

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
February 6, 2012**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on February 6, 2012.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

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 Quigley to approve the February 6, 2012 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

There were none.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

The pool had to be closed unexpectedly this past week for maintenance. Apologies for the inconvenience to anyone who came to use the pool. It will be reopened the middle of this week.

The *Slice of Shoreview* Committee will hold its annual *Taste of Slice* on February 23, 2012. Tickets can be purchased in advance, at a \$5 savings, at City Hall.

On Friday, February 10, 2012, from 5:00 to 8:00 p.m. there will be a pulled pork dinner fundraiser to benefit the 407th Civil Affairs Battalion. The cost is \$8.00. It will be held at the White Bear Lake VFW Post 1782.

Councilmember Huffman:

Noted the Council's presence at the last Planning Commission meeting to bid farewell to retiring members, Chair Feldsien and Commissioner Mons. Wishing continued recovery to Commissioner Mons who has been in the hospital.

Councilmember Withhart:

The Environmental Quality Committee continues its education speaker series. The next program is Wednesday, February 15, 2012, on *Attracting Birds to Your Yard*.

Councilmember Wickstrom

Karen Eckman, a Shoreview resident and active member of the Audubon Society, will make the presentation on February 15th.

On Thursday, February 16, the Beyond Yellow Ribbon Steering Committee will hold its monthly meeting at 7:00 p.m. at Roseville City Hall. The group is completing the process to be recognized as the Ramsey County Suburban Beyond the Yellow Ribbon. When that process is completed, the group will be recognized by the Governor. Anyone interested in helping is welcome to attend the meeting.

CONSENT AGENDA

Mayor Martin noted that one of the items on the Consent Agenda is a STOP sign on Chatsworth, north of Highway 96 to the cul-de-sac. She opened the meeting to public comment on this matter.

Mr. Dave Aamodt, Production Systems, 4620 N. Chatsworth Street, stated that his business has been impacted by excessive parking on the street. There are large vehicles coming onto his property, which are having difficulty with access because of the street parking. He is very pleased that the parking will be banned on the west side. However, on the east side, where his business is located, there are five driveway entrances that are close together, and parking occurs right up to the driveways making it impossible for truck access. His request is for the City to ban parking close to driveways on the east side as well.

Public Works Director Maloney stated that another person in the area called with a similar suggestion to Mr. Aamodt's. Given the number of signs that would be required to restrict parking on the east side and that parking is already severely impacted, he would like to move incrementally on this issue. A wider arc for trucks to turn into driveways will help but may not be the whole answer.

Councilmember Wickstrom suggested that if parking is banned on the west side, it may make parking on the east side worse and how quickly could the City respond? Mr. Maloney stated that cars already park on the east side of the road. The City would be able to respond quickly if parking problems on the east side of the road get worse.

Councilmember Withhart suggested curb painting to alleviate the number of signs that would be required, if parking is also restricted on the east side. Mr. Maloney stated that the City's parking regulations do not include painted curbs, which would be unique to this street and could become an issue of enforcement. Councilmember Withhart suggested considering more signage immediately to address this issue.

Mr. Schwerm stated that there may be a state law about parking distance from driveways that can be enforced. He understands that the Council is supportive of additional posting on the east side if necessary.

Mr. Aamodt stated that Shoreview used to have strict regulations about parking and size of businesses. It is discouraging now. Businesses should be required to provide parking for employees. Currently, there may be 30 cars parked on the street. A temporary building was put up in the 1980s that is now permanent. Another property, Technical Building, was allowed to cover their property with buildings. Technical Building is no longer there, and the current business cannot provide for parking.

Councilmember Wickstrom asked if the turnover in businesses has created a situation that would require the City to review provision of parking by new businesses. Mr. Schwerm stated that some employees find it more convenient to park on the street rather than the parking area location provided by that business. Parking requirements have not changed in a number of years, but in more recent years proof of parking is required in some cases and the City may need to look at whether any businesses in this area were granted proof of parking waivers as part of their site plan approval.

Mayor Martin stated that the motion to ban parking on the west side can be approved with direction to staff to further consider areas on the east side where parking needs to be restricted.

Fire Department Duty Crews

Councilmember Withhart noted that the Public Safety Committee meeting minutes indicated some issues with the Sheriff's Department taking over animal control. He asked for an update on the issue. City Manager Schwerm stated that the Sheriff's Department is interviewing for a new animal control position. Patrol deputies are handling the calls until that person is hired.

Secondly, Councilmember Withhart noted that since the Fire Department has implemented Duty Crews, the response time has dropped three minutes. The majority of calls are medical, and three minutes means saving many lives.

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to approve the Consent Agenda for February 6, 2012, and all relevant resolutions for all item Nos. 1 through 13:

1. January 9, 2012 City Council Workshop Meeting Minutes
2. January 17, 2012 City Council Meeting Minutes
3. January 17, 2012 City Council Workshop Minutes
4. January 23, 2012 City Council Workshop Meeting Minutes
5. Receipt of Committee/Commission Minutes:
 - Planning Commission, December 6, 2011
 - Public Safety Committee, January 19, 2012
 - Environmental Quality Committee, January 30, 2012
6. Verified Claims in the Amount of \$1,106,753.06
7. Purchases
8. License Applications
9. Adoption of Administrative Penalties for Tobacco Violation--Rainbow Foods and Julie Brommer
10. Authorize Purchase/Approve Replacement of Sidewalk Tractor
11. Developer Escrow Reduction
12. Approval of Proposed No Parking on Chatsworth Street North of Highway 96 to Cul-de-Sac
13. Application for Exempt Permit - Taste of Slice

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

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

TEXT AMENDMENT - CHAPTER 200, NONCONFORMING USE REGULATIONS

Presentation by City Planner Kathleen Nordine

A text amendment regarding nonconformities is proposed to comply with the state law that was amended in 2004. The intent of the City's ordinance was to eventually phase out nonconforming uses and structures over time. However, state law now states that nonconformities do have the right to continue and can be repaired, replaced, restored or moved.

The text amendment includes removal of references to termination of nonconforming use or structures. The text is consistent with State Statute regarding the 50% rule in regard to nonconforming structures. A structure damaged to within 50% of value can be restored with a building permit. These regulations also apply to signs, antennas and towers. Staff will conduct further research to determine how these changes impact shoreland properties.

The Planning Commission held a public hearing on this matter on January 24, 2012, and voted to recommend the text amendment be approved by the City Council on a 6 to 0 vote. Staff is recommending adoption of Ordinance 888.

Mayor Martin asked if expansion would be allowed. Ms. Nordine responded that any expansion would require a variance.

Councilmember Withhart expressed concern about temporary signs that are nonconforming. He asked if this means those signs cannot be removed. Ms. Nordine stated that she believes the law applies to nonconforming permanent signs. City Attorney Filla agreed. Temporary signs are illegal to begin with and would have to be removed when the time limit expires. Nonconforming means that it was legal at one time but became illegal with changing ordinances. This change in law does not apply to structures that were built illegally from the beginning.

Councilmember Withhart asked if this means that nonconforming structures cannot be removed. City Attorney Filla stated that the only circumstances for removal of nonconforming structures is dilapidation or hazardous condition. Mr. Schwerm added that a nonconforming structure built with City approval through the building permit process would be considered legal, although it could still be considered a non-conforming structure.

Planning Commissioner Wenner stated that the Planning Commission discussion centered on legal v. nonconforming and how that is defined. He commended staff for the text language that reflects the Planning Commission recommendations.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Ordinance No. 888, revising Chapter 200 of the Municipal Code, specifically Section 207.050 and Section 208.080 regarding nonconformities and to authorize publication of an Ordinance Summary. The Ordinance is consistent with recent changes in State Law.

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

APPROVAL OF LCDA GRANT AGREEMENT WITH THE METROPOLITAN COUNCIL**Presentation by City Planner Kathleen Nordine**

The City has received a grant through the Metropolitan Council Livable Communities Demonstration Account for Midland Terrace Plaza Redevelopment Project, in the amount of \$655,000. Midland Terrace was built in the 1970s with 420 apartment units and a retail center. The redevelopment project includes demolition of the existing retail center, realignment of Owasso Street, and construction of a new apartment building with 120 units. The owner, Tycon Companies, is in the process of completing a PUD-Concept Stage application. The grant funding can be used for the street realignment, relocation of municipal utility lines, sidewalk and trail connections, demolition of the retail center and site improvements. This grant funding expires December 31, 2014.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to authorize the execution of the Metropolitan Livable Communities Act Grant Agreement with the Metropolitan Council for the Midland Terrace project, 3259 Owasso Street. Funding through this Grant Program will assist with costs associated with the needed public improvements and site preparation for a new apartment complex.

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

RESOLUTION REJECTING PROPOSED GRASS LAKE WATER MANAGEMENT ORGANIZATION JOINT POWERS LANGUAGE AND TO PETITION DISSOLUTION**Presentation by Public Works Director Mark Maloney**

Grass Lake Water Management Organization (GLWMO) was created in 1983, when state law required water management to be handled on a regional basis. The cities of Roseville and Shoreview entered into a Joint Powers Agreement, which created GLWMO. The jurisdiction of GLWMO is nine square miles, making it the second smallest water management organization in the State of Minnesota. In its creation, GLWMO was intended to be a transparent extension of local government.

Since the creation of GLWMO, regulations have changed through the Wetland Conservation Act in 1991; the NPDES program administered by the Minnesota Pollution Control Agency in 2003, which is a permit process to account for all surface water management; and the implementation of TMDLS in Minnesota in 2010. The impacts of these regulations were not anticipated with the creation of GLWMO, originally seen as an advisory group to the City Councils. Regulations have moved away from water management being an extension of local government.

In 2007, the Legislative Auditor's Report identified concerns with small water management organizations because of the difficulty balancing regional needs with local

influence and the fact that they do not have adequate resources with staff and budget. The Board of Water & Soil Resources (BWSR) was charged with oversight and enforcing MN/Statutes 103B and Rules 8410 regarding water management. BWSR has required changes to the Joint Powers Agreement that includes updated language for appointments; clarification of officers' duties; applicability of Robert's Rules of Order and the MN Open Meeting Law; and significant changes regarding autonomy on budget issues. Budgets to be approved by the City will no longer be allowed by BWSR.

The City Councils of Shoreview and Roseville have expressed concern about giving funding authority to a separate entity with no ability to impact budget requests. A Task Force was set up by GLWMO to review governance issues.

Alternatives to GLWMO that have technical expertise and a stable funding source would be to dissolve GLWMO and merge the area into the Vadnais Lake Area Water Management Organization (VLAWMO) or Ramsey/Washington Metro Watershed District (RWMWD). The decision would be discussed over the next several months by a number of entities.

Roseville has voted to reject the revised Joint Powers Agreement and petitioned GLWMO to begin the process of dissolution. A resolution to that same effect is now presented for approval by the City Council of Shoreview.

Councilmember Wickstrom asked how water management would be handled until another entity has authority. Mr. Maloney explained that if both cities agree on the direction to recommend, a Memorandum of Understanding could provide for how things are handled in the interim. It would help BWSR if both cities agreed. Also, there may be implications to VLAWMO and RWMWD that would have to be understood before a final determination is made on where the district would be moved.

Mayor Martin expressed appreciation to GLWMO for the work done over the years to develop a water management plan. There will be cost efficiencies not having to hire administrative and consultant services. It is important to take this step and work closely with Roseville, as both cities have the same goals for water quality.

Councilmember Withhart stated that the City cannot agree to support an autonomous budget process. He noted that the two cities can make a recommendation for the future, but it will be a state decision as to whether GLWMO is merged into VLAWMO or RWMWD.

Mayor Martin opened the discussion to public comment.

Mr. Robert Higgins 953 Oakridge, stated that GLWMO is too small and is yet another entity using taxpayer money. He agreed with Mr. Maloney's recommendation.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution No. 12-11 rejecting proposed Grass Lake Water Management Organization Joint Powers language and to Petition for Dissolution of the Organization.

Discussion:

Mayor Martin thanked the members of GLWMO who have put in many many hours of work on this issue.

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

APPOINTMENT OF PLANNING COMMISSION CHAIR AND VICE CHAIR

Mayor Martin noted the Planning Commission discussion, which recommends that the Chair position be on a rotating basis.

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to appoint Steve Solomonson as chair of the Planning Commission and Curt Proud as vice chair for one-year terms expiring on January 31, 2013.

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

Mayor Martin thanked Chair Larry Feldsien for his dedicated commitment who has served for 24 years on the Planning Commission.

Councilmember Wickstrom thanked Planning Commissioner Rick Mons who also is retiring after 15 years of service, and she wished him a speedy recovery.

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to adjourn the meeting at 8:10 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 21st DAY OF FEBRUARY 2012.

Terry C. Schwerm
City Manager