

MINUTES

**1. CONVENE CITY COUNCIL REGULAR MEETING (Held via interactive technology/videoconferencing)**

Mayor Labadie called the meeting to order at 7:01 P.M.

**A. Roll Call**

Present. Mayor Labadie; Councilmembers Johnson (arrived at 7:05 P.M.), Siakel, Gorham and Callies; City Attorney Shepherd; City Administrator Lerud; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Director of Public Works Brown; and, City Engineer Budde

Absent: None

**B. Review Agenda**

**Callies moved, Gorham seconded, approving the agenda as presented.**

**Roll Call Vote:** Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

**2. CONSENT AGENDA**

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Gorham explained that he and Councilmember Callies serve on the Personnel Committee for item F. He expressed his appreciation to the candidates who were interested in the open positions. He noted that the City was fortunate to have such great candidates who expressed interest. Councilmember Callies stated that she agreed that there were great candidates for the positions which created difficult choices for the Personnel Committee.

**Siakel moved, Johnson seconded, Approving the Motions Contained on the Consent Agenda and Adopting the Resolutions Therein.**

**A. City Council Work Session Minutes of January 24, 2022**

**B. City Council Regular Meeting Minutes of January 24, 2022**

**C. Approval of the Verified Claims List**

**D. Accept Donation from Lucky's Station, LLC for 2022 Arctic Fever Event, Adopting RESOLUTION NO. 22-011, "A Resolution Accepting Donations to the City of Shorewood 2022 Arctic Fever Event."**

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 2 of 11**

- E. Appointment of Public Works Operator and Authorization to Advertise for Light Equipment Operator**
- F. Commission Appointments, Adopting RESOLUTION NO. 22-012, “A Resolution Making Appointments to Shorewood Commissions.”**
- G. Accept Improvements and Authorize Final Payment for Enchanted and Shady Islands Reclaim Project, City Project 18-11, Adopting RESOLUTION NO. 22-013, “A Resolution Accepting Improvements and Authorizing Final Payment for the Enchanted Island and Shady Island Street Reclamation Project.”**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

**3. MATTERS FROM THE FLOOR**

Alan Yelsey, 26335 Peach Circle stated that the Council had just held a work session to discuss non-commercial signs. He stated that he wanted to inform the public that when one considers non-commercial sign, because they are not using the term ‘political’ signs, any change in language by the City Council would need to apply to any non-commercial signage and not just political signs. He stated that he does not feel it is necessary to call out holiday signs and people should be allowed to have those displayed however they like. He stated that he also believed that right-of-way should not restrict the placement of signs.

**4. PUBLIC HEARING**

**5. REPORTS AND PRESENTATIONS**

**6. PARKS**

**7. PLANNING**

**A. Request for Time Extension to Correct Code Violations  
Location: 5885 Hillendale Road**

Planning Director Darling explained that the property owner has requested additional time in order to clear up a number of nuisance items and remove the unlicensed vehicles. She stated that staff had originally recommended denial of the request and that enforcement should begin, however, she received a phone call this afternoon that explained why the applicant had not made any progress. She stated that both she and the person that had been hired to help have been severely ill and were not able to do the work, nor was she aware that she had been called to find out why there had been no progress. She stated that staff is recommending that this be brought back to the next Council meeting

Mayor Labadie stated that this seemed reasonable and the Council would basically be granting a small extension.

Councilmember Gorham asked about whether the property owner had committed to resolving the issue during the recent phone call. Planning Director Darling stated that the applicant has committed to doing as much of the clean up that is allowed by law. She stated that there is a

tenant in the home as well that has some items that she may not be able to get rid of, but the removal of the majority of the items will be substantial progress on this particular property.

***There was consensus to bring this item back to the next Council meeting and allow for this extension of time in order to allow for time for a new Resolution of approval with the additional days left in the 30 day period.***

**B. Request for Time Extension to Correct Code Violations**  
**Location: 5765 Echo Road**

Planning Director Darling explained that the applicant has a number of accessory buildings and fences that were put in without a permit. She stated that due to the season and the health constraints of the property owners, she is asking for more time than is typically allowed because they will need to get contractors to help them with the improvements. She stated that they have asked that the building and zoning permits be to City Hall by May 31, 2022 and the necessary work be completed by June 30, 2022.

Mayor Labadie stated that she feels this approach seems reasonable.

Councilmember Gorham stated that there is a labor shortage and is concerned about the property owners being able to get quotes and a permit by May 31, 2022. He stated that it may be more realistic that it be changed to having a permit by June 30, 2022 rather than May. Planning Director Darling explained that they are interviewing contractors this week.

Councilmember Gorham asked if the Council needed to adopt a resolution and vote on the previous agenda item. City Attorney Shepherd stated that after the Council acts on the resolution in front of them, it would make sense to go back to agenda item 7.A. and take a vote so it is very clear the Council has made the extension until the next meeting. Councilmember Siakel stated that she did not think this should be pushed further down the road and would like to get some resolution with relation to showing progress and compliance.

**Johnson moved, Siakel seconded, Adopting RESOLUTION NO. 22-015, "A Resolution Approving a Request for Extension to Correct a Code Violation for Property Located at 5765 Echo Road."**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

**7.A. – continued: Request for Time Extension to Correct Code Violations**  
**Location: 5885 Hillendale Road**

**Gorham moved, Johnson seconded, granting an extension of 28 days, to the March 14, 2022 City Council meeting, for the Code Violations at 5885 Hillendale Road, to allow the property owner to remedy the situation.**

Councilmember Callies noted that she was not sure this would be enough time to take care of the problem, considering the health problems of the homeowners. Planning Director Darling clarified that she was proposing that the item be continued to the next Council meeting when staff would put a resolution in front of the Council to extend the term out for whatever the remaining days would be for the 30 day period.

**Gorham withdrew his motion, Johnson withdrew his second, based on the information shared by Planning Director Darling.**

**Gorham moved, Johnson seconded, to continue this item to the February 28, 2022 meeting in order to allow for staff to bring a resolution to the Council for extension of 30 days for the Code Violations for property located at 5885 Hillendale Road.**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion carried 5/0.**

## **8. ENGINEERING/PUBLIC WORKS**

### **A. Strawberry Lane: Final Design Direction, City Project 19-05**

City Engineer Budde explained that on April 28, 2021, the Council approved the Scoping Study for the Strawberry Lane Reconstruction and Trail Project. He noted that following that meeting the City heard a fair amount of feedback from residents that the eight foot trail and five foot boulevard was excessive so Council gave direction for staff to look at alternative options. He stated that on June 22, 2021 staff held a virtual neighborhood meeting to present the information on the sidewalk options. He stated that the City received a fair amount of feedback following this meeting as well and the Council directed staff to consider a few more options. He explained that on November 10, 2021, the City hosted an Open House to discuss these items where the general themes were: the need of justification for a sidewalk; minimizing impacts to yards/trees by reducing the proposed street width; and, shifting the alignment on the south end towards the west. He stated that staff is looking for direction from the Council on how to move forward on those three design items. He noted that if this moves forward, the general timeline for the project would possibly be for tree removals and utility relocations in the fall of 2022 with construction in the summer of 2023, with the goal of completion by the first day of school. He reviewed the sidewalk/trail options and noted that there is consensus in favor of a six foot sidewalk at the back of the curb. He reviewed the discussion surround the width of the street and noted that, in general, residents along the corridor are in favor of a narrower roadway footprint to twenty-four feet or less. He explained that staff is still recommending a twenty-six foot wide street and noted that it would allow for on-street parking and meets State Fire Code width minimum. He stated that the other item that was discussed was the alignment of Strawberry Lane on the south end of the project. He stated that staff received a fair amount of feedback that many residents favor the western alignment which means the proposed roadway would generally stay in the same location as the western edge of the existing roadway. He noted that at the last meeting, that he had recommended shifting the roadway alignment to the east, but the feedback from residents was that they preferred it be shifted by six feet west, which is what he is now recommending. He stated that this would require the acquisition of additional easements from four property owners in order to accommodate this layout. He stated that would like to pursue drainage and utility easements from these property owners because it will not change the setback line for the homeowners. He summarized that staff is recommending Alternate 2 of the proposed alternatives and noted that it will cost a bit more than the others because of the unknown costs of property acquisition.

Mayor Labadie explained that there have been four public hearings that have been held on this item, so no public comments would be taken this evening, but they did give residents the opportunity to submit comments in writing. She noted that some of these comments had been included in the meeting packet. She noted that there were questions from residents regarding

## **CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 5 of 11**

this street compared to the Glenn/Amlee/Manitou project, especially the differences in the recommended width of the roads.

City Engineer Budde explained that he sees Strawberry Lane acting more like a collector roadway for the City where it provides side roads connecting to it and those roads lead out to Smithtown Way and Highway 7. He stated that the Glenn/Amlee/Manitou project from last year was a residential neighborhood with fifty homes that had no other way out as a 'dead end' neighborhood and not more of a through street like Strawberry Lane.

Councilmember Gorham thanked City Engineer Budde for thoroughly investigating this project. He stated that he does not think the project got off on the right foot, but feels the City has tried as hard as it can to make up for the miscommunication that it began with. He stated that the fire code argument is not super strong for him because he knows that there are fire hydrants elsewhere, but he does accept the argument that this is a connector street and noted that he personally travels it to get his kids to Minnewashta. He stated that he would like to see on-street parking remain and explained that he feels it will help to slow traffic down. He stated that he thinks the proposed plans are a good compromise to make the location of the street more equitable through the western alignment.

Councilmember Johnson stated that he agreed with Councilmember Gorham's comments and would just add the point that he does not see how it would be feasible to adequately enforce no on street parking.

Councilmember Callies stated that she agreed with most of the recommendations from the City Engineer. She stated that this design is looking towards the future. She stated that she does have some concern about the acquisition of the additional easements because the City already has right-of-way on the other side of the roadway. She stated that she is in favor of not moving the alignment to the west and keeping it on the east side and noted that she did not see it as unfair, because it is already public right-of-way.

Councilmember Siakel stated that she agreed that this is implying that the people on the west side would give the City the easements. She asked if the City has reached out to those property owners and had any indication that it would be given, if the City asks for it.

City Engineer Budde stated that he met with property owners last summer and did not get a strong consensus one way or the other from the residents. He noted that at the time he was telling them the City would want roadway easement and he is now recommending pursuing drainage and utility easement ,which is different.

Councilmember Siakel noted that the City does not know, for a fact, that those property owners would give the City the necessary easements. She stated that she tends to agree with Councilmember Callies comments and stated that the City has made accommodations and tried to work with residents. She stated that she feels the twenty six foot wide road and sidewalk is appropriate, but reiterated her concern about assuming that the City has easements that they do not have.

City Engineer Budde stated that if the City pursued the western alignment, the intent is that the City would go acquire the easements. He stated that there is time in the project schedule, if it came down to condemnation to still deliver the project in 2023.

## **CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 6 of 11**

Councilmember Siakel asked why the City would condemn, when they already own the other side. She stated that she does not think she has ever voted to condemn anything. Councilmember Gorham stated that his understanding is that once it moves to condemnation it would be operating outside of the schedule.

City Engineer Budde explained that condemnation has a very defined scheduled time frame and noted that they have accounted for that possibility within their schedule.

The Council discussed the easement acquisition process.

Mayor Labadie stated that she agreed with Councilmember Siakel's earlier statement that she does not think she, in her time serving the City, had ever voted for a condemnation. She stated that she wished that the City already had a go ahead message from those property owners that they supported this option. She stated that she does feel shifting the roadway to the west is more equitable for both sides of the street, but it involves an unknown factor acquisition from four parcels.

Councilmember Johnson noted that he had a discussion with one of the property owners on the western side who was in favor of a drainage and utility easement possibility and was upset about the potential shift to the east, however, this was resident has moved. He stated that he is in favor of exploring the easements before they eliminate the possibility of the western shift.

Councilmember Siakel stated that would be fine, but she is not in favor of eminent domain or condemnation, and would not vote in favor of that option. City Engineer Budde stated that negotiations typically take about two months and they would know by that time if they would agree or not. He stated that if they were not going to come to some agreement, the option could be to continue eminent domain with those properties, or change the alignment back to the east.

Councilmember Gorham asked if staff had done any appraisals on those easements yet. City Engineer Budde stated that they had not done any appraisals. Councilmember Gorham asked if there were existing easements on the opposite side. City Engineer Budde explained that anywhere that has been platted already has a ten foot drainage and utility easement outside of the right-of-way. He noted that on the corridor it is a bit hit or miss on which areas have been platted and which have not.

Councilmember Callies asked if there were still some easements that had to be acquired that have nothing to do with the southern alignment. City Engineer Budde noted that there were about nine properties that the City would still have to get some form of easement from. He noted that these would typically be a drainage and utility easement and explained that any one of these could also go to condemnation as well.

Mayor Labadie asked if these negotiations would also take about two months. City Engineer Budde stated that two months is about what it takes to get a really good feel on the negotiations with residents and allow them time to think about their options. He stated that the ones north of the trail will be needed regardless, but they will take a further look to try to reduce the roadway easements to drainage and utility easements if possible.

Councilmember Callies stated that the City is going to be in the eminent domain/condemnation process for the properties north of the trail if an agreement is not reached. She stated that the

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 7 of 11**

Council will either need to vote in favor of the negotiated price or for proceeding with condemnation, if they want to move forward with the Strawberry Lane project.

Councilmember Siakel asked if something could be incorporated in the motion that the Council approves what has been recommended and put a date in that if the easements are not received, that the plan reverts to the other options of keeping the roadway towards the east in the existing right-of-way.

City Attorney Shepherd stated that he believes it is really a function of timing for the roadway design, but in terms of whether that can be done, the answer is yes. City Engineer Budde stated that he believes that there is time in the schedule to try to acquire the property on the west side and if that did not come to fruition, there would still be time in the schedule to make some tweaks to the plans that essentially shifts the roadway six feet east.

Councilmember Siakel asked how long it would take City Engineer Budde to pull together offers to these residents. City Engineer Budde stated that he thinks he could get potential offers out to the four residents within two weeks, but would need to give them time to review and respond. He stated that he thinks within about a month they would have a pretty good feeling as to whether those residents will entertain the offer or not. He reiterated that there is room in the project schedule to account for this activity.

Mayor Labadie likes this proposal and noted that the reason the Council deviated from the existing right-of-way is the concept of equity, however the concept of condemnation is very difficult for her to swallow when there is existing right-of-way across the street. She stated that she is in favor of pursuing the acquisition of the four parcels for a drainage and utility easement.

City Attorney Shepherd suggestion that this item be continued to the next meeting in order to bring back a resolution with a few more parts to it in terms of the ins and outs of the exploration of the easements, but also approving some pieces of the project such as six foot wide sidewalks and the twenty-six foot wide street, with some timelines built in so it is clear to both the Council and the community.

City Engineer Budde stated that he felt that approach could work. City Administrator Lerud stated that he was not sure that continuing this for two weeks will be enough time and suggested it may be better to extend it a month in order to give adequate time.

Councilmember Callies stated that in two weeks her understanding is that staff will bring back a resolution that has more specifics such as the Council accepts the six foot sidewalk, twenty-six foot wide street, that the City will begin negotiating with the parties, even though that portion will not be completed in that timeframe. Councilmember Siakel stated that she agreed with Councilmember Callies and noted that the City may have an idea of where the conversation is headed with the acquisition.

Councilmember Gorham suggested that the Council just move forward and approve the resolution that is being presented tonight and amend it, if it looks like it is heading towards condemnation to follow the eastern alignment. Mayor Labadie stated that she would agree with that approach along with directing City Engineer Budde to pursue acquiring the easements from the four parcels on the western side.

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 8 of 11**

Councilmember Siakel stated that she disagreed because it is saying that the Council is agreeing with what has been put before them and she is saying that she does not want to do that until there is something more firm around those properties on the western side. She stated that she is not agreeing to the western alignment until the City has those answers. She reiterated that she agreed with Councilmember Callies and City Attorney Shepherd's suggestion to bring this back in two weeks with the details like they agree on the six foot sidewalks and the twenty-six foot wide street width.

City Attorney Shepherd stated that the Council could make a motion to adopt this resolution and edit it to just agree to the six foot sidewalk and the twenty-six foot width and leave out the western alignment. He cautioned that sometimes when edits to resolutions are made on the fly, things are missed and he would suggest that it be brought back so there is a more clear resolution.

**Siakel moved, Callies seconded, to Deny RESOLUTION NO. 22-016, "A Resolution to Provide Final Design Direction for Strawberry Lane, City Project 19-05", and direct staff to bring back a new resolution at the February 28, 2022 meeting which specifies the twenty-six foot wide roadway, six foot wide sidewalk, and a timeline and steps for alignment to the west side of Strawberry lane.**

**Roll Call Vote:** Siakel, Callies, Gorham, and Labadie voted Aye. Johnson voted Nay. **Motion passed 4/1.**

**B. Grant Street Drainage: Accept Bids and Award Contract, City Project 18-04**

City Engineer Budde stated that on January 10, 2022 the Council gave authorization to advertise and open bids for the Grant Street drainage project. He explained that twelve bids were opened on February 8, 2022 with the low bid submitted by Schneider Excavating & Grading. He noted that the bid is about thirty-three percent below the engineer's estimate and explained that the City has successfully worked with Schneider in the past on the Freeman Park drainage project in 2021. He noted that they expect substantial completion by July 31, 2022 with final completion by the end of August of 2022. He stated that also included in this is the agreement with Our Savior's Lutheran Church for the drainage and utility easement on their parcel in exchange for the City completing the long term maintenance over their pond.

**Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 22-017, "A Resolution Awarding Contract for the Grant Street Drainage Project, City Project 18-04.", AND, Adopting RESOLUTION NO. 22-018, "A Resolution Approving Drainage and Utility Agreement with Our Savior Lutheran Church, City Project 18-04."**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

**9. GENERAL/NEW BUSINESS**

**A. Flexible Work Arrangement Policy**

City Clerk/HR Director Thone explained that this policy was presented to the Council in June of 2021 and was tabled until a later date. She stated that it was brought back for discussion at the Council/Staff retreat in November of 2021, where it was decided to be brought back for review



**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 9 of 11**

and further discussion at tonight's meeting. She clarified that flexible work arrangements are not new and currently exist in the City's personnel policy. She stated that this proposed policy just provides more parameters for the flexible work arrangements that employees and supervisors can use as guidance to manage them. She stated that it also replaces some outdated remote access policy and telecommuting language that is contained in the current personnel policy.

Councilmember Callies asked if the flexible work arrangement has been working well for staff. City Clerk/HR Director Thone stated that it has been very popular and is used by almost all City Hall employees. She stated that there are several employees that work a compressed work week schedule and a few that have a remote work day. She stated that the remainder of the City Hall employees do some sort of flexible schedules where they start or end at different times.

Councilmember Callies noted that she had not received any complaints about lack of accessibility of staff. She stated that she understands it is popular and her question would be whether it is effective for completing City business, but reiterated that she has not heard of any issues in that regard.

City Clerk/HR Director Thone stated that currently they do not have a lot of staff that take advantage of the remote work days, other than the staggered schedules. She stated that the remote schedule in the current personnel policy is more generous than the remote schedule with the new proposed policy. She stated that staff does not feel this new policy will diminish their service levels at all. She stated that she feels that in some cases, the City has been able to retain employees because they love their schedule and appreciate that the City allows some flexibility for them to have alternate schedules. She stated that she sees this is a great tool for retention and possibly even a great recruiting tool for the City.

City Administrator Lerud stated that he would echo City Clerk/HR Director Thone's comments. He stated that it is important to know that for staff, maintaining coverage for all departments for the regular work day is critical, so anything they do will always point to that.

Councilmember Siakel noted that she understands that Public Works is a unionized work force, but they cannot have a flexible work schedule. She asked if there was any impact on the morale of City employees because it is not all for one and one for all. City Administrator Lerud noted that Public Works can have a compressed work schedule or staggered start times. He stated that she was correct that they do have to be present to do their jobs and cannot drive a dump truck remotely, but noted that there were some flexible options available to Public Works. Public Works Director Brown stated that City Administrator Lerud is correct and noted that most of their job is 'boots on the ground'.

**Johnson moved, Labadie seconded, Approving the Flexible Work Arrangement Policy which includes the removal of the Telecommuting and Remote Access Policy, Section 4 of the current Personnel Policy.**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

**B. American Rescue Plan Act (ARPA) of 2021 Funds**

Finance Director Rigdon explained that this item is basically an affirmation of what Council has already directed, as far as the ARPA funds. He stated that fifty percent of the funds were received in the summer of 2021 and the second half should come in July of 2022. He stated that the

current projects utilizing the ARPA funds are the Covington Road Watermain Improvement Project and the Water Meter Repair and Replacement Project.

**Gorham moved, Johnson seconded, Adopting RESOLUTION NO. 22-019, “A Resolution to Spend American Rescue Plan Act Funds.”**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, and Labadie voted Aye. **Motion passed.**

## **10. STAFF AND COUNCIL REPORTS**

### **A. Administrator and Staff**

Public Works Director Brown stated that a few weeks ago the Council received a draft report that related to the watermain breaks that have been experienced along Vine Ridge Road and Covington Road. He stated that they have done some research and have determined that one of the other breaks on the back side of the horseshoe was a failure of hardware or bolts due to either electrolysis or hot soils. He stated that this confirmed their suspicions that this entire looped watermain is probably deteriorating beyond repair due to electrolysis or hot soils. He stated that he has asked City Engineer Budde to put together a proposal for replacement of that watermain for Council consideration.

City Engineer Budde stated that tentatively for the next City Council meeting, they would be looking to present information on the Birch Bluff scoping document and hopefully proceed with more public engagement with residents along that corridor.

Planning Director Darling stated that the City received a grant award of \$10,000 toward equipment in Badger Park which include bleachers, tennis court equipment, practice wall, and some of the fencing. She stated that City staff is aware that there may be a development proposed on the east side of Lake Como between Radisson Road and Highway 7. She stated that the City received notification of a neighborhood meeting that a developer is holding by invitation tomorrow night at 7:00 p.m., but noted that the City has not yet received any applications.

City Administrator Lerud explained that they have closed the application period for the Planning Technician and have conducted first round interviews. He stated that he is hoping that they will be able to bring a recommendation to the Council at their February 28, 2022 meeting in order to fill the position.

### **B. Mayor and City Council**

Councilmember Gorham expressed his appreciation to City Engineer Budde for his work on Strawberry Lane and his candor with the community. He stated that he thinks City Engineer Budde's overall temperament helps with this process. He explained that he wanted him to know that the City appreciated his work and his patience in dealing with the Council and the community.

Mayor Labadie stated that she attended the Regional Council of Mayors meeting and noted that there were about thirty-five mayors present. She stated that the main topics were overview of national and local economic conditions and the five factors shaping the current workforce. She stated that the Star Tribune, yesterday, featured the Highway 7 project and MnDOT study. She explained that last week she had testified in front of the House Transportation Finance and Policy Committee where she highlighted the Galpin Lake Road sidewalk request. She noted that this

**CITY OF SHOREWOOD REGULAR COUNCIL MEETING MINUTES**

**FEBRUARY 14, 2022**

**Page 11 of 11**

was basically a fact finding work session for the committee that was centered around pedestrian safety. She stated that she also attended the League of Minnesota Cities seminar for Advanced City Leaders which was extremely interesting and noted that the agenda and presentation are available on the League's website

**11. ADJOURN**


**Johnson moved, Callies seconded, Adjourning the City Council Regular Meeting of February 14, 2022, at 8:45 P.M.**

**Roll Call Vote:** Johnson, Siakel, Callies, Gorham, Labadie voted Aye. **Motion passed.**

**ATTEST:**

  
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**Sandie Thone, City Clerk**

  
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**Jennifer Labadie, Mayor**