

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
June 15, 2015**

CALL TO ORDER

Mayor Martin called the regular meeting of the Shoreview City Council to order at 7:00 p.m. on June 15, 2015.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance.

ROLL CALL

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

Councilmember Quigley was absent.

Staff Present: City Manager Terry Schwerm
 Assistant to City Manager Rebecca Olson
 Asst. City Manager/Community Development Director Tom Simonson
 Public Works Director Mark Maloney

Others Present: City Attorney Joe Kelly
 Comcast Attorney Karly Baraga

Planning
Commission: Commissioner Deborah Ferrington

APPROVAL OF AGENDA

Mayor Martin requested a brief discussion of the Council's July meeting schedule under the *Special Order of Business* portion of the meeting.

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to approve the June 15, 2015 agenda as amended.

VOTE: Ayes - 4 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Eagle Scouts

Mayor Martin recognized the following Eagle Scouts by presenting them each with a City proclamation honoring their achievement: Nathaniel Smith, Austin Braden, Amos Anderson, Cameron Carlson, Peter Ray, and Dante Patnode.

Each Eagle Scout described his service project that was required as part of achieving Eagle Scout:

Nathaniel Smith	Built trash containers and platforms for the Wildlife Science Preserve in Columbus
Austin Braden	Landscaped five stand-alone parking islands at Shoreview Community Center
Amos Anderson	Replaced cupboard doors in church kitchen
Cameron Carlson	Raised and repositioned tombstones to ground level at Incarnation Lutheran Church Cemetery for ease of maintenance and to prevent damage to tombstones
Peter Ray	Built three picnic tables and two benches outside the Teacher's Lounge at Chippewa Middle School
Dante Patnode	Removed gravel path to construct a concrete walkway from the parking lot to the outdoor worship space at Peace United Methodist Church to make it wheelchair accessible.

Recognition of Winter/Spring Photo Contest Winners

Assistant to City Manager Rebecca Olson explained that there is more and more a need for pictures as part of the City's communication efforts. This is the first photo contest to define the quality of life and living in Shoreview. She commended Cheryl Anderson, Communications Coordinator for her initiative and organization with this contest. Over 60 entries were submitted for four categories:

People and Families:

Third Place	Craig Mullenbach
Second Place	Brad Wieck
First Place	Jeffrey Finc

Nature and Wildlife:

Third Place	Craig Mullenbach
Second Place	Phil Kaiyalethe
First Place	Shirley Zimmerman

City Landmarks:

Third Place	Annie Maloney
Second Place	Julie Reimer
First Place	Tom Reynen

Activities & Events

Third Place	Lynn McGinty
Second Place	Mike Carroll
First Place	Brad Wieck

People's Choice

Craig Mullenbach

Grand Prize

Tom Reynen

CITIZEN COMMENTS

Ms. Jennifer Scott stated that she represents Emmanuel Covenant Church. She thanked the Council for making the Community Center available for their worship on Sundays. She especially commended Community Center staff for their helpfulness.

COUNCIL COMMENTS**Mayor Martin:**

The Farmers' Market will open Tuesday June 16, 2015, 3:00 to 7:00 p.m. and will be open each Tuesday until October. This year, there will be 39 vendors in the lower parking lot. Mayor Martin will be handing out free watermelon this Tuesday to celebrate the opening. There will be no Walk with the Mayor on June 16th.

Wednesday, June 17, 2015 will be the first Concert in the Commons, beginning at 7:00 p.m. The *Backyard Band* will provide music and the Shoreview Foundation will be giving out free ice cream. The concert series will continue each Wednesday evening until the middle of August.

Councilmember Wickstrom:

Night to Unite will be Tuesday night, August 4, 2015. Neighborhood block parties can register at the Ramsey County Sheriff's website by typing in Ramsey County Night to Unite. The application can be completed online. The deadline for registration is Friday, July 17, 2015 to guarantee visitors from officials. School supplies will be collected.

Councilmember Springhorn:

Thank you and recognition to Fran and Ron Kalachefsky who are moving from Shoreview. Ron previously served on the Planning Commission. They have been active in the community for the many years they have lived in Shoreview.

Congratulations to Asst. City Manager/Community Development Director Tom Simonson and his staff for the work done in obtaining a commitment from Ally Financial, a new company moving to Shoreview that will bring 250 new jobs in addition to the employees who will be moved.

Councilmember Johnson:

The *Slice of Shoreview* will be July 24th-26th. Many events are planned. She encouraged everyone to attend and celebrate Shoreview.

CONSENT AGENDA

Mayor Martin noted item No. 6, *Accept the Comprehensive Financial Report for the Fiscal Year Ended December 31, 2014*. It is a great policy document that provides planning for the future.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Springhorn to adopt the Consent Agenda for June 15, 2015, and all relevant resolutions for item Nos. 1 through 11:

1. June 1, 2015 City Council Meeting Minutes
2. Receipt of Committee/Commission Minutes:
 - Bikeways and Trails Committee, May 7, 2015
 - Bikeways and Trails Committee, June 4, 2015
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$934,982.90
5. Purchases
6. Accept the Comprehensive Annual Financial Report for the Fiscal Year Ended December 31, 2014
7. Developer and Escrow Reduction
8. Award Installation Quote for 2015 Street Light Replacements, CP 15-04 and Turtle Lane/Schifsky Road, CP 15-01
9. Award Bid - 2015 Street Seal Coat, CP 15-05
10. Ordinance Adopting Revised Electric Permit Fee Schedule
11. Approve Maintenance Agreement with Rice Creek Watershed District for Water Treatment Plant and Authorize Mayor to Sign Agreement, CP 14-02

VOTE: Ayes - 4 Nays - 0

PUBLIC HEARING**AUTHORIZATION TO SUBMIT MS4 ANNUAL REPORT FOR 2014****Presentation by Public Works Director Mark Maloney**

This annual report for stormwater management is required by law. The City must submit its status on compliance with the MS4 permit through a public hearing. The report is an assessment of the City's progress in achieving its Stormwater Pollution Prevention Plan (SWPPP). The

SWPPP was created in 2003 and subsequently revised in 2006, 2008 and 2013. It includes six minimum control measures of best management practices with measurable goals:

1. **Publication and outreach.** This is achieved with articles in the ShoreViews and local newspapers. The Environmental Quality Committee holds a public education Speaker Series each year that has at least one program on stormwater. The City sponsors a Green Community Award Program and provides information on the City's website and through Community Access TV.
2. **Public Participation.** The public hearing covers the requirement for public participation.
3. **Illicit Discharge Detection & Elimination.** In March 2012, the City established an illicit discharge ordinance to define illicit discharge and provide inspection and enforcement authority to the City. City staff have been trained, and the City is now in compliance.
4. **Construction Site Storm Water Runoff.** Enforcement of erosion and sediment control is monitored for both public and private development.
5. **Post Construction Storm Water Management in New Development and Redevelopment.** The Hanson/Oakridge neighborhood reconstruction included underground filter chambers and a pervious paver roadway. The Autumn Meadows Development put in an infiltration basin.
6. **Pollution Prevention/Good Housekeeping for Municipal Operations.** The City is committed to storm water management and plans for inspection, maintenance and repair of the City's existing stormwater infrastructure.

In 2013, new permit requirements went into effect with more specific information requested and mapping. The City is now required to modify its SWPPP, the City Code and Development Agreements, and inventory storm ponds and City facilities as part of the approval process.

The consequence of not being in compliance could mean that the City would lose authority to operate its storm sewer system because it empties into public waters.

Mayor Martin asked if the standards are the same for all cities. Mr. Maloney responded that all cities with the exception of Minneapolis and St. Paul are required to be in compliance under this process.

Councilmember Wickstrom stated that whatever residents drain into the storm water system impacts lake water quality. She described a recent incident when a landscaper was washing muddy water from a rain garden into the stormwater system, which drained to a lake. It is important to be aware of best practices.

Mayor Martin suggested that when permits are issued, information flyers also be distributed.

City Attorney Joe Kelly stated that he reviewed the affidavit of public hearing, and proper notice has been given.

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

MOTION: by Councilmember Wickstrom, seconded by Councilmember Johnson to close the public hearing at 7:55 p.m.

VOTE: Ayes - 4 Nays - 0

MOTION: by Councilmember Wickstrom, seconded by Councilmember Springhorn to direct the Public Works Director to submit the final MS4 Annual Report for the Minnesota Pollution Control Agency reflecting the receipt of any comments from the Public Hearing held on June 15, 2015.

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

GENERAL BUSINESS

APPROVAL OF ORDINANCE #933 GRANTING A CABLE TELEVISION FRANCHISE TO COMCAST OF MINNESOTA, INC.

Presentation by City Manager Terry Schwerm

In August 2014, the City Council voted to withdraw from the North Suburban Cable Commission. Subsequently, the City approved a franchise extension which will expire at the end of 2016. Since approving the extension, staff and legal counsel have been negotiating a new franchise agreement between the City with Comcast.

The franchise agreement proposed is modeled after the one used by cities in the southwest metro area--Edina, Richfield, Eden Prairie, Hopkins and Minnetonka. The franchise agreement is for 10 years. The City will continue to receive a 5% franchise fee, free Cable drops and up to three converter boxes at several identified sites. Customer service standards are part of the agreement and will be handled by the City. Four public education and government channels are included—one channel each for the Roseville and Mounds View School Districts, as well as a government and public access channel. One channel can be in HD format. That will not be available until the City has the proper equipment to broadcast in HD. Under the current franchise, the City receives approximately \$4.35 per subscriber per month as a PEG fee. Under the proposed new franchise, the City will receive approximately \$2.00 per month PEG fee. This is a benefit because it lowers costs for subscribers and still provides needed capital resources to broadcast City meetings. That amount can be increased in the future, if needed.

Other provisions in the franchise agreement include performance and security bonds provided by the Cable company and a competitive equity clause allowing Comcast to operate under equivalent material terms and conditions of any other cable franchise issued by the City. Staff is recommending approval of the franchise agreement and Ordinance No. 933, which would be in effect July 1, 2015.

Councilmember Wickstrom stated that she served on the NSCC for many years. She supports the agreement and expressed her appreciation to staff and the attorneys for the City and Comcast who worked hard to reach an agreement in a reasonable amount of time.

Councilmember Johnson stated that the Council has been working on this issue for some time and is pleased the City can move forward with offering this service to residents.

Councilmember Springhorn asked if there is the option of universal access service with a rental fee just for the box. CNN and ESPN are not available under this option, but the PEG channels are available. Mr. Schwerm responded that option is not in the agreement. It is a tier of service that is being phased out.

Mayor Martin stated that this agreement will provide almost the same exact service that residents have had previously. Customer service will be handled by the City so any problems will be addressed. After years of trying to work through the NSCC, this agreement is comparable to what is provided by other cities. The PEG fees will be reduced to homeowners by more than half. The PEG fees will come to the City and not shared with other Cable Commission cities. She commended City Manager Schwerm and the attorneys for the successful negotiations.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Springhorn to adopt Ordinance No. 933--Granting a Cable Television Franchise to Comcast of Minnesota, Inc. to operate and maintain a cable system in the City of Shoreview; and to adopt Resolution No. 15-46 approving the summary publication of Ordinance No. 933.

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

MINOR SUBDIVISION - 4965 HANSON ROAD

Presentation by Asst. City Manager/Community Development Director Tom Simonson

The request is from Todd Sharkey Land Development to divide the subject property into two parcels with one new lot. The Planning Commission has approved the variances related to the minor subdivision that:

- Allowed the new Parcel A frontage on a private roadway easement (Code requires frontage on a public street)
- Established a minimum front setback for a future house on the new parcel.

The private roadway extends from the junction of Hanson Road and Oakridge Avenue and currently services seven houses. The subject property has legal access to the private roadway easement. The new Parcels A and B would respectively consist of 16,928 square feet and 16,972 square feet. Parcel B has an existing house that is proposed to be removed and replaced with a new home.

Sewer and water utilities are available to serve Parcel A. Sewer access would be across Parcel B to Hanson Road. While water is available through a City easement under the private roadway, due to legal issues, staff is recommending water access also be from Hanson Road. Therefore, a 10-foot easement is required across Parcel B for utilities to Parcel A. Grading, drainage and tree preservation plans are not required until the application for a building permit. The City Engineer has reviewed the plan and has no significant concerns.

Parcels A and B are considered key lots, which require an additional 15 feet in depth to the minimum required. A minor adjustment of just over one foot will be made to the lot line for Parcel B to bring it into compliance with lot depth. Both lots will then meet key lot dimension requirements.

The buildable area is impacted by the house to the west at 1000 Oakridge Avenue, which is set back at 89.29 feet. Staff believes this setback was allowed because of consideration of a possible future public cul-de-sac at the time that house was built. However, it is now unlikely that there will ever be a public road because of the limited opportunity for development or redevelopment. Code requires a setback of plus or minus 10 feet from the setback of the house at 1000 Oakridge. Staff believes this is unreasonable as it would leave a buildable depth dimension of only 24.15 feet. The Planning Commission approved a minimum front setback of 35 feet for Parcel A to provide for a reasonable buildable area. Because Parcel A is a key lot, the east side setback for a structure is a minimum of 20 feet; the west side minimum is 10 feet for a house or 5 feet for a garage.

Access would be from the existing private 30-foot roadway easement. Within that easement is a 12-foot wide concrete drive that serves seven homes. As long as there is no parking along the easement, the Fire Department has no concerns.

Notice was sent to property owners within 350 feet of the subject property for the May 26th Planning Commission meeting. A courtesy letter was also sent last week informing neighbors of the Council's consideration of the minor subdivision at this meeting. Written comments have been considered by the Planning Commission and submitted to the Council. No new comments have been received. The applicant has provided written statements and background to support the application.

The Planning Commission voted unanimously 7 to 0 to approve the variances and to recommend the City Council approve the minor subdivision. Staff is also recommending approval of the minor subdivision subject to the conditions in the proposed motion. Condition No. 4 would be changed to provide sewer and water utilities from Hanson Road.

Mayor Martin stated that although she believes she could make a fair decision on this application, there is ongoing litigation to which she is a party. In order to avoid any appearance of bias, she intends to abstain from voting.

Mayor Martin opened the discussion to public comment.

Mr. Dan Iwaszko, 999 Oakridge Avenue, stated that he believes this proposal for a subdivision puts his land on the menu. His property extends across the private drive to an easement of 6 feet into the proposed Parcel A. The first three properties, including his property, are served by an 11- to 12-foot section of east/west driveway. The last 4 houses are served by a wider 20-foot private drive that allows for turn-around space. The property was developed by the Andersons in the 1960s, who owned the home at 4965 Hanson Road and developed the lots on the north side of Oakridge. The character of the neighborhood is long front setbacks from the private drive. The 35-foot setback proposed changes the character of the neighborhood and presents safety concerns. Fire Chief Tim Boehlke previously expressed concern about any parking on a 24-foot wide street on Alameda. There must be emergency access concerns for a 12-foot drive. Drainage is an issue. There is already a river of water that comes down his driveway from the private drive when it rains. Proposed Parcel A at a higher elevation will further impact his property. There is no storm sewer on the private drive. He requested the Council to consider all options. He would like to know how he can reasonably use his easement across the private drive and how others can use it, if this subdivision is approved.

Ms. Ann Nash, 1003 Oakridge, stated that she agrees with Mr. Iwaszko's comments. She emphasized the issue with rainwater coming down her driveway. Her concerns are mainly with drainage, safety and the setbacks. If the private drive is going to serve additional properties, she would like consideration for a public road. She supports the development but would prefer to see access from Hanson Road.

Ms. Lynn Iwaszko, 999 Oakridge, emphasized how the width of the private roadway changes as stated by Ms. Nash. The 6-foot easement is part of her property but across the road from her parcel abutting Parcel A is used by cars to pull over if they meet a car coming from the opposite direction because of the narrowness of the private drive at that point. Also, not everyone received the letter of notice for this meeting. While she understands Mayor Martin recusing herself, the neighborhood needs Mayoral leadership. She would like to see a future notice for a future meeting when a full Council is present to vote.

Mr. Dennis Jarnot, 1000 Oakridge Avenue, stated that this is such an important vote he also would like to see a full Council present. He had to cancel a trip to attend this meeting because of the short notice. He did not get a letter. According to Planning Commission Chair Solomonson, the Planning Commission is an advisory group. He disagrees with the change to the front setback. Maintaining the private drive is expensive to residents and has created hard feelings. The neighborhood was told there would be no further development. He does not agree with putting additional homes on this private drive. Parcel A is 1.5 feet higher than the lots across the private drive. Neighbors have no way to stop the water. There is no public street with sewer to take care of the water. If there were a public street, the City could control all these issues. Further, when he built his house, he staked out the placement so that anyone who had an issue with the setback could let him know. The reason for the variance for the front setback cannot be based on saying the situation was not created by Mr. Sharkey. He had an opportunity to respond to his house setback but never did. The variance to the setback changes the neighborhood character. If this development is going to be approved, it should be done right with a public road. A public road will also solve the issue with the 6-foot Iwaszko easement on Parcel A.

These issues have gone on for many years and have caused a lot of dissension in the neighborhood. He does not want to see this decision made by three people.

Ms. Iwaszko stated that in 1993 and 2005, the intent of the decisions were that there would be no further development. This is shown in the minutes at those times. She agreed that a public road should be put in before further development.

Mr. Todd Sharkey, Applicant, stated that the neighbors are trying to control his property by not allowing development. A letter in 1978 from former City Attorney Filla clearly states who has private drive easement rights. When Mr. Jarnot applied to develop his land, he was granted special access with the private road easement, which he believes is eminent domain on the part of the City. Mr. Jarnot did not have legal access. According to Ramsey County, the Nash, Jarnot, Kartarik and Zinga properties do not have legal access, but the City has allowed access. The shared turn-around, Exhibit K of the materials he presented, does not show a cul-de-sac and there is no record of one. The turn-around T is what was granted. There is no reason for Mr. Jarnot to have an 89-foot setback and it is illegal. The drainage issue stated by the Iwaszkos is a result of the buildings on their land and the amount of pervious surface connecting the buildings. The character of the neighborhood will not change. Neighbors will not see the new home unless they drive by.

Mayor Martin stated that the issue of access to the private easement has been decided by legal counsel and by the Planning Commission in granting the variances. She would like to hear about the lot split and buildable area. If clarification is needed on the access rights, former City Attorney Filla's law firm is still involved, and information can be provided.

Mr. Sharkey stated that the location of the mailboxes is a safety hazard because cars pull over to access the mailboxes without leaving the car. The name of the private roadway permit post construction is in Mr. Jarnot's name. He has never compensated neighbors for the roadway easement. He does not understand Mr. Jarnot's concern about the setback variance, when the setback for his home is illegal. As to water issues, Mr. Jarnot has two downspouts that go underground across his property and open onto the Sharkey property. He requested that be stopped immediately. His proposed subdivision meets City Code. The Planning Commission unanimously approved it. It needs to be recognized that any parcel large enough to be subdivided and developed will be in the future.

Mayor Martin brought the discussion back to Council deliberation to address resident questions:

Access Rights to Private Road Easement

City Attorney Joe Kelly stated that he has verified with former City Attorney Filla's opinion and stated that it is his own opinion that the easement runs with the land. Landowners have a right to the easement.

Construction of a Public Road

Mr. Maloney responded to the question of a possible public road. Under City Code, public street standards require a minimum of 50 feet of right-of-way. Although there are other narrower public roads in the City, that does not compel the City to replicate a substandard road. Enough

room is needed for 24 feet of road right-of-way in addition to the room needed for concrete curb and gutter and utilities. In his 21-year tenure as Public Works Director, there has been no discussion of putting in a public road because it would mean a significant amount of private property acquisition. The City may act on a petition, but the City has never initiated property acquisition for a public roadway.

Councilmember Wickstrom asked the process for the neighborhood to have a public street and how many people would have to petition. Mr. Maloney stated that if the City were to receive a petition from the neighborhood of qualifying, benefitting properties, it would begin the process of a feasibility study to find out what specifically would be involved for a public improvement. Property acquisition costs, as well as infrastructure costs would be identified. Mr. Schwerm added that the way assessments work, depending on the percentage of people making a request, there are different vote requirements by the City Council to order a public improvement. Vote requirements by the City Council would depend on the percentage of residents making the petition.

Safety

Mayor Martin asked for clarification of how staff sees a safety issue with another home added to the private road access. Mr. Simonson stated that adding one home to a private driveway does not raise concerns with staff or the Fire Department. Traffic counts can change, but adding one home is not a significant concern.

Councilmember Johnson stated that she sees a public safety issue when she hears neighbors denying access to property.

Planning Commission Role

Mayor Martin noted that although the Planning Commission is advisory to the City Council, it has the authority by state statute to grant variances. There is a five-day appeal window on that decision, but there was no appeal in this case. City Attorney Kelly added that the notice requirements are for the public hearing prior to the Planning Commission holding the public hearing. Anyone with an interest could have used the 5-day appeal period. No notices are required after the public hearing regarding appeal rights. There are also no notices required for this meeting.

Mr. Simonson stated that the Planning Commission action on the variances indicated a 5-day appeal process as part of the conditions for approval of the variances. All those documents are a matter of public record. The letter sent last week was a courtesy to neighborhood residents.

Mayor Martin added that the 5-day appeal period is standard practice. Planning Commissioner Ferrington noted that the 5-day appeal period was stated at the end of the Planning Commission decision. The appeal period was not explained and whether it was understood is another issue.

Drainage

Mr. Simonson stated that the subdivision is reviewed based on City standards. There are existing drainage issues that are not caused by any future development. When a building permit application is received, requirements for grading, drainage, utilities and plans for the building

site must be submitted. As part of that review, City standards will be applied to the proposal. The City may not be able to solve current drainage issues, but any development will not add to the issue. Mr. Maloney emphasized that any development is reviewed to make sure it does not exacerbate any ongoing issue. The documents discussed at this meeting describe pre-existing conditions. Grading and erosion control will be monitored and held to City Code standards as with any other project.

Parcel B New House Orientation

Mayor Martin asked about orientation of a new house on Parcel B toward Hanson Road. Mr. Simonson stated that if a new house were to be built on Parcel B, it would have the same right of access to the private road easement as Parcel A. In most cases, given the characteristics of Parcel B, a new house would likely front on Hanson Road; but that is not a requirement or staff's recommendation at this time.

City Attorney Kelly added that a replacement house on Parcel B would have to front on Hanson Road, a public road. Otherwise, a variance would be needed to front on the non-public road. Mr. Simonson stated that setbacks are defined based on what the City determines is the front property line. That is why grading and drainage issues are not addressed at this time. It is necessary to see the house design before the impact of grading and drainage can be determined.

City Planner Castle further explained that Code requires each home have frontage on a public street. The Code does not specify which access must be used if there is frontage on both a public and private street.

Setbacks

Mr. Simonson explained that the application was reviewed in terms of whether the property has access rights, which it legally does. It was determined that the setback for the Jarnot property was based on the possibility of a future public cul-de-sac, although there is a lack of public record on the issue. That is not justification showing that the applicant created the situation for the front setback for Parcel A. The proposal was reviewed in terms of the fact that it will meet all City setback standards. The deviation from the required front setback is based on the justification that it was the City's requirement that the Jarnot home have such a long setback.

Decision by Full Council

Mayor Martin stated that it is a decision that needs to be made by the Council whether a full Council should be present to decide this matter. She emphasized that neighbors' comments are taken seriously, and the Council has listened and studied the issues.

Councilmember Wickstrom stated that this is a perfect example of why she does not like private driveways. In other situations, the City has required a Maintenance Agreement with benefitting property owners for a private driveway to avoid such contentious issues. The Planning Commission decision on the variances is final. Although she disagrees with that decision, she finds no legal reason to deny the subdivision.

Councilmember Springhorn stated that there is a lot of frustration that goes back a long ways. It is not the Council's decision to decide on who is a good neighbor. If he thought it would help to

table the matter and send it to mediation, he would agree with that action. The Council can only look at the application presented. He agreed with Councilmember Wickstrom.

Councilmember Johnson stated that the Planning Commission voted 7 to 0. Clearly, there has been legal representation throughout the process. Staff has spent an enormous amount of time researching the issues. If the matter were to be tabled, her question would be what more could be learned? Mr. Schwerm responded that there would be no new information but if tabled, there could be a full Council vote on the matter. The next time a full Council will be available will be mid-July, and the review period for the application would have to be extended for 60 days.

City Attorney Kelly stated that if the decision is tabled, specific reasons would have to be identified for that action. The review period would have to be extended. There is a quorum present at this meeting, and it may be hard to justify to the applicant the need to wait for a full Council.

MOTION: by Councilmember Springhorn, seconded by Councilmember Wickstrom to approve the Minor Subdivision application for Todd Sharkey Land Development at 4965 Hanson Road, subject to the following:

1. The Minor Subdivision shall be in accordance with the Certificate of Survey submitted; however, the depth for Parcel B shall be increased to 140 feet and revised prior to recording.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. The applicant shall be responsible for providing legal description for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. A 10-foot wide private easement shall be provided along the south boundary of Parcel B to provide municipal sanitary sewer service to Parcel A.
5. Municipal water and sanitary sewer service shall be provided to Parcel A.
6. For Parcel A, minimum structure setbacks from the property lines shall be as follows: Front - 35 feet, Side (East) - 20 feet, Rear - 40 feet, Side (West) 10 feet for the dwelling unit/5 feet for accessory structures.
7. For Parcel B, minimum structure setbacks from the property lines when redeveloped shall be as follows: Front - 10 feet, Side (South) - 15 feet, Rear - 40 Feet, Side (North - adjacent to private roadway) - 25 feet.
8. The applicants shall enter into a Development Agreement with the City. This agreement shall be executed prior to the City's release of the deeds for recording.
9. A Tree Protection and Replacement Plan shall be submitted for Parcels A and B with an application for a Building Permit for a new home on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement.

10. A Grading and Drainage Plan shall be submitted for Parcels A and B with an application for a Building Permit for a new home on each parcel.
11. The items identified in the attached memo from the City Engineer shall be addressed prior to the issuance of a Building Permit for new homes on each parcel.
12. Resolution No. 15-39, which approved a variance for the new parcel to access utilizing an existing private roadway easement and established a minimum front setback for a future house on Parcel A shall be executed prior to the City's release of the deed for recording.
13. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County.

This approval is based on the following:

- a. The proposed subdivision is consistent with the policies of the Comprehensive Plan, including the Land Use and Housing Chapters.
- b. The subdivision is consistent with the policies of the Development Code and the proposed lots conform to the other adopted City standards for the R-1 Detached Residential District.
- c. The Planning Commission adopted Resolution No. 15-39, which approved a variance for the new parcel to access utilizing an existing private roadway easement and established a minimum front setback for a future house on Parcel A.

Discussion:

Councilmember Wickstrom offered an amendment to Condition No. 4 to state that "...provide sanitary sewer and water service to Parcel A." Councilmember Springhorn accepted the amendment.

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

WEED ABATEMENTS:

221 N. Owasso Boulevard
1565 Lois Drive
5594 Pascal Street
1716 Hillview Road
1719 Terrace Drive

Presentation by City Planner Kathleen Castle

A revised motion is presented as the weed problems have been addressed at 5594 Pascal Street, 1716 Hillview Road and 1719 Terrace Drive. Staff is requesting an order for vegetative growth abatement to 221 N. Owasso Boulevard and 1565 Lois Drive.

Section 210.020 defines the abatement procedure which requires a notification and hearing process, notice in writing to the property owner, a time to correct noncompliant conditions and a notice of hearing. Proper notice has been given to property owners for required corrections and

this hearing. Property maintenance violations continue at 221 N. Owasso Boulevard and 1565 Lois Drive. Staff is recommending authorization for the City to abate nuisance vegetative growth and for the staff to monitor these two properties through 2015 and 2016, and order further abatement if needed.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Springhorn to adopt Resolution No. 15-47, pursuant to Section 210.020(A), approving the abatement of vegetative growth for the properties located at 221 N. Owasso Boulevard and 1565 Lois Drive, 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 2015 and 2016 growing seasons and to abate any vegetative growth on the property that does not comply with City regulations.

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

SPECIAL ORDER OF BUSINESS

Mayor Martin stated that the question is whether to have a Council meeting on July 6, 2015. At least one Councilmember will be absent. City Planner Castle stated that there would be two subdivisions and one conditional use permit at the first meeting in July, but the applications are not urgent and could wait. If the Council chooses not to meet July 6, staff will explain scheduling to the applicants.

Mayor Martin suggested a special meeting immediately prior to the workshop meeting on July 13, 2015. Mr. Schwerm stated that there is a weed abatement notice for July 6, but that could be re-noticed.

It was the consensus of the Council to cancel the regular Council meeting on July 6, 2015, and hold a special meeting for routine items immediately prior to the workshop meeting on July 13, 2015.

ADJOURNMENT

MOTION: by Councilmember Springhorn, seconded by Councilmember Johnson to adjourn the meeting at 10:06 p.m.

VOTE: Ayes - 4 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 13th DAY OF JULY 2015.

Terry Schwerm
City Manager