

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
January 20, 2009**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on January 5, 2009, at 7:01 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

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

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the January 20, 2009 agenda as submitted.

ROLL CALL: Ayes - 5 Nays - 0

The proclamation was delayed until later in the agenda.

CITIZEN COMMENTS

Mr. Todd Sharkey, 1003 5th Street, Stillwater, raised again the issue whether the home at 1000 Oakridge Avenue is a legal structure.

Mayor Martin explained that the Council and staff would not respond to his questions during Citizen Comments.

Councilmember Quigley called a point of order, stating that Mr. Sharkey has raised this issue a number of times during Citizen Comments. Mr. Sharkey has been informed specifically of the proper process to address the issue. He objected to taking valuable Council time repeatedly with this issue.

Councilmember Wickstrom agreed and stated that discussing this issue is not the purpose of Citizen Comments.

After Mr. Sharkey finished his statement, Mayor Martin stated that many residents have asked about Mr. Sharkey's appearances. He has been appearing at Council meetings during Citizen Comments for over two and one-half years. At the current time, litigation that was brought against the City by the Sharkeys has been decided and the City prevailed. These are not issues

the Council is going to discuss or engage in during Citizen Comments. The purpose of Citizen Comments is to allow time for announcements of events and activities or for a citizen to raise a concern that cannot be handled through normal processes. In the last several weeks, Mr. Sharkey has indicated his parents' intent to reapply for a minor lot subdivision and a variance. There is an established process spelled out in City Code. It would be inappropriate for Councilmembers or staff to respond to any inquiries during the Citizen Comment portion of the agenda. The application will be heard and addressed impartially like any other application.

COUNCIL COMMENTS

Mayor Martin:

There are vacancies on various City commissions and committees. The deadline for application has been extended two weeks. Applications are available online from the City's website or at City Hall.

Councilmember Quigley:

Noted the positive comments he has heard from residents on the new City sign at Lexington and Highway 96 with the new logo and appearance.

Councilmember Wickstrom:

The Ramsey County League of Local Governments will hold its annual meeting on Thursday, January 22, 2009, to meet with Ramsey County legislators. The meeting will take place at the Minnesota League of Cities building in St. Paul, beginning at 6:30 p.m.

On Wednesday, January 28, 2009, there will be a program at SummerHouse on How to Save Energy and Money in Your Home focusing on low cost and no cost ways to save energy at home. The program is free. All attendees will receive an energy-efficient light bulb and gift certificate.

On February 4, 2009, the Green Communities meeting will have a speaker, David Packson from World Population Balance in Minneapolis. He will explain the benefits of stabilization of the human population.

The Environmental Quality Committee is sponsoring programs on the second Wednesday of each month through April. The next program is February 11, 2009, in the Council Chambers, 7:00 p.m. on Landscaping and Water Quality.

Councilmember Withhart:

Urged anyone interested in serving to apply for one of the vacancies on a committee or commission. Citizen input from these committees is vital to the City. Mr. Schwerm stated that he believes there are vacancies on the Bike and Trailways Committee, Environmentally Quality Committee, Human Rights Commission, Telecommunications and Technology Committee, Economic Development Commission and Park and Recreation Commission.

PROCLAMATIONS AND RECOGNITIONS

Mayor Martin presented a plaque to Ross Hoppe in honor of his earning the Eagle Scout award and read the following proclamation:

WHEREAS, Ross Hoppe, a student at Mounds View High School, son of Susan and Allen Hoppe, and member of Troop 609, has earned the rank of Eagle Scout, the highest of ranks in the Boy Scouts of America; and

WHEREAS, to attain the rank of Eagle Scout, Ross had to complete a special Eagle Scout Service Project; and

WHEREAS, Ross completed his Eagle Scout project by performing a Mother's Day concert at Scandia Shores. He used eleven volunteers from his school orchestra, planned the concert and held several practice sessions. The concert was a huge success with the elderly residents; and

WHEREAS, Ross also started the Mounds View Board Gaming Club and is the Captain of the Mounds View Chess Club. He has also participated in many roadside cleanups, Scouting for Food, and other Scouts' Eagle projects in the community.

NOW, THEREFORE, BE IT RESOLVED that I, Sandra C. Martin, Mayor of Shoreview, on behalf of the Shoreview City Council, do hereby congratulate Ross Hoppe for his many accomplishments and his achievement of the rank of Eagle Scout.

Ross Hoppe stated that he was able to recruit volunteers to put together an orchestra. In thinking about where to put on a performance, he contacted senior living facilities to see if they could bring a performance to resident seniors. Scandia Shores enthusiastically responded, and the performance was a great success.

CONSENT AGENDA

Councilmember Huffman requested separate discussion of No. 9, "Adoption of Administrative Penalty for Liquor License Violation - Rice Creek Liquor." Councilmember Huffman noted that the owner assured the Council he understood the rules and regulations and importance to comply with not selling to minors at the time of his application. He has failed the first compliance check and Councilmember Huffman is not confident this owner fully understands the City's regulations. He asked if something can be done to be sure there is compliance. Mr. Schwerm explained the consequences of an additional compliance check, and penalties increase in severity with successive failures and impact business. Another thing is to identify training programs that employees could attend.

Councilmember Withhart asked if owners receive a handbook that outlines regulations. He asked if the City or owner chooses the day the business is closed. Mr. Schwerm stated that they receive copies of the ordinances. On the initial violation, the City works with the owner to select a day that is not as significant.

Councilmember Huffman stated he would like to see the City go out of its way to help liquor store owners understand how serious this is for the City.

Mayor Martin stated that she is comfortable with the rules, regulations and penalties that have been adopted. It is her experience that once there is a compliance check failure, it rarely happens again.

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to adopt the consent agenda of January 20, 2009 approving the necessary motions and resolutions:

1. January 5, 2009 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes
 - Economic Development Authority, December 8, 2008
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$1,212,382.67
5. Purchases
6. License Applications
7. Approval of Application for Exempt Permit - Emmet D. Williams School
8. Approval of Application to Conduct Excluded Bingo - Turtle Lake School
9. Adoption of Administrative Penalty for Liquor License Violation - Rice Creek Liquor
10. Developer Escrow Reduction

ROLL CALL: Ayes - 5 Nays - 0

PUBLIC HEARING

CODE AMENDMENT - SECTION 902, WATER SURFACE REGULATIONS

Presentation by Senior Planner Rob Warwick

The City received a request by Island Lake homeowners in May of last year to address the problem of wakeboard boats that are causing shoreline erosion and safety issues. The original request was to prohibit bladder boats, eliminate special events, and to limit motor use to certain daily hours. The Council forwarded the request to the Lake Regulations Committee. The DNR has ultimate authority for surface water regulations, and regulations the City adopts must be approved by the DNR. Staff has consulted with the DNR and integrated their comments in the proposed text.

The maximum depth of Island Lake is 11 feet with an average depth of 5 feet. The lake consists of two basins on either side of I-694. There are 2.5 miles of shoreline, a large amount of which is owned by public agencies, such as Ramsey County Parks, MnDOT, and the Soo Line Railroad.

Ramsey County operates a public access on the northwest side of the south basin. Most of the boat use is confined to the south basin. A current regulation of the City is a Slow-No Wake zone within 150 feet of the shoreline. Because of the increasing use of bladder boats, residents are unable to use the lake when those types of watercraft are on the lake because of the large waves. The Lake Regulations Committee considered the situation over a period of three meetings last summer and has recommended that bladder boats and other wake enhancing devices be prohibited on Island Lake because of safety. It is also recommended that references in the ordinance regarding permitting special events be removed, as that is a function of Ramsey County. The Sheriff's Water Patrol has indicated that the proposed regulations are enforceable.

Ramsey County Park staff has reviewed the proposed text and has been working with the homeowners association. The number of special events on the lake in the summer has been reduced from six to four beginning in 2009. Staff is recommending adoption of the proposed ordinance subject to approval by the DNR.

Councilmember Wickstrom referred to Section 902.025 (B) and asked how "adequate distance" is defined for motorboats from other watercraft, swimmers, skiers. Mr. Warwick stated that when it is enforced, the Sheriff reviews conditions and circumstances. Mr. Schwerm added that it is a standard provision that mirrors state law.

Councilmember Wickstrom asked if 902.025 (C) applies to the issue of motorcycles on lakes. Mr. Warwick answered that there are different regulations in statute for motorcycles and ATVs. Mr. Schwerm added that motorcycles are covered other sections of the code. Any changes regarding their use would be better in those sections.

Councilmember Quigley asked for examples of safety issues with the use of bladder boats. Mr. Schwerm responded that the residents' and Sheriff's concerns are that the large waves on a small lake do not dissipate and so a single boat with a large wake can affect the whole south basin. The large waves overwhelm other watercraft on the lake. The Sheriff has indicated that they can identify a bladder boat and enforce the regulation if they are not allowed.

Mayor Martin opened the public hearing at 7:50 p.m.

Mr. Gerald Fenstad stated that he is a member of the Island Lake Homeowners Association and is speaking on behalf of the homeowners. He thanked staff for the many hours that have been given to writing this ordinance, the time and due diligence of the Lake Regulations Committee, Ramsey County Sheriff and the DNR. There have been many discussions on this issue. He encouraged approval of the ordinance so that the lake can be used by everyone and not a select few who overrun the lake with huge waves.

Mayor Martin asked if wake board activity has increased because of the number of public events and if the waves are large enough to capsize a canoe or kayak. Mr. Fenstad answered that the waves definitely can capsize a canoe or kayak. When incidents occur, by the time the Sheriff arrives, the offender is often gone. Over the last 10 years the increase in use of speedboats and bladder boats has increased more than over 300%. Use of the lake by canoes and kayaks and fishing boats has decreased.

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

ROLL CALL: Ayes - 5 Nays - 0

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to adopt Ordinance No. 848, amending Section 902 of the Municipal Code to regulate the use of 'bladder' boats and other wake enhancing devices on Island Lake, and to publish an Ordinance Summary upon approval of the Commissioner of the Department of Natural Resources.

Discussion:

Councilmember Wickstrom noted a memo from a Lake Regulations Committee member questioning why the City is adopting an ordinance that is a repetition of state law. Mr. Schwerm agreed that the language proposed does mirror state law. It was recommended by Kim Elverum from the DNR, and they generally try to include language that is already a part of their rules.

Councilmember Withhart asked if duplication is a problem. City Attorney Filla stated that sometimes parts of state law that apply are included in city ordinances to educate the public and to have all regulations in one place so as not to have to research state law. For boating regulations, if there is a choice of issuing a citation under state law or city ordinance, the Sheriff will use state law because there is history and case interpretation that is not part of city ordinances.

Councilmember Quigley asked if the Sheriff patrol and enforcement will have to be increased to enforce this ordinance. City Attorney Filla stated that the new regulation gives the Sheriff a tool they do not have at this time in restricting this type of watercraft, which creates more of a hazard on Island Lake because of its size, configuration and depth. Mr. Schwerm stated that people can still use wake boards on Island Lake behind regular ski boats.

Councilmember Quigley expressed some concern that this activity will increase on Snail Lake and Turtle Lake which have low lake levels. Mr. Schwerm stated that the Lake Regulations Committee was also concerned that this would push the activity to other Shoreview lakes and we would see similar requests from other lakeshore homeowner associations. The Committee attempted to specify that the regulations were necessary due to the small size and unique configuration of Island Lake.

ROLL CALL: Ayes: Huffman, Quigley, Wickstrom, Withhart, Martin

Nays: None

GENERAL BUSINESS**ESTABLISH PROJECT, AUTHORIZE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZE PLANS AND SPECIFICATIONS - SCREENING FACILITY FOR SNAIL LAKE AUGMENTATION, CP 09-04****Presentation by Public Works Director Mark Maloney**

Authorization for a professional services agreement is requested to establish a project for a screening facility for the Snail Lake augmentation. The Snail Lake Improvement District (SLID) has not been allowed to pump water into Snail Lake from Sucker Lake since the fall of 2007 because of the zebra mussel discovery in Sucker Lake. Any project proposed would have to be reviewed by the St. Paul Water Utility and the DNR. SLID held a public meeting on December 4, 2008. The board passed a motion to recommend the City Council proceed with installation of an intake screening facility near Sucker Lake. This is a very specialized project, hence the need for a professional consultant. SEH is the same consultant the City worked with to set up the augmentation for Snail Lake. The estimated cost for the proposed services is \$65,000. Cost for the total project is expected to be around \$500,000. The proposed cost-share formula is that the City would pay 40%; Ramsey County, 13.8%; and 45% shared by 70 property owners. These percentages are consistent with the original concept for augmentation costs. The City's portion of cost would come from the Surface Water Fund. The 70 property owners would be charged on their utility bills, which would amount to approximately \$422 per year. This information was given to property owners at the public meeting held by SLID.

Mayor Martin stated that her biggest concern is the impact on the Surface Water Management Fund. This project is not in the five-year CIP. Mr. Maloney stated that this cost would be part of the direct discharge work that is scheduled in the CIP, but some projects would be delayed.

Councilmember Quigley asked the level of Snail Lake currently. Mr. Maloney stated that the level varies dramatically. In the drier part of summer, it is down by 1.5 feet, which makes it difficult for residents to have a dock or boathouse.

Councilmember Withhart explained that the reason the City became interested in Snail Lake is that there was an attempt to dredge it and the bottom seal was punctured. It would turn into a swamp without augmentation. Homes on the lake pay high taxes, and the City needs to protect the values of those homes. He believes that the lake is now down more than two feet. He noted that it is not Sucker Lake water that is pumped. The water is from the St. Paul Water Utility which has a pipe from the Mississippi River to Sucker Lake. The original agreement depended on how much water was in the river.

Councilmember Huffman asked if Ramsey County is aware of their share of 14% of the cost and whether the County intends to pay it. Mr. Maloney stated that the County is part of the dialogue, and it is in their best interest as well.

Councilmember Wickstrom asked if it would be possible to find where the seal is broken, where water is leaking to the water table underneath. Mr. Maloney stated that it would be difficult to ascertain the exact location. There are reports about the ground water supply that suggest fractured bedrock under this area. It would not be simple to stop the leaking.

Having no further discussion, a motion was made.

MOTION: by Councilmember Huffman, seconded by Councilmember Withhart to adopt Resolution No. 09-05 establishing the project and authorizing execution of a Professional Services Agreement with SEH, Inc. for engineering and associated activities for the Snail Lake Augmentation Screening Facility, City Project 09-04.

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

AUTHORIZE SERVICES AGREEMENT FOR 2009 WATER METER INSTALLATION AND I AND I INSPECTIONS

Presentation by Public Works Director Mark Maloney

The City Council is being asked to consider service agreements for the installation of new water meters throughout the City. These service agreements also require the companies to perform infiltration and inflow inspections at all properties in the City. Most water meters in the City are now between 20-30 years old. The City has purchased the meters separately from the installation services. Proposals have been received for the meter installation and I & I program. It is recommended that SL-serco be chosen to install the meters for residential properties. The total cost of water meter replacement is \$369,000. The I and I inspections for the sanitary sewer project is \$232,000 for a total contract of just over \$600,000. Midwest Testing LLC is recommended to perform the installations and I and I inspections for non-residential properties at a total cost of \$42,075. The total project is approximately \$2.5 million, which is very close to the amount issued in bonds for this project. Both firms have an extensive history working with the City on water issues and have high marks for their work in other cities.

The Metropolitan Council has imposed a surcharge on the City of \$86,000 due to excess ground water in the sanitary sewer line that then has to be treated at the sewage treatment plant. There is a capacity issue with sewage treatment. As a result, the City has been implementing measures to address the issue. An Inflow and Infiltration Inspection (I and I inspection) program is one step the City can take to make sure surface water is not flowing into the sanitary sewer. The I and I inspections have been combined with the need to install new water meters throughout the City, and that combined project is budgeted in the CIP for 2009.

Councilmember Huffman asked for information on how communication will be done with residents. SL-serco would like to take the lead on community outreach. Communications would include, but not be limited to, a number of public meetings, mailed notices, spots on Cable TV, information on the City's website. Samples of education materials SL-serco is using in Minnetonka would work well and be tailored specifically to Shoreview.

Mayor Martin asked the time frame for the project. Mr. Maloney stated that the delivery of the water meters is expected from mid-February to early March. The inspections are difficult in snow. The project is expected to begin by the middle of March. Cost-share and incentives will be discussed further with the Council to help residents comply with the requirements.

Councilmember Quigley asked what possible negative impacts may occur as a result of this infrastructure replacement. Mr. Maloney stated that it is expected that some plumbing issues will arise, such as replacing a valve. Staff will present cost-share and incentives for the Council to consider helping property owners with these costs.

Councilmember Huffman asked how the Metropolitan Council surcharge to the City will be offset with this project. Mr. Maloney stated that the surcharge to Shoreview every year is \$86,000. That is the portion Shoreview contributes to the I and I problem. The City can receive a rebate and credit for the qualifying costs of the I and I program. All costs of the I & I program are subject to rebate up to the amount of \$86,000.

He continued, saying that the water meter replacement and I and I inspections are combined as one project in the CIP and scheduled for 2009. The water meter replacement is expected to address the unaccounted for water usage. The current meters are systematically underreporting water usage. Industry suggests replacement of water meters at approximately 25 years. The Metropolitan Council has a surcharge against cities to account for rainwater getting into the sanitary sewer system, which has to be treated at the treatment plant. This is more cost effective than building a new sewage treatment plant.

Having no further discussion, a motion was made.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to authorize execution of Professional Service Agreements with SL-serco and Midwest Testing LLC for services relating to the 2009 Water Meter Replacements and Infiltration and Inflow Inspections, City Project 09-02.

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

APPOINTMENTS TO GRASS LAKE WATERSHED MANAGEMENT ORGANIZATION

Mr. Maloney stated that a number of applicants applied for the vacancy on the Grass Lake Watershed Management Organization (GLWMO). GLWMO operates under a Joint Powers Agreement with Roseville with five members on the board. GLWMO is a stand-alone entity. It is the City Council's role to appoint board members. He has had the administrative responsibilities for over 10 years. That responsibility is now going back to Roseville. The cities alternate having three and two members on the board. This year, it is Shoreview's turn to have three members. Attendance is critical, and members have to be able to get up to speed quickly. The most effective Board members have professional experience.

Councilmember Wickstrom suggested that those not chosen be encouraged to apply for the EQC or Park and Recreation Commission.

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to reappoint Karen Eckman and appoint Charles Westerberg as Shoreview representatives to the Board of the Grass Lake Water Management Organization (GLWMO) for a three-year term expiring December 31, 2011.

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

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to
 adjourn the meeting at 8:53 p.m.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 2nd DAY OF FEBRUARY 2009.

Terry C. Schwerm
City Manager