

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
October 7, 2013**

CALL TO ORDER

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

Mayor Martin requested a brief discussion regarding the Council workshop scheduled for Monday, October 14, 2013 during the *Special Order of Business* portion of the meeting.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the October 7, 2013 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Ms. Sandra Westerman, Mounds View School Board Member, was present to present an update to the Council. She introduced fellow Board Members Marre Jo Sager, and Bob Helgeson and also Superintendent Dan Hoverman.

Mounds View prides itself in efforts to add value to the school district and community. A referendum is proposed for vote on November 5, 2013. Ms. Westerman described the goals and vision of the School Board. Currently, the District has adopted a policy known as the Equity Promise to disrupt any pattern of non-achievement by students due to race, class and disability so that all students are prepared for post-secondary education.

The District Operations Plan has the following priority goals for 2013-14:

- All-day, every day, no-fee kindergarten by fall 2014.
- Comprehensive review of middle level program.

- Early college program implementation at Mounds View High School.
- Financial stability through the proposed levy renewal in 2013.
- Contract negotiations to enhance financial stability, limit legacy costs and secure the best employees.

Marre Jo Sager presented the demographics in the school district. Diversity has increased up to 30%, which is a 22% increase in 22 years. The need for free school lunch has doubled in the last 10 years. Enrollment has been increasing since 2007, and is now approximately 10,000 students.

The District demonstrates high performance being the 4th highest in the state for National Merit students. Standardized testing results are above national norms. The District has developed the STEAM program in technology, art and math at Edgewood Middle School. The Early College program is offered at Irondale and Mounds View. This is a partnership with Anoka/Ramsey that allows students to achieve both a high school diploma and two-year Associate Degree at high school graduation.

The Early College program won recognition as winner of the 2013 Grand prize winner of the state's Local Government Innovative Award in the amount of \$25,000.

Bob Helgeson noted that the City's recent Community Survey shows that 86% of Shoreview residents believe the Mounds View School District is one of the top factors contributing to quality of life in Shoreview. The School District also conducted a survey, which shows that 90% of residents believe good value is received from investment in schools. This is with 70% of residents who do not have children in the schools. The School District believes that what is best for children is to maintain stability and the same classroom size year after year.

In 2006, a levy was passed that will expire in 2014. If allowed to expire, the School District will lose \$11.5 million a year. Passing the levy simply renews the level of taxes being paid to the schools for 8 years. It does not increase taxes but will maintain class sizes and current programming. The loss of \$11.5 million is equivalent to 130 teachers.

Ms. Sager stated that administrative costs have been held down ranking 10th with other metro area districts. Mounds View ranks No. 1 with investing in students, \$8,428 per student. Of every dollar, \$0.77 goes to students. The purpose of the levy is to maintain current funding, maintain current classroom sizes and continue with the innovative programs of STEAM and Early College.

Mayor Martin noted that current school funding from this levy amounts to \$105 in property taxes per \$100,000 in property value, which is remarkable. The Mounds View School District is important to Shoreview property values.

Councilmember Johnson asked what other forms of education, besides a flyer, will be used to help residents understand this important message in light of the fact that 70% of residents do not have children in the schools. **Ms. Westerman** stated that there is a Twitter and Facebook accounts online that provide additional information. **Superintendent Hoverman** stated that each school also has a website that has information.

Councilmember Withhart stated that the City and School District have partnered on facilities for sports that has worked well cooperatively for the City and School District.

Councilmember Wickstrom asked for more information regarding the all-day kindergartens. **Superintendent Hoverman** stated that Pike Lake School and Snail Lake School will be repurposed for the all-day kindergarten. It is anticipated that 700 to 750 kindergarteners will participate. He also expressed his appreciation for the positive relationship with Shoreview.

Mayor Martin welcomed boy scouts attending the meeting and invited them to contact her with any questions after the meeting.

CITIZEN COMMENTS

Mr. Chris Wolf, 5663 Eric Lane, stated that he has been a substitute teacher and he understands what teachers go through. As a country that spends more than any other on education, the education of American students ranks 14th. He questioned the amount of \$11.5 million needed and requested the dollar amounts that will be coming to the District from the state. The amount for Special Education is overspent in the Mounds View School District, which is higher than any other District in the state.

Mr. Bill Naru, 413 Brigadoon, stated that Boy Scout Troop 200 is attending from Shepherd of the Hills. He has taught in the schools and finds the students very engaged in the Early College Program. It is motivating to students to be able to achieve college credits, and he supports the program.

COUNCIL COMMENTS

Mayor Martin:

Sunday, October 13, 2013, at 2:00 the Historical Society is holding a free reception for people 80 and over. Refreshments, music and entertainment will be offered. Reservations are requested, and the number is on the website. There is a charge of \$5 for those under age 80.

Mayor Martin commended a well organized, excellent Cleanup Day.

Councilmember Johnson:

There will be a Dive-in Movie on Friday, November 22, 2013, at 7:00 p.m. The purchase of a daily pass on that day is your ticket.

Councilmember Wickstrom:

In a recent conversation with a resident, the resident commented that there could have been better communication after the tornado in 1998. She encouraged residents to take advantage of communication tools available, such as the access email to find out information about

Shoreview. There is an email after each Council meeting and it would be used for emergency information. There is also a City Facebook page that posts information. Ramsey County has a Code Red email list that residents can subscribe to for information from the Sheriff's Department. These are communication tools that make it easy for the City to communicate with residents.

Councilmember Withhart:

The City is taking applications from residents who would like to serve on the following commissions/committees: Bikeways and Trails Committee, Economic Development Commission, Environmental Quality Committee, Lake Regulations Committee, Park and Recreation Commission, Planning Commission and Public Safety Committee. One of the best things about Shoreview is citizen involvement. Applications will be accepted until Friday, October 25, 2013.

The last Shoreview Farmers' Market will be Tuesday, October 22, 2013. It will be an exciting last day with free pumpkins. There will also be cookies and warm cider.

The City is hosting the 9th Annual Active Life Fair for aging adults on Wednesday, November 13, 2013, from 10:00 a.m. to 1:00 p.m. This is a free event.

CONSENT AGENDA

Councilmember Johnson requested a separate vote on item No. 1, September 9, City Council Workshop Meeting Minutes.

Councilmember Withhart requested discussion on item No. 6, Acceptance of Gifts-SESCA. He stated that the City is receiving a gift from the city of Einhausen. He asked if there will be an opportunity to display the picture. City Manager Schwerm stated that it is too big for the display area and it may be hung in one of the public meeting rooms.

Councilmember Wickstrom referred to the Public Safety Committee meeting minutes of September 19, 2013, and noted a correction of the word "teething," which should be changed to "tethering."

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt the Consent Agenda for October 7, 2013, and all relevant resolutions for item Nos. 2 through 12:

2. September 16, 2013 City Council Meeting Minutes
3. Receipt of Committee/Commission Minutes:
 - Human Rights Commission, June 26, 2013
 - Parks and Recreation Commission, June 27, 2013
 - Parks and Recreation Commission, August 22, 2013
 - Human Rights Commission, August 28, 2013
 - Public Safety Committee, September 19, 2013

- Environmental Quality Committee, September 23, 2013
4. Verified Claims in the Amount of \$3,628,952.72
 5. Purchases
 6. Acceptance of Gifts - SESCO
 7. Issuance of Bonds - Authorize Issuance and Sale of \$2,270,000 General Obligation Bonds, Series 2013C
 8. Approval of Special Event Liquor License - Church of St. Odilia
 9. Developer Escrow Reduction
 10. Establish Project and Order Preparation of Feasibility Report - Hanson, Oakridge Neighborhood Reconstruction, CP 14-01
 11. Approval of Community Center Rate Adjustments
 12. Approval of AV Equipment Upgrade - Wedell Room

VOTE: Ayes - 5 Nays - 0

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to approve item No. 1 of the Consent Agenda, the September 9, 2013 City Council workshop meeting minutes as submitted.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Johnson)

PUBLIC HEARINGS

There were none.

GENERAL BUSINESS

MINOR SUBDIVISION - 5107 ALAMEDA STREET

Presentation by City Planner Kathleen Castle

The applicants propose to subdivide the property into two parcels. The single family home on one parcel would remain. The second vacant parcel would be developed with a single-family home. Two variances are requested with this application--one to reduce the minimum lot width of both parcels. The second is to reduce the required structure setback from the front property line for the vacant parcel, Parcel B. The Planning Commission reviewed the application at their meeting in September and did recommend approval of the proposal, and also approved the lot width variances.

The property is surrounded by single-family homes on the north, east and south. Turtle Lake is to the west. The lot width of the two parcels combined is 172 feet. The minimum requirement for lot width in a Shoreland District is 100 feet. With the substandard lot widths, there is adequate buildable area. Drainage and utility easements would be required along the property lines. City sewer and water is available to both parcels. The lots comply with the minimum lot area and depth required but not width. Tree impacts would be determined with a future building permit application.

The application shows a lot width of 93.49 feet for Parcel A and 78.69 feet for Parcel B. The lot size is 1.5 acres, and staff believes the lot is large enough to support a minor subdivision. Neighboring lots range from 50 feet to 100 feet with an average of 66.3 feet. Both parcels exceed the average lot widths in the neighborhood and will not alter the character of the neighborhood.

Property owners within 350 feet were notified. Responses in support and in opposition are provided to the Council. Staff finds the proposal consistent with the neighborhood development pattern with adequate lot area and width. The Planning Commission found that practical difficulty is present with the lot area, width and neighborhood character. The Commission voted 4 to 1 to approve the proposal. The one Commissioner who voted against the project stated that he questioned whether the practical difficulty was self-created. The subdivision supports City policies to provide additional housing opportunities for new housing. Staff recommends approval of the minor subdivision with the conditions listed in the staff report.

Planning Commission Chair Steve Solomonson stated that their discussion focused on surrounding lots, character of the neighborhood and buildable area on Parcel B. The Commissioner who voted against the proposal felt that practical difficulty was self-created.

Mr. Kevin Ousdigian, Applicant, introduced his family and stated that he agrees with staff's presentation and analysis. He showed slides to illustrate why this proposal is consistent with the neighborhood. The lake frontage for the seven lots north and south of his property shows his lot to be significantly wider than the others at 172 feet. The median width of the other lots is 50 feet. With the subdivision, his two lots would be among the widest along this shoreline and would be the second and fourth largest lots. The garage will be taken down. It is proposed that the driveway be shared to reduce impervious surface. Also, a certified arborist has advised keeping the healthy oak trees on the property. A shared driveway would allow saving the trees.

Mayor Martin asked about the modification to the porch. Mr. Ousdigian explained that in order to meet setback requirements a minor modification is needed.

Councilmember Wickstrom asked if there would be a legal process entitling both property owners access to the shared driveway. **Mr. Ousdigian** stated that the shared driveway will be on the deed.

Councilmember Withhart asked if the gravel portion of the driveway encroaches on the new lot. **Mr. Ousdigian** explained that there is an old tuck-under garage and rock wall. That area will be restored prior to recording the deed.

Mayor Martin opened discussion to public comment. There were no comments or questions.

Mayor Martin asked if the applicant is aware of the development requirements on a substandard riparian lot. Ms. Castle stated that any development would require the design review process. Mayor Martin stated that she supports the application because both lots meet the minimum square footage in spite of the substandard widths. It is in keeping with the neighborhood pattern.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the minor subdivision submitted by Sara and Kevin Ousdigian, 5107 Alameda Street, to divide the property into two parcels for single-family residential development. Approval is subject to the following conditions:

1. The minor subdivision shall be in accordance with the plans submitted.
2. For Parcel B, a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City endorses the deed to create Parcel B. The fee will be 4% of the fair market value of the property.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director, including a conveyance expanding to the existing sanitary easement to fully encompass the City's sewer interest. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The applicants shall enter into a Subdivision Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording. A Development Agreement will also be required for the construction of a new home on Parcel B.
5. Municipal water and sanitary sewer service shall be provided to Parcel B. Payment in lieu of assessments for City water availability to the new lot in the amount of \$4,325 for the Water Unit and \$1,209 for the street unit. The cost of connection and SAC fees, together with permit charges, will be due with the building permit.
6. An escrow for the work to connect to the existing city sewer will be required in the amount of \$1,000.
7. Driveways and all other work within the Alameda Street right-of-way are subject to the permitting authority of the City of Shoreview.
8. The existing screened porch shall be modified to meet setback requirements prior to the City endorsing the Deed for Parcel B.
9. The garage shall be removed prior to the City endorsing the Deed for Parcel B or a financial surety submitted to the City to ensure removal.
10. A tree protection plan shall be submitted prior to issuance of a building permit (including the demolition permit). The approved plan shall be implemented prior to the commencement of work on the property and maintained during the period of construction. The protection plan shall include wood chips and protective fencing at the drip line of the retained trees.
11. An erosion control plan shall be submitted with the building permit application for each parcel and implemented during the construction of the new residence.
12. A final site-grading and drainage plan shall be submitted and approved by the City Engineer prior to issuance of a building permit.
13. A Mitigation Affidavit is required for both parcels. For Parcel A, this Affidavit shall be executed prior to the City's release of the deed for recording. For Parcel B, this Affidavit shall be required with the Residential Design Review process.
14. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

Said approval is based on the following findings of fact:

1. The subdivision is consistent with the policies of the Comprehensive Plan and in compliance with the regulations of the Development Code.
2. The proposed lots conform to the adopted City standards, with Resolution 13-85, adopted by the Planning Commission approving the reduced lot widths.
3. Municipal water and sanitary sewer service are available for each proposed parcel.

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

SITE AND BUILDING PLAN REVIEW - LAKESHORE OAKS APARTMENTS

Presentation by City Planner Kathleen Castle

The applicant proposes a number of exterior site improvements regarding grading and drainage, upgrading outdoor recreation facilities, landscaping and signage. Tennis courts will be removed and a new patio area will be put in with grills and a fire pit and arbor and rain gardens. Interior improvements include remodeling 60 units and corridors, new security system, laundries and stairs in each building. There will be a Community Center addition.

The proposal is in compliance with standards of the Development Code. The property is zoned R-3, Multi-Dwelling Residential District, or 8 to 20 units per acre. The community building is located on the same tax parcel as the building at 525. The addition is 21 feet to extend across the south boundary of the tax parcel at 555. The City Code allows one building per parcel. However, the Building Official has stated that as long as both parcels remain in communion ownership, the addition can be allowed.

Property owners within 350 feet received notice of the proposal. One response was received expressing concern about construction noise and parking. The Fire Marshall has commented that the fire pit must be in compliance, and magnetic locks must be used on laundry doors. The Environmental Quality Committee reviewed the plans and gave overall support. The Planning Commission reviewed the plan at its September meeting and recommended approval on a 5 to 0 vote. Their discussion focused on green space, storm water management and rain gardens. Staff finds the application to be consistent with the Development Code and the Comprehensive Plan. Approval is recommended including the Site Development Agreements.

Planning Commission Chair Steve Solomonson stated that one Commissioner expressed some concern about a hard surface play area for children when the tennis courts are removed as so many children play there now. Because of the heavy clay soils, rain gardens will work well on the site.

Mayor Martin asked if there is a resolution to the play area issue. Ms. Castle stated that the applicant is planning additional improvements and will take that into consideration. The Development Agreement stipulates that any further applications will include a Master Plan to address a hard surface play area on the site.

Mayor Martin stated that there are some drainage issues on the north side of the property with TSI and asked how it will be accommodated. Public Works Director Mark Maloney explained that the drainage is to the north to a swale which flows east. Drainage on this site is separate from the TSI property. The drainage of both properties eventually merges further east, but this property does not cause the flooding that has been experienced in the area. The heavy soils do not allow an infiltration system. The rain gardens will provide filtration on the site. There is no net increase of water on the site with this development and may be a decrease.

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to approve the Site and Building Plan review application submitted by Kaas Wilson Architects for the Lakeshore Oaks Apartment complex at 505, 525, 555, 585 and 605 Harriet Avenue and to authorize execution of the development agreement.

This approval is subject to the following:

1. This approval permits the construction of a 933 square foot addition to the community center, new building canopies, grading and stormwater management, and other site improvements shown on the submitted plans. These improvements are being made in conjunction with extensive remodeling of all of the apartment units. Any significant change to the plans will require review and approvals by the City Council.
2. Approval of the final grading, drainage, and erosion control plans by the Public Works Director, prior to the issuance of a building permit for this project.
3. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City. Said agreements shall be executed prior to the issuance of any permits for this project.
4. Prior to issuance of a building permit, the property owner shall execute an affidavit, in a form approved by the City, requiring that the two tax parcels on which the community building will be located will remain in common ownership. The executed affidavit shall be submitted to the City along with the County recording fee.
5. The project shall comply with the requirements of the Fire Marshall.
6. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Residential (8-20 units per acre) land use of the Comprehensive Plan.
2. The proposed development complies with the standards identified in the City's Development Code.
3. The proposed improvements meet the spirit and intent of the Comprehensive Plan and the Development Code.

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

WEED ABATEMENT - RICKY AND SHANNON EDGETT, 5475 LAKE AVENUE**Presentation by City Planner Kathleen Castle**

The reason for the abatement is to remove tall grass and weeds as well as address an unsecured swimming pool, outside storage, refuse, parking and a non-compliant deck. The property has been a repeated code enforcement issue. The property owners have been notified of this action.

Staff is recommending the hearing to authorize abatement to enable the City to abate nuisance conditions. Staff will monitor the property through 2013, 2014 and 2015 and order abatement as needed.

Mayor Martin opened the abatement hearing. There were no comments or questions.

Councilmember Quigley noted the abatement will be through a three-year period. rather than the usual two years.

City Manager Schwerm explained that is because it is late in the year and abatement will continue for a full two years after 2013.

Mayor Martin asked if the home is inhabited. Ms. Castle answered that the owner lives on the property.

Councilmember Withhart asked how the public safety issue of an unsecured pool will be addressed. Ms. Castle stated that the owners have until Wednesday, October 9, 2013 to comply after which the City will contact the City Attorney to whether an emergency abatement is possible.

City Attorney Kelly stated that City ordinances would authorize an emergency abatement with a public safety issue. No action is required for an emergency abatement.

MOTION: by Councilmember Johnson, seconded by Councilmember Withhart to adopt Resolution No. 13-89, pursuant to Section 210.020(A), approving the abatement of vegetative growth for the property located at 5475 Lake Avenue, and to charge the property owner for the cost of the abatement, including administrative costs. The City Manager is authorized to monitor the property throughout the 2013, 2014 and 2015 growing seasons and to abate any vegetative growth on the property that does not comply with City regulations.

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

SPECIAL ORDER OF BUSINESS

October Workshop Schedule

It was the consensus of the Council to change the workshop meeting time to 6:00 p.m. to meet with the architect from BWBR regarding the Community Center expansion.

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Wickstrom to adjourn the meeting at 8:38 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 21st DAY OF OCTOBER 2013.

Terry Schwerm
City Manager