or abatement. However, these ordinances cannot be preempted by, be in conflict with, or be less restrictive than standards set out in state laws or rules. The city council may also adopt ordinances relating to the public health authorized by law or by an agreement with the commissioner of health. The ordinances cannot conflict with or be less restrictive than ordinances adopted by the county board or state law.

Minn. Stat. § 145A.05, subd. 9

Minn. Stat. § 145A.10, subd. 9

If there is a community health board in place of a board of health, it may recommend local ordinances pertaining to community health services to the city council or county board within its jurisdiction.

VIII. Hazardous buildings

Minn. Stat. §§ 463.15-.261.

Minnesota law provides authority and a process to deal with hazardous buildings. This process allows the city to order a property owner to repair or remove a hazardous condition, or in extreme cases, to raze the building. If the owner does not do the work, the city may do so and charge the costs against the property as a special assessment. The law requires that the court oversee or be involved during most of the process. As such, it is very important to work with the city attorney. The city attorney will be needed to draft documents, file court papers, appear in court, and provide specific legal advice throughout the process.

Minn. R. 1300.0180; Minn. R. 1311.0206

Where applicable, the Minnesota State Building Code requires that all unsafe buildings and structures must be repaired, rehabilitated, demolished, or removed according to the statutory hazardous building provisions.

Minn. Stat. § 463.26
City of Minneapolis v. Meldahl,

Hazardous building laws are supplementary to other statutory and charter provisions. This means cities may enact and enforce ordinances on the same

607 N.W.2d 168, 171
(Minn.App.2000).

subject. Any ordinance that is passed must allow for due process and cannot contradict state law. The city should seek advice from the city attorney if it wishes to adopt this type of ordinance.

A. Characteristics of a hazardous building

Minn. Stat. § 463.15, subds. 2,3

State law defines a hazardous building or hazardous property as “any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health.” A building is defined as “any structure or part of a structure.” For purposes of this memo, the phrase hazardous building will be used to include hazardous property and structures.

Ukkonen v. City of Minneapolis,
160 N.W.2d 249, 250 (1968).

Determining whether a building is hazardous depends on the particular facts of each situation. For example, in one opinion where the Minnesota supreme court upheld a city’s order to raze a hazardous building, the court described the building in question as having the following conditions:

- Unoccupied.
- Badly deteriorated sections of concrete block foundation.
- Decayed and rotted wooden foundation sills.
- Broken, deteriorating, and falling siding.
- Rotted and collapsing roof cornice.
- Large holes in asphalt roof covering.
- Evidence of roof leaks.
- Large holes in the plaster finish of walls and ceilings.
- Many broken window lights.
- Damaged or destroyed window sashes.
- Dry water traps in wash basin and water closet resulting in open sewers.
- Paper, lumber, wood lath, plaster, and debris littering interior of building.

These are not the only conditions that would cause a building to be considered “hazardous.” Rather, these are examples of the types of things that might be present in a hazardous building. While this example shows that there were many problems with this building, there is no formula to determine how many problems make a building hazardous. Again, that depends on the particular situation.

B. Identifying a hazardous building

If the city believes there is a building that may be hazardous, it is a good idea for the city to gather and document information about the building. An

See Section II *Entering private property*.

LMC information memo,
Meetings of City Councils.

Rostamkhani v. City of St. Paul,
645 N.W.2d 479 (Minn. Ct. App.
2002).

Minn. Stat. § 463.15

Rostamkhani v. City of St. Paul,
645 N.W.2d 479, 484-85 (Minn.
Ct. App. 2002); *CUP Foods, Inc.*
v. City of Minneapolis, 633
N.W.2d 557, 562
(Minn.App.2001); *Tessmer v.*
City of St. Paul, No. A07-2349,
2008 WL 5215938 (Minn. Ct.
App. Dec. 16, 2008)
(unpublished opinion)

LMCIT risk management
information memo, *Exercising*
Discretion: Keeping Records to
Support Immunity.

See Section III *Due process*.

inspection of the property may provide information that may help the council determine if the building is hazardous. While inspecting the property, it is helpful to take detailed notes and photographs of what was observed. Because there are constitutional limitations on entering private property, the city should consider how it will lawfully enter the property to make the inspection.

Before the council orders a hazardous condition to be repaired or removed, the council must first make a determination that the building is hazardous. This must be done during an open city council meeting. At the meeting, it is advisable that the city council consider all the relevant evidence it has, such as any inspection notes or reports, photographs of the property, code violations, and any other information related to the property, including any information provided by the property owner or occupant. It is also advisable to keep in mind the statutory definition and consider how the evidence relates to this definition.

The decision to repair or remove a hazardous condition, or to raze a building, must not be arbitrary or capricious. A decision is arbitrary or capricious if it is unreasoned and does not consider the facts and circumstances of the situation. Said another way, the city's decision must be reasoned and supported by substantial evidence. It is a good idea for the council to keep a detailed record of the discussion, the evidence considered, and the ultimate decision that was reached based on the evidence considered. This record will help the city defend its decision if it is later challenged in court.

Although the law does not explicitly require the property owner to be notified of the council consideration of the property, it is advisable to take steps to ensure the property owner's due process rights are respected. One way to do this may be to notify the property owner that the issue will be discussed and to allow the owner a chance to speak with the council and provide any evidence or information that he or she may have. Notice to tenants as well as lien-holders may also be advisable. Notice may also lead to self-remedy of the hazardous conditions.

C. Removal or repair by consent

Minn. Stat. § 463.151

Minn. Stat. § 463.15, subd. 4

Minn. Stat. § 463.151; Minn.
Stat. § 463.21; Minn. Stat. §§

One method of dealing with a hazardous condition or building is to approach the property owner to ask him or her to voluntarily repair or remove the hazardous condition or to raze the hazardous building. If the owner will not or cannot voluntarily repair or remove the hazardous condition, the city may obtain written consent of all owners of record, occupying tenants, and all lien-holders of record that allows the city to make the repair or remove the hazardous condition. The "owner," "owner of record," and "lien-holder of record" are persons that have a right or interest in the property and have recorded their interest with the county recorder or registrar of titles in the county where the property is located.

If the city does the work, the costs that the city incurs in repairing or

429.061-.081.

See Section V D 4 *Recovering costs*.

LMC information memo, *Special Assessment Guide*.

See Section VIII D *Removal or repair by order*.

removing the hazardous condition are charged against the property as a lien against the real estate. This lien is levied and collected as a special assessment. The city council may provide that the assessment may be paid in five or fewer equal annual installments with interest at 8 percent per year. As an alternative to the lien, the city can recover the costs by obtaining a court judgment against the owner of the real estate.

If the property owner voluntarily remedies the problem, or if the city obtains consent and remedies the problem, the city may be able to avoid the lengthy process used when there is no consent. However, neither of these options is required by law. The city may choose not to use these options, but rather proceed straight to removal or repair by order. Similarly, if the city's attempts to use these two methods fail, the city may proceed by ordering the repair or removal.

D. Removal or repair by order

Village of Zumbrota v. Johnson, 161 N.W.2d 626 (Minn. 1968).

City of Wells v. Swehla, No. C3-00-319, 2000 WL 1577087 (Minn. Ct. App. Oct. 17, 2000) (unpublished decision); *In the Matter of a Hazardous Building Located at 303-5th Ave. NE, in the City of Cambridge*, No. C3-99-1382, 2000 WL 136017 (Minn. Ct. App. Feb. 8, 2000) (unpublished decision).

The Minnesota supreme court has said that a city should use its authority under the hazardous building process prudently in order to avoid unnecessary infringement on the property owner's rights. The city must be especially cautious when ordering a hazardous building to be razed. Minnesota courts have further stated that, although the statute gives the city the discretion to decide whether a building should be removed or repaired, destruction of a hazardous building should not be authorized unless it can be shown that the hazardous conditions cannot be removed or repaired. Therefore, the property owner should be given reasonable amount of time to repair or remove the hazardous conditions; failure to make repairs or remove hazardous conditions may be grounds to allow the city to demolish the building.

1. The order to remove or repair

Minn. Stat. § 463.16; Minn. Stat. § 463.17, subd. 1.

Model Resolution Ordering the Repair or Removal of Hazardous Conditions; Model Resolution Ordering the Razing of a Hazardous Building.

If the council determines that a building is hazardous, the council may adopt an order declaring the building to be hazardous and ordering the owner to repair or remove the condition or raze the building. The order is usually done by resolution. The order to repair or remove a hazardous condition or to raze a hazardous building must be in writing and must:

- Recite the grounds or basis for the order.
- Specify the necessary repairs, if any, and provide a reasonable time to comply with the order.
- State that a motion for summary enforcement of the order will be made to the district court of the county in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in section 463.18, which is 20 days.

Minn. Stat. § 463.18

In the Matter of a Hazardous Building Located at 303-5th Ave. NE, in the City of Cambridge, No. C3-99-1382, 2000 WL 136017 (Minn. Ct. App. Feb. 8,

In preparing the order, it is important that the city take care to specify the necessary repairs. The order must be specific enough to give the property owner notice of the alleged hazardous conditions. One way to do this is to list the hazardous conditions individually in an explanatory manner. A

2000) (unpublished decision);
Village of Zumbrota v. Johnson,
161 N.W.2d 626 (Minn. 1968).

Minn. Stat. § 463.17, subd. 2

Minn. Stat. § 463.15, subd. 4

Minn. Stat. § 463.17, subd. 2

LMC information memo,
Newspaper Publication.

Minn. Stat. § 469.201-.207.

general statement that the owner “must eliminate hazardous conditions” is likely not specific enough.

The council’s order must be served upon the property owner of record, or the owner’s agent if an agent is in charge of the building, any occupying tenants, and all lien-holders of record. (“Owner,” “owner of record,” and “lien-holder of record” are any people that have a right or interest in the property and evidence of this interest is recorded in the office of the county recorder or registrar of titles in the county where the property is situated.) The service of the order must be done in the same manner as the service of a summons in a civil court action. To make sure the order is properly served, the city may hire a professional process server.

If the owner cannot be found, the order is served by posting it at the main entrance to the building. In addition to posting, the order must be published for four weeks in the official city newspaper; if there is no official city newspaper, then the order is published in a legal newspaper in the county.

A city with a Targeted Neighborhood Revitalization Program may assess a penalty of up to 1 percent of the market value of the real property for any building in the city that the city determines to be hazardous. Because there are statutory requirements that must be met in order to do so, the city should work with its city attorney.

a. Removal of personal property and fixtures

Minn. Stat. § 463.24

If personal property or fixtures are in the building, the city may address these items in the order. Personal property is anything that is subject to ownership that is not classified as real property; some examples of personal property are furniture, clothing, and televisions. A fixture is an item of personal property that is attached to the property or building and is considered part of the building; some examples of fixtures are built-in appliances, water heaters, and cabinets.

Minn. Stat. § 463.24; Minn. Stat.
§ 463.21

If personal property or fixtures will unreasonably interfere with the work to be done, or if the razing or removal makes removal of the property necessary, the order may direct the removal of the personal property or fixtures within a reasonable amount of time. If the property or fixtures are not removed in the specified timeframe and the council enforces the order, the council may sell any valuable personal property, fixtures, or salvage at a public auction after three days posted notice. If the items do not have any appreciable value, the council may have them destroyed.

2. Responding to the order

Minn. Stat. § 463.18; Minn. Stat.
§ 463.20

Once the order is served on the appropriate people, any one of those people may contest the order. This is done by “answering” the order. The answer must specifically deny the facts in the order that are disputed. The answer to the order must be served within 20 days from the date the order was served. The answer is served in the manner provided for the service of an answer in a civil court action. When an answer is filed, the court will become involved like any other law suit. This situation is called a “contested case.”

Minn. Stat. § 463.19

If no one answers the order, the proceedings are a “default case.” Although there may be no answer to the order, the city must still seek a court judgment to enforce the order.

a. Court judgment: Contested case

Minn. Stat. § 463.20

Where an answer to the order is filed, the proceedings are treated like any other civil action, except this type of action has priority over all other pending civil actions. A contested case has the attributes of a civil law suit, such as filing documents with the court, gathering evidence, and a trial.

Minn. Stat. § 557.02

Because this type of case deals with a person’s interest in his or her real property, it is a good idea for the city to file a “lis pendens” with the county recorder at the start of the case. The lis pendens filing gives potential purchasers notice about the hazardous building proceedings. A lis pendens must include the names of the parties in the suit, the object of the law suit, and a description of the real property involved. At the end of the proceeding, it is a good idea to file a notice that the lis pendens is discharged.

Minn. Stat. § 463.20; *In the Matter of a Hazardous Building Located at 303-5th Ave. NE, in the City of Cambridge*, No. C3-99-1382, 2000 WL 136017 (Minn. Ct. App. Feb. 8, 2000) (unpublished decision); *City of Wells v. Swehla*, 2000 WL 1577087 (Minn. App. Oct 17, 2000) (unpublished decision)

After a trial, the court may or may not uphold the order issued by the city. The court may modify the order, including adding other hazardous conditions that need to be repaired or removed, so long as there is evidence to support the change. When considering the city’s order, the district court must consider the possibility of repairing the building.

Minn. Stat. § 463.20.

If the court upholds the order, with or without modification, the court enters judgment in favor of the city. The court also sets a time in which the hazardous condition must be repaired or removed or the building must be razed in compliance with the order. If the court does not uphold the order, the court annuls the order and sets it aside. Either way, the court administrator must mail a copy of the judgment to everyone originally served with the order.

Minn. Stat. § 463.161

If the court issues an opinion that gives the property owner a specified amount of time to fix or remove the hazardous conditions, the city generally cannot take action in that time period unless the order so authorizes. The city may ask the court to require the property owner to provide the city with ongoing access to inspect the progress and work. Generally, if at the end of the time period the owner has not fixed or removed the hazardous conditions, the city may repair or remove the hazardous condition or raze the hazardous building. Consult the city attorney to determine if any additional court orders are necessary.

b. Court judgment: Default case

Minn. Stat. § 463.19

Minn. Stat. § 463.17, subd.3

If no one files an answer to the city’s order, it becomes a default case. The city still needs to ask the court to enforce the city’s order; this is done by a motion to enforce the order. A motion is a type of court hearing where the city asks the court to do something. At least five days before filing the motion to enforce the order, the city must file a copy of the order and proof

of service with the court administrator of the district court of the county where the hazardous building is located.

Minn. Stat. § 463.17, subd. 3

Minn. Stat. § 557.02

At the time of filing the order and proof of service with the district court, the city must also file a lis pendens notice with the county recorder or registrar of titles. This is called a “lis pendens.” The notice should also include the names of the parties and the purpose of the action. If the city abandons the hazardous building order proceeding, it must file a notice to that effect with the county recorder within 10 days. At the end of the proceeding, the city should file a notice that the lis pendens is discharged.

Minn. Stat. § 463.19

There will be a court hearing on the motion to enforce the order. The city will present any evidence that the court requires. The court may then affirm or modify the order and enter judgment accordingly. The court will also set a time after which the council may enforce the order. The court administrator will mail a copy of the judgment to all people who were served with the original order.

3. Doing the work

If the city is authorized by the court to remove or repair a hazardous condition or to raze a hazardous building, the city council will need to determine the best way to get the work done. In some circumstances, city employees may be able to do the work. In other situations, the city council may need to hire someone to do the work. Depending on the work to be done, the competitive bidding laws may apply.

Minn. Stat. § 471.345

Minn. Stat. § 463.21; Minn. Stat. § 463.24

When doing the work to remove or repair a hazardous condition or raze a hazardous building, there may be personal property or fixtures that need to be removed. If the original order included a provision ordering the property owner or tenant to remove personal property or fixtures, and the owner did not comply with the provisions in the order, the city may remove the property and fixtures. It is a good idea to keep an inventory of all items removed from the property so that the city has a record if questions arise later about what was removed. The city may also sell any salvage materials at the public auction. The auction must be posted for three days prior to the auction. If the items have no appreciable value, the city may destroy them.

Model Notice for Public Auction.

4. Recovering costs

Throughout the hazardous building process, the city must keep an accurate account of the expenses it incurs in carrying out and enforcing the order. At a minimum, this account must include the following expenses:

Minn. Stat. § 463.22

Model Resolution Adopting Expense Report.

- Filing fees.
- Service fees.
- Publication fees.
- Attorney’s fees.
- Appraisers’ fees.

- Witness fees, including expert witness fees.
- Traveling expenses incurred by the municipality from the time the order was originally made.

Minn. Stat. § 463.22

This is not an exhaustive list of expenses, so other expenses incurred by the city should also be included. The city must credit the account with the amount received, if any, from the sale of the salvage, building, or structure.

Minn. Stat. § 463.22

City of Delano v. Abene, No. C0-01-983, 2001 WL 1570961 (Minn. Ct. App. Dec. 11, 2001)(unpublished decision); *City of Litchfield v. Schwanke*, 530 N.W.2d 580 (Minn. Ct. App. 1995).

The city must report any actions it has taken under the order, including a statement of money received and expenses incurred, to the court for approval and allowance. Upon examination, the court may correct the expenses and determine the amount the city is entitled to receive. The court may also determine the reasonableness of the expenses. Then the court allows the expense account. Even where a court has significantly modified the original city order, the city may be awarded expenses.

Minn. Stat. § 463.22

Minn. Stat. § 463.161, subd. 3; Minn. Stat. § 463.21; Minn. Stat. §§ 429.061-.081.

LMC information memo, *Special Assessment Guide*.

Gadey v. City of Minneapolis, 517 N.W.2d 344 (Minn. Ct. App. 1994).

If the amount received from the sale of salvage or property does not equal or exceed the amount of expenses allowed by the court, the court's judgment will certify the deficiency to the city clerk for collection. The owner or another interested party must pay the deficiency amount by October 1. The city cannot add on a penalty to this amount. If the payment is not made by October 1, the clerk must certify the amount of the deficiency amount to the county auditor to be entered on the county tax lists as a special assessment against the property. The deficiency is collected in the same manner as other taxes. The amount collected by the county must be paid into the city treasury. The city council may provide that the assessment may be paid in five or fewer equal annual installments with interest at 8 percent per year.

Minn. Stat. § 463.21

An alternative to using a special assessment against the property is to recover the costs by obtaining a court judgment against the property owner.

Minn. Stat. § 463.22

If the amount received for the sale of the salvage or the building exceeds the allowed expenses incurred by the city, and there are delinquent taxes against the property, the court will direct that the excess shall be paid to the county treasurer to be applied to the delinquent taxes. If there are no delinquent taxes, the court will direct the surplus to be paid to the owner.

Minn. Stat. § 463.23

The net proceeds of any sales of property, fixtures, or salvage must be paid to the persons designated in the judgment in proportion to their interest. Accepting this payment waives all objections to the payment and the proceedings. If any party to whom a payment of damages is made is not a resident of the state, or the place of residence is not known, the party is an infant or under a legal disability, refuses to accept payment, or if it is doubtful to whom the payment should be made, the city may pay the amount to the clerk of courts to be paid out under the direction of the court. Unless there is an appeal to the payment, the deposit with the clerk is considered a payment of the award.

REQUEST FOR COUNCIL ACTION

Date: 07/13/2009
Item No.: 13.b

Department Approval

City Manager Approval



Item Description: **Discussion regarding appraisals for property purchased from Roseville Acquisitions for Twin Lakes Phase I infrastructure**

BACKGROUND

At the June 29, 2009 City Council meeting, Councilmember Ihlan requested that information regarding the purchase of portions of property located at 2690 Cleveland Ave. and 1947 County Rd. C be discussed at the July 13, 2009 City Council meeting. The property, owned by Roseville Acquisitions LLC, was needed to construct Phase I of the Twin Lakes infrastructure project. The City Council approved the purchase of the property and the acquisition of temporary construction and demolition easements on June 15, 2009 in the amount of \$2,107,700.00. The City closed on the property on June 30th.

For the Phase I Twin Lakes infrastructure project, the City purchased portions of two properties, 2690 Cleveland Ave. (Parcel 2) and 1947 Cleveland Ave. (Parcel 8). In March of 2009, the City received appraisals for the needed property purchases. The portions of Parcel 2 needed for the project was appraised at \$1,031,200 for the purchase of 62,245 square feet plus nearly 44,000 square feet needed for temporary construction and demolition easements. The portions of Parcel 8 needed for the project was appraised at \$1,051,500 for the purchase of 105,725 square feet plus 50,000 square feet needed for temporary construction and demolition easements. The appraised value of both properties needed for the Phase I Twin Lakes infrastructure project included temporary construction and building demolition easements was \$2,082,700.00.

Parcel	Value of purchased land	Value of building	Value of misc. improvements	Value of temp. construction easement	Value of temp. demolition easement	Total
Parcel 2	\$802,600	\$165,000	\$52,400	\$7,400	\$3,800	\$1,031,200
Parcel 8	\$1,037,500	\$0	\$10,200	\$3,300	\$500	\$1,051,500

Total

\$2,082,700

It should be noted that as part of the transaction, the City purchased two buildings since they were within the right-of-way needed for the project. Parcel 2 contained the Cummings Diesel building valued at \$1,113,300 for 2009 tax purposes (the City paid \$165,000 for the building as part of the recent transaction). On Parcel 8, the City needed to purchase the Indianhead accessory building located on the northside of the property. The building was determined to have no value as part of the appraisal and the City did not pay anything to acquire it.

24 Both properties were discounted \$2.50 per square foot due to the environmental issues contained on site. For Parcel
25 2, the purchase of the parcel was discounted \$155,612 due to environmental concerns. Parcel 8 was discounted
26 \$264,312 due to environmental concerns. Therefore, a the overall property purchase was discounted a total of
27 \$419,924 due to existing environmental conditions.

28 The final agreed upon settlement for the purchase of both properties was \$2,107,700 or \$25,000 more than the
29 combined appraisals.

30 Staff and the City Attorney has estimated that if the City did not settle with Roseville Acquisitions and received the
31 property thru the eminent domain action begun in March, it would have cost the City anywhere from \$50,000 up to
32 \$142,000 plus the final settlement amount determined by the court appointed commissioners. The breakdown is as
33 follows:

34
35 Attorneys fees....\$7,500-30,000 (assumes two day hearing and possible appeal);
36 Appraiser costs...\$3,000-7,000(prepare/testimony);
37 Commissioner comp./landowner appraisal...\$3,000-5,000;
38 Interest due on award...\$40,000-100,000(assumes 4% from date of taking to final resolution)
39

40 Staff has not attempted to quantify the amount of an actual award by the commissioners as it would be
41 speculative. However, staff's and the City Attorney's experience has shown that the final settlement is usually
42 somewhere between the City's appraisal and the landowner's appraisal.
43

44 Staff has included several documents related to the purchase of the properties including an executive summary of
45 the appraisals as well as the pertinent section regarding the environmental contamination adjustment to the price.
46

47 **POLICY OBJECTIVE**

48 The purchase of the property allows for the construction of infrastructure in the Twin Lakes redevelopment area.
49 Twin Lakes has long been identified in the Roseville Comprehensive Plan as an important redevelopment area
50 for the City.

51 **BUDGET IMPLICATIONS**

52 The costs for the acquisition of 2690 Cleveland Ave. and 1947 County Road C is initially funded from the
53 existing balances of Twin Lakes TIF District #17. As the property within Twin Lakes redevelops, property
54 owners will pay their prorated share of the infrastructure costs as outlined in the Twin Lakes Infrastructure
55 Study.

56 **STAFF RECOMMENDATION**

57 This item is being brought for discussion purposes at this time.

58 **REQUESTED COUNCIL ACTION**

59
60 None requested

Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071

Attachments: A: Executed Purchase Agreement between City and Roseville Acquisitions
B: Letters between the City of Roseville and Roseville Acquisitions regarding transaction
C: Executive Summary of Appraisal for 2690 Cleveland Ave. (Parcel 2) &
1947 County Road C (Parcel 8)
D: Page from Parcel 2 appraisal regarding environmental contamination adjustment to value
E: Page from Parcel 8 appraisal regarding environmental contamination adjustment to value
F: Memo from City Attorney regarding issues related to the purchase
G: Staff Memo to City Council dated June 3, 2009

SETTLEMENT AGREEMENT IN LIEU OF CONDEMNATION

THIS AGREEMENT is made as of June 23, 2009 between Roseville Acquisitions, LLC, ("Seller"), and the City of Roseville, a Minnesota municipal corporation ("Buyer").

RECITALS:

A. Seller is the fee owner of property located in Roseville, Ramsey County, Minnesota ("Property"), the legal description of which is depicted on Exhibit A, attached hereto.

B. Seller wishes to convey, and Buyer wishes to purchase the Property, together with all rights, privileges, easements, and appurtenances belonging thereto.

C. Seller also wishes to convey, and Buyer wishes to purchase a Temporary Construction Easement ("Construction Easement"), as set forth in Exhibit B, and a Building Demolition Easement ("Demolition Easement"), as set forth in Exhibit C.

AGREEMENT:

In consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Purchase of Property in Lieu of Condemnation. This Agreement is entered into in lieu of condemnation by Buyer. Seller hereby agrees to sell and Buyer hereby agrees to purchase the Property including all easements and rights of every kind and nature benefiting or appurtenant to the Property, subject to the Permitted Encumbrances as provided herein.

2. Purchase Price and Manner of Payment. The total purchase price ("Purchase Price") to be paid by Buyer to Seller for the Property, Construction Easement, and Demolition Easement shall be \$2,107,700, and shall be paid to Seller on the Closing Date in a City draft or other immediately available funds.

3. Temporary Easements. As further consideration for the Purchase Price, Seller agrees to grant Buyer a temporary Construction Easement for the construction of roadway improvements and a temporary building Demolition Easement for purposes of demolishing buildings. Seller agrees to grant the Easements, attached hereto as Exhibit B and Exhibit C, to the Buyer at the Closing. Buyer agrees to demolish the buildings

located on the property that is the subject of the Demolition Easement. The Buyer shall pay for all costs for the demolition and removal of the buildings.

4. Vacation of Mount Ridge Road. City staff has determined that from a transportation and traffic circulation perspective, the Mount Ridge right-of-way as it goes through Seller's property south of future Twin Lakes Parkway is not needed. City staff shall recommend that Mount Ridge Road be vacated and upon such vacation, ownership of the Mount Ridge Road shall be in the name of the Seller. Buyer makes no representation that the City Council will approve the vacation of Mount Ridge Road.

5. Government Grant Funds. Buyer will continue to pursue government grant funding to assist in the construction of the infrastructure and remediation of environmental issues within the Twin Lakes Area. Buyer anticipates that it will, on an annual basis, adjust the Twin Lakes Infrastructure Improvement Study to reflect any grants that it receives to reduce the cost of constructing the infrastructure and any inflationary or construction cost increases. Costs to a property owner/developer are locked in at the time of the approval of the development. Any later adjustments made to the allocation will not be charged to or rebated back to the property owner/developer. Any such adjustments have no impact on this Agreement.

6. Buyer Contingencies. The obligations of Buyer under this Agreement are contingent upon each of the following:

- a. Representation and Warranties.** The representations and warranties of Seller contained in this Agreement must be accurate in all material respects now and on the Closing Date as if made on the Closing Date.
- b. Title.** Title shall have been found marketable, or been made marketable, in accordance with the requirements and terms of Section 9 below.
- c. Performance of Seller's Obligations.** Seller shall have performed all of the obligations required to be performed by Seller under this Agreement as and when required by this Agreement.

If any contingency set forth above has not been satisfied on or before the Closing Date, then this Agreement may be terminated, at Buyer's option, by written notice from Buyer to Seller. Upon such termination, neither party will have any further rights or obligations regarding this Agreement or the Property. All the contingencies set forth in this Section are for the sole and exclusive benefit of the Buyer and the Buyer shall have the right to waive any contingency by written notice to Seller.

7. Closing. The closing of the purchase and sale contemplated by this Agreement ("Closing") shall be held at such place as may be agreed upon by the parties, on or before

June 30, 2009, unless a different date is mutually agreed to by both parties ("Closing Date"). At the Closing, Buyer shall pay the Purchase Price to Seller and the following closing documents shall be executed and delivered.

- a. Seller shall deliver a warranty deed conveying the Property to Buyer, free and clear of all encumbrances, except the following "Permitted Encumbrances":
 - (1) Property taxes and special assessments to be paid in accordance with this Agreement; and
 - (2) Right-of-way easements of record in favor of Ramsey County and the State of Minnesota; and
 - (3) Building codes and laws and ordinances relating to zoning and land use.
- b. Executed Easements, as depicted in Exhibits B and C.
- c. Partial Release of Restrictive Covenant from Anchor Bank Saint Paul, N.A.
- d. A title insurance policy, or a suitably marked-up commitment for title insurance initialed by the Title Insurer, in the form required by this Agreement.
- e. A Corporation Affidavit by Seller on Miller-Davis Form 117-M indicating no adverse matters.
- f. A closing statement detailing the financial terms of the closing.
- g. All other documents necessary to transfer the Property to Buyer free and clear of all encumbrances except the Permitted Encumbrances.

8. Costs and Prorations. Seller and Buyer agree to the following prorations and allocations of costs:

- a. **Title Insurance and Closing Fee.** Buyer will pay all costs of issuing the title insurance commitment. Buyer will pay all title insurance premiums and surcharges required for the issuance of any title insurance policy. Buyer will pay all reasonable and customary closing fees charged by the Title Insurer.

- b. **Documentary Taxes.** Buyer shall pay all state tax for the deed to be delivered by Seller under this Agreement.
- c. **Real Estate Taxes and Levied and Pending Assessments.** General real estate taxes due and payable in 2009 shall be prorated by Seller and Buyer to the Closing Date based upon a calendar fiscal year. Seller shall be responsible for any green acre charges due on the property as a result of the closing of this transaction. Seller shall pay all special assessments levied or pending against the Property as of the date of this Agreement.
- d. **Attorney's Fees.** Each party will pay its own attorney's fees.

9. **Title.**

- a. **Quality of Title.** Seller shall convey good and marketable fee title to the Property to Buyer, subject to no liens, easements, encumbrances, conditions, reservations or restrictions other than the Permitted Encumbrances.
- b. **Title Evidence.** Within ten days after the date of this Agreement, Buyer shall obtain a commitment ("Title Commitment") for the most current form of ALTA owner's policy of insurance in the amount of the Purchase Price insuring title to the Property subject only to the Permitted Encumbrances.
- c. **Buyer's objections.** Within ten days after receiving the last of the Title Evidence, Buyer shall make written objections ("Objections") to the form and or contents of the Title Commitment. Buyer's failure to make Objections within such time period will constitute waiver of Objections. Any matter shown on such Title Commitment and not objected to by Buyer shall be deemed an additional "Permitted Encumbrance" hereunder. Seller shall have twenty days after receipt of the Objections to cure the Objections, during which period the Closing will be postponed as necessary. Seller shall use its best efforts to correct any Objections. If the Objections are not cured within such 20-day period, Buyer will, in addition to any other remedy available at law or under this Agreement, have the option to do either of the following:
 - (1) Terminate this Agreement; or
 - (2) Waive the objections and proceed to close, in which case such matters shall be deemed Permitted Encumbrances hereunder.

- d. **Title Policy.** The Title Insurer shall deliver to Buyer at the closing a title policy issued pursuant to the commitment, or a suitably marked-up commitment initialed by the Title Insurer undertaking to issue such a title policy in the form required by the commitment as approved by Buyer.

10. Representations and Warranties by Seller. Seller represents and warrants to Buyer as follows:

- a. **Authority.** Seller has the requisite power and authority to enter into and perform this Agreement.
- b. **Title to Property.** Seller owns the Property free and clear of all encumbrances except the Permitted Encumbrances.
- c. **Rights of Others to Purchase Property.** Seller has not entered into any other contracts for the sale of the Property.
- d. **FIRPTA.** Seller is not a “foreign person,” “foreign partnership,” “foreign trust” or “foreign state” as those terms are defined in § 1445 of the Internal Revenue Code.
- e. **Proceedings.** To the best knowledge of Seller, there is no action, litigation, investigation, condemnation or proceeding of any kind pending or threatened against Seller or the Property.
- f. **Labor or Material Liens.** Seller warrants that there has been no labor or material furnished to the Property for which payment has not been made.
- g. **Wells and Septic Systems.** Seller shall provide Buyer with a well disclosure statement and a septic system disclosure statement, which disclosure statements are incorporated in this Section by reference.

Seller will defend, indemnify and hold harmless Buyer from and against any expenses or damages, including reasonable attorney’s fees, that Buyer incurs because of the breach of any of the above representations and warranties. Each of the representations and warranties contained herein shall survive the Closing.

11. Representations and Warranties by Buyer. Buyer has the requisite power and authority to enter into and perform this Agreement.

12. Condition of Property. The Property is being sold “as is.” Seller makes no representations concerning the condition of the Property, environmental matters, or the suitability of the Property for Buyer’s intended uses. Until the Date of Closing, Seller

shall have full responsibility and the entire liability for any and all damages or injuries of any kind whatsoever to the Property, to any and all persons, whether employees or otherwise, and to any other property from and connected to the Property, except liability arising from the negligence or willful acts of Buyer, its agents, contractors, or employees.

13. Broker's Commission. Seller and Buyer represent and warrant to each other that they have dealt with no broker, finder or other person entitled to a commission, finder's fee or similar fee in connection with this transaction.

14. Survival. All of the terms of this Agreement will survive and be enforceable after the Closing.

15. Notices. Any notice required or permitted to be given by any party to the other shall be given in writing, and shall be (i) hand delivered to the specified addressee, or (ii) mailed in a sealed wrapper by United States registered or certified mail, return receipt requested, postage prepaid, or (iii) properly deposited with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller:	Roseville Acquisitions, LLC Chief Manager Daniel P. Commers 2575 Fairview Avenue North Suite 250 Roseville, MN 55113
With copy to:	Leonard, O'Brien, Spencer, Gale & Sayre, Ltd. Attention: Grover C. Sayre, III 100 South Fifth Street, Suite 2500 Minneapolis, MN 55402
If to Buyer:	City of Roseville Attention: Community Development Director 2660 Civic Center Drive Roseville, MN 55113
With copy to:	Ratwik, Roszak & Maloney, P.A. Attention: Eric J. Quiring 300 U.S. Trust Building 730 Second Avenue South Minneapolis, MN 55402

Notices shall be deemed effective on the earlier of the date of receipt, or in the case of such deposit in the mail or with an overnight courier, on the first business day following

such deposit. Any party may change its address for the service of notice by giving written notice of such change to the other party.

16. Captions. The captions appearing in this Agreement are for convenience only, are not a part of this Agreement and are not to be considered in interpreting this Agreement.

17. Entire Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any and all other oral or written agreements, negotiations, understandings and representations between the parties regarding the Property.

18. Amendment; Waiver. No amendment of this Agreement, and no waiver of any provision of this Agreement, shall be effective unless set forth in a writing expressing the intent to so amend or waive, and the exact nature of such amendment or waiver, and signed by both parties (in the case of amendment) or the waiving party (in the case of waiver). No waiver of a right in any one instance shall operate as a waiver of any other right, nor as a waiver of such right in a later or separate instance.

19. Governing Law. This Agreement is made and executed under and in all respects is to be governed and construed under the laws of the State of Minnesota.

20. Binding Effect. This Agreement binds and benefits the parties and their respective successors and assigns.

21. Specific Performance. This Agreement may be specifically enforced by the parties, provided that any action for specific enforcement is brought within six months after the date of the alleged breach. This paragraph is not intended to create an exclusive remedy for breach of this agreement; the parties reserve all other remedies available at law or in equity.

[Signatures begin on next page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the above date.

SELLER: ROSEVILLE ACQUISITIONS, LLC

By: 
Its: _____

Date: 6/10/09

BUYER: CITY OF ROSEVILLE

By: 
Mayor

Date: 6/15/09

By: 
City Manager

Date: 6/23/09

EXHIBITS:

- A Legal Description
- B Construction Easement
- C Demolition Easement

RRM: 131955
403065

EXHIBIT A

Legal Description of Property

That part of the following described tract of land in the City of Roseville:

Parcel 2

Lots 6, 7, 14 and 15 and the North Half of Lot 13 and the North Half of Lot 8, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota. Except that part deeded to the City of Roseville per Document No. 1511814, dated June 7, 1960, and also except that part of the Final Certificate, per Document No. 1698540, dated May 17, 1967.

Which lies within the following fee acquisition areas:

That part of Parcel 2 which lies northerly and westerly of the following described line: Commencing at the intersection of a line drawn parallel with and distant 10.00 feet west of the east lines of Lots 6 and 7, Block B, Twin View, according to said plat on file and of record in the office of the County Recorder, Ramsey County, Minnesota, and the north line of said Lot 6; thence South 01 degrees 12 minutes 09 seconds East, assumed bearing along said lines drawn parallel with and distant 10.00 feet west of the east lines of Lots 6 and 7, 84.35 feet, to the point of beginning of said line to be hereinafter described; thence westerly, 114.74 feet, along a non tangential curve, concave to the north, having a radius of 388.16 feet and a central angle of 16 degrees 56 minutes 12 seconds, the chord of said curve bears South 80 degrees 56 minutes 57 seconds West; thence South 89 degrees 25 minutes 03 seconds West, tangent to the last described curve, 419.04 feet; thence South 36 degrees 22 minutes 37 seconds West, 22.00 feet; thence South 01 degrees 32 minutes 34 seconds East, 193.22 feet; thence South 05 degrees 25 minutes 16 seconds West, 4.05 feet, to the south line of the North Half of Lot 13, said Block B, and said line there terminating.

AND

That part of the following described tract of land in the City of Roseville:

Parcel 8

Lots 1, 2, 3, 4 and 5, Block C, Twin View, except the West 10 feet thereof, and all that part of the South 833 feet of the West 1/2 of the Southwest 1/4 of Section 4, Township 29, Range 23, lying East and North of the above described lots, and East of the northerly extension of the East line of said West 10 feet of said lots, and North of County Road "C", except the East 30 feet of the aforescribed part

of the Southwest 1/4 and except property conveyed by Deed Document No. 1604588, situate in Ramsey County, Minnesota.

Which lies within the following fee acquisition areas:

That part of Parcel 8 described as follows: Beginning at the intersection of a line drawn parallel with and distant 30.00 feet west of the east line of the Southwest Quarter of the Southwest Quarter of Section 4, Township 29, Range 23, Ramsey County, Minnesota, and the north line of the south 833.00 feet of said Southwest Quarter of the Southwest Quarter; thence South 01 degrees 10 minutes 50 seconds East, assumed bearing along said line drawn parallel with and distant 30.00 feet west of said east line of the Southwest Quarter of the Southwest Quarter, 401.36 feet; thence North 07 degrees 28 minutes 45 seconds West, along a line to be hereinafter referred to as reference line "A", 227.30 feet, and said reference line "A" there terminating; thence North 57 degrees 42 minutes 34 seconds West, along a line to be hereinafter referred to as reference line "B", 88.57 feet, and said reference line "B" there terminating; thence South 83 degrees 51 minutes 35 seconds West, along a line to be hereinafter referred to as reference line "C", 96.54 feet; thence North 89 degrees 06 minutes 18 seconds West, 136.85 feet; thence westerly and southwesterly, 171.52 feet, along a tangential curve, concave to the southeast, having a radius of 275.00 feet and a central angle of 35 degrees 44 minutes 09 seconds, and said reference line "C" there terminating; thence South 30 degrees 14 minutes 26 seconds West, not tangent to the last described line, along a line to be hereinafter referred to as reference line "D", 49.57 feet and said reference line "D" there terminating; thence South 01 degrees 03 minutes 53 seconds East, 121.67 feet; thence South 89 degrees 39 minutes 20 seconds West, 71.08 feet, to the east line of the west 10.00 feet of Lot 2, Block C, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota; thence North 01 degrees 12 minutes 09 seconds West, along the east lines of Lots 1 and 2 said Block C, and its northerly extension thereof, 355.60 feet, to said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter; thence North 89 degrees 24 minutes 36 seconds East, along said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, 17.62 feet; thence South 25 degrees 40 minutes 30 seconds East, along a line to be hereinafter referred to as reference line "E", 75.96 feet, and said reference line "E" there terminating; thence South 81 degrees 44 minutes 22 seconds East, along a line to be hereinafter referred to as reference line "F", 38.77 feet, and said reference line "F" there terminating; thence easterly, 159.47 feet, along a non-tangential curve, concave to the southeast, having a radius of 401.40 feet and a central angle of 22 degrees 45 minutes 46 seconds; thence North 89 degrees 13 minutes 50 seconds East, tangent to the last describe curve 269.18 feet; thence North 59 degrees 04 minutes 33 seconds

East, 83.49 feet, to said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter; thence North 89 degrees 24 minutes 36 seconds East, along said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, 13.37 feet, to the point of beginning.

AND

That part of the South 833 feet of the West 1/2 of the Southwest 1/4 of Section 4, Township 29, Range 23, Ramsey County, Minnesota, described as follows: Commencing at the intersection of the northerly extension of the east line of the west 10.00 feet of Lots 1 and 2, Block C, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota, and the north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, Section 4, Township 29, Range 23, Ramsey County, Minnesota; thence North 89 degrees 24 minutes 36 seconds East, along said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, 17.62 feet, to the point of beginning; thence South 25 degrees 40 minutes 30 seconds East, 75.96 feet; thence South 81 degrees 44 minutes 22 seconds East, 38.77 feet; thence easterly, 159.47 feet, along a non-tangential curve, concave to the southeast, having a radius of 401.40 feet and a central angle of 22 degrees 45 minutes 46 seconds; thence North 89 degrees 13 minutes 50 seconds East, tangent to the last describe curve, 269.18 feet; thence North 59 degrees 04 minutes 33 seconds East, 83.49 feet, to said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter; thence South 89 degrees 24 minutes 36 seconds West, along said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, 555.18 feet, to the point of beginning.

EXHIBIT B

Temporary Construction Easement

THIS EASEMENT, made and entered into this 23rd day of June, 2009, by and between Roseville Acquisitions, LLC, ("Grantor"), and the City of Roseville, Minnesota, a Minnesota municipal corporation ("Grantee").

Terms of Easement

1. **Grant of Temporary Construction Easement.** Grantor hereby grants and conveys to Grantee a temporary construction easement ("Construction Easement") for construction purposes over, under, across and through the following:

That part of the following described tract of land in the City of Roseville:

(Parcel 2)

Lots 6, 7, 14 and 15 and the North Half of Lot 13 and the North Half of Lot 8, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota. Except that part deeded to the City of Roseville per Document No. 1511814, dated June 7, 1960, and also except that part of the Final Certificate, per Document No. 1698540, dated May 17, 1967.

Also which lies within the following temporary easement for construction purposes:

That part of (Parcel 2) which lies southerly and easterly of the above described fee acquisition for right of way purposes and northerly of the following described line: Commencing at the intersection of a line drawn parallel with and distant 10.00 feet west of said east lines of Lots 6 and 7, Block B, Twin View, and the north line of said Lot 6; thence South 01 degrees 12 minutes 09 seconds East, assumed bearing along said lines drawn parallel with and distant 10.00 feet west of the east lines of Lots 6 and 7, 94.76 feet, to the point of beginning of said line to be hereinafter described; thence westerly, 114.80 feet, along a non tangential curve, concave to the north, having a radius of 398.16 feet and a central angle of 16 degrees 31 minutes 12 seconds, the chord of said curve bears South 81 degrees 09 minutes 26 seconds West; thence South 89 degrees 25 minutes 03 seconds West, tangent to the last described curve, 315.86 feet; thence South 00 degrees 25 minutes 26 seconds East, 8.00 feet; thence South 89 degrees 25 minutes 03 seconds West, 116.38 feet, to the easterly line of the above described permanent easement for right of way purposes, and said line there terminating.

AND

That part of the following described tract of land in the City of Roseville:

(Parcel 8)

Lots 1, 2, 3, 4 and 5, Block C, Twin View, except the West 10 feet thereof, and all that part of the South 833 feet of the West 1/2 of the Southwest 1/4 of Section 4, Township 29, Range 23, lying East and North of the above described lots, and East of the northerly extension of the East line of said West 10 feet of said lots, and North of County Road "C", except the East 30 feet of the aforescribed part of the Southwest 1/4 and except property conveyed by Deed Document No. 1604588, situate in Ramsey County, Minnesota.

Also which lies within the following temporary easements for construction purposes:

A strip of land 5.00 feet in width over that part of (Parcel 8), the easterly line of which is contiguous with said line drawn parallel with and distant 30.00 feet west of the east line of the Southwest Quarter of the Southwest Quarter.

Said strip of land is to extend by its full width from the northerly right of way line of County Road C, to said above reference line "A".

And also a strip of land 5.00 feet in width over that part of (Parcel 8), the northerly and northwesterly line of which are contiguous with said above reference line "C".

Said strip of land is to extend by its full width from said above reference line "B", to said above reference line "D".

And also a strip of land 10.00 feet in width over that part of (Parcel 8), the southwesterly line of which is contiguous with said above reference line "E".

Said strip of land is to extend by its full width from said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, to said above reference line "F".

2. Warranty of Title. Grantor covenants that it is the owner of the property underlying the Construction Easement and has the authority to grant this Construction Easement.

3. Duration. This Construction Easement and the rights granted hereunder shall commence on June 16, 2009 and expire on June 15, 2010 with no further rights to either party. Upon expiration of this Construction Easement, the Grantee shall remove any

temporary structures which were constructed during the term of this Construction Easement, and shall restore the property to the same condition as existed prior to the construction on the property.

4. Scope of Easement. The Construction Easement granted herein includes the right of the Grantee, its contractors, agents, and employees to enter the premises at all reasonable times for the purposes of construction, grading, sloping, and restoration purposes, and all purposes ancillary thereto, together with the right to remove trees, shrubs, or other vegetation in the easement area, as well as the right to deposit earthen materials within the Construction Easement area and to move, store, and remove equipment and supplies, and to perform any other work necessary and incident to the project.

Grantee shall have the right to keep the Construction Easement area clear of all buildings, structures, fences, trees, shrubbery, undergrowth and other obstructions that may interfere with or endanger the right of construction access.

5. Rights of Public. Grantor does not intend that the public should have any interest in the above described land by virtue of this Construction Easement or otherwise, except as herein set forth. It is expressly agreed by and between the parties hereto that the Grantor retains ownership of the property and all incidents of ownership not specifically herein granted to the Grantee. Grantor does not intend that the public should have any interest in the land or right to trespass thereon by virtue of this Construction Easement or otherwise, except as herein set forth.

6. Binding Effect. All provisions herein shall run with the land and shall extend to and bind the heirs, successors, representatives, and assigns of Grantor. This Construction Easement may not be assigned by Grantee without the prior written consent of Grantor. The parties agree that this Construction Easement will not be recorded.

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

**GRANTOR: ROSEVILLE
ACQUISITIONS, LLC**

By: _____
Its: _____

Paul J. Corneen
Chief Manager

GRANTEE: CITY OF ROSEVILLE

By: _____

Mayor

By: _____

City Manager

Craig D. Klumpp
Wynn Malinen

EXHIBIT C

Temporary Building Demolition Easement

THIS EASEMENT, made and entered into this 23rd day of June, 2009, by and between Roseville Acquisitions, LLC, ("Grantor"), and the City of Roseville, Minnesota, a Minnesota municipal corporation ("Grantee").

Terms of Easement

1. Grant of Temporary Building Demolition Easement. Grantor hereby grants and conveys to Grantee a temporary easement for building demolition purposes ("Demolition Easement") over and across the following:

That part of the following described tract of land in the City of Roseville:

(Parcel 2)

Lots 6, 7, 14 and 15 and the North Half of Lot 13 and the North Half of Lot 8, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota. Except that part deeded to the City of Roseville per Document No. 1511814, dated June 7, 1960, and also except that part of the Final Certificate, per Document No. 1698540, dated May 17, 1967.

Also which lies within the following temporary easement for building demolition purposes:

That part of (Parcel 2) described as follows: Commencing at the intersection of a line drawn parallel with and distant 10.00 feet west of the east lines of Lots 6 and 7, Block B, Twin View, according to said plat on file and of record in the office of the County Recorder, Ramsey County, Minnesota, and the north line of said Lot 6; thence South 89 degrees 23 minutes 00 seconds West, assumed bearing along said north line of Lot 6, 229.79 feet; thence South 00 degrees 13 minutes 48 seconds East, 77.95 feet, to the point of beginning; thence continuing South 00 degrees 13 minutes 48 seconds East, 161.22 feet; thence South 89 degrees 27 minutes 27 seconds West, 293.30 feet; thence North 00 degrees 13 minutes 48 seconds West, 161.22 feet; thence South 89 degrees 27 minutes 27 seconds West, 293.30 feet, to the point of beginning.

AND

That part of the following described tract of land in the City of Roseville:

(Parcel 8)

Lots 1, 2, 3, 4 and 5, Block C, Twin View, except the West 10 feet thereof, and all that part of the South 833 feet of the West 1/2 of the Southwest 1/4 of Section 4, Township 29, Range 23, lying East and North of the above described lots, and East of the northerly extension of the East line of said West 10 feet of said lots, and North of County Road "C", except the East 30 feet of the aforescribed part of the Southwest 1/4 and except property conveyed by Deed Document No. 1604588, situate in Ramsey County, Minnesota.

Also which lies within the following temporary easement for building demolition purposes:

That part of (Parcel 8) described as follows: Commencing at the intersection of said line drawn parallel with and distant 30.00 feet west of the east line of the Southwest Quarter of the Southwest Quarter, and the north line of the south 833.00 feet of said Southwest Quarter of the Southwest Quarter; thence South 89 degrees 24 minutes 36 seconds West, assumed bearing along said north line of the south 833.00 feet of the Southwest Quarter of the Southwest Quarter, 310.71 feet; thence South 01 degrees 40 minutes 09 seconds East, 10.46 feet, to the point of beginning; thence continuing South 01 degrees 40 minutes 09 seconds East, 210.00 feet, thence South 88 degrees 19 minutes 51 seconds West, 119.65 feet; thence North 01 degrees 40 minutes 09 seconds West, 210.00 feet; thence North 88 degrees 19 minutes 51 seconds East, 119.65 feet, to the point of beginning.

2. Warranty of Title. Grantor covenants that it is the owner of the property underlying the Demolition Easement and has the authority to grant this Demolition Easement.

3. Duration. This Demolition Easement and the rights granted hereunder shall commence on July 1, 2009 and expire on July 31, 2009 with no further rights to either party. Upon expiration of this Demolition Easement, the Grantee shall restore the property to the same condition as existed prior to the demolition on the property.

4. Scope of Easement. The Demolition Easement granted herein includes the right of the Grantee, its contractors, agents, and employees to enter the premises at all reasonable times for building demolition purposes, and all purposes ancillary thereto, together with the right to remove trees, shrubs, or other vegetation in the easement area, as well as the right to deposit earthen materials within the easement area and to move, store, and

remove equipment and supplies, and to perform any other work necessary and incident to the project.

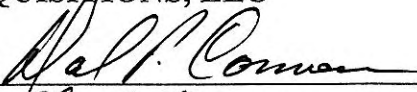
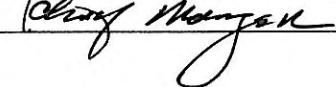
Grantee shall have the right to keep the Demolition Easement area clear of all buildings, structures, fences, trees, shrubbery, undergrowth and other obstructions that may interfere with or endanger the right of demolition access.

5. Rights of Public. Grantor does not intend that the public should have any interest in the above described land by virtue of this Demolition Easement or otherwise, except as herein set forth. It is expressly agreed by and between the parties hereto that the Grantor retains ownership of the property and all incidents of ownership not specifically herein granted to the Grantee. Grantor does not intend that the public should have any interest in the land or right to trespass thereon by virtue of this Demolition Easement or otherwise, except as herein set forth.

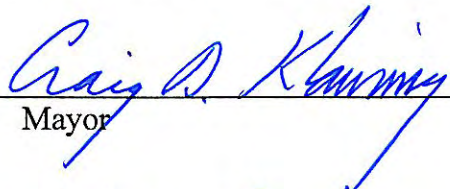
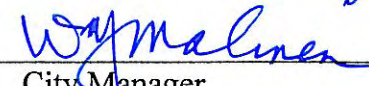
6. Binding Effect. All provisions herein shall run with the land and shall extend to and bind the heirs, successors, representatives, and assigns of Grantor. This Demolition Easement may not be assigned by Grantee without the prior written consent of Grantor. The parties agree that this Demolition Easement will not be recorded.

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

**GRANTOR: ROSEVILLE
ACQUISITIONS, LLC**

By: 
Its: 

GRANTEE: CITY OF ROSEVILLE

By: 
Mayor
By: 
City Manager



April 8, 2009

Daniel P. Commers, Chief Manager
Roseville Acquisitions Three, LLC
2575 Fairview Ave. N., Suite 250
Roseville, MN 55113

Re: Offer of Just Compensation – Parcel 2
Twin Lakes Infrastructure Improvements – Phase I
WSB Project # 1814-00

Dear Mr. Commers:

The City of Roseville is planning to construct Phase I of the Twin Lakes Infrastructure Improvements this upcoming summer and fall. This letter constitutes the City of Roseville's formal Offer to Purchase the necessary and project specific land rights that you own or are claimed through your ownership. The City of Roseville hereby offers all parties who may have an interest in the real estate rights to be acquired the sum of **\$1,031,200.00**. This offer is based on an independent appraisal by Dahlen, Dwyer and Foley, Inc. and a copy of the complete appraisal accompanies this letter. The City's offer is summarized on the attached document and a parcel sketch has been enclosed for your reference. The City has hired WSB & Associates, Inc. to aid in the acquisition of right of way for this project which includes presenting this offer to you. Please contact our agent at WSB & Associates, Inc. with any questions you may have regarding this information.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal for your property. Reimbursement cannot be made without receipt of the information necessary for reimbursement, including a copy of the landowner's appraisal, at least five days before a condemnation commissioners' hearing. In all cases it is important to know that a *review* of the enclosed appraisal, provided by another appraiser, is not eligible for reimbursement.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding. This offer is being extended to you by City staff. It is subject to City Council approval of the terms and conditions.

Your signature at the end of this document is only for the verification that such an offer has been given to you. You also acknowledge that you have received a copy of the appraisal and an "Acquisition Information for Property Owners" brochure. Your signature below does not affect your right to have the final amount determined through eminent domain proceedings in the event the direct purchase method of acquisition is unsuccessful.

On behalf of the City of Roseville, I wish to thank you for your cooperation and assistance and

we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

IF THIS OFFER TO PURCHASE IS ACCEPTABLE

PLEASE INDICATE BY SIGNING AND DATING THE ACCEPTANCE LINES BELOW

I certify that on _____, 2009, I accept the Offer to Purchase above for the indicated amount. I also certify that I have received copies of the appraisal, a three page handout titled "Acquisition Information for Property Owners", Acquisition and Appraisal Summary and the parcel sketch mentioned above.

Signature: _____ the _____ of Roseville Acquisitions
Three, LLC

Printed name

**IF YOU WOULD LIKE MORE TIME TO CONSIDER THE OFFER OR MORE
INFORMATION BEFORE ACCEPTING THIS OFFER TO PURCHASE, PLEASE
INDICATE BY SIGNING AND DATING BELOW THAT YOU RECEIVED AN OFFER
TO PURCHASE WITH ATTACHMENTS.**

I certify that on _____, 2009, I received the Offer to Purchase above for the indicated amount. I also certify that I have received copies of the appraisal, a three page handout titled "Acquisition Information for Property Owners", Acquisition and Appraisal Summary and the parcel sketch mentioned above. My signature below only indicates receipt of this offer and does not indicate acceptance of the offer at this time.

Signature: _____ the _____ of Roseville Acquisitions
Three, LLC

Printed name

Sincerely,



William J. Malinen
City Manager

Attachments: Appraisal and Parcel sketch
Acquisition Information for Property Owners
Acquisition and Appraisal Summary
Legal documents related to the acquisition
Copy of this letter for your records



April 8, 2009

Daniel P. Commers, Chief Manager
Roseville Acquisitions, LLC
2575 Fairview Ave. N., Suite 250
Roseville, MN 55113

Re: Offer of Just Compensation – Parcel 8
Twin Lakes Infrastructure Improvements – Phase I
WSB Project # 1814-00

Dear Mr. Commers:

The City of Roseville is planning to construct Phase I of the Twin Lakes Infrastructure Improvements this upcoming summer and fall. This letter constitutes the City of Roseville's formal Offer to Purchase the necessary and project specific land rights that you own or are claimed through your ownership. The City of Roseville hereby offers all parties who may have an interest in the real estate rights to be acquired the sum of **\$1,051,500.00**. This offer is based on an independent appraisal by Dahlen, Dwyer and Foley, Inc. and a copy of the complete appraisal accompanies this letter. The City's offer is summarized on the attached document and a parcel sketch has been enclosed for your reference. The City has hired WSB & Associates, Inc. to aid in the acquisition of right of way for this project which includes presenting this offer to you. Please contact our agent at WSB & Associates, Inc. with any questions you may have regarding this information.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$5,000.00 for the actual costs of an appraisal for your property. Reimbursement cannot be made without receipt of the information necessary for reimbursement, including a copy of the landowner's appraisal, at least five days before a condemnation commissioners' hearing. In all cases it is important to know that a *review* of the enclosed appraisal, provided by another appraiser, is not eligible for reimbursement.

If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding. This offer is being extended to you by City staff. It is subject to City Council approval of the terms and conditions.

Your signature at the end of this document is only for the verification that such an offer has been given to you. You also acknowledge that you have received a copy of the appraisal and an "Acquisition Information for Property Owners" brochure. Your signature below does not affect your right to have the final amount determined through eminent domain proceedings in the event the direct purchase method of acquisition is unsuccessful.

On behalf of the City of Roseville, I wish to thank you for your cooperation and assistance and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

IF THIS OFFER TO PURCHASE IS ACCEPTABLE

PLEASE INDICATE BY SIGNING AND DATING THE ACCEPTANCE LINES BELOW

I certify that on _____, 2009, I accept the Offer to Purchase above for the indicated amount. I also certify that I have received copies of the appraisal, a three page handout titled "Acquisition Information for Property Owners", Acquisition and Appraisal Summary and the parcel sketch mentioned above.

Signature: _____ the _____ of Roseville Acquisitions, LLC

Printed name

IF YOU WOULD LIKE MORE TIME TO CONSIDER THE OFFER OR MORE INFORMATION BEFORE ACCEPTING THIS OFFER TO PURCHASE, PLEASE INDICATE BY SIGNING AND DATING BELOW THAT YOU RECEIVED AN OFFER TO PURCHASE WITH ATTACHMENTS.

I certify that on _____, 2009, I received the Offer to Purchase above for the indicated amount. I also certify that I have received copies of the appraisal, a three page handout titled "Acquisition Information for Property Owners", Acquisition and Appraisal Summary and the parcel sketch mentioned above. My signature below only indicates receipt of this offer and does not indicate acceptance of the offer at this time.

Signature: _____ the _____ of Roseville Acquisitions, LLC

Printed name

Sincerely,



William J. Malinen
City Manager

Attachments: Appraisal
Acquisition Information for Property Owners
Acquisition and Appraisal Summary
Parcel sketch
Legal documents related to the acquisition
Copy of this letter for your records

Roseville Acquisitions Three, LLC
2575 Fairview Avenue North, Suite 250
Roseville, Minnesota 55113

April 24, 2009

City of Roseville
Attn: William J. Malinen, City Manager
2660 Civic Center Drive
Roseville, Minnesota 55113

Re: 2690 Cleveland Avenue N - Former Cummins Diesel Property
Offer of Just Compensation - Parcel 2
Twin Lakes Infrastructure Improvements - Phase I
WSB Project #1814-00

Dr. Mr. Malinen:

This letter will confirm that on April 22, 2009, Roseville Acquisitions Three, LLC received from the City of Roseville a letter dated April 8, 2009 together with an Offer to Purchase a portion of the property located at 2690 Cleveland Avenue N (Former Cummins Diesel Property) (the "Property"), a copy of an appraisal performed by Dahlen, Dwyer and Foley, Inc., a three page handout titled "Acquisition Information for Property Owners," Acquisition and Appraisal Summary showing a value of \$1,031,200 and a parcel sketch. We are pleased to accept your offer referenced in the April 8, 2009 letter, subject to the following clarifications and/or modifications:

1. Demolition. The City of Roseville agrees to pay all costs necessary to completely demolish and remove all buildings located immediately adjacent to the Property to be conveyed to the City (the "**Future Right of Way**") on or before June 1, 2009.
2. Mount Ridge Road. The City of Roseville agrees at its sole cost and expense to take all necessary action (including, without limitation, vacation proceedings, written conveyance, termination of rights) to, on or before June 1, 2009, (i) vacate the portion of Mount Ridge Road and any easements located therein which abut the Property and (ii) cause ownership of one half of such road to be vested in fee simple in the name of the adjacent property owners located to the east and west of the road. Fee simple ownership in Mount Ridge Road will be transferred to the adjacent property owners without any requirement of payment to the City of Roseville.
3. Condition of the Property. The City of Roseville agrees that it is acquiring the Future Right of Way "as is" and in its current condition without any representation whatsoever as to the condition of such property or its fitness for any intended use of such property by the City of Roseville.
4. Government Grant Funds. In the event the Property is to be assessed or has been assessed for the cost to construct roadways or for the cost to construct the infrastructure or remediate contaminated

soil for such roadways, and a city, state and/or federal government grant is received to pay for part or all of such costs, whether the grant is received before or after construction of such roadways, infrastructure or remediation of soil, the amount of the assessment against the Property will be reduced by a prorata portion of any such grant or grants.

Please acknowledge your acceptance of the foregoing changes and/or modifications.

Very truly yours,

Roseville Acquisitions Three, LLC
(A Minnesota limited liability company)

By: *David P. Comer*
Its: *Margaret Parker*

Acknowledged, Agreed and Accepted:

The City of Roseville

By: _____

Its: _____

And By: _____

Its: _____

400106.2

Roseville Acquisitions, LLC
2575 Fairview Avenue North, Suite 250
Roseville, Minnesota 55113

April 24, 2009

City of Roseville
Attn: William J. Malinen, City Manager
2660 Civic Center Drive
Roseville, Minnesota 55113

Re: 1947 County Road C W - Former Indianhead Trucking Property
Offer of Just Compensation - Parcel 8
Twin Lakes Infrastructure Improvements - Phase I
WSB Project #1814-00

Dr. Mr. Malinen:

This letter will confirm that on April 22, 2009, Roseville Acquisitions, LLC received from the City of Roseville a letter dated April 8, 2009 together with an Offer to Purchase a portion of the property located at 1947 County Road C W (Former Indianhead Trucking Property) (the "Property"), a copy of an appraisal performed by Dahlen, Dwyer and Foley, Inc., a three page handout titled "Acquisition Information for Property Owners," Acquisition and Appraisal Summary showing a value of \$1,051,500 and a parcel sketch. We are pleased to accept your offer referenced in the April 8, 2009 letter, subject to the following clarifications and/or modifications:

1. Demolition. The City of Roseville agrees to pay all costs necessary to completely demolish and remove the building located within the portion of the Property to be conveyed to the City (the "**Future Right of Way**") on or before June 1, 2009.
2. Mount Ridge Road. The City of Roseville agrees at its sole cost and expense to take all necessary action (including, without limitation, vacation proceedings, written conveyance, termination of rights) to, on or before June 1, 2009, vacate the portion of Mount Ridge Road and any easements located therein which abut the Property and (ii) cause ownership of one-half of such road to be vested in fee simple in the name of the adjacent property owners located to the east and west of the road. Fee simple ownership in Mount Ridge Road will be transferred to the adjacent property owners without any requirement of payment to the City of Roseville.
3. Pond. The City of Roseville agrees to grant and convey to the owner of the Property a perpetual easement for drainage of storm water from the portion of the Property that is designated to drain to Langton Lake into any retention pond or ponds constructed on the property located to the east of the Property by or at the direction of the City of Roseville. The pond easement shall be in recordable form and shall be in a form and content acceptable to the owner of the Property and

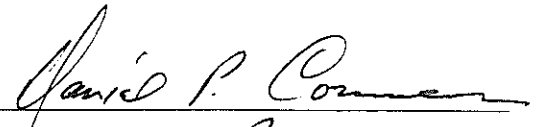
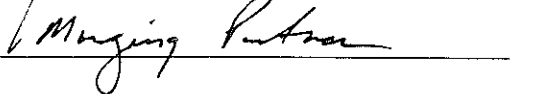
shall be granted at the City's sole cost and expense, and without any requirement of payment to the City of Roseville.

4. Roundabout. The City of Roseville agrees that it is open to discussions with Roseville Acquisitions regarding the final design of any "roundabout" roadways to be constructed in the area.
5. Condition of the Property. The City of Roseville agrees that it is acquiring the Future Right of Way "as is" and in its current condition without any representation whatsoever as to the condition of such property or its fitness for any intended use of such property by the City of Roseville.
6. Government Grant Funds. In the event the Property is to be assessed or has been assessed for the cost to construct roadways or for the cost to construct the infrastructure or remediate contaminated soil for such roadways, and a city, state and/or federal government grant is received to pay for part or all of such costs, whether the grant is received before or after construction of such roadways, infrastructure or remediation of soil, the amount of the assessment against the Property will be reduced by a prorata portion of any such grant or grants.

Please acknowledge your acceptance of the foregoing changes and/or modifications.

Very truly yours,

Roseville Acquisitions, LLC
(A Minnesota limited liability company)

By: 
Its: 

Acknowledged, Agreed and Accepted:

The City of Roseville

By: _____

Its: _____

And By: _____

Its: _____



May 1, 2009

Roseville Acquisitions, LLC
2575 Fairview Ave. N
Suite 250
Roseville, MN 55113

Dear Mr. Commers:

We are in receipt of your letters dated April 24, 2009 detailing your acceptance, with conditions, of the City's offer to purchase portions of your property for road purposes in the Twin Lakes redevelopment area. We appreciate your willingness to work with the City on this matter and are encouraged by the productive discussions that have taken place.

In direct response to the points raised in the April 24th letters, I offer the following comments:

1. Demolition: The City will agree to pay for all costs for the demolition and removal of the buildings (Cummins Diesel and the Indianhead accessory building) that need to be removed due to the construction of Twin Lakes Parkway. We have anticipated this cost as part of the road construction. It should be noted that the Twin Lakes Infrastructure Improvement Study, which requires property owners to pay for their proportionate share of infrastructure costs at the time of development, has demolition costs factored in as part of the overall road costs. The road costs (and thus the demolition costs) will be paid by all property owners/developers (including your properties) based on the number of networked trips each property generates.
2. Mount Ridge Road: Staff has reviewed your request for the vacation of the Mount Ridge right-of-way as it goes through your property south of future Twin Lakes Parkway and has determined that from a transportation and traffic circulation perspective, a public road is not needed. Staff has also determined that the majority of the road was originally dedicated as part of the Twin View plat in the 1920s and a small portion was obtained by a quit claim deed in 1959. Therefore, the City did not purchase the land for the right-of-way. Based on these facts, staff is supportive of vacating the right-of-way as you request. It should be noted that the vacation of right-of-way will need to follow a process ending with the City Council officially approving the vacation. As staff we cannot guarantee that the City Council will vacate the right-of-way, as that decision is ultimately theirs. However, as stated above,

staff will be recommending that the Mt. Ridge right-of-way be vacated as there is not a transportation reason for the City to keep it. If the Mount Ridge right-of-way is vacated, the property will revert to adjacent property owners pursuant to Minnesota State Statutes 462.358(7). Below is a proposed schedule for the vacation of the Mt. Ridge right-of-way:

- Public Hearing Notice in Official Newspaper – May 19, 2009
- Planning Comm. Pub. Hearing/Recommendation – June 3, 2009
- City Council Consideration – June 8, 2009

3. Condition of Property: The City agrees to take the property “as is” and will undertake the necessary environmental remediation and pay for those costs. At this point, environmental remediation costs for the road construction have not been factored into the Twin Lakes Infrastructure Improvement Study. The City may, in the future at their discretion, consider amending the Twin Lakes Infrastructure Improvement Study to include the environmental remediation costs for the right-of-way. If that occurs, the environmental remediation costs will be paid by all property owners/developers (including your properties) based on the number of networked trips each property generates.

Government Grant Funds: The City will continue to pursue county, state, and federal grant dollars to assist in the construction of infrastructure and the remediation of environmental issues within the Twin Lakes area. It is anticipated that, on an annual basis, as the City receives grants that reduce to the cost of constructing the infrastructure as defined by the Twin Lakes Infrastructure Improvement Study and expends those grant dollars, the Twin Lakes Infrastructure Improvement Study would be adjusted to reflect the outside funding. In the same manner, the city will annually review the cost assumptions contained in the Twin Lakes Infrastructure Improvement Study to determine if they need to be increased due to inflationary or construction cost increases. Therefore, as the Twin Lakes Infrastructure Improvement Study is annually adjusted, the actual amount owed by a developer/property owner will change based on the above mentioned variables. It should be noted that a property owner/developer is effectively “locked into” a cost based on their development at the time of the approval of that development. Any adjustments made to the allocation agreement after the payment amount is agreed to between the City and property owner will not be rebated back (in the case the project costs go down) nor will additional funds be collected from the developer (in the case the project costs go up). However, in the spirit of leveraging other funds in order to make the project more financially feasible, the City, as individual property owners come forward with specific development proposals, will continue to work with the property owner/developer and address in a mutually agreeable manner any expected or pending grant funds as part of the specific development agreement.

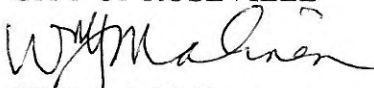
4. Pond: The City does not plan on using the remnant parcel for drainage purposes. The City explored that option and found it to be too cost prohibitive due to the environmental contamination. If you would like to utilize the remnant parcel for your property's storm water or for future development, we would be willing to not purchase it.
5. Roundabout: The City is willing to discuss the layout and final design of the roundabouts proposed in Twin Lakes. The Phase I Improvements are near ready for bid. Any concerns with the design of the first roundabout should be discussed with the City by May 8, 2009.

As you know, the City has aggressively committed to this project and has established a very tight timeline in order to get the project completed this year. You have requested that the conditions contained in your April 24th letters would need to be part of a stipulation to allow us early access to the property. As I indicated above, there is general agreement to the requests that you made, but several of them will need to be approved by the City Council at the appropriate time. The City Council approvals are not obtainable prior to advertising the project for bids. It is anticipated that the best bids will be submitted by contractors if access to your property is assured prior to advertising for bids. A signed stipulation will provide guaranteed access to the contractor for the roadway construction and demolition of the buildings. It is my hope that the above responses have provided you the level of comfort required for you to agree to sign the stipulation. Additionally, waiting to sign the actual conveyance documents until after the City Council approval of the vacation of Mount Ridge Road may provide you with additional peace of mind..

I look forward to continuing our discussions on this matter and am confident that we will be able to reach a mutually agreeable resolution and settlement.

Respectfully,

CITY OF ROSEVILLE



William J. Malinen
City Manager

C: Patrick Trudgeon, Community Development Director
Duane Schwartz, Public Works Director
Chris Miller, Finance Director

ROSEVILLE PROPERTIES

MANAGEMENT BROKERAGE DEVELOPMENT

May 20, 2009

Sonya Henning, P.E.
Right of Way Services Manager
WSB & ASSOCIATES
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416

Re: Agreement to Terms of Purchase – Roseville Acquisitions Properties

Sonya:

Please accept this letter as confirmation of our agreement to sell our land as described in the Stipulation Agreement dated May 5, 2009, under the terms and considerations listed in the Stipulation and letter from William Malinen, Roseville City Manager, dated May 1, 2009, for an amount of \$2,107,700.

This counter offer reflects the understanding reached at our City Hall meeting on May 1, 2009, and considerations offered by the City in the May 1, 2009 letter, and for our administrative, legal and professional services costs associated with this transaction.

Please forward the appropriate purchase documents.

Very truly yours,



Daniel P. Commers, Chief Manager
ROSEVILLE ACQUISITIONS, LLC

Cc: Pat Trudgeon, City of Roseville

**A "BEFORE" AND "AFTER"
SUMMARY APPRAISAL REPORT
OF**

**The Former Cummins Diesel Property
2690 Cleveland Avenue N
Roseville, MN**

**A "BEFORE" AND "AFTER"
SUMMARY APPRAISAL REPORT**

OF

**The Former Cummins Diesel Property
A Truck Sales, Rental and Service Facility**

LOCATED AT

**2690 Cleveland Avenue N
Roseville, Minnesota**

FOR

**Mr. Patrick Trudgeon, AICP
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113**

AS OF

March 3, 2009

BY

**Daniel E. Dwyer
Certified General Real Property Appraiser
MN License #4001170**

**DAHLEN, DWYER & FOLEY, INC.
55 East 5th Street; Suite 1350
St. Paul, MN 55101**

Dahlen, Dwyer & Foley, Inc.

55 EAST 5TH STREET • SUITE 1350 • ST. PAUL, MINNESOTA 55101 • (651) 224-1381 • FAX (651) 223-5736

DWIGHT W. DAHLEN, MAI, SREA
DANIEL E. DWYER
SEAN M. FOLEY
JEFFREY A. DAHLEN
JANE E. HAMMES
MICHAEL T. TINKER

March 9, 2009

Mr. Patrick Trudgeon, AICP
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

RE: Former Cummins Diesel Property
A Truck Sales, Rental and Service Facility
2690 Cleveland Avenue N
Roseville, MN 55113

Dear Mr. Trudgeon:

In accordance with your request, I have prepared a ***"Complete Summary Appraisal"*** on the property located at 2690 Cleveland Avenue N in Roseville, Minnesota. The property is the former Cummins Diesel facility which, on the date of appraisal, was vacant and in the state of disrepair. The building has a GBA of 38,730 SF and is located on a 4.082 acre site zoned I2 or General Industrial District. The Roseville Comprehensive Plan has the subject property guided BP or Business Park.

The purpose of this appraisal is to determine the loss in market value to the property due to the City of Roseville's Twin Lakes Roadway Project. This project includes taking of road right-of-way and temporary easements. Additionally, in the opinion of your appraiser, the improvements will have to be razed as in the "after" situation as the functional utility is greatly diminished.

This appraisal has been prepared in conformance with ***MnDOT's "Right-of-Way Manual"*** dated September 2007 and ***US DOT's 49 CFR Part 24***. Based upon my inspection of the property, and in consideration of the City of Roseville's takings for the Twin Lakes Roadway Project, I have developed the following opinions of value for the property as of March 3, 2009:

VALUE "BEFORE" THE TAKING:	\$2,650,000
VALUE "AFTER" THE TAKING:	<u>\$1,630,000</u>
DAMAGES DUE TO TAKING:	\$1,020,000
VALUE OF TEMPORARY EASEMENTS:	<u>\$11,200</u>
TOTAL DAMAGES DUE PROPERTY OWNER:	\$1,031,200

The damages are allocated as follows:

VALUE OF UNENCUMBERED ROAD RIGHT-OF-WAY:	\$787,000
VALUE OF ROAD RIGHT-OF-WAY ENCUMBERED BY WATERMAIN:	\$13,900
VALUE OF ROAD RIGHT-OF-WAY ENCUMBERED BY HIGHWAY:	\$1,700
VALUE OF BUILDING TO BE RAZED:	\$165,000
VALUE OF SITE IMPROVEMENTS:	\$52,400
VALUE OF TEMPORARY CONSTRUCTION EASEMENT:	\$7,400
VALUE OF TEMPORARY BUILDING REMOVAL EASEMENT:	<u>\$3,800</u>
TOTAL DAMAGES DUE PROPERTY OWNER:	\$1,031,200

The preferred way to determine damages accruing to a property due to a taking is the "before" and "after" method. Under this method, which is usually the simplest approach, the value of the property is estimated "before" and "after" the taking(s), the difference between the two being the damages accruing to the property as a result of the taking including damages to the remainder, if any. The measure of damages to the subject property is the comparative market values of the property "before" and "after" the taking by the City of Roseville for road right-of-way, temporary easements, and the razing of the improvements.

This appraisal report has been made in conformity with the following:

- The "Uniform Standards of Professional Appraisal Practice" of the Appraisal Foundation as mandated by the Financial Institution's Reform, Recovery and Enforcement Act of 1989 (FIRREA).

- The "Standards of Professional Practice and Conduct" of the Appraisal Institute.
- All terms specified in conversations with Mr. Patrick Trudgeon of the City of Roseville.
- This appraisal assignment has not been based on a requested minimum valuation, specific valuation or the approval of a loan. The estimate of market value contained herein was developed independent of any undue influence.
- No part of the appraiser's compensation was, is, or will be directly or indirectly related to the opinions of market value reported herein.
- MnDOT's Right-of-Way Manual dated September 2007, Section 5-491.202.
- US DOT's **49 CFR Part 24.**

This appraisal has been made subject to certain limiting conditions and assumptions as hereinafter expressed. Such facts and information as contained herein were obtained from sources that I considered reliable and are true to the best of my knowledge and belief.

Neither my engagement to make this appraisal (or any future appraisals for this particular client), nor any compensation therefore, are contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of subsequent event.

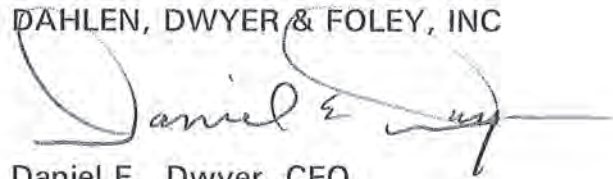
Dahlen, Dwyer, & Foley, Inc. does not have a business or personal relationship with the property's owner(s); is not an owner or lessee in the property; and has no management, leasing or sales responsibility for the property.

Information in this report was gathered from sources believed to be reliable but it is not guaranteed. Possession of this report, or copy thereof, does not carry with it the right of publication nor may it be used for any purpose, except that for which it was requested without the previous written consent of the appraiser and, in any event, only with proper qualification.

The following report describes my method of approach, contains data gathered in my investigation, and demonstrates my analysis in arriving at the estimate of market value for the subject property.

Respectfully submitted,

DAHLEN, DWYER & FOLEY, INC

A handwritten signature in black ink, appearing to read "Daniel E. Dwyer", with a long horizontal flourish extending to the right.

Daniel E. Dwyer, CEO
Certified General Real Property Appraiser
MN License # 4001170

DED/jh
DD&F File #:9073

**A "BEFORE" AND "AFTER"
SUMMARY APPRAISAL REPORT
OF**

**The Former Indianhead Trucking Property
1947 County Road C W
Roseville, MN**

**A "BEFORE" AND "AFTER"
SUMMARY APPRAISAL REPORT**

OF

The Former Indianhead Trucking Property

LOCATED AT

**1947 County Road C W
Roseville, Minnesota**

FOR

**Mr. Patrick Trudgeon, AICP
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113**

AS OF

March 17, 2009

BY

**Daniel E. Dwyer
Certified General Real Property Appraiser
MN License #4001170**

**DAHLEN, DWYER & FOLEY, INC.
55 East 5th Street; Suite 1350
St. Paul, MN 55101**

Dahlen, Dwyer & Foley, Inc.

55 EAST 5TH STREET • SUITE 1350 • ST. PAUL, MINNESOTA 55101 • (651) 224-1381 • FAX (651) 223-5736

DWIGHT W. DAHLEN, MAI, SREA
DANIEL E. DWYER
SEAN M. FOLEY
JEFFREY A. DAHLEN
JANE E. HAMMES
MICHAEL T. TINKER

April 6, 2009

Mr. Patrick Trudgeon, AICP
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

RE: Former Indianhead Trucking Property
1947 County Road C W
Roseville, MN 55113

Dear Mr. Trudgeon:

In accordance with your request, I have prepared a ***"Complete Summary Appraisal"*** on the property located at 1947 County Road C W in Roseville, Minnesota. The property is the former Indianhead Trucking property which, on the date of appraisal, was vacant with the buildings in the state of disrepair. The main building, constructed in 1954, has a total GBA of 35,520 SF while the smaller building located in the NWC has a total GBA of 13,760 SF. The site contains a total of 9.77 acres and is slightly irregular in shape. Zoning is B-4 or Retail Office Service according to the January 12, 2009 Roseville Zoning Map.

The purpose of this appraisal is to determine the loss in market value to the subject property due to the City of Roseville's Twin Lakes Roadway Project. This project includes taking of road right-of-way along with temporary easements. As a result of the taking a remnant parcel will be created which the City of Roseville will acquire as it will be severed from the remainder parcel and have no value. The taking for road right-of-way will run through the truck distribution building located in the NWC of the property and this building will have to be razed. The building basically has no value and therefore there is no compensation due the property owner.

This appraisal has been prepared in conformance with ***MnDOT's "Right-of-Way Manual"*** dated September 2007 and ***US DOT's 49 CFR Part 24***. Based upon my inspection of the property, and in consideration of the City of Roseville's takings for the Twin Lakes Roadway Project, I have developed the following opinions of value for the property as of March 17, 2009:

VALUE "BEFORE" THE TAKING:	\$4,255,000
VALUE "AFTER" THE TAKING:	<u>\$3,217,500</u>
DAMAGES DUE TO TAKING:	\$1,037,500
VALUE OF ALL TEMPORARY EASEMENTS:	\$3,800
VALUE OF SITE IMPROVEMENTS:	<u>\$10,200</u>
TOTAL DAMAGES DUE PROPERTY OWNER:	\$1,051,500

The damages are allocated as follows:

VALUE OF UNENCUMBERED ROAD RIGHT-OF-WAY:	\$725,000
VALUE OF ENCUMBERED (DRAINTILE ESMT) RD RIGHT-OF-WAY: .	\$61,000
VALUE OF REMNANT PARCEL:	\$251,500
VALUE OF TEMPORARY CONSTRUCTION EASEMENTS:	\$3,300
VALUE OF TEMPORARY BUILDING REMOVAL EASEMENT:	\$500
VALUE OF SITE IMPROVEMENTS:	<u>\$10,200</u>
TOTAL DAMAGES DUE PROPERTY OWNER:	\$1,051,500

The preferred way to determine damages accruing to a property due to a taking is the "before" and "after" method. Under this method, which is usually the simplest approach, the value of the property is estimated "before" and "after" the taking(s), the difference between the two being the damages accruing to the property as a result of the taking including damages to the remainder, if any. The measure of damages to the subject property is the comparative market values of the property "before" and "after" the taking by the City of Roseville for road right-of-way, temporary easements, the taking of a remnant parcel, and the taking of site improvements.

This appraisal report has been made in conformity with the following:

- The "Uniform Standards of Professional Appraisal Practice" of the Appraisal Foundation as mandated by the Financial Institution's Reform, Recovery and Enforcement Act of 1989 (FIRREA).

- The "Standards of Professional Practice and Conduct" of the Appraisal Institute.
- All terms specified in conversations with Mr. Patrick Trudgeon of the City of Roseville.
- This appraisal assignment has not been based on a requested minimum valuation, specific valuation or the approval of a loan. The estimate of market value contained herein was developed independent of any undue influence.
- No part of the appraiser's compensation was, is, or will be directly or indirectly related to the opinions of market value reported herein.
- MnDOT's Right-of-Way Manual dated September 2007, Section 5-491.202.
- US DOT's 49 CFR Part 24.

This appraisal has been made subject to certain limiting conditions and assumptions as hereinafter expressed. Such facts and information as contained herein were obtained from sources that I considered reliable and are true to the best of my knowledge and belief.

Neither my engagement to make this appraisal (or any future appraisals for this particular client), nor any compensation therefore, are contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of subsequent event.

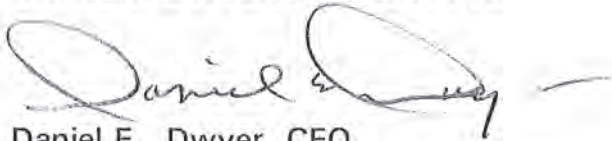
Dahlen, Dwyer, & Foley, Inc. does not have a business or personal relationship with the property's owner(s); is not an owner or lessee in the property; and has no management, leasing or sales responsibility for the property.

Information in this report was gathered from sources believed to be reliable but it is not guaranteed. Possession of this report, or copy thereof, does not carry with it the right of publication nor may it be used for any purpose, except that for which it was requested without the previous written consent of the appraiser and, in any event, only with proper qualification.

The following report describes my method of approach, contains data gathered in my investigation, and demonstrates my analysis in arriving at the estimate of market value for the subject property.

Respectfully submitted,

DAHLEN, DWYER & FOLEY, INC

A handwritten signature in black ink, appearing to read "Daniel E. Dwyer", followed by a horizontal line.

Daniel E. Dwyer, CEO
Certified General Real Property Appraiser
MN License # 4001170

DED/jh
DD&F File #:9096

Size/Utility

Adjustments for size have been made on the basis that a smaller parcel will sell for a higher value/SF than a larger parcel and conversely a larger parcel will sell for a lower value/SF than a smaller parcel. Adjustments for utility were made on the basis that a parcel which is very irregular in shape or is long and narrow has below average functional utility and less demand in the marketplace than a parcel which is more rectangular in shape. This also takes into consideration topography and development costs.

Zoning

Zoning considerations are weighted when making adjustments. Zoning determines uses to which a property can be put and contributes to its value. All of the sales with the exception of Sale #4 had similar zonings to that of the subject. Sale #4, located in Roseville, was zoned B-1 necessitating a slight downward adjustment.

Utilities

This adjustment considers the availability of city water, sanitary sewer, storm sewer, gas, electricity, etc. All sales, similar to the subject, had all services and utilities available.

Other

The adjustment for "other" is a catch-all for relevant adjustments that cannot be categorized in the previous adjustments. The major adjustment made under this line item reflects environmental remediation costs for the subject property of approximately \$2.50/SF based on American Engineering Testing, Inc. report dated February 16, 2005. This clean-up would be performed in accordance with a risk-based approach based on proposed property use in the Twin Lakes area. Clean-up for commercial/industrial development would be less expensive than clean-up for any type of residential development. Soil remediation would likely include excavation and disposal of the more impacted soils at an appropriate off-site disposal facility. The less impacted soils in the area could be re-used on the site below structure and pavement surfaces. This assumes that the maximum site coverage allowable would be 30% or approximately 53,350 SF for the subject property.

Size/Utility

Adjustments for size have been made on the basis that a smaller parcel will sell for a higher value/SF than a larger parcel and conversely a larger parcel will sell for a lower value/SF than a smaller parcel. Adjustments for utility were made on the basis that a parcel which is very irregular in shape or is long and narrow has below average functional utility and less demand in the marketplace than a parcel which is more rectangular in shape. This also takes into consideration topography and development costs.

Zoning

Zoning considerations are weighted when making adjustments. Zoning determines uses to which a property can be put and contributes to its value. All of the sales had similar zonings to that of the subject.

Utilities

This adjustment considers the availability of city water, sanitary sewer, storm sewer, gas, electricity, etc. All sales, similar to the subject, had all services and utilities available.

Other

The adjustment for "other" is a catch-all for relevant adjustments that cannot be categorized in the previous adjustments. The major adjustment made under this line item reflects environmental remediation costs for the subject property of approximately \$2.50/SF based on American Engineering Testing, Inc. report dated February 16, 2005. This clean-up would be performed in accordance with a risk-based approach based on proposed property use in the Twin Lakes area. Clean-up for commercial/industrial development would be less expensive than clean-up for any type of residential development. Soil remediation would likely include excavation and disposal of the more impacted soils at an appropriate off-site disposal facility. The less impacted soils in the area could be re-used on the site below structure and pavement surfaces. This assumes that the maximum site coverage allowable would be 30% or approximately 127,600 SF for the subject property. Indicated remediation costs would then be a little over \$300,000.

Eric J. Quiring
ejq@ratwiklaw.com



June 11, 2009

Mr. Bill Malinen
City Manager
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

Mr. Pat Trudgeon
Community Development Director
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113-1899

RE: Non-Retainer/Twin Lakes Pkwy. and Mt. Ridge Road Condemnation
Our File No. 4002(2)-0050

Dear Mr. Malinen and Mr. Trudgeon:

This letter is in response to a number of questions that were raised by the Council during its discussion of the proposed settlement with Roseville Acquisitions. We provide the following information in response to those questions.

1. How does the acquisition of the Roseville Acquisitions properties on an "as is" basis affect the City's interests?

Purchasing the property in "as is" condition rather than taking the property through eminent domain results in no difference in the City's interest in the property. Minnesota law authorizes cities to take property by eminent domain. Minn. Stat. § 412.211. When taking property for public use, the right, interest, or estate in the property proposed to be taken must be specifically described in the proceedings. Minn. Stat. § 117.215. Cities may take an easement in the property or fee simple absolute. Id. However, once an interest in property is taken by eminent domain, the city possesses that exact interest in the property. When taking property in fee simple, which allows a city to control, use, and transfer the property at will, the previous property owner's interests are completely extinguished. Most significantly, the previous property owner is no longer responsible for the condition of the property.

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Minnesota law does not provide a condemning authority with any ongoing environmental protections once it has acquired property. See Minn. Statutes Chapter 117. In essence, if a city wants to take fee title to private property, it must take the property "as is." As a result, the City's acceptance of the Roseville Acquisitions property on an "as is" basis is no different than if the City were to proceed through eminent domain proceedings to acquire the property, which would also be on an "as is" basis.

The legislature has acknowledged the risk of taking property "as is" by providing cities with authority to enter property that may need to be acquired by eminent domain for the purposes of investigation, monitoring, testing, surveying, boring, or other similar activities necessary or appropriate to identify the existence or threat of release of a hazardous substance, pollutant, or contaminant. Minn. Stat. § 117.041, subd. 2. Cities are granted the authority to investigate the condition of the property before committing to the eminent domain process to acquire the property because once the property is taken, the city is stuck with the property regardless of its condition. There are no refunds. It is important to note that the City is aware of the environmental condition of the Roseville Acquisitions property, but the condition does not prevent the City's proposed use of the property. In fact, the environmental condition of the property was factored into the City's appraisal to determine the value of the property.

While we would generally recommend securing warranties and representations regarding the environmental condition of property to be acquired by the City through direct purchase, those protections are not available when acquiring property through eminent domain. Accepting the property on an "as is" basis through a direct purchase in lieu of condemnation results in no difference in the City's environmental protections or authority to address environmental remediation as part of the infrastructure project.

2. Who is responsible for demolition costs?

As discussed above, a city acquiring fee title to property through eminent domain acquires the property as it exists. That includes any buildings or other improvements located on the property. Minnesota law does not impose the obligation on property owners to demolish buildings or remove all improvements from their property if it is being taken by eminent domain. The condemning authority takes the property with all improvements. If it desires to demolish any buildings, it must do so at its own cost.

A city and private property owner can certainly agree to apportion the value of the property and any necessary demolition costs as they see fit. However, if the property is acquired through eminent domain, the property owner will have no obligation to pay for any demolition costs. Again, by agreeing to pay for the cost of building demolition, the City is no worse off than it would be if it acquired the property through eminent domain.

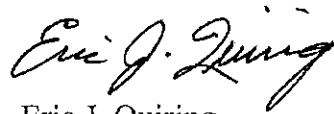
3. Can the City charge a property owner for the vacation of a right-of-way?

As a general rule, a city has no proprietary interest in a public right-of-way, but rather holds the right-of-way in trust for the public. See City of St. Paul v. Chicago, M. & St. F. Ry. Co., 63 N.W. 267 (Minn. 1895). By statute, cities are authorized to vacate "any street, alley, public grounds, public way, or any part thereof." Minn. Stat. § 412.851. No vacation shall be made unless it "appears in the interest of the public to do so" after published notice and a public hearing. Id. Pursuant to the statute, the authority of a city to vacate a street arises only by reason of the council's motion or a petition of a majority of the owners of land abutting the street. Id.

Upon vacation, title to the property reverts to the owner of the fee underlying the street. Steenerson v. Fontaine, 119 N.W. 400 (Minn. 1908). Because title automatically reverts, the vacating city possesses no interest to convey. The City does not have authority to require payment of consideration when it acts to vacate a public right-of-way. See Minn. Op. Atty. Gen. 396g-16 (September 9, 1965). In addition, the Minnesota Attorney General has also opined that a city cannot condition a vacation upon the payment of special assessments to be subsequently levied. Id. As a result, the City cannot charge Roseville Acquisitions for the vacation of Mount Ridge Road.

If you have any questions or concerns, please do not hesitate to contact our office.

Very truly yours,


Eric J. Quiring



Community Development Department

Memo

To: Mayor, City Council
cc: Bill Malinen, City Manager
From: Patrick Trudgeon, Community Development Director
Date: June 3, 2009
Re: Consideration of purchasing property for the Twin Lakes Infrastructure Project and proposed settlement of eminent domain action for properties located at 2690 Cleveland Ave. and 1947 County Road C.

The purpose of the closed executive session is to discuss the purchase of portions of property located at 2690 Cleveland Ave. and 1947 County Road C, City of Roseville for road and construction purposes as part of the Twin Lakes Phase I Infrastructure Project. The properties are owned by Roseville Acquisitions LLC (Roseville Properties).

On April 8, 2008, City staff sent out offer letters to property owners within the Twin Lakes redevelopment area for the purchase of land and temporary construction easements for the Twin Lakes Phase I infrastructure project based on City Council action taken at the March 23, 2009 City Council meeting.

The City sent two offer letters to Daniel Commers of Roseville Acquisitions, LLC. The offer amounts, which were based on appraisals, were \$1,031,200.00 for 2690 Cleveland Ave. and \$1,051,500.00 for 1947 County Road C. The grand total that was offered to Roseville Acquisitions, LLC was \$2,082,700.00.

In response to the City's offer, Roseville Acquisitions LLC sent a letter dated April 24, 2009 to the City with their comments on the offer. City staff and Roseville Acquisitions met on May 1st to discuss the offer and review their comments. As a result of the meeting, City Manager Malinen sent Roseville Acquisitions, LLC a letter dated May 1, 2009 responding to Roseville Acquisitions letter of April 24, 2009.

On May 20, 2009, the City received a letter from Roseville Acquisitions LLC stating that they would agree to settle on the terms for purchasing the needed property with the understandings discussed in the May 1, 2009 letter from City Manager Bill Malinen and in the settlement amount of \$2,107,700.00

The proposed settlement amount is \$25,000.00 more than the appraised value. Staff has reviewed the proposed settlement and recommends that the City Council authorize staff to enter into a settlement agreement with Roseville Acquisitions based on the terms identified in the May 1, 2009 letter from the City and in the amount of \$2,107,700.00.

Staff feels that this action would lead to a fair settlement for the purchase of needed right-of-way for the Phase I Twin Lakes infrastructure project and would allow the City to acquire a significant piece of property needed for the Phase I Twin Lakes infrastructure project.

If the City Council does not find this offer acceptable, the next step would be to continue with the eminent domain action and set a hearing with the commissioners for a final determination on the compensation owed to the property owners. Moving to this process will raise the costs for the City thru additional legal and professional services costs as well as paying for commissioner and staff time. In addition, interest will be accruing on the proposed settlement from the date of the taking (June 15th). This amount alone could quickly exceed \$25,000. Of course, if the commissioners award the property owner a higher settlement amount for the property (which the City would be obligated to pay) the costs would increase as well.

The City Council is aware that the costs for acquisition of the property was factored into the Twin Lakes Infrastructure study and will be paid by the developers of the property as development occurs. In the short term, the amount paid to Roseville Acquisitions will be paid from TIF #17 (Twin Lakes).

Staff has prepared a case for consideration at the regular meeting of June 8, 2009 for the City Council to take official action on this matter.

In the meantime, if you have any questions, please feel free to contact me at (651) 792-7071.