

CITY OF SHOREWOOD  
CITY COUNCIL REGULAR MEETING  
MONDAY, MARCH 13, 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. Roll Call

Present: Mayor Labadie; Councilmembers Callies, Maddy, and Sanschagrín; City Attorney Shepherd; City Administrator Nevinski; City Clerk/HR Director Thone; Finance Director Rigdon; Planning Director Darling; Park and Recreation Director Crossfield; Director of Public Works Morreim; and, City Engineer Budde

Absent: Councilmember Johnson

#### B. Review Agenda

City Administrator Nevinski, noted that two errors were found in item 2.C., Verified Claims List, but noted that they had been adjusted. He explained that staff had put together a memo outlining those changes.

**Maddy moved, Sanschagrín seconded, approving the agenda, as amended. Motion passed.**

### 2. CONSENT AGENDA

Mayor Labadie reviewed the items on the Consent Agenda.

Councilmember Sanschagrín asked to remove item 2.D. for further discussion.

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

- A. City Council Retreat Minutes of February 27, 2023
- B. City Council Regular Meeting Minutes of February 27, 2023
- C. Approval of the Verified Claims List
- D. ~~Approve Agreement and Proposal from Davey Resource Group, Adopting RESOLUTION NO. 23-026, - (Moved to item 8.E.)~~
- E. Approve Sweeper Repair Estimate
- F. Accept Quote and Award Contract for Lawn Mower

- G. **Accept Quote and Award Contract for Caterpillar Skid Steer, Cold Planer, and Attachments**
- H. **Approve Request for Reimbursement from Met Council, Adopting RESOLUTION NO. 23-027, “A Resolution Approving 2020 I/I Grant Program Funds Reimbursement Participation from Metropolitan Council Environmental Services.”**
- I. **Approve Permanent Appointment of Ryan Brant, Public Works Light Equipment Operator**
- J. **Approve Permanent Appointment of Todd Roden, Public Works Light Equipment Operator**

Motion passed.

### **3. MATTERS FROM THE FLOOR**

No one appeared for Matters from the Floor.

### **4. REPORTS AND PRESENTATIONS**

#### **A. Deborah Zorn, Director – Lake Minnetonka Conservation District Report**

Deborah Zorn, Lake Minnetonka Conservation District, gave a brief update and overview on the LMCD. She explained that the purpose of the LMCD was to help ensure that all of the cities around the lake have similar approaches to how activities that are regulated on the lake happen. She gave an overview of some of their activities and programs and noted that they are searching for a new Executive Director. She gave a sneak peak of the spring/summer brochure and noted that because of the new speed limit, it will be mailed to every household on the lakeshore.

#### **B. Dan Narr, Executive Director – ICA Food Shelf**

Dan Narr, ICE Food Shelf, gave an overview on what is happening with the ICA. He explained that there are a number of families who are struggling to make ends meet in today's economy. He noted that Shorewood accounts for six percent of the people they serve. He gave an overview on ICA and explained that their services go beyond just being a food shelf and also assist with housing, and jobs. He explained that their usage numbers have been showing a significant increase and shared some of the budget constraints that have arisen because of what they have seen with the increased usage.

Councilmember Sanschagrín thanked Mr. Narr for all the great work that the ICA Food Shelf is doing in the community. He asked what the top three things that area communities could do to help support this mission.

Mr. Narr stated that he has diligently been working in the affordable housing arena to try to get it to a level of helping with things like tenant rights. He stated that it is really about making connections and getting somebody to champion real change which will take some courage. He explained that it comes down to being a competition between what is right for the market and what is right for the other side of the equation.

**C. Jim Flattum, Excelsior Lions' Club Overview**

Jim Flattum, Community Liaison Officer, Excelsior Lions' Club, gave an overview of the Lions' Club organization and some of the causes they support. He noted that their club is relatively new and currently has about thirty-two members. He stated that they wanted to just let the community know that they exist and noted that they are currently working on their philanthropic goals for the clubs mission and vision. He noted that their Excelsior Lions' Golf Classic held last September helped raised around \$17,000 and explained that one-hundred percent of the proceeds were distributed to support needs within the community. He noted that they are looking to increase the number of fundraising events they host in 2023 and shared some of the programs in the community that they support. He invited interested members to come check out their meetings and encouraged people to contact him if they would like to get involved.

**5. PARKS**

**6. PLANNING**

**7. ENGINEERING/PUBLIC WORKS**

**A. Approve Plans and Specifications and Authorize Bidding for Lift Station No. 11, City Project 22-07**

City Engineer Budde explained that the City is planning to rehabilitate Lift Station #11 that is located on Radisson Road and had budgeted for this work within the Capital Improvement Plan (CIP). He stated that staff is looking for approval of final plans and specifications and authorization to go out for bids. He explained that the City's current practice is to get certain equipment from a trusted vendor separate from the contract.

Councilmember Sanschagrín asked if there was a sense from staff about how this would do in the budget compared to actual costs.

City Engineer Budde stated that staff thinks that they are in the ballpark with this project.

Councilmember Callies asked about the timing of construction and noted that there is a large townhome project that will be going into the same area.

City Engineer Budde stated that they have looked at what will need to be done in the roadway and explained that both projects will need to cut up a portion of the roadway to make improvements. He stated that they have looked at the possibility of them happening in the same spot, but they cannot. He stated that they have been coordinating and communicating with the other project, but noted that would be easier once they know the schedules in order to minimize the road impacts or closures.

Councilmember Callies asked what would happen at the lift station with the material while it is under construction.

City Engineer Budde explained that the lift station would essentially stay functioning most likely with bypass pumping.

Councilmember Sanschagrín asked about warranty coverage.

City Engineer Budde stated that typically there is a two year warranty.

**Callies moved, Maddy seconded, Adopting RESOLUTION NO. 23-028, “A Resolution Approving Plans and Specifications and Authorize Bidding for the Lift Station #11 Rehabilitation Project, City Project 22-07.” Motion passed.**

## **8. GENERAL/NEW BUSINESS**

- A. Appointment of Commissioner to Lake Minnetonka Communications Commission (LMCC)**
- B. Appointment of Commissioner to Lake Minnetonka Conservation District (LMCD)**

City Clerk/HR Director Thone explained the City Council had interviewed interested candidates earlier this evening. She noted that the term for the LMCC is one year and for the LMCD is a three year term.

**Maddy moved, Labadie seconded, Adopting RESOLUTION NO. 23-029, “A Resolution Making an Appointment of Tom Lesser to the Lake Minnetonka Communications Commission.” Motion passed.**

**Maddy moved, Labadie seconded, Adopting RESOLUTION NO. 23-030, “A Resolution Making an Appointment of Deborah Zorn to the Lake Minnetonka Conservation District.” Motion passed.**

### **C. Hybrid/Virtual Meetings**

Mayor Labadie noted that she and City Administrator Nevinski had attended a conference put on by the League of Minnesota Cities called City Day on the Hill. She stated that there is current a bill related to hybrid meetings (HF-198 and SF-455) and gave an overview of the language that is proposed to be removed. She stated that because there is a bill currently in front of the Senate and the House of Representatives, she would recommend that the City hold off on changing its current policy until after the bill has either passed or failed at the State legislature level. She stated that for the time being that would mean continuing to hold meetings in the hybrid/Zoom format.

Councilmember Callies noted that she had not yet read the proposed bills but believes that while holding hybrid meetings may be permitted, she did not think it was mandated that every City have hybrid availability.

City Attorney Shepherd stated that he would agree, as long as it did not say “shall” or “must”.

Councilmember Callies stated that would mean that every City could handle things differently.

Councilmember Sanschagrín explained that he was a strong proponent of having the hybrid meeting capabilities but would support the Council not taking any action on this tonight.

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The Council discussed hybrid meetings, other communities practices, staff expectations and burdens, and technology issues with hybrid meetings.

City Administrator Nevinski stated that before this comes back before the Council staff will do some research on what similar sized cities are doing and also take a look at steps of what could be done to try to better insure reliability, including language or statements that may be helpful in case the system goes down to clarify the City's expectations for providing a virtual option. He stated that staff can bring that to the Council following the legislative session once there is a bit more clarity from the lawmakers.

Mayor Labadie noted that she thinks it is important to see if there will be any budgetary impacts or cost for an update.

**There was a consensus of the Council to indefinitely continue discussion on hybrid/virtual meetings and direct staff to place it on a future agenda, following rulings on the proposed bills.**

### **D. Approve Travel Reimbursement Request**

Mayor Labadie explained that she had recently traveled to Washington D.C. at the invitation of Congressman Dean Phillips and explained that the current policy requires Council approval of this type of expense. She stated that she had decided to rescind her request for reimbursement of airfare and hotel expense and will instead pay it out of pocket as a personal expense. She stated that she would like those funds to remain in the City's 2023 Travel, Conference and School budget in order to give the entire Council the opportunity to further their education.

### **E. Approve Agreement and Proposal from Davey Resource Group (formerly item 2.D.)**

Public Works Director Morreim explained that the Davey Resource Group serves as the City's forester and handles a number of services related to the City's tree canopy. He stated that the City solicited for these services in years past and this agreement is a renewal of the agreement with Davey Resource Group. He stated that the terms of the agreement have been updated and staff recommended approval.

Councilmember Maddy asked how it worked if a homeowner would reach out for a tree consult and how payment was handled.

Public Works Director Morreim stated that to the best of his knowledge, the consultations are informational and do not involve quotes on taking down trees. He stated that he believes that they will provide a list of contractors that the homeowner can contact to go price out their options for removal.

Planning Director Darling stated that Davey Resource Group explained that because they are providing the evaluation services, they do not give quotes for tree removal themselves, but instead direct them to other certified arborists in order to avoid any conflict of interest.

Councilmember Callies asked if Davey Resource Group gets involved when there is a development.

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Planning Director Darling explained that work is done by Planning and Building staff but noted that the developer needs to provide the correct information from an arborist. She stated that Planning and Building staff looks over the tree preservation plans for consistency with City Code.

Councilmember Sanschagrín asked if there had been any interaction between the Parks Commission and Davey Resources Group.

Planning Director Darling stated that she did not think there has been much contact and explained that most of the work that Davey has done has been under the maintenance umbrella where they are doing things like removing dead trees.

Councilmember Sanschagrín suggested that an agenda item be added to the upcoming Park Commission meeting to ensure that they are aware of the relationship between the City and Davey Resource Group.

Planning Director Darling stated that she did not think there was a lot of input that the Park Commission can have on their work. She noted that the City gives Davey Resources Group a list of trees that need to be removed and they put them in priority order based on the condition of the tree. She clarified that it is more of a maintenance issue and not really policy related with that particular service.

City Administrator Nevinski stated that when the Park Commission gets into some of the details with things like the IPM plan, Davey could certainly be a resource for them in answering questions and providing some guidance around policy because that is their role as the City's arborist.

Councilmember Sanschagrín asked if the proposed agreement was written by Davey Resource Group and then aligned with the City's language. He asked about item #2, Services, and the statement, 'City shall not be responsible for discovering deficiencies in the accuracy of Consultant's services.' He asked if this statement was somehow protecting the City and explained that his concern was that it sort of communicates that the City is abdicating responsibility for overseeing the consultant services and he feels that should be kept with the City.

City Attorney Shepherd stated that he understands the concern raised by Councilmember Sanschagrín, but he believed this statement was clarifying that Davey was not abdicating their responsibility to be responsible for meeting the requirements of the contract. He stated that he felt this language should remain in the agreement.

Councilmember Sanschagrín noted that item 3.2 and did not align with 3.1 in terms of the number of days and suggested that they be aligned with each other so there are not late fees.

City Attorney Shepherd stated that was a good catch and an edit can be made so those items align with each other.

**Maddy moved, Sanschagrín seconded, to Approve Agreement and Proposal from Davey Resource Group, Adopting RESOLUTION NO. 23-026, "A Resolution to Accept Proposal from Davey Resource Group for Professional Arborist Services", with the language amendment to 3.2, to thirty-five days, instead of thirty days, as discussed.**

### 9. STAFF AND COUNCIL REPORTS

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### **A. Staff**

Public Works Director Morreim stated that last week, four members of the Public Works department attended the Minnesota Rural Water Conference in St. Cloud.

City Engineer Budde stated that tree trimming and removal should continue on Strawberry Lane over the next few weeks.

Finance Director Rigdon stated that the City will be receiving the annual financial statement audit this week.

Parks and Recreation Director Crossfield explained that Lucky the Leprechaun went through the City parks and dropped a few pots of gold throughout the parks. She stated that if people are in the parks and see a green pot of gold hanging in a tree or somewhere above eye level, they can contact City Hall or the Parks and Recreation Department and submit a photo. She explained that they will then be able to come in for their own little pot of gold to take home and eat. She stated that this will take place through March 20, 2023.

City Attorney Shepherd reminded the Council that he will not be able to attend the next City Council meeting and his associate, Jack Brooksbank, would be here instead.

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

Councilmember Sanschagrín asked if the City can take a look at the Matters from the Floor segment of the meeting and see if there may be another format that could be used. He stated that he would like to see if there is a way for there to be more interaction between the Council and those who come to speak. He stated that he would like to find a way to find this to be a more positive experience for everyone. He suggested that they even consider changing the name to something like Open Forum.

Mayor Labadie stated that she felt that Open Forum and Matters from the Floor were two different 'beasts'. She stated that unless something has been noticed to the public, she did not think it was appropriate for the Council to have a dialogue on those items. She stated why, when appropriate, the Council directs staff to put those items on a future agenda, so it can be properly noticed. She stated that she believes this section of the meeting has been called Matters from the Floor for decades. She noted that she has asked other mayors how they handled this portion of their meeting and got feedback from about forty-five mayors and found that Shorewood is much less restrictive than many other cities. She stated that she thinks Matters from the Floor gives the opportunity for residents to bring to the Council's attention something that they did not know about and reiterated that it would not be proper to start up a dialogue when other residents are not noticed.

Councilmember Callies stated that the City Council meeting is essentially a business meeting and not a community meeting.

Councilmember Sanschagrín stated that he was just wondering if the City could look at what other practices may be and consider those moving forward. He gave examples from Excelsior and Chanhassen who have different formats. He stated that he was looking for something that may be more connecting for the residents than the current format. He stated that he would like the City to take a look at what is out there and take them into consideration.

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Councilmember Callies stated that there are public hearings and community meetings on many different issues. She stated that she does not think there needs to be something on the agenda that results in having a back and forth discussion with the citizens. She stated that the Council would not know what would be brought up so it would be truly be productive or fair.

Councilmember Sanschagrín asked if someone brings up a topic in Matters from the Floor if the Council can ask clarifying questions.

Mayor Labadie explained that the way the currently policy is, the answer would be, no. She reiterated that they can direct staff to research the issue or place it on a future agenda.

Mayor Labadie stated that she attended the seminar in Washington D.C. and noted that there were about forty-five delegates from Minnesota in attendance. She gave an overview of other attendees and the speakers/topics. She stated that she also attended the Regional Council of Mayors meeting earlier today where they discussed water. She noted that she and City Administrator Nevinski attended City Day on Capital Hill. She stated that she will hosting a Coffee with the Mayor event on March 17, 2023 at the Pillars of Shorewood Landings. She noted that they are considering opening these up again to the general public and encouraged anyone who may be interested in attending to reach out to Shorewood Landings to reserve a spot.

**10. ADJOURN**

**Maddy moved, Sanschagrín seconded, Adjourning the City Council Regular Meeting of March 13, 2023, at 8:30 P.M. Motion passed.**

**ATTEST:**



**Sandie Thone, City Clerk**

  
**Jennifer Labadie, Mayor**