

prescription drugs can be turned in at the patrol office on Hamline or the Law Enforcement office downtown at 425 Grove Street.

Those in detention are able to find stability by knowing that there is a support system for them outside the detention center. Now inmates are able to receive email. Also, an automated answering service allows public inquiries to find out if someone is in jail without having to talk to an operator. The answering message allows the caller to leave a message for an inmate. Also, conversations with family and friends can be done through Skype. Inmates who know there is a support system waiting for them are much better behaved because they know there is something better when they get out.

The annual fundraiser is the Fright Farm, at the property adjacent to Aldrich Arena at Frost and White Bear Avenues. It will run Friday and Saturday nights through October. All proceeds are used for youth programs.

Councilmember Quigley expressed his hope that residents would use the *Coffee with A Cop* opportunity to compliment and give appreciation for law enforcement work. Sheriff Bostrom responded that in spite of the horror stories in the media, he has experienced more expressions of thanks than at any time in his career.

Councilmember Wickstrom thanked deputies for helping with the *Build A Burger* night for the military families in the *Beyond the Yellow Ribbon* program. She also received a lot of positive feedback from residents for the deputy on call stopping in at each garage sale during the Neighborhood Garage Sale. Further, Councilmember Wickstrom asked if the Department will schedule another Citizen's Academy for Elected Officials. Sheriff Bostrom responded that a shortened three-night program will be scheduled after October.

Councilmember Johnson commented that during *Night to Unite* residents have been impressed that deputies who attend know City staff. She is also grateful for the time the Department has taken to be present at public meetings to make sure officials are safe.

Mayor Martin stated that a recent community survey shows high marks in public safety. It is reassuring to the community to see the professionalism, humanity, and fairness shown by the deputies. Sheriff Bostrom stated that four primary areas of performance are expected by communities: 1) honor and trustworthiness, 2) taking responsibility, 3) respectful, and 4) truthfulness. Those are the characteristics of focus in hiring and training deputies.

Councilmember Springhorn asked what outreach has been made to communities of color. Sheriff Bostrom responded that he participates in and is a member of the National Black Police Officer's Association, Asian Police Officers' Association and the Latin Police Officers' Association. He works with the African American Leadership Council and NAACP on any issues that arise. His ongoing relationships with these groups started 10 years ago. Members of these groups have his cell number.

CITIZEN COMMENTS

Mr. Les Siphema, 3575 Owasso, thanked the Council and Mayor for their hard work as well as the Ramsey County Sheriff. His concern is about his letter regarding the proposed new library. The first item of concern is Minnesota's Retroactive Liability legislation as a result of the I-35W bridge collapse. Bonding costs have greatly increased. He included with his letter a copy of a petition to the U.S. Supreme Court that the American Society of Civil Engineers submitted. The Supreme Court turned down the petition. The only way to remedy this situation is to get the legislature to remove that legislation. He urged the Council to talk to legislative leaders.

COUNCIL COMMENTS

Mayor Martin:

Recognized a long-time Shoreview resident, Ken Hoff, who passed away this week. Mayor Martin expressed her condolences and noted that he was very active in the Historical Society and in the community.

The Farmers' Market continues on Tuesdays but now ends at 6:00 p.m., not 7:00 p.m.

Councilmember Wickstrom:

Also expressed her condolences and added that Ken Hoff's family has lived in this area since the 1850s. His mother once earned the Citizen of the Year Award for Ramsey County.

The *Adopt A Trail* program will begin October 1, 2015. Residents will be able to adopt a segment of trail to maintain and clean up. The commitment is for two years. The information will be posted on the City's website.

Know Your Flow is a program for people to know exactly how much water they are using. This is a pilot program to help residents understand how much water they are using and with this knowledge find ways to reduce usage. Anyone interested in finding out about this program can contact the City's Natural Resource Specialist Neva Widner at 651-490-4665.

The Fire Department will hold an Open House at the station on Lexington and County Road I on October 3, 2015, from 11:00 a.m. to 2:00 p.m.

Councilmember Springhorn:

Thursday, October 22, 2015, Northeast Youth and Family Services will have *Taste of the Northeast* from 5:30 to 8:30 p.m. at the Vadnais Heights Commons. Tickets are available for \$30 online at www.nyfs.org. Tickets at the door will be \$40.

On October 24, 2015, the Mounds View High School Education Association will have its *Rock the Schoolhouse* event at 6:00 p.m. at the Vadnais Heights Commons. Tickets are \$60 now online. Cost of tickets will go up after October 10, 2015.

The listed properties are currently served by an 11-foot private driveway within a 30-foot private driveway easement. The request for a new public road would require property acquisition.

A public meeting was held on August 25, 2015. Discussion focused on the City's understanding of the meaning of the petition. If a public road were built, it would approximately align with the existing private driveway. City recovery of costs was also discussed, as there is no City project planned for this roadway. There was discussion of drainage concerns that relate to private property where grading has occurred. There are no public drainage easements of record. This would make the feasibility study more difficult because it sets the high water mark and special assessments. There is no funding for either the road improvement or public drainage improvements. If all benefitting properties were amenable to donating the land needed for the public road that would give some certainty to the process. However, he did not hear such agreement at the public meeting.

Such a public improvement would mean a Feasibility Study and Cost Estimate. Project costs would include land acquisition, appraisals and possible eminent domain process if there is any opposition. There is no recent precedent in the community for using the eminent domain process for this type of public improvement project. There did not appear to be a consensus at the meeting. There is opposition to land acquisition and special assessments. The need for land acquisition would make it difficult to determine assessments. A public road that is 24 feet wide with concrete curb and gutter would be a dramatic change to the character of the neighborhood. It could be difficult to prove benefit of a public road for assessments because all property owners have had full use of their property with use of a private driveway. Nothing would change with a public road. Within City planning and budget documents, there is no plan for this public road improvement. If this project were undertaken, it would postpone another project that is scheduled.

At this time, staff is recommending receipt of the petition and to take no further action.

Mayor Martin noted that on occasion, the City has taken over jurisdiction of private streets for maintenance. She asked how that type of situation is different from this request. Mr. Maloney explained that approximately five years ago, the City adopted a policy for taking over jurisdiction of an existing private street. Criteria for taking over a private street includes consideration of whether the street will serve a public purpose and whether it could be maintained as any other street without any special accommodation. The roadway has to be assessed in terms of City road standards. In the case of townhome associations, the property must be re-platted to show a public road right-of-way. This is an 11-foot driveway. In order to put in a public roadway, the City would have to take out what exists and start over.

Mayor Martin opened the discussion to public comment.

Mr. Dennis Jarnot, 1000 Oakridge Avenue, clarified that while the petition has only four signatures, there are more residents in support of the petition but were not available to sign it. The neighborhood has been opposed to the proposed development because of the burden of extra traffic and maintenance of the road. This is a burden property owners did not ask for. A street would be a benefit because of street lighting, street maintenance and snow plowing. Taxes are

higher than properties on Robinhood, Buffalo and Schifsky Road. This neighborhood is not getting full benefits from taxes paid, and there will be assessments for Hanson Road. The private drive is paved and could be plowed. The roadway could be put in the 30-foot easement. There is a safety issue. If something were to happen, the City would be involved. Fire trucks cannot access the private drive. He urged consideration of looking at this project.

Mr. Kurt Merkel, 985 Oakridge, stated that he is totally against a public road. There have been no accidents on the private drive in the last 30 years. When properties in this neighborhood were purchased, property owners understood what they were getting. To change an 11-foot road to a 24-foot road will destroy the entrance to his property. The City will have to use eminent domain to acquire needed land from his property for a public road.

Ms. Lynn Iwaszko, 999 Oakridge, stated that there are six property owners who support a public road. Safety is an issue. While there is one teenager in the neighborhood now, that could change. She does not want to close the door to consideration of safety. Recycling trucks pull in and have to back out. Cars pull over on her property to pass each other. The grade of the private drive slopes to the lake. There are drainage issues. Drainage and safety have been discussed over a number of years. She would like to have a feasibility study done to address drainage and safety. The City should not consider the expense of eminent domain. Only one property is opposed. All other property owners will give up the needed property for a road. The preference is for a road that would change the character of the neighborhood as little as possible. The private drive is in better condition than others the City is maintaining.

Ms. Anne Nash, 1003 Oakridge, stated the 11-foot drive is in good condition and is a beautiful entrance. She would not want to lose trees or how the road looks. There is a safety element because of the narrow road. She would like the feasibility study to move forward to look at safety.

Mr. Merkel asked how drainage would be helped from the north side of the drive down to the lakeshore. He is not opposed to homeowners getting together to determine a maintenance plan.

Councilmember Quigley stated that he is not persuaded to order a feasibility study, but if one were undertaken, he would like to know how it would be financed. There does not seem to be a City benefit. Mr. Maloney responded that some of the work would be done by staff in-house. However, real estate appraisers and/or other outside consultants would have to be hired. Those costs are normally paid for from a project fund. If the project did not move forward, the City would have to pay for the feasibility study from the General Fund. Mr. Schwerm added that a feasibility study would be a City cost and would be prioritized around other scheduled projects. Values on property would have to be determined for property acquisition for the project. Staff costs would eventually be rolled into project costs, if there is a project.

Mayor Martin stated that up front there is a problem with one property owner clearly opposed to providing necessary right-of-way for a road. That property is a key element for a future road. That means potential use of eminent domain to obtain the needed right-of-way.

City Attorney Kelly stated this project would take some time, especially with a homeowner not willing to sign over an amount of land at no cost. A government taking of land is a lengthy process. An alternative way under Minnesota Statute 435.37 is that a property owner of five acres with no access except over lands of another or by a waterway can force the government to create a cart way of 2 rods in width, which is 33 feet. The statute could be interpreted to allow a group of property owners who own five acres of contiguous property could meet the threshold. Also under that statute, property owners bear 100% of the cost, including eminent domain and attorney fees. If a cart way is requested, at the Council's sole discretion, a request can be made for the cart way to remain private. In that case, property owners would be responsible for a maintenance agreement for the cart way. Even under this statute, the biggest issue of maintenance falls on property owners.

Councilmember Wickstrom asked for a rough estimate of the cost of a feasibility study less property appraisals. Property owners would like to know costs before pursuing action. City Manager Schwerm stated that information could be provided. The policy question is whether the Council would like to move forward with a feasibility study and possible public roadway. A public roadway cannot be the current private drive, which does not meet the standards of the public roadway system.

Councilmember Wickstrom expressed her disappointment that two key property owners would not sign the petition making this decision extremely difficult. Mr. Schwerm stated that the City does not take lightly the use of eminent domain, but it is a process that can be used. That is easier than trying to respond to the statute defining width in rods and cart ways. If residents were unanimous in desiring a public roadway, it would make sense for the City to look into the possibility. The costs of the project then are paid by the residents.

Councilmember Quigley stated that he would like the property owners to lay out the conditions under which they would participate in a public road project. That would make it easier for the City to do a feasibility report.

Mayor Martin stated that she would like all eight property owners to be willing to dedicate their land for a public road and a drainage plan. She asked if all property owners were represented at the meeting. Mr. Maloney responded that more property owners than signed the petition were at the meeting, but he does not believe all were there.

Mayor Martin stated that on the eastern portion of Oakridge, drainage was a big issue and it would be a factor for this potential project. It is not known how much land would be needed to install some type of drainage system. Mr. Schwerm added that a drainage system would not address many of the issues the property owners have raised. It would address only water that falls on the street.

Councilmember Johnson noted that the City has not heard from property owners who are said to support the petition but have not signed it. She thanked Mr. Merkel, who although is in opposition, stated that he would like to work with the City and work with his neighbors.

Councilmember Springhorn asked if there would be enough space to build a home on the subdivided property at 4965 Hanson, if a public road were put in and setbacks were met. Mr. Schwerm stated that if the new road alignment followed the private driveway easement, there would be enough room on the new lot for a home.

Mayor Martin stated that as this proposed project is not in the Capital Improvement Plan for the City, it would push back another project, unless this project waits five years. She suggested that the petition be received without further action at this time. There is no funding. One additional lot, with the development of 4965 Hanson, on the private driveway is not going to create traffic concerns for the other seven properties on the private drive.

MOTION: by Councilmember Quigley, seconded by Councilmember Johnson to receive the petition to extend Oakridge Avenue as an improved public street west of Hanson Road and take no further action at this time.

Discussion:

Councilmember Springhorn noted reference to other private drives the City maintains and asked for their names. Mr. Maloney stated that the streets mentioned, Buffalo and Schifsky, are public streets. There is a public road easement west of Hodgson and east of Turtle Lake where there are a number of homes. He does not have the files to show how the City came to own and maintain the dirt road west of Hodgson.

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

PUBLIC HEARING

2015 ASSESSMENT HEARING - HANSON/OAKRIDGE AREA RECONSTRUCTION PROJECT, CP 14-01

Presentation by Public Works Director Mark Maloney

The proposed schedule for the proposed assessments is to hold the public hearing, adopt the assessment roll and mail the Notice of Adoption September 22, 2015. September 22, 2015 would begin the 30-day pre-payment period. If the assessment roll is deferred because of questions, an Objection Response Meeting would be held October 5, 2015, when the assessment roll must be adopted. The 30-day pre-payment period would begin October 6, 2015, when the Adoption Notice is mailed. The assessment would be certified to Ramsey County 30 days from adoption or no later than November 15, 2015.

The Hanson/Oakridge project was completed in 2014 with some cleanup work done in 2015. The project consisted of replacing the asphalt pavement--a complete reconstruction with concrete curb and gutter. Water main and sanitary sewer services were repaired where needed. A storm sewer system was installed, and street lights were upgraded to LED lighting. A concrete permeable articulated block pavement system was put in a portion of Oakridge.

Total project cost: \$1,540,000

Total special assessments (9% of total cost) \$142,502.67

The assessments break down as follows:

Street	\$1,120.82 per lot unit (\$196.18 less than the feasibility estimate)
Storm Sewer	\$1,120 maximum per lot unit - based on lot size
Single lot/unit	\$2,240.82 maximum assessment

The assessments are scheduled to be spread over a 10-year period. At this time, no objections have been received. Written forms are available should there be any objections at this hearing.

Staff recommends holding the public hearing and adopting the assessment roll spreading the assessments over 10 years at 3.235% interest in equal payments. If there are objections, the adoption of the assessment roll would be deferred to the October 5, 2015 Council meeting.

Councilmember Wickstrom asked the reason some storm sewer charges are half of what others are paying. Mr. Maloney explained that some properties had previously paid for storm sewer improvements. Per City practice, prior storm sewer improvements were credited.

City Attorney Kelly stated that he has reviewed the affidavits. Proper notice has been published and mailed.

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

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to close the public hearing at 8:55 p.m.

MOTION: by Councilmember Johnson, seconded by Councilmember Wickstrom to adopt resolution 15-88, adopting the assessment roll for Hanson/Oakridge Reconstruction, CP 14-01, with any previously noted revisions, spreading said assessments over 10 years at 3.235% with said installments to be equal payments.

Discussion:

Councilmember Wickstrom asked if this neighborhood were to put in a public road, whether they would have to pay in addition to this assessment. Mr. Maloney stated that any prior assessment would likely be credited.

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

GENERAL BUSINESS**COMPREHENSIVE PLAN AMENDMENT/ REZONING/PRELIMINARY
PLAT/PLANNED UNIT DEVELOPMENT - DEVELOPMENT STAGE - SOUTHVIEW
SENIOR LIVING, 4710 CUMBERLAND STREET****Presentation by City Planner Kathleen Castle**

An approved PUD for the site includes a 105-unit High Density Senior Residence and a 6,000 square foot single story office building that was never constructed. A shared driveway provides access off Cumberland Street. At the time this property was developed, it did not include the single-family residence at 4696 Hodgson Road. Since development of the Senior Living residence, Southview has purchased the property approved for Office and the single-family home property at 4696 Hodgson. The applications submitted include:

- A Comprehensive Plan Amendment to change the Office zoned parcel and the Single-Family zoned parcel to allow the use of HSR, High Density Senior Residential;
- A preliminary plat to re-plat the property into one parcel;
- Rezone entire parcel to PUD; and
- A PUD amendment to develop a 32-unit senior apartment residence.

The property is located in Policy Development Area (PDA) No. 9, Hodgson Road Residential Area. The PDA identifies senior housing as an appropriate use. Staff believes the proposed senior residence meets the required criteria of: 1) proximity to retail services and arterial roads; 2) provision of underground parking; and 3) site amenities including common areas for residents. Senior living use also is compatible to surrounding properties.

Deviations from Development Code are allowed under PUD zoning to achieve a higher quality development and meet City needs. The proposal requests a number of deviations:

- A mid-point building height of 39 feet, taller than the 35 feet specified in Code;
- Setbacks from property lines are increased by one foot for each added foot of height above 35 feet. The requirement is 44 feet from Hodgson Road; 28.8 feet is proposed.
- Parking is provided at 1.9 stalls per unit, which is less than the 2.5 stalls required.

Staff finds that the proposal is compatible with surrounding land uses. Density in the Comprehensive Plan is 20 to 45 units per acre. The proposal is 30.8 units per acre. The existing senior living residence is 32 units per acre. The proposed 3-story building will parallel Hodgson Road. It is similar to SummerHouse and Applewood Point regarding peak and mean height. The building is similar to the existing senior building. The two buildings would be connected with a skyway. Parking totals 59 stalls proposed, which is 1.9 stalls per unit. Enclosed parking would have 34 stalls; a surface lot would have 25 stalls. Staff believes that due to reduced parking needs of seniors, and the fact that flexibility has been granted for other senior housing projects, the proposed 1.9 stalls per unit is acceptable.

The property is located in the Ramsey Washington Metro Watershed District and must comply with their guidelines for rate and quality control. The City Engineer has indicated that an infiltration system will be used that will reduce the runoff rate.

The Planning Commission held public hearings on July 28th and August 25th. Property owners within 350 feet were notified. The main concern of residents is the size of the building, traffic and screening. Plans were revised and reviewed by the Planning Commission in August. The building height was reduced. Indoor and outdoor common areas were added. Additional surface parking was added. A sidewalk was added, and the building was slightly rotated to increase the distance from the access driveway off Cumberland Street.

The Planning Commission recommended approval on a 7 to 0 vote with additional conditions for additional landscaping northeast of the driveway, use of impervious pavers in the parking area, installation of a STOP sign at the intersection of the private driveway and Cumberland (already in place.)

Staff finds the plan does comply with the Comprehensive Plan and zoning code. The project provides expanded housing opportunity to support City housing goals. Staff is recommending approval of all applications subject to the conditions listed in the staff report.

Planning Commissioner John Doan stated that over two meetings there was a lengthy discussion on this proposal. The Commission was pleased to see the changes that were made to address concerns expressed by Commissioners.

Mayor Martin asked if a market study has been done to determine the need for added senior housing units. **Mr. Link Olson**, Project Architect, stated that a market study was conducted. In the first building developed, the units are small and some market share was lost. This provides larger more spacious units. Services can be provided in either building.

Councilmember Wickstrom questioned the placement of a pergola and patio on the street side of the building. **Mr. Olson** stated that there are a number of patios--one to the east and north, the dining room to the south. The average age is 86, and there are those who like to see what is happening on Hodgson.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to adopt Resolution #15-84 approving the Comprehensive Plan Amendment, to adopt Ordinance 935 approving the Rezoning; and to approve the Preliminary Plat, and Planned Unit Development - Development Stage requested by Southview Senior Communities for the properties at 4710 Cumberland Street subject to the following conditions:

Comprehensive Plan Amendment

1. The amendment changes the land use designation from RI, Low Density Residential, RM, Medium Density Residential, and O, Office to HSR, High Density Senior Residential.
2. Review and approval of the amendment by the Metropolitan Council.

Rezoning

1. Approval of the rezoning is contingent upon approval of the Comprehensive Plan Amendment changing the designated land use to HSR Density Senior Residential.
2. This approval rezones the property legally described as Lot 23, Auditor's Subdivision No. 82 (previously known as 4696 Hodgson Road) from UND to PUD, Planned Unit Development.
3. The applicant is required to enter into a rezoning/development agreement with the City.
4. Rezoning is not effective until a rezoning/development agreement is executed.

Preliminary Plat

1. The approval permits the development of a multi-dwelling senior residential development with two buildings on the single lot. The existing 105-unit building and associated site improvements will remain. A new 3-story, 32-unit apartment building and associated site improvements will be constructed.
2. A public use dedication fee shall be submitted as required by ordinance prior to release of the final plat by the City.
3. The Final Plat shall include drainage and utility easements along the property lines and over storm water management infrastructure areas. Drainage and utility easements along the front and rear lot lines shall be 10 feet wide and along the side lot lines these easements shall be 5 feet wide, and as otherwise required by the Public Works Director.
4. The Final Plat shall be submitted to the City for approval with the Final Stage PUD application.

Planned Unit Development - Development Stage

1. Approval permits the use of the property for high-density senior residential.
2. This approval permits the construction of a 3-story, 32 unit senior apartment building in accordance with the plans submitted as part of this application. The plans are subject to revisions as specified in the conditions.
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. Landmark trees removed shall be replaced at a rate of three replacement trees for each landmark tree removed.
5. The items identified in the memo from the City Engineer must be addressed prior to the City's review of the Final Stage PUD plans and Final Plat.
6. The applicant shall submit a luminary plan and exterior lighting details with the Final Stage PUD and Final Plat submittal.
7. Approval of the final grading, drainage, utility, and erosion control plans by the Public Works Director, prior to submittal to the City of applications for Final Plat and PUD - Final Stage.
8. This approval shall expire after two months if the Planned Unit Development - Final Stage application has not been submitted for City review and approval, as per Section 203.060 (C)(6).
9. The Applicant shall modify the landscape plan to add/improve landscaping on the northeast side of the private driveway, including potential inclusion of privacy fence to the neighbors

to the north of this development and to improve year-round screening of nearby residents. Landscaping shall be approved by City staff.

10. Parking shall be modified, as possible, to incorporate impervious pavers and new parking stalls in existed parking area on site.

This approval is based on the following findings:

1. The proposed Comprehensive Plan Amendment and Rezoning are consistent with the policies of the Comprehensive Plan related to land use and recent findings of the Highway Corridors Transition Study.
2. The proposed change in use from low and medium density residential, and office to high density senior residential will not adversely impact the planned land use of the surrounding property.
3. The proposal will diversify the City's housing stock by providing additional housing choice for area older residents.
4. The proposal will not impede or otherwise conflict with the planned use of adjoining property.
5. The development will be connected to public water and sanitary sewer.

Discussion

Councilmember Wickstrom stated that although there was not much discussion by the Council, this project was thoroughly vetted by the Planning Commission through a public hearing and two meetings. The Council has all of the information from the Planning Commission.

Mayor Martin added that from reports she has heard, there will still not be enough senior housing in 20 years even if the building rate continues at its current pace.

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

ADJOURNMENT

MOTION: by Councilmember Johnson, seconded by Councilmember Springhorn to adjourn the meeting at 9:20 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 5th DAY OF OCTOBER 2015.

Terry Schwerm
City Manager