

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
February 17, 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 February 17, 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 Quigley, Wickstrom and Withhart.

Councilmember Huffman was absent.

APPROVAL OF AGENDA

It was the consensus of the Council to move the Citizen Comments portion of the meeting to the end of the agenda because of the Fourth Grade Poster Contest recognition.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the February 17, 2009 agenda as amended.

ROLL CALL: Ayes - 4 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Human Rights Commission members present for the Fourth Grade Poster Contest were Mark Frey, Nancy Hite, Co-Chair; and Samuel Abdullai, Co-Chair.

Ms. Hite stated that the Human Rights Commission's mission is a vision for Shoreview to be a place that is welcoming to everyone, so that everyone feels at home. One activity in this effort is that the Commission partners with local elementary schools to sponsor a Fourth Grade Poster Contest. The contest is an opportunity for students to show their artistic abilities in drawing about human rights, peace and what the world should be. Over 300 entries were received. Fifteen were selected for Honorable Mention, and 10 are place winners. She thanked community businesses who helped provide prizes.

Sponsors

Anna's Hallmark	Arden Pharmacy & Gifts
Bruegger's Bagels	C&E Hardware
Carmike Cinemas	Dairy Queen
Davanni's	Domino's
Flaherty's	Frattallone's Ace Hardware
Green Mill	Kozlak's
Lee's Champion Taekwondo Academy	National Karate
Elaine Carnahan	Perkins
Papa Murphy's	Rainbow Foods
RAZ Coffee and Ice Cream	Shoreview Community Center
The Village Scoop	

Mayor Martin presented a certificate and Shoreview pin to the student winners.

Honorable Mentions:

<u>Student</u>	<u>School</u>	<u>Teacher</u>
Kofo Mustapha	Island Lake	Mrs. Hooper
Tiffany Khong	Island Lake	Ms. Eckel
Sarah Springhorn	Island Lake	Ms. Eckel
Taylor Graw	Island Lake	Ms. Johnson
Olivia Ley	Island Lake	Ms. Eckel
Areonna Kortshagen	Emmet D. Williams	Mrs. Schmidt
Makayla Briggs	Emmet D. Williams	Mrs. Sandberg
Katie Day	Emmet D. Williams	Mrs. Schmidt
Lukas Lindgren	Emmet D. Williams	Mrs. Schmidt
Snowie Pang	Turtle Lake	Ms. Kehrwald
Sarah Graham	Turtle Lake	Ms. Darden
Mackenzie Sear	Turtle Lake	Ms. Kehrwald
Akshath Rajaram	Turtle Lake	Mrs. Leiser
Erika Neajos	Turtle Lake	Mr. Nelson
Neva Knoll	Turtle Lake	Mrs. Leiser

<u>Place</u>	<u>Student</u>	<u>School</u>	<u>Teacher</u>
10 th	Maia Peterson	Emmet D. Williams	Mrs. Schmidt
9 th	Jenna Warkel	Emmet D. Williams	Mrs. Schmidt
8 th	Megan Webb	Emmet D. Williams	Mrs. Sandberg
7 th	Zoe Anderson-Miller	Emmet D. Williams	Mrs. Schmidt
6 th	Emma Lorentz	Turtle Lake	Mrs. Pallansh-Haugen
5 th	Emily Meyer	Turtle Lake	Mrs. Pallansh-Haugen

4th	Tiffany Li	Turtle Lake	Mrs. Milow
3 rd	Gabrielle Gonzalez	Island Lake	Mrs. Rode
2nd	Alvin Batiller	Turtle Lake	Mr. Nelson
1st	Sabrina Tang	Turtle Lake	Mrs. Milow

Mayor Martin called a brief recess at 7:25 p.m. after pictures with all of the poster winners. The meeting was reconvened at 7:26 p.m.

COUNCIL COMMENTS

Councilmember Wickstrom:

The Ramsey County League of Local Governments will meet Thursday, February 26, 2009, in the Shoreview Council Chambers at 7:00 p.m. The topic to be discussed is the draft plan for water supply in Ramsey County. Anyone interested is welcome to attend.

The Environmental Quality Committee (EQC) is sponsoring a series of environmental workshops on the second Wednesday of each month. On March 11, 2009, the topic will be about chemicals and toxins and how to reduce them in your home. Reservations must be made for the April 8, 2009, which will be meeting to make your own rain barrel. There will be a charge for the materials.

The Shoreview Green Communities group meets the first Wednesday of each month. The next meeting is March 4, 2009, at 7:00 p.m. at the Community Center.

Councilmember Withhart:

The Shoreview Community Foundation continues its campaign to raise funds to receive matching funds that are available. A donation is a wonderful way to give a memorial to honor someone. The Shoreview Community Foundation is affiliated with the St. Paul Foundation. More information is available on the website.

Mayor Martin:

The hockey rinks will remain open as long as weather permits. However, the rinks will not be staffed, and the warming houses will not be open for the remainder of the year.

CONSENT AGENDA

Mayor Martin noted that item No. 12 on the Consent Agenda is a resolution to adopt procedures for the Citizen Comments portion of Council meetings. Shoreview has had a long history of encouraging citizen comments. The Council has reviewed and revised procedures.

Councilmember Wickstrom added that a pamphlet outlining the procedures will be available at the next Council meeting when the procedures take effect.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to adopt the consent agenda of February 17, 2009 approving the necessary motions and resolutions:

1. February 2, 2009 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes:
3. Environmental Quality Committee, November 24, 2008
4. Human Rights Commission, December 17, 2008
5. Economic Development Authority, January 12, 2008
6. Monthly Reports:
7. Administration
8. Community Development
9. Finance
10. Public Works
11. Park and Recreation
12. Verified Claims in the Amount of \$899,167.97
13. Purchases
14. License Applications
15. Approval of 2009 Private Street Sweeping Agreements
16. Approval of 2008 Snail Lake Operation and Maintenance Charges
17. Acceptance of and Appreciation for Gifts for the 2009 Human Rights Commission's Poster and Essay Contests
18. Change Order #4 and Payment #9 (Final)--Owasso Heights Road, CP 07-02
19. Change Orders #1 and #2--Community Center Sloped Roof Replacement
20. Award of Quotes--Community Center Banquet Chair Refurbishment
21. Resolution Adopting Procedures for Citizen Comments

ROLL CALL: Ayes - 4 Nays - 0

PUBLIC HEARING

ABATEMENT ASSESSMENT HEARING - 4180 HODGSON ROAD

Presentation by City Planner Kathleen Nordine

Notice has been given to the property owner and published in the City's legal newspaper to assess costs associated with vegetative removal at 4180 Hodgson Road. An abatement hearing was previously held, when the property was declared a nuisance. A contractor was hired to clean the property. The cost of the contractor's work of \$510.50 has not been paid by the property owner and will be assessed on the property taxes. Staff is recommending a public hearing to adopt this assessment.

Mayor Martin opened the public hearing at 7:32 p.m.

Councilmember Withhart stated that he is pleased the City has a procedure to keep the grass cut and outside maintained. This helps everyone's property values and helps the property in question to get on the market sooner.

There were no further comments or questions.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to close the public hearing at 7:33 p.m.

ROLL CALL: Ayes - 4 Nays - 0

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to approve Resolution 09-10 adopting the assessment for the cost of the nuisance and/or vegetative growth abatement at the property located at 4180 Hodgson Road.

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

GENERAL BUSINESS

CONDITIONAL USE PERMIT AMENDMENT - WILLOW CREEK/QUIK STOP, 5910 LEXINGTON AVENUE

Presentation by City Planner Kathleen Nordine

This application is to amend an existing conditional use permit to allow after hours pay-at-the-pump fueling. The station can serve eight vehicles with the conditional use permit. Hours are currently limited to 6:00 a.m. to 11:00 p.m. The property is located in a C1 zoning district at the intersection of Hamline and Lexington.

The applicant states that he needs to offer this expanded service to remain competitive. Other nearby stations offer 24-hour service. Of the 10 gas stations in the City, six offer after hours pay-at-the-pump service. The Quik Stop is the only gas station in Shoreview in a C1 District and the only one with restricted operating hours under the conditional use permit. All other stations are in a C2 District.

One potential impact could be noise from loud car radios. The property is located on two arterial streets and staff does not believe there will be a traffic impact. Cameras are mounted on the building to provide a view of the pumps. The Ramsey County Sheriff reports no pattern of problems from pay-at-the-pump stations. Six of the 14 canopy lights will remain on during after hours to minimize lighting impacts to surrounding residential areas. The Fire Department has reviewed the application and requires that pumps conform to the Fire Code.

Property owners within 350 feet were notified of the proposal. Three responses were received in support, and two written comments expressed concerns about lights, noise and crime. The

Planning Commission reviewed the request at its January meeting and voted approval on a 5 to 1 vote. Lighting was discussed and the motion for approval revised. One Commissioner voted against the application because of concerns for adjacent residential neighborhoods.

Staff is recommending approval as the proposal is consistent with the Comprehensive Plan, Development Code and complies with the C1 District. One conditions of approval requires review of compliance within 180 days, although under the conditional use permit the City has the right to review compliance at any time.

Councilmember Withhart asked if the conditional use permit can be rescinded if problems develop. Ms. Nordine answered that there is a process for a hearing to revoke the conditional use permit. Mr. Schwerm added that language in condition No. 4 was revised to prohibit creating a “nuisance.” “Nuisance,” as defined in the City Code, gives authority to the City to address the problem.

City Attorney Filla agreed that the City has the authority to conduct a hearing to adjust or revoke the conditional use permit.

Mayor Martin opened the discussion to public comment.

Mr. Kevin Dunlevy, 5901 Ridge Creek Road, showed the Council photographs of the intense lighting on the Quik Stop property that he sees from his house. Only one side of the lighting is shaded, which is on the Quik Stop building side. In the last 20 years, street lighting has become amber and focused downward. The lights at this station are intense and not focused down. They will be intense even with only six of them on. He would like to see the lights shaded, and replaced with amber lights as they burn out over time. These issues should be referred back to the Planning Commission. There will also be noise in the summer with windows open.

Mr. Garret Lysiak, 5844 Hamline Avenue, stated that he is not opposed to this project and would like to see a 24-hour service station in the neighborhood. He has lived in the neighborhood for 20 years. There have been a few complaints, but whenever he talked to the property owner about a problem, it was taken care of immediately. There is more noise from traffic on Lexington and Hamline than from the service station so he does not believe this will be an issue. As for light pollution, this station is in a neighborhood that is growing. The owner has been a good neighbor. He hires local teenagers in the summer. The property is clean and maintained.

Councilmember Wickstrom asked if the lights could be better shielded so they are directed downward. **Mr. Michael Maloney**, Manager, answered that shielding can be added.

Councilmember Wickstrom proposed adding the following to condition No. 5: Lights that are left on after hours shall be shielded on all sides consistent with the existing shielding.

It was the consensus of the Council to incorporate this requirement into condition No. 5 of the motion.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to adopt Resolution 09-11 amending the Conditional Use Permit for the Willow Creek Quik Stop for the property at 5910 Lexington Avenue, subject to the following conditions:

1. This approval amends the Conditional Use Permit for the property, as adopted by the City Council with Resolution 95-99 on March 18, 1996.
2. No exterior modifications to the existing commercial center and convenience store are approved with this amended Conditional Use Permit.
3. Any proposed permanent signage must comply with the Development Code and the approved comprehensive sign plan for the property. A sign permit shall be obtained before sign installation. Incidental signage required to comply with provisions of the Fire Code shall not exceed 2 square feet in area.
4. Hours of operation for the convenience store shall be limited to 6:00 a.m. to 11:00 p.m., except that pay at the pump fuel sales are permitted 24 hours daily provided such expanded hours shall not create a nuisance to the nearby neighborhood.
5. Between the hours of store closing and 6:00 a.m., only six (6) canopy lights shall be used to illuminate the fuel islands. Lights that are left on after hours shall be shielded on all sides consistent with the existing shielding.
6. Unattended self-serve motor fuel-dispensing facilities shall conform to the requirements of the Fire Code, and subject to the approval of the Fire Marshall.
7. The amended CUP is subject to administrative compliance review 180 days after approval.

The approval is based on the following findings of fact:

1. The use is in harmony with the general purposes and intent of the Development Ordinance.
2. After hours fueling will provide a convenient service to nearby residents and retain the competitive position of the existing business.
3. After hours fueling, as conditioned, will not create a nuisance to the existing neighborhood and land uses.
4. The proposed use complies with the requirements of the C-1 Retail Service Zoning District.

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

APPROVAL OF PURCHASE OF REPLACEMENT SKATE PARK EQUIPMENT

Presentation by Park and Recreation Director Jerry Haffeman

Staff is requesting authorization of funds to replace the existing skateboard equipment located northeast of the Community Center. The existing equipment was purchased 10 years ago and was expanded in 2002. This facility has been very successful. It is a wood structure and its popular use has taken its toll. The proposal from Webber Recreation Design would replace

existing equipment with a sturdier metal structure and the skatelite surface preferred by skate park users. The cost is \$98,899.43.

Mayor Martin noted that even in winter if there is no snow, the skate park is used. Approximately 30 to 40 people use the skate park on a daily basis, and she is pleased the City is in a position to replace the equipment.

Councilmember Wickstrom noted that the skate park has prevented a lot of damage to concrete in front of the Community Center. Funding will be from the General Fixed Asset Revolving Fund, not from taxpayer dollars. This is accumulated money that is set aside to be used for replacements.

Councilmember Withhart noted that although the new structure is projected to last twice as long, the cost is twice as high as the first structure. Mr. Haffeman stated that a wood structure is no longer available. This equipment is now always made with steel.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve the purchase of the replacement skate park equipment from Webber Recreational Design, Inc. in the amount of \$98,899.43.

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

CITIZEN COMMENTS

Ms. Linda Sharkey, with her husband, John Sharkey, 4965 Hanson Road, raised concerns about their recent lawsuit against the City.

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 8:12 p.m.

ROLL CALL: Ayes - 4 Nays - 0

Mayor Martin declared the meeting adjourned.

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

Terry C. Schwerm
City Manager