

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
March 17, 2014**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on March 17, 2014.

**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**

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to approve the March 17, 2014 agenda as submitted.

VOTE:                   Ayes - 5                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

There were none.

**COUNCIL COMMENTS**

**Mayor Martin:**

Many free classes are being offered at the Fitness Center during this spring break week. The Tropics Water Park will also open at noon this week.

**Councilmember Quigley:**

Happy St. Patrick's Day to the Council and all residents.

**Councilmember Johnson:**

A reminder that matching grants are available through the Community Foundation. The deadline to submit an application is March 31, 2014.

**Councilmember Wickstrom:**

The North Suburban Communications Commission will hold a public hearing on April 17, 2014, from 7:30 to 9:30 p.m., in the Shoreview Council Chambers, regarding the upcoming franchise renewal with Comcast. All are encouraged to attend.

**Councilmember Withhart:**

Wednesday, March 19, 2014, the Environmental Quality Committee (EQC) continues its Speaker Series with a presentation on “We All Live On Waterfront Property.” The program begins at 7:00 p.m. in the Council Chambers.

**CONSENT AGENDA**

Councilmember Withhart requested separate discussion on item No. 3, 4 and 11:

3. **Community Development Report** discusses the issue of hoarding. If residents are aware of any condition of serious hoarding, the City has developed a program to help in those situations. City Planner Castle noted that the next newsletter will feature an article on this issue.

**Public Works Report:** As water circulates through the water system, there are a number of reasons why water seeps out and is lost. Congratulations to Mr. Maloney and his staff for achieving a water loss at only 2.2%, under the state standard of 3%.

**Park and Recreation Report** shows that since the beginning of the year, Community Center usage has increased 5%. Revenue from recreational programs is up significantly.

4. **Verified Claims:** Councilmember Withhart asked if the bakery items purchased are marked up. Schwerm indicated that they are used for resale and the price is higher than our cost.
11. **Hummingbird Floral:** Councilmember Withhart stated that he is pleased to see Hummingbird Floral at the property at Gramsie and Hodgson Road. This business is a good use for the property.
8. Councilmember Wickstrom recognized and thanked the many businesses who have donated to the *Taste of Shoreview* fundraiser.

MOTION: by Councilmember Quigley, seconded by Councilmember Johnson to adopt the Consent Agenda for March 3, 2014, and all relevant resolutions for item Nos. 1 through 11:

1. February 10, 2014 City Council Workshop Meeting Minutes
2. Receipt of Committee/Commission Minutes
  - Bikeways and Trails Committee, March 6, 2014
3. Monthly Reports
  - Administration
  - Community Development
  - Finance
  - Public Works
  - Park and Recreation
4. Verified Claims in the Amount of \$714,197.24
5. Purchases
6. License Applications
7. Authorize Request for Advance of MSA Funds
8. Acceptance of Gifts - Taste of Shoreview
9. Authorize Purchase of Skidsteer Loader
10. Approval of 2014 Street Sweeping Agreements
11. Final PUD - Hummingbird Floral, 4001 Rice Street N.

VOTE:                   Ayes - 5                   Nays - 0

## **PUBLIC HEARING**

City Attorney Kelly stated that proper notification has been published for the public hearing.

### **DIRECT PREPARATION OF FINAL PLANS AND SPECIFICATIONS AND ORDER IMPROVEMENTS - HANSON/OAKRIDGE NEIGHBORHOOD RECONSTRUCTION, CP 14-01**

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

The feasibility study was received at the City Council meeting on February 18, 2014, and called for a public hearing. Current conditions show three road widths in the neighborhood. The existing water main in Hanson and Oakridge is cast iron. Sanitary sewer has clay pipe, which is in good condition. There is limited storm sewer collection with no treatment. Limited street lighting is available with old fixtures.

The proposed improvements include:

- Removal of old road and installation of new road section
- Increase the width of Hanson to 28 feet with standard pavement
- Increase the widths of Robinhood and Oakridge to 24 feet with standard pavement
- Increase the width of Oakridge to 22 feet with permeable pavement
- Use barrier style curbing

- Replace the CIP water main with DIP and replace service pipe
- Replace existing street lights and add additional lighting on Nottingham and Oakridge
- New lighting fixtures will be installed with aluminum poles and LED cobra-head fixtures

Storm water collection will consist of an infiltration system with catch basins and underground infiltration chambers for the Hanson, Robinhood and Nottingham portions of the project. Because of the limited right-of-way and large number of mature trees on Oakridge, a permeable pavement with a rock storage layer is proposed. Runoff in the area flows toward Turtle Lake, the TCAAP property and Tanglewood. Although not decreasing runoff flow, these improvements will significantly reduce direct discharges into Turtle Lake.

Two information meetings were held with neighborhood residents. They were well attended and there is strong consensus for the need for improvements. Concerns that have been expressed relate to storm water runoff across private property and tree removal. Measures will be taken to limit runoff across private property to the extent possible. The reason for maintaining the road right-of-way widths is to preserve as many trees as possible.

Estimated Costs are as follows:

Street	\$712,500
Storm Sewer	\$443,000
Water Main	\$268,000
Sanitary Sewer	\$123,500
Street Lights	\$ 75,000
 Total Cost:	 \$1,622,000

Special assessments are proposed at approximately 10% of the total estimated cost--\$154,390. This amount means \$1,317 per unit for street work and \$1,120 per unit for storm sewer. The estimated total assessment is \$2,437 per unit with a pay-back period of 10 years. The remaining costs will be funded through the Street Renewal Fund and utility funds.

Proposed project schedule:

Approve Plans and Specifications	April 7, 2014
Bid Opening	May 1, 2014
Council Award Contract	May 5, 2014
Construction Start	May 2014
Construction Complete	October 2014
Assessment Hearing	September 2015

Councilmember Withhart noted that many communities assess at 100% of the cost and asked how much that would be for this project. Mr. Maloney stated that in this case that would amount to approximately \$15,000.

Mayor Martin added that other communities also assess prior to the beginning of a project. Shoreview assesses the true costs one year after the project is completed.

Mayor Martin opened the public hearing.

**Mr. Nick Tempelis**, 4935 Hanson Road, noted that other streets in the neighborhood have surmountable curbs. He asked if the neighborhood could have input into this question.

**Mr. Denny Campbell**, 4910 Nottingham Place, stated that he did not see the road width for Nottingham in the presentation. Mr. Maloney stated that the south part of Nottingham with curb and gutter is wider than is typical at 32 feet. It will transition down to the width of Robinhood at 24 feet. His concern is that there are houses close to the road. At Robinhood it is wider, a width he would like to see maintained because of the curve and need for the sight line for traffic.

**Mr. Dennis Jarnot**, 1000 Oakridge Avenue, stated that there is a sharp curve from Hanson going into Oakridge. He would like to see that curve wider, not narrower. He has a private drive that is wide enough for emergency vehicles and trash haulers. Since there is not enough room on Oakridge for them to turn around, they use his private drive. This will cause a lot of wear and tear, and the City does not repair private drives. A public turnaround needs to be included in this project.

There are approximately 40 mailboxes from Robinhood to Hanson to Oakridge. The driveways are small, and his concern is placing mailboxes on Robinhood during construction. Light poles will be moved onto private property. If the lines are buried, trees will be lost.

He does not know what his assessment will be. If it is the full assessment, he would like to see the City replace the private drives with public roadways that would be maintained by the City. There are elderly people in the neighborhood, and he would like to know how access will be provided for them during construction.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Johnson to close the public hearing at 7:40 p.m.

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

Regarding use of the barrier style curbs, Mr. Maloney explained that staff recommends the barrier style curb because it saves sod damage from winter operations. It also allows more water to flow into the gutters and saves erosion that saves maintenance of boulevards. Surmountable curbs also mean tire ruts in yards where vehicles drive up the curb.

Councilmember Withhart noted that surmountable curbs were used on roadways before development occurred because it was not known where driveways would be put in or where houses would be located. Entrance to driveways is much rougher on cars when there is surmountable curb. In an established neighborhood, the best option is the barrier style curb.

Mr. Maloney stated that roadway width for Nottingham will be transitioned gradually so as not to have to buy property.

Mr. Maloney responded to Mr. Jarnot's comments. There currently is no turnaround at the end of Oakridge. Conversations have been initiated with property owners regarding options. The mailbox locations are at the discretion of the postal service. Regarding assessments to properties with a private drive, assessments are consistent with the benefit to properties from the project. The private drives west of Hanson are being proposed at the same assessment as other properties in the project. Construction is managed so that full access is maintained throughout the project. When concrete is poured for curb and gutter, residents will be asked to park on the road for the three days it will take the concrete to cure.

Regarding burial of power lines, Xcel Energy has quoted approximately \$1 million per mile. Xcel would prefer not to do this work because power outages can be responded to much quicker if lines are not buried. Mr. Schwerm added that because the cost to bury the lines would be paid by residents, it would add several thousand dollars to resident costs, the City has not asked Xcel to bury lines in any project.

**MOTION:** by Councilmember Johnson, seconded by Councilmember Withhart to adopt Resolution No. 14-13 directing the preparation of plans and specifications and ordering the improvements for the Hanson/Oakridge Neighborhood Road Reconstruction, City Project 14-01.

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

## **GENERAL BUSINESS**

### **QUIET ZONE AND OPERATIONS STUDY AMENDMENT TO SEH CONTRACT**

#### **Presentation by City Planner Kathleen Castle**

Approval of a Letter of Agreement with SEH, Inc. is requested for Phase 2 of the Rail Quiet Zone and Operation Study. Phase 2 would establish a 24-hour quiet zone along the east/west corridor at the Lexington Avenue Crossing and the Victoria Street Crossing. A Quiet Zone is not being requested now for North Owasso Boulevard on the north/south corridor in part because of the high cost of improvement that will be necessary. Also, Little Canada has contracted with SEH for a similar study of the north/south corridor. Once that study is complete, the City anticipates working with Little Canada on quiet zone proposals for the north/south corridor.

The Letter of Agreement proposed would include plans and specifications for the needed crossing improvements at Lexington and Victoria to establish quiet zones. A Notice of Intent packet would be prepared for submittal to appropriate agencies. SEH would finalize construction drawings, assist with construction and review the improvements for compliance with requirements. Once improvements are completed, a Notice of Establishment would be prepared for submittal to required agencies.

Professional services under the Letter of Agreement would cost \$7,000 and would be approximately a 90-day process. Estimated costs for crossing improvements range from \$7,000 to \$15,000 for median extensions and warning signs. It is anticipated that the quiet zones would be implemented by this summer. Staff is recommending authorization for execution of this agreement.

Mayor Martin noted that the cost for these two intersections is minimal compared to the almost one-half million dollars for the other two intersections at North Owasso Boulevard and Jerrold. Those two crossings are so close together they would have to be improved at the same time. There used to be 2 trains a day. This issue is a result of the fact that now there are 8 to 10 trains a day.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to authorize the City Manager to execute a professional services agreement with SEH, Inc., for Phase 2 of the Railroad Quiet Zone Study to establish a quiet zone along the east-west corridor at the Lexington Avenue and Victoria Street crossings.

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

### **APPROVAL OF AMENDMENTS TO TOBACCO REGULATIONS**

#### **Presentation by City Manager Terry Schwerm**

The Council discussed the proposed amendments relating to e-cigarettes and tobacco licensing regulations at the December 2013 and March 10, 2014 workshop meetings. An ordinance amendment is recommended to address this issue.

E-cigarettes are battery operated nicotine vaporizers designed to look like cigarettes. The product is sold in cartridges filled with nicotine that users breathe as a result of a small heating element. E-cigarettes are available in many different flavors and many believe the marketing is targeted toward youth. Health impacts are not known at this time.

The current City ordinance is thorough in addressing nicotine delivery devices. Information was received from the Ramsey Tobacco Coalition and Tobacco Control Legal Consortium and the City Attorney has recommended that ordinance provisions be updated to set a stronger and broader definition of delivery devices. The amendments will prohibit tobacco and tobacco related product use and sampling in retail establishments of delivery devices. Vaping lounges would be prohibited. All other City regulations pertaining to licensing and sale of tobacco products would apply to e-cigarettes.

The Public Safety Committee has reviewed the proposed ordinance amendments and supports taking action in an effort to limit youth access to these products.

City Attorney Kelly stated that these amendments will address issues that he believes the City will confront in the future.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Withhart to approve Ordinance 919 amending the City's tobacco licensing regulations.

Discussion:

Councilmember Wickstrom noted that e-cigarettes are being addressed throughout the State of Minnesota, not just in Shoreview.

Mr. Schwerm stated that making this part of the Minnesota Clean Indoor Air Act should be done at the state level.

Councilmember Withhart stated that sale of these devices is not being prohibited. The intent of the ordinance is to make it more difficult for youth to obtain them.

**Mr. Nick Tempelis**, 4935 Hanson Road, stated that some e-cigarettes do not contain nicotine. He cautioned thinking that many flavors means targeting youth. There is a lot of science coming out on e-cigarettes.

Councilmember Quigley noted that although nicotine may not be present, there may be other harmful substances. It will take more study to learn about this new product.

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

### **ADJOURNMENT**

**MOTION:** by Councilmember Johnson, seconded by Councilmember Quigley 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 7<sup>th</sup> DAY OF APRIL 2014.

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Terry Schwerm  
City Manager