

CITY OF SHOREWOOD
CITY COUNCIL REGULAR MEETING
MONDAY, JANUARY 23, 2023

5755 COUNTRY CLUB ROAD
COUNCIL CHAMBERS
7:00 P.M.

MINUTES

1. CONVENE CITY COUNCIL REGULAR MEETING

Mayor Labadie called the meeting to order at 7:00 P.M.

A. Pledge of Allegiance

B. Roll Call

Present. Mayor Labadie; Councilmembers Callies, Maddy; City Attorney Shepherd; City Administrator Nevinski; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Morriem; and, City Engineer Budde

Absent: Councilmember Johnson

C. Review Agenda

Maddy moved, Callies seconded, approving the agenda as presented. All in favor, motion passed.

2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Callies moved, Maddy seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.

A. City Council Work Session Minutes of January 9, 2023

B. City Council Regular Meeting Minutes of January 9, 2023

C. Approval of the Verified Claims List

D. Approve Support for Grant Applications, Adopting RESOLUTION NO. 23-009, "A Resolution Authorizing an Outdoor Recreation Grant Application for the Rehabilitation of Freeman Park Trails at 6000 Eureka Road."; AND, RESOLUTION NO. 23-010, "A Resolution Authorizing a Local Trail Connection Program Grant Application for the Rehabilitation of a Segment of Freeman Park Trails at 6000 Eureka Road."

E. Approve New Hire for Communications Coordinator

F. Precinct 2 Boundary Adjustments due to Annexation, Adopting RESOLUTION NO. 23-011, "A Resolution Adjusting Precinct 2 Boundary."

- G. **Approve Authorization for Service Agreements, Adopting RESOLUTION NO. 23-012, "A Resolution Accepting Quotes and Authorizing Execution of Service Contracts with Professional Services Firms."**
- H. **Delegate a Contract Process for Federal Funds, Adopting RESOLUTION NO. 23-013, "A Resolution to Approve Delegated Contract Process Agreement With MnDOT to Receive Federal Funds."**
- I. **Transfer from General Fund to Prepay 2017 EDA Bonds**
- J. **Receive Recommendation on Capital Improvements Program**
- K. **Approve Permanent Appointment of Public Works Supervisor Chris Heitz**

Motion passed.

3. MATTERS FROM THE FLOOR

4. REPORTS AND PRESENTATIONS

5. PARKS

6. PLANNING

A. Report by Commissioner Eggenberger on January 17, 2023 Meeting

Planning Commissioner Huskins explained that Commissioner Eggenberger had a conflict in his schedule, so he was appearing on his behalf to give the update to the Council. Planning Commissioner Huskins gave a brief overview of the January 17, 2023 meeting discussion and recommendations as outlined in the meeting minutes.

**B. Variance to Side and Rear Setbacks for an Accessory Building
Location: 5925 Eureka Road
Applicants: Gene German and Sara Lassila**

Planning Director Darling gave an overview of the variance request for the property located at 5925 Eureka Road. She explained that this request had been discussed at both the December 26, 2022 and the January 17, 2023 Planning Commission meetings. She noted that there was a revised resolution placed in front of the Council this evening that reflects the recommendation of the Planning Commission and noted that it was slightly different than the resolution included in the packet.

Councilmember Callies asked if the applicant had rescinded the request for a 3 foot variance.

Planning Director Darling stated that they had not rescinded that request.

Gene German, 5925 Eureka Road, stated that the City has established a common practice over the years which had not previously included the requirement that a storage shed be of similar architectural character and similar architectural features. He shared examples of neighbors

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whose sheds do not have the same roofline as their homes or the same siding and color. He referred to Section 1201.03 Subd 2d.4d., and noted that in reading the Code, he did not believe it stated that the architectural features have to be similar, but rather the architectural character. He stated that he feels that they are being asked to over-comply with this portion of the code. He stated that they were asked to change the roof from a high barn style to a gambrel roof style so it was similar to the style of roof of their home. He stated that they have made it clear from the beginning that they wanted to locate the shed in the southeast corner of their yard which is the most isolated area of the property. He stated that they checked costs on what it would be to construct the shed in the manner that the City had requested with lap siding and found that it would add thirty-five percent to the total cost of the shed, which equates to over five thousand dollars. He explained that he believes that this cost would be incurred for something that he considered cosmetic treatment of a shed in an isolated area. He stated that Planning Commission felt that this was an unnecessary financial burden for them or if the Code actually required lap siding. He stated that he felt the City had set a precedent by allowing vertical siding on sheds of residents who have horizontal lap siding on their homes. He stated that he did not see a reason that the Council should not follow the historically accepted common practice with their shed request. He stated that he would ask the Council to refrain from considering architectural features as being the same as architectural character and approve Resolution No. 23-014, with an exception to strike the section in paragraph D, that includes a requirement for lap siding. He noted that all the other terms of the resolution were acceptable.

Councilmember Callies stated that she feels that this was thoroughly discussed and explained that she would be okay with eliminating the requirement for lap siding and noted that the revised resolution presented by Planning Director Darling does not include that requirement.

Callies moved, Maddy seconded, Adopting RESOLUTION NO. 23-014, "A Resolution Approving a Variance to the Rear Yard Setback for Property Located at 5925 Eureka Road.", as presented tonight with the removal of the requirement related to siding. All in favor, motion passed.

Callies moved, Labadie seconded, Adopting RESOLUTION NO. 23-015, " A Resolution Denying a Request for a Variance to Side-Yard Setbacks for Property Located at 5925 Eureka Road." All in favor, motion passed.

**C. Variance to Rear Setback for a 2nd Story Addition
Location: 22430 Murray Street
Applicant: Clayton Tessness**

Planning Director Darling gave an overview of the request for a variance to a rear setback for a 2nd story addition at 22430 Murray Street and explained that staff and the Planning Commission recommend approval subject to the conditions included in the resolution.

Clayton Tessness, 23100 Summit Avenue, representing the property owners, explained that the way he had original read the City's code, he did not think they would need a variance, because he did not see this as increasing the non-conformity. He stated that their plans are just to build up in order to make the existing structure continue to work for this family.

Callies moved, Maddy seconded, Adopting RESOLUTION NO. 23-016, "A Resolution Approving a Variance to Rear Yard Setback on Property Located at 22430 Murray Street ." All in favor, motion passed.

7. ENGINEERING/PUBLIC WORKS

A. Authorize Preparation of Scoping Document for Eureka Road N, City Project 23-01

City Engineer Budde gave an overview of the proposed scoping study that will be the first step in better defining the scope, cost, and expectations for the residents, staff and Council for Eureka Road North. He reviewed the current scoping planned for this project.

Councilmember Callies stated that she appreciated that this was being looked at two years early in order to allow some time for community involvement earlier in the overall process.

Councilmember Maddy noted that soil borings can unearth some surprises and asked if any would be done for this study or if it would all simply be on paper.

City Engineer Budde explained that they are planning to do soil borings as part of the scoping study.

Maddy moved, Callies seconded, Adopting RESOLUTION NO. 23-017, "A Resolution to Prepare Scoping Study for Eureka Road North, City Project 23-01." All in favor, motion passed.

8. GENERAL/NEW BUSINESS

9. STAFF AND COUNCIL REPORTS

A. Staff

1. January 9, 2023 Matters from the Floor response to Kelly Rogers, 20960 Radisson Road

Other

Public Works Director Morriem explained that the City was not successful in receiving an OSHA grant that they had applied for in 2022 but noted that they will be able to resubmit for this grant.

City Engineer Budde stated that in August on 2022, MnDOT provided a road safety audit for Highway 7. He stated that since that time, the City has had multiple conversations with MnDOT and other entities to try to gain some momentum for the next logical step, which is a corridor study. He noted that prior to the Council meeting, they met with Senator Kelly Morrison to discuss the possibility of legislative funding from the State for this study. He stated that based on tonight's discussion, it appears as though there is good momentum in trying to get a bill introduced and staff would like to move forward with presenting some legislation for a corridor study for Highway 7 and identify the City as being in the lead position. He stated that there is also momentum to advance the Corridor Coalition which may help with legislative influence in the future. He stated that they have been in discussions with various entities but explained that they are planning to try to get it a bit more formal so it can carry a bit more weight.

Councilmember Maddy asked what section of Highway 7 would be included in the study.

City Engineer Budde stated that in the conversation earlier today they proposed going from Christmas Lake Road on the east end of the corridor out to past St. Bonifacius. He noted that they have gotten feedback that MnDOT would like to extend from 494 on the east end and explained that they are planning to pull together information to understand what that means from a cost, timing, and support standpoint.

Planning Director Darling shared the sad news that former Parks Commissioner Schmid passed away last week.

City Administrator Nevinski noted that he believed Monday, February 27, 2023 is the only day that is available to hold the Council/Staff retreat. He asked the Council if there would be any conflicts with that date. He stated that he had shared some potential topics for the retreat and asked if the Council had any feedback on those. He noted that he believed that some of the proposed topics could also potentially be discussed at an upcoming work session.

There was consensus of the Councilmembers present that February 27, 2023 would work for the retreat.

City Administrator Nevinski stated that staff would compile a more detailed list of possible topics and distribute that to the Council for their feedback and ranking their importance for discussion at the retreat.

B. Mayor and City Council

Mayor Labadie explained that since the Council met last, there was a meeting with the mayors, city administrators, and the Minnetonka Public Schools Superintendent. She stated that she feels this is a great meeting that highlights upcoming things within the cities and the school district. She noted that she served as a speaker and member of the panel for the Excelsior Rotary Club along with other area mayors. She stated that the most frequent topic that was raised in questions from the rotary club was around Highway 7. She explained that the SLMPD Board meeting was also held last week where they discussed various budget issues. She explained that the SLMPD had received a grant which will fully fund an officer to serve completely in the capacity of DUI/DWI enforcement. She stated that Arctic Fever was held last weekend and had record turnout. She expressed her appreciation to staff members and volunteers for working to make this event run smoothly.

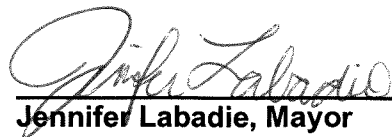
10. ADJOURN

Maddy moved, Labadie seconded, Adjourning the City Council Regular Meeting of January 23, 2023, at 7:54 P.M. All in favor, motion passed.

ATTEST:



Sandie Thone, City Clerk



Jennifer Labadie, Mayor