

**CITY OF SHOREVIEW  
MINUTES  
REGULAR CITY COUNCIL MEETING  
April 7, 2014**

**CALL TO ORDER**

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on April 7, 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 Withhart, seconded by Councilmember Wickstrom to approve the April 7, 2014 agenda as submitted.

VOTE:                   Ayes - 5                   Nays - 0

**PROCLAMATIONS AND RECOGNITIONS**

There were none.

**CITIZEN COMMENTS**

There were none.

**COUNCIL COMMENTS**

**Councilmember Wickstrom:**

The Shoreview/Einhausen Sister City Association will host its Annual Dinner on Saturday, April 12, 2014, at the Gasthaus in Stillwater, beginning at 5:00 p.m.

The Shoreview Green Community Award applications are available online. Applications will be due in May. The awards will be made this summer.

The Environmental Quality Committee (EQC) has its final Speaker Series program on Wednesday, April 16, 2014, at 7:00 p.m. in the City Council Chambers. The program is entitled *Solar Success Stories*.

Comcast will present their formal franchise proposal for the 10-member cities in the North Suburban Communications Commission at a public hearing on Thursday, April 17, 2014, in the Shoreview City Council Chambers. The public hearing will be held open until the Commission meeting Thursday, May 1, 2014. She urged all Cable customers to attend or watch the presentation on Cable TV, as there will be significant changes.

Noted that at a recent Council workshop meeting a comment was made that e-cigarettes are not harmful but are fun. She wants everyone to be aware that there are children who have died from e-cigarettes because of the nicotine content. They are not safe.

**Councilmember Johnson:**

The Human Rights Commission is soliciting applications for its Caring Youth Award for 2014. Applications are due May 21, 2014.

The Ramsey County Sheriff's Department is in partnership with Code Red for an emergency response system. Residents are invited to log onto the Sheriff's website and sign up to be notified of safety issues that occur in the community.

**Mayor Martin:**

The City is offering its annual tree sale. Residents are allowed to buy up to four trees at wholesale prices. This is a City initiative to deal with the loss of ash trees due to emerald ash borer. Orders must be placed by April 18, 2014. Staff will deliver the trees.

Also, residents are able to get ash trees treated for emerald ash borer. The City has contracted for the work and is subsidizing staff time for the work to be done. The resident pays the cost of the chemical used for treatment.

**CONSENT AGENDA**

City Manager Schwerm noted a revised set of minutes for the March 10, 2014 Council workshop meeting that includes some minor modifications.

Councilmember Wickstrom noted that the spelling of Mr. Norton Lam's name in the March 3, 2014 City Council minutes should be spelled Lam, not Lamb.

**MOTION:** by Councilmember Quigley, seconded by Councilmember Johnson to adopt the Consent Agenda for April 7, 2014, and all relevant resolutions for item Nos. 1 through 11, with the modifications to the March 10, 2014 City Council workshop minutes and the correction to the March 3, 2014 City Council meeting minutes:



Notice of the public hearing was published March 19, 2014, and affected property owners were notified. One comment of no concerns was received from Xcel Energy. Staff is recommending approval, subject to the conditions in the staff report.

Councilmember Withhart clarified that the vacation along Vivian does not include any portions of the trail along the road.

City Attorney Kelly stated that notice of the public hearing was properly published.

Mayor Martin opened the public hearing at 7:24 p.m. There were no comments or questions.

**MOTION:** by Councilmember Wickstrom, seconded by Councilmember Johnson to close the public hearing at 7:24 p.m.

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

**MOTION:** by Councilmember Quigley, seconded by Councilmember Johnson to adopt Resolution 14-16, approving the vacation requests submitted by the Church of St. Odilia and so vacating the interest of the public in certain easements encumbering the property at 3495 Victoria St., 3470, 3500 and 3510 Vivian Avenue, subject to the following:

1. Approval of the Final Plat of the Catholic Community of St. Odilia by the City Council.
2. Resolution 14-16 approving the vacation request shall be recorded with Ramsey County prior to the City endorsing the final plat hard-shell.

This approval is based on the following finding:

1. The easements proposed for vacation no longer serve the needs of the public.

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

**MOTION:** by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Final Plat application submitted by the Church of St. Odilia to subdivide the property at 3495 Victoria St., 3470, 3500 and 3510 Vivian Avenue, and authorize execution of the Site Development Agreement, subject to the following:

1. The Final Plat shall include drainage and utility easements along the property lines and over infrastructure and shall include a drainage and utility easement over the south 30 feet of the plat. Drainage and utility easements along the roadways shall be 10' wide and along the side lot lines these easements shall be 5' wide or as required by the Public Works Director.

2. The applicant is required to enter into a Site Development Agreement and Erosion Control Agreement with the City, including the submittal of the financial sureties. Said agreements shall be executed prior to the release of the Final Plat.

This approval is based on the following findings:

1. The subdivision is consistent with the policies of the Comprehensive Plan.
2. The subdivision will not conflict with or impede the planned use of adjoining property.
3. The proposed plat complies with the subdivision standards.
4. The Final Plat is consistent with the Preliminary Plat approval.

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

## **GENERAL BUSINESS**

### **SITE AND BUILDING PLAN REVIEW - CITY AND COUNTY CREDIT UNION - 1001 RED FOX ROAD**

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

This application is to construct a branch bank facility, which is Phase 3 of development agreements executed for a vacant development site on the north side of Red Fox Road. A PUD was approved for this site in 2011. Phases 1 (site improvements and a retail center) and Phase 2 (a specialty market) have been completed as well as road improvements to Red Fox Road.

The proposed facility would be a one-story building with two drive-through lanes. The building would consist of 3,386 square feet. Deviations under the PUD include parking, driveway and structure setbacks from I-694. Parking and driveway access is shared with the retail center already developed. Under the PUD, 23 parking stalls were approved; a minimum of 17 are required; 25 parking stalls are proposed with this phase. The drive-through lanes show sufficient space for stacking 5 cars.

The grading and drainage improvements have been completed with the PUD. There is wetland located on the southeast portion of the site, which forces the building setback at 26.47 feet from I-694, less than the Code requirement. The location is consistent with the master plan for the PUD.

The signage proposed is in compliance with City Code and the Comprehensive Sign Plan for the site. Three wall signs are proposed. The PUD allows two wall signs; the third can be approved administratively. No free-standing sign is proposed. If a free-standing sign were requested, it would require an amendment to the Comprehensive Sign Plan.

Property owners within 350 feet were notified of the proposal. The Fire Marshal submitted comments as did the Environmental Quality Committee (EQC). The EQC comments related to

storm water management and use of pervious pavers in the parking area. Staff is not recommending use of pervious pavers, as other sites in the PUD were not so required.

The Planning Commission reviewed the application. Staff is recommending approval subject to the conditions listed in the staff report.

Planning Commission Chair Solomonson stated that the Commission discussion focused on traffic and access to the drive-through if cars are backing out of nearby parking stalls. Approval was recommended on a vote of 5 to 0.

Councilmember Wickstrom noted that MN/Dot has designated I-694 as a corridor of commerce and another lane will be added. She asked if more right-of-way will be needed. Mr. Maloney answered that no additional right-of-way is needed.

**MOTION:** by Councilmember Johnson, seconded by Councilmember Withhart to approve the Site and Building Plan Review for the City County Credit Union branch facility located at 1001 Red Fox Road, subject to the following conditions:

1. This approval permits the development of this parcel with a branch bank/credit unit facility approximately 3,386 square feet in size.
2. Approval of the final grading, drainage, utility, 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. The master development agreement for the plat and PUD for this development shall remain in effect and said terms which apply to Lot 3 shall be adhered to.
5. The items identified in the email from the Assistant City Engineer must be addressed prior to the issuance of a building permit.
6. The items identified in the memo from the Fire Marshal shall be addressed prior to the issuance of a building permit.
7. The landscape plan shall be revised to address comments from the Environmental Quality Committee related to tree protection and plant diversity (memo from the Environmental Officer dated March 25, 2014).
8. Specifications on the Emergency Generator shall be submitted prior to the issuance of a building permit. Use of the generator is for emergency purposes only. Said generator may be used only when the primary source of electricity is disrupted, except for required maintenance activity. Said generator shall comply with the City's Noise Standards.
9. The Building Official is authorized to issue a building permit for the project, upon satisfaction of the conditions above.

This recommendation is based on the following findings of fact:

1. The proposed land use is consistent with the City's Comprehensive Plan.
2. The proposed land use and development plans are consistent with the approved PUD and the Development Code standards.

3. The use is in harmony with the general purposes and intent of the Development Code and Comprehensive Plan.

Discussion:

Mayor Martin asked if this is a branch of other locations for the City and County Credit Union. **Mr. Pat Peterson**, Credit Union President, stated that this will be the fifth branch location for the credit union. City of St. Paul, Ramsey County; and employees, residents or those who worship in Ramsey, Washington or Dakota Counties are eligible to join the credit union.

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

**SITE AND BUILDING PLAN REVIEW/COMPREHENSIVE SIGN PLAN--CITIES  
EDGE ARCHITECTS LLC/FORSTROM & TORGERSON LLP, 1000 GRAMSIE ROAD**

**Presentation by City Planner Kathleen Castle**

The application is for interior and exterior improvements to the current Hampton Inn, which will change to a Best Western Plus franchise. The current berm will be replaced with a retaining wall. A pergola and fireplace will be added to the Green Mill patio area. This will mean removal of six parking stalls and added landscaping. The entry canopy will also be remodeled. The roof line will be modified to a horizontal line with a cornice accent. EFIS and stone accents will be used to change the exterior. Interior improvements include adding five rooms and expanding the banquet room. Expansion of the banquet room reduces the size of the restaurant area.

Staff finds that the proposed improvements are consistent with the Development Code and Comprehensive Plan and approved PUD. Although there will be a reduction of six parking spaces, the facility has shared parking with the adjacent Hilton Garden Inn. The parking provided will meet the needs of both hotels.

New signs are proposed. The wall signs comply with City requirements. Three free-standing signs are proposed. The sign adjacent to Lexington exceeds the maximum area allowed of 200 square feet. The area proposed is 270.5 square feet. The proposed height of 47.5 feet also exceeds the maximum of 30 feet. The existing pole will be used. The height is increased because of the joint advertising for the hotel, Green Mill and meeting center. The sign adjacent to I-694 is proposed at a height of 35 feet with sign area of 355.5 square feet. The sign on Gramsie Road complies with Code requirements. All three free-standing signs are joint signs for the Best Western, Green Mill and banquet meeting facility.

Property owners within 350 feet were notified of the proposal. No comments were received. The Rice Creek Watershed District does not require a permit. The Fire Marshal requires that the fireplace be installed according to the manufacturer's guidelines.

The Planning Commission reviewed the application and recommended approval on a 5 to 0 vote. In response to concerns expressed by the Planning Commission, the off-site sign on Lexington has been reduced in height. Staff finds the improvements to be consistent with the Development Code and Comprehensive Plan. Approval is recommended with the conditions listed in the staff report.

Planning Commission Chair Solomonson stated that the Commission unanimously agreed on the improvements for the site. Discussion about the off-site sign is because there is no other such sign in the City for any other business. Because this is a non-conforming sign, Commissioners were not sympathetic to visibility for eastbound traffic. The proposal to the Commission was a height of 75 feet using the same pole. No sign on Gramsie and Lexington was proposed, but one was previously approved.

**Mr. Del Sheets**, Architect, City's Edge Architects, Willmar, stated that a previous study shows that placement of the off-site sign was to provide visibility for eastbound traffic to be able to turn off in time. That reasoning is still true. Lexington is built high, but the sign is in a ditch so that half the pole is hidden. The new signs for Best Western and Green Mill will be stacked on top of the existing pole. The new signs measure 26.5 feet. Because of the advertisement for both businesses, there is a height increase.

Councilmember Johnson asked if the meeting center sign is on the pylon sign at Lexington. City Manager Schwerm stated that the meeting center sign is on the monument sign but not the pylon sign.

**MOTION:** by Councilmember Withhart, seconded by Councilmember Wickstrom to approve the Site and Building Plan Review and Comprehensive Sign Plan, submitted by Cities Edge Architects for the Hampton Inn/Green Mill at 1000 Gramsie Road. This approval is subject to the following:

**Site and Building Plan Review:**

1. This approval permits exterior modification of the existing building, in accordance with the preliminary plans dated 2014. Significant changes, as determined by the City Planner, shall require review by the Planning Commission and approval of the City Council.
2. The project shall comply with the requirements of the Fire Marshal.
3. The Building Official is authorized to issue a building permit for this project.
4. Construction parking and materials storage shall be confined to the subject property. No construction parking or material storage is permitted within the Gramsie Road or I-694 rights-of-way.

**Comprehensive Sign Plan:**

1. The signs on the property shall comply with the plans submitted for the Comprehensive Sign Plan application. Any significant change will require review by the Planning Commission and City Council.
2. The applicant shall obtain a sign permit prior to the installation of the new signs on the property.

3. The signs shall be setback a minimum of 5 feet from any property line, including along Gramsie Road and I-694, and shall be located so as not to interfere with traffic visibility.
4. The height of the off-premises sign shall not exceed 26.5 to the bottom of the proposed Green Mill sign, allowing a maximum of 47.5 feet in height.

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the designated Commercial 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: Withhart, Johnson, Quigley, Wickstrom, Martin  
                               Nays: None

### **TEXT AMENDMENT - HOUSING CODE**

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

The proposed text amendment is to address hoarding issues in homes. The Code sections to be amended are Section 202 Definitions, Section 210, Nuisance, and Section 211.070, Housing Code.

The following amendments are added to these sections:

**Section 202** - Definitions, adds a definition for combustible material.

#### **Section 211.070 - Housing Code:**

- (D)(3) and (4) Means of Escape and Access, clarifies a minimum 3-foot width for unobstructed travel.
- (F) Interior Storage identifies minimum standards for the storage of combustible materials.
- (G) Establishes a standard related to room function.
- (L) A dwelling unit can be posted to prevent occupancy if the unit is unfit for human habitation or deemed dangerous to the life, health and safety of occupants, public safety personnel, or the public welfare.

#### **Section 210, Nuisance**

- Adds language to identify excessive storage as a nuisance
- Conditions can be abated if necessary

Enforcement will be through the rental licensing inspections, notification from another agency, or through complaints.

Notice for a public hearing was published March 12, 2014. The Planning Commission held the public hearing, and no comments were received. Staff has incorporated recommended clarifying language from the Planning Commission. Staff is recommending approval of Ordinance 920.

Mayor Martin asked the process for abatement. Ms. Castle responded that abatement depends on the level of non-compliance. A public hearing is not required. In an emergency, the City can proceed with abatement.

Councilmember Withhart commended staff for this work. Recently, the Economic Development Authority has had to address such a situation, and he appreciates the tools that have been identified that can be used to address this issue.

Councilmember Johnson also commended staff and expressed her appreciation for the collaborative work with the Hoarding Project.

Councilmember Quigley asked if carbon monoxide detectors are required. Ms. Castle stated that staff always recommends them, but state law does not necessarily require them.

**MOTION:** by Councilmember Johnson, seconded by Councilmember Wickstrom to adopt Ordinance 920 approving the text amendments to Chapter 200, Development Code, including Section 202, Definitions, Section 210, Nuisance and Section 211.070, Housing Code to better define standards related to safety, storage and room function.

The recommendation is based on the following finding:

1. The proposed text changes establish a definition for combustible material, as well as a minimum standard for access, storage and room function. The changes address concerns related to health, safety, and general welfare of the resident(s) and public safety staff.

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

## **RESOLUTION OF SUPPORT FOR TCAAP ROAD IMPROVEMENTS**

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

Ramsey County has purchased the 430-acre Twin Cities Army Ammunition Plant (TCAAP) property and is in the process of cleanup on the property. There is a Joint Economic Development Authority between the County and Arden Hills and a plan for mixed use development on the property that includes commercial, industrial, office and a variety of housing. The County's request is for surrounding cities to adopt a resolution of support of the County's request for State funding to rebuild the interchanges at I-35W and County Highway 96, and I-35W and County Road H. Included in the resolution is the condition that Shoreview's support for the improvements at County Road H is contingent on maintaining the County Road I interchange at I-35W. Staff is recommending adoption.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to adopt Resolution No. 14-19 supporting Ramsey County's request for State funding for TCAAP road improvements.

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

**ADJOURNMENT**

MOTION: by Councilmember Withhart to adjourn the meeting at 8:15 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 21<sup>st</sup> DAY OF APRIL 2014.

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Terry Schwerm  
City Manager