

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
July 20, 2015**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on July 20, 2015.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

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

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Springhorn to approve the July 20, 2015 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

Announced that the Council just participated in a groundbreaking ceremony for the City's Water Treatment Plant, the biggest infrastructure project in the City's history. The Water Treatment Plant will address the issues of iron and manganese in City water and improve drinking water quality throughout Shoreview.

The Wednesday night Concert in the Commons will feature Shoreview's Northern Lights Variety Band. This is the last concert for Conductor Merle Danielson who is retiring.

Councilmember Wickstrom:

Added that the band is currently on tour in Germany but will be returning for the concert Wednesday. The band has been well received and has had an opportunity to play in Einhausen as well as in Rotenberg, Salzburg, and Vienna.

“Night to Unite” is Tuesday, August 4, 2015. Neighborhoods can still sign up on the Ramsey County Sheriff’s website for a visit from the Sheriff’s Department, Fire Department and Councilmembers.

Councilmember Springhorn:

The *Slice of Shoreview* will kick off Thursday, July 23, 2015. It is always a great event.

Monday, August 3, 2015, the Shoreview Human Rights Commission will partner with the Roseville Human Rights Commission to present a screening of the documentary, “Selma, the Bridge to the Ballot.” It will be at the public library in Roseville at 7:00 p.m.

Councilmember Johnson:

Echoed Councilmember Springhorn’s comment about the great *Slice of Shoreview* event occurring this weekend.

EXECUTIVE SESSION

MOTION: by Councilmember Quigley, seconded by Councilmember Johnson to close the meeting to discuss pending litigation, Todd Sharkey v. City of Shoreview, with assigned legal counsel.

VOTE: Ayes - 5 Nays - 0

Mayor Martin explained the Council will leave the room to meet in executive session and then will return to resume the regular Council meeting.

Mayor Martin reconvened the meeting after the executive session.

CONSENT AGENDA

Councilmember Quigley asked if there is an addendum to item No. 9. City Manager Schwerm explained that there is a revised resolution to include additional information requested by the State of Minnesota.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt the Consent Agenda for July 20, 2015, and all relevant resolutions for item Nos. 1 through 9, including the revised motion for item No. 9:

1. Receipt of Committee/Commission Minutes:
 - Human Rights Commission, May 27, 2015
 - Economic Development Authority, June 10, 2015
 - Human Rights Commission, June 24, 2105
2. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
3. Verified Claims in the Amount of \$530,754.50
4. Purchases
5. Establish Project and Order Preparation of Feasibility Report for Reconstruction of Grand Avenue, CP 16-02
6. Minor Subdivision - Darwin DeRosier, 899/893 Tanglewood Drive
7. Approval of Application for Exempt Permit and Special Event Liquor License, Church of St. Odilia
8. Acceptance of Gift from Oak Hill Montessori School
9. Adoption of Resolution Associated with Grant Agreements for Rail Improvements Related to Quiet Zones

VOTE:

Ayes - 5

Nays - 0

PUBLIC HEARING

VACATION/FINAL PLAT - ZAWADSKI HOMES, 244 GRAND AVENUE

Presentation by City Planner Kathleen Castle

The Final Plat shows six parcels with frontage on Grand Avenue and four with frontage on North Owasso Boulevard for single-family residential use. The vacation request is for a portion of Centre Street and the public alleyway located between Grand Avenue and North Owasso Boulevard. Two adjoining property owners have joined the request for vacation. The Bevins request vacation of the portion of alleyway adjacent to their property; and the Klassens request that a portion of Centre Street adjacent to their property be vacated and rejoined to their property. Mr. Klassen would convey an easement to the property owner at 277 to retain driveway access.

With the requested portion of Centre Street vacated, the alleyway becomes landlocked with no public access. Staff does not believe it would be good public policy to leave a remnant of a public alleyway landlocked and, therefore, recommends denial of the vacation until the access issues can be resolved. It would be premature to act on the Final Plat until the access issues are resolved and recommends tabling the Final Plat.

Notice was mailed to affected property owners and published in the legal newspaper. One comment received expressed the need for an evacuation route for the neighborhood in an emergency.

Mayor Martin opened the public hearing on the vacation request.

Mr. Steven Galatowitsch, 224 Grand Avenue, stated that he talked to the Ramsey County Sheriff's Department and Fire Chief of the Lake Johanna Fire Department regarding an evacuation route if needed. There is no written evacuation plan. If Centre Street is closed off and there would be an emergency on Soo Street so that street would also be closed, he would have no evacuation route out of the area. He also contacted Ramsey County Emergency Management but was unable to get any information on any evacuation plan if there were a railroad incident. The alleyway, proposed to be vacated, ends next to his property adjacent to the east of the Bevins' property. In winter when snow is plowed, the snow is dumped in his backyard. When it melts, his backyard floods. He thought the alleyway was going to go through and solve the drainage problem, but now the plan is to vacate the alley.

Councilmember Wickstrom stated that when this was discussed previously, it was her understanding that once the road was constructed, there would be a trail segment from Grand to the park, which would be available as an evacuation route. Mr. Maloney responded that would be the unimproved right-of-way adjacent to the lakeshore. There are no plans for a hard surface improved trail. Mr. Schwerm added that a trail is a possibility with the Grand Avenue reconstruction project next year to provide a link for the neighborhood to the park. It could also be used as an emergency evacuation route.

Mr. Galatowitsch expressed concern about evacuation in the winter if the trail is not a hard surface.

Mayor Martin urged Mr. Galatowitsch to bring his testimony to the public hearing for the Grand Avenue reconstruction project. The City will send him a notice.

Mr. Lee Bryngelson, 277 North Owasso Boulevard, stated that there is a small portion of Centre Street that if vacated as shown and a fence were put in, he would not be able to make the turn to his property with any large vehicle. He would like to see the vacation extended 10 feet further north or that 10 feet remain in public ownership to allow turning movements.

Mr. Bob Hirsch, 266 North Owasso Boulevard, expressed concern about snow. Mr. Bryngelson plows the snow. Where it is dumped impacts surrounding properties. If there are four more lots and driveways, there will be less room to put snow. If Mr. Bryngelson does not put the snow in his own yard, it will be in the street which will be unsafe for access. The issues that need to be addressed are easy access to Mr. Bryngelson's garage, safe access, good condition of the roadway and aesthetics of the surrounding neighborhood.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 7:55 p.m.

The reason for the vacation request is to increase the buildable area on Parcel B. There is an existing water main and turnaround for Buffalo Lane in the easement area. The City would require a 35-foot drainage and utility easement over the area as well as a street easement for the Buffalo Street turnaround. The street easement is unimproved with no public interest.

The property is zoned R1, Detached Residential. The Comprehensive Plan guides this property for low density residential development of 0 to 4 units per acre. The proposal is for 2 units per acre. The subdivision would meet City requirements for the new Parcel B to have frontage on a public street with access to municipal sanitary sewer and water. Both lots would meet minimum lot requirements.

Notices were sent to property owners within 350 feet of the subject property. One phone call was received from a resident expressing concern about drainage, storm water management and groundwater. One written comment was received with concern about the impact to the character of the neighborhood, traffic and property values. The Fire Marshal has no concerns except for the City to retain the hammerhead turnaround on Buffalo Lane. Xcel Energy requires an easement where utilities are located.

The Planning Commission reviewed the proposal and recommended City Council approval on a 6 to 0 vote. Staff is recommending approval with the conditions listed in the staff report.

City Attorney Kelly stated that he has reviewed the affidavits of public notice which appear to be in order.

Mayor Martin opened the public hearing.

Mr. Max Segler, 1500 Buffalo Lane, stated that he has no issues with the subdivision but is concerned about drainage. General Code requires one foot of fall on a property in the first 10 feet from the foundation out. This property does not have even 1 foot of fall in 80 feet. The property is extremely flat. His concern is any drainage that would extend south over the lot line.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 8:07 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin asked how drainage would be addressed should this application be approved.

Mr. Maloney stated that as part of the Buffalo Lane street improvement, storm water collection and treatment facilities were installed. When a building permit is requested, drainage will be reviewed as with any other building application.

Ms. Castle showed a map illustrating drainage to the north to a low wetland area on Parcel A. A 40-foot easement would be required for that wetland.

Councilmember Wickstrom asked if significant grading will be needed for water to flow north as the property currently slopes slightly to the south. Ms. Castle agreed that some grading will be necessary and a drainage swale will be needed for water to flow north.

MOTION: by Councilmember Johnson, seconded by Councilmember Springhorn to adopt Resolution 15-55 approving the Vacation request, submitted by Moser Homes, Inc. vacating the interest of the public in the street and utility easement immediately south of 5825 Buffalo Lane, subject to the following:

1. Resolution 15-55 approving the vacation request shall be recorded with Ramsey County prior to the City endorsing the deed for recording.
2. A 35-foot wide drainage and utility easement shall be dedicated in place of the area being vacated.
3. The City shall retain a street easement over the east 35 feet and will include the existing hammerhead turnaround.

This approval is based on the following findings:

1. The dedicated street and utility easement proposed for vacation no longer serves the need of the public.
2. The City will obtain the easement area as needed for drainage, utility and street purposes.

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

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the minor subdivision subject to the following:

1. Approval of the minor subdivision is contingent upon the City Council's approval of the request to vacate the 30-foot wide street and utility easement immediately south of this property.
2. The minor subdivision shall be in accordance with the plans submitted; however, revisions may be made in accordance with the City Council's action on the vacation request and conditions of the minor subdivision.
3. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
4. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
5. A street easement shall be retained over that portion of Buffalo Lane which includes the hammerhead turn-around and shall be sized in accordance with the recommendations of the City Engineer.

6. A minimum setback of 35 feet from the south side lot line is required for the dwelling and attached garage developed on Parcel B.
7. Municipal water and sanitary sewer service shall be provided to the resulting Parcel B.
8. Items identified by the City Engineer in his memo shall be addressed as specified.
9. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
10. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the land use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District.

Discussion:

Councilmember Wickstrom stated that the motion is made with the understanding that staff will review grading to insure that drainage issues do not worsen.

Mayor Martin noted discussion of the Planning Commission and that all lot requirements and density for the area are in compliance.

Councilmember Quigley noted the small size of the hammerhead. Ms. Castle agreed and stated it does serve the seven residents on Buffalo Lane.

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

GENERAL BUSINESS

NUISANCE ABATEMENT - 3308 VICTORIA STREET

Presentation by City Planner Kathleen Castle

The property maintenance conditions at the subject property represent a public nuisance with refuse and debris in the yard and exposed soils with concerns for lack of erosion control.

The property is currently owned by Drew Callahan. In July 2014, a building permit was issued to Shade Tree Construction for a new home on this property. A Certificate of Occupancy was issued January 26, 2015 with conditions regarding exterior site conditions that included grading, erosion control, an unfinished driveway and vegetation. Conditions for the Certificate of

Occupancy have not been met. The property owner has been properly noticed for the required maintenance corrections and this hearing with a time frame for compliance. The noncompliant conditions remain on the property. Therefore, it is requested that the City be authorized to abate these conditions.

Councilmember Wickstrom asked if the City will pave the driveway, which is in poor shape. Ms. Castle stated that because the driveway is not finished, it is in violation of the City's erosion control regulations. The City is seeking authorization to pave the driveway if needed.

Councilmember Quigley asked if the home is occupied. Ms. Castle answered, yes.

Mr. Drew Callahan, 3308 Victoria, Owner, stated that this is his first experience buying/building a home. The builder was recommended by a realtor. The project has become a two-year process with him having to take on responsibilities of the builder. His attorney and mortgage broker have recommended that he obtain the numbers for all of the subcontractors who will be doing the work. He will be discussing the outcome of this hearing with his attorney to try to break the contract with the builder because it has been a nightmare. The biggest problem is every time he talks to his realtor something is done, but the process is never completed. He agreed that the grade is difficult, and for health reasons, he had to build a rambler style home.

Councilmember Quigley stated that the lot is difficult but would be improved with just the debris being picked up.

Mayor Martin asked if the house is completed. Mr. Callahan answered, yes and stated that every day he tries to contact someone to get something done.

Mayor Martin opened the public hearing. There were no questions or comments from the public.

Councilmember Wickstrom stated that action by the City will give Mr. Callahan more leverage with the builder to move forward.

Councilmember Johnson encouraged Mr. Callahan to communicate closely with City staff.

MOTION: by Councilmember Johnson, seconded by Councilmember Springhorn to adopt Resolution 15-59 ordering abatement of the public nuisance (refuse/debris, exposed soils/erosion control) for the property at 3308 Victoria Street.

Discussion:

Councilmember Wickstrom thanked Mr. Callahan for attending this hearing and explaining the situation.

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

RESOLUTION EXTENDING RECYCLING CONTRACT WITH REPUBLIC SERVICES

Presentation by Public Works Director Mark Maloney

Extension of the recycling contract with Republic Services has been discussed by the Environmental Quality Committee and at a recent City Council workshop.

The five-year contract with Allied Waste (now Republic Services) was executed in September 2010 and expires December 31, 2015. Based on good performance, the City has requested that Republic provide a proposal to extend the contract. Republic has submitted an extension proposal for either 18 months (June 30, 2017) or 30 months (June 30, 2018). The City has requested the contract to end in the summer and reduce the difficulty of switching vendors in winter if needed.

The proposed cost increase for 2016 is 2.1% and maximum 3% for each year 2017 and 2018 based on the Consumer Price Index. This is the same condition as is in the current contract. The Council expressed interest in 30-month extension if the contract would address potential organics collection. The proposal now includes language to address organics collection.

Staff is satisfied with the service provided. A 30-month extension would lock in the cost for the next 2.5 years, which are in line with the City's five-year operating budget. Residents would not have the inconvenience of a new vendor and changing containers.

Staff is recommending approval of an extended 30-month contract as presented.

Mr. Doug Link, Municipal Manager Republic Services, stated Republic is happy to accommodate a summer expiration date. A lot has been learned with the Cleanup Days. Republic is pleased to continue that service and for the opportunity to extend the contract.

Councilmember Wickstrom expressed her support for a 30-month extension and that she is pleased organics can be a potential part of the service.

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to adopt Resolution No. 15-56 extending the contract with Republic Services for residential curbside recycling collection services.

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

ADJOURNMENT

MOTION: by Councilmember Springhorn, seconded by Councilmember Wickstrom to adjourn the meeting at 8:41 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 3rd DAY OF AUGUST 2015.

Terry Schwerm
City Manager