

**CITY OF SHOREVIEW
CITY COUNCIL WORKSHOP MEETING
April 9, 2012**

Attending:

Council: Mayor Martin, Councilmembers Huffman, Quigley, Wickstrom,
Withhart

Staff: City Manager Terry Schwerm
Public Works Director Mark Maloney

Ramsey Tobacco
Coalition Katie Engman

Mayor Martin called the April 9, 2012 City Council workshop meeting to order at 7:00 p.m.

DISCUSSION REGARDING UPDATING TOBACCO REGULATIONS

City Manager Schwerm stated that an email was received expressing concern about secondhand smoke from a tobacco shop in the retail center at County Road E and Lexington Avenue. The tobacco shop is adjacent to Marianne's Kitchen. The smoke is getting into the ventilation system and leaking into the restaurant. It is irritating to both employees and customers to the point that customers are complaining. The complaint refers to sampling products, but there is also a problem that regular smokers play cards and smoke in the shop.

The Minnesota Clean Indoor Act bans secondhand smoke but allows sampling of tobacco products in a tobacco shop if the establishment has an entrance door directly to the outside. The City recently amended its tobacco ordinance to comply with the Tobacco Modernization and Compliance Act with the following:

- Updates to the definition of tobacco products;
- Prohibits sale of unapproved nicotine devices to minors;
- Requires a license for sale of pipes and rolling papers;
- Prohibits selling of all tobacco products in open displays.

The League of Minnesota Cities worked with the Public Health Law Center to develop a model tobacco ordinance, which prohibits the sale of single cigarettes and strengthened language on the use of vending machines and self-serve machines. All tobacco products must be sold behind the counter. There are also restrictions on tobacco vendors in proximity to schools and some organizations. Some cities have adopted regulations restricting tobacco sampling and hookah bars by simply adding a provision to their ordinance that prohibits the use of tobacco products or devices in any retail

establishment. Hookah bars are a growing concern with their increased use by college students.

Ms. Katie Engman, North Suburban Tobacco Compliance Project, was present to discuss these issues with the Council. She recommended adoption of a new model ordinance developed in 2011 to address a number of changes in State and Federal law but would also support adoption of the single-line addition used by some cities to prohibit use of tobacco products or devices in any retail establishment.

Ms. Engman stated that passing the provision that would prohibit the use of tobacco products or devices in any retail establishment would address the current issue as well as cigars and hookah bars. It would also get rid of exemptions for adult only facilities. The model ordinance would additionally prohibit sale of single cigarettes, which would be hard to enforce. Prohibition of e-cigarettes and electronic cigarettes to youth is another element to include in the ordinance.

Councilmember Wickstrom suggested the ordinance amendment not be too specific but use general language, so that synthetic drugs are covered. Otherwise, the ordinance has to be updated constantly. She suggested making sampling locations a separate stand-alone issue.

Councilmember Withhart stated that if sampling is treated as a stand-alone issue, then hookah bars also would have to be treated the same. He would support doing something immediately to resolve the restaurant issue and then consider a broader ordinance amendment.

Mayor Martin stated that by pursuing the ordinance as a whole, no one person is targeted.

It was the consensus of the Council to take an overall approach to amending the City's tobacco ordinance and deal with the restaurant proximity issue as quickly as possible. Staff will plan to present the ordinance amendment at the first Council meeting in May.

DISCUSSION REGARDING PROPOSED MNPASS PROJECT ON I-35E

Mayor Martin reported that Mn/DOT is proposing to add a MnPass express lane in each direction between Pennsylvania Avenue and Little Canada Road on I-35E. Some Shoreview residents have requested that the City take a position on this project.

Mr. Maloney explained that legislation must approve mass transit lanes. Therefore, municipalities are being asked to support the resolution presented by the Metropolitan Council and Mn/DOT. Because of the cost of adding lanes, the addition of pass lanes is being proposed, not new general purpose lanes.

Councilmember Withhart stated that I-694 through Shoreview is the only stretch of the highway on I-694 that has two lanes between I-35W and I-35E. It is a constant

bottleneck. An additional two general purpose lanes are needed on I-694 between I-35E and I-35W. He would support the pass lane proposed as long as it is a new lane.

Councilmember Wickstrom agreed that as long as the pass lane is a new lane and not designation of a general lane already in use, she supports the request. She further suggested the added lanes on I-694 in Shoreview be tied to reconstruction of the Rice Street bridge.

Councilmember Huffman stated that if there is willingness to pay for a pass lane, general purpose lanes that everyone would benefit from should be considered. Mr. Maloney responded that the Metropolitan Council Transportation Plan has shifted from a previous view of needing to add more lanes to finding ways to add capacity by making the best use of space that is available.

Mayor Martin noted that the current use of shoulders for bus pass lanes provides more reliable transit service. Mr. Schwerm added that the shoulder pass lanes are a huge benefit to transit, as it gets people to their destinations in a reasonable time without traffic backups.

It was the consensus of the Council to approve the resolution as presented.

REVIEW PLANS FOR INTERSECTION IMPROVEMENTS AT COUNTY ROAD F AND LEXINGTON AVENUE

Ramsey County is seeking resolutions of support from Shoreview and Arden Hills for the proposed road improvement on Lexington Avenue from I-694 to County Road F. A funding request must be submitted by the end of April. The project would add turn lanes at County Road F and Lexington. Modifications would be made at Gramsie Road to become a right-in-right-out access. The Council's approval of the resolution is the City's one chance to comment on the concept plan of improvements. The work is planned for the end of 2013. Right-of-way acquisition of property from private property owners will be necessary.

Councilmember Wickstrom requested a median be put in to provide added safety for pedestrian crossing.

Councilmember Quigley stated that he supports the resolution and would like to see the City work to have impacted businesses support the project and donate needed right-of-way.

Councilmember Withhart asked how often right-of-way has been donated. Mr. Maloney answered that residential property owners never donate land for road projects, but businesses might look at it differently. Because of funding sources, there is a heavy emphasis on needed support from the community. If the Council supports the resolution, the Council is indicating that if the County can acquire the needed right-of-way, there will be a project. It is not approval of the configuration of the project.

The project is more urgent with the impacts of work on I-694 and losing access points at Hamline Avenue.

Mr. Schwerm noted that the businesses on County Road F are not as impacted as the ones on Gramsie. His concern is the County request that the resolution support from the City be submitted by the end of April, which would mean that the Council would have to vote on it at the next Council meeting. It is necessary to contact the businesses on Gramsie to find out their reaction. The biggest impact will be access to Premier Bank.

Mayor Martin stated that a joint letter from Shoreview and Arden Hills will be sent to businesses to explain the project improvements and enlist their support.

OTHER BUSINESS

Southwest Light Rail

Mayor Martin reported that the Regional Council of Mayors is requesting support for bonding for the southwest light rail transit line. The Metropolitan Council proposes to bond for \$25 million.

It was the consensus of the Council to support the southwest light rail line.

Northeast Diagonal

Councilmember Wickstrom stated that 10 years ago there was a study done for a rail line from Minneapolis/St. Anthony to Roseville along County Road C to south of Lake Owasso, crossing Rice Street at the southern border of Vadnais Heights and to Gem Lake and White Bear Township and White Bear Lake. There is a lot of interest and discussions are resuming to keep this project alive and acquire right-of-way necessary for the rail. The area of right-of-way still needed is the last five miles to downtown. Approval must be obtained from the Ramsey County Rail Authority for this project to move forward.

County Road F

Councilmember Wickstrom noted a letter received from Mr. Dolen requesting that the Council take a new position on the cul-de-sac. The letter states that the information on 11 previous accidents is not correct. Mr. Schwerm responded that staff will seek the information from the Department of Public Works and check accuracy.

Demar/Hawes/Rustic Place Road Project

Mr. Schwerm reported an ongoing complaint from a resident living in the project area of Demar/Rustic Place that was done last year. A concrete road was put in, and the resident has been complaining of excessive noise from the road due to the use of

concrete. This was a different process than the use of pervious concrete in other locations. The problem has to do with the joints of the panels in the road where a dip occurs and increases the noise of traffic. To now surface grind the joints to fix the problem would cost in the range of \$30,000. Only one person has this complaint.

Mr. Maloney explained that if concrete streets are built, they are, by nature, not as quiet as asphalt.

Mayor Martin requested that a letter be sent to the resident stating that the Council has investigated the problem, and the cost to attempt to fix it would be approximately \$30,000. After that work, it is not known if the problem is remedied.

Councilmember Huffman suggested using a grinding method. Mr. Maloney stated that grinding technology is quite new, but he will check into it.

Mr. Schwerm stated that he will get a confirmation on the cost and see if a sample can be done without a huge cost for mobilization of equipment before the next workshop meeting.

Small Dog Parks

Councilmember Withhart asked if small dog parks will be available at ice rinks this summer. Mr. Schwerm stated that they are planned at Wilson, BobbyTheisen and Bucher Parks.

The meeting adjourned at 8:55 p.m.