

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
May 4, 2015**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on May 4, 2015.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

The following Councilmembers were present: Mayor Martin; Councilmembers Johnson, Quigley, Springhorn and Wicksrom.

Staff Present: City Manager Terry Schwerm
 City Planner Kathleen Castle
 Public Works Director Mark Maloney
 Assistant to City Manager Rebecca Olson

Others Present: City Attorney Joe Kelly
 Planning Commissioner Brian McCool
 City Consultant, Dave McKenzie, SEH

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to approve the May 4, 2015 agenda as submitted.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Mayor Martin stated that it is her honor to read the following proclamation in recognition of National Police Week:

To recognize National Police Week 2015 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the **RAMSEY COUNTY SHERIFF'S OFFICE**;

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries;

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including **FOUR** members of the **RAMSEY COUNTY SHERIFF'S OFFICE**;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 273 names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 117 officers killed in 2014 and 156 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 27th Annual Candlelight Vigil, on the evening of May 13, 2015;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the **MINNESOTA LAW ENFORCEMENT MEMORIAL ASSOCIATION'S** Annual Candlelight Vigil, on the evening of May 15, 2015;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year from May 10-16;

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families;

WHEREAS, the service and sacrifice of **RAMSEY COUNTY SUBURBAN LAW ENFORCEMENT** officers killed in the line of duty will be honored during the **SUBURBAN RAMSEY COUNTY LAW ENFORCEMENT MEMORIAL CEREMONY**, on May 11, 2015;

THEREFORE, BE IT RESOLVED that the **SHOREVIEW CITY COUNCIL** formally designates May 10-16, 2015, as Police Week in **THE CITY OF SHOREVIEW**, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

June 6, 2015 is Shoreview Cleanup Day. Residents are encouraged to participate.

Tuesday, May 5, 2015, will be the first “Walk and Talk with the Mayor.” Mayor Martin will be in the Council Chambers at 3:00 p.m. and will begin the walk at 3:30 with residents who wish to join her.

On Wednesday, May 6, 2015 the Northeast Youth and Family Services Leadership Luncheon will be held at Midland Hills from 11:30 to 1:00 p.m. The State Commissioner of Health will be the keynote speaker.

Councilmember Johnson:

Green Community Award applications are being accepted. The deadline is May 31, 2015. Detailed information is available on the City’s website.

Councilmember Quigley:

Noted that the Ramsey County League of Local Governments will focus its next meeting on public health.

Councilmember Wickstrom:

Thank you to all the volunteers who helped with maintenance of the rain garden by Fire Station No. 4.

Also, thank you to volunteers who took the invasive weed management workshop. She called attention to the presence of wild parsnip which has become invasive. The plant has developed a chemical to protect it from a bug. This chemical caused third degree burns to a woman who walked on it. Wild parsnip is in Shoreview along County Road E from the pedestrian bridge to south of Island Lake Park. She cautioned residents to not walk in that area.

Councilmember Springhorn:

Gallery 96 will open an art show at the Ramsey County Library on Friday, May 8. The theme is Architecture. The opening event is free and there will be refreshments.

On Monday, June 8, Northeast Youth and Family Services will sponsor the inaugural Mayor’s Challenge Golf Tournament at Keller Golf Course from noon to 7:00 p.m. Please contact him by his email that is posted on the City website, if interested in participating.

CONSENT AGENDA

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to adopt the Consent Agenda for May 4, 2015, and all relevant resolutions for item Nos. 1 through 12:

1. April 13, 2015 City Council Workshop Meeting Minutes

The proposed plat would subdivide the property into 10 lots for single-family residential development, which is consistent with the Comprehensive Plan designation of Low Density Residential. The proposed parcels comply with R1 zoning district and subdivision standards. The key issues are access, streets and storm water management. Six lots would front on Grand Avenue. Four lots would front on North Owasso Boulevard. All lots show public road frontage. It is anticipated that Grand Avenue improvements will be completed in 2016, but the City will require an Access Plan to address temporary access to lots on Grand Avenue should homes be constructed before the Grand Avenue improvements are completed.

The proposal includes vacated portions of the alleyway east of Centre Street and a portion of Centre Street. These vacations will be processed with the Final Plat through the public hearing process. The existing alley used to access 271 and 277 North Owasso Boulevard will be maintained.

A revised Stormwater Management Plan has been submitted to address previous concerns. Drainage from the rear yard areas and front yard areas along North Owasso Boulevard will be directed to a stormwater infiltration basin located in the southwest corner of the site. A permit will be required from Ramsey Washington Metro Watershed District.

Property owners within 350 feet were notified of the proposal. Three comments were received expressing concern about changing the character of the neighborhood, traffic, vegetation and wildlife. There is also concern about emergency access and the use of alleyways and the impact to access for existing residents with the proposed vacations. The Lake Johanna Fire Department requires that any temporary access road shall be maintained until Grand Avenue improvements are completed. Also, hydrant access shall be provided.

The Planning Commission held the public hearing at its March 24, 2015 meeting. Public comment focused on concerns about erosion control, traffic on North Owasso Boulevard, alley access and the impact of the proposed vacations. The plat will be revised to show no vacation of the alleyway adjoining Lots 1 and 2. The Commission recommended approval on a 6 to 0 vote.

Staff finds that the plat complies with the Comprehensive Plan, Subdivision and Zoning Codes. Approval is recommended subject to the conditions listed in the staff report.

Council Discussion

Mayor Martin asked if the reason homeowners not on lots that are part of the development would join the request for vacation of alleyways is because the vacated portions would revert back to the adjoining properties. Ms. Castle answered, yes, and noted a homeowner adjacent to Lot 6 who has indicated a willingness to vacate a portion of the alleyway adjacent to his property. There is also a homeowner adjacent to Centre Street who has agreed to vacate the western portion of that street adjacent to his property.

Mayor Martin asked who maintains the portion of alleyway that would remain. Ms. Castle stated that there are a few homes that will continue to use alley access and maintain it privately.

Councilmember Wickstrom noted that one resident expressed concern about providing an evacuation route if there should be a train derailment in the area. She asked how people would get out of the neighborhood, if there were such an emergency. Ms. Castle stated that there is not a specific answer at this time. The City will work with the Fire Department and let Emergency Management identify an evacuation route should road access be blocked.

Councilmember Wickstrom asked if it would be better to not vacate Centre Street and use it as a trail. It would not be a street but could be used for evacuation. City Manager Schwerm stated that at the time the Grand Avenue improvements were approved, a trail was discussed that would link Grand Avenue to the Lake Wabasso Park area. That would alleviate any interference with lot configuration.

Councilmember Quigley noted that the Emergency Plan dated a few years ago referenced a trail link. He asked if the plan is updated regularly. Mr. Schwerm answered that the Fire and Police Departments are aware of road design changes in the City and the County does update the street plan through its GIS system. Depending on where an emergency would occur, the Fire and Police Departments would be responsible for determining the best evacuation routes.

Planning Commissioner McCool stated that the driveway that serves the existing homes on Lots 1 and 2 is located on both halves of the alley. If half the alley were vacated, the vacation would encroach into private yards. The Commission also discussed not vacating Centre Street to preserve access to another home. He agreed that a private easement for that home would also work.

Mayor Martin opened the discussion to public comment.

Mr. Steve Galatowitsch, 224 Grand Avenue, asked if there were a trail, would it be plowed in the winter to allow emergency exit from the neighborhood. In visiting with the Fire Chief, he was assured the Fire Department would have adequate access to fight a fire. However, if there is a catastrophic event, there needs to be an evacuation route. Mr. Schwerm stated that the City plows many trails in the winter. If that trail is identified as critical by the Fire Department, the City would plow it.

Mr. Lee Bryngelson, 277 North Owasso Boulevard, stated that if the alley were vacated, there would not be enough room for him to access his garage. His family has maintained the alley since 1989. His concern about the vacation of Centre Street is how that driveway will fit and whether the curve will be too tight to access his driveway, especially with large vehicles or boats. He also expressed concern about any increased drainage to his property, as his sump pump runs continuously. Public Works Director Mark Maloney responded that the City is working with a design engineer regarding drainage for this area to make sure standards are met. He believes the grading plan will result in fewer drainage issues.

Mayor Martin asked if the driveway off Centre Street would change. Ms. Castle stated that further discussion is needed with the developer. As proposed, the vacation does clip part of the corner of the driveway. The issue may be solved with a private easement.

Mayor Martin stated that the problem is that this area was platted in 1890. Some cities would insist that Mr. Bryngelson create an access off North Owasso Boulevard to be in compliance, but she is not sure it would be fair or necessary to require that action. Everyone west of Centre Street uses that easement. Mr. Schwerm noted that the vacation exhibit of the staff report shows areas that are cross hatched, which indicates the need for more discussion. Areas shown in solid yellow are actual proposed vacations. Revisions have been made to the location of the pond so the City can access it and maintain it.

Mayor Martin noted Mr. Bryngelson's concern about change to the neighborhood and how no one wants to lose wildlife and surrounding nature. However, unless one owns the property, it is difficult to preserve. Development brings positives as well with new people who become neighbors and friends.

Mayor Martin acknowledged Mr. Galatowitsch's concerns and the fact that City officials are also concerned about a possible derailment because of increased train activity. However, she does not believe the proposed development changes the situation or makes anything riskier in regard to emergency access. The Fire Department will be very aware of any problems in the neighborhood.

Councilmember Wickstrom noted that if the City were to give up the driveway easement to the property owner next to the driveway, neighbors would not be able to use that driveway without a private easement. Ms. Castle stated that the property owner would like to request that vacation. Further discussion is needed and the matter would come before a public hearing. There is no agreement at this time. Councilmember Wickstrom asked what precedence there is in the City for giving up easements being used as private driveways. Ms. Castle stated that there are some situations that are older. She is not aware of any such situations in her time as City Planner. Councilmember Wickstrom stated that this is the reason for requiring public road access.

Councilmember Johnson asked the next step in the process if this plan is adopted at this meeting. Mr. Schwerm responded that in order for this plat to move forward, there needs to be vacation of portions of Centre Street to the north, half of the width to the south and the alleyway that moves east. These vacations will require a public hearing.

Councilmember Wickstrom noted that the grading is shown in vacated portions and asked if that would be a reason to not vacate. Mr. Schwerm responded that the City always has the right to request a utility easement.

Councilmember Quigley asked what has been the most difficult issue with this site for the developer. **Mr. Steve Zawadski**, Developer, stated that the biggest challenge is ponding and water management. He believes they are close to reaching a solution.

Councilmember Quigley stated that with the Fire Department report, engineer's report, City Planner's report, drainage and tree spaces, the development will be revised to address all issues. With that knowledge, he is prepared to support a motion for this application.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to approve the Preliminary Plat application submitted by Zawadski Homes to subdivide and develop the property at 244 Grand Avenue and the adjacent vacant property into 10 lots for single-family detached homes. Said recommendation for approval is subject to the following conditions:

1. The approval permits the development of a detached single-family residential subdivision providing 10 parcels for single-family residential development.
2. Final grading, drainage and erosion control plans are subject to the review and approval by the Public Works Director prior to approval of the Final Plat. Issues identified in the memo dated March 18, 2015 by the City Engineer shall be addressed with the Final Plat submittal.
3. Final utility plans are subject to review and approval by the Public Works Director. Utilities shall be located underground as required by Code.
4. A Development Agreement and an Erosion Control Agreement shall be executed and related securities submitted prior to any work commencing on the site. A Grading Permit is required prior to commencing work on the site.
5. The development of this subdivision shall comply with the comments of the Lake Johanna Fire Department dated March 19, 2015. A fire hydrant shall be installed to serve Lots 1-4 prior to submittal of a building permit application for those lots.
6. A Public Recreation Use Dedication fee shall be submitted as required by City Code prior to release of the Final Plat.
7. A landscape/tree-replanting plan shall be provided in accordance with the City's Tree Protection Ordinance. Trees on the property, which are to remain, shall be protected with construction fencing placed at the tree drip lines prior to grading and excavating. Said plan shall be submitted for review and approval by the City Planner prior to submittal of the Final Plat application.
8. The Final Plat shall include drainage and utility easements along all property lines. Drainage and utility easements along the front and rear property lines shall be 10 feet wide and 5 feet wide along the side lot lines. Other drainage and utility easements shall be provided over the proposed stormwater management areas, infiltration basins and as required by the Public Works Director.
9. The developer shall secure a permit from the Ramsey Washington Metro Watershed District prior to commencing any grading on the property.
10. The Developer shall submit a schedule for construction that reflects the comments of the Lake Johanna Fire Department and the 2016 planned street improvements by the City.
11. If construction on Lots 1 through 4 is proposed prior to the completion of the City street improvements, the developer shall submit access plans for those lots that comply with the requirements of the Uniform Fire Code.
12. The Developer shall submit a petition for Vacation of the public right-of-way with the Final Plat application. Access in the remaining Centre Street right-of-way shall be adequate to provide access for the City and adjacent residents.

This approval is based on the following findings:

1. The proposed development plan supports the policies stated in the Comprehensive Plan related to land use and housing.
2. The proposed development plan carries out the recommendations as set forth in the Housing Action Plan.
3. The proposed development plan will not adversely impact the planned land use of the surrounding property.
4. The preliminary plat complies with the subdivision and minimum lot standards of the Development Code.

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

AGREEMENTS RELATED TO QUIET ZONE RAILROAD IMPROVEMENTS

A. GO BOND AGREEMENT - STATE OF MINNESOTA

B. CANADIAN PACIFIC RAIL AGREEMENT

Presentation by City Planner Kathleen Castle

Three agreements are presented that are needed on the north/south rail corridor to implement a quiet zone for this section of the rail line. An agreement is needed between the City and State of Minnesota for the funding received in the amount of \$500,000 through the State of Minnesota bonding bill for the necessary rail crossing improvements needed at the two crossings of Jerrold Avenue and North Owasso Boulevard. Road improvements on North Owasso Boulevard would be funded by the City because this road is under County jurisdiction. The estimated cost is \$18,500.

Two separate agreements are needed for each rail crossing--one that would address cost and installation of the improvements for both crossings. Soo Line will perform the work needed in the rail right-of-way. The estimated costs are \$245,671.53 for North Owasso Boulevard and \$243,784.74 for Jerrold Avenue.

Staff is recommending that the Mayor and City Manager be authorized to execute the agreements subject to any minor revisions by staff or the City Attorney.

Mayor Martin stated that the question she is always asked is when the work will be done. The City is not in control of the schedule but is dependent on Canadian Pacific to do the work in their schedule. These agreements need to be completed before the work can be scheduled. The City is pushing for the work to be completed in 2015 but certainly by 2016. Representative Isaacson has shepherded this funding money through the Legislature which is now available to the City. The total funding is nearly \$2 million and is shared with Little Canada which has five crossings. If the funding were only for Shoreview, there would be no relief, which has made the work more complicated. The City is working with Little Canada as well as Canadian Pacific and the State of Minnesota.

MOTION: by Councilmember Johnson, seconded by Councilmember Quigley to authorize the Mayor and City Manager to execute the General Obligation Bond Grant

