

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
February 7, 2011**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on February 7, 2011.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

Councilmember Wickstrom requested a brief discussion on legal notices under the *Special Order of Business* portion of the meeting.

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to approve the February 7, 2011 agenda as amended.

VOTE:                   Ayes - 5                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

Public Works Director Mark Maloney announced the Award of Excellence for green, sustainable practices from the Minnesota Construction Association for the Maintenance Center project. The Minnesota Construction Association is a Minnesota non-profit organization comprised of contractors, construction managers and other members of the building industry. This year the Maintenance Center renovation was recognized for the green and sustainable practices used. Mr. Maloney showed before and after pictures of the Maintenance Center renovation and described the areas that were upgraded and changed.

Mayor Martin noted that this is the only Maintenance Center in the State of Minnesota that has achieved LEED standards. Also, 83% of the materials used in the old building have been recycled.

**Mr. Dave Olds**, Buetow and Associates, Architect, thanked Mayor Martin and the Council for allowing him to be part of this project. The facility now fits into the Commons campus. It complies with disability standards and environmentally fits Shoreview. It has been a fantastic team effort on this project. Special highlights of work that was done includes pervious concrete to collect and treat 95% of site runoff, restoration of Lake Martha shoreline, efficiency of using skylighting for garage area, efficient heating/cooling system, and many other practices. It is

extraordinary that the project was started after snow plow season last year and completed before snow plow season this year.

Councilmember Wickstrom asked if it is necessary to remove snow from the new roof. **Mr. Olds** responded that the roof construction was strengthened to hold up under heavy snowfall.

Construction Manager, Earl “Doc” Smith, EDS Builders, stated that he enjoyed working on this project. Achieving LEED certification is very difficult and something to be proud of. Recognition from the Minnesota Construction Association speaks volumes for the work done by City staff. The project was done under budget. With 168 bids, the City was able to leverage good prices for the work.

Mayor Martin thanked the representatives from the Environmental Quality Committee who were present. The Committee was very active in providing input for this project.

### **CITIZEN COMMENTS**

**Ms. Susan Rengstorf**, 590 Suzanne Avenue, Member of Environmental Quality Committee, congratulated the Council on the Maintenance Center project. She is a member of the Shoreview Green Community, a new committee of the Shoreview Garden Club that will work on green issues in the City. This committee is interested in starting a community garden that would allow residents to rent a plot and grow organic vegetables. There are enough residents interested in having this garden, but the big stumbling block at the moment is finding a location. The place of choice would be at the Lepak/Larson House because it is a historic site, and there is water available there. She requested permission for a community garden at this site. The garden area would have to be plowed and fenced. If the City is unable to help with plowing and fencing, the committee will charge more rent for the plots to cover these costs.

Mayor Martin responded that staff will look into the details of what would be involved and any costs.

Councilmember Quigley suggested the committee present a formal proposal for Council review.

Councilmember Huffman added that he would like clarity as to the relationship between this committee and the Shoreview Garden Club and whether or how they work together or have competing interests.

Councilmember Wickstrom expressed some concern about the land size needed. There is a lot of shade on the Lepak/Larson property, and she would like to know if there is enough land on that site.

Mayor Martin asked if the plots would be confined to Shoreview residents. **Ms. Rengstorf** answered, yes.

Councilmember Withhart stated that community gardens are very popular and successful in other communities. It will be important to know how participants are selected. Further, he would like to know what other sites were considered and why this one was chosen. **Ms. Rengstorf** stated that the main reason this site was chosen because it was publicly owned and the availability of

water. The other site considered that has water is at SummerHouse, but that is private property. The committee preferred the site to be on public property.

City Manager Schwerm stated that a program of this type is often organized by the City Recreation Department. If this goes forward, the maintenance required will need to be identified, such as plowing, fencing and water availability. He suggested staff work with the committee and have the proposal reviewed by the Parks and Recreation Commission before formal City Council review with estimated costs.

### **COUNCIL COMMENTS**

#### **Mayor Martin:**

On Thursday, February 24, 2011, the Taste of Slice fundraiser will be at the Community Center from 4:30 to 7:30 p.m. There will be food samples, silent auction and drawings. All the information is on the City website.

All are encouraged to find their local fire hydrant and make sure it is shoveled out. It is important for neighborhood safety. If it is too difficult to clear the hydrant, please contact the City.

There has been good success with cameras in the parking lot to apprehend those breaking into cars. Unfortunately, cars are still being broken into. Often it is because valuables are left on the seat where they can be seen, or because doors are left open. Everyone is reminded to be cautious and not leave anything of value in their car.

On Thursday evening, February 10, 2011, Northwest Youth and Family Services will have their Service to Youth Awards at their agency on Lexington Avenue. Five volunteers in the community will be recognized. This event is in conjunction with the Rotary Club, and the Paul Harris Award will also be presented. Tickets are still available if NYFS is contacted by Tuesday morning, February 8th.

#### **Councilmember Wickstrom:**

The Environmental Quality Committee's (EQC) seminar will be on Buckthorn identification this month. It will be on February 16, 2011, in the Council Chambers at 7:00 p.m.

On Saturday, March 26, the Great River Greening Project will have cleanup from 8:30 a.m. to 12:30 p.m. in Snail Lake Park. Approximately 200 volunteers are needed. Anyone interested in helping can call Mark at 665-9500, Ext. 11.

The Grass Lake Watershed Management Organization will be holding a stakeholder's Open House, Thursday, February 10, 2011, from 3:30 to 6:30 to talk about the 10-year goals. This meeting will be held in the Council Chambers.

Last week she and Councilmember Quigley attended a meeting regarding the Yellow Ribbon Project to help military families. This program is being sponsored through the Ramsey County League of Local Governments. Anyone interested in participating can email Councilmember Wickstrom at [ady@adywickstrom.com](mailto:ady@adywickstrom.com).

Councilmember Wickstrom was recently appointed to the GEARS Committee, a grant review and evaluation system for transportation projects in Ramsey County.

**Councilmember Quigley:**

There is a website for the Yellow Ribbon Project, [beyondtheyellowribbon.org](http://beyondtheyellowribbon.org), which gives additional information about this program.

This evening at the Community Center the Human Rights Commission is hosting a program on religious diversity in communities. Speakers from various groups will speak with a discussion to follow.

**Councilmember Withhart:**

With duty crews in the Fire Department, response time has been decreased by approximately four minutes. He echoed Mayor Martin's urging to make sure neighborhood fire hydrants are cleared of snow.

**CONSENT AGENDA**

Councilmember Wickstrom made the following corrections to No. 1, January 10, 2011 City Council Workshop Meeting Minutes:

1. References to Senator Linda Runbeck should be changed to State Representative Runbeck.
2. Page 2, third paragraph from the end, should state that PaR Systems was thinking about leaving Shoreview, not "they."
3. Page 6, regarding bus shelters, City Planner Kathleen Nordine will follow up with a letter from staff to the Metropolitan Council. Councilmember Wickstrom explained that the Metropolitan Council recently removed its bus shelters from Shoreview because they were too old. However, they are used by residents and new bus shelters will be installed in the spring.
4. Page 7: Livable Communities Grant, the first sentence should add the word City, so it states, "not enough City investment."
5. Under Adjournment, the Acting Mayor is Acting Mayor Quigley who adjourned the meeting.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt items on the February 7, 2011 Consent Agenda, approving the necessary motions and resolutions for item Nos. 1 through 10:

1. January 10, 2011 City Council Workshop Meeting Minutes, as amended
2. January 18, 2011 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
  - Planning Commission, December 7, 2010
  - Human Rights Commission, December 15, 2010
  - Economic Development Commission, December 21, 2010
  - Public Safety Committee, January 11, 2011
4. Verified Claims in the Amount of \$1,408,824.85

5. Purchases
6. License Applications
7. Authorize Purchase and Approve Integration of SCADA System Updates and Modifications in Conjunction with Approved City Project 08-02
8. Acceptance of Gifts - 2011 Human Rights Commission Poster Contest
9. Acceptance of Gifts - Human Rights Commission Community Dialogue
10. Resolution Authorizing Commencement of Formal Renewal Proceedings under Federal Cable Communications Policy Act of 1984.

VOTE:           Ayes - 5                           Nays - 0

## **PUBLIC HEARING**

### **WELLHEAD PROTECTION PLAN, PART I**

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

State statute requires the Department of Public Health to require communities to have a wellhead protection plan. Shoreview has six supply wells. The first part of the plan consists of delineating a wellhead protection area, delineating the drinking water supply, and assessing well and aquifer vulnerability for water supply wells used by the City.

Before the second part of the plan is completed a public hearing is required on Part 1. Part 1 was completed in December 2010, and accepted by the Department of Health. A copy was also sent to area local units of government, including: Arden Hills, Vadnais Heights, North Oaks, St. Paul Regional Water Utility, Grass Lake Watershed Management Organization, Vadnais Lake Watershed Management Organization, and Rice Creek Watershed District.

The drinking water management area extends beyond City borders with a flow that is generally northeast to southwest. Delineation identifies areas outside its border that might be contributing to the drinking water supply in a 10-year period. Communities within the delineated drinking water area outside of Shoreview also received copies of Part 1 to this plan.

The second part of the plan is the actual protection plan itself. Work on Part II will begin after this public hearing, which may have implications for policy and land use. Completion of this plan must be done within a year and a half.

Councilmember Wickstrom, referring to page 2, asked what tritium detection means. Mr. Maloney explained that tritium shows up in trace elements of the public water supply because of atomic and nuclear tests that occurred in the 1940s and 1950s. Tritium is a byproduct of atmospheric deposition from those tests. It is not a health hazard but helps to determine a time when the aquifer was exposed to the surface. It is used to calibrate models of how vulnerable the water supply may be.

Mayor Martin asked on what basis the map is determined. It shows half of a lake having an impact on the aquifer and half of it not. Mr. Maloney stated that the water supply of the aquifer is 400 feet below ground and is not connected to surface water.

Mayor Martin opened the public hearing at 8:03 p.m., noting the legal public notice was given. There were no public comments or questions.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to close the public hearing at 8:05 p.m.

**VOTE:** Ayes - 5 Nays - 0

Mayor Martin asked budget cost impact for this work. Mr. Maloney stated that funding for both parts of the plan have been anticipated in the Water Fund. The entire process is estimated at \$40,000. Approximately \$15,000 has been spent at this point.

Councilmember Withhart questioned that this work is worth the City's expenditure of \$40,000. A lot of the land in the aquifer is not under City control. The City is unable to change land use in communities outside the City boundary.

Mayor Martin agreed. She would prefer to see cities join together for this work and save money. This is an expensive unfunded mandate.

Mr. Maloney stated that the Department of Health has reported a great deal of difference in aquifer vulnerability across the Twin Cities, which makes it difficult to delineate the aquifer regionally. Also, it is difficult to get cities to agree on any future action that may be needed.

Councilmember Wickstrom noted that North Oaks has many septic systems, which are possible sources of contamination. The Metropolitan Council is also interested in being involved with water supply, but cities prefer to have their own water utilities.

## **GENERAL BUSINESS**

### **PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE, PRELIMINARY PLAT LEXINGTON ESTATES TOWNHOMES ASSOCIATION THREE, INC. - SERENE COURT**

#### **Presentation by City Planner Kathleen Nordine**

Approval is requested for an amendment to the existing PUD for Lexington Estates and to re-plat the common area, including a private road (Serene Court)/parking area to dedicate these areas as public right-of-way. At the time of development, a private street was approved with the anticipation of low levels of traffic and a homeowner's association that would take care of maintenance.

The City's policy in regard to converting a private street to a public street requires compliance with the following criteria: 1) the private street can function as a public street; 2) the road is built to City standards; and 3) re-platting is required to dedicate the road to the public.

This request has no impact to any setbacks of structures. The street surrounds a piece of land that would continue to be owned and maintained by the homeowner's association. Being able to turn the road responsibility over to the City will allow the homeowner's association to focus on other priorities.

An assessment of the request was conducted by staff. The report shows that the street is in compliance with the required criteria. It is also consistent with the City's Comprehensive Plan. There is public sewer and water beneath the roadway, which has caused some conflict when the City tries to maintain those lines.

Notices were sent to homeowners within 350 feet. A number of phone calls were received regarding roadway maintenance, which will be the City's responsibility. There were also questions about future development. At this time, none is proposed.

The Planning Commission recommended approval on a 6 to 0 vote with one abstention. There was discussion about City parking regulations being applied to the parking areas. Condition No. 3 was added to address this parking concern. Once the street is public, an agreement is required that specifies parking areas to be subject to City regulations.

Staff is recommending approval with the conditions and findings listed in the staff report.

Councilmember Wickstrom asked if the City will be plowing the parking areas and if there is sufficient space to push the snow back far enough to clear fire hydrants. Mr. Maloney stated that it will be most efficient for the City to plow the parking areas. The snow will be stored in the center area. The City does not have provision for hauling snow away. Whatever is needed to plow the street will be done with the snow pushed into the central island area.

Councilmember Wickstrom asked about the fees. Ms. Nordine stated that the homeowner's association has requested the City Council waive the fees for the preliminary plat, Development Stage of the PUD, the Final Plat and Final Development Stage. That request will be submitted to the City Council at the time of the submittal of the Final Plat and Final Development Stage. At that time also, costs will be submitted. Councilmember Wickstrom stated that she can understand a reduction in the fees, as residents have been taxed all along for services provided to the whole City.

Councilmember Huffman asked if this means that the City budget goes up \$44,000 with this approval. Mr. Maloney stated that the \$44,000 is the estimated value for future rehab of Serene Court, whether it is 5 or 10 years from now.

Mayor Martin emphasized that this road meets City criteria. It also complies with Fire Department criteria for emergency access. Not all private roads in townhouse associations comply with City criteria.

Mr. Schwerm stated that meeting City criteria for street construction with curb and gutter are not the only factors considered for allowing conversion to a public street. The City has done pavement borings and determined that the base of the street also meets City standards.

Mayor Martin noted that Mr. Kulas, representing the Lexington Townhouse Association, is present. She asked if townhouse residents understand that the parking areas will be subject to City regulations regarding no overnight parking. **Mr. Kulas** responded that there has not yet been a meeting to explain parking regulations to residents. He believes the restrictions will not be a problem, as the association already imposed its own parking restrictions.

Mayor Martin noted that Planning Commissioner Mons had a number of questions about the City Council policy that was adopted regarding conversion of private streets to public streets. It is her understanding that the policy was available to Commissioners at their meeting and is a result of the Council working to address these issues over a number of years.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Huffman to approve Lexington Estates Townhomes Association Three, Inc.'s request for the preliminary plat, Serene Hills Estates Plat Four, and the amendment to the approved Planned Unit Development, subject to the following conditions:

1. Approval of the preliminary plat and amendment to the PUD shall expire within one year of the date approved by the City Council.
2. The final right-of-way design for Serene Court is subject to review and approval by the Public Works Director.
3. Execution of an agreement between the City and the Association stating the Association will comply with the City's parking regulations for the proposed public right-of-way, including the parking areas.

This approval is based on the following findings:

1. The use and development was approved as a PUD - Planned Unit Development District. The underlying zoning designation is R2, Attached Residential.
2. The use and proposed alterations are consistent with the planned land use goals and policies of the Comprehensive Plan, Chapter 4, Land Use and the housing goals in Chapter 7, Housing.
3. This conversion of the street to a public roadway is consistent with the City's current subdivision standards that require all streets to be publicly dedicated rights-of-ways.
4. Serene Court complies with the established criteria regarding the conversion of private streets to public streets.

Discussion:

Councilmember Quigley clarified that the taxes paid by residents for services include services they receive, such as sewer and water. The concessions granted with a PUD allow a savings to residents. He will want to keep this clear when fees are discussed.

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

## **SPECIAL ORDER OF BUSINESS**

### **Legal Notices**

Councilmember Wickstrom suggested posting legal notices on the City website for those who do not receive the designated legal newspaper. Mayor Martin stated that she would like all legal notices to be done electronically, rather than the expensive newspaper notices now required.

Councilmember Huffman noted that this issue has been discussed with legislators. While not a high priority issue, it is scheduled to be discussed during this legislative session.

**ADJOURNMENT**

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to adjourn the meeting at 8:35 p.m.

ROLL CALL: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 22<sup>nd</sup> DAY OF FEBRUARY 2011.

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Terry C. Schwerm  
City Manager