

**CITY OF SHOREVIEW
MINUTES
CITY COUNCIL WORKSHOP MEETING
February 9, 2015**

CALL TO ORDER

Mayor Martin called the workshop meeting of the Shoreview City Council to order at 7:00 p.m. on February 9, 2015.

ROLL CALL

The following attended the meeting:

City Council: Mayor Martin; Councilmembers Johnson, Quigley, Springhorn and Wickstrom

Staff: Terry Schwerm, City Manager
Rebecca Olson, Assistant to City Manager
Niki Hill, Economic Development and Planning Associate
Kathleen Castle, City Planner
Mark Maloney, Public Works Director

Planning Commission: Steve Solomonson, Chair
John Doan
Brian McCool
Kent Peterson
Pat Schumer
Elizabeth Thompson

Ramsey County Sheriff Dept.: Commander Ty Sheridan

Ramsey County Board of Commissioners: Commissioner Blake Huffman

Community Organizations Representative: Tom Lemke

PUBLIC MEETING SAFETY

Mayor Martin referred to the shooting which occurred recently in New Hope. Commander Sheridan was invited to this meeting to discuss safety issues with the Council and Planning

Commission. City Manager Schwerm indicated that the City is unable to ban weapons from City Hall because it is a public building. For several years, the City Council has had a deputy in plain clothes attend all Council meetings, which could also be done for Planning Commission meetings if Commissioners feel it is needed.

Commander Sheridan stated that he has served on the SWAT team for 15 years. While it is difficult to give specific instructions on what to do if there is an active shooter, it is recommended that people get away from the situation, if possible. If that option is not available, the next best thing to do is hide, and the last option, if necessary, is to fight the person off. If someone comes in who is angry at the Council or Commission that person is typically angry at one or two people and those will be the ones focused on. Members should run the opposite way of the focus of the shooter.

There is an active shooter program that the Sheriff's Department has held for government, businesses, and colleges, and he would welcome the opportunity to put on a class for the City. He and City Manager Schwerm have discussed whether or not the deputy in attendance should be in uniform. There are advantages and disadvantages both ways. A uniformed deputy may be the first person of focus for a shooter. If the shooter is successful, meeting members have no protection. If the deputy is in plain clothes, the shooter may not know who is who. His preference is to switch deputies in uniform and not in uniform to be inconsistent so a shooter would not know what to expect. He differentiated incidents that occur in malls as compared to small venues like City Council meetings. At malls, the person is looking for body count--to make a big splash. At a government meeting, there is a passionate person who is typically very angry at someone or at a few people.

Mayor Martin asked Planning Commissioners if they have felt unsafe during public hearings or during meetings. She noted that there is a panic button, but she would feel more comfortable if a deputy attended Planning Commission meetings. Chair Solomonson responded that there was one person who made him nervous.

Commissioner McCool stated that it is comforting to know a deputy would be present when members leave the meeting to go to their cars, especially if an unpopular decision was made.

Councilmember Johnson stated that Councilmembers and Planning Commission members work very hard for the City and it is important to have a system that insures their safety, even though Shoreview is a great community with great people.

Councilmember Quigley stated that he would support a training session that would be useful to Planning Commissioners and City Councilmembers in the event of a disruption so members have a reaction plan.

Commander Sheridan cautioned that there is a shock and awe reaction factor. It is important to realize that a key response factor is the loss of dexterity. Even trained deputies have diminished dexterity. That is why any response plan needs to be as simple as possible.

Mayor Martin thanked Commander Sheridan for his time and input. She asked all members to notify City Manager Schwerm of anything that happens to make members feel unsafe.

It was the consensus of the Council to hold a training session with the Sheriff's Department.

JOINT MEETING WITH PLANNING COMMISSION TO REVIEW ACCESSORY STRUCTURE REGULATIONS

Presentation by City Planner Kathleen Castle

The City's regulations pertaining to accessory structures were amended in 2006 in response to the size of accessory structures being built in residential neighborhoods. The standards were tightened for sizes of sheds, garages, attached garages, and gazebos. The amendments considered lot size, the size home, building height, exterior design and the intent of the structure with the intent that the residential use and structure is the primary use of the property. No accessory structure would become the dominant feature on the property. The amendments defined different regulations for properties one acre or larger and properties that are less than one acre.

Regulations for properties under one acre limit attached garages to 1000 square feet or 80% of the dwelling unit foundation area. If there is no attached garage or only a one-car garage, then a detached garage can be built of up to 750 square feet or 75% of the dwelling unit foundation area. A second accessory structure can be built of up to 150 square feet on a property less than one acre in size. If requested, a secondary accessory structure could be allowed up to 288 square feet with a Conditional Use Permit. That means the larger accessory structure use is allowed in the zoning district and meets certain conditions. A Conditional Use Permit requires a public hearing held through the Planning Commission. If the standards are exceeded, then a variance is needed. It is harder to get a variance as there must be proof of undue hardship showing three circumstances: 1) no impact to the character of the neighborhood; 2) unique circumstances to the property not caused by the property owner; and 3) reasonable use of the property.

For properties that exceed one acre, secondary accessory structures may be 288 square feet without a Conditional Use Permit. Anything larger requires a Conditional Use Permit. If the standards are met, it is difficult for the City to deny a Conditional Use Permit application. All properties are allowed a total limit of 1200 square feet of accessory structure or 90% of the dwelling unit foundation area, whichever is more restrictive.

The Planning Commission has discussed the regulations in response to a number of applications received and whether the regulations should be amended. There is concern about the increase in requests for accessory structures. From 2006 to 2014, there have been 18 Conditional Use Permits granted and 15 variances granted. There were 9 requests from properties of greater than one acre; 10 requests from riparian lots; and 23 requests for properties under one acre. Fourteen properties were granted Conditional Use Permits for accessory structures that totaled more than the maximum 1200 square feet.

One question is whether a 150 square foot limit is too stringent. Should there be a tiered system based on the size of the property. Another question is if the dwelling unit is large, then what is a reasonable size for an accessory structure? Also, riparian properties have different needs from non-riparian lots and there is the question of whether they should be treated differently.

Chair Solomonson stated variances should be the exception rather than the rule. Many of the variances seem reasonable, even though the Code is more restrictive. Lots vary in size and configuration. It seems there is a penalty if a garage is detached instead of attached because of the smaller size restriction. Because it is so difficult to deny a Conditional Use Permit, he would prefer all requests would go through the variance process.

Commissioner McCool stated that often the judgment is need vs. want. People want more storage space because they have a lot of stuff. On the other hand, most requests are not too outrageous and he finds himself sympathizing with many requests. His preference would be a standard that is comfortable for everyone and defines the limit for accessory structures in the City. There have been 11 variances since he has joined the Commission and all have been approved because they technically satisfy all the criteria. He is uncomfortable with some decisions because he does not believe they would withstand a legal challenge. He likes the idea of basing decisions on the size lot and would like to see a tiered system.

Commissioner Peterson asked if there is a reason why there is no maximum cap for properties over one acre. City Manager Schwerm stated that when the regulations were adopted, the focus was to address properties of less than one acre. It could be that 150 square feet is not large enough to accommodate reasonable size sheds. Commissioner Peterson stated that a tiered system makes sense because size of lot brings a whole range of differences. It is fairer to make a determination on a set ratio. He also felt that the Commission should examine whether there should be a maximum for larger lots.

Commissioner Schumer stated that he believes the regulations were in reaction to pole barns and agreed with considering a tiered system.

Mayor Martin noted that 150 square feet is a building that is 10 feet by 15 feet, which is large. A structure of 288 square feet is a one-car garage. She would like to know how other communities regulate accessory structures. Staff will check regulations of other cities. Mayor Martin suggested it might make sense to increase setbacks for larger structures on larger lots. She expressed her appreciation for the reflection of the Planning Commission on this issue, but she would err on the side of being conservative.

Councilmember Johnson asked if more ownership of more items like recreational vehicles, lawn mowers, snowmobiles, etc., is driving the need for more storage.

Councilmember Quigley stated that there seems to be a fair consensus in the decisions. The outcomes have met the goal of protecting land use within each zoning district. The conditions of individual lots and circumstances are difficult to quantify. It is a struggle, but he has been satisfied with the outcomes. He noted that riparian lots were not planned, and City regulations are trying to put order where there is too much variation.

Mayor Martin noted that rarely have the variances granted met all three criteria, but there have been very few appeals.

Councilmember Wickstrom stated that she is not comfortable with variances being granted and not meeting all criteria. She would like to see more objectivity.

Chair Solomonson stated that the most difficult variances to approve are the ones granted because the request is similar to what else is done in that neighborhood. He would like to pursue adding a maximum size for a Conditional Use Permit on larger lots. Otherwise, it is difficult to deny a questionable application if it meets the Conditional Use Permit criteria.

In summary, Mr. Schwerm indicated that it appears that most of the Council is open to some changes in the regulations, but, in general, the Council is appreciative and supports the decisions that have been made by the Planning Commission.

REVIEW OF HIGHWAY 96/SNAIL LAKE MARSH REGIONAL TRAIL MASTER PLAN AMENDMENT

City Planner Castle reported that the Ramsey County Parks and Recreation Department (RCPRD) is in the process of preparing a Highway 96 Master Plan amendment to the Snail Lake regional trail to provide access through the Snail Lake marsh area with an overlook. The trail would be paved in accordance with ADA requirements. No funding is yet allocated for the project, as the amendment must be approved by the Metropolitan Council before the trail can be budgeted. City support is requested. The plan is being presented for Council review and comment before a formal resolution is submitted at a Council meeting for adoption.

The Bikeways and Trails Committee has reviewed the plan and supports adding the proposed trail. A rain garden was in the original plan that the Committee did not support. The rain garden has since been removed. There is a future City trail connection from the regional trail to Reiland Lane, which was discussed but would not be part of this County project.

The Parks and Recreation Commission also reviewed the proposed marsh trail and supports the project as it would provide better access to the area and be an enhancement for the City.

An open house was held at the end of January. About 50 people attended. There were mixed comments. Some would like the area to remain as it is with no improvements. Others agree that the trail would improve access and be an enhancement to the regional trail system. Some felt that the proposed trail connection would be an intrusion into the Reiland Lane neighborhood.

Councilmember Wickstrom stated that she attended the open house. A number of people would like to see the direct trail connection to Reiland Lane. Others treat the area as a private park and do not want a trail. There was discussion about paving versus a gravel path. She believes paving is better for anyone to access. The trail will be 8 feet wide, not 12 feet wide. She is pleased to see this amendment and supports the trail.

Councilmember Quigley stated that while trails can be contentious, more and more people will use them, and he sees the need as inevitable.

Mr. Schwerm explained that the trail to Reiland Lane would be at City expense. It was considered when the underpass was put in for Highway 96, but the cost of the underpass was more than anticipated and that trail was not completed. At that time, it was felt that the trail connection to the Highway 96 regional trail and then to either the sidewalk system through the Harbor Place neighborhood or the trail through the Snail Lake open space was sufficient.

Mayor Martin stated that while she has always supported the trail to Reiland Lane, the width of Reiland Lane is narrow with parking and there is no place to walk. A trail to Reiland Lane would invite people to walk and bike a street that was not built for that activity. There is not a lot of traffic, but any traffic coming into Reiland Lane has to go back out the same way. The trail from Scandia Shores is a long way to the east to get to the Community Center. This proposed trail would be a wonderful access from Reiland Lane and Amble Road to the Community Center.

It was the consensus of the Council to support this proposed trail amendment to the Snail Lake Regional Trail.

DISCUSSION REGARDING SHOREVIEW LIBRARY PROPERTY

Mayor Martin stated that Mr. Tom Lemke has met with all community organizations to find out future needs for space and is present for this discussion. The Council will be talking to community organizations at the next Council workshop meeting on March 9, 2015. However, Ramsey County is requesting a response to the purchase offer for the existing library by February 20, 2015.

City Manager Schwerm stated that the County plans to build a new regional library which is anticipated to begin later this year. The two residential properties south of the existing library have been purchased for the new library site. The County purchased one home; the City purchased the home at 795 Highway 96 and will be reimbursed by the County for the cost of the home plus demolition costs. When the City sold the existing library property to the County, part of the agreement was if the property were ever not used for a library, it would be offered back to the City at fair market value. The City has received a letter asking whether or not the City would be purchasing the property at an assessed value cost of \$5.3 million. The deed restriction also requires that potential reuse of the property by the County must either be for County office purposes or sold to another public entity that is consistent with the uses in the Commons campus.

Commissioner Huffman confirmed that while the Board has not approved any action at this time, it is definitely the intent of the County to reimburse the City for the property at 795 Highway 96.

Councilmember Quigley asked if there is any change in the status of the hockey rink owned by the County. Commissioner Huffman responded that a task force is being formed to evaluate usage of all county hockey rinks. The Shoreview rink has the highest usage. The ones that will

be kept will need upgrades. Mr. Schwerm noted that if the County should choose not to use the hockey rink property for a hockey rink, the property reverts back to the City.

Councilmember Quigley noted that there are mechanical challenges with the existing building that will need investment on the part of whoever purchases it. He raised the issues of signage for the new library and whether the new library will use some of the City parking lot. Mr. Schwerm stated that the library parking plan shows access from the ring road so the library would be oriented toward the Community Center. Overflow parking would likely use some of the Community Center parking lot.

Commissioner Huffman added that it is important for the library to become part of the City campus and orient it toward the campus.

Councilmember Wickstrom expressed concern about parking for the existing building, the new library and City parking and how it will all work with increased traffic and whether the ring road needs to be one way. Mr. Schwerm stated that the site plan will come through the City approval process. The design he has seen shows sufficient parking to accommodate library uses.

Mayor Martin stated that because of community needs, she believes it is worthwhile to discuss whether the County should expect the City to pay fair market value for the existing library when the City originally donated the land. The question is whether the Council would consider purchasing the property, if it were at a lower price. Even if the price were lower, the current library would need millions of dollars of renovations and upgrades to make it useable for City or community uses. There would also be maintenance and staffing costs. There has been no plan or preparation on the part of the City to purchase the existing library building.

Councilmember Johnson expressed concern that although the City has not planned for this purchase, if sold to another public entity, this property on the City campus would not be under Shoreview's control. It might be another 20 or 25 years before the opportunity is again presented to purchase this property.

Councilmember Wickstrom suggested purchasing the property and offering a long-term lease to the school district to make it worthwhile for the school district to make the necessary renovations. Mr. Schwerm stated that in that instance, the City would essentially become the banker for the project. Bonds would have to be issued over a number of years to finance the purchase. The County would probably like that because it would provide cash to the County for the new library project. That option could be pursued if control of the property is important to the Council.

Mr. Tom Lemke requested that before any decision is made, the document presented by the Community Summit representing all community organizations be reviewed. The Community Summit consists of all community organizations except the Community Foundation, which has now been invited to be part of the Summit. All the groups have potential to fund raise through grants and other sources that are available. The entire community has been impacted by the community organizations through art exhibits and the Sister City relationship with Einhausen. There is an opportunity to possibly have a new community theater group, if there were space. It

is impossible to put a value on these experiences. Some groups are at a point where they may cease to exist because there is not enough space to grow further. There are items the Historical Society owns that are scattered all over the City. These will be lost if there is not a central space for storage. The organizations cannot expand offerings without a building. He suggested trying to be creative, possibly by purchasing the building and renting a portion to the school district for income to pay for it, or let the school district buy it and rent space from the school district.

Mayor Martin stated that of all the groups, she believes Gallery 96 has the most potential to raise revenue through offering classes. However, purchasing the property would be a huge undertaking. The City's response has been to not to buy the property back. Mr. Schwerm added that the City is in the process of bonding for the water treatment plant and there is a goal to keep City bonding under \$10 million.

Commissioner Huffman stated that the County does not want to hold up plans for the new library. While he understands the tight time schedule for the City, he would hope the City will make a decision on whether to buy the existing building sooner rather than later.

Councilmember Quigley stated that he likes the idea of retaining some control over the existing library building for community use. The school district would be a great partner in use of the building. If the school district needs the whole building, community space will have to come later.

Councilmember Wickstrom suggested a clause that if the building were not to be used by the school district at some time in the future, the City would again have the opportunity to purchase it. As for community space, she is not sure this building would work well. It will be harder to retrofit spaces than to incorporate space into a new Community Center addition.

Mr. Schwerm stated that the County is coming to the City now because the deed stipulates the procedure of contacting the City for first purchase because the City donated the land. He noted that if the City is interested in purchasing the building, it would likely delay or change the library project. The City would have to get an architect involved to define the kinds of spaces needed and how to achieve those needs. The property was considered by a theater group that determined the building would not be a good fit. He believes it will cost a lot of money for renovations to the existing building for community uses.

Mayor Martin stated that if the building is sold to the school district, she would not see a need to put conditions or controls on the property. Because the City is the adjoining property, there would be input from the City on any questionable uses. Mr. Schwerm added that a change of land use would mean the property would have to be rezoned.

It was the consensus of the Council not to take title if the school district is the purchaser. The City would sign off on that agreement. Mr. Schwerm stated that the County needs a letter from the City stating that the City will not now purchase the property.

Commissioner Huffman stated that if the sale with the school district does not go through, the County will likely keep the building and use it for County purposes.

OTHER ISSUES

Mayor Martin noted that the City Council Goal Setting Session is planned for the April 13 workshop meeting beginning at 5:00 p.m.

The meeting adjourned.