

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
February 3, 2014**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on February 3, 2014.

**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 Withhart to approve the February 3, 2014 agenda as submitted.

VOTE:                   Ayes - 5                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

There were none.

**COUNCIL COMMENTS**

**Councilmember Johnson:**

The *Taste of the Slice* fundraiser will be held at the Community Center on February 20, 2014. Tickets may be purchased on the City website.

Attended a League of Minnesota Cities conference on Conflict Resolution. The experience emphasized to her how fortunate she is to be on the Shoreview Council after seeing how many issues other city Mayors, Councilmembers and staff face.

**Councilmember Quigley:**

Recognized the successful Arden Hills/Shoreview Rotary Club fundraising event. He was glad to see how many supported the event. He noted that former Councilmember/now Ramsey County Commissioner Blake Huffman will receive the Paul Harris Award this year.

**Councilmember Wickstrom:**

The Ramsey County Sheriff's Department will hold C.E.R.T. (Community Emergency Response Team) training beginning April 9 through June 4, 2014, on Wednesday evenings from 6:30 to 9:30 p.m. This is a good opportunity to be called to volunteer for emergency situations. More information is available by calling 651-266-7333.

Precinct caucuses will meet Tuesday, February 4, 2014. All are encouraged to attend. Location information is available on the Secretary of State's website at [www.sos.state.mn.us](http://www.sos.state.mn.us). This is the beginning of the process to see who will be on the ballot in November.

The Environmental Quality Committee will host a presentation on February 19, 2014, at 7:00 p.m. by City Engineer Tom Wesolowski entitled *A Behind the Scenes Look at Stormwater*.

Noted that Joan Mondale, wife of former Vice President Walter Mondale, passed away today.

**Councilmember Withhart:**

The EDA/HRA finalized and approved its Annual Report. It will soon be available on the City website. The report outlines in detail all the activities of the past year.

**Mayor Martin:**

Congratulated Councilmember Withhart on his retirement from 38 years as Executive Director/Chief Executive Officer for Senior Community Services, a non-profit organization that serves communities and residents in the west metro area.

Acknowledged Jackie Diehl who presented an excellent program on pancreatic research at a recent Council meeting. She passed away, but was a very courageous woman, and Mayor Martin expressed her appreciation for her visit to inform the Council on pancreatic cancer research.

**CONSENT AGENDA**

Item Nos. 3 and 9 were pulled for separate discussion:

**3. Receipt of Committee/Commission Minutes**

Councilmember Wickstrom thanked staff for including the Suburban Rate Authority minutes in the Council packet. One issue being addressed is charges to cities for underground lines--if costs turn out to be less than what was charged, Xcel has not been giving any refund to cities.

Councilmember Withhart requested information on the number of elected officials on the Suburban Rate Authority.

### **9. Appointment of Planning Commission Chair and Vice Chair**

Mayor Martin stated that the Planning Commission Chair appointment is currently made from a recommendation by the Commission. The Vice Chair is not appointed by the Council but by the Planning Commission. She has heard from Commissioners that they would prefer the Council to appoint the Chair each year without Commission input because it creates an awkward situation. Mayor Martin requested this policy be discussed at an upcoming workshop. For this year, she would recommend appointing Steve Solomonson to his third year as Chair as recommended by the Planning Commission. Implementation of any type of new policy would not begin until next year.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Johnson to adopt the Consent Agenda for January 6, 2014, and all relevant resolutions for item Nos. 1 through 10:

1. January 13, 2014 City Council Workshop Meeting Minutes
2. January 21, 2014 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
  - Economic Development Authority, January 6, 2014
  - Suburban Rate Authority, January 15, 2014
  - Public Safety Committee, January 16, 2014
4. Verified Claims in the Amount of \$1,675,852.43
5. Purchases
6. License Applications
7. Approval of Contract for *Slice of Shoreview* Event Coordinator
8. Developer Escrow Reduction
9. Appointment of Planning Commission Chair
10. Approval of Application for Exempt Permit - St. Odilia's Men's Club Benefit

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

### **PUBLIC HEARINGS**

There were none.

### **GENERAL BUSINESS**

#### **PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE/COMPREHENSIVE PLAN AMENDMENT - HUMMINGBIRD FLORAL, 4001 RICE STREET**

#### **Presentation by City Planner Kathleen Castle**

The property is located on the corner of Rice Street and Hodgson Road with a driveway access to both streets. Adjacent land is zoned for high and low density residential and commercial. The

building at 4001 Rice Street is 5400 square feet with 2400 square feet designated for Office and 3000 square feet designated for residential. Off-street parking provides 25 parking spaces. The property was rezoned to Planned Unit Development (PUD) from Office in 2012.

The proposal is to convert the main level to retail, flower production and preparation, office and office-related uses. The exterior will stay the same but allow limited outdoor display along the existing walkway. A Comprehensive Plan Amendment to the PUD is needed to change the use from Office to Commercial.

The site complies with development standards. Through the PUD, staff would recommend that retail uses be controlled to low intensity uses as there is limited opportunity to expand parking. Any change of use or change of occupancy would require an amendment to the PUD.

Property owners within 350 feet were notified of the proposal. One response was received expressing concern about taxes and local traffic. Two comments in support were received. At its last meeting, the Planning Commission recommended approval on a 6 to 0 vote. The Commission required that permitted uses be better defined in the final PUD Development Agreement and that any change of use or occupancy require a PUD Amendment. Staff is recommending approval with proposed low intensity retail that would be compatible with surrounding land uses.

Mayor Martin asked if there are criteria for low intensity commercial uses. Ms. Castle responded that permitted uses would be identified in the Development Agreement, which will not occur until Final Development stage approval. Provision for change of use or change of occupancy would be in the Development Agreement.

Councilmember Quigley stated that low intensity works because of access and the amount of parking available. He noted that this site is a very visible location for retail.

Councilmember Wickstrom asked if there is an issue with parking available in back while the entrance is in front. **Ms. Katie Ross** stated that she is representing the applicant, Lugene Olson. She responded that there is a back door to the shop where customers can enter from the parking area. There will not be a full outdoor display in front but decorative items, such as hanging baskets to make the store look attractive.

**MOTION:** by Councilmember Johnson, seconded by Councilmember Wickstrom, to adopt Resolution No. 14-10 and approve the following requests submitted by Lugene Olson, Hummingbird Floral and Gifts, to convert the existing mixed use office/residential building at 4001 Rice Street to a retail use. Said approval is based on the following conditions:

### **Comprehensive Plan Amendment**

1. The amendment changes the land use designation from O, Office to C, Commercial.
2. Review and approval of the amendment by the Metropolitan Council.
3. The amendment will not be effective until the City grants approval of the PUD-Final Stage request, and the required agreements are executed.

**Planned Unit Development - Development Stage**

1. The PUD permits the use of this property as C, Commercial for a retail and gift store. Any future change of use or occupancy requires an amendment to the PUD.
2. Vehicles used for the retail use may be parked outside. The maximum number of vehicles permitted is one.
3. The structure and uses must comply with the Building Code. A Building Permit is required prior to commencing any remodeling work.
4. The property owner shall enter a PUD - Development Agreement prior to occupancy of the building. The Development Agreement shall identify low intensity retail uses that would be permitted in the building, prohibited uses and change of use or occupancy.

This approval is based on the following findings:

1. The proposed plan supports the policies stated in the Comprehensive Plan related to land use and economic development.
2. The proposed development plan will not adversely impact the planned land use of the surrounding property provided the intensity of commercial uses is limited through the PUD.

Discussion:

Councilmember Withhart asked the meaning of “determine means of egress” from the upper loft area as mentioned in the memo from the Lake Johanna Fire Department. Ms. Castle explained that the space is planned to be used as storage. However, if in the future customers are allowed to go to that area, there are certain egress requirements.

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

**WIRELESS TELECOMMUNICATIONS FACILITY PERMIT; CROWN CASTLE, 4614 N. VICTORIA STREET**

**Presentation by City Planner Kathleen Castle**

Crown Castle USA and Verizon Wireless LLC are applicants for a wireless telecommunications facility permit. Currently, Verizon has a ground lease with the City for a monopole located on the Maintenance Center property. The proposal is to add infrastructure, which includes antennas and a 12-foot by 30-foot equipment shelter that includes an emergency power generator. The property is zoned R1. This use is permitted as part of Telecommunications Overlay District 2.

The Development Code establishes standards for wireless telecommunications facility permits. The proposal meets the development standards. Emissions must comply with FCC emissions standards; testing will be done by the City’s consultant to verify compliance. The proposed generator may only be used for emergency power, routine testing and maintenance.

Property owners within 350 feet were notified of the proposal. Two callers support the proposal and believe wireless service will be improved. Ramsey County Parks staff expressed concern regarding potential impact to construction on the ice arena site. However, the installation of this facility is on a separate site from the County ice arena site. Xcel Energy noted there is an underground gas line that needs to be precisely located prior to construction. The Department of Public Works has indicated that the ground lease area will not cause operational problems to City infrastructure.

The Planning Commission reviewed the application at its January 28th meeting and recommended approval on a 6 to 0 vote.

The site lease agreement includes an access easement and utility easement. The lease term is five years with three 5-year renewal terms, as is consistent with other leases. The annual rent will be \$14,500, with an annual rent escalator of 5% beginning in 2015. Staff recommends approval with the conditions listed in the staff report.

Quigley asked, with the various transmissions from this site, if the City is 4G at this point. City Manager Schwerm responded that one condition is that an RF study is required to be sure there is no interference with any of the signals used at the site. There is a move toward 4G throughout the City.

Councilmember Withhart noted that this is an excellent location on City property and not near a residential neighborhood, and it brings in revenue for the City.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Wireless Telecommunications Facility Permit (WTFP) application for Verizon Wireless/Crown Castle USA for facilities within a leased area at the Crown Castle monopole, 4615 Victoria Street, and to authorize the execution of the ground lease for this site, subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Wireless Telecommunications Facility Permit application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. Minor changes to the Site Lease Agreement shall be reviewed and approved by the City Attorney. Any significant changes, as determined by the City Attorney, will require review and approval by the City Council.
3. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
4. This approval is contingent upon the City Council authorizing the lease with Verizon Wireless LLC, including the 20 by 30-foot equipment site, and easements for ingress and egress and utilities.
5. The site is subject to confirmation that RF emissions conform to FCC requirements. Verizon shall notify the City when the system is installed, prior to operation. A City selected RF engineer shall test RF emissions.

6. A permanent emergency power generator may be installed within the equipment shelter. The emergency power generator shall be used for emergency power only, except the times it is being run for routine maintenance, which shall not exceed thirty (30) minutes once a week between the hours of 10:00 a.m. and 5:00 p.m. CST, Monday through Friday, holidays excluded. The operation of the emergency generator shall comply with City regulations pertaining to Noise (Section 209.020 of the Municipal Code).
7. The applicant shall enter into a Wireless Telecommunications Tower/Antenna Agreement with the City, as required.

This approval is based on the following findings of fact:

1. Is located in the TOD-2 where monopoles with a maximum 75-foot height are a permitted use.
2. Complies with the adopted City standards for Wireless Telecommunications Facilities, as specified in Section 207.040 of the Municipal Code.

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

**ADJOURNMENT**

MOTION:     by Councilmember Withhart, seconded by Councilmember Johnson to adjourn the meeting at 7:40 p.m.

VOTE:                 Ayes - 5                         Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 18<sup>th</sup> DAY OF FEBRUARY 2014.

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Terry Schwerm  
City Manager