

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
May 6, 2013**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on May 6, 2013.

**PLEDGE OF ALLEGIANCE**

The meeting opened with the Pledge of Allegiance.

**ROLL CALL**

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

**APPROVAL OF AGENDA**

City Manager Schwerm requested that item No. 17 be pulled from the agenda. The developer of the Lakeview Terrace project has just received the plat from Ramsey County and still needs to sign the Development Agreement, the TIF Agreement and be sure that financing is in place before the bid can be awarded for the street project. Item No. 8 on the Consent Agenda and No. 18 are also related to this project but need to be approved at this meeting because of timing issues.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the May 6, 2013 agenda as amended by the City Manager.

VOTE: Ayes - 5                      Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

There were none.

**COUNCIL COMMENTS**

**Mayor Martin:**

There will be an Open House meeting regarding the TCAAP property at 5:00 p.m. at the Ramsey County Public Works facility on Highway 96.

Spring Cleanup Day is May 18, 2013.

Thursday, May 7, 2013, the Shoreview Human Rights Commission and the Shoreview Community Foundation are co-hosting a Community Dialogue on Creating Communities for All Ages at the Community Center. The meeting is open to the public from 6:00 to 8:00 p.m.

**Councilmember Wickstrom:**

Beyond the Yellow Ribbon will hold its monthly *Build A Burger* event at the VFW in White Bear Lake, on Highway 61, on May 18, 2013. The money helps support military families in the area.

Thank you to the Environmental Quality Committee (EQC) for their series of presentations this year. The last one on ground water was very informative. She encouraged residents to watch the presentation on Cable TV. There will also be a link from the City website.

Thank you to the Shoreview Northern Lights Variety Band for an excellent concert this spring.

**Councilmember Johnson:**

The Community Center is offering a special membership of \$30 for 30 days during May and June.

The EQC has expanded the Green Community Awards to include three main categories: energy, water and general initiatives. Applications must be postmarked by May 24, 2013.

The Shoreview Human Rights Commission is seeking nominations for the Caring Youth Award. Nominations are due by May 15, 2013.

**CONSENT AGENDA**

Councilmember Withhart requested a brief comment on item No. 9, the Commons Park Playground. He noted that the City is making playground equipment in several parks ADA compliant for accessibility.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Consent Agenda for May 6, 2013, and all relevant resolutions for item Nos. 1 through 13:

1. April 8, 2013 City Council Workshop Meeting Minutes
2. April 15, 2013 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
  - Planning Commission, March 26, 2013

- Economic Development Commission, March 26, 2013
  - Park and Recreation Commission, March 28, 2013
  - Environmental Quality Committee, April 22, 2013
  - Human Rights Commission, April 24, 2013
  - Bikeways and Trails Committee, May 2, 2013
4. Verified Claims in the Amount of \$757,267.32
  5. Purchases
  6. Acceptance of Quote for Sod Replacement - Hawes, Demar, Rustic Neighborhood
  7. Approval of Amendment to SEH Professional Services Agreement - Owasso Street Realignment, CP 09-12
  8. Authorization for Utility (Gas and Electric) Relocation Agreements with Xcel Energy - Owasso Street Realignment, CP 09-12
  9. Approval of Quote - Commons Park Playground ADA Compliance
  10. Resolution Approving Joint Powers Agreement and Court Data Services Subscriber Amendment with State of MN
  11. Approval of Purchase for Council Chambers Audio and Visual Equipment
  12. Modifications to the Shoreview Home Energy Loan Program
  13. Authorize Bid - 2013 Street Seal Coat Project, CP 13-04

VOTE:           Ayes - 5                           Nays - 0

**PRELIMINARY PLAT AND SITE AND BUILDING PLAN REVIEW FOR PEACE GARDEN, COLUMBARIUM, AND CEMETERY - ST. ODILIA CATHOLIC CHURCH, 3495 VICTORIA STREET**

**Presentation by City Planner Kathleen Nordine**

State law requires that cemeteries be platted. The preliminary plat application would subdivide the property into five lots: 1) church/school; 2) hospice building; 3) priests' residence; 4) administration building; and 5) prayer garden and cemetery. The property is bounded by Victoria Street and Vivian Avenue. Access to the prayer garden would be from Vivian Avenue. The property is zoned R1, Detached Residential. The church and cemetery are considered institutional quasi-public uses, which are allowed in the R1 District. The preliminary plat does comply with the City's Development Code standards. Lot 2 is nonconforming with no street frontage. Lot 2 will remain nonconforming with the proposed plat.

The Planning Commission held a public hearing on this matter at its meeting on March 26, 2013. Concerns expressed focused on: 1) proximity of the cemetery to Island Lake School and St. Odilia athletic field; 2) increased traffic on Vivian Avenue; 3) view of the cemetery by eastbound traffic on Harriet Avenue; 4) noise; 5) negative impact on property values; and 6) environmental concerns associated with in-ground burials. The matter was tabled and the review period extended to 120 days at that meeting to allow the applicant time to address resident concerns.

At the Planning Commission meeting on April 23, 2013, the application was again considered and public comment taken. Discussion centered on storm water management, ground water and

environmental impacts, and the design of the columbarium. The Commission voted 4 to 3 to recommend City Council approval. Dissenting Commissioners expressed concern regarding environmental impacts, proximity to the school and overall site design.

The south section of the parcel would be a prayer garden with memorial features. The south section will have 48 traditional burial sites and 1,841 columbarium niches. The initial phase will be one columbarium wall with 96 niches. The north section will be landscaped in the initial phase to allow plants to mature and provide screening. The north section will eventually accommodate 258 traditional burial sites and 1,088 columbarium niches.

The applicant has met with Mounds View School District staff, who expressed concern about sight lines and noise. The plan has been revised to improve screening on the north property line. Gun salutes will be limited to outside school hours. The grave markers will be at grade. No tombstones will be allowed.

In response to traffic concerns, the applicant indicates that the Vivian Avenue access is closed and gated during school hours. Plans are for mourners to arrive and depart through the church parking lot on Victoria Street and walk from the church to the cemetery. The cemetery will operate under a set of Operating Rules that will address the issues of memorials, traffic, parking, gun salutes, use of flush markers, and in-ground burial containers.

The applicant sees no need to have a fence separation between the cemetery and athletic fields. The church owns, manages and maintains the athletic fields. Errant balls do not roll down the hill because of the distance, trees and batting cage.

In regard to environmental concerns, the applicant states that there has been no research in Minnesota that identifies pollution from cemeteries. The State of Minnesota does not require any type of in-ground container; the church will follow best practices as defined by the MN Catholic Conference of Bishops and require use of in-ground vaulted containers for all traditional burials.

Staff believes that the proposed use does not conflict with any planned residential and institutional uses on adjoining properties. The use is consistent with existing institutional/quasi public uses. It is less intense than other institutional uses. Cemeteries are found in residential areas or adjacent to residential areas throughout the Twin Cities. Staff is recommending approval with the conditions listed in the staff report.

City Attorney Filla stated that state law requires that the City take action within 60 days. The application was received March 13, 2013, and the City did extend the review period from 60 to 120 days, which means action must be taken by July 7, 2013. The review period can be further extended with the applicant's consent. Staff has raised a question as to whether a development moratorium should be imposed to allow further review. However, applications are only subject to a moratorium if submitted after a moratorium has been imposed. The Federal Religious Land Use and Institutional Persons Act also apply and case law has indicated that a cemetery is a considered religious use. The Act protects religious freedom more than zoning issues.

Mayor Martin stated that this application is very important to St. Odilia, but it has become divisive in the community. Somehow agreement must be reached that shows that both sides have been heard. There are no other cemeteries in Shoreview to provide a precedent for Council action. This is a subjective decision, as some believe this use to be detrimental while others see it as wonderful. The City Attorney has commented on the law, which is not subjective, and the rights that property owners have with their property. City zoning and the Comprehensive Plan allow a quasi public use. A cemetery is a legal quasi public use permitted by the City, and the City must allow legally permitted uses.

Councilmember Wickstrom asked if there are any legal cases that would give direction. She would not want a decision made that is not backed with legal precedent and would cost the City legal fees. City Attorney Filla responded that if the Council were to deny the application, he is only aware of case law that would support the opposition. Mr. Schwerm added that case law supports the fact that cemetery use is consistent with religious use of the property.

**Father Phil Rask**, Pastor at St. Odilia Parish, thanked the Planning Commission, Council and staff for their work on the proposal, which has been under consideration for a few years. The plan began as a desire to assist parishioners who had been storing ashes at home. It was requested that the church provide a columbarium for interment of ashes, as the number of cremations is increasing. However, the Archdiocese requires that in-ground burial also be provided. With approximately 60 funerals per year, only 22 are in-ground burials. He would guess it would be about 50 years before in-ground burials are put in the north section. Driving by, it will be difficult to identify this parcel as a cemetery. It is designed to be peaceful and quiet with flower beds, landscaping and no monuments.

**Ms. Jeannie Schaaf**, Parish Operations Administrator, St. Odilia, thanked the City and residents for thoughtful dialogue. This plan best meets the needs of the community. She introduced Bill Sanders, Landscape Architect and Lynn Schriver Sheehy, Chairman of Prayer Garden/Columbarium Committee who can also answer questions. The cemetery will fall under the church's corporation under state laws of Minnesota. The cemetery association will be part of the church's corporate structure. The church will have the primary responsibility for maintenance. Grave sites nearest Island Lake School would not be sold first. The goal is to sell plots in the south section first before the north depending on demand.

Mayor Martin opened the discussion to public comment.

**Ms. Carrie Lonberger**, 898 Harriet Avenue, read a letter as a parishioner stating their disappointment that the Planning Commission passed the application to the City Council with a recommendation for approval. Neighborhood wishes are being disregarded. Support is not coming from neighbors who are also part of the greater St. Odilia community. Most supporters who spoke were from Roseville, Vadnais Heights, North Oaks or northern Shoreview. The outcome will not impact them. Those directly impacted are for the most part against the project. Her main concern is the division that this proposal has brought about. There were no issues for the most part with a prayer garden or columbarium, but there is opposition to in-ground burials. The community-at-large has been told by St. Odilia that the cemetery would be for use by parishioners of St. Odilia only, which does not include the greater community to which all

belong. The view cannot be hidden, even though her property is outside the 350-foot notice area. She urged action to deny the application.

**Mr. Ernie Willinbring**, 832 Level Avenue, Roseville, stated that there is a pond south of the cemetery. The pond will be greatly enhanced with the removal of all the buckthorn, which will enhance the neighborhood.

**Mr. Tom O'Dea**, 929 Arbogast, Shoreview, stated that there has no discussion of runoff and flooding. The area west of the property on Vivian has been and is prone to flooding. The addition of grave sites will take 100 cubic feet each out of the capacity to absorb water. The project is responsible for explaining how the neighborhood will be impacted with no flooding, which has not been done. If there is a problem, people cannot be unburied. The City has the right to insist that water runoff be mitigated.

**Ms. Claire King**, 908 Harriet Avenue, stated that she can see the cemetery from her driveway and yard. Few cemeteries have houses adjacent to them, and when that happens, the houses come after the cemeteries. This is a developed neighborhood, and no one chose to live near a cemetery. She asked if residents have a choice to have a cemetery imposed on the neighborhood.

**Mr. John Walsh**, 360 Oakcrest Lane, Roseville, stated that worship at mass is also the worship of saints and those who have gone before. The cemetery will add to the worship. He urged the Council to consider the right of worship when making this decision.

**Mr. Dave Muchler**, 3496 Nancy Place, stated that he and his family have lived in this house for 44 years and do not want to move. Most changes over the years have been positive. This change is a concern for the reason stated by Claire King and because of the proximity of the schools. Also, the area is clay soil with a lot of runoff.

**Mr. Haba Chu**, 1037 Cottage Place, expressed concern that the columbarium will expand from the proposed 1,841 to even more. Will other spaces be cleared for additional columbariums?

**Mr. Wallace Steinbach**, 877 Harriet Avenue, expressed concern about property values. He has contacted three different realty agencies. All have stated that depending on the proximity, it could have a negative impact on the sale of a home. Therefore, he is very opposed to the proposal. None of the plans show the steepness of the hill. He doubts that very many can walk up and down that hill to attend a graveside service.

**Mr. John Saney**, 3506 Nancy Place, agreed with the objections that have been stated. He has lost trust that the parish is for the community. The loud music with various events and blaring lights on the athletic field is not the pastoral environment he moved into. It is important to take into consideration that the church just keeps continuing to develop.

**Ms. Teresa Chirhart**, 5650 Turtle Lake Road, stated that she supports the cemetery. Cemeteries are a part of life. She lives near Incarnation Cemetery, which is very nice to have. The columbarium there cannot even be seen.

**Mr. Dennis Halender**, 2558 Buffalo Street, White Bear Lake, stated that he does support the cemetery. The plan is beautiful. He does not believe there will be additional runoff, and the pond will remain to collect runoff.

**Mr. Walt Fowler**, 3459 N. Chatsworth, stated that he has never heard of a proposed cemetery at St. Odilia. He is not opposed to them, but he is opposed to this one. The Incarnation Cemetery has been there since the 1950s. A cemetery would not add value to this community. He is concerned that St. Odilia may close and be combined with another parish. That should be considered.

**Ms. Kathy Seckman**, 1048 West Cliff Curve, stated that she is selling a home on Harriet Avenue because her husband has died. He had expressed how much he wanted to be buried in Shoreview. She has his ashes and is waiting to be able to bury him in a Shoreview cemetery. She supports the cemetery and believes the landscaping will be an asset to the neighborhood.

**Ms. Jean Chastain**, 3430 Chatsworth Street, stated that she contacted the Ramsey-Washington Watershed regarding water runoff and the amount of nonpermeable surface that would be added to an area with a hill that drops 17 feet in the space of a normal property lot. Ramsey-Washington will be taking over this area in August. Until then, the responsibility belongs to the Council because the Grass Lake Watershed District dissolved.

**Mr. John Shelland**, 4162 Shirley Lane S., stated that anytime there is a need to control water, trees and shrubs will help take up the water.

Planning Commissioner Wenner stated that St. Odilia first presented their plan in March. The Commission requested further information and tabled the matter. In April, four Commissioners felt that all questions had been answered satisfactorily. It is consistent with the Comprehensive Plan and Development Code. Nothing was found to indicate that property values would be impacted. The only thing that has changed is the economic downturn, which has impacted property values. His property has increased in value despite the proximity of Incarnation Cemetery. No ground water runoff was cited specific to this project. St. Odilia has met the State of Minnesota standards regarding pollution.

### **Council Discussion**

Public Works Director Mark Maloney stated that Ramsey-Washington Metro Watershed District does have jurisdiction in this part of Shoreview, but until they have an officially adopted plan, there is no permitting jurisdiction. This is an interim period. City staff review for this proposal was in accordance with the City's Surface Water Management Plan, which is the same as a review by Grass Lake Water Management Organization (the previous watershed district authority). The City Engineer's memo, dated March 25, 2013, states that this proposal meets all development standards for rate and volume control of surface water runoff.

Mayor Martin asked how erosion would be prevented on a burial day if it is raining. Ms. Nordine stated that there would be requirements to assure no erosion, most likely by placing a tarp over any exposed dirt.

**Mr. Bill Sanders**, Landscape Architect, stated that an engineer was retained to develop a storm water management plan. The plan calls for rain gardens to collect runoff from the soccer field. There is little runoff that goes to the hill from the soccer fields because of catch basins. Most of the drainage goes to the storm water pond. The water that enters the cemetery site will be collected by rain gardens at the top and bottom of the hill. The City Engineer reviewed the plan and concluded that there will be less runoff after development.

Councilmember Wickstrom asked if 100-year rains would be handled by the rain gardens. **Mr. Sanders** stated that some drain tile will be used. In extreme events, there may be some runoff. Councilmember Wickstrom stated that there are a number of hills, and unless graded, it will be difficult for people to walk to the grave site. **Mr. Sanders** stated that the walkway through the center will be graded and fairly flat. The grading will be minimized, and the hills will not be significantly changed.

Mayor Martin suggested terracing with possible retaining walls, so that the graves are flat and not tilted. **Mr. Sanders** explained that terracing was discussed, but putting in retaining walls is expensive and requires a lot of maintenance. Grading is planned for a fairly flat central walk to connect the north and south portions.

Councilmember Quigley asked if, when the north site is developed, that the rest of the area will be covered with grass. The site will be about 5% monument and most of the rest is grass. **Mr. Sanders** agreed that is correct. The graves are planned side by side but with additional space between to allow plantings and open area.

Mayor Martin asked if the Archdiocese mandates the number of graves, if more room is needed for additional columbarium. **Mr. Sanders** answered that the number is flexible. If reconsideration and variation is needed, an amended plan would be reviewed by the City.

Councilmember Johnson asked if green burial is being considered. **Mr. Sanders** stated that green or natural burial is not having the bodies embalmed and using simple pine caskets, not vaults. That is not being proposed for this site. **Ms. Schaaf** added that the burial method will use the recommended practices by the Catholic Church.

Councilmember Wickstrom asked whether roots of memorial trees will interfere with the graves. **Mr. Sanders** explained that there is space between graves for smaller memorial trees.

Councilmember Wickstrom asked the limits that will be imposed for memorials at the grave sites. **Ms. Schaaf** stated that those terms will be determined by the Development Agreement. Memorials will not be allowed to remain too long to become unsightly.

Mayor Martin stated that it is difficult to find verifiable data to say that property values are impacted. **Mr. Sanders** stated that, in his observation over 40 years, cemeteries are almost always within neighborhood settings, and they have not stopped development. Cemeteries are open space.

Councilmember Quigley stated that the material previously quoted is, he believes, from the Assessors Alliance, which indicates no impact to property values.

Mayor Martin stated that as a permitted use, the role of the City is to mitigate and provide reasonable restrictions to mitigate any negative impact. The church has a number of choices on how to use this land. If not a cemetery, it could be senior housing.

Councilmember Wickstrom asked if non-members will be allowed to be buried in the cemetery. **Ms. Schaaf** answered, yes. It will be a church cemetery, and it is the intention to be a Catholic cemetery following Catholic rules. It is anticipated that mainly the St. Odilia community will be served, as well as some from other parishes.

Councilmember Wickstrom asked how a funeral procession would access the site if the funeral is at another location and what limits there will be on gun salutes for military funerals. **Ms. Schaaf** stated that the parking is adequate, and people can use the paths to access the grave sites. There will be no gun salutes during school hours. Taps will be offered, and there may be a rifle volley outside of school hours, but it would be within City regulations.

Mayor Martin stated that she believes the gun salute is a very important part of a military funeral for someone who has served this country, and she would support that tribute.

Councilmember Johnson asked if a fence is planned or if vandalism has been considered as an issue. **Mr. Sanders** stated that the trend for cemeteries is to keep them open with no fences. Occasionally there is vandalism, but most of it is to upright monuments. The columbarium could be vandalized, but it is not anticipated. Even if there is a fence, there is no guaranty there will be no vandalism. Problems can be addressed if they occur in the future.

Councilmember Withhart stated that the use does meet City zoning and Comprehensive Plan requirements. All the City can do is try to make the plan as palatable as possible. Treatment of the neighborhood is upsetting. A business seeking to develop would be asked to work with the neighborhood. Shoreview is a city that works out differences, and he has not seen that type of cooperation.

Mayor Martin asked about the future of St. Odilia and whether it possibly would be closed. **Father Rask** responded that the churches that have closed have declined in membership. The congregation could not afford the upkeep of the church. St. Odilia is fifth largest in the Diocese. It would be impossible to merge it with another parish.

Councilmember Quigley stated that the issues are not ones that the City can resolve. The 19 conditions added to the staff's motion shows that there had been a good effort to mitigate as much as possible. He plans to support the motion.

Councilmember Withhart agreed with Mayor Martin regarding gun salutes and requested that restriction be removed from the motion.

Councilmember Wickstrom suggested that schools be notified, if a gun salute is planned during a funeral. Ms. Nordine stated that condition No. 6.c. can be changed to state that St. Odilia is required to notify the school of any ceremonial rifle salute planned during a funeral.

It was the consensus of the Council to accept this change.

Councilmember Johnson asked if there will be further opportunity to add to the operating rules. She does not see anything in the conditions that limit the time memorials are placed on graves. **Ms. Schaaf** stated that the church anticipates a week. It was the consensus of the Council to stipulate that memorials can remain on graves for a week.

Ms. Nordine stated that the operating rules will be similar to restrictive covenants. There is language in the Development Agreement that would require the Operating Rules to address the issues discussed, but the Council will not review them further.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Preliminary Plat, and Site and Building Plan review application for St. Odilia Catholic Community, 3495 Victoria Street North, for development of a prayer garden, columbarium and cemetery, subject to the following conditions:

1. The project must be completed in accordance with the submitted site and building plans. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and the City Council.
2. The approval will expire after one year if the final plat has not been approved by the City Council.
3. The cemetery shall be developed in accordance with the approved Master Plan. St. Odilia shall notify the City after completion of Phase 1. Subsequent development phases shall be administratively approved provided the phase is in conformance with the Master Plan.
4. The cemetery shall be developed and operated in accordance with Minnesota Statutes.
5. No crematorium or mausoleum is proposed or permitted in this development.
6. The applicant shall develop operating rules for the cemetery that are in compliance with the Shoreview Municipal Code and other applicable laws. These rules shall include provisions that:
  - a. Require funeral processions to use Victoria Street, and to prohibit parking on Vivian for any funeral services or burials.
  - b. Allow the display of grave memorials only for a one-week duration after burial and specified holidays only.
  - c. Notification of schools when ceremonial rifle salutes will occur.
  - d. Address noise generated by funeral services (music, use of speakers or microphones, etc.).
  - e. Require use of flush foot stones to mark all grave sites.
  - f. Require the use of in-ground burial containers for all traditional burials.
  - g. Establish hours of operation, that specify the times funerals may be held, and when site work for burials may occur.
  - h. The operating rules shall be submitted for City review and approval prior to adoption by the cemetery association.

- i. Require procedures to protect public safety (for example, use of plywood over any unattended open gravesite).
7. The applicant shall obtain a grading permit prior to commencement of any work for the development of the prayer garden/cemetery/building area.
8. Landscaping shall be maintained in accordance with the approved plans to provide a buffer from the adjoining public school use and mitigate the visual impacts of the cemetery on adjoining land uses.
9. St. Odilia is required to submit a Planned Unit Development application prior to a future sale of any of Lots 1 - 5, Block 1, The Catholic Community of St. Odilia.
10. The Applicant shall enter into a Development Agreement with the City, which shall incorporate the operating rules.

This approval is based on the following findings:

1. The proposed improvement is consistent with the policies of the Comprehensive Plan.
2. The proposed improvements will not conflict with or impede the planned use of adjoining property.
3. The proposed plat complies with the subdivision standards.

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

Mayor Martin thanked all residents who came forward and participated in the dialogue. As a result, there is a better plan.

Mayor Martin called a five-minute break and reconvened the meeting.

#### **RECEIPT OF BIDS AND AWARD OF CONTRACT - RED FOX ROAD IMPROVEMENTS, CP 12-04**

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

The Red Fox Road project includes widening the road, putting in a short concrete median, adding a right turn lane on Lexington, water and sewer utility replacement and relocations, a storm water collection and treatment system, and a street signal and pedestrian crossing.

Three bids were received and opened May 2, 2013. The Engineer's estimate for this project was \$1,366,000.00. All bids received were lower than this estimate. The low bid was received by C.S. McCrossan Construction, Inc., in the amount of \$1,213,762.20.

Funding for this project has a number of sources:

Street Renewal Fund	\$402,392
MSA Fund	\$143,753
Surface Water Fund	\$497,255
Water Fund	\$113,500

Sewer Fund	\$ 32,800
Assessments/Bonds	\$142,253
TIF	\$123,847

The overall cost for the project is \$1,455,800, after adding in allowances for contingency, engineering and administration.

C.S. McCrossan traditionally bids large highway work. They are very capable with complex jobs.

Councilmember Wickstrom clarified that the project does include a sidewalk on the north side that goes to the shopping center. There is also a sidewalk on the south side that goes to Target.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Johnson to adopt Resolution No. 13-43, which accepts the base bid from C.S. McCrossan Construction, Inc. for the Red Fox Road Improvements, City Project #12-04 and authorize the Mayor and City Manager to execute a construction contract in the amount of \$1,213,762.20.

Discussion:

Councilmember Quigley asked how the Engineer's Estimate is determined. Mr. Maloney responded that it is a challenge because no two projects are similar. A lot of research is done. The process begins when a project is put into the Capital Improvement Program (CIP). As the time draws near for the project to be done, the estimate is refined closer to current material costs.

Councilmember Withhart stated that this project will immensely help the small mall that has been developed, Trader Joe's and TCF Bank.

Mayor Martin added that this road project is a crucial part to make that new development a success.

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

**RECEIPT OF BIDS AND AWARD CONTRACT - COUNTY ROAD D/COTTAGE PLACE RECONSTRUCTION, CP 13-01A AND CP 13-01B**

**Presentation by Public Works Director Mark Maloney**

This project includes reconstruction of streets and utilities. The County Road D portion is a cooperative project between Shoreview and Roseville with the costs being split. Cottage Place is a Shoreview project. Shoreview is the administrator of the project. Plans and specifications were approved by the City Council on April 1, 2013. Bids were opened May 2, 2013.

The bid consisted of a base bid and two alternates. The alternates were requested by Roseville and have no bearing on the work to be done in Shoreview. Alternate No. 1 is to direct bury the water main; Alternate No. 2 is directional boring of the water main.

The low bid was received from Arnt Construction Company, Inc. with the base bid and alternate No. 1 at \$2,075,517.50 and the base bid with alternate No. 2 at \$2,074,519.50. The Engineer's Estimate was \$2,100,600.00 for the base bid and alternate No. 1 and \$2,103,400.00 for the base bid with alternate No. 2.

The street reconstruction cost on County Road D will be split equally between the two cities. The storm sewer, water main and sanitary sewer are listed separately and associated costs assigned to each city. The water main alternates are for Roseville only. The Cottage Place bid schedule is for Shoreview only. The total combined costs, including contingency, engineering and administration is \$2,786,740.

The bid award will be presented to the Roseville City Council at their May 13, 2013 meeting.

Shoreview funding is as follows for County Road D:

State Aid (MSA)	\$726,150
Water Fund	\$208,350
Sewer Fund	\$ 17,050
Assessments/Bond	\$ 48,190
City of Roseville portion paid to Shoreview	\$865,400

Funding for Cottage Place:

Street Renewal	\$186,680
Surface Water Fund	\$183,700
Water Fund	\$ 88,500
Sewer Fund	\$ 27,800
Street Light Fund	\$ 13,570
Assessments/Bond	\$ 20,350

Staff is recommending acceptance of the base bid and alternate No. 2 from Arnt Construction Company, Inc. and authorize a contract in the amount of \$2,074,519.50.

Councilmember Wickstrom asked if LED lights will be used for street lights and if there is a cost savings. Mr. Maloney stated that LED lights will be used, but there is no cost savings because the project is so small.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Quigley to adopt Resolution No. 13-44, which accepts the base bid and Alternate No. 2 from Arnt Construction Company, Inc. for the County Road D & Cottage Place

Reconstruction, City Projects 13-01A & B and authorize the Mayor and City Manager to execute a construction contract in the amount of \$2,074,519.50.

Discussion:

Councilmember Withhart asked if bituminous costs are going up or coming down. Mr. Maloney stated that estimates are based on last year's prices, which are proving to be fairly accurate. Over the last few years, prices have jumped around.

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

**AUTHORIZATION FOR EASEMENT AND PURCHASE AGREEMENTS - OWASSO STREET REALIGNMENT**

- A. EASEMENT AGREEMENT WITH MOUNDS VIEW SCHOOL DISTRICT**
- B. PURCHASE AND ROADWAY EASEMENT AGREEMENTS WITH CANADIAN PACIFIC RAILWAY**
- C. EASEMENT AGREEMENT WITH DELUXE CORPORATION**

**Presentation by Public Works Director Mark Maloney**

Three separate agreements are proposed. An easement agreement is required from the Mounds View School District for the Victoria/County Road E intersection and a trail easement along the south side of County Road E. The City will install fencing, regrade the property for drainage and coordinate construction with school authorities. Fencing installation to separate the trail from the school property and drainage grading will be payment for the easements.

Mayor Martin noted that one impact will be a ball field that will be taken out. City Manager Schwerm stated that the field is used for various recreation and sports activities and users will be notified. Depending on the timing of the project work, the season may be over before the field is taken out.

Mr. Maloney stated that the second agreement is with the Canadian Pacific Rail. An easement purchase is required for the new Owasso Street alignment in the amount of \$55,105. A second right-of-way easement interest must be purchased in the amount of \$19,125 to widen Victoria on the east side. The City has also been asked by the railroad to sign a release of liability for which there is no cost.

The third easement agreement is with Deluxe Corporation to widen Victoria Street to the east. The purchase price is \$28,613.

Project Schedule:

Authorize Easement Agreements	May 6, 2013
Award Road Construction Contract	May 20, 2013
Major Road Elements Complete	November 2013

Infrastructure, Restoration complete

June 2014

MOTION: by Councilmember Quigley, seconded by Councilmember Johnson to approve the easement agreements and land purchase and authorize the Mayor and City Manager to sign said documents for Mounds View School District, Canadian Pacific Railroad and Deluxe Corporation in conjunction with the Owasso Street Realignment Improvements, City Project 09-12.

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

**APPOINTMENT TO PARK AND RECREATION COMMISSION**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to appoint Tom Lemke to the Park and Recreation Commission for a term ending January 31, 2014.

ROLL CALL: Ayes: Johnson, Quigley, Wickstrom, Withhart, Martin  
Nays:

**ADJOURNMENT**

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

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 20<sup>th</sup> DAY OF MAY 2013.

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Terry C. Schwerm  
City Manager