

There are vacancies on the Economic Development Authority and Economic Development Commission. Anyone interested is encouraged to apply. The deadline is August 15, 2014.

Councilmember Johnson:

The *Slice* was an incredible event in the City. She highly commended all the volunteers who made it such a successful event.

Tuesday, August 5, 2014, is *Night to Unite* in Shoreview. There are 60 block parties scheduled. It is a school supply drive as well. Detailed information is on the City website.

Councilmember Wickstrom:

Thank you to the *Slice* Committee and volunteers but also to the volunteers who oversaw the *Tour de Trails*.

Councilmember Withhart:

Invited all Councilmembers to attend the *Night to Unite* block party that he and his wife are hosting.

CONSENT AGENDA

Item Nos. 1, 2, and 6 were pulled for separate discussion.

No. 6: Councilmember Withhart noted the special TIF legislation allows Shoreview to be a pilot test program recognizing the past work done with TIF districts to expand jobs and businesses and retain businesses in the City. The special pilot program gives the City added tools to enhance these efforts. He thanked the legislative delegation who did great work in getting this legislation through.

No. 2: Councilmember Wickstrom noted a correction to the July 21, 2014 City Council Meeting Minutes, which need to indicate that only three Councilmembers attended the emergency meeting on June 19. Councilmembers Johnson and Wickstrom should be noted as absent.

No. 1: Mayor Martin amended the July 14, 2014 workshop minutes on page 8, regarding the library expansion. She requested that the minutes reflect the following comments that were made at the meeting: Since the City donated the land, it is important that the City is involved in any discussions about reuse of the current library if a decision is made to reconstruct it. She wants to be sure the City is heard on what happens to the existing site and that it be in accordance with the civic uses in the Commons area.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to adopt the Consent Agenda for August 4, 2014, and all relevant resolutions for item Nos.1 through 8, with the correction to the July 21, 2014 City Council Meeting Minutes and the added comments by Mayor Martin above to the July 14, City Council Workshop Minutes:

1. July 14, 2014 City Council Workshop Meeting Minutes, as amended
2. July 21, 2014 City Council Meeting Minutes, as corrected
3. July 21, 2014 City Council Workshop Meeting Minutes
4. Verified Claims in the Amount of \$665,436.30

Mayor Martin asked the reason for the placement of the trail, why it was not placed further east. Ms. Castle noted that there is a sanitary sewer line and power line which are centered and further to the east side on Emmert.

City Attorney Kelly stated that proper notification has been given for the public hearing.

Mayor Martin opened the public hearing.

Mr. Todd Hines, Builder, introduced Junarm and Melissa Choi, applicants, who all offered to answer any questions.

MOTION: by Councilmember Quigley, seconded by Councilmember Johnson to close the public hearing at 7:21 p.m.

VOTE: Ayes - 5 Nays - 0

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to adopt Resolution 14-56 approving the vacation of the west 7 feet of Emmert Street lying adjacent to 745 Arbogast Street, contingent upon the following conditions:

1. Application to Ramsey County to combine the parcel addressed as 745 Emmert Street and the vacated portion of Emmert Street.
2. Dedication of a 7-foot drainage and utility easement along the proposed east lot line of 745 Emmert Street.

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

GENERAL BUSINESS

SITE AND BUILDING PLAN REVIEW- UNION GOSPEL MISSION, 580 HIGHWAY 96

Presentation by City Planner Kathleen Castle

The improvements proposed are: 1) to demolish the existing restroom facility and build a new restroom building on the same site and a covered open pavilion area; 2) make exterior improvements to the existing beach house; and 3) add landscaping along the entry drive. The property consists of approximately 10 acres on the north shore of Snail Lake.

The property is zoned PUD with the designated use as Institutional in the Comprehensive Plan. The property is also located in Policy Development Area (PDA) No. 8, which recognizes continued use of the property by the Union Gospel Mission. Possible future land uses are guided for Office, Mixed Use, Medium and Low Density Residential.

It is noted that the beach house is a non-conforming use with a setback of 24 feet from the Ordinary High Water (OHW) mark and within the Shore Impact Zone. Any alteration must comply with City Code. The proposed improvements fall within the scope of allowed normal maintenance and repair. A retaining wall is planned behind the beach house. That improvement will retain the historic drainage pattern.

The Gospel Mission has agreed to provide a trail easement in the northwest corner of the property at the time the City secures easements from adjoining single-family homes on Highway 96. Additional easements are not being proposed at this time.

Notices were sent to property owners within 350 feet. Two comments of support were received. Work on the beach house was reviewed by the MN DNR. No concerns were expressed except that the beach house blends in. The exterior color will be an earth tone.

The Planning Commission reviewed this application at its July 22, 2014 meeting and recommended approval to the City Council. Staff finds that the proposal complies with the City's Development Code standards, the approved PUD and the Comprehensive Plan and recommends approval with the conditions attached.

Mayor Martin stated that there is sanitary sewer which will serve the restrooms. However, she clarified that there will be no bathrooms at the beach house because of the low elevation. Ms. Castle confirmed that no bathrooms are proposed at the beach house. An outside shower and foot-washing area is being proposed that will be an extension of the water line. Runoff water from the shower area will infiltrate into the ground.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Site and Building Plan Review for Heller Architects, Inc. on behalf of the Union Gospel Mission, 580 Highway 96. Approved site improvements include reconstructing the restroom building, improving access, enhancing the existing beach house and installing landscaping along the entry driveway. Approval is contingent upon the following:

- 1) The property shall be developed in accordance with the plans submitted and dated June 23, 2014. The beach house shall be earth tone in color.
- 2) Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director.
- 3) The plans shall be revised to include tree protection measures for the trees which will be retained in the area of the proposed restroom building.
- 4) Final utility plans are subject to review and approval by the Public Works Director.
- 5) The items identified in the Memo dated July 14, 2014 from the City Engineer must be addressed prior to the issuance of a building permit.
- 6) A Site Development Agreement and Erosion Control Agreement, including the submittal of financial sureties, shall be executed prior to issuing a building permit or commencing work on the site

Said approval is based on the following findings of fact:

- 1) The use and proposed improvements are consistent with the Comprehensive Plan.
- 2) The use and proposed improvements comply with the Development Code and approved Planned Unit Development.

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

ABATEMENT OF PUBLIC NUISANCE - JOSE SANCHEZ, 4414 GALTIER STREET**Presentation by City Planner Kathleen Castle**

At the last Council meeting, an abatement proceeding was approved for tall grass on this property. Property maintenance conditions have not improved and represent a public nuisance with refuse, outside storage and an unsecured and unmaintained pool. An inspection has confirmed that the property has not been brought into compliance. The property is owned by Jose E. Sanchez, who does not reside on the property. The property owner has been properly noticed of the required corrections and of this hearing.

Friends of the owner called the City today to state they are willing to clean the property. Staff is hopeful no further action will be needed through the District Court. Staff recommends that the City Council hold the public hearing and authorize abatement of the nuisance conditions. Staff will continue to work with the representative of the property owner and also with the City Attorney to issue citations, if necessary.

Mayor Martin opened the public hearing on this matter. There were no comments or questions.

MOTION: by Councilmember Withhart, seconded by Councilmember Johnson to adopt Resolution 14-59 ordering abatement of the public nuisance (pertaining to the unsecured and unmaintained pool and accumulation of refuse and debris) for the property at 4414 Galtier Street.

Discussion:

Councilmember Withhart noted that although staff will continue to work with the owner's representatives, if progress cannot be made, staff will have authority to proceed through the court to address this issue.

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

CITY PURCHASE OF PROPERTY AT 795 HIGHWAY 96 WEST**Presentation by City Manager Terry Schwerm**

The County Library Board recently closed on purchasing a residential property at 805 Highway 96 as part of the library's planned expansion. The 805 property is directly adjacent to the property at 795 Highway 96, and the County has asked the City to take the lead on the purchase of this residential property. The City has reached a tentative agreement to purchase the property at 795 Highway 96. These two residential properties are surrounded by the Community Center and the library in the Commons Area. A number of years ago these two properties were identified in the Comprehensive Plan as "in-holding" properties. Because they are adjacent to public parks and public facilities, acquisition would be considered desirable if the properties were to become available.

The current owner of the property at 795 has agreed to the City's proposal to purchase the property for \$259,800, a price based on Ramsey County's estimated market value of the property

for taxes payable in 2014. Financing of the purchase would be through the Community Investment Fund. Adopted policy of the Community Investment Fund indicates that its use for projects not in the City's five-year Capital Improvement Program (CIP) requires adoption of a resolution with a vote of four-fifths Council. Transfer of ownership from the City to the County would be through a future separate agreement that will stipulate specific uses and other negotiated conditions, including potential cost reimbursement. The County initially asked the City to contribute this property toward a potential library expansion or reconstruction. More recently, there has been an indication that the County may wish to purchase the property at 795 outright.

The library expansion is expected to begin in 2015. The draft purchase agreement allows the current owners until April 30, 2015 to secure other housing and close on this purchase agreement. Staff is recommending approval of the purchase and adoption of a resolution allowing funding from the Community Investment Fund.

Mayor Martin commended staff for quick action in this matter. The City certainly supports the library expansion to become a regional library. Acquisition of this land parcel insuring that the City will continue to be involved in the discussion of the expansion design and future use of the existing library site.

Councilmember Wickstrom expressed some concern that this expenditure is not in the CIP and use of the Community Investment Fund. However, she noted that it has been a long-term goal of the City to purchase this property and she will support this action. One issue that will be part of building a new regional library is that there is not a lot of room for parking. She would like the City to be able to be involved in discussion with decisions about parking and how the existing library is to be used.

Councilmember Withhart congratulated staff for negotiating this win/win situation. This purchase is a great opportunity with the library expanding to become a regional library. He would certainly support this action and hope the City can use this purchase as leverage for decisions moving forward.

Councilmember Johnson asked for clarification on money available for the purchase agreement scheduled to close April 30, 2015, and this decision made within the 2014 budget year. Mr. Schwerm stated that the closing could occur yet in 2014, but the Community Investment Fund balance is sufficient to cover this expenditure whether it occurs in 2014 or 2015.

Councilmember Quigley also commended staff, noting the amicable acquisition from the current owners who have not always had any interest in selling their property.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the City acquisition of property at 795 Highway 96 in the amount of \$259,800, authorizing the execution of a purchase agreement, and adopting Resolution No. 14-54 allowing for the use of the Community Investment Fund for the purchase and related costs.

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

SPECIAL ORDER OF BUSINESS**Update of Cable Commission and Comcast Franchise Renewal**

Councilmember Wickstrom reported that at the last North Suburban Cable Commission Board meeting, proposed changes to the bylaws of the Joint Powers Agreement were considered, as proposed by member mayors and member city managers of the 10 member cities. She thanked Mayor Martin for taking the lead on this issue. The comments of the commissioners were very disappointing and amounted to an attack on all the work that City Manager Schwerm has done at the request of member mayors. The Commission voted 9 to 1 (she was the 1) to advise the Franchise Renewal Committee to not consider changes to the Joint Powers Agreement until the franchise agreement has been renewed. She has had discussions with Comcast and does not believe an agreement is as close as the Council was led to believe. She would strongly urge all Councilmembers to review the Communications Commission Board meeting prior to the next Council meeting in two weeks.

Councilmember Withhart stated that the Commission Board vote is advisory, and he is hopeful that restructure of the Commission can take place to make it more responsive and responsible. Residents in Shoreview are paying more for Cable service than other franchises in the area with no reason.

Councilmember Wickstrom stated that the Commission Board consists of four non-elected officials, six members who are Councilmembers or Mayors. From a timing perspective there is not enough time for member cities to vote up or down on proposed changes to the Joint Powers Agreement in the next two weeks. If the City considers leaving the Commission, enough time is needed for the City to negotiate on its own. A link to CTV to review the Commission meeting was sent today to Councilmembers from City Manager Schwerm.

Mayor Martin stated that there is some resentment about the meetings that Mayors and City Managers have held. The reason for those meetings was Shoreview having indicated a preference for leaving the Cable Commission. The City informed the other member cities as a courtesy because of the financial ramifications. City Manager Schwerm was directed by that group to develop a revised Joint Powers Agreement. Mr. Schwerm noted an added issue is that if the City decides to pull out of the Commission and negotiate with Comcast on its own, it is important to understand that Comcast has submitted papers to transfer the franchise to another company. That transfer has a 120-day window that needs to be completed by sometime in October. The franchise expires at the end of November.

Mayor Martin stated that the City is well positioned because of City Manager Schwerm's work and knowledge in this issue. However, more analysis and research is needed if the City does decide to leave the Commission. There will be further discussions.

Councilmember Quigley stated that the tone of the Commission Board meeting was surprising because the issues the Council has been informed about are the transfer process from a Council perspective, the franchise agreement from a Council perspective, the PEG and franchise fees which have never been defined, legality and use of those fees, the INET and the number of channels which appear to be sufficient from the most recent Community Survey. None of these issues were discussed in the meeting. The meeting was taken up with bantering about the process. That leaves Shoreview seriously considering its options.

Councilmember Withhart noted that if the City leaves the Commission, there is no danger that broadcast of City Council and public meetings will be impacted. What is in contention is how many channels are available that no one is watching. To expand the number of channels does not make sense.

Mayor Martin stated that at the August 18th Council meeting there will be more information. She thanked Councilmember Wickstrom for her work and her report.

Councilmember Wickstrom in turn thanked the Mayor and City Manager Schwerm for all their work. If Shoreview does leave the Commission, she is comfortable that the City has given its best effort to work through the process and resolve the issues.

ADJOURNMENT

MOTION: by Councilmember Withhart to adjourn the meeting at 8:01 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 18TH DAY OF AUGUST 2014.

Terry Schwerm
City Manager