

**CITY OF SHOREVIEW
MINUTES
REGULAR CITY COUNCIL MEETING
September 19, 2011**

CALL TO ORDER

Pursuant to due call and notice thereof, a regular meeting of the Shoreview City Council was called to order by Mayor Martin on September 19, 2011, at 7:00 p.m.

PLEDGE OF ALLEGIANCE

The meeting opened with the Pledge of Allegiance to the flag.

ROLL CALL

The following members were present: Mayor Martin; Councilmembers Huffman, Quigley, Wickstrom and Withhart.

APPROVAL OF AGENDA

MOTION: by Councilmember Wickstrom, seconded by Councilmember Huffman to approve the September 19, 2011 agenda as amended.

VOTE: Ayes - 5 Nays - 0

PROCLAMATIONS AND RECOGNITIONS

Mayor Martin announced a special award from the Environmental Quality Committee (EQC) and Shoreview Green Community Award program to recognize residents who have environmentally sound planning and landscaping on their properties.

Tim Pratt, Chair of EQC, stated that the EQC was approached by the Shoreview Green Community group to develop a program of recognition of residents who use best management practices on their properties that promote water quality of the many water bodies in Shoreview. This is the fifth year of recognizing winners of the award:

Mary Banholzer - Landscaping to prevent erosion and runoff directly into nearby wetland

Sara and John Russell - Rain garden to capture and infiltrate runoff from the driveway and terraced landscaping that prevents direct runoff into Turtle Lake

Mr. & Mrs. Shawn Carpenter - Rock garden with berm and rain garden to infiltrate roof

Mr. & Mrs. Beane - Pervious paver patio, rain garden to reduce runoff, and erosion

Leslie Starkey - Rain garden and rain barrel on front for runoff, and organic vegetable

Justine Greene - Large mature cottonwoods with gardens, use of ground covers

Kathryn Keefer - Mix of native and ornamental plantings to stabilize bank

Sylvia & Charles Peters - Wildlife certified with water features, fruit bearing plants, control

Friends of Island Lake - Cooperative project with City and County to put in new garden

Mayor Martin thanked the Shoreview Green Community, EQC and participating residents for the excellent work that is being done throughout the City.

CITIZEN COMMENTS

There were none.

COUNCIL COMMENTS

Mayor Martin:

The Community Center pool is now reopened.

The Farmer's Market will continue through the end of October on Tuesdays from 3:00 to 7:00 p.m.

Cleanup Day is Saturday, October 1, 2011.

There are two vacancies on the Economic Development Commission (EDC). The deadline for applications is October 1, 2011. Anyone interested can call City Hall to obtain an application.

Councilmember Huffman:

Noted that members of the EDC need not be residents of Shoreview. It is a Commission that works to develop positive relationships among businesses throughout the area.

Notice to residents regarding the upcoming road work on I-694 between the Highway 10 interchange and Victoria.

Councilmember Withhart:

Congratulations to the EQC and Shoreview Green Community for their work during the last five years and the awards presented.

Councilmember Wickstrom:

The Fire Department will hold an Open House at Fire Station No. 3 on the corner of Lexington and County Road I on Saturday, October 8, 2011, 11:00 a.m. to 2:00 p.m.

Beyond the Yellow Ribbon project will host a Fall Meet and Greet, October 2, 2011, from 2:00 to 5:00 p.m., at the Roseville Armory, north of Lake McCarron off Rice Street. Anyone interested in helping with the event can contact Councilmember Wickstrom at 780-5245, or by email at ady@adywickstrom.com. Anyone interested in being on the committee is welcome. The committee meets the third Thursday at 7:00 p.m. at Roseville City Hall.

CONSENT AGENDA

Councilmember Withhart requested separate consideration of item No. 1, September 6, 2011 City Council Meeting Minutes.

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to adopt the consent agenda of September 19, 2011, approving the necessary motions and resolutions for item Nos. 2 through 9:

2. Receipt of Committee/Commission Minutes:
 - Economic Development Authority, August 15, 2011
 - Public Safety Committee, September 15, 2011
3. Monthly Reports:
 - Administration
 - Community Development
 - Finance
 - Public Works
 - Park and Recreation
4. Verified Claims in the Amount of \$1,185,129.06
5. Purchases
6. License Applications
7. Approval of Change Order and Final Payment - South Water Tower Project, CP11-02
8. Approval of Application for Exempt Permit - St. Odilia Church
9. Developer Escrow Reduction

VOTE: Ayes - 5 Nays - 0

MOTION: by Councilmember Huffman, seconded by Councilmember Wickstrom to approve the August 15, 2011, City Council Meeting Minutes, item No. 1 on the Consent Agenda.

VOTE: Ayes - 4 Nays - 0 Abstain - 1 (Withhart)

Councilmember Withhart abstained, as he was not present at the meeting.

PUBLIC HEARING

2011 ASSESSMENTS - HAWES/DEMAR/RUSTIC RECONSTRUCTION, CP 10-01

City Attorney Filla stated that he has reviewed the evidence of mailing, which indicates that the required notices have been sent and the public hearing is in order at this time.

Presentation by Assistant City Engineer Thomas Wesolowski

The assessment schedule is to have the public hearing at this meeting and adopt the assessments, if there are no objections. If there are objections, they will be addressed at the City Council's October 3rd City Council meeting. The adoption notice would then be mailed to the County October 4, 2011, with a 30-day payment period for residents to pay the assessments without interest. On November 10, the City would certify the assessment roll to Ramsey County (30 days from adoption) or not later than November 15, 2011.

This project included installment of concrete curb and gutter, replacement of the asphalt street with concrete pavement, replacement of water main and services, repairs to sanitary sewer where needed and installation of a storm sewer system. Assessments are for the street improvements and storm sewer. The street improvement assessment is \$1,225 per unit, which is \$499 less than the feasibility study estimate; the storm sewer assessment is \$1,120 per unit and based on lot size. The maximum possible assessment is \$2,345.00.

Staff is recommending adoption of the assessment roll spreading the assessments over a period of 10 years at 3.6% interest in equal payments. A second motion would be to receive objections and direct staff to prepare responses to the objections and defer final Council action to the meeting of October 3, 2011. Prior to this meeting staff has not received any written or oral objections.

Mayor Martin opened the public hearing at 7:20 p.m.

Mr. Steve Carrigan, 238 Hawes Avenue, stated that the improvements are very attractive. However, there have been two problems with flooding and inability to back out from driveways. Although there were two terrible storms, this had not happened prior to the improvements.

Mr. Jerry Pelton, 209 Hawes Avenue, showed pictures to illustrate concerns about the project regarding cracking in the concrete after just one year and what the long-term effect will be with the freeze/thaw seasons. At the onset of the project, it was stated that concrete would be used instead of asphalt because concrete would last 50 years. At this time, he has his doubts. He

asked about a contractor warranty and if so, he would like to see it enforced. There is no issue with the assessments but with the quality of the work. There needs to be a remedy in place before payments are made.

Mrs. Georgia Pelton, 209 Hawes Avenue, stated that it is her understanding that the City has a warranty for the project work. At this time, residents are being assessed for an unfinished project. When the sod was lifted from their property in the fall of 2010, they were told the sod would be replaced in the spring if it did not survive. It was dead by June 2011, and they are still waiting for the replacement sod. The sod was installed in a hurry by throwing it down on bare sand. There was no grading or black dirt preparation. Limited sodding and seeding was done last week to several properties. She believes that 48 of 80 properties need yard restoration.

Mr. John Olson, 4147 Rustic Place, stated that his property has a sink hole that he would like to see filled in.

Ms. Monica Keyport, 163 Demar, stated she has three concerns: 1) concrete work that is cracking, both curbs and the street; 2) noise from the cars, which is heard loudly from inside the home, especially on the lower level; and 3) residents are being penalized with higher water bills to keep the sod alive. With available resources, there must be a resolution to minimize the noise. The assessment is high considering the quality of the work and the noise residents have to endure.

Mr. Fred Reed, 164 Hawes Avenue, stated that he has even had cars stop and look underneath thinking something is wrong with the car because of the noise. The cracks are too wide. The noise heard does not occur on Highway 96 which is concrete. He has been up in the middle of the night thinking someone is at the door because the noise is so loud.

Mr. Bob Prust, 4162 Rustic Place, seconded Mr. Reed's comments. When he drove on the road, he stopped because he thought he had a broken shock absorber. There should have been much fill in the concave meniscus of the cracks. Even his bike makes noise. The worst area is the east end of Hawes. The sod was laid before the heat wave this summer. Some people cut the sod short and with the heat, it was impossible to keep it watered.

Mr. Mark Palme, 170 Demar Avenue, stated that his driveway is gravel. When the new street was planned, he tore out his driveway to have it replaced with concrete. When workmen came to do the work, they brought asphalt, which he refused. Other residents received a 20 to 25-foot apron. His is 4 feet. If he is going to pay the same assessment, he believes he should receive the same that others received.

Mr. Ryan Olson, 4141 Rustic Place, asked if evaluations were done on the project. Sink holes are a result of lack of tamping and not enough dirt. He suggested an evaluation at this time of the project, especially around the drains and to make sure problems are corrected. Residents should not have to pay for work to be done over. The City should not have to pay more money for the project than was bid in the first place.

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

VOTE: Ayes - 5 Nays - 0

Mayor Martin noted that to hear these kinds of complaints after a project is very unusual, and she would like all of the problems investigated.

Mr. Wesolowski stated that in response to the flooding, the City storm water systems are designed for 10-year events. The two storms experienced this summer exceeded the capacity of the system throughout the City. The system installed is working properly, except for the two storms. Economically, it is cost prohibitive to design larger storm systems.

Mayor Martin added that the 10-year standard is a State standard for construction. Mr. Wesolowski added that a 10-year design covers 99% of the storms that occur. If drains are clogged with grass clippings, residents are asked to clean them out.

Mr. Wesolowski stated that there is a punch list with the contractor. The sinkholes did not occur until this year and will be repaired. Also, the City is addressing sod issues as staff becomes aware of the problem. Sod has a warranty for 30 days. If the issue occurred in the middle of the summer, it becomes a grayer issue, but the City is addressing the problem. The concrete work will be evaluated with the contractor. The noise appears to be louder in cold weather. He does not know the reason for that issue or whether the joints need to be further filled. He will discuss the problem with the contractor. Driveways are replaced with the same material that was there when the project began. If a resident chooses to switch to a different material, the City will not replace a driveway with a higher grade of driveway. It is difficult to figure cost differences if a resident wished to upgrade and pay the difference. If the driveway is gravel, City policy is to put a 4- to 5-foot apron. There is no standard amount that is done. It is individual from house to house.

Councilmember Quigley stated that the issues presented do not appear to be specific objections to the assessments. He asked if adoption of the assessment roll would be appropriate. Mr. Wesolowski agreed and stated that all issues will be reviewed and addressed with residents. Some issues he was aware of and others are new.

MOTION: by Councilmember Quigley, seconded by Councilmember Huffman to approve Resolution 11-66 adopting the assessment roll for Hawes/Demar/Rustic Reconstruction, City Project 10-01, with any previously noted revisions, spreading said assessments over 10 years at 3.60 percent interest, with said installments to be equal payments.

Discussion:

Councilmember Huffman stated this is the first time the Council has heard complaints about the finished product. He asked the process for communicating with residents and that communication be with all residents. Mr. Wesolowski stated that such comments at the end of a project are also new for staff. A communication vehicle will be developed with a report back to the City Council.

Councilmember Withhart echoed the fact that this is the first time the Council has been presented with work quality issues, and he would like to hear how the issues are resolved.

Councilmember Wickstrom stated that she is very disappointed with the pictures shown. It is supposed to last 50 years and she expects that it will for the money spent. Mr. Wesolowski stated that he does not know to what extent cracks are occurring. That has to be determined.

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

GENERAL BUSINESS

APPEAL OF PLANNING COMMISSION DENIAL OF VARIANCE - MICHAEL MORSE, 1648 LOIS DRIVE

Presentation by City Planner Kathleen Nordine

The applicant is appealing the Planning Commission's decision to not grant variances related to the construction of a garage on his property. The Planning Commission found no practical difficulty on which to base a decision to grant the variances. The application was denied due to the structure size, its proximity to the side lot line and the impact to adjoining properties in the neighborhood.

The applicant has requested four variances: 1) to exceed the maximum area permitted for accessory structures from the 576 square feet to 1100 square feet; 2) to exceed the combined area permitted from 691 square feet to 1100 square feet; 3) exceed the maximum height of 15 feet to permit 15 feet, 11 inches; and 4) reduce the required side yard setback from 5 feet to 2.3 feet.

The old garage was demolished in June. Construction work was begun on the new structure without a building permit. A complaint was received and a Stop Work Order was issued by the City. The height has been reduced to 15 feet 11 inches from the original proposal of 20 feet 4 inches. A second floor interior storage has been redesigned at a height of 4 feet 8 inches rather than the original proposal of 8 feet 1 inch. Also, the roof has been redesigned with a gable style to replace the original gambrel style.

A variance can only be approved if the City determines three findings: 1) that the ordinance causes practical difficulty in that the property cannot be used in a reasonable manner; 2) there are unique circumstances with the property that are not created by the property owner; and 3) that granting the variance will not alter the character of the neighborhood. The applicant states that there is practical difficulty and unique circumstances. Edgetown Acres, as an older development, is tightly platted. The original garage was shifted to the west because of the drainage ditch along the east property line. The foundation of the new garage is close in proximity to the original garage. If the garage were moved to the east, it would not line up with the house and a driveway would be required closer to the house that would look out of place. A firewall will be constructed on the west, if the variances are granted.

The applicant also states that the garage is to be used to store personal property. The house is small at 768 square feet with a lack of storage space and limited expansion potential. The new garage will not alter the character of the neighborhood because there are other large garages in the area. The roof height has been reduced to match the house. Economic considerations should be taken into account in this situation.

The Planning Commission reviewed this application at two meetings. The plans were modified, but the size remained the same. At the second review, the Planning Commission learned that the side setback is 2.3 feet and not the 6 feet originally stated.

The Planning Commission denied the variances with the following findings:

1. The request does not comply with the spirit and intent of the City's Development Code and Comprehensive Plan. The residential dwelling unit is no longer the dominant use or feature of the property because of the proposed size and height of the accessory structure.
2. The proposed size and side yard setback of the garage is not reasonable for the property due to the lot characteristics and size of the home. A one-story detached accessory structure with a maximum area of 576 square feet and a small storage shed could be constructed on the property at the required 5-foot setback.
3. The unique circumstances are due to the applicant's personal storage needs and not a unique characteristic of the property. While the home is small and has limited expansion potential, a detached garage 576 square feet in size and small storage shed can be constructed on the property. The structure can be set back 5 feet from the side lot line in accordance with the Development Code.
4. Character of the Neighborhood. The structure dominates the property and detracts from the residential character of the property and neighborhood. The visual impact of the structure from the west side property line cannot be mitigated due to the 2.3-foot setback proposed.

Staff has reviewed the application and finds that no practical difficulty is present. The property can be used in a reasonable manner and a detached garage permitted, if it meets City Code requirements regarding height, size and location. A storage shed could also be constructed on the property. While the reduction of height addresses some concerns, a garage of 1100 square feet is not reasonable for the property due to the size of the home, the lot and the proximity to the west side lot line. The garage area is 140% larger than the home and 90% larger than what is permitted by Code. It becomes the primary structure on the property.

Staff recognizes that the house is small, but there are other small houses in the City and staff does not consider that circumstance to be sufficient to grant the variances. It is possible to build a garage that would comply with City regulations. Staff believes that the storage needs are personal to the applicant and not a result of a unique characteristic of the property. Staff recommends denial of the appeal.

Property owners within 150 feet were notified of the appeal. One written response was received in support of the proposal. One phone call was received in opposition.

Mr. Morse, Applicant, thanked the Council for their time to appeal. He also apologized for the way in which he initiated the project. Since the Stop Work Order, he has complied with all City requirements. Although the garage is larger than the home, it is set back from the home by 15 feet making it appear smaller. The mass is masked by its surroundings. Seeing the garage from the street does not indicate its size but looks smaller. The dwelling will remain the primary use of the property, as the garage will not have any essentials for daily living. The Shoreview Comprehensive Plan states that there shall be periodic review of zoning regulations to consider allowing circumstances for residents to reinvest and improve their properties. The space is needed to protect personal belongings and have a clean driveway and yard. The home has two small closets that measure 2 feet by 3 feet. The garage would also be used to access the back yard due to the ditch on the east side of the home that makes it difficult for access. Nine feet, or approximately 1200 square feet, on the east side is unusable because of the ditch, which is unique to the property. This is why the house and original garage were built closer to the west side.

There is no appropriate place for a shed, and he does not believe there would be a benefit to a second accessory structure. The small home is similar to many in the neighborhood which are occupied by seniors. The Comprehensive Plan discusses older residents aging in place and the limited supply of homes for younger households. Shoreview has difficulty attracting younger households that move to newer housing stock in adjoining communities. Strategies need to be developed to slow this trend. The City should consider the shifting demographics and changing needs of residents. The City suggests a 690 square foot garage. Changing or removing the structure would result in a complete financial tragedy to him, as he would not be able to afford the changes financially.

Until the recent survey, he had no knowledge of the side yard setback being in violation. The survey means that the original garage could have been no further than 3 feet from the west property line. The current driveway is 3 feet 10 inches from the west line. No changes are being made to the driveway. The adjoining house is 7 feet from the property line, which is not in compliance with the current ordinance of 10 feet for living area. These circumstances indicate that Edgetown Acres was tightly platted from the beginning. Adding 2.7 feet to the side setback on the west would not change the visual impact from the west. The property owners of the adjoining home to the west have no concerns about his project. The west side wall of the proposed garage is firewall, as required.

The neighborhood has all types of styles and sizes of homes. From the street, there is no way to tell the mass of the structure and does not detract from the residential character of the neighborhood. The siding of the garage is identical to the house. The A Frame roof is the same as the house. The aesthetics, building materials and architecture make the garage very compatible with the house.

An oversized garage is much more reasonable for the property lot size and neighborhood than a 1250 square foot home with two stories and attached garage at a height of 35 feet, which would be allowed by code without any variances. Impervious surface coverage is in compliance. There are practical difficulties that meet the criteria for a variance.

Planning Commissioner Mons stated that the matter was tabled with the hope that the applicant would submit a more reasonable plan. The roof height was reduced, which went a long way toward what the Commission was looking for. The reduced side yard setback was a new variance at the second review. That in combination with the size of the structure made it excessively more than the Commission could approve. One Commissioner voted in favor. One Commissioner was absent but indicated by letter that she was opposed. The application was considered carefully and the Commission unified in its denial.

Council Discussion

Mayor Martin stated that residents have expectations when purchasing a home based on City Code regulations. Often neighbors will support or reject a proposal, but it is not good policy to make a determination based on what neighbors might approve or oppose.

Councilmember Withhart stated that when standards are set, residents expect them to be enforced. While this neighborhood was built before today's standards, the Council has an obligation to everyone in the City to apply current standards uniformly.

Councilmember Wickstrom stated that she understands the need for some variances. She does not object to the height but does object to the proximity to the adjoining house. She expressed great concern at the financial loss, but the requests are far beyond what she can support.

Councilmember Quigley stated that the Council's job is to approve or deny based on all of the background and meetings that have already taken place. The need for permits is obvious given the way the neighborhood has been platted. The number of variances makes it difficult for the City to go back on its ordinances.

Mayor Martin stated that while investment is encouraged and the City likes to see reinvestment in property, consideration must also be given to neighborhood property values. Her biggest objection is that the garage dominates the rear yard of the property to the west.

MOTION: by Councilmember Quigley, seconded by Councilmember Wickstrom to deny the appeal and uphold the Planning Commission's decision denying the variance requests submitted by Michael Morse, 1648 Lois Drive, to exceed the area and height requirements for a detached accessory structure on his property. This denial is based on the following findings:

1. The request does not comply with the spirit and intent of the City's Development Code and Comprehensive Plan. The residential dwelling unit is no longer the dominant use or feature of the property because of the proposed size and height of the accessory structure.
2. Reasonable Manner. The proposed size and side yard setback of the garage is not reasonable for the property due to the lot characteristics and size of the home. The proposed 1100 square foot structure has an area that is 91% larger than the maximum 576 square feet permitted.
3. Unique Circumstances. The unique circumstances are due to the applicant's personal storage needs and not a unique characteristic of the property. While the home is small and has limited expansion potential, a detached garage 576 square feet in size and small storage shed can be constructed on the property. The structure can be set back 5 feet from the side lot line in accordance with the Development Code.
4. Character of the Neighborhood. The structure dominates the property and detracts from the residential character of the property and neighborhood. The visual impact of the structure from the west side property line cannot be mitigated due to the 2.3-foot setback proposed.

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

APPROVAL OF THE DOMESTIC PARTNER REGISTRY ORDINANCE**Presentation by Asst. to City Manager/Liaison to Human Rights Commission Tessia Melvin**

The Human Rights Commission (HRC) requests that the Council approve a Domestic Partner Registry ordinance. In May 2011, the HRC met jointly with the City Council to discuss the proposed ordinance. The Council requested more research and information about what other cities are doing, which was presented at the Council's September 2011 workshop meeting. The ordinance authorizes a voluntary registration of domestic partners. A Domestic Partnership Registry is a means for "unmarried, committed couples who live in Shoreview and share a life together may document their relationship." This ordinance is similar to 12 other cities that have adopted such an ordinance. The ordinance does not create rights, privileges or responsibilities available to married couples under state and federal law. The City cannot provide legal advice concerning domestic partnerships. The ordinance is primarily symbolic, as it creates no legal standing. However, the HRC believes this to be an indication of welcome to all types of families moving into Shoreview.

Ms. Nancy Hite, Member of the Human Rights Commission, stated the purpose of the Commission is to advise and aid the City in providing equal opportunity and freedom from discrimination. The Commission envisions a community where everyone feels at home. To this end, the Commission conducts numerous activities each year to promote understanding in cultural diversity. The ordinance provides same-sex and opposite-sex couples the opportunity to document the existence of their relationship in a way to make it easier to obtain benefits voluntarily provided by employers, clubs and other businesses. The ordinance also recognizes and welcomes gay and lesbian couples and heterosexual couples not married. The HRC requests adoption of this ordinance as an indication of welcome to all people.

Mayor Martin opened the discussion to public comment and questions.

Mr. Dennis Fox, 303 Oakhill Drive, urged the Council to adopt the ordinance as a welcoming to all future neighbors.

Mr. Phil Duran, 310 E. 38th Street, Minneapolis with Outfront Minnesota, stated that he met with the HRC last year. There are communities throughout the state who have adopted this ordinance. He disagreed with the statement that the ordinance is symbolic because the registry makes it easier for employers to offer life insurance because of the government document recording the relationship. Another comment made to him was that the first couple to register in Rochester was an elderly couple, both with previous families. They found value in the registration, as marriage would have had economic impacts to the families.

Ms. Lisa Schlotterhausen, 303 Oakhill Drive, asked the Council to approve the ordinance. It is the right thing to do and demonstrates that Shoreview is an open and welcoming community that she would be proud to live in.

Ms. April King, Pinewood Drive, stated that she previously has communicated with the Council. The HRC has repeatedly stated they do not wish this to become a public issue. How could welcoming be anything other than a positive reaction? The HRC also indicated that anyone opposed to the ordinance would be those so uneducated that there is no empathy for anyone different from them. The fact is that non-marital sexual relationships cause social damage. Others believe their relationships should be affirmed no matter what their character. Those two beliefs are diametrically opposed, and it is not possible to be welcoming to both sides. This is not a City issue, and this ordinance is taking sides in a debate in which the City has no proper place. She requested the City oppose this ordinance.

Ms. Beth Feckter, 5818 Prairie Ridge Drive, stated she has been with her domestic partner for 23 years. She urged the Council to adopt the proposed ordinance. She would be thrilled to have a government entity recognize their relationship as a couple.

Mr. Tom Reynen, 3316 Emmert Street, stated he and his partner have been together for 19 years. He urged support of the ordinance. Unless one has experienced it, it is difficult to realize how hard it is to document a relationship to the rest of the world. His company offers domestic partner benefits, but proof is needed. It should be a state law, but it would be very welcome for Shoreview to have such an ordinance. Lower bereavement air fares, car rentals, hospital visitations, and health club memberships are examples of benefits to domestic partners.

Ms. Paula Wellman, 4655 North Victoria (SummerHouse), stated that while there is no intent to hurt these people, others want to be protected from being forced to accept their lifestyle as a pivotal point of acceptance. While they are accepted as people, their lifestyle is not something others necessarily agree with.

Ms. Barbara Yarusso, 201 Bridge Street, stated that this ordinance would truly welcome one of her children who has lived in the community for over 20 years. This ordinance to recognize domestic partnerships is one of fairness, justice and equal opportunity to enjoy benefits. The City has an interest in stable relationships that promotes stability in home ownership. There is no control over state and federal benefits, but there are many benefits in the community that have been outlined by others. Many objections are based on religious grounds, but it is a principle of our nation that no one set of religious beliefs is the one and only truth for all. Her child is not a threat to anyone else's family, and she encouraged the Council to approve the ordinance.

Ms. Marsha Linden stated that until recently she attended a church with a family of four of two races and two moms. The daughters experienced a lot of harassment and bullying at school because their family did not look like a normal family. The family moved out of Shoreview in hopes of finding a safer place for their children. If the Council does not vote for this ordinance,

she believes that Shoreview residents as a whole will be adversely affected. Families of all kinds strengthen the fabric of the community and it is her hope the Council will support the ordinance.

Mr. Gary Walpole, 5759 Willow Lane, Pastor of Peace United Methodist Church, commended the HRC for promoting this ordinance. It is a valuable piece to let others in Minnesota know that Shoreview is an open and accepting community of all couples and all families. He urged the Council to approve it.

Ms. Patty Jo Fitzpatrick, 1011 Cottage Place, stated that she is a real estate agent. This is a wonderful community that is welcoming and open. She would not understand why anyone would not be for this ordinance.

Council Discussion

Councilmember Wickstrom stated she would support the ordinance. It is important for the City to take a leadership role in stating to the community that all are welcome. This is not just an issue for same-sex couples. It is also an issue for senior couples who often do not marry because of financial reasons. She is pleased to hear the benefits that will be derived from passage of the ordinance and will support it.

Councilmember Huffman stated that of course, all should be accepted. This is a symbolic measure. It will make the City better, although he personally does not see why. He does not believe it is a City issue. It is a divisive issue. No matter what happens with the ordinance, some will be upset. The example of the children experiencing harassment should, of course, be addressed, but he does not see that this ordinance will do anything. He will vote against it.

Councilmember Withhart stated that he believes the ordinance is the right and moral thing to do. People are not accepted and loved, if there is discrimination. By not passing the ordinance is a statement of not accepting. He could not go back to his neighborhood, place of employment or church and say he could not support domestic partners. He will vote in favor of the ordinance.

Mayor Martin stated that as a City she can see no harm in recognizing all kinds of commitment and loyalty to each other. The City wants to applaud and support those who are committed and investing in the community. She will support the ordinance. She cannot see any negative side to this ordinance. There is no risk for the City. There is no cost. It is only positive to invite and welcome supportive relationships.

Councilmember Quigley stated that everyone is wary of government being in places it does not belong. This issue has never been raised in any discussion of City business. The HRC addresses 13 categories and he does not believe that the City should codify one or 13. The advocacy is of concern. As was stated, it could become divisive. Shoreview's mission and goals have created a

broad and welcoming climate. Having lived in the City 40 years, his experience with government, church, employers, schools, non-profits, all organizations has been of acceptance of all groups. He does not see a reason to adopt the ordinance and will not support it.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Withhart to approve Ordinance 885, approving Section 611 - Domestic Partner Registry for the City of Shoreview; amending Exhibit B establishing a fee of \$25 to register as a domestic partner.

ROLL CALL: Ayes: Wickstrom, Withhart, Martin
Nays: Huffman, Quigley

WEED ABATEMENT - 549 DORIS AVENUE

Presentation by City Planner Kathleen Nordine

The Council is requested to order abatement for vegetative growth at 549 Doris Avenue. Notification has been given to the property owner, mortgage company and attorney of the required corrections and this hearing. As of today, there is vegetative growth in excess of 9 inches. The property is in foreclosure and was in a Sheriff's sale earlier this year. Action will allow staff to abate the conditions. Authorization for abatement is requested through 2011 and 2012, should the issue arise again.

Mayor Martin opened the public hearing. There was no comment or response.

MOTION: by Councilmember Wickstrom, seconded by Councilmember Quigley to adopt Resolution No. 11-67, pursuant to Section 210.020(A), approving the abatement of vegetative growth for the property located at 549 Doris Avenue, 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 2011 and 2012 growing seasons and to abate any vegetative growth on the property that does not comply with City regulations.

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

ADJOURNMENT

MOTION: by Councilmember Withhart, seconded by Councilmember Huffman to adjourn the meeting at 9:40 p.m.

VOTE: Ayes - 5 Nays - 0

Mayor Martin declared the meeting adjourned.

THESE MINUTES APPROVED BY COUNCIL ON THE 3rd DAY OF OCTOBER 2011.

Tom Simonson
Assistant City Manager/Community Development Director