

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
September 20, 2010**

**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 September 20, 2010, at 7:00 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**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the September 20, 2010 agenda as submitted.

VOTE: Ayes - 4 Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

**Ms. Joanne Goiffon**, E. Lake Beach Court, stated that she is present on behalf of Einhausen Sister City Association. A trip to Einhausen is being planned for June 16, 2011 through July 2, 2011. Einhausen families will host travelers. The trip includes a tour of northern Germany. Brochures are available with websites to look up more information. Sister City meetings occur monthly on the first Monday at 7:00. They are public meetings and anyone interested is welcome to attend.

Mayor Martin urged anyone interested to consider making the trip. When she traveled there, she found the hospitality to be very welcoming.

**COUNCIL COMMENTS**

**Mayor Martin:**

The pool is open again. All the new amenities in the slide and children's area have been installed. The indoor playground is not yet open.

The Farmer's Market will run through October 19, 2010, from 3:00 to 7:00 p.m. in the lower parking lot.

The Taste of Northwest Youth and Family Services will be held on September 28, 2010, at 5:30 p.m. Tickets are available by calling Northwest Youth and Family Services. The event will be held in the new Discovery Center on Lexington Avenue. All local restaurants provide wonderful food.

**Councilmember Wickstrom:**

The Fall Buckthorn Bust and Pond Patrol will be held Saturday, October 9, 2010, from 9:00 a.m. to noon. Anyone interested in helping is welcome to come and help.

**Councilmember Quigley:**

Last Thursday the Planning Department held a Housing Improvement Area meeting with Shoreview townhouse associations. The purpose was to explore financing available for common improvements.

**CONSENT AGENDA**

The following items were pulled for separate discussion:

Regarding No. 7, Councilmember Wickstrom asked if the cost would be split between Ramsey County and the Snail Lake Improvement District. Mr. Schwerm stated that there is a formula to split costs and the City is included in that formula.

Regarding No. 9, Councilmember Wickstrom asked if this item was anticipated for the Maintenance Center and whether the project is on budget. Mr. Schwerm answered that the item was planned and the project is on budget.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Withhart to adopt items on the September 20, 2010 Consent Agenda, approving the necessary motions and resolutions:

1. September 7, 2010 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes
  - Economic Development Authority, August 9, 2010

3. Monthly Reports
  - Administration
  - Community Development
  - Finance
  - Public Works
  - Park and Recreation
4. Verified Claims in the Amount of \$2,036,982.64
5. Purchases
6. Approve Plans and Specifications for 2010 Pavement Rehabilitation, CP 10-08
7. Approve Change Order #3 and Payment #7 (Final) - Snail Lake Screening Facility, CP 09-04
8. Approval of Application for Exempt Permit - St. Odilia Church
9. Authorize Purchase of Fuel Management System - Maintenance Center Remodeling, CP 08-02
10. Authorize Purchase of Audio/Video Equipment - Maintenance Center Remodeling, CP 08-02

VOTE:                      Ayes - 4                      Nays - 0

## **PUBLIC HEARINGS**

### **ASSESSMENT - WOODBRIDGE NEIGHBORHOOD RECONSTRUCTION, CP 09-01**

#### **Presentation by Public Works Director Mark Maloney**

This project involved total reconstruction of Woodbridge Street, Jerrold Avenue, Edgewater Avenue, Soo Street and Owasso Lane East with surmountable curb and gutter and pervious concrete pavement. Water main and sanitary services were provided for properties that were not connected.

Assessments proposed are as follows:

Street	\$1,557 per unit
Storm Sewer	\$1,120 (maximum - based on lot size)
Water	\$5,000 per unit (11 lots)
Source and Supply	\$658.75 per unit (11 lots)
Sanitary Sewer	\$6,000 per unit (2 lots)

The costs for water, source and supply and sanitary sewer are not total costs but represent a savings to residents as a result of the City's practice of buying down the cost to the average cost of other properties in the City.

The street assessment for 3131 Rice Street is recommended to be removed because it has access off Rice Street. Street improvements for that property would be assessed when the City considers street improvements to Rice Street.

One written objection was received from the property owner at 3123 Woodbridge Street. Objections must be in writing and submitted prior to the close of the public hearing. Mayor Martin opened the public hearing at 7:20 p.m.

City Attorney Filla stated that he has reviewed the notices of publication and the public hearing is in order at this time.

**Mr. Matt Scaley**, 3125 Woodbridge Street, stated that the access road off Rice Street for 3131 Woodbridge also provides access to his property. A letter of objection was submitted in January 2010. He indicated on the map four properties that access off Rice Street.

Councilmember Withhart asked if there is another access to the property. **Mr. Scaley** answered that there is access to Woodbridge, but it is not a legal access.

Mr. Maloney stated that the January letter was received but was not considered an objection letter, as it was submitted prior to completion of the reconstruction and calculation of the assessments.

Mr. Filla recommended Mr. Scaley submit a written objection at this hearing. The letter received in January was from Mr. Scaley's mother as an objection to the general project. The issue Mr. Scaley raises is a street issue, and a copy of the legal access agreement is needed.

**Mr. Scott Halstead**, 3271 Woodbridge, asked the life of this project. His concerns are if there is any warranty, maintenance program for the road and premature damage that has already been done to the road from salt. He asked the reason for a storm sewer assessment when there is no storm sewer.

Mr. Maloney stated that recommendations for assessments are based on public property records and field observations. Absence a binding agreement that requires the properties to access off Rice Street, they benefit from the road improvements as much as anyone else. There may be property rights to access off Rice Street, but he does not believe it is a requirement. Mr. Schwerm added that this is the same assessment policy used in other similar neighborhoods.

Mr. Maloney further stated that it is expected that the road will have a 25-year minimum life cycle similar to other roads. As for winter maintenance, salt is not necessarily a problem for concrete. The City is using less salt because of concerns for ground water. He is not convinced that the damaged corners are a result of salt. The assessment for storm water sewer is actually for surface water. It is City policy that all properties in the City contribute to surface water management whether through a storm sewer, catch basins or other devices. The pervious road surface is both a road and surface water management/treatment system.

Mr. Maloney noted receipt of an objection from Mr. and Mrs. Wymore at 3123 Woodbridge Street objecting to the street and surface water assessments.

Mr. Scaley submitted his written objection and will provide a copy of the certified survey of his property showing the easement for access from Rice Street. He also agreed to provide the Title document number so the City can obtain the easement.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 7:45 p.m.

VOTE: Ayes - 4 Nays - 0

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to receive all assessment objections and direct staff to present a response to all objections and to defer final action to the meeting of October 4, 2010, for the assessments on Woodbridge Neighborhood Reconstruction, City Project 09-01.

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

**ASSESSMENT HEARINGS:**

**1704 Oakwood Dr. - Central Bank  
333 Long Lake Court - Joseph Lopez**

**Presentation by City Planner Kathleen Nordine**

The purpose of the public hearings is for abatement of nuisance vegetative growth at the above-listed properties. A public hearing notice was published August 31, 2010, and a mailed notice to property owners was sent August 26, 2010. The assessment costs are \$450.29 for 333 Long Lake Court and \$334.60 for 1704 Oakwood Drive.

City Attorney Filla reported reviewing the notice of publication for the public hearings, which are in order at this time.

Mayor Martin opened the public hearing for 1704 Oakwood Drive at 7:50 p.m.

There were no comments or questions.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 7:51 p.m.

VOTE: Ayes - 4 Nays - 0

Mayor Martin opened the public hearing for 333 Long Lake Court at 7:51 p.m.

There were no comments or questions.

MOTION: by Councilmember Withhart, seconded by Councilmember Quigley to close the public hearing at 7:52 p.m.

VOTE: Ayes - 4 Nays - 0

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve Resolution 10-81 adopting the assessments for the cost of the nuisance and/or vegetative growth abatement at properties located at 333 Long Lake Court and 1704 Oakwood Drive.

Discussion:

Councilmember Withhart asked if these properties continue to be a problem. Ms. Nordine stated that they have been monitored throughout the summer. Staff has had to cut vegetative growth only once during the summer.

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

**PUBLIC HEARING - VACATION - DRAINAGE, PONDING AND FLOWAGE  
EASEMENT - WELLS FARGO, 1801/1803 PARKVIEW DRIVE**

**Presentation by City Planner Kathleen Nordine**

Wells Fargo has requested the City to hold a public hearing for vacation of drainage, ponding and flowage easements at their property at 1801/1803 Parkview Drive. Several recent site improvements have resulted in dedication of new drainage, ponding and flowage easements that would replace the previous ones. The request is that the previous easements be vacated. The vacation would eliminate overlapping easement descriptions between the old easements and the new ones.

Notice was published in the newspaper and notices were mailed to affected property owners as well as utility companies. Qwest has no objections but retains its right to operate lines in the vicinity.

City Attorney Filla stated that he has reviewed the affidavit of publication, and the public hearing is in order at this time.

Mayor Martin opened the public hearing at 7:55 p.m. There were no comments or questions.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to close the public hearing at 7:56 p.m.

VOTE: Ayes - 4 Nays - 0

**MOTION:** by Councilmember Quigley, seconded by Councilmember Withhart to adopt Resolution 10-85 approving the vacation of the Drainage, Ponding and Flowage easement located at 1801/1803 Park View Drive.

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

City Attorney Filla requested that the new easement and resolution are recorded concurrently.

## **GENERAL BUSINESS**

### **APPROVE CONTRACT FOR RESIDENTIAL RECYCLING SERVICES - ALLIED WASTE**

#### **Presentation by Assistant City Engineer Tom Wesolowski**

The City's recycling contract expires December 31, 2010. Three proposals have been received and reviewed from the City's Request For Proposal (RFP). Allied Waste Services was the highest ranked based on the criteria provided in the RFP. A request was made to the Council on August 16, 2010, to negotiate a contract with Allied Waste.

The proposed agreement would be for five years with two one-year extensions. Collection will begin in January 2011 with the same type of service as the City receives now with single stream collection and collection bi-weekly with collection zones and collection days will remain the same. The residential rate would be \$2.59 per unit and \$1.59 per unit for multi-unit buildings. Future increases will be tied to the Consumer Price Index with a maximum increase of 3%. Waste Allied will commit to work on special events, such as Cleanup Day and Slice of Shoreview. Waste Management will coordinate with Allied Waste regarding delivery of new carts and pickup of old carts. New carts will be delivered in December, but the old carts cannot be picked up until the last week of December. Therefore, some residents will have two carts for a short time. Further detailed information will be published in the ShoreViews.

City Attorney Filla noted that changes were made to the contract in paragraphs 2.04, 2.27, 3.03, 3.05, 3.11, and 7.03 primarily to update language referring to the proposals and the RFP. The changes have been agreed to by all parties.

Councilmember Wickstrom asked about the sizes of containers that will be available. Mr. Wesolowski stated that Allied will try to provide the same size carts as residents use currently. If a larger cart is needed, residents will have an opportunity to make that change.

Councilmember Quigley expressed some concern about a five-year contract in that the recycling industry changes frequently.

Councilmember Wickstrom responded that she specifically requested that the contract have a provision for changes to be made if needed. She further requested that consideration be given to changing contracts to end in warm weather rather than winter.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution No. 10-89 authorizing the Mayor and City Manager to execute a contract with Allied Waste Services of America for Residential Recycling Services, subject to minor contract modifications that can be approved by the City Manager and City Attorney.

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

**APPROVAL OF CHANGE ORDER - MAINTENANCE CENTER REMODELING**  
**CP 08-02**

**Presentation by Public Works Director Mark Maloney**

Approval for contract Change Order Nos. 3 and 6 are requested. The project is approximately 80% complete and on schedule. No major surprises have occurred. Project management by EDS has been excellent and contractors have been flexible. A number of photographs were shown for the Council to see the progress of the project.

Change Order No. 3 is for additional paving on the south side of the building, which amounts to an additional cost of \$26,200. It was anticipated that pavement on that side of the building could be salvaged, but that was not possible. Change Order No. 6 is for a higher grade rainwater storage equipment. Standards require that the water be of drinking water quality for the permit because Minnesota does not have gray water standards. This is an additional \$27,000 cost to the project. Both of these items are within the contingency of \$117,000 that the Council approved for the project, and the project is within budget.

Councilmember Withhart expressed his concern about the charge of \$26,000 for a permit and that the state cannot be more flexible. He asked if the water being used for cleaning vehicles could be used for drinking water. Mr. Maloney explained that the water will not be treated to be drinking water, but the materials used for the system meet the standards for drinking water use. In Minnesota, there are only two standards--drinking water and sewage.

Councilmember Wickstrom asked if the equipment used will last longer. Mr. Maloney stated that the equipment is of higher standard and should last longer. Her concern is that drinking water is used for watering lawns and washing car. Projections show that drinking water will be scarce by 2025. This is an issue that needs to be addressed.

Mayor Martin asked Mr. Maloney to explain the reason for the storage of rainwater. Mr. Maloney stated that the project is sustainable and will attain LEED certification. An important component is the rainwater reuse. A reuse system catches water for storage from the roof and reuses it in vehicle washing.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution No. 10-88 approving Change Orders No. 3 and No. 6 for the Shoreview Maintenance Center Remodeling, City Project No. 08-02.

**Discussion:**

Mayor Martin stated that the Maintenance Center is 35 years old. To achieve LEED certification in the remodeling of such an old building and stay within budget is remarkable. She commended staff for their ongoing work this summer during the construction. Employees have been very cooperative and flexible.

Councilmember Withhart noted that this project was done on property that is already owned by the City saving the cost of buying land. It is in a good location within the Commons Campus.

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

### **APPROVAL OF PRIVATE STREET POLICY**

#### **Presentation by Public Works Director Mark Maloney**

There are 90 miles of public streets in Shoreview. Many townhouse associations have their own private infrastructure which adds up to approximately 3 miles of private streets, which were mostly built in the 1970s and 1980s. This means there is a mix of public and private infrastructure in the associations. From time to time associations approach the City to take over jurisdiction of private streets leaving association dues and reserves to be used for building and common area needs.

Before a comprehensive approach can be adopted as policy, a number of issues need to be recognized:

- Are the streets in question really streets or someone's driveway?
- Some private streets are built to City standards.
- There is a confusion of responsibility on the part of association residents with the City responsible for sanitary sewer and water and associations responsible for private streets.
- The associations' ability to handle snow removal and snow storage.

- The existing policy for assessments does not fit. Curb and gutter once built would not be assessed a second time under the current assessment policy. However, if the streets are not built to City residential standards, they would have to be reconstructed for the City to take over jurisdiction.

Staff is proposing a policy for the City to support requests for City jurisdiction of private infrastructure under certain criteria:

1. The City can reasonably own and maintain the streets without undue hardship in expense for additional staff or equipment.
2. The streets meet the 7-ton residential street standard.
3. The association agrees to re-plat the property to dedicate public right-of-way.

If streets do not meet City standards, further analysis will be necessary to develop a policy. There are no active requests for streets that do not meet the criteria. There is a request from Lexington Estates.

Councilmember Withhart stated that he would not want to hold up requests from those whose streets meet City standards until a policy can be developed to address the streets that do not.

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to adopt Resolution 10-87 relating to policy for conversion of private streets to public streets.

Discussion:

Councilmember Quigley stated that there are many equity issues. He is concerned that those who have financial resources would opt to let the City take over. There are also issues with utilities for the associations to re-plat.

Mayor Martin stated that there has been no policy, and there has been no mechanism to address the requests and accept private streets that meet City standards into City jurisdiction. There is one applicant who has waited a number of years for this policy.

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

### **APPROVAL OF BID PROPOSAL FOR COMMUNITY CENTER/CITY HALL AND MAINTENANCE CENTER MONUMENT SIGN IMPROVEMENTS**

#### **Presentation by Asst. City Manager/Community Development Director Tom Simonson**

The City has budgeted for replacement of a number of monument signs in the Shoreview Commons. Lane Design Group has worked with staff to develop signage criteria, theme standards and design services for a bid package to replace the monument signs. This bid would

address three signs: 1) electronic message center at Highway 96 and Victoria; 2) Community Center/City Hall entry; and 3) Maintenance Center sign.

The electronic message center will use the name “Community Center,” which is more readily recognized than Shoreview Commons. Digital messages will promote City events and provide other public information. It will replace the use of banners and temporary signs on Highway 96.

All three signs incorporate the City logo into the design. The message center has been increased in size for better visibility, which requires a larger base and footings. The Community Center/City Hall sign will use the existing brick base. The Maintenance Center sign will have a brick base to match the building. All three signs will have ground based up lighting.

Bids were solicited. Contractors were able to bid on the entire package or on separate parts of the work, such as electrical, masonry. Three bids were received. Kaufman Sign Co. had the low bid for all three signs in the amount of \$50,400. The City budgeted \$75,000 for this project. With the design/consulting services, electric and fiber optic work and masonry, the total budget would be \$73,900.

Staff is recommending approval of a contract with Kaufman Sign Co. in the amount of \$50,400. The project completion is anticipated for mid-November.

Councilmember Withhart clarified with staff that the Maintenance Center sign cost is within the project cost for the Maintenance Center renovation with the exception of consultant design costs. The Council is only being asked to approve the Kaufman contract. The other costs can be handled by staff the total of which falls under the \$75,000 budget amount.

Councilmember Wickstrom asked what can be done to protect the signs from vandalism, especially the electronic message center. Mr. Simonson stated that the letters will be bolted to the sign. **Mr. Lane** stated that there is an 8-crate grid around each LED that is polycarbonate and will not break. If it is damaged it will only be the plastic piece that can be replaced by snapping it in and out. The lettering is aluminum and bolted. The bolted letters will be as strong as if welded and easy to replace if needed.

Councilmember Quigley asked if there are policies regarding the message center and how it can be accessed. City Manager Schwerm explained that there are a limited number of characters that can be used. Short messages will be displayed since traffic in the area is moving at 50 mph. Staff is in the process of establishing guidelines for the message center use, and it will be controlled from the Administration Department.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the bid proposal from Kaufman Sign company in the total price of \$50,400 for fabrication and installation of three monument signs in the Shoreview Commons area in accordance with the plans and specifications outlined in the Shoreview Update Signage Package No. 1.

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

MOTION:    by Councilmember Quigley, seconded by Councilmember Withhart for the Council to adjourn into executive session.

Discussion:

City Attorney Filla stated that the purpose of the executive session is for the Council to discuss the litigation of Hagstrom v. City of Shoreview. The open meeting law permits the City Council to meet in executive session for that purpose. The lawsuit may not yet have been assigned a court file number, but papers have been served on the City. Those attending will be City Councilmembers, City Manager Schwerm, City Attorney Filla and Jessica Schwie, who is the attorney assigned by the City's insurance carrier to represent the City in this matter.

VOTE:                        Ayes - 4                        Nays - 0

Mayor Martin reconvened the Council after the executive session at 9:54 p.m.

**ADJOURNMENT**

MOTION:    by Councilmember Withhart, seconded by Councilmember Quigley to adjourn the meeting at 9:55 p.m.

ROLL CALL:                Ayes - 4                        Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 4<sup>th</sup> DAY OF OCTOBER 2010.

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Terry C. Schwerm  
City Manager