

AGENDA
MAPLE PLAIN CITY COUNCIL – REGULAR MEETING
MAPLE PLAIN CITY HALL
Monday, October 26, 2015
6:30 P.M.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ADOPT AGENDA**
- 4. CONSENT AGENDA**
 - A. Accounts Payable
 - B. October 12, 2015 City Council Regular Meeting Minutes
 - C. October 12, 2015 City Council Workshop Meeting Minutes
 - D. Budd Avenue Utility Improvements – Payment Request No. 5
 - E. Warning Siren Maintenance Contract
- 5. PUBLIC HEARINGS**
- 6. ADMINISTRATIVE REPORTS**
 - A. Monthly City Planner Report
 - B. Monthly City Engineer Report
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
 - A. Conditional Use Permit to Allow Heavy Manufacturing at 5305 Pioneer Creek Drive
 - B. Conditional Use Permit Amendment Request for Collision Corner located at 5060 Highway 12
 - C. Hennepin Youth Sports Program Facility Application Grant – Rainbow Park Ice Rink Facility
- 9. LEGISLATIVE/INTERGOVERNMENTAL AFFAIRS**
- 10. COUNCIL REPORTS & OTHER BUSINESS**
- 11. VISITORS TO BE HEARD**

Note: This is a courtesy extended to persons wishing to address the council who are not on the agenda. A completed public comment form should be presented to the city administrator prior to the meeting; presentations will be limited to 3 minutes. This session will be limited to 15 minutes.
- 12. ADJOURNMENT**

CITY OF MAPLE PLAIN
Payments

Current Period: October 2015

Batch Name	10/21/15 PAY	User Dollar Amt	\$0.00		
	Payments	Computer Dollar Amt	\$51,781.28		
			\$51,781.28	Out of Balance	
Refer	21058	<u>AMERIPRIDE</u>	-		
Cash Payment	E 601-49400-310	Janitorial Services	Rugs		\$80.68
	Invoice	1003260638			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$80.68
Refer	21059	<u>CORPORATE MECHANICAL</u>	-		
Cash Payment	E 101-41940-401	Building Repair & Mainte	Fire Station Floor Drain		\$5,645.00
	Invoice	186952			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$5,645.00
Refer	21060	<u>GARY S DIESEL SERVICE</u>	-		
Cash Payment	E 101-43000-400	Equipment Repair & Mai			\$1,221.96
	Invoice	1-35086			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$1,221.96
Refer	21061	<u>GIRARD S BUSINESS MACHINES, I</u>	-		
Cash Payment	E 101-41500-413	Office Equipment Rental	October Rental		\$150.00
	Invoice	90696			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$150.00
Refer	21062	<u>HD WATERWORKS</u>	-		
Cash Payment	E 601-49400-227	Utility Maintenance Supp	Valve Repair		\$1,897.00
	Invoice	E662885			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$1,897.00
Refer	21063	<u>DELTA DENTAL</u>	-		
Cash Payment	G 101-21707	Dental Insurance	November		\$457.50
	Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$457.50
Refer	21064	<u>MEDIACOM</u>	-		
Cash Payment	E 101-41500-309	EDP, Software and Desi			\$109.95
	Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$109.95
Refer	21065	<u>METRO WEST INSPECTION SERVI</u>	-		
Cash Payment	E 101-42400-308	Building Inspection	Inspections		\$93.00
	Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$93.00
Refer	21066	<u>MAMA</u>	-		
Cash Payment	E 101-41500-433	Dues & Subscriptions	Melvin		\$20.00
	Invoice	1903			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$20.00
Refer	21067	<u>NCS HOLDINGS INC</u>	-		
Cash Payment	E 101-41500-322	Postage	Delivery		\$19.91
	Invoice	73624			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total	\$19.91
Refer	21068	<u>OFFICE DEPOT</u>	-		

CITY OF MAPLE PLAIN

10/21/15 2:47 PM

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Payments

Current Period: October 2015

Cash Payment	E 101-41500-201 Office Supplies	Office Supplies		\$67.49
Invoice				
Cash Payment	E 101-41500-201 Office Supplies	Office Supplies		\$3.99
Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$71.48
Refer	21069 MINNESOTA PIPE & EQUIP	-		
Cash Payment	E 601-49400-221 Equipment Parts	WTP		\$123.66
Invoice	346263			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$123.66
Refer	21070 R C ELECTRICINC	-		
Cash Payment	E 101-43000-437 Miscellaneous	Electrical- Highway 12 sign		\$396.32
Invoice	4807			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$396.32
Refer	21071 TOSHIBA	-		
Cash Payment	E 101-41500-413 Office Equipment Rental	Rental		\$251.34
Invoice				
Cash Payment	E 101-41500-202 Duplicating & Copying S	Copies		\$125.72
Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$377.06
Refer	21072 BARTON SAND & GRAVEL	-		
Cash Payment	E 101-43100-224 Street Maintenance Mate	Sand		\$995.01
Invoice	151015			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$995.01
Refer	21073 USA BLUEBOOK	-		
Cash Payment	E 601-49400-227 Utility Maintenance Supp			\$831.99
Invoice	763788			
Cash Payment	E 601-49400-227 Utility Maintenance Supp			\$109.94
Invoice	763788			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$941.93
Refer	21074 VESSCO, INC	-		
Cash Payment	E 601-49400-227 Utility Maintenance Supp			\$137.06
Invoice	64606			
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$137.06
Refer	21075 VERIZON	-		
Cash Payment	E 101-43000-321 Telephone	PW Phone		\$53.88
Invoice				
Cash Payment	E 101-43000-321 Telephone	PW Phone		\$53.88
Invoice				
Cash Payment	E 601-49400-321 Telephone	Water Treatment Plant		\$34.95
Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$142.71
Refer	21076 WEST HENNEPIN PUBLIC SAFETY	-		
Cash Payment	E 101-42110-306 Police Administration	November		\$34,759.35
Invoice				
Transaction Date	10/21/2015	Bank of Maple Plain	10100	Total \$34,759.35
Refer	21077 XCEL ENERGY	-		

CITY OF MAPLE PLAIN
Payments

Current Period: October 2015

Cash Payment	E 101-41940-381 Electric Utilities	City Hall and Garage	\$87.78
	Invoice		
Cash Payment	E 601-49400-381 Electric Utilities	Water	\$102.79
	Invoice		
Cash Payment	E 602-49450-381 Electric Utilities	Sewer	\$189.55
	Invoice		
Cash Payment	E 101-41940-381 Electric Utilities	Parks	\$184.91
	Invoice		
Cash Payment	E 101-43100-381 Electric Utilities	Traffic Lights	\$68.88
	Invoice		
Cash Payment	E 101-43160-381 Electric Utilities	Street Lights	\$1,992.86
	Invoice		
Transaction Date	10/21/2015	Bank of Maple Plain 10100	Total <u>\$2,626.77</u>
Refer	21078 <i>LANO EQUIPMENT</i>		-
Cash Payment	E 101-43000-400 Equipment Repair & Mai	Plow Truck	\$235.00
	Invoice 03-323723		
Transaction Date	10/21/2015	Bank of Maple Plain 10100	Total <u>\$235.00</u>
Refer	21079 <i>UNITED FARMERS COOPERATIVE</i>		-
Cash Payment	E 101-45200-212 Motor Fuels	Parks Gas	\$300.54
	Invoice		
Cash Payment	E 101-43000-212 Motor Fuels	PW Gas	\$795.89
	Invoice		
Cash Payment	E 101-43000-215 Shop Materials	Shop Supplies	\$183.50
	Invoice		
Transaction Date	10/21/2015	Bank of Maple Plain 10100	Total <u>\$1,279.93</u>

Fund Summary

	10100 Bank of Maple Plain
101 GENERAL FUND	\$48,273.66
601 WATER FUND	\$3,318.07
602 SEWER FUND	\$189.55
	<u>\$51,781.28</u>

Pre-Written Checks	\$0.00
Checks to be Generated by the Computer	<u>\$51,781.28</u>
Total	\$51,781.28

**Maple Plain City Council
Meeting Minutes
October 12, 2015
Maple Plain City Hall**

1. CALL TO ORDER

Mayor Young called the meeting to order at 6:30 p.m.

Present: Councilmembers Justin McCoy, Dave Eisinger, Julie Maas-Kusske, Mike DeLuca and Mayor Jerry Young. Also present were City Administrator, Tessia Melvin, and City Engineer, Dan Boyum.

Director of Public Safety, Gary Kroells, arrived at 7 p.m.

2. PLEDGE OF ALLEGIANCE

3. ADOPT AGENDA

Councilmember Eisinger moved to adopt the agenda with two added items:

Consent Agenda

E. Approval of Fire Fighter

New Business

C. Approval of Parking Lot Lease with MNDoT

; seconded by Councilmember McCoy. Motion passed 5-0.

4. LEGISLATIVE UPDATE WITH SENATOR DAVE OSMEK

The Senator provided a brief summary of current news at the Capitol. The Council had many questions for the Senator about his lack of attendance at the Highway 12 Safety Coalition meetings and his support of the funding necessary to make the many improvements proposed in the Safety Audit, which was recently published by MNDoT.

The Senator agreed to try to attend more meetings and will continue to learn more about the proposed improvements.

5. CONSENT AGENDA

Items to approve under Consent Agenda:

- A. Accounts Payable**
- B. Approve September 28, 2015, City Council Regular Meeting Minutes**
- C. Approve September 28, 2015, City Council Workshop Meeting Minutes**
- D. Approval of Fire Contract with the City of Medina**
- E. Approval of hiring Fire Fighter**

Councilmember McCoy moved to adopt the consent agenda; with minor changes to the September 28 minutes; seconded by Councilmember DeLuca. Motion passed 5-0.

6. PUBLIC HEARINGS

There were no public hearings.

7. ADMINISTRATIVE REPORTS

A. Third Quarter Financial Report

Melvin reported that the revenues for 2015 are currently at 60% of the budget, with the remaining outstanding to be property taxes and local government aid. The expenses were currently at 80% of the budget.

Melvin reported areas of unbudgeted expenses:

1. Shared Service Report \$6,875
2. Council Chambers Audio Upgrades \$10,539
3. City Entrance Sign \$60,000
4. An error in the budgeting for the Discovery Center was inputted at \$15,000 and should have been \$30,000.

Councilmember McCoy moved to accept the Third Quarter Financial Report; seconded by Councilmember DeLuca. Motion passed 5-0.

8. OLD BUSINESS

There was no Old Business.

9. NEW BUSINESS

- A. Authorization to begin feasibility study for Budd Avenue Reconstruction in 2016**

City Engineer, Dan Boyum, presented this report to the Council. Boyum stated that Budd Avenue has older watermain and sanitary sewer, some of which was originally placed in the 1930's and 1950's. In addition, the Public Works staff has ranked the sanitary sewer and watermain for replacement in the City's CIP due to distresses, breaks and pipe conditions. The pavement of the road is rated high for reconstruction and the City of Independence will do an overlay of portions of Budd in 2015.

Staff has asked that the feasibility study include the following items to be considered by the City Council:

1. Trail/walk on east side, possible event parking between street and trail/walk
2. Curb and gutter but restrict parking on Budd Avenue
3. New access to Northside Park from Budd
4. New Street lighting to be considered
5. Sanitary sewer lining or replacement, watermain replacement

The study shall not exceed \$5,000 and a neighborhood meeting is anticipated.

Councilmember McCoy moved to authorize a feasibility study for Budd Avenue Reconstruction in 2016; seconded by Councilmember DeLuca. Motion passed 5-0.

B. Authorization to begin feasibility study for Main Street and Maple Avenue Reconstruction in 2016

City Engineer, Dan Boyum, presented this report to the Council. Boyum stated that this project is tied into the Downtown Development and portions of the project will be paid through a Met Council grant.

Staff has asked that the feasibility study include the following items to be considered by the City Council:

1. Street reconstruction to align with the Downtown Development project
2. Replacement of all of the utilities
3. Consider a bike/trail to align with the Walking and Biking Study

Councilmember McCoy moved to authorize a feasibility study for Budd Avenue Reconstruction in 2016; seconded by Councilmember DeLuca. Motion passed 5-0.

C. Approval of Parking Lot Lease with MnDOT

Melvin reported that the City currently has a lease with MnDOT to use the parking lot for the property located at 5250 Highway 12. Melvin stated that MnDOT is seeking a two-year extension of the lease agreement with the City of Maple Plain. The monthly payment will increase from \$130 to \$137. Currently, the City manages the lease between MnDOT and commercial property owners, David and Carla Liesch. The parking lot is used for business purposes to fulfill parking requirements. The City of Maple Plain pays MnDOT directly and invoices the commercial property for repayment.

Councilmember McCoy moved to accept the two-year lease with MnDOT and asked staff to work with the commercial property owner; seconded by Councilmember Maas-Kusske. Motion passed 5-0.

10. COUNCIL REPORTS AND OTHER BUSINESS

Melvin reported that the Cities of Maple Plain and Independence would host a joint City Council meeting on Tuesday, October 27, at 7 p.m.

The City Council read two Attitudes of Gratitude:

1. American Legion for their work on the retiring of the flags at the Fire Department Open House.
2. Thank you to Greg Reedy and Mike Olson for their years of business in Maple Plain at Olson's Market.

Councilmember DeLuca provided an update on LMCC. DeLuca stated that the City of Maple Plain had provided the LMCC with a withdraw notice due to failure of LMCC to make the necessary changes asked by the board and the financial risk of the City to financially support the organization. In addition, DeLuca stated that Maple Plain will continue to be active participants in LMCC until the withdrawal on December 31, 2016.

Councilmember DeLuca stated that the City of Maple Plain will receive \$5,224 in an AV rebate from the LMCC and asked that staff work to get additional Council Chambers upgrades made.

Melvin reported that West Hennepin Public Safety Officer Heupel retired and the City appreciated her work.

Councilmember Eisinger stated that the Maple Plain Fire Department Steak Fry was a success and that on Wednesday, October 14, the Maple Plain Fire Department would be teaming up with Pete's Pizza to provide free pizza for fire

prevention. During 5-7 p.m. one random take out order will be chosen to have a pizza delivered by the Fire Department. If the smoke and carbon detectors are working in the house, the pizza is free. If they are not working, the Fire Department will replace the batteries.

11. VISITORS TO BE HEARD

There were no visitors to be heard.

12. ADJOURNMENT

Councilmember Deluca moved to adjourn the meeting at 7:15 p.m.; seconded by Councilmember Maas-Kusske. Motion passed 5-0.

**Maple Plain City Council Meeting
Workshop Minutes
October 12, 2015
Maple Plain City Hall**

1. CALL TO ORDER

Mayor Young called the meeting to order at 5:29 p.m.

Present: Councilmembers Dave Eisinger, Justin McCoy, Mike DeLuca, Julie Maas-Kusske and Jerry Young. Also present were City Administrator, Tessia Melvin, and City Attorney, Jeff Carson.

Jason Kuboushek, Attorney for the League of Minnesota Cities, was also present for the Closed Session.

2. ADOPT AGENDA

Councilmember Eisinger moved to adopt the agenda; seconded by Councilmember Maas-Kusske. Motion passed 5-0.

3. CLOSED SESSION: CONSIDERATION OF SETTLEMENT FOR MAGNOLIA 8 PROPERTY

The Council went into closed session at 5:33 P.M.

The Council came out of closed session at 5:55 p.m. City Attorney, Jeff Carson, stated that the Closed Session was for the Council to discuss possible litigation for the property at 5210 Main Street East. The property owner provided a settlement to the City, which the City Council did not accept.

4. STATUS OF SHARED SERVICES/CONSIDERATION OF MAPLE PLAIN USING INDEPENDENCE'S BUILDING INSPECTOR

Melvin presented some background on the issue of using Independence's Building Inspector. Currently the City of Maple Plain pays about \$10,000 to Metro West for Building Inspection. This money comes directly from a percentage of the permit fees collected.

Melvin reported that staff has discussed sharing a building inspector with the City of Independence's Interim City Administrator. Independence asked that they be

billed hourly for the work and drive time of their building inspector at a fee between \$49-\$59 per hour. In providing the Building Inspector a list of permits pulled in 2014, and having the Inspector create a total of estimated hours, it looks like the result could be between \$6,000-\$8,500 per year.

The City Council discussed this issue, and while they agreed to the possibility, they asked that staff consider having the Building Inspector report to West Hennepin Public Safety and serve as a building official and code enforcement officer to both cities. In addition, the Building Official could serve as a Community Service Officer for the Department. The Council agreed that the JPA with West Hennepin has worked great for both cities.

Melvin reported that both cities will meet on Tuesday, October 27 at the City of Independence to discuss Shared Services.

5. NORTHSIDE PARK CONCEPT PLAN

Melvin presented a concept of the Northside Park Master Plan. Melvin stated that Councilmembers McCoy and Maas-Kusske along with staff have met with the Maple Plain Historic Museum Committee and the American Legion to begin conversations about a master plan for Northside Park that will include the museum and a Veteran's Memorial.

Melvin reported that in working with the American Legion, a preliminary plan has been discussed. Some desires requested of the Legion include:

- a. More greenery on the west side of the basketball court and Budd Avenue
- b. Paved parking lot
- c. Pavers for engraving
- d. Flags of each service
- e. Memorial made of granite
- f. Timpe Field backstops to be heightened to include a "net screen" to reduce the number of balls leaving the field and menacing spectators and creating safety concerns in the park, basketball, concession stand, other fields and parking lot.

Councilmembers McCoy and Maas-Kusske along with staff have met with the Museum Committee. Some of the Museum Committees desires include:

- a. Electrical outlet
- b. New siding
- c. Signage in the park and on Highway 12

- d. Use of City's Laserfiche
- e. Additional City banner of the museum
- f. Christmas lighting to be held in Park
- g. Water fountain, or pump
- h. Meandering walkway
- g. Lindholm memorial
- f. Contract with the City to ensure that the things are owned by the Committee but the building by the City, and the City responsible for maintenance.
- g. Rain gardens
- h. Street lighting with lantern style

The City Council asked staff to present the plan to the Parks Commission to gather input and any concerns. The Council agreed to the concept presented and was very pleased to have all parties involved working together to create a better Maple Plain.

5. MILLAR EMAIL AND REQUEST

City Attorney, Jeff Carson, presented the Council with an e-mail from a property owner asking for reimbursement to have their driveway insulated. The property owner filed a claim with the League of Minnesota Cities, and was denied, so is now asking the City to pay the cost, or be sued.

The Council agreed that the Engineer worked properly on this property and the changes were made via direction from the homeowner through a subcontractor, and did not reflect the proper elevations as the original plans.

6. OTHER BUSINESS

Melvin asked the Council for direction on the MnDOT lease of parking lot and the Leisch lease for the parking lot. Staff reported that the business owner is behind on monthly payments. The Council directed staff to not renew the parking lot lease with the business owner.

7. ADJOURNMENT

Councilmember Eisinger moved to adjourn the meeting at 6:25 p.m.; seconded by Councilmember DeLuca. Motion passed 5-0.



Agenda Information Memorandum
October 26, 2015 - Maple Plain City Council

4. CONSENT AGENDA

D. BUDD AVENUE UTILITY IMPROVEMENTS – PAYMENT REQUEST NO. 5

ACTION TO BE CONSIDERED

To approve payment to G.F. Jedlicki, Inc. in the amount of \$8,028.45 for work done to date on the above referenced project.

FACTS

- G.F. Jedlicki, Inc. began work on the project on August 18, 2014. Initial construction was planned to begin before this date; however the work was delayed until after Maple Plain Days.
- The City approved a bond used for project funding in 2013.
- This payment request reflects work on improvements to date.
- At this time, the Contractor has completed all work except televising of the line.

ATTACHMENTS

Attached is Payment Request No. 5.

CITY'S COPY



Owner: City of Maple Plain, P. O. Box 97, Maple Plain, MN 55359	Date: October 12, 2015
For Period: 12/6/2014 to 10/12/2015	Request No: 5
Contractor: G. F. Jedlicki, Inc., 14203 West 62nd St., Eden Prairie, MN 55346	

CONTRACTOR'S REQUEST FOR PAYMENT
 BUDD AVENUE UTILITY IMPROVEMENTS
 STANTEC PROJECT NO. 193802383

SUMMARY

1	Original Contract Amount		\$	<u>267,302.00</u>
2	Change Order - Addition	\$	<u>8,922.50</u>	
3	Change Order - Deduction	\$	<u>0.00</u>	
4	Revised Contract Amount		\$	<u>276,224.50</u>
5	Value Completed to Date		\$	<u>293,798.50</u>
6	Material on Hand		\$	<u>0.00</u>
7	Amount Earned		\$	<u>293,798.50</u>
8	Less Retainage 5%		\$	<u>14,689.92</u>
9	Subtotal		\$	<u>279,108.58</u>
10	Less Amount Paid Previously		\$	<u>271,080.13</u>
11	Liquidated damages -		\$	<u>0.00</u>
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>5</u>		\$	<u><u>8,028.45</u></u>

Recommended for Approval by:
STANTEC

Don W. Bayne

Approved by Contractor:
G. F. JEDICKI, INC.

G. F. Jedlicki

Approved by Owner:
CITY OF MAPLE PLAIN

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
BASE BID:							
1	MOBILIZATION	LS	1	6900.00		1	\$6,900.00
2	TRAFFIC CONTROL	LS	1	15400.00		1.2	\$18,480.00
3	SAWCUT BITUMINOUS PAVEMENT	LF	380	5.00		368	\$1,840.00
4	REMOVE BITUMINOUS PAVEMENT	SY	1850	4.00		1876	\$7,504.00
5	REMOVE CONCRETE CURB & GUTTER	LF	40	4.00		15	\$60.00
6	REMOVE CONCRETE SIDEWALK	SY	30	4.00			\$0.00
7	PATCH BITUMINOUS STREET	SY	1850	37.00	163	2039	\$75,443.00
8	4" CONCRETE SIDEWALK	SY	30	65.00			\$0.00
9	REMOVE SANITARY SEWER MANHOLE	EA	2	1500.00		2	\$3,000.00
10	REMOVE SANITARY SEWER PIPE	LF	60	18.00		48	\$864.00
11	ABANDON SANITARY SEWER PIPE	LF	401	12.00		413	\$4,956.00
12	SILT FENCE, MACHINE SLICED	LF	175	4.00		100	\$400.00
13	INLET PROTECTION	EA	5	150.00		5	\$750.00
14	TEMPORARY CONSTRUCTION ENTRANCE	EA	2	740.00		1	\$740.00
15	COMMON EXCAVATION	CY	420	22.00	110	1210	\$26,620.00
16	RESTRICTED TRENCH	LF	290	27.00		280	\$7,560.00
17	10" PVC SANITARY SEWER	LF	295	85.00		295	\$25,075.00
18	IMPROVED PIPE FOUNDATION	LF	295	3.00		295	\$885.00
19	CONNECT TO EXISTING SANITARY SEWER	EA	6	1200.00		6	\$7,200.00
20	10" x 4" PVC WYE	EA	3	400.00		1	\$400.00
21	4" PVC SANITARY SEWER SERVICE	LF	90	35.00		11	\$385.00
22	CONNECT TO EXISTING SERVICE	EA	3	500.00		1	\$500.00
23	BYPASS PUMPING	LS	1	10410.00		1	\$10,410.00
24	22" STEEL CASING, JACKED	LF	115	390.00		115	\$44,850.00
25	CONCRETE CURB & GUTTER	LF	40	39.00		43	\$1,677.00
26	4' DIAMETER MANHOLE	EA	4	6120.00		4	\$24,480.00
27	MANHOLE OVERDEPTH	LF	34	150.00		31.98	\$4,797.00
28	EXTERNAL SEAL SYSTEM	EA	4	400.00		4	\$1,600.00
29	TELEWISE SANITARY SEWER	LF	405	4.00			\$0.00
30	RESTORATION	LS	1	7500.00		1	\$7,500.00
	TOTAL BASE BID:						<u>\$284,876.00</u>
CHANGE ORDER NO. 1							
1	EXPLORATORY EXCAVATION	EA	1	220.00		1	\$220.00
2	REMOVE 6" WATER MAIN	LF	17.5	8.00		17.5	\$140.00
3	CONNECT TO EXISTING 6" WATER MAIN	EA	2	735.00		2	\$1,470.00
4	FURNISH AND INSTALL 6" PVC WATER MAIN	LF	17.5	48.00		17.5	\$840.00
5	FURNISH AND INSTALL 4" FLEXIBLE DRAINTILE	LF	65	12.00		65	\$780.00
6	CONNECT TO EXISTING STORM SEWER STRUCTURE	EA	4	215.00		4	\$860.00
7	FURNISH AND INSTALL ROYAL CONCRETE INSIDE DROP	LF	5.7	809.21		5.7	\$4,612.50
	TOTAL CHANGE ORDER NO. 1						<u>\$8,922.50</u>
	TOTAL BASE BID:						\$284,876.00
	TOTAL CHANGE ORDER NO. 1						<u>\$8,922.50</u>
	TOTAL WORK COMPLETED TO DATE						<u>\$293,798.50</u>

PROJECT PAYMENT STATUS

OWNER CITY OF MAPLE PLAIN
 STANTEC PROJECT NO. 193802383
 CONTRACTOR G. F. JEDLICKI, INC.

CHANGE ORDERS

No.	Date	Description	Amount
1	9/30/2014	This Change Order provides for additional work on this project. See Change Order.	\$8,922.50
Total Change Orders			\$8,922.50

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	08/01/2014	09/03/2014	61,241.75	3,223.25	64,465.00
2	09/04/2014	09/30/2014	188,945.97	13,167.78	263,355.50
3	10/01/2014	11/06/2014	19,380.01	14,187.77	283,755.50
4	11/07/2014	12/05/2014	1,512.40	14,267.37	285,347.50
5	12/06/2014	10/12/2015	8,028.45	14,689.92	293,798.50

Material on Hand

Total Payment to Date		\$279,108.58	Original Contract	\$267,302.00
Retainage Pay No.	5	14,689.92	Change Orders	\$8,922.50
Total Amount Earned		\$293,798.50	Revised Contract	\$276,224.50



Agenda Information Memorandum
October 26, 2015 Maple Plain City Council

**4. CONSENT AGENDA
E. WARNING SIREN MAINTENANCE CONTRACT**

ACTIONS TO BE CONSIDERED

To approve the contract with Embedded Systems, Inc. for monthly maintenance of the City's weather warning siren.

FACTS

- The proposed 2015 monthly fee for maintenance of the siren is \$43.93; or approximately \$527.16 annually. This is the same fee as in 2015.
- The siren is located behind the fire station, 1645 Pioneer Avenue.

ATTACHMENTS

Attached is a copy of the proposed 2016 contract with Embedded Systems, Inc.

Embedded Systems, Inc.

Tel. (763) 757-3696
www.embedsys.com

11931 Hwy 65 NE, Minneapolis, MN 55434

Fax: (763) 767-2817
jburgett@embedsys.com

Contract Renewal

October 15, 2015

City of Maple Plain
Tessia Melvin
1620 Maple Avenue
PO Box 97
Maple Plain, MN 55359

We are at the end of another tornado season. Embedded Systems, Inc. has provided our best service toward maintaining the tornado sirens for your city for the past several years. We would be very pleased to continue to provide Tornado Siren Maintenance for your city.

The Monthly Siren Maintenance Fee for 2016 will be **\$43.93** per siren, per month.

The decoder batteries for your city are scheduled to be replaced in 2017 for preventive maintenance. Battery replacement will occur once every 2 years for Hennepin and Ramsey County and once every three years for Anoka County for all units maintained by Embedded Systems under the original maintenance agreement, including those batteries which may have been replaced since the last scheduled replacement because of failure.

We are asking that you please sign and return this contract renewal to us before **November 16th, 2015** to enable us to continue to provide our best service through the end of 2016. Feel free to fax the signed contract renewal to (763) 767-2817 or email it to jburgett@embedsys.com.

Thank you for your business and we look forward to servicing your needs through the next year. If you have any questions feel free to contact me directly.

Thank you,

Julie Burgett
Embedded Systems, Inc.

Contract terms accepted:

Signature

Date

Phone

Email

For continuation of services through the end of the year 2016

**Tornado Sirens
Master List**

Siren #	Location
	Maple Plain
1	1645 Pioneer Ave



Agenda Information Memorandum
October 26, 2015 - Maple Plain City Council

6. ADMINISTRATIVE REPORTS
A. CITY PLANNER MONTHLY REPORT

ACTION TO BE CONSIDERED

To receive and accept the monthly report from City Planner Mark Kaltsas.

FACTS

- See attached.

ATTACHMENTS

Attached is the monthly report from City Planner Mark Kaltsas.

Memorandum

To: Mayor and City Council

From: Mark Kaltsas, City Planner

CC: Tessia Melvin, City Administrator

Date: October, 2015

Re: **Planning Update**

Meetings:

- **Planning Commission Meeting** – reviewed Collision Corner CUP amendment request. Reviewed conditional use permit to allow heavy manufacturing at 5305 Pioneer Creek Drive.
- Two staff meetings to discuss current project status/issues – discussed nuisance violations, Collision Corner CUP application, license agreement and storm water review, downtown redevelopment status, Akona site use and other general planning issues, north side park concept and Olson's tank removal project.
- Follow-up site visit to review nuisance complaints on Main Street and Gladview.
- Meeting on site with Wenck and contractor to review tanks.
- Meeting with Collision Corner on site to review site planning issues.
- Meeting on site with inspector to prepare substandard findings for Olson's and City Hall.
- Site visit to 5305 Pioneer Creek Drive to review outdoor storage.
- Meeting with staff to review nuisance issues, downtown redevelopment and miscellaneous planning and zoning issues.

Correspondence:

Staff has had correspondence with various constituents over the course of the last month, including the following:

- Correspondence with a resident regarding concerns about an industrial park business and their conditional use permit application for heavy manufacturing.

- Correspondence and coordination with the developer for the Meadows of Maple Plain.
- Correspondence/provide information to environmental consultant regarding tank removal and other building assessments for Olsons gas station property.
- Correspondence with owners of Olson's regarding purchase agreement and environmental assessment.
- Correspondence regarding Akona property use and illegal storage.
- Correspondence with downtown developer regarding concept site plans.
- Correspondence with TIF consultant pertaining to district establishment.
- Staff has had correspondence with several residents regarding building setbacks, zoning and other related planning questions.



Agenda Information Memorandum
October 26, 2015 - Maple Plain City Council

6. ADMINISTRATIVE REPORTS
B. CITY ENGINEER MONTHLY REPORT

ACTION TO BE CONSIDERED

To receive and accept the monthly report from City Engineer Dan Boyum.

FACTS

- See attached.

ATTACHMENTS

Attached is the monthly report from City Engineer Dan Boyum.

To:	Honorable Mayor and Council, City Staff City of Maple Plain	From:	Dan D. Boyum City Engineer
File:	193801804	Date:	October 22, 2015

Reference: Monthly Engineering Report

The purpose of this update is to provide you with information on various projects and engineering activities since the last report and to date.

Budd Avenue Sanitary Sewer Improvements

- Prepared payment request. The contractor is completing televising of the line.

Main Street West and Rainbow Avenue – Utility and Street Improvements

- Responded to property owner questions.
- Met with Contractor on punchlist items.
- Met with restoration contractors related to swale grading and bare spots.
- Will be reviewing final quantities with LaTour in upcoming weeks.

Meadows of Maple Plain

- Grading work by S.M. Hentges and Sons started in September.
- Utility work started in October and continues at this time.
- Rerouting of the water main connection at Howard was done due to a leaking existing gate valve in the street. The existing watermain stub was extended when Howard was originally constructed to a proposed future street. This proposed location did not line up with the final street layout of the Meadows of Maple Plain.
- The rerouting will reduce the number of fittings and will avoid having watermain piping along a lot line.

Downtown and Budd Avenue Feasibility Studies

- The Council authorized proceeding with these studies at the October 12 council meeting.

Collision Corners CUP and Site Plan

- We provided comments on the recent pervious asphalt proposal from the property owner and information needed for review of that proposal.

Miscellaneous

1. Prepared monthly engineering report.
2. Attended staff and council meetings.
3. Reviewed well items.
4. Reviewed street pavement ranking items.

City of Maple Plain

Request for a Conditional Use Permit to Allow Heavy Manufacturing within the Existing Building Located at 5305 Pioneer Creek Drive

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 26, 2015
Applicant: Store Cliff, LLC for Midland Fiberglass
Owner: Store Cliff, LLC
Location: 5305 Pioneer Creek Drive

Planning Commission Recommendation to the City Council:

Planning Commissioners reviewed the request by the applicant and held a public hearing to take comments from the public relating to the request. Several neighboring residents spoke against the proposed conditional use permit along with a commercial property owner who spoke in favor of the request. Commissioners reviewed the request and discussed the intensification of the existing building and its close proximity to the adjacent residential properties. Commissioners noted that the Industrial Ordinance was recently updated to specifically differentiate between heavy and light manufacturing so that the City would have the ability to review and govern suitable locations for both uses. Commissioners noted that there are distinctive differences between heavy and light manufacturing and that this building and its proximity to residential does not accommodate heavy manufacturing. Commissioners made the following findings:

1. The City has determined that the proposed use of the building for heavy manufacturing is inconsistent with the adjacent residential zoning district.
2. The proposed conditional use permit does not meet the criteria for granting a conditional use permit. The potential impacts to the surrounding properties resulting from the proposed conditional use cannot be suitably mitigated.

Commissioners recommended denial of the request for a conditional use permit to allow heavy manufacturing on the subject property.

Request:

Store Cliff, LLC requests that the City consider the following action for the property located at 5305 Pioneer Creek Trail (PID No 24-118-24-31-0022):

- a. Conditional Use Permit to allow Heavy Manufacturing which would include the assembly of forms and fiberglass components for recreational and amusement park rides.

Property/Site Information:

The property is located east of Budd Street on Pioneer Creek Drive. There are five existing buildings located on the property. The property has the following characteristics:

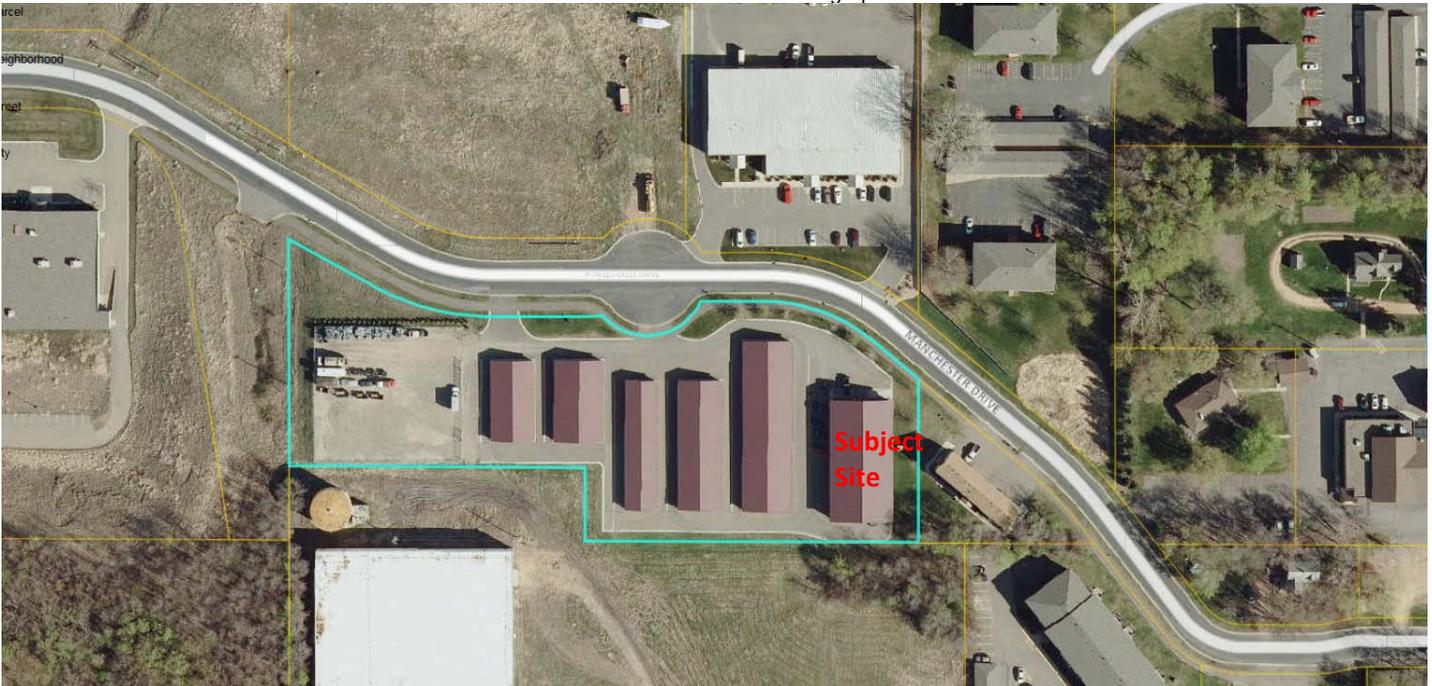
Property Information: 5305 Pioneer Creek Drive

Zoning: *I-Industrial*

Comprehensive Plan: *Industrial*

Acreage: *2.94 Acres*

5305 Pioneer Creek Drive Aerial Photograph



Applicable Standards:

' 153.031 AI@ INDUSTRIAL ZONING DISTRICT.

(A) *Intent.* The purpose of the Industrial District is to support the types of industrial uses which, because of their nature of products or character of activities, may require separation and/or isolation from residential, commercial and mixed-use districts or other sensitive areas. Such industrial uses result in the creation of products that impose objectionable influences or create noises, vibrations, dust, heat, smoke, odor, and the like.

(B) *Permitted uses.* The following uses are permitted in the I-1 General Industrial District.

(1) Manufacturing - light, that includes but is not limited to the fabrication or assembly of small products such as optical, electronic, pharmaceutical, medical supplies, and equipment; machine shops, printing and bottling establishments;

(2) Lumber yards, for the purpose of storing and selling of lumber products plus occasional cutting and finishing services;

(3) Wholesale business, provided that the business does not participate in retail sales except for products made at the facility or that are directly related to the primary use or product of the business;

(4) Warehousing and distribution facilities;

(5) Office campus, minimum of a 10-acre parcel containing an office building(s) that has a separate access to a principal or arterial road;

(6) Recreational facility-indoor;

(7) Research laboratories;

(D) *Conditional uses.* The following uses shall require a conditional use permit based on the procedures set forth in ' 153.140:

(1) Manufacturing - heavy, including but not limited to: concrete product plants, building materials production and similar uses provided that:

(a) All applicable Minnesota Pollution Control Agency requirements are satisfactorily met;

(b) Storage areas are landscaped, fenced and screened from view of neighboring uses, abutting residential zoning districts and public rights-of-way in compliance with ' 153.063(C) and (D);

(c) Vehicular access points shall create a minimum of conflict with through traffic movement and shall be subject to approval of the City Engineer; and

(d) Provisions acceptable to the city shall be made to control and minimize noise, air and water pollution.

Manufacturing – Light. *The mechanical transformation of predominately previously prepared materials into new products, including assembly of component parts and the creation of products for sale to the wholesale or retail markets or directly to consumers. Examples include, but are not limited to: production or repair of small machines or electronic parts and equipment; woodworking and cabinet building; testing machines or electronic parts and equipment; woodworking and cabinet building; testing facilities and laboratories; apparel*

production; sign making; assembly of pre-fabricated parts, manufacture of electric, electronic, or optical instruments or device; manufacture and assembly of surgical instruments; processing, and packing of food products or cosmetics; and manufacturing of components, jewelry, clothing, trimming decorations and any similar item. Light manufacturing does not include an individual's production of hand-crafted or custom made items.

Manufacturing – Heavy. *The manufacturing of products from raw or unprocessed materials. This category shall also include any establishment or facility using large unscreened outdoor structures such as conveyor belt systems, cooling towers, cranes, storage silos, or similar equipment that cannot be integrated into the building design, or engaging in large-scale outdoor storage. Any industrial use that generates noise, odor, vibration, illumination, or particulate that may be offensive or obnoxious to adjacent land uses, or requires significant amount of on-site hazardous chemical storage shall be classified under this land use. This use shall include any packaging of the product being manufactured on-site. Examples include but are not limited to the production of the following: large-scale food and beverage operations; lumber milling and planing facilities; aggregate, concrete and asphalt plants, foundries, forge shops, open air welding, and other intensive metal fabrication facilities, chemical blending, mixing, or production, and plastic processing production.*

Discussion:

The subject building is one of five buildings located on the subject site. The remaining buildings are utilized for storage rental. The subject building has historically been used for a variety of industrial uses. The current use of the building is by a company which produces and assembles amusement park ride cars and boats (Midland Fiberglass).

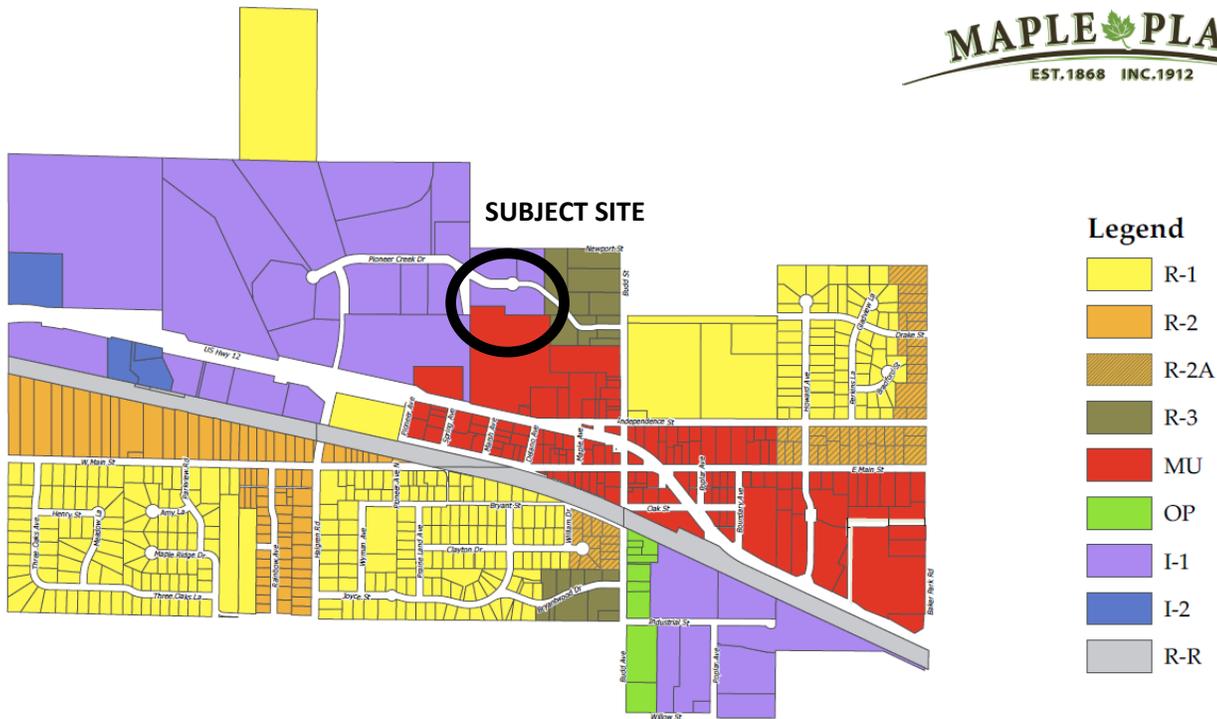
In June 2015, the City was notified by adjacent property owners that the user of the building was blowing fiberglass residue out into the parking areas surrounding the building with the doors to the building open. It was further noted that the residue was ending up on nearby residential properties. The City inspected the building and issued a cease and desist order. The City subsequently met with the business owner, building owner and building official to review the use of the building. The City determined that the business owner was fabricating the fiberglass molds and producing the rides wholly within this facility. The owner noted that this was not always the case and that he had just recently started making the fiberglass molds at this location. Moving forward, the owner of the business stated that he only wanted to continue assembling the rides at this location and that he would outsource the fiberglass fabrication.

The City determined that the use of the building for the assembly of the rides, which includes sanding, gluing, paint spraying and some touch-up fiberglass work, would be considered heavy manufacturing. Heavy Manufacturing is considered a conditional use in the I-Industrial zoning district. The applicant is requesting that the City consider granting a conditional use permit to allow the heavy manufacturing to occur within the existing building. The applicant is proposing to limit their business to assembly of the amusement park ride cars/boats without the fabrication of the fiberglass molds. The business owner is currently storing materials and completed and incomplete projects outside of the subject building. No

outdoor storage is permitted for this building. The business owner is not seeking outdoor storage with the conditional use permit.

The following considerations should be made the Planning Commission when reviewing this request:

1. The subject building is approximately 7,800 SF in size. There are two smaller office spaces located on the north side of the building with open warehouse space comprising the rest.
2. The subject property is directly adjacent to the R-3 Residential zoning district (see map below). Due to this proximity (35 feet between structures), it may be difficult to adequately mitigate any potential noise, smells or other potential impacts.
3. There is currently no screening or buffering between the existing building and the adjacent residential property.
4. The subject site and building is comprised of predominately storage buildings. Storage buildings do not have the intensive use associated with heavy manufacturing and offer a reasonable transition between the residential neighborhood and the Industrial Park.
5. Should the City approve a conditional use permit for this property, it would establish the ability for other heavy manufacturing uses in this building. The administration of heavy manufacturing on this site and the associated potential nuisance factors (noise, smell, particulate matter) becomes more difficult due to its proximity to adjacent residential properties.
6. The building may need to have improvements made to bring it into compliance with applicable building codes relating to the intended use. The applicant will need to provide additional information relating to the use of the building and then prepare any necessary plans for review by the City.



Recommendation:

Staff is seeking the direction of the Planning Commission relating to the request for a conditional use permit. Should the Planning Commission consider recommending approval, the following conditions should be considered:

1. The proposed conditional use permit meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
2. The Conditional Use Permit shall include the following conditions:
 - a. There shall be no outdoor storage permitted on this site.
 - b. The overhead doors shall be closed at all times other than to move equipment, materials or vehicles into and out of the building.
 - c. The applicant shall obtain all applicable building permits relating to the intended use of the building.
 - d. The applicant shall obtain all requisite permits from all applicable regulating agencies. This includes if necessary the MPCA.
 - e. The hours of operation shall be permitted between the hours of 7:00 a.m. and 8 p.m. Monday through Friday and 7:00 a.m. and 6:00 p.m. Saturday and Sunday.

- f. The existing dumpster should be kept inside the building or the requisite enclosure and screening shall be constructed.
3. The Applicant shall pay for all costs associated with the City's review of the conditional use permit.

Staff is seeking direction from the Planning Commission relating to the information presented. Commissioners can recommend approval of the conditional use permit with conditions, table the request based on the need for additional information or recommend denial of the request to the City Council.

Attachments:

1. Aerial Images

Image of Building Façade



Image of Front Parking Area



RESOLUTION NO.15-1026-02

A RESOLUTION DENYING APPROVAL OF THE CONDITIONAL USE PERMIT REQUEST
TO ALLOW HEAVY MANUFACTURING ON THE SUBJECT PROPERTY
LOCATED AT 5305 PIONEER CREEK DRIVE

WHEREAS, the City of Maple Plain (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2008 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Store Cliff, LLC (the “Applicants/Owner”) submitted an application seeking a conditional use permit for the property located at 5305 Pioneer Creek Drive (the “Property”); and

WHEREAS, the Property is zoned Industrial (I); and

WHEREAS the requested conditional use permit does not meets all requirements, standards and specifications of the City of Maple Plain Zoning Ordinances for property zoned I-Industrial; and

WHEREAS the Planning Commission held a public hearing on October 1, 2015 to review the application for a conditional use permit following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for denial.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA that it should and hereby does **deny** the application by Store Cliff, LLC for a conditional use permit per the City’s zoning regulations with the following conditions:

1. The proposed conditional use permit does not meet all applicable conditions and criteria stated in the City of Maple Plain Zoning Ordinance.
2. The City has determined that the proposed use of the building for heavy manufacturing is inconsistent with the adjacent residential zoning district.

3. The proposed conditional use permit does not meet the criteria for granting a conditional use permit. The potential impacts to the surrounding properties resulting from the proposed conditional use cannot be suitably mitigated.
4. The applicant shall pay for all costs associated with the City's review of the application.

This resolution was adopted by the City Council of the City of Maple Plain on this 26th day of October, 2015, by a vote of ____ ayes and ____ nays.

Jerry Young, Mayor

ATTEST:

Tessia Melvin, City Administrator

(SEAL)

RES. NO. _____
CUP – Store Cliff, LLC 5035 Pioneer Creek Drive

City of Maple Plain

Request by Collision Corner for a Conditional Use Permit Amendment to Modify the Previously Approved CUP on the Property at 5060 US Highway 12

To: City Council
From: Mark Kaltsas, City Planner
Meeting Date: October 26, 2015
Applicant: Kurt and Michelle Kroll
Owner: Kurt and Michelle Kroll
Location: 5060 US Highway 12

Planning Commission Recommendation to the City Council:

Following the tabling of this request two different times to allow the applicant the opportunity to provide additional information to the City, the Planning Commission Members reviewed the revised submittal and ultimately recommended approval of an amendment to the conditional use permit with conditions. Commissioners discussed the proposed amendment and focused on several key findings as follows:

1. The Commission discussed the use of the Oak Street right of way and whether or not the applicant could park cars overnight in the right of way. There was a general consensus that the applicant should be permitted to park certain types of cars overnight in the right of way. The public in attendance expressed concerns relating to how the City would possibly be able to administer/delineate cars being “stored” in the right of way versus cars being parked for service. Staff is seeking additional direction from the City Council pertaining to the use of the right of way and whether or not overnight parking should be permitted. It should be noted that it will be difficult to differentiate stored cars from other cars should the City allow the applicant to park cars overnight within the Oak Street right of way. The result of allowing overnight parking will likely be that every available parking space will be permanently utilized for the storage of cars in this area. A possible solution that could be administered by the City would be to prohibit overnight parking with the exception of the five spaces designated on the plans and located in the south southeast corner of the right of way. These spaces could be used for vehicle drop of and pick up.
2. The City has prepared a license agreement for the use of the Oak Street right of way. The agreement captures several key requirements as follows:

- a. Use of the right of way will be limited to the storage of vehicles with no body damage and employee parking.
 - b. The applicant shall be responsible for maintaining the right of way, which includes snow plowing and upkeep of the paving and landscaping.
 - c. Should the license agreement be terminated by the City, the applicant shall be required to amend the conditional use permit.
3. Commissioners requested that the applicant provide additional landscaping around the site perimeter. Areas of concertation that should be further screened included the northeast corner of the site adjacent to Boundary Street and the western edge of the Oak Street right of way. Staff is recommending that the applicant prepare a revised landscape plan to include the following landscaping:
 - a. To screen the northeast corner of the site, the applicant should include seven - 6' height arborvitae, nine - 36" height dwarf burning bush or similar and twenty five - one gallon feather reed grass or similar ornamental grasses along the fence. In order to achieve this planting the applicant will need to remove existing asphalt.
 - b. To screen the western edge of the Oak Street right of way, the applicant should include five 6' height evergreen trees (i.e. Black Hills Spruce or similar).
 - c. To further screen the improved Oak Street right of way, the applicant shall provide three additional 6' height evergreen trees on the north side of the right of way. The applicant will work with the City to identify the best locations.
4. Commissioners reviewed the proposed height of the fence and asked if the fence could be higher than six feet. It was noted that the City could allow a higher fence. Fire Chief Eisinger had concerns relating to a higher fence and recommended that the fence around the proposed outdoor storage area in the northwest corner be permitted to be 8 feet in height and the remaining fence stay at 6 feet in height.
5. A detailed storm water and grading plan was not reviewed by the Planning Commission due to the applicant having not submitted the plan to the City. Staff noted that once a plan was submitted and reviewed, it may potentially impact the site layout. The City has still not received a storm water management and grading plan from the applicant. The applicant recently told the City that they would like to address storm water by utilizing pervious asphalt pavement to improve the Oak Street right of way. As a result of this proposal, the City's engineer has asked for additional detailed information relating to the applicants proposal. It appears that the use of impervious pavement could satisfy the standards and requirements relating to storm water associated with the proposed

Oak Street improvements. The applicant will be required to submit the requisite information to the City and Minnehaha Creek Watershed for further review and approval.

6. Commissioners discussed that all improvements should be completed prior to the issuance of the amended conditional use permit. If the improvements were not going to be completed at the same time, additional security should be required to ensure that the approved improvements are completed by the applicant. Staff further discussed this idea with the applicant and it was noted that the applicant would like to complete all of the improvements at one time. The applicant's intent is to begin work on the improvements this year; however, it may not be feasible to complete the improvements due to the impending weather restrictions for new pavement and the time required to obtain City and Watershed approval of the proposed storm water plan. Staff is recommending that the City approve the amendment to the conditional use permit in two parts. The initial approval would be for the existing site improvements and include the proposed building addition. This approval would require the removal of a significant number of existing vehicles from the property. The City would require that the applicant install the proposed fencing, landscaping, lighting, parking lot signage, parking space striping and organize the site to comply with the approved site plan. The applicant will be required to submit a revised site plan indicating the revised rear lot parking configuration due to not having the use of the Oak Street right of way. Once the applicant completes the Oak Street right of way improvements, the additional parking spaces could be utilized.

Part 1 (Oak Street is not improved)

- a. Approval of the existing site improvements shall include:
 - i. Building addition
 - ii. Perimeter fence
 - iii. Landscaping
 - iv. Building and street lighting
 - v. No parking signage
 - vi. Provide emergency vehicle/public safety access route as designated on plan
 - vii. Parking lot striping
 - viii. Parking and storage in designated areas only
 - ix. Total Parking on Site as follows:
 1. Oak Street ROW – no parking or use
 2. Boundary Avenue – 15 spaces
 3. In Front of Building – 5 spaces (customer parking)
 4. Behind Building – 30 spaces
 5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 60 Spaces

Part 2 (Oak Street is improved)

- b. Approval of the additional site improvements shall include:
 - i. Pavement of Oak Street as permitted by the license agreement
 - ii. Landscaping
 - iii. Parking space striping
 - iv. Parking in designated areas only
 - v. Total Parking on Site as follows:
 - 1. Oak Street ROW – 43 spaces (17 employee, 26 spaces for mechanical repair drop-off)
 - 2. Boundary Avenue – 17 spaces (customer parking)
 - 3. In Front of Building – 5 spaces (customer parking)
 - 4. Behind Building – 36 spaces
 - 5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 111 Spaces

The Planning Commission recommended approval of the proposed conditional use permit amendment with the following conditions:

- 1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.
- 2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:
 - a. The applicant shall enter into a licensing agreement with the City pertaining to the use of the Oak Street right of way.
 - b. The Applicant shall submit a grading and drainage plan and requisite storm water calculations. Based on the calculations, the applicant shall meet all applicable standards pertaining to storm water, grading and drainage.
 - c. The applicant shall obtain all requisite approvals from Minnehaha Creek Watershed District.
 - d. The applicant shall revise the plans to provide a 25' wide drive aisle and 20' long spaces within the Oak Street right of way.
 - e. The applicant shall revise the plans to indicate the detailed locations of the no parking signage and fire lane striping.
 - f. The Applicant shall address all comments made by the Planning Commission relating to building architecture, color and materials.

- g. The applicant shall revise the parking plan to include an accessible parking stall in the front of the building.
 - h. The Applicant shall provide the City with a revised lighting plan that includes the detailed photometric information for the lights proposed. The applicant shall provide new building lighting as indicated on the approved site plan along with a new decorative light pole at the northeast corner of the property. The new light pole shall match the City's approved standards as indicated in the Downtown Design Guidelines.
 - i. The applicant shall provide the City with a revised landscaping plan to include landscaping as follows:
 - a. To screen the northeast corner of the site, the applicant should include seven - 6' height arborvitae, nine - 36" height dwarf burning bush or similar and twenty five - one gallon feather reed grass or similar ornamental grasses along the fence. In order to achieve this planting the applicant will need to remove existing asphalt.
 - b. To screen the western edge of the Oak Street right of way, the applicant should include five 6' height evergreen trees (i.e. Black Hills Spruce or similar).
 - c. To further screen the improved Oak Street right of way, the applicant shall provide three additional 6' height evergreen trees on the north side of the right of way. The applicant will work with the City to identify the best locations.
 - j. The applicant shall address and satisfy all Fire Department comments relating to the building and site.
3. The Conditional Use Permit will be amended to include the following conditions:

Part 1 (Oak Street is not improved)

- a. Approval of the existing site improvements shall include:
 - vi. Building addition
 - vii. Perimeter fence
 - viii. Landscaping
 - ix. Building and street lighting
 - x. No parking signage
 - xi. Provide emergency vehicle/public safety access route as designated on plan
 - xii. Parking lot striping
 - xiii. Parking and storage in designated areas only
 - xiv. Total Parking on Site as follows:

1. Oak Street ROW – no parking or use
2. Boundary Avenue – 15 spaces
3. In Front of Building – 5 spaces (customer parking)
4. Behind Building – 30 spaces
5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 60 Spaces

Part 2 (Oak Street is improved)

- b. Approval of the additional site improvements shall include:
 - i. Pavement of Oak Street as permitted by the license agreement
 - xv. Landscaping
 - xvi. Parking space striping
 - xvii. Parking in designated areas only
 - xviii. Total Parking on Site as follows:
 1. Oak Street ROW – 43 spaces (17 employee, 26 spaces for mechanical repair drop-off)
 2. Boundary Avenue – 17 spaces (customer parking)
 3. In Front of Building – 5 spaces (customer parking)
 4. Behind Building – 36 spaces
 5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 111 Spaces
- c. Parking shall be limited to the approved number and type of spaces as identified on the site plan and further defined within the conditions of approval.
- d. No vehicles shall be stored, temporarily stored, parked or otherwise located in any location other than those specifically designated on the approved plan.
- e. No parking of vehicles shall be permitted on Boundary Avenue outside of the areas designated on the approved site plan.
- f. Parking of vehicles within the Oak Street and Boundary Street right of way shall be limited to employees of the business and customer drop-off and pick-up of vehicles in need of mechanical repair. No vehicle with body damage shall be parked in the rights of way.
- g. All of the required improvements identified on the approved plans shall be installed and approved prior to the applicant receiving approval of this amendment.
- h. There shall be no storage of vehicles or parts within the Oak Street and Boundary Street rights of way.

- i. All requisite fencing shall be maintained by the applicant for the duration of the conditional use permit. Maintenance shall include, but is not limited to keeping the fence true, upright, without missing boards or sections and in all locations indicated on the approved plan.
 - j. All requisite landscaping shall be maintained by the applicant for the duration of the conditional use permit.
 - k. The hours of operation shall be permitted between the hours of 6:00 a.m. and 10:00 p.m. Monday through Friday and 7:00 a.m. and 7:00 p.m. Saturday and Sunday. No work outside of the building shall occur outside of the aforementioned times.
 - l. No boat or watercraft storage shall be permitted on the property. Boats that are being repaired shall be allowed on the subject property for a period not to exceed three (3) months.
 - m. The tire bin shall not exceed the height of the screen fence and shall be located wholly within the subject property and not within the City's right of way.
 - n. The trash dumpster shall be fully screened from view by the proposed fencing and shall be located wholly on the subject property and not within the City's right of way.
4. The applicant shall complete the Part 1 improvements within six (6) months of the City's approval of the conditional use permit amendment.
 5. The use of the Oak Street right of way will be subject to the applicant completing the Part 2 improvements.
 6. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

Update to Plans Following Planning Commission Review:

Planning Commission Members reviewed the revised submittal and found the plans to be incomplete. Commissioners tabled the item to the October Meeting after providing additional feedback and direction to the applicant. The petitioner has revised their site plan to address the comments provided by the Planning Commission and staff. The site plan and supplemental information submitted by the applicant attempts to address all comments made in previous correspondence and during the two Planning Commission and City Council Meetings. The following comments based on the review of the revised plans should be considered by the Planning Commission:

2. The applicant has submitted a revised site plan, a landscape plan, building elevation, fence detail and lighting cut sheets. The City has not received a grading or stormwater plan.

3. As it relates to the revised site plan, the following comments should be considered:

a. Parking – the applicant has revised the site plan to incorporate the Oak Street right of way. The applicant is proposing to pave Oak Street to include additional parking spaces. The applicant has identified an approximately 2,200 SF area for the storage of parts and inoperable vehicles. This area would not be striped and is entirely within the proposed fenced area. All other spaces would be striped and are further labeled on the proposed site plan.

i. The plans indicate parking as follows:

1. Oak Street ROW – 43 spaces (17 employee, 26 spaces for mechanical repair drop-off)
2. Boundary Avenue – 18 spaces (customer parking – furthest north space should not be counted as it would restrict turning into site)
3. In Front of Building – 5 spaces (customer parking)
4. Behind Building – 36 spaces
5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 112 Spaces

b. An access route through the site has been identified on the site plan. The access route has been identified on the plan. It is recommended that this route be striped or otherwise designated so that no parking or temporary parking is permitted within the access route. The plans do indicate several no parking signs along TH 12 (within the right of way). In addition, to the proposed no parking signs along Highway 12, no parking and fire lane striping/signage should be designated along the west side of the proposed spray booth.

c. The Oak Street right of way is shown to have a driveway width of 24 feet. The City requires a minimum of 25 feet in width. The parking spaces shown are 18 feet in length and the minimum required by the City is 20 feet. The plans should be revised to incorporate the minimum parking and drive aisle standards within the Oak Street right of way.

d. The parking area for “sale vehicles” has been moved back and away from the right of way to allow for access from the proposed gate.

e. The applicant is proposing to remove the existing shed/small building in the southwest corner of the site. This area is proposed to be utilized for the access drive.

- f. The revised site plan indicates three areas as “landscape areas”. The applicant has prepared a landscape plan which corresponds to the landscape areas shown on the site plan. The landscape plan shows five 6’ height Arborvitaes in the northeast corner of the site, one 6’ height Amur Maple in the northeast corner of the site and seven shrubs in the south of the site. In order to provide a planting area in the northeast corner of the site, the applicant will need to remove existing pavement. Additional landscaping could be added to the area along US Highway 12 to better screen the parking areas. There is an existing clump of deciduous trees located within the Highway 12 right of way that currently provides some screening into the site. The proposed planting in the northeast corner of the site could be enhanced and include evergreen trees to better buffer the site from the highway. In order to accomplish this, the applicant would have to remove some of the existing asphalt. Staff is seeking further direction from the Planning Commission pertaining to the proposed landscaping.
- g. The site plan indicates the location of a perimeter fence. The applicant has provided a picture of the proposed 6’ tall board on board fence. As shown on the proposed site plan, the fence will be installed in asphalt as the existing pavement extends into the City’s Oak Street right of way. The applicant is proposing to install a chain link style gate along Boundary Avenue. The proposed gate would include “privacy slats”. This type of fence is not consistent with the City’s Downtown Design Standards.
- h. The proposed building addition is shown on the site plan. The applicant has provided the City with a building elevation for the proposed addition. The elevation indicates that the building addition would be constructed of the same materials and colors as the existing building. The applicant noted that the building addition would not have any mechanical equipment located on the roof. All mechanical equipment is required to be screened from view.
- i. The site plan indicates that the dumpster will be located within the proposed fence in the northeast corner of the building.
- j. The plans propose two lights to be located on the north wall of the building. The applicant provided cut sheets for the proposed lights. Staff is still reviewing the proposed lighting to determine if it meets the City’s cut-off standards. A photometric plan indicating the intended coverage of the lights was not submitted. The site plan also indicates the location of an optional light pole. Staff discussed this location with the applicant and noted that this could be a City “standard” downtown street light. Further direction on whether or not to require this pole is requested.

4. The Oak Street right of way licensing agreement has not been drafted by the City. The Planning Commissions can provide further direction to staff relating to the permitted use of the right of way. It was previously noted that the use should be limited to daily parking of employee vehicles, and drop off and pick up parking. Commissioners noted that overnight parking could be permitted for vehicles that needed mechanical repair only.
5. The City provided the applicant with comments pertaining to storm water. No detailed grading or drainage plan was submitted to the City. Any improvement to the City's right of way will require a more detailed engineering submittal along with the requisite storm water calculations and potential treatment and retention. Any approval considered by the City would be subject to the review and approval of all applicable plans.

Planning Commission Discussion From July 3rd Planning Commission Meeting:

Commissioners considered the information presented relating to the requested Conditional Use Permit amendment. Commissioners clarified that they would not be taking an official action on the request, but would provide direction to the applicant and a recommendation to the City Council relating to six specific considerations. Commissioners discussed the proposed amendment to the existing CUP and offer the following recommendations to the City Council for consideration:

1. **Expansion of CUP to north properties:** Commissioners discussed the limitations on being able to expand the Conditional Use Permit due to the non-conforming status of the existing use. Commissioners did not believe that amending the City's ordinance to allow the expansion of the use would fit into the desired planning goals of the Mixed Use – Gateway district. Commissioners recommended that the City not consider allowing any expansion of the existing use into the properties north of the Oak Street right of way.
2. **Use of Oak Street Right of Way for Private Access Driveway:** Commissioners discussed the concept of a license agreement to better understand how the agreement would work. Commissioners were generally supportive of the idea of licensing the use of the right of way for an access drive into the existing site. The use of the right of way would allow the applicant to have a more organized circulation route into and out of the site. There was discussion with the applicant about the use of the right of way for additional parking and or storage. It was noted by the Planning Commission that the use of the right of way should be limited to a driveway and possibly additional on-street parking spaces. Long-term parking or storage would not be permitted in the right of way.
3. **Screening/Landscaping/Dumpster Enclosure:** Commissioners discussed increasing the buffering and screening so that the property was effectively screened from Highway 12 and Boundary Avenues. Commissioners also commented that the petitioner should screen the

parking areas from the residential properties to the north and east. The preferred method of screening and buffering would include a combination of fencing and landscaping.

4. **Proposed Building Expansion:** It was noted by the City that there had been a previous approval of a building expansion in 2001. The City does not have a record drawing or image delineating the approved expansion. Commissioners were relatively supportive of the possible building expansion. Commissioners asked if the building expansion would limit or reduce the total number of parking spaces on the property. It was noted that the expansion would potentially impact 4-6 parking spaces.
5. **Automobile Sales on Highway 12:** Commissioners discussed the possibility of increasing the number of permitted automobiles being sold on the property. Commissioners wanted to better understand how the proposed sales area could be accessed from the site without utilizing the Highway 12 right of way. Commissioners asked for additional information relating to fencing and access to the proposed sales area
6. **Parking:** Planning Commissioners discussed the overall number of vehicles parked on this site. Commissioners recognized that there is a significant deficiency between the number of vehicles currently parked on site and the number of existing parking spaces. There was additional discussion relating to the differentiation between vehicles that are being worked on or for sale and vehicles that are being stored for parts. Commissioners noted that there could be outdoor storage permitted for parts and vehicles that are not whole. This area would need to be further defined by the applicant and would possibly accommodate a greater number of vehicles as a result of not needing to meet parking space standards. The applicant did suggest the possibility of removing the small building located on the south side of the parking area along Highway 12. The removal of this building and the utilization of the Oak Street right of way could allow for an acceptable number of vehicles to be kept and/or stored on this site.

Request:

Kurt and Michelle Kroll, (Applicants/Owners) request that the City consider the following action for the property located at 5060 US Highway 12 (PID No's. 25-118-24-12-0049, 25-118-24-12-0044, 25-118-24-12-0045, 25-118-24-12-0046).

- a. Conditional use permit amendment to modify the conditions of the existing conditional use permit.

Property/Site Information:

The property is located just north of Highway 12 at the intersection of Boundary Avenue and US Highway 12. There is an existing building located on the property. The subject property is accessed via Boundary Avenue. The property has the following characteristics:

Property Information: 5060 US Highway 12

Zoning: *MU-G Mixed Use – Gateway*

Comprehensive Plan: *Mixed Use*

Acreage: 0.89 Acres

5060 US Highway 12 Aerial Photograph



Discussion:

In 2014, the City notified the owners of Collision Corner that they were in violation of their Conditional Use Permit (CUP) and that they had expanded their parking area without a permit or approval from the City/Watershed. The City has also been working with the applicant for some time to limit the parking of vehicles on Boundary Avenue. The City has received numerous complaints regarding vehicles obstructing the right of way and therefore use of Boundary Avenue.

This property was initially granted a Conditional Use Permit by the City in 1988. The CUP was subsequently amended by the City several times with the most recent amendment occurring in 2001. In December of 2014, the City met with the applicant and discussed the possibility of amending their CUP to be consistent with the current use of the property. The City explained that the current operation was in violation of the conditions of the existing CUP and that revocation of the existing CUP would be the next step of the City. The City offered the owners of the property the possibility of amending their CUP so that the City and applicant could consider a reorganization of their site that would benefit both parties. The City noted that the applicant would likely need to make changes to the site (fencing, layout, landscaping, etc.) in order for the City to consider any expansion (increase in the number of vehicles and area on site permitted to be used) of the previously approved CUP amendment. The current CUP has the following provisions:

1. 49 total parking spaces
 - a. 31 spaces in the back parking lot
 - b. 13 front parking spaces
 - c. 5 parking spaces for retail sales

2. No more than 9 vehicles can be parked outside of the fenced area after hours

The owner of the property has now applied for an amendment to their conditional use permit. The amendment is requesting the reconfiguration of the site and an expansion of the CUP to allow the use of two (2) adjacent properties to north (owned by the applicant) as well as use of the City's Oak Street right of way for access into the site. The applicant has acquired two properties which are located just north of the existing site and the City's Oak Street right of way (unimproved). Automobile sales, service and repair is not permitted within the MU-G zoning district. The use of the existing property is permitted by conditional use and is considered legal non-conforming

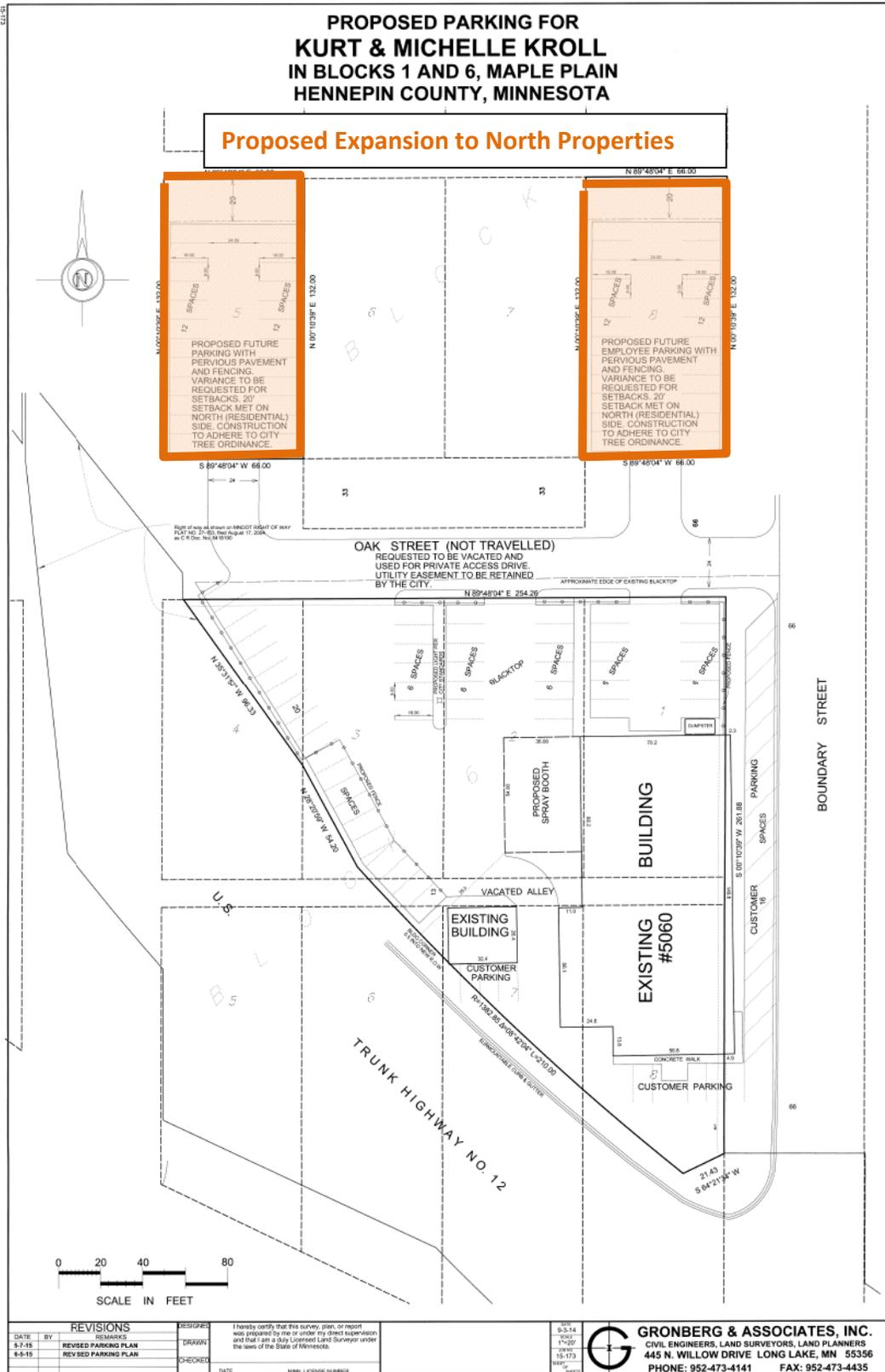
In addition to the expansion of the current use to the two north properties, the applicant is seeking approval of an amended site configuration. Staff has reviewed the proposed site plan and provided comments and feedback to the applicant. Staff is seeking additional direction from the City relating to the various site configuration components:

1. Expansion of CUP to north properties:

- a. The applicant would like the City to consider an expansion of the use to the two additional properties to the north. The City limits expansion of non-conforming uses to a maximum of 10% of the total site area in the mixed use zoning district. Based on the expansion provision, the City could consider allowing the expansion of the existing use by 3,877 SF. Each parcel is approximately .20 acres or 8,712 SF. The total area of either property would exceed the amount of square footage allowed for expansion of a non-conforming use. The City could consider additional methods for allowing the expansion of the use into that property (i.e. amend the ordinance to allow the use in the MU-G district). It should be noted that in order to fit the parking proposed by the applicant, a variance would be required to allow relief from the side and rear setbacks. A tree preservation/removal plan would be required as a part of the City's review for any construction on these properties. Due to the potentially large increase in the number of parking spaces, staff is seeking direction from the City on whether or not it would consider the expansion of the use onto the north properties.

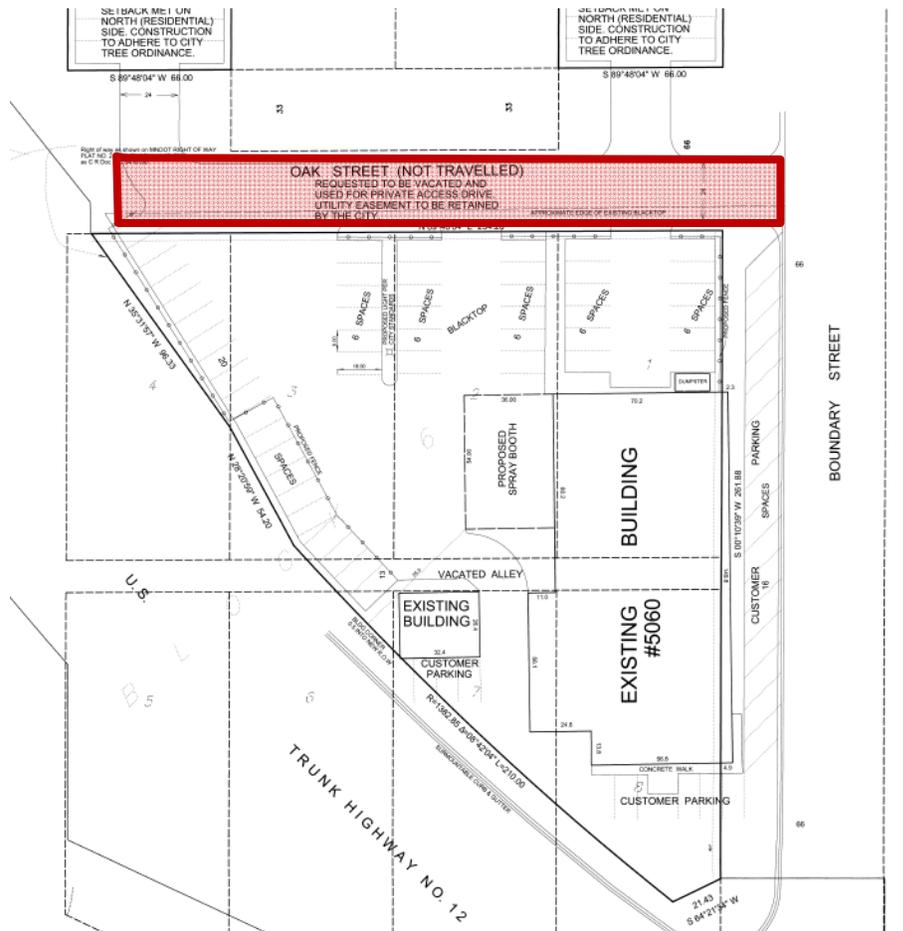
**PROPOSED PARKING FOR
KURT & MICHELLE KROLL
IN BLOCKS 1 AND 6, MAPLE PLAIN
HENNEPIN COUNTY, MINNESOTA**

Proposed Expansion to North Properties



2. Use of Oak Street Right of Way for Private Access Driveway:

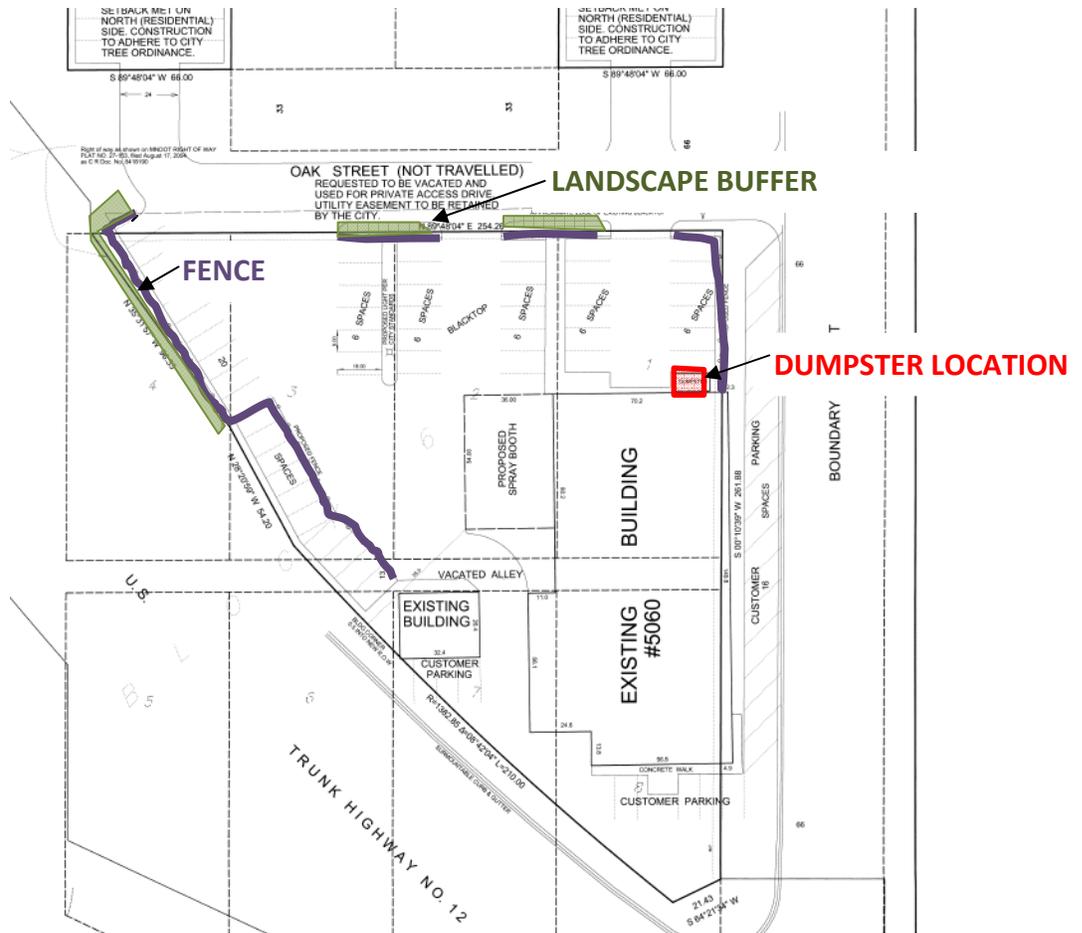
- a. The applicant is seeking permission from the City to construct a private access drive on the Oak Street right of way. The use of the right of way for a private driveway could be "licensed" by the City. The private driveway would allow the applicant to increase the number of parking spaces on the site by shifting the access road to the right of way and allowing more parking on the property. The cost of constructing the private driveway and maintenance would be the responsibility of the applicant. The City would retain the ability to maintain the utilities located within this right of way and construct a public street if warranted in the future. Allowing the use of the right of way would potentially provide for better functionality of the existing parking areas. Should this use be considered by the City, additional information pertaining to screening, use and lighting of this are along with an agreement with the applicant would be required. Staff is seeking direction from the Planning Commission on whether or not the City would consider allowing the use of the Oak Street right of way.



3. Screening/Landscaping/Dumpster Enclosure:

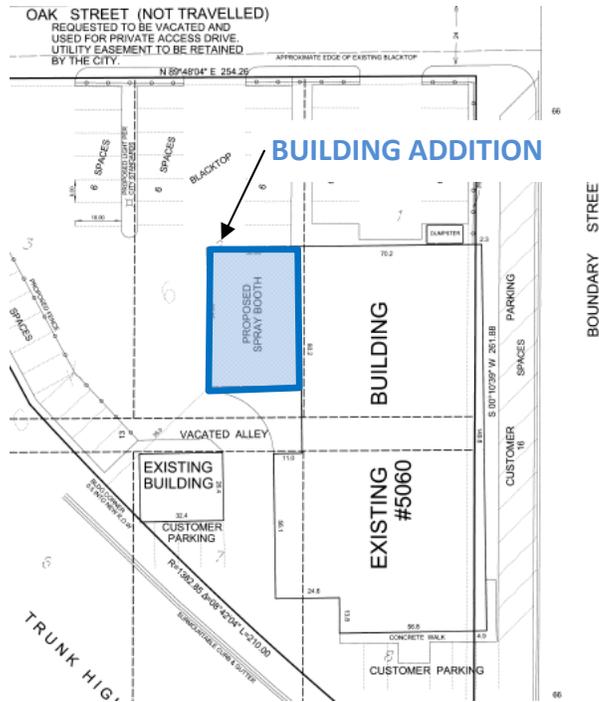
- a. The applicant is proposing to screen the realigned parking areas using an opaque fence. The applicant would need to provide additional details to the City identifying the materials and height of the proposed fence.
- b. In addition to installing a fence, staff has recommended that the exterior area of the fence be landscaped to provide additional buffering and to tie into the "gateway" design standards. Areas of importance would be the Highway 12 and Boundary Avenue frontages (with the exception of the area directly south of the building).
- c. The dumpster and tire bin are currently located at the northeast corner of the building. Staff has recommended that the applicant move the bins so that they would be located inside of the fenced rear yard area and accessed from the parking lot and not Boundary Avenue. The applicant has proposed locating the dumpster inside the proposed fence in the rear yard area.

Staff is seeking direction from the Planning Commission on the location of the fence, fence type and whether or not additional landscaping should be required.



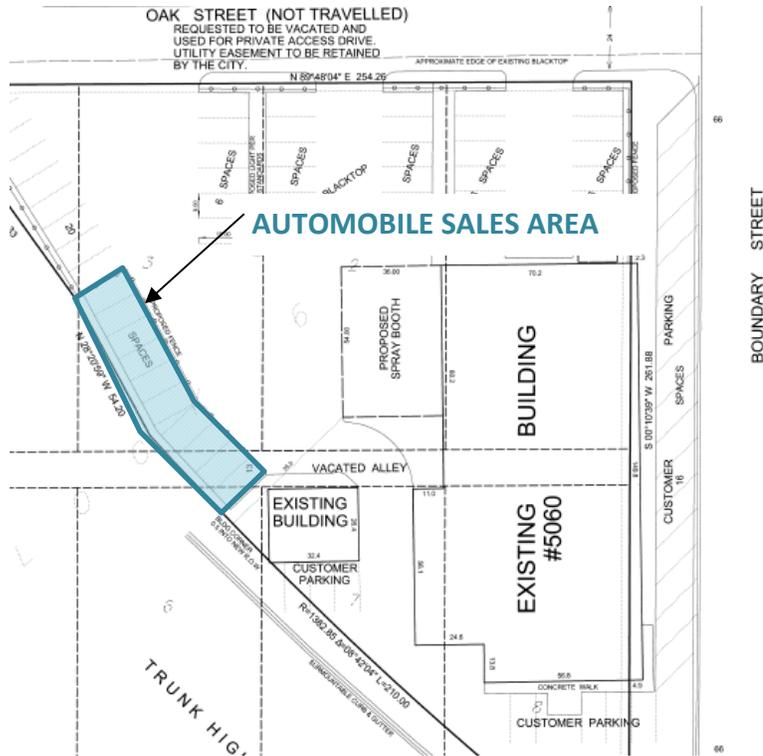
4. Proposed Building Expansion:

- a. The applicant is seeking permission to expand the building to allow a new spray booth on the west side of the building. In 2001, the City approved an amendment to the CUP to allow the expansion of the building for a new spray booth. The City does not have a drawing on record indicating the size or location of the spray booth. The applicant is proposing to locate the spray booth to the west of the existing building. Staff has asked the applicant for additional information pertaining to the proposed building materials and elevations of the building. Staff is seeking direction from the Planning Commission relating to the expansion of the existing building for a new spray booth as shown on the site plan.



5. Automobile Sales on Highway 12:

- a. The current CUP allows for the retail sales of up to five (5) cars on the subject property. The location of the cars for sale was not specified in the CUP. Currently the applicant uses the area west of the main building entrance and along Highway 12 to sell vehicles. The applicant is now seeking permission to sell ten (10) cars along Highway 12 west of the smaller existing building. The proposed fence would be located to allow the cars to be viewed from the highway. Staff has asked the applicant to indicate how the cars would be able to access the area given the proposed fence location. That information has not yet been provided. It was noted that historically, the applicant has used the unpaved right of way on Highway 12 to access this general area and to showcase vehicles for sale. The City does not permit the use of the right of way. Staff is seeking direction from the Planning Commission relating to the proposed expansion of automobile sales on the property.



6. Parking:

- a. The current CUP allows for parking on this site as follows:
 - i. 49 Total Parking Spaces
 - 1. 13 spaces in front of site
 - 2. 31 spaces in rear of site
 - 3. 5 parking spaces for retail sales along Highway 12

- b. The proposed amendment indicates the following parking counts:
 - i. 121 Total Parking Spaces (Including both North Properties)
 - 1. 73 spaces south of Oak Street right of way
 - 2. 48 spaces north of Oak Street right of way
 - 3. 9 spaces in front of existing building
 - 4. 40 spaces in rear of existing building
 - 5. 10 spaces for retail sales along Highway 12
 - 6. 14 spaces located in Boundary Avenue right of way

- c. Staff has visited the site on several occasions to count the number of vehicles parked on the property. On June 26, 2015 it was observed that there were approximately 129 vehicles located on the property (approximate estimate based on not going inside the

building and several vehicles not being considered a whole vehicle). The number of vehicles located on the property was as follows:

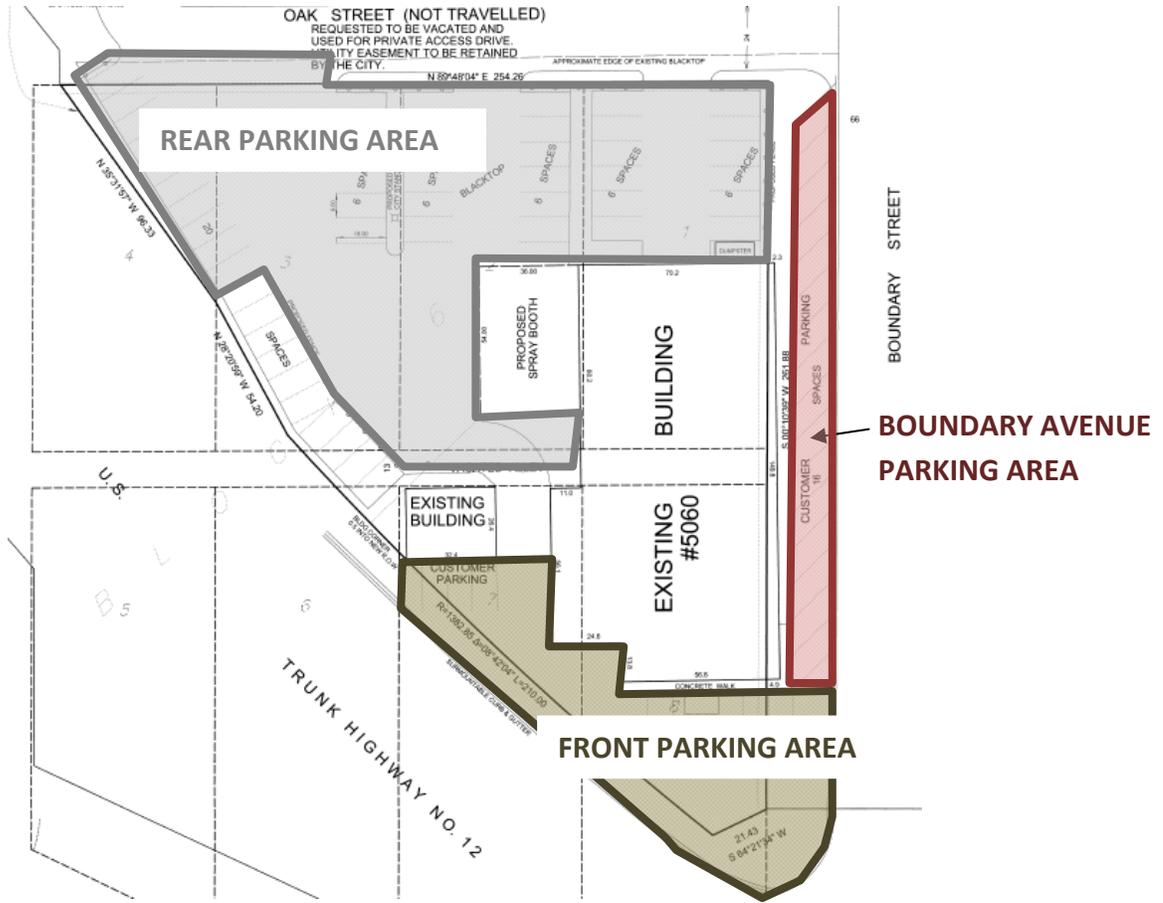
- i. 129 Total Vehicles
 1. 25 vehicles parked in front of building along Highway 12
 2. 9 vehicles parked on Boundary Street
 3. 83 vehicles parked to the rear of building
 4. 12 vehicles parked inside of building

The number of vehicles parked on the site exceeds the number permitted by the existing CUP (49 total vehicles) by 80 vehicles. Based on the number of vehicles parked on the site, the applicant does not have enough room on the current site to accommodate the number of vehicles currently in use for the business. Should the City not want to consider allowing expansion of the site to the north properties, the applicant does not appear to have sufficient space for the current number of vehicles if parked or stored in an organized manner as required by the existing CUP. There were approximately 12 vehicles parked in the state right of way at the time of the site visit. Parking too many vehicles in the front of the building makes it difficult for customers to enter the site and or turn around in the parking lot and for West Hennepin Public Safety to navigate the site. The City could consider limiting the number of parking spaces in the front of the building and prohibiting use of the Highway 12 right of way for parking. In addition, the applicant is proposing to utilize several spaces along Boundary Avenue for customer parking. Use of some of this area for customer parking would help to mitigate the congestion in front of the building.

The rear of the site could be organized in a manner that would allow some outdoor storage of parts and materials in an arrangement that would not require individual parking spaces. Staff has asked the applicant to consider identifying an area in the rear of the site that could be utilized for this purpose. The current plan does not identify this area on the plan. Utilization of an area for outdoor storage could increase the number of vehicles that could be stored on the site as the space could be "stacked". This would potentially increase the total number of vehicles that could be considered to be permitted on the site

West Hennepin Public Safety has asked that the applicant maintain a vehicular access path through the site and also provide for lighting to the rear of the building. The applicant is proposing to install 1 pole mounted light in the rear parking area (shown on site plan). All lighting would be required to be reviewed by the City and meet all applicable standards.

Staff is seeking feedback from the Planning Commission on the proposed parking layout and number of vehicles proposed in each area of the site.



Applicable Standards

CONDITIONAL USE PERMITS

' 153.140 CONDITIONAL USE PERMITS.

(A) *Purpose.* The purpose of a conditional use permit is to authorize and regulate uses which may be beneficial in a specific instance to the general welfare of the community, yet ensure that such uses are not detrimental to surrounding property, and are consistent with the stated purpose of the zoning district in which such uses are located regarding conditions of operation, location, arrangement, and construction.

(B) *Pre-application meeting.* Prior to the submission of a conditional use permit for consideration by the Planning Commission, the applicant shall meet with the City Administrator and Planner as necessary to explain the application and obtain the necessary requirements.

(C) *Staff analysis.* Upon receiving a complete application, as determined by the City Planner, copies of the conditional use permit and all related documents shall be submitted to city staff and other applicable public agencies as needed. The City Planner shall instruct the appropriate staff person to:

- (1) Coordinate an analysis of the application;
- (2) Prepare technical reports; and
- (3) Assist in preparing a recommendation to the Planning Commission and City Council.

(D) *Notice.* Written notice of the application shall be sent by the City Administrator to all adjoining property owners within 350 feet of the boundary of the property in question. The notice shall be mailed not less than 10 days prior to approval of the minor subdivision, and shall contain a description of the application and the legal description of the property. Notice of the hearing, including a description of the request and the legal description of the property, shall be published in the city's official newspaper at least 10 days prior to the hearing. Failure of a property owner to receive mailed notice or defects in the notice shall not invalidate subsequent approval of the conditional use permit.

(E) *Application requirements.* A request for a conditional use permit shall be filed with the City Administrator or Planner on an official application form. The application shall be accompanied by a fee established by resolution by the City Council. The application shall also be accompanied by detailed written and graphic materials, the number and size as prescribed by the City Planner, fully explaining the purpose of the proposal, and including any proposed development. For conditional use permits requiring site improvements of any kind, a full set of plans following ' 153.045 shall be submitted as part of the review process. The applicant shall also submit a set of mailing labels of all property owners located within 350 feet of the site in a format prescribed by the Planner. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified submittal requirements, as described in this section.

(F) *Conditional use permit criteria.* The Planning Commission shall review the conditional use permit for its conformance with the City Code and shall not recommend approval unless all the following conditions are met:

(1) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;

(2) That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area;

(3) That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided;

(4) That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

(5) That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result;

(6) That proper facilities are provided which would eliminate any traffic congestion or traffic hazard which may result from the proposed use; and

(7) The proposed use is in compliance with this chapter and Comprehensive Plan of the city.

(G) *Planning Commission consideration.* The Planning Commission shall consider the request for a conditional use permit and hold a public hearing. The Planning Commission shall consider possible adverse effects of the proposed conditional use following the review criteria outlined in this section and create findings of fact based on its review of the conditional use.

(H) *City Council consideration.* The City Council shall consider the conditional use and recommendations of the Planning Commission and staff. The Council shall have the option of receiving additional testimony on the matter if they so choose. The Council shall either approve or deny the application, for which approval shall require passage by a 2/3 vote of the full City Council. If the conditional use is denied by the City Council, the reasons for the action shall be recorded in the Council proceedings and transmitted to the applicant.

(I) *Revocation.* The Planning Commission may recommend, and the City Council may direct, the revocation of any conditional use permit for cause upon determination that the authorized conditional use is not in conformance with the conditions of the permit or is in continued violation of City Codes, or other applicable regulations. The City Council or Planning Commission shall initiate an application and

Recommendation:

Prior to seeking a formal recommendation from the Planning Commission, staff would like direction relating to the six points identified in this report. Adding additional parking to the north properties, utilization of Oak Street right of way and reconfiguration of the existing lot all would require additional information and detail to be provided by the applicant. Due to the potential implications of each point noted in the report, staff is seeking Planning Commission direction prior to requesting additional information and or applications (i.e. variance for parking setbacks) from the applicant. Based on the direction provided by the Planning Commission, staff will advise the

applicant of the necessary steps to complete the review of the requested cup amendment.

Attachments:

1. Building Façade Image
2. Site Pictures
3. Site Plan
4. Building Elevations
5. Lighting Information
6. Parking Information

Image of Building Façade



Image of Front Parking Area



Image of Trash Container



Image of Boundary Avenue



RESOLUTION NO.15-1026-03

A RESOLUTION APPROVING THE REQUEST BY COLLISION CORNER FOR AN AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED AT 5060 US HIGHWAY 12

WHEREAS, the City of Maple Plain (the “City”) is a municipal corporation under the laws of Minnesota; and

WHEREAS, the City adopted a comprehensive plan in 2008 to guide the development of the community; and

WHEREAS, the City has adopted a zoning ordinance and other official controls to assist in implementing the comprehensive plan; and

WHEREAS, Kurt and Michelle Kroll (the “Applicants/Owner”) submitted an application seeking an amendment to the existing conditional use permit for the property located at 5060 US Highway 12 (the “Property”); and

WHEREAS, the Property is zoned Mixed Use – Gateway (MU-G); and

WHEREAS the requested amendment to the conditional use permit meets all requirements, standards and specifications of the City of Maple Plain Zoning Ordinances for property zoned MU-G; and

WHEREAS the Planning Commission held a public hearing on July 1, 2015 to review the application for an amendment to the existing conditional use permit following mailed and published noticed as required by law; and

WHEREAS, the City Council has reviewed all materials submitted by the Applicant; considered the oral and written testimony offered by the applicant and all interested parties; and has now concluded that the application is in compliance with all applicable standards and can be considered for approval.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA that it should and hereby does approve the application by Kurt and Michelle Kroll for an amendment to the existing conditional use permit per the City’s zoning regulations with the following conditions:

1. The proposed conditional use permit amendment meets all applicable conditions, criteria and restrictions stated in the City of Maple Plain Zoning Ordinance.

2. Approval of the conditional use permit is subject to the applicant providing additional information and receiving City approval for the following items:
 - a. The applicant shall enter into a licensing agreement with the City pertaining to the use of the Oak Street right of way.
 - b. The Applicant shall submit a grading and drainage plan and requisite storm water calculations. Based on the calculations, the applicant shall meet all applicable standards pertaining to storm water, grading and drainage.
 - c. The applicant shall obtain all requisite approvals from Minnehaha Creek Watershed District.
 - d. The applicant shall revise the plans to provide a 25' wide drive aisle and 20' long spaces within the Oak Street right of way.
 - e. The applicant shall revise the plans to indicate the detailed locations of the no parking signage and fire lane striping.
 - f. The Applicant shall address all comments made by the Planning Commission relating to building architecture, color and materials.
 - g. The applicant shall revise the parking plan to include an accessible parking stall in the front of the building.
 - h. The Applicant shall provide the City with a revised lighting plan that includes the detailed photometric information for the lights proposed. The applicant shall provide new building lighting as indicated on the approved site plan along with a new decorative light pole at the northeast corner of the property. The new light pole shall match the City's approved standards as indicated in the Downtown Design Guidelines.
 - i. The applicant shall provide the City with a revised landscaping plan to include landscaping as follows:
 - a. To screen the northeast corner of the site, the applicant should include seven - 6' height arborvitae, nine - 36" height dwarf burning bush or similar and twenty five - one gallon feather reed grass or similar ornamental grasses along the fence. In order to achieve this planting the applicant will need to remove existing asphalt.
 - b. To screen the western edge of the Oak Street right of way, the applicant should include five 6' height evergreen trees (i.e. Black Hills Spruce or similar).
 - c. To further screen the improved Oak Street right of way, the applicant shall provide three additional 6' height evergreen trees on the north side of the

right of way. The applicant will work with the City to identify the best locations.

- j. The applicant shall address and satisfy all Fire Department comments relating to the building and site.
3. The Conditional Use Permit will be amended to include the following conditions:

Part 1 (Oak Street is not improved)

a. Approval of the existing site improvements shall include:

- i. Building addition
- ii. Perimeter fence
- iii. Landscaping
- iv. Building and street lighting
- v. No parking signage
- vi. Provide emergency vehicle/public safety access route as designated on plan
- vii. Parking lot striping
- viii. Parking and storage in designated areas only
- ix. Total Parking on Site as follows:
 - 1. Oak Street ROW – no parking or use
 - 2. Boundary Avenue – 15 spaces
 - 3. In Front of Building – 5 spaces (customer parking)
 - 4. Behind Building – 30 spaces
 - 5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 60 Spaces

Part 2 (Oak Street is improved)

b. Approval of the additional site improvements shall include:

- i. Pavement of Oak Street as permitted by the license agreement
- x. Landscaping
- xi. Parking space striping
- xii. Parking in designated areas only
- xiii. Total Parking on Site as follows:
 - 1. Oak Street ROW – 43 spaces (17 employee, 26 spaces for mechanical repair drop-off)
 - 2. Boundary Avenue – 17 spaces (customer parking)
 - 3. In Front of Building – 5 spaces (customer parking)
 - 4. Behind Building – 36 spaces
 - 5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 111 Spaces

c. Parking shall be limited to the approved number and type of spaces as identified on the site plan and further defined within the conditions of approval.

- d. No vehicles shall be stored, temporarily stored, parked or otherwise located in any location other than those specifically designated on the approved plan.
 - e. No parking of vehicles shall be permitted on Boundary Avenue outside of the areas designated on the approved site plan.
 - f. Parking of vehicles within the Oak Street and Boundary Street right of way shall be limited to employees of the business and customer drop-off and pick-up of vehicles in need of mechanical repair. No vehicle with body damage shall be parked in the rights of way.
 - g. All of the required improvements identified on the approved plans shall be installed and approved prior to the applicant receiving approval of this amendment.
 - h. There shall be no storage of vehicles or parts within the Oak Street and Boundary Street rights of way.
 - i. All requisite fencing shall be maintained by the applicant for the duration of the conditional use permit. Maintenance shall include, but is not limited to keeping the fence true, upright, without missing boards or sections and in all locations indicated on the approved plan.
 - j. All requisite landscaping shall be maintained by the applicant for the duration of the conditional use permit.
 - k. The hours of operation shall be permitted between the hours of 6:00 a.m. and 10:00 p.m. Monday through Friday and 7:00 a.m. and 7:00 p.m. Saturday and Sunday. No work outside of the building shall occur outside of the aforementioned times.
 - l. No boat or watercraft storage shall be permitted on the property. Boats that are being repaired shall be allowed on the subject property for a period not to exceed three (3) months.
 - m. The tire bin shall not exceed the height of the screen fence and shall be located wholly within the subject property and not within the City's right of way.
 - n. The trash dumpster shall be fully screened from view by the proposed fencing and shall be located wholly on the subject property and not within the City's right of way.
4. The applicant shall complete the Part 1 improvements within six (6) months of the City's approval of the conditional use permit amendment.
 5. The use of the Oak Street right of way will be subject to the applicant completing the Part 2 improvements.
 6. The Applicant shall pay for all costs associated with the City's review of the conditional use permit amendment.

This resolution was adopted by the City Council of the City of Maple Plain on this 26th day of October, 2015, by a vote of ____ayes and ____nays.

Jerry Young, Mayor

ATTEST:

Tessia Melvin, City Administrator

(SEAL)

RES. NO. _____
CUP – Collision Corner 5060 US Highway 12



Agenda Information Memorandum
October 26, 2015 - Maple Plain City Council

8. NEW BUSINESS

C. HENNEPIN YOUTH SPORTS PROGRAM FACILITY APPLICATION GRANT – RAINBOW PARK ICE RINK FACILITY

ACTION TO BE CONSIDERED

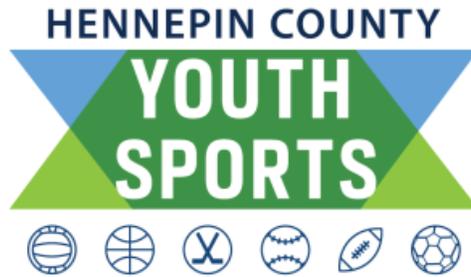
To approve Resolution No.15-1026-01 that authorizes that filing of the Hennepin Youth Sports Program Facility Application Grant for the Rainbow Park Ice Rink Facility.

FACTS

- The Park Commission is looking to make improvements to the ice rink located at Rainbow Park.
- The current ice rink facility has an aging wooden board structure and does not have a foundation.
- The Park Commission would like to apply for a grant that would help to cover the costs of replacing the board system with one that is plastic and more durable for year round weather. The grant would also help cover the installation of a concrete foundation.
- Awards range from \$10,000 - \$300,000 for facilities.
- Applicants are required to provide some matching funds of monetary/or in-kind contributions. The ratio of matching funds to the total project cost will be a criteria considered in awarding the grants.

ATTACHMENTS

Attached is additional information on the grant.



Hennepin Youth Sports Program Request for Proposals 2016

Facility Grants

Background

Hennepin County is seeking local government units interested in developing facilities for youth sports and recreation. State legislation authorizing the building of Target Field allows Hennepin County to use a portion of the 0.15% sales tax surcharge to grant over \$2 million dollars each year to Hennepin County communities to assist with developing these facilities. These grants are made through the Hennepin Youth Sports Program. Since 2009, the HYSP has awarded over \$15 million throughout Hennepin County.

Purpose

The purpose of the facility grants is to allow municipalities, park districts and school districts to create, expand or improve athletic and recreational facilities to enhance opportunities for youth participation.

Criteria

These criteria will be among those considered in evaluating facility grant applications:

- Partnerships among local government units and between local government units and non-profit organizations
- Creating new or expanded athletic or recreational opportunities for youth
- Improving the conditions at current athletic or recreational facilities
- Ratio of the amount of matching funds to the total project cost
- Community support for the project
- Number of youth served by the project and the characteristics of the user groups
- Inclusion of environmental improvements
- Sustainability – the availability of long-term operating and maintenance funding
- Equitable distribution throughout Hennepin County

Examples

- Baseball and softball fields
- Soccer, football and lacrosse fields
- Tennis courts
- Hockey rinks
- Skate parks
- Gymnasiums
- Lights
- Synthetic turf
- Adaptive recreation facilities

Partnerships

Hennepin County will favor proposals that create, enhance and support partnerships among public entities as well as those between public entities and private non-profit organizations. Operating agreements that provide opportunities that do not currently exist in the community, bring new users to the facility, or expand capacity or hours will be preferred.

Awards

Awards will range from \$10,000 to \$300,000. Applicants are required to provide some matching funds of monetary and/or in-kind contributions. The ratio of matching funds to the total project cost will be a criteria considered in awarding the grants.

Notes

- No awards may be used for programming, operations or maintenance of any facility.
- The awards are paid as reimbursement after the local government unit submits documentation showing the project is completed and the project costs are paid.
- Award recipients are prohibited from converting any portion of the project to non-public or non-sport uses or transferring ownership of the property without the approval of Hennepin County.
- Recipients may contract operations and maintenance to a non-public entity, but ownership and operational responsibility must remain with the local government unit.
- Charter schools and youth sports associations must enlist a local government unit to submit the application for a facility not located on the property of a local government unit.
- If the facility site is privately owned, the owner must agree to a covenant with the local government unit to ensure long-term public access to the facility. See the website for more details about this covenant.

Fall Equipment Grants

Background

In 2011, the Hennepin County Board of Commissioners approved a separate equipment grant program, which allows local government units and youth sports associations to apply for grants to purchase capital equipment relating to youth athletics or recreation. Up to \$125,000 in total will be granted in both a fall and a spring grant cycle.

Purpose

The purpose of the equipment grants will be to improve playability, provide enhanced training, and promote stronger relationships between local government units and youth sports associations.

Criteria

These criteria will be among those considered in evaluating equipment grant applications:

- Partnership between local government units and non-profit organizations
- Number of youth that will use the equipment and their demographic characteristics
- Ratio of the amount of matching funds to the total cost of the equipment
- To the extent possible, grants will be awarded to a variety of sports and recreational activities and distributed to communities throughout Hennepin County

Examples

- Goals and nets
- Pitching machines
- Field maintenance equipment
- Backboards
- Blocking sleds and dummies
- Gymnastics equipment
- Volleyball standards
- Wrestling mats
- Track and field equipment

To see the full list of equipment that has been awarded, look at the Previous HYSP Recipients section at the website.

Partnerships

A youth sports association or other private non-profit organization must have a local government unit, such as a city, school district or park district, submit the application. The local government unit pledges to act as a fiscal agent for the grant and agrees to ensure the grant is used for its intended purpose. The equipment purchased may be owned by either the local government unit or the youth sports association. Youth sports associations should be in good standing within their communities and have a tradition of providing quality sports programming.

Athletic Departments, Community Education, and other subsidiaries of school districts are not partners for the purposes of this program.

Awards

Equipment awards will be up to \$10,000. Matching funds are a criteria for rating the applications, but are not required. Funds can be granted for up to the full amount of the equipment. The awards are paid as reimbursement to the local government unit after the equipment has been purchased and paperwork showing payment has been submitted.

Notes

All equipment must be for association or team use – items worn or used by just one person are not allowed. No request for balls, uniforms, gloves, helmets, sticks or bats will receive awards. In addition, sound systems are not eligible for awards.

Spring Playground Grants

New Program

The Hennepin County Board of Commissioners approved a separate playground grant program. This newly created program allows local government units to apply for grants to purchase playground equipment. Up to \$125,000 in total will be granted concurrently with the \$125,000 spring equipment grant cycle. The maximum award amount and criteria will be published in January 2016. Playground equipment will not be awarded for either the facility or fall equipment grants described in this document.

General Information

Administrator

The Hennepin County Board of Commissioners has contracted with the Minnesota Amateur Sports Commission to administer the application, evaluation, contract, and payment process. The Hennepin County Board will make the decisions to award facility and fall equipment grants to applicants in December 2015.

Website

All information and any updates can be found at http://www.mnsports.org/grant_program.stm.

Deadline

Send or deliver three sets of the application by 4:00 PM on Monday, November 2, 2015 to the Minnesota Amateur Sports Commission, 1700 – 105th Avenue NE, Blaine, Minnesota 55449. Also send an electronic copy of the application by the same time to Mark Erickson, email below.

Contacts

Applicants who have questions regarding this Request for Proposals may contact:

Mark Erickson, Program Director

merickson@mnsports.org

763-785-5662

Applicants are also encouraged to inform their County Commissioner's office of their application. Commissioner districts can be found at <http://www.hennepin.us/your-government/leadership/find-commissioner>.

RESOLUTION 15-1026-01

**RESOLUTION OF SUPPORT OF LOCAL GOVERNMENT UNIT FOR HENNEPIN
YOUTH SPORTS PROGRAM FACILITY APPLICATION FOR ICE RINK AT
RAINBOW PARK**

WHEREAS, the Hennepin County Board of Commissioners, via the Hennepin Youth Sports Program, provides for capital funds to assist local government units of Hennepin County for the development of sports or recreational facilities, and

WHEREAS, The City of Maple Plain (local government unit, hereinafter LGU) desires to reconstruct the ice rink at Rainbow Park (name of project, hereinafter PROJECT).

NOW, THEREFORE BE IT RESOLVED BY THE City Council (authorizing entity) of the LGU:

- I. The estimate of the total cost of developing PROJECT shall be \$100,000.
- II. The LGU is requesting \$70,000 from the Hennepin Youth Sports Program and will assume responsibility for a matching funds requirement of \$30,000.
- III. LGU agrees to own and assume one hundred (100) percent of operational and maintenance costs for PROJECT. LGU will operate PROJECT for its intended purpose for the functional life of the facility.
- IV. III. LGU agrees to enter into necessary and required agreements with Hennepin County for the specific purpose of developing PROJECT and managing its long-term operation.
- V. IV. That Tessia Melvin, City Administrator (authorized representative of the LGU) is authorized and directed to execute the application for the Hennepin Youth Sports Program grant.

CERTIFICATION

I hereby certify that the foregoing resolution is a true and correct copy of the resolution presented to and adopted by the City of Maple Plain (authorizing entity) at a duly authorized meeting thereof held on the 26th day of October, 2015, as shown by the minutes of said meeting in my possession.

Mayor Jerry Young

City Administrator Tessia Melvin

Public Notary