

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
February 19, 2013**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on February 19, 2013.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

The following members were present: Mayor Martin; Councilmembers Johnson, Quigley, Wickstrom and Withhart.

**APPROVAL OF AGENDA**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the February 19, 2013 agenda as submitted.

VOTE:                   Ayes - 4                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

**Shoreview Human Rights Commission Poster Contest Winners**

Ms. Julie Williams, Member of Human Rights Commission, introduced other members present: Mark Frey; Bob Minton, Co-Chair; Nancy Hite, Co-Chair; Richard Bokovoy; Cory Springhorn. Since 1994, the Commission has sponsored the "One Community of Many Colors" poster contest for area Shoreview fourth graders. This is the 20th consecutive year for the contest. The posters are judged by Commission members without knowing the name of the student or school that submitted the poster. The Commission keeps the posters and uses them in various publications.

Sponsors of the event that donate prizes for winners are:

Rainbow Foods	Bruegger's Bagels
Nancy Hite	Lee's Champion Tae Kwon Do
Anna's Hallmark	C&E Hardware
Shoreview Community Center	Mansetti's
Red Ginger Bistro	Julie Williams
National Karate	Flaherty's Bowling
Domino's	

Five area schools participated this year: Island Lake, Turtle Lake, Pinewood, St. Odilia and Emmett D. Williams. A total of 393 posters were received, which is a record. Twenty winners were chosen--10 place winners and 10 honorable mentions.

Mayor Martin thanked the Commission for their excellent work. She thanked the teachers who incorporate this activity into their curriculum. She thanked all the parents who support their children. Each winner was introduced and presented with a Shoreview pin and plaque.

<b>Honorable Mention:</b>	<b>School</b>	<b>Teacher</b>
Benjamin Webb	Emmett D. Williams	Mrs. Sandberg
Owen Hiber	Emmett D. Williams	Mrs. Rasmussen
Tiffany Cole	Island Lake	Mrs. Rode
Shayanna Bizzell	Island Lake	Mrs. Harren
Hannah Rask	Island Lake	Mrs. Harren
Nathan Ellis	Turtle Lake	Mrs. Pallansch
Sophia Becker	Turtle Lake	Mrs. Milows
Grace Pitsenbarger	Turtle Lake	Mrs. Leiser
Natasha Vigoren	Pinewood	Mrs. Ketelsen
Cherry Jordan	St. Odilia	Mrs. Martistuen

#### **Place Winners**

10th	Rosa Halvorson	Turtle Lake	Mrs. Leiser
9th	Christine Nguyen	Island Lake	Mrs. Rode
8th	Isabella Peters	Emmett D. Williams	Mrs. Sandberg
7th	Jasmine Sanchez Rodriguez	Emmett D. Williams	Mrs. Rasmussen
6th	Emily Miller	Pinewood	Mrs. Ketelsen
5th	Mary Wu	Turtle Lake	Mrs. Pallansch
4th	Alaina Jesh	St.Odilia	Mrs. Fox
3rd	Brady Leiser	Island Lake	Mrs. Dahl
2nd	Cheryl Bai	Island Lake	Mrs. Anderson/Mrs. Eidem
1st	Sydney Peng	Island Lake	Mrs. Dahl

Mayor Martin recognized Boy Scout Troop 186 from Roseville, 10th and 11th graders, who were attending the meeting.

#### **CITIZEN COMMENTS**

There were none.

#### **COUNCIL COMMENTS**

##### **Mayor Martin:**

The *Taste of the Slice* will be held at the Community Center on Thursday, February 21, 2013, beginning at 5:30. Many Shoreview restaurants will provide food. There will be a silent auction, games and prizes. This event is a fundraiser for the *Slice of Shoreview* event in the

summer. Tickets are \$20 if purchased by February 20, 2013; otherwise, tickets are \$25 at the door.

**Councilmember Johnson:**

The Shoreview Community Foundation is seeking grant applications until March 31, 2013. Full information is available on the web page at [www.shoreviewcommunityfoundation.org](http://www.shoreviewcommunityfoundation.org).

**Councilmember Wickstrom:**

The Beyond the Yellow Ribbon Steering Committee will meet Thursday, February 21, 2013, at Roseville City Hall.

On Wednesday, February 20, 2013, the Environmental Quality Committee (EQC) will host a program on *How Can You Reduce Energy Consumption in Your Home*, presented by EQC Committee Member John Suzukida.

**Councilmember Withhart:**

The Sister City Association is hosting a dinner Saturday, April 13, 2013, at the Gasthaus. Full information will be on the City website and the Sister City Association website.

**CONSENT AGENDA**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the Consent Agenda, for February 19, 2013, and all relevant resolutions for item Nos. 1 through 12:

1. February 4, 2013 City Council Meeting Minutes
2. February 11, 2013 Council Goal Setting Minutes
3. Receipt of Committee/Commission Minutes
  - Bikeways and Trails Committee, February 7, 2013
4. Monthly Reports
  - Administration
  - Community Development
  - Finance
  - Public works
  - Park and Recreation
5. Verified Claims in the Amount of \$909,889.85
6. Purchases
7. License Applications
8. Approval of 2013 Street Sweeping Agreements
9. Approval of Ordinance Establishing Fee Schedule for 2012 Operation and Maintenance Costs Associated with SLID
10. Approval of Purchase of Scheduled Replacement of Backhoe
11. Acceptance of Gifts for Human Rights Commission Poster Contest
12. Authorize Purchase of Replacement Fire Protection System for Community Center/City Hall

VOTE:           Ayes - 5                           Nays - 0

### **PUBLIC HEARINGS**

There were none.

### **GENERAL BUSINESS**

#### **AMENDMENT TO CITY CODE SECTION 309, CODE OF ETHICS**

##### **Presentation by Human Resources Director Laurie D. Elliott**

The City's Code of Ethics was originally passed in 1993. Staff recently reviewed this section of the municipal code to determine if there were any areas that needed clarification or if there was any new information that should be incorporated into the existing Code. There were three areas that warranted a closer look.

First, the State of MN passed Statute 471.895 about a year after Shoreview's Code of Ethics was approved. This Statute allows public officials to accept trinkets and mementos valued at \$5 or less. In the interest of consistency and simplicity, it was determined that it would be valuable to match the limit in the State law. Secondly, the staff reviewed the model Code of Conduct developed by the League of Minnesota Cities. The model document contained two additional items that the Shoreview Code had not previously addressed. There were: 1) not using or disclosing non-public data for personal gain, and 2) honoring the City's attorney client privilege. These two ethical standards were added to the Code of Ethics. Thirdly, staff learned that the City's auditing process required Councilmembers and key management staff to complete conflict of interest statements. It was decided that this was a better process, and a more formal process, than the financial disclosure statement required in the Code of Ethics. Therefore, the financial disclosure section was removed from the Code.

Lastly, staff recommended removing references to City employees from the Code of Ethics, and approving a separate Code of Ethics for employees that would become a part of the employee handbook and specifically addresses employee ethical concerns.

Mayor Martin stated that it is important for residents to understand that Councilmembers are not allowed to accept anything of value over \$5.00. The City's Code of Ethics with this amendment adds transparency to local government.

MOTION:       by Councilmember Quigley, seconded by Councilmember Johnson to adopt Ordinance No. 903 revising Chapter 300 of the Municipal Code, including Section 309, Code of Ethics and to authorize publication of an Ordinance Summary.

ROLL CALL:       Ayes: Johnson, Quigley, Wickstrom, Withhart, Martin  
                      Nays: None

## **APPROVAL OF CHANGE TO EMPLOYEE HANDBOOK POLICIES**

### **Presentation by Human Resources Director Laurie D. Elliott**

The following changes are proposed to the Employee Handbook:

1. Section 4.20: Smoking: Prohibit use of tobacco in electronic forms.
2. Section 4.65: A Code of Ethics for employees separate from the Municipal Code that is in the Employee Handbook that is given to all employees.
3. Section 5.05: A \$5,000 annual limit on the amount the City will reimburse an employee each year for tuition. A sunset provision has been added for all employees using the previous limit to June 30, 2016.
4. Section 6:15: Job titles exempt from overtime pay are amended to reflect current job titles.
5. Section 7:05: The Short Term Disability (STD) policy has been changed to reflect the long-term disability policy that a second disability must occur within the six-month original waiting period in order for the second waiting period to be waived.

Councilmember Wickstrom asked if smoking areas could be away from doors. Mr. Schwerm stated that “designated smoking areas” can be added. Those areas are far enough away from doors so as not to bother people going in and out of the buildings.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution No. 13-22 approving changes to Employee Handbook Policies, Smoking, 4.20; Code of Ethics, 4.65; Tuition Reimbursement, 5.05; Overtime, 6.15; and Short-term Disability Insurance, 7.05; as outlined in the attached report effective February 19, 2013.

**ROLL CALL:** Ayes: Quigley, Wickstrom, Withhart, Johnson, Martin  
Nays: None

## **AMENDMENT TO CITY DEVELOPMENT REGULATIONS SECTIONS 202 AND 205, COMMERCIAL DISTRICTS**

### **Presentation by City Planner Kathleen Nordine**

The proposed amendment to the Development Code would restrict Vehicle/Equipment sales and rental in the C2 General Business District, which is currently allowed with a conditional use permit. Criteria for a conditional use permit include: 1) compliance with ordinance standards, the use is consistent with the Code and Comprehensive Plan, 3) the land use conforms with the Comprehensive Plan, and 4) the use is compatible with surrounding uses.

The amendment has been changed to reflect questions discussed by the Planning Commission and now includes rental of household equipment and automobiles; indoor sales and rental of classic automobiles, motorcycles, ATV's. The revisions better define uses allowed. The

Planning Commission voted to recommend approval by the City Council on a 6 to 0 vote at the January 29, 2013 meeting.

The intent of the amendment is to prohibit sales of vehicles and large outdoor equipment that requires large outdoor storage/display areas. This would specifically prohibit new or used car dealers, recreational vehicle sales and rental and small structure storage yards. Open sales lots are prohibited unless permitted by Code, such as Christmas trees and agricultural produce. Auto rental and service facility can be a conditional use with specific standards as to number of cars parked and location of parking on the site.

Councilmember Quigley stated that this amendment gives the City an opportunity to review a proposal and decide if it fits in the community.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Johnson to adopt Ordinance No. 905, revising Chapter 200 of the Municipal Code, specifically Sections 202, 205, including 205.043 pertaining to open sales lots, automobile and equipment sales and rental in the C-2, General Commercial District and to authorize publication of an Ordinance Summary.

**ROLL CALL:** Ayes: Wickstrom, Withhart, Johnson, Quigley, Martin  
Nays: None

### **APPROVE PURCHASE OF REPLACEMENT PLAYGROUND EQUIPMENT FOR BUCHER PARK**

#### **Presentation by City Manager Terry Schwerm**

The City has been working with a firm, Brauer and Associates (now merged with WSB Engineering) to develop a Master Plan for Bucher Park. Input has been received from the neighborhood, athletic associations and the Council. One action is to replace the playground equipment.

Twelve bids were received from six companies. A subcommittee of the Park and Recreation Commission with staff reviewed the proposals. The full Park and Recreation Commission reviewed the final five and chose two with modifications. The two companies did submit modified proposals in January: St. Croix Recreation Burke Playground Equipment and Flanagan Sales, Representative of Little Tykes Playground Equipment. The final recommendation is for the proposal submitted by St. Croix Recreation. There will be innovative play areas with climbing and balance activity, a double slide, an elephant swing and additional shade over the equipment. St. Croix Recreation is the low bid at \$98,977.12.

Councilmember Quigley asked the time line for the work to be done. Mr. Schwerm responded that the order will be timed to coordinate with the creation of new play areas. It is anticipated that construction will be from May to July with the park reopened in August depending on weather. The baseball fields will be open but not soccer.

Councilmember Johnson stated that she is pleased to see that there is play activities for all ages, and there is ADA accommodations. Mr. Schwerm stated that the playground surface will be wood fiber, which is accessible. The trails will also be accessible. He added that Shoreview does not have equipment from St. Croix Recreation, so it will be different from other equipment in the park system.

Councilmember Wickstrom asked the material of the shade cover. Mr. Schwerm stated that it will be a canvass type material that is expected to last approximately 10 years. It will be taken in each winter.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the purchase of playground equipment for Bucher Park to St. Croix Recreation in the amount of \$98,977.12.

**ROLL CALL:** Ayes: Withhart, Johnson, Quigley, Wickstrom, Martin  
Nays: None

### **ADJOURNMENT**

**MOTION:** by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 8:05 p.m.

**VOTE:** Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 4<sup>th</sup> DAY OF MARCH 2013.

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Terry C. Schwerm  
City Manager